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Senate

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

PRAYER

The PRESIDING OFFICER. Today's prayer will be offered by Alan Keiran, the Chaplain's chief of staff.

The guest Chaplain offered the following prayer:

Let us pray.

Most gracious God, the source of all light and wisdom, give to our lawmakers renewed powers to honor You in this national Chamber of deliberation. Help them to find a clear path through the tangled maze of these challenging times. Give them a consuming passion not for their own way but for Your holy will. Lord, empower our Senators to meet the stupendous dimensions of these epic days with courage and faith. Give them receptive minds to follow Your guidance each step of the way. We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN GILLIBRAND led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The bill clerk read as follows:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 21, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN GILLIBRAND,

a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MINORITY LEADER

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

Mr. MCCONNELL. Madam President, I thank the majority leader for giving me a chance to make my very brief opening remarks, as I must leave the building shortly.

SENATOR-ELECT SCOTT BROWN

Mr. MCCONNELL. Mr. President, the Senate's newest Member is coming down from Massachusetts today. We will have a chance to welcome Senator-elect BROWN to the Capitol. Obviously, we are delighted to have him.

Senator-elect BROWN has captured the attention of the entire country, but he has captured the attention of Massachusetts voters first. The people of Massachusetts sent a very strong message. They were looking for someone who would help change the direction in Washington. They put their hope in the candidate whose views reflected the kind of change they were looking for.

So we welcome Senator-elect BROWN to the Senate, and we look forward to working with him to bring about the change that Americans are telling us they want. We need to show them we are listening.

NATIONAL SECURITY

Mr. MCCONNELL. Madam President, yesterday, several members of the administration's national security team testified before the Senate concerning the attempted Christmas Day attack

by the Nigerian terrorist, Umar Farouk Abdulmutallab. This testimony was troubling indeed and left some wondering why the administration is subjecting this terrorist to criminal prosecution instead of gaining the valuable intelligence that is needed in our war on al-Qaida.

Admiral Dennis Blair, the Director of National Intelligence, stated quite frankly that the Christmas Day bomber should have been questioned by the High Value Detainee Interrogation Group. Blair went on to say that neither he nor other important intelligence officials were even consulted on the matter. This raises several troubling questions: First, why were Miranda rights given to the obvious terrorist after only a brief session of questioning, which predictably ended his cooperation?

Second, at what level of authority was this decision taken to treat him as a criminal defendant instead of an unlawful enemy combatant? Who made that decision?

I asked this question last night of John Brennan, the President's senior counterterrorism adviser, three times, and he refused to answer. I think the Senate is entitled to know precisely who authorized this.

A year ago, the President decided to revise the Nation's interrogation policies and to restrict the CIA's ability to question terrorists. The administration created a High Value Detainee Interrogation Group precisely for the purpose of questioning terrorists. Why wasn't this group brought in once this terrorist was taken into custody?

Americans are going to need to know the answers to those questions.

I yield the floor.

RECOGNITION OF THE MAJORITY LEADER

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

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



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SENATOR-ELECT SCOTT BROWN

Mr. REID. Madam President, I had a good conversation with Senator-elect SCOTT BROWN yesterday. He is coming to Washington today. I look forward to visiting with him. We have a time set for him to come by my office.

In my conversation with him, he seemed very pleasant and excited about coming to Washington, which I am sure he is. We talked about his daughter going to Syracuse and the fact that JOE BIDEN graduated from Syracuse, and he knew that. I look forward to our meeting with him.

THE NIGERIAN TERRORIST

Mr. REID. Madam President, I will speak briefly on the statement of my friend, the senior Senator from Kentucky, about the Nigerian terrorist.

The one thing we need not do is politicize the fight against terrorism. John Brennan did testify yesterday in our classified briefing. It was classified. The things that took place there should be classified. People should not be talking about it. The reason that is the case is that we want people who come to classified briefings to be able to speak freely.

We have had a long history in our country of people who commit crimes on our territory in the United States being tried in the United States, including Richard Reid, the shoe bomber. It isn't as if this is the first time something like this happened. Even though they are proceeding under civil courts, they can always drop back and fall into the category of war criminals if, in fact, that choice is made. Just because they are going forward in this manner today doesn't mean they cannot drop back in some other manner at a subsequent time.

Even though I don't like to discuss what went on in a closed briefing, in a classified setting, I was there from the very beginning to the very end of Mr. Brennan's presentation. I never heard him refuse to answer. In fact, he answered the question that was asked in a number of different ways by my friend, the Republican leader, and another Republican Senator. So if there are any questions about anything that Mr. Brennan had to say, I hope that those questions will be asked directly to him. We have had some open hearings.

My point is that there is a war on terror taking place now. I tried to be as supportive of President Bush during his years as President when this was going on after 9/11. I hope my Republican colleagues will be supportive of President Obama. This is not a partisan issue.

SCHEDULE

Mr. REID. Madam President, this morning, following leader remarks, the Senate will proceed to a period of morning business for an hour, with Senators allowed to speak therein for

up to 10 minutes each. That time will be equally divided and controlled between the two leaders or their designees. The Republicans will control the first half; the majority will control the final half. Following morning business, the Senate will resume consideration of H.J. Res. 45, a joint resolution increasing the statutory limit on the public debt. Currently, we have three amendments pending. We hope we can reach short time agreements so we can schedule votes on these amendments.

MEASURE PLACED ON
CALENDAR—S. 2939

Mr. REID. Madam President, I understand that S. 2939, which was introduced by Senator DEMINT, is at the desk and is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the title of the bill for a second time.

The bill clerk read as follows:

A bill (S. 2939) to amend title 31, United States Code to require an audit of the Board of Governors of the Federal Reserve System and the Federal Reserve banks, and for other purposes.

Mr. REID. Madam President, I object to any further proceedings on this bill at this time.

The ACTING PRESIDENT pro tempore. Objection is heard, and the bill will be placed on the calendar under rule XIV.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business for 1 hour, with the time equally divided and controlled between the two leaders or their designees, with Senators permitted to speak for up to 10 minutes each, with the Republicans controlling the first half and the majority controlling the final half.

The Senator from Tennessee is recognized.

HEALTH CARE

Mr. ALEXANDER. Madam President, during our recent health care debate I heard a number of times from our friends on the other side of the aisle this question: What are Republicans for?

Well, they will wait a long time if they are waiting for the Republican leader, Senator MCCONNELL, to roll into the Senate a wheelbarrow filled with a 2,700-page Republican comprehensive health care bill or, for that matter, a 1,200-page climate change bill or a 900-page immigration bill.

If you have been listening carefully to the Senate debate, you will know

that on health care, as well as on clean energy, debt reduction, and immigration, for example, Republicans have been offering the following alternative to 1,000-page bills: going step by step in the right direction to solve problems in a way that re-earns the trust of the American people.

Comprehensive immigration, comprehensive climate change, and comprehensive health care bills have been well intended, but the first two fell of their own weight, and health care, if enacted, would be a historic mistake for our country and a political kamikaze mission for Democrats.

What has united most Republicans against these three bills has not only been ideology but also that they were comprehensive. As George Will might write: "The Congress. Does. Not. Do. Comprehensive. Well."

Two recent articles help explain the difference between the Democratic comprehensive approach and the Republican step-by-step approach.

The first, which appeared in the new journal, National Affairs, and was written by William Schambra of the Hudson Institute, explains the "sheer ambition" of President Obama's legislative agenda as the approach of what Mr. Schambra calls a "policy President."

Mr. Schambra says the President and most of his advisers have been trained at elite universities to govern by launching "a host of enormous initiatives all at once . . . formulating comprehensive policies aimed at giving large social systems—and indeed society itself—more rational and coherent forms of functions."

This is governing by taking big bites of several big apples and trying to swallow them all at once. In addition, according to Mr. Schambra, the most prominent organizational feature of the Obama administration is its reliance on "czars"—more than the Romans, said one blogger—to manage broad areas of policy. In this view, systemic problems of health care, of energy, of education, and of the environment simply can't be solved in pieces.

Analyzing the article, David Broder of the Washington Post wrote this:

Historically, that approach has not worked. The progressives failed to gain more than a brief ascendancy and the Carter and Clinton presidencies were marked by striking policy failures.

The reason for these failures, as Broder paraphrased Schambra, is that "this highly rational comprehensive approach fits uncomfortably with the Constitution, which apports power among so many different players." Broder then adds this:

Democracy and representative government are a lot messier than the progressives and their heirs, including Obama, want to admit.

James Q. Wilson, a scholar, writing in a memorial essay honoring Irving Kristol in the Wall Street Journal a few months ago, says the law of unintended consequences is what causes the failure of such comprehensive legislative schemes. Explains Wilson:

Launch a big project and you will almost surely discover that you have created many things you did not intend to create.

Wilson also writes that neoconservatism, as Kristol originally conceived of it in the 1960s, was not an organized ideology or even necessarily conservative, but “a way of thinking about politics rather than a set of principles and rules. . . . It would have been better if we had been called policy skeptics.”

The skepticism of Schambra, Wilson, and Kristol toward grand legislative policy schemes helps to explain how the law of unintended consequences has made being a member of the so-called “party of no” a more responsible choice than being a member of the so-called party of “yes, we can”—if these three recent comprehensive bills on health care, climate change, and immigration are the only choices.

Madam President, it is arrogant to imagine that 100 Senators are wise enough to reform comprehensively a health care system that constitutes 17 percent of the world’s largest economy and affects 300 million Americans of disparate backgrounds and circumstances.

How can we be sure, for example, that one unintended consequence of spending \$2.5 trillion more for health care over 10 years will not be higher costs and more debt? Won’t new taxes be passed along to consumers, raising health insurance premiums and discouraging job growth? Won’t charging insolvent States \$25 billion over 3 years for a Medicaid expansion raise State taxes and college tuitions? Ask any Governor. And how can a Senator be so sure that some provision stuck in a 2,700-page partisan bill in secret meetings and voted on during a snowstorm at 1 a.m. will not come back around and slap him or her in the face, such as trying to explain why Nebraska got a cornhusker kickback to pay for its Medicaid expansion and my State did not?

James Q. Wilson also wrote in his essay that respect for the law of unintended consequences “is not an argument for doing nothing, but it is one, in my view, for doing things experimentally. Try your idea out in one place and see what happens before you inflict it on the whole country,” he suggests.

If you will examine the CONGRESSIONAL RECORD, you will find that Republican Senators have been following Mr. Wilson’s advice, proposing a step-by-step approach to confronting our Nation’s challenges 173 different times during 2009. May I say that again? During 2009, Republican Senators, 173 different times on the floor of the Senate, have proposed a step-by-step approach toward health care and other of our Nation’s challenges.

On health care, for example, we first suggested setting a clear goal; that is, reducing costs. Then we proposed the first six steps toward achieving that goal: No. 1, allowing small businesses

to pool their resources to purchase health plans; No. 2, reducing junk lawsuits against doctors; No. 3, allowing the purchase of insurance across State lines; No. 4, expanding health savings accounts; No. 5, promoting wellness and prevention; and No. 6, taking steps to reduce waste, fraud, and abuse. We offered these six proposals in complete legislative text. It totaled 182 pages, all 6. The Democratic majority rejected all six of our proposals and ridiculed the approach, in part because our approach was not comprehensive.

Take another example. In July, all 40 Republican Senators announced agreement on 4 steps to produce low-cost, clean energy and create jobs: No. 1, create 100 new nuclear powerplants or at least the environment in which they could be built; No. 2, electrify half our cars and trucks; No. 3, explore offshore for natural gas and oil; and No. 4, double energy research and development for new forms of energy. This step-by-step Republican clean energy plan is an alternative to the Kerry-Boxer national energy tax which would impose an economy-wide cap-and-trade scheme, driving jobs overseas looking for cheap energy and collecting hundreds of billions of dollars each year for a slush fund with which Congress can play.

Here is another example. In 2005, a bipartisan group of us in Congress asked the National Academies to identify the first 10 steps Congress should take to preserve America’s competitive advantage in the world so we could keep growing jobs. The academies appointed a distinguished panel, including now-Secretary Chu, that recommended 20 such steps. Congress enacted two-thirds of them. The America COMPETES Act of 2007, as we call it, was far-reaching legislation, but it was fashioned step by step.

Another example. When I was Governor of Tennessee in the 1980s, my goal was to raise family incomes for what was then the third poorest State. As I went along, I found that the best way to move toward that goal was step by step—some steps smaller, some steps larger—such as changing banking laws, defending right-to-work policies, keeping debt and taxes low, recruiting Japanese industry, and then the auto industry, building four-lane highways so suppliers could get to the auto plants, and then a 10-step better schools program, 1 step of which made Tennessee the first State to pay teachers more for teaching well. I did not try to turn our whole State upside down all at once, but working with leaders in both parties, I did help it change and grow step by step. Within a few years, we were the fastest growing State in family incomes.

According to a recent survey by On Message Inc., 61 percent of Independents, 60 percent of ticket splitters, and 77 percent of Republicans answered yes to the following question: I would rather see Congress take a more thoughtful step-by-step approach focusing on commonsense reforms.

Human experience has always taught that enough small steps in the right direction is one good way to get you where you want to go and also a good way along the way to avoid many unexpected and unpleasant consequences.

Tuesday’s election in Massachusetts is the latest reminder that the American people are tired of risky, comprehensive schemes featuring taxes, debt, and Washington takeovers, as well as lots of hidden and unexpected surprises. It is time to declare that the era of the 1,000-page bill is over or the era of the 2,000-page bill is over or the era of the 2,700-page bill is over. A wise approach would be to set a clear goal, such as reducing health care costs, take a few steps in that direction and then a few more so that we can start solving the country’s problems in a way that reearns the trust of the American people.

Madam President, I ask unanimous consent to have printed in the RECORD an article from the Wall Street Journal of Monday, September 21, written by James Q. Wilson, an article by David Broder from the Washington Post of September 24, and an article from the magazine National Affairs written by William Schambra.

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

[From the Wall Street Journal, Sept. 21, 2009]

A LIFE IN THE PUBLIC INTEREST

(By James Q. Wilson)

Irving Kristol not only helped change the country, he changed lives. He certainly changed mine.

When I was a young faculty member at Harvard, I learned that he, along with Daniel Bell, had just created The Public Interest. I wrote him to say how enthused I was to find a magazine that published serious but jargon-free essays in which scholars analyzed public policy. Irving called back to invite me to join him and his wife, Gertrude Himmelfarb, for dinner when I was next in New York City.

I was overwhelmed. The founding editor of an important magazine was inviting an unknown young writer to have dinner with him. I went as soon as I could. It was a nice meal, and Irving asked me to “write something” for the journal. “Write what?” I replied. “I will send you a government report you should discuss,” he suggested. He did, and I wrote about it for the magazine’s second issue. My piece was, at best, pedestrian, but I was hooked.

Reading the magazine became the center of my nonteaching life. I learned what Pat Moynihan, Robert Nisbet, Jacques Barzun, Martin Diamond, Daniel Bell, Nathan Glazer, James Coleman, Peter Drucker and countless others thought about public policy. It was a new world: Thoughtful people with real knowledge were discussing public policy at a time, the mid-1960s, when the federal government was acting as if anything were possible.

These writers were discussants, not pundits. They wrote long essays (happily, free of footnotes) analyzing which policies might work and which would not. They did not utter slogans, they assumed there were intelligent readers out there, and for the most part did not embrace a party line. A magazine that later was said to be the founding

document of the neoconservative movement published work by Robert Solow, James Tobin, Christopher Jencks, Charles Reich, Charles Lindblom and many other conspicuous nonconservatives.

It was the right moment. President Lyndon Johnson was trying to create a new political era by asking the government to do things that not even Franklin Roosevelt had endorsed, and to do it in a period of prosperity. The large majorities his party had in Congress as a result of Johnson's decisive defeat of Barry Goldwater in 1964 made it possible to create Medicare and Medicaid and to adopt major federal funding for local school systems. He created the Department of Transportation and the Department of Housing and Urban Development. Johnson himself called what he was doing the creation of a "Great Society."

I was a small part of that world. I chaired a White House task force on crime for the president. It was a distinguished panel but after much effort we made very few useful recommendations. It slowly dawned on me that, important as the rising crime rate was, nobody knew how to make it a lot smaller. We assumed, of course, that the right policy was to eliminate the "root causes" of crime, but scholars disagreed about what many of those causes were and where they did agree they pointed to things, such as abusive families, about which a democratic government can do very little.

The view that we know less than we thought we knew about how to change the human condition came, in time, to be called neoconservatism. Many of the writers, myself included, disliked the term because we did not think we were conservative, neo or paleo. (I voted for John Kennedy, Lyndon Johnson and Hubert Humphrey and worked in the latter's presidential campaign.) It would have been better if we had been called policy skeptics; that is, people who thought it was hard, though not impossible, to make useful and important changes in public policy.

Whatever the authors were called, their best essays reflected one general view: Let us use social science to analyze an existing policy to see if it works at a reasonable cost. This meant that these writings were backward looking in a world when liberals were relentlessly forward looking. If you look carefully at what has been done rather than announce boldly what ought to be done, you will be called, I suppose, a conservative. We were lucky, I imagine, not to be called reactionaries.

Irving Kristol smiled through all of this. He did not care what we were called and he gave to one of his published collections of essays the title, "Neoconservatism: the Autobiography of an Idea." He explained why that tendency differs from traditional conservatism: Neoconservatism is not an ideology, but a "persuasion." That is, it is a way of thinking about politics rather than a set of principles and rules. If neoconservatism does have any principle, it is this one: the law of unintended consequences. Launch a big project and you will almost surely discover that you have created many things you did not intend to create.

This is not an argument for doing nothing, but it is one, in my view, for doing things experimentally. Try your idea out in one place and see what happens before you inflict it on the whole country.

I recall when Nathan Glazer and I spoke at a conference on neoconservatism organized by The Partisan Review. Nat and I made all of these points about caution, experimentation and unintended consequences only to be told by one of the Review's editors that this was not enough: To be serious about politics, one had to have an organized ideology. Well, the Review certainly did.

In time I think The Public Interest began to speak more in one voice and the number of liberals who wrote for it declined. Every magazine acquires a character just as every human has a personality. That character was sharpened and reinforced by the cultural revolution of the late 1960s, which required of liberal skeptics that they become not merely critics of ill-advised policies but defenders of the nation to which those policies might apply.

Irving Kristol's talents were remarkable: He did for The Public Interest what he had earlier done for Commentary, the Reporter and Encounter—find good people and induce them to say important things even when it did not improve the revenues of the magazine. The Public Interest always relied on financial support from a few friends and rarely sold more than 12,000 copies. That didn't bother Irving at all: What counts is who reads it, not how many read it. And for 40 years a lot of important people did read it.

I was upset when the magazine ceased being published in the spring of 2005. With others I struggled to find a new home. There were some good possibilities for a new venture, but in time Irving said no, "Forty years is enough." And now for Irving, 89 years is enough—he died Friday of lung cancer. Losing him is like losing your favorite uncle: A wise and cheerful man who knew so much about so many things and would always help you out.

[From the Washington Post, Sept. 24, 2009]

MR. POLICY HITS A WALL

(By David S. Broder)

A new publication came across my desk this week containing an essay that offers as good an insight into President Obama's approach to government as anything I have read—and is particularly useful in understanding the struggle over health-care reform.

The publication is called National Affairs, and its advisory board is made up of noted conservative academics from James W. Ceaser to James Q. Wilson. The article that caught my eye, "Obama and the Policy Approach," was written by William Schambra, director of the Hudson Institute's Bradley Center for Philanthropy and Civic Renewal.

Schambra, like many others, was struck by the "sheer ambition" of Obama's legislative agenda and by his penchant for centralizing authority under a strong White House staff replete with many issue "czars."

Schambra sees this as evidence that "Obama is emphatically a 'policy approach' president. For him, governing means not just addressing discrete challenges as they arise, but formulating comprehensive policies aimed at giving large social systems—and indeed society itself—more rational and coherent forms and functions. In this view, the long-term, systemic problems of health care, education, and the environment cannot be solved in small pieces. They must be taken on in whole."

He traces the roots of this approach to the progressive movement of the late 19th and early 20th centuries, when rapid social and economic change created a politics dominated by interest-group struggles. The progressives believed that the cure lay in applying the new wisdom of the social sciences to the art of government, an approach in which facts would heal the clash of ideologies and narrow constituencies.

Obama—a highly intelligent product of elite universities—is far from the first Democratic president to subscribe to this approach. Jimmy Carter, and especially Bill Clinton, attempted to govern this way. But Obama has made it even more explicit, regularly proclaiming his determination to rely

on rational analysis, rather than narrow decisions, on everything from missile defense to Afghanistan—and all the big issues at home.

"In one policy area after another," Schambra writes, "from transportation to science, urban policy to auto policy, Obama's formulation is virtually identical: Selfishness or ideological rigidity has led us to look at the problem in isolated pieces . . . we must put aside parochialism to take the long systemic view; and when we finally formulate a uniform national policy supported by empirical and objective data rather than shallow, insular opinion, we will arrive at solutions that are not only more effective but less costly as well. This is the mantra of the policy presidency."

[From National Affairs]

OBAMA AND THE POLICY APPROACH

(By William Schambra)

Nine months into his tenure, the patterns of President Barack Obama's style of governing are becoming clear. Obama had no executive experience when he took the presidential oath last winter—but he did come in with a particular idea of what politics and government are for, and how they ought to work. It is a view grounded in Progressive politics, and shared by a number of Democratic chief executives in recent decades. But Obama has articulated it, and his administration has embodied it, more fully than most.

Perhaps the most distinctive political characteristic of the Obama administration thus far is the sheer ambition of its early legislative agenda, which seeks to move a host of enormous initiatives all at once. The administration's most prominent organizational feature, meanwhile, is its reliance on issue "czars" to manage broad areas of policy. By the end of his first summer in office, Obama had named some 35 such policy superintendents—"more czars than the Romans," as one blogger quipped—overseeing matters ranging from health-care reform, energy, and regulation to stimulus accountability, corporate executive compensation, cyber security, and the Great Lakes.

Both his ambition and his unique style of issue management show that Obama is emphatically a "policy approach" president. For him, governing means not just addressing discrete challenges as they arise, but formulating comprehensive policies aimed at giving large social systems—and indeed society itself—more rational and coherent forms and functions. In this view, the long-term, systemic problems of health care, education, and the environment cannot be solved in small pieces. They must be taken on in whole, lest the unattended elements react against and undo the carefully orchestrated policy measures.

The "policy approach" Obama seems to be embracing was best articulated by Daniel Patrick Moynihan in his classic essay "Policy vs. Program in the 1970s," published in the Summer 1970 issue of The Public Interest. "A policy approach to government," Moynihan wrote, begins "by seeking to encompass the largest possible range of phenomena and concerns." This means, to begin with, that "everything relates to everything," and therefore that "there are no social interests about which the national government does not have some policy or other." But these policies cannot simply consist of discrete interventions meant to address particular concerns. Public problems, arising in intricate social systems, are just too complex for that. Instead, policy should aim to give the system as a whole the proper shape, and then the elaborate array of programs, rules, incentives, pressures, and intentions will better fall into place.

Writ large, this approach suggests that government exists not to attend to the various problems in the life of a society, but to take up society itself as a problem—and improve it. The consequent expansion of the reach of government, proponents of this view contend, is not driven by anything as crude as presidential ambition or “socialist” ideology. It is simply a realistic and pragmatic response to the inexorable demands of the web of social reality.

To address social problems this way, the policymaker must put himself outside the circle of those whom he governs, and, informed especially by social science, see beyond their narrow clashing interests. This presents a problem in the politics of a democracy, of course, since most citizens (and the self-interested politicians they elect) either are baffled by or deliberately ignore social complexity and interrelatedness. The resulting truncated policies, reflecting unenlightened popular prejudices or arbitrary ideologies, tend to make a hash of the underlying network of causes and effects. The practitioner of the policy approach must gently chide these citizens and politicians for their short-sightedness. He must insist that they put away their childish things, and get down to the hard and serious work of attending to the complicated causes of society’s problems. And he must recruit to his administration a cadre of experts who can detect those causes—experts professionally trained in the natural or social sciences, which alone enable us to fully grasp social complexity and to design appropriate interventions.

Hence policy czars, mandated to follow the causal threads wherever they may lead, passing freely across the anachronistic and arbitrary boundaries of executive departments without undue concern for political turf. Hence Obama’s ill-concealed frustration with what he so often calls the “tired old arguments” that compose our day-to-day politics. Hence also the immense ambition of his first-year agenda—and the immense obstacles and complications he will no doubt face as he moves forward.

THE SCIENCE OF GOVERNMENT

The ideal of the policy presidency is deeply rooted in the enduring American Progressive movement, and particularly in its understanding of the social sciences. In the late 19th and early 20th centuries, new economic and technological developments—factory production, mass markets, railroads, the telegraph and telephone—shattered the old boundaries of what historian Robert Wiebe aptly called our “island communities.” Instead, we seemed to be increasingly intertwined, our existence affected by distant developments whose ramifications arrived unbidden in our lives through steel rail and copper wire.

That growing interdependence, writes Thomas Haskell in *The Emergence of Professional Social Science*, meant that the “effective cause of any event or condition . . . became more contingent and more difficult to trace.” Everyday common sense now failed to explain the world, which seemed to be shaped instead by “long chains of causation that stretched off into a murky distance.” Human behavior was no longer directed by autonomous moral choice, but rather by “a host of determinants external to the conscious mind.” For the early Progressives, this brought into question the ideal of the free, self-governing, and personally responsible human being and citizen. And it led to the elevation of those equipped with sciences of society that promised to trace the chains of causation into the murk—those who appreciated, as sociologist Lester Frank Ward put it, that “every fact and every phe-

nomenon is indissolubly linked to every other.”

The professional social scientist—the economist, sociologist, psychologist, and political scientist—now had a critical role to play in society because, as Haskell points out, “it was largely through his explanatory prowess that men might learn to understand their complex situation, and largely through his predictive ability that men might cooperatively control society’s future.” As the prominent Progressive (and founder of the New Republic) Herbert Croly put it, “in the more complex, the more fluid, and the more highly energized, equipped, and differentiated society of today,” the “cohesive element” would be “the completest social record,” which could be assembled only by social-science experts “using social knowledge in the interest of valid social purposes.”

This conviction became the basis for the Progressive political movement in early 20th-century America. The politics of that era seemed dangerously corrupt and tumultuous, with politicians either despoiling the public for personal and constituent enrichment or roiling public opinion with radically divisive new ideologies like socialism. In tones resembling Obama’s rhetoric today, the Progressives condemned such behavior as short-sighted, parochial, and irresponsible. These reckless political practices, they argued, ignored growing social interdependencies that demanded empirically grounded, objective, far-sighted decisions focused on the larger national interest.

Progressivism’s solution was to shift the administration of public affairs out of the hands of citizens and politicians still in the thrall of fragmented (and therefore dysfunctional) views of social reality, and into the hands of a new professional class steeped in the social sciences. They alone could formulate coherent intellectual maps of an interrelated world, and interventions sophisticated enough to bend the causal chains in the desired direction. In Croly’s words, Progressivism believed that a “better future would derive from the beneficent activities of expert social engineers who would bring to the service of social ideals all the technical resources which research could discover and ingenuity could devise.”

Progressive doctrine—particularly as extended and elaborated in President Franklin Roosevelt’s New Deal and President Lyndon Johnson’s Great Society—thus demanded the centralization of political power in the American presidency and its bureaucratic apparatus, organized according to the rational and orderly doctrines of scientific management and public administration. Progressive reformers throughout the 20th century came to denigrate the wisdom and relevance of the American Constitution, which frustrated centralization and coordination by dispersing governing power across the states and over the branches of government. Once thought essential to American freedom, these institutions now came to be seen as impediments to coherent national governance.

The apogee of social science’s influence in American public life came with Johnson’s Great Society and its vast proliferation of professionally designed programs to address housing, poverty, education, urban affairs, and other public problems. “There was a prevailing faith that social science could diagnose the causes of human problems and develop sound and effective public policy cures,” note Calvin Mackenzie and Robert Weisbrot in their history of the 1960s.

This brought on what Moynihan (in the first issue of *The Public Interest*, in 1965) called “the professionalization of reform.” The expert class had become persuaded that our supply of social-science knowledge had

accreted to the point that we now had reasonable assurance of bending society and economy to our will, he argued. And the project of reform was attracting larger segments of the middle class—who, benefiting from expanding higher education, were introduced to the allure of the “independence of judgment, esoteric knowledge, and immunity to outside criticism that characterize professionals.” Public policy now tended to respond not to social movements, but rather to the concerns of the professionals—not only because of their superior expertise, but also because they were reaching a critical mass within the institutions of government and the economy.

Political scientist Samuel Beer summarized the increasingly autonomous role played by experts in the Great Society and subsequent administrations as “the technocratic takeover.” As he put it, with all major contemporary policy problems, “it has been, in very great measure, people in government service, or closely associated with it, acting on the basis of their specialized and technical knowledge, who first perceived the problem, conceived the program, initially urged it on the president and Congress, went on to help lobby it through to enactment, and then saw to its administration.”

The professionalization of reform and technocratic takeover went beyond government boundaries, however. As Hugh Heclo, Lester Salamon, and other scholars have observed, much of the expansion of federal programs in the Great Society and beyond involved not adding more federal bureaucrats, but rather subsidizing third-party providers at lower levels of government and throughout the non-profit sector. These institutions, too, took on a professional cast, as they recruited experts to design, execute, evaluate, and report on the federal programs for which they were responsible. They also inevitably became advocates for sustained government support for their services. Private charitable foundations, which had previously been mainstays of support for non-profit service providers, now chose instead to join them in pushing for increased government funding of services. Philanthropy was then left free to fund experimental projects that would blaze trails for yet more government programs.

Over time, “issue networks” (to use Heclo’s term) began to develop, linking government bureaucrats, congressional staff, non-profit administrators, foundation program officers, and policy advocates around a shared interest in specific policy areas. Though they didn’t always agree on policy particulars, Heclo maintains, they shared a “common language for discussing the issues, a shared grammar for identifying the major points of contention, a mutually familiar rhetoric of argumentation.” These networks would provide quiet but self-sustaining momentum for federal programs, even in the face of hostile presidents.

Frank Baumgartner and Christine Mahoney have argued that as new government initiatives were established, “the programs and spending associated with them generated new interests themselves, as affected constituencies, service providers, and others entered into long-term relations with the government officials responsible for these new programs.” As Michael Greve explains, even the Reagan administration eventually gave up trying to make a dent in federal support for liberal advocacy groups, concluding that “defending was a fight it could not win without mounting an extraordinary effort,” and that “government funding of advocacy groups had become too deeply engrained in the structure of American government.”

Thus, the policy approach to governing, and especially to the executive branch, came

to take hold on the left and in Washington policy circles. It has played a role in the work of every recent administration—whether as implicit *modus operandi* or as exasperating foil—but not until President Obama has it had a genuine, life-long true believer in the Oval Office.

THE POLICY PRESIDENT

Obama's early life primed him for this way of thinking about politics. The circumstances of his family and his globally peripatetic youth acquainted him with a variety of strong traditional cultures—Kenyan, Kansan, Indonesian—that had not yet been entirely pulverized by modern cosmopolitanism. Obama's first book, *Dreams from My Father*, is in part his account of trying on several of the tightly woven cultural garments that his background made accessible to him. As he often puts it himself, this experience endowed him with a remarkable capacity to appreciate the most diverse moral and cultural beliefs, coolly and objectively assessing their strengths and weaknesses. Because he was in but never entirely of several cultures, he was left with a wistful sense that he would always somehow be on the outside looking in.

But his cosmopolitan childhood ensured that Obama would not be burdened by a crippling illusion so common in the traditional community: that its way is the right way, and that it can autonomously shape its common life accordingly, free of the sprawling chains of social causality. From his earliest days—helped by the guidance and example of his mother, who held a Ph.D. in anthropology—Obama understood and easily glided through the network of interdependency that, as the Progressives had predicted, was eroding traditional communities and pulling us all together in vast systems of relationship.

When a Chicago non-profit accepted his application for a job as a community organizer, Obama put on the garment of a Chicagoan. That he was not born and reared in one of the strong and often insular ethnic neighborhoods of the city of broad shoulders was not particularly relevant. He was not there to help a local neighborhood rebuild a coherent sense of community that would enable it to solve its own problems according to its own values. Rather, he was there to help local residents understand the larger networks of power and influence that determined their lives, and which alone could provide the resources and knowledge to alleviate their poverty. What the South Side of Chicago needed was not an illusory sense of community efficacy, but rather the clout to force the importation of professional expertise—in the form of city-paid employment specialists at a new job center, and hazardous waste-removal workers to clean up asbestos at the Altgeld Gardens housing complex.

After his legal education, Obama found his way into the "issue networks" that had come to dominate Chicago politics—the non-profits, advocacy coalitions, and foundations committed to ever more extensive and sophisticated interventions by trained professionals into the lives of Chicago's distressed neighborhoods. In all major American cities today, as the Manhattan Institute's Steven Malanga observes, this constellation of forces—along with the municipal and educational unions—has replaced the traditional urban political machine; it is the new engine driving the perpetual expansion of municipal services and budgets. In addition to ongoing work with local advocacy groups, Obama served on the boards of two major foundations that are leading national proponents for the development and expansion of government services.

The mode of thought inculcated by this sort of work is reflected in the final report of

the Chicago Annenberg Challenge—a massive local school-reform project (co-founded by the former Weather Underground radical William Ayers) that Obama chaired. The report suggests that the effort fell well short of expectations precisely because it left too much discretion to the untutored leaders of local schools. It would have been better to "provide guidance for local initiatives in the form of well-researched and well-thought-out maps for change," the report maintained, which would "present sound theories and principles that might enhance the effectiveness of local thinking and action." It was too much to expect everyday citizens to understand the complex forces affecting their schools without substantial, theoretically informed intervention by the professionals.

Obama's chief complaint as a new U.S. senator was that Washington's discourse seemed to be dominated by the bitter, tired, ideologically driven politics that had characterized the pre-Progressive era. Most Americans, he insisted in his second book, *The Audacity of Hope*, exhibited a "pragmatic, non-ideological attitude" and were "weary of the dead zone that politics has become, in which narrow interests vie for advantage and ideological minorities seek to impose their own versions of absolute truth."

Obama preferred an approach to public policy that would make greater use of objective evidence, scientific facts, and expert counsel. For example, he suggests in the book, we could take on the health-care problem by "having a nonpartisan group like the National Academy of Science's Institute of Medicine determine what a basic, high-quality health-care plan should look like and how much it should cost," examining "which existing health-care programs deliver the best care in the most cost-effective manner." In other words, the beginning of reform lies in the formulations of professional expertise.

During Obama's presidential campaign, journalists were clearly impressed by his willingness to consult and rely on the policy professionals. But the candidate's adamancy about seeking out proven experts came as no surprise to Obama advisor Cass Sunstein, who observed that "in his empiricism, his curiosity, his insistence on nuance, and his lack of dogmatism, Obama is indeed a sort of anti-Bush" from whom we will see "a rigorously evidence-based government."

In January, the Boston Globe reported with hometown pride that the newly elected president had turned particularly to Harvard University for key administration officials. It seemed only natural, since Obama was "a preternaturally self-confident product of the meritocracy" and had a "reputation as a seeker of the expertise and intellect that Harvard prides itself on attracting."

Small wonder, then, that as president, Obama's explanation for today's economic crisis reflects a distinctively Progressive tone, with a call to renounce short-term and selfish private indulgence in the name of empirically based, objective analysis of the long-term, system-wide view. There has "been a tendency to score political points instead of rolling up sleeves to solve real problems," he suggested in his "New Foundation" speech at Georgetown University in April. The problems we face, he continued, "are all working off each other to feed a vicious economic downturn," so "we've had no choice but to attack on all fronts of our economic crisis at once."

To address these challenges, Obama insists, we must come up with comprehensive policies that account for the entire sweep of interconnected social and economic factors contributing to the problem, and whose coordination will contribute to its solution. Echoing Moynihan's understanding of the implications of the policy approach, Obama

suggests that tackling only isolated pieces of the problem, or trying to solve only one problem at a time, will merely introduce further distortions into what should be treated as a unified and coordinated system. A comprehensive policy approach will enable us to take maximum advantage of natural- and social-science expertise, displacing expensive or ineffective local practices by spreading system-wide those programs that have proven to be more effective and less expensive, as documented by thorough research and experimentation.

Approaching the problems of the health-care system individually and incrementally, Obama insisted in a speech in July, "is precisely [the] kind of small thinking that has led us into the current predicament." The inefficiencies and shortcomings of health-care financing will be done away with only if an extensive system is built that assigns and regulates roles for all the players, including federal and state health programs, medical personnel, hospitals, insurance companies, and all American citizens. Once this new universal network of relationships is established, science and technology—comparative effectiveness research, electronic medical records—can make their contributions. And once all Americans receive the treatments judged most effective according to rigorously empirical measurement, the nation's health care will be delivered everywhere as it is today at the Mayo Clinic.

Likewise, Obama and his allies insist that our national approach to energy and the environment must be based on the recognition that we are embedded in an intricate system of ecological linkages. In Obama's view, we have recklessly spewed carbon into the atmosphere because of poor decisions about housing, transportation, and electricity use—ignoring the web that ties them all together. Here, too, the answer is a system of energy supply that brings to bear the latest scientific research: A proposed "cap-and-trade" program will establish standards for measuring and regulating the emission of carbon; and a nationally interlinked web for energy transmission will carry renewable energy from wherever it is produced to wherever it is needed, no matter the distance.

Our education system, too, is chaotic and disorganized, according to Obama. Too many states and localities are going in too many different directions, and Washington "has been trapped in the same stale debates that have paralyzed progress and perpetuated our educational decline," as he put it to the Hispanic Chamber of Commerce. Again, the president argues, the solution is a more uniform application of expert guidance and direction. "It's time to give all Americans a complete and competitive education from the cradle up through a career," he said in March. And that trajectory should be enabled by one overarching system, because "it's time to move beyond the idea that we need several different programs to address several different problems—we need one comprehensive policy that addresses our comprehensive challenges."

In one policy area after another—from transportation to science, urban policy to auto policy—Obama's formulation is virtually identical: selfishness or ideological rigidity has led us to look at the problem in isolated pieces rather than as an all-encompassing system; we must put aside parochialism to take the long systemic view; and when we finally formulate a uniform national policy supported by empirical and objective data rather than shallow, insular opinion, we will arrive at solutions that are not only more effective but less costly as well. This is the mantra of the policy presidency.

And overseeing each of these policy areas will be a "czar," attuned to the big picture.

This key presidential aide—almost invariably a policy expert rather than a political figure—will coordinate the activities of the various departments through which the intricate policy web is woven, and focus the latest expert advice and counsel on his particular segment of the problem of the whole.

POLITICS AND POLICY

How will the Obama policy-approach presidency fare? We can find a clue in the unrest stirred by his growing list of “czars.” Senator Robert Byrd of West Virginia, Obama’s fellow Democrat, objects to this new structure, complaining that the czars “rarely testify before congressional committees and often shield the information and decision-making process behind the assertion of executive privilege.” Indeed, he argues, “the rapid and easy accumulation of power by the White House staff can threaten the constitutional system of checks and balances.” Liberal law professor Bruce Ackerman suggests that “we need to seriously consider requiring Senate approval of senior White House staff positions.”

These cavils are unlikely to prompt serious action, but they do remind us of the persistence of our constitutional system of checks and balances and of a Senate jealous of its prerogatives. And that points to a central vulnerability of the policy-approach presidency. To be successful by its own definition, each of its policies must necessarily be rational, coherent, and all-encompassing, whether the issue is health care, energy, or education. And yet, as the early Progressives knew all too well, critical elements of the constitutional system—the executive cabinet, federal decentralization, the separation of powers, and the extended commercial republic—serve to shred and fragment policy proposals as they make their way from the minds of their expert designers through departmental bureaucracy and legislative committees (not to mention their hearings in the court of public opinion). Once enacted, the execution of policy is similarly trammelled by our political system’s fragmented dispersal of administrative authority. The result is often policy that is irrational, incoherent, and partial. Policies not designed to take account of that reality usually turn to mush in practice.

This failure to heed the realities of our politics often first presents itself in the form of an overly ambitious agenda that ignores the nature of the legislative process. Pressed to take on too much at once in pursuit of holistic reform, the system overheats quickly and easily. President Jimmy Carter discovered the risks of this approach when, as political scientist James Ceaser reminds us, he pursued his own version of a policy presidency. “Imbued with a technocratic perspective toward problem solving,” Ceaser writes, “Carter seemed to view the task of governing in terms of the management of complex and interrelated policies.” Or, as Carter speechwriter James Fallows noted toward the end of Carter’s administration, he “thinks he ‘leads’ by choosing the correct policy,” and so he came to hold “explicit, thorough positions on every issue under the sun.”

The Carter administration therefore generated a flood of elaborate and complex proposals covering energy, housing, welfare reform, income policy, families, neighborhoods, and urban affairs, among other issues. To take urban affairs as an example, Carter’s call for “A New Partnership” insisted that we “must carefully plan the total range of Federal, State, and local actions” in urban areas. To accomplish this, the partnership laid out, as urban planner Charles Orlebeke put it, an “elaborate edifice” of seven governing principles, four goals, ten policies,

and 38 strategies for implementation. Carter promised to “work with, encourage, support and stimulate every other level of government plus the private sector and neighborhood groups—all at the same time with equal fervor.” This is precisely the sort of expansive and encompassing programming demanded by a genuinely comprehensive policy approach.

The administration’s “complex and ambitious program seemed to confuse the public and ultimately to paralyze the operation of government,” Ceaser notes, leaving it little to show for all its technocratic bustle. By contrast, Carter’s successor Ronald Reagan deliberately limited his proposals to Congress to one or two top priority items at a time, having learned precisely this lesson from Carter’s failures.

Obama has taken his stand with the comprehensive approach, noting repeatedly that while there are “some who believe we can only handle one challenge at a time,” in fact “we don’t have the luxury of choosing between getting our economy moving now and rebuilding it over the long term.” Outdoing Carter, Obama doesn’t just view each separate area of public concern as a realm for the development of a comprehensive policy. He insists that, following the intractable interconnectedness of the pieces of his recovery plan, all the areas of concern must be covered immediately, simultaneously, and in a coordinated fashion. The comprehensive policies themselves must all fit into a larger comprehensive policy. Only thereby will they cohere into a uniform and truly comprehensive “new foundation” for the revival of the economy.

But as Obama’s proposals begin their journeys through the requisite institutional hoops, they will inevitably begin to lose their coherence and uniformity. A policy czar may entertain a single, overarching vision, but the various and often conflicting cabinet secretaries under his supervision, along with their vast attendant bureaucracies, may have very different interpretations of that vision and of how it is to be implemented. And congressional bargaining is never kind to fragile policy gems containing numerous carefully interconnected parts that must all be preserved intact in order to work.

The Obama agenda is particularly vulnerable to congressional distortions of executive intentions, owing to what might be an over-corrective reaction to the lessons of President Bill Clinton’s health-care reform proposal—which died without a congressional vote in 1994. The Clinton administration, too, embraced a version of the policy approach, believing that health-care reform could be accomplished only by addressing all the pieces within a coherent and unified system. Clinton, too, argued that the nation’s economic recovery from the recession of the early 1990s depended on it. His Task Force on Health Care Reform brought together more than 500 experts from all relevant federal departments, legislative staffs, governors’ offices, and universities to produce a massive, 1,000-page proposal. It covered every conceivable aspect of health care—down to establishing limits on the number of specialists that medical schools could produce.

In Boomerang, her account of the Clinton reform plan, Harvard sociologist Theda Skocpol suggests that since the task force “made such a gargantuan effort to come up with a truly comprehensive plan for reform—a plan thought at the time to be both technically and politically workable—there was a natural tendency for administration planners to see their proposal as a logical achievement to be ‘explained.’” That is, the planners could not bring themselves to dicker with Congress over the specifics, because

they were convinced that all the pieces had to fit together in order for the policy to succeed. Yet as the New York Times’s Matt Bai has observed, “Ever jealous of its prerogative, Congress took a long look, yawned and kicked the whole plan to the gutter, where it soon washed away for good—along with much of Clinton’s ambition for his presidency.”

On the surface, Obama seems to have absorbed the moral of that failure. He has begun the process of revamping health care and environmental policy by proclaiming general principles that any plan must feature, while leaving the specifics of the programs to Congress. But it remains to be seen whether a Congress reflecting a vast array of contending geographic and economic interests can produce the sort of internally consistent and comprehensive proposal that the policy approach considers essential for success. Obama has articulated criteria for measuring the value of a plan that are out of line with his decision to leave the plan’s construction to Congress.

In reality, the Clinton and Obama models are not all that different. Sooner or later, one way or another, the exquisite workings of policy experts must be subjected to the brute judgment of elected officials, who have not lost their quaint (if inefficient) attachments to the varied desires, needs, and interests of their constituents. The sheer intellectual coherence of a plan does not protect it from the need to justify itself to the American constitutional system. The policy approach has not overcome democratic politics, and so remains a profoundly problematic way to try to govern our democracy.

THE PERSISTENCE OF THE POLITICAL

Progressivism was initially attracted to social science precisely because it would permit us to avoid or transcend political conflict grounded in irresolvable economic and moral differences. Meticulous empirical research that assembled all available data about a given problem would, Progressives believed, provide a solid, indisputable, shared ground for subsequent deliberation. Indeed, social-science data would be so compelling that the solution to the problem would likely emerge from its own scientifically rigorous description. It’s not just that facts would be more important than values: Facts would suggest the most plausible values. Or, as the American pragmatists believed, what works best to help us grasp and shape reality becomes the moral good.

We find traces of this thinking in The Audacity of Hope. “I understand that facts alone can’t always settle our political disputes,” Obama concedes, but “the absence of even rough agreement on the facts puts every opinion on equal footing and therefore eliminates the basis for thoughtful compromise.” He insists, however, that “sometimes there are more accurate and less accurate answers; sometimes there are facts that cannot be spun, just as an argument about whether it’s raining can usually be settled by stepping outside.” Clearly, Obama’s heavy reliance on policy expertise is designed not just to produce more accurate answers, though that is surely a critical goal. It also aims to quell the shrill exchange of equal (because equally baseless) opinions that, in his view, has come to characterize American politics. Where available—and Obama intends to multiply the situations where they are available—pure non-political facts will provide the grounds for the resolution of policy questions, fulfilling Progressivism’s faith in the natural and social sciences.

But what then to say about the increasing use of social-science data by conservative scholars, who seem to use it to provoke and

sustain, rather than to ameliorate, partisan conflict with Progressive reformers? Some liberals simply insist that what conservative scholars produce is inferior or false social science, because it is produced in service of ideology rather than objective truth. Eric Wanner, former president of the liberal Russell Sage Foundation, insists that “the AEIs and the Heritages of the world represent the inversion of the Progressive faith that social science should shape social policy.” In his Paradox of American Democracy, John Judis complains that conservative think-tank scholars “did not seek to be above class, party, and ideology” like earlier, disinterested social scientists, but rather “were openly pro-business and conservative.” They thereby “rejected the very idea of a dispassionate and disinterested elite that could focus on the national interest.”

But the notion that there is true and false social science relies on our ability to locate a fixed and universally accepted standard according to which we can say that some conclusions are beyond dispute because they are empirically true. Certainly that was the initial Progressive vision for social science. Yet the policy and social sciences have come nowhere close to such a standard in assessing society. In 1979, Edward Banfield wrote that the “persistent efforts of reformers to do away with politics and to put social science and other expertise in its place are not to be accounted for by the existence of a body of knowledge about how to solve social problems,” because no such body exists. Indeed, he continued, “there are few social science theories or findings that could be of much help to a policy maker.”

Ten years later, Ronald Brunner noted in *Policy Sciences* that it was difficult to assess the usefulness of the policy movement, because its “various parts tend to differ in their judgments of the relevant standards, data, and inferences to be drawn from them, whenever their judgments are made explicit”; nonetheless, the policy approach’s “results typically have fallen short of the aspirations for rational, objective analysis.” Positivist social science had “assumed that if the behavioral equivalents of Newton’s laws could be discovered, they would provide a basis for rational and objective policy. Rationality would be served because the consequences of policy alternatives could be predicted with precision and accuracy,” while the “valid system of generalizations would reduce controversy in the policy arena.” But still, according to Brunner, “after roughly four decades of behavioral research, positivists have not yet discovered universal covering laws that predict human behavior with accuracy and precision.”

In short, policy science cannot be depended upon to dampen or eliminate conflicting points of view because it is itself riven by deep divisions over how best to develop, analyze, implement, and evaluate public policy. And these divisions cannot be explained away by a conservative conspiracy to dilute genuine, objective social science with a spurious, ideologically driven imitation. Social science begins from one place or another in society, and can do great good that way. But it cannot step outside the circle of our social life; no human activity can.

The Obama administration will of course insist that its policy plans are rooted in unassailably objective research. But there may well be equally compelling research supporting contrary conclusions, and the debate between them cannot be resolved by insisting that true science supports only one kind of conclusion. Often the origins of the dispute have to do with people’s sense of the most important questions to ask, the most critical goals to set, or the highest ends of society. These are generally determined by

those outmoded, yet stubborn, values—not social science.

President Obama knows, however, that whatever the state of the policy approach’s epistemological foundations, it is vital to making the case for his political project. For example, he can insist that he is undertaking only reluctantly, and certainly without selfish ambition or ulterior motive, a massive and ambitious expansion of government into major segments of the American economy because it has been shown necessary. “I don’t want to run GM,” Obama told reporters as he initiated a government takeover of the company. The decision was not driven by personal choice, he seemed to suggest. It was simply what a thoroughgoing and effective policy approach demands. As Ceaser points out, “to speak of a policy for any given area of activity already implies that that area is a matter for legitimate superintendence by government.” Only an unsophisticated rube would mistake the pristinely objective dictates of the policy approach for “socialism.”

But the mention of unsophisticated rubes points to a final possible problem for President Obama’s policy approach, this one related to America’s commitment to democratic self-government. Obama’s technocratic rhetoric is meant to be soothing and reassuring to an American public fed up with intractable ideological division: Many of our problems will resolve themselves once we have collected the facts about them, because facts can ground and shape our political discussions, deflating ideological claims and leaving behind rational and objective answers in place of tired old debates. But in spite of several decades of data production by social science, American politics has proven itself to be remarkably resistant to the pacifying effects of facts. It has continued to be driven, as James Madison predicted, by the proliferation and clash of diverse “opinions, passions and interests.”

Indeed, as Madison put it, “as long as the reason of man continues to be fallible, and he is at liberty to exercise it, different opinions will be formed.” It may be that, in the end, the proponents of the policy approach disagree with Madison’s premise that reason is fallible. But if that is their view, they can hardly claim much empirical evidence for it.

Though Madison believed the most common source of different opinions to be property, he also understood that Americans were likely as well to divide along religious and moral lines, reflecting convictions about ultimate questions of good and evil that cannot be resolved through scientific reason. This does not mean they take in only part of the picture, but that they disagree about what is best for the whole, for reasons that run deep. These disagreements, although they do not always lend themselves to scientific analysis and technical solution, speak to genuine human yearnings and concerns. They are often rooted in many centuries of experience and wisdom, and can hardly be dismissed as irrelevant to the life of a liberal society—let alone as illegitimate subjects for political debate.

This leads to the most troublesome implication of Obama’s policy approach, which revealed itself in what might have been the chief blunder of his presidential campaign: his offhand remark that some Americans continue to “cling” to guns and religion in the face of adversity. The comment betrayed Obama’s debt to the Progressive view that such parochial values are poor substitutes for a sophisticated understanding of the larger networks of causality that determine the lives of everyday Americans. In light of such an understanding, the old debates that grip American politics may well look rather ridiculous.

The policy approach begins from the assumption that those old disagreements are

fundamentally an error, or a function of a temporary lack of information. It begins, in other words, from the contention that democracy is an illegitimate, or at least a highly inadequate, way to govern a society. This is a deeply anti-political way of thinking, grounded in a gross exaggeration of the capacity of human knowledge and reason. American politics as we have known it appreciates the fact that fallible men and women cannot command the whole—and so must somehow manage the interactions and the tensions among parts. Social science—however sophisticated it might now be—has come nowhere near disproving that premise. Unless it does, social science will always best serve politics by helping to address the particular problems that bedevil society as they arise, rather than treating society itself as one large problem to be solved.

This is not because society is not in fact an intricate web as the early Progressives asserted, but precisely because it is—a web far too intricate to be reliably manipulated. We are not capable of weaving our society anew from fresh whole modern cloth—and so we should instead make the most of the great social garment we have inherited, in its rich if always unkempt splendor, mending what is torn and improving what we can.

Our constitutional system is constructed on this understanding of the limits of reason and of the goals of politics. Every effort to impose the policy approach upon it has so far ended in failure and disappointment, and done much lasting harm. President Obama is now attempting the most ambitious such effort in at least 40 years. He brings considerable talent and charm to the attempt—but the obstacles to its success remain as firm and deeply rooted as ever.

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

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

THE NATIONAL DEBT

Mr. JOHANNIS. Madam President, I rise today to speak in support of a pending amendment. This amendment is called the Erasing Our National Debt Through Accountability and Responsibility Plan. I wish to start out today by saying I am very proud to be a cosponsor of what I consider to be a very commonsense amendment.

The Troubled Asset Relief Program, known as TARP, was enacted in the fall of 2008 for the U.S. Treasury to buy toxic assets, primarily mortgage-backed securities. It was sold to Congress as having a sole purpose of getting bad assets out of the market. It was sold as an idea of stabilizing the economy. At the time this was sold, this was it. This is what we told people this was going to do. Supposedly, it was going to be a one-time, very narrowly focused program during a time of the worst economic crisis we had seen in decades. Lawmakers at that time were warned that if we do not act now, if we do not take this action, the failure to act is going to be devastating. Yet Washington, after it got approval of this plan, almost immediately threw out the original game plan. Money was not used to buy those troubled assets. Instead, it was given to large banks with very few strings attached. The government hoped banks would generate small business loans, and would

send the money out to allow people to do auto loans and mortgage loans. That simply did not happen. There is plenty of finger-pointing going on as to why that did not happen, but the bottom line is that consumers were left to battle the credit crunch alone, and they felt abandoned in their fight. What did Washington expect when it gave away practically free money? From the get-go, the TARP rule book was simply tossed out the window. Since then, TARP has morphed in so many ways that most people cannot even remember, cannot even think about its original purpose.

The American people have unquestionably lost faith in the \$700-billion taxpayer-funded boondoggle. They expected it to get the economy up and lending. Now they feel duped, and I do not blame them. Instead of jump-starting lending in the economy, what this has turned into is a revolving slush fund for unrelated spending projects. It just goes on and on.

Let me run through a sample of what TARP has been used to fund:

No. 1, buy General Motors. Who knew that the U.S. Government would spend about \$50 billion of TARP buying not only an ownership interest in General Motors but a controlling interest? Back home in Nebraska, when I have talked to Nebraska citizens about this, I say to them: If I had come out during my campaign and suggested that the President of the United States would literally over a weekend have the ability to buy General Motors without any kind of congressional approval, no one—no one—would have believed me. Yet that is exactly what happened.

No. 2, there is a plan called cash for caulkers. We all know about that plan.

No. 3, the House passed a second stimulus—\$150 billion in TARP to fund more unrelated spending. Let me give a few examples: \$800 million for Amtrak; \$65 million for housing vouchers; \$500 million for summer youth employment; \$300 million for a college work study program.

No. 4, the doc fix— $\frac{1}{4}$ trillion in TARP that will never be paid back, an immediate loss to the taxpayers.

No. 5, off-budget highway funding.

I could go on and on. The list just does not end. The projects being funded out of this now new slush fund do not seem to have an ending point. Some of these projects might be quite meritorious. One might look at them and say: Gosh, in the normal budgetary process, I would want to be a part of voting for those projects. I might support some of them in the normal budgeting process but not through some no accountability slush fund.

TARP has spiraled out of control, and it needs to end today—immediately. TARP was never intended to finance a wide array of spending programs where the taxpayer literally was going to be the loser. We must find a way to pay for government spending, not try to disguise it in TARP.

I am asking my colleagues to adopt the Thune amendment and end the no-

accountability TARP slush fund. This amendment would immediately stop the Treasury Department from spending more from the TARP funds. It would repeal the administration's ill-advised extension of TARP through October 2010. It would require TARP repayments to reduce our national debt. There would be no clever statutory interpretations to get around the debt reduction requirement. A payment comes in, the debt ceiling goes down. No more reckless spending. No more Russian roulette with taxpayers' money. Not only is this common sense, but it is good fiscal sense, and it is the right thing to do.

One thing is absolutely obvious: Taxpayers are asking us to work together to get deficit spending under control, to find solutions to problems that trouble this great Nation. This amendment, in my judgment, is absolutely the first step, a good start to get a handle on out-of-control spending, to start restoring faith with the American people. If TARP is ended, we show the American people that we are listening and that Congress is, in fact, serious about protecting taxpayers' money.

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

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

The bill clerk proceeded to call the roll.

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

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

TARP

Mr. DURBIN. Madam President, a speaker on the floor earlier—Senator JOHANNIS of Nebraska—was talking about TARP, and many of us recall this was a program started under the previous administration. President Bush and his Secretary of the Treasury, Henry Paulson, came to us, along with Federal Reserve Chairman Ben Bernanke, and basically told us America's economy was on the edge of an abyss; that we could see what looked like an economic downturn turn into not only a recession but worse if we didn't act and act quickly.

The proposal they made was to go after what they called toxic assets, and so they created a program called the Toxic Assets Relief Program—TARP. They asked for some \$80 billion—an enormous sum of money—in order to go to financial institutions that were teetering on the brink of collapse and save them, in the hopes that in doing so, they could stabilize our economy.

Even though I took a few economics courses in college and have followed the course of American business, at least as a casual observer, it was hard to argue against their request because my fear was that failure to do anything would, in fact, bring this economy

down, costing us dramatic numbers of jobs and failures in the business community. So I voted for TARP. It seemed like one of the few things we could do that might have some chance of stabilizing the economy.

Of course, it is not the most popular program in America. The idea of taking hundreds of billions of dollars of taxpayers' money to give to banks and investment operations that have failed—literally to the point of failure—seemed to be a rescue effort for a group that doesn't usually garner much sympathy, in terms of the activities they are engaged in day to day. The money went to a large share of these banks and financial institutions, and the net result is, virtually all of them were saved from collapse—all but Lehman Brothers, which had failed before this request.

So the economy moved forward. Then the bankers repaid the effort of the American taxpayers by announcing—many of them—they now felt times were so good for them they could start declaring bonuses for their officers and their employees—bonuses.

In the real world of 40-hour work weeks and day-to-day grind, most people see a bonus as a reward for good performance or successful performance. Many of these financial institutions were literally the victims of their own greed and their own malice and their own poor planning. Then, after taxpayers rescued them with TARP money, they wanted to turn around and reward themselves for good conduct. It grated on the American people and this Senator as well.

TARP, which was initiated to keep these banks from failing, is one which few of us would step up and say: Well, let's try that again. That was a great idea. I, frankly, think it was probably a necessary thing to do at the moment, but it is not a model I wish to recreate, certainly when you look at the reaction of the banks after we helped them. But the Senator from Nebraska comes to the floor and basically says: Let's liquidate and end this program. On its face, that sounds like a good idea but for one thing: Now some of these banks and financial institutions are paying us back with interest. We had hoped they all would. Maybe most of them will. The taxpayers deserve that.

Money that is coming back in is not like found money. We anticipated a payback. But it is money which creates an opportunity. Now the Senator from Nebraska would have us basically eliminate that program and the money coming in could not be spent for other purposes. I think that is a mistake. We spent up to \$800 billion to rescue Wall Street. As the cliché goes, it is time for us to consider spending that money to rescue Main Street. For instance, if we took a substantial portion of the TARP money coming back from the big banks, and the interest coming back from the big banks, and redirected it to community banks expressly for the purpose of providing credit for small

business, then I think we would be engaged in an effort that most Americans agree will save businesses, save jobs, and even create the opportunity for more jobs. If we do not take the TARP money to do this, we know what is going to happen: banks, large and small, will continue to deny credit to small businesses. As a result, many of them will fall, few of them will expand, and the economy will continue to move forward in a more positive way but at a glacial pace.

I would say to the Senator from Nebraska, if he went back to Omaha as I go back to Chicago and Springfield in my State and meet with small business owners, he would find they are desperate for this credit. Why not take the money that once was directed to the large banks, now paid back to our Government, and redirect it to smaller businesses? That really is the bedrock of our economy. I hope the Senator from Nebraska will reflect on that. His anger about what the big banks did after we rescued them should not be vented on small businesses in Nebraska and Illinois that need credit assistance.

It is also possible to take some of these TARP funds and turn them into a rescue for a lot of victims of the current recession. For one, we should be spending this money to help a lot of projects get underway which will help build the economy.

I just had a meeting in my office with a group of mayors from Illinois. The mayors from across the Nation are here in Washington. The story they bring is common no matter where they are from. They have seen a downturn in revenues—sales tax revenues and property tax revenues—and an increased demand for services. That is being played out at every level of government—local, State, and Federal—so many of them do not have the resources to take care of basic problems, from the repaving of streets to the building and rebuilding of essential infrastructure. What they are asking us for is help so they can meet those basic needs and at the same time create jobs in doing it.

There was a TIGER grant application under this new administration's stimulus bill that gave local units of government a chance to put on the table critical projects they could initiate and create jobs in so doing. The competition was fierce—\$60 billion in applications for \$1.5 billion in funds. It shows you there is a pent-up demand there for these infrastructure projects.

The rate of unemployment in the construction industry in America is much higher than the average—almost twice the average in most States. If we take these TARP funds coming back to our Treasury and redirect them into infrastructure grants such as TIGER grants, we would be creating new opportunities for building infrastructure critical to our economy and creating jobs immediately. That construction worker who goes back to work making certain we have good roads and bridges

is going to take that paycheck home and the family is going to spend it. As they spend it, the shopkeepers and others where they do business are going to profit and they will respond it. That is how the economy starts to churn forward, and that is how jobs are saved and created.

We should not let our frustration over the greed and selfishness of the biggest banks in America and financial institutions that literally thumb their noses at taxpayers lead us to close down an opportunity to take these TARP funds and turn them into jobs in America, turn them into a lifeline for small businesses.

Many people look at our economy today and say it is not good enough—and they are right. I have to echo the sentiments of one of my colleagues in our delegation, Congressman PHIL HARE, who says if he hears the phrase “jobless recovery” one more time, he is going to get sick to his stomach. I agree with him. A recovery is a recovery if, in fact, jobs are restored and created. We need to focus on that as well.

Make no mistake, we have made some progress over the course of last year since President Obama took office. I just remind my colleagues and those following in floor comments that last April the Dow Jones index was at about the 6,000 to 7,000 range. Today, it is 10,000. It indicates more confidence in the future of our economy, more investment in our stock market, and I hope an end to the fear and lack of confidence which were part of the worst of our recession.

We have also seen the unemployment figures. Job losses were more than 700,000 a month when President Obama took office. Now they are coming down, and that is good. I will not be satisfied, nor will the President, until they are on the positive side of the ledger. But we have made some progress. I think the latest unemployment monthly figures were in the range of 80,000 to 100,000. That is a long way from 700,000, but it gives us a lot of ground to travel before we catch up.

I would say the administration has us moving in the right direction. We not only have to stick by the stimulus bill which the President proposed and which we supported on the Democratic side of the aisle with a handful of Republican Senators, but we also have to think about the next stimulus, the next jobs program which will create good-paying jobs and help small businesses survive. That is essential. I hope we do not let some amendment come along which literally takes away the source of funds we may need for this next jobs stimulus. Whether you are in a Republican State with Republican Senators or a Democratic State with Democratic Senators, it makes no difference; unemployed people need a fighting chance to get their jobs back.

TERRORIST DETENTION

There were comments on the floor by the minority leader, the Republican

leader, as well as the majority leader, Senator REID, about the so-called Christmas bomber who was caught in the act trying to detonate some type of explosive or inflammatory device on an airplane. We have had extensive hearings.

The President has gone into quite an extensive investigation in terms of any failure in our security efforts and what happened on that day. I believe the President's candor and honesty have been helpful. He has acknowledged the fact that we could have done a better job. We collected a lot of information, and pieces of it, when they were considered together, really pointed toward a problem—that this man never should have been allowed to get on this airplane. The President has acknowledged that, as well as his national security advisers.

Now a question has arisen as to what to do with this suspected—alleged terrorist from Nigeria. He is currently being held, incarcerated in a Federal prison in Milan, MI, which is 60 miles west of Detroit. That is not unusual. In fact, 350 convicted terrorists are being detained in Federal prisons across America, including in my home State. They are being safely held without any fear in the surrounding community because our professionals at the Federal Bureau of Prisons know how to do their job and do it well.

The question is whether he should be investigated and prosecuted in a military commission or in the courts of the land. Some say that if he is a suspected terrorist and not a citizen of the United States, then send him to a military commission because terrorism is, in fact, a war against America. That on its surface has some appeal. They also argue that if he goes through the courts of our land, he is going to be given certain privileges we accord to citizens when they are arrested and tried which he might not otherwise have if he goes through a military commission. There is some value to that statement as well.

Here is what we have found. Here is the track record. Since 9/11, we have had over 190 convictions of terrorists in the courts of America, the criminal court system of America, our Federal courts—190. We have had three, literally three who have been prosecuted by military commissions. So those who are trying to push more and more prosecutions into military commissions should look at the scoreboard. The scoreboard tells us we have a strong track record of prosecuting terrorists in our courts, whether it is Richard Reid, the shoe bomber, with a similar mode of operation as the man who was arrested on the Northwest Airlines plane, or a suspect arrested in Peoria, IL, Mr. Al-Marri, who was incarcerated in Marion, IL, the regular prison. They went through the regular court system, successfully prosecuted and put away. Moussaoui, the suspected 19th terrorist on 9/11, has been given a life sentence and is now in a maximum security facility in Florence, CO. We will never

hear from him again, nor should we. He went through our regular court system.

Those who want to close off our regular court system to the prosecution of terrorists ignore the obvious: that has been the most successful way to prosecute and to incarcerate and keep those who are accused of terrorism and to keep America safe. Let's not have an automatic, visceral reaction that every time terrorists are somehow arrested, they need to be tried in a military commission. Let's give this administration the option. Let them decide which forum works best to bring justice and to protect America. In some cases, it may be military commissions. We recently had Attorney General Holder testify that he sent five suspected terrorists to be tried through military commissions and five through the courts of our land. Give the Department of Justice and the Department of Defense that latitude to pick the best place to achieve this type of prosecution.

I understand that in this case, the so-called Christmas bomber, there was a fumbling in terms of which direction the case should go. There is no excuse for that. We have to learn from that mistake, and we have to make certain it does not happen again. But to say that automatically every suspected terrorist has to go to a military commission is to send them into a venue, a court venue, with rules that are currently being developed and tested and are likely to be challenged by courts all over the land. To send them into our regular court system is to bring them into a system with an established set of laws, established precedent, where we have successfully prosecuted over 190 alleged terrorists since 9/11, while in military commissions only 3—190 to 3. The score is overwhelming. I think we ought to take some consolation in the fact that our court systems have worked so well.

Let me make one other point. The administration has asked, in my State of Illinois, if our Governor and general assembly will accept the creation of a new Federal prison in Thomson, IL, which will be used for both Bureau of Prisons regular detainees and those who are incarcerated, as well as a section where fewer than 100 of the remaining Guantanamo detainees will be held under military supervision. Our State has considered it. We recently, in December, had a commission decide that this surplus prison, which is 8 years old—a state-of-the-art, modern, super-max prison—will be sold to the Federal Government. We are now negotiating between the State of Illinois and the Federal Government about the price of that facility. I hope that negotiation is resolved soon. I look forward to its completion.

The critics of opening the Thomson Federal prison in Illinois argue that it is unsafe for us to detain any of the Guantanamo prisoners in the continental United States. Those critics overlook the obvious. As I mentioned

earlier, 350 convicted terrorists are being held in Federal prisons across America today, including other prisons in Illinois. Second, this Christmas bomber, who was caught on the Northwest Airlines plane, is being held in Milan, MI, a Federal prison 60 miles west of Detroit, without incident or concern. It is an indication to me that our Federal prison system is fully capable of incarcerating suspected terrorists and those who have been convicted. Those who would spread fear that somehow bringing them to the continental United States is going to compromise our security have yet to point to one single instance where a prisoner detained in a super-max facility has ever escaped.

This Thomson prison, incidentally, is going to build a new perimeter fence which will make it the safest, most secure prison, not only in the United States but perhaps in the world.

The people in this community, with the prospect of 3,000 new jobs in this weak economy, are anxious for this prison to get up and running.

They have come out politically, both political parties, those who have been elected to office at every level, supporting this Thomson prison. I think what has happened to this alleged terrorist from the Northwest Airlines flight in Milan, MI, is proof positive that we can continue to hold these terrorists. We do not have to stand in awe or fear. We should stand without quaking and trembling and understand that we can look these terrorists in the eye and say: We can put you in this prison, and you are going nowhere, buddy. That is what has happened to this person and will happen to those who are detained in Thomson, IL.

I see my colleague from Louisiana is here. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

HAITIAN ADOPTIONS

Ms. LANDRIEU. I thank my colleague from Illinois for his passionate and coherent and convincing arguments about the issue of how to detain terrorists and knowing that we can do that very well in the United States, and also his explanations about the financial situation and some of the things the President is doing to correct that situation.

But I came to the floor this morning in morning business to talk about a different subject, and one that is quite troubling to Americans as we watch the unfolding horror in Haiti. As we stand ready and willing to do everything we can, not only as leaders in the Senate and Congress, our constituents are leaning forward wanting in every corner of this country to do everything they can to help.

It is very frustrating to see, again, some of the similar, almost eerily similar scenes from having lived through Katrina and Rita, Gustav, and Ike along the gulf coast. Whether those

scenes were from New Orleans, as we remember, or Plaquemines Parish or St. Bernard or Galveston or Gulfport or Biloxi, those scenes are still quite fresh in the minds of Americans.

I think people are thinking the same way I am, which is, when will we ever get this right? We know sometimes things happen that are unpredictable, but this is not one of those cases either. Just like some parts of the Katrina disaster were quite known and predictable, this too, and that is a story for another day.

But as we struggle through this situation, I want to thank the administration, not only ours but administrations around the world, for what they are trying to do, and say I know we can do better and everybody watching this knows we can do better and one day we will. We are going to do what we can as quickly as we can. I am going to stay focused, with many of my colleagues here, on one aspect of this response and recovery; that is, the aspect of children and particularly orphan children.

I have been very proud to be the leader of the coalition in this Congress of over 220 Members. We are completely united and completely nonpartisan in our advocacy for orphans in America and around the world. This is a moment where I would like to spend, although my time is short, saying this is a good time for us as a country and as Members of Congress to try to understand the magnitude of the challenge before us.

Let me begin, before I go into the situation, to personally and by name thank the Members of the Senate who have stepped up to date quickly and forcefully to join this effort. Your name, Madam President, is at the top of the list, the junior Senator from New York. We thank you for your extraordinary leadership. I also thank the Senator from Colorado, MARK UDALL; the Senator from Massachusetts, JOHN KERRY; the Senator from Michigan, CARL LEVIN; CHRIS BOND from Missouri; ARLEN SPECTER from Pennsylvania; BOB CASEY from Pennsylvania; HERB KOHL from Wisconsin; MARK WARNER from Virginia; Senator BARRASSO; Senator JOHNSON; Senator BENNETT; Senator STABENOW; Senator BILL NELSON from Florida; Senator LAUTENBERG; Senator THUNE; Senator MCCAIN; Senator MENENDEZ; and Senator HUTCHISON; and my cochair in all of this, obviously, Senator INHOFE.

We are a bipartisan group. Our numbers are growing every day, numbers of Senators who say we want to focus on the welfare of children and particularly orphans and come up with a better plan to respond to this humanitarian disaster as it relates to them. We are committed to the fundamental—almost a concept that I do not know how anyone could argue, but people do, that all of us understand that children actually belong in families. I know this is a difficult concept for some people in our country and the international community to grasp. But children do not do

well alone. Children do not do well in orphanages, no matter how well they are run. Children do not want to grow up in group homes of which we have thousands of children in our own country in group homes.

Actually, children want to grow up in families. This may be a startling concept for some but not for us. That is why we advocate for child welfare policies that at its beginning, middle, and end advocate the basic fundamental truth that children are best raised in a family with one responsible parent if not two. We do not think there should be any argument about that. So we are puzzled as to why we have so many difficulties sometimes explaining that in situations like Haiti or in America or in places in Africa or Central America around the world. There are so many barriers to adoption. It breaks our hearts. It just breaks our heart. One barrier after another.

We think this is quite simple. We think these barriers have to come down, and we are determined to pull this out.

I want to give some numbers to you that will be startling to you because they are to me.

In America we have 320 million people approximately. We have 100,000 orphans. There are a lot of orphans in our own country. They are invisible to people. We try to bring their pictures to the Senate floor sometimes and tell people there are 100,000 magnificent children of all races, shapes, and sizes who are in need of a family right here at home. We do our best to promote domestic adoptions and have been doing a much better job.

Americans adopt about 120,000 children a year, mostly from our foster care system, some infant adoptions in America, and, happily, 20,000 international adoptions. But when you hear this number, you would fall down if you were not sitting down. Haiti has 9 million people. Remember, we have 320 million, they have 9 million. They had 380,000 orphans before the earthquake struck.

I am going to repeat that. They have 9 million people. They had 380,000 orphans before the earthquake struck. We cannot begin to estimate how many orphans there are today, but I promise you that number has at least doubled.

Now, I am not going to be part of a system that says, with those numbers and that truth, our job is to find those children, dust them off, fix their broken limbs, heal them physically, try to help them emotionally, and then stick them in orphanages for the rest of their lives. I am not going to support that. I am hoping the Members on this side will not support that either.

That is what we have had for the last 50 and 100 years in terms of policy all around the world, even in Haiti. We cannot have that anymore. The international treaty that we have all been a part of trying to help says this: It says every child should stay in the family to which they were born with the parents

who brought them into the world. When they are separated from those parents, through death or disease or famine or war, they are then to be placed, as quickly as possible, with a relative who is willing and able to raise them.

If I passed away, the Presiding Officer knows my sisters or one of my brothers would step in. If my husband and I died, my sisters and brothers would step in to raise our children. That is normally what is done all over the world. It is no surprise. But when there is no family member to take in a child, then the treaty says you shall find a home for that child somewhere in their country, in their community, which makes sense. Culturally, that makes sense.

While I am a big believer in cross-cultural adoption and biracial adoption—I am a huge supporter of that—but I understand we want to try to place children as close to their initial beginnings as possible. When that becomes impossible, it is our job to find them a home somewhere else in the human family because, after all, we are one human family. If anybody would like to come to the Senate floor to disagree with me, I look forward to debating that with them. I do not think I will find any arguments here among Senators, from the very conservative to the most liberal. It is just a basic moral tenet that we are one human family. So it makes me so angry when I see governments, sometimes even our own, sometimes even our own bureaucracy, sometimes even our own embassy fighting that concept. They throw up their hands and say: We just cannot. It is overwhelming. We cannot find a way to do it. Every excuse in the world to keep these children from the one thing they need most, which is a parent, someone to love them.

If anyone thinks that just feeding children and clothing children is what God is calling us to do, I would beg to differ. Yes, we have to keep them alive. Yes, we have to give them care. But what most importantly little human beings need are bigger human beings to raise them. If they do not get that, they end up not growing up in a strong way. They end up in our prison systems. They end up in homes. They end up sick. Not that every child that is in a family in America, even with the most loving parents ends up always wonderfully, but they most certainly have a better opportunity.

So I am just putting a line in the sand here and saying to my colleagues that I am proud of the 40 Members of Congress, House and Senate Members, who sent a letter to Secretary of State Hillary Clinton, who all of her life has been a leader on this subject. We are so grateful she is there as Secretary of State. We sent this letter to Secretary Napolitano. I am going to put this letter in the RECORD.

I am pleased the letter we just sent 3 days ago has already been responded to. The Departments have issued hu-

manitarian parole for the orphans who were in the process of being adopted, and there were a couple hundred. Parents here have been desperate. They have already been matched with their children. They have pictures of their children. They were in the process of adopting those children. You can imagine how desperate they are. That process is underway.

We are going to continue to press to make sure that not just the green light was held up, but that our government at every level, from Defense to Homeland Security to Transportation, is doing everything they can to execute the swift and safe removal of these children in Haiti to American families who will nurture them and support them.

Then the next step—I see my colleague from Utah here—I am going to end in just a moment. The next step will be to work with a broad coalition of faith-based communities in our country and around the world, with private sector corporations, large and small, with individual Americans who want to contribute and be a part of this effort.

I intend to lead and set up a framework so that thousands and thousands, hundreds of thousands of orphans in Haiti can find the family to which they were born. We are going to try very hard. If not, a relative in Haiti, if not someplace in Haiti for them to live in the joy and comfort of a supporting and loving family, and then if not here, then somewhere in the world where these hundreds of thousands of orphans—and I hope not to say this, but potentially 1 million; but let's hope that number does not ever reach this—find families.

This is not going to happen in the next 24 hours or 48 hours. But with our concerted help and vision and leadership, it can happen not just in Haiti but around the world, including right here in the United States of America.

So I want to thank my colleague, JIM INHOFE, who is the cochair of the Adoption Caucus. I want to thank the Members of the Senate and the House, particularly JIM COOPER, MICHELE BACHMANN, and others who have stepped up so quickly.

We will be speaking on this floor quite a few times in the future as we get updates about this issue. I thank Americans for the outpouring of support for children in Haiti, for all people of Haiti, but particularly the children and particularly the orphans who need our help.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

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

INCREASING THE STATUTORY LIMIT ON THE PUBLIC DEBT

The ACTING PRESIDENT pro tempore. Under the previous order, the

Senate will resume consideration of H.J. Res. 45, which the clerk will report.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 45) increasing the statutory limit on the public debt.

Pending:

Baucus (for Reid) amendment No. 3299, in the nature of a substitute.

Baucus amendment No. 3300 (to amendment No. 3299), to protect Social Security.

Thune amendment No. 3301 (to amendment No. 3299), to terminate authority under the Troubled Asset Relief Program.

The PRESIDING OFFICER (Ms. LANDRIEU.) The Senator from Montana is recognized.

Mr. BAUCUS. We are now on the debt limit legislation. In a second I will cease speaking so the Senator from Utah can address the Senate.

I think we are making progress. Three amendments are now pending. The first is the substitute amendment raising the debt limit amount; second, an amendment by the Senator from South Dakota on TARP; and third, an amendment by this Senator to protect Social Security. We anticipate the Senators from North Dakota and New Hampshire will be offering their amendment to create a budget commission sometime midday today. I am hopeful the Senate can schedule votes on my Social Security amendment, the Conrad-Gregg commission amendment, and, perhaps, the pending Thune amendment as well early this afternoon. We are hopeful we can continue to process amendments, with the goal of wrapping up this legislation early next week.

Before I take a few moments to describe the amendment I offered yesterday to protect Social Security, I yield the floor so the Senator from Utah may address the Senate.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

AMENDMENT NO. 3301

Mr. BENNETT. Madam President, I thank the chairman of the Finance Committee for his courtesy. He has always been most accommodating, even to those of us who disagree with him. That contributes to a sense of comity in the Senate. I am grateful to him.

I am in favor of the Thune amendment, which will be voted on sometime this afternoon. I do not come to this brand new. This is an amendment I co-sponsored with Senator THUNE back in October 2009. It has to do with the question of the survival or continuation of TARP. My constituents are often confused as to what TARP is. There is an attempt many times to wrap the whole question of bailout together in any vote that has to do with the expenditure of Federal funds, in the face of the financial crisis we faced last year, as being called a bailout. So I explain to my constituents that there is a significant difference between TARP and stimulus funds or bailout funds that were spent outside TARP and take them back to the definition of what TARP stands for. We use so many acro-

nyms around here that we sometimes confuse voters. Since I was part of the negotiations that produced the bill known as TARP, I wish to lay that predicate for a moment. TARP stands for Troubled Asset Relief Program. We were focusing, at the time that bill was passed, on the impact of troubled assets on the financial system.

Those who were present when Chairman Bernanke and Treasury Secretary Paulson spoke to us will remember that they came to the Congress and said: We are facing a crisis, and we have 4 days before there is an entire meltdown worldwide. One of my colleagues made the comment: I feel as though I am in a "James Bond" movie with this kind of threat hanging over us.

So a group of us who were members of the Banking Committee met under the leadership of Chairman DODD and began the discussion. I will make it clear, the discussion was completely bipartisan. There was no attempt on the part of anybody, with maybe one or two exceptions, to do any kind of partisan gamesmanship. It was, we are focusing on the problem and what we have to do to deal with it. The proposal was made by the Secretary of the Treasury that he had to be equipped with the authority to stand before the entire world and say: I have authority from the Treasury to spend \$700 billion to deal with this problem of troubled assets.

I called an economist whose judgment I trust before I entered into those activities and said: Tell me if this is going to work.

His first comment was: I am afraid \$700 billion may not be enough. Because the crisis is so serious and the challenge to the confidence of the banking system so deep, we do need something very dramatic, and \$700 billion might not be dramatic enough.

But then he made a comment which I found very useful: But, in fact, Senator, the Treasury Department cannot shovel \$700 billion out the door in any kind of rapid pattern. So this is more of a public relations kind of statement than it is a practical matter.

I said: OK, how fast could the Treasury spend the money in an effort to start acquiring these troubled assets and deal with this problem?

He said: \$50 billion a month is probably the fastest people could spend the money, actually disburse the money.

So when we got into the meeting and started discussing what became TARP, I made the proposal, instead of giving them \$700 billion, since they can only disburse \$50 billion a month, why don't we give them \$250 billion, which is 5 months' worth, and see if it works. The response that came back from Secretary Paulson's office was: \$250 billion will not satisfy the marketplace as a whole that we are serious.

I went back to the comment, again, of my economist friend who said even \$700 billion might not be enough.

Without going into any further details, we went through the situation

and came up with a solution that was accepted in a bipartisan fashion. I said: All right. We will give Secretary Paulson his \$700 billion headline. We will allow him to say the Congress has authorized the Treasury Department to spend \$700 billion dealing with this problem of troubled assets. However, the fine print makes it clear, they are only going to have authority for \$350 billion without coming back to Congress to get approval for the second \$350 billion. So the headline was there. Secretary Paulson was able to get on the telephone and call all the central bankers all over the world and say: The Congress is going to approve \$700 billion of authority. But the fine print said: You are going to break it up into two tranches, the first 350 for immediate disbursement—and, again, that will take months to do—and then come back for the second 350 after you see how it works.

In the Senate, we approved that by a large margin and it went forward. I voted for that first tranche of 350 because I was convinced the challenge was there and the crisis was real.

Looking back on it and having testimony from a wide range of economists and observers before the Banking Committee, I am convinced that first vote was the right vote. The crisis was there, and the \$700 billion headline did indeed avert the crisis.

Then, the administration came back and said: We need the authority for the second \$350 billion. At that point, I felt the crisis had passed, and I looked at the way the administration had handled the first 350, which was different than what we were told, and I said: I am not going to vote to approve the second 350. I don't think you can make a case for the second 350, in the face of the facts we have before us, that is, in any way, as compelling as the case for the first 350. So I voted against the second 350.

Then, we saw this start to be used in ways that were never, ever discussed when we adopted that first tranche of 350. We saw it used for the auto bailout after the Congress refused to appropriate money for the auto bailout. We said: OK. These are not necessarily troubled assets of the kind that TARP was supposed to address, but it is something we are going to do. As a result of that, the auto companies got \$25 billion and the U.S. Treasury got stock in two bankrupt companies—not my idea of a good deal for the taxpayers. Then we have seen stimulus packages and other bailout packages and other activities and the TARP money being used in a variety of different ways contrary to what we were told at the time we made the first decision.

One of the issues that was important to understand about that first decision was, we were going to acquire assets and that when the crisis passed, those assets could be liquidated and money would come back into the Treasury. Yes, money would go out to the tune of \$350 billion, but as the crisis passed,

money would come back, we hoped, to the tune of \$350 billion and maybe even more because there was interest to be paid on those areas where there were loans. There were warrants that were established on those areas where there were investments. The assets themselves were assumed to have more value than they might have when we acquired them. There were economic studies at the time that said the taxpayers will make money off TARP. We will get the money back with interest, with additional revenue.

That has started to come to pass. At least of that first tranche of TARP, the money has started to come back. Over \$100 billion has come back for a variety of reasons. In some cases, because the firms are capable now of paying it back; in some cases, because the firms want to get out from under the control of the Treasury, the control that goes with having a Treasury investment, the money is coming back in.

In that meeting where we decided we would do the 350 rather than the full 700, we made another decision. It was very clear to all Senators in that meeting and who drafted that bill—and I was not one of the ones who drafted it; I am not a lawyer; that was handed over to others—when the money comes back, it can be used for only one purpose. That purpose is to pay down the national debt. If we are going to raise the national debt by \$350 billion, when we get the \$350 billion back, it should go solely to retire the debt that was created when the money went out. Everyone agreed to that. I believed that was written into the bill. So it came as a great surprise to me, as the money started to come back, that Secretary Geithner said: We are going to recycle it. We are going to use it for other kinds of rescues, other kinds of financial circumstances.

Along with many of my colleagues who were privy to the original discussion, I said: Wait a minute. That is not what the law says. The law says, as it comes back, it has to go to pay down the national debt.

No, said Secretary Geithner in the hearing, that is not the way our lawyers interpret it. Our lawyers look at this and say: You in the Congress gave us the authority to recycle this and spend it on other things, in addition to the original crisis.

It is for that reason, among others, that I joined with Senator THUNE in offering an amendment earlier last year, earlier in this Congress, saying, no, we are going to end TARP on December 31, which was the original date we set for this. We were unsuccessful in that amendment. Now we are going to try again. We are going to offer the amendment that says: All right. We feel there has been a bait and switch. We feel this administration has changed the rules from the way we thought we wrote them. There may even, indeed, be a lawsuit here, because if the law says what we believe it said, the administration is breaking the law. But let's deal

with this in a congressional way. Let's simply end TARP right now, making it clear that the money, as it comes back, cannot be used for any other purpose.

The underlying resolution to which this amendment is being offered is one to raise the national debt. This amendment is one that will take steps to lower the national debt. I think it is consistent with the history. It is certainly consistent with the history I have had on this issue trying to deal with the TARP problem right from the very beginning. I think it is the right thing to do.

I am grateful to Senator THUNE for offering this amendment. I am happy to be one of the lead cosponsors, as I was previously when we tried to sunset TARP on December 31. I will do everything I can to try to convince my colleagues that while the recession clearly continues, the crisis that spawned TARP is over. There is no international financial crisis of confidence in the banking system anymore. The crisis of the toxic assets that had us worried about having only 4 days to act has passed. Yet the instrument that was created to deal with that crisis lives on under a new heading being used for new purposes. It is, indeed, an example of bait and switch.

For that reason, I urge my colleagues to get behind the Thune amendment, which we will vote on later today, recognize that a promise made to the taxpayers a little more than a year ago is a promise we need to keep. Responsible government says, when we are debating increasing the debt limit, a step that will reduce the national debt is clearly one we ought to take.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Madam President, I thank my colleague, Senator BENNETT from Utah, for his statement. He makes some very good points. Although I will not be able to support the amendment, I wish to say his presentation and the points he is making are quite good.

AMENDMENT NO. 3300

Madam President, I have an amendment which I would like to explain. It is very simple. It will protect Social Security from cuts in the fast-track process proposed to be created in the Conrad-Gregg amendment.

It is clear from the public statements of Senators CONRAD and GREGG, they have painted a big red target on Social Security and Medicare. That is what this commission is all about. It is a big roll of the dice for Social Security and Medicare.

Millions of American seniors rely on Social Security. Social Security is a commitment to America's seniors. I might say, if we did not have Social Security, as to estimates I have seen, about half of American seniors today would be living in poverty. Social Security basically has kept a lot of senior Americans from living in poverty. We should, therefore, prevent a fast-track

process from reneging on Social Security's commitment to those people and putting a lot of people back in poor economic straits.

Numerous groups representing seniors have called for excluding Social Security from this fast-track process.

AARP, for one, recommends that Social Security be excluded from the commission's deliberations. This is what AARP says:

[W]e urge that Social Security not be considered in the context of debt reduction; this program does not contribute to the annual deficit, and its long-term solvency can be resolved by relatively modest adjustments if they are made sooner rather than later.

The National Committee to Protect Social Security and Medicare also focused on Social Security, arguing that it is inappropriate for such a commission. Here is what they wrote:

Incorporating Social Security into such a commission would signal to America's seniors that the President is willing, and even eager, to cut Social Security benefits. Ultimately, older Americans will accept changes in Social Security only if they have a voice in the decision and feel confident that changes are solely for the purpose of improving and strengthening the program. For this reason, Social Security solvency should not be taken up in the context of a fiscal commission.

A consortium of groups from the AFL-CIO to Common Cause, to NOW, once again, focused on the problems with allowing the budget commission to change Social Security. Here is what they wrote:

[A]n American public that only recently rejected privatization of Social Security will undoubtedly be suspicious of a process that shuts them out of all decisions regarding the future of a retirement system that's served them well in the current financial crisis.

The idea of excluding Social Security from fast-track processes is not new. Congress already excludes Social Security from the fast-track reconciliation process.

The text of my amendment is very similar to a provision that appears right now in section 310(g) of the Congressional Budget Act. That Budget Act section prohibits using reconciliation to make cuts to Social Security. That is in the law today. My amendment would do the same for the fast-track procedures in the Conrad-Gregg amendment.

The Senate added the Budget Act section on which my amendment is patterned to the law in 1985. Senator Hawkins of Florida offered the amendment, and the Senate adopted it by voice vote on October 8, 1985. It has been the law for nearly 25 years.

Let me read from some of the debate that occurred that day in 1985. Much of that debate is directly relevant to the amendment I propose today.

Senator Hawkins explained the purpose of her amendment. She said:

This amendment states that changes in Social Security cannot be made in reconciliation.

Senator Hawkins continued:

The whole idea behind removing Social Security from the unified budget is to make

changes in the program based on the needs and constraints of the program itself and not for short-term budgetary reasons. Social Security is self-financed and has long-term goals. It should not be subject to the same constraints of programs competing for scarce general revenue funds. If my amendment is . . . adopted, it does not mean that changes in Social Security could never be made. It merely means that if and when changes are made to Social Security, it would not be in the context of the budget.

Senator Heinz of Pennsylvania supported the Hawkins amendment. Here is what Senator Heinz said. This is 1985:

I think we first do agree that the legislation needs language that does what the Senator from Florida suggests this does; namely, to put an extra lock on the door so no one can say that Social Security is going to end up in reconciliation. That is the intent.

Senator Heinz continued:

This language . . . does a very important job by making a point of order in order against any reconciliation bill that comes to the floor with Social Security cuts in it.

Senator Heinz made clear that under the provision the Senate was adding to the Budget Act, Congress could still make changes to Social Security, just not in a fast-track vehicle. Senator Heinz went on to say:

[T]he Finance Committee retains jurisdiction over the programs involving the Social Security Act. And were it required, for reasons having to do with solvency of Social Security, reasons of equity, having to do with either the taxes or the benefits involving Social Security, or any other reason having to do with it that we might see fit, but not having to do with reconciliation and the budget process, we could work our will, as we have in the past, on the Social Security Program. But not as part of the reconciliation.

Senator Rudman of New Hampshire, a cosponsor of the Gramm-Rudman-Hollings budget process, spoke in favor of the amendment. Here is what he said:

[T]he language offered by the Senator from Florida has one single effect. That effect is that any reconciliation taken by the Senate Finance Committee would have to survive a point of order if it dealt with anything that had to do with old age assistance.

Senator Domenici of New Mexico, then the chairman of the Budget Committee, also explained the Hawkins amendment in the same way. This is what Senator Domenici said:

This amendment would with specificity say that any reconciliation bill containing provisions with respect to Social Security would be subject to a point of order. That is what this amendment does.

That is what Senators said when they adopted a prohibition on using the fast-track reconciliation process to make changes in Social Security. That is why all those Senators supported excluding Social Security from the fast-track reconciliation process, and I argue that all the same arguments apply today as well.

Let us prevent Social Security from being cut in a fast-track commission process. Let us keep America's commitment to our seniors. I urge my colleagues to adopt my amendment to protect Social Security.

I might also say, Social Security is not the cause of our deficit problem.

Social Security is running surpluses. For years into the future, Social Security is going to run surpluses. Social Security, thus, reduces the current unified budget deficit. Social Security is not the reason for our fiscal problem.

Furthermore, over the longer term, Social Security is growing with the rate of growth in the economy. Social Security is growing more slowly than health care expenditures. Social Security is not the primary source of long-term fiscal imbalance—all the more reason, I submit, why my amendment should be adopted.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

AMENDMENT NO. 3301

Mr. VITTER. Madam President, I rise to strongly support an amendment on the floor that I have coauthored. I have joined Senator THUNE, Senator BENNETT, and many others on this amendment to immediately end TARP, the so-called Troubled Asset Relief Program—to end that, to wind it down immediately, once and for all.

Again, the amendment is very simple and straightforward. It terminates TARP immediately when this provision is signed into law. Just as importantly, the amendment ensures that all TARP money that is repaid to the Federal Government goes to debt reduction, as clearly intended under the law, under the original language for TARP.

I have long fought for this termination. First of all, I had grave reservations about TARP from the beginning, and I voted against that proposal. Looking back, I do not think it is at all clear that was necessary to avert some impending disaster. Looking at the last year, I think it is perfectly clear TARP has become a slush fund and has led to all sorts of continuing spending abuses.

Because of those concerns from the very beginning, I have been working to end TARP. On January 5 of last year, I offered the resolution of disapproval to try to block the release of the second half of TARP funds, the second \$350 billion.

On April 2, 2009, I offered an amendment to the budget to rescind unspent TARP funds and to end it then.

On April 30 of last year, I offered an amendment to S. 896 to remove any obstacles to the repayment of TARP funds because, at that time, the bank regulators and the Department of Treasury were forcing, in some cases, financial institutions to actually keep their TARP money and not repay it back to the taxpayer sooner rather than later.

On August 6 of last year, I offered an amendment to H.R. 3435, a bill which provided extra money for the Cash for Clunkers Program, to end TARP on a date certain; namely, the end of last year.

Unfortunately, those efforts failed. But those efforts picked up steam and support every step of the way and certainly they helped illustrate—and recent discussion and debate and elections, I think, helped illustrate—the

American people want to end TARP, want to end too big to fail, and get back to our normal economic rules grounded in the free market.

Why should we end TARP? First of all, in the original bill, the end date to TARP was supposed to be December 31 of last year. That was the normal end date. Last December, the Secretary of the Treasury, under authority he had, on his own, under the language of the bill, extended TARP for almost another year. I believe that was the wrong decision, unjustified, and I believe we should act to stick by the original end date and end TARP immediately.

I do not think there is anyone on this floor or around the country who can argue we need a continuation of TARP because our financial system is in some imminent danger. There is no imminent danger out there. Hopefully, that will not develop. But, clearly, it does not exist now.

Secondly, the right response to future failures is not to pump taxpayer money without limit to individual institutions. The right response is to end too big to fail and to have an orderly resolution regime. That is exactly what I am working on with Democrats, with other Republicans on the Banking Committee, to pass regulatory reform, including an orderly resolution regime to end too big to fail.

Then, the third reason we need to end TARP is it has become, in the last year, a purely political slush fund to spend on whatever the political whim of the moment is. It was never executed to achieve its original purpose. TARP stands for Troubled Asset Relief Program. Yet, ironically, that is about the only thing TARP funds have never been used for, the actual purchase of troubled assets.

From the very beginning, just after it was named the Troubled Asset Relief Program, it has been used for everything else under the Sun—first, pumping money directly into specific mega financial institutions, then pumping money directly into the auto companies. Clearly, the car companies are not banks, are not financial organizations. They were never intended to be included under TARP.

Since then, during 2009, the proposals to use TARP as just a pot of money to spend at everyone's political whim have gone on and on. There have been proposals to use TARP money to fund highway projects. There are proposals right now to use TARP money for a new jobs program. There are proposals, at least on the House side, to start a brand new housing program funded by the TARP assets.

Perhaps we should do new activity regarding highway construction, job creation, housing, but we should not use TARP as a political grab bag, a slush fund, to pay for that and whatever else is the whim of the majority in Congress. That is a clear abuse of the program, and it is a clear ongoing threat if TARP is allowed to exist.

If we go back to the origination of TARP and discussions and talks made

at the time, it is clear that then-Senator Obama, then-Presidential candidate Obama pledged to the American people that TARP would only be used for certain purposes, and every penny would be repaid to the taxpayer. On October 1, 2008, then-Senator Obama, then-Presidential candidate Obama, clearly spelled out his conditions that he required to support TARP. He said:

If the American taxpayers are financing this solution, then they have to be treated like investors. They should get every penny of their tax dollars back once the economy recovers.

I don't think there is any mistake in the law or the President's comments, but because he didn't want to be misunderstood, he didn't want to communicate in any sort of vague way, he reiterated that, and he said in addition, "every penny of which will go directly back to the American people."

The problem is, that is not what is happening. Every month, every week, every day that TARP continues to exist, raids on the slush fund, raids on TARP, bright new ideas to spend the money so that it will never be returned to the taxpayer abound.

Unfortunately, since he explained his initial conditions for supporting TARP, the President has acted in a wholesale different way. He supported TARP money going to the car companies which was never intended under the original bill. He supported these new ideas coming from liberals in the House and Senate to use TARP money for highway construction or a new jobs program or a new housing program, which was never intended under the original bill.

We need to get back to the President's original promise: to treat the American taxpayers like the investors they are, to honor their wishes, to protect their funds, and to get all of that money returned to the American taxpayer.

I find it pretty ironic that during the last few weeks the President has bashed big banks and proposed a big new tax against big financial institutions. Yet, at the same time, he wants to continue TARP, and he wants to continue the ability to give those same big financial institutions taxpayer dollars virtually without limit. Why don't we start on the path to fiscal responsibility by at least not showering those big financial institutions with more taxpayer dollars? We are out of the crisis. We don't need TARP. Let's end it, end it immediately, wind it down.

So, again, I urge all of my colleagues—Democrats, Republicans—to honor the President's initial words back in the fall of 2008 about what TARP was supposed to be about and how all of the money should be repaid to the taxpayers. Let's honor those words. Let's honor the initial promises about TARP, and let's end it immediately since the crisis has passed and ensure that all of the money, as it is repaid over time, goes back to the American taxpayer by reducing debt.

Let's stop this continuing threat that TARP is just used as a political slush fund to fund spending, programs, and ideas at the whim of the majority of Congress as it develops week to week. Let's return that money to the American taxpayer. Let's reduce the debt. Let's reduce the deficit.

Thank you, Madam President. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Madam President, I have further correspondence which I wish to read into the RECORD with respect to my amendment which is pending, as well as with respect to statements by organizations that essentially oppose the Conrad-Gregg amendment. The first is from the Leadership Council of Aging Organizations. It is entitled, "Proposed Bipartisan Task Force for Responsible Fiscal Action."

It says:

Dear Representative: The Leadership Council of Aging Organizations (LCAO) is a coalition of national not-for-profit organizations focused on the well-being of America's 87 million older adults. Today, we write to you and your colleagues regarding recent efforts to create a commission that would force changes to entitlement programs, among other things, through the use of a Congressional fast-track procedure. We firmly believe that Congress, through its regular legislative process, is best suited to consider and address any changes to these programs. While we have additional concerns regarding the use of such a commission on Medicare, Medicaid, Supplemental Security income, community service and Federal civilian military retirement programs, this letter is directly focused on Social Security. The LCAO will be sending, under separate cover, a letter devoted to expressing its concerns with the impact a fast-tracked commission would have on Medicare and Medicaid.

Last month's Budget Committee hearing on Bipartisan Process Proposals for Long-Term Fiscal Stability considered the creation of a commission that would be tasked with addressing rising Federal debt by "closing the gap between tax revenue coming in and the larger cost of paying for Social Security, Medicare and Medicaid benefits." This is a weighty responsibility, requiring careful review of these critical social programs on which so many depend. But there is no guarantee that the members of this commission would have the necessary expertise to conduct such an intensive review.

That is very valid. How would this commission know how to make those cuts? They don't have expertise on the programs. This would be an outfit that just cuts without having any sense as to how these programs operate and what changes might be made.

Continuing to quote from the letter:

Our concern is that their recommendations, nevertheless, would be forced through Congress, without amendment(s), under extremely short timelines and with no opportunity to debate individual issues or consult with constituents.

In addition to our objections about the proposed commission process, we are concerned that its mission would imply that Social Security has somehow contributed to the Nation's economic woes. Social Security is not a part of the deficit problem nor is it part of an "entitlement crisis." Its cost is projected to consume only 6.2% of GDP by

2030 and to remain slightly below that level for 50 more years. In fact, the 2009 Annual Report of the Board of Trustees pointed out that Social Security ran a surplus of \$180 billion last year and had accumulated a reserve of \$2.4 trillion.

That is a reserve, a surplus, of \$2.4 trillion.

The most recent projections of the Congressional Budget Office forecast that Social Security will continue to pay full benefits until 2043.

That is a surplus at least until the year 2043.

Moreover, Social Security, with its dependable, guaranteed benefits, is the very program that helped us most recently avoid a 1930s-style depression.

Again, I am reading from the letter from the Leadership Council of Aging Organizations. Continuing:

Even as the banking and financial systems threatened to collapse, Social Security continued to provide a reliable economic lifeline to millions of children, disabled workers, retired workers, and spouses (including widowed and divorced spouses) dependent on those benefits. These benefits helped to offset lost earnings and stimulated the economy by maintaining purchasing power. According to a recent study by the National Academy of Social Insurance and Benenson Strategy Group, nearly nine in ten (88%) Americans say that Social Security is more important than ever as a result of today's economic crisis.

Social Security remains the bedrock of retirement security for over 33 million older Americans: On average, households with Social Security beneficiaries aged 65 and older received about 64 percent of their income from the program in 2006.

It then gives a reference in parenthesis. The reference is in the letter.

Additionally, Social Security provides a lifeline to 4.1 million children, 7.7 million disabled workers, 2.4 million spouses or divorced spouses of retired workers and 4.4 million surviving spouses.

The importance and value of Social Security to so many Americans demands that proposals to change the program be given the due weight, consideration and debate in Congress that they deserve. With this in mind, the undersigned members of the LCAO oppose the creation of a fast-track entitlements commission.

I am going to read some of the signatories to this letter:

AFL-CIO, AFSCME Retirees, Alliance for Retired Americans, the American Association of Homes and Services for the Aging, American Society on Aging, Association of Jewish Aging Services of North America, B'Nai B'Rith International, Center for Medicare Advocacy, Inc., Gray Panthers, International Union, United Automobile, Aerospace & Agricultural Implement Workers of America, UAW; Military Officers Association of America, National Academy of Elder Law Attorneys, National Active and Retired Federal Employees Association, National Alliance for Caregiving, National Asian Pacific Center on Aging, National Association of Area Agencies on Aging, National Association of Professional Geriatric Care Managers, National Caucus and Center on Black Aged, Inc., National Committee to Preserve Social Security and Medicare, National Council on Aging, National Senior Citizens Law Center, National Consumer Voice for Quality Long-Term Care, OWL,

The Voice of Midlife and Older Women, Service Employees International Union, the Jewish Federations of North America, Volunteers of America, Wider Opportunities For Women.

I think that letter speaks for itself, but I ask unanimous consent that it be printed in the RECORD.

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

LEADERSHIP COUNCIL OF AGING
ORGANIZATIONS,
December 8, 2009.

Re: Proposed Bipartisan Task Force for Responsible Fiscal Action

DEAR REPRESENTATIVE: The Leadership Council of Aging Organizations (LCAO) is a coalition of national not-for-profit organizations focused on the well-being of America's 87 million older adults. Today, we write to you and your colleagues regarding recent efforts to create a commission that would force changes to entitlement programs, among other things, through the use of a Congressional fast-track procedure. We firmly believe that Congress, through its regular legislative process, is best suited to consider and address any changes to these programs. While we have additional concerns regarding the use of such a commission on Medicare, Medicaid, Supplemental Security Income, community service and federal civilian and military retirement programs, this letter is directly focused on Social Security. The LCAO will be sending, under separate cover, a letter devoted to expressing its concerns with the impact a fast-tracked commission would have on Medicare and Medicaid.

Last month's Budget Committee hearing on Bipartisan Process Proposals for Long-Term Fiscal Stability considered the creation of a commission that would be tasked with addressing rising federal debt by "closing the gap between tax revenue coming in and the larger cost of paying for Social Security, Medicare and Medicaid benefits." This is a weighty responsibility, requiring careful review of these critical social programs on which so many depend. But there is no guarantee that the members of this commission would have the necessary expertise to conduct such an intensive review. Our concern is that their recommendations, nonetheless, would be forced through Congress, without amendment(s), under extremely short timelines and with no opportunity to debate individual issues or consult with constituents.

In addition to our objections about the proposed commission process, we are concerned that its mission would imply that Social Security has somehow contributed to the nation's economic woes. Social Security is not a part of the deficit problem nor is it part of an "entitlement crisis." Its cost is projected to consume only 6.2% of GDP by 2030 and to remain slightly below that level for 50 more years. In fact, the 2009 Annual Report of the Board of Trustees pointed out that Social Security ran a surplus of \$180 billion last year and had accumulated a reserve of \$2.4 trillion. The most recent projections of the Congressional Budget Office forecast that Social Security will continue to pay full benefits until 2043.

Moreover, Social Security, with its dependable, guaranteed benefits, is the very program that helped us most recently avoid a 1930s-style depression. Even as the banking and financial systems threatened to collapse, Social Security continued to provide a reliable economic lifeline to millions of children, disabled workers, retired workers, and spouses (including widowed and divorced spouses) dependent on those benefits. These

benefits helped to offset lost earnings and stimulated the economy by maintaining purchasing power. According to a recent study by the National Academy of Social Insurance and the Benenson Strategy Group, nearly nine in ten (88%) Americans say Social Security is more important than ever as a result of today's economic crisis.

Social Security remains the bedrock of retirement security for over 33 million older Americans: On average, households with Social Security beneficiaries age 65 and older received about 64 percent of their income from the program in 2006 (Social Security Administration 2009b: Table 9.A1). Additionally, Social Security provides a lifeline to 4.1 million children, 7.7 million disabled workers, 2.4 million spouses or divorced spouses of retired workers and 4.4 million surviving spouses.

The importance and value of Social Security to so many Americans demands that proposals to change the program be given the due weight, consideration and debate from Congress that they deserve. With this in mind, the undersigned members of the LCAO oppose the creation of a fast-track entitlements commission.

Sincerely,

AFL-CIO; AFSCME Retirees; Alliance for Retired Americans; American Association of Homes and Services for the Aging; American Society on Aging; Association of Jewish Aging Services of North America; B'Nai B'Rith International; Center for Medicare Advocacy, Inc.; Gray Panthers; International Union, United Automobile, Aerospace & Agricultural Implement Workers of America, UAW; Military Officers Association of America; National Academy of Elder Law Attorneys; National Active and Retired Federal Employees Association; National Alliance for Caregiving; National Asian Pacific Center on Aging; National Association of Area Agencies on Aging; National Association of Professional Geriatric Care Managers; National Caucus and Center on Black Aged, Inc.; National Committee to Preserve Social Security and Medicare; National Council on Aging; National Senior Citizens Law Center; NCCNHR: The National Consumer Voice for Quality Long-Term Care; OWL, The Voice of Midlife and Older Women; Service Employees International Union; The Jewish Federations of North America; Volunteers of America; Wider Opportunities for Women.

Mr. BAUCUS. Madam President, I might also add that there is another letter I have. I have referred to this organization already, but I will read their letter. This is from OWL, the Voice of Midlife and Older Women:

Dear President Obama, Speaker Pelosi, and Senate Majority Leader Reid:

We, the undersigned, urge you to preserve and protect two of the most important and successful government programs in the history of the United States—Social Security and Medicare. We ask that you resist the pressure by Wall Street and conservative members of Congress to form an undemocratic and unaccountable fast-track "deficit commission" that would cut these programs that are so crucial to the well-being of the people of our country.

Social Security is not responsible for any part of the deficit. The 2009 Annual Report from the Board of Trustees stated that Social Security ran a surplus of \$180 billion last year with a reserve of \$2.4 trillion.

That is a reserve of \$2.4 trillion.

The Congressional Budget Office, in its August 2009 forecast, said that full benefits can continue to be paid until 2043. There is ample time to make the necessary adjustments through the usual legislative process.

The best way to get the cost of Medicare under control is by reforming the health care system as you are currently trying to do, not by cutting benefits to the millions of people whose health is at stake.

That is a very important point. Let me just read it again because it is so true:

The best way to get the cost of Medicare under control is by reforming the health care system . . . rather than by cutting benefits to millions of people whose health is at stake.

Continuing in the letter:

There are many ways to cut the deficit—once our economy has recovered. In the meantime, Social Security and Medicare provide a measure of economic stability during a time of financial crisis in our communities. As Frances Perkins said on the 25th anniversary of Social Security, "We will go forward into the future, a stronger nation because of the fact that we have this basic rock of security under all our people."

In 2010, we'll celebrate the 75th anniversary of Social Security.

We urge you to stand firm against the proposal for a fast-track commission that would diminish these programs that speak so deeply of America's values.

Respectfully yours.

Madam President, I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. HUTCHISON. Madam President, I ask unanimous consent to speak for up to 15 minutes.

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

AMENDMENT NO. 3301

Mrs. HUTCHISON. Madam President, I rise today to speak in support of the Thune amendment, which I cosponsored. It would put the brakes on the TARP train wreck.

TARP was originally conceived to purchase toxic assets from banks in order to clean up their balance sheets and provide them the capability and liquidity to begin lending again. At the time, Federal Reserve Chairman Ben Bernanke said that we were facing the most severe financial crisis in the post-World War II era. President Bush stated that the unprecedented challenges of such a financial crisis required unprecedented response and, without action, the American people would face massive job losses, significant erosion in the value of retirement accounts and home values, and a lack of credit availability. Treasury Secretary Hank Paulson said that unless Congress took action, the financial system of our Nation and the world would collapse in short order.

My constituents said at the time that they could not get loans to keep their businesses up and running. Something needed to be done. Secretary Paulson proposed an emergency plan to authorize as much as \$700 billion to purchase toxic assets, such as devalued mortgage securities, from the financial institutions holding them. It was stated that the plan would restore consumer confidence in the economy as the Treasury would show faith in our financial system by purchasing these assets and managing them while the market stabilized, and selling them later. The proceeds from the sale of these assets would then go to pay down our national debt.

In response, Congress proposed the Emergency Economic Stabilization Act, which created the Troubled Asset Relief Program, called TARP, and authorized \$350 billion not \$700 billion in Federal assistance.

The Republican and Democratic Governors Associations wrote jointly to ask Congress to act immediately on the legislation to provide economic security to the financial system and stabilize the crisis. Congress did act in overwhelming majorities.

Almost immediately, however, the Treasury Department deviated from the intent of the program and design they told Congress they would pursue. It did not purchase toxic assets as planned. Instead, the Treasury used TARP funds to take equity stakes in over 300 of our Nation's financial institutions. The program was further expanded to nonfinancial companies, pouring billions of dollars into AIG, GM, and Chrysler. When the administration asked for the second tranche of \$350 billion, I said no, and so did many of my colleagues.

We have especially seen the misuse of TARP in capital repayments to the Treasury. Since the program began, the Treasury has received over \$165 billion in paybacks, with interest. Under the Stabilization Act, proceeds from these paybacks were meant to be used to pay down our national debt. That was a key condition to its approval.

In a hearing last November, before the Banking Committee, of which I am a member, I spoke with the Assistant Secretary of the Treasury, Herb Allison, regarding the State of the TARP program 1 year later. Secretary Allison told us that these repaid funds "go directly into the general account of the U.S. Treasury to reduce the Treasury's funding need"—to reduce our debt. Yet, when I asked him to confirm that the money repaid was no longer part of the total authorization of \$700 billion, Secretary Allison said that when TARP funds are repaid, headroom is created within the program to provide additional commitments to maintain the \$700 billion funding level. Thus, as the Treasury puts repaid funds back into one pot, it reaches into another for more—basically recycling the \$700 billion. This is not what was promised. It is not what was passed. It is not what

was envisioned. I most certainly never voted to authorize a revolving fund to remain in our economy indefinitely. I didn't even vote for \$350 billion of this \$700 billion that is now becoming a revolving fund.

According to the most recent TARP report from the Office of Financial Stability, approximately \$545 billion in TARP funds has been committed. Repayments through TARP were over \$165 billion. This leaves roughly, with the amount of the \$545 billion which has been committed, about \$374 billion being paid out with roughly \$319 billion of unobligated TARP funds, or TARP authority.

The recent report issued by the Congressional Oversight Panel for TARP stated that although TARP authority ends October 3, 2010, any funds committed by that date but not yet spent can still be spent under TARP past this deadline. This could create an indefinite time period for expenditures through TARP.

The amendment offered by Senator THUNE, me, and many others would allow us to truly put an end to TARP expansions, and it would put an end to it immediately. It would show taxpayers that Congress finally gets it, and that we are serious about reducing our Nation's skyrocketing debt. This would indeed be the first step in putting our financial house in order.

Today, we can begin the process of lowering this huge debt that our country, which just in the last year, has increased exponentially. We are looking at a bill that would increase our debt to \$14 trillion. If we pass the amendment before us today, we can cut that back instead of adding to the debt. That is what we ought to do.

While we are at it, we need to stop the spending binge we are on. We need to stop the stimulus package, whatever is not authorized, because that, too, will add to our debt. We need to recommit to cut taxes. We need to say our financial house must get in order. It is time to reauthorize the tax cuts that were put into place that caused our financial stability after 9/11. It is the tax cuts that caused our financial stability. It is lowering the capital gains rate, lowering the dividends rate of taxation. This is what would open our markets and open our ability for businesses to hire people. It would restore consumer confidence. What about the death tax that will come back in full force next year? People don't know how to plan their giving to their children or giving to their employees and their businesses because they don't know what Congress is going to do. If there is anything Congress ought to do, it is stabilize our tax system and make the tax cuts permanent. We need to lower the capital gains and dividends rate permanently. These are funds that have already been taxed. They were taxed when they were earned. They should not be taxed for savings—dividends and capital gains are savings. That is how people plan for their future.

We need to recommit today to reorder our financial priorities. We need to get our financial house in order. That means cutting down on the debt, not adding to it. It means cutting spending, and it means making our tax cuts permanent. Capital gains and dividends rates should be lowered permanently so that our stock market would be permanently stabilized. And we should lower the rate for everyone because the people who can hire others will be paying at the highest rates when the rates go up. That includes schedule C corporations. We need to lower capital gains rates. We need to lower the burden on businesses. We need to lower the burden on families. We need to help people, not hurt people, who are trying to plan for their financial retirement.

Today, we have a chance to take the first step by saying that TARP is going to end, that we are not going to expand something that was authorized for an emergency purpose. This emergency purpose should be a commitment of Congress. We should not allow the expansion of TARP. We can take the first step by voting for the Thune amendment of which I am a cosponsor. We need to start the process today, and we can say to the American people that Congress is finally listening.

Many on my side of the aisle have been making these points day after day. We were here almost every day in December, Saturdays and Sundays included, trying to make the point that people don't want a government takeover of their health care system. Now I think we have a clear message from the people of Massachusetts that they don't like this either. The exit polling showed that 48 percent of them voted to keep this health care bill from going forward. The rest of them voted to say: Stop all of this takeover by government of so much of our lives—whether it is the cap and trade that will raise energy and fuel costs or whether it is letting the tax cuts lapse, which would give us more money for our own families to spend as we wish, not as government wishes; it is to stop the growth of big government; it is to stop the ending of the death tax for all intents and purposes so that we can pass on to our children the fruits of our labor.

Most of all, we have a chance today to say we are not going to raise the cap on our debt limit and we are not going to \$14 trillion, which is now above 17 percent of our gross domestic product. It is our debt burden. This is not healthy.

The people of Massachusetts said: Get your house in order, Congress; get your house in order, Mr. President.

Let's do it. We can take the step today to do it. It is time for Congress to hear the American people and act, to hear their cry that we must get our house in order for the future of every American and every American's child and every American's grandchild. That is what we owe them. I hope we will take the first step with the Thune amendment and then the rejection of

the resolution to raise the debt ceiling. Then we can lower taxes permanently, and then we can take to the American people a new agenda that will really create jobs because the jobs will be in the private sector, not the government sector.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Madam President, we anticipate the Senator from North Dakota will join us momentarily. Pending his arrival, I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. CONRAD. Mr. President, I have come to the floor to discuss an amendment I am offering with Senator GREGG to create a bipartisan fiscal task force. The task force would be designed to develop a bipartisan legislative package to address the Nation's long-term fiscal imbalances. There would be a requirement that the package come before Congress for a vote.

Under the rules of the Senate, our amendment requires 60 votes to pass. If we do not reach the 60-vote threshold, I will continue to push for the creation of a special process to deal with our debt, and I will fight to ensure any special process results in legislation that will get a vote in the Senate and in the House. We cannot afford another commission whose recommendations sit on a dusty shelf somewhere at the Library of Congress.

I believe our country is at a critical juncture. We have seen in the previous administration the debt of the United States double. We are on course over the next 8 years for at least another doubling of the debt. And already we are reaching precarious levels, record levels—record levels that have never been seen before in this country.

I believe nothing short of the economic future of the country is at stake. I point to this recent Newsweek cover from December 7 of last year entitled "How Great Powers Fall; Steep Debt, Slow Growth, and High Spending Kill Empires—and America Could Be Next."

Here is what the article went on to say:

This is how empires decline. It begins with a debt explosion. It ends with an inexorable reduction in the resources available for the Army, Navy, and Air Force. . . . If the United States doesn't come up soon with a credible plan to restore the Federal budget to balance over the next five to 10 years, the danger is very real that a debt crisis could lead to a major weakening of American power.

The process has already begun. As I indicated, in the previous administration the debt doubled. Foreign holdings

of U.S. debt more than doubled. We can see the track we are on. From 2001, at the beginning of the Bush administration, the debt skyrocketed, and it continues to grow with the economic downturn and the projections from the Congressional Budget Office for the future. In fact, we now estimate that the gross debt of the United States could reach 114 percent of the gross domestic product of the United States. That has only been equaled in U.S. history after World War II. At that point, the debt came down very rapidly.

There is no forecast that shows this debt coming down and certainly no projection and no forecast that it will come down rapidly. Instead, what we have is a forecast by the Congressional Budget Office that the debt will continue to explode. Instead of being 100 percent of the gross domestic product of the United States, the debt will rise to a level of more than 400 percent of the gross domestic product of the United States.

By any account, that is an unsustainable course. We have had before the Budget Committee the testimony of the head of the Congressional Budget Office saying the course we are on is clearly unsustainable. We have had the testimony of the head of the General Accounting Office saying the current course is clearly unsustainable. We have had the testimony of the Secretary of the Treasury, both in the previous administration and this one, saying this trajectory is clearly unsustainable, and we have had the testimony, clear and compelling, by the Chairman of the Federal Reserve that this course is absolutely unsustainable.

I have said to my colleagues repeatedly that the debt is the threat. It is something we must face up to. We have been through a very sharp economic downturn. In the midst of a sharp economic downturn, you do not raise taxes or cut spending. That would only deepen the recession. In fact, we could have seen this country plunge into a complete collapse, and we would not have been alone. I think many of us believe we just narrowly averted a global financial collapse. One reason it was averted is because of actions by this administration and the previous administration and this Congress—steps that were taken to provide liquidity to prevent a global collapse. But those steps also added to the deficit and debt. We have to acknowledge that. We have to be very straight with people that those steps were necessary to avert a collapse, but they also contribute to the long-term crisis we confront—a crisis of a debt growing too rapidly and forecasts to reach a level unprecedented in our national history, a debt level that could threaten the economic security of the United States.

Many people have asked me: How does this threaten the economic security of the country? Very simply, this debt is increasingly financed from abroad. In fact, last year 68 percent of

the new debt created by the United States was financed by foreign entities—68 percent. China has now become our biggest creditor. They have signaled publicly and privately that they are increasingly concerned with the fiscal policy of the United States. They are increasingly concerned about the security of their loans to the United States. Other countries have expressed concern as well. If those countries decided they would no longer extend loans to the United States, we would then be very quickly in a serious situation. It would mean we would have to either cut spending sharply or raise taxes dramatically or raise interest rates in a significant way to attract new borrowing, new lenders. The consequences of a failure to address these issues goes right to the heart of the economic strength of the country.

As I said, in the article in Newsweek, they say:

If the United States doesn't come up soon with a credible plan to restore the Federal budget to balance over the next five to 10 years, the danger is very real that a debt crisis could lead to a major weakening of American power.

For those who believe there is no crisis and we can just stay with the status quo, this is a quote from the National Journal cover story in November. The article was titled "The Debt Problem Is Worse Than You Think." It stated:

Simply put, even alarmists may be underestimating the size of the [debt] problem, how quickly it will become unbearable, and how poorly prepared our political system is to deal with it.

I believe the National Journal got it about right. We are on a course that is clearly unsustainable. Virtually every expert says to us that this is so.

The consequences of a failure to deal with the debt are enormous. They could go right to the heart of the economic strength of the country. So Senator GREGG and I have come to the floor with a proposal to have everything on the table, to have a bipartisan commission evaluate various options for dealing with our long-term debt threat and to come back with a proposal. But they can only come back if 14 of the 18 members of that commission agree on a future course, a supermajority, a bipartisan majority. If 14 of the 18 agree, that plan comes to Congress for a vote. Members here will decide. This is not outsourcing the responsibility. This is giving an independent commission the responsibility to come up with a plan, but that plan would have to be voted on by Members of the Senate, Members of the House, and under our formulation it would require a supermajority in both Chambers to pass. Of course, the President would retain his veto powers. He would be able to veto any proposal passed by the Senate and the House. I believe the prerogatives of the Senate and the House are preserved. It will require a vote of supermajority here and in the House and, of course, signature by the President.

The former Chairman of the Federal Reserve has talked about the urgent need to address the long-term debt situation. This is what he said on December 17 of last year in testimony before the Homeland Security and Governmental Affairs Committee:

The challenge to contain this threat is more urgent than at any time in our history. . . . [Our] nation has never before had to confront so formidable a fiscal crisis as is now visible just over the horizon.

I believe the former Chairman of the Federal Reserve has it right. We face an unprecedented threat. Never before in our Nation's history have we looked forward and seen the prospect, if we continue current policies, of a debt that would equal 400 percent of the gross domestic product of the United States. That has never, ever faced this country. That is a threat with which we are unfamiliar.

The response Senator GREGG and I have crafted over 2 years of debate and discussion with many of our colleagues is one that is based on the principle of accountability. All of the task force members would be directly accountable to the American people. There would be 18 members—10 Democrats, 2 from the administration, and 8 Republicans. So in terms of Members of Congress, it would be even: 8 Democrats, 8 Republicans. They would have to be currently serving Members of Congress selected by the Democratic and Republican leaders. The Secretary of the Treasury and one other administration official would serve representing the administration, for a total of 18.

The bipartisan fiscal task force would provide broad coverage. Everything would be on the table—entitlements, revenue, discretionary spending. Spending and revenues all would be before them for a judgment on how we deal with the debt threat.

The work of the fiscal task force would enjoy expedited procedures—procedures we have used before to bring especially difficult issues to both the Senate and the House. The recommendations would only be submitted after the 2010 election. There would be fast-track consideration of the proposal in the Senate and the House. There would be no amendments. It would be an up-or-down vote. The final vote would come before the end of the 111th Congress.

Again, I wish to emphasize I am not proposing that we take action to raise revenue or cut spending in the midst of an economic downturn. That would be counterproductive. But we do need to face up to this long-term debt. The provisions that would come from any commission, I am sure, would be ones that would be put in place over time. They would be phased in. The Commission would be cognizant that our economy remains weak and, in fact, may require even additional debt in the short term.

The bipartisan fiscal task force would ensure a bipartisan outcome. Fourteen of the eighteen task force members would have to agree to the

recommendations for it to come to a vote, and final passage would require supermajorities—a three-fifths vote in both the Senate and the House. Also, the President must still sign off. As I indicated earlier, he would retain his full veto powers.

This approach has been criticized by both the left and the right—the left, a group of organizations that have banded together to say this kind of approach could lead to reductions in Social Security and Medicare—cuts in Social Security and Medicare. I would simply say to them: Look at where we are. Look at where we are. Social Security and Medicare are both cash negative today. The trustees of Medicare say Medicare will go broke in 8 years. Social Security will take somewhat longer. But both are on a path to insolvency if we fail to act.

It hasn't just been from the more liberal side of the spectrum that the criticism has come, but also on the right. The Wall Street Journal ran an editorial calling the debt reduction commission—or the deficit commission—a trap. They say it is a trap that will lead to higher taxes; to more revenue. So on the left and the right we have those complaining that if you move forward to deal with the debt, you are going to make reductions in programs and you are going to increase revenue. I think that is undeniably the case. If you are going to deal with this debt threat, we are going to have to make changes in the spending projections of the United States. We are going to have to make changes in the revenue base of the country.

I would suggest to those who are concerned about tax increases, the first place to get more revenue is not with a tax increase. The first place to get more revenue is to collect what is actually owed. If you examine the revenue streams of the United States, it jumps out at you that we are collecting about 80 percent, or even somewhat less than that, of what is actually owed. If we were collecting the money that is actually owed under the current rates, we would be doing very well. But we have offshore tax havens, abusive tax shelters, a tax gap—the difference between what is owed and what is paid—and we also have a tax system that is completely out of date.

We have a tax system that was designed at a time when we did not have to be worried about the competitive position of the United States. Now we do. The world has changed and our revenue system has not kept pace. Instead, it is hemorrhaging with offshore tax havens costing us, according to the Permanent Subcommittee on Investigations, over \$100 billion a year in lost revenue.

If anybody doubts the proliferation of offshore tax havens, I would urge them to Google offshore tax havens and see what you find. We did that last year and got over 1 million hits, including my favorite: live offshore tax free by putting your funds in offshore tax havens.

The reality is this: We have a dramatic imbalance between spending and revenue. The revenue is the green line, the spending is the red line. Look what has happened with the economic downturn: Revenue is at its lowest point in 50 years as measured as a share of the economy. Revenue is less than 15 percent of the gross domestic product of the country. Spending has skyrocketed to 26 percent of the gross domestic product of the country. You can see that is far higher than it has been going back 30 years.

Of course, we understand why, in the middle of a sharp economic downturn, the automatic stabilizers take effect—unemployment insurance, a whole series of other measures to try to prevent an even steeper downturn. So spending goes up, revenue goes down, the deficits widen, and the debt explodes. That would not be so troubling if the long-term trend didn't tell us the debt will continue to grow from these already high levels.

The need for tax reform, I think, is clear: We have a tax system that is out of date and hurting U.S. competitiveness. As I mentioned, we are hemorrhaging revenue to tax havens and abusive tax shelters. The alternative minimum tax problem threatens millions of middle-class taxpayers—something that was never intended. That cries out for reform. These long-term imbalances must be addressed. Simplification and reform, we know from experience, can keep rates low and improve the efficiency of the system.

The arguments I have advanced this morning are arguments that have now been endorsed by more and more budget experts as they look at the long-term threat to the country. Alan Greenspan, the former Chairman of the Federal Reserve, said this:

The recommendation of Senators Conrad and Gregg for a bipartisan fiscal task force is an excellent idea. I hope that you succeed.

Douglas Holtz-Eakin, who was the chief economic adviser to Senator McCain in his Presidential bid, said this in testimony before the Senate Budget Committee just last year:

I am a reluctant convert. I have always felt that this is Congress' job, and, quite frankly, it ought to just do it. And that attitude has earned me no friends and has gotten us no action. So I have come around to the point where I'm in favor of something that is a special legislative procedure to get this legislation in front of Congress and passed.

Mr. Geithner, the Secretary of the Treasury, said this in testimony before the Budget Committee last year:

It is going to require a different approach if we're going to solve the long-term fiscal imbalance. It's going to require a fundamental change in approach, because I don't see realistically how we're going to get there through the existing mechanisms.

Here is a quote from David Walker, the former head of the General Accounting Office.

I think the regular order is dysfunctional as it relates to these types of issues. And it's, quite frankly, understandable, because you're talking about putting together a

package that crosses many different jurisdictions. And the idea that that would end up emerging from the regular order I think is just totally unrealistic.

That was testimony before the Budget Committee in 2007 by the Comptroller General.

Leon Panetta, the former chairman of the House Budget Committee and the former Chief of Staff to President Clinton, now the Director of the CIA, said this in testimony before the Senate Budget Committee in response to the question: Shouldn't we rely on just the regular order; the normal committee process?

It'll never happen. The committees of jurisdiction will never take on the kind of challenges that are involved in this kind of effort. If you just leave them under their own jurisdictions, that will never happen.

It hasn't happened, and I am chairman of one of the committees. I accept that the normal process is not going to deal with a threat of this magnitude. It is going to take all of us, Democrats, Republicans, Congress, and the administration, working together to fashion a plan that deals with the long-term debt threat; that also deals with the short-term need to restore jobs, to restore economic growth, and to build the economy.

These things are not contradictory. They, in fact, are complementary. We must do both. We must restore economic growth and economic strength and, at the same time, we must deal with the long-term debt threat. That is the proposal Senator GREGG and I bring to the floor. We urge our colleagues to seriously consider what we have offered. It has 35 cosponsors, about evenly divided between Republicans and Democrats. I know it is a tall order to get to 60 votes in the Senate. It is especially hard when organizations on the left are opposing it and organizations on the right are opposing it for very different reasons. But this is a case of the challenge of the middle holding.

That has been the great strength of America—our ability to take on tough challenges and meet them. Whether it was World War I or World War II, the Great Depression or all the other challenges this country has faced, over and over America has proven it is up to the challenge. I believe we are up to this challenge as well, and I believe people working together can come up with solutions that would be credible not only to markets in this country but markets around the world that are beginning to wonder: Does America have the ability to face up to the debt threat that overhangs the future economic strength of the country?

I appreciate this time. I thank the chairman for allowing this time. I know Senator GREGG will be coming to the floor in about an hour for his presentation on the same subject. I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, the Senator from North Dakota makes a very

compelling case for fiscal discipline. He has been making this case for a good number of years. He has been on the forefront in urging us in the Congress and the country to be more disciplined, to get better control of these deficits, and I appreciate the work of the Senator from North Dakota.

I might say we have no disagreement whatsoever that we need to address our fiscal challenge. We totally agree. I think most Members of the body would agree that is not the issue. Whether we must address the fiscal challenge or not is not the issue. So I wish to get that off the table. We all know we have a huge problem facing us, and it must be dealt with. What we do disagree about, though, is the process; that is, how we address it.

I will have a lot more to say about that later today, but I see the Senator from Arizona on the floor, and he has been waiting patiently.

Mr. CONRAD. May I call up the amendment before we move on?

Mr. BAUCUS. Certainly.

AMENDMENT NO. 3302 TO AMENDMENT NO. 3299

(Purpose: To establish a Bipartisan Task Force for Responsible Fiscal Action, to assure the long-term fiscal stability and economic security of the Federal Government of the United States, and to expand future prosperity and growth for all Americans)

Mr. CONRAD. Mr. President, I call up the Conrad-Gregg amendment.

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

Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from North Dakota [Mr. CONRAD], for himself and Mr. GREGG, proposes an amendment numbered 3302 to amendment No. 3299.

Mr. CONRAD. Mr. President, I ask unanimous consent that further 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. CONRAD. I thank my colleagues for this opportunity to present our amendment.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 3301

Mr. KYL. Mr. President, I will have something to say about the amendment offered by the Senator from North Dakota at a later time, but I wanted an opportunity to be sure to speak to the Thune amendment, which has also been pending and which I understand we may be voting on as early as this afternoon. I wish to make it clear I am in very strong support of the amendment offered by the Senator from South Dakota.

The amendment of the Senator from South Dakota would immediately end the Treasury's authority to spend unobligated TARP funds; that is, those funds that have either been repaid or were never spent in the first place as

part of the so-called TARP. The amendment would also use repaid TARP funds to lower the deficit, bring down the debt ceiling—which is, of course, the amount of legal U.S. debt—and is the ultimate issue we are going to be voting on at the end of our exercise, presumably sometime next week.

I initially supported both tranches of the TARP stabilization money because I was told by the Secretary of the Treasury and others, and I believed, that the money would be used to shore up banking, thus stabilizing the financial system in the United States, and that would permit lending to resume. My State of Arizona was hit particularly hard by the collapse of the housing bubble, so we needed more lending—for small businesses as well as for commercial lending and other things such as auto finance, real estate lending, and so on.

Unfortunately, the promised flow of capital has not materialized. Today people in my State still struggle to refinance their homes and businesses, and businesses in particular are struggling to make payments on their property, rollover commitments that they already have, and even pay for things as basic as their inventories or their payroll. You have to ask how did this happen with all of this TARP money out there.

Partly it is because TARP was perverted into a tool for increasing the scope of government. It has been used for purposes for which it was never intended. Some of the money has been used to bail out political interests such as auto companies and parts suppliers. That was never intended. I would never have supported the second tranche of TARP funding had I believed that was how the money would have been spent.

Now it is becoming a piggy bank for the second stimulus bill recently passed by the House of Representatives, a bill that would cost taxpayers \$260 billion more in deficit spending. By deficit spending, of course, I am referring to the fact that this is all borrowed money. This is not money that we have and are deciding to spend in a certain way. We have to go out and borrow the money in order to give it to these people.

By law, the returned TARP funds are supposed to be used for deficit reduction. That is the way it was written into the bill. The Thune amendment would make sure this happens. Again, this is important because this is not money that we already had that the taxpayers had sent to Washington and we were just waiting to spend on something. We had to go out and borrow this money from folks such as the Chinese, and we have to pay them interest on the money.

When we have to go out and borrow the money in order to provide it for one of these purposes, we have to recognize that when we pay it back, we ought not immediately spend it again. We ought to pay the money back to the government so the money then can

repay the lender and get that obligation off our books. Returning the money to the Treasury is equivalent to paying the money back to our lenders. That, in turn, allows us to reduce our Federal debt.

This also has the effect of reducing government borrowing so that the private sector is more able and more easily able to borrow money. That way, businesses can begin to invest more, and we can begin job creation.

Frankly, that is why groups such as the National Federation of Independent Businesses support the Thune amendment. The whole idea is to repay the money that the Federal Government has borrowed so there is less pressure on the sources of lending so the private sector will be able to more easily borrow for their purpose.

Here is what the NFIB said in a recent letter:

Small business believes it is time to end TARP by passing the Thune amendment. We appreciate Senator Thune's efforts to create an exit strategy for the unprecedented level of government ownership in American businesses. The full \$700 billion that was originally allocated for TARP is no longer needed and should not be used as a bucket of money for the Treasury Department to create new Federal programs.

I would add, or for the House of Representatives to create new Federal programs to the tune of \$260 billion more.

I think the American people could not be more clear in the message they have been sending in election after election: Stop spending so much money so we don't have to borrow so much money so it will be easier for our own families and businesses to borrow money. They have had it with massive spending and the culture of massive debt that has seized Washington. They are watching very closely because it is their money, after all, that will have to be used to pay the interest on the debt when we borrow this money from people such as the Chinese.

Instead of turning right around and deciding we have some great idea on which to spend this money again when it is retired, let's retire the debt instead, thus reducing the amount we have to increase in the debt ceiling. I think this is what our constituents want us to do. It begins with ending TARP, and the Thune amendment puts us on the path to doing exactly that.

I urge its passage.

I suggest the absence a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3302

Mr. BAUCUS. Mr. President, I oppose the Conrad-Gregg amendment. This amendment would set up a new deficit reduction commission and have its recommendations considered and sent to

the House under expedited parliamentary procedures. This amendment invites Congress to abdicate its responsibility. This amendment is fundamentally unfair to many of our constituents across the country. This amendment should be defeated.

Under the Conrad-Gregg proposal, 18 people would make recommendations on how to reduce projected midterm and long-term Federal budget deficits. Of the 18 members, 16 would be Members of Congress, and two would be officials in the administration. I might add, if some think the Congress cannot do this, why is this composed almost entirely of Members of Congress? Recommendations of this 18-member commission would be made the subject of votes in both Chambers with no amendments allowed. Thus, the entire package of recommendations would be given to Congress on a take-it-or-leave-it basis.

If the Conrad-Gregg amendment were enacted, Members of Congress who were not on the commission would have no say in the development of the commission's recommendations. Members of Congress who were not on the commission would have no ability to change the recommendations. We would have to vote on the entire package on a take-it-or-leave-it basis.

If Members of Congress not on the commission found that they favored most of the recommendations but positively abhorred a few of them, they would be given no opportunity to try to change the ones to which they objected. Their choice would be either to vote for no deficit reduction at all or vote for recommendations that they abhor with no way to change them.

Members of Congress should not be put in that position. This amendment would disenfranchise the overwhelming majority of Members of Congress. It would disenfranchise their constituents. This would be fundamentally unfair to their constituents and to them. We should not allow it to happen.

Let me say a few words about the effects of this commission on Social Security and Medicare. If we create this commission, what is to stop it from making further reductions in Medicare spending beyond the changes in the health care reform bill? Although the health care reform bill would reduce some reimbursements to providers, it would not cut Medicare benefits or eligibility one bit, but the commission could recommend cuts in Medicare benefits and eligibility.

I might say, too, the Congressional Budget Office, I remind my colleagues, estimated that the health care reform bill that passed this body would reduce the budget deficit by \$132 billion over 10 years and further reduce the budget deficit by between \$650 billion to \$1.3 trillion in the next 10 years.

What about Social Security? Some people talk as if Social Security is a major factor in the long-run budget deficits, but the nonpartisan Congressional Budget Office's projections of

the 75-year growth of spending on Medicare-Medicaid and Social Security tells a different story.

As a share of the economy, the growth of Medicare and Medicaid spending before enactment of health care reform is more than seven times the growth of Social Security spending. If we are to reduce the projections of interim and long-term projections of deficit, we should use the regular order of Congress to do so, and for a good reason; that is, because the system is already working. The comprehensive health reform bill awaiting final approval by the House and Senate is solid evidence the system is working.

Once again, the Congressional Budget Office projected—I made the point just a few moments ago—the Federal deficits would be reduced by \$132 billion in the first 10 years and by \$650 billion to \$1.3 trillion in the second 10 years. That is a significant reduction.

The deficit reduction will make a substantial dent in the deficits—and it has been accomplished entirely through the regular order. We were able to cut deficits through the regular order. It would thus be ironic to give up on the regular order just when it has such a promising result.

There is more work to be done to reduce deficits in the midterm and long term, but the regular order is up to the job of performing these tasks. We should not give up on it prematurely. We should vote against creating a commission that can take away many of the responsibilities the Constitution gave the Congress.

I urge my colleagues to reject this amendment.

It has also been said on the Senate floor that one way to get revenue is to go after the so-called gap that exists between revenue that is owed the American taxpayers but not collected—the tax gap, it is sometimes called. I might say why not create a tax gap commission? It does not make sense for this outfit, if it does exist—I don't think it will because I think most Members of Congress will not want to do that—to cut Social Security, which is not the problem—Social Security is projected to be in surplus at least to the year 2043—or to make further cuts in Medicare beyond which we have already done in regular order. What is left? Discretionary spending.

If the real effort is a tax gap, let's have a tax gap commission, not one that is going to cut Medicare and Medicaid. I might add, these people, if there were such a commission, are not qualified. They do not understand the health care system. They don't understand where to make cuts and not to make cuts. They don't understand Social Security that much. The committees of jurisdiction do. They don't understand some of the other programs where they might recommend cuts. They can just whack, whack, whack, or raise revenue. They don't understand the Tax Code. That is not their expertise. They are just going to try to find ways to raise, raise, raise taxes.

It is something on the surface that might sort of sound good—let somebody else do it. I cannot do it, so we will let somebody else do it. I think that is an abdication of responsibility. I think it is like it sounds—too good to be true—that somebody else is going to do it. It is like the grass is greener on the other side of the fence.

Why do we run for these jobs? Each of us ought to be a U.S. Senator because we wanted to take the responsibility to do what we thought was right for our people and our States. It is sometimes not very easy. It is sometimes quite difficult. That is why we ran. That is what goes with the territory: step up and make the right decisions and do what needs to be done in conjunction with the President.

The President of the United States is going to make a budget recommendation to the Congress in just a matter of a few days, almost a week or so away. That is the job of the President, to make a recommendation to the Congress of what he thinks our budget should be, and it is up to the Congress to decide how to deal with that.

We have used the regular order on health care to cut budget deficits by a large amount. As I indicated, it worked. I think we should just be courageous enough as Members of Congress to do what is right, step up and do what we have to do. If we do not do the job properly, our voters will get somebody else to do the job. That is their right, that is their privilege, and that is one of the strengths of the process: that they have an opportunity to get somebody else if we are not doing a good job.

I strongly urge the defeat of the Conrad-Gregg amendment. It is just not a good thing to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. KAUFMAN. Mr. President, I ask unanimous consent to speak as in morning business for up to 14 minutes.

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

LIMITS ON BANKS' PROPRIETARY TRADING ACTIVITIES

Mr. KAUFMAN. Mr. President, I rise today in support of President Obama's proposal to limit the proprietary trading activity of banks, ideas that have been developed by Paul Volcker, the former Federal Reserve Chairman and current chairman of President Obama's Economic Recovery Advisory Board.

It has been well over a year now since the bursting of a massive speculative bubble, fueled by Wall Street greed and excess, brought our entire financial system to the brink of disaster.

The resulting economic crisis, the worst since the Great Depression, has had profound effects on regular, working-class Americans in the form of millions of job losses and home foreclosures, to say nothing of the hundreds of billions of taxpayer dollars used to prop up failing institutions deemed "too big to fail."

In the coming weeks, the Senate will begin consideration of landmark financial regulatory reform legislation.

As it does, we owe it to the American people to ensure that never again will the risky behavior of some Wall Street firms pose a mortal threat to our entire financial system. The rest of us simply cannot afford to pay for the mistakes of the financial elite yet another time.

As we look to build a better, more durable, more responsible financial system, we must reflect on the fateful decisions and mistakes made over the past decade that led us to this point.

We can begin with Congress's repeal of the Glass-Steagall Act. Glass-Steagall was adopted during the Great Depression primarily to build a firewall between commercial and investment banking activities.

But the passage of the Gramm-Leach Bliley Act of 1999 tore down that wall, paving the way for a brave new world of financial conglomerates.

These institutions sought to bring traditional banking activities together with securities and insurance businesses, all under the roof of a single "financial supermarket."

This was the end of an era of responsible regulation. It was the beginning of an emerging *laissez-faire* consensus in Washington and on Wall Street that markets could do no wrong.

Not surprisingly, this zeitgeist of "market fundamentalism" pervaded regulatory decisions and inaction over the past decade.

It allowed derivatives markets to remain unregulated, even after the Federal Reserve had to orchestrate a multibillion dollar bailout of the hedge fund Long Term Capital Management, which had used these contracts to leverage a relatively small amount of capital into trillions of dollars of exposure.

It also provided a justification for the Federal Reserve and other banking regulators to ignore widespread instances of predatory lending and deteriorating mortgage origination standards.

It prompted regulators to rely upon credit ratings and banks' own internal models, instead of their own audits and judgments, when determining how much capital banks needed to hold based upon the riskiness of their assets.

Perhaps most importantly, this era of lax regulation allowed a small cadre of Wall Street firms to grow completely unchecked, without any regard to their size or the risks they took.

In 2004, the Securities and Exchange Commission established a putative regulatory oversight structure of the major broker-dealers, including Goldman Sachs, Morgan Stanley, Lehman Brothers, Merrill Lynch and Bear Stearns, that ultimately allowed these firms to leverage themselves more than 30 times to 1.

Emboldened by the careless neglect of their regulator, these Wall Street in-

stitutions constructed an unsustainable model punctuated by increasingly risky behavior.

For example, some firms used trillions of dollars of short-term liabilities to finance illiquid inventories of securities, engage in speculative trading activities and provide loans to hedge funds.

When their toxic assets and investments went south, these highly leveraged institutions could no longer roll over their short-term loans, leading them, and all of us, down a vicious spiral that required a massive government bailout to stop.

Despite this extremely painful experience, Wall Street has resumed business as usual. Only now, the business is even more lucrative.

The financial crisis has led to the consolidation of Wall Street.

The survivors face less competition than ever before, allowing them to charge customers higher fees on transactions, from equities to bonds to derivatives.

In addition, in the wake of the financial crisis, markets remain volatile and choppy. Firms willing and able to step into the breach have generated higher returns.

Until this Congress acts, there is no guarantee that the short-term trading profits being reaped by Wall Street today will not become losses borne by the rest of America down the road.

As many of my colleagues know, I have come to the floor repeatedly to warn about the short-term mindset on Wall Street, embodied by the explosive growth in high frequency trading.

In just a few short years, high-frequency trading has grown from 30 percent of the daily trading volume in stocks to as high as 70 percent.

It has been reported that some high-frequency firms and quantitative-strategy hedge funds have business relationships with major banks, allowing them to use their services, credit lines, and market access to execute high-frequency trading strategies.

Under some of these arrangements, these Wall Street banks are reportedly splitting the profits.

In other cases, the major banks have built their own internal proprietary trading desks.

These divisions often use their own capital to "internalize," or trade against, customer order flow.

Such a practice poses inherent conflicts of interest: brokers are bound by an obligation to seek the best prices for their clients' orders, but, in trading against those orders, firms also have a potential profit-motive to disadvantage their clients.

Both of these arrangements are evidence of a greater problem: Wall Street has become heavily centered on leverage and trading.

Undoubtedly, short-term strategies have paid off for banks. In fact, much of the profits earned by our Nation's largest financial institutions have been posted by their trading divisions.

But an emphasis on short-term trading is cause for concern, particularly if traders are taking leveraged positions in order to maximize their short-term earning potential.

By doing so, such high frequency traders, who execute thousands of trades a second, could pose a systemic risk to the overall marketplace.

In short, Wall Street once again has become fixated on short-term trading profits and has lost sight of its highest and best purposes: to serve the interests of long-term investors and to lend and raise capital for companies, large and small, so they can innovate, grow and create jobs.

As I have spoken about on the Senate floor previously, the downward decline in initial public offerings for small companies over the past 15 years has hurt our economy and its ability to create jobs.

While calculated risk-taking is a fundamental part of finance, markets only work when investors not only benefit from their returns, but also bear the risk and the cost of failure.

What is most troubling about our situation today is that on Wall Street, it is a game of heads I win, tails you bail me out.

The size, scope, complexity and interconnectedness of many financial institutions have made them "too big to fail."

Moreover, the popularity of the "financial supermarket" model further raises the risk that insured deposits of banks can be used to finance speculative proprietary trading operations.

Unfortunately, these risks have only been heightened by recent decisions by the Federal Reserve: the first to grant bank holding company charters to Goldman Sachs and Morgan Stanley; the second to grant temporary exemptions to prudential regulations that limit loans banks can make to their securities affiliates.

There are a number of ways we can address these problems.

The major financial reform proposals being considered in Congress propose some entity for identifying systemically risky firms and subjecting them to heightened regulation and prudential standards, including leverage requirements.

In addition, these proposals also include an orderly mechanism for the prompt corrective action and dissolution of troubled financial institutions of systemic importance that is typically based upon the one already in place for banks.

Although both of these ideas are vital reforms, they are not sufficient ones.

Instead, we must go further, heeding some of the sage advice, as President Obama has today, provided by Paul Volcker, the former Federal Reserve Chairman and current chairman of President Obama's Economic Recovery Advisory Board.

Chairman Volcker has said: "Commercial banking institutions should

not engage in highly risky entrepreneurial activity. That's not their job because it brings into question the stability of the institution . . . It may encourage pursuit of a profit in the short run. But it is not consistent with the stability that those institutions should be about. It's not consistent at all with avoiding conflicts of interest."

I strongly support the ideas Chairman Volcker has recently put forward regarding the need to limit the proprietary trading activities of banks.

Indeed, they get at the root cause of the financial meltdown by ensuring Wall Street's recklessness never again cripples our economy.

We can reduce the moral hazard present in a model that allows banking to mix with securities activities by prohibiting banks from providing their securities affiliates with any loans or other forms of assistance.

While commercial banks should be protected by the government in the form of deposit insurance and emergency lending, Chairman Volcker states, "That protection, to the extent practical, should not be extended to broadly cover risky capital market activities removed from the core commercial banking functions."

Such a reform would completely eliminate the possibility of banks even indirectly using the insured deposits of their customers to finance the speculative trading operations of their securities affiliates.

In addition, we can bar commercial banks from owning or sponsoring "hedge funds, private equity funds, and purely proprietary trading in securities, derivatives or commodity markets."

As Vice President BIDEN aptly and succinctly put it: "Be a bank or be a hedge fund. But don't be a bank hedge fund."

That is why I am pleased to be a cosponsor of the bill introduced by Senators CANTWELL and MCCAIN to reinstate Glass-Steagall, because I thought it was a start to this very important conversation.

Separating commercial banking from merchant banking and proprietary trading operations is an important step toward addressing banks that are "too big to fail."

Additionally, we need to impose restrictions on size and leverage, particularly on the reliance on short-term liabilities, and give regulators additional powers to break apart firms that pose serious threats to the stability of the financial system or others.

Reducing the size and scope of individual entities will limit risky banking behavior, minimize the possibility of one institution's failure causing industry-wide panic and decrease the need to again rescue large failing institutions.

Together, all of these reforms will create a financial system that is "safe against failure."

We cannot continue to leave the taxpayers vulnerable to future bailouts simply because some large banking in-

stitutions wish to pursue short-term trading profits.

For that reason, as Congress works to pass financial regulatory reform in the coming weeks, reducing systemic risk by eliminating conflicts of interest and addressing banks deemed "too big to fail" should be some of our top priorities.

Separating core banking franchise from speculative activities, imposing tighter leverage requirements and examining the complicated relationships between high-frequency traders and banks constitute critical steps toward ensuring our financial markets are strong and stable.

By adopting these commonsense proposals, we can go a long way toward stabilizing our economy, restoring confidence in our markets and protecting the American people from a future bailout.

America cannot afford another financial meltdown and the American people are looking to Congress to ensure that that does not happen.

Mr. President, I yield the floor.

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

Ms. MURKOWSKI. Mr. President, over the past 5 months, I have repeatedly expressed concerns about the Environmental Protection Agency's decision to issue backdoor climate regulations under the Clean Air Act. I spoke at length about this issue on the Senate floor in September and then again in December. I have also discussed it with dozens of groups from all across the political spectrum and found there is remarkably widespread agreement with my views on this issue. As the EPA moves closer and closer to issuing these regulations, I continue to believe that this command and control approach is our worst option for reducing emissions blamed for climate change. I also believe that with so much at stake, Congress must be given time to develop an appropriate and more responsible solution.

Today, after consultation with the Parliamentarian, I have come to the floor to introduce a resolution of disapproval under the Congressional Review Act that would prevent the EPA from acting on its own. Senator LINCOLN of Arkansas, Senator NELSON of Nebraska, and Senator LANDRIEU of Louisiana have joined me as cosponsors on this bipartisan resolution, along with 35 of my Republican colleagues.

I have also come to reaffirm and re-emphasize my previous remarks on this issue. Given what has been alleged about my intentions, I believe this debate needs to be directed back to its substance and away from the ad hominem attacks and red herrings thrown out in the past few weeks.

There is a legitimate and a substantive debate to be had over whether the EPA should be allowed to issue command and control regulations. I welcome the debate. If there are any Senators who support the unprecedented regulatory intrusion the EPA is

pursuing, I hope those Members will come to the floor and explain why. I strongly oppose that approach. I hope my colleagues will listen to my explanation as to why I feel as strongly about this as I do.

Our bipartisan resolution deals with an incredibly important issue; that is, whether Members of this body are comfortable with actions EPA will take under its current interpretation of the Clean Air Act. I am not comfortable with those actions. Neither are the Senators who have already agreed to add their names to this effort. The Clean Air Act was written by Congress to regulate criteria pollutants, not greenhouse gases. Its implementation remains subject to oversight and guidance from elected representatives. We should continue our work to pass meaningful energy and climate legislation, but in the meantime, we cannot turn a blind eye to the EPA's efforts to impose backdoor climate regulations with no input from Congress.

The decision to offer this resolution was brought about by what will happen in the wake of EPA's decision to issue the endangerment finding. It is not merely a finding; it is actually a flood-gate. Under the guise of protecting the environment, it is set to unleash a wave of damaging new regulations that will wash over and further submerge our struggling economy. Make no mistake, if Congress allows this to happen, there will be severe consequences to our economy. Businesses will be forced to cut jobs, if not move outside our borders or close their doors for good, perhaps. Domestic energy production will be severely restricted, increasing our dependence on foreign suppliers and threatening our national security. Housing will become less affordable and consumer goods more expensive as the impact of the EPA's regulations are felt in towns, cities, and on farms all across America.

My home State is a perfect example of why we must proceed with utmost caution. If these regulations are allowed, the consequences for Alaska will be devastating. Hundreds of facilities will be subject to much greater regulation, including large hospitals, hotels, fish processors, and mines. Energy-intensive businesses throughout the State will be forced to acquire, install, and operate new equipment and technologies. In many cases, this will prove impossible because the technologies are either too expensive or they simply do not exist.

Because the EPA's proposed regulations are such a blunt tool, they will hit my State's energy sector particularly hard. The continued operation of existing businesses and future endeavors alike, including Alaska's three refineries, the Trans Alaska Pipeline System, TAPS, and the proposed Alaska natural gas pipeline, will all be jeopardized.

Take for example the Flint Hills refinery. This is located just south of Fairbanks. This refinery purchases

royalty oil out of the pipeline at premium rates, which is critically important to the continued operation of TAPS itself. That 800-mile-long pipeline has been challenged by decreasing throughput as lower volumes are taking longer to arrive from the North Slope. Oil is also arriving at the Flint Hills refinery at lower temperatures than it used to, which requires more energy to heat and craft the crude oil into the marketable fuels Alaskans depend upon. The Flint Hills refinery already struggles to keep its jet fuel output at competitive rates in order to maintain Anchorage's status as a major center for global air cargo. It also faces a relatively inelastic market in Alaska for its other fuel products. The EPA will likely be unable and unwilling to address these issues under its command and control climate regulations.

I mentioned the Alaska natural gas pipeline—something we are working very hard to allow to come about. The construction and operation of an Alaska natural gas pipeline would be significantly hobbled by the EPA. The main reason for this relates to compressor stations which maintain a pipeline's pressures and enable movement of the gas. There is no known best available control technology, as would be required under the Clean Air Act, for reducing carbon dioxide emissions from compressors and no good options for compliance.

I cannot overstate how important these facilities and these projects are to Alaska and to America. Our refineries help ensure the State's status as a transportation hub as well as a strategic base for military operations. The Trans Alaska Pipeline System delivers hundreds of thousands of barrels of oil to Americans each day and most of the revenue for Alaska's State budget. The proposed natural gas pipeline is a pillar of our future economy that will bring Americans billions of cubic feet of clean-burning natural gas. Collectively, these projects mean well-paying jobs for thousands of hard-working Alaskans. While the EPA's endangerment finding may be described as an effort to protect our environment, it would actually damage the very foundation of my State's economy.

Alaska isn't the only State that would face dire economic consequences. My colleagues need to consider the ripple effect of this decision and the heavy economic burden it will place on those throughout the lower 48. This was foreshadowed in New Mexico back in September. In December, Kentucky faced the same situation; Arkansas, just last week. The EPA has ordered regulators in each of these States to go back to the drawing board on plans to build new powerplants. These decisions were all the result of this EPA's interpretation of the Clean Air Act and represent a fundamental departure from the permitting process Congress had envisioned for this stat-

ute. The implications are clear. The people who live in those States are already feeling the effects. Construction is being delayed. Jobs are not being created or, more importantly, being filled. Commerce is suffering. Depending on what becomes of these proposed plants, local residents may have to brace for a spike in energy prices as well.

Seen in this light, the EPA's regulations will not only add a thick new layer of Federal bureaucracy, but they will also serve to depress economic activity, to slow it down, to make it more expensive, to render it less efficient. If you thought the recession made for good environmental policy, I expect you will love what the EPA has to offer. Obtaining Federal air permits is already an exercise in administrative agony that can take years and cost millions of dollars. That is before the existing system is overwhelmed by millions of new applicants.

Instead of accepting that the Clean Air Act is not appropriate for this task, the EPA has proposed to lift its regulatory thresholds to 25,000 tons per year for greenhouse gases. That represents a clear departure from the statute's explicit requirements and has opened the Agency to litigation—costly, time-consuming, and endlessly frustrating litigation. Lawsuits are already being prepared against the EPA's so-called tailoring proposal. When the final rule is issued, it will be challenged. I expect the courts will then reject it, as it has no legal basis, and then restore the regulatory thresholds to 100 tons and 250 tons per year. Before long, the Agency will find itself mired in the regulatory nightmare it has sought to avoid.

Again, it is hard not to find this both surreal and deeply disturbing. The national unemployment rate has spiked to 10-plus percent. Yet here in Washington Federal bureaucrats are contemplating regulations that will destroy jobs, while millions of Americans are doing everything they can just to find one. Moreover, given the amount of time it has taken us in the Senate to consider health care and the list of many other bills waiting to be considered, it appears there will not be enough time for Congress to debate energy and climate legislation before the EPA takes action. That means the people of our States have no voice in this process. They will be subject to rules and regulations that affect their lives and their livelihoods without ever having had an opportunity to express their concerns through their representatives in Congress.

Perhaps the most important question that needs to be answered is, Why would the EPA want to pursue these regulations right now when we should be focused on getting our economy back on track? Environmental advocates, senior Democrats, the administrator of the EPA, and even the President have repeatedly said they prefer congressional legislation. So with such

widespread and high-level agreement, one would think it would be easy to suspend the Agency's efforts. Unfortunately, that is not the case. Many of those same individuals are somehow convinced that the threat of EPA regulations is somehow useful, somehow necessary. It is no secret that this is the centerpiece of a highly coercive strategy. It is the administration attempting to force the Congress to pass a climate bill more quickly than it otherwise would. For my part, that strategy has failed so far. It will continue to fail in the months ahead because Members of Congress will not enact bad legislation in order to stave off bad regulation. What the administration's strategy has done is to put Congress in a difficult position.

It is apparent to almost all of us that more time is needed to develop a good climate policy that can draw the bipartisan support of a majority in the Senate. We are working on it. My staff is actively working to develop a wide range of approaches for reducing emissions. We know Senator CANTWELL and Senator COLLINS have recently introduced a new approach. Senators GRAHAM, KERRY, and LIEBERMAN are hard at work on their tripartisan proposal. As the EPA proceeds with its greenhouse gas regulations, Congress remains far from completing its work, and we are left with no choice but to shift at least part of our focus to halting the EPA's efforts.

As I have stated before, my goals here are twofold: to ensure that Congress has sufficient time to work on climate legislation and to ensure that the worst of options, which is a massive expansion of the Clean Air Act, does not occur before that task is finished.

In addition to the Senators who have signed on as cosponsors of our bipartisan resolution, there are a variety of stakeholders who have expressed strong support for slowing or stopping the EPA from issuing its greenhouse gas regulations. Many of these comments have focused on the tailoring proposal, while others oppose the endangerment finding itself. Some at the outer edges of the environmental community, obviously, disagree. But I think much of the rest of America—including State officials, businesses, farmers, and taxpayer advocates—all share our belief that the Clean Air Act should not be used to regulate emissions.

I would like to give you a few examples.

The Governor of Alaska, Sean Parnell, has written:

The fundamental question posed by the proposed rule is whether greenhouse gases can be effectively regulated under the Clean Air Act. We think not. Attempting to force fit the Clean Air Act to the purpose of regulating greenhouse gases will be ineffective and will negatively impact Alaska. . . . The proposed rule would bury Alaska's businesses, institutions, and the State's environmental agencies in regulatory burden.

The Governor of Mississippi, Haley Barbour, has written:

Regulating greenhouse gas emissions under the Clean Air Act will undoubtedly increase the cost of energy, increase the cost of doing business, increase the cost of consumer products, and jeopardize millions of jobs by putting U.S. manufacturers at a disadvantage against foreign competitors.

The Governor of West Virginia, Joe Manchin, commented:

At a time when our state is fighting to save jobs and stabilize the economy, we cannot afford to act carelessly. EPA has taken a risky and unprecedented step in promulgating this rule. The regulation of greenhouse gas emissions is a matter that should be left to Congress, and EPA would be wise to seek Congressional action instead of attempting to regulate greenhouse gases under the Clean Air Act.

Even the California Energy Commission, based in the State with the strictest environmental standards, felt compelled to weigh in because, as they state, "EPA's proposed PSD tailoring threshold jeopardizes California's renewable energy strategy." So instead of speeding the transition to cleaner energy, California is actually worried that the EPA's proposals will actually slow down their progress.

Dozens of State Governors and attorneys general have submitted comments opposing at least one of the EPA's regulations. But comments from our elected officials are not the half of it.

The National Taxpayers Union has issued a press release that says, in part:

At a time when taxpayers are feeling the biggest squeeze since the Great Depression, it's unconscionable that Congress is responding with regulatory and legislative proposals that will only make matters worse.

Then, in a letter that was delivered to me just yesterday, the American Farm Bureau Federation wrote that its delegates have unanimously adopted a resolution that "strongly supports any legislative action that would suspend EPA's authority to regulate greenhouse gases under the Clean Air Act."

The letter goes on to assert that:

How carbon emissions should be regulated is a matter to be decided by elected officials; that debate is now ongoing on Capitol Hill. It is there that these policy questions should be answered.

Finally, the Small Business Administration's Office of Advocacy has concluded that the EPA's greenhouse gas rules will likely have a "significant economic impact upon a substantial number of small entities. . . . Small businesses, small communities, and small non-profit associations will be affected either immediately or in the near-term."

As public awareness of our bipartisan disapproval resolution grows in the days ahead, I expect there will be many more statements that will be issued in support of its passage. While there is an extremely vocal minority that does not support it, I do hope my Senate colleagues will look at the broad coalition that does and join us to oppose the EPA's regulations.

Before I wrap up, Mr. President, I would also like to address the criti-

cisms and arguments that have been made by those who oppose my efforts. I would like to address four of the latest claims in hopes of putting them to rest.

First of all, I would like to reiterate that our bipartisan disapproval resolution deals with the EPA's current interpretation of the Clean Air Act and has nothing to do with the science of global climate change. I would also remind my critics that I cosponsored a cap-and-trade bill in the last Congress and last year worked with the members of the Senate Energy Committee to craft a bipartisan clean energy bill. That bill, unfortunately, has been languishing on the Senate calendar for nearly 8 months now, just waiting to be called up and considered, which I think is a real shame because it would lead to significant emissions reductions and greater energy security for our country.

I would also like to address a rather creative claim that has been made that somehow I am attempting to "gut" the Clean Air Act or subvert it into a "Dirty Air Act." I have to admit, when I first saw this, it actually made me laugh because it is so wildly inaccurate. Neither my previous amendment nor this resolution would have any effect on pollution standards and controls. Neither would change a single word of the current statute. My resolution would simply prevent the massive, unwarranted expansion of this statute by halting the EPA's efforts to use it to regulate greenhouse gas emissions—a purpose for which it was never intended, and a role that it simply cannot fulfill without serious and detrimental consequences.

It has also been stated that this resolution will somehow—somehow—prevent Congress from working constructively on climate legislation this year. Not the case. My resolution will restrain the EPA's ability to issue greenhouse gas regulations, but it will have absolutely no bearing on Congress's ability to debate climate policy. It is especially ironic that these comments were made by the Senator who has complete control of the Senate calendar. So if climate legislation does not come up this year, it is abundantly clear to me who will have made that decision.

The last claim I would like to address is the allegation about who helped draft my September amendment, which I might remind colleagues was never offered and is no longer on the table. Not only are those allegations categorically false, but they highlight—they highlight—the unwillingness of opponents of this measure to engage in the real policy discussion we should be having. The question so many of the individuals and groups opposed to my efforts have failed entirely to answer is if they honestly think—if they honestly think—that EPA climate regulations under the Clean Air Act would be good or bad for America.

I hope the debate over this resolution will stay rooted in substance. There is

plenty of substance for us to debate. There is a legitimate and a substantive debate to be had about whether the EPA should be allowed to issue these regulations before Congress has had an opportunity to fully debate the issue of climate change. In my mind, the answer is no. Congress must be given the time it needs to develop a responsible policy that protects both the environment and the economy.

We are not incapable or even unwilling to legislate on this topic. So far, this Congress has merely failed to develop a balanced measure that draws enough support to be signed into law. We can remedy that shortcoming, and I remain committed to playing a constructive role in that effort.

I believe the looming specter of EPA regulations is actually a big part of the reason we have had difficulty moving forward on climate legislation. Even though we know that some approaches for reducing emissions are greatly inferior to others, there is inexplicable resistance to removing even our worst option from consideration.

I have not heard one Member—one Member—say he or she prefers regulation over legislation. I have not heard one Member say that. Yet that option is not only still around, but it is also closer than ever to becoming reality. As long as it remains out there, it will be plan B for those who wish to address climate change at any cost. If this issue has become so politicized that some Members would support EPA regulation instead of a legislative effort aimed at passing a bipartisan bill, that would not only be a tragedy for our constituents but I believe also a sad day for us in the Senate.

If we are serious about fulfilling our duty to our constituents and giving this issue the full debate it deserves, we should take the EPA regulations off the table. Without a backstop that says “emissions will be reduced, one way or another, no matter how painful,” supports of climate legislation would have to get serious about finding common ground and bipartisan cosponsors.

Major environmental legislation such as the Clean Air Act, the Clean Water Act, and the Safe Drinking Water Act all faced opposition at the outset. That is no secret or surprise. But Members worked together to resolve concerns instead of threatening to take a different and more damaging course.

As Senator Ed Muskie would later write, the Clean Air Act “was passed unanimously after just two days on the floor,” which prompted Senator Eugene McCarthy to remark that he had “finally found an issue better than motherhood—and some people are even against motherhood.” The Clean Water Act passed by a vote of 86 to 0, and the Safe Drinking Water Act did not even require a rollcall vote. It was passed by voice vote.

The Senate has a history of coming together to overwhelmingly support commonsense environmental legisla-

tion. But today, however, as we seek the best way to reduce greenhouse gas emissions, we are being presented with a false choice between unacceptable legislation and unacceptable regulations. We are being told—threatened really—to pass a bill now or the economy will suffer. A number of Senators are trying to develop bills that can be signed into law, but even as that work continues, the EPA’s endangerment finding has opened the door to further economic damage.

I believe Congress must take that option off the table, and we can do that by approving the bipartisan disapproval resolution that 39 Senators have now submitted. Allowing the EPA to proceed will endanger jobs, our economy, and our global competitiveness. That should be an outcome we can all agree to avoid.

If you truly believe that EPA climate regulations are good for the country, then you can vote to oppose our resolution. But if you share our concerns and you believe climate policy should be debated in Congress, then vote with us to support it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, what we are about to debate is an unprecedented move by the Senator and her cosponsors to overturn a health finding made by health experts and scientific experts in order to stand with the special interests. Now that is clear to me, regardless of what is said on this floor. I listened to my colleague. I never heard her say we want to overturn the experts who found that carbon pollution is a danger to the health of our families.

Now, look, it is very reasonable to debate the best way to clean up the air from carbon pollution. I have a way I think is the best that is supported by many in the environmental community, many in the business community. I have a letter signed—which I would ask to be printed in the RECORD—by 80 businesses that just took out an ad and said: Let’s get on with it. They want to set up the type of system that I do, which would give maximum flexibility to business.

Mr. President, I ask unanimous consent that letter be printed in the RECORD.

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

DEAR PRESIDENT OBAMA AND MEMBERS OF CONGRESS

As you set the nation’s legislative agenda and policy priorities for the Second Session of the 111th Congress, we, American business leaders from companies of all sizes and sectors of our economy, call on you to move swiftly and boldly to enact comprehensive energy and climate legislation. This legislation will spur a new energy economy and with it create 1.7 million new American jobs, many in struggling communities across the country. At the same time, it will enhance our national security by making America more energy independent while also cutting carbon emissions.

Today, the United States is falling behind in the global race to lead the new energy economy. American businesses recognize this challenge and have already begun to respond and innovate. We are developing new technologies, launching new companies, and introducing new business models that drive economic growth, create new jobs and decrease our carbon footprint. However, today’s uncertainty surrounding energy and climate regulation is hindering the large-scale actions that American businesses are poised to make.

We need strong policies and clear market signals that support the transition to a low-carbon economy and reward companies that innovate. With certainty, clear rules of the road, and a level playing field, US businesses will deploy capital, plan, build, innovate and compete successfully in the global marketplace.

For American business to unleash a new industrial revolution in energy, we need cooperative and coordinated action in the public policy and the business arenas. We are ready to compete and we urge you to act so that we can win the global race. It is time for the Administration and Congress to embrace this policy as the promising economic opportunity that will empower American workers to compete and American entrepreneurship to lead the way. We stand ready to work with you to create and grow this important economic sector.

Now is the time to act. Together we can lead.

Mrs. BOXER. We have many mayors. We had our 1,000th mayor say: Get on with it. Let’s get the job done.

Senator MURKOWSKI laid out various ways that we have people working. She left out one way. The House-passed bill. The Senate Environment and Public Works had an overwhelming majority in our committee for our approach. We have Senators KERRY, GRAHAM, and LIEBERMAN—and I support what they are doing—trying to find the 60 votes so we can have the kind of bipartisanship Senator MURKOWSKI lauds. We have Senators CANTWELL and COLLINS coming together—and I am very excited about that—on a new approach on how to deal with carbon pollution, and that debate is appropriate. Let me tell my colleagues what is not appropriate: to repeal a finding that was made by scientists and health experts that carbon pollution is a danger to the health of our children, to our families, to our communities. That is inappropriate, and it has never, ever been done before.

I wish to say where I stand on this. My No. 1 job as a Senator is to protect the health and safety of the people of my great State of California and the people of America. I believe that is our highest calling. The Murkowski resolution is a direct assault on the health of the American people. Make no mistake about it. You can cover it up with lots of words. You can say a lot of things about how proud you are of all the work that is going on to control carbon pollution. But when you get up here and you offer a resolution—and I have it in my hands—that clearly says overturn the endangerment finding that, simply stated, in accordance with the Supreme Court ruling, carbon is, in fact, a danger to the health of our families, to do this is unprecedented. What

would have happened if a Senator came to the floor the year we found out nicotine and cigarettes are addictive and cause cancer—what would have happened if a Senator came down here and said, Oh, no, no. We want to overturn that rule that regulates how much nicotine can go in there. That is something we know better about because we are politicians and, suddenly, we become doctors.

What would have happened if a Senator came down to the floor and said: We don't like the finding by the EPA that lead is a danger to our children and causes brain development issues and we don't want them to act on that. We don't want them to control that. It is OK if they suck it up when they are little babies. Thank God no Senator did that. I don't recall any Senator coming to the floor of this Senate and saying: Asbestos? Well, maybe it is OK if people breathe it in, so let's repeal the rule that says we need to protect our workers from asbestos. No Senator ever did that, thank God, so our agencies could move forward and protect our communities and our people.

Black lung disease, that was a long time ago. There was a connection made between the coal dust and our miners. I don't remember—or I didn't read about—anybody coming to the floor and saying we need to repeal the health finding on this. Because we didn't have any Senators who did that, frankly, and because we had enough respect for health officials, public health officials, scientists, doctors, we let them do their job. Yes, we might have fought it out here: Gee, how much should we spend to protect our workers from black lung disease? How much should we spend to protect our workers from asbestos? How much should we spend as a society to take the lead out of paint? We never, ever had a Senator come down to the floor to try and overturn a finding that was made by the health community.

This is a new low, in my humble opinion. The reason I say that is because, to me, I am here for one reason: to make life better for the people I represent. Repealing scientific health expert findings is not what I should be doing. I should be working to make sure, after I know the fact that there is a danger, what is the best way to get the carbon pollution out of the air. That is totally fair. I can tell my colleagues right now, I am not going to get my way on the best way to do it because we don't have 60 votes for that. I understand that. That is why I am supporting all my colleagues who are working so hard to try and come up with the 60 votes so we don't repeal an endangerment finding. What would have happened to our families if we had Senators who did this? We didn't do that in the past. We listened to the science and the health experts. We took action that saved countless lives. This amendment would harm our families.

If I saw someone coming down the street about to attack my family, I

would do exactly what my colleague would do. We would fight back. Whatever it took, we would fight back. Well, this is about the public health. This is about the health of the planet. This is about the future of America. This is about jobs in America. There is lots of debate we can have. But, my goodness, talk about picking a battle over a scientific fact. That is what my colleague is doing.

She says she is standing with the American people. Let me tell my colleagues a few of the American people who strongly oppose what she is doing. The American Public Health Association says: "We strongly urge you to oppose any resolution that would repeal the public health findings." The Association of Public Health Laboratories, the National Association of County and City Health Officials, the National Environmental Health Association, the Physicians for Social Responsibility, the Trust for America's Health, the Centers for Disease Control which, under the administration of George W. Bush, started the scientific work that lead to this endangerment finding. Let's be clear. Ninety percent of the work on this endangerment finding was done by the Bush administration. This is such a radical amendment, it throws out all their work too.

Our families come first, and if our families come first in all our minds, then we can battle about how to get the carbon out of the air, but we should not be repealing a finding that clearly states that our family's health would suffer if we don't get this carbon out of the air.

My colleague says she wants to get the carbon out of the air. She is looking forward to working with all the colleagues I mentioned and more. That is great. Believe me, she and I have talked about this, and I hope she comes to the table. It would be wonderful if we got her help and she went on a bill. So far that hasn't happened and that is her choice. Maybe she will write her own bill, and that would be wonderful too. But that doesn't mean because we haven't found the 60 votes that we can afford to come down here and repeal a finding that is very clear about the health of our people.

There are health effects of doing nothing. My colleague says: You know what. It may take us a while to fix this problem, maybe a year. It may take 5 years, by the way. What she wants to do is state that nobody can take action to protect our families from carbon pollution while we dither around here. I am happy we are working. It could take us a long time to get this. Do my colleagues know how long it took to get the Clean Air Act amendments? A long time. It took years. I am not willing to put my family and my State—my families in my State and my State in jeopardy, nor the American people. Because if we take away this endangerment finding and we decide we know better than all the health experts and all the scientific experts, EPA cannot do anything.

My colleague complains about the command and control of the EPA. I wish to talk about that—the command and control of the EPA. These are words that are meant to frighten people. I never heard her come down and say: We want to take away the command and control of the EPA under the Clean Air Act to make sure we don't have smog in the air. I never heard her come down here and say: We don't need to have the command and control of the EPA in making sure that arsenic in the water isn't overwhelming or mercury in the fish. I don't hear her doing that. So all of a sudden, command and control of the EPA is an issue. We have an Environmental Protection Agency to protect our people. If we wind up overturning the health issues that are necessary before they can act, what are we doing here? Playing doctor? That is not why I came here.

We have the EPA every day going out there and controlling hazardous air pollutants: carbon tetrachloride known to cause cancer. Does my friend want to come down and say: Gee, that is command and control; let's take away the ability of the EPA to protect our families from carbon tetrachloride. Naphthalene, another known toxin that causes cancer. Yes, the EPA is out there, command and control, getting it out of the environment. Vinyl chloride, known to cause cancer; cadmium, known to cause cancer and harm the reproductive system. They are all toxins the EPA is working on to make sure our families are protected.

One day I suppose the Senator could come down here and say: Let's repeal the scientific finding that said these toxins cause cancer and then the EPA will not have the ability to use their command and control to protect our families. This is the type of precedent we are setting today, at a time when we know there are more and more chemicals and toxins that are, in fact, impacting our families. Cyanide is another one. Cyanide. The scientists told us it is extremely toxic to people. It harms the nervous system. It harms the cardiovascular system and the respiratory system. We control it through command and control and the EPA because it is a danger. The Supreme Court said, in very clear language, to the Bush EPA: You wasted 8 years. This is a danger to society. In the Supreme Court decision, this conservative court said to the EPA: You better make this endangerment finding.

Here is what we know about the endangerment finding my colleague wants to overturn. There is evidence—this is what the EPA found—that the number of extremely hot days is increasing. Severe heat waves are projected to intensify, which result in heat-related mortality and sickness. It goes on to talk about air quality, and this is important: Climate change is expected to worsen regional ground-level ozone pollution. Exposure to ground-level ozone has been linked to respiratory health problems ranging

from decreased lung function and aggravated asthma to increased emergency department visits, hospital admissions, and even premature death. It goes on and talks about the elderly, people in already poor health, the disabled, people living alone, and the extreme events that are anticipated which, by the way, some people feel are already happening: extreme events such as extreme cold, extreme snow, extreme flooding, extreme drought; some of the things that are already happening.

Why on Earth would the Senate get into the business of repealing science, repealing the work of health experts? There is only one answer. There is only one answer, to me: That is what the special interests want to have happen now because they are desperate, because they know the Clean Air Act does, in fact, cover carbon pollution. The Supreme Court found that. They have nowhere else to turn. The only way to stop the Environmental Protection Agency from protecting our families, the way they protect them from lead and arsenic and smog and naphthalene and vinyl chloride and cyanide and others, is to begin to act.

We know the EPA is very aware we are working on legislation. They have told us, and I think they would tell anyone who would call them, they are not interested in doing some draconian measures now. They are just getting ready. They are just getting started because the science has told us this is a problem. So people can stand here and say: Oh, all we are doing is we are just giving a little time for the Senators to get their 60 votes. Hey, that may not happen in a year or two or three or five or six or eight or ten. Maybe it will happen tomorrow. Believe me, I am working on it.

I am very hopeful that it will work. When you get 80 businesses writing us and telling us in a letter—a new organization called We Can Lead, and these are very, very important businesses all across our Nation—maybe that will help us act.

Until that time, there is only one thing that is available to protect our people, to protect their families and their children and the planet, and that is the Environmental Protection Agency. Maybe if you don't like the Environmental Protection Agency, you can get up here and offer an amendment to do away with the EPA, just do away with it, or try to change the Clean Air Act and say it should not cover carbon—if that is what you want to do. By the way, we would debate that very soundly. It would be a good debate. Don't come here and try to repeal a very important scientific and health finding, because that sets a whole new precedent. Lord knows where it could lead.

We have more letters. My colleague says she stands on the side of the people. OK. That is her judgment. I tell you, if you went out and said to people: Should the Senate repeal a scientific

finding that has been signed off on by the Bush administration, the current administration, and health care experts all over the country, they would say: No. What are they doing? Why are they meddling in our health?

That is not how the Senator is explaining her amendment, her resolution. She says: Oh, it is just a little moratorium and it will just stop this for a little while. Not true. It repeals the endangerment finding.

Let me tell you about some other letters we received. There are 195 undersigned endorsers—remember, you heard from my colleague that the people stand with her. We have a letter from 195 signers saying: We urge you to oppose the imminent attack on the Clean Air Act that would undermine public health and prevent action on global warming. This attack comes in the form of an amendment by Senator MURKOWSKI to the debt bill. They thought it was coming in that form. It is now coming in a different form, which is to reverse the endangerment finding.

They go on to say:

The EPA's "endangerment finding" is based on an exhaustive review of the massive body of scientific research showing a clear threat from climate change.

They go on and they say that their organization has a 40-year track record of protecting the public health.

Mr. GREGG. Will the Senator be willing to yield for a unanimous consent request?

Mrs. BOXER. Yes, as long as I don't lose the floor.

Mr. GREGG. Mr. President, I ask unanimous consent to be recognized after the Senator from California.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object, I want to make sure the speaker after that is from our side. With that understanding, I will not object.

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

Mrs. BOXER. Mr. President, I want to put into the RECORD a letter from 195 doctors and scientists who are alarmed at this Murkowski amendment to repeal the endangerment finding. I ask unanimous consent to have this letter printed in the RECORD.

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

JANUARY 19, 2010.

DEAR SENATORS: We—the 195 undersigned endorsers—urge you to oppose an imminent attack on the Clean Air Act (CAA) that would undermine public health and prevent action on global warming. This attack comes in the form of an amendment by Senator Murkowski to the debt limit bill (H.J. Res. 45) that would prevent the Environmental Protection Agency (EPA) for acting on its finding that global warming endangers public health and welfare. Because the EPA's finding is based on solid science, this amendment also represents a rejection of that science.

The EPA's "endangerment finding" is based on an exhaustive review of the massive

body of scientific research showing a clear threat from climate change. The 2007 Fourth Assessment Report of the Intergovernmental Panel on Climate Change (IPCC) found that global warming will cause water shortages, loss of species, hazards to coasts from sea level rise, and an increase in the severity of extreme weather events. The most recent science includes findings that sea level rise may be more pronounced than the IPCC report predicted and that oceans will absorb less of our future emissions. Recently, 18 American scientific societies sent a letter to the U.S. Senate confirming the consensus view on climate science and calling from action to reduce greenhouse gases "if we are to avoid the most severe impacts of climate change." The U.S. National Academy of Sciences and 10 international scientific academies have also released such statements. Unfortunately, the Murkowski amendment would force the EPA to ignore these scientific findings and statements.

The CAA is a law with a nearly 40-year track record of protecting public health and the environment and spurring innovation by cutting dangerous pollution. This effective policy can help address the threat of climate change—but only if the EPA retains its ability to respond to scientific findings. Instead of standing in the way of climate action, the Senate should move quickly to enact climate and energy legislation that will curb global warming, save consumers money, and create jobs. In the meantime, we urge you to respect the scientific integrity of the EPA's endangerment finding by opposing Senator Murkowski's attack on the Clean Air Act.

Mrs. BOXER. These doctors and scientists are so alarmed at this Murkowski amendment to repeal an endangerment finding that they have written a letter, and here is who they are. I am going to take the time to read all of these people.

ALABAMA

David Campbell, Ph.D., Tuscaloosa, AL.

ARIZONA

James Gessaman, Ph.D., Tucson, AZ; Trevor Hare, M.S., Tucson, AZ; Helen Unland, M.S., Gilbert, AZ.

ARKANSAS

Stephen Manning, Ph.D., Beebe, AR.

CALIFORNIA

Richard Ambrose, Ph.D., Los Angeles, CA; Linda Anderson, Ph.D., Felton, CA; Stephen Asztalos, Ph.D., Oakland, CA; Lawrence Badash, Ph.D., Santa Barbara, CA; Holger Brix, Ph.D., Los Angeles, CA; Stephen Brooks, M.S., Carmel, CA; Clifford Bunton, Ph.D., Santa Barbara, CA; Paul Chestnut, Ph.D., Palo Alto, CA; David Cleveland, Ph.D., Santa Barbara, CA; Bernard Cleyet, Ph.D., Salinas, CA; Mary Coker, M.S., Morgan Hill, CA; Alan Cunningham, Ph.D., Carmel Valley, CA; George Ellison, M.D., San Diego, CA; Shannon Fowler, Ph.D., Davis, CA; Jed Fuhrman, Ph.D., Topanga, CA; Daniel Gluesenkamp, Ph.D., San Francisco, CA; Andrew Gunther, Ph.D., Oakland, CA; Karen Holl, Ph.D., Santa Cruz, CA; Jeff Holmquist, Ph.D., Bishop, CA; John Holtzclaw, Ph.D., San Francisco, CA; Joseph Illick, Ph.D., San Francisco, CA; Burton Kallman, Torrance, CA; Richard Kranzdorf, Ph.D., San Luis Obispo, CA; Arielle Levine, Ph.D., Berkeley, CA; William Lidicker, Ph.D., Berkeley, CA; Ics Lindsey, M.S., Santa Cruz, CA; Robert Meese, Ph.D., Davis, CA; Richard Mielbrecht, M.S., Stockton, CA; Susanne Moser, Ph.D., Santa Cruz, CA; Michael Nelson, M.S., candidate, Redwood City, CA; Roger Pierno, M.S., Palo Alto, CA; James Provenzano, Ph.D. candidate, Los Angeles, CA; Paul Rosenberger, B.S., Manhattan Beach, CA;

Dale Sartor, M.B.A., Oakland, CA; Robert Siebert, PE, M.S., Orange, CA; David Smernoff, Ph.D., Portola Valley, CA; Raymond Smith, Ph.D., Santa Barbara, CA; Glenn R. Stewart, Ph.D., La Verne, CA; Laszlo J Szijj, Ph.D., Claremont, CA; Matthias van Thiel, Ph.D., Hayward, CA; Ray Weiss, Ph.D., La Jolla, CA; Stephen Weitz, Ph.D., Oakland, CA.

COLORADO

Ron Alberty, Ph.D., Boulder, CO; Albert Bartlett, J.D., Boulder, CO; Robert Cifelli, Ph.D., Fort Collins, CO; Eric Hints, Ph.D., Boulder, CO; Jose-Luis Jimenez, Ph.D., Boulder, CO; Marni Koopman, Ph.D., Fort Collins, CO; Nan Rosenbloom, Ph.D., Boulder, CO; Patrick Ryan, Ph.D., Thornton, CO; Thomas Schlatter, Ph.D., Boulder, CO; Len Shepard, M.S., Westminster, CO; Jerry Unruh, Ph.D., Manitou Springs, CO; A. Wyckoff, Ph.D. candidate, Fort Collins, CO.

CONNECTICUT

Robin Chazdon, Ph.D., Storrs, CT; Chandrasekhar Roychoudhuri, Ph.D., Storrs Mansfield, CT.

FLORIDA

James Angelo, M.S. candidate, Orlando, FL; Hillary Cherry, M.S., Hobe Sound, FL; Walter R. Courtenay, Jr., Ph.D., Gainesville, FL; Jack Fell, Ph.D., Key Biscayne, FL; Chris Hardy, B.S., Miami, FL; Ross McCluney, Ph.D., Cape Canaveral, FL; John Parker, Ph.D., Miami, FL; Milton Theaman, Ph.D., Sarasota, FL.

GEORGIA

Shelly Krueger, M.S. candidate, Tybee Island, GA; Andrea Lowrance, M.S., Gainesville, GA; Donald McCormick, Ph.D., Stone Mt., GA.

HAWAII

William Mokahi Steiner, Ph.D., Hilo, HI.

ILLINOIS

Evan De Lucia, Ph.D., Urbana, IL; Karen Glennemeier, Ph.D., Glenview, IL; Scott Harper, M.S., Arlington Heights, IL; Caroline Herzenberg, Ph.D., Chicago, IL; Martin Jaffe, J.D., Chicago, IL; Edmond Zaborski, Ph.D., Mahomet, IL.

INDIANA

Novem Auyeung, Ph.D. candidate, West Lafayette, IN; Edward Bacht, M.S., Fishers, IN; Mai Kuha, Ph.D., Muncie, IN; Joseph Pachut, Ph.D., Indianapolis, IN; Eliot Smith, Ph.D., Bloomington, IN.

IOWA

Richard Baker, Ph.D., Atalissa, IA; Margot Tollefson/Conard, Ph.D., Stratford, IA.

KENTUCKY

Eugene Bruce, Ph.D., Lexington, KY.

LOUISIANA

Torbjorn Tornqvist, Ph.D., New Orleans, LA.

MAINE

Frances Perlman, M.A., West Paris, ME.

MARYLAND

DJ Manalo, Ph.D., Rockville, MD; Judith McGuire, Ph.D., Chevy Chase, MD; Louis Potash, Ph.D., Bethesda, MD; Arthur Tsien, Ph.D., Chevy Chase, MD.

MASSACHUSETTS

William Dale, Ph.D., East Longmeadow, MA; Eric Davidson, Ph.D., East Falmouth, MA; Allison Dunn, Ph.D., Boston, MA; Robert Gamache, Ph.D., Lowell, MA; Timothy Havel, Ph.D., Boston, MA; Charles Kolb, Ph.D., Bedford, MA; Dianne Rocheleau, Ph.D., Worcester, MA; Daniel Scholten, M.S., Carlisle, MA; Elske Smith, Ph.D., Lenox, MA; Frank Streeter, M.B.A., Lancaster, MA; John Terrell, Ph.D., Lincoln, MA; Nicholas White, Ph.D., Manchester, MA; Frank

Wilczek, Ph.D., Cambridge, MA; Jeremy Winick, Ph.D., Acton, MA.

MICHIGAN

Peter Albers, Ph.D., Traverse City, MI; Norman Andresen, Ph.D., Ypsilanti, MI; Mick DeGraeve, Ph.D., Traverse City, MI; Ray Frodey, M.S., Fremont, MI; Gerald Gardner, Ph.D., Ann Arbor, MI; John Lorand, Ph.D., Mount Pleasant, MI; Stella Papasavva, Ph.D., Royal Oak, MI.

MINNESOTA

Dragoljub Bilanovic, Ph.D., Bemidji, MN; Jason Dahl, Ph.D., candidate, Bemidji, MN; Evan Hazard, Ph.D., Bemidji, MN.

MISSISSIPPI

James Lazell, Ph.D., Jackson, MS.

MISSOURI

David Pollack, M.A., Saint Louis, MO.

NEW HAMPSHIRE

Patrick Eggleston, Ph.D., Keene, NH; Michael Letendre, B.A., Portsmouth, NH.

NEW JERSEY

Robert Mason, Ph.D., Lambertville, NJ; Howard Mead, M.S., Cinnaminson, NJ; James Miller, Ph.D., New Brunswick, NJ.

NEW MEXICO

Siri Atma Khalsa, M.D., Espanola, NM.

NEW YORK

Caren Cooper, Ph.D., Ithaca, NY; Kurt Gottfried, Ph.D., Ithaca, NY; Karlene Gunter, Ph.D., Rochester, NY; Joel Huberman, Ph.D., Buffalo, NY; Richard Ostfeld, Ph.D., Tivoli, NY; George Profous, M.S. New Paltz, NY; Susan Riblett, Ph.D., Rochester, NY; C.S. Russell, Ph.D., New York, NY; David Straus, Ph.D., Gardiner, NY; James Wang, Ph.D., New York, NY; Ruth Yanai, Ph.D., Syracuse, NY.

NORTH CAROLINA

Daniel Graham, Ph.D., Chapel Hill, NC; Richard Gray, Ph.D., Boone, NC; Peter Reynolds, Ph.D., Durham, NC; Don Richardson, M.D. Brevard, NC; Brett Taubman, Ph.D., Boone, NC.

OHIO

James Andrews, Ph.D., Youngstown, OH; Steven Federman, Ph.D., Ottawa Hills, OH; Donald Geiger, Ph.D., Dayton, OH; Ben Lindenberger, B.S., Cincinnati, OH; David Modarelli, Ph.D., Akron, OH; Dan Petersen, Ph.D., Cincinnati, OH; Benjamin Segall, Ph.D., Cleveland Heights, OH; Gerald Sgro, Ph.D., Cleveland Hts., OH; Nicholas Sperelakis, Ph.D., Cincinnati, OH.

OKLAHOMA

Howard Baer, Ph.D., Norman, OK.

OREGON

Kenneth Bergman, Ph.D., Ashland, OR; Paul Harcombe, Ph.D., Albany, OR; Marilyn Harlin, Ph.D., Portland, OR; James Moore Jr., M.S., Ashland, OR; Paul Torrence, Ph.D., Williams, OR; Pepper Trail, Ph.D., Ashland, OR.

PENNSYLVANIA

John Cooper, Ph.D., Lewisburg, PA; James Kasting, Ph.D., University Park, PA; Tim Pearce, Ph.D., Pittsburgh, PA; Fred Wuertele, M.B.A., Allentown, PA.

RHODE ISLAND

Rainer Lohmann, Ph.D., Narragansett, RI; Dorothy Read, Ph.D., Kingston, RI.

TENNESSEE

Mark Heald, Ph.D., Pleasant Hill, TN; Dennis Walsh, Ph.D., Murfreesboro, TN.

TEXAS

Gerald Fowler, Ph.D., Houston, TX; Thomas La Point, Ph.D., Denton, TX; Troy Ladine, Ph.D., Marshall, TX; John Langan, M.S., San Antonio, TX; Rafael Lopez-Mobilia, Ph.D., San Antonio, TX.

UTAH

Brett Adams, Ph.D., Logan, UT; William Newmark, Ph.D., Salt Lake City, UT; Andrew Schoenberg, Ph.D., Salt Lake City, UT; Jack Sites, Jr., Ph.D., Orem, UT.

VERMONT

Alan Betts, Ph.D., Pittsford, VT; Becky Herbig, M.S., S Burlington, VT.

VIRGINIA

Bruce Collette, Ph.D., Casanova, VA; Ken Gigliello, M.S., Centreville, VA; Judith Lang, Ph.D., Ophelia, VA; Christopher Peloso, J.D., Arlington, VA.

WASHINGTON

Robert Briggs, M.A., Pullman, WA; Robert Brown, Ph.D., Seattle, WA; Richard Gammon, Ph.D., Shoreline, WA; Vivian Johnston, B.S., Oakville, WA; Conway Leovy, Ph.D., Seattle, WA; Scott Luchessa, M.S., Seattle, WA; Bob Vocke, Ph.D., Husum, WA.

WEST VIRGINIA

Paula Hunt, M.S., Morgantown, WV; James Kotcon, Ph.D., Morgantown, WV.

WISCONSIN

James Boulter, Ph.D., Strum, WI; Tracy Feldman, Ph.D., Stevens Point, WI; Larry Reiter, B.S., Sobieski, WI; Peter Sigmann, M.D., Sturgeon Bay, WI; Richard Steeves, Ph.D., Madison, WI; John Stewart, Ph.D., Washburn, WI.

These are doctors and scientists from all over the country who heard about this resolution. Believe me, this is very quick that they got these signatures. So when Senator MURKOWSKI says she stands with the people, I want to point out that I do not believe for one moment that the people of this country want to go against the doctors and scientists who are signing this letter and the health community that says it is important that we note the dangers of carbon pollution to our families.

I think it is important, when a Senator takes to the floor and says the people want to see this endangerment finding overturned, that we make sure we lay out the facts about some very important people who lead us on these health issues, and in the course of a few days they put together 195 doctors and scientists saying: Vote no against the resolution.

Mr. President, I will reiterate why I am down here on the floor. Senator MURKOWSKI is announcing today that she seeks to overturn the scientific finding that carbon pollution is harmful to the health of our families. I think this is radical. I think this has never been done. If Senators had done it in the past, we could not have protected our families from tobacco, arsenic, lead, ozone, smog, or cadmium, and the list goes on. She doesn't want EPA to be able to take any action to protect our families. This is a very radical way to go about it.

We have a letter from the attorneys general of Rhode Island, California, Connecticut, Delaware, New Mexico, Vermont, and the corporation counsel for the city of New York. I ask unanimous consent to have this letter printed in the RECORD.

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

JANUARY 19, 2010.

Re Senator Murkowski's anticipated Amendment to H.J. Res. 45; also, any Congressional Review Act Resolution Relating to EPA's Endangerment Finding.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.

Hon. MITCHELL MCCONNELL,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR SENATORS REID AND MCCONNELL: We are writing to urge you to oppose Senator Murkowski's anticipated amendment to the debt limit bill (H.J. Res. 45), which is expected to embody a Congressional limitation on actions by the Environmental Protection Agency (EPA) to begin to regulate carbon dioxide and other global warming pollutants. We refer to Senator Murkowski's widely-reported attempt to introduce a floor amendment to restrict or void the EPA's recent (December 15, 2009) endangerment finding (found at 74 Fed. Reg. 66496) or to block EPA from limiting emissions from power plants or other sources of carbon pollution. That amendment will probably be offered on January 20, or shortly thereafter, as an extraneous addition to the debt limit bill.

We also oppose, whether introduced by this means, at this time, or otherwise, any Congressional Review Act (CRA) resolution relating to the endangerment finding. Thus, this letter also applies to any attempt, in the coming months, at a Congressional veto of the EPA's above-referenced action.

The time is long overdue for the federal government to take action to drastically reduce greenhouse gas emissions and to prevent disruptive climate change. The anticipated Murkowski amendment and/or the CRA resolution would be not only giant steps backwards, but would needlessly delay reductions in greenhouse gas emissions that we can and should begin making today.

EPA's endangerment finding is compelled by the Supreme Court's decision in *Massachusetts v. EPA*, 549 U.S. 497, 528-29 (2007), ruling that the Clean Air Act covers global warming pollutants. The finding is the basis for President Obama's issuance of landmark greenhouse gas emission vehicle standards—with the support of auto companies, auto workers, states, and environmentalists—that will save consumers money at the pump, cut global warming pollution, reduce America's oil dependence and lay the groundwork for the new clean energy economy. This amendment would eviscerate the important progress EPA, partly at the behest of the States, has made in this area.

The amendment also would undermine EPA's important efforts to use the Clean Air Act to ensure that the nation's largest power plants and factories use modern technology to reduce their global warming pollution, as they already must do for other pollutants. EPA has proposed to tailor those rules to exempt small carbon emitters.

In sum, we support EPA's actions as a start towards holding the biggest polluters accountable, reducing America's oil dependence and jump-starting a vibrant clean energy economy. A vote for the Murkowski amendment would be a step backwards. Instead of standing in the way of progress, Congress should defeat the promised floor amendment and any measures of that nature.

Mrs. BOXER. Mr. President, they say:

In sum, we support EPA's actions as a start towards holding the biggest polluters accountable, reducing America's oil dependence and jump-starting a vibrant clean energy economy. A vote for the Murkowski amendment would be a step backwards. In-

stead of standing in the way of progress, Congress should defeat [this resolution].

Communities of faith—I think it is very important when the Senator from Alaska says she stands with the people—let's see where the communities of faith come down. They are saying vote no on the Murkowski amendment. They include the Church World Service; the Coalition on the Environment and Jewish Life; the Episcopal Church; the Evangelical Lutheran Church in America; the Jewish Council for Public Affairs; the Jewish Reconstructionist Federation; the National Council of Churches USA; the Maryknoll Office for Global Concerns; the Presbyterian Church, USA, Washington office; the Missionary Oblates, Justice, Peace/Integrity of Creation Office; the Union for Reformed Judaism; the Unitarian Universalist Ministry for Earth; the Unitarian Universalist Association of Congregations; the United Church of Christ, Justice and Witness Ministries; the United Methodist Church General Board of Church and Society; and United Methodist Women.

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

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

U.S. SENATE,

Washington, DC, January 19, 2010.

DEAR SENATOR: As communities and people of faith, we are called to protect and serve God's great Creation and work for justice for all of God's people. We believe that the United States must take all appropriate and available actions to prevent the worst impacts of climate change; we therefore urge you to oppose any efforts to undermine the authority of the Clean Air Act to regulate greenhouse gas emissions. In particular, we urge you to work for the defeat of Senator Murkowski's (AK) proposed amendment to the upcoming debt limit bill (H.J. Res 45) that would prevent the Environmental Protection Agency (EPA) from going forward with greenhouse gas regulations under the Clean Air Act (CAA).

The CAA has a strong history of reducing pollution and protecting God's children and God's Creation, successfully decreasing the prevalence of acid rain, responding to health threatening smog and ozone problems faced in our major urban areas, and generally improving the air quality of our nation in the decades since its passage. It is only appropriate that the CAA continue to oversee any and all air-related challenges that we face. In 2007, the Supreme Court ruled that greenhouse gas emissions, the leading cause of climate change are, in fact, covered under the CAA and could be regulated by the EPA. New CAA regulations limiting greenhouse gas emissions will also ensure that the largest emitters, such as power plants and factories, use the best available technologies to reduce their greenhouse gas emissions and begin to shift to sustainable forms of energy.

The EPA, in its efforts to implement the CAA in an appropriate manner, has already proposed to tailor the CAA to exempt small carbon emitters and apply them only to large sources that have long been subject to similar standards for other pollutants. However, Senator Murkowski's proposed amendment would prevent these regulations from moving forward, allowing our nation's substantial contribution to global climate change to continue unchecked and exposing

vulnerable communities to the impacts of climate change. In addition, this attempt to undermine the authority of the EPA and the CAA to regulate greenhouse gas emissions will interfere with an effective U.S. response to this global crisis.

Senator Murkowski's amendment threatens the well being of at risk communities, undermines efforts to shift to a sustainable energy future, and inevitably will impact the right of all of God's children to live in a healthy world. Congress should instead focus its efforts on passing comprehensive climate legislation, a complementary path to the EPA's regulation of greenhouse gases, as a means to ensure a just and sustainable future for God's Creation.

Mrs. BOXER. Mr. President, we also have another letter opposing the efforts of the Senator from Alaska to overturn the endangerment finding. That letter is signed by many members of the business community. I will name just a few, and then I will ask that this letter be printed in the RECORD. The signers include the CEO of Lucesco Lighting; the president of Cross River Pictures; George Bailey of IBM; physicist Tony Bernhardt from the Lawrence Livermore National Lab; a professor of physics at MIT, Aaron Bernstein. This goes on and on. I am also picking out the Theological Seminary in San Francisco; doctoral students from Stanford; financial adviser, UBS Financial Services; the president of Investment Marketing, Inc. It goes on and on. Seattle University Law School, an assistant professor there. I don't even know, there are so many names. Cofounder of Sybase, New Resource Bank, Environmental Entrepreneurs, Bob Epstein; General Partner of Trinity Ventures; Lakeside Enterprises, Granite Ventures, Tymphany; the former vice president of Oracle; the former executive vice president of Oracle. And on and on. The Sexton Company; ClearEdge Power. It goes on and on. Data Robotics, Inc.; a freelance journalist. This is quite a list of people. It shows the breadth of our great Nation. The Green Energy Czar at Google is involved here; Cisco Systems, Jeff Weinberger, the sustainability lead; Amanda Weitman, senior vice president, Wells Fargo private bank; Solar Project Developers, and on and on.

I ask unanimous consent to have printed in the RECORD this letter.

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

ENVIRONMENTAL ENTREPRENEURS,

January 15, 2010.

DEAR SENATOR: As members of Environmental Entrepreneurs (E2), we urge you to oppose Senator Murkowski's amendment to the debt limit bill (H.J. Res. 45). This amendment would diminish incentives to the private sector to invest in low carbon technologies, retarding much needed economic growth and job creation in the clean energy sector.

E2 represents a national community of 850 business leaders who promote strong environmental policy to grow the economy. We are entrepreneurs, investors and professionals who collectively manage over \$20 billion of venture capital and private equity, and have started well over 800 businesses which in turn have created over 400,000 jobs.

The Clean Air Act is an example of how sensible policy can benefit both our environment and our economy. While improving air quality in our cities, reducing acid rain, and protecting the ozone layer, the law has also driven innovation in pollution control and industrial efficiency, minimizing cost to business. According to the Environmental Protection Agency (EPA), the health benefits of the Clean Air Act outweigh the costs by as much as a 40:1 ratio.

In 2007 the U.S. Supreme Court ruled that global warming pollutants are covered under the Clean Air Act, and President Obama is carrying out the law by issuing clean vehicle standards and taking steps to ensure that large polluters use the best-available technology to reduce their global warming pollution. EPA is already working to ensure that these rules apply only to major emitters.

The growing clean energy sector represents our greatest opportunity to restore a robust economy and create new jobs. Investors and entrepreneurs in this sector are seeking to commercialize the innovations and technologies that will secure America's competitive position in the global economy. The Murkowski amendment sends the wrong market signal at the wrong time, undermining investor confidence in this critical industry.

Instead of blocking the administration's efforts to curb carbon pollution, the Senate should enact strong climate and energy legislation to deploy America's workforce, encourage business innovation, and promote U.S. leadership in 21st century clean technologies. We urge you to oppose Senator Murkowski's amendment.

Sincerely,

(273 E2 members signed this letter)

Mrs. BOXER. Mr. President, it is very clear that Senator MURKOWSKI's amendment is causing a ripple throughout the country. It is causing a firestorm of protests among doctors, scientists, and business leaders who believe it is a bad precedent to overturn science. It is hard for me to believe in this century that is what we would be doing.

I wish to have printed in the RECORD some editorials from various newspapers. One is from the New York Times dated 2 days ago, "Ms. Murkowski's Mischief." They are basically saying, which I thought was interesting:

Senator Lisa Murkowski's home State of Alaska is ever so slowly melting away, courtesy of a warming planet. Yet few elected officials seem more determined than she to throw sand in the Obama administration's efforts to do something about climate change.

It is unbelievable. They go on to say if she chooses to overturn this endangerment finding, "rescinding the finding would repudiate years of work by America's scientists and public health experts."

I think this is important. The work that has been done leading up to this endangerment finding was done by Republican and Democratic administrations alike. To just throw it out with this resolution makes no sense at all. I know Senator BAUCUS is on the Senate floor. He served as chairman of the Environment and Public Works Committee. He took a very important role in framing a letter where we lay out why this is a very bad idea. I thank him for that.

I ask unanimous consent to have printed in the RECORD this letter that Senator BAUCUS worked so hard on with his staff. Here is what we say—I think it is important—and then I will have the letter printed in the RECORD:

The U.S. Environmental Protection Agency (EPA) recently issued a finding that greenhouse gas pollution endangers public health and public welfare. In April 2007, the U.S. Supreme Court ruled that greenhouse gas emissions were covered under the Clean Air Act and the EPA had a duty to determine whether the endangerment finding was warranted by science.

Then we go on to say:

Debating policy choices regarding the appropriate response to unchecked climate change is fair, and the Senate will continue to evaluate the best tools for addressing greenhouse gas emissions, but repealing an endangerment finding based upon years of work by America's scientists and public health experts is not appropriate.

We urge a "no" vote.

I ask unanimous consent to have printed in the RECORD this letter.

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

U.S. SENATE, COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,

Washington, DC, January 11, 2010.

DEAR COLLEAGUE: The U.S. Environmental Protection Agency (EPA) recently issued a finding that greenhouse gas pollution endangers public health and public welfare. In April 2007, the U.S. Supreme Court ruled that greenhouse gas emissions were covered under the Clean Air Act and the EPA had a duty to determine whether the endangerment finding was warranted by the science. A "Resolution of Disapproval" using expedited procedures under the Congressional Review Act or other similar amendment is expected to be introduced in the Senate to overturn EPA's global warming endangerment finding.

Debating policy choices regarding the appropriate response to unchecked climate change is fair, and the Senate will continue to evaluate the best tools for addressing greenhouse gas emissions, but repealing an endangerment finding based upon years of work by America's scientists and public health experts is not appropriate.

The independent work of scientists and public health experts from both the Bush and Obama administrations should stand on its own. We strongly urge you to vote "no" when a Resolution of Disapproval or a similar amendment comes before the Senate.

Sincerely,

Barbara Boxer, Chairman; Thomas R. Carper; Frank R. Lautenberg; Benjamin L. Cardin; Bernard Sanders; Amy Klobuchar; Sheldon Whitehouse; Tom Udall; Max Baucus; Jeff Merkley; Kirsten Gillibrand; Arlen Specter.

Mrs. BOXER. Mr. President, the Washington Post said about the Murkowski amendment that hobbling the EPA is not the right course. The correct response is to provide a better alternative. Obviously, they are not in favor of overturning an endangerment finding.

The Scranton Times-Tribune—a very important, I think, editorial, says:

There should be little debate on . . . the premise that cleaner air is healthier. . . .

I think that is really what we are saying. The scientists are saying let's clean up the carbon and have healthier air.

The St. Louis Post-Dispatch has a very good editorial. They also come out against this kind of a move by Senator MURKOWSKI and big oil and big coal. They believe this vote is a very important vote.

I ask unanimous consent to have these editorials printed in the RECORD.

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

[From the New York Times, Jan. 19, 2010]

MS. MURKOWSKI'S MISCHIEF

Senator Lisa Murkowski's home state of Alaska is ever so slowly melting away, courtesy of a warming planet. Yet few elected officials seem more determined than she to throw sand in the Obama administration's efforts to do something about climate change.

As part of an agreement that allowed the Senate to get out of town before Christmas, Democratic leaders gave Ms. Murkowski and several other Republicans the chance to offer amendments to a must-pass bill lifting the debt ceiling. Voting on that bill begins this week. Although she has not showed her hand, Ms. Murkowski has been considering various proposals related to climate change—all mischievous.

One would block for one year any effort by the Environmental Protection Agency to regulate greenhouse gases like carbon dioxide. This would prevent the administration from finalizing its new and much-needed standards for cars and light trucks and prevent it from regulating greenhouse gases from stationary sources.

Ms. Murkowski also is mulling a "resolution of disapproval" that would ask the Senate to overturn the E.P.A.'s recent "endangerment finding" that carbon dioxide and other global warming gases threaten human health and the environment. This finding flowed from a 2007 Supreme Court decision and is an essential precondition to any regulation governing greenhouse gases. Rescinding the finding would repudiate years of work by America's scientists and public health experts.

Ms. Murkowski says she's concerned about global warming but worries even more about what she fears would be a bureaucratic nightmare if the E.P.A. were allowed to regulate greenhouse gases. She says she would prefer a broad legislative solution. So would President Obama. But unlike Ms. Murkowski, he would not unilaterally disarm the E.P.A. before Congress has passed a bill.

Judging by the latest and daffiest idea to waft from Ms. Murkowski's office, she may not want a bill at all. Last fall, the Senate environment committee approved a cap-and-trade scheme that seeks to limit greenhouse gas emissions by putting a price on them. The Democratic leadership's plan is to combine the bill with other energy-related measures to broaden the base of support; by itself, it cannot pass.

Knowing that the bill is not ripe, Ms. Murkowski may bring it up for a vote anyway as an amendment to the debt bill. Why? To shoot it down. The tactic would give us a "barometric reading" of where the Senate stands on cap-and-trade, one Murkowski staffer said recently. What it really gives us is a reading on how little the senator—or for that matter, her party—has to offer.

[From the Washington Post, Jan. 20, 2010]

AVOIDING A TRAP ON CLIMATE CHANGE

Ever since his inauguration a year ago, President Obama has tried to motivate Congress with a strong ultimatum: Pass climate-change legislation, or the Environmental

Protection Agency (EPA) will use its authority under the Clean Air Act to curb carbon emissions without your input.

Instead of accepting this as a prod toward useful action, Sen. Lisa Murkowski (R-Alaska) apparently wants to disarm the administration. This week she is set to offer a measure, perhaps as an amendment to a bill raising the federal debt ceiling, that would, one way or another, strip the EPA of its power to regulate carbon emissions as pollutants, perhaps for a year, perhaps forever. We aren't fans of the EPA-only route. The country would be better off if Congress established market-based, economy-wide emissions curbs. But hobbling the agency isn't the right course, either.

If Congress fails to act, carefully administered EPA regulation of carbon emissions could ensure that America makes some real reductions, if not necessarily in an optimally efficient manner. If Congress passes climate legislation, the EPA's role, if any, could be tailored to work with a legislated emissions-reduction regime. So removing the EPA's authority now is at least premature. The correct response to the prospect of large-scale EPA regulation is not to waste lawmakers' energy in a probably futile attempt to weaken the agency. Instead, the Senate should provide a better alternative.

That effort is already fraught. The best policies—a simple carbon tax or cap-and-trade scheme—aren't gaining steam. Instead, the House passed a leviathan bill, and the Senate is stalled. Majority Leader Harry M. Reid (D-Nev.) indicated last week that he fears Ms. Murkowski's measure will diminish chances of producing a bipartisan climate-change bill. Ms. Murkowski would do better by helping end the Senate's paralysis than by seeking to condemn the rest of government to the same inaction.

[From the Scranton Times-Tribune, Jan. 19, 2010]

WIN FIGHT FOR CLEANER AIR

Most of the debate about the human contribution to global warming is about politics and economics rather than science. The vast preponderance of scientific evidence points to a human contribution to global warming. For the most part, the debate truly is about how to bear the costs of remedial action.

There should be little debate on any basis, however, on the premise that cleaner air is healthier air, regardless of the global warming stalemate.

Yet a move is afoot in the Senate, based upon the global warming debate, to thwart use of the Clean Air Act for its intended purpose—to improve air quality and, therefore, public health.

The U.S. Environmental Protection Agency issued a finding last year that greenhouse gas emissions are pollution that endangers public health. The EPA undertook the analysis after the U.S. Supreme Court ruled in 2007 that the emissions were covered by the Clean Air Act.

In the 40 years since the Clean Air Act's passage, it has been responsible for substantial improvements in air quality. Cleaner fuels, higher-mileage vehicles, reduced industrial emissions and related measures have helped to clean the air—and water, since airborne pollution falls into waterways.

The Senate could vote as early as Wednesday on a proposal, by Sen. Lisa Murkowski of Alaska, that in effect would exclude greenhouse gases from EPA regulation.

America's direction since the passage of the Clean Air Act has been toward, rather than away from, cleaner air. Sen. Arlen Specter has committed to voting against the Murkowski gambit; Sen. Bob Casey should join him.

[From the St. Louis Post-Dispatch, Jan. 19, 2010]

THE DIRTY AIR ACT OF 2010

(By Melissa K. Hope)

Big Oil and dirty coal are spending hundreds of millions of dollars to stop Congress from passing new clean energy legislation and now they are trying to gut one of our nation's most important environmental laws, the Clean Air Act.

Just last month, the U.S. Environmental Protection Agency moved to enforce the Clean Air Act. The EPA declared that global warming pollution endangers human health and welfare and announced plans to limit emissions from the biggest polluters. Now this plan is under attack in Congress by Sen. Lisa Murkowski, R-Alaska, and other friends of Big Coal and Big Oil, and faces a crucial vote this week.

Sen. Murkowski wants to bail out big polluters by blocking President Barack Obama and the EPA from taking action to limit emissions. She is proposing an amendment to the Senate's national debt ceiling bill. Her amendment would dismantle the Clean Air Act and put the public's health and safety at risk to global warming. Her "Dirty Air Act of 2010" would block the EPA from limiting carbon dioxide emissions.

After years of research, scientific debate, court cases, public hearings and comments, Senator Murkowski is suggesting that we simply choose to "un-learn" that global warming is happening and that it will be dangerous to human health and welfare.

The EPA merely is doing what the Clean Air Act already requires—and what it was ordered to do almost three years ago by the U.S. Supreme Court. And last month, more than 400,000 Americans submitted comments in favor of the EPA's proposal to limit pollution from the biggest global warming polluters, among the highest number of comments ever submitted in favor of any proposal.

The EPA plans to limit the new common sense, economically feasible regulations to the largest polluters only. Suggestions that the EPA plans to regulate farms, schools, hospitals, cows and Dunkin' Donuts are simply false. EPA Administrator Lisa Jackson has said as much on numerous occasions. Such statements, which are an attempt to scare small businesses, merely are misleading smears designed to derail any limits on polluters.

Sen. Murkowski might say her amendment is just a one-year time-out, but we've already had a nearly decade-long "time-out" as pundits for big oil and coal had their way. The clean-energy economy and action to curb global warming no longer can be held hostage by petty politics and partisan obstructionism. We can't choose to deny that this pollution is harmful any longer.

Instead of looking for ways to delay action, Congress needs to finalize comprehensive clean energy and climate legislation as soon as soon possible. Missouri's senators—Republican Christopher "Kit" Bond and Democrat Claire McCaskill—must say no to this fast-approaching amendment that would block EPA action on climate-changing emissions from the largest polluters. More important, it is time Missouri's senators strongly support clean energy and climate legislation that will mean less pollution, new industries, more jobs and greater security right here at home.

Mrs. BOXER. Mr. President, in summary, I will say this: I do not want the American people to misunderstand what is before us in this resolution that will be coming up for a vote at a time determined by Senator MUR-

KOWSKI, as I understand it, under the rules. She is using the rules to be able to do this.

I do not think the American people should be misled into thinking this is about postponing action on cleaning up carbon pollution. It is about something much deeper than that. If her resolution passes and if it does become the law of the land—and I hope and I do not believe it will at the end of the day—what she is doing is something unprecedented.

That unprecedented move is to overturn a finding made by the scientists and the health experts on the impacts of carbon pollution. This has never been done before. Senators play the role of Senators; they do not play the role of doctors. They do not play the role of scientists. I will tell you, if we start doing that, there is no end to what we could do. We could overturn action on controlling the nicotine in cigarettes. We could overturn action to control the lead allowed in paints. We could overturn the science based on limits for arsenic in water. I could go on and list all the toxins—cadmium, carbon tetrachloride, naphthalene, toluene, and it goes on. That is why this is such a dangerous turn of events.

I am very much up for a debate on the best way to solve this problem of too much carbon pollution in the air. We differ. Some of us have one idea, some have another. That is why I am so hopeful that Senators KERRY, GRAHAM, and LIEBERMAN, with all of us working in the background, can come up with the 60 votes necessary. But make no mistake about it, we should not start down the path of overturning a health finding. That is not why we were elected.

I can just speak for my constituents. My constituents sent me here. They want me to protect the health and safety of the people, and that is what I intend to do.

I am very proud of the doctors who have come forward today. I met with one in my office just about an hour ago. They are going to stand with us, and they are going to tell the truth about this. The American people will judge who is on their side. That is up to them. They will make that decision.

Mr. President, I am so grateful for your patience. I have put many things into the RECORD. I have spoken much longer than I normally do, I am sure to the chagrin of a few people on the other side, which I understand how they feel. But I felt it important to lay out how serious I think this is. Not that I think at the end of the day it will become the law but because I love serving in the Senate. I love the work we do. And one of the things we should not do is overturn science and public health experts. That is exactly what the Murkowski resolution does.

Mr. President, I know Senator GREGG will be speaking, and we have a slot reserved for a Democrat after that conclusion.

I yield the floor.

Mrs. GILLIBRAND. Mr. President, I rise today to speak against the proposed amendment from the Senator from Alaska.

This resolution of disapproval goes against good public health policy and poses a serious threat to my constituents in New York—and all Americans—undermining our ability to advance efforts to clean our air and water and leave our world a better, healthier place.

This assault on the Clean Air Act would handcuff the Environmental Protection Agency, stripping it of its authority to regulate dangerous greenhouse gases. This amendment would let large scale polluters off the hook by scrapping requirements for electric generation facilities to use modern technology to reduce emissions and produce cleaner energy.

If passed, this amendment would send a message that the United States will remain reliant on outdated and inefficient energy technologies and delay investment in new, clean technologies that would spur innovation and create good-paying, American jobs, all across this great Nation.

For my constituents in New York, this amendment stands for more air pollution in our communities, more acid rain devastating natural treasures like the Adirondacks, ever-increasing asthma rates for our children, and a failure to take action when action is long overdue.

Regulatory uncertainty is undermining our national interests and giving countries like China and India, the ability to eclipse our Nation in developing the next generation of energy technologies—that we, the United States, should be leading the way on.

Supporters of this amendment are essentially saying that they do not believe the worldwide scientific consensus regarding climate change, and that they don't believe greenhouse gases pose a threat to human health—despite decades of world-class science that predate it, and the clarion call from public health advocates across the country.

A vote for this amendment would be a vote for more pollution and increase protection of those polluters.

It would encourage a regression in the environmental progress that has been made over the last 40 years, and represents a denial of the need to create jobs and revitalize our economy with clean, renewable, American power.

We need to pass comprehensive climate and clean energy legislation that will create jobs by spurring investment and innovation, enhance our national security by moving our Nation forward on a path to energy independence, protect our air and water by reducing pollution, and decrease energy costs for American families.

The science is clear and we cannot afford to wait.

I urge my colleagues to join me in voting against this attempt to under-

mine action to tackle climate change and urge this body to move forward with comprehensive climate and clean energy legislation.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Under the previous order, I believe the Senator from New Hampshire is to have the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

AMENDMENT NO. 3302

Mr. GREGG. Mr. President, I rise to support the amendment offered by Senator CONRAD, of which I am a primary sponsor, to address what is the second biggest threat our Nation faces. Clearly, the largest threat our Nation faces is the fact that terrorists who wish to do us harm might get their hands on a weapon of mass destruction and use it against us. That is our Nation's greatest threat. But after that, the biggest threat to this country is our fiscal situation and the fact that we are on a path where our Nation will go into bankruptcy because we will not be able to pay the debts we are running up.

You do not have to believe me on that point. This is not exaggeration any longer. This is not hyperbole for the purpose of political events. This is just the way the numbers work.

By the end of this year, our public debt will exceed 60 percent of GDP. That is known as a tipping point, when you owe that much money compared to how much you produce as a nation. Sixty percent is considered the tipping point toward an unsustainable situation.

Within 10 years—I actually think it will occur sooner—our public debt will cross the 90-percent threshold. When you get into those ranges, you are basically in a situation like a dog chasing its tail. There is no way to catch yourself. There is no way to catch up with the amount of debt you are putting on the books. The cost of bearing that debt eats up your resources as a nation. It takes away from your productivity and your prosperity.

This is not hyperbole, as I said. This is just real, honest projections on numbers which we already know exist. The proposal from the President in the last budget, under which we are now functioning, projects \$1 trillion of deficit every year for the next 10 years.

Today we are taking up a debt ceiling increase which is proposed to be \$1.9 trillion—that is the increase—taking the debt of our Nation up to \$14 trillion. And it is not the end of these requests for debt ceiling increases because we know the debt is going to continue to jump by over \$1 trillion a year every year as we move forward.

This chart reflects the severity of the situation. Historically, the Federal Government has used about 20 percent of the gross national product of what we cost the American people as a government. Just three programs—Medicare, Social Security, and Medicaid—by the year about 2030 will represent

spending that exceeds 20 percent of the gross national product. Everything else in the Federal Government, if we were to maintain our usual spending level, could not be done. Our national defense, education, building roads—all those sorts of things could not be done. But that does not stop there. With those three programs, the costs go up astronomically as we go out into the future.

To pay for those costs, we have to run up the debt of the United States at a rate that we have never seen. It will double in 5 years. It will triple in 10 years. Those are hard numbers. Our debt, as I said, will pass the 60-percent threshold.

Why is that considered a tipping point? Because to get into the European Union, which is a group of industrialized states, they have a threshold which a nation cannot have a public debt that exceeds 60 percent of GDP. It cannot have deficits that exceed 3 percent of GDP. Our deficits for the next 10 years will be between 4.5 percent and 5.5 percent of GDP and, as I said, the public debt will be up around 90 percent of GDP by 2019.

We know we are on an unsustainable course. What is the effect of that? What happens when we get our debt up so high? There are only two scenarios for our Nation. One, we devalue the currency. That means inflation. That is a terrible thing to do to a nation. It takes everybody's savings and basically cuts them by whatever the inflation rate is. It means your currency cannot buy as much as it used to. It means you cannot be as productive as a nation because you have an inflationary problem. Or, alternatively, you have to raise taxes at a rate that you essentially suffocate people's willingness to go out and create jobs, to be productive, take risk. And you take the money that should have been used for the purposes of taking risk and building that local restaurant or that small business and creating jobs and you move it over to pay debt.

Where do you send it? You send it to China because they own most of our debt or you send it to Saudi Arabia because they are the second biggest owner of our debt, instead of investing in the United States to make us more productive. Either scenario—a massive increase in tax burden to pay debt or inflation—leads to a lower standard of living for our children.

So as a very practical matter, what is going to happen to our Nation, under the facts which we know already exist, is that we will, for the first time, pass on to the next generation a nation which is less prosperous, where there is less opportunity for our children, and where the standard of living goes down rather than up. That is not acceptable. It is not fair and it is not right for one generation to do that to another. So we have to get our fiscal house in order.

Many would argue: Well, that is your job. That is why we sent you to Congress. Do your job. Get the fiscal house

in order, limit spending. That would be the position of our side. The other side's position would be to raise taxes. But we know that doesn't work. We know regular order does not work. Why? Because we have seen it doesn't work. We know that when you make proposals around here on these big issues of public policy, specifically entitlement programs or tax reform, you are immediately attacked. If you make them on entitlement issues and if you are a Republican, you are attacked from the left as trying to savage senior citizens. If you make a proposal on tax reform, you are attacked from the right as trying to increase taxes on working Americans.

Usually, those attacks are filled with hyperbole and gross misrepresentations, in many instances. People send out these fundraising letters. If you ever say anything about Social Security as a Republican—as to how it should be reformed and made more solvent—immediately, it seems, there is a letter that goes out from this group called Citizens to Protect Social Security—or some other “motherhood” name—that looks like a Social Security check, and it goes to all these Social Security recipients. It says: If you don't send us \$25 today, Senator GREGG is going to savage your Social Security payments. So that little group here in Washington takes in a lot of money. It doesn't do anything to affect Social Security policy, but they sure have a good time wandering around the city with all that money. In the process, of course, the well gets poisoned and nothing can happen around here. That is what happens. Nothing happens.

Well, that was maybe manageable for a while, but it is not manageable any longer. We are headed toward a wall as a nation. We are headed toward an event where we will essentially be insolvent as a country. We will become a banana republic type of situation, where we simply can't meet the obligations of our debt, or, alternatively, the people who lend us our money—many of them are Americans but a lot of them are Chinese—are going to say: I am not going to lend you any more money, America, or if I do, I am going to charge you an outrageous interest rate because I don't think you can pay it back because you have too much debt.

That is where we are headed, and we know it is there. It used to be over the horizon, so the Congress never worried about it and so nothing ever happened. It is not over the horizon anymore. It is well inside the horizon and it is closing fast. As I said, we passed the 60 percent threshold just this year. We will pass it this year, and we will hit 90 percent within this 10-year budget cycle. So regular order has not worked.

Some may argue: Well, the health care bill was regular order. That sure didn't work. Folks, that didn't work. It sent the cost curve up. It took resources which should have been used to address the Medicare insolvency situa-

tion and moved them over to create a new entitlement. It didn't work. Regular order has not worked around here because the politics don't allow it to work. The intensity of the community that defends these various issues will not allow constructive activity to occur under regular order.

So Senator CONRAD and I came to a conclusion that, since regular order doesn't work and since we know we are headed toward this cliff, we should do something. We asked ourselves: Shouldn't we try some other approach, think outside the box? The conclusion Senator CONRAD and I came to, in a bipartisan way—obviously, because he is the chairman of the Budget Committee and I am ranking—was let's set up a procedure which leads to policy, which leads to a vote, and guarantee that procedure is absolutely fair, absolutely bipartisan in its execution so nobody can game the other. I can't game Members of the Democratic side and Democratic Members can't game the Republican side. So the American people will look at the product of this commission and say: That is fair. That is bipartisan. I have some confidence in that.

So this commission, which is proposed in this amendment, does exactly that. It sets up a fair, bipartisan process, requiring supermajorities to produce policy and get a vote on those policies under fast track. Let me get into a couple specifics.

There are 18 members on this commission. They all have their fingers of responsibility on the buttons around here. There will be 16 people from the Congress and two people from the administration—10 Democrats and 8 Republicans. The Republicans will be appointed by the Republican leadership, the Democrats by the Democratic leadership. So the membership of this commission, everybody knows, will be people who reflect the philosophical views of the leadership of the two parties. That group will meet and have public hearings, and they will have an advisory group that has all the different constituencies who want to be heard on that, and who will give them input, and there will be a lot of public input. Then the group will have to come to a conclusion on the big issues that affect fiscal policy in this country.

The point is, neither side is going to come to the table on this unless everything is on the table. Let's be honest. If I say no taxes on the table, why would anybody on the other side come to the table? If they say no entitlement reform on the table, why would anybody on our side come to the table? So everything is on the table. But, of course, the interests of the different parties on issues such as taxes and entitlements are protected by the way the membership of the commission is appointed. Obviously, the Republican leader isn't going to appoint to this commission people who are going to go off on some tangent on tax policy which would be unacceptable to Republicans, and the same is true of the Democratic leader relative to entitlement reform.

So the commission is made up of a balanced and fair approach, and when it reports, 14 of the 18 people have to vote for it—14 of the 18. So neither side can game the other because the majority of both sides have to be for whatever the report is. Then it comes to the Congress, and 60 percent of the Congress has to vote on it. So neither side can be gamed. It has to be balanced and it is an up-or-down vote on the proposal. No amendments.

Why no amendments? That has been a point of controversy. People say: Well, you have to be able to amend it. No amendments. Because we all know what amendments are for on an issue such as this. They are for hiding in the corners. That is what Members do with amendments. They offer their amendment, and if it doesn't pass, they say: Oh, I can't vote for this; my amendment didn't pass. It is called a hide-in-the-corner approach.

Well, that is why we don't have amendments. It is up or down. The theory, of course, is the membership of this commission is going to be balanced, which it will be. That is not theory, that is reality. It will be balanced and bipartisan players who will understand these issues in a very substantive way. Two of those Members are on the floor right now, who I am sure will be members of the commission—and I am not one of them.

As a very practical matter, the result will be something that is politically doable. Will it be a magic wand that corrects the whole issue of this pending outyear insolvency of our country? No, absolutely not. But it will be a significant statement by the Congress of the United States that we recognize the seriousness of the situation we are in as a nation; that we recognize it is not fair for one generation to do this to another generation; that we recognize we will be unable to sell our debt as a nation—or sell it at a reasonable price in the fairly near future unless we take action. It will be a message on all those points, and it will be a positive message. The markets will react by saying: They are trying. The American people will react by saying: Thank God, there is finally a bipartisan effort to try to do something around here on this issue. Sure, it will not be the magic wand or the magic bullet that solves everything, but it will be a significant step, I suspect. I have confidence the people who will serve on this commission will be committed to that.

I realize this is a process that affronts many because it is outside the regular order. But the simple fact is, if we stand on regular order around here, we are going to go through a trapdoor as a nation because we are not going to stand up to the issues that are critical to putting us back on the road to solvency. So this is a proposal that is serious, it is bipartisan, and it has a fair amount of support—34 cosponsors. It is very unusual to have that many cosponsors around here on anything, and they are bipartisan. It is about half and half. Well, I think it is 14–20.

So I would hope my colleagues would vote for this. I understand my colleagues are hearing, on our side of the aisle, from a number of very credible people who oppose this because they are concerned or worried about the tax side. I understand the other side of the aisle is hearing from a considerable number of constituency groups of theirs who oppose it because they are concerned about the impact on entitlements. Maybe that means we have it right, that we have all these interest group-driven folks who are opposing it. I think it means we have it right, and I believe this is pretty much coming to be our last clear chance of getting something done; that the course we are on now is coming to the point of being irreversible, unless we do something such as this.

I don't believe it is correct, as I said, for one generation of political leaders to pass on to the next generation a country that will be in total fiscal disarray. We have a responsibility to act, and this is a way to act.

I appreciate the courtesy of the Members on the floor, and I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I would say we are expecting the Senator from Connecticut, Mr. DODD, to arrive shortly, and when he does, I will yield to him.

I wish to also respond, briefly, to the Senator from New Hampshire and start by talking about where we agree. I think it is almost always good, when discussing something, for people to look at where there is agreement. Where there is agreement, it builds trust and understanding and, therefore, when possible, there can be even greater agreement. We, clearly, agree it is unhealthy for the government to be running these huge deficits. I think everyone in this body agrees on that point. It is unsustainable, as many have said. But why are we running these big deficits? We are doing so, frankly, because of mistakes made during the financial crisis prompted by the subprime mortgage crisis and also because we have been in a fairly deep recession. That is why these deficits are so large. It doesn't take a rocket scientist to figure that out. It was something, unfortunately, that had to be done.

We had to come up with some money to help provide some economic stability for this country. After that, as we know, when we are in a recession, unemployment payments are higher and Medicaid payments are higher and a lot of other programs are automatically higher because we enact programs on top of that to help the economy. That is why we are facing these huge deficits. They have grown very significantly in the last several years for those reasons.

So there is no disagreement that, A, we have large deficits, and, B, we have to begin to reduce those deficits. I think there is agreement as to why we

came to this place and have these deficits, which are for the reasons I suggested. We also very much agree that we have to reduce these deficits in future years. There is tremendous agreement on that point. We also agree it would be better for the government to reduce our annual deficits to below 3 percent of gross domestic product. There is agreement on that.

Most economic observers and experts think that once our deficits reach 3 percent of gross domestic product, that is not so bad. It is going to take a little effort to get there. But, again, we are where we are because of the recession and because of the financial crisis that occurred in the last several years.

Where we disagree, though, is over the way we respond. We disagree over the powers the Senator from New Hampshire wishes to turn over to somebody else—over to a commission. We disagree on that point. I don't think we should turn the power that Senators and House Members have over to some other body to do something called an entitlements commission.

The Senator from New Hampshire proposes to create such a procedure to protect Senators, frankly, from being attacked for the decisions they make. That is what this is all about, in some respects, to turn this decisionmaking over to somebody else so Senators can say: They did it. They made me do it. He and the Senator from North Dakota proposed a commission, for example, with a fast-track process that would absolve Senators from responsibility for any amendments. Senators could then throw up their hands and say: The commission made me do it.

It sounds as if all of us parents heard something similar from our kids: Daddy, Mommy, something made me do it. I will never forget that many years ago, my son said: Daddy, it just seemed so good. Somebody else suggested the idea, and that made me do it. I couldn't say no.

But on matters as important as Social Security for seniors, on matters as important as Medicare and Medicaid for Americans that have health concerns, on matters as important as the tax rates the government will impose on American families—on those important matters, I think we need an open process where Senators and House Members participate and offer suggestions and offer amendments. On things that important, I do not think we need a procedural shortcut.

Sometimes the most important things are difficult to do. I think most Members of Congress and the Senate who ran for these jobs expected there would be some tough choices, there would be some tough times. I don't think they want procedural shortcuts because with procedural shortcuts, often there are unintended consequences. With procedural shortcuts, often bad things happen, when it is not thought through in advance. Rather, we should have full and open debate. There are fewer surprises with full and

open debate when Senators can amend and improve the product, and that is why I believe the Conrad-Gregg commission is a bad idea.

There are alternatives to that proposal. One is that we do it ourselves, we do what we should do, and we do it the right way. But there is also another alternative, an alternative which the President and Vice President—especially the Vice President is working on that sets up an executive commission, not a statutory commission as outlined by the Senators from New Hampshire and North Dakota but, rather, one on which the Vice President has convened a series of discussions, and in that proposal the Vice President has proposed an Executive order where the President would create a commission to consider our fiscal situation. It would also have similar composition, similar powers. It is similar to the statutory commission offered by Senators CONRAD and GREGG, but there is only one difference, and that difference is in the process. The Vice President's proposal, which I think the President will announce fairly shortly, would preserve the rules of the Senate. The Gregg-Conrad amendment would not. And it is preserving the rules of the Senate that I think makes all the difference.

Under the proposal that I think will be offered by the President, that is, the executive commission, again, I think it is 18 members, all subjects are considered, and they will report back to the Congress, I think after the election. So everything is very similar, if not exactly the same. The only difference is, under the executive commission, if it is proposed—I think it will be—there is no requirement of a fast-track process as required by the statutory commission.

I tell my colleagues there are other alternatives, there are other ways to address our huge budget deficits. I urge my colleagues to join in support for the Vice President's efforts and oppose the Conrad-Gregg amendment.

I understand the Senator from Connecticut is not here. Maybe the Senator wants to proceed? Oh, he is here. Does the Senator from South Dakota wish to proceed?

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

AMENDMENT NO. 3301

Mr. THUNE. Mr. President, today the Senate will have an opportunity to indicate to the American people whether they are listening to the American people because we are going to have an opportunity to vote on a debt limit bill later, but earlier, before that, on a series of amendments. The first amendment is an amendment I am offering along with Senator VITTER from Louisiana and Senator BENNETT from Utah. They have worked extensively on this. They have already been down here and they spoke on this this morning, as have a number of my colleagues.

What is important about this amendment is it will give an indication to the

American people about whether their voices are being heard here in Washington as expressed by the voters of Massachusetts. I think what they were saying in that vote a couple of days ago was: We are frustrated. We are concerned about the level at which Washington is spending and taxing and borrowing. We want the brakes put on that.

I have an amendment that I offer to the debt limit today that will end TARP. It is a very straightforward way in which we can signal to the American people that we are serious about fiscal responsibility.

Just by way of context, if you look at what is being proposed here with this debt limit increase, it is to add \$1.9 trillion to the debt limit of our country—\$1.9 trillion. Remember, we already raised the debt limit before we left for the Christmas holiday by \$290 billion, so if you add that to the \$1.9 trillion, you are talking about well over \$2 trillion that we will have added to the debt limit in the last 30 days. Bear in mind that the entire Federal budget a decade ago did not exceed that amount of money. We are going to add more to the debt limit in this vote, coupled with the vote we made about 30 days ago, than was spent in the entire Federal budget a decade ago. That is remarkable. It speaks to the whole issue of the amount of spending and the growth of government here in Washington, DC, which I believe has the American taxpayer very concerned—and with good reason.

If you look at what has happened in the last several years, starting in 2008 and up through 2010, this year—if you take the end of 2008, the amount of money spent in the appropriations bills here in Washington, and then go to the 2009 appropriations bills and the 2010 appropriations bills, over that time period the entire government grew by 16.8 percent, over a 2-year period. That is excluding the defense and veterans funding, so that is other nondefense discretionary spending. All these increases outpace both inflation and the growth in our economy.

To put it in perspective, inflation during that same period, 2008 to 2010, was 3.5 percent. We grew government spending by 16.8 percent. That is stunning. How does any American taxpayer out there in this recession, trying to figure out how to make their budget, how to pay their bills, and having to go about the process of tightening their belts, understand how a Federal Government can grow its size here in Washington, DC, by 16.8 percent when inflation in the country over that same time period was 3.5 percent? These are some remarkable and stunning numbers. That is why we are seeing all this angst at the grassroots level around this country about the direction the country is heading and the peril it is putting future generations in if we continue on this path unabated and we don't do something about spending and we don't do something about the mas-

sive amount of borrowing and expansion of government.

I also think people are reacting to the process by which Congress conducts its business. The idea that you would have to pass legislation by including special provisions for individual Senators—the so-called cornhusker kickback, the Louisiana purchase, all these other things where individual deals were made in back rooms to get the support of individual Senators to vote in this case for the big health care bill—is something the American people find very objectionable. I think they are reacting to that too. I think what they are voicing is their disgust with the way Washington operates.

One of the reasons we are here today asking for a \$1.9 trillion increase in the debt limit and the reason we have a debt that next year will exceed 60 percent of our gross domestic product—which, by the way, would keep us from getting into the European Union—is because we continue to spend and spend and borrow and borrow and frankly use a lot of accounting gimmicks here in Washington, DC, to disguise and shield the amount of borrowing and spending that is going on here.

A good example of that was the health care bill which we have been debating now for the last several months. It passed the House of Representatives, it passed the Senate, and it is now in discussions. Negotiations are going on between the leaders in the House and Senate. I am not sure—we have not been privy to those, either—what the state of play is with regard to the health care bill.

I think it is important to know that there were a lot of things in that bill designed to understate its true cost. They said it would only cost \$1 trillion over the first 10 years, but if you look at the fully implemented cost, because it front-end-loaded some of the increases and back-loaded some of the spending, because it used various accounting gimmicks to understate the true cost of it, if you look at the fully implemented cost over 10 years, it was in fact \$2.5 trillion. I think those numbers are starting to sink in with the American people.

One of the things that was done in the health care bill—and I think this is an example of some of the things that happen, processes, procedures that happen here in Washington, DC, that defy logic and are very difficult to explain to the American people—one example of that is the way the Medicare issue was debated and handled with regard to the health care debate. About \$½ trillion in Medicare cuts was proposed, along with a Medicare tax increase of .9 percent, all used to finance this new health care entitlement program, to pay for the new \$2.5 trillion in spending. The argument was made by the other side that this, in fact, extended the lifespan of Medicare because it was—the cuts to Medicare and the rev-

enue increases were somehow going to expand the lifespan of Medicare.

What I thought was interesting about that was the Senator from Alabama asked a question of the Congressional Budget Office toward the end of that debate about, how can you count this as paying for the new entitlement program, the new health care program, and still say you are extending the lifespan of Medicare because obviously you can't use the money twice. In response to that question, the Congressional Budget Office issued a statement and said that the key point is that the savings to the HI trust fund, the Medicare trust fund, under the health care bill would be received by the government only once, so they cannot be set aside to pay for future Medicare spending and at the same time pay for current spending on other parts of the legislation or on other programs.

They went on to say:

The unified budget accounting showed that the majority of the HI savings [the trust fund savings] would be used to pay for other spending under the health care bill and would not enhance the ability of the government to redeem the bonds credited to the trust fund, the Medicare trust fund, to pay for future Medicare benefits. To describe the full amount of HI trust fund savings as both improving the government's ability to pay future Medicare benefits and financing new spending outside of Medicare would essentially double-count a large share of those savings and thus overstate the improvement in the government's fiscal position.

That is just an example of one of the unique accounting mechanisms used by the Federal Government in Washington, DC.

Mr. BAUCUS. Will the Senator yield for a question at that point?

Mr. THUNE. I would say to the chairman, I will yield in a moment after I make some remarks, but I want to speak to the TARP amendment before I do that. I will be happy to yield at the conclusion of my remarks.

I want to say that I know what the chairman is going to say. He is going to say the CBO came back and said it would extend the lifespan of Medicare, and they did, and it would under the mechanisms used in the unified budget when it comes to trust fund accounting.

Mr. BAUCUS. Would the Senator yield on that point since he is raising the subject?

Mr. THUNE. As long as we are not on any time limitation, all right, I will.

Mr. BAUCUS. Didn't that same CBO letter also say the health care bill that passed the Senate would reduce the budget deficit? The Senator is throwing out these huge figures—it is going to cost \$2 trillion and so on and so forth. I don't know where the Senator got that figure because the Congressional Budget Office, in that same letter or a similar letter—either that letter, in an earlier letter, or in a subsequent letter—reaffirmed that the bill passed in the Senate cuts the budget deficit by \$132 billion the first 10 years and cuts the budget deficit by between

\$650 billion and \$1.3 trillion in the next 10 years. That is what the letter says. The Actuary said the bill extends the life of the Medicare trust fund I think 5 or 6 more years—maybe more than that.

Isn't it true that CBO letter said that the Senate bill reduces the budget deficit by \$132 billion in the first 10 years and reduces it in the second 10 years by between \$650 billion and \$1.3 trillion? Isn't that true?

Mr. THUNE. The CBO number, as the Senator from Montana knows, has been a moving target because at the end of that debate, they adjusted by about \$½ trillion the amount they considered the deficit would be reduced. But I point out to the Senator from Montana that, yes, the CBO came out and said that because they are using the trust fund accounting conventions we use here in Washington DC, and that is my whole point. I am not disputing what the CBO has said because legally they are correct because of the way we do it under a unified budget accounting in the trust funds.

But as a practical matter, as an economic matter, what the CBO is saying in the statement they issued is, you cannot double-count the money. It is spending the same money twice. You are creating a new entitlement program, which is, under the CBO's estimate, \$1 trillion over 10 years but when it is fully implemented, \$2.5 trillion.

Mr. BAUCUS. Will the Senator yield? This double-counting, frankly, is a bogus issue. It kind of sounds good on its face, but it is meant to confuse people.

But even subsequent to that statement about the double-counting, even subsequent to that, is it not true that CBO came out with a subsequent letter that said still the budget deficit is reduced by \$132 billion in the first 10 years and \$650 billion to \$1.3 trillion in the next 10 years?

Mr. THUNE. The CBO came out and said that the budget deficit would be reduced by \$132 billion over the first 10 years. But the point I made earlier is that included, of course, a lot of gimmicks that were used, including taxes began immediately, spending that does not occur until 4 years later, counting revenue from—for example, not taking care of the physician fee increase, which we know is a \$250 billion to \$350 billion cost which at some point the government is going to have to deal with, as well as creating a new entitlement program called the CLASS Act, under which the CBO assumed about \$72 billion of savings in the first 10 years, which they also said would generate deficits in the outyears.

So the Senator from Montana may be correct legally under the conventions that are used in trust funds under a unified budget, but as a practical matter, and this is what I think the American people understand and what as an economic matter I understand, you cannot use the same revenue twice. And if you have revenues coming in

from Medicare cuts and Medicare payroll tax increases, and you are saying we are going to use those to finance this expansion, this new health care entitlement, and at the same time we are going to use those to preserve and extend the lifespan of Medicare, most people would say you cannot do that.

What the CBO said in this statement is, it is double-counting. It is spending the same revenue twice. That is the practical implication of this, notwithstanding the weird gimmicks and the way Washington, DC, goes about accounting for revenues in a unified budget that go into trust funds because essentially what is happening is, you are issuing an IOU to the Medicare trust fund and also taking those revenues and saying we are going to spend them to finance the new health care entitlement. You cannot spend the same money twice.

People in South Dakota know that. I think people in Montana know that. But that is why they are so frustrated about this process. They see this dragging on and all of this debate going on and all of these different numbers being thrown out. But the fact is, we are creating a massive new government entitlement program under health care with all kinds of new spending financed with tax increases and Medicare cuts that are supposed to be used to finance the new health care entitlement but are also being credited to the Medicare trust fund, and thereby being used for two purposes. You cannot do that.

But I think that point is one of the reasons that most persons become so cynical about Washington, DC. They get very frustrated with what they see as all of this Washington, DC, talk and accounting gimmicks and budgetary techniques that are used to disguise this amount of spending, which has led us to where we are having to raise the debt limit by \$1.9 trillion.

Face it. That is the reality we are going to face today. We are going to have a vote, if not this week then next week, on this legislation which would increase the amount of the debt limit in this country by \$1.9 trillion.

My amendment to this legislation, as I said before, is fairly straightforward. It would end TARP, the Troubled Asset Relief Program, which was created toward the end of 2008 that was designed specifically to bring financial stability to the country at a time when we were worried about imminent financial collapse. There was a concern at the time that there was great systemic risk to our financial system.

As a consequence of that, action was taken, authority was given to the Treasury to acquire the distressed non-performing assets on the balance sheets of many of our banks. What has happened since that time, it has morphed into something entirely different. It has been used now to take equity positions, to take ownership stakes in more and more companies in this country, whether they are financial service companies, insurance com-

panies, auto manufacturers. We have gotten very far afield from what the purpose of the TARP was in the first place.

As to where we are today, we have, out of that \$700 billion in authority—I have a pie chart that shows what has been spent and what is left.

The blue represents the amount of the program, \$700 billion, that has been committed or spent already. That is about \$545 billion. That is what the blue represents. The other side of the chart, the line part and the orange part, represent the amount that has not been spent or has been paid back. The amount that has not been spent is about \$155 billion. The amount that has been paid back is about \$165 billion. So you have roughly \$320 billion that to date is unobligated balances in the TARP account.

What my amendment would do is say that amount, that \$320 billion, cannot be spent. It ends. The reason for that is because we are concerned this fund is going to be used for all types of purposes for which it was not intended.

Most recently, the House of Representatives passed the stimulus 2 bill, the second stimulus bill, which is going to use as an offset this authority right here. What we are simply saying is, this is \$320 billion that we can save the taxpayers of this country, that we can keep from piling on debt to future generations, and keep from adding to the total amount of borrowing we are doing.

So let's stop. Let's end this program today and not allow this \$320 billion to be spent and further stipulate that anything here in the blue, the \$545 billion that is currently spent or committed, if paid back, would go to reduce the Federal debt rather than be recycled and respend and reused again.

It is a very straightforward, very simple amendment, but I think it is very important in terms of the message that it sends to the American people about whether we are serious about what this TARP was created for in the first place, its specific statutory purpose, and whether we are going to deviate from that and use it for all other types of spending and ideas that people in Washington, DC, might come up with.

So I hope my colleagues today will support this amendment. I happen to believe the TARP has served its purpose. The Treasury had an opportunity to extend it at the end of last year, the end of December of last year. They chose not to let it expire. They chose to extend it. So now this program runs until October of this year. My fear is that this amount of money, this \$320 billion, is going to get spent, but it is not going to get spent for the purpose it was intended to be spent for under the TARP authority but, rather, for all kinds of other things that people, politicians in Washington, might come up with.

Also, this blue amount here, those funds that are already committed, are

spent, when they are paid back, and we hope they will be, although there are some questions now about whether we are going to see a lot of that money being paid back, but assuming it is, that money not be recycled or respent but it be used to retire the Federal debt. That would reduce the total amount by which we would have to raise the debt limit.

We are serious about getting this debt under control. We are serious about getting spending under control. This is a very straightforward way to do that. So we are going to have this vote, hopefully, later today, sometime this afternoon. We can save the American taxpayers \$320 billion by not spending this amount of money here. We can, hopefully, as these are paid back, save a whole lot more for the American taxpayers.

I would urge my colleagues in the Senate to support this amendment and to restore some sense of fiscal discipline to the way we do business in Washington.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I thank the Presiding Officer. I have two subject matters I wish to address. One is the amendment of my friend and colleague from South Dakota, Senator THUNE, that he has just addressed in his remarks, and a second set of remarks regarding Haiti that I also want to address.

I chair the subcommittee of the Foreign Relations Committee dealing with the Western Hemisphere and, obviously, includes the nation of Haiti, as well as served as a Peace Corps volunteer some 40 years ago on the island of Hispaniola on the border between Haiti and the Dominican Republic. So aside from the interest we all have in what has happened to the thousands of Haitians as a result of this catastrophic earthquake that has occurred, I have many friends in that country, some of whom I have not heard from in the last week or so, who are lost at this point. I want to address some thoughts on that subject matter as well.

But I want to, first of all, if I can, address the subject matter of the Thune amendment which will be voted on, I gather, at some point either today or tomorrow, whenever that is going to be dealt with here.

Let me begin by, first of all, thanking my colleague from South Dakota. I applaud him for saying that while it was a controversial debate a year ago last fall on whether to have an emergency economic stabilization program, I remember the night that we all gathered here and sat at our desks in this Chamber and voted 75 to 24 on whether to commit as much as potentially \$700 billion in order to stabilize our financial institutions and move forward.

It was a courageous vote that a number of our colleagues took that day, many of whom were up for reelection within a matter of days after that vote,

and yet cast ballots in favor of it despite the tremendous outpouring of anger over the fact that we were in those economic circumstances to begin with, and that, secondly, we might be committing as much of American taxpayer money to stabilize our financial institutions.

I happen to believe, and I think history is proving to be so, that we made the right choice that evening; that even though it was a painful vote, had we not stabilized those financial institutions, I firmly believe we would be looking at a far more catastrophic set of economic problems both here and around the globe had we not acted.

So while those resources have gone to large financial institutions and to major organizations because that is what was needed to be done, there is an understandable degree of anger and frustration being expressed by our fellow citizenry because people on Main Street, average citizens, have suffered terribly during this process.

There was a point not many months ago where 20,000 jobs a day were being lost in our Nation; 14,000 people a day were losing their health care; 10,000 people a day were losing their homes in the United States to foreclosure. So the American people have suffered terribly as a result of this economic crisis.

But we needed to take those steps. As a result, today, while the news is still far from good, in most corners of this country we are stabilizing an economic crisis. We avoided a depression which we were on the brink of falling into had we not taken that action. So I want to commend my colleague from South Dakota for recognizing the value of that decision.

Now he points out with a chart—it is not up here any longer—the fact that there is about \$320 billion which remains unexpended as a result of that decision. The good news is that we crafted that bill that required two separate votes—an initial one for the \$350 billion, and then around January of this year—or last year, excuse me—the additional \$350 billion would be appropriated and spent. As a result of the good news we have avoided having to expend all of those resources. As a result, there is actually money coming back in.

We have now recouped about \$165 billion of the original money that was spent, including over \$13 billion in fees and interest payments that were earned back by the Federal Government as a result of those decisions. We all hope the full amount will be recovered. There will be an opportunity in the coming days for all of us to vote on whether we ought to ask those large financial institutions, which were the beneficiary of taxpayer assistance, whether they are going to vote for a fee or a tax, if you will, over a limited number of years on those recipients of billions of dollars of American taxpayer money, to pay that back through fees and taxes.

I hope my colleagues will be supportive of the initiative offered by

President Obama in recent days. But the issue before us is whether we ought to shut all of this program down, the remaining \$320 billion that is there. I want to remind my colleagues what the administration has suggested, and I believe all of us have embraced, is that small businesses and our community banks in this country are struggling. I do not recall a day over the last number of months when I have not heard a speech on the Senate floor of this Chamber where a Member has not gotten up and talked about what is happening in the absence of credit flowing to smaller businesses in their States, or that community banks in their States are failing because the economy has not reached them, the improving economy.

What the administration has suggested, and I strongly support, as I believe most of us do, is that we need to get assistance and support to these smaller businesses and to these community banks in order that they can survive and get on their feet, and credit will flow where it is not flowing today.

The administration has sent a letter committing to limit the use of these dollars to mitigating foreclosures, which is still serious; support for small banks so they can lend to their communities; facilitate small business lending; and address the deepening crisis in the commercial mortgage banks. Those are the four obligations we are talking about. It is not unlimited. It is not all for ideas that may be floating around here that have little or no merit. It is specifically the areas in which we all know we need to provide help.

We can do this one of two ways. We can do it by appropriating additional money, which goes right to the heart of the argument of my colleague and friend from South Dakota. We cannot afford to do that. Again, the deficits are growing larger by the hour, and to appropriate additional money at a time like this would be very difficult if not unwise in many cases. Or we can take resources we have already appropriated that are not being spent, that could be used exactly for the purposes that are needed for our economy to get moving again. In a sense it is a catch-22. Our economy is only going to improve if small business starts hiring again, community banks start flowing credit again, and we minimize the foreclosure problem.

How do you do it? It doesn't happen magically. It happens because we make intelligent decisions. A year and a half ago, when we voted for the economic stabilization bill, the problem in front of us was the stabilization of financial institutions. So the resources were going to be limited for that purpose. We thought we might need \$700 billion. The good news is, we haven't needed that amount and a substantial amount of the money is coming back in. There remains this pool of \$320 billion in that fund. Wouldn't it make sense if, in fact,

we are trying to get this economy moving again, to take some of those resources and make it available to small businesses, to community banks to flow credit so they can actually hire people and grow again, to minimize foreclosures? That is what is needed to be done.

We can do it one way or the other, but we can't do it by just talking about it. I beseech my colleagues at this juncture not to vote in favor of this amendment which would deprive us of resources in order to do the things that all of us agree need to be done. I know my friends, most of them here, are not going to be voting for a program that requires additional appropriations for the very argument the author of the amendment has made. We can't afford to do it. If we are not going to do that—and yet we are simultaneously saying we need to do these things in order to get us out of this hole, where average businesses and workers on Main Street in the country can be the beneficiary of some of this help to get our economy moving—where does it come from? Where are the resources going to come from? Why not take some of these resources and dedicate them to exactly the purposes that have been identified by the administration and recommended by Members of this body, both Republicans and Democrats?

If you support the Thune amendment, you deprive us of that opportunity. That is it. The only alternative left, then, is to go through an appropriations process, which we are being told by our friends over here they will not support. Again, what happens is a lot of rhetoric, a lot of talk. After all the help that has gone to the major Wall Street institutions, at the very hour we ought to be trying to help Main Street institutions, these smaller banks, smaller businesses, we will not have the resources to do it. I urge my colleagues to think long and hard about this. While this program has been terribly unpopular for all the reasons we have heard from others, at this critical moment, at a time when we could make such a difference, when falling back into a recession again could happen very easily, a deeper recession, at this very hour to deprive the administration, the Congress, the people who care so much about community banks and small businesses, I think would be a huge mistake.

I urge colleagues to reject the Thune amendment. Again, the commitments have been made. These resources go to one of four areas, primarily to community banks to get credit flowing and to small business but also to mitigate foreclosures and to address the deepening crisis in commercial mortgage loans which is there. We have a pool of resources to respond to it.

My hope is, all these dollars will be paid back with interest, as I think there is some evidence as we have seen already may, in fact, occur. But we need to continue on this path, if we are

going to succeed in our efforts, watching optimism and confidence be restored to Main Street in America. This is one opportunity for us to do it, to get this job done.

I urge my colleagues to vote against the Thune amendment for all the reasons we have in the past. This is not a new amendment. It has been offered in the past. It has been rejected by colleagues for many of the same reasons I have tried to articulate this afternoon. The arguments haven't changed. What has is the dedication of these resources exactly to the areas that so many of us have talked about over the last number of months. I urge rejection of that amendment.

HAITI

Mr. President, I wish to speak to the subject matter of Haiti and the events of the last week that have occurred in that country. My interest in the subject matter is not any different than that of every single person who has watched with horror the photographs and pictures, the stories of the tragedy that has afflicted that poor, desperate country that occupies one-third of the island of Hispaniola. I bring an added personal attention to it because I have many friends, many of them I have known for 40 years, in the island nation of Haiti. I have been there on numerous occasions over the years, in addition to my first introduction to Haiti at 22 years of age as a Peace Corps volunteer, when I was sent to a small village on the border of Haiti and the Dominican Republic, in 1966, some 40 years ago. My interest and my friendships go back a long time. I am deeply concerned and worried about what is occurring there and what steps we might take as a nation, in conjunction with others, to provide some help to a people who are in desperate need.

I rise to discuss the tragic situation, the humanitarian disaster that has occurred in the wake of last week's earthquake, and the U.S.-led response to this crisis. Last Tuesday, as we all know, as the world knows, one of the largest earthquakes recorded in the area hit about 15 miles from the capital city of Port-au-Prince in Haiti. This massive earthquake brought immediate destruction to Port-au-Prince and surrounding areas and communities, instantly crumbling houses and buildings, destroying roads, seaports, cutting power and water lines throughout the country.

Most tragically, the earthquake has killed tens of thousands of Haitians who, at the time the quake struck, were simply going about their daily lives—desperate lives, I might add, but daily lives. The Government of Haiti has indicated they believe 70,000 of their fellow citizens have been killed in this earthquake. Other officials fear the death toll may be as high or more than 200,000 people as a result of those brief moments that caused that nation state to crumble. These heart-wrenching numbers do not even account for those injured who are homeless, the or-

phaned without food, water, shelter or any kind of medicine.

The losses extend well beyond Haitians. The United States also lost a dedicated public servant named Victoria DeLong, who was serving as cultural affairs officer at our Embassy in Port-au-Prince. Several more Americans have been killed and many more remain unaccounted for a week later. The United Nations, no stranger to dangerous and difficult missions, has suffered its single greatest loss of life in the history of the United Nations. Over 100 United Nations staffers and peacekeepers remain unaccounted for. The special representative for Haiti, Hedi Annibi, also lost his life.

On behalf of my colleagues in the Senate, I extend our heartfelt condolences to the friends and the families of those who lost their lives in Haiti. They should know they are in our thoughts and prayers every single minute of every day.

This earthquake has been called a disaster of epic proportions. When such a disaster strikes one of our neighbors, a country so close to many of us, our Nation responds, as have others. I applaud President Obama, Secretary Clinton, and Administrator Shah for their immediate, robust, and coordinated efforts, which has truly been a whole-of-government response, utilizing resources, skills, expertise of our State Department, USAID, and the Defense Department. Secretary Gates deserves great commendation. Our forces in uniform that poured into the area on a moment's notice to help out, as they always do, deserve particular recognition in this effort. We have deployed thousands of troops to Haiti who are supporting operations at the Port-au-Prince airport, working to provide logistical support, open the port. The United States has sent an aircraft carrier with numerous helicopters to deliver aid to otherwise hard-to-reach places in and around Port-au-Prince, a hospital ship to provide lifesaving medical care, and urban search and rescue teams and doctors to help rescue those trapped and treat those who are injured.

In addition to manpower, the United States has pledged money and supplies, including water, ready-to-eat meals, and medicine to help those in need. This response has demonstrated the generosity and spirit of the American people, especially when it comes to helping others who are in desperate need, as clearly Haiti is. The American people have also responded, as we always do. It is a source of great pride to all of us to watch our fellow citizens, people whose names we will never know, the donations which they have given may not sound like much; but for people who have lost a job, lost a home, as I talked about a moment ago, during this economic crisis, to reach deep into these almost empty pockets to send that \$1 or \$5 or \$10 to help out some family they will never know, some child they will never meet in a place

they may never go to, may never have known about before is, once again, a demonstration of the spirit and heart of our fellow citizens in the United States.

Aid agencies and NGOs have reported an outpouring of support as our fellow citizens have donated money, clothing, and supplies to hundreds of organizations that operate in Haiti today. These donations are absolutely critical at this time. At a time when we can't seem to decide on a bipartisan basis what day of the week it is, to watch President Bill Clinton and President George W. Bush, two people who have been political opposites, have very different points of view, sitting down together as two former leaders of our Nation to head the effort to provide relief to Haiti is a demonstration of what we ought to be doing together here on occasions that affect our own citizenry. If two former combatants in the Presidential field can sit down and become a team in responding to a crisis in Haiti, it ought to be a lesson about what we need to be doing when it comes to our own crises here at home.

I commend President Clinton and President George W. Bush for their tremendous work. I commend President Bush's father, who joined with President Clinton back when the tsunami crisis hit Southeast Asia. The Bush family has always responded at times such as this. Both father and son deserve our thanks and commendation for what they have done. Of course, Bill Clinton has dedicated his post-Presidency period to a global initiative to help out every single day in places that are not the subject of news stories, as Haiti is. He, of course, deserves our expression of gratitude as well.

The international community has responded. Over 27 international search-and-rescue teams, with some 1,500 rescuers from around the world, are already on the ground in Port-au-Prince and neighboring communities, searching through the rubble to find those who may have survived. I know all of us sit in absolute stunned admiration for those who have survived 6 and 7 days, living in the midst of rubble, to be discovered alive and be extracted by rescue workers. Our only hope in these waning hours, is that we will find additional people who have somehow miraculously survived this disaster.

It has been unbelievable. Relief workers, doctors, supplies have arrived from China, Israel, Iceland, Brazil, France, more countries than I can enumerate. The European Union has pledged over \$½ billion in assistance already, and I suspect more will be forthcoming. Despite its own tragic losses, the United Nations has come to the rescue of the Haitian people. The United Nations Stabilization Mission in Haiti has responded heroically to this disaster, organizing supply convoys, conducting search-and-rescue missions, and providing security. On Saturday, the World Food Program fed 40,000 people. Within the next week or

two, that number will increase to 2 million. Private organizations are also doing heroic and valued work, including the Red Cross, Doctors Without Borders, Save the Children, Partners in Health.

Let me say, particularly on Partners in Health, my great friend, Paul Farmer, who spent years in Haiti as he has in other nations working with HIV/AIDS and other issues, is there, as you might expect, in Haiti. I have spoken to him. He has many needs, as you might imagine. He needs orthopedic surgeons, trauma specialists, skilled nurses, supplies. My hope is, in these coming days, coming hours, we will be able to get those resources to him.

On the ground, the Obama administration and the international community are working as quickly as possible to distribute aid to those in need and to help clear the jam of supplies arriving in Port-au-Prince and Cape Haitian, in some cases, in the northern part of the country. It is critical that aid gets distributed beyond the immediate confines of the airport. Those who survived the quake are now trying to survive, once again, without food and water and medicine and shelter.

At the same time, we must work as quickly as possible to ensure that violence does not break out as people become desperate to survive, as one might expect under these circumstances. The people of Haiti are our neighbors, and it is our duty to help them weather this storm, as others are doing as well.

I strongly agree with Secretary Clinton who, during her trip to Haiti this past Saturday, affirmed to the Haitian people that "we will be here today, tomorrow, and for the time ahead" as well.

I wish to take a few minutes to describe what I believe needs to happen at this "time ahead" of us that Secretary Clinton referred to. These are not all the suggestions. I know many others are coming in, and we need to think about how we can intelligently respond to this. We can't do it all alone. We need help from the international community, obviously. But there are some steps we can take that I think would make some difference in all this. In order to do that, we must understand where Haiti was the day before the earthquake struck. Despite its location only a few hundred miles from the wealthiest Nation in the history of mankind, Haiti is one of the poorest nations on the face of this Earth. It ranks as the poorest country in the Western Hemisphere, with 80 percent of the population living under the poverty lines of this hemisphere.

While recent years showed some positive trends in economic growth, the 2008 hurricanes devastated that country, causing widespread destruction and severely damaging the agriculture sector, upon which two-thirds of all Haitians depend. Remittances to Haiti represented more than twice the earn-

ings from exports and accounted for one-quarter of the gross domestic product of that nation. Haiti has also one of the lowest life expectancies in the world. The average Haitian income is less than \$1 a day. In terms of income, less than \$1 a day.

Clearly, Haiti had a lot of ground to cover before this earthquake struck, and rebuilding Haiti is not going to be easy for anyone. Many have debated why Haiti remains so poor and what can be done to alleviate poverty, improve public health outcomes, and help that nation develop a sustainable and equitable way forward. This debate is all the more important and necessary as we move forward.

As the chairman of the Subcommittee on the Western Hemisphere and as an American who knows and cares about Haiti, having worked with the people of Haiti and its leaders for much of my career, I am committed to finding the best solutions to these vexing problems and to working in close coordination with the administration, the United Nations, and our neighbors in the region, including Brazil, Mexico, and others who are already there helping to rebuild Haiti.

I might mention, there are 400 physicians from the island of Cuba who are operating in Haiti today, down there trying to make a difference. Whatever thoughts people have about the Government of Cuba, the fact is, there are doctors there now from that nation that is only a few miles from the northern parts of Haiti who are now trying to save lives.

As we begin to transition from a rescue mission to a medium- and long-term recovery mission, we must think creatively and allocate resources to the most effective and efficient methods for sustainable reconstruction and development. We must find ways to make Haitian agriculture better equipped to feed the people of Haiti, and we must work to forgive Haitian debt.

In April of this past year, Haiti was added to the IMF and World Bank's list of what is called the Heavily Indebted Poor Country Initiative making them eligible for special assistance with debt relief. This is an auspicious start, and one we must build upon.

Public insecurity has long been a systemic problem, hampering economic growth. Therefore, it is critical we work with the Haitian authorities in that nation and others to build and reform the institutions to bolster the rule of law in Haiti that will be necessary to lift Haitians out of poverty, rebuild the country and attract and maintain foreign direct investment to jump-start that nation's economy.

Throughout this process, we must not get bogged down by old formulas and hardened ways of doing business as usual. We must think outside the box, as the expression goes, marshal the necessary resources and creativity of our friends in the region, and the Haitian people must devise and be a part of a medium- and long-term strategy for this effort.

To that end, Senator LUGAR of Indiana, the former chairman of the Foreign Relations Committee, and I will be introducing legislation shortly that will help to speed Haiti's recovery by instructing the Secretary of the Treasury to work with other nations to totally relieve Haiti of their outstanding international debt, including the debt incurred through 2011. That ought to be something every nation agrees to do; in the absence of which, I do not know how you can ever talk about economic recovery if you are willing to require a country that does not even have a fully functioning government today to meet those obligations.

Additionally, our legislation will help to spur economic activity, which is absolutely essential if we are going to have any kind of recovery process. We will do so by promoting trade between the United States and Haiti and lifting restrictions that would be barriers to trade being able to flow between Haiti and the United States, putting people to work.

The Haitian people have endured immeasurable suffering in recent days, but their spirit is indomitable. On Sunday, countless ordinary Haitians came together to observe Mass amid the bleak ruins of Port-au-Prince. Their faith in each other and their future may have been tested, but it is far from broken. I stand committed—as I am sure our colleagues throughout this Chamber are as well—to working with them, our fellow citizens here at home, and the international community, not just today but in the weeks and months and even years ahead, to ensure that our commitment to helping Haiti recover is meaningful, sustainable, and rises to the great challenge we face.

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

The PRESIDING OFFICER (Mr. FRANKEN). The clerk will call the roll. The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. 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. 3301

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate now proceed to a vote in relation to the Thune amendment No. 3301 and that the provisions of the order of December 22 regarding the vote threshold remain in effect and no intervening amendment be in order.

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

Mr. BAUCUS. Mr. President, 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 amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from North Carolina (Mrs. HAGAN) are necessarily absent.

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

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

[Rollcall Vote No. 2 Leg.]

YEAS—53

Alexander	Ensign	Murkowski
Barrasso	Enzi	Nelson (NE)
Bayh	Feingold	Nelson (FL)
Begich	Feinstein	Pryor
Bennet	Graham	Risch
Bennett	Grassley	Roberts
Bond	Gregg	Sessions
Brownback	Hatch	Shelby
Bunning	Hutchison	Snowe
Burr	Inhofe	Tester
Chambliss	Isakson	Thune
Coburn	Johanns	Udall (CO)
Cochran	Kyl	Vitter
Collins	LeMieux	Voinovich
Corker	Lincoln	Webb
Cornyn	Lugar	Wicker
Crapo	McCain	Wyden
DeMint	McConnell	

NAYS—45

Akaka	Gillibrand	Menendez
Baucus	Harkin	Merkley
Bingaman	Inouye	Mikulski
Boxer	Johnson	Murray
Brown	Kaufman	Reed
Burr	Kerry	Reid
Cantwell	Kirk	Rockefeller
Cardin	Klobuchar	Sanders
Carper	Kohl	Schumer
Casey	Landrieu	Shaheen
Conrad	Lautenberg	Specter
Dodd	Leahy	Stabenow
Dorgan	Levin	Udall (NM)
Durbin	Lieberman	Warner
Franken	McCaskill	Whitehouse

NOT VOTING—2

Byrd Hagan

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 45. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is withdrawn.

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

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

The Senator from Tennessee is recognized.

AMENDMENT NO. 3302

Mr. CORKER. Mr. President, I rise to speak about the Gregg-Conrad amendment that I hope we will vote on later this evening or tomorrow. I know everybody in this body is concerned greatly about the long-term issues we have to deal with as relates to our deficits. I think everybody in this body has concerns about that.

I know there has been a lot of discussion, especially by members of the Finance Committee, that we need to deal with the long-term deficits in this body through regular order. The fact is, this is the responsibility of the committee. I respect members of the Finance Committee. Someday, I would like to serve

on that committee. They do outstanding work.

I think all of us realize that there is no way we are going to deal with the long-term issues relating to Social Security and Medicare without doing something that causes us to have to take a vote.

A lot of people criticize the Gregg-Conrad amendment, saying that there is a possibility that one of the recommendations that may come forth from this commission that would actually make a report and call us to vote after November of this year is that there may be a tax increase that is recommended in this legislation. The Gregg-Conrad amendment would get Republicans and Democrats to agree on a way to deal with long-term issues. It does not commit people to vote for those recommendations. As a matter of fact, there is nothing in this amendment that speaks to tax increases.

I know on the other side of this issue we have some more liberal groups, if you will, that are saying: We do not want you to deal with entitlements because the only way to make entitlements whole may mean making some reforms, and we do not want any changes.

We have people on both ends of the spectrum who are saying do not support Gregg-Conrad when everybody in this body knows we cannot continue as we are today. We all know that.

The Finance Committee, which I respect greatly, just in this last health care bill—and I am not trying to touch a subject that may be hard for all of us after the last couple of weeks, but the fact is, the Finance Committee proposed taking \$464 billion in savings from Medicare to use to create a new entitlement. What that means is the Finance Committee has no notion whatsoever of doing things that make Medicare more solvent over the long haul. If we are going to take savings such as that, we ought to make Medicare more solvent. By the way, we can debate those kinds of issues, but the fact is, the Finance Committee has had decades to deal with the long-term entitlement issues. I respect their work.

The fact is, during regular order, it is very difficult for this body to make the tough decisions that call us to make sure we are not pushing huge amounts of debt onto future generations.

I cannot imagine why anybody in this body would oppose setting up a bipartisan group—they do not have to vote for the recommendations—that will spend a year looking at these issues in an intelligent fashion, hopefully, and then come back and report. And you can vote yes or not. You may or may not like it.

I see the Senator from Missouri. Let me say one more thing. The way I understand it is the majority leader would appoint the Democrats and the minority leader is going to appoint the Republicans. That alone ought to give people some sense that they are not going to appoint people who are out in

left field, if you will, or out in right field as it relates to fiscal issues. They are going to appoint people who want to look at this generally along the lines of the philosophy of each of the two parties.

I cannot understand how any of us cannot support putting in place a mechanism to deal with the long-term liabilities of this country. Mr. President, I know you join me in those concerns. You have to. The Senator from Missouri has to join me in those concerns.

I hope we will set aside politics and the groups that are calling in and lobbying against this issue because we might have to make a tough decision—which, by the way, would benefit future generations—trying to keep us from doing something that would make sense. Again, if the things they recommend are not good, vote against them. But let's put some process in place to deal appropriately, to make sure seniors down the road are going to have Medicare, that seniors down the road are going to have Social Security, and that those young people we talk about so much and care so much about are not burdened with huge amounts of debt because we do not have the courage in this body to make the decisions we need to make to put this country on a solid footing. We all know that. We see it every day. We do not want to make those tough decisions. This gives us a mechanism to at least consider making some difficult decisions and putting this country on a strong footing.

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

THE PRESIDING OFFICER. Will the Senator withhold his request for a quorum call?

Mr. CORKER. I will.

THE PRESIDING OFFICER. The Senator from Missouri.

Mrs. MCCASKILL. Mr. President, I had no intention of speaking today, but this place has been a little strange over the last few months in terms of our ability to come together.

When I heard my friend from Tennessee talking about the Conrad-Gregg amendment, I realized we had a moment of bipartisan agreement. I wanted to stop and recognize that it is not completely gone. There are Republicans and Democrats who agree on issues.

I could not agree more with my friend from Tennessee. I think this statutory commission is our best hope at restoring fiscal sanity in this country. It is important that we adopt it. I am proud to be a cosponsor of the amendment. There are a number of us on this side of the aisle who are cosponsors of the amendment. There are a number of Republicans who are cosponsors. But I am beginning to sense that there may be some political game-playing that is going to occur here, and it worries me.

The leader, with all due respect—in a bipartisan moment, I am going to

backtrack a little bit. I remember the Republican Party announcing that this was one of their priorities. Now all of a sudden we are hearing that the leader of the Republican Party is opposed to it. Think about that for a minute. Before the shores got rocky for Democrats politically, this was a great idea.

Everybody here knows we are not going to fix this problem in the regular order. Everybody knows it. It is not going to happen. So we are going to talk deficits, we are going to continue to say deficits matter, and we are not going to do the things we have to do to fix it. Until people begin to put aside politics and think about the policy that is really involved here and what it means for the future of this country, we are in deep trouble.

I implore my friend from Tennessee to restore this as one of the priorities of the Republican caucus, to prevail upon his leader to not—I hope this is not the case, but the rumors are floating around that they have backed off this as a priority because if the Democrats do this, it is going to make them look good. We have to quit making the failure of the other guys our success. This place cannot be about that. By the way, it happens on both sides. I am not saying this is just a problem on the Republican side of the aisle. But we really do have a place where the way politics are played today makes it very difficult for us to come together in a bipartisan fashion.

This is a moment in time that this could happen. I implore my friend from Tennessee—and he is my friend. We have been here the same amount of time. We have watched all of this sometimes with our eyes bugging out and our jaws slack as to what goes on around here and how things work. This is a time we can come together and do something that is responsible for this country.

I am going to work very hard on my colleagues on this side of the aisle. I hope my friend from Tennessee does the same thing on his side of the aisle. I think we will have a vote on this amendment sometime in the next week or so. It is very important that we stand up and be counted as people who are more worried about our grandchildren than the next election.

Mr. CORKER. Mr. President, the Senator from Missouri and I have worked on a number of issues together. I so much appreciate her comments.

While I certainly cannot speak to what the position may be of leadership of whatever party on this particular issue, I will tell the Senator that I am absolutely a cosponsor and I absolutely agree that political winds are blowing. I might add, on both sides of the aisle.

The President tried to announce something yesterday that we all know is not as strong as this amendment. It was an attempt, in fairness, to keep this amendment from gaining support because this is, as you mentioned, statutory. So it happens on both sides of the aisle.

I am proud of the fact that the Senator from Missouri is standing up today supporting this legislation. I support it proudly. Again, the winds are blowing on both sides. I know there are liberal groups calling in trying to get folks on the other side not to vote for it. We have conservative groups on our side calling trying to get people not to vote for it.

Again, all we are putting in place is a mechanism to try to solve this problem. People can vote against the recommendations. At the very least, we would benefit from some deep thought and a lot of work on data to see where we sit as it relates to the deficit issues.

One of the things I think the election the other night said to both of us is that regardless of the outcome, regardless of some of the issues we are focused on, the American people would like for us to hit issues head-on. They do not want trickery. They do not want doubletalk. The American people would like for us to address the serious issues of this country as adults and try to come forth with real solutions to everyday problems and long-term problems.

I think this legislation, which, by the way, is bipartisan—and as the Senator from Missouri mentioned, in the past it has had tremendous support. We almost had enough—I am probably exaggerating slightly—we almost had enough sponsors in the past to pass it in this body.

As the Senator mentioned, the political winds are changing. Maybe one political party has advantage over the other for a day or two. Who knows. Instead of looking at this for the substance that is there and behind it, the Senator from Missouri is right, politics has come into play. I hope, just as the Senator has mentioned, that all of us can rise above that over this next week and support this very commonsense legislation that will at least get the ball rolling toward dealing with the issues that are going to affect these young people who are here helping us. We all know that political leadership at least for years—I am not talking just today—for years we have had the most selfish generation of political leadership this country has seen, kicking the can down the road on serious issues so that we can give people what they want without anybody having to pay for it except these young people.

I am proud to stand with the Senator from Missouri. I thank her for her comments.

Mr. President, thank you for the courtesy of time.

Again, I suggest the absence of a quorum, but possibly the Senator from North Dakota may wish to speak.

THE PRESIDING OFFICER. Will the Senator withhold his request for a quorum call?

Mr. CORKER. As always, yes.

THE PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I support the Conrad-Gregg fiscal action

task force amendment. I am going to vote for it, and I do so not because I think it is the best solution. The best solution would be for us, year to year, to reconcile that which we spend and the amount of money we have to spend. But we don't do that, and we are now in a position where we have an unsustainable fiscal policy. It just is.

I know people on that side want to blame this administration; people on this side want to blame the last 8 years. Whatever the blame might be, let me say that we are on an unsustainable course, and it is required, in my judgment, by Republicans and Democrats, to come together to find a way to address it. This is not the best way, but it is probably the only way we are ever going to get some control.

I have heard so many people come to the floor of the Senate to say this administration is a socialist administration; it is going to spend this country into the ground. I have heard all of that. It is easy for me to stand here and go all the way back to a time when I stood on this floor—a time when we had the only budget surplus in several decades—and say in response to a President's proposal to spend it before it even existed, and all we had was 10 years of projections, why not be conservative? These surpluses only exist this year, not for the next 10 years. Let's be a little conservative. And the blowback was: Katey, bar the door. Let's do big tax cuts. Let's do all these things. Then immediately—and I didn't vote for it—but immediately we ran into a recession, then we ran into a terrorist attack, then a war in Afghanistan, and a war in Iraq—which, by the way, we never paid a penny for. We just sent men and women to go to war and said: We won't pay for it except with emergency supplementals every year.

So there is plenty of blame to go around. This current President, President Obama, has been in office just 1 year. There are things with which I disagree with this administration, for sure. But, look, he inherited the biggest mess in the history of a Presidency, in my judgment. So let's try to figure out how we can get the best of what both parties have to offer in this country rather than the worst of each.

I have often quoted Ogden Nash's four lines that I think captures this the best when he was talking about a guy who drinks too much and a woman who scolds.

He drinks because she scolds, he thinks. She scolds because he drinks, she thinks. Neither will admit what's true. He's a drunk and she's a shrew.

So it is perhaps with the political parties. Neither will admit what is really true. Both have some responsibility, and both have a responsibility to lead. We are not leading year to year in the normal budget process and in the normal appropriations process to reconcile the amount of money we have and the needs that exist. We are not reconciling that. We are offering a

level of government that exceeds the amount of money we have, exceeds the American people's willingness or ability to pay for it, and that is not sustainable in the long term for this country.

So the question is, What do we do? Some say, Well, you can never increase any taxes. I say: Why not, if you have people who aren't paying their fair share? How about increasing taxes on them? Some of the biggest folks in the country, who are running hedge funds, are paying the lowest tax rates in America. How would you like to make \$3 billion a year?

By the way, when somebody comes home and says: Honey, how are you doing?

That person says: Well, I'm doing pretty well—\$3 billion a year. That is almost \$250 million a month salary. Doing pretty well. By the way, I don't know whether you know it, sweetheart, but I get to pay the lowest taxes in the country. I get to pay, on carried interest, a tax rate of 15 percent.

So if somebody says: What is the solution to this? Cutting spending? Yes, I think so, in areas where we are spending money we shouldn't—such as beaming television signals into the country of Cuba. We have spent \$¼ billion sending television signals to the Cuban people in TV Marti. Yes, we have spent that, and there are television signals beamed from 3 a.m. to 7 a.m. and blocked by the Cuban Government so nobody can see them. So we have spent \$¼ billion sending television signals no one can see. I guess some people here feel better about that. I have been trying to shut that down for 10 years and can't even shut down that kind of insanity.

So cutting spending, yes. How about asking those who aren't paying their fair share of taxes? Yes. Let's do all of that. Perhaps we are requiring that be done if we set up this mechanism. Perhaps that is what will happen. I wish we didn't have to do this, but with the choice of yes or no, which is a very simple choice on should we do something or should we just continue down this bumpy road that leads to a destination none of us wants and none of our children will like, my answer is let's vote yes on this amendment. Let's decide to do something that maybe can put this country back on track, help us restart this economic engine and give the American people confidence again.

I used to teach a little economics in college, and I used to teach that it didn't matter what the supply and demand curve and all those issues dealt with, with the graphs. What really matters is do people have confidence about the future—about themselves, their family, and their future. If they do, they do the things that expand the economy. They take a trip, buy a suit of clothes, buy a car, buy a home. That is what expands the economy. If they are not confident, they do exactly the opposite, and they contract this economy.

Let's do some things that give people some confidence in the future. Let's give them confidence that finally, at last—at long last—we are going to grab these issues, look them square in the eye, and say: We will fix them. Why? Because our kids and grandkids deserve that, and this country deserves that leadership.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I ask unanimous consent to speak as in morning business for up to 12 minutes.

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

(The remarks of Ms. COLLINS pertaining to the introduction of S. 2943 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Ms. COLLINS. 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. BROWNBACK. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. SHAHEEN.) Without objection, it is so ordered.

Mr. BROWNBACK. I rise to speak on the budget deficit and a mechanism this body has embraced in two prior budget agreements that I think it is time to put in place now. It is called the CARFA mechanism, the Committee on Accountability and Review of Federal Agencies. It is a BRAC process on spending. We passed it in the budget resolution twice, with votes on both sides of the aisle for it. What it does is it basically says: OK, we have to look at all of the Federal Government. Places that aren't working, we need to eliminate, and the rest, then, we can use to pay down our debt and deficit. If there were ever a time to do this, this is the time. I have argued for a decade that we need to do this, and I put this bill forward for a decade. This is my last year in the Senate, and I hope we can get it done this year. It has received bipartisan votes, as I mentioned, two times before in the budget.

It is a simple mechanism. What it does, it is an eight-member commission, four appointed by each side of the House and the Senate. It has to pass by—six of the members, of the eight have to vote to put forward the recommendations of the commission. It takes a fourth of the Federal Government each year and it recommends spending cuts in that fourth. That is then referred to the appropriate committees, and then within 30 days after the commission reports out, it is subject to a privileged motion, that the actual recommendation of the commission must be voted on by Congress. It then has a limited timeframe for debate without amendment, and you get a vote up or down—very similar to the BRAC process that we have followed

for many years on base closing and realignment.

I might remind my colleagues, that BRAC process, while creating consternation across the country, has now saved us \$60 billion. We have had several places in Kansas that have been closed in that BRAC process, but we have also had consolidation of troops and operations at, say, Fort Riley that have gained by that, and we have an economy and we have a better aligned military.

This is the same process. It is only on spending, it isn't on taxes, and it is applied now to the full breadth of the government, discretionary and mandatory spending. So it is everything included within a BRAC process. It is a supermajority within the commission itself. Six of eight members must sign on to it, so you cannot get it just gamed one way or the other. It is a simple majority once it gets to the body; it is under the privileged motion. It isn't a 60-vote point of order, it is a 50-plus-1 vote to be able to get it on through this body, and a majority in the House.

This is a tried-and-true practice. It doesn't include tax increases, and my other colleagues are putting forward a commission process as well that does include tax increases which a number of people have a great deal of difficulty with and certainly people across the country have difficulty with. This is not the time nor the economy for us to be talking about tax increases. We have been pounding away at that for a long period of time, but clearly people are saying: No new tax increases. I think they certainly would say that prior to us going through our own spending. There is nothing that prevents this body from passing a tax increase. We can pass it at any point in time. But I think, to have any validity, you would have to go through the Federal spending first and say: Let's cut the spending before we even look at the tax increase side of this equation. That is what this does. This looks at the spending piece of the equation, not at the tax piece of the equation. We owe that to the American public. If there is going to be any credibility of saying we need to raise taxes, which I don't think we need to, but if there were to be any credibility, you would have to first go through Federal spending and say: We have cleaned out everything we can.

I, frankly, believe there are a number of Federal agencies that could take a major reduction and that we could end up with better government.

I want to point this chart out to you. This is a report card that the Federal Government does on itself on the effectiveness of its programs given the design they were based on in the Congress. The OMB does this. They do this on an annual basis. They take different agencies each year and rate them for total effectiveness of that program. And you can see we have a couple of agencies here. We have a 100-point scorecard. The best one is the State

Department which gets a 79.47 grade average. We have the Education Department at 49.91. We have the Labor Department at 58.14, of an average grade score of the programs reviewed within that agency, within Labor, 35, within Education, 93.

My point in saying that is that my guess is that within the 35 programs, we can find quite a few there that actually should be eliminated, that are not hitting the target, that are not getting the job done.

This is the process we went through with military bases. For instance, in my State, we had a munitions plant that was closed down near Parsons, KS, and we had a munitions plant near the Kansas City area that was closed. These plants were providing services. They were doing legitimate functions for the military. But the military said: We can consolidate this in one place and save money and close these plants down, and then we will turn the land back over to private and public entities. That is what is taking place. We have done that across the country, creating a more efficient military installation process. It had a negative impact on a couple of my communities, but now we are kind of dealing with those issues and working hard on them. But we have a better structured military. What if we did that in the rest of the Federal Government? And we clearly should do that at this point in time. We are looking at a Federal deficit, a government-run Federal deficit of \$1.472 trillion—116 percent greater than the 12-month period ending December 31, 2008.

I have asked my colleagues to consider this amendment in the Federal debt limit ceiling, for us to go back to this process that has already passed this body in budget votes before, but we have never been able to get a vote that would take it all the way through the system. So my colleagues are very familiar with this process. It has worked. Let me repeat that. It has worked before for us. It will work again. We are not building from scratch. We already have some scorecards. And we have to start taking care of this. This is the legacy we are leaving our grandkids—deficits that are running in huge quantities.

The first thing to do in a deficit is— if you are digging a hole, you have to stop digging—stop spending, stop spending in the wasteful areas. There is nothing that drives my constituents more crazy than wasteful government spending. People look at that, and it is just mind-boggling to them. This is a legitimate process to get at wasteful spending in a process we have approved before, and it is clearly time for us to do it.

With this sea of red ink, anybody in this body who has been a Governor has looked at these sorts of issues and said: OK, first, where can we cut our spending? And you would look at that. This does that process. The CARFA project and the CARFA bill and the CARFA

structure go at spending first, and that is the first place you would look, and you would certainly look there before you would look toward any tax increases. I think this is something whose time has come and this is something this body really should support.

I would also point out that the route we are going right now, with massive increases in spending and sharp drops in revenues—you talk about bending cost curves down, let's bend this cost curve down on spending by the Federal Government. That is what CARFA can do in a bipartisan, fair process, not just one side or the other saying, cut here, cut there. It is looking at all of the Federal Government, and it is then putting it in a process where we make recommendations—the commission makes recommendations on spending first. Address spending first. That is clearly what our constituents want us to do. They want us to look at spending. That is not a partisan statement, that is what the public wants us to do, and to get at the wasteful pieces of it first.

So I would urge my colleagues, in this bill—I hope we are going to be able to get this up as a piece of it, an amendment, the CARFA bill that has been voted on previously, and that we will have a chance for people to say: Yes, let's go at spending, let's go at spending.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

ACCELERATING THE INCOME TAX BENEFITS FOR CHARITABLE CASH CONTRIBUTIONS FOR THE RELIEF OF VICTIMS OF THE EARTHQUAKE IN HAITI

Mr. BAUCUS. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4462, an act to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Haiti, received from the House and at the desk.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4462) to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Haiti.

Mr. BAUCUS. I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table; that any statements related to the bill be printed in the RECORD.

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

The bill (H.R. 4462) was ordered to a third reading, was read the third time, and passed.

Mr. BAUCUS. Madam President, I am glad we passed the bill here now—it already passed the House—to help all of those Americans who find the tragedy in Haiti so wrenching and want to help.

Americans are trying to help in lots of ways. Some are taking orphans into their homes.

I have worked, as an example, in the last several days with many churches and organizations, including especially the Catholic Relief Society, to just help in any way we possibly can. But there are other Americans who just want to help with financial contributions. So this bill enables many people—in my home State of Montana, many people have contacted me to say: MAX, what can we do to help? And this is essentially an effort to help people who want to help, so they can get a deduction on their 2009 tax returns if that deduction is made between basically the date of the earthquake, January 11, and March 1. So any contributions made during this period will be tax-deductible on 2009 income tax returns.

I am happy to work on a bipartisan basis with Senator GRASSLEY, my counterpart on the Finance Committee, and he and I worked to get this put together, as well as the two Senators from Florida—both political parties. They very much care about this, and I know all Senators do. But I give particular thanks to those Senators who have been very helpful to get this put together and get it passed without any rancor.

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.

INCREASING THE STATUTORY LIMIT ON THE PUBLIC DEBT—Continued

Mr. KYL. 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. 3302

Mr. KYL. Madam President, I wish to talk a little bit this afternoon about the amendment which Senators CONRAD and GREGG have proposed and which we will be voting on next week. Both of these Senators are very well versed, as the chairman and ranking member of the Budget Committee, in fiscal policy and in the types of reforms everyone is looking for to get a handle on the deficit and the debt this country is facing. So it is with some trepidation that I oppose an amendment the two of them would offer.

I hasten to say that both are respected Members of this body who approach problems with principle in mind, and in this particular case, having talked to Senator GREGG, I know the idea that only by working across the aisle with each other and compromising can we hope to deal with the most vexing problem that seems to face this body; that is, how to deal with the problem of deficit and debt.

Having acknowledged their good will, however, I have to respectfully dis-

agree with the approach they take in their commission. I do it for basically three reasons.

First, I have never found either the House or the Senate in a position where they were anxious to cut spending and thereby save taxpayer money. I have, on the other hand, seen an effort to raise taxes every time we seem to get into a deficit situation. It seems it is always easier to gather in more taxpayer money than it is to stop spending money they have already sent us. The problem with that is, it is no longer money they have sent us, it is money we have borrowed from other people such as China, for example. That borrowing has costs, foreign policy costs as well as interest costs. We eventually have to pay it back. Because we have borrowed so much, the Chinese are saying we better be careful about how much we have borrowed, and they will have to increase interest rates. There is a point at which you cannot be a great nation by being in debt to all the folks around the world.

It is not as if we haven't collected enough taxes. We are now at something akin to 23 or 24 percent of our gross domestic product on Federal spending. It used to be 18.5 percent or so. It is clear, therefore, it is not tax revenues that are the problem. It is spending that has gotten out of control. We know that from all these statistics a lot of us have been talking about relative to the budget last year and the debt ceiling that needs to be raised presumably next week. We wouldn't have to raise the debt ceiling by almost \$2 trillion if we had been more restrained in our spending.

To put it in perspective, before I move on to the next point, the President's budget last year called for more debt in the 5-year period of that budget than all the debt that had been accumulated by every President of the United States from George Washington through George Bush. Think about that for a moment. In 220 years of history, take all the debt, including World War I, World War II, the Civil War, pile it all up, and this one budget included more debt than that. We double the debt in 5 years, triple it in 10 years. That is not responsible. And it is not for a lack of Federal revenues. It is not because we are not taxing the American people enough. It is because we are spending too much. The American people believe that. They understand it. I think it is one of the messages from the Massachusetts election.

When you have a commission that can make recommendations to the Congress that we have to, in effect, abide by, that permit either an increase in taxes or a reduction in spending to solve the problem, it is pretty clear to me which direction we will end up going. We don't have the courage to reduce spending so we increase taxes.

Second, our rules are premised on a fallacy. Unfortunately, I believe it will drive the commission because of this fallacy. The fallacy is, all the money in

the country belongs to the U.S. Government and, therefore, if we reduce taxes somewhere, we have to make up that reduction in tax revenues somewhere else, either by raising taxes somewhere else or cutting spending. Of course, we never cut spending. So the idea is you have to raise taxes somewhere. If I want to give the American people a tax break by reducing their taxes, I should have the right to do that. Congress should be making the rules. We should have the right to say: We are going to reduce your tax burden. But under existing rules, unless you have 60 votes for a permanent change such as that—and even then it is difficult because of our scoring rules—any revenue that is lost because of an action we take in reducing taxes has to be made up somewhere else in some other way. It has to be offset.

What that generally means is, since we don't find ways to cut spending around here very often, you raise taxes over here to make up for the tax revenue lost over here. If I want to reduce the capital gains tax by 5 percent, for example, or to give a real-life example, I want to reduce the estate tax—and Senator LINCOLN and I want to do that—I can't do that without "paying for it." We just want to reduce the estate tax so that people when they die, their heirs will not have to pay as much estate tax. No, you can't do it. You have to make up the revenue that you would lose. It is one of the reasons why we don't cut taxes around here very much. Because it is hard to find offsetting revenue that is acceptable to people.

To carry this a little further, Senator LINCOLN and I would simply like to repeal the estate tax. That is not going to happen. So we have agreed to a compromise in which we would have a \$5 million unified credit; that is to say, that is the amount that is exempt from the tax and that is per spouse in a family. It would be indexed for inflation and then anything that remains above that in the estate would be taxed at the rate of 35 percent. That costs a certain amount of money, according to the budget scorers. I am not sure how much. Let's say \$80 billion. We have to figure out a way to pay for that. So the question is, Is there some other place where we can raise revenue? Ordinarily, raising revenue means raising taxes. We don't want to do that. So we are relegated to the kind of political games, such as maybe phasing it in over time, because it doesn't cost as much if you bring the rates down over time, where you gradually increase the unified credit over time. That is how we got to the crazy situation we are at today, where we had the rate go down over a period of 9 years and then this year it went to zero. But next year it goes right back up to 55 percent. So the rules we have around here create crazy policy. Yet we are stuck with it.

I am afraid a commission that has the ability to both make tax revenue increase recommendations as well as

spending reductions will not only focus a lot on the taxing side, because it is very hard for Congress to reduce spending, but also will be bound by the same rules so we will never get tax cuts anymore. Because every time you want to decrease a particular tax over here, you will have to raise taxes over here. I think we should start from the premise that the money in the country belongs to the people. It is their property. The government should not take it unless it needs to and unless the people acquiesce through their representatives. If Congress decides it wants to take less money from the people, for example, so they will have more money to invest in small businesses to create jobs and put America back to work again, we ought to be able to do that without saying: We are going to give you a tax break here, but we are going to have to raise your taxes over here by an equivalent amount. If the money belongs to the people, we wouldn't have a rule such as that. I think it is very elitist and very wrong to essentially start with the proposition that the money belongs to Washington so you can never give it back to the people without recouping it in some other way. That is the second reason why I think this is not a good idea.

Third, we should be focusing on spending reductions. Everyone talks about not spending as much. Yet we have increased spending dramatically over the years. One of the reasons why is because our constituents want lots of things. If a particular special interest asks for some spending, there tends to be political support for that. The opposition to it being spread over all the people, in effect being everyone's problem, is no one's problem. So you have in spending bills here Members who put earmarks in bills or request certain spending, and there is a constituency for that. By the way, when I talk about special interests, I am not necessarily talking about bad people. Every family in America is represented by some special interest. You have veterans in the family, and you have the veterans groups supporting them. Does anybody think those are bad special interests? If you have farmers, they belong to the Farm Bureau. That is not a bad special interest, but they may be coming to Washington asking for something specific.

I was visited today by the head of the police department and fire department in my city of Phoenix. Both of them are represented by groups in Washington. They are not bad special interests. There are a lot of special interests in the country. Because the government is so big and so powerful, a lot of what they do consists of persuading Washington it should engage in one policy or another because that is where all the power is, that is where the money is, and so they have to hire lobbyists to come back here. We listen to those special interests. Who pays the bill? Our constituents, the taxpayers, who don't have many representatives back here.

There are groups, such as the National Taxpayers Union, for example, that keep track of how much money we spend around here. They rate Senators based on how much they spend.

Citizens Against Government Waste is another one. But they are pretty general, and they are not specific such as a lot of the special interests. What you end up with is a big push to spend money and not much of a push to save it.

When colleagues of mine, such as my friend TOM COBURN or my colleague from Arizona, JOHN MCCAIN, come to the floor and criticize earmarks in bills, spending they don't think is necessary, they are criticized. Why don't you play the game? Why are you creating such a stir? Senator COBURN has an amendment we will be taking up next week that says let's at least get rid of a whole group of programs that a commission in the United States has decided are duplicative and not necessary. I have forgotten how many child nutrition programs we have or special education programs or job training programs. Probably many more than can efficiently spend taxpayer money to do the good things they are set up to do. But we never seem to get around to putting more efficiency into the system.

I think it was Ronald Reagan who said the closest thing to immortality in the United States is a government program. They are easy to create but hard to get rid of.

When you make deals that if you will just say we will solve the deficit problem, we will save money over here if you will raise taxes over here—I mentioned Ronald Reagan; I will mention him again. That was the deal he cut with Tip O'Neill and the Congress at the time. We got the tax increases, but we didn't get the savings. One of the things Ronald Reagan always said he regretted was being so naive as to make a deal assuming that if he agreed to raise taxes over here, Congress would agree to make savings over here. It is hard to do. Congress very rarely does it.

Another problem is, raising taxes for the purpose of raising revenue has two problems with it. No. 1, we don't end up saving money. We just end up spending it on new things. No. 2, it affects behavior from taxpayers in a negative way. If you raise taxes on businesses, for example, they will not hire as many people. They will not be able to invest as much money in their business. They will probably not make as much money. If they don't make as much money, what happens to their tax liability to the government? It goes down, not up.

On the other hand, frequently—and this has been demonstrated especially with taxes that have a direct relationship to revenues such as the capital gains tax—if you reduce the tax, business activity increases, producing more revenue for the government to tax, and Federal revenues actually go up. This

is not true with all taxes, but it is true with some taxes. I mentioned capital gains.

If you have a high capital gains rate today and businesses are told the rate is going to go down next year, do you think you are going to see a lot of assets sold this year? You will have hardly any economic activity unless it is absolutely necessary. But on January 1 of next year, when the rate goes down, you will see all kinds of activity because the rate at which that activity is taxed is reduced. By the same token, if you have a rate that is low today and you say it is going to go up tomorrow, you will see a lot of activity today but not much tomorrow. That economic activity is what produces revenue, which is what the government taxes. As I said, ironically or paradoxically, a lower rate generates more revenue to the Treasury.

That is what happens when you reduce the capital gains rate.

I believe if the President were to announce tomorrow he is asking Congress to pass legislation to send to him that would fix the marginal income tax rates, the dividends rate, the capital gains rate at exactly where they are right now, for, let's say, a period of 5 years, the certainty that would create—even though some of those rates are too high, in my opinion; let that go—the certainty that would create because the rates would be known for a period of 5 years—and these, by the way, would be the so-called Bush tax cut rates so they would be much lower than they would be if they were allowed to go back up again—if the President were to do that, I think he would see the stock market skyrocket the next day. He would see job creation that would be incredible because businesses would know their taxes are not going up, that they could afford to hire people, and they would do so.

On the other hand, when you leave the tax rates in question or hint they are going to go up or, in fact, ensure they are going to go up—as they did under the health care bill, for example—it is no wonder businesses do not create jobs. In the health care bill, we actually have a couple payroll tax increases. All tax increases hurt business and hurt their ability to invest more and to hire more people, but a payroll tax is a direct tax on jobs. It says: The more people you hire, the more taxes you are going to pay; the more people you keep on your payroll, the higher your tax liability is going to be.

There is one provision that says, if one of your employees leaves and gets a subsidy for the insurance exchange, you have to pay an 8- to 10-percent payroll tax on all the rest of your employees. That is a job killer. Another tax raises, by just under 1 percent, the Medicare payroll tax. That is a job killer.

So there is a relationship between job creation and taxes, economic activity and, therefore, revenues to the Federal Treasury and tax rates. Tax rates and

taxes are not the same thing. You can reduce tax rates and actually collect more taxes. Again, it sounds paradoxical, but it is true. Think of this analogy: When you go to the store just before Christmas and they slash their prices by 40 percent, they are not doing that to go out of business. They are still making money. They make more money on the volume that increases because a lot more people come into the store—even though they have reduced the cost of each of the items—than they would if they increased the cost of the items. I guarantee you, if they raised their prices just before Christmas, their competitors would be reducing their prices, not so they would make less money but so they would get more people in, they would have more volume, and they would end up making more. That is what happens when you reduce certain tax rates when you are the Federal Government. You actually increase your revenue.

So I am very reluctant to support a commission which I believe will undertake to reduce our deficit by raising tax rates. It is not good for job creation. It is not good for the economy. It is not good for families, of course. Ironically, I do not even think it is good for the Federal Government, but I mostly do not think it is because, at the end of the day, we always have the courage to talk big about cutting spending, but we do not do it.

I will close with this. The last budget increased the funding for the departments of government dramatically at a time when we are in a deep recession. Families are having to cut their budgets. Yet you go to the Department of Agriculture, and I think it was a 23-percent increase or 26-percent increase, about the same for the Department of State and so on. I think the average was over 12 percent. Only the Defense Department took a hit.

I think that says something else we need to be very careful of. It is one thing for a commission that is not elected by the people to have the specific goal of reducing the deficit. It is quite another to have the perspective of all the matters Members of Congress have to pay attention to in making decisions that offset each other or that take into account the needs across the entire spectrum of government.

It would be very bad, indeed, if we were not able to factor into our decisions, for example, the need to increase Defense spending next year. Because it got hit last year, it is going to have to be increased. I daresay, I hope and I almost predict the administration will find a way to increase in its budget this year Defense spending because it cannot be sustained at the level it is. Yet if we were having to cut spending across the board, that would be difficult to do.

That is what we are elected to do as Members of the House and the Senate. As hard as that job is, we should be doing it to adequately represent our constituents. I understand the argu-

ment we need some help sometimes, and, frankly, I support some alternatives to what I am talking about. Senator SESSIONS and Senator MCCASKILL, for example, have an amendment which I support because it focuses on spending. It starts with the 2010 budget, which is more than I would like to start with, but at least it says spending has to be constrained relative to that budget.

I think there will be another amendment that relates to spending which focuses on other ways to save money. Senator BROWNBACK, for example, similar to Senator COBURN, has talked about trying to end duplicate programs or Departments or agencies or programs or commissions whose job is finished and we do not need them anymore, for example. Those are the kinds of things I think we need to look at, and we can save big money if we do.

The final point I wish to make is, some say: Well, isn't this a little bit like the health care commission that would reduce Medicare spending? The answer is, there is a similarity at least in concept. The idea in the health care commission, though, is to reduce spending primarily by reducing what we pay doctors and hospitals and other health care providers. That is a tough way to reduce Medicare spending and still provide the services our senior citizens deserve.

The way it should be done is to find the so-called waste, fraud, and abuse—and that is easier said than done. No one denies it is there. But we have had decades to get to the problem, and if we could, we would be doing it right now. I have no doubt if President Obama knew he could save \$100 billion by eliminating waste, fraud, and abuse, he would have gotten about the job by now, and he would not be waiting to see what kind of provisions we put in a health care bill before starting the job.

The private sector cannot afford to waste that much money. Federal bureaucrats, as hard as they work, do not have the responsibility. It is somebody else's money. It is everybody else's problem. It is not my problem. In the private sector, they cannot afford to do that. It is one reason the insurance companies get criticized, because they have people making sure they do not pay claims that should not be paid, and sometimes they are criticized for that kind of activity. Their administrative costs are a little bit higher than the government's because of that. They hire people to make sure they do not have a lot of waste, fraud, and abuse. So the amount of waste, fraud, and abuse against the insurance companies is pretty low, and they are able to stay in business as a result.

With the Federal Government, you have the sort of "Did you ever wash a rental car?" syndrome, where it is somebody else's money, you do not have to be as careful about protecting it, and, as a result, there is a huge amount of money lost in government programs, such as the Medicare Program, for example.

The amendments Senators SESSIONS and MCCASKILL are presenting and, I believe, Senator BROWNBACK and some others will be presenting are going to focus on how we can actually save money in the way I am talking about, rather than cutting services, because that is the wrong way to save money, if they are essential services, as the Medicare services are. That is the distinction between those two items that I think is important to draw.

So the bottom line: The people who are proposing this commission idea are very well motivated and I respect their position. Reasonable people can differ about the wisdom of what they are proposing. I would prefer to, first, focus on whether we could actually reduce spending with a little help from a commission or some other kind of group, depending upon which of the amendments you want to adopt that actually identifies where we can save the money and force us to act upon that. I would rather do that first than to start out with the proposition that we can do it through tax increases because that is a sure way to hurt economic recovery, prevent job creation, take more property and freedom from the American people and, potentially, in the long run, provide for less revenue to the Federal Government.

A friend of mine always likes to say: There is a rate. Well, there are two rates, he says, at which the government collects exactly no revenue: zero and 100. It is true. If you set a very high tax rate, you are going to get very little of whatever it is you are taxing. If you want economic activity that represents economic growth in this country and a high standard of living and a lot of job creation, you cannot achieve that by imposing a lot of taxes, even if you were not worried about the deficit. The way to solve that problem is to stop spending money rather than trying to take more money from the American people.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

TODAY'S CITIZEN UNITED DECISION

Mr. SESSIONS. Madam President, I want to share a few thoughts at this time about the Supreme Court's decision in *Citizens United v. Federal Election Commission*, which was announced today. Some comments were made about the decision in the Judiciary Committee earlier today, and some of those comments were critical of the decision. I just want to say that I think it is a sound decision, a decision that is consistent with our Constitution and the first amendment.

I know sometimes people are irritated by seeing ads on television. I

know politicians are not happy when people run ads against them. But this is a free country. We are not immune to criticism and people seeking to promote their point of view throughout our Nation. I think the Supreme Court's opinion today deals with the reality of free speech that simply is not going away.

In *Citizens United*, the Court overruled two recent precedents that had themselves undermined and were inconsistent with this Nation's long tradition of protecting political speech. In doing so, the Court recognized that political speech is protected by the first amendment regardless of whether the speaker is an individual or is acting in corporate form. Over the years, there have been some dubious arguments made under the first amendment, such as arguments that pornography, and even child pornography, are protected under the free speech clause; however, there can be no doubt that the Founding Fathers, when they wrote the Constitution, contemplated the protection of people's right to have robust a political debate. There can also be no doubt that robust political debate includes criticizing political candidates when they are running for office.

The decision today was an interesting matter. It shows how far some congressionally passed laws reach. The decision may indicate that sometimes these bills reach farther than we intended for them to reach when we wrote them. For example, the *Citizens United* case revolved around a film that was critical of one of the main candidates in the 2008 Presidential election. A group called *Citizens United* produced the film, and they wanted to broadcast it; however, under the recent so-called bipartisan Campaign Reform Act, it was illegal for *Citizens United* to broadcast the film during the 30 days before the election because the group had received money from U.S. corporations. *Citizens United* became the plaintiffs in a lawsuit and, eventually, the question of whether Congress could constitutionally prohibit them from broadcasting the film wound up before the Supreme Court.

I think Chief Justice Roberts, correctly summed up the holding of today's opinion in his concurrence. We will probably talk more about it in detail as we go forward and have a little more time to examine it, but he says:

Congress violates the First Amendment when it decrees that some speakers may not engage in political speech at election time, when it matters most.

Or, as Justice Scalia characterized today's holding in his concurring opinion:

A documentary film, critical of a potential presidential candidate is core political speech, and its nature as such does not change simply because it was funded by a corporation.

We hear speech that irritates and frustrates us a lot of times, but we have to put up with it because it is a free country in which we live. I would

not want anyone putting a film like the one at issue in *Citizens United* out against me, but it is a free country, and I don't think it is justified to say that Americans who come together in some corporate body can no longer speak.

I will just add that the current administration has been a bit insensitive about this matter. We had the incidents earlier in the year when an insurance company published material to people they insured that pointed out criticisms of the health care bill. The administration tried to get a federal agency to threaten them with a loss of business if they didn't stop expressing an opinion. The insurance company was engaged in a business impacted by the bill. The people they were communicating with bought this kind of insurance coverage. I think they had every right as free Americans to send out a notice that said: This is not good for our company or for you, we think.

They are not allowed to do this? They are going to be threatened by the White House with punishment if they communicate to the people with whom they do business? That is no little matter. We have to get our heads straight. The first amendment protects speech—real substantive speech—about important issues, issues like health insurance and who is going to be elected President. And it protects them regardless of whether the speaker is an individual or whether the speaker is acting in corporate form.

Justice Scalia dissented in *McConnell v. FEC*, a 2005 case that was reversed by the court's opinion today, and Justice Scalia has a knack for going straight to the heart of the matter. In that dissent he wrote:

In the modern world, giving the government power to exclude corporations from the political debate enables it effectively to muffle the voices that best represent the most significant segments of the economy and the most passionately held social and political views.

He goes on to say:

People who associate—who pool their financial resources—for purposes of economic enterprise overwhelmingly do so in the corporate form; and with increasing frequency, incorporation is chosen by those who associate to defend and promote particular ideas—such as the American Civil Liberties Union and the National Rifle Association, parties to these cases.

I agree with Justice Scalia. We cannot allow the government to suppress speech simply because it is near an election time and corporations have given some money to put it on. I think that is not healthy. In fact, I think our whole approach to constricting and limiting people in pooling their money and running ads is clearly in conflict with the first amendment.

I would just say this: The Supreme Court made it clear that all the limits we have placed on corporations giving to political campaigns were not struck down. That is a separate issue, I suppose, but the issue the Supreme Court decided in its opinion today is a very

important one. We have had a debate on this issue for a long time. We have roared about it in this Senate for many years, and people have passionately argued about the first amendment and whether some of our laws mean an evisceration of it.

I used to say in my speeches that I just don't think it is right to tell an American, or even a group of Americans who come together in corporate form, that they can't buy an ad, even on the eve of an election, and say that JEFF SESSIONS is bad for our business, bad for our State, bad for our Nation, and ought to be thrown out of office. It can, perhaps, be a problem sometimes—if someone took out an ad like I just described I might think it is a problem—but the balancing test we use is the plain language of the first amendment, and it says that the right to free speech shall not be abridged. That right is important. We incur great danger when we say: Well, you can talk, but we are not going to let you make a political message 30 days before the campaign. You can contribute but only under our rules. A clear case can be made that the law at issue in *Citizens United* favored political incumbents. It gave an advantage to politicians already in office, who have an edge in obtaining individual, "hard money" contributions. I myself am an incumbent—I myself have been fortunate enough to receive many such contributions—but that does not change the clear mandate of our Constitution. I think the Supreme Court's opinion should be respected for the fact that it takes the text of the first amendment very seriously. The opinion addresses very fundamental questions about what power politicians in Washington have to constrict the right of Americans, either individually or corporately, to defend their interest and speak out. That freedom is fundamental to the preservation of our Constitution.

Think about it. The *New York Times*. What is the *New York Times*? Is it a corporation? Yes, it is. Can the *New York Times* run an editorial every day saying they don't like this party or they don't like this Senator and criticize them repeatedly? Why, sure they can. But can Ford Motor Company defend its interests? Can it run an ad and say: We are getting a little bit tired of the Federal Government giving another \$3 billion to General Motors Acceptance Corporation and we don't get any money from the Federal Government to help Ford Motor Credit. Under the law the Supreme Court was dealing with in *Citizens United* the answer was no. That was wrong, and it threatened our Constitution. Under our constitution people ought to be free to push back and defend their interests, whether they do it individually or through a corporation. Otherwise, I think it allows us in Washington to appropriate power to ourselves—the power to benefit one another and avoid being criticized for it. I think that is the exact opposite of the robust political debate the Founding Fathers intended.

That is my two cents' worth. I think the case is one of significance. It is one we have debated here for so long. I know Senator McCONNELL, the Republican leader, has been so eloquent and consistent for probably 15 years in debating this issue. In many ways, this opinion validates some of the principal constitutional arguments he made.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. BURRIS. Madam President, for the past few days I have heard a number of my colleagues come to the floor to discuss whether this Congress should vote to raise the limit on the national debt. As this debate has unfolded, I am beginning to hear a familiar refrain from my friends on the other side of the aisle. Instead of offering constructive criticism or original ideas of their own, my Republican colleagues keep returning to the same irresponsible politics and empty rhetoric that got us into this mess in the first place. They seek to shift the blame and hold Democrats responsible for the failed policies that led us to this point.

The American people remember who really is responsible. In 2001, at the end of the last Democratic administration, our country enjoyed a \$236 billion budget surplus with a projected surplus of \$5.6 trillion over the next decade. But then Republicans took control of the Congress and the White House. Were they good stewards of the surplus left to us by the Clinton administration? Were they? Did they spend only what America could afford? Were they responsible with our pocketbook? After all, the decade is over. I ask, so where is the \$5.6 trillion surplus?

It is nowhere to be found. Republicans squandered our surplus by spending wildly on massive tax breaks for the wealthy and the special interests. They tried to place the blame on President Obama, but the reality is that this President inherited a massive deficit of \$1.3 trillion on the day he took office last year. Now, as we try to clean up the mess we have inherited, our Republican friends are trying to pass the buck. They seem to be more interested in scoring political points than making sound policy.

Who is going to be hurt if we don't extend this debt? We are all going to be hurt. It is not going to be Democrats who are hurt. It is not going to be Republicans. Every American is going to be hurt.

We need to raise the debt limit so that America can avoid the economic catastrophe that would be created if the United States defaulted on its debt. If we fail to take action now, our Nation's credit would be undermined, our economy would be further weakened, and important programs, such as Social Security and veterans' benefits, would be at grave risk. Raising the debt limit is the only responsible course of action at this time. It would not authorize one penny of new spending, but it would allow us to pay the

bills we have already incurred. We ate the meal. We had the dinner. Now we have to pay the check.

I am asking my Republican friends to join us on this measure. I am asking them to take responsibility for the mess they helped create and to be a part of the solution, rather than leaving other people to clean up their mistakes.

During the years when they were in control, Senate Republicans voted seven times to increase the debt limit. They refused to pay for major initiatives. They cut revenues and increased spending. It did not take a financial expert to recognize that this was just plain irresponsible. So when our Republican colleagues talk about fiscal responsibility, they are talking about an issue on which they have absolutely no credibility. Their record simply does not match their rhetoric. This demonstrates yet again that they do not have a plan to solve the economic challenges they helped create.

I believe it is time to move forward. Let's be honest with the American people. Let's work together to solve this problem rather than hiding behind the same irresponsible policies that got us here in the first place.

I call on my friends across the aisle to join us in passing this measure. This should not be a partisan issue. We all have a responsibility to keep this Nation on the road to economic recovery, and if we do not extend this debt ceiling, what will the consequences to the American people be? It is essential that we get an extension of this debt ceiling and that we pass this legislation and that we be responsible as we go forward in our programs and policies of spending so that we will not have to be back here time and time again talking about raising the debt ceiling. We must get it under control at this time because if we do not, a catastrophe could be overwhelming and we may not even recover from it.

Madam President, I yield the floor, and 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. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

GLOBAL WAR ON TERROR

Mr. McCONNELL. Mr. President, as the Senate reconvenes in a new calendar year, it is hard not to notice that many of the toughest challenges we face in 2010 have been with us for a long time. Among the toughest and most persistent of these is the ongoing global war on terror. More than 8 years have now passed since September 11, 2001. Yet we are reminded every day of the need to remain as vigilant now as we were in the weeks and months after that terrible day.

This fact was recently brought home to us in a vivid way when a Nigerian-

born terrorist attempted to kill nearly 300 innocent people in the skies over Detroit on Christmas Day. What could have been a terrible tragedy became instead an urgent reminder to remain focused—a wake-up call, if you will.

But even before Abdulmutallab boarded the plane, many Americans had already begun to wonder whether we had become too slack over the past year in the fight against terrorism.

And who could blame them? Time and again, the administration has made decisions that suggest a pre-9/11 mindset of prosecution over prevention—decisions which have left most Americans scratching their heads and concluding that some of the administration's priorities are dangerously out of whack. Most Americans did not understand why the administration was in such a rush to close Guantanamo, for example, before it had a plan for dealing with the dangerous detainees who were held there. Most did not see why classified memos detailing interrogation techniques that had saved American lives were made public and thus available to the very people we are trying to keep from harming us. And most recently, most people were shocked again when we treated the Christmas Day bomber not as a potentially rich source of intelligence for stopping future attacks but as a common criminal who needed a lawyer. We should have gotten every bit of information we could have about this man's plans, his connections, and his cronies in al-Qaida on the Arabian Peninsula. Instead, the administration placed a higher priority on reading him his Miranda rights and on getting him a lawyer.

Even more outrageous is the administration's plan for getting information out of the Christmas Day bomber, offering him a plea bargain and a hope he will talk. These are just some of the signs that when it comes to prosecuting the war on terror, the administration has caused the pendulum to swing too far in the wrong direction.

No one denies a balance must be struck between preserving civil liberties and protecting the homeland. No one wants to sacrifice one for the other. But in many cases, all that is involved is a simple question of judgment. When a judgment call has to be made, our priorities should be clear: Keeping Americans safe should always—always—win out.

Over the past year, the administration has grappled with these questions. It sought to find the right balance. In some cases, it has gotten it wrong. In others, it has been quite sensible. The President was clear and convincing, for example, when he explained our goals in Afghanistan last December—to deny al-Qaida a safe haven, to reverse the Taliban's momentum and deny it the ability to control population centers, and to strengthen the capacity of Afghanistan's security forces and government so that they can take the lead

and take responsibility for Afghanistan's future. The President had it exactly right. But Americans know that in this fight, in the global war on terror, getting the strategy partly right will only lead to partial success. As the attempted Christmas Day bombing showed all too plainly, partial success isn't good enough.

So today I would like to discuss some of my own impressions of how our mission is going in the place where the attacks of September 11, 2001, were launched, and to describe the mission within the broader context of the global war that extends to places such as Yemen and to our own borders because success in one place overseas could easily be undermined by neglect in another, and success in both could still be undermined by neglect at home. We simply cannot prevail in this fight if we treat the various elements of it as separate events or if we fail to restore the proper balance between safety and civil liberties.

As the years wear on, it is easy for some to forget why we are still committing young men and women to fight in far off places such as Afghanistan or why our national security interests demand that we prevail. That is why it is important for us to recall that al-Qaida and other extremists were at war with the United States long before the attacks of 9/11.

The World Trade Center had been attacked 8 full years before the 19 hijackers destroyed it on September 11, 2001. The Khobar Towers bombing in 1996 killed 19 U.S. military personnel and injured hundreds more. Thousands were injured and hundreds were killed, including a dozen Americans, in the East Africa Embassy bombings in Nairobi and Dar es Salaam in 1998. That same year, Osama bin Laden declared that "the judgment to kill and fight Americans and their allies, whether civilian or military, is an obligation for every Muslim who is able to do so in any country." A year before 9/11, al-Qaida attacked the USS *Cole*, killing 17 sailors and injuring dozens more.

So 9/11 may have been the day we realized the consequences of inaction, but the pattern of attacks leading up to that day is undeniably clear. From the first days after 9/11, our strategy has been the same: to deny al-Qaida and its affiliates sanctuary and to deny them a staging ground from which they could plan or launch another attack on U.S. soil. This is why we resolved shortly after 9/11 to rid Afghanistan of the Taliban which had harbored al-Qaida and its leader Osama bin Laden.

We had early successes in that effort. By November 2001, the Taliban had been driven from Kabul. Soon after that, an international body met to name an interim government in Afghanistan to be led by its current president, Hamid Karzai.

But despite that early success, al-Qaida's senior leadership was able to find a safe haven in Pakistan's tribal

areas, and a few years later it had regained enough strength to once again pose a serious threat to the United States. Meanwhile, the Taliban had re-established its headquarters in Pakistan and gained enough strength as a result of inadequate Afghan security forces and poor governance to return to Afghanistan and to risk success to our mission there.

By last year, the situation had grown so perilous that our then recently appointed top general in Afghanistan, GEN Stanley McChrystal, issued a report stating that our failure to gain the initiative and reverse the momentum of the Taliban within 12 months could make defeating the insurgency impossible. It was largely as a result of that assessment that the President agreed last year to send 30,000 more troops to Afghanistan.

Earlier this month, I and some of my colleagues had the opportunity to visit Afghanistan and Pakistan to assess the situation on the ground firsthand. Among other things, we saw progress in the crucial southern provinces of Helmand and Kandahar. Although still in the early phases, General McChrystal's plan to clear these areas of Taliban, hold terrain, control the population, build Afghan security forces, and establish a viable government for future and long-term stability shows early signs of success, not unlike the kind of success during the surge in Iraq.

The Taliban continues to put up a fight. As recently as last week, Taliban leaders accused NATO forces of defiling the Koran, a charge that led to major protests in Garmsir. This Monday, the Taliban demonstrated its lethality when it launched an attack against the heart of the government in Kabul. But the bottom line is this: Our commitment and that of our partners has given Afghanistan and its government a chance to succeed. While ultimate success is far from certain, every member of our delegation was impressed with the quality of the people we have sent to Afghanistan and with the strategy that General McChrystal has put in place.

Pakistan must do its part. The ultimate success of our mission in Afghanistan depends upon the continued efforts of the Government of Pakistan to fight extremist networks in the tribal areas. Over the last year, Pakistan has waged aggressive campaigns in the Swat Valley and in South Waziristan. After meeting with the Pakistani Army's chief of staff and with Prime Minister Gilani, we concluded they genuinely believe their national interests will be served in defeating the Pakistani Taliban. Still, action against the Quetta Shura, the leadership of the Afghan Taliban harbored just across the border in neighboring Pakistan, isn't likely to occur until the Pakistanis are convinced—convinced—that the United States has the endurance to remain committed in both Pakistan and Afghanistan and to defeat the

Taliban in Afghanistan as well. In this regard, the leaders we spoke to in both countries were clearly troubled by the Obama administration's announced deadline of July 2011 for the withdrawal of U.S. forces.

We saw firsthand on our trip that the fight in Afghanistan and Pakistan is difficult, and the situation is fragile. But complicating matters even further is the resilience and determination of al-Qaida and its affiliates, and we must not fail to appreciate all the implications of this. In this regard, the administration showed a shocking lack of common sense when it failed to treat the Christmas Day bomber as an enemy combatant, instead reading him his Miranda rights and giving him a lawyer.

As I said earlier, in my view, the administration has on a number of instances struck the wrong balance over the past year between safety and civil liberties. Its preference for prosecuting a terrorist like the Christmas Day bomber in civilian courts shows a dangerous preoccupation with prosecution over prevention, just as its hasty decision to close Guantanamo showed a preoccupation with symbolism over security.

But whether it is Guantanamo, interrogation memos, or prosecuting terrorists in civilian courts, many of the administration's priorities in this fight appear to be dangerously misplaced. Take the case of Khalid Shaikh Mohammed. Here is the man who admits to planning the most catastrophic terrorist attack in U.S. history—nearly 3,000 people dead on our own soil in a single day. Yet once in court, he will enjoy all the rights and privileges of an American citizen. Classified information may be compromised, as it has been many times before in such cases. The consequences are easy to imagine.

Trying KSM in a civilian court makes even less sense in light of the fact the administration has decided to prosecute other foreign terrorists in a military commission, creating a baffling scenario in which those who target innocent people in the homeland are treated better than those who attack a military target overseas.

The administration also needs to ensure that our intelligence professionals and men and women in uniform are free to gather intelligence from detainees wherever they are captured. A U.S. marine assigned to a NATO-led security and development mission in Afghanistan shouldn't have to release or turn over a captured terrorist within 96 hours, as is now the case, nor should the Christmas Day bomber be treated as a common criminal at home when the nation where he met his al-Qaida handlers, Yemen, is actively pursuing al-Qaida in the Arabian Peninsula.

The intelligence community must be able to gather information from detainees in a way that is lawful and which protects American lives. Equilibrium between safety and civil liberties must be restored, and currently

it is not, in my view. A plea bargain for a terrorist who tried to blow a plane out of the sky on Christmas Day? It is wrong to think that al-Qaida would not use a civilian courtroom in New York or a long-term detention facility inside the United States for the same recruiting and propaganda purposes for which they have used other courts and Guantanamo in the past. This fact alone eliminates the administration's only justification for closing Guantanamo—that it was some kind of recruitment tool.

We need a place to send terrorists like the Christmas Day bomber—and that place is not a civilian courtroom or a prison in the Midwest. Once here, these terrorists will enjoy new legal rights, including, quite possibly, the right to be released into our country, as one Federal judge previously ordered with respect to a group of detainees from GTMO.

The war on al-Qaida will continue for years to come. In order to prevail, we must not only remain focused on the threat but also reliant on the reasonable tools that have served us well in the past. For example, now is not the time to experiment with the PATRIOT Act. We should clearly reauthorize its expiring provisions rather than eliminate one of them, sunset another, and tinker with those that remain, as the administration or some of its congressional allies propose.

As we continue to pursue this global network, we will rely more heavily on intelligence personnel, a point that was recently underscored by the December 30 suicide attack that killed seven CIA employees in Afghanistan. We mourn the loss of these brave Americans. Their sacrifice, along with the attempted Christmas Day bombing and the recent plot to attack the New York subway system, reminds us that the threat from al-Qaida and other extremists to our homeland has not—I repeat, not—diminished.

But in its eagerness to distinguish its own policies from those of the past, the administration has gone way too far. The reaction to the attempted Christmas Day bombing offered conclusive proof. Hoping that terrorists are incompetent is not enough to defeat them; and showing more concern about their Miranda rights than the right of Americans to be safe suggests a fundamental and dangerous shift in the priorities since 9/11.

The good news is this: The administration is doing the right thing in Afghanistan. If it recognizes some of its errors in the broader fight, there is good reason to hope historians will look back on 2010 as the turning point not only in our fight with the Taliban but also as the year in which America achieved a balance in the war against al-Qaida.

Soon we will have an opportunity to make a good first step in the direction of bipartisan balance. Once the Congress receives the war funding request from the Defense Department and the

administration, the Senate can demonstrate a new unity of purpose by quickly considering this legislation. This would signal our resolve not only to Americans but to our allies and to our forces in the field. This is not too much to hope for, and it is not too much to expect. Bipartisanship is not always easy to come by in Washington, but in the war on terror it is necessary, and in my view it is achievable.

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

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

THE ECONOMY

Mr. CASEY. Mr. President, I rise tonight for two purposes. One is to talk about the state of our economy, the challenges we face but also the obligations we have to address those challenges, and, secondly, to speak for a couple minutes tonight about our brothers and sisters in Haiti and, in particular, children in Haiti.

Let me start with our economy here at home. We got word today in Pennsylvania—this is a newspaper story, an AP story, 3:52 p.m. The headline on this very brief story from the wire services is as follows. I know it cannot be read from that distance. But the headline is: "Pa. Jobless Rate Up, Jobs at Most Scarce in Decade."

It says:

A new report says that jobs in Pennsylvania were harder to find in December than they have been in more than a decade.

It goes on to talk about the unemployment rate jumping up four-tenths of a percent, to 8.9 percent. That is disturbing in a lot of ways. First of all, not just the rate, because sometimes when we look at the unemployment rate, it does not tell the whole story. Sometimes it undercounts the people who are not looking for work, and sometimes the numbers do not make sense.

What it means in real terms, in numerical terms, I should say, real people, it means that in Pennsylvania, there are well more than half a million people out of work. I cannot even imagine what those numbers look like proportionally, when you have States where the unemployment rate is 10 percent, 11 percent, 12 percent, and even higher in some States.

So it is bad enough in a State such as ours when you have 8.9 percent, what that translates into in terms of real life, real families, and the horrific impact of this recession. I cite that number, several of those numbers for a very basic reason. A lot of folks around here are looking for messages from the recent election in Massachusetts or they are looking for messages from the election of this past November.

I do not think you need to go very far or do a lot of election analysis to know

one of the central and overarching messages I have heard in Pennsylvania—and I am sure others have as well—and that message is this: The American people want us to focus on job creation right now. They do not want to hear about some long-term plan, a multiyear plan to create jobs. They want us to put on the table, to enact into law, strategic, short-term, effective job creation strategies that will have the effect of incentivizing small businesses to hire more employees.

The idea that I and others in the Senate have is a job creation tax credit. If you are a small business—in this case we drew the line at 100 or less; I know that is not often the dividing line—if they qualify, they get a 20-percent tax credit; higher than 100 employees, a 15-percent tax credit.

That kind of targeted and specific strategy for 1 year—this is a 1-year bill we are about to introduce—will have that effect. It is one of several things we have to do on job creation.

We have to have strategies, for example, that have as their intended target the positive impact on small business. All across Pennsylvania—and I think this is true across the country—it is not just the question of the unemployment rate going up and joblessness increasing, it is small business owners—I do not care where they are from—coming to us and telling us: Please help us with obtaining access to credit. There is no way a small business can grow if they cannot borrow. Our whole system is predicated on borrowing money so you can invest in a new plant and equipment, borrow money so you can hire another employee or two or three or more.

If they do not have access to credit, this economy cannot create jobs and grow jobs at a fast enough pace. So that has to be our focus. We also have to understand, as best we can from the distance of Washington and the security we feel here, most people in the Federal Government and certainly individual Members of the Senate do not have to worry about health care. They have it. They do not have to worry about a paycheck. They are getting that.

But even in those secure circumstances, we have to do everything we can to understand what real people are up against, what they are up against every day when they wake up in the morning. Even if they have a job, sometimes the costs that are impacting their budget, the costs of paying for health care, the costs of higher education, the costs just to make ends meet in their daily lives have never been more tested, never been more of a severe challenge.

So part of it is enacting job creation strategies, but that is not enough. Part of it is also speaking directly to the needs and the concerns and the anxiety and the sense of insecurity a lot of Americans feel. That is our No. 1 obligation.

I think, in addition to that, we should pass health care legislation. We do not know how that will happen in light of the new political realities here in Washington. But I think we need to do that as well.

But no matter what happened in the elections, no matter what happens on the issue of health care, job creation has to be the No. 1 priority, second to none, in terms of the work we do here in Washington.

I ask unanimous consent to have printed in the RECORD this very brief wire service story about the unemployment situation in Pennsylvania.

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

PA JOBLESS RATE UP, JOBS AT MOST SCARCE
IN DECADE

[From the Associated Press, Jan. 2010]

HARRISBURG, PA. (AP)—A new report says jobs in Pennsylvania were harder to find in December than they have been in more than a decade.

The state Department of Labor and Industry said Thursday that statewide unemployment jumped to 8.9 percent last month.

The October rate also was 8.9 percent, the highest level in 25 years, before dipping to 8.5 percent in November.

The department says employers eliminated about 8,100 jobs in December, leaving Pennsylvania with fewer than 5.6 million jobs—the lowest level since September 1999.

The state's unemployment rate is below the national average of 10 percent. Among the 10 most populous states, only Texas' rate is lower.

Mr. CASEY. Let me conclude this part of my remarks by speaking for a couple minutes about what we have done in this past year: The Recovery and Reinvestment Act, known by—as many things are here—the acronym AARA, the American Recovery and Reinvestment Act. Those two words in the middle are very important, the word “recovery” and the word “reinvestment” because that is the intended effect of that legislation. It was the right legislation—not perfect but the right legislation—at the right time at the beginning or the early months of 2009.

But there are a lot of Americans who believe it is not being implemented fast enough. The jump-starting effect of the spending, whether it is on infrastructure or energy efficiency or investments in education, investments in health care, tax cuts for 95 percent of the American people, which was in the recovery bill, that all of that is not moving fast enough.

So one of the jobs we have, in addition to new strategies on job creation, is to implement, at a faster pace, at a faster rate, the recovery bill. I also believe we should remind ourselves that the recovery bill was not a 10-month bill. We are in about the 10th month right now.

But the spending that will create the jump-start of a positive economic effect is supposed to take place over 2 and 3 years, depending on the program, depending upon the initiative. So one

of the things we have to do is push the recovery bill aggressively to make sure those investments, whether they are recovery, getting our economy out of the ditch, so to speak, and moving down the road or whether they are expenditures that relate to reinvestment, reinvestment in people skills, reinvestment in their opportunities to have higher education, reinvestment or investment, in some cases, in people's ability to recover from this recession, unemployment insurance, COBRA health insurance extensions, food stamps. All those are critically important to our recovery.

For those who say: Well, I do not like when we spend money on unemployment insurance or food stamps—we get that criticism from folks once in a while—they should understand there is no comparison, at least according to the economist Mark Zandi, there is no comparison between tax cuts for wealthy folks versus unemployment insurance, food stamps, and other strategies in terms of their positive impact on the economy.

By one measurement that Mark Zandi pointed to, bang for the buck, if you spend a buck on unemployment insurance or spend a buck on food stamps, you get a return above \$1.50, you get as high as \$1.60 to \$1.70 in return. You cannot say that, according to his analysis, with regard to some of the tax cut policies we have seen here.

So investments in vulnerable Americans who are trying to recover from the recession—food stamps and unemployment insurance being the two best examples—those investments actually have a return to the taxpayer as well.

So what do we need to do? We have to focus on job creation. When we focus on that legislation, it should have a couple component parts or elements. First of all, stabilizing that safety net for vulnerable Americans which I just spoke of. Secondly, supporting small business in a very direct and targeted way. Investing and investing more in infrastructure, including broadband infrastructure, which is another kind of knowledge infrastructure and, finally, building a clean energy economy. If we continue to do that, we will create jobs, we will keep our environment clean, we will reduce our dependence on foreign oil and literally make us more secure from a national security standpoint.

I think a major part of job creation, in the short term, has to be a job creation tax credit.

HAITIAN ORPHANS

Mr. CASEY. Mr. President, over the past week, we have witnessed the immense destruction that the earthquake in Haiti and its subsequent aftershocks have wrought on the Haitian people. Old and young, rich and poor, weak and strong, no matter who you are, this earthquake has brought heartache and sadness to numerous lives.

First, I want to send my condolences to the people of Haiti and their family

and friends around the world who lost loved ones in this tragedy. I also want to send my condolences to our brave men and women in the U.S. Embassy who also have lost loved ones, but who are continuing to help the people of Haiti and Americans in Haiti in the midst of this natural disaster. These individuals represent the very best of what America encompasses.

I am proud that as soon as this earthquake struck our southern neighbor, the U.S. Government as well as the American people galvanized their resources to ensure that resources were delivered for people who have lost everything.

Today, I come to the floor to speak about a specific population that has been and will continue to be affected by this disaster, the most vulnerable population of all, Haitian orphans. Before the earthquake, these children were looking for families, for people to love them and for people to love. This quest has not changed; however, their tenuous situation in life only further deteriorated after the earthquake. While I know that everyone has suffered so much, these children are without the natural protection that parents provide. Therefore, it is our duty to be their voice and to make sure that if they survived the earthquake that they also survive this critical period of time while resources are trying to be delivered and a sense of order is trying to be restored.

This weekend several of my constituents have contacted me about their concern for this most vulnerable population. One constituent wrote:

Senator Casey:

I am writing on behalf of our friends, Michael and Monica Simonsen who have been in the process of adopting their son, Stanley Hermene (DOB: 4/9/2008), from Haiti since August 2008. Stanley was brought to Petit Anges de Chantal orphanage when he was only two months old. He was severely malnourished and covered in scabies. They have visited him in Haiti three times, each time bringing supplies and donations to the orphanage. The resources are scarce under normal circumstances and with the current crisis, there is a genuine concern that the children will not survive.

I am writing to request that you support initiatives created to help expedite the adoption process for children who already have completely committed U.S. approved families waiting at home. Expediting the process will not only secure their safety but will free up already scarce resources for children orphaned by this disaster.

Senator Casey:

After years of personal investment there, Jamie and Ali McMutrie, of Pittsburgh, Pennsylvania, have brought 30 children almost through the entire adoption process to anxiously waiting families here in America. Almost.

The recent earthquake of January 12th has destroyed their orphanage leaving Jamie and Ali to sleep outside on the lawn with all their children. With food and water in short supply and rioters all around, the clock is ticking for you to do something.

I am happy to report that Jamie and Ali McMutrie, who help run the BRESMA orphanage in Haiti, were able to evacuate 53 of their orphans and

united them with their American adoptive parents earlier this week. However, Jamie and Ali were not able to bring back all 150 children at their orphanage home. Many people across the nation like Michael and Monica Simonsen are still waiting to know that their child is safe and many orphans like Jamie and Ali's orphans who remain in Haiti still need food, clean water and a safe place to stay until they can complete an adoption process.

This Monday, the Department of Homeland Security announced that they would use their authority to extend humanitarian parole to Haitian orphans already in the adoptive process with an American family. I commend the Department of Homeland Security and the State Department's Office of Children's Issues for making this policy decision and I fully support their desire to assure that the best interests of these orphans are put first.

However, I am very concerned that when the Department of Homeland Security announced its decision to provide humanitarian parole, there was no plan at that time to ensure a safe and orderly process by which eligible orphans could be processed and evacuated.

I continue to hear reports that orphanage directors in Haiti are going to the U.S. Embassy and while some are being admitted others are being turned away. Some of these orphanages are more than 125 miles away. I am concerned for the safety of the 600-700 orphans that this announcement affects. They may be harmed trying to get to the embassy, and if they are okay on that journey and even succeed in obtaining travel documents, they may be harmed when they are told to wait back at the orphanage until a plane is available. I am also hearing from American families so desperate to ensure their child is safe that they are trying to make their way to Haiti. We don't need more chaos in an already chaotic situation.

I along with some of my colleagues have called on the State Department and USAID to set up safe havens for orphans, which will provide food, water and protection for all orphans as well as time to ensure that those orphans who are eligible for humanitarian parole are processed and evacuated in a timely manner. This is just one idea; however, in the absence of an alternative plan, more and more children will continue to show up at the Embassy's gate.

Therefore, I ask the administration to implement a plan to ensure that these 600-700 orphans are safely and efficiently processed and evacuated to be united with their awaiting adoptive parents, and that we work with the international community and other NGOs on the ground to ensure the safety of all orphans until they can be placed in loving homes. Again, I thank the U.S. governmental officials who have been working around the clock

trying to ensure the safety of these orphans and all those affected in Haiti.

"Though he brings grief, he will show compassion, so great is his unflinching love." Lamentations 3:32. In this time of darkness, I believe that Haiti can emerge in a better place. And I am grateful that our country will be a friend with Haiti in this endeavor.

Similar to a lot of Americans, I am not surprised but heartened and proud by the response of the American people, a tremendous outpouring of generosity. People in America from all walks of life recognized immediately that the people of Haiti, in the depths of an incalculable, an indescribable horror and tragedy, in the depths of that, the American people showed their generosity, they showed that they understand that our Haitian brothers and sisters are just that, they are part of the family, the human family, and they are our brothers and sisters.

The most vulnerable member of that family, in most instances—maybe not in every instance in every family but most of the time—will be a child. We are seeing unforgettable imagery and video of young children being rescued in Haiti, surviving for days at a time in the rubble and the horror they have been living through. Thank goodness so many people have invested in ways to save those children.

But what we still have to do a better job on is making sure that if a Haitian child is in the adoption process, is in the pathway, so to speak, to being adopted, we have to do everything possible, in addition to the obvious safeguarding, to provide that child with security, physical security and food and water and medicine and medical treatment and, in addition to that, that we provide, as expeditiously as possible, a process for their adoption and ways to make it possible for them to be adopted, that the adaptive parent or guardian can have that assurance but also so that child can be well on the way to being adopted.

We do not quite have that yet in terms of what the Federal Government can do and should do. I had a call late this afternoon with Secretary of State Clinton, who should be commended for her work, in a broad way, with regard to the response to the tragedy in Haiti but, in particular, her concern and her actions that she has taken to make sure these young children are taken care of. I will not go into all the details now, but let me cite in summary fashion that a number of my colleagues in the Senate and I have called upon the State Department and USAID to set up safe havens which will provide food, water, and protection for all orphans, as well as time to ensure that these orphans in Haiti who are eligible for what is called humanitarian parole—those who are on the way to being adopted through the process—that those who are eligible for that process, humanitarian parole, are indeed evacuated and processed in a timely manner.

This is just one idea, one way to help. In the absence of an alternative plan,

more and more children will continue to show up at the American Embassy. It is vitally important that happen.

I commend the work of our government at various levels in terms of what they have been doing to respond to the challenge posed by these orphans and their circumstances. I know in our home State of Pennsylvania, Governor Rendell and Congressman ALTMIRE worked very hard to bring some of these children back to Pennsylvania. I commend them for the effort they put forth. For all these reasons, there is plenty of evidence to show that the American people understand that these individuals, these families, and especially these children are God's children. We have to be cognizant of that as we go forward with sound policies in the days ahead.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, first let me say to my colleague, Senator CASEY, his comments about the nearly unspeakable tragedy that has occurred in Haiti strike all of us in a very poignant way. I have been to Haiti. It is one of the poorest regions in the world. We have people in Haiti living in unbelievable poverty. Fly to the airport and near the airport is an area called City Soleil. It is a slum of nearly a half million people living in desperate conditions. The entire country of Haiti has suffered such immense difficulties for so long. The people of Haiti are wonderful people. To be visited now by this great tragedy with an unbelievable loss of life that will exceed 200,000 people is heartbreaking to me, and I know to all Americans who watch this tragedy play out on television as volunteers are digging through rubble and, in some cases, finding people still alive and, in most other cases, finding a lot of people who have lost their lives.

The American people are a people full of great generosity, and that expression of generosity in the form of contributions to organizations that are there helping these people is something that is very important. All of us can be proud of the generosity of this country and what is now happening in the outpouring of support.

CHAIRMAN BERNANKE

Mr. DORGAN. Mr. President, I rise to briefly explain why I am going to vote against the nomination of Mr. Ben Bernanke as Chairman of the Federal Reserve Board. Mr. Bernanke has been serving as Chairman of the Federal Reserve Board. I will be the first to say I think there are things that Mr. Bernanke has done that are very important to this country. He steered our country in a very difficult circumstance. There was a time when our economy could have completely collapsed, which would have been devastating. It was teetering on the precipice of that. Mr. Bernanke and others made decisions, some of which I thought were good decisions.

It is the case that Mr. Bernanke worked for the previous administration that in many ways created circumstances that took us to that cliff or near the cliff with economic policies. I will talk about that for a moment. But when Mr. Bernanke became Chairman of the Fed, I understood that his background fit fairly well what we were going through, and I think he did some things that should be commended and supported. I have told him that I supported a number of these actions that were very important.

One of those actions was to open, for the first time in history, the window at the Federal Reserve Board to extend credit directly from the Federal Reserve Board to the biggest investment banks in the country. It has always been the case that FDIC-insured banks, commercial banks, would have a window at the Fed to go get direct loans from the Fed, but it has never been the case that the investment banks were able to do that. During this great crisis, Fed Chairman Bernanke and the Board of Governors opened that window for direct lending from the Federal Reserve Board to the investment banks.

I wasn't critical at that moment. I didn't come to the floor and express criticism. I don't know exactly what they saw that persuaded them to do that. But some months later, I sent, along with nine of my colleagues who signed the letter, a letter, dated July 31, to Chairman Bernanke and said: The Federal Reserve Board took action to allow all of the major investment banks in the United States to effectively access direct lending from the Federal Reserve Board for the first time in history.

Down in the letter I say: We now urge you to release the names of financial institutions that have received the emergency assistance and how much each has received. The American taxpayers' funds were put at risk, and we believe the American people deserve information about the Federal Reserve Board's bailout activities to determine how much and what kind of funds were used, and so on.

We received a letter back from the Chairman of the Fed in which he said: Publicly releasing the information on the names of borrowers and amounts borrowed under the Federal Reserve Board liquidity program could seriously undermine our liquidity programs. He essentially said: I don't intend to tell you, and I don't intend to tell the Congress or the American people.

It is interesting to me that a Federal judge last year ordered the Fed to release the names of the institutions that received the emergency financial assistance from the Federal Reserve Board and the amount of the assistance. A Federal judge said to the Fed: You must release that information to the American people. The judge in this case, which was an FOIA case, found that the Federal Reserve had "improp-

erly withheld agency records." The judge said that the Fed's argument that borrowers would be hurt if their names were released was "conjecture without evidence of imminent harm." But the Fed went ahead to appeal the judge's ruling and, therefore, it has been stayed.

The American people are now in a situation where their Federal Reserve Board said for the first time in history: We will give the biggest investment banking institutions direct access to loan money from the Federal Reserve Board, and we don't intend to tell anybody who got it, how much they got, or what the concessions or prices were. We don't intend to give anybody that information.

I find that completely untenable. I just am not going to vote for the nomination of a Chairman of the Federal Reserve Board who says to Congress and the American people: Yes, we opened that window. We decided to do direct lending to the biggest investment banks, which, by the way, steered this country right into a huge wreck. Take a look at what and who caused this financial wreck that cost this economy \$15 trillion in wealth. American families had lost \$15 trillion in wealth.

The Federal Government had either spent or lent or committed \$12 trillion to bail out particularly Wall Street and the biggest firms on Wall Street. All of those biggest firms on Wall Street, I believe, and even those that are now the healthiest firms that are experiencing record profits and are preparing to pay out record bonuses of somewhere around \$120 to \$140 billion, those firms would not have survived. They would have gone under were it not for the help of the American people through their government.

The question for the Federal Reserve Board from the Congress and the American people is: What did you do? How much did you do? What was the collateral? Under what conditions? We need to know.

The Chairman of the Fed said he supports transparency. If that is the case, show us a little transparency. How is it that someone can possibly argue that telling us now that they gave \$200 billion here or \$1 trillion there to firms that are now showing record profits and preparing to pay the biggest bonuses, how can that possibly injure those firms? In fact, many of them have apparently paid the TARP funds back, let alone the direct loans from the Federal Reserve Board.

My only point is simple. I don't have a beef against Ben Bernanke personally. I kind of like him. I met him a number of times. I think he steered us through some tough times and probably made some good decisions at the right time. I also have some differences with him on economic policy and monetary policy. But I have a very big difference on this question. This question is controlling for me. If the Federal Reserve Board believes it has unlimited

capability to decide it will change the rules on everything, open a direct lending window and give it to the biggest investment houses in the country, and they don't intend to ever tell any of us what they did or why or how; they don't intend to disclose any of it, that is not what I call open government.

That is not something that is written in the Constitution. It is not something that this Congress should tolerate.

This Congress should say to Mr. Bernanke: Your nomination is here in front of the Senate. We will act on it as soon as you provide the information Senators have requested of you—by the way, the information that a Federal judge has already ordered that you disclose. As soon as you comply with that, then your nomination shall have a vote in the Senate.

I wanted to explain in more detail my response to people who had asked me what I was going to do on the nomination. That gives adequate explanation.

I also wanted to comment briefly that the President today said something quite extraordinary, and I want to compliment him for it. I know he is walking into a thicket of trouble because a whole lot of big interests are going to gang up on these proposals. Let me tell you the two proposals the President offered that make a lot of sense.

No. 1, he said big financial institutions that are too big to fail are too big. That is pretty simple. If they are too big to fail, they are just flat out too big. We ought to stop this concentration because too big to fail means no-fault capitalism. If they run themselves into trouble, the taxpayer picks up the tab. The taxpayer bails them out. That is what too big to fail means.

The President says no more. Let's get rid of that too-big-to-fail tag and let's decide that if they are that big, let's stop this concentration.

The President also has indicated that we ought to have financial institutions that are not trading in derivatives on their own proprietary accounts. I wrote a piece in 1994, 15 years ago, that was the cover story for Washington Monthly magazine. The piece I wrote was "Very Risky Business." I believe at the time there was \$16 trillion of notional value of derivatives in our country. I said what is happening is outrageous. We have taxpayer-insured banking institutions that are trading on derivatives in their own proprietary accounts, putting taxpayer money at risk. It is flat out gambling. I said they may just as well have a craps table or a Keno table in their lobby. Oh, they can still call it a bank, but it is a casino.

Fifteen years ago, I wrote that article. The fact is, we have gone through this unbelievable collapse of the economy—\$15 trillion of wealth lost by the American people—and we still have

these institutions trading on proprietary accounts. The President says it ought to stop. I agree with him.

The President also says we ought to separate, as Paul Volcker suggests, the FDIC-insured commercial banking institutions from the investment banks over here. They were put back together. I said on the floor of this Senate 10 years ago—five, six, eight times—and gave long speeches predicting that if you do this, if you fuse together commercial banks and investment banks, you are headed for trouble. I said on this floor: Within a decade I think you are going to see massive taxpayer bailouts. People have asked me: How did you find the crystal ball? I just guessed. But I worried that if you put this together, this is a bargain for trouble, this is asking for trouble. Ten years later, we have seen this unbelievable collapse.

The President is right; and it takes courage for him to say it—let's decide to separate investment banking from commercial banking. Paul Volcker has talked a lot about that, and he is right about it. So I know what is happening.

I just saw, in CongressDailyPM: "Banks Kick Off Effort Against Volcker Rule." "A furious lobbying effort among large banks was set off today by President Obama's announcement that he will push a rule forcing them to choose between being a commercial institution or an investment bank that focuses primarily on trading for its own profits." The President dubbed this plan the "Volcker Rule."

I met with Paul Volcker in my office recently. I have talked with him at some length about this. Paul Volcker is dead right, and so is the President. This is going to provoke an unbelievable battle here. I understand that. There is a lot at stake. The big interests—they want to keep doing what they are doing. The big investment banks, at the moment—you take a look at their balance sheet. They are not, by and large, loaning money to the interests in this country that desperately need it. They are trading on proprietary accounts and making a lot of money trading. The fact is, if they are still too big to fail—and they are—that is called no-fault capitalism, and it is our risk, not theirs.

None of them would be around anymore had the U.S. Government not stepped in to provide a safety net. Now they are telling us: Well, these changes the President and others suggest, they are radical changes. No, they are not. They are changes that go back to the future in many ways. They are changes that go back to a period—1999—before a piece of legislation that was passed by the Congress to decide: Let's put together these big old holding companies and put everything into one. One-stop financial shopping, they said. Compete with the Europeans. We will put up firewalls. It turned out they were made of tissue paper and the whole thing collapsed.

I just say I think the President has made the right call. It is gutsy. It is

going to provide a big fight around here. But it is not a secret, perhaps—given my history and what I have said in opposing the kinds of things that were done 10 years ago that set us up for this fall—it is not surprising that I fully intend to support the President's effort. I think it is critically important to get our financial system reformed and done right.

Then, it is important to do one other thing; and that is have regulators who do not brag about being willfully blind. We had a bunch of folks in here for a bunch of the last decade who said: Do you know what? We have decided to take this important government job—in any number of these regulatory areas—and we are proud to say we are probusiness. What does that mean? We are proud to say we are at the SEC, we are at this agency or that agency, and you all do whatever you want. We won't look. We won't watch.

In fact, some of them were so incompetent that even when people—whistleblowers—came and said: Bernie Madoff is running a Ponzi scheme, even when somebody told them what was going on, they did not have the guts or the time or the intelligence to investigate it.

But being willfully blind ought not be something to boast about anymore. Going forward, we want effective regulation. Regulation is not a four-letter word. The lack of regulation caused this crash in many ways and cost trillions of dollars to American families.

I am not suggesting overregulation. I am saying when you have certain areas that are regulatory in this government, to make sure the free market system works, and works well, when people commit fouls in the free market system in this area of competition, you need to have somebody there with a whistle and a striped shirt to blow the whistle and say: That's a foul. If you do not have that, the system does not work and the system gets completely haywire. That is what happened in the last decade. That is not a technical term, that haywire issue. But we have the right and the opportunity to get this right now, and I say to the President, good for you. This proposal is the right proposal.

Then, let's see, in the weeks ahead and the months ahead: Whose side are you on? I say to those in public service on these issues: Whose side are you on? Are you on the side of the big investment bankers who helped steer us into the ditch that involved substantial wagering and gambling here, and then we pick up the tab because it is no-fault capitalism on too-big-to-fail issues? Or are you going to stand up for the American people here and decide you have to put this back in place the right way? I hope we will have enough support to follow the President's lead on this issue.

Let me just make one final comment. I understand the need for a financial system that works. I admire bankers who do banking the old-fashioned way:

take deposits and make loans and do underwriting in between, looking in somebody's eyes to say: You want a loan? What is it for? Let me evaluate that. Can you repay this loan? That is underwriting. That is the way it works. The Presiding Officer, I know, ran a bank and understands that.

We need a good financial system. You even need investment banks. I know one of my colleagues once said: Investment banking is to productive enterprise like mud wrestling is to the performing arts. Well, that was tongue in cheek. But we need investment banks to take the riskier investments out there. But our investment banking system went completely off the map. We need good commercial banks that are capitalized. We need investment banks. All of that is important. We need to get it right. I do not mean to denigrate all finance because finance is very important in this system to help this free enterprise system work, to help people who want to start businesses and hire people. That is very important for our country.

So we will have that debate in a longer fashion in the weeks ahead.

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

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

MORNING BUSINESS

Mr. DORGAN. 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.

CITIZENS UNITED V. FEC

Mr. KAUFMAN. Mr. President, I wish to discuss today's regrettable Supreme Court decision in *Citizens United v. the Federal Election Commission*.

Despite nearly 100 years of statutes and precedent that establish the authority of Congress to limit the corrupting influence of corporate money in Federal elections, the Court today ruled that corporations are absolutely free to spend shareholder money with the intent to promote the election or defeat of a candidate for political office.

What makes today's decision particularly galling is that it is at odds with the testimony of the most recently confirmed members of the Court's majority, who during their confirmation hearings claimed to have a deep respect for existing precedent. Although claims of "judicial activism" are often lobbed, as if by rote, at judicial nominees of Democratic Presidents, including Justice Sotomayor, this case is just

one in a long line of disturbing cases in which purportedly “conservative” justices have felt free to disregard settled law on a broad range of issues—equal pay, antitrust, age discrimination, corporate liability, and now the corrupting influence of corporate campaign expenditures—all in ways that favor corporate interests over the rights of American citizens.

The majority opinion in *Citizens United* should put the nail in the coffin of claims that “judicial activism” is a sin committed by judges of only one political stripe. Indeed, as I have said before, charges of judicial activism, while persistent, are almost always unhelpful.

What is especially unhelpful about calling someone a judicial activist is that many times it is an empty epithet, divorced from a real assessment of judicial temperament.

As conservative jurist Frank Easterbrook puts it, the charge is empty:

Everyone wants to appropriate and apply the word so that his favored approach is sound and its opposite ‘activist.’ Then ‘activism’ just means Judges Behaving Badly—and each person fills in a different definition of ‘badly’.

In other words, the term “activist,” when applied to the decisions of a Supreme Court nominee, is generally nothing more than politically charged shorthand for decisions that the accuser disagrees with.

I don’t mean to say that the term “judicial activism” is necessarily without content. Indeed, legal academics and political scientists are hard at work trying to shape a set of common definitions. If we want to take the term seriously, it might mean a failure to defer to the elected branches of government, it might mean disregard for long-established precedent, or it might mean deciding cases based on personal policy preferences rather than “the law.”

I think it is fair to say that, based on any of these definitions, the Supreme Court’s current conservative majority has been highly “activist.”

Let me give just a few examples. In *U.S. v. Morrison*, decided in 2000, the Rehnquist Court struck down a key provision of the Violence Against Women Act. Congress held extensive hearings, made explicit findings and voted, 95 to 4, in favor of the bill. An activist Court chose to ignore all that and substitute its own constricted view of the proper role of the national government for that shared by both Congress and the States.

That same year, the Court decided *Kimel v. Florida Board of Regents*. The five-Justice majority concluded that private citizens could not sue States for age discrimination without their consent because of a general principle of sovereign immunity. This is another decision that was, simultaneously, conservative in terms of policy outcome and activist in terms of judging. It was conservative because it expanded

States’ rights and contracted anti-discrimination rights. It was activist both because it struck down the considered judgment of Congress and because it was based not at all on the text of the Constitution but instead on the policy preferences of five Justices.

In his dissent in *Kimel*, Justice Stevens said:

The kind of judicial activism manifested in such cases represents such a radical departure from the proper role of this Court that it should be opposed whenever the opportunity arises.

With the addition of Chief Justice John Roberts, Jr., and Justice Samuel Alito, Jr., the conservative majority of the current Court has continued to be highly activist.

In *Leegin v. PSKS*, the Court discarded 96 years of precedent in ruling that manufacturers may fix the prices that retailers charge. It elevated big manufacturers’ interests over those of the consumer based not on any change in facts or circumstances but, rather, based on the Court’s embrace of a particular economic theory.

Then there is *Parents Involved in Community Schools v. Seattle School District No. 1*, in which the Court rejected local community authority in the area of voluntary integration of public schools. Chief Justice Roberts’ plurality opinion for the four-person conservative bloc gave scant respect to a long line of desegregation precedents that afforded local communities discretion in this arena. Remember that this is the same Justice who, during his confirmation hearing, repeatedly professed his allegiance to *stare decisis*. If not for the opinion concurring in the judgment by Justice Anthony Kennedy, communities that want some modest measure of racial integration in their schools would be virtually powerless to act.

That brings us back to *Citizens United*. In reviewing what is wrong with the Court’s opinion in this case, it is hard to know where to begin. As with the cases listed above, the Court went out of its way to overturn settled precedent. As Justice Stevens said in his dissent, “The final principle of judicial process that the majority violates is the most transparent: *stare decisis*.”

Beyond ignoring precedent, the Court could have decided this case on far narrower grounds. *Citizens United* is a not-for-profit firm that exists to facilitate political advocacy. Those who contribute to that firm do so with full knowledge of the political ideas and candidates that the group is likely to support. As a result, when that group speaks it much more closely resembles an act of collective speech by its benefactors than the independent political views of a fictional corporate “person.” During the Supreme Court hearing on this case, the attorney for *Citizens United* recognized this distinction and admitted that its arguments “definitely would not be the same” if his client were a large for-profit enterprise, such as General Motors. But by

issuing the broadest possible reading, the majority opinion admits of no differences between *Citizens United* and General Motors.

Even if we accept that purpose-built political advocacy corporations have a right to direct resources to influence elections, how do we apply this to larger corporations that exist to make a profit? Who determines what candidates General Motors supports or opposes? Is it the board of directors? The CEO or other officers? Employees? All of these groups and individuals serve the corporation for the benefit of the shareholders. Even so, how are we to determine what speech the shareholders favor? And do we care if the shareholders are U.S. citizens or citizens of an economic, political, or military rival to the United States?

These are questions left unresolved by today’s reckless, immodest, and activist opinion. As we move forward, my colleagues in Congress and I will do our best to answer them. Boardroom executives must not be permitted to raid the corporate coffers to promote personal political beliefs or to curry personal favor with elected politicians. We must ensure that the corporation speaks with the voice of its shareholders, and we must ensure that those who would utilize the corporate form to magnify their political influence do not do so for improper personal gain or to impose the will of a foreign power on American citizens.

Today’s decision does far more than ignore precedent, make bad law, and leave vexing unanswered questions. As noted by Justice Stevens in his dissent, the “Court’s ruling threatens to undermine the integrity of elected institutions across the nation. The path it has taken to reach its outcome will, I fear, do damage to this institution.”

I share Justice Stevens’ fear. I am particularly concerned that the decision will erode the public’s confidence in its government at precisely the time when so many challenges—climate change, financial regulatory reform, health care, immigration reform, and the need to stimulate job creation—all call for bold congressional action. Our ability to meet our Nation’s pressing needs depends on our ability to earn and maintain the public’s trust.

Earning that trust will be all the more difficult in a world in which undiluted corporate money is allowed to drown out the voices of individual citizens and corrupt the political process.

ADDITIONAL STATEMENTS

TRIBUTE TO JIM BLASINGAME

● Mr. BEGICH. Mr. President, I congratulate a hard-working Alaskan, Mr. Jim Blasingame, on his well-deserved retirement after many years of dedicated service to the Alaska Railroad Corporation, AKRR.

Thirty-five years ago, Mr. Blasingame commenced his employment with the AKRR. Since then, he

has proven to be an exceptional member of the AKRR family. One of his greatest accomplishments was the pivotal role he performed in assisting with the transference of the AKRR from Federal to State ownership. This greatly assisted in the development of the AKRR into an award winning, world class, State-owned corporation. His work has helped the AKRR safely operate and successfully contribute to the economic development of Alaska.

During his time with the AKRR, Mr. Blasingame was a mentor to his fellow railroaders and his leadership abilities resonated through the depots and rail yards. Outside work, Mr. Blasingame is a dedicated member of his community. He volunteers his time on behalf of several nonprofit organizations and in various civic board memberships.

The Alaska Railroad is a truly unique element of Alaska. For many Alaskans, the AKRR signifies a great source of pride. Running from Seward north to Fairbanks, the Alaska Railroad offers some of the most majestic views in America. Without Mr. Blasingame's commitment and enthusiasm towards developing the AKRR, this landmark of Alaskan culture would not be so today.

On behalf of Alaskans, I thank Mr. Blasingame for his many years of dedication and service to Alaska. Mr. President, I congratulate Mr. Blasingame and wish him the best of luck in retirement.●

TRIBUTE TO BARRY W. JACKSON

● Mr. BEGICH. Mr. President, on the occasion of his 80th birthday, January 27, I recognize the life achievements of a resident of Fairbanks, AK, Mr. Barry W. Jackson.

As a young man, Mr. Jackson served in the Marine Corps during World War II and later retired as major. While still working on his law degree from Stanford University in 1957, he travelled to Alaska and obtained a clerkship with a territorial judge.

After being admitted to the Alaska bar in 1959, he was hired as the city attorney for Fairbanks and later opened his own practice, concentrating on estate planning, personal injury, bankruptcy, family and real estate law.

Mr. Jackson also used his legal talents in the Alaska State Legislature. He served in the State house of representatives in the Fourth and Sixth State legislatures from 1965 to 1966 and 1968 to 1970 respectively, where he was a colleague of my late father, then State Senator Nick Begich. He served on the prestigious House Finance Committee and later in a leadership position as chairman of the House Judiciary Committee.

Mr. Jackson also served the Alaska Democratic Party as a convention chair and later, was chair of the Interior Democrats. Last October, I was privileged to attend a banquet in Fairbanks where the Interior Democrats honored Mr. Jackson for his many contributions to Alaska.

Perhaps his most significant career accomplishment was his work with Alaska tribes. Much of his legal career has been spent on Alaska Native social and justice causes.

In 1967, he was legal counsel to the State-sponsored Alaska Land Claims Task Force. Among task force's finding was a recommendation that legislation be introduced in Congress that would convey land to Native villages, pay a monetary settlement, form corporations organized by villages and regions and form a statewide corporation. Subsequently, a bill was introduced in 1968 by Alaska Senator Ernest Gruening and Mr. Jackson testified before congressional committee hearings throughout the year.

In the time leading to the passage of the Alaska Native Claims Settlement Act, ANCSA, in 1971, funding for attorneys grew short. Recognizing the monumental importance of the matter, Mr. Jackson took upon himself to work pro bono at great personal hardship to himself and his family. This deed typifies Barry's degree of dedication to a worthy cause.

Many have judged the ideas in the 1968 bill to be the foundation for ANCSA. In the book "Take My Land, Take My Life" published in 2001, Mr. Jackson was credited as being the first person who considered the concept of corporations for Alaska Native tribes.

Mr. Jackson is a tireless worker who still engages in his part-time private law practice. I wish Mr. Jackson a happy birthday, thank him for his military and legislative service and applaud him as one of the quiet, selfless contributors to the settlement of Alaska Native land claims.●

TRIBUTE TO RAYMAN DODSON

● Mr. LEVIN. Mr. President, I speak today in tribute to one of the citizens of my own hometown of Detroit, one of the thousands of decent, hard-working, community-minded Detroiters who make me so proud to call the city my home.

You will not find Rayman Dodson in the history books or the newspapers. But for the last 80 years, since he graduated from Northwestern High School, you would have found him doing what so many other Detroiters have done: working hard, and doing his part, building the lives that make up our city.

As an employee of Ford, Chrysler, the city's street railway, and in the homes of several of Detroit's most prominent citizens, Rayman earned a living sufficient for him and his beloved wife Margaret to buy a home on the city's east—side a place for Margaret to display her crystal collection. For decades, he has contributed to Mayflower Congregational Church of Christ.

Several years ago, Rayman lost his sight but not his interest in the world around him or his ability to delight his friends. Many of those friends are pre-

paring to help him celebrate his 100th birthday. I wish him well on that day, and congratulate him on a century well lived.●

RECOGNIZING APPLIED THERMAL SCIENCES

● Ms. SNOWE. Mr. President, as our country seeks a sustained recovery, we will be looking to innovative small businesses to jumpstart the Nation's economy. My home State of Maine is home to hundreds of such firms that display the stellar ingenuity and creativity of the American people. Today I recognize one of these businesses, Applied Thermal Sciences of Sanford, which has been at the cutting edge of engineering for over two decades.

Founded as a sole proprietorship in 1989, Applied Thermal Sciences, or ATS, is rooted in the promotion of thermal, structural and fluid sciences. Specifically, ATS, which was later incorporated in 1998, focuses on the research and development of fuel-efficient engines and propulsion systems. The company's high-skilled and diligent employees regularly work on a number of contracts for both government and industry, and their solutions are often recognized as groundbreaking. They fabricate prototypes in-house for testing, using computer modeling and simulations to ensure that these archetypes are of the highest quality.

The research facilities at ATS house critical engineering workstations, high-tech supercomputers, various analytical tools, and significant experimental lab space. Additionally, the fabrication facilities include a machine shop and laser welding equipment, giving them a leg up when competing for contracts and customers.

ATS employs a unique system that combines laser welding with a gas-metal arc weld, thereby enabling customers to manufacture products with improved metallurgical properties at higher speeds and with greater reliability and repeatability than typically possible. Utilizing this distinctive method, ATS is able to provide its clients the most advanced and state-of-the-art technology available. Indeed, because of this exceptional technology, ATS recently won a major multi-year award from Bath Iron Works to produce hybrid laser welded panels for the Navy's DDG 1000 destroyer, and later earned the 2008 Department of Defense Manufacturing Technology Achievement Award.

One of ATS's most impressive prototypes is the high-performance toroidal engine concept, or HiPerTEC, engine. This inventive technology, which is hundreds of pounds lighter than a traditional engine of similar power, provides an unprecedented power-to-weight ratio in an internal combustion engine. Additionally, HiPerTEC's combustion processes are extraordinarily fuel efficient, a crucial concern for ATS's numerous clients. Another of

ATS's ground-breaking projects is its low-cost flight test platform which seeks to acquire knowledge in the operation of ramjet and scramjet engines. Funded by the Office of Naval Research, the platform provides a cost savings of 90 to 95 percent, bridging the gap between ground testing and traditional, high-cost flight testing.

Leading the way in accelerating remarkable technological advances, Applied Thermal Sciences has earned the trust of its public and private clients by consistently providing them with cost-effective and forward-looking solutions. I thank Karl Hoose, the firm's president and owner, ATS's vice president Fred Webber, and everyone at the company for their remarkable work, and wish them continued success in the future.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and withdrawals which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:14 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2611. An act to amend the Homeland Security Act of 2002 to authorize the Securing the Cities Initiative of the Department of Homeland Security, and for other purposes.

H.R. 4095. An act to designate the facility of the United States Postal Service located at 9727 Antioch Road in Overland Park, Kansas, as the "Congresswoman Jan Meyers Post Office Building".

H.R. 4462. An act to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Haiti.

ENROLLED BILL SIGNED

At 2:06 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 692. An act to provide that claims of the United States to certain documents relating to Franklin Delano Roosevelt shall be treated as waived and relinquished in certain circumstances.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2611. An act to amend the Homeland Security Act of 2002 to authorize the Securing the Cities Initiative of the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4095. An act to designate the facility of the United States Postal Service located at 9727 Antioch Road in Overland Park, Kansas, as the "Congresswoman Jan Meyers Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2939. A bill to amend title 31, United States Code to require an audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4207. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-243, "Waterfront Park at the Yards Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-4208. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-244, "F Street, N.W., Downtown Retail Priority Area Clarification Amendment Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-4209. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-245, "Affordable Housing For-Sale and Rental Distribution Amendment Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-4210. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-242, "Unused Pharmaceutical Safe Disposal Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-4211. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-246, "Income Tax Joint Filing Clarification Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-4212. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-247, "Cooperative Housing Association Economic Interest Recordation Tax Temporary Amendment Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-4213. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 18-261, "Homeland Security and Emergency Management Agency Use of Video Surveillance Amendment Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-4214. A communication from the Chairman of the Council of the District of Colum-

bia, transmitting, pursuant to law, a report on D.C. Act 18-262, "Private Adoption Fee Temporary Amendment Act of 2009"; to the Committee on Homeland Security and Governmental Affairs.

EC-4215. A communication from the General Counsel, Office of Government Ethics, transmitting, pursuant to law, a report relative to competitions initiated or conducted in fiscal year 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-4216. A communication from the Secretary of the American Battle Monuments Commission, transmitting, pursuant to law, the Commission's annual report for fiscal year 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-4217. A communication from the Secretary of the American Battle Monuments Commission, transmitting, pursuant to law, the Commission's Fiscal Year 2010-2015 Strategic Plan; to the Committee on Homeland Security and Governmental Affairs.

EC-4218. A communication from the President of the James Madison Memorial Foundation, transmitting, pursuant to law, the Foundation's annual report for the year ending September 30, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-4219. A communication from the Inspector General of the Department of Energy, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of April 1, 2009 through September 30, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-4220. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, a report relative to the Commission's competitive sourcing efforts during fiscal year 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-4221. A communication from the Grants Management Officer, Management Directorate, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Department of Homeland Security Implementation of OMB Guidance on Nonprocurement Debarment and Suspension" as received during adjournment of the Senate in the Office of the President of the Senate on January 8, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-4222. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-4223. A communication from the Executive Director of the Consumer Product Safety Commission, transmitting, pursuant to law, a report relative to the Commission's annual FAIR Act Inventory Summary for fiscal year 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-4224. A communication from the Commissioner of the Social Security Administration, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period from April 1, 2009, through September 30, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-4225. A communication from the Chief Financial Officer of the Federal Mediation and Conciliation Service, transmitting, pursuant to law, a report relative to financial integrity for fiscal year 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-4226. A communication from the Acting Director of Infrastructure Security Compliance, National Protection and Programs Directorate, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Appendix to Chemical Facility Anti-Terrorism Standards" (RIN1601-AA41) as received during adjournment of the Senate in the Office of the President of the Senate on January 8, 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-4227. A communication from the Acting Farm Bill Coordinator, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "State Technical Committees Final Rule" (RIN0578-AA51) as received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4228. A communication from the Acting Farm Bill Coordinator, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Compliance with NEPA Interim Final Rule" (RIN0578-AA55) as received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4229. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Change in Disease Status of the Republic of Korea with Regard to Foot-and-Mouth Disease and Rinderpest" (Docket No. APHIS-2008-0147) as received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4230. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Citrus Canker; Movement of Fruit From Quarantined Areas" (Docket No. APHIS-2009-0023) as received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4231. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 09-141, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC-4232. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 135-09, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC-4233. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 130-09, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding

any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC-4234. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 122-09, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC-4235. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 103-09, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC-4236. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 142-09, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC-4237. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 153-09, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC-4238. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 117-09, of the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC-4239. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled "Iran-Related Multilateral Sanction Regime Efforts"; to the Committee on Armed Services.

EC-4240. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Lead System Integrators" (DFARS Case 2006-D051) as received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Armed Services.

EC-4241. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Business Systems—Definition and Administration" (DFARS Case 2009-D038) as received during adjournment of the

Senate in the Office of the President of the Senate on January 8, 2010; to the Committee on Armed Services.

EC-4242. A communication from the Under Secretary of Defense (Policy), transmitting a report relative to cleanup operations due to the use of weapons systems, and munitions containing depleted uranium in a number of countries, including Saudi Arabia, Kuwait, Iraq and Afghanistan; to the Committee on Armed Services.

EC-4243. A communication from the Deputy Assistant Secretary for Import Administration, Foreign Trade Zones Board, Department of Commerce, transmitting, pursuant to law, an annual report on the Activities of the Foreign-Trade Zones Board, for fiscal year 2008; to the Committee on Finance.

EC-4244. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Class 9 Bonded Warehouse Procedures" (RIN1505-AB85) received during adjournment of the Senate in the Office of the President of the Senate on January 8, 2010; to the Committee on Finance.

EC-4245. A communication from the Senior Advisor for Regulations, Office of Regulations, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Technical Revisions to the Supplemental Security Income (SSI) Regulations on Income and Resources" (RIN0960-AG66) received during adjournment of the Senate in the Office of the President of the Senate on January 7, 2010; to the Committee on Finance.

EC-4246. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance on Correcting Failures of Nonqualified Deferred Compensation Plans to Comply with Section 409A" (Notice 2010-6) received during adjournment of the Senate in the Office of the President of the Senate on January 8, 2010; to the Committee on Finance.

EC-4247. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Treatment of Certain Obligations under section 956(c)" (Notice 2010-12) received during adjournment of the Senate in the Office of the President of the Senate on January 6, 2010; to the Committee on Finance.

EC-4248. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Total Return Swaps (TRSs) Used to Avoid Dividend Withholding Tax" (LMSB-4-1209-044) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2010; to the Committee on Finance.

EC-4249. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Repub. Rev. Proc. 2009-4" (Rev. Proc. 2010-4) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2010; to the Committee on Finance.

EC-4250. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rev. Proc. 2010-3, Annual Update of Domestic No-Rule Areas" (Rev. Proc. 2010-3) received during adjournment of the Senate in the Office of the President of the Senate on January 6, 2010; to the Committee on Finance.

EC-4251. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Repub. Rev. Proc. 2009-5" (Rev. Proc. 2010-5) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2010; to the Committee on Finance.

EC-4252. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Repub. Rev. Proc. 2009-6" (Rev. Proc. 2010-6) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2010; to the Committee on Finance.

EC-4253. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Repub. Rev. Proc. 2009-8" (Rev. Proc. 2010-8) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2010; to the Committee on Finance.

EC-4254. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Automatic Approval of Changes in Funding Method for Takeover Plans and Changes in Pension Valuation Software" (Announcement 2010-3) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Finance.

EC-4255. A communication from the Deputy Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Addition of Certain Persons on the Entity List: Addition of Persons Acting Contrary to the National Security or Foreign Policy Interests of the United States and Entry Modified for Clarification" (RIN0694-AE78) as received during adjournment of the Senate in the Office of the President of the Senate on January 11, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4256. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Exception to the Maturity Limit on Second Mortgages" (RIN3133-AD64) as received during adjournment of the Senate in the Office of the President of the Senate on January 8, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4257. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "12 CFR Part 740—Accuracy of Advertising and Notice of Insured Status, and 12 CFR Part 745—Share Insurance and Appendix" (RIN3133-AD54; RIN3133-AD55) as received during adjournment of the Senate in the Office of the President of the Senate on January 7, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4258. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (Docket No. FEMA-8053)) as received during adjournment of the Senate in the Office of the President of the Senate on January 7, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4259. A communication from the Associate General Counsel for Legislation and

Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Refinement of Income and Rent Determination Requirements in Public and Assisted Housing Programs: Implementation of the Enterprise Income Verification System—Amendments" ((RIN2501-AD48) (FR-5351-F-02)) as received during adjournment of the Senate in the Office of the President of the Senate on January 7, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4260. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13396 with respect to Cote d'Ivoire Sanctions; to the Committee on Banking, Housing, and Urban Affairs.

EC-4261. A communication from the Assistant Secretary for Congressional and Intergovernmental Relations, Department of Housing and Urban Development, transmitting, pursuant to law, a report relative to the awarding of a sole-source bridge contract to provide property management support for Federal Housing Administration Single Family Homes; to the Committee on Banking, Housing, and Urban Affairs.

EC-4262. A communication from the Secretary of the Department of Commerce, transmitting, pursuant to law, a report on the continuation of a national emergency declared in Executive Order 13222 with respect to the lapse of the Export Administration Act of 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC-4263. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to Executive Order 13346 of July 8, 2004, the annual certification of the effectiveness of the Australia Group; to the Committee on Banking, Housing, and Urban Affairs.

EC-4264. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a six-month periodic report relative to the national emergency that was declared in Executive Order 12938 with respect to the proliferation of weapons of mass destruction; to the Committee on Banking, Housing, and Urban Affairs.

EC-4265. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Community Reinvestment Act Regulations" (RIN1557-AD29) as received during adjournment of the Senate in the Office of the President of the Senate on January 6, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-4266. A communication from the President and Chief Executive Officer, Federal Home Loan Bank of Topeka, transmitting, pursuant to law, a report on the Bank's system of internal controls for fiscal year 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-4267. A communication from the Senior Vice President and Chief Accounting Officer, Federal Home Loan Bank of Dallas, transmitting, pursuant to law, the Bank's management report for fiscal year 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-4268. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District" (FRL No. 9100-1) received during adjournment of the Senate in the Office of the President of

the Senate on January 12, 2010; to the Committee on Environment and Public Works.

EC-4269. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District" (FRL No. 9097-2) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Environment and Public Works.

EC-4270. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District" (FRL No. 9096-9) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Environment and Public Works.

EC-4271. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Extension of Deadline for Promulgation Designations for the 2008 Ozone National Ambient Air Quality Standards" (FRL No. 9102-2) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Environment and Public Works.

EC-4272. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Puerto Rico; Guaynabo PM10 Limited Maintenance Plan and Redesignation Request" (FRL No. 9091-4) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Environment and Public Works.

EC-4273. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Kentucky: Approval of Revisions to the State Implementation Plan" (FRL No. 9102-6) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Environment and Public Works.

EC-4274. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Mississippi; Update to Materials Incorporated by Reference" (FRL No. 9088-6) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Environment and Public Works.

EC-4275. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, San Joaquin Valley Air Pollution Control District" (FRL No. 9097-1) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2010; to the Committee on Environment and Public Works.

EC-4276. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Outer Continental Shelf Air Regulations Update to Include New Jersey State Requirements" (FRL No. 9103-3) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2010; to the Committee on Environment and Public Works.

EC-4277. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Outer Continental Shelf Air Regulations Consistency Update for Alaska" (FRL No. 9095-9) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2010; to the Committee on Environment and Public Works.

EC-4278. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Outer Continental Shelf Air Regulations Consistency Update for Alaska" (FRL No. 9095-8) received during adjournment of the Senate in the Office of the President of the Senate on January 19, 2010; to the Committee on Environment and Public Works.

EC-4279. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, the Reports of Building Project Survey for Panama City, FL and Clarksburg, WV; to the Committee on Environment and Public Works.

EC-4280. A communication from the Branch Chief, Division of Migratory Bird Management, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Permits; Changes in the Regulations Governing Falconry" (RIN1018-AW44) received during adjournment of the Senate in the Office of the President of the Senate on January 8, 2010; to the Committee on Environment and Public Works.

EC-4281. A communication from the President of the United States, transmitting, pursuant to D.C. Code 1-204.34(d)(1), in accordance with, and to effectuate, the District of Columbia Judicial Nomination Commission's nomination of Milton C. Lee, Jr. to be an Associate Judge of the Superior Court of the District of Columbia; to the Committee on Homeland Security and Governmental Affairs.

EC-4282. A communication from the Chair of the District of Columbia Judicial Nomination Commission, transmitting, pursuant to D.C. Code 1-204.34(d)(1), the nomination of Milton C. Lee, Jr. to be an Associate Judge for the Superior Court of the District of Columbia; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DORGAN, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 375. A bill to authorize the Crow Tribe of Indians water rights settlement, and for other purposes (Rept. No. 111-118).

S. 313. A bill to resolve water rights claims of the White Mountain Apache Tribe in the State of Arizona, and for other purposes (Rept. No. 111-119).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

O. Rogerie Thompson, of Rhode Island, to be United States Circuit Judge for the First Circuit.

Robert William Heun, of Alaska, to be United States Marshal for the District of Alaska for the term of four years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. PRYOR (for himself and Mr. CARDIN):

S. 2942. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish a nanotechnology program; to the Committee on Health, Education, Labor, and Pensions.

By Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. BENNETT, Mr. ENSIGN, and Mr. BOND):

S. 2943. A bill to require the Attorney General to consult with appropriate officials within the executive branch prior to making the decision to try an unprivileged enemy belligerent in Federal civilian court; to the Committee on the Judiciary.

By Mr. CORNYN (for himself, Mrs. HUTCHISON, Mr. VITTER, Mr. CHAMBLISS, Mr. ROBERTS, Mr. LEMIEUX, and Mr. ISAKSON):

S. 2944. A bill to authorize the Secretary of Homeland Security and the Secretary of State to refuse or revoke visas to aliens if in the security or foreign policy interests of the United States, to require the Secretary of Homeland Security to review all visa applications before adjudication, and to provide for the immediate dissemination of visa revocation information; to the Committee on the Judiciary.

By Mr. SCHUMER (for himself and Mrs. GILLIBRAND):

S. 2945. A bill to designate the facility of the United States Postal Service located at 1210 West Main Street in Riverhead, New York, as the "Private First Class Garfield M. Langhorn Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

By Ms. STABENOW:

S. 2946. A bill to direct the Secretary of the Army to take action with respect to the Chicago waterway system to prevent the migration of bighead and silver carps into Lake Michigan, and for other purposes; to the Committee on Environment and Public Works.

By Ms. MURKOWSKI (for herself, Mrs. LINCOLN, Mr. BARRASSO, Mr. NELSON of Nebraska, Mr. CHAMBLISS, Ms. LANDRIEU, Mr. THUNE, Mrs. HUTCHISON, Mr. GRAHAM, Mr. COBURN, Mr. VITTER, Mr. CORNYN, Mr. ISAKSON, Mr. GRASSLEY, Mr. ALEXANDER, Mr. BOND, Mr. INHOFE, Mr. BUNNING, Mr. CRAPO, Mr. BROWNBACK, Mr. ROBERTS, Mr. MCCONNELL, Mr. ENZI, Mr. MCCAIN, Mr. WICKER, Mr. LUGAR, Mr. CORKER, Mr. COCHRAN, Mr. KYL, Mr. BENNETT, Mr. RISCH, Mr. JOHANNES, Mr. SESSIONS, Mr. VOINOVICH, Mr. BURR, Mr. SHELBY,

Mr. GREGG, Mr. HATCH, Mr. LEMIEUX, and Mr. DEMINT):

S.J. Res. 26. A joint resolution disapproving a rule submitted by the Environmental Protection Agency relating to the endangerment finding and the cause or contribute findings for greenhouse gases under section 202(a) of the Clean Air Act; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CASEY (for himself, Mr. SCHUMER, and Mr. ROCKEFELLER):

S. Res. 390. A resolution prohibiting text messaging by employees of the Senate while driving on official business; to the Committee on Rules and Administration.

By Mr. CRAPO (for himself, Ms. KLOBUCHAR, and Mr. VITTER):

S. Res. 391. A resolution recognizing the 25th anniversary of the enactment of the Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.) and the substantial contributions to the Crime Victims Fund made through the criminal prosecutions conducted by United States Attorneys' offices and other components of the Department of Justice; considered and agreed to.

By Mr. KERRY (for himself, Mr. LUGAR, Mr. NELSON of Florida, Mr. DODD, Mr. LEAHY, Mr. MENENDEZ, Mr. BURRIS, Ms. STABENOW, Mr. SANDERS, Mr. BENNETT, Ms. MIKULSKI, Mr. DORGAN, Mr. JOHNSON, Mr. DURBIN, Mr. UDALL of New Mexico, Mr. BAUCUS, Mr. BROWN, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. HARKIN, Mr. CARPER, Mr. LAUTENBERG, Mr. KIRK, Mr. BEGICH, Mr. BAYH, Mr. WYDEN, Ms. KLOBUCHAR, Ms. CANTWELL, Mrs. FEINSTEIN, Mrs. SHAHEEN, Mr. CASEY, Mr. CARDIN, Ms. LANDRIEU, Mrs. GILLIBRAND, Mr. KOHL, Mr. INOUE, Mr. AKAKA, Mr. FEINGOLD, Mr. WHITEHOUSE, Mrs. HAGAN, Mr. REED, Mr. CORKER, Mr. ROCKEFELLER, Mr. BARRASSO, Mr. ISAKSON, Mr. KAUFMAN, and Mr. REID):

S. Res. 392. A resolution expressing the Sense of the Senate on the humanitarian catastrophe caused by the January 12, 2010 earthquake in Haiti; considered and agreed to.

By Mrs. HAGAN (for herself and Mr. BURR):

S. Res. 393. A resolution recognizing the contributions of the American Kennel Club; to the Committee on the Judiciary.

By Mr. BURRIS (for himself and Mr. DURBIN):

S. Res. 394. A resolution congratulating the Northwestern University Feinberg School of Medicine for its 150 years of commitment to advancing science and improving health; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 416

At the request of Mrs. FEINSTEIN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 416, a bill to limit the use of cluster munitions.

S. 694

At the request of Mr. DODD, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of

S. 694, a bill to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes.

S. 936

At the request of Mr. LAUTENBERG, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 936, a bill to amend the Federal Water Pollution Control Act to authorize appropriations for sewer overflow control grants.

S. 1058

At the request of Mr. UDALL of Colorado, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Florida (Mr. LEMIEUX) were added as cosponsors of S. 1058, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level, and for other purposes.

S. 1111

At the request of Mr. ROCKEFELLER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1111, a bill to require the Secretary of Health and Human Services to enter into agreements with States to resolve outstanding claims for reimbursement under the Medicare program relating to the Special Disability Workload project.

S. 1234

At the request of Mr. LIEBERMAN, the name of the Senator from Florida (Mr. LEMIEUX) was added as a cosponsor of S. 1234, a bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names.

S. 1329

At the request of Mr. KOHL, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1329, a bill to authorize the Attorney General to award grants to State courts to develop and implement State courts interpreter programs.

S. 1345

At the request of Mr. REED, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1345, a bill to aid and support pediatric involvement in reading and education.

S. 1859

At the request of Mr. ROCKEFELLER, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1859, a bill to reinstate Federal matching of State spending of child support incentive payments.

S. 2760

At the request of Mr. UDALL of New Mexico, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2760, a bill to amend title 38, United States Code, to provide for an increase in the annual amount authorized to be appropriated to the Secretary of Veterans Affairs to carry out comprehensive service programs for homeless veterans.

S. 2796

At the request of Mr. ENZI, the name of the Senator from Arkansas (Mrs.

LINCOLN) was added as a cosponsor of S. 2796, a bill to extend the authority of the Secretary of Education to purchase guaranteed student loans for an additional year, and for other purposes.

S. 2853

At the request of Mr. CRAPO, his name was withdrawn as a cosponsor of S. 2853, a bill to establish a Bipartisan Task Force for Responsible Fiscal Action, to assure the long-term fiscal stability and economic security of the Federal Government of the United States, and to expand future prosperity growth for all Americans.

At the request of Mr. BROWNBACK, his name was withdrawn as a cosponsor of S. 2853, *supra*.

S. 2885

At the request of Ms. LANDRIEU, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 2885, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide adequate benefits for public safety officers injured or killed in the line of duty, and for other purposes.

S. 2908

At the request of Mr. KOHL, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2908, a bill to amend the Energy Policy and Conservation Act to require the Secretary of Energy to publish a final rule that establishes a uniform efficiency descriptor and accompanying test methods for covered water heaters, and for other purposes.

S. 2926

At the request of Mrs. LINCOLN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 2926, a bill to amend the XVIII of the Social Security Act to provide for the application of a consistent Medicare part B premium for all Medicare beneficiaries in a budget neutral manner for 2010, to provide an additional round of economic recovery payments to certain beneficiaries, and to assess the need for a consumer price index for elderly consumers to compute cost-of-living increases for certain governmental benefits.

S. 2936

At the request of Mr. BAUCUS, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Maryland (Mr. CARDIN), the Senator from Alaska (Mr. BEGICH), the Senator from Montana (Mr. TESTER), the Senator from Missouri (Mr. BOND), the Senator from Kansas (Mr. ROBERTS), the Senator from Tennessee (Mr. ALEXANDER), the Senator from South Dakota (Mr. THUNE), the Senator from Colorado (Mr. BENNET) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 2936, a bill to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Haiti.

S. 2938

At the request of Mr. THUNE, the names of the Senator from Kansas (Mr. ROBERTS), the Senator from Maine (Ms.

COLLINS), the Senator from Utah (Mr. HATCH), the Senator from Idaho (Mr. RISCH), the Senator from Georgia (Mr. ISAKSON), the Senator from Arizona (Mr. KYL) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 2938, a bill to terminate authority under the Troubled Asset Relief Program, and for other purposes.

S. CON. RES. 39

At the request of Mr. MENENDEZ, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. Con. Res. 39, a concurrent resolution expressing the sense of the Congress that stable and affordable housing is an essential component of an effective strategy for the prevention, treatment, and care of human immunodeficiency virus, and that the United States should make a commitment to providing adequate funding for the development of housing as a response to the acquired immunodeficiency syndrome pandemic.

S. RES. 373

At the request of Mr. CRAPO, the names of the Senator from Idaho (Mr. RISCH) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. Res. 373, a resolution designating the month of February 2010 as "National Teen Dating Violence Awareness and Prevention Month".

AMENDMENT NO. 3301

At the request of Mr. THUNE, the names of the Senator from Arizona (Mr. KYL), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Utah (Mr. HATCH), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Idaho (Mr. RISCH), the Senator from Maine (Ms. COLLINS), the Senator from Kansas (Mr. ROBERTS), the Senator from New Hampshire (Mr. GREGG), the Senator from Montana (Mr. TESTER), the Senator from Georgia (Mr. ISAKSON) and the Senator from Tennessee (Mr. CORKER) were added as cosponsors of amendment No. 3301 proposed to H.J. Res. 45.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PRYOR (for himself and Mr. CARDIN):

S. 2942. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish a nanotechnology program; to the Committee on Health, Education, Labor, and Pensions.

Mr. PRYOR. Mr. President, I rise today with Senator CARDIN to introduce the Nanotechnology Safety Act of 2010 which will authorize a program of scientific investigation by the Food and Drug Administration on nanotechnology-based medical and health products.

Nanotechnology holds great promise to revolutionize the development of new medicines, drug delivery, and orthopedic implants while holding down the cost of health care. However, Congress and the FDA must assure the

public that nanotechnology-based products are both safe and efficacious. The Nanotechnology Safety Act of 2010 will enable the FDA to properly study how nanomaterials are absorbed by the human body, how nanomaterials designed to carry cancer fighting drugs target and kill tumors, and how nanoscale texturing of bone implants can make a stronger joint and reduce the threat of infection.

Nanotechnology, or the manipulation of material at dimensions between 1 and 100 nanometers, is a challenging scientific area. To put this size scale in perspective, a human hair is 80,000 nanometers thick.

Nanomaterials have different chemical, physical, electrical and biological characteristics than when used as larger, bulk materials. For example, nanoscale silver has exhibited unique antibacterial properties for treating infections and wounds. Nanomaterials have a much larger ratio of surface area to mass than ordinary materials do. It is at the surface of materials that biological and chemical reactions take place, and so we would expect nanomaterials to be more reactive than bulk materials.

The novel characteristics of nanomaterials mean that risk assessments developed for ordinary materials may be of limited use in determining the health and public safety of products based on nanotechnology.

The FDA needs the tools and resources to assure the public that nanotechnology-based medical and health products are safe and effective. The development of a regulatory framework for the use of nanomaterials in drugs, medical devices, and food additives must be based on scientific knowledge and data about each specific technology and product. Without a robust scientific framework there is no way to know what data to collect. More than a dozen material characteristics have been suggested even for relatively simple nanomaterials. Without better scientific knowledge of nanomaterials and their behavior in the human body, we do not know what data to collect and examine.

In 2007, the FDA Nanotechnology Task Force published a report analyzing the FDA's scientific program and regulatory authority for addressing nanotechnology in drugs, medical devices, biologics, and food supplements. A general finding of the report is that nanoscale materials present regulatory challenges similar to those posed by products using other emerging technologies. However, these challenges may be magnified because nanotechnology can be used to make almost any FDA-regulated product. Also, at the nanoscale, the properties of a material relevant to the safety and effectiveness of the FDA-regulated products might change.

The Task Force recommended that the FDA focus on improving its scientific knowledge of nanotechnology to help ensure the agency's regulatory ef-

fectiveness, particularly with regard to products not subject to premarket authorization requirements.

The FDA has already reviewed and approved some nanotechnology-based products. In the coming years, they expect a significant increase in the use of nanoscale materials in drugs, devices, biologics, cosmetics, and food. This will require the FDA to devote more of its regulatory attention to nanotechnology based products.

Let me talk for a few minutes about two areas where nanotechnology is already being applied to health care.

The early detection of cancer and multifunctional therapeutics.

The early detection of cancer can result in significant improvement in human health care and reduction in cost. Nanotechnology offers important new tools for detection where existing and more conventional technologies may be reaching their limits. The present obstacle to early detection of cancer lies in the inability of existing tools to detect these molecular level changes directly during early phases in the genesis of a cancer. Nanotechnology can provide smart contrast agents and tools for real time imaging of a single cell and tissues at the nanoscale.

Nanotechnology promises a host of minimally-invasive diagnostic techniques and much research is aimed at ultra-sensitive labeling and detection technologies. In the *in vitro* area, nanotechnology can help define cancers by molecular signatures denoting processes that reflect fundamental changes in cells and tissues that lead to cancer. Already, investigators have developed novel nanoscale *in vitro* techniques that can analyze genomic variations across different tumor types and distinguish normal from malignant cells.

In the *in vivo* area, one of the most pressing needs in clinical oncology is for imaging agents that can identify tumors that are far smaller than is possible with today's technology. Achieving this level of sensitivity requires better targeting of imaging agents and generation of a larger imaging signal, both of which nanoscale devices are capable of accomplishing.

Perhaps the greatest near-term impact of multifunctional therapeutic compounds will come in the area of tumor targeting and cancer therapies. Nanotechnology can be used to develop new methods of drug delivery that better target selected tissues and cells, and to improve on the efficiency of drug activity in the cytoplasm or nucleus. Drug delivery applications will provide a solution to solubility problems, as well as offer intracellular delivery possibilities.

The introduction of nanotechnology to multifunctional therapeutics is at an early stage of development. The delivery of nanoscale multifunctional therapeutics could permit very precise site specific targeting of cancer cells. More sophisticated "smart" systems for drug delivery still have to be devel-

oped that sense and respond to specific chemical agents and are tailored to each patient. Multifunctional therapeutic devices need to be developed that simultaneously detect, diagnose, treat and monitor response to the therapy. For example, various nanomaterials can be made to link with a drug, a targeting molecule and an imaging agent to seek out cancers and release their payload when required.

The FDA has already begun to devote some resources to the understanding of the human health effects and safety of nanotechnology. It has established a Nanotechnology Core Facility at the FDA's Jefferson Arkansas Laboratories. Combining the expertise of the National Center for Toxicological Research and the Arkansas Research Laboratory, which is part of the FDA Office of Regulatory Affairs, this new Nanotechnology Core Facility will support nanotechnology toxicity studies, develop analytical tools to quantify nanomaterials in complex matrices, and develop procedures for characterizing nanomaterials in FDA-regulated products.

In conclusion, the Nanotechnology Safety Act of 2010 will provide the FDA the authority necessary to scientifically study the safety and effectiveness of nanotechnology-based drugs, delivery systems, medical devices, orthopedic implants, cosmetics, and food additives regulated by the agency. This bill is a sound investment on the promise of nanotechnology to improve human health and reduce costs in the 21st Century.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2942

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nanotechnology Safety Act of 2010".

SEC. 2. NANOTECHNOLOGY PROGRAM.

Chapter X of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 391 et seq.) is amended by adding at the end the following:

"SEC. 1011. NANOTECHNOLOGY PROGRAM.

"(a) IN GENERAL.—Not later than 180 days after the date of enactment of the Nanotechnology Safety Act of 2010, the Secretary of Health and Human Services, in consultation with the Secretary of Agriculture, shall establish within the Food and Drug Administration a program for the scientific investigation of nanoscale materials included or intended for inclusion in FDA-regulated products, to address the potential toxicology of such materials, the effects of such materials on biological systems, and interaction of such materials with biological systems.

"(b) PROGRAM PURPOSES.—The purposes of the program established under subsection (a) shall be to—

"(1) assess scientific literature and data on general nanoscale material interactions with biological systems and on specific nanoscale materials of concern to Food and Drug Administration;

"(2) develop and organize information using databases and models that will enable

the formulation of generalized principles for the behavior of classes of nanoscale materials with biological systems;

“(3) promote intramural Administration programs and participate in collaborative efforts, to further the understanding of the science of novel properties at the nanoscale that might contribute to toxicity;

“(4) promote and participate in collaborative efforts to further the understanding of measurement and detection methods for nanoscale materials;

“(5) collect, synthesize, interpret, and disseminate scientific information and data related to the interactions of nanoscale materials with biological systems;

“(6) build scientific expertise on nanoscale materials within such Administration;

“(7) ensure ongoing training, as well as dissemination of new information within the centers of such Administration, and more broadly across such Administration, to ensure timely, informed consideration of the most current science;

“(8) encourage such Administration to participate in international and national consensus standards activities; and

“(9) carry out other activities that the Secretary determines are necessary and consistent with the purposes described in paragraphs (1) through (8).

“(c) PROGRAM ADMINISTRATION.—

“(1) PROGRAM MANAGER.—In carrying out the program under this section, the Secretary shall designate a program manager who shall supervise the planning, management, and coordination of the program.

“(2) DUTIES.—The program manager shall—

“(A) develop a detailed strategic plan for achieving specific short- and long-term technical goals for the program;

“(B) coordinate and integrate the strategic plan with investments by the Food and Drug Administration and other departments and agencies participating in the National Nanotechnology Initiative; and

“(C) develop intramural Administration programs, contracts, memoranda of agreement, joint funding agreements, and other cooperative arrangements necessary for meeting the long-term challenges and achieving the specific technical goals of the program.

“(d) REPORTS.—Not later than March 1, 2012 and March 1, 2014, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives a report on the program carried out under this section. Such report shall include—

“(1) a review of the specific short- and long-term goals of the program;

“(2) an assessment of current and proposed funding levels for the program, including an assessment of the adequacy of such funding levels to support program activities; and

“(3) a review of the coordination of activities under the program with other departments and agencies participating in the National Nanotechnology Initiative.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, \$25,000,000 for each of fiscal years 2011 through 2015. Amounts appropriated pursuant to this subsection shall remain available until expended.”

By Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. BENNETT, Mr. ENSIGN, and Mr. BOND):

S. 2943. A bill to require the Attorney General to consult with appropriate officials within the executive branch

prior to making the decision to try an unprivileged enemy belligerent in Federal civilian court; to the Committee on the Judiciary.

Ms. COLLINS. Mr. President, yesterday the Senate Homeland Security Committee heard testimony from the three top U.S. intelligence officials about the errors that the Federal Government made leading up to the thwarted Christmas Day plot. We dodged a bullet that day when Umar Farouk Abdulmutallab, a Nigerian-born terrorist, failed to detonate a bomb on flight 253 in the skies above Detroit.

But today, Mr. President, I rise to discuss an error that was made after that foreign terrorist had already been detained by American authorities in Detroit, an error that may well have prevented the collection of valuable intelligence about future terrorist threats to our country. The error became clear during my questioning of three of our Nation's top intelligence officials at the committee's hearing yesterday. Frankly, Mr. President, I was stunned to learn that the decision to place the captured terrorist into the U.S. civilian criminal court system had been made without any input or the knowledge of the Director of National Intelligence, the Director of the National Counterterrorism Center, or the Secretary of the Department of Homeland Security. That is right, Mr. President, these officials were never consulted by the Department of Justice before the decision was made.

That decision was critical. The determination to charge Abdulmutallab in civilian court likely foreclosed the collection of additional intelligence information. We know that the interrogation of terrorists can provide critical intelligence, but our civil justice system, as opposed to the military detention and tribunal system established by Congress and the President, encourages terrorists to lawyer up and to stop answering questions. Indeed, that was exactly what happened in the case of Abdulmutallab. He had provided some valuable information to law enforcement officials in the hours immediately after his capture, and we surely would have obtained more information if we had treated this foreign terrorist as an enemy belligerent and had placed him in the military tribunal system. Instead, once he was read his Miranda rights, given a lawyer at our expense, he was advised to cease answering questions, and that is exactly what he did.

That poor decisionmaking may well have prevented us from finding out more of Yemen's role in training terrorists and more about future plots that are underway in Yemen targeting American citizens in this country or abroad. Good intelligence is clearly critical to our ability to stop terrorist plots before they are executed. We know that lawful interrogations of terrorist suspects can provide important intelligence. To charge Abdulmutallab

in the civilian criminal system without even consulting three of our Nation's top intelligence officials simply defies common sense.

To correct this failure and to ensure that our Nation's senior intelligence officials are consulted before making the decision to try future foreign terrorists in civilian court, I am today introducing a bill that would require this crucial consultation. I am very pleased to be joined by the chairman of the Homeland Security Committee, Senator LIEBERMAN, who has been such a leader in this entire area, as well as by three other Senators, Senator BOB BENNETT, Senator JOHN ENSIGN and Senator KIT BOND, who are also concerned about the testimony yesterday.

Specifically, our bill would require the Attorney General to consult with the Director of National Intelligence, the Director of the National Counterterrorism Center, the Secretary of Homeland Security, and the Secretary of Defense before initiating a custodial interrogation of foreign terrorists or filing civilian criminal charges against them. These officials, Mr. President, are in the best position to know what other threats the United States is facing from terrorists and to assess the need to gather more intelligence on those threats.

If there is a disagreement between the Attorney General and these intelligence officials regarding the appropriate approach to the detention and interrogation of foreign terrorists, then the bill would require the President to resolve the disagreement. Only the President would be permitted to direct the initiation of civilian law enforcement actions—balancing his constitutional responsibilities as Commander in Chief and as the Nation's chief law enforcement officer.

To be clear, this legislation would not deprive the President of any investigative or prosecutorial tool. It would not preclude a decision to charge a foreign terrorist in our military tribunal system or in our civilian criminal justice system. It would simply require that the Attorney General coordinate and consult with our top intelligence officials before making a decision that could foreclose the collection of critical additional intelligence information.

This consultation requirement is not unprecedented. Section 811 of the Counterintelligence and Security and Enhancements Act of 1994 requires the Director of the FBI and the head of a department or agency with a potential spy in its ranks to consult and periodically reassess any decision to leave the suspected spy in place so that additional intelligence can be gathered on his activities.

As the Senate Intelligence Committee noted in its report on the legislation that added the espionage consultation requirement:

While prosecutorial discretion ultimately rests with the Department of Justice officials, it stands to reason that in cases designed to protect our national security—such

as espionage and terrorism cases—prosecutors should ensure that they do not make decisions that, in fact, end up harming the national security.

The committee got it right. The committee went on to explain:

[T]he determination of whether to leave a subject in place should be retained by the host agency.

The history of the espionage consultation requirement is eerily reminiscent of the lack of consultation that occurred in the case of Abdulmutallab. In espionage cases, Congress has already recognized that when valuable intelligence is at stake, our national security should trump decisions based solely on prosecutorial equities. This requirement must be extended to the most significant threat facing our Nation, and that is the threat of terrorism.

I encourage the Senate to act quickly on this important legislation. The changes proposed are modest. They make common sense. But the consequences could be a matter of life and death.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2943

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONSULTATION REQUIREMENT.

(a) IN GENERAL.—Subject to subsection (b), no action shall be taken by the Attorney General, or any officer or employee of the Department of Justice, to—

(1) initiate a custodial interrogation of; or
(2) file a civilian criminal complaint, information, or indictment against;

any foreign person detained by the United States Government because they may have engaged in conduct constituting an act of war against the United States, terrorism, or material support to terrorists, or activities in preparation therefor.

(b) CONSULTATION.—

(1) IN GENERAL.—Subject to paragraph (2), the Attorney General shall consult with the Director of National Intelligence, the Director of the National Counterterrorism Center, the Secretary of Homeland Security, and the Secretary of Defense prior to taking any action identified in subsection (a).

(2) PRESIDENTIAL DIRECTION.—If, following consultation under paragraph (1), the Director of National Intelligence, the Director of the National Counterterrorism Center, the Secretary of Homeland Security, or the Secretary of Defense believe that any action identified in subsection (a) and proposed by the Attorney General may prevent the collection of intelligence related to terrorism or threats of violence against the United States or its citizens, the Attorney General may not initiate such action without specific direction from the President.

(c) ANNUAL REPORT.—The Attorney General shall report annually to appropriate committees of jurisdiction regarding the number of occasions on which direction was

sought from the President under subsection (b)(2) and the number of times, on those occasions, that the President directed actions identified in section (a) against such foreign person.

(d) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF JURISDICTION.—The term “appropriate committees of jurisdiction” shall include—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

(B) the Committee on Homeland Security of the House of Representatives;

(C) the Select Committee on Intelligence of the Senate;

(D) the Permanent Select Committee on Intelligence of the House of Representatives; and

(E) the Committees on Armed Services and Judiciary of the Senate and the Committees on Armed Services and Judiciary of the House of Representatives.

(2) ACT OF WAR, TERRORISM, MATERIAL SUPPORT TO TERRORISTS.—The terms “act of war”, “terrorism”, and “material support to terrorists” shall have the meanings given such terms in title 18, United States Code.

(e) SAVINGS CLAUSE.—Nothing in this section shall prevent the Attorney General, or any officer or employee of the Department of Justice, from apprehending or detaining an individual as authorized by the Constitution or laws of the United States except to the extent that activities incident to such apprehension or detention are specifically identified in subsection (a).

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 390—PROHIBITING TEXT MESSAGING BY EMPLOYEES OF THE SENATE WHILE DRIVING ON OFFICIAL BUSINESS

Mr. CASEY (for himself, Mr. SCHUMER, and Mr. ROCKEFELLER) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 390

Resolved,

SECTION 1. PROHIBITION ON TEXT MESSAGING BY EMPLOYEES OF THE SENATE WHILE DRIVING ON OFFICIAL BUSINESS.

(a) DEFINITIONS.—In this resolution—

(1) the term “employee of the Senate” means any employee whose pay is disbursed by the Secretary of the Senate; and

(2) the term “text messaging” means reading from or entering data into any handheld or other electronic device, including for the purpose of SMS texting, e-mailing, instant messaging, obtaining navigational information, or engaging in any other form of electronic data retrieval or electronic data communication.

(b) PROHIBITION.—An employee of the Senate may not engage in text messaging when—

(1) driving a Government owned or leased vehicle;

(2) driving a privately owned or leased vehicle while on official business; or

(3) using text messaging equipment provided by any office or committee of the Senate while driving any vehicle at any time.

(c) EFFECTIVE DATE AND APPLICATION.—This resolution shall apply to the 111th Congress and each Congress thereafter.

SENATE RESOLUTION 391—RECOGNIZING THE 25TH ANNIVERSARY OF THE ENACTMENT OF THE VICTIMS OF CRIME ACT OF 1984 (42 U.S.C. 10601 ET SEQ.) AND THE SUBSTANTIAL CONTRIBUTIONS TO THE CRIME VICTIMS FUND MADE THROUGH THE CRIMINAL PROSECUTIONS CONDUCTED BY UNITED STATES ATTORNEYS’ OFFICES AND OTHER COMPONENTS OF THE DEPARTMENT OF JUSTICE

Mr. CRAPO (for himself, Ms. KLOBUCHAR, and Mr. VITTER) submitted the following resolution; which was considered and agreed to:

S. RES. 391

Whereas the Victims of Crime Act of 1984 had its 25th anniversary in 2009;

Whereas for 25 years, the Victims of Crime Act of 1984 has provided funds to States for victim assistance and compensation programs to support victims of crime and those affected by violent crimes;

Whereas the Victims of Crime Act of 1984 enables approximately 4,400 community-based public and private programs to offer services to victims of crime, including crisis intervention, counseling, guidance, legal advocacy, and transportation shelters;

Whereas the Victims of Crime Act of 1984 provides assistance and monetary support to over 4,000,000 victims of crime each year;

Whereas the Crime Victims Fund established under the Victims of Crime Act of 1984 provides direct services to victims of sexual assault, domestic violence, child abuse, survivors of homicide victims, elderly victims of abuse or neglect, victims of drunk drivers, and other such crimes;

Whereas in 2008, with financial support from the Victims of Crime Act of 1984, State crime victim compensation programs paid a total of \$432,000,000 to 151,643 victims of violent crime;

Whereas since the establishment of the Crime Victims Fund in 1984, non-taxpayer offender-generated funds deposited into the Crime Victims Fund have been used to provide almost \$7,500,000,000 to State crime victim assistance programs and State crime victim compensation programs;

Whereas the Victims of Crime Act of 1984 also supports services to victims of Federal crimes, by providing funds for victims and witness coordinators in United States Attorneys’ offices, Federal Bureau of Investigation victim-assistance specialists, and the Federal Victim Notification System; and

Whereas the Victims of Crime Act of 1984 also supports important improvements in the victim services field through grants for training and technical assistance and evidence-based demonstration projects: Now, therefore, be it

Resolved, That the Senate recognizes—

(1) the 25th anniversary of the enactment of the Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.); and

(2) the substantial contributions to the Crime Victims Fund made through the criminal prosecutions conducted by United States Attorneys’ offices and other components of the Department of Justice.

SENATE RESOLUTION 392—EX-PRESSING THE SENSE OF THE SENATE ON THE HUMANITARIAN CATASTROPHE CAUSED BY THE JANUARY 12, 2010 EARTHQUAKE IN HAITI

Mr. KERRY (for himself, Mr. LUGAR, Mr. NELSON of Florida, Mr. DODD, Mr. LEAHY, Mr. MENENDEZ, Mr. BURRIS, Ms. STABENOW, Mr. SANDERS, Mr. BENNET, Ms. MIKULSKI, Mr. DORGAN, Mr. JOHNSON, Mr. DURBIN, Mr. UDALL of New Mexico, Mr. BAUCUS, Mr. BROWN, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. HARKIN, Mr. CARPER, Mr. LAUTENBERG, Mr. KIRK, Mr. BEGICH, Mr. BAYH, Mr. WYDEN, Ms. KLOBUCHAR, Ms. CANTWELL, Mrs. FEINSTEIN, Mrs. SHAHEEN, Mr. CASEY, Mr. CARDIN, Ms. LANDRIEU, Mrs. GILLIBRAND, Mr. KOHL, Mr. INOUE, Mr. AKAKA, Mr. FEINGOLD, Mr. WHITEHOUSE, Mrs. HAGAN, Mr. REED, Mr. CORKER, Mr. ROCKEFELLER, Mr. BARRASSO, Mr. ISAKSON, Mr. KAUFMAN, and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 392

Whereas, on January 12, 2010, an earthquake measuring 7.0 on the Richter scale and its aftershocks devastated Port-au-Prince, Haiti and the surrounding areas, killing potentially 100,000 people, injuring hundreds of thousands more people, and leaving many hundreds of thousands of people homeless;

Whereas Haiti, which is the poorest country in the Western Hemisphere, has an estimated 54 percent of its population living on less than \$1 per day, 120,000 people living with HIV, 29,333 new cases of Tuberculosis reported in 2007, and nearly 400,000 children living in orphanages;

Whereas, despite the heroic efforts of the Haitian people and the support of the international community, Haiti remains seriously weakened by prior natural disasters, including an unprecedented string of devastating tropical storms in 2008 that left almost 500 Haitians dead and affected hundreds of thousands more people during an acute food crisis;

Whereas these disasters have grievously undermined Haiti's struggle to rebuild its infrastructure and to restore critical services related to health, education, poverty, and hunger to create effective governmental and nongovernmental institutions;

Whereas Haiti has struggled for many years to overcome systemic threats to public health and shortages of food, potable water, and cooking fuel, significant environmental degradation, and political and economic fragility;

Whereas, on January 13, 2010, President Obama stated, "I have directed my administration to respond with a swift, coordinated, and aggressive effort to save lives. The people of Haiti will have the full support of the United States in the urgent effort to rescue those trapped beneath the rubble, and to deliver the humanitarian relief—the food, water, and medicine—that Haitians will need in the coming days.";

Whereas on January 13, 2010, Rajiv Shah, the Director of the United States Agency for International Development stated that the United States Government is "working aggressively and in a highly coordinated way across the Federal Government to bring all of the assets and capacities we have to bear to quickly and effectively provide as much assistance as possible.";

Whereas, on January 14, 2010, President Obama pledged \$100,000,000 in immediate assistance to the people of Haiti, and dis-

patched the 82nd Airborne Division, a Marine Expeditionary Unit, the USS *Carl Vinson*, the USS *Bataan*, the United States Navy hospital ship, the USS *Comfort*, and several Disaster Assistant Response Teams, to aid in relief efforts;

Whereas the international community, which has generously provided security, development, and humanitarian assistance to Haiti, has suffered a substantial blow during the earthquake with the collapse of the headquarters of the United Nations Stabilization Mission in Haiti with approximately 150 staff members inside, including the head of the mission, Hédi Annabi, representing the largest single loss of life in United Nations history; and

Whereas, despite the aforementioned losses, the United Nations continues to coordinate efforts on the ground in Haiti, and the United Nations Secretary General Ban Ki-Moon has pledged that "the community of nations will unite in its resolve and help Haiti to overcome this latest trauma and begin the work of social and economic reconstruction that will carry this proud nation forward.";

Now, therefore, be it

Resolved, That the Senate—

(1) expresses profound sympathy to, and unwavering support for, the people of Haiti, who have suffered over many years and face catastrophic conditions in the aftermath of the January 12, 2010 earthquake, and sympathy to the members of the international community in Haiti, including the staff of the United States Embassy in Port-au-Prince;

(2) applauds the rapid and concerted mobilization by President Obama to provide immediate emergency humanitarian assistance to Haiti, and the leadership of Secretary of State Clinton, USAID Administrator Shah, and General Fraser of the United States Southern Command in marshaling United States Government resources and personnel to address both the short- and long-term crises in Haiti;

(3) urges that all appropriate efforts be made to secure the safety of Haitian orphans;

(4) urges that all appropriate efforts be made to sustain assistance to Haiti beyond the immediate humanitarian crisis to help the Haitian people with appropriate humanitarian, developmental, and infrastructure assistance needed to overcome the effects of past disasters and the earthquake, and to secure a more stable and sustainable future;

(5) expresses appreciation for the international community's ongoing and renewed commitment to Haiti's security and recovery;

(6) acknowledges the profound sympathy of the people of the United States for the families and colleagues of United Nations officials who lost their lives and the continued support for the peacekeepers who are working around the clock to provide critical humanitarian support for all those affected by the earthquake;

(7) urges all nations to commit to assisting the people of Haiti with their long-term needs; and

(8) expresses support for the United States Embassy team in Port-au-Prince, members of the United States Coast Guard, United States Armed Forces, and other United States Government agencies who are valiantly rescuing thousands of United States citizens and Haitians under extremely adverse conditions.

SENATE RESOLUTION 393—RECOGNIZING THE CONTRIBUTIONS OF THE AMERICAN KENNEL CLUB

Mrs. HAGAN (for herself and Mr. BURR) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 393

Whereas the American Kennel Club (AKC), headquartered in New York City, with an operations center in Raleigh, North Carolina, was founded in 1884, operates the world's largest registry of purebred dogs and is the Nation's leading not-for-profit organization devoted to the advancement, study, responsible breeding, care, and ownership of dogs;

Whereas the American Kennel Club approves, sanctions, and regulates the events of its 609 member clubs and monitors more than 4000 licensed and sanctioned clubs throughout the United States who hold events under American Kennel Club rules and regulations;

Whereas in 2008, the American Kennel Club sanctioned or regulated 22,630 sporting events that included breed conformation, agility, obedience, earthdog, herding, field trial, retrieving, pointing, tracking, and coonhound events;

Whereas the American Kennel Club honors the canine-human bond, advocates for the purebred dog as a family companion, advances canine health and well-being, works to protect the rights of all dog owners, and promotes responsible dog ownership;

Whereas the American Kennel Club promotes responsible dog ownership and breeding practices and supports thousands of volunteers and teachers from affiliated clubs across the country who teach responsible dog ownership and safety around dogs;

Whereas the American Kennel Club founded and supports the AKC Humane Fund, which promotes the joy and value of responsible pet ownership by supporting breed rescue activities, educating adults and children about responsible dog ownership, and assisting human-services organizations that permit domestic abuse victims access to shelters with their pets;

Whereas the American Kennel Club trains and employs kennel inspectors and conducts over 5,200 kennel inspections each year;

Whereas the American Kennel Club promotes responsible dog ownership, care, and handling of dogs to over 21,000 youths ages 9 to 18 years old enrolled in its National Junior Organization;

Whereas the American Kennel Club is the largest purebred dog registry in the world and the only registry that incorporates health screening results into its permanent dog records;

Whereas the American Kennel Club offers the largest and most comprehensive set of DNA programs for the purposes of parentage verification and genetic identity to ensure reliable registration records;

Whereas the American Kennel Club created and supports the Canine Health Foundation (CHF), which funds research projects focusing on the genetics of disease, the canine genome map, and clinical studies, and has donated over \$22,000,000 to the CHF since 1995;

Whereas the American Kennel Club created and operates DOGNY: America's Tribute to Search and Rescue Dogs, which supports canine search and rescue organizations across the United States;

Whereas the American Kennel Club annually awards \$170,000 in scholarships to veterinary and veterinary technical students;

Whereas the American Kennel Club has reunited more than 340,000 lost pets and their owners through the AKC Companion Animal Recovery (CAR) program;

Whereas the American Kennel Club established the AKC Canine Good Citizen program, which certifies dogs with good manners at home and in the community;

Whereas the American Kennel Club maintains the world's largest dog library and the Museum of the Dog in St. Louis, which houses one of the world's largest collections of dog-related fine art and artifacts, both of which are open to the public; and

Whereas the American Kennel Club celebrates its 125th anniversary this year: Now, therefore, be it

Resolved, That the Senate honors the American Kennel Club for its service to dog owners and the United States public.

SENATE RESOLUTION 394—CONGRATULATING THE NORTHWESTERN UNIVERSITY FEINBERG SCHOOL OF MEDICINE FOR ITS 150 YEARS OF COMMITMENT TO ADVANCING SCIENCE AND IMPROVING HEALTH

Mr. BURRIS (for himself and Mr. DURBIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 394

Whereas, on March 12, 1859, the origins of Northwestern University Feinberg School of Medicine began with Drs. Hosmer A. Johnson, Edmund Andrews, Ralph N. Isham, and David Rutter signing an agreement to establish the medical department of Lind University, which provided the first graded curriculum in a medical school in the United States;

Whereas, on October 9, 1859, the medical school marked its first session;

Whereas, on April 26, 1864, the medical department of Lind University became Chicago Medical College;

Whereas in 1870, Chicago Medical College entered into an agreement with Northwestern University to serve as the Department of Medicine for the University;

Whereas in 2002, the Northwestern University Board of Trustees renamed the medical school in honor of benefactor Reuben Feinberg;

Whereas the Feinberg School of Medicine is one of the pre-eminent medical schools in the Nation, producing the next generation of leaders in medical and related fields through its innovative research and educational programs;

Whereas the Feinberg School of Medicine supports the provision of the highest standard of clinical care by its clinical affiliates for their patients;

Whereas the Feinberg School of Medicine is cited annually in national college rankings as one of the top medical schools for research;

Whereas Feinberg School of Medicine alumni are leaders in their fields;

Whereas the Feinberg School of Medicine is a leader in aligning experts from various disciplines to create a collaborative research enterprise that explores the fertile discovery space between disciplines; and

Whereas Feinberg School of Medicine faculty are nationally and internationally prominent physicians and scientists who have an impact on the most pressing medical and research issues: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Feinberg School of Medicine on the momentous occasion of its 150th anniversary, and expresses best wishes for continued success;

(2) recognizes and commends the Feinberg School of Medicine for its dedication to edu-

cating world class physicians and scientists, sponsoring cutting edge medical research, and providing highly specialized clinical care; and

(3) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the Feinberg School of Medicine for appropriate display.

Mr. BURRIS. Mr. President, 150 years ago, a group of outstanding doctors assembled to establish a new medical school, which would offer the first graded medical curriculum in the history of the U.S.

This medical college eventually became a part of the world-renowned Northwestern University—located just outside of Chicago, IL—and grew to become one of the most prominent medical schools in the Nation.

Today, it is known as the Feinberg School of Medicine, and it stands at the forefront of education, research, clinical care, and many related fields.

Today I am proud to join the students, faculty and staff of the Feinberg School in celebrating 150 years of excellence.

Thanks to their fine work and their lasting commitment to the highest standards of medical care, thousands of lives have been saved.

Countless patients have received high-quality treatment from some of the most skilled caregivers in the medical profession.

At the same time, the Feinberg School has prepared the next generation of leaders, innovators, and researchers, who will shape the course of healthcare in this country for generations to come.

I would ask my colleagues to join with me in celebrating the hundred and fiftieth anniversary of this outstanding institution, which is located in my home state of Illinois.

Along with my good friend Senator DURBIN, I am proud to offer a Senate Resolution to mark this momentous occasion, and to shine a spotlight on one of the finest medical schools in the United States.

As we are all well aware, health care is one of the most important issues in America today.

But quite apart from the contentious debate that continues to capture so much national attention, it is vital to recognize the exemplary work of institutions such as this one.

I invite my colleagues on both sides of the aisle to come together to recognize the tremendous track record of the Feinberg School of Medicine, and their continuing contributions to health care services.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3302. Mr. CONRAD (for himself and Mr. GREGG) proposed an amendment to amendment SA 3299 proposed by Mr. BAUCUS (for Mr. REID) to the joint resolution H.J. Res. 45, Official Title Not Available.

TEXT OF AMENDMENTS

SA 3302. Mr. CONRAD (for himself and Mr. GREGG) proposed an amend-

ment to amendment SA 3299 proposed by Mr. BAUCUS (for Mr. REID) to the joint resolution H.J. Res. 45, Official Title Not Available; as follows:

At the appropriate place, insert the following:

SEC. ____ . BIPARTISAN TASK FORCE FOR RESPONSIBLE FISCAL ACTION ACT OF 2010.

(a) **SHORT TITLE.**—This section may be cited as the ‘‘Bipartisan Task Force for Responsible Fiscal Action Act of 2010’’.

(b) **ESTABLISHMENT OF TASK FORCE.**—Title III of the Congressional Budget Act of 1974 (2 U.S.C. 631 et seq.) is amended by adding at the end the following new section:

‘‘ESTABLISHMENT OF TASK FORCE FOR RESPONSIBLE FISCAL ACTION

‘‘SEC. 316. (a) **DEFINITIONS.**—In this section:

‘‘(1) **TASK FORCE.**—The term ‘Task Force’ means the Bipartisan Task Force for Responsible Fiscal Action established under subsection (b)(1).

‘‘(2) **TASK FORCE BILL.**—The term ‘Task Force bill’ means a bill consisting of the proposed legislative language of the Task Force recommended under subsection (b)(3)(B) and introduced under subsection (e)(1).

‘‘(3) **FISCAL IMBALANCE.**—The term ‘fiscal imbalance’ means the gap between the projected revenues and expenditures of the Federal Government.

‘‘(b) **ESTABLISHMENT OF TASK FORCE.**—

‘‘(1) **ESTABLISHMENT.**—There is established in the legislative branch a task force to be known as the ‘Bipartisan Task Force for Responsible Fiscal Action’.

‘‘(2) **PURPOSES.**—

‘‘(A) **REVIEW.**—The Task Force shall review the fiscal imbalance of the Federal Government, including—

‘‘(i) analyses of projected Federal expenditures;

‘‘(ii) analyses of projected Federal revenues; and

‘‘(iii) analyses of the current and long-term actuarial financial condition of the Federal Government.

‘‘(B) **IDENTIFY FACTORS.**—The Task Force shall identify factors that affect the long-term fiscal imbalance of the Federal Government.

‘‘(C) **ANALYZE POTENTIAL COURSES OF ACTION.**—The Task Force shall analyze potential courses of action to address factors that affect the long-term fiscal imbalance of the Federal Government.

‘‘(D) **PROVIDE RECOMMENDATIONS AND LEGISLATIVE LANGUAGE.**—The Task Force shall provide recommendations and legislative language that will significantly improve the long-term fiscal imbalance of the Federal Government, which—

‘‘(i) may include recommendations addressing—

‘‘(I) Federal expenditures;

‘‘(II) Federal revenues; and

‘‘(III) the current and long-term actuarial financial condition of the Federal Government; and

‘‘(ii) may not make recommendations modifying the Standing Rules of the Senate.

‘‘(3) **DUTIES.**—

‘‘(A) **IN GENERAL.**—The Task Force shall address the Nation’s long-term fiscal imbalances, consistent with the purposes described in paragraph (2), and shall submit the report and recommendations required under subparagraph (B).

‘‘(B) **REPORT, RECOMMENDATIONS, AND LEGISLATIVE LANGUAGE.**—

‘‘(i) **IN GENERAL.**—Not earlier than November 3, 2010, and not later than November 9, 2010, the Task Force shall vote on a report that contains—

‘‘(I) a detailed statement of the findings, conclusions, and recommendations of the Task Force;

“(II) the assumptions, scenarios, and alternatives considered in reaching such findings, conclusions, and recommendations; and

“(III) proposed legislative language to carry out such recommendations as described in paragraph (2)(D).

“(ii) APPROVAL OF REPORT.—The report of the Task Force submitted under clause (i) shall require the approval of not fewer than 14 of the 18 members of the Task Force.

“(iii) ADDITIONAL VIEWS.—A member of the Task Force who gives notice of an intention to file supplemental, minority, or additional views at the time of final Task Force approval of the report under clause (ii), shall be entitled to not less than 3 calendar days in which to file such views in writing with the staff director of the Task Force. Such views shall then be included in the Task Force report and printed in the same volume, or part thereof, and their inclusion shall be noted on the cover of the report. In the absence of timely notice, the Task Force report may be printed and transmitted immediately without such views.

“(iv) TRANSMISSION OF REPORT.—No later than November 15, 2010, the Task Force shall submit the Task Force bill and final report to the President, the Vice President, the Speaker of the House, and the Majority and Minority Leaders of both Houses.

“(v) REPORT TO BE MADE PUBLIC.—Upon the approval or disapproval of the Task Force report pursuant to clause (ii), the Task Force shall promptly make the full report, and a record of the vote, available to the public.

“(4) MEMBERSHIP.—

“(A) IN GENERAL.—The Task Force shall be composed of 18 members designated pursuant to subparagraph (B).

“(B) DESIGNATION.—Members of the Task Force shall be designated as follows:

“(i) The President shall designate 2 members, one of whom shall be the Secretary of the Treasury, and the other of whom shall be an officer of the executive branch.

“(ii) The majority leader of the Senate shall designate 4 members from among Members of the Senate.

“(iii) The minority leader of the Senate shall designate 4 members from among Members of the Senate.

“(iv) The Speaker of the House of Representatives shall designate 4 members from among Members of the House of Representatives.

“(v) The minority leader of the House of Representatives shall designate 4 members from among Members of the House of Representatives.

“(C) CO-CHAIRS.—

“(i) IN GENERAL.—There shall be 2 Co-Chairs of the Task Force. The President, majority leader of the Senate, and Speaker of the House shall designate one Co-Chair among the members of the Task Force. The minority leader of the Senate and minority leader of the House shall designate the second Co-Chair among the members of the Task Force. The Co-Chairs shall be appointed not later than 14 days after the date of enactment of this section.

“(ii) STAFF DIRECTOR.—The Co-Chairs, acting jointly, shall hire the staff director of the Task Force.

“(D) DATE.—Members of the Task Force shall be designated by not later than 14 days after the date of enactment of this section.

“(E) PERIOD OF DESIGNATION.—Members shall be designated for the life of the Task Force. Any vacancy in the Task Force shall not affect its powers, but shall be filled not later than 14 days after the date on which the vacancy occurs in the same manner as the original designation.

“(F) COMPENSATION.—Members of the Task Force shall serve without any additional compensation for their work on the Task

Force. However, members may be allowed travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code, while away from their homes or regular places of business in performance of services for the Task Force.

“(5) ADMINISTRATION.—

“(A) AUTHORITY TO ESTABLISH RULES AND REGULATIONS.—The Co-Chairs, in consultation with the other members of the Task Force, may establish rules and regulations for the conduct of Task Force business, if such rules and regulations are not inconsistent with this section or other applicable law.

“(B) QUORUM.—Fourteen members of the Task Force shall constitute a quorum for purposes of voting, meeting, and holding hearings.

“(C) VOTING.—

“(i) PROXY VOTING.—No proxy voting shall be allowed on behalf of the members of the Task Force.

“(ii) REPORT, RECOMMENDATIONS AND LEGISLATIVE LANGUAGE.—

“(I) DATES.—The Task Force may not vote on any version of the report, recommendations, or legislative language before the timing provided for in paragraph (3)(B)(i).

“(II) CONGRESSIONAL BUDGET OFFICE AND JOINT COMMITTEE ON TAXATION ESTIMATES.—The Congressional Budget Office and Joint Committee on Taxation shall provide estimates of the Task Force report and recommendations (as described in subsection (b)(2)(D)) in accordance with section 308(a) and 201(f) of the Congressional Budget Act of 1974. The Task Force may not vote on any version of the report, recommendations, or legislative language unless a final estimate is available for consideration by all the members at least 72 hours prior to the vote.

“(D) MEETINGS.—

“(i) INITIAL MEETING.—Not later than 45 days after the date of enactment of this section, the Task Force shall hold its first meeting.

“(ii) MEETINGS.—The Task Force shall meet at the call of the Co-Chairs or at least 10 of its members.

“(iii) AGENDA.—An agenda shall be provided to the Task Force members at least 1 week in advance of any meeting. Task Force members who want to have items placed on the agenda for consideration shall notify the staff director as early as possible, but not less than 48 hours in advance of a scheduled meeting.

“(E) HEARINGS.—

“(i) IN GENERAL.—Subject to subparagraph (G), the Task Force may, for the purpose of carrying out this section, hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths the Task Force considers advisable.

“(ii) HEARING PROCEDURES AND RESPONSIBILITIES OF CO-CHAIRS.—

“(I) ANNOUNCEMENT.—The Task Force Co-Chairs shall make public announcement of the date, place, time, and subject matter of any hearing to be conducted at least 1 week in advance of such hearing, unless the Co-Chairs determine that there is good cause to begin such hearing at an earlier date.

“(II) WRITTEN STATEMENT.—A witness appearing before the Task Force shall file a written statement of proposed testimony at least 2 days prior to appearance, unless the requirement is waived by the Co-Chairs, following their determination that there is good cause for failure of compliance.

“(F) TECHNICAL ASSISTANCE.—Upon written request of the Co-Chairs, a Federal agency shall provide technical assistance to the Task Force in order for the Task Force to carry out its duties.

“(G) INFORMATION.—

“(i) RESOURCES.—

“(I) IN GENERAL.—Notwithstanding section 1108 of title 31, United States Code, the Task Force shall have authority to access assistance, materials, resources, statistical data, and other information the Task Force determines to be necessary to carry out its duties directly from an officer or employee of any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, including the Library of Congress, the Chief Actuary of the Social Security Administration, the Chief Actuary of the Centers for Medicare & Medicaid Services, the Congressional Budget Office, the Department of the Treasury, the Department of Health and Human Services, the Office of Management and Budget, the Government Accountability Office, and the Joint Committee on Taxation. Each agency or instrumentality shall, to the extent permitted by law, furnish such information to the Task Force upon written request of the Co-Chairs.

“(II) COPIES SUPPLIED.—Copies of written requests and all written or electronic responses provided under this clause shall be provided to the staff director and shall be made available for review by all members of the Task Force upon request.

“(ii) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION OF INFORMATION.—Information shall only be received, handled, stored, and disseminated by members of the Task Force and its staff consistent with all applicable statutes, regulations, and Executive orders.

“(iii) LIMITATION OF ACCESS TO TAX INFORMATION.—Information accessed under this subparagraph shall not include tax data from the United States Internal Revenue Service, the release of which would otherwise be in violation of law.

“(H) POSTAL SERVICES.—The Task Force may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

“(I) ASSISTANCE FROM FEDERAL AGENCIES.—

“(i) GENERAL SERVICES ADMINISTRATION.—Upon the request of the Co-Chairs of the Task Force, the Administrator of General Services shall provide to the Task Force, on a reimbursable basis, the administrative support services necessary for the Task Force to carry out its responsibilities under this section. These administrative services may include human resources management, budget, leasing, accounting, and payroll services.

“(ii) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in clause (i), departments and agencies of the United States may provide to the Task Force such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

“(J) CONTRACT AUTHORITY.—The Task Force is authorized to enter into contracts with Federal and State agencies, private firms, institutions, and individuals for the conduct of activity necessary to the discharge of its duties and responsibilities. A contract, lease, or other legal agreement entered into by the Task Force may not extend beyond the date of the termination of the Task Force.

“(C) STAFF OF TASK FORCE.—

“(1) APPOINTMENT AND COMPENSATION OF SHARED STAFF.—The Co-Chairs may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Task Force to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, but at rates not to exceed the daily rate paid a person occupying a position at

level III of the Executive Schedule under section 5314 of title 5, United States Code.

“(2) ADDITIONAL STAFF FOR TASK FORCE MEMBERS.—Each member of the Task Force may appoint up to 2 additional dedicated staff and fix the compensation of such dedicated personnel without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, but at rates not to exceed the daily rate paid a person occupying a position at level III of the Executive Schedule under section 5314 of title 5, United States Code. Dedicated staff shall report to each appointing member.

“(3) PERSONNEL AS FEDERAL EMPLOYEES.—

“(A) IN GENERAL.—The staff director and any personnel of the Task Force who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

“(B) MEMBERS OF TASK FORCE.—Subparagraph (A) shall not be construed to apply to members of the Task Force.

“(4) OUTSIDE CONSULTANTS.—No outside consultants or other personnel, either by contract, detail, volunteer, or through a remunerative agreement, may be hired without the approval of the Co-Chairs.

“(5) DETAILEES.—With the approval of the Co-Chairs any Federal Government employee may be detailed to the Task Force with or without reimbursement from the Task Force, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption. Reimbursable amounts may include the fair value of equipment and supplies used by the detailee in support of the Task Force’s activities. For the purpose of this paragraph, Federal Government employees shall include employees of the legislative branch.

“(6) CONSULTANT SERVICES.—The Co-Chairs of the Task Force are authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level III of the Executive Schedule under section 5316 of title 5, United States Code.

“(7) TEMPORARY AND INTERMITTENT SERVICES.—The Co-Chairs of the Task Force may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level III of the Executive Schedule under section 5316 of that title.

“(8) VOLUNTEER SERVICES.—

“(A) IN GENERAL.—Notwithstanding the provisions of section 1342 of title 31, United States Code, the Co-Chairs of the Task Force are authorized to accept and utilize the services of volunteers serving without compensation. The Task Force may reimburse such volunteers for local travel and office supplies, and for other travel expenses, including per diem in lieu of substance, as authorized by section 5703 of title 5, United States Code.

“(B) EMPLOYEE STATUS.—A person providing volunteer services to the Task Force shall be considered an employee of the Federal Government in the performance of those services for the purposes of Chapter 81 of title 5, United States Code, relating to compensation for work-related injuries, chapter 171 of title 28, United States Code, relating to tort claims and chapter 11 of title 18, United States Code, relating to conflicts of interests.

“(C) ETHICAL GUIDELINES FOR STAFF.—In the absence of statutorily defined coverage, the staff, including staff director, shall follow the ethical rules and guidelines of the Senate. Staff coming from the private sector

or outside public government may petition the Co-Chairs for a waiver from provisions of Senate Ethics rules.

“(9) ADVISORY PANEL.—The Task Force may establish an advisory panel consisting of volunteers with knowledge and expertise relevant to the Task Force’s purpose. Membership of the Advisory Panel, and the scope of the Panel’s activities, shall be decided by the Co-Chairs in consultation with the other members of the Task Force.

“(d) TERMINATION.—

“(1) IN GENERAL.—The Task Force shall terminate on the date that is 90 days after the Task Force submits the report required under paragraph (b)(3)(B).

“(2) CONCLUDING ACTIVITIES.—The Task Force may use the 90-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its report and disseminating the final report.

“(e) EXPEDITED CONSIDERATION OF TASK FORCE RECOMMENDATIONS.—

“(1) INTRODUCTION.—

“(A) RECONVENING.—

“(1) IN THE HOUSE OF REPRESENTATIVES.—Upon receipt of a report under subsection (b)(3)(B), the Speaker, if the House would otherwise be adjourned, shall notify the Members of the House that, pursuant to this section, the House shall convene not later than November 23, 2010.

“(ii) IN THE SENATE.—

“(I) CONVENING.—Upon receipt of a report under subsection (b)(3)(B), if the Senate has adjourned or recessed for more than 2 days, the majority leader of the Senate, after consultation with the minority leader of the Senate, shall notify the Members of the Senate that, pursuant to this section, the Senate shall convene not later than November 23, 2010.

“(II) ADJOURNING.—No concurrent resolution adjourning the Senate for more than 3 days shall be in order until the Senate votes on passage of the Task Force bill under paragraph (2)(B)(iv).

“(B) INTRODUCTION OF TASK FORCE BILL.—The proposed legislative language contained in the report submitted pursuant to subsection (b)(3)(B), upon receipt by the Congress, shall be introduced not later than November 23, 2010, in the Senate and in the House of Representatives by the majority leader of each House of Congress, for himself, the minority leader of each House of Congress, for himself, or any member of the House designated by the majority leader or minority leader. If the Task Force bill is not introduced in accordance with the preceding sentence in either House of Congress, then any Member of that House may introduce the Task Force bill on any day thereafter. Upon introduction, the Task Force bill shall be referred to the appropriate committees under subparagraph (C).

“(C) COMMITTEE CONSIDERATION.—A Task Force bill introduced in either House of Congress shall be jointly referred to the committee or committees of jurisdiction and the Committee on the Budget of that House, which committees shall report the bill without any revision and with a favorable recommendation, an unfavorable recommendation, or without recommendation, not later than 7 calendar days after the date of introduction of the bill in that House, or the first day thereafter on which that House is in session. If any committee fails to report the bill within that period, that committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.

“(2) EXPEDITED PROCEDURES.—

“(A) FAST TRACK CONSIDERATION IN HOUSE OF REPRESENTATIVES.—

“(i) PROCEEDING TO CONSIDERATION.—It shall be in order, not later than 2 days of session after the date on which a Task Force bill is reported or discharged from all committees to which it was referred, for the majority leader of the House of Representatives or the majority leader’s designee, to move to proceed to the consideration of the Task Force bill. It shall also be in order for any Member of the House of Representatives to move to proceed to the consideration of the Task Force bill at any time after the conclusion of such 2-day period. All points of order against the motion are waived. Such a motion shall not be in order after the House has disposed of a motion to proceed on the Task Force bill. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. The motion shall not be debatable. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

“(ii) CONSIDERATION.—The Task Force bill shall be considered as read. All points of order against the Task Force bill and against its consideration are waived. The previous question shall be considered as ordered on the Task Force bill to its passage without intervening motion except 100 hours of debate equally divided and controlled by the proponent and an opponent, and any motion to limit debate. A motion to reconsider the vote on passage of the Task Force bill shall not be in order.

“(iii) APPEALS.—Appeals from decisions of the chair relating to the application of the Rules of the House of Representatives to the procedure relating to a Task Force bill shall be decided without debate.

“(iv) APPLICATION OF HOUSE RULES.—Except to the extent specifically provided in paragraph (2)(A), consideration of a Task Force bill shall be governed by the Rules of the House of Representatives. It shall not be in order in the House of Representatives to consider any Task Force bill introduced pursuant to the provisions of this subsection under a suspension of the rules pursuant to Clause 1 of House Rule XV, or under a special rule reported by the House Committee on Rules.

“(v) NO AMENDMENTS.—No amendment to the Task Force bill shall be in order in the House of Representatives.

“(vi) VOTE ON PASSAGE.—Immediately following the conclusion of consideration of the Task Force bill, the vote on passage of the Task Force bill shall occur without any intervening action or motion, requiring an affirmative vote of three-fifths of the Members, duly chosen and sworn. If the Task Force bill is passed, the Clerk of the House of Representatives shall cause the bill to be transmitted to the Senate before the close of the next day of session of the House. The vote on passage shall occur not later than December 23, 2010.

“(vii) VOTE.—The House Committee on Rules may not report a rule or order that would have the effect of causing the Task Force bill to be approved by a vote of less than three-fifths of the Members, duly chosen and sworn.

“(B) FAST TRACK CONSIDERATION IN SENATE.—

“(i) IN GENERAL.—Notwithstanding Rule XXII of the Standing Rules of the Senate, it is in order, not later than 2 days of session after the date on which a Task Force bill is reported or discharged from all committees to which it was referred, for the majority leader of the Senate or the majority leader’s designee to move to proceed to the consideration of the Task Force bill. It shall also be in order for any Member of the Senate to move to proceed to the consideration of the

Task Force bill at any time after the conclusion of such 2-day period. A motion to proceed is in order even though a previous motion to the same effect has been disagreed to. All points of order against the motion to proceed to the Task Force bill are waived. The motion to proceed is not debatable. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the Task Force bill is agreed to, the Task Force bill shall remain the unfinished business until disposed of.

“(ii) DEBATE.—All points of order against the Task Force bill and against consideration of the Task Force bill and of all debatable motions and appeals in connection therewith shall not exceed a total of 100 hours. Debate shall be divided equally between the Majority and Minority Leaders or their designees. A motion further to limit debate on the Task Force bill is in order, shall require an affirmative vote of three-fifths of the Members duly chosen and sworn, and is not debatable. Any debatable motion or appeal is debatable for not to exceed 1 hour, to be divided equally between those favoring and those opposing the motion or appeal. All time used for consideration of the Task Force bill, including time used for quorum calls and voting, shall be counted against the total 100 hours of consideration.

“(iii) NO AMENDMENTS.—An amendment to the Task Force bill, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the Task Force bill, is not in order.

“(iv) VOTE ON PASSAGE.—The vote on passage shall occur immediately following the conclusion of the debate on a Task Force bill, and a single quorum call at the conclusion of the debate if requested. Passage shall require an affirmative vote of three-fifths of the Members, duly chosen and sworn. The vote on passage shall occur not later than December 23, 2010.

“(v) ADJOURNMENT.—If, by December 23, 2010, either House has failed to adopt a motion to proceed to the Task Force bill, paragraph (1)(A)(ii)(II) shall not apply.

“(vi) RULINGS OF THE CHAIR ON PROCEDURE.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate, as the case may be, to the procedure relating to a Task Force bill shall be decided without debate.

“(C) RULES TO COORDINATE ACTION WITH OTHER HOUSE.—

“(i) REFERRAL.—If, before the passage by 1 House of a Task Force bill of that House, that House receives from the other House a Task Force bill, then the Task Force bill of the other House shall not be referred to a committee and shall immediately be placed on the calendar.

“(ii) PROCEDURE.—If the Senate receives the Task Force bill passed by the House of Representatives before the Senate has voted on passage of the Task Force bill—

“(I) the procedure in the Senate shall be the same as if no Task Force bill had been received from House of Representatives; and

“(II) the vote on passage in the Senate shall be on the Task Force bill of the House of Representatives.

“(iii) TREATMENT OF TASK FORCE BILL OF OTHER HOUSE.—If 1 House fails to introduce or consider a Task Force bill under this section, the Task Force bill of the other House shall be entitled to expedited floor procedures under this section.

“(iv) TREATMENT OF COMPANION MEASURES IN THE SENATE.—If following passage of the Task Force bill in the Senate, the Senate then receives the Task Force bill from the House of Representatives, the House-passed

Task Force bill shall not be debatable. The vote on passage of the Task Force bill in the Senate shall be considered to be the vote on passage of the Task Force bill received from the House of Representatives.

“(v) VETOES.—If the President vetoes the Task Force bill, debate on a veto message in the Senate under this section shall be 1 hour equally divided between the majority and minority leaders or their designees.

“(3) SUSPENSION.—No motion to suspend the application of this subsection shall be in order in the Senate or in the House of Representatives.”

(c) FUNDING.—From the amounts appropriated or made available and remaining unobligated under Division A (other than under title X of Division A) of the American Recovery and Reinvestment Act of 2009 (Pub. Law 111-5), there is rescinded pro rata an aggregate amount equal to \$9,000,000, which amount shall be made available without need for further appropriation to the Bipartisan Task Force for Responsible Fiscal Action to carry out the purposes of the Bipartisan Task Force for Responsible Fiscal Action, and which shall remain available through fiscal year 2011. Not later than 14 days after the date of enactment of this section, the Director of the Office of Management and Budget shall administer the rescission and make available such amount to the Bipartisan Task Force for Responsible Fiscal Action.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, February 9, 2009, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the U.S. Department of Energy's Loan Guarantee Program.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to Abigail_Campbell@energy.senate.gov.

For further information, please contact Mike Carr at (202) 224-8164 or Abigail Campbell at (202) 224-1219.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on January 21, 2010, at 9:30 a.m.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Com-

mittee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on January 21, 2010, at 9:30 a.m.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on January 21, 2010, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on January 21, 2010, at 3 p.m., to hold a hearing entitled “Civilian Strategy for Afghanistan: A Status Report in Advance of the London Conference.”

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

COMMITTEE ON THE JUDICIARY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on January 21, 2010, at 10 a.m. in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

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

EAST ASIA SUBCOMMITTEE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on January 21, 2010, at 10 a.m., to hold an East Asia subcommittee hearing entitled “Principles of U.S. Engagement in Asia.”

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on January 21, 2010 at 2:30 p.m.

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

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Mr. President, on behalf of Mr. DODD, I ask unanimous consent that Deborah Katz, a member of his staff, be granted the privilege of the floor for the duration of the consideration of H.J. Res. 45.

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

WASHINGTON METROPOLITAN AREA TRANSIT REGULATION COMPACT AMENDMENTS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further

consideration of S.J. Res. 25 and the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 25) granting the consent and approval of Congress to amendments made by the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact.

The PRESIDING OFFICER. Without objection, the committee is discharged.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. DORGAN. Mr. President, I ask unanimous consent that the joint resolution be read a third time and passed, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the measure be printed in the RECORD.

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

The joint resolution (S.J. Res. 25) was ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 25

Whereas the State of Maryland, the Commonwealth of Virginia, and the District of Columbia entered into the Washington Metropolitan Area Transit Regulation Compact in 1960 with the consent of Congress in Public Law No. 86-794, 74 Stat. 1031;

Whereas the State of Maryland, the Commonwealth of Virginia, and the District of Columbia amended titles I and II of the Compact in 1962 and 1990 with the consent of Congress in Public Law No. 87-767, 76 Stat. 764, and Public Law No. 101-505, 104 Stat. 1300, respectively;

Whereas legislation enacted by the State of Maryland (2008 Md. Laws c. 32 and 2009 Md. Laws c. 76) the Commonwealth of Virginia (2007 Va. Acts c. 378 and 2009 Va. Acts c. 540) and the District of Columbia (D.C. Act 17-622) contain amendments to article III of title I of the Compact regarding appointment of members to the Washington Metropolitan Area Transit Commission; and

Whereas the consent of Congress is required in order to implement such amendments: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONSENT OF CONGRESS TO COMPACT AMENDMENTS.

(a) CONSENT.—Consent of Congress is given to the amendments of the State of Maryland, the amendments of the Commonwealth of Virginia, and the amendments of the District of Columbia to article III of title I of the Washington Metropolitan Area Transit Regulation Compact.

(b) AMENDMENTS.—The amendments referred to in subsection (a) are substantially as follows:

(1) Section 1(a) is amended to read as follows:

“(a) The Commission shall be composed of 3 members, 1 member appointed by the Governor of Virginia from the Department of

Motor Vehicles of the Commonwealth of Virginia, 1 member appointed by the Governor of Maryland from the Maryland Public Service Commission, and 1 member appointed by the Mayor of the District of Columbia from a District of Columbia agency with oversight of matters relating to the Commission.”

(2) Section 1 is amended by inserting at the end the following:

“(d) An amendment to section 1(a) of this article shall not affect any member in office on the amendment’s effective date.”

SEC. 2. RIGHT TO ALTER, AMEND, OR REPEAL.

The right to alter, amend, or repeal this Act is expressly reserved.

SEC. 3. CONSTRUCTION AND SEVERABILITY.

It is intended that the provisions of this compact shall be reasonably and liberally construed to effectuate the purposes thereof. If any part or application of this compact, or legislation enabling the compact, is held invalid, the remainder of the compact or its application to other situations or persons shall not be affected.

SEC. 4. INCONSISTENCY OF LANGUAGE.

The validity of these amendments to the compact shall not be affected by any insubstantial differences in its form or language as adopted by the State of Maryland, Commonwealth of Virginia and District of Columbia.

SEC. 5. EFFECTIVE DATE.

This Act shall take effect on the date of enactment of this Act.

RECOGNIZING THE 25TH ANNIVERSARY OF THE ENACTMENT OF THE VICTIMS OF CRIME ACT OF 1984

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 391 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 391) recognizing the 25th anniversary of the enactment of the Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.) and the substantial contributions to the Crime Victims Fund made through the criminal prosecutions conducted by United States Attorneys’ offices and other components of the Department of Justice.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DORGAN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 391) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 391

Whereas the Victims of Crime Act of 1984 had its 25th anniversary in 2009;

Whereas for 25 years, the Victims of Crime Act of 1984 has provided funds to States for victim assistance and compensation programs to support victims of crime and those affected by violent crimes;

Whereas the Victims of Crime Act of 1984 enables approximately 4,400 community-based public and private programs to offer

services to victims of crime, including crisis intervention, counseling, guidance, legal advocacy, and transportation shelters;

Whereas the Victims of Crime Act of 1984 provides assistance and monetary support to over 4,000,000 victims of crime each year;

Whereas the Crime Victims Fund established under the Victims of Crime Act of 1984 provides direct services to victims of sexual assault, domestic violence, child abuse, survivors of homicide victims, elderly victims of abuse or neglect, victims of drunk drivers, and other such crimes;

Whereas in 2008, with financial support from the Victims of Crime Act of 1984, State crime victim compensation programs paid a total of \$432,000,000 to 151,643 victims of violent crime;

Whereas since the establishment of the Crime Victims Fund in 1984, non-taxpayer offender-generated funds deposited into the Crime Victims Fund have been used to provide almost \$7,500,000,000 to State crime victim assistance programs and State crime victim compensation programs;

Whereas the Victims of Crime Act of 1984 also supports services to victims of Federal crimes, by providing funds for victims and witness coordinators in United States Attorneys’ offices, Federal Bureau of Investigation victim-assistance specialists, and the Federal Victim Notification System; and

Whereas the Victims of Crime Act of 1984 also supports important improvements in the victim services field through grants for training and technical assistance and evidence-based demonstration projects: Now, therefore, be it

Resolved, That the Senate recognizes—

(1) the 25th anniversary of the enactment of the Victims of Crime Act of 1984 (42 U.S.C. 10601 et seq.); and

(2) the substantial contributions to the Crime Victims Fund made through the criminal prosecutions conducted by United States Attorneys’ offices and other components of the Department of Justice.

EXPRESSING THE SENSE OF THE SENATE ON THE HUMANITARIAN CATASTROPHE CAUSED BY THE JANUARY 12, 2010, EARTHQUAKE IN HAITI

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 392 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 392) expressing the sense of the Senate on the humanitarian catastrophe caused by the January 12, 2010 earthquake in Haiti.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DORGAN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening actions or debate, and that any statements related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 392) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 392

Whereas, on January 12, 2010, an earthquake measuring 7.0 on the Richter scale and its aftershocks devastated Port-au-Prince, Haiti and the surrounding areas, killing potentially 100,000 people, injuring hundreds of thousands more people, and leaving many hundreds of thousands of people homeless;

Whereas Haiti, which is the poorest country in the Western Hemisphere, has an estimated 54 percent of its population living on less than \$1 per day, 120,000 people living with HIV, 29,333 new cases of Tuberculosis reported in 2007, and nearly 400,000 children living in orphanages;

Whereas, despite the heroic efforts of the Haitian people and the support of the international community, Haiti remains seriously weakened by prior natural disasters, including an unprecedented string of devastating tropical storms in 2008 that left almost 500 Haitians dead and affected hundreds of thousands more people during an acute food crisis;

Whereas these disasters have grievously undermined Haiti's struggle to rebuild its infrastructure and to restore critical services related to health, education, poverty, and hunger to create effective governmental and nongovernmental institutions;

Whereas Haiti has struggled for many years to overcome systemic threats to public health and shortages of food, potable water, and cooking fuel, significant environmental degradation, and political and economic fragility;

Whereas, on January 13, 2010, President Obama stated, "I have directed my administration to respond with a swift, coordinated, and aggressive effort to save lives. The people of Haiti will have the full support of the United States in the urgent effort to rescue those trapped beneath the rubble, and to deliver the humanitarian relief—the food, water, and medicine—that Haitians will need in the coming days.";

Whereas on January 13, 2010, Rajiv Shah, the Director of the United States Agency for International Development stated that the United States Government is "working aggressively and in a highly coordinated way across the Federal Government to bring all of the assets and capacities we have to bear to quickly and effectively provide as much assistance as possible.";

Whereas, on January 14, 2010, President Obama pledged \$100,000,000 in immediate assistance to the people of Haiti, and dispatched the 82nd Airborne Division, a Marine Expeditionary Unit, the USS Carl Vinson, the USS Bataan, the United States Navy hospital ship, the USS Comfort, and several Disaster Assistant Response Teams, to aid in relief efforts;

Whereas the international community, which has generously provided security, development, and humanitarian assistance to Haiti, has suffered a substantial blow during the earthquake with the collapse of the headquarters of the United Nations Stabilization Mission in Haiti with approximately 150 staff members inside, including the head of the mission, Hédi Annabi, representing the largest single loss of life in United Nations history; and

Whereas, despite the aforementioned losses, the United Nations continues to coordinate efforts on the ground in Haiti, and the United Nations Secretary General Ban Ki-Moon has pledged that "the community of nations will unite in its resolve and help Haiti to overcome this latest trauma and begin the work of social and economic reconstruction that will carry this proud nation forward.";

Now, therefore, be it

Resolved, That the Senate—

(1) expresses profound sympathy to, and unwavering support for, the people of Haiti, who have suffered over many years and face catastrophic conditions in the aftermath of the January 12, 2010 earthquake, and sympathy to the members of the international community in Haiti, including the staff of the United States Embassy in Port-au-Prince;

(2) applauds the rapid and concerted mobilization by President Obama to provide immediate emergency humanitarian assistance to Haiti, and the leadership of Secretary of State Clinton, USAID Administrator Shah, and General Fraser of the United States Southern Command in marshaling United States Government resources and personnel to address both the short- and long-term crises in Haiti;

(3) urges that all appropriate efforts be made to secure the safety of Haitian orphans;

(4) urges that all appropriate efforts be made to sustain assistance to Haiti beyond the immediate humanitarian crisis to help the Haitian people with appropriate humanitarian, developmental, and infrastructure assistance needed to overcome the effects of past disasters and the earthquake, and to secure a more stable and sustainable future;

(5) expresses appreciation for the international community's ongoing and renewed commitment to Haiti's security and recovery;

(6) acknowledges the profound sympathy of the people of the United States for the families and colleagues of United Nations officials who lost their lives and the continued support for the peacekeepers who are working around the clock to provide critical humanitarian support for all those affected by the earthquake;

(7) urges all nations to commit to assisting the people of Haiti with their long-term needs; and

(8) expresses support for the United States Embassy team in Port-au-Prince, members of the United States Coast Guard, United States Armed Forces, and other United States Government agencies who are valiantly rescuing thousands of United States citizens and Haitians under extremely adverse conditions.

ORDERS FOR FRIDAY, JANUARY 22, 2010

Mr. DORGAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until Friday, January 22, at 9:30 a.m.; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and that the Senate resume consideration of H.J. Res. 45, the debt limit.

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

PROGRAM

Mr. DORGAN. Mr. President, for the information of Senators, there will be no rollcall votes during tomorrow's session of the Senate.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DORGAN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:11 p.m., adjourned until Friday, January 22, 2010, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be major general

BRIGADIER GENERAL SAMUEL C. HEADY
BRIGADIER GENERAL WILLIAM E. HUDSON
BRIGADIER GENERAL GARY T. MAGONIGLE
BRIGADIER GENERAL JAMES M. MCCORMACK
BRIGADIER GENERAL ALEX D. ROBERTS
BRIGADIER GENERAL GREGORY J. SCHWAB

To be brigadier general

COLONEL CARL F. BESS, JR.
COLONEL GREGORY J. BIERNACKI
COLONEL JAMES C. BLAYDON
COLONEL FRANCIS X. CARILLO
COLONEL DEBORAH L. CARTER
COLONEL ROBERT F. CAYTON
COLONEL WILLIAM J. CRISLER, JR.
COLONEL GREGORY L. FERGUSON
COLONEL JAMES E. FREDREGILL
COLONEL ANTHONY P. GERMAN
COLONEL ANN M. GREENLEE
COLONEL MARK D. HAMMOND
COLONEL RICHARD N. HARRIS, JR.
COLONEL MARK E. JANNITTO
COLONEL LARRY R. KAUFFMAN
COLONEL JON K. KELK
COLONEL DAVID T. KELLY
COLONEL JOHN E. KENT
COLONEL DONALD M. LAGOR
COLONEL MICHAEL E. LOH
COLONEL CONSTANCE C. MCNABB
COLONEL CLAYTON W. MOUSHON
COLONEL PHILLIP E. MURDOCK
COLONEL JOHN E. MURPHY
COLONEL GERALD E. OTTERBEIN
COLONEL MARTIN J. PARK
COLONEL NICHOLAS S. RANTIS
COLONEL ROBERT L. SHANNON, JR.
COLONEL CASSIE A. STROM
COLONEL GREGORY N. STROUD
COLONEL THOMAS A. THOMAS, JR.
COLONEL CAROL A. TIMMONS
COLONEL STEVEN J. VERHELST
COLONEL TONY L. WEST
COLONEL ROBERT S. WILLIAMS
COLONEL MICHAEL A. WOBWEMA

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. WILLIAM D. FRINK, JR.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

ANTHONY N. DILLS
MICHAEL S. DUNKEL
BRADFORD S. GREEN
MICHAEL K. LEE
MICHAEL D. MILLER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

MATTHEW A. BAACK
ANDREW J. BRODER
NICHOLAS J. SABULA
NATE A. TERNING
ROCKY ZACCHEUS

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTION 531 AND 3064:

To be lieutenant colonel

BESS J. PIERCE

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

JANINE G. ALLBRITTON
SCOTT J. PIECEK

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

JUAN G. LOPEZ

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

JERI R. REGAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

ROBIN T. WORCH

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

TYLER E. HARRIS

To be major

PETER R. PURRINGTON
ENRIQUE RIVERA

KELLY A. SUPPLE

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant colonel

SCOTT D. DEBOLT
GLENN E. DEETMAN
SHAUNA M. HAUSER
ERIC A. HOGGARD
RICKY V. KYLES
MICHAEL C. MOLONEY
CHARLES H. NELSON
LUIS D. SOLANO

To be major

YUSHA A. ALI
MARK L. ALLEN
ZAHİ K. BOURJEILI
JOHN A. COFIELD
KEITH G. HARLEY
GEORGE B. INABINET
SCOTT B. JACKSON
TODD S. REED
VICTOR H. SUNDQUIST
OWEN T. WARD
AUDREY D. WILSON

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5582:

To be lieutenant commander

ROLDAN C. MINA

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5589:

To be lieutenant commander

JACOB R. HILL
RODNEY J. NORTON
CARL F. SCHOLLE
WILLIAM R. WOODFIN

WITHDRAWALS

Executive message transmitted by the President to the Senate on January 21, 2010 withdrawing from further Senate consideration the following nominations:

ERROLL G. SOUTHERS, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF HOMELAND SECURITY, VICE EDMUND S. HAWLEY, RESIGNED, WHICH WAS SENT TO THE SENATE ON SEPTEMBER 17, 2009.

JIDE J. ZEITLIN, OF NEW YORK, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS FOR U.N. MANAGEMENT AND REFORM, WITH THE RANK OF AMBASSADOR, WHICH WAS SENT TO THE SENATE ON SEPTEMBER 24, 2009.

JIDE J. ZEITLIN, OF NEW YORK, TO BE ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS FOR U.N. MANAGEMENT AND REFORM, WHICH WAS SENT TO THE SENATE ON SEPTEMBER 24, 2009.

ROSZELL HUNTER, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR A TERM EXPIRING JANUARY 20, 2013, VICE J. JOSEPH GRANDMAISON, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON OCTOBER 1, 2009.