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Senate

The Senate met at 9:31 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

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

Let us pray.

God of peace, Author and Finisher of our faith, You hung the stars in their place and put the planets in their orbit.

Inspire our Senators to commit this day and their lives into Your gracious care. Give them vision to discern their duties and the strength both of heart and resolve to discharge them. May they rededicate themselves to serving those in need, obeying Your command to labor for the least and the lost in our world. Lord, enable our lawmakers to be a credit and not a debit in the ledger of Your providential purposes.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. 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 the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 18, 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 E. 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 MAJORITY LEADER

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

SCHEDULE

Mr. REID. Madam President, following leader remarks, the Senate will proceed to a period of morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each, with the Republicans controlling the first 30 minutes and the majority controlling the second 30 minutes. Following morning business, the Senate will resume consideration of the FAA bill. We will have debate run concurrently until 11:30 a.m., starting with the Sessions-McCaskill amendment and the Pryor amendment, with the time equally divided between Senators SESSIONS and PRYOR or their designees. At 2 p.m., the Senate will vote in relation to those amendments, with Sessions-McCaskill being the first in the sequence. Additional rollcall votes in relation to FAA amendments are expected throughout the day.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period of morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each, with Republicans controlling the first half and the majority controlling the final half.

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

Mr. GREGG. Madam President, I ask unanimous consent that the Republican time be extended to 10:10 a.m.

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

HEALTH CARE

Mr. GREGG. Madam President, I rise with some of my colleagues today to discuss one of the issues that is going to have a huge impact on how this health care issue is resolved or not resolved; that is, the question of what reconciliation is and what it implies relative to the legislative process.

''Reconciliation'' is an arcane term. It is a term that is tied to and created by the Budget Act under which we function in the Congress. It is ironic that the use of reconciliation would become the central effort in buying votes in the House of Representatives in order to pass the big, the giant health care bill, known as the Senate health care bill—which bill, as we all know, expands the size of government by $2.3 trillion and, in fact, we understand now there is a new score from CBO which is going to raise that number even further when it is accurately reflected.

It takes the government and puts it into basically the business of delivering health care in this country in a way that is extraordinarily intrusive and will cost a lot of people who are on private insurance—the insurance they have—which they probably feel fairly comfortable with although it may be very expensive—and it still leaves 23 million Americans uninsured while claiming to do a better job of insuring Americans and improving our health care system when, in fact, what it does

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

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is create massive debt that will be passed on to our children which they cannot and will not be able to afford, explodes the size of government and, in my opinion, will lead to a diminution of quality of care in this country.

The way this big bill, which I outlined in the thumbnail process, is going to be passed in the House of Representatives is to have a trailer bill called a reconciliation bill, which is an art form developed around here relative to the budget process which is supposed to be used for very specific efforts, certainly not for the purpose of buying votes from the liberal constituencies in the House or to pass a bigger bill. But that bill needs to be discussed as to what its implications are.

A number of us have come to the floor of the Senate today to try to explain what the reconciliation bill is and how it has historically been used but what the implications are relative to some of the things in the bigger Senate bill, in the giant bill, the giant spending bill; what the implications of the reconciliation changes in the reconciliation trailer bill will be on the bigger Senate bill, and what the representations that are being made are and whether they are accurate.

Specifically, let's take one issue, and that is what is known as the Cadillac tax. The tax on Cadillac policies, which is the appropriate way to describe this, is a proposal which was in the Senate bill to basically eliminate the deductibility for health insurance policies that exceeded a certain level of cost—$27,000, I believe, is the number. To the extent an insurance policy paid for by an employer exceeds that number in cost, the excess in amount—let's say it costs $32,000 a year for an employer to have an insurance policy for you. That sounds like a lot of money, but actually there are a number that cost that much, especially of union programs. To the extent the difference between the $27,000 and the $30,000 is paid for by your employer, that will no longer be deductible by the employer as an expense. It is done in a more complex way, but that is basically the way it works out.

The effect of that is fairly significant on what is known as the Social Security trust fund because it actually creates a situation where there will be more taxable wages, which will mean that the Social Security trust fund will be getting more tax revenue.

This brings into play the question of whether you can even bring forward language of this type which affects the Social Security trust fund through the taxing of Cadillac policies in a reconciliation bill. I think this needs to be discussed because of a very important issue as to whether the House Members are being told correctly how this will be dealt with in the Senate.

I know my colleague wants to speak to the issue.

Mr. THUNE. Madam President, I ask my colleague, it seems to me, as he described this reconciliation trailer bill that the House will use, first, to try to fix elements of the Senate bill they do not like, and then that reconciliation bill would come back to the Senate, I ask the Senator: Is it not true that the House and Senate already passed their health care bills? Why then is this second vehicle, this reconciliation bill necessary?

It seems to me at least the House, if it were to vote on the Senate-passed bill, that would put into law most of the provisions that are included in that bill. So why is the second process necessary, I ask my colleague from New Hampshire?

Mr. GREGG. It appears that the House Democratic membership is, first, afraid to vote on the bill. They are actually going to ''deem'' this, it appears, versus vote on it, which is an incredible act of political cowardice, in my opinion.

Secondly, they definitely do not want to go to conference. They do not want to do what the traditional process around here calls for. When you have two different bills—a Senate bill and a House bill—we take them to conference and discuss those bills and come out with a final bill. Why don't they want to do that? Because they know they cannot pass the final bill in the Senate. To get around that, they developed this policy of reconciliation as a trailer bill so they will send back the reconciliation bill to be voted on here—not on the big bill, a $2.5 trillion bill. Thus, not only will they avoid a vote in the House on the big bill, they will avoid having to go to conference, and they will have basically bypassed the constitutional process in this manner.

Mr. CORNYN. If the Senator will yield for a question, I have heard this process whereby the House is going to deem the Senate bill passed and then pass a reconciliation bill which will then be sent over to the Senate as Speaker PELOSI is asking Members of the House to hold hands and jump off a political cliff, hoping the Senate will catch them by passing the reconciliation bill unaltered or just in the same form that it passed the House. But is it not true that complications arise in section 313 of the Congressional Budget Act because of the Byrd rule?

We have heard a lot of talk about the Byrd rule, what points of order might be appropriate in the Senate. I wonder if the Senator—he touched on this a moment ago—would explain, with 41 Senators agreeing to sustain all points of order in the Senate, how many different holes can be punched in the reconciliation bill passed by the House when points of order are sustained.

The Senator from New Hampshire mentioned the Cadillac tax. I note that the president of AFL–CIO was visiting with President Obama at the White House on Wednesday seeking further reassurances that the tax on the Cadillac plans would be deferred, and presumably that would be part of the reconciliation bill.

Can the Senator from New Hampshire explain what kind of jeopardy the Byrd rule and points of order call into play that would make it unlikely that the President's promise to defer the tax on union Cadillac plans could pass the Senate?

Mr. GREGG. In order to buy votes, as I understand it, in the House—and this is basically a vote-buying exercise—the reconciliation bill, in order to buy votes, they are going to put changes to the Senate bill in the reconciliation bill, and then send the reconciliation bill back here to be voted on, on the theory that it only takes 51 votes to pass it.

The only problem with that approach is that a reconciliation bill is part of the budget process and has very strict limitations on what can be in it. So much of what they are talking about putting in the reconciliation bill may well be knocked out in the Senate.

For example, the Senator from Texas mentioned the Cadillac tax. If in any way the Cadillac policy tax language impacts Social Security, it will be subject to a point of order. In fact, it will be subject to two points of order in the Senate, and it will take 60 votes to overwhelm that point of order. Therefore, since 41 members of the Republican Party have signed a letter saying we are going to sustain the rules of the Senate, we are going to stand by the laws that govern the Senate, the procedures here, that language will be knocked out.

What is being represented to House Democrats as a way to get their vote, to vote for the big bill which is to change the language relative to the Cadillac policy tax in the smaller bill, the reconciliation bill, that probably will not survive the process and will probably be knocked out on a procedural move, a procedural challenge on the Senate floor because it is inconsistent with the Senate rules.

Mr. CORNYN. If the Senator will allow me another question to clarify a point he made, and then certainly turn to the Senator from South Dakota, the point of order we are talking about, is it true that under section 313(B)(1)(F), that provision, that specific provision could drop out of the bill, but under a separate point of order under section 310(g) of the Congressional Budget Act, it could literally bring down the entire bill? Is that a correct reading of the Congressional Budget Act?

Mr. GREGG. The Senator from Texas understands the rules very well. A 310(g) challenge—to put it in understandable language—is a challenge that says it affects Social Security. The language affects Social Security. If the Cadillac policy tax impacts the Social Security trust fund, which, in my opinion, it does, and the Parliamentarian rules that it does, then the entire bill will fall.

Mr. THUNE. Let me, if I might, explore this a little further with the Senator from New Hampshire and follow up with a question that the Senator from Texas asked.

As I understand this then, the Cadillac tax provisions that were in the

Senate bill—and that bill is now over in the House and going to be voted on—because of the changes that have been proposed to it now, it would delay the implementation of the Cadillac tax. Of course, the Cadillac tax, as the Senator from New Hampshire explained, would cap the amount of health care benefits that would be tax free, essentially, so above and beyond that would then become taxable. There is an assumption made that there would be a shift from health care benefits from employers to cash compensation, which would be taxable and generate more payroll tax revenues. That was the Senate bill as it passed here. The additions or modifications that are being considered in the House would delay the implementation date. Therefore, there is a lot of payroll tax revenue that would be coming in under Social Security that would no longer be realized or at least not be realized until the year 2018, which affects the amount of revenue that would be coming in under the Senate-passed bill, if these changes are adopted.

As I understand what the Senator from New Hampshire is saying, that will impact Social Security revenues. Those are payroll tax revenues, and any changes that are made to Social Security create a violation of the reconciliation process in the Senate—the Byrd rule, as the Senator from Texas referred to—and, therefore, a point of order would lie against that reconciliation bill when it comes back over here.

The majority, I assume, would move to waive that point of order, but what happens if that point of order is not waived? If the majority is not successful in having that point of order waived, what happens to that reconciliation bill, which at that time would be under consideration in the Senate.

Mr. GREGG. Well, there are two points of order available. One is the Byrd point of order. If that were not waived, that section would go out of the bill. So people interested in that section, who used that section as the reason they were justifying voting for the bigger bill, that section would not survive. So they would have been sold a bill of goods.

The second point of order would take down the whole bill, and it would lose its reconciliation protections, which would mean the bill would require 60 votes to pass here. I can absolutely guarantee you it could not get 60 votes to pass. So you could presume the entire reconciliation bill would be dead. Again, people who are relying on the reconciliation bill in the House of Representatives—House Members on the Democratic side who are being told we will fix it in reconciliation—may well be being sold a bill of goods, if it is determined that some of this reconciliation language affects Social Security because it is very likely the entire bill will go down in the Senate because it will violate our Senate rules.

Mr. CORNYN. Following up with what the Senator from New Hampshire is saying by ''being sold a bill of goods,'' is he suggesting the leadership in the House and Speaker PELOSI are guaranteeing to House Members that the bill they pass—the reconciliation bill—will pass the Senate intact and, thus, they will have political cover from their constituents who don't like this bill, but they will be able to shape and affect the final outcome?

Is the Senator from New Hampshire suggesting that because the 41 Senators who have said we will vote against waiving any budget points of order, that there will either be holes punched in that reconciliation bill that will make it impossible for the Speaker to keep her promise to the House Members ultimately or that it will bring down the bill entirely? Is that what the Senator is saying when he talks about selling them a bill of goods?

Mr. GREGG. Essentially, what I am saying is—and the Senator from Texas has certainly put it in context—the only reason they could possibly be using this vehicle, this reconciliation vehicle, this extraordinary process is because they are using it to get people to vote for the bigger bill that they do not like, and they are claiming that bigger bill will be improved by this reconciliation vehicle. Yet it is pretty obvious that the reconciliation vehicle, when it comes over here, is going to be punched through and through with holes because it will violate the rules of the Senate on issues such as this.

Mr. CORNYN. That is particularly true of the promise the President has apparently made to union leadership to defer the application of a Cadillac tax—the excise tax on Cadillac health insurance plans. That promise, as the promise to televise the negotiations and pass the bill on C–SPAN; the promise that if you have a policy you like, you can keep it; the promise that the bill would not raise taxes and the like; that would be another promise that would not be kept—that promise would be broken?

Mr. GREGG. That would be like a ''the check is in the mail'' type promise. I would not take it with a serious grain of salt.

Mr. THUNE. Well, is it possible, I would ask both my colleagues, that the process the House is using—and by the way, this deeming the bill passed seems to be a very curious way of trying to pass legislation of this consequence, which literally impacts one-sixth of our economy and literally impacts every American in a very personal way—is meant to somehow divorce themselves from the accountability or the responsibility that comes with voting for this in the House; therefore, they are going to use this deeming provision that would essentially pass this bill without having to have a recorded voted on it? By the way, I find that incredibly ironic for a legislative body, which is supposed to be about debating and voting on legislation.

But let's assume that happens and they pass the Senate bill and then attach this reconciliation vehicle, which both my colleagues have referred to. Then it comes over here and these points of order that have been raised against the bill, which the Senator from Texas and the Senator from New Hampshire have both referred to—the Byrd point of order and this section 310(g), if that point of order is raised and the Chair sustains it, I guess—or essentially validates that is a valid point of order—there would be a motion to waive it. But this point of order on this extraneous Social Security provision that could be raised against the bill would sink the bill entirely, as I understand what the Senator from New Hampshire is saying. This other—the Byrd rule point of order—would punch holes in it, but it would, in any case, have to go back to the House of Representatives.

So if you are a Member of the House of Representatives, the best you can hope for is that you are going to get a bill back to the House that has a lot of provisions you cared about knocked out. The worst is that it might completely tube that process in the Senate, if this point of order, the Social Security point of order that could be raised against it, is actually not waived by the Senate. Our Republican Senators—41 of us—have signed a letter saying we will oppose waiving points of order that are raised against the reconciliation bill when it gets to the Senate.

I guess my question for my colleagues is: Under that type of scenario, what happens next? Do the House Members who are going to be voting for this, assuming the Senate will fix all these things, then have to have that bill come back? Is there any way in which all these fixes that they hope are going to be eventually attached to the Senate-passed bill will be attached or that these things they hope to fix in this bill are going to be fixed?

It seems to me it is very curious that they are betting on the come, so to speak, and trusting the Senate to fix these things and that is an incredible leap of faith.

Mr. CORNYN. I think the Senator explained it very clearly. Put in this larger context, can you imagine being asked to cast a career-ending vote because the people in your district hate this bill. Yet you are following Speaker PELOSI's instructions to vote for it and defying the wishes of your constituents. Can you imagine doing it in the context where there is so little certainty as to the outcome because of this reconciliation process and the Byrd rule and the points of order we have talked about.

Put that also in the larger context that the Senator mentioned of the deeming of the bill passed. I think that is clearly unconstitutional. Have you ever heard of a bill becoming law that wasn't passed by the House and the Senate? There have been legal scholars who have written this is clearly unconstitutional. I imagine there is going to be months, perhaps years, of litigation,

possibly even going to the U.S. Supreme Court, challenging this bizarre ''Alice in Wonderland'' procedure known as deeming the bill passed. Have you ever heard of such a thing?

Mr. GREGG. The concept where you would take the most important piece of legislation dealing with domestic policy in this country in the last 50 years and not vote on it is an affront to the purpose of a constitutional democracy. We are sent to the Senate to vote on a lot of issues and a lot of them not quite as significant as this one. But if you have the most significant issue you are going to possibly ever have before you, certainly in my career, you would expect that you would want to vote because you would want to express yourself.

I mean, why did you run for this job? Why did you want to serve your constituents if you were not willing to stand on something of this importance?

The ACTING PRESIDENT pro tempore. The hour of 10:10 has arrived.

Mr. GREGG. I thank the Chair, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

HEALTH CARE

Mr. CASEY. Madam President, I wished to review a couple points with regard to where we are on health care. We are at a point now where, of course, we are still awaiting action in the House—the other body, as it is sometimes referred to in the Senate—so we have to allow the House process to take place, and then, of course, we will be taking up health care more directly or more definitively next week.

But I think it is important to put this issue into the context of real people. We have a lot of discussions in the Senate and throughout Washington on process and procedure and numbers and all that, and that is important and relevant, but at the end of the discussion—the old expression ''at the end of the day''—we have to be able to not only talk to the American people, as we have over many months now—in some cases many years—about what this legislation will do, but also we have to be aware of what is concerning a lot of people, a lot of families.

I received a letter in the early part of 2009 from a woman in Pennsylvania who lives in Berks County—kind of the eastern side of our State, just north of Philadelphia, a couple counties north of Philadelphia, Berks County—and the woman who wrote to me, Trisha Urban, is someone whom I have come to know over the past couple years because of the tragedy in her own life which relates directly to health care.

Trisha Urban related to me, in a letter she wrote to me but also in subsequent conversations, her story, which was the subject of a lot of discussion and public notoriety in her home area. I wish to read portions of the letter—not the whole letter but I think the relevant parts of this letter. She talks about her husband, she and her husband having all kinds of trouble with health care, which relates directly to almost every major issue we are talking about. Quoting from her, she said:

> Like many Americans, we have difficulty with our health insurance. My husband had to leave his job for 1 year to complete an internship requirement to complete his doctorate in psychology. The internship was unpaid and we could not afford COBRA.

I will end the quote there for a second. We have had debates for weeks on extending COBRA health insurance to those who are unemployed—a safety net not only for Trisha Urban and her family, at that time, but so many American families—millions of them—especially in the midst of a terrible recession.

Picking back up on her letter:

> Because of preexisting conditions, neither my husband's health issues nor my pregnancy—

She talked earlier in the letter about her pregnancy.

> —would be covered under private insurance. I worked four part-time jobs and was not eligible for any health benefits. We ended up with a second-rate health insurance plan through my husband's university. When medical bills started to add up, the insurance company decided to drop our coverage stating the internship did not qualify us for the benefits.

I will comment on that section. In those few sentences, you have the preexisting condition problem and the ''insurance company dropped our coverage'' problem. This is information we have heard over and over in testimony from real people about what insurance companies in America are doing to these families. They are discriminating against families—legally, apparently, under current law. That is part of why we want to change what has been happening in America, change the law through passage of legislation to deal with the question of protecting families with preexisting conditions.

At long last—we have talked about this issue for decades but certainly in the last couple of years and more intensively in the last couple of months—this opportunity we have, this legislation gives us a chance not just to talk and to pontificate about what is wrong with the system but to act, to vote and to act to change the system to protect families.

Again, we are talking about preexisting conditions, we are talking about people, families who are going to work every day, paying their premiums, doing their part of the agreement they have with an insurance company. Yet, despite paying their premiums, despite doing what they are supposed to do under the current system, they are being denied coverage, they are being discriminated against because they have a preexisting condition or, even more outrageously, their children are being denied coverage because of a preexisting condition.

I have to ask myself—and I think a lot of Americans are asking this question—why do we tolerate this? Why do we go from year to year and say: it is terrible, insurance companies deny people coverage because of preexisting conditions even though they have been paying their premiums; it is terrible that insurance companies drop their coverage; it is terrible that they put limits on the kind of care they will provide, but they will put a dollar limit on it for a year or for a lifetime? That is really terrible, but there is nothing we can do about it.

That is basically what we have been saying for years. We complain about the problem, and no one or not enough people here in Washington are willing to take on the insurance company and say: No, you are not going to do that any longer. We are going to make those practices illegal.

We have a chance, and it is an up-or-down vote situation. We have a chance over the next couple of days—I hope not weeks but certainly the next couple of days—to decide these questions once and for all. We are either going to stand up to insurance companies or we are going to allow them to control people's lives in a way that is insulting to the American people. It is damaging the ability for families to have coverage and to have better health care.

I believe what insurance companies do on these discriminatory practices is harming our economy long term. How can you be a productive worker if you have to worry every day, even though you paid your premium, whether an insurance company can discriminate against you, against your family, and especially against your children?

That is what Tricia Urban was pointing to here, not because it was an issue in Washington but it was an issue in her life, in the life of her husband, and eventually having an impact on her own pregnancy. I pick up the letter again, and I am quoting Tricia Urban again in the letter. She talks about what the costs were for her and for her husband:

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

Meaning less than 1 month prior to February of 2009.

Here is where she begins to close the letter. I am quoting again.

> I am a working class American and do not have the money or the insight to legally fight the health insurance company. We had no life insurance. I will probably lose my home, my car, and everything we worked so hard to accumulate and our life will be gone in an instant.
>
> If my story is heard, if legislation can be changed to help other uninsured Americans in a similar situation, I am willing to pay the price of losing everything.

You might be wondering what happened to her, what happened in her life. Was it just a situation where they got dropped from their coverage? That is bad enough. Is it a situation where they got dropped from coverage and also were denied treatment or care or

coverage because of a preexisting condition? That would be bad enough in and of itself. But, no, the story gets worse from there. She talks about the day when her water broke and she is about to go to the hospital to deliver her baby. The baby's name is Cora—just a little more than a year old now. Here is what she says:

My water had broken the night before, we were anxiously awaiting the birth of our new child. A half-hour later, 2 ambulances were in my driveway. As the paramedics were assessing the health of my baby and me, the paramedic from the other ambulance told me that my husband could not be revived.

She walks out the driveway to get into the car to go to the hospital to deliver her daughter Cora, and she sees her husband dead on the driveway, largely because or maybe exclusively because he missed his doctor's appointment for a heart condition because he was worried about paying for the doctor visit.

This is not some screenplay or some theoretical story; this is real life for people in America. We have to ask ourselves, on both sides of the aisle—our friends on the other side have to ask themselves: Is this good enough? Is this the best America can do, that we have to say sorry to Tricia Urban; sorry that happened to you about a preexisting condition, but we do not have the guts or the ability here in Washington to stand up to insurance companies; sorry you were denied coverage, but it is not going to change; sorry that a doctor's visit might have cost too much at a particularly vulnerable point in your life or the life of your husband; sorry that your husband died, but we don't think we can be responsive to those situations.

Why do we tolerate this? Why do we allow insurance companies to control our lives this way? This is not just another vote in Washington. This is not just some discussion about reconciliation or the House vote and all that other stuff. This is about real life, and in the next couple of days we are either going to stand up to insurance companies or we are not.

I think it is a whole set of questions Tricia Urban is asking. She is asking me, she is asking all the Democrats in this Chamber and all the Republicans.

Then there is another set of questions I have and I think a lot of Americans have for our colleagues on the other side. They say they want health care reform, but they are not willing to support what we are trying to do. You say: OK, if they do not support what you are trying to do, they probably have an alternative plan they have all come together on and worked on for months and they are going to propose that alternative; that is the American way.

They have an idea, we have an idea, we have a debate and vote, and someone wins, right? That is not the case. I am still waiting—we are all still waiting for Republican elected officials in Washington, House or Senate, to tell us what their plan is, to tell us definitively what they really want to do. Do they really want to be responsive to this problem of a preexisting condition? Do they really want to stand up against the insurance companies and say: No, you can't discriminate against families any longer.

Oh, by the way, they are going to do just fine, those insurance companies, because if our bill passes they are going to have 30 to 31 million more Americans covered. So they are going to do just fine. Don't worry about the insurance companies, they will do just fine even if we put a lot of protections in the bill.

We have to ask our Republican friends: You say you care about covering Americans. Our legislation covers more than 30 million; how about you? Their latest proposal covers 3 million Americans. That is not even a serious attempt to cover Americans. We passed a bill last year on children's health insurance where we are going from 4 million children covered and, because President Obama signed the children's health insurance reauthorization into law, we are going up to 7 million. We have already proven we can cover more children with an expansion of an existing program than the other side of the aisle is going to cover in their entire health care plan. But there is not much detail other than that. They say they want to cover 3 million. So it is a choice: Shall we cover 31 million Americans and strengthen our economy and give people the security of health care or give 3 million coverage and pretend that is a serious proposal?

They say they care. They say they care on deficit reduction and controlling costs. Yet they will not support a proposal that at last count reduced the deficit by $130 billion. We are getting new information that is just coming out today from the Congressional Budget Office that number might still remain true from what it was in December—$130 billion of deficit reduction over the first 10 years and in the second 10 years maybe as high as $1 trillion or more. If you care about deficit reduction, then why wouldn't you sign on to something that would provide maybe the most significant deficit reduction in American history in one piece of legislation?

They say they care about Medicare. We have heard that a lot over there. They care about Medicare and all that. Then, when their proposal comes out, they want to have vouchers for Medicare. Is that a serious proposal?

They have to answer some basic questions, and they have to specifically answer the questions Tricia Urban is asking us because Tricia Urban's story is a story we have heard in different forms all over the country, certainly all over Pennsylvania. Maybe not every story has preexisting conditions, limiting coverage, jacking up rates so you can't afford to have coverage, and, tragically, a death in the family. Maybe not every story is that substantial. But we have heard stories over and over.

I also point to our businesses. I ask unanimous consent to have printed in the RECORD an Associated Press—Pittsburgh Tribune Review article from earlier this month, ''Health Tops Pennsylvania Business Woes.''

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

[From the Pittsburgh Tribune-Review]

HEALTH TOPS PENNSYLVANIA BUSINESS WOES

STATE'S SMALL BUSINESSES ALSO SEE THE RECESSION AS A SEVERE OBSTACLE

(By Joe Napsha)

PITTSBURGH.—Pennsylvania's small businesses say rising health care costs, along with the recession and business and personal taxes, are the biggest challenges they will face this year, according to a recent survey

''It really confirms that in Pennsylvania, we need to zero-in on health care costs and taxes,'' said Thomas Henschke, acting president of the SMC Business Councils, a Churchill-based trade association that conducted the Small Business State Opinions survey in February SMC represents about 5,000 businesses throughout western and central Pennsylvania.

About 71 percent of the 250 businesses that responded to the survey said health care costs were their biggest challenge. More than 70 percent said that high business and personal taxes were a moderate-to-severe challenge to their business.

Increases in health care costs—ranging between 7 and 12 percent a year—are a ''huge problem'' for small business that isn't being addressed by politicians in Washington, said Peter Cady, president of Command Systems Inc. of Oakmont. The company operates Advanced Mining Service, which repairs and sells coal mining equipment.

''You can't pass those costs along. Nobody wants to hear that your health care costs went up,'' Mr. Cady said.

In response to a 23 percent jump in health care costs four years ago to cover about 55 employees, Command Systems moved to a high-deductible insurance plan, which makes it partially self-insured. Command Systems pays 99 percent of the insurance costs for its employees, Mr. Cady said.

In addition to health care, the poor state of the economy was cited as a severe challenge by about 45 percent of the respondents

''Even before the recession, Pennsylvania was a very difficult place to operate a business,'' compared to the neighboring states, Mr. Henschke said.

The survey was released the same day that President Barack Obama announced his latest version of health care reform.

''That's politics. This is reality'' Mr. Henschke said.

''Proposed reforms change daily, and you can't find anything that is going to lower costs.''

Small-sized employers often believe they are overpaying for health insurance for employees. But self-insurance for their work force is really not available because the pool of covered employees is ''too small to spread the risk out,'' said Vincent Wolf executive vice president of Cowden Associates Inc., a. Pittsburgh-based health care benefits consulting firm.

Health care costs are a major concern for businesses, which is driving their need to make changes in health care plans, said Lorin Lacy, principal for the health and productivity practice at Buck Consultants Inc., a Pittsburgh-based human resources consulting firm. Those changes include revising

cost-sharing between employees and employers and the use of wellness programs, Ms. Lacy said.

COUNTY HEALTH COMPARISON

[Ranking (Out of 67 Pa. counties)]

County	Overall health	Environmental and lifestyle factors
Lackawanna	51	19
Luzerne	57	37
Monroe	46	40
Pike	6	20
Susquehanna	41	31
Wayne	62	21
Wyoming	43	46

Source: County Health Rankings Study.

OVERALL HEALTH BY COUNTY

1. Chester
2. Centre
3. Union
4. Snyder
5. Montgomery
6. Pike
7. Bucks
8. Lancaster
9. Cumberland
10. Franklin
11. Butler
12. Bradford
13. Warren
14. Columbia
15. Lebanon
16. Berks
17. Indiana
18. Westmoreland
19. Lehigh
20. Jefferson
21. Adams
22. Tioga
23. Lycoming
24. Potter
25. York
26. Northampton
27. Fulton
28. Juniata
29. Washington
30. Erie
31. Bedford
32. Somerset
33. Crawford
34. Clinton
35. Perry
36. Delaware
37. Huntingdon
38. Sullivan
39. Montour
40. Cameron
41. Susquehanna
42. Clarion
43. Wyoming
44. Beaver
45. Clearfield
46. Monroe
47. Dauphin
48. Mifflin
49. Allegheny
50. McKean
51. Lackawanna
52. Mercer
53. Forest
54. Venango
55. Northumberland
56. Carbon
57. Luzerrie
58. Armstrong
59. Elk
60. Schuylkill
61. Lawrence
62. Wayne
63. Blair
64. Cambria
65. Fayette
66. Greene
67. Philadelphia

Mr. CASEY. It is an article, so you will not be able to see it, but the headline is ''Health Tops Pennsylvania Business Woes.'' The subheadline is ''State's Small Businesses Also See the Recession as a Severe Obstacle.''

If you are a small business owner in Pennsylvania, this survey shows, you are worried about two things: the recession—no question about that having an adverse impact; that is why the recovery bill and jobs bill are so important to these small businesses—but also health care.

I am reading an excerpt here:

About 71 percent of the 250 businesses that responded to the survey said health care costs were their biggest challenge.

Health care costs. This is not a group of Democrats sitting around a room in Pennsylvania saying: Let's pass health care. These are small business owners in Pennsylvania. They might be Democratic, Republican, Independent, or they may not have any affiliation. Their life is running a small business and raising their families, and 71 percent of those surveyed describe health insurance as their ''biggest challenge.'' We do not need any longer to debate whether this is an issue we have to deal with.

I want to walk through some of the basic provisions of what we have put in place in the Senate bill, what the House has been wrestling with all these months, and what President Obama has been trying to do. Just a couple of quick highlights.

First of all, if we are successful in this opportunity to pass major health care reform, other issues we have talked about for years but do not get a lot of attention are going to be finally the law of the land. Quality and prevention—the information and research on this is irrefutable. If you insist on prevention and you make it free or very low cost, that person is going to be healthier because they are going to take steps that are preventive in nature. They are going to be healthier, their family is going to be healthier, they are going to be better on the job and the economy will be stronger. But also we are going to strengthen our health care system in terms of costs. We are going to reduce costs in a lot of ways, but one of them is prevention and elevating the quality of our care. Sometimes people get the best care in the world, but in some places that can be very limited.

The second point on cost and deficit. I mentioned that before. The deficit reduction in the Democratic health care bill is $130 billion over the first 10 years. We will see if the Congressional Budget Office alters that.

But from what we are hearing today, some of the preliminary reports, that number might hold up. Some thought that because of the passage of time that number might go down $130 billion to $100 billion. But it is a tremendous deficit reduction over 10 and over 20 years.

Protections. I talked about that before. I just want to highlight that quickly. Basic protections for American families who have health insurance coverage now, families going to work, paying their premiums, and not protected. They think they are protected because they have a policy, an agreement, and they are paying their premiums. They are doing their part. Then some insurance company bureaucrat or some other player in this marketplace comes to them and says: We know you are paying your premiums; that you are holding up your end of the bargain. But we, the insurance company, do not think you or your child should have coverage. Sorry. You are out of luck.

Well, we are dealing with that in a couple of ways. First of all, it is important for people to understand what will happen now and what will happen later. If we get this bill passed, 6 months after the President would sign it into law, it would be illegal for an insurance company to deny a child coverage because of a preexisting condition. That is a tremendous change in the first year—literally, after 6 months.

In that same time period and beyond that, if you are an adult, technically you would not have the legal protection because you cannot do all of this at once. So we had to decide, do we do nothing in the short term or do we at least protect children. We are protecting children in the first couple months of the bill. But even though technically an adult would not have legal protection until 2014, they will have recourse. They will have an option to say: I am an adult. I have been denied coverage because of a preexisting condition. I can go into a high-risk pool and get coverage.

So there is recourse in the first—actually, that is in the first 3 months for the adult. So that is a very important protection. We can talk more later about that.

Finally, and I will begin to close, on children's health insurance—I talked about that before—it is important to note what the bill does on a great successful program, the Children's Health Insurance Program.

For example, in our State this is what children's health insurance has meant. It has meant that we have been able to reduce our rate of uninsured children down to 5 percent. It is still not good enough; we still want to go lower. But our uninsured rate among children in Pennsylvania is 5 percent. With regard to adults between the ages of 18 and 64, it is 12 percent, so more than double for the adult uninsured prior to getting to the age of Medicare. That is more than double the children's uninsured rate. That is good for children that we have made progress—we need to make more—but it is bad for adults who have not had a strategy to help them.

That is part of why we are trying to pass the bill. At long last we are going to be helping many adults, tens of millions. The Children's Health Insurance Program is extended under the bill for 2 years, until September 30, 2015.

What the President wants to do as part of the so-called reconciliation process is to maintain—he proposes to require States to maintain eligibility for children's health insurance to 2019, not just 2015, 2019. He wants to fund it through 2016. I think that is a very important change that the President has proposed and that we have a chance to ratify in our debate.

There is a lot more we can talk about, but I am running low on time. But I think the basic question for the American people is, Are we going to have an up-or-down vote on health care?

Some over there who have used this process before for other measures over many years seem to not want us to have an up-or-down vote on health care.

I think the American people want that, even if they disagree with parts of the bill. But the real question for our Republican friends is, Will they be responsive to Trisha Urban? Are they just going to say that preexisting conditions are a problem; I know recisions are a problem, I know limits on coverage are a problem for you and your family; I know that denying a child health care coverage because of a preexisting condition is a problem, but we are not going to do anything about it; the insurance companies were too strong; we could not beat them; we are just going to go the way that so many have gone in Washington.

I do not think that is going to be a good enough answer for Trisha Urban

and her family and for millions of Americans.

Finally, the question is, If you are not for our bill, if you are going to vote against it, what are you going to do about this? What are you going to do if you vote against covering 31 million Americans? What are you going to do? Are you going to cover three? Is that a serious proposal?

If you say you care about Medicare, are you going to support—which is the Republican proposal—having vouchers for Medicare? If you say you care about deficit reduction, you are going to vote against the bill that cuts the deficit by $130 billion, and let's say that number goes down, the worst we could do is $100 billion. But the estimates might hold up in the next couple of days. We will see what the Congressional Budget Office has.

So I think Republicans in the Senate and the House have to answer those basic questions, not necessarily my questions or our questions but the questions that Trisha Urban and others across our country and every single State, the millions of Americans who have been denied coverage because of a preexisting condition.

Notice I said millions over the last couple of years, according to one estimate, one survey. They have some questions to answer over on the other side of the aisle. We will see what their answer is, and the answer will be the vote. How you vote on this will be one answer to all of those and many other questions.

So I hope we can have some conversions on the other side; that they will see that it is important to cover Americans, it is important to provide the kind of security and protection to families who are paying their premiums every day and not being given the protections they deserve. I hope our friends do that.

I hope they do not just spend all of their time debating the finer points of process in the Senate. People really do not care about what the procedure is in Washington in the Senate. They want to know are we going to have, at long last, real protections for real families, or will the insurance companies win again.

This is not complicated. That is one of the basic questions they are asking us to answer for them.

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

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

The legislative clerk proceeded to call the roll.

Mr. CASEY. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. CASEY. Madam President, I know I have less than 2 minutes, but I wanted to add a couple of things to the RECORD. One is an article from the Los Angeles Times of February 4 of this year, headlined ''Anthem Blue Cross Dramatically Raising Rates for Californians With Individual Health Policies.''

I ask unanimous consent that article be printed in the RECORD.

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

[From the Los Angeles Times, Feb. 4, 2010]

ANTHEM BLUE CROSS DRAMATICALLY RAISING RATES FOR CALIFORNIANS WITH INDIVIDUAL HEALTH POLICIES

(By Duke Helfand)

Anthem Blue Cross is dramatically raising rates for Californians with individual health policies. Policyholders are incensed over rate hikes of as much as 39%, which they say come on top of similar increases last year. State insurance regulators say they'll investigate.

California's largest for-profit health insurer is moving to dramatically raise rates for customers with individual policies, setting off a furor among policyholders and prompting state insurance regulators to investigate.

Anthem Blue Cross is telling many of its approximately 800,000 customers who buy individual coverage—people not covered by group rates—that its prices will go up March 1 and may be adjusted ''more frequently'' than its typical yearly increases.

The insurer declined to say how high it is increasing rates. But brokers who sell these policies say they are fielding numerous calls from customers incensed over premium increases of 30% to 39%, saying they come on the heels of similar jumps last year.

Many policyholders say the rate hikes are the largest they can remember, and they fear that subsequent premium growth will narrow their options—leaving them to buy policies with higher deductibles and less coverage or putting health insurance out of reach altogether.

''I've never seen anything like this,'' said Mark Weiss, 63, a Century City podiatrist whose Anthem policy for himself and his wife will rise 35%. The couple's annual insurance bill will jump to $27,336 from $20,184.

''I think it's just unconscionable,'' said Weiss, a member of Blue Cross for 30 years.

Woodland Hills-based Anthem declined to say how many individual policyholders will be affected or what a typical increase will be under the new pricing, which will vary from one individual to another. But the company defended its premiums, even as it tried to strike a sympathetic tone.

''We understand and strongly share our members' concerns over the rising cost of healthcare services and the corresponding adverse impact on insurance premiums,'' the company said in a statement.

''Unfortunately, the individual market premiums are merely the symptoms of a larger underlying problem in California's individual market—rising healthcare costs.''

About 2.5 million Californians have individual insurance policies, accounting for a small portion of the state's overall insurance market. By contrast, nearly 21 million people in California are covered by health maintenance organizations.

Individual policies are often the only option for those who are uninsured, self-employed or do not receive health coverage through employers.

Insurers are free to cherry-pick the healthiest customers in the lightly regulated individual market. They can raise rates at any time as long as they notify the state Department of Insurance and prove that they are spending at least 70% of premiums on medical care.

The size of the individual rate increases prompted state Insurance Commissioner Steve Poizner recently to call for a review of Anthem's charges.

''Commissioner Poizner is very concerned by these large rate increases,'' spokesman Darrel Ng said.

Poizner directed his department to retain an ''independent outside actuary to examine Blue Cross'' rates'' to ensure that the company spends at least 70% of the premiums on medical care, as required by state law, Ng said. Anthem said it had already hired an actuary who found that the rates were sound.

Anthem is not the only health insurer imposing double-digit rate increases. Competitors such as Blue Shield of California and Aetna also have raised premiums significantly in recent years, insurance brokers said. But they said the impending Anthem increases are the largest they have seen.

''Do they really think they are going to keep clients this way?'' asked Bill Robinson, a Palm Springs broker who has informed his Anthem clients that they will face increases of as much as 39% on March 1.

Anthem sent letters to agents a few weeks ago informing them of the March 1 increases and followed up with similar notices to policyholders last week.

That's when Mary Feller of San Rafael learned that the rate for herself and her husband will jump 39%, or $465 a month, driving the couple's annual premium to $19,896 from $14,316.

Feller, 56, said the premium for her 26-year-old daughter also will rise 38%, costing the family an additional $1,572 a year.

As a result, starting March 1, the Fellers' health insurance bill will surpass the family's monthly mortgage payment on their home north of San Francisco.

''It's breathtaking,'' said Feller, an entertainment journalist. ''We're going to have to cut back somewhere else. This kind of stuff strikes fear in the heart.''

Feller said she was troubled by another part of the Anthem letter. Besides detailing the premium increase, it said: ''Anthem Blue Cross will usually adjust rates every 12 months; however, we may adjust more frequently in accordance with the terms of your health benefit plan.''

She and others voiced anger about the increases as Anthem's parent company, WellPoint Inc., sees big profits. Last week the company announced an eightfold increase in profit for the last three months of 2009, a surge attributed largely to the sale of subsidiaries.

Broker and insurance industry analysts said the California rate increases will leave individual policyholders with few good options: Anthem subscribers such as the Fellers can switch to a company plan with a higher deductible. Or they can try to switch insurers, a dicey proposition because carriers in the individual market can reject applicants who have preexisting medical conditions.

''It's putting people's backs up against the wall,'' said Shana Alex Lavarreda, director of health insurance studies at the UCLA Center for Health Policy Research. ''They are finding new ways to create new problems for consumers.''

The insurer said it had a team of workers to help customers balance costs and insurance.

''Anthem offers a variety of health benefit plans,'' the company said, ''and we are dedicated to working with our members to find health coverage plans that are the most appropriate and affordable for their needs.''

Mr. CASEY. Basically, many Americans have heard these stories and experienced the pain of these health insurance premium increases. But I am going to read quick portions of it:

Anthem Blue Cross dramatically raised rates for Californians with individual health policies. Policyholders are incensed over rate hikes of as much as 39 percent.

Going on to say: Anthem Blue Cross is telling many of its approximately 800,000 customers who may buy individual coverage—people not covered by group rates—that their premiums will increase 30 to 39 percent.

Finally, I ask unanimous consent to have printed in the RECORD a series of statements contained in a 3½-page summary entitled ''GOP on Reconciliation.'' This is a series of statements that Republican Senators have made over the years with regard to this process they are complaining about and think that we should not be able to use, even though they supported it in the past. It is interesting reading which we do not have time to highlight.

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

GOP ON RECONCILIATION

GREGG

Gregg 2005: ''What's Wrong With Majority Rule?'' During a floor debate on drilling in the Arctic National Wildlife Refuge (ANWR), Senator Gregg said, ''We are using the rules of the Senate. That is what they are. Reconciliation is a rule of the Senate set up under the Budget Act. It has been used before for purposes exactly like this on numerous occasions. The fact is, all this rule of the Senate does is allow a majority of the Senate to take a position and pass a piece of legislation, support that position. Is there something wrong with majority rules? I don't think so. The reason the Budget Act was written in this way was to allow certain unique issues to be passed with a majority vote. That is all that is being asked for here. . . . The point, of course, is this: If you have 51 votes for your position, you win.'' [Congressional Record, 3/16/05]

Gregg 2008: Reconciliation ''One Tool of Significance'' Budget Committee Can Use. ''Reconciliation, as we know—those of us who work here—is the one tool of significance which the Budget Committee has. It allows us to change how entitlement programs are funded and slow their rate of growth—that was the purpose of reconciliation—and do it without the changes being subject to the filibuster rule. It is a vehicle basically directed on the purposes of the Senate.'' [Gregg Floor Statement, 3/13/08]

Gregg 2005: Republicans Used Reconciliation to Avoid Democratic Opposition to ANWR Drilling, Passing Medicaid Savings. ''The ANWR language has been a source of controversy all year, and along with Medicaid savings, was one of two principal reason for attempting to pass a reconciliation bill this year, according to Senate Budget Chairman Judd Gregg, R–N.H. Either provision on its own could not have survived a Democratic filibuster without the protection of budget reconciliation, Gregg said.'' [CQ Today, 12/19/05]

Gregg 2005: Mocked Democrats' Use of the ''Byrd Rule'' to Slow Reconciliation Bill, Said Democrats ''Enforcing Minutia Over Policy.'' ''Anybody who knows the Byrd rule knows it's an extremely arcane and incredibly complex piece of precedent that we deal with. And we had received estimates from CBO which said that all three items which points of order were made against scored . . . But the point here, of course, is there are so many rules in this institution that go to minutia on instances, that if you are using rules to enforce minutia over policy, you can have a pretty massive unintended consequence. Now in this case, I think it's intended, but the consequence of promoting minutia by use of the rules is that Katrina money isn't going to go out, people aren't going to see doctors because doctors aren't going to get paid, and students aren't going to be able to get student loans and it's potential that the welfare program won't have the funds it needs in order to continue to go forward. That's the consequence of promoting minutia in this instance.'' [Republican Press Conference, 12/21/05]

Gregg 2005: Reconciliation is the Mechanism that Deals With Entitlement Spending, Tax Policy. ''The letter asks that we indefinitely postpone reconciliation, reconciliation being the mechanism by which we address the entitlement spending and tax policy here at the Federal level. It is an outgrowth, of course, of the budget process.'' [Gregg Floor Statement, 9/7/05]

GRASSLEY

Grassley 2003: If a Broad Energy Bill Lagged, He'd Favor Attaching Energy Tax Credits to the Budget Reconciliation Legislation. ''The result is an energy bill much like the one lawmakers sought to finish in the final weeks of the 107th Congress that is composed largely of energy-related tax credits. . . . But if a broader energy measure lags, Grassley said, the tax package could be accelerated by also attaching it to reconciliation. 'If we weren't going to move an energy bill, then I would want to do that,' he said.'' [CQ Weekly, 1/17/03]

Grassley 2003: Aimed to Use Budget Reconciliation to Pass President Bush's Economic Stimulus Plan. ''The Finance Committee plans four hearings on Bush's economic plan in late January and early February. Grassley is aiming to use a budget reconciliation measure as a vehicle and hopes to have a stimulus bill completed by April.'' [CQ Daily Monitor, 1/16/03]

Grassley 2003: Planned to Move a Tax Package Through Budge Reconciliation Legislation, Said Some GOP Senators Would Oppose the Measure. ''Lawmakers and aides in both chambers, including Grassley, said a tax package probably will move as a fiscal 2004 budget reconciliation measure protected from Senate filibusters. 'We're still going to have to have a bipartisan agreement,' Grassley said. 'We won't keep all 51 Republicans together. I wish we could. But don't forget, we're going to have to work with Democrats to get something we can agree on.'" [CQ Weekly, 1/10/03]

Grassley 2001: Said Republicans Would Have to Use Reconciliation to Get the Bush Tax Cuts Passed, Would Protect Legislation from Filibuster and Limit Debate. When asked by Paula Zahn, ''As you know, House members have been criticized, particularly Republicans, for sailing, at least the rate cut portion of this bill, through the House so quickly. As Senate Finance Committee chair, how much debate will you allow?'' Grassley responded, ''Well, we're going to—in the Senate of the United States, if we do this under the reconciliation process—and that's probably the way it will have to be done in order to get it done at all—and that's a limit of 20 hours of debate. It's almost the only process in the Senate that does not have unlimited debate and cannot be filibustered. So we will probably adopt the budget the first week of April, get it through finally, and compromise the last week of April, and then go to the taxes during the month of May. But it will be the expedited procedure.'' [Fox News, 3/8/01]

Grassley 2001: If Tax Cuts Were Divisive, They Would Have to Be Passed Through Reconciliation. ''Many observers expect the Senate to take up the tax issue as part of the budget reconciliation process. Under Senate rules, debate is limited under the reconciliation process, preventing any individual senator from holding up the process with a filibuster. If there is a strong bipartisan consensus, the Senate may be able to move ahead with a separate bill that could move through in relatively short order, Grassley said. 'On the other hand, if you're going to have it be very divisive—even if it's a bipartisan bill it could still be very divisive—then it would demand to be part of the reconciliation process,' which could stretch into May or June, Grassley said.'' [CBS Marketwatch, 1/26/01]

MCCONNELL

McConnell 2005: Republicans Would Use Budget Process to Extend Tax Cuts Because They Could Not Reach the 60 Votes Needed to Make Permanent Changes Outside of the Budget Process. ''Well, we're going to try to extend a number of the taxes through the budget process that we're involved in this week. That's the good news. The bad news is you can't make these taxes permanent through the budget process, which is why we have what is perceived by a lot of people as the bizarre situation with regard to the death tax, where it phases down over a period of time, goes away for one year and then comes back. We are working on the death tax separately, hoping to come up with a proposal that could get to 60 votes, which we would need if we did it outside of the budget process. So we haven't given up on trying to get a major permanent improvement, if not total repeal, of the death tax. The other taxes that you mentioned we hope to extend for an additional period of years through the budget process.'' [Kudlow & Company, 3/15/05]

HATCH

Hatch 2001: Important to Pass a Budget So Senate Could Do a Reconciliation Bill to Pass President Bush's Tax Cuts. ''The important thing is, is that we got a budget through the Senate. The House has passed the tax cut of $1.6 trillion. Now that that budget's through, I think we can do a reconciliation bill that'll have an overwhelming number of senators and Congresspeople voting for this $1.3 trillion to $1.6 trillion tax cut. And that's critical for our economy, critical to this country.'' [Fox News Network, 4/16/01]

ROBERTS

Roberts 2003: Majority Rules. On the Senate floor, Pat Roberts said, ''If we do not end this business and get to the business of the Nation, and understand there is a majority and a minority and that the majority rules, we will open up a wound further that will not heal without significant price and scar, not to mention public ridicule for our institution.'' [Congressional Record, 1/14/03]

COLEMAN

Coleman: ''Principal of Majority Rule.'' On the Senate floor, Norm Coleman said, ''The fact is that what happened here is that my colleagues followed the history and tradition of this body and said they would make sure they got a vote because that is what the Senate is called upon to do, advise and consent. There is a principle of majority rule, a principle, again, espoused in this document, in this Constitution, of the United States.'' [Congressional Record, 11/12/03]

KYL

Kyl: Reconciliation Is a Perfectly Legitimate Legislative Process. On Hugh Hewitt's radio show, Senator Kyl discussed reconciliation and said: ''Reconciliation is a perfectly legitimate legislative process to deal with budgetary matters. It is a, it is the one exception to the general rules of the Senate

that was created about thirty or forty years ago, and Robert Byrd was one of the people that helped to create it, to deal with budget matters where you didn't want a filibuster to prevent the balancing of the budget, in effect. I mean, there's one thing you have to do. You have to be able to either increase your revenues or reduce your spending in order to balance the budget, theoretically. So they made that one exception to the policy of the Senate, which otherwise would have required sixty votes to do the big things. Now that process is available for those kinds of monetary-related subjects. And it has been used many times. That's true. The Bush tax cuts were done as, through reconciliation, for example. Now there have been a couple of other examples where they ventured outside of pure monetary issues. They shouldn't have. I wasn't there. I don't know why or how they did it. But in any event, it is not available for large, substantive, comprehensive kinds of legislation like this health care bill. It doesn't work, it's not suitable, and it certainly isn't appropriate.'' [Hugh Hewitt via Think Progress, 2/25/10]

Kyl: Only Takes 51 Votes To Extend the Bush Tax Cuts. In 2005, Senator Kyl said, ''the bottom line is in the Senate, to do anything permanently, it takes 60 votes because that's what it takes to break a filibuster. So if you don't have 60 votes, you've got to do the best you can. The best we can do right now, I suspect, is not to make all these tax cuts permanent but to extend them out as far as we can. If we had a five-year budget this year, for example, we could extend these tax cuts out through the year 2010. For example, that would mean that with dividends and capital gains, we need to take those two 15 percent rates and carry them forward two more years, so that they would include not only 2008 but also 2009 and 2010. And we can do that with some of the other rates as well. So with a five-year budget, that's doable. . . . And I would hope that—that only take 51 votes to accomplish, so I would hope that we would do that.'' [CNBC, 2/14/05]

CANTOR

2005: Cantor Hoped Congress Would Engage in Budget Reconciliation Every Year. ''I would again say, though, that obviously reconciliation is a two-part process; that we are focusing on reducing spending on this one. And again, a first step in a process that I hope we can engage in every year, that we would cut the size and growth in the entitlement programs, at the same time reform these programs to promote the efficiency that the taxpayers expect.'' [Republican Press Conference, 11/8/05]

2005: Cantor Praised His Colleagues for Passing Budget Reconciliation Legislation. ''Well, I too am here to also thank the entire team, from the speaker on down, for all that we did for America last night. And I think what is really telling, though, is the fact that we were able to vote and pass a reconciliation spending package, and unfortunately, we did it by ourselves. The fact is not one member from the other side of the aisle participated in doing what it is the whip just said, which was reform—beginning the process of reforming government. And I think it does demonstrate that the other side remains stuck to their old tax-and-spend ways and has not even presented—did not even present last night an alternative. I think that's very telling.''

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

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

The legislative clerk proceeded to call the roll.

Mr. DORGAN. I ask unanimous consent that the order for the quorum call be rescinded.

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

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

TAX ON BONUSES RECEIVED FROM CERTAIN TARP RECIPIENTS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 1586, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1586) to impose an additional tax on bonuses received from certain TARP recipients.

Pending:

Rockefeller amendment No. 3452, in the nature of a substitute.

Sessions/McCaskilll modified amendment No. 3453 (to amendment No. 3452), to reduce the deficit by establishing discretionary spending caps.

McCain/Bayh amendment No. 3475 (to amendment No. 3452), to prohibit earmarks in years in which there is a deficit.

McCain amendment No. 3527 (to amendment No. 3452), to require the Administrator of the Federal Aviation Administration to develop a financing proposal for fully funding the development and implementation of technology for the Next Generation Air Transportation System.

McCain amendment No. 3528 (to amendment No. 3452), to provide standards for determining whether the substantial restoration of the natural quiet and experience of the Grand Canyon National Park has been achieved and to clarify regulatory authority with respect to commercial air tours operating over the Park.

Pryor amendment No. 3548 (to amendment 3452), to reduce the deficit by establishing discretionary spending caps

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 11:30 a.m. will be divided equally between the Senator from Alabama, Mr. SESSIONS, and the Senator from Arkansas, Mr. PRYOR, or their designees.

Mr. DORGAN. Madam President, the title of the bill just reported is the correct title. However, the legislation we are discussing inside that bill does not relate so much to the title. This is the FAA reauthorization bill, reauthorizing a wide range of programs in the Federal Aviation Administration. This is the fifth day we have been on the floor. Senator ROCKEFELLER has been managing the legislation. He is necessarily absent now and asked me, as chairman of the aviation panel, to manage in his stead. He has said—and I agree—we have put together a piece of legislation that has substantial modernization pieces in it that will modernize the air traffic control system, provide substantial improvements in safety, improvements in the airport improvement program to invest in and expand the infrastructure in aviation. It contains a lot of things that are so very important.

I worry now, on the fifth day on this legislation, that if we don't get it done today, we may not get this bill done at all. That would be a shame because this authorization has languished for a long time. Rather than reauthorize the FAA with a new authorization, we have extended it 11 straight times. That describes how difficult it is to get things done.

Finally, Senator ROCKEFELLER and Senator HUTCHISON have brought the bill to the Senate floor. Senator DEMINT and I, as chairman and ranking member of the subcommittee, worked on the bill with them. We have now been here 5 days. The question will be, between now and the end of today, will we get this done or does this dissolve as unfinished work? We made a good try, but we just didn't make it happen, so it gets extended again and all of this work is for nought.

The fact is, every single Senator and every constituent of every Member has a big stake in getting this done. Anybody who flies on commercial airlines—and that is a lot of Americans—has a big stake in the issue of air traffic control modernization, improvements to safety, and the things that are included in this legislation. The failure to do this would be a great disappointment, not only for us but for the American people.

We have cleared a lot of amendments. As has been the case recently with a lot of legislation, there has been a lot of delay. We have worked on amendments en bloc that have been cleared. There is an additional group of amendments we hope we will clear.

At 2 o'clock today there will be votes on two amendments side by side, offered within the rules, although they do not relate to this particular legislation. But we will vote on those and try to dispose of those issues.

There is another issue, probably the last significant issue that is there. That is the issue of the slots and the perimeter rule at National Airport in Washington, DC. The slots and perimeter rule is controversial, complex, difficult. We have a number of amendments filed representing different interests of how many additional flights should be added to Washington National, how many flights might be added that would extend beyond what is a perimeter rule at Washington National. I hope those who have filed those amendments will agree to stand down and allow us to try to resolve that in some way in conference.

The House, in its legislation, does address in part the slot rule. If we get to conference with the House, if we can pass a bill through the Senate, it will be something we will need to resolve there.

What my great concern is, if this afternoon, following the votes, we get into long, protracted debate about the various amendments that have been

filed on the slot and perimeter rules, this bill will not get done. A number of people who have offered amendments dealing with slots have great interest in making certain this bill gets done. My fear is, if it is not done today, it probably will not be done. We will probably not complete this legislation.

I will be visiting and talking with those who have offered those amendments, asking if we can work with them as we go into conference and try to address the slot and perimeter rules with the House. It has to be a part of our conference because the House has a number of provisions in their legislation dealing with those issues.

The frustration for 200-plus years in the Senate is nothing moves very quickly. That remains a frustration in 2010. Nothing here moves very quickly. That is part of the charm of the Senate, perhaps, and part of the abiding frustration of the Senate. At least on important issues during important times things really should move. There are certain things that are urgent to get done.

One year has now passed since the last commercial aviation accident in Buffalo, NY. As a result of that accident and the investigation that ensued, a number of new safety recommendations are included in this legislation. It is important for us to understand the urgency of passing legislation that will substantially improve aviation safety. To ignore it is to shortchange the American people.

We are working through the amendments. I expect this afternoon we will have these votes. I also hope we can work with our colleagues on the slot or perimeter rule amendments that have been offered in order to resolve them. My hope is we will resolve them not by protracted debate, which will probably doom this bill because we will likely not have additional time on the Senate floor after 5 full days, but resolve them in a way that allows those who care about this to work with us as we go into conference with the House on the slot and perimeter rules.

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

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

The legislative clerk proceeded to call the roll.

Mr. PRYOR. 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.

AMENDMENT NO. 3548

Mr. PRYOR. Madam President, I ask unanimous consent that I be allowed to speak for 10 minutes on my amendment.

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

Mr. PRYOR. Madam President, I rise to talk about the Pryor amendment we are going to take up this afternoon and have a vote on.

I wish to show my colleagues this chart I have in the Chamber that talks about America's fiscal condition. This chart came out of the CQ Today edition of Tuesday, February 2. As you can see, it takes the fiscal year 2011 revenue estimates over here, with this pie chart on the left, and it takes our proposed outlays with this other pie chart on the right.

Of course, it is obvious to anyone who is paying attention, if you look at these two numbers, it looks like we are taking in $2.5 trillion but we are sending out $3.8 trillion. That is a big problem. That means, once again, we are in deficit spending. We have to get our fiscal house in order.

I do not know if my colleagues on both sides saw this reported this week, but earlier there was a story in the New York Times—and it has been reported in other publications—that Moody's is looking at the possibility of downgrading America's credit from AAA down to something lower than that because of the enormous national debt we have and the persistent annual deficits.

This piece of the chart I think is very revealing, when you look at the money that is going out through the Federal Government.

We see this purple slice. There are a couple of slices here of the purple pie chart, and we see one is $671 billion. That is nondefense discretionary spending. Then, on the national defense discretionary spending, it shows $744 billion, but everything else in here is mandatory spending or it is our interest on the national debt.

This little green sliver here—it may be hard to see on television—is actually what we are paying on the national debt. It is $251 billion in interest payments and paying back the national debt.

Nonetheless, we see that the majority of the money we are spending is for mandatory spending. These are entitlements and various programs, things such as Medicare, Social Security, and other entitlement programs and other mandatory spending.

The amendment I have been working on this week tries to address our fiscal situation not merely by tapping into this discretionary spending, which, depending on which part of discretionary spending we are talking about, could be as little as 12 percent of the money we have going out of the system or it could be as much as 25 or 30 percent. It depends on how you calculate and all we include. We can't fix our fiscal house using discretionary spending only. I think one of the advantages of the Pryor amendment is we want to take the whole picture—all the mandatory spending, all the discretionary spending, and all the revenues—and use them to try to get our fiscal house in order.

One of the best things about this chart that was in CQ Today is this graph. It shows where we start during the Carter years, and it goes all the way through the Obama years. So we have Carter, Reagan, George Bush, Clinton, George W. Bush, and now Obama, and we can see this purple line. Unfortunately, most of these years it is below zero. The line is our annual deficit. This yellowish-orangey line shows as a percent of GDP what our deficit is.

One of the great things about this graph that gives me courage and gives me hope is that during the Clinton years, we went above the line. We actually went into surplus spending. We did it for the last 4 years of his administration. The thing I get hope from is we can do it again. We can do this. We can address this. If we do it in a bipartisan way, if we do it in a smart way, if we put everything on the table as they did during the Clinton years, we can address our deficit and our national debt and we can do it in a way that will be good for the country long term. Because every time we spend a dollar around here, we are making our children and our grandchildren pay for that. At some point down the road they will have to pay for it.

We need to stop the reckless course we are on, everybody agrees. Whether it is the chairman or the ranking member of the Budget Committee, whether it is outside economists, or whether it is people such as those on Wall Street who analyze all of this, everybody agrees that we are on an unsustainable course. So what the Pryor amendment tries to do is address our deficit spending, not just the spending part but our whole picture to look at our annual deficits.

One thing I wish to comment on is when I look at this graph, this is a graph of political courage. Because the easiest thing in the world for a politician to do—the easiest thing that any of us can do around here—is to cut taxes and increase spending. That is what has happened in recent years. That didn't happen during the Clinton years, but that has happened in recent years. The easiest thing to do is to go into deficit spending and push the problem down the road to somebody in the future. The time is now for us to stop doing that. The time is now for us to reverse these purple lines and get them going up, above zero.

The truth is, we can't do it in 1 year. We probably can't do it in 5 years given the economic and fiscal condition we are in right now, but over a period of years, we can get this moving in the right direction. I promise my colleagues the markets will love it. I promise my colleagues the global economy will love it. They will love to see some American leadership. Everybody in the world looks at how we spend money around here and they shake their heads, because they know we are on an unsustainable course.

This graph is a graph of political courage. Back during this time, when they did this Balanced Budget Act, back in 1993—and I have a lot of colleagues who were here and casting those hard votes back then—those were

acts of courage. It wasn't always popular because they made some hard choices, and that is what we have to do again. That is, hopefully, what the Pryor amendment will get us on track toward doing.

Madam President, I know I just have a couple of minutes left. How long do I have?

The ACTING PRESIDENT pro tempore. There is 2½ minutes remaining.

Mr. PRYOR. I will try to wind down. The Pryor amendment freezes all discretionary spending caps at the level proposed by President Obama in the year 2011. So it does have a discretionary freeze. It freezes all discretionary spending caps for fiscal years 2012 and 2013 at 40 percent of the difference between President Obama's budget proposal and last year's budget proposal.

The reason we are doing that is because Senator SESSIONS and Senator MCCASKILL have worked very hard on their amendment—in fact, I voted for their amendment a couple of times in its previous forms—but they used some different numbers. I thought in order to be fair we need to split the difference with their numbers, and these two freezes we are talking about will reduce discretionary spending by at least $77 billion over 15 years. That is major. That is a big chunk out of discretionary spending.

Where we make up the difference is then we ask the National Commission on Fiscal Responsibility and Reform to find at least—at least—an additional $77 billion of deficit reductions over the next 3 years to close the gap between projected revenues and entitlement spending. So we pretty much give this to the commission and say: Look, commission, you are set up. The President has put you together. We have six or eight Members from the Senate on that commission, other Members from the House. You all sit down and you all work through this. You have a year to do it. You need to work through this and find the other $77 billion worth of savings.

In comparing the two amendments, the Pryor amendment actually saves a little bit more money over the next 3 years than the Sessions amendment, but one of the reasons is because we are looking at deficit reduction, not just spending. I think their amendment—again, which I have supported in the past—focuses on spending, but ours is more about deficit reduction and trying to take a full picture into account.

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

Mr. PRYOR. I will be glad to.

Mr. DORGAN. First, let me say I support the Senator's amendment. Both amendments have some merit. It is not unworthy to be talking about trying to tighten belts in every area of public spending, but some public spending is more important than others, and we ought to be judicious as we deal with it.

The difference, as I understand, between these amendments is one says, Let's cut spending in one area, which is domestic discretionary spending, which is a rather small part of the budget, and it doesn't address the other issues of the spending that goes on through the Tax Code, the entitlement spending, and other larger issues as well. Even as we vote on these issues—and I intend to vote in support of your initiative, which I think is the right initiative—I have to say I don't think this is complicated in terms of what has happened to our country and what we have to do to put it back on track.

You can't send kids off to war and then say we are going to charge all the costs of war. We have been involved now in the war against terrorism, the war in Iraq, the war in Afghanistan, and not paid for a penny of it because throughout the last decade the President said we are going to make all of this emergency spending. Some of us said, Well, let's pay for it? And President Bush said, If you try to pay for it, I will veto the bill.

So it is not particularly complicated to understand what has happened here. Government has to pay its bills. Dealing with the entire area of public spending here is very important, and I think the Senator has offered a piece of legislation, an amendment, that has great merit and I hope will get the substantial support of the Senate.

Mr. PRYOR. I thank the Senator.

Thank you, Madam President. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

AMENDMENT NO. 3453

Mrs. MCCASKILL. Madam President, I rise to speak in opposition to the Pryor amendment and in favor of the Sessions-McCaskill amendment on us trying to get our fiscal house in order.

Right now in America, most families are figuring out where they can cut the budget. Most families are figuring out what the extras are that even though we don't want to give them up, we have to give them up. That is what America is doing right now. Most local governments are doing the same thing. They are sitting around rooms trying to figure out where they can cut budgets because their revenue is down.

In Missouri, the Governor has had to cut the budget significantly. Even with the stimulus money we sent to Missouri to help them balance their budget, they are cutting programs. They are cutting employees. They are doing what they have to do to balance the budget. Then we get to Washington. Everybody in America is cutting back except Washington.

We came very close a few weeks ago—59 votes—to a very modest baby step. We are not talking about something that is earth shattering here. We are talking about limiting the size of growth. We are not cutting anything. The Sessions-McCaskill amendment cuts nothing. All it does is limit the size of growth, of discretionary spending in both the defense budget and the domestic budget. We had 59 votes to limit the growth of discretionary spending.

Would it be great if we could do the same thing with mandatory right now? I think it would be. I think it would be terrific if we could limit the size of growth of mandatory spending right now. Could we, in fact, roll back some of the Bush tax cuts for the wealthiest? I would be for that. The bottom line is we have 59 votes for a baby step.

So what happens around here when we have 59 votes for a baby step? We come up with an amendment, frankly, that is more cover than substance. It is time to take a hard look in the mirror. If we can't do Sessions-McCaskill, what can we do around here? What can we do to show the American people we understand that government can't continue to grow when revenues aren't? We have done some big, bold things—and I have been supportive of all of them—to bring us back from the brink of a recession. They were very important. But I have been so discouraged by what has been going on around here the last few days: the circling of the wagons.

This amendment, with all due respect—and he is my friend; we have worked together on many things—but 50 votes to waive, are you kidding? You have to have 60 votes now to waive, and they are lowering it to 50. The only changes we have made to the Sessions-McCaskill amendment since that 59-vote margin we got a few weeks ago is we moved down how many votes you have to have for emergency spending. It is no longer subject to a 67-vote point of order. This was done to address the concerns that some Members had about Congress's flexibility to respond to emergencies, though it is very hard to find any emergency in history that Congress hasn't addressed with more than 67 votes. We moved that number down. Now the caps only cover 3 years. A 1-percent growth over the next 3 years, when every other government in America is cutting? A 1-percent growth over 3 years. Is that so hard? There are no caps on this year in this amendment and no caps for 2014. The Pryor amendment only has 1 year of caps and it can be waived with 50 votes, and then it purports to try to mandate that the fiscal commission do some things. By the way, if the fiscal commission doesn't do it in time, then none of this counts.

We are outsourcing our responsibilities here. I was for the fiscal commission. I was a cosponsor. I think we have to be honest about what this body is capable of doing and what it is not capable of doing. But did I think this body was not capable of 1 percent of growth for 3 years in discretionary spending? I had no idea this body wasn't capable of that. The pressure that is being put on Members as part of that 59 is depressing to me.

This is one of those moments where I separate from leadership of my party. I am proud to separate from leadership

of my party, because this is the right thing to do right now. America doesn't think we get it, and you know what. They are right. We don't. A 1-percent growth in government in discretionary spending for the next 3 years is a reasonable approach to what we are looking at in terms of both our deficit and our debt.

I am sorry leadership does not agree with me on this. I am sorry leadership does not think this is good public policy. But I have to tell you, we worry around here about elections. I will tell you, the folks who are thinking this side by side is somehow going to cover them from the wrath of the American people when it sinks in that we are not even willing to limit growth in a meaningful way in this country—when I am in the grocery store when I go home on the weekends, that is what I am constantly told when I run into people: It just doesn't feel like you guys get it. If we end up with less than 59 votes today, if we go backward rather than forward, do you know what I am going to have to tell them when I see them in the grocery store this weekend? You are right, the majority of my party does not get it.

By the way, I am willing to stand right now and cosponsor anything we want to limit the growth in mandatory. I am for that too. I am for doing whatever we need to do to make sure we look at the revenue side. I am for that also.

But this is a baby step, and if we cannot take the baby step right now at this moment in history with this mess we are facing in terms of finances, then I think we are in a world of hurt, just a world of hurt.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. Madam President, I wish to express my appreciation to Senator MCCASKILL, who is a person of courage and conviction and made a decision that we need to do better in our country about spending. As she said, is a simple truth. Our amendment is a small but significant step. It is a statement that we are going to take some action that will have some benefit in containing the growth, not requiring cuts but containing the growth of spending in our country.

Unfortunately, as we have gotten so close to having it passed, now an organized effort appears to be underway to try to see if they can pull back a growing number of votes that have been cast for it. We started out with 56 votes, then went to 59 votes. Every Republican and 18 Democrats voted for it. We just need one more vote and we will be able to take this significant step of having a statutory cap on spending.

The level of spending we are limiting it to is the level in the Democratic budget that passed this year. The amount is not anything other than what the budget already calls for that was passed by a Democratic majority. It is the kind of numbers we probably could do better on and we probably could and should cut some programs.

Regardless, what we are saying is, one of our big problems is we do not stick to whatever budget we have. We constantly violate the budget. Republicans have done this too. The debt now is spiraling out of control to a degree we have never ever seen in the history of our country. It is not responsible, and we have to stop it.

I say this about my colleague from Arkansas—we were celebrating a bipartisan effort just last night when he and I and others worked on balancing the crack and powder cocaine penalties so they are more fair and more realistic. That was a good bipartisan step.

I think we are on the way to a bipartisan bill. I am disappointed we now have what can only be referred to as a cover amendment that does not have the teeth or the strength of the amendment we have offered. It provides an opportunity for people to vote for it and say they have voted to contain spending: I was all for it; I didn't vote on the McCaskill-Sessions amendment, but I voted on this other amendment, and it is just as good.

It is not just as good, and it does not have as much ability to contain spending. It does not. It should not be substituted.

The American people are frustrated with us. The polling numbers for Congress are perhaps as low as we have ever seen in this country. One of the reasons is, they are tired of us manipulating and maneuvering to try to make ourselves look good and the interest of the country takes the hindmost. People are tired of that and in my view they are correct.

Some of our colleagues say that is populist; they are just angry; they will go away. Americans have a right to be concerned about what we are doing and how these activities are occurring on the floor of the Senate.

The Democratic leadership obviously decided this amendment might be in a position to pass. They didn't want it to pass. They conjured up what we call a cover amendment. It should not be what we adopt.

I note the caps are higher in this amendment than the budget resolution passed by Congress—the Democratic budget resolution just last year. It would allow about $38 billion more in nondefense spending over 3 years than what was in our fiscal year 2010 budget resolution. The side by side, the cover amendment, does not follow the President's proposal to freeze nondefense discretionary spending for 3 years. It waives the fiscal 2012 and 2013 caps. It has only a 51-vote threshold.

I wish we could have talked some more about what Senator MCCASKILL and I have offered. Maybe we could have made some changes to the plan we have. Frankly, this will be the third time we made changes in the legislation to try to assuage concerns Members had that we thought were legitimate and worthy of putting in the bill. I would have liked to have made those changes.

The American people are unhappy about this situation. I know polling numbers are not supposed to be the end all in Congress, but we ought to understand we work for our constituents; they do not work for us. That is what I am hearing out there: You work for me, SESSIONS, and I am concerned about what you are doing up there. We want a better response from you guys.

This is a CNN opinion poll:

> Which of the following comes closer to your view of the budget deficit—the government should run a deficit if necessary when the country is in a recession and at war, or the government should balance the budget even when the country is in a recession and is at war?

That is a pretty hard question. I think some people who are very frugal might worry about how to answer that question. But look at the numbers: 67 percent, two-thirds, of the American people said balance the budget. Only 30 percent said run a deficit.

I tell you, the American people have it right. The threat to our economy in the long run is one thing: debt—irresponsible, reckless, unsustainable growth in debt. If we would get that under control, the great American entrepreneurial spirit, the work ethic of our people, the exceptional capabilities of our business leaders will allow us to compete with anybody. But if we tax and spend ourselves into debt, we are threatening our future.

How big a threat is it? Look at these numbers. This is the debt. In 2008, it was $5.8 trillion. Since the beginning of the American Republic, we had accumulated $5.8 trillion in debt. It was projected by CBO that in 2013, it will be $11.8 trillion. In a little over 3 years, we will be doubling the total American public debt. Finally, by 2019, based on the budget we are operating in today and the laws that are on the books today, it will triple to $17.3 trillion. Consider the interest on that debt—we have to borrow the money. Does anybody understand that? We borrow the money. We are borrowing it on the world market. Interest rates are sure to surge in the years to come. Right now, with the economy shaky, people are willing to buy government bonds, even if they pay low rates. We are getting a bargain on interest rates right now. But this debt isn't going to be a bargain in the future—not a bargain for the good of the country.

This chart shows the interest that will be paid. In 2009, last year, we paid $187 billion in interest. In 2020, according to the President's budget analysis that he submitted, it will be $840 billion—$840 billion in interest in 1 year. The Federal highway bill is $40 billion a year. Does that give us some perspective? It is bigger than the defense budget.

These are stunning numbers. That is why every economist, Republicans and Democrats, the Heritage Foundation and Brookings Institution, former CBO

Directors and OMB Directors of both parties all say repeatedly we are on an unsustainable course.

The deficits continue to surge in the outyears. They are not coming down. People say: When are we going to pay it back? We are not paying it back. In these years, in the outyears, 2017, 2018, 2019, 2020, they are projecting steady but lower growth—but growth every year, no recessions. The deficits are going to be about $1 trillion a year. They are not going down. We are still going into debt $1 trillion a year.

I guess what I am saying is, what we need to do is focus on discretionary accounts, and this amendment is it. Some say only the mandatory, only the entitlements count. That is not so. As of this moment, this year, every penny of the surging debt—and this year's deficit will be $1.5 trillion—every penny of that debt will be the result of spending in the discretionary accounts, not Social Security and not Medicare.

Some say: Oh, that can't be so. Social Security and Medicare together are now still in net surplus. We take the money, that surplus, and we spend it and we give a bond back to Social Security and Medicare.

I guess what I am saying is, don't think the discretionary problem is not a big part of the problem. It is the problem today. In the future, it will be an actuarial challenge of monumental proportions because the expenses of Medicare and Social Security are going up and the revenue is going down and we are going to be in serious trouble. We need to deal with this now.

I thank my colleagues for the opportunity to share these remarks. I urge my colleagues to take a good vote. Vote for the Sessions-McCaskill amendment and oppose the Pryor amendment.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas.

Mr. PRYOR. Madam President, I wish about 3 minutes to respond to my colleagues.

I commend both Senator SESSIONS and Senator MCCASKILL for the work on their amendment. As I said, I voted for previous editions of it. I think it has one major flaw, and that is it only deals with discretionary spending. I know it does affect the deficit, and that is very important. But it focuses just on the spending.

When we did multiyear discretionary spending caps—they were a key part of the 1990, 1993, 1997 deficit reduction patches—they worked. However, those deficit reduction patches looked at all spending—mandatory and discretionary—as well as revenues. That is what our amendment does. It takes the whole picture.

If we are going to walk the walk on having our fiscal house in order, we need to look at the entire picture, and I think we need to do it in a bipartisan way, as they did in previous Congresses when they made serious efforts to get the deficit under control. It needs to be bipartisan. One of the problems I have is, if we fix discretionary spending, it will be difficult for us to reach a bipartisan agreement on mandatory as well as the revenue pieces of our budget.

Senator MCCASKILL mentioned this is a baby step. I don't know if it is a baby step. What they are proposing is a very solid first step to try to get our fiscal house in order. I am just concerned it might close the door.

I wish to make this point in closing. If we look at these purple lines on this graph, we see these years are the Obama years. Certainly, he inherited a lot of things the first year, so the first year probably is not fair to give to him.

If you look to these years, to the President's credit, he says he wants to freeze discretionary spending. He says he wants the purple lines to get shorter. That is good, but it is not enough. It is not enough. The President's budget, in his proposal, in my estimation, is not enough. We need to get this moving back in the right direction.

If you look at just discretionary spending and throw in the military discretionary spending as well, that is about 25 percent of the budget—just discretionary alone. Domestic discretionary is only about 12 percent. But put those two together, and let's say it is about 25 percent. The real flaw in the McCaskill-Sessions is that we are using 25 percent of the budget to fix 100 percent of the budget. We need to put 100 percent of everything on the table so we can then use our good judgment and make those hard decisions to try to get us back to a balanced budget.

We are not going to do this in 1 year. We are probably not going to do it in 5 years. I wish we could do it in 5 years. But these numbers are not enough, and we need to move it back in the right direction. My approach actually helps this picture quite a bit more than their pictures help.

With that, Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

AMENDMENT NO. 3475

Mr. MCCAIN. Madam President, I rise in support of amendment No. 3475, which I have introduced. As I have stated several times already, the amendment is very simple. It would place a moratorium on all earmarks in years in which there is a deficit. I am joined in this effort by my good friend from Indiana, Senator BAYH, and I again thank him for his leadership and courage on this issue.

Last year, I reminded my colleagues about the current fiscal situation. I think it is important to again review the facts. The Treasury Department, a week ago, announced the government racked up a record-high monthly deficit of $220.9 billion. We now have a deficit of over $1.4 trillion and a debt of $12.5 trillion, and unemployment remains at close to 10 percent. The list goes on and on.

On Tuesday, the Senate rejected an amendment offered by Senator DEMINT. This amendment called for a moratorium on all earmarks for fiscal years 2010 and 2011. There wasn't anything earth-shattering about that amendment. It wouldn't have shaken the foundations of our democracy. It is simply the political equivalent of calling a timeout. Yet, sadly, 68 Senators voted against this modest proposal, including 15 from my own party.

So I have no illusions about the outcome of this amendment. I have been around here long enough to see what goes on. But it doesn't mean I will quit fighting, nor does it mean the American people will quit fighting to eliminate the waste and abuse of this system, and indeed the corruption that is part of this earmarking.

I have listened to the arguments some of my colleagues continue to state; that eliminating the earmarks isn't necessary because they account for such a small part of our annual budget. Is that a reason to continue this practice?

I am aware that earmarks consume a small percentage of a budget measured in the trillions, but given the seriousness of our current situation and the problems that are confronting American families who wake up every morning wondering if they are going to lose their job or their house, or if they will still be able to afford their children's education, it is deeply offensive to them. It is deeply offensive that we in Congress can't exercise some fiscal discipline. It is all the more offensive given that we have had in recent times all the evidence we should require to understand that earmarks are so closely tied to acts of official corruption.

In a report entitled ''Why Earmarks Matter,'' the Heritage Foundation wrote:

> They Invite Corruption: Congress does have a proper role in determining the rules, eligibility and benefit criteria for Federal grant programs. However, allowing lawmakers to select exactly who receives government grants invites corruption. Instead of entering a competitive application process within a Federal agency, grant-seekers now often have to hire a lobbyist to win the earmark auction. Encouraged by lobbyists who saw a growth industry in the making, local governments have become hooked on the earmark process for funding improvement projects.
>
> They Encourage Spending: While there may not be a causal relationship between the two, the number of earmarks approved each year tracks closely with growth in Federal spending.
>
> They Distort Priorities: Many earmarks do not add new spending by themselves, but instead redirect funds already slated to be spent through competitive grant programs or by States into specific projects favored by an individual member. So, for example, if a member of the Nevada delegation succeeded in getting a $2 million earmark to build a bicycle trail in Elko in 2005, then that $2 million would be taken out of the $254 million allocated to the Nevada Department of Transportation for that year. So if Nevada had wanted to spend that money fixing a highway and rapidly expanding Las Vegas, thanks to the earmark, they would now be out of luck.

On March 17, a Roll Call editorial, ''Earmark Action,'' stated the following:

Even though they represent just a small fraction of Federal spending, earmarks have accounted for an outsized proportion of Congressional embarrassment over recent years, so we are pleased to see House Democrats and Republicans moving to limit them. But until the Senate goes along, or until President Barack Obama determines to veto earmarks when they come his way, the spectacle of special interest spending won't stop—nor, with it, the public's suspicion that many earmark projects are bought with campaign contributions.

Madam President, I ask unanimous consent to have printed in the RECORD the editorial from Roll Call from which I just quoted.

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

[From Roll Call, Mar. 17, 2010]

EDITORIAL: EARMARK ACTION

Even though they represent just a small fraction of federal spending, earmarks have accounted for an outsized proportion of Congressional embarrassment over recent years, so we are pleased to see House Democrats and Republicans moving to limit them.

But until the Senate goes along, or until President Barack Obama determines to veto earmarks when they come his way, the spectacle of special interest spending won't stop—nor, with it, the public suspicion that many earmarked projects are bought with campaign contributions.

After House Democrats announced that they would ban all earmarks directed toward for-profit companies, Speaker Nancy Pelosi (D–Calif.) issued a self-congratulatory statement that ''over the past three years, we fought to replace a culture of corruption with a new direction of transparency and accountability, including earmark reforms in the last Congress.''

She added that the new ban would ''ensure good stewardship of taxpayer dollars by the federal government across all agencies.''

It's true, there has been improvement in transparency. Members are now required to disclose each project they are requesting, along with its beneficiary. The value of earmarks has fallen from $29 billion in fiscal 2006 to $19.6 billion in 2009 and an expected $14 billion to $16 billion for 2010, according to the watchdog group Citizens Against Government Waste.

Still, the ''culture of corruption'' has not been expunged. As Roll Call reported last week, the House ethics committee exonerated some of Congress' most prolific earmarkers without—so far as anyone can tell—conducting a serious investigation of their possible connection to campaign contributions.

House Democrats have now announced there will be no more appropriated earmarks to for-profit entities and have directed federal inspectors general to audit 5 percent of all earmarks directed to nonprofit entities to ensure they are not providing cover for for-profit enterprises.

Watchdog groups have given qualified praise to those moves. They've given even more plaudits to House Republicans, who imposed a unilateral one-year moratorium on all of their earmark requests, including those to nonprofits, plus special interest tax and tariff breaks secured through the Ways and Means Committee.

However, Senate Appropriations Chairman Daniel Inouye (D–Hawaii) has ruled out any similar limits on his side of the Capitol, and it remains to be seen whether Sen. Jim DeMint's (R–S.C.) move to ban earmarks will ever come to a vote.

As we've often said before, a Member of Congress is elected to look after the welfare of his or her district or state as well as that of the nation—and part of that involves sponsoring economic development projects.

But those actions should take place through regular order—approval in a federal agency competitive procedure or, if that fails, authorization and appropriation by Congress.

In the absence of a Senate ban, it's up to Obama—a declared foe of earmarks—to use his veto to stop special interest spending. He has a mixed record. He used persuasion to keep earmarks out of last year's stimulus bill, but he has yet to veto anything. This year, the Senate will give him opportunities to show he's serious.

Mr. MCCAIN. Madam President, I also ask unanimous consent to have printed in the RECORD the following articles: the article in the Wall Street Journal of March 17 entitled ''Earmarks in Reverse,'' the Washington Post article of March 12 entitled ''All Earmarks Should Be Banned in the House and Senate,'' the Steven and Cokie Roberts article entitled ''A Bribe By Any Other Name,'' the editorial of the Las Vegas Review-Journal entitled ''Going All In,'' and finally, the article of Matthew Bandyk of March 15, 2010, entitled ''Why Earmark Reform Has Not Changed Much In Congress.''

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

[From the Wall Street Journal, Mar. 17, 2010]

EARMARKS IN REVERSE

There's nothing like a 25% approval rating and the prospect of an electoral rout to focus the Congressional mind. And so it is that three years after vowing to clean up earmarks, House Democrats are embracing some reform—and in the process inspiring some healthy earmark one-upsmanship.

Alarmed by public dismay at their spending, House Democratic leaders last week announced an indefinite ban on budget earmarks to for-profit entities. Not to be outdone, House Republicans surprised even themselves by pledging a total one-year ban. In the Senate, South Carolina's Jim DeMint jumped in with a proposal to require a one-year moratorium for both parties. Senator John McCain—that long-time scourge of pork—is preparing an amendment to ban all earmarks until the federal deficit is eliminated. This is one political rivalry worth applauding.

It's also long overdue. Nancy Pelosi became Speaker in 2006 in part because her party promised to clean up the earmark excesses that had earned the GOP a reputation for corruption and Bridges to Nowhere. Yet aside from a few stabs at transparency, Democrats have practiced business as usual. According to Taxpayers for Common Sense, fiscal 2010 spending bills contained 9,499 earmarks worth $15.9 billion, an increase over fiscal 2009's $15.6 billion.

The reluctance to change is rooted in the Congressional belief that earmarks are the main guarantee of incumbency. Earmarks were relatively rare until the rise of the Tom DeLay Republicans in the late 1990s. By 2005, the high-water mark of the earmark craze, both parties had linked arms to add 13,500 pet projects to spending bills. Legislators crow about their largesse and use it to land campaign money from earmark recipients.

This cash-for-votes mentality has become a symbol of everything Americans hate about Washington. The recent decision by the House ethics committee to put aside allegations that seven House Members had awarded earmarks in order to secure campaign donations was another sign that Congress wasn't serious about changing this culture of special favors.

So the Democratic turnabout is welcome, if incomplete. The ban on for-profit earmarks will apply to a small portion of pet projects. By the Appropriations Committee's estimate, the for-profit ban would have eliminated about 1,000 earmarks, worth about $1.7 billion, in fiscal 2010.

The ban would miss what Republican Jeff Flake of Arizona has shown to be ''shadow'' nonprofits that exist to funnel money to private contractors. House Appropriations Chairman David Obey has mandated that federal inspectors spot-audit some earmarks to check for this practice, which might deter or uncover some funny business. The GOP moratorium—which appears to encompass even tax and tariff earmarks—would be better, but give Democrats credit for starting the bidding.

The obstacle now is in the Senate, where Minority Leader Mitch McConnell is lukewarm and Thad Cochran of Mississippi argues that such a ban interferes with Congress's power of the purse and won't save much money in any case. In fact, Congress still determines where nearly all federal money is spent, whether or not Members shovel billions to parochial projects.

As for spending restraint, it's true that ObamaCare's subsidies will swamp even decades of earmark restraint. But you have to start somewhere, and earmarks are often a gateway drug to larger fiscal addictions.

[From the Washington Post, Mar. 12, 2010]

ALL EARMARKS SHOULD BE BANNED IN THE HOUSE AND SENATE

Seven House members, including Northern Virginia Rep. James P. Moran Jr. (D), collected more than $840,000 in political contributions from employees and clients of a lobbying firm, Paul Magliocchetti and Associates Group (PMA), during a two-year span. In that same period, the lawmakers, strategically situated on the Appropriations defense subcommittee, directed more than $245 million in earmarks to clients of PMA.

If you think those two facts are unrelated, you are qualified to be on the House ethics committee. The panel recently found that ''simply because a member sponsors an earmark for an entity that also happens to be a campaign contributor does not, on these two facts alone, support a claim that a member's actions are being influenced by campaign contributions.''

The ethics committee acknowledged that ''there is a widespread perception among corporations and lobbyists that campaign contributions provide enhanced access to members or a greater chance of obtaining earmarks.'' Gee, how could anyone have gotten that impression? Maybe because the lawmakers targeted those seeking earmarks for campaign contributions? Sent their key appropriations staffers to fundraisers?

For instance, in 2008, the appropriations director for Rep. Pete Visclosky (D–Ind.) told corporations interested in obtaining earmarks that they needed to submit requests by Feb. 15. On Feb. 27, Mr. Visclosky's campaign manager sent a letter to companies that had sought his help on defense matters inviting them to a fundraiser on March 12. Mr. Visclosky's political committees received $35,300 from clients of PMA that month, plus another $12,000 from the lobbying firm and its employees. A week after

the fundraiser, which was focused on defense contractors and attended by his chief of staff and appropriations director, Mr. Visclosky requested earmarks for six PMA clients, totaling more than $14 million.

House leaders understand that voters may not be quite as obtuse as the ethics committee seems to assume, and their extreme embarrassment—over this and other scandals—may lead to useful action. The House is right to ban lawmakers from earmarking government funds for for-profit companies. It should go further, and extend the prohibition to nonprofit and educational institutions as well. Some nonprofit institutions spend enormous sums on lobbyists, who dispense campaign donations in hope of obtaining earmarks. More important, the Senate must follow suit, as much as it appears disinclined to do so. A system that aligns campaign cash and earmarks is inherently unseemly, if not outright corrupt, and the Senate is tainted by this setup as well.

We say this fully aware that the Constitution grants Congress the power of the purse and that earmarks are not close to the biggest reason for out-of-control spending. And that lawmakers have taken steps in recent years to reduce the number of earmarks and make the process more open. And that eliminating earmarks would not end every instance in which private interests lobby for—and make campaign contributions in hope of obtaining—particular favors.

It would, however, eliminate the worst such abuse. The House Ethics Manual cautions members ''to avoid even the appearance that solicitations of campaign contributions are connected in any way with an action taken or to be taken in an official capacity.'' The ethics committee, dismissing that caution and a recommendation by the newly created independent Office of Congressional Ethics to investigate two of the seven representatives, decided there was nothing to worry about in the PMA case. With standards this lax, the only reasonable choice is to end the earmarks that fuel this sleazy process.

[From the Arizona Daily Sun, Mar. 11, 2010]

A BRIBE BY ANY OTHER NAME

(By Steve and Cokie Roberts)

An executive for the Sierra Nevada Corp., a defense contractor based in Nevada, wanted to know why he should contribute $20,000 to Rep. Peter Visclosky, an Indiana Democrat. A colleague replied that Sierra Nevada was working with PMA, a Washington, DC-based lobbying firm, to curry favor with Visclosky, a key member of the subcommittee that funded defense projects.

''That's what each of the companies working with PMA and Visclosky have been asked to contribute,'' explained the second official. ''He has been a good supporter of SNC. We have gotten over 10M in adds from him.'' (''Adds'' refers to earmarks, special amendments filed by a single legislator that awards contracts to a specific firm with no competitive bidding.)

''Bride'' is a hard term to define legally. But we know a payoff when we see one. And that e-mail exchange could not have been clearer: Sierra Nevada delivers for Visclosky because Visclosky delivers for Sierra Nevada. And yet the House Ethics Committee recently cleared Visclosky—and six other lawmakers who had similar dealings with PMA clients—of any ethical wrongdoing.

Here's what they said: ''The Standards Committee (the panel's official name) found no evidence that members or their official staff considered campaign contributions as a factor when requesting earmarks.''

No evidence? The evidence of collusion was slapping them in the face. Yet the committee chose the narrowest possible standard of proof: If there's no smoking gun, no direct and specific record of a quid pro quo, then cash-for-clout transactions are entirely proper.

In the past, ethics panels have denounced the ''appearance'' of impropriety, even when the letter of the law has not been breached. But that standard has apparently now been jettisoned. Leave the money on the dresser, honey. Just don't ask for a receipt.

Full disclosure: We have many friends and relatives who are lobbyists. It's an honorable profession, and campaign contributions are a legitimate expression of free speech. But there should be reasonable limits on how campaign cash affects public policy, and the House Ethics Committee has just made those limits looser, not tighter. The door to greater abuse of the system has been wrenched wide open.

''This will embolden members,'' Rep. Jeff Flake, an ardent foe of earmarks, told the New York Times. ''In essence, unless you're caught on the phone with a lobbyist saying, 'Contribute or else you don't get an earmark,' they you're fine. That's the clear message here.''

That message is particularly untimely because the Supreme Court ruled last January that corporations could spend their own money directly on campaign advertising. As a result, government contractors like Sierra Nevada are freer than ever to buy influence in the political marketplace.

It's also untimely because President Obama campaigned heavily against earmarks and vowed to curb their impact. But the administration has not said a word about the ruling that gutted House ethics rules. And Obama's goal of reducing the role of earmarks remains largely unmet. In the last fiscal year, Congress spent $15.9 billion on special-interest projects, up from $15.6 billion the previous year.

Why should we care? That amount spent on earmarks accounts for less than 2 percent of the federal budget. But the issue is important for at least four reasons. First, that's the taxpayer's money Congress is throwing around. As the president himself said last year, ''On occasion, earmarks have been used as a vehicle for waste, and fraud, and abuse.'' And ''the context of a tight budget'' makes that waste even more costly.

Second, the earmark system distorts national priorities and violates principles of fairness. As Ryan Alexander, president of Taxpayers for Common Sense, put it, ''Powerful lawmakers are hoarding cash for their districts while the rest of the Congress fights for table scraps.''

Third, appearances do matter. Earmarks reek of corruption even if they do not violate bribery statutes. Just becaause a practice is technically legal does not make it right or ethical.

Most important, confidence in government has plummeted. Americans believe that Washington rewards power and money while ignoring the interest of ordinary people, and the earmark system is a visible symbol of their disillusionment. Obama himself has talked about ''the need for further reforms to ensure that the budget process inspires trust and confidence instead of cynicism.''

He's right about that. But the House Ethics Committee, run by the president's own party, has taken a step back, not forward. They have encouraged the triumph of cynicism over confidence when that's the last thing we need.

[From the Las Vegas Review-Journal, Mar. 12, 2010]

EDITORIAL: GOING ALL IN

Facing a monumental washout this November, House Democrats underwent an election year conversion this week and announced they'll ban earmarks to for-profit entities.

Republicans promptly called their bluff and went all in.

With a handful of Democrats encountering ethical difficulties, and the recent investigation of several House members over defense earmarks, House leaders clearly took their step in order to seize an election-year issue from the GOP.

But Republicans quickly grabbed it back, vowing not to lard up any spending bills this year with any earmarks.

''We have a real possibility of regaining the majority, and I think a lot of members realize that we have to regain the voters trust somehow,'' said Rep. Jeff Flake, R–Ariz. ''Earmarks are the most visible thing that we can do because we abused it so badly in the past.''

Hear, hear.

Earmarking is the term used to describe it when a member of Congress drops a pet project into a spending bill. These grants or direct payments may benefit a local government, a community organization or a profit-making entity. They have come to symbolize congressional profligacy at a time when many voters are now demanding fiscal restraint and responsibility.

Rep. David Obey, the Wisconsin Democrat who chairs the Appropriations Committee, said he hoped that banning the practice when it comes to for-profit entities would result in 1,000 fewer earmarks and help Congress alter the perception that members routinely hand out lucrative contracts and grants to campaign contributors.

Taxpayers for Common Sense notes that last year's defense appropriations legislation included 1,720 earmarks worth $4.2 billion. ''For-profit earmarks are really where the rubber meets the road as far as corruption,'' Steve Ellis of the watchdog group told The Associated Press.

That's great, as far as it goes. But add up all the spending bills—not just defense—and Congress crammed through 10,000 earmarks worth about $16 billion. If members remain free to route the pork fat back home to nonprofit entities, the problem has not been adequately addressed. Why should the people of Nevada have to pay to remodel Lawrence Welk's boyhood home in North Dakota?

''I've long said that earmarks are the gateway drug to spending addiction in Washington,'' said Sen. Tom Coburn, the Oklahoma Republican who has crusaded against the practice. ''Banning earmarks is a long overdue, common sense step that will help Congress win back the trust of the public and tackle our mounting fiscal challenges.

That's why House Republicans did the right thing this week by going all in. Let's hope Sen. Coburn can convince GOP senators to follow suit. And if the Democrats don't match the pot, many of them may be out of the game come November.

[From U.S. News and World Report, Mar. 15, 2010]

WHY EARMARK REFORM HAS NOT CHANGED MUCH IN CONGRESS

(By Matthew Bandyk)

Call it good timing. Shortly after an ethics investigation concluded that several members of Congress did not trade earmarks for campaign cash, both parties in the House announced new moratoria on earmarks in spending bills. Earmarks are provisions that members of Congress stick into larger bills that direct federal dollars to specific projects. This spending is often labeled ''pork barrel'' because of the perception that earmarks benefit only local constituents and special interests. While the changes announced by Congress last week substantially

alter the earmarking process, they do little to change Congress's ability to pursue pork barrel spending.

Rep. David Obey, a Wisconsin Democrat and chair of the House Committee on Appropriations, announced that his committee would no longer accept earmarks that fund private for-profit entities. House Speaker Nancy Pelosi denied that this move was connected to the ethics investigations, calling the timing a coincidence. ''It just had to do with the time of the year, the beginning,'' she said at a news conference. ''Members are making their requests for earmarks, and we thought it would be important to let them know that they probably should not make a request for an earmark for a business.''

Shortly after, House Republicans went a step further and declared a unilateral moratorium on all earmarks. Minority Leader John Boehner explicitly linked this move to the perception that special interests have excessive influence in Washington. ''For millions of Americans, the earmark process in Congress has become a symbol of a broken Washington,'' he said in a statement.

But even with both parties taking actions against earmarks, there are a few reasons why pork barrel spending will continue in many forms.

1. Every member of the House and senator could agree to never put an earmark in another bill, but billions of dollars' worth of projects for special interests could continue. That's because there are many provisions in large spending bills that resemble earmarks, but Congress does not define them as such. Taxpayers for Common Sense, a nonprofit taxpayer watchdog group in Washington, estimates that there were about 91 provisions worth about $5.9 billion in fiscal year 2010 alone that TCS considers earmarks but Congress does not. For example, in the fiscal year 2010 defense spending bill, there was $2.5 billion to build 10 C–17 Globemaster Strategic Airlift Aircraft, despite the fact that the Defense Department said the 205 C–17s it already has are sufficient. This spending is not considered an earmark by Congress, and thus would not be affected by either the Democratic or Republican earmark reform. ''They've decided that it's not an earmark, even though it walks like an earmark and talks like an earmark,'' says Steve Ellis, vice president of TCS.

2. As the majority in Congress, Democrats have the most influence over earmarks at the moment. They have decided not to allow earmarks ''directed to for-profit entities.'' But evidence suggests that this move affects only a small minority of earmarks. It can be difficult to find out which percentage of earmarks are for private interests and which fund nonprofit groups or state and local governments. Finding out which is which is time-consuming. It requires combing through the sometimes thousands of earmarks in a given bill because ''Congress doesn't tell you right off the bat who the beneficiary [of an earmark] is,'' says Ellis. According to Representative Obey's announcement, the new earmark reform would have affected about 1,000 earmarks for 2010 had it been enacted last year. But according to TCS, there were about 9,000 earmarks in fiscal year 2010. Citizens Against Government Waste, another watchdog group, counts 10,160 earmarks, of which the Democratic reform affects only 10 percent.

Furthermore, some of the earmarks that critics have cited as particularly wasteful are directed to public entities, not private companies. For example, last year, a federal spending bill set aside $1.7 million for pig odor research at a Department of Agriculture facility in Iowa.

3. Perhaps the most infamous earmark of all time is the ''Bridge to Nowhere,'' a $400 million proposed bridge for a tiny Alaska town. The earmark was axed in 2005 but would not have been canceled by Obey's recent move because the money would have gone to a local government. But ''even if [the money] was going to Alaska Construction Inc., it would not be affected'' by the Democrats' earmark reform, says Ellis. That's because the change only applies to bills that come from the Appropriations Committee. The Bridge to Nowhere was originally placed in legislation by Rep. Don Young, an Alaska Republican who was chair of the Transportation Committee. This committee passes highway bills, which tend to be some of the most earmark-heavy. Citizens Against Government Waste counted more than 6,000 earmarked projects in the 2005 highway bill.

Mr. MCCAIN. The reason I add those to the RECORD is because it isn't just my opinion, it is the opinion of the Wall Street Journal, the Washington Post, and many other periodicals to this effect.

Also, we perhaps in the Congress might pay attention to the fact that a poll in the last couple of days shows a 17-percent approval of Congress. Our approval ratings are at an all-time low. There are a variety of reasons. It isn't all because of earmarks. It is because of the economic situation, it is because of the frustration, it is because of the belief by many Americans that we are not responsive to their problems and challenges they face, which are unprecedented in these days, especially when we are spending $1 million to rehabilitate a bathhouse at Hot Springs, AR, $1 million for a waterless urinal initiative, $250,000 for turf grass research, $500,000 for a teapot museum in North Carolina, $2 million for the Vulcan monument in Alabama or $556,000 for the Montana Sheep Institute.

Some may argue these are small amounts of money. But Americans don't understand when they can't stay in their homes or educate their kids or they can't keep their jobs, why Congress continues to engage in this practice.

Let me just say, in the interest of full disclosure, this problem was exacerbated when Republicans took control of both Houses of Congress. The Wall Street Journal says:

The reluctance to change is rooted in the Congressional belief that earmarks are the main guarantee of incumbency. Earmarks were relatively rare until the rise of the Tom DeLay Republicans in the late 1990s. By 2005, the high-water mark of the earmark craze, both parties had linked arms to add 13,500 pet projects to spending bills. Legislators crow about their largesse and use it to land campaign money from earmark recipients. This cash-for-votes mentality has become a symbol of everything Americans hate about Washington. The recent decision by the House ethics committee to put aside allegations that seven House Members awarded earmarks in order to secure campaign donations was another sign that Congress wasn't serious about changing this culture of special favors.

So I think, Madam President, we could take a major step in the direction of restoring confidence in us if we would just stop using the earmark process until the deficit is erased. I urge my colleagues to consider this proposal and to reconsider their opposition to it.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Ms. KLOBUCHAR. Madam President, I rise today in support of the bill that is before us—the FAA reauthorization legislation, which is currently on the Senate floor. I thank Senator DORGAN, the neighboring State to Minnesota, for his leadership on the committee and on the subcommittee. I am proud to be a member of that subcommittee and to have worked on this bill.

The air transportation system is important to all Americans and certainly to the people of my State. Minnesota is the childhood home of Charles Lindberg. Today, Minnesota is a major hub of Delta, which was previously Northwest Airlines. It flies people literally all over the world. We are also home to Cirrus Aircraft, which is one of the manufacturers of smaller planes up in Duluth. We have thousands of pilots and airline employees who fly each and every day, both for their enjoyment as well as for their livelihood.

As anyone who has recently flown on an airplane knows, our airport transportation system is strained and it is subject to increased congestion and delay. Recent notable incidents have, in fact, called into question the safety of our commercial aircraft as well as the training of a few of the pilots who fly them. We know, for the most part, that we have a very good air system, but we also know there must be improvements, especially if we are going to compete on a global basis with other countries that are working to update their air traffic systems.

As a member of the Senate Commerce Committee's Subcommittee on Aviation and someone who has worked hard to bring this legislation to the floor of the Senate, I know this bill will address many of the concerns of people around our country.

First, this legislation incorporates important safety improvements. The tragedy of Colgan Air Flight No. 3407, which crashed outside of Buffalo in February of last year, brought the safety of our airlines back into the public eye and raised new questions about the safety of regional aircraft and the training and experience of the pilots who fly them.

We have had many hearings, thanks to Senator DORGAN, on this tragedy. Every single time there were families of people who were killed in that crash in the hearing room to remind us of the changes that need to be made.

Pilots for these regional carriers are, in some cases, not trained as well as for major carriers. They are overtired and underpaid. In fact, some regional pilots earn so little that they take second and sometimes third jobs. Many pilots live far away from their bases, leading to long commutes and even longer hours spent waiting in airports.

The facts surrounding the Buffalo crash bear this out. The first officer,

who earned around $20,000 a year, flew to Newark on a red-eye flight on the day of the accident. She arrived at 6:30 a.m. and reports indicate she spent the entire day in the Newark airport sending text messages to her friends before her shift began. The evidence also suggests the pilot was up for large parts of the night before the flight. Once on the plane, the pilot and the first officer broke FAA policy by engaging in nonessential banter and conversation during critical times of the flight. And the flight data recorder indicated the crew was inexperienced, poorly trained, and ill-prepared for the tough weather conditions that night.

As the first officer told the pilot—and this is an exact quote—and I will never forget this because being from Minnesota, we have a lot of ice issues, and it is where, in fact, Senator Wellstone was killed in a crash, in part because of poor pilot training and icing issues. This is the quote of the first officer on that plane, before that plane went down in Buffalo:

> I've never seen icing conditions. I've never de-iced. I've never experienced any of that.

Imagine the chilling effect of those words on the families of those who died in that crash.

Many people in my State rely on regional jets to connect them to each other and to the world. As I have said before, a passenger should be as safe on a regional carrier going from Minneapolis to Duluth as they would be on a Boeing 767 flying from Los Angeles to New York.

This legislation will help us do just that. In particular, the bill will require the FAA to adopt new rules on pilot fatigue, rules that have not been updated since the 1950s. And the bill will boost pilot training requiring that the pilots meet certain standards before being allowed in the cockpit so we will not have to hear those words again, Senator DORGAN, ''I've never seen icing conditions. I've never de-iced . . . I've never experienced any of that.''

In short, this legislation will help raise the safety standards for regional jets and pilots and ensure one level of safety for all commercial aircraft in this country. The thing I most remember is there is an argument, in fact, that regional flights are even more difficult than the big passenger planes. Why? They have to land and land and land, have shorter flights, and they actually are more tiring and they have a better chance of encountering difficult weather conditions, so we should have one level of safety for all commercial aircraft in this country.

Recent safety incidents have not only highlighted concerns with regional airlines but with major carriers as well. In 2008 we learned that some major carriers had kept flying aircraft in need of necessary repairs and that the FAA may have actually known about it. The disclosure of these safety lapses led to thousands of flight cancellations, and these safety lapses and cancellations raised questions about the FAA's ability to enforce our safety laws and regulations.

What we learned is troubling. The Department of Transportation's inspector general described an ''overly collaborative relationship'' between FAA management and the airlines they regulated.

To help recalibrate the balance between the FAA and the carriers, Senator SNOWE and I introduced the Aviation Safety Enhancement Act to ensure that the FAA does more than just trust that the airlines comply with all Federal safety regulations. In particular, the legislation, which has been incorporated into the FAA reauthorization bill we are now considering, puts a stop to the so-called revolving door between the FAA and the carriers by requiring a cooling-off period for FAA inspectors before they can work for the airlines and interact with the FAA.

It also establishes a whistleblower office in the FAA and creates a roving ''National Review Board'' that will travel around to various FAA inspection offices to conduct safety reviews and unannounced audits. These unannounced safety audits are important.

I tend to straighten up my house a bit before I know my mother-in-law is coming over and that is why I know that if you have an unannounced visit, you might have a different result than an announced visit. These unannounced safety audits will be very important to make sure things are in order, that facilities are in order, and help ensure that the carriers remain focused on safety and that the FAA remains true to its mission, to protect the American flying public.

We also need to pass this FAA reauthorization bill because it would put a passenger bill of rights into law. The need for a passenger bill of rights was made clear to me and other Minnesotans last summer. Just ask Link Christin. On August 7, Link was aboard Continental Flight 2816, a flight from Houston Intercontinental Airport to Minneapolis-St. Paul when it was redirected to the Rochester airport in Rochester, MN due to severe weather. It landed in Rochester around midnight and the passengers were not allowed off the plane until 6 a.m. the next day, midnight to 6 am. The passengers aboard the flight described the experience as a ''nightmare,'' saying they were not given any food or drinks during the time waiting, things smelled, there were babies on the plane. It is as if common sense had flown out the window, but the windows were not open. No passengers should have to go through what Link and the other passengers aboard Continental Flight 2816 went through—forced to remain on the tarmac for 6 hours without food, in an increasingly uncomfortable cabin atmosphere, and denied the opportunity to deplane when the airport was only yards away. The FAA reauthorization bill we are considering today helps ensure we don't have any more stories such as Link Christin's. I appreciate Secretary LaHood's leadership on this already, but we should be putting this into law.

In particular, the bill requires that airlines provide passengers with food, water, and adequate restrooms during a delay. The passenger bill of rights would also require airplanes to return to the gate once the plane has sat on the ground for 3 hours—or 3.5 hours if the pilot thinks the plane will take off before then.

Finally, this bill helps upgrade our air traffic control system to the next generation, the NextGen system of air traffic control technology. We have focused a lot lately on roads and bridges which I know, coming from Minnesota where the bridge fell down in the middle of a summer day, are critically important parts of our Nation's infrastructure, but our national aviation infrastructure is just as important. The current air traffic control technology, developed in the 1950s and used by the FAA today, is based on outdated technology that relies on ground-based radar systems, voice communications, and fragmented weather forecasts. With NextGen, a system that uses satellites rather than ground-based radar, both pilots and controllers will have the benefit of virtual maps, up-to-date weather reports, and other real-time information.

The result is a more efficient use of our airspace, safer skies, and less congested airports. That is something we should all be able to support.

In this bill we make sure that NextGen is a national priority by giving it the resources and the attention it needs to get the program up and running.

The aviation system is too crucial a part of our Nation's infrastructure and too important to our Nation's economy to let the problems go unaddressed. This bill modernizes our air traffic control system, our air transport system, it puts in that passenger bill of rights, it does something about pilot safety and training, and all the things we know need to get done here. It helps to ensure that our system is in fact the safest in the world. We have waited too long to pass this bill. But now is the time when the rubber meets the runway. It is time to pass the FAA reauthorization and I urge my colleagues to support this bill.

I yield the floor.

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

Mr. SESSIONS. Madam President, I wish to briefly comment about the Pryor amendment that has been offered as an alternate, a side-by-side, or cover amendment to the Sessions-McCaskill amendment that would take the budget limits that were passed by this Congress and make those more difficult to violate by creating a two-thirds vote for it. I would say a couple of things about the Pryor amendment.

It is not good and we should not vote for it. It pretends to have good motives, and maybe it does have good motives. But in fact it would allow $62 billion more in spending over 3 years than the McCaskill-Sessions amendment. It would instruct the deficit commission to propose tax increases and entitlement cuts to pay for increases in discretionary spending. The deficit commission was not meant for raising taxes and cutting entitlements to pay for new discretionary spending increases. The whole purpose of that was to figure out a way to deal with the surging entitlements that are growing out of control and to contain their growth.

How are we going to do that? We are going to do it two ways, primarily. I suppose they will propose some sort of tax increases, increase in Social Security withholding or increase in Medicare withholding, and they will cut Medicare and Social Security benefits. That is what real life is.

But this would instruct the commission to cut entitlement benefits, Medicare, and Social Security, to increase taxes, and use it to fund more discretionary spending. That is not good. People should not vote for an amendment that would do that. We are going to have to wrestle with the entitlement commission. It does not have binding authority, it is a recommendation to us, and maybe they will have some recommendations we can all support. But it is not going to be fun. It is not going to be easy. There is no free lunch. Nothing comes from nothing. Somebody must pay to fix the entitlements. They are at the present time in surplus and the surplus they are producing from the revenue from Social Security withholding and Medicare withholding is being spent for discretionary spending. So to raise their income for those accounts and to cut spending in those accounts to allow even more spending on the discretionary side I think would be very unwise. Perhaps that is not what was intended but that is what appears to me to be pretty plainly what is going on in this amendment.

Second, the Republican counsel on the Budget Committee has advised that the amendment would not only abandon the two-thirds requirement that Senator MCCASKILL and I are proposing to violate the budget, but it actually would eliminate the point of order that currently requires 60 votes to violate the budget. Currently, if somebody proposes a spending amount that violates the budget, any Senator can object and it would take 60 votes to waive the budget to allow this extra spending to occur. The way we are reading this amendment is that it would dramatically weaken the existing law and eliminate this point of order that would even require 60 votes. That has not proven to be a very effective tool. The two-thirds vote would be better.

I thank my colleagues for the opportunity to share these remarks and urge my colleagues to resist the Democratic leadership's injunctions and pressures to vote against the Sessions-McCaskill amendment. I know 18 Democrats have already voted for it. It is a bipartisan bill. We worked at it together in a good way. It has the ability to take a significant, though not dramatic, but a solid step in the right direction. I am disappointed we are now proposing an alternative amendment that will not be as effective and that the leadership on the Democratic side is opposing. If Senator REID and Senator DURBIN said: Fine, you can vote for this if you like or: We are going to vote for it, do what you want, Senator, it would pass like that. But it is their leadership decision that has put us in a difficult position and makes it more difficult for us to get 60 votes. I hope we can, but it may not occur.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mrs. GILLIBRAND. Madam President, I rise today to speak about this critical legislation we have before us—The Federal Aviation Administration Air Transportation Modernization and Safety Improvement Act.

I wish to thank Chairman ROCKEFELLER, Chairman DORGAN, Ranking Members HUTCHISON and DEMINT for their hard work on this critical legislation.

I share the concerns raised by Chairman DORGAN, as he spoke on the floor about the need to advance this legislation, and implement a number of vital improvements to the safety and security of our aviation system

On the night of February 12, 2009, Continental flight 3407, operated by Colgan Air, departed Newark Airport bound for Buffalo, NY.

The 45 passengers and 5 crewmembers were just miles from the airport when a series of events resulted in the death of all aboard as well as a father on the ground whose home was the unfortunate final resting place of flight 3407.

Over this last year, I have gotten to know many of the families of the victims very well. They are a constant presence here in Washington, DC, working to improve safety conditions so that others are spared from the horror and loss that they have experienced.

Sitting in my office last spring, as the NTSB began to release information on the crash, I discussed with the families the tremendous value of their advocacy. For decades the system has been slow to change and in the mean time innocent lives have been lost.

We discussed the possibility of seizing on this very legislation as a vehicle of change—to bring accountability and transparency to the system—to strengthen the training requirements and push forward to achieving not just ''one level of safety'' but a ''higher level of safety''.

That conversation began a year-long campaign by the families who, on their own dime, have been here at every aviation-safety hearing both in the Senate and House and have frequented Senator's offices with the steadfast determination to turn this tragedy into a clarion call for change.

We must remember the people we lost in the Buffalo crash.

An expecting mother, a community health advocate, a young couple in love, an international human rights leader, a second-year law student. These were mothers, fathers, brothers, sisters, sons and daughters, taken suddenly, their passions and dreams left for those closest to them to honor and pursue.

Beverly Eckert died in that crash. She was a national leader, who took her personal tragedy of losing her husband on September 11, and became a leading advocate for the 9/11 families. She was on her way to Buffalo that night to celebrate her late husband's birthday with family, and to honor a student at Canisius High School with a scholarship named for her husband.

Gerry Niewood, was a noted jazz musician, Rochester native and graduate of the Eastman School of Music and University at Buffalo. Gerry was on his way to Buffalo to join his long-time friend and Grammy winner Chuck Mangione in a concert with the Buffalo Philharmonic Orchestra.

The details surrounding the tragedy of flight 3407 have been well-documented.

We know that for the 2 days prior to that night, the captain, who had a history of training failures, had not slept in a bed, commuting from his home in Florida.

The copilot, who had complained of illness during the trip, had also not slept in a bed the night before, commuting from her home in Seattle, with a stop in Memphis, to her duty station at LaGuardia.

I don't know of many jobs, especially those where people's lives are in your hands, that can be done under these circumstances.

Although not specifically addressed in this underlying bill, this issue of commuting and duty time, is but one of many factors that came together to result in this tragedy.

Working with my colleague, Senator SCHUMER, we advanced legislation that would raise the minimum standards for new commercial pilots. A version of this proposal, which was endorsed by the Families of Flight 3407, has been secured in this underlying legislation.

The new standards would increase the minimum flight hours for commercial hires from the current 250 hours to 800 for copilots. Apart from just more flight time experience, the new regulations would increase the quality of that training, not just the quantity.

The proposal requires the Administrator of the FAA to engage in rulemaking that requires that beyond the 800 hours minimum pilots must demonstrate effective operation of aircraft in: multipilot conditions; adverse weather conditions, including icing conditions, as was the case with flight

3407; high altitude operations; and basic standards of cockpit professionalism and operations in part of the airline industry.

A major concern that I share with the families, is that often times, when left to their own, the FAA has a poor track record in acting on updating regulations.

This legislation will give the FAA until end of next year to enact these new regulations or a more stringent set of regulations will become the across-the-board standard.

Also, included in this bill is the crux of the Flight 3407 Memorial Act, my legislation that would require the FAA to report back to Congress on all new safety recommendations issues by the National Transportation Safety Board investigative reports.

Time and time again the FAA has failed to enhance training requirements and other safety measures. The version of the reporting requirements that I secured in the underlying bill will not only require the FAA to respond to NTSB recommendations, but let the American people know what actions they are taking, and the timeline by which they will act on recommendations.

This will ensure that the voices of the families are not only heard, but responded to.

Instituting this level of oversight is critical as we look to assure the Families of Flight 3407, and all Americans who travel by air, that those responsible for acting on the recommendations of safety experts, are not simply filing those recommendations away in a filing cabinet, never to see the light of day. They are listening and implementing safer standards and procedures.

I am grateful for the hard work of the Commerce Committee and leadership in bringing this important bill forward.

The steps taken in this legislation begin to address the culture of inaction that helped contribute to the crash outside Buffalo.

It is time to learn the lessons of the past, change the culture of inaction, and make air travel safer for all of us.

We owe it to those lost to never forget, and to continue our work to address the serious concerns raised over the last year.

I look forward to seeing these improvements contained in this critical legislation enacted.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, before the Senator leaves the floor, let me say that the families of the victims of the Colgan crash—the tragedy that occurred just about a year ago now—have been unrelenting in coming to the Congress, appearing at every single hearing, meeting with Members of Congress, saying: We want these changes.

I just wanted to say I know the families know but New Yorkers should know the work Senator GILLIBRAND has done, and Senator SCHUMER as well, to try to include in this legislation, the FAA Reauthorization Act, some very needed changes, safety changes, that resulted from what we learned in investigating that accident.

Senator GILLIBRAND talked about the fact that 2 people entered the cockpit of a commercial plane that evening, and then a number of people—45 people—entered from another door and filled that commercial airplane and set off at night, in bad weather, with icing conditions. The two people in the cockpit—the person flying in the left seat, the captain, had not slept in a bed for 2 nights, and the copilot had not slept in a bed the night before. As Senator GILLIBRAND indicated, she had deadheaded from Seattle, WA, which is where she lived, to go to work, to a workstation in La Guardia. This is a young copilot who was paid between $20,000 and $23,000 a year in salary deadheading across the country to get to her duty station, not feeling particularly well, sitting in the crew lounge, where there is no bed.

The point is, we have learned that is just the fatigue issue and the commuting issue. We learned about training issues in that cockpit with the stick pusher, the stick shaker, icing conditions, and other things. So I want to say we have learned so much from that tragedy.

Our hearts go out to the victims of the crash, and, yes, the pilot and copilot lost their lives as well, and our hearts go out to their families. But it is important for us to learn from this. The diligence of Senator GILLIBRAND and Senator SCHUMER, especially, and I would say especially the witness exhibited by the families of the victims over all of these months have been extraordinarily important in putting in this bill some very needed safety changes. So I thank Senator GILLIBRAND for her diligence.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Madam President, I would like to speak on my amendment here for a few minutes, somewhat in response to Senator SESSIONS but really more just to ask my colleagues to please consider voting for the Pryor amendment.

This reminds me of a conversation I had a few years ago with a friend of mine in Arkansas. He is kind of a member of the deficits-do-not-matter club. This was probably 6 years ago. I was a pretty new Senator here.

I said: Look, we have to start to get this thing turned around. Some of the policies we have done here are not good, not sustainable for the country.

He told me back then that deficits do not matter. And where I disagree with him and others like him I said: Look, anytime any of us walk into a bank or some other financial institution and want to borrow money, the first question they ask is, How are you going to pay it back? That is what they want to know: How are you going to pay it back? The problem we have had around here for years now is that we have no plan to pay this money back—none. We have no plan to pay this money back, and that is why we are just pushing it off down the road to where, you know, we do not have to make the hard decisions.

But I want to tell you right now, our children and grandchildren do not appreciate what we are doing to them. We have to take responsibility for us living beyond our means. The way I look at this is that in America for too long, we have lived beyond our means. Our government has done that. Corporate America has done that. There is too much debt in corporate America. We have seen that over the last year and a half. Also, individuals and families have done that. We have done that on a personal basis with too much debt. And we all need to take responsibility. We all need to manage that and manage our way out of that situation.

My amendment basically, as much as anything, communicates to the American public, it communicates to the global economy, it communicates to all of the economists and all of those experts on Wall Street, all other places all around the world, that we are capable of making these difficult decisions and that we are willing to make the hard calls in order to get this done.

I know one of the criticisms we are going to have on the Pryor amendment is that it may lead to raising taxes. Certainly, I hope it does not. But we have to be willing, in this Chamber and in that Chamber down the hall and at 1600 Pennsylvania Avenue, we have to be willing to make these hard choices, these hard calls. That is what we call leadership and that is what we call democracy.

People elect us to come to Washington to make difficult calls. The easiest thing we can do is to be fiscally irresponsible. It is like in our own personal house. Hey, I would love to have a bass boat. I would love to buy a new car every year. I would like to have a lake house. But I cannot afford those things. In this Nation, we have gotten to the point where we cannot afford to have it all.

The Pryor amendment really gets us back in the zone where we can manage this fiscal picture we have, and hopefully what we can do, over the next 10, 12, 15 years, however long it is going to take, we can actually get back to a surplus and make a significant dent in paying off the national debt. I think we have to do that. It is imperative that we start now.

That is what the Pryor amendment is about and really the biggest advantage over the Sessions-McCaskill amendment. Again, I have total respect for these two Senators. They have spent a long time on this. They have been working on this for a long time. But I think the limitation of their amendment and really the big shortfall there is that it only deals with discretionary spending. As I showed you earlier in

the pie chart, that is a very small piece of the fiscal pie. We need to put it all on the table, and we need to show the American public we are serious. We need to show them that we are willing to take this on; that we have the discipline it requires to restore fiscal responsibility here in this government; that we can reduce the deficit, and that we can return our Nation once again back to a fiscally sound path. That is really what this issue is about today.

I very strongly encourage Members on both sides of the aisle to look at the Pryor amendment. I encourage you to vote for mine. I think it is a more comprehensive approach than Senator SESSIONS' and Senator MCCASKILL's. As I said, I voted for that one twice before in previous iterations of it. It has changed a little bit. I voted for it before. But I have come to the conclusion that we need a comprehensive solution. We need to put it all on the table. And we need to show the leadership—this country is crying out for leadership. We need to show some leadership on this issue and show people we are serious and willing to do what it takes in order to get this done.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. We are on the FAA reauthorization bill. I want to comment on the discussion of my colleague from Arkansas, but I will do that briefly.

I did want to say before that, however, that we really threaten to lose this bill. We have been on the floor now 5 days. We have a number of amendments. We are going to vote at 2 o'clock today on a couple of amendments that are properly filed, but they have nothing to do with the underlying bill. We have some other amendments still waiting that have nothing to do with the underlying bill. And then we have this issue of slot rules and perimeter rules with National Airport, which is unbelievably complicated. I think we have eight amendments, and my hope is that we can convince people not to offer those amendments. We will try to deal with them in conference because the House has a couple of provisions. But if we do not complete this bill today, after 5 days, then I worry we will never get back to it and once again the issues of aviation safety and airport improvement funds and all of those issues will be left at the starting gate.

We have extended this 11 times. Rather than reauthorizing the FAA bill, we have extended it 11 times.

Now we finally have legislation that deals with aviation safety, which is so unbelievably important, a passengers' Bill of Rights, AIP improvement funds. Let's get this done today. I urge colleagues, if they have amendments to offer, offer them.

As to the vote at 2 o'clock, Senator PRYOR has offered an amendment that one of my colleagues described as a cover amendment, not very serious. That is unfair to Senator PRYOR. His amendment is not only serious, it is so much better than an amendment described as a baby step. It is OK to take baby steps, but we don't exactly face baby challenges. We have unbelievable fiscal policy challenges. It should not surprise anybody that we face these unbelievable challenges. Ten years ago, we had a budget surplus. President George Bush said: I want very large tax cuts, the bulk of which will go to the wealthiest Americans. Some of us said no. I said no. Katy bar the door, it happened. It accounts for about 50 percent of the current deficit, as a matter of fact, going forward.

Then we had a recession. Then we had a 9/11 attack. We had a war against terrorism, a war in Afghanistan and in Iraq, and now back in Afghanistan. None of that was paid for. All paid for with emergency money stuck on top of the Federal debt. This is unsustainable. There is no question how serious it is. But when we do address it, let's address it in a way that tends to grab this problem and begins to fix it. My colleague seemed to suggest, let's clean house, and we will only do the smallest room. That doesn't make any sense to me. Senator PRYOR has offered an amendment that says: Let's look at all areas. I know why it is the smallest room. Because the minute you talk about taxes, some people here have an apoplectic seizure. What about asking people who aren't paying their fair share to do so. What about asking those earning the highest incomes in the land and paying a 15-percent tax rate to begin paying what the rest of the American people pay? How about that? Is that a tax increase? I suppose for somebody who makes $3.6 billion in a year, which is $300 million a month or $10 million a day, and that person, who incidentally was the highest income earner running a hedge fund in 2008, that person not only got $10 million a day in income but, because of the generosity of this Chamber and others, gets to pay a 15-percent rate, one of the lowest income tax rates.

Warren Buffett wrote an op-ed piece some while ago. I like Warren Buffett. I have known him for some years, one of the world's richest men. They did a little survey in his office in Omaha. Of the people who work in that office, if you take a look at the taxes paid, income taxes and payroll, the lowest tax rate paid was by one of the world's richest people. A higher tax rate is paid by his receptionist than by him. Think of that. Warren Buffett is the first to say that is not fair. It is not right. You need to straighten that out. Under what we are going to vote on proposed by the Sessions-McCaskill amendment, you couldn't do that. They want to keep that over here because that would be trouble if you decided to ask those folks to pay their fair share.

It is not a tax increase to ask others to pay what most Americans pay. If you want all the benefits America has to offer, how about meeting the responsibilities to your country?

That is a lengthy way of saying, Senator PRYOR has offered an amendment that says: Let's look at everything. Let's ask those who are not paying their share to pay. Let's look at discretionary spending but not only that. Look at all of it: Defense, entitlements, do it all, and do it in a serious way with the seriousness of purpose that says to the people looking to the future, we are going to get this under control. We are going to seize this deficit and debt problem and tame it. We don't have a choice. If we don't reestablish some confidence in the future among the American people, this economy will not recover.

I briefly taught economics in college. I used to teach that this is all about confidence. If people are confident, they do things that are expansive to the economy—buy a suit, a car, a home, take a trip. They do things that expand the economy. When they are not confident about their families, about the future, they do exactly the opposite. They delay the purchase. That contracts the economy. We need to do some things that will give the American people some confidence that we are not going to stay on this path. This path is unsustainable. It requires us to look at every aspect of fiscal policy and domestic policy and find a way to tame these deficits.

I strongly support the amendment offered by the Senator from Arkansas. I don't agree it deserves to be called a cover amendment. It has a much greater seriousness of purpose than the Sessions-McCaskill amendment. I hope the Senate will see fit to support the amendment offered by Senator PRYOR.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Unless my colleague from Arkansas wants to respond, I will proceed.

Let me comment on the suggestion by the Senator from North Dakota that we need to move on with this legislation. I agree. It could be concluded this week. On the other hand, the matter that relates to the perimeter rule and slots at the airport, while every bit as complicated as my colleague suggested, is also very much in need of resolution. One way or another, we will have to get that resolved on this bill. I am hoping that after a meeting we will convene in a little less than an hour, a compromise can be achieved such that we can move forward and get something adopted. But we will not finish that bill until that important issue is dealt with.

I will refrain from talking further about that in the hopes that there is a compromise we can support.

Mr. DORGAN. Would the Senator yield for a question?

Mr. KYL. Surely.

Mr. DORGAN. Let me observe that we were able to get that bill out of the Commerce Committee because we did not deal with the slot issue. I understand there is an appetite for slots and perimeters. The only way we will get an FAA reauthorization bill done is if

we get it out of the Senate and get into conference somehow. That is the dilemma. If we get involved in a lengthy debate with multiple amendments on slots and perimeters, we may never get the FAA authorization off the floor. We will never have the opportunity to get all the other things that relate to that bill.

It seems to me we could in conference, even as it goes to conference, work on a solution that would resolve some of the issues the Senator mentioned.

Mr. KYL. I certainly appreciate the sentiment of my colleague. The underlying bill is important to get done. These perimeter rule revisions are important too. Our fear is, unless there is some action, it will not be resolved, as it hasn't been in the past. I don't think it has to be a lot of amendments or a huge amount of debate. I do think we need the opportunity to have a vote or two on a couple of these amendments. If they don't prevail, then so be it. But that is an issue we will have to deal with one way or the other.

What I would like to do is change the subject a little bit and talk about the proposals made by Senators SESSIONS and PRYOR in a different context. We just got the word from the Congressional Budget Office that the new cost of the legislation on health care is going to be over $940 billion. Each iteration of this bill has seen an increase in the cost. This is striking because, as we know, even though the Congressional Budget Office has had to take the legislative language as it has been given to them in providing the pricetag and, therefore, alleges that it will not put us in deficit, the truth is, it will. If you double count savings, if you assume savings that will not exist and so on, then you can project a budget-neutral bill. I think most objective observers have acknowledged that the bill will be far out of balance and that the $940 billion price tag will not be paid for by the various taxes and spending reductions ostensibly a part of the bill.

There is nearly $½ trillion dollars in Medicare cuts. Most people think that is unrealistic. We have never been able to find that much waste, fraud, and abuse in the past. It is going to be hard to find it in the future. You can't assume we will save all that money.

It is true this new bill will also raise taxes. There are 12 or 13 new taxes in the bill. It supposedly raises about $½ trillion in taxes. That includes on seniors, the chronically ill, and on the very drugs and devices that help us when we are sick. I wonder how long those taxes are going to last.

The bottom line is, we will be adding to the deficit under this legislation or paying a lot more in taxes than we do today. The irony is, we are not even solving the core problem we started out to try to solve, which was to reduce the cost of health care premiums. CBO confirms over and over again that premiums will continue to rise. They say, in the individual market, this bill will cause premiums to soar by 10 to 13 percent in the year 2016 because the government is going to force patients to buy benefits packages with coverage they may not need or want.

According to Lewin Associates, an objective observer, the premiums will go up even more. A third study, Oliver Wyman & Associates, has projected that prices will exceed a 50-percent increase—in my State of Arizona, a 72-percent increase in premiums—as a result of this legislation. That is almost incomprehensible and it is wrong. The irony is, the increases will be paid by small businesses that we are asking to hire more people. It is going to paid for by young families and individuals forced to buy insurance they don't believe they need right now. Right now they have relatively low premiums because they have relatively low health care needs. The bill will raise the cost of insurance for many Americans and then, through new mandates, force everyone to buy a policy and not just any policy but one that has actually been written in Washington.

It adds a new entitlement we can't afford. There are so many other things wrong with it. My point was not to go through all the things wrong with the health care bill but, because we now know or we believe the bill will be voted on in the House perhaps as early as Sunday and we now have the new score, the biggest score yet of almost $1 trillion, it is worth talking about in the context of the amendments on the floor to try to deal with escalating spending.

During his campaign, President Obama made almost a fetish out of saying he would fix the way Washington works. There would be no more business as usual. But from what we have seen on the health care debate, there has been arm-twisting and backroom deals and sweetheart deals that end up buying the votes they need to pass the legislation but add dramatically to the cost, as well as the unfairness, because certain provisions of the bill are made inapplicable to certain favored constituencies.

I have always thought, if the bill is such a great idea, why would Members exempt their own constituents from the application of the bill. One of the areas in which this is done is the cuts to Medicare. About half of that comes from reducing the benefits under Medicare Advantage. Medicare Advantage is enjoyed by a great many seniors who are on Medicare, about 330,000 in my State of Arizona. Their benefits will be dramatically decreased under the bill. Our colleague from Florida heard an earful from his constituents, senior citizens, who said: Don't cut my benefits under Medicare Advantage. He said OK. We will grandfather you, and we will grandfather some folks from other States. But my constituents in Arizona don't get grandfathered. Their benefits are going to be cut. How is that fair? How is that right?

Let me run through a couple of these other special deals. Unfortunately, not everybody gets the advantage of these special deals. There was the so-called ''Louisiana purchase,'' $300 million. I don't know the page of the new bill, but in the old bill it is section 2006, page 432, line 14. The ''Gator aid,'' which is the thing I was just talking about, grandfathers Medicare Advantage patients to the tune of about $25 to $30 billion from the cost of rather than from the effects of reducing their Medicare Advantage benefit. There are some other States that get specific benefits as a result of Medicaid patients who are added to the rolls: Vermont, $600 million; Massachusetts, $500 million.

There are three targeted FMAP provisions: bonuses for Vermont, Massachusetts, and Nebraska. Vermont gets a 2.2-percent FMAP increase for 6 years for their entire program. Massachusetts gets a half-a-percent increase for 3 years. Nebraska gets a 100-percent FMAP increase for newly eligibles forever. That was this new particular deal.

Under the disproportionate payment section, Hawaii is alone among the States that get an extension. Michigan and Connecticut get a special benefit under section 508 so that their hospitals have an option to benefit under that section if it means higher payments. This was also done in previous legislation.

Montana, South Dakota, North Dakota, and Wyoming get a special deal: an amendment that adds 1 percent to the hospital wage index for those States. There are other States that would qualify but would not benefit because they are already above the 1-point wage index value. It also establishes a 1.0-practice expense floor for physicians in those particular States.

One of my colleagues got a benefit for his constituents in Libby, MT: Medicare coverage for individuals. The EPA has announced there is a public health emergency at a Superfund site there, so they get a special advantage.

It is interesting that while the Nebraska ''Cornhusker kickback'' got a lot of attention, two other benefits for Nebraska entities did not. Blue Cross and Blue Shield of Nebraska and Michigan Blue Cross Blue Shield and also Mutual of Omaha get special benefits—so two in Nebraska and one in Michigan. They get a carve-out. One of them gets a carve-out from the insurance fee for Medigap policies and the other the insurance fee paid to these two particular companies.

Connecticut hospital—Senator DODD from Connecticut took credit for getting $100 million for a hospital in his State.

I could go on and on.

The point is, the process by which the legislation has been put together, as well as its substance, is what has caused the American people to have an extraordinarily low opinion of Congress. The latest trick, this so-called

scheme to deem the legislation the Senate passed—passed without a vote; in other words, passing a law without ever voting on it—is just the latest of the chicanery that appears to be engaged in, in the House of Representatives now, in order to get around the Senate bill, which, as the Speaker said, her Members do not like and do not want to vote on.

Madam President, I ask unanimous consent to have printed in the RECORD an editorial from this morning from one of my hometown newspapers, the Arizona Republic, which discusses what they call the end run by Democrats as a travesty, and they discuss this so-called scheme to deem in the editorial.

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

[From the Arizona Republic, Mar. 18, 2010]

END RUN BY DEMS IS A TRAVESTY

Last Sunday, The Arizona Republic published a brief editorial chiding Democrats in the U.S. House for considering an elusive, patently preposterous method for passing their epic health-care legislation.

In point of fact, we did not believe at the time they were serious. We saw desperation. A grasping at straws. A passionate willingness to consider any means necessary, even something like ''deeming''—a sleight of hand that in theory might leave no fingerprints.

But we did not truly believe the Congress of the United States ever would attempt to pass a measure reconfiguring an entire sector of the American economy by obscure parliamentary trickery. Without a real vote on the measure at hand.

We thought they would come to their senses. They have not. Aghast, astonished and still agog at the brass on display, we can only say . . . this . . . is . . . not . . . right.

In one of the more memorable acknowledgements in this historic fight over health-care reform, House Speaker Nancy Pelosi said Monday that ''nobody wanted to vote for the Senate bill.'' That may be the case, but it does not justify this end run.

The intent of the Democrats is to vote to pass a package of amendments to the Senate legislation passed on Christmas Eve. Once the amendments bill is passed, Pelosi intends to invoke a ''self-executing rule'' to ''deem'' the legislation on which the amendments is based—the Senate bill—passed, sans vote.

Their mission is to throw a thick cloud of smoke over events, thus giving (make that, attempting to give) reluctant Democratic members of Congress plausible deniability regarding their vote.

The Democrats' majority leader, Rep. Steny Hoyer, insists the practice ''is consistent with the rules'' and is ''consistent with former practice.'' It is neither, if by rules and ''former practice'' one means abandoning a clear Constitutional expectation that a bill should pass by vote of both houses of Congress, especially a bill costing trillions and impacting one-sixth of the nation's economy.

The tactic has been employed by both parties but never regarding anything nearly this substantive. Indeed, Democrats, including Pelosi, took Republicans to court in 2005 to oppose its use. They said it was unconstitutional. They were outraged. Really.

Any vote in support of an abomination like this ''self-executing rule'' should be viewed for what it is: an abdication of responsibility regarding the most significant social legislation in 70 years. It will not provide the cover Pelosi thinks. We will see the fingerprints.

The positions of Arizona's congressional delegation regarding support for the Senate health-care bill and the deeming procedure, as of Thursday:

Rep. Ann Kirkpatrick, D–District 1: Would vote in support of the bill. Has not indicated whether she would support deeming.

Rep. Trent Franks, R–District 2: Opposed to the bill and deeming.

Rep. John Shadegg, R–District 3: Opposed to the bill and deeming.

Rep. Ed Pastor, D–District 4: Officially uncommitted, but support for the bill is considered likely. Position regarding deeming unknown.

Rep. Harry Mitchell, D–District 5: Positions unknown. Spokesman says it would be ''irresponsible to speculate on hypothetical procedures, bills, votes.''

Rep. Jeff Flake, R–District 6: Opposed to the bill and deeming.

Rep. Raul Grijalva, D–District 7: Officially uncommitted, although many vote tallies consider Grijalva a likely supporter of the bill. Position regarding deeming unknown.

Rep. Gabrielle Giffords, D–District 8: Has indicated support for both the Senate bill and deeming.

Mr. ALEXANDER. Madam President, will the Senator from Arizona take a question?

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. KYL. Yes, I will. I was about to get to the final point, which is the matter on which my colleague from Tennessee is the expert, and that is the latest item to try to flavor the legislation to get more votes; namely, to have the Federal Government take over student loans. But, yes, I will yield.

Mr. ALEXANDER. I thank the Senator, and I will sit down and listen to his explanation on the other issue. But I heard the Senator mention the news this morning, that the new bill—which we have not seen, and which, suddenly, of course, as is usually the case, we have to rush and pass over the weekend before we read it—is going to save the government money. I do not think very many Americans believe that.

But my question is this: I wonder if the Senator knows whether this comprehensive health care bill—which is going to ''save'' the government money; not run up the deficit—includes the amount of money it costs the government to pay doctors to serve Medicare patients. If it does not include that amount—which I believe I heard the Representative from Wisconsin say was $371 billion in the President's budget over 10 years—would that not be like asking the Congressional Budget Office to tell you the cost of a horse farm without the horses? Can the Senator from Arizona imagine a comprehensive health care program that does not include the cost of paying doctors to serve Medicare patients? If it does not, does that not clearly mean that just that one provision will guarantee that the bill will increase the Federal deficit?

Mr. KYL. Madam President, my colleague from Tennessee is exactly correct. Just that one item alone—of course it is part of Medicare; you have to pay doctors to take care of you in Medicare—and if you do not include the cost of that, then obviously you are not identifying the true costs of the legislation, and just that item alone would be enough to knock it out of balance.

I did not even get into all the double counting and the other ways in which they try to game the system so it makes it look like you have saved money, but you have not. One of our friends, Stephen Moore, I heard, had this analogy. He said: This is a great deal: Gee, you cover an additional 30 million people and you save money. Gee, at that rate, we should cover everybody in China. We could really reduce the deficit.

Well, I think it makes the point. The American people have broken the code here. We are not going to save money by adding more people to the rolls. That may be a good idea. It may be that we should subsidize people, but let's acknowledge the true cost, and that gets back to the amendment of our colleague from Alabama, the amendment that is pending on the floor. He says we have to stop spending so much, so let's do something very modest. Let's put a cap using last year's budget. We are not talking about cutting way back. We are not cutting into muscle or bone or anything like that; we are just saying: OK, if it was good enough for 2010, let's stop there. Let's have a little hold, let's have a little pause here before we add a whole lot more money to the deficit.

My State of Arizona has had to cut well over $1 billion out of its budget. I think it is closer to $2 billion. They are cutting significant elements that the State has paid for in the past. The city representatives were in seeing us yesterday and last week the county representatives. They are all having to dramatically cut what they provide in the way of government services.

But we in the Federal Government, we keep right on going as if there were no problem at all. That is why the amendment that is pending—I guess we are going to vote on it in about an hour—the amendment by Senators MCCASKILL and SESSIONS is one we need to support and to vote against any other amendments that appear to try to provide savings but, in fact, do not.

I will close here because I see my colleague on the floor. The last thing I want to mention is the latest gimmick to get support for this health care legislation: adding something that has nothing to do with health. It is the Federal Government takeover of the student loan program. A lot of folks in the country have gotten student loans for their kids to go to college. It is a process that has worked. It is federally guaranteed so banks are able to make those loans at a relatively low rate of interest. It is a good deal for kids who want to go to college.

Well, the Obama administration—which has taken over car companies, taken over other insurance companies, now wants to take over health care and has taken over, partially, banks—now

wants to take over student loans. It has made them part of this legislation. We do not know for sure exactly how because we have not seen the bill yet. But allegedly it is made a part of this legislation.

My colleague from Tennessee has been very good at pointing out that actually it is going to cost people more money because the government gets to borrow money at 2.8 percent interest, then it is going to loan it out at 6.8 percent interest, and then take the difference in the two and pay for additional government programs.

To me, though, one of the most pernicious things is that after July, you are not going to be able to pick the lender that best fits your needs or your kids' needs to go to college. You get to go to a Federal bureaucrat who is going to decide that for you. Instead of something like 3,000 different places where you can go to get this, I think there are going to be four call centers. Good luck. If you think it is slow down at the motor vehicle division or the Post Office, good luck trying to get a loan for your kid now to go to college.

As my colleague, Senator ALEXANDER, wrote in the Washington Post:

> [Y]ou'll work longer to pay off your student loan to help pay for someone else's education—and to help your U.S. representative's reelection.

This is a bad idea. To try to fold this into the health care legislation is a doubly bad idea. The bottom line is, our House Democratic colleagues who are now being very strongly pressured to vote for this health care legislation are not going to be able to fix any of this. Because when the bill comes over to the Senate, and they supposedly have put the fixes in it, the reality is that every one of those things that is subject to a point of order will be stricken from the bill on a point of order. Some things can be amended, of course. So the House is going to have to deal with the bill at least one more time if, in fact, they pass it this weekend. The Senate is not going to bail them out, as some of them apparently think may be the case.

So I throw that note of caution to my colleagues in the House who may be thinking of supporting this bill on the grounds that the Senate is going to clean it up. In fact, that is not going to happen.

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

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I say to Senator KYL, you have worked on this issue for many years. You are one of the Senate's leaders, the assistant Republican leader, and a leader in the Finance Committee. Isn't it true we have known for some time that we are losing doctors who are declining to do Medicare work and that if we do not take action, they will have a dramatic 20-plus percent cut in their pay? Every year we have known that cannot happen, so we have found the money to put back into it. One of the announced purposes for the President's health care reform was to fix this problem.

First, I understand from your conversation with Senator ALEXANDER that this problem has not been fixed in the bill at all. Then of course, when you figure out how much the bill costs, it does not reflect that we need, under the new estimates, $300 billion more. So if they are claiming the bill is going to create a surplus of $130 billion, you would have a $200 billion or so deficit on the doctor fix alone; is that correct?

Mr. KYL. Yes. Madam President, my colleague is exactly correct, and the math is correct as well. It is very disappointing to me because most of the doctors with whom I have spoken are very afraid of this legislation. They are afraid of what it will do in their practices in the way they will be able to deal with their patients. They are also afraid because they can see this continued downward pressure on reimbursements they receive. Frankly, a lot of them are saying: We are not going to be able to take Medicare patients in the future.

In my own State of Arizona, in fact, the Mayo Clinic has already announced that at two or three of its facilities, it is not going to take new Medicare patients. So that is one of the things that should be fixed in the health care bill. It is not fixed.

It disappoints me that even though the medical association has urged they take out a very pernicious amendment that deals with specialty hospitals—basically, it cuts specialty hospitals off in the future; and the AMA has fought very hard to allow specialty hospitals to exist, but that is not going to get fixed in this bill—even though they have sought to be excluded from the Medicare cuts that are in the Medicare Commission here—that is supposedly going to save $250 billion or so; that has not been fixed—and even though they need to have the basic reimbursement section, the so-called SGR, fixed—and as my colleague has just pointed out, it is not fixed in the legislation—what is disappointing to me is—and those are three of the most critical elements of this bill because of the effect it will have on the treatment of their patients—the American Medical Association is still toying with the idea of supporting the legislation, when the vast majority of physicians in the country, in my opinion, do not support the legislation. Again, it is primarily because of the effect they think it will have on their patients.

I would close by saying, all of these——

Mr. SESSIONS. I have one more question of the distinguished Senator.

Mr. KYL. OK.

Mr. SESSIONS. The way this new benefit is funded, as I understand it, is through a $500 billion cut to Medicare and increased Medicare taxes. Wouldn't it be the correct thing for policymakers to take that money first and strengthen Medicare and pay the doctors whom we owe instead of starting an entirely new program, leaving the doctors unpaid, and raiding Medicare benefits?

Mr. KYL. Madam President, I will conclude by saying, absolutely yes. This is one of the good ideas Republicans had. Rather than creating a new entitlement, taking money from Medicare to fund that new entitlement, the savings we believe we can achieve in Medicare should be applied to keeping Medicare solvent for another 17 years or whatever amount of time this money could provide.

Then, if we are going to expend money, let's use it to pay the hardworking physicians and all the other providers, the RNs, the folks in the hospitals, and everybody else whom we want there to take care of us when we get sick. Let's make sure that money is available there and that we have some kind of permanent resolution of this problem so we do not have to come back and try to fix it every year.

Those are just some of the things we believe should be done rather than to scrap the whole system we have, replace it with this new government-operated behemoth that takes over this big section of our economy, pushes government bureaucrats between patients and their physicians and ends up providing enormous new taxes, without cutting the premiums—in fact, allowing premiums to go up even more than they would have otherwise. Other than that, it is a nifty idea. Of course, I am being facetious. The health care bill, in my opinion, is not a good idea.

My last point is simply to urge my colleagues in the House to appreciate the fact that the Senate is not going to bail them out by cleaning up the Senate bill, which we already passed here, and they should not be voting for this legislation under the false assumption that somehow we are going to make all those changes in the Senate bill.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN Of Ohio. Madam President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

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

Mr. BROWN of Ohio. I ask unanimous consent that following my remarks on health care, Senator TESTER be permitted to take the floor to talk about health care.

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

HEALTH CARE

Mr. BROWN of Ohio. Madam President, I don't know where to start. I listened to Senator KYL, whom I really do like personally, and respect, but I just hear so much. Of course, it is not just Senator KYL; it is almost all of my colleagues on the other side of the aisle who have just engaged in scare tactics.

First, they try to scare the middle class and scare people who have parents who are older by talking about

death panels. Well, that didn't work because nobody believed that. Some people believed it, but most rational people didn't believe it. Then they try to scare people who have health insurance by saying it is going to be taken away. Then they try to scare senior citizens by saying we are going to cut Medicare. Now—this is almost funny—they are trying to scare House Members. These poor, innocent House Members who can't figure things out on their own, we need Senate Republicans to tell them all about these House rules and Senate rules and reconciliation. It is a little bit funny but, again, it is not very funny because it is standing in the way of what we need to do for the American people.

I am particularly amused—again, probably a wrong choice of words—when my Republican colleagues talk about cutting Medicare. Just look at the history. They have built careers trying to destroy Medicare. I haven't been around here since 1965 by a long shot, but I sure read about 1965. The Presiding Officer knows this history. She has talked to people in Charlotte and Winston-Salem. I have talked to people in Dayton and in other areas of my State about it.

In 1965, Republicans used the same arguments. They thought that Medicare might be a government takeover. Then, the John Birch Society made all of these claims about Medicare, as the tea party is doing today about this health care bill. It wasn't true. It didn't matter that it wasn't true. They said government bureaucrats were going to get between you and your doctor. That is what they predicted with Medicare, and that is what they predict now. It didn't happen. In 1965, half of America's seniors had no health insurance. Today, 1 percent of America's seniors have no health insurance.

It didn't just end in 1965 when Republicans in large numbers and these same insurance company interest groups—I might add, the Republicans' most important benefactor is the insurance industry. That is why they are coming to the floor acting as if they are defending seniors, acting as if they are defending the middle class and the poor, and health care. They are defending the insurance companies. That is the way they do it. Just as they defend the oil companies on energy legislation, and just as they help and defend the drug companies; just as they defend the drug companies that send jobs overseas, that is why they are against trade agreements. That is why they always support the oil industry in climate change and everything else. That is why they support the drug companies and insurance companies. They are their biggest benefactors. That is who helped them get elected, although don't say that on the floor: I am against this bill because the insurance company is against it. No, they try to scare the Medicare beneficiaries. They try to scare the middle class and rural constituents and urban constituents and suburban constituents. But it just doesn't wash.

Now they have brought in the student loan bill: We have to protect middle class, working class students so they can get student loans. No, they want to protect the banks. This is about: Should we give direct loans to college students or should we let the banks skim off and leave some of the money. Then they have the nerve to say the money we save in this will be put back into the government bureaucracy. No, the money we save by saying to the banks, no more skimming off student loans, no more taking your cut, giving worse service at higher interest rates, that money goes for Pell grants. So the money we take back from the banks—the decade of George Bush subsidies for the banks—is, instead, going to students so they can afford to go to college.

Back to the health care issue itself. I hear my colleagues so liberally—if I could use that word to define them—quote Lowen & Associates. Every time Lowen & Associates puts out a new study, they come to the floor and they ponderously and seriously say: Lowen & Associates says this bill—da, da, da.

Lowen & Associates is owned by United Health Care, which is one of the biggest health insurance companies in the country. So quoting Lowen & Associates on health care is like quoting the oil companies on energy legislation or climate change or quoting the drug companies or the Medicare giveaway to the drug companies bill. Just forget about Lowen & Associates. If they want to comment on something that has nothing to do with insurance, maybe they are reputable. They used to be reputable, but then United Health Care got them. Sorry. That is just the way it is.

With all of this, let's stop the scare tactics. Let's take a deep breath. Let's look at what this bill is about.

What this bill is really about is helping people who have lost their insurance, who have had insurance and found out it wasn't much good because of what the insurance companies did to them, as Senator TESTER knows. He has people in Billings and in Helena and in White Fish who, because of a preexisting condition, lost their insurance or they got sick and then their illness was so expensive the insurance company said: We don't want to insure them, we want to cut them off.

I wish to share a couple of letters, and then I will turn it over to Senator TESTER because this is what it is all about. They can talk about tax increases. They are wrong about it. They kind of make up some stuff. They can talk about budget-busting legislation. I am a little curious about their saying that because the Congressional Budget Office, which we kind of agree with—whether you are a moderate Democrat such as Senator CARPER or a conservative Republican such as Senator KYL or a progressive Democrat such as the Presiding Officer, we all agree that the Congressional Budget Office is pretty much reliable. They are not partisan. They don't cheat. They don't scam the system. They don't lie to us. The Congressional Budget Office says this actually pays for itself and then some. It will help to retire the budget in the first 10 years and do even better in the second 10 years.

With all of that debate, why does this matter? This matters because we have constituents in Wilmington, in Chicago, and in Butte, as I do in Youngstown and Toledo, who thought they had good health insurance and then they get sick and then they find out they didn't.

I have read letters on this floor since July from people who, a year ago, if you asked them, they would say: My health insurance is pretty good. Then they found out it wasn't because they really needed it. This tells the story, to me, why this is important. Forget the political side. Forget the accusations. Forget the charges. Forget the countercharges. Forget the philosophy. We need to help people and this bill does it.

Gwen is from Claremont County, a very conservative county. Her daughter is a recent college graduate who has been denied insurance. She writes:

> My 22-year-old daughter is a recent college graduate. While looking for a permanent job, she's working full time as a waitress. Her employer will not give her health insurance, and she can't stay on my policy because she is no longer in college.
>
> She takes no prescriptions and is one of the healthiest young people you can find. One insurance company offered her a policy for $750 a month.
>
> I am a teacher and my husband has been unemployed for a year, and even if he were working full time, we could not afford $750 a month.
>
> Our present insurance system decides who can have health insurance at what price.
>
> That's a moral and ethical decision no insurance company should decide.

We know what this bill does. This bill says these pages sitting in front of us—they are not yet in college. They come home, they can't find a job with insurance, perhaps, when they are 23 years old—although they are all so young and bright they will, but most people can't at this age. They are 23, 24. They come home from college. They have no insurance. Our bill says: You can go on your parents' insurance plan until you are 26. That takes care of that problem. That is barely debatable. That makes sense for Republicans and it makes sense for Democrats.

The second letter is from Tammy from Preble County, another conservative rural county. This one is; the other one is a conservative suburban county. This story is much more tragic. Tammy writes about her best friend who died in January at the age of 31 from cervical cancer. She was a nursing assistant, a single mother of five children. She worked her way out of low-income housing into her first home. When she couldn't afford health insurance, she was able to roll her children into Medicare. She writes:

By the time my best friend could afford health insurance and went to a doctor, it was too late. She learned she had cervical cancer and that it was spreading throughout her body.

A woman with breast cancer in this country without insurance is 40 percent more likely to die than a woman with breast cancer with insurance. People say: Well, conservatives seriously don't want government involvement—whatever that means, even though Medicare works for millions. Conservatives say: Well, they can just go to the emergency room and get care.

If you have breast cancer, you don't go to the emergency room to get care. They will only take care of you right before you die or right before you have an episode. If you are a chronic asthmatic or have chronic diabetes, they won't take care of you in the emergency room unless you have an insulin attack or unless you have a terrible situation with your asthma or you can't breathe. They are not going to help you maintain your health so you don't end up in the emergency room.

That is what this bill is all about. This bill will prevent situations such as Tammy's friend. Pure and simple.

Thomas from Cincinnati is writing about his brother Jim who has been in hospice care after being diagnosed with lung and brain cancer less than a year ago. He doesn't have much longer to live. He wanted his story told, as Jim said, to anyone who would listen. He doesn't have health insurance and can't afford the cost of cancer treatment.

My dying brother is an example, and the countless stories we hear from others are examples of why we need protection from the insurance industry.

I have a lot of insurance companies in my State. I don't hate insurance companies. I understand they are in a situation where to compete with each other they have to have a business model. The business model is—if Senator CARPER and Senator TESTER and I run an insurance company, do you know what we all do? We hire a bunch of bureaucrats to keep people from buying insurance that might be expensive. If you are sick, and you are sick, and you are not, well, I don't want to insure you because you are sick. You are going to cost too much and affect my bottom line. Then they hire a bunch of bureaucrats on the other end for people who actually have insurance policies and get sick to deny their claims.

So this is a business model where you don't insure people who are sick and you try to slough off people who get sick whom you insure, and that is the way you make a lot of money. If you don't do that, you go out of business.

So I don't have any problems with insurance executives. They are paid too much, but I don't have any problems with what they do except their business model forces them to do this. I think they should come to us and say: Senator CARPER, Senator TESTER, Senator BROWN, thank you for bailing us out from doing bad things because you are going to set new rules so we can't do that anymore.

It is outrageous that we have a system—we are the only country in the world that does this. A lot of countries have private insurance companies running their health care system, but they are private, not-for-profit insurance companies. They are not Aetna and Cigna and all of these companies that pay their executives an average of literally $11 million a year to the CEO. Why do we want a system where for-profit insurance forces these companies to keep people from buying insurance if they are sick, keeps them out if they might get sick, and denies them care if they do get sick. It doesn't serve the public interests, period. That is why this legislation is so important.

Mr. President, I yield the floor.

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

Mr. TESTER. Mr. President, I was wondering if the Senator from Ohio would yield for just a few questions.

Mr. BROWN of Ohio. Yes.

Mr. TESTER. One of the previous speakers spoke about President Obama taking over our health care system with government health care. In the Senate bill we passed and that the House is about to take up, is there government health care in that bill?

Mr. BROWN of Ohio. Mr. President, there is already Medicare, which seems to work for a lot of people, and Medicaid, which seems to work for a lot of people. You have military bases in your State, as I do, one of the greatest Air Force bases in the country, and they have something called TRICARE that works pretty darn good. This isn't a takeover. This still allows lots and lots and lots of private involvement. But we have some government involvement in the health care system, I would say.

Mr. TESTER. Absolutely. We have Medicare and the VA and TRICARE and those kinds of things.

As far as government taking over the health care system, is there anything in the bill that would create anything different than we have now?

Mr. BROWN of Ohio. Not that I see.

Mr. TESTER. How about health care costs overall in this country. Does the Senator see those health care costs, if we do nothing, declining or going up?

Mr. BROWN of Ohio. They keep talking about our bill. Health care costs will go up. Health care costs are going to go up a lot faster. It doubled in the last 7 years, and it will double again, if we do nothing, in the next 6 or 7 years. Who is going to pay for that?

Mr. TESTER. Exactly. How about insurance companies. If we do nothing, is there going to be accountability for health insurance companies in this country?

Mr. BROWN of Ohio. If you count accountability, still allowing them to cut people off for preexisting conditions, no. It allows them to keep abusing the system the way they have.

Mr. TESTER. What happens to Medicare? If we do nothing, where is it headed?

Mr. BROWN of Ohio. It is more and more expensive. If you follow what some of my colleagues want to do, they want to privatize it further.

Mr. TESTER. Isn't it a fair statement that doing nothing is not an option here?

Mr. BROWN of Ohio. To me it is. Clearly, if we do nothing, small businesses are going to get creamed, taxpayers are going to get hurt and, most importantly, patients.

Mr. TESTER. I thank the Senator for his comments.

I rise today with some startling news from the State of Montana. I do not think it is singular to the State of Montana. It is news that drives home the need to get a handle on America's health care problem.

Being a Senator is a tough job, but it is not the toughest job I ever had. The toughest job I had was serving on a school board back in Big Sandy, MT. I also am a former teacher. So as a former school board member and a former teacher, I appreciate the long, hard, often thankless hours teachers put in. To say they are not the highest paid profession would be an understatement.

I was shocked when I heard about the bad news hitting teachers all across Montana. This week, my staff and I spoke with folks such as the ones in Elysian school district in Billings, MT. Employees there just received word that their health insurance rates are going up, and I mean way up. Normally, a big rate hike might be something like 10 percent or 20 percent. Sometimes we hear folks getting slammed for 30 percent or 40 percent. But the rates of the folks in Elysian are skyrocketing this year by 69 percent.

And you think that is bad. Talk with the folks in Hinsdale or Saco, MT. They just found out their rates are going up, too, by more than 70 percent. Then in the Nashua school district, rates are going up by 72 percent. The rate given to those employees who purchase family insurance is going up by 83 percent.

Let me repeat that. Health insurance rates are going up by 83 percent in 1 year. For those in Congress who think nothing is the best option when it comes to health care, I have one question: How much more of their paychecks are Montanans supposed to fork over before Congress finally reforms our broken health care system?

The folks I am talking about do not belong to any big nationwide corporate insurance system. They are not paying for anyone's big million dollar salaries or lobbyists or advertisements. It is just the cost of health care going through the roof that is breaking these Montana families.

For those in Congress who say the American people do not want or need reform, let them talk with the folks I

have talked with, such as the teachers seeing these rate increases, such as the Montanans being forced to sell their family farms and ranches because of medical bills, such as the Montana small business owners who cannot afford to insure their employees.

On Christmas Eve, I stood in this Chamber and cast a vote to keep government out of health care, to cut the national deficit, to hold insurance companies accountable, to strengthen Medicare, and to slow the rise of health care costs. I am very proud of that vote.

This week, after months of listening, debating, and voting, Congress has a chance to work together to get something done. If Congress does nothing, we know what will happen: Medicare will go bust. Costs will continue to break Montana families and this country, and no one will hold insurance companies accountable. And year after year, hard-working Montanans will continue to see more of their hard-earned paychecks eaten up by health care costs.

I am not in the do-nothing camp, especially when hard-working Montana families are trying to make ends meet with 83-percent rate hikes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, we are in full mode on health care reform. I am going to stick to that subject this afternoon. I have heard my colleagues say a couple of things I am going to emphasize, but I am going to have a different take on some of this as well.

It is not that I actually am writing down what some of my constituents in Delaware have said to me about health care and concerns about our legislation which may or may not pass, but among the things I heard is: We have the best health care system in the world; why mess with it?

I heard: What we are going to do will be government run, it will be government funded and the government doesn't do anything well.

I heard concerns about the size of our budget deficits and how this is going to add to those budget deficits and make them worse.

I heard folks who expressed concerns about whether we would be robbing Medicare to provide health care to illegal aliens and other folks and set up death panels.

I heard concerns about abortion on demand and using tax dollars to pay for that.

I heard we are not going to do anything on medical malpractice reform, and we ought to do something.

I heard a lot about process, how we are going to use the process of reconciliation, the House might use a process called ''deeming'' in order to pass health care reform legislation.

Let me take these one at a time.

Do we have the best health care system in the world? Sadly, we do not. Did we ever? I am not sure we ever did. We do not have the best today; we have the most expensive.

A couple weeks ago, I hosted exchange students from all over the world, including Japan. We talked about a lot of issues. One of the issues we talked about was the health care system, what ours is like and what theirs is like. There were kids from Japan. In Japan, they spend about half of what we do as a percentage of GDP. They spend about 8 percent of GDP for health care. We spend almost 16, 17 percent. They get better results. It is not even close. By any objective measure, they get better results. They cover everybody. We have 40 million or 45 million people whom we do not cover. Think about that. They spend 8 percent of GDP, we spend twice that much; they get better results than we do and they cover everybody. We have a lot of people who are not covered.

My thinking in reflecting on that, the Japanese are smart people but they cannot be that smart and we cannot be that dumb. We can do a lot better than we are doing.

Does it have to be government run or government funded? We actually have a system in this country that is government run and government funded, and it is called VA. I am a Navy veteran. The VA system is a great system. It is not inexpensive, but it is a great system for our veterans. The closest thing to a government-run system is VA.

Look around the world at other health care delivery systems. One that is government run and government funded, where the government pays for stuff and basically you show up and get care and are provided for by government doctors and government nurses is Great Britain. We are not interested in doing that here. We are not interested in making the rest of our health care delivery system look like the VA.

What we are trying to do is borrow from something that works, and that is creating large purchasing pools, much like we have for Federal employees, including us, but it is a large purchasing pool of about 8 million people. We only get to choose from for-profit health insurance products. A lot of companies want to sell their products to us. We have very low administrative costs because when you have 8 million people in a purchasing pool, you drive down the administrative costs.

The role of government I think is to row the boat, not steer the boat. I think those are the words of David Osborne—row the boat, not steer the boat. The role of government is as Lincoln said. Lincoln said the government should do for the people what they cannot do for themselves.

What we propose to do in our legislation is to replicate what works, to take this idea of a large purchasing pool and say to every State: We want you to create a large purchasing pool. We will call it an exchange. In the military, if you go to an exchange, you go on base to buy something. We talk about an exchange where people go over the Internet to buy health insurance.

Who can do it? Small businesses, individuals, families, people with coverage, without coverage. They will have a bunch of health insurance products from which to choose. It will not be government funded or government run, but they will have a lot of choices. The idea there is to get the kind of competition in each of those State exchanges we enjoy as Federal employees under the Federal health benefits plan.

Some would say we ought to be able to sell or buy health insurance across State lines. I am sympathetic to that argument. What we do in that legislation—use Delaware as an example. Our neighboring States include Maryland, Pennsylvania, and New Jersey. Currently, we cannot buy health insurance products that are sold in New Jersey, Maryland, or Pennsylvania. But under this legislation, Delaware can enter into an interstate compact with Maryland or New Jersey or Pennsylvania or all of the above. We would create a large purchasing pool, a regional purchasing pool with millions of people in it to help drive down administrative costs, and the insurance sold in those four States could be sold across State lines, increasing the number of options and increasing consumer choice and competition that I think will benefit not the insurance companies but consumers.

A side note here. The beauty of having a large purchasing pool, such as the one we are in, the Federal Employees Health Benefits Plan, is that our administrative costs are 3 percent of premium dollars. If we were to go on the outside and try to buy for a family or small business, we would not pay 3 percent administrative costs—maybe 33 percent but not 3 percent.

What we want to do is replicate what works. Large pools work, the ability to sell across State lines works, the idea of having a lot of options for consumers works. In fact, to take it one step further, among the health insurance plans that we can choose from as Members of Congress or Federal employees, Federal retirees, or dependents are multi-State plans, almost like national health insurance plans. They will be offered on the exchanges so people who are buying their health insurance in my State, Illinois, Alabama, or any State in the future may be able to choose from amongst the same plans that Members of Congress can choose.

Another concern that has been raised that has already been addressed by previous speakers—and I want to mention it again—is that we are going to further blow up the national debt. In the first 8 years in the last decade, from 2001 to 2008, we literally ran up as much new debt as we did in roughly the 208 years of our Nation's history. We are adding to that every day. It is an enormous concern to me, and I know it is to our Presiding Officer and to others.

As it turns out, the referee for us when we pass legislation, whether it is

tax legislation or whether it is spending legislation, is the Congressional Budget Office. It is not Democratic or Republican. If I want to cut taxes or raise taxes, if I want to cut spending or raise spending, I have to go to the Congressional Budget Office and ask them to tell us what the estimate is, what it will actually do to the deficit going forward.

Whenever we have tried to offer different approaches on health care reform legislation, we had to go to the Congressional Budget Office and say: What is going to be the impact on the budget and the deficits going forward? They have dutifully, for months now, been scoring the different approaches.

The approach we have already voted on in the Senate for the most part—and in the House they will be taking up this weekend—the Congressional Budget Office has announced this morning that the legislation, when you put it all together, does not increase budget deficits. They are saying it lowers budget deficits I think in the next 10 years by about almost $140 billion. It is a $140 billion deficit reduction over the next 10 years.

The real question, though, in my mind, is: What does it do for the 10 years after that? For the 10 years after that, the CBO says the deficit will be reduced over those 10 years by as much as $1.2 trillion. Think about that. It is hard to estimate with any great accuracy what we are going to do over the next 20 years. I would much rather be looking at estimates that say deficits go down by $138 billion in the first 10 years and deficits down by another $1.2 trillion in the next 10 years. I would rather be looking at the arrow going that way than the arrow going the other way.

Think about it, though. I think what CBO is telling us is that the budget savings in what will be this final combined legislation will save more money, reduce the deficit by more than either the House or Senate bill. This legislation will cover more people—95 percent of the people in our country—than either the House or Senate bill. They also add that it will make insurance more affordable for a lot of people and better quality health care, better coverage for a lot of people.

Another concern we have had is what we are going to do will somehow badly damage Medicare. Medicare, as we know, is running out of money. It is estimated to run out of money in about 7 or 8 years. I believe this legislation will pretty much double the life of the Medicare trust fund; not forever, but it will double it. That is a pretty big step in the right direction.

We need to do more, and we will be coming back to this later this year when the Presidentially appointed and congressionally appointed deficit panel comes back with a recommendation.

Some of my senior citizens said to me: I am concerned you will be taking a lot of money out of the Medicare trust fund and reducing services to us. What we are doing is we are trying to say to Medicare Advantage Programs that are spending, in some cases, way more money than I think can be substantiated or supported, that they are going to be getting less money. And they do not like that. It is not for all Medicare Advantage programs but the ones that get the highest premium dollars and the most support from taxpayers that are going to get less money in the future.

Another concern about Medicare, though—one of my concerns—is that we don't do a very good job of primary care in this country. A lot of people never get a physical in their life. They never get an annual physical.

I became a Navy midshipman at Ohio State when I was 17 years old. I think almost every year of my life since then I have gotten a physical. I was in the Navy for about 27 years, so all those years and even now I get an annual physical. I know my colleagues do as well. We have a lot of people who never get a physical in their lives.

A few years ago, when we adopted the Medicare prescription drug legislation, we said Medicare beneficiaries, Medicare recipients should get at least one physical in their lives. Now, under current law, when they turn 65 and join Medicare and are eligible, they get one physical under the Medicare Program. That is it. If they live another 40 years, they do not get another physical provided for by Medicare. This legislation we will pass, every year a person who is eligible for Medicare will be eligible for a physical. That is the kind of preventive care and prevention we need to do.

The Medicare prescription drug program, if you happen to be poor, is a really good program. If you happen to use a whole lot of expensive medicines, it is a pretty good program. If you happen to be somewhere in between, it is not such a good program because of the so-called doughnut hole, where if a person's prescription drug costs exceed $2,500 a year, up to about $5,500 a year, Medicare doesn't pay for any of that. In the legislation that is before us, Medicare will dramatically increase its participation and support for prescription drug costs for people who run in that area between $2,500 and $5,500 on their prescription drug costs. They call it filling the doughnut hole. And over time, I hope we will fill it completely, but this will at least get us started in the right direction.

Another problem I hear about with regard to our health care system is that doctors are doing what we used to call in the naval aviation trying to protect their 6 o'clock or cover their 6 o'clock, which means protecting themselves from lawsuits. They provide more tests, more visits, more MRIs, more everything—more lab tests, you name it—in order to reduce the likelihood they will be sued. I don't blame them, but it runs up the tab for health care. It is the cost of defensive medicine, and we need to do something about that. We need to try to do anything in terms of figuring out what works to reduce the incidence of medical malpractice, what works to reduce the incidence of defensive medicine, and what works to improve outcomes. While we reduce lawsuits, reduce defensive medicine, how can we do that and improve outcomes?

There are some pretty good laboratories of democracy out there in the States. As an old Governor, I like to look to the States to see what is working.

Let's say the Presiding Officer is my doctor in Michigan. At the University of Michigan, he performs a procedure I don't like. He botches it, and the outcome is bad for me, and he knows he screwed up. In Michigan, they provide an opportunity for the doctor and the patient to have a chance to meet in private. The doctor will apologize, he will offer a financial settlement to the patient, and the patient accepts it—either they can or they can't—and that has reduced by 50 percent the incidence of medical malpractice lawsuits. Most of the offers are accepted, and most patients feel it is a pretty good thing. That conversation that takes place between the doctor and the patient can never be used in a court of law against the doctor. And that works.

We have what are called certification panels in a number of States. They are a little different from State to State. For example, ''Dr. Burris''—actually, Senator BURRIS—performs on ''patient Carper'', in one approach, a procedure I don't like. I am unhappy with it, and I want to sue him. Before I can go to court, I have to go to a certification panel. Some have a right to say: You don't have a case. That is it; you are out. Others can say: You can go forward, but if you lose, you pay the doctor's legal fees. Others say: Well, bring the case to the certification panel, and if they say you don't have a case, you can still go forward. That is pretty much the approach in my State, and it has literally cut by 40 percent the number of medical malpractice lawsuits.

There are other ideas out there—health courts. We have bankruptcy courts where the judges are lawyers. How about health courts where the judges are medical specialists. Another idea which I think has a lot of virtue is what we are calling safe harbors. Again, a doctor is working with a patient and does everything he or she should have done—or a nurse or hospital—given the symptoms and the medical history and all. Everything is done by the book; everything that should have been done is done. The idea is to provide the doctor a safe harbor from lawsuits, allowing that doctor at least a rebuttable presumption.

Those are all ideas that are working in different places around the country—maybe around the world but especially around the country. Let's figure out which of those will work best to reduce medical malpractice lawsuits, reduce the incidence of defensive medicine, and improve outcomes. And there

is money in the legislation before us to robustly demonstrate and test those approaches and figure out which ones work best and try to replicate those all over the country.

There is a last point or two I want to make. One of those is that if we can accept that we really don't have the best medical system in the world, that we actually do have the most expensive and we don't get the best outcomes—we can get by that argument; if we can sort of get by the argument that what we are trying to do is to set up a government-funded, government-run system; if we can get by the idea that not only are we not exploding the deficits but that we will reduce them by $138 billion, roughly, in the next 10 years and maybe another $1.2 trillion in the next 10 years after that; if we can get by the idea that we are not stealing money out of the Medicare trust fund and paying for abortions and health care for illegal aliens; if we get by the arguments that we are not doing anything on medical malpractice or reducing the incidence of defensive medicine, well, then, what are we arguing about? Well, what we can argue about is process. We can argue about process. And we are having a big argument about that today.

While I won't get into all the details of this process called reconciliation, it is basically used at the end of the budget process to reduce deficits. It pretty much focuses on deficits—either raising revenues or reducing spending in order to reconcile the budget deficit and make it smaller.

It sometimes is used to pass major legislation. When the Republicans were in the majority here, we used it to pass welfare reform legislation and to create the Children's Health Insurance Program. When the Republicans were in the majority, we used it to provide for major tax cuts adopted during the Presidency of George W. Bush. Those were all adopted during reconciliation. I think maybe 20, 22 times, since 1980 or so, reconciliation has been used to pass significant legislation, and 16 out of the 22 times were when our Republican friends were in the majority—not Democrats but Republicans—and we didn't hear criticism of using reconciliation as an approach during those times.

Let me say that I objected when the idea was first raised about using reconciliation to pass comprehensive health care. I have been vocal about that. I didn't like that. It is the wrong thing to do. We end up with legislative Swiss cheese because through the reconciliation process it is hard to legislate prevention, primary care, insurance reform, and those sorts of things. That process doesn't lend itself to health care reform legislation. So we have proceeded along regular order here and passed health care legislation, unfortunately on a partisan basis—60 to 40—at Christmastime last year.

I must say that one of my great regrets here is that we didn't pass a bipartisan bill. We would have had a better bill if we had a bipartisan bill. But it is what it is.

Over in the House, they are trying to determine whether to deem the legislation as passed, through some kind of process in the Rules Committee. But where did they get that idea? Well, they got the idea from when the Republicans were in majority in the previous Congresses. It worked a number of times for them, so maybe the House Democrats will use it as well. There is an old saying that imitation is the most sincere form of flattery. In this case, for better or worse, I think we are seeing the Democrats trying to emulate what our Republican colleagues have done in past Congresses.

One last point on focusing on what works. I took a day and went to Ohio State. I spent some wonderful years of my life in Ohio. I went to Cleveland a time or two, but I went back to Cleveland last year to the Cleveland Clinic.

I had been hearing a lot about Cleveland's clinic and the Mayo Clinic and Geisinger Health Care from Pennsylvania and how Kaiser Permanente in California and Intermountain in Utah and these big health care delivery systems are able to deliver better health care and better outcomes for less money. I was intrigued by that, so I went to the Cleveland Clinic to spend a day with them. I found out that the health care delivery systems in Cleveland and at the Mayo Clinic and Geisinger and Intermountain are all pretty similar. They have a number of things in common. First of all, their doctors and nurses are all on salary. They are not out there as free agents, they are all on salary—for example, at the Cleveland Clinic. Second, they focus on primary care. Third, they focus on prevention. They focus on wellness. All the patients have electronic health records. They coordinate their care. They focus on diseases such as diabetes, cancer, heart, pulmonary, and they treat them in a holistic way. They coordinate their care and the delivery in those places, and they get a better result for less money.

They have been able to go to high-cost areas—for instance, Mayo went down to Florida to provide health care down there in a high-cost area, and they replicated what they do in Minnesota.

Part of what we try to do in this legislation is to incentivize other health care delivery systems in the country—other than the ones I have mentioned—to learn from what works to lower health care costs and provide better outcomes in Minnesota through Mayo, at Geisinger in Pennsylvania, and so forth.

Let me close with this, if I can. I was invited to attend the Delaware annual agricultural dinner about a month ago in Dover. It is an annual event. Probably those kinds of things happen in Illinois, in North Dakota—I know they have them in North Dakota—and in Alabama as well. People had already gone through the buffet line by the time I arrived—I was a little late—but as I went through the line to get my food, a guy came up to me and said: Don't vote for any health care. Don't vote for any health care. I said: Why? And he mentioned some of the arguments I have raised here before.

So I thought about that as I sat down and was eating my dinner, and when I was announced and got up to speak to the audience that night, I said: I know some of you aren't in favor of our doing anything on health care because you have heard the argument that it is going to blow up the deficit or you have heard about death panels and you name it—all this stuff. Let me just ask you this. You raise food. You are farmers. You feed us, and you are pretty good at it, too, because too many people in this country are overweight. I said: Let me change this from talking about health care to talking about food. Let's put it in a food context. What if we lived in a country where we paid twice as much for food as every other nation—twice as much. What if we lived in a country where the food was not as good—in fact, it was so bad it was unhealthy for us. What if we lived in a country where 40 million people went to bed every night hungry. What if we lived in a country where tens of thousands of people died every year because of starvation. What if we lived in a country where our goods and services—the products we are selling in marketplaces in the world—cost way more money, our cars cost $15,000 or $20,000 more than cars they build in Japan because of the cost of food in our country. What if the rest of us paid more money for our food—maybe a thousand more for our food per year—to provide food for other people who didn't have anything to eat. That is pretty much the situation we are in in this country, but not with respect to food, with respect to health care.

We can do better than this. The legislation we passed, that is before the Congress—before the Senate and the House—if we pass it, will not be perfect, but it is sure going to be better than our living in a nation where we pay twice as much for health care as any other advanced nation, where they get better results and they cover just about everybody and we don't. They can't be that smart and we can't be that dumb. Hopefully, not just with this legislation but with what may flow from it, we will improve on it in years to come, and we will show just how smart we have become.

I yield back.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. May I ask the Senator from Alabama a question. How much time does he intend to use?

Mr. SESSIONS. Mr. President, I think 7 minutes.

Mr. SCHUMER. Mr. President, I make a unanimous consent that immediately after the Senator from Alabama speaks, I be recognized for 5 minutes.

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

The Senator from Alabama.

HEALTH CARE

Mr. SESSIONS. Mr. President, I was pleased to listen to the remarks by my good friend and most respected Member of the Senate, Senator CARPER, about his analysis of the health care reform bill that is before us. I would say I disagree on a number of areas.

First, I disagree that we do not have the best medical care in the world. Yes, we have people who are overweight. We have a higher homicide rate. We have other problems that affect health. But if you are treated, you get the best health care all over. Even in rural areas of Alabama you get well-trained physicians and nurses who can give you first-rate care. I reject that. But I do agree we pay too much. I hoped that would have been a basis for our bipartisan agreement as to how we can execute some changes that would help bring down the cost and create a more effective health care system. I certainly think we should go in that direction.

I do think it is important that the American people believe the process is legitimate. The President said—I suppose in his interview yesterday; I saw it this morning—basically: I don't care what the process is. Just do it, House. You can deem a piece of legislation that is not a part of the bill, and just make it law by deeming it without actually putting it up for a vote or amendment or a process. That is historic. They say it has been done before.

I am hearing from my constituents: I do not care what you have been doing before. We expect you guys to honestly bring up legislation, honestly vote on it, and not sneak it through in the dead of night without people having a chance to read it, without fully knowing what it means.

That is a legitimate request and demand from the American people that I am hearing. I think it is true all over the country. Even in Massachusetts, Senator BROWN said: This bill is no good, and I am running against it. If you elect me as the Senator from Massachusetts, I am going to vote no. He was elected by a big margin in a stunning development. The American people are unhappy about this.

What I wanted to take a minute to talk about, and this is very important, the Speaker today, just a few hours ago, reiterated that this legislation would create a surplus. If it is going to ensure 30 million more Americans, if it is going to close the doughnut hole and is going to do all these things, how can that be? The American people are dubious at best about that claim. But they say the CBO says so.

With all due respect to my colleague from Delaware, that is not what CBO said. They have misrepresented the CBO's statement in one of the more dramatic flimflameries in history, I submit. I wrote the CBO. Right before I voted on December 24 I got a letter back that explained the details of how it could appear to be one thing when it is really another. I want to point that out right now.

This was a subsequent letter from them on January 22 of this year when asked about how to analyze the cost of this bill. I am quoting from a letter to me, JEFF SESSIONS, from the Congressional Budget Office, January 22, Doug Elmendorf, the Director—basically hired by the Democratic majority in Congress. He says:

> Thus, the act's effects on the rest of the budget—other than the cash flows from the HI trust fund, the Medicare trust fund—would amount to a net increase in the federal deficits of $226 billion over the same period.

A net increase in the deficit.

He goes on to say:

> Thus, the resources to redeem government bonds in the HI trust fund and thereby pay for Medicare benefits in some future year will have to be generated from taxes or other government income, or government borrowing in that year.

He goes on to say:

> Unified budget accounting shows that the majority of the HI [Medicare] trust fund savings under the PPACA—

That is this health care reform bill—

> would be used to pay for other spending and therefore would not enhance the ability of the government to pay for future Medicare benefits.

It goes on to say:

> Therefore, enacting the PPACA—

The health care reform bill—

> would increase debt held by government accounts more than it would decrease debt held by the public and would thus increase gross federal debt.

Here we have the Speaker of the House taking the floor again, repeating what the President and other colleagues are saying, that somehow this is creating a surplus. It is not. Let me tell you why and how they do it. Hopefully, I can take just a minute to do that.

Right before I voted in the Senate on December 21, President Obama said:

> And Medicare will be stronger and its solvency extended by nearly a decade.

Same statement, he says:

> The Congressional Budget Office now reports that this bill will reduce our deficit by $132 billion over the first decade.

That is basically the number they were using this morning; basically the number that has been referred to on the floor earlier today. This is how it is done and why that is a total misrepresentation of the ultimate significance of what we are doing. This chart does it.

What happens? With regard to the Medicare account, we are increasing Medicare taxes. That brings more money into Medicare. If this passes, everybody—upper income Medicare payers—will pay more money. So it is going to increase taxes.

Second, there has been a substantial reduction in Medicare benefits paid from this account. So, therefore, it creates a saving, right? You increase taxes into Medicare, you cut Medicare expenses, Medicare looks to be in better shape. That is true if we use the money to maintain Medicare, if we use the money paid in by seniors all over this country so when they retire they can have Medicare, and if we use that money to strengthen Medicare. But we are not using it to strengthen Medicare.

What are we doing with it? We are shipping it over to the Treasury so the Congress can spend it on a new health care bill. Obviously, we have a problem there.

How do we get money out? You heard people refer to the Medicare trust fund—and there really is one—and a Social Security trust fund—and there is one. There are bonds out there that Social Security holds in West Virginia. The surplus in Medicare is given to the Treasury. But something else is not mentioned because it is an internal debt, an IOU to Medicare, a bond back to Medicare. The U.S. Treasury owes Medicare for the money they borrowed, and Medicare is heading into default.

So what is going to happen? They are going to call the notes, they are going to call the IOUs, and take this money back.

What is going to happen to the U.S. Treasury when that happens?

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

Mr. SESSIONS. I ask unanimous consent to have 2 additional minutes.

The PRESIDING OFFICER. There is a unanimous consent the other Senator gets 5 minutes, and we will move at 2 o'clock to a vote, so——

Mr. SESSIONS. I am entitled to ask the Presiding Officer for it.

Mr. DORGAN. I am required to object. By a unanimous consent previously ordered, we have a 2 o'clock vote, and the Senator from New York has asked for 5 minutes.

The PRESIDING OFFICER. Objection is heard.

Mr. SESSIONS. As a result of the conventions of accounting, it may appear this money can be spent twice, as Mr. Elmendorf said is happening. But the truth is, we cannot spend the money twice. It is increasing the debt, and there is no doubt about it.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I would like to start by saying how much I admire the family members of the victims of Colgan Air Flight 3407. They are an amazing group of people. They have advocated tirelessly for a year, making numerous trips to Capitol Hill, all in honor of the beloved loved ones who tragically lost their lives on a Buffalo-bound flight from Newark airport.

They have done this with intelligence, with focus, and, given their overwhelming grief—at least as far as I witnessed—no anger, which was amazing to me. I am sure when they go home at night there is a hole in their

hearts, and it would be quite human for many of them to be angry, but they have channeled all of that into an amazingly well-focused attempt that now is on the edge of success: to make our commuter flights safer.

We all remember the night over a year ago now when flight 3407 crashed in Clarence, NY, and claimed 50 lives. It is a tragic reminder that our Nation's aviation industry is not immune to tragic accidents. Last month the NTSB issued its final conclusion on the cause of the flight failure. The conclusion, though not surprising, based on the reports we have heard for almost a year now, is still heartbreaking.

The NTSB determined the probable cause of the accident was ''the captain's inappropriate response to the activation of the stick shaker, which led to an aerodynamic stall from which the plane did not recover.''

That is a heart-wrenching conclusion to hear because it means the accident was entirely avoidable.

The Senate Commerce Committee has included numerous important provisions, safety provisions, in the FAA bill. I am especially grateful to all the members of the committee, particularly the chair, Senator ROCKEFELLER, and the subcommittee chair, Senator DORGAN, for helping us obtain an amendment that I authored that will require all flight crewmembers to have more flying experience before they can be hired by an airline such as Colgan Air. The copilot can currently be hired by a regional carrier with as little as 250 flight hours. That is unacceptable.

The amendment will require the FAA to require that copilots have at least 800 hours of flying experience, and that experience will have to be performed in adverse flying conditions like those that flight 3407 met over a year ago on a cold, icy night outside of Buffalo.

Senator DORGAN, as I mentioned, was instrumental in helping to make the safety goals of flight 3407 family members a reality. I thank him and Senator ROCKEFELLER and their staffs for their hard work and leadership, not only on the crewmembers' experience but on the FAA bill as a whole. I would also like to thank all the cosponsors of the original bill for their support—Senators GILLIBRAND, LIEBERMAN, LEAHY, CASEY, COLLINS, SNOWE, KERRY, WYDEN, SCOTT BROWN, RISCH, BURRIS, and MERKLEY.

We firmly believe everyone flying a plane, both pilot and copilot, should have proper training and experience to handle adverse flying conditions.

NTSB concluded that the pilot and copilot's poor training was evident from the start of the flight when they incorrectly entered airspeeds in the aircraft's computer system. When the Q400 airspeed dipped to a dangerously low level, their reactions were of shock and confusion, not of problem solving. When the stick-pusher activated so the pilot could coax the aircraft out of a stall, he pulled back instead of pushing forward. His copilot did not recognize or correct any of his mistakes.

It is unacceptable that a passenger on a regional carrier should fly in less capable hands than a passenger on a larger commercial carrier, where hiring standards are considerably higher. That is why passage of the FAA bill is of utmost importance in the Senate. We need to bring all commercial air travel to the same level of safety.

I have said this before. It bears repeating. The families of flight 3407's victims have been almost saintly, and I do not say it lightly. They have taken this tragedy and turned it into this moment, a moment where we are on the verge of making critical reforms in airline safety that are long overdue.

If we pass this bill, we will make changes in airline safety that will impact the country for decades to come. The journey that these families have traveled has been too long and too hard to stop now.

In conclusion, I can never say enough about how humbled I am by the work of all flight 3407 family members. It is a tribute to their loved ones' lives that they continue to come to Washington to advocate for aviation safety, and I am honored to help in their cause.

Mr. FEINGOLD. Mr. President, the body will consider two amendments today that propose to limit some discretionary spending. Regrettably, both amendments contain significant flaws, and I will oppose both of them for that reason.

The amendment proposed by the Senator from Alabama, Mr. SESSIONS, and the Senator from Missouri, Mrs. MCCASKILL, propose to limit some discretionary spending over the next 5 fiscal years. However, those limits include a giant loophole, as the proposal includes a complete exemption for spending on the Iraq and Afghanistan wars. The proposal in no way requires that such funding be offset, or be subject to the usual supermajority thresholds that the Senate imposes on spending beyond that for which the body budgets. Under the amendment, spending on those wars is completely unrestrained, and would be added right onto the government's budget deficits.

This is not a small matter. To date, spending for those wars has totaled roughly $1 trillion and not one cent has been paid for. The cost of those wars has been added directly to our budget deficits, swelling our already mountainous public debt, and increasing the burden we are leaving our children and grandchildren to bear. The question of whether these wars are in the best interest of our national security is, of course, a primary concern. Having made the decision to pursue that course, though, we should not just shove the cost off on future generations. But that is just what this amendment would do.

The amendment proposed by the Senator from Arkansas, Mr. PRYOR, and the Senator from Nevada, Mr. REID, also limits discretionary spending, but it, too, carves out a loophole for the spending on these wars. While it doesn't provide the unlimited exception included in the Sessions-McCaskill proposal, it still permits another $150 billion to be spent on the Iraq and Afghanistan wars over the next 3 years without having to be offset.

Beyond the matter of pushing the cost of these wars on to our children and grandchildren, the war-spending exceptions included in these two amendments invite continued budget gaming that has been a byproduct of the supplemental spending requests submitted on behalf of war spending. Those supplemental bills have been used as a way to boost defense spending unrelated to the wars, circumventing the budget caps Congress has set as part of annual budget resolutions. Both of these amendments risk inducing more of the same.

I support establishing discretionary spending limits in law, and have done so in the past. But we should do so in a way that does not provide a massive escape hatch for hundreds of billions in discretionary spending.

Mr. INOUYE. Mr. President, the Senator from Arkansas has made a good-faith effort to address many of flaws in the Sessions amendment.

First, this amendment would require savings from discretionary spending, mandatory taxes and revenues.

Second, it wisely eliminates the requirement for a two-thirds majority to increase spending, leaving in place the supermajority 60-vote requirement already included in the budget act.

And, it reduces the amount of discretionary savings from the Obama request by more than half—to $77 billion over 3 years.

While it is a far better alternative to the Sessions amendment, I must still oppose it.

The matter for determining how much deficit reduction the country needs over the next three years should be left up to either the Budget Committee or the Deficit Reduction Commission. It should not be determined by an amendment on the Senate floor.

In addition, the burden of taking half the total cut from discretionary spending is too great when the real deficit problem has been caused by runaway mandatory spending and tax cuts for the rich.

The 3-year cuts of $77 billion in discretionary spending would still be crippling to the Obama budget plan.

The Senate should debate this matter on the budget resolution which the Senate is expected to consider next month, instead of on the FAA Reauthorization Act that is before us today.

I very much appreciate the Senator's efforts to achieve a more balanced amendment, but I regrettably must still oppose the amendment.

Mr. President, the amendment from the Senator from Alabama seeks to constrain discretionary spending at the levels agreed to in last year's budget resolution. He says his intent is to cap spending for the next 3 years. Now we all understand that discretionary

spending is likely to be frozen this year as the President has proposed, but this proposal goes way beyond what the President has recommended.

The President has proposed a modified spending freeze which caps nonsecurity related spending.

The President allows growth in homeland security; this amendment does not assume growth.

The President has requested more than $732 billion in his budget for National Defense for fiscal year 2011 including the cost of war. This amendment only allocates $614 billion.

Specifically, this amendment only allows $50 billion for the cost of overseas deployments. As such it fails to fully cover the cost of the wars in Afghanistan and Iraq as estimated by DOD for fiscal year 2011 by $109 billion.

While the proponents of this amendment note that it waives the $50 billion war allowance if we are at war, why does the amendment not support the full request? Some could interpret the provision to mean if we want to support our men and women deployed overseas we would need to get 60 votes. Does the Senate really want national defense to be hostage to a 60-vote threshold?

This is not the same as President Obama's plan. Over the 3 years in the Sessions amendment, the caps he would put into place are $141 billion below President Obama's 3-year plan—$50 billion below Defense, not including the cost of war, and $91 billion below nondefense spending.

If we adopt the Sessions caps we will have to gut the President's agenda for discretionary spending—education, green jobs, and homeland security.

The critical flaw in this amendment is it fails to do anything serious about deficits. It fails to address the two principal reasons why our fiscal house is out of balance.

It is a fact that the growth in the debt has resulted primarily from unchecked mandatory spending and massive tax cuts for the rich. This amendment fails to respond to either of those two problems. In short, this amendment is shooting at the wrong target.

Moreover, this amendment also wants to raise the threshold on discretionary spending increases to 67-vote approval allowing one-third of the Senate to dictate to the majority.

We already have a threshold of 60 votes required to increase discretionary spending above the budget resolution. I for one cannot believe the Senate wants to let a mere one third of the Senate dictate to the other two thirds whether there is a bona fide need for increased spending.

This is the wrong direction for this institution. Mandatory spending has increased substantially the last few years. Tax cuts for the rich have constrained revenues, but neither tax cuts nor mandatory spending increases would be subject to 67 votes.

The Senator from Alabama says this approach worked to help balance the budget in the 1990s. Well, that is only partially correct and it is critical that my colleagues understand the difference.

In the 1990s our budget summits produced an agreement to cap discretionary spending, but they also decreased mandatory spending and they increased revenues at the same time.

It was only by getting an agreement on all three areas of the budget at the same time that we were able to achieve a balanced budget.

Now let's be clear, many of our colleagues on the other side of the aisle are happy to put a cap on discretionary spending, but they don't want to put policies in place to make sure we have enough revenues to reduce the deficit.

Any honest budget analyst can tell you we will never achieve a balanced budget just by freezing discretionary spending. We could eliminate all discretionary spending increases for defense, other security spending, and nondefense and still not balance the budget.

Moreover, if we cut discretionary spending without reaching an agreement on mandatory spending and taxes we will find it very hard to get those who do not want to address revenues to compromise.

I want to remind my colleagues that the administration has just announced that it will create a Deficit Reduction Commission to help us get our financial house in order. It will look at both revenue and spending and find the right balance to restore fiscal discipline.

They will make their recommendations to the Congress and the majority leader has committed that the recommendations of that Commission will be brought to the Senate for a vote.

Rather than rushing to address only one small portion of the issue, the Senate should await the judgment of the Deficit Reduction Commission which will cover all aspects of the problem.

As chairman of the Appropriations Committee, I agree that everyone should tighten their belts. The problem with this amendment is that all the tightening will be done on a small portion of spending, while revenues and mandatory spending will still be unchecked.

The Senate has already rejected this flawed plan twice in the last 2 months. This amendment hasn't gotten any better in the intervening period. It still is shooting at the wrong target. It still fails to address the real causes of our deficits and national debt. It is far less that the President has requested. I urge my colleagues once again to vote no.

AMENDMENT NO. 3453

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided prior to a vote in relation to the Sessions-McCaskill amendment No. 3453.

Who yields time?

Mr. INOUYE. 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. DORGAN. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mrs. McCASKILL. Mr. President, there are those in this body who will say vote for the side-by-side because it does more.

It does not. It is cover. It is very weak; 50 votes to waive. Everybody would love to go after mandatory spending. We do not have the will to go after discretionary spending. It is a joke if anybody thinks this body is ready to take on mandatory spending.

This is a very baby step to control growth by 1 percent beginning next year for 3 years. When you look at what State governments are doing and local governments are doing and what America's households are doing, and we cannot control growth of 1 percent for 3 years? We are cutting nothing. We are cutting nothing. Everyone in the country is cutting but here, where we print money.

This is a reasonable approach. If we cannot take this baby step, then we have got to admit to the American people we do not get what they are going through; we are completely out of touch.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, the Senate has already rejected this flawed plan twice in the last 2 months, and this amendment has not gotten any better in the intervening time.

If we adopt the Sessions caps, we will have to gut the President's agenda for discretionary spending, including education, jobs, and homeland security. This amendment still fails to address the real causes of our deficit and national debt. It is far less than the President has requested. I urge my colleagues to once again vote no.

I raise a point of order that the pending amendment violates section 306 of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, how much time is left on this side?

The PRESIDING OFFICER. All time has expired.

Mr. SESSIONS. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974 and section 4(g)(3) of the Statutory Pay-As-You-Go Act of 2010, I move to waive all applicable sections of those acts and applicable budget resolutions for purposes of my amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to the motion.

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr.

BYRD), the Senator from North Dakota (Mr. CONRAD), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Utah (Mr. BENNETT).

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

The yeas and nays resulted—yeas 56, nays 40, as follows:

[Rollcall Vote No. 57 Leg.]

YEAS—56

Alexander	DeMint	McCaskill
Barrasso	Ensign	McConnell
Bayh	Enzi	Murkowski
Begich	Graham	Nelson (NE)
Bennet	Grassley	Nelson (FL)
Bond	Gregg	Risch
Brown (MA)	Hagan	Roberts
Brownback	Hatch	Sessions
Bunning	Hutchison	Shaheen
Burr	Inhofe	Shelby
Cantwell	Isakson	Snowe
Carper	Johanns	Thune
Chambliss	Klobuchar	Udall (CO)
Coburn	Kyl	Vitter
Cochran	LeMieux	Voinovich
Collins	Lieberman	Warner
Corker	Lincoln	Webb
Cornyn	Lugar	Wicker
Crapo	McCain	

NAYS—40

Akaka	Gillibrand	Murray
Baucus	Harkin	Pryor
Bingaman	Inouye	Reed
Boxer	Johnson	Reid
Brown (OH)	Kaufman	Sanders
Burris	Kerry	Schumer
Cardin	Kohl	Specter
Casey	Landrieu	Stabenow
Dodd	Lautenberg	Tester
Dorgan	Leahy	Udall (NM)
Durbin	Levin	Whitehouse
Feingold	Menendez	Wyden
Feinstein	Merkley	
Franken	Mikulski	

NOT VOTING—4

Bennett	Conrad
Byrd	Rockefeller

The PRESIDING OFFICER. On this vote, the yeas are 56, the nays are 40. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to. The point of order is sustained. The amendment falls.

AMENDMENT NO. 3548

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided prior to a vote in relation to the Pryor amendment No. 3548.

The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, I ask my colleagues to look at my amendment. It reduces discretionary spending caps by $77 billion relative to President Obama's budget in 2011, 2012, and 2013. It also requires the fiscal commission to find an additional $77 billion to reduce the deficit. It moves the vote from 67 back to 60, as it is under our normal Senate rules. It also increases the chances of a bipartisan agreement on deficit reduction. We need that around here. We need a bipartisan agreement on deficit reduction. This reduction could potentially add $13 billion more in deficit reduction than what the Sessions-McCaskill amendment does.

As much as I respect and appreciate all the work Senators SESSIONS and MCCASKILL did, I certainly would appreciate people voting for the Pryor amendment.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, we were within one vote of bipartisan legislation to help constrain the growth in spending and allow for growth but not quite as much. But Senator PRYOR's amendment is absolutely the wrong thing. It is a budget-busting amendment. It allows the Congress or the appropriating committees to spend $62 billion more than the present budget allows. It busts the budget. Second, it instructs the deficit commission to propose tax increases and entitlement cuts to fund increases in discretionary spending. That is not what the commission is supposed to be about. It is to try to get our entitlements back on sound footing, not to create money to spend on a new program.

I urge colleagues to vote no. It is not the right thing to do.

I make a budget point of order that the pending amendment contains matters within the jurisdiction of the Committee on the Budget. Therefore, I raise a point of order against the amendment under section 306 of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, the waiver provisions of applicable budget resolutions, and section 4(g)(3) of the Statutory Pay-As-You-Go Act of 2010, I move to waive all applicable sections of those acts and applicable budget resolutions for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Utah (Mr. BENNETT).

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

The result was announced—yeas 27, nays 70, as follows:

[Rollcall Vote No. 58 Leg.]

YEAS—27

Akaka	Dodd	Kohl
Baucus	Dorgan	Landrieu
Bayh	Durbin	Lincoln
Begich	Feinstein	Menendez
Bennet	Hagan	Merkley
Boxer	Harkin	Pryor
Brown (OH)	Johnson	Specter
Carper	Kaufman	Tester
Casey	Kerry	Wyden

NAYS—70

Alexander	Gillibrand	Nelson (NE)
Barrasso	Graham	Nelson (FL)
Bingaman	Grassley	Reed
Bond	Gregg	Reid
Brown (MA)	Hatch	Risch
Brownback	Hutchison	Roberts
Bunning	Inhofe	Sanders
Burr	Inouye	Schumer
Burris	Isakson	Sessions
Cantwell	Johanns	Shaheen
Cardin	Klobuchar	Shelby
Chambliss	Kyl	Snowe
Coburn	Lautenberg	Stabenow
Cochran	Leahy	Thune
Collins	LeMieux	Udall (CO)
Conrad	Levin	Udall (NM)
Corker	Lieberman	Vitter
Cornyn	Lugar	Voinovich
Crapo	McCain	Warner
DeMint	McCaskill	Webb
Ensign	McConnell	Whitehouse
Enzi	Mikulski	Wicker
Feingold	Murkowski	
Franken	Murray	

NOT VOTING—3

Bennett	Byrd	Rockefeller

The PRESIDING OFFICER. On this vote, the yeas are 27, the nays are 70. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to. The point of order is sustained. The amendment falls.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, I wish to proceed for a few moments on my leader time.

Without objection, it is so ordered.

HEALTH CARE

Mr. MCCONNELL. Mr. President, Democratic leaders in the House say they are giddy because of CBO's latest estimate of their $1 trillion health care spending bill. That is what you call trying to get out in front of the news. Because if you look at the details, if you look under the hood, you will see this latest bill is even more painful than the Senate bill that Democrats over in the House are afraid to take a vote on.

Democratic leaders are bragging about this bill's impact on the deficit. They say it reduces the deficit by $130 billion over 10 years. The more important question is: How do they get there? They get there with even higher taxes and even deeper Medicare cuts than the first Senate bill. Let me say that again. This second bill that is coming along has even deeper Medicare cuts and even higher taxes than the first Senate bill that over in the House they don't seem to want to have a recorded vote on.

Let's start with the Medicare cuts. The Senate bill Speaker PELOSI said Democrats are so afraid to take a vote on originally cut Medicare by $465 billion. That is the original Senate-passed bill that passed on Christmas Eve. The latest bill increases those cuts by $60 billion more.

How about taxes? The Senate bill the Democrats over in the House are so afraid to take a vote on raises taxes by $494 billion—$494 billion. The second bill coming along increases taxes by at least $150 billion on top—on top—of the $494 billion original tax increase.

So if you were worried about raising taxes in the middle of a recession, this bill raises taxes even more. If you were worried about cutting Medicare for seniors, this bill cuts it even more.

So here is how Washington works. Democrats want to spend trillions of dollars on this bill in order to save $130 billion 1 week after voting to add nearly that much to the deficit in a single vote. If Democrats are giddy about this CBO score, then they must get a kick out of higher taxes and Medicare cuts because that is what this bill will mean—even higher taxes and deeper Medicare cuts than the original Senate bill.

If wavering Democrats needed any more evidence that this bill is actually worse than the Senate bill, they got it from the chairman of the Budget Committee just this afternoon. If our Democratic friends in the House were counting on the Senate to fix the original Senate bill they don't want to vote for because it is so bad, I wouldn't count on the Senate. The Budget Committee chairman over here is already warning that if that reconciliation bill comes over to the Senate, it will have to go back to the House once again for changes. So don't count on us to fix this bill for you, I would say to my Democratic friends in the House. Don't count on us.

Republicans have been saying for nearly a year now that this bill is unsalvageable. The latest CBO score proves our point.

I would suggest the President not scrap his trip to Indonesia. He should scrap this bill and start over on a bill that Americans can embrace and that lawmakers from both parties will actually be proud to vote for.

Taking a bill that House Democrats are too embarrassed to vote for, adding more than $150 billion in new taxes and slashing $60 billion more from our seniors' Medicare and keeping sweetheart deals may make some Washington Democrats giddy, but that is not reform.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, the regular order is amendment No. 3475?

The PRESIDING OFFICER. That is the regular order.

The Senator has the right to call the regular order.

AMENDMENT NO. 3549 TO AMENDMENT NO. 3475

(Purpose: To reduce the deficit by establishing discretionary spending caps for nonsecurity spending)

Mr. INHOFE. Mr. President, I call up a second-degree amendment No. 3459 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE] proposes an amendment numbered 3549 to amendment No. 3475.

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

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

(The amendment is printed in the RECORD of Wednesday, March 17, 2010.)

Mr. INHOFE. Mr. President, this is a fairly simple bill. I have spoken on the floor several times about this bill. As I made very clear before, and there is no sense debating it now, I have been opposed to some of the moratoria we have been talking about on earmarks because, No. 1, they don't save any more if you kill an earmark and, No. 2, it is something I have serious problems with in terms of our oath of office. We raise our hands, as the Senator from North Dakota knows, and swear to uphold the Constitution of the United States of America. We don't say we are disenfranchising ourselves from article I, section 9 of the Constitution, which is very clearly the responsibility of the legislative branch to pass or to introduce authorization bills and appropriations bills.

This bill—I do have quite a few cosponsors on this—is a proposal that would freeze discretionary spending at the 2008 level. Here is the reason I am doing this. President Obama and some of the Democrats had proposed that they would freeze the nonsecurity discretionary spending at 2010 levels. The problem I have with that is, this is after it has already been increased by 20 percent, so it is kind of a big deal. You increase it by 20 percent and then you freeze it. What I am doing is taking the same interpretation or the same definition of the nonsecurity—this would exempt Defense, Homeland Security, State, Veterans' Administration, and national security functions of Energy, so it is the same language that is in the Obama proposal, but I am taking it back to 2008. This would have the effect over a period of time, over a 10-year budget cycle, of reducing the amount by about—just under $1 trillion, $900-some billion.

So I wish to have this considered. I would inquire of the Chair if I am now in the queue or what is the status of this at this time?

The PRESIDING OFFICER. It is now a pending amendment.

Mr. INHOFE. All right. I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, that is the pending amendment. We have other amendments that have been filed, properly filed, and we are hoping to have additional votes this afternoon.

What we hope to do is complete this bill this afternoon. We have a number of issues that I think are being resolved in meetings off the floor. It is now 3 o'clock, and I know the majority leader would very much like to complete this bill. This is the fifth day we have been on the floor trying to pass an FAA reauthorization bill that should have been passed 11 times previously but was extended 11 successive times. This deals with commercial aviation safety, airport improvement, infrastructure improvement, a passengers' bill of rights, so many very important things. Some have said: Well, this will not get done this year either. But after 5 days on the floor of the Senate, I remain with some hope that we can get this done if we could get a bit of cooperation from our colleagues who have amendments to come over and offer them and we will have votes on them and the Senate will make decisions and we will have a final vote on this bill.

This bill should not be controversial. It is bipartisan. It came out of the Commerce Committee with support from Republicans and Democrats, so we ought not have controversy on the floor of the Senate about when we will get this bill completed.

I know one of the issues that remains unresolved at this point are amendments dealing with what are called the slot rules at National Airport and the perimeter rule, kind of a complicated set of rules with respect to how many slots are allowed for takeoffs and landings at National Airport per hour and also how far those airplanes can fly because there have been some limitations with respect to the perimeter. There are fewer nonstop flights from Washington National. Most of the nonstop flights, particularly coast to coast, happen from Dulles Airport in this region.

There are amendments on the slots and the perimeter rule with respect to National Airport. I hope we can get this resolved. We decided not to address that issue in the Commerce Committee because it is very controversial and it is an open issue when we go to conference with the House because the House does address it.

The best approach, in my judgment, would be for those who wish to offer amendments on the slot and perimeter rules to withhold those amendments here, and we will reach an agreement when we go to conference on how we can create the Senate position in terms of what we want to do on these issues. It is an open issue and, undoubtedly, we can resolve it in conference. If we have eight amendments on slot rules and perimeter rules and debate them for a few more days, this bill may very well be a casualty of time.

After 5 days, I think the majority leader feels—appropriately—and I feel and I know Senator HUTCHISON and others feel as well that we want to get this bill done today. If people have amendments, come down and offer them and debate them. If they do have amendments they want to offer, I hope some epiphany will occur to suggest to them they do not need to come down and offer them.

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

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The clerk will call the roll.

The 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.

Mr. DORGAN. Mr. President, while we are waiting for colleagues to come and offer amendments to the underlying bill, let me speak in morning business for as much time as I may consume.

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

Mr. DORGAN. I will relinquish the floor if colleagues come and wish to offer amendments to the FAA bill. That is what I prefer happen at the moment.

TRAVEL TO CUBA

Mr. President, I wish to visit in morning business about legislation that Senator MIKE ENZI from Wyoming and I have worked on now for some long while. It has 38 cosponsors, 38 Senators cosponsoring, Republicans and Democrats. It deals with the question of travel to Cuba.

As you know, what we have at the moment and have had since 1962 is a prohibition on the American people's ability to travel to the country of Cuba. Cuba rests about 90 miles off our shore. We have, obviously, had massive disagreements with the Castro regime for many years. In order to punish the Castro regime, we have restricted the rights of the American people to travel.

We can travel unimpeded to many other countries. We can travel to Communist China. We can travel to Vietnam, a Communist country. We can travel to North Korea, if you can get a visa to get in. No restrictions there. The American people just cannot travel to Cuba.

Let me describe the absurdity of this which leads Senator ENZI and me to offer this legislation. We have not offered it on the underlying bill today, but we will offer it on an authorization bill in the near future. With 38 cosponsors, we feel this bill would pass the Senate with some ease.

Let me point out that the New York Philharmonic Orchestra is the oldest symphony orchestra in America, founded in 1842. The New York Philharmonic Orchestra is one of our most renowned cultural ambassadors around the world. In 1959, the New York Philharmonic played in the Soviet Union in Moscow. Last year, the New York Philharmonic has also played music in Communist Vietnam. In 2008, the New York Philharmonic played music in North Korea. By the way, if anyone has a chance to go to YouTube and/or the Internet and look at the reaction of the North Koreans to the New York Philharmonic playing music in Pyongyang, it is extraordinary—quite a cultural experience for our country to send this philharmonic orchestra to those countries.

The only place they were not able to play was Havana, Cuba, in October 2009. Plans for those concerts had to be canceled. Think of that: the New York Philharmonic was able to go and play music in Moscow at the height of the Cold War, in North Korea, in Vietnam, but it wasn't able to play in Havana, Cuba.

Why? Well, we have had now, through 10 Presidencies, an embargo in place. An embargo has been in place that not only embargoes the movement of goods to Cuba but also punishes the American people by saying: You can't travel to Cuba. That is what Senator ENZI and I and 37 other Senators wish to say is inappropriate, and we want to lift those travel restrictions.

I understand the Castro government has restricted the freedoms of the Cuban people. I understand this country has no use for the Castro government. I have no use for the Castro government. I want the Cuban people to be free. I think the most likely approach to freedom for the Cuban people is to allow them to hear other voices, other than just the Castro government. Opening up Cuba to travel by Americans, it seems to me, will provide those other voices.

Mr. President, this chart shows we have under the current U.S. policy, criminal penalties for violating sanctions of travel to Cuba: 10 years in prison, $1 million in corporate fines, and $250,000 for individuals.

Well, let me show a few people who have run afoul of the law against traveling to Cuba. This is Joni Scott. Joni Scott went to Cuba. She went to Cuba with a church group to distribute free bibles in the rural areas—free bibles, distributing free bibles to Cuba. She got back to our country and, guess what. Our country sent her a letter because she was honest and said she had been in Cuba distributing bibles. She got a letter saying: We are fining you $10,000.

So we fine an American citizen $10,000 for going to Cuba to distribute free bibles? That is unbelievable.

But it is not just Joni Scott. Here is another Joan. This is Joan Slote. I have met both these women, by the way. Joan Slote was in her mid seventies when she went to Cuba. She was a Senior Olympian. She is a bicyclist, and she joined a Canadian cycle group to go ride a bicycle in Cuba. She came back and found out that her government was going to levy a $10,000 fine. Then, by the way, they decided to try to attach her Social Security payments because she hadn't responded. She hadn't responded because she had gone to her son's side, who was suffering from brain cancer, and she didn't get the mail. So this woman, for cycling in Cuba, was told she should pay her government $10,000 in fines.

This is Sergeant Lazo—SGT Carlos Lazo. We actually had a vote about Carlos Lazo on the floor of the Senate on an amendment I offered one day. He fled from Cuba on a raft, joined the U.S. Army and went to Iraq to fight for our country. He won a Bronze Star Medal fighting for America in Iraq. He came back to this country and discovered one of his children—he has young children who, by the way, were still living in Cuba—one of his children was sick. Sergeant Lazo wanted to go to Cuba to visit his sick child. Having won a Bronze Star Medal on the battlefield in Iraq, he was told by his government: You have no right to see your sick child in Cuba. Unbelievable.

So that is what we have, this restriction on travel to Cuba. Senator ENZI and I believe it is past the time, long past the time to eliminate it; to stop punishing the American people by restricting their right to travel.

The last chart I have is a photograph of an airplane that flies around distributing television signals into the country of Cuba. We have spent $¼ billion in our country sending television signals that the Cuban people can't receive because they are routinely blocked by the Cuban Government. We send television signals to the Cuban people to tell them how wonderful freedom is, when they know that by listening to Miami radio stations. We have spent $¼ billion doing it, and I have tried to eliminate that expenditure time and time again and have been unsuccessful.

Talk about government waste. Government waste even has cosponsorship in the United States on this issue.

The point is very simple. Senator ENZI and I, and many other Republicans and Democrats in the Senate, believe we ought to stop punishing the American people for the actions of the Cuban government.

Many years ago, we also had a complete embargo on all shipments and goods to Cuba, which included food, which I felt was immoral. So I and then-Senator Ashcroft sponsored a resolution that passed the Congress and became law that opened up just a bit in the embargo to say: You can sell food into the Cuban marketplace and ship medicine into the Cuban marketplace. You can do that, but it has to be paid for in cash, and you can't run the cash through an American bank. So running these transactions through European banks for cash, our farmers now have sold a substantial amount of commodities in the Cuban marketplace, just as the Canadian farmers have always done, and just as the European farmers have always done.

So just that little bit of change in the embargo, opening up opportunities to sell food and medicine into the Cuban marketplace, was a significant step. But I think this embargo has been an unbelievable failure, through 10 Presidencies, and I think it is time for us to decide the best way to promote freedom in Cuba—and I think 39 of us believe this in the Senate, having cosponsored the legislation, and many more would vote for it—is to stop punishing the American people, to stop restricting travel.

The Castro government will have a very difficult time if an onslaught of Americans go to travel in Cuba, and

Cubans hear other voices other than the Castro government. Again, we have tried to address this issue of travel for a long while. I would hope most who are engaged in this would hang their heads with some shame that we are spending our time tracking down someone who is under suspicion of taking a vacation to Cuba so we can levy a $10,000 fine.

What an absurd contradiction for a country that measures its health and freedom. What an absurd contradiction.

We have something down at the Treasury Department called OFAC Office of Foreign Assets Control. OFAC has the main mission of shutting down the flow of money to terrorist organizations. That is what they are supposed to be doing. The fact is, they have a Miami office, and for a good part of the last decade they spent 60 percent of their money trying to track American citizens who were suspected of vacationing in Cuba. Again, are we daft? Have we lost all sense? That doesn't make any sense to me at all.

We had a couple of colleagues from the Senate in the newspaper the other day encouraging people not to go. There is a trip to Cuba described in the paper—I believe they have a license to go—but some colleagues were encouraging people not to go. Well, with respect to China, for example, a Communist country, we have always said that constructive engagement through trade and travel is what will lead to greater human rights in China. That has always been the belief of this country. It is the way we deal with China, the way we deal with Vietnam, it is the way we would deal with North Korea if they would allow Americans in because we don't restrict the American right to travel to North Korea or Vietnam or China—only to Cuba.

Some of us believe it is an archaic, absurd contradiction for our country to continue doing this. I hope, perhaps, in the name of Sergeant Lazo or, perhaps, Joni Scott, or any number of others—and I didn't mention the young man from the State of Washington whose father died. His father had previously been a minister at a church in Cuba. This young man, when his father died and was cremated, took his ashes to Cuba to have the ashes placed on the grounds of the church his father served in in Cuba. He did that. That was his father's last wish.

When he came back to this country, he was tracked by his government and levied a fine. That is not what this government ought to be doing. So if the Congress can and will pass the amendment Senator ENZI and I have constructed, which has wide support in the Senate, I think we will have done something that is important.

Having said all that, I expect there will be things written tomorrow by those who watched these proceedings to say that this amendment is somehow sympathetic to the Cuban government. It is not. That is an absurd proposition. It is not sympathetic to anything except sympathetic to freedom for the American people. Let's stop punishing the American people for others' transgressions.

The fact is, the American people ought to have the right to travel where they wish, where they choose—and they generally do, with this exception. But what is happening now is that the Office of Foreign Asset Control—which is supposed to be tracking Osama bin Laden and other known terrorists and tracking their finances to try to shut down the financing of terrorism—is diverting its attention to see if they can't nab a couple of Americans who went to take a vacation in Cuba.

This country is better than that, and we can do better than that by passing the legislation I and Senator ENZI have authored.

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

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

FINANCIAL MARKET REFORM

Mr. DODD. Mr. President, I wish to take a couple of minutes, if I can, this afternoon. I realize we are getting toward the close of the end of the week, and Members will be heading off to their respective districts and States for the weekend. We will be coming back on Monday or Tuesday.

I want to take a couple of minutes, because next week we will be having a markup in the Senate Banking Committee of the financial regulatory reform effort that we have been involved in now for about 2 years.

It was 2 years ago this past weekend that the collapse of Bear Stearns occurred in 2008. Not that that was the beginning of the problems; that was merely the evidence of how deep the problems were. Of course, the events that unfolded in 2008 only confirmed what was happening in March was the beginning of a near total collapse of the financial system in this country.

During those last 2 years, we have had countless hearings and meetings, gathering information from all sorts of sources both here as well as around the country to determine what best steps we could take to see to it that the country would never again face that kind of near collapse of our financial system; to see to it that the tools would be there, so that when the next emergency arose, as it surely will to one degree or another, that the next generation would have the tools necessary to avoid the economic system sort of spinning out of control, as it did over these last 2 years; and, thirdly, to make sure that in our efforts to plug the gaps that created the problems in the first instance, and the tools necessary to deal with future ones, we were not going to strangle the financial system of our Nation so that we could not create jobs, have credit flow, capital move, so that our Nation could again prosper economically.

The interrelationship between our financial system and economic growth is inseparable. Without a strong and dependable, secure, safe financial system, the idea of economic growth in our country is, of course, a fiction. So we have a deep and serious challenge, as we have had over these past 2 years, to reform a system that has not been reformed since the 1930s. There have been various new regulators who have been added, additional restrictions imposed at one time or another, but not the kind of comprehensive view that I think the country expects in light of the events that have unfolded over the last couple of years.

As chairman of the committee over the last 36 months, since I became chairman in January of 2007, we have tried to respond to this issue, first in 2007, by focusing on the root cause of the problem. That was, of course, in the mortgage lending market, where mortgages were going out the door from lending institutions that the borrowers did not understand, and could never afford, and the lenders knew that at the time. As a result, we began to see the collapse of our economy when those mortgages were then securitized and sold to investors only to discover that, of course, these mortgages were worth a lot less than the rating agencies claimed they were. That was not a minor problem. We have now had 7 million people in this country who have had their homes in foreclosure. Many of them, if not most of them, will lose their homes as a result of what happened.

The unemployment rate has cost 8½ million people their jobs in this country, and in certain parts of the Nation unemployment rates hover around 17 percent, on average a little less than 10 percent.

There are good signs that are occurring that indicate our economy may be recovering at certain levels. But tell that to the person who lost their job today, lost their retirement income, lost their homes, lost that sense of self-worth and value that you can never put a pricetag on but is essential for our Nation's sense of optimism and strength in these difficult days.

For all of those reasons, we have tried to craft a bill here that deals with those goals of plugging the loopholes, the gaps, providing the tools for the future, and creating a system that will allow our economy to grow and prosper once again.

There are four major areas of the bill I have talked about. One is for once and all end the notion that any financial entity never can become so complicated, so interconnected, so big, that it has an implicit guarantee that the taxpayers of this country are going to bail it out when it begins to fail, or fails.

The $700 billion paycheck the American people wrote in order to stabilize our financial institutions in the fall of 2008 should never, ever happen again. The bill I have crafted, along with my colleagues, Democrats and Republicans, we believe achieves that goal. I owe a special thanks, a very special thanks to two of our colleagues, a Democrat and a Republican, who have worked over many weeks to try to do exactly what I have described doing for you, and that is to shut down the possibility that the American taxpayer will ever again be asked to write that kind of a check. So my thanks to MARK WARNER of Virginia, a new Member of this body, one who, in his previous life, before being the Governor of Virginia, worked in the financial services arena of our country and knows it well. His partner in this was another member of the Banking Committee, BOB CORKER of Tennessee, another new Member of this Chamber. He served as the mayor of Chattanooga, TN, a very successful businessman in his own right, who also understands these issues as well, if not better, than most Members who serve here, with all due respect.

The two of them have worked along with the Treasury Department and others. They have listened to an awful lot of people in crafting this title I and title II of our bill dealing with systemic risk and with ''too big to fail.''

In November I offered a proposal, what I called a ''discussion draft,'' for our consideration. Since that time we have modified that bill substantially as a result of the input and suggestions of Senators WARNER and CORKER—and others, I might add; not exclusively but they have been the leaders on this issue.

Earlier we had an independent agency with rule writing authority to address systemic risk. In our new version we created a Treasury-led council with the ability to make recommendations and rule writing. Senator SHELBY of Alabama, the ranking Republican and former chairman of the Banking Committee, made those suggestions. That is different from what existed in November. It is a stronger provision; it makes more sense.

Working with Senator CORKER and Senator WARNER, we have included his and Senator WARNER's ideas with respect to the power of the council to act as an early warning signal, and the establishment of a new Office of Financial Research at the Treasury Department to standardize, collect, and analyze financial data, to inform the work of the council. They were very worthwhile suggestions.

We have also taken Senator CORKER's and Senator WARNER's ideas on ending, as I said, ''too big to fail.'' We have a process in place for placing failing financial companies in receivership and liquidating them, unless they can go into bankruptcy. At Senator SHELBY's request, we have this mechanism available for any failing financial firm, not just those who were previously subject to heightened regulation.

The Fed's emergency lending authority has also been changed. At Senator SHELBY's request, we have significantly cut back on the Fed's use of its emergency lending authority, the so-called 13(3) section under the Fed rules.

No longer can the Federal Reserve Bank bail out a company such as AIG, which is what they did. Instead, the Fed must create broad programs subject to rulemaking and approval by the Treasury. Only then can the Fed lend against good collateral.

We have made a host of other changes, including in the area of credit rating agencies, audits of the Federal Reserve, Federal governance changes, securitization, credentialed supervision to protect the dual banking system, and on and on, of modifications to the November discussion draft that I offered last Monday as this new proposal.

The last thing I would do is claim perfection. I am trying to put together a bill that reflects the various ideas of our colleagues, necessary to garner the necessary support in order to move from the committee to the floor of this Chamber for further consideration. That is not easy. What I have tried to do is to maintain these principles of eliminating ''too big to fail,'' setting up that systemic risk radar operation, so we have far more early warnings of the kinds of looming problems that could threaten our economy and threaten the financial system of this Nation and others.

This bill does that in a very strong way. Again, I thank my colleagues, both Democrats and Republicans, for their contributions that are now reflected in the bill that I proposed on Monday, and it will be the subject of our markup of that bill beginning on Monday, late Monday afternoon, early Monday evening.

We made other changes as well. In November, I offered a proposal to create a free-standing consumer protection agency. I thought it made sense to do so. But there were suggestions that have come from my colleagues here, both Democrats and Republicans, to place that agency, renting space, nothing more than that, at the Federal Reserve.

There is a good reason for doing that, in my view, in terms of the budgetary authority and how we fund the operations. But I insisted that we have four major principles associated with consumer protection. I would remind my colleagues, never, ever before have we had a focused operation in this Nation that was dedicated to protecting the users of financial services.

We have all read about Toyota and the problems with its braking system. I am not here to characterize the legitimacy or the accuracy of those complaints. But what is not in doubt is that there is an agency of government today which exists which allows a consumer of a bad product, such as an automobile, or an appliance, or food they eat, to be able to register that complaint and get redress, so that other consumers would not be adversely affected by a bad product, a consumer product, something you buy, something you use, something you eat, something you drive, something you manipulate.

What we have never had in this country is a counterpart to that kind of protection when it comes to the mortgage you buy, the credit card you engage in, the loan you make, the check you deposit, the insurance policy you buy, or the stock you purchase.

This country deserves, in the 21st century, to be able to say to consumers of financial products, there is a place where we can offer some protection for those who might abuse you in the process, as happened in this most recent crisis.

But we try to do it in a responsible way, because we recognize there can be a conflict. I am not confident this happens as frequently as some might suggest, but if there is a conflict between the safety and soundness rules of a financial institution and the consumer protection of those who are the purchasers or users of financial services, we have now changed the proposal I offered on Monday.

This new proposal has our consumer protection agency renting space, if you will, at the Federal Reserve, but it is independent in its rulemaking, it is independent in its examination and its ability to have an enforcement of those financial institutions that have assets, particularly on examination enforcement above $10 billion, which means it will go after the largest institutions and the marketers of these financial products. But those principles of having a presidentially appointed director, confirmed by the Senate, having an independent source of funding, are now all reflected in this bill with the changes we have made.

There are other changes as well. For the first time, large financial companies will be subject to Federal examination enforcement as well. This means that for the first time, community banks will see their nonbank competitors examined and regulated on a level playing field as well. Small banks have a legitimate complaint, that they have been subject to regulation, but the nonbanks are not, and that is unfair.

Nonbanks also dispense financial products, and the users or the purchasers of those products ought to have the same degree of protection. Our bill that we presented on Monday does that.

There will be no assessments on small banks or large banks or nonbanks. The Federal Reserve will pay the freight of this agency. Concerns have been raised that somehow consumer protection will create safety and soundness. I already suggested to you, we have a mechanism here that I think will ease or eliminate any concerns people have about any potential conflict that could possibly occur.

The point I wanted to make in these two areas, one on ''too big to fail,'' systemic risk councils, looking at the consumer protection area, I have been listening carefully to my colleagues, all 22 Democrats and Republicans on the committee. We had over 50 hearings alone, I believe is the number, this past year on the subject matter.

Since November, it has been 4 months that have gone by with ideas that have been brought to the table, and they are reflected in this bill that I offered for consideration on Monday. Beginning on Monday of next week, we will begin the process of doing what we do here in this institution of the Senate, we will begin the so-called markup of a bill, where we sit around, all 23 of us, and try to narrow the differences that may exist as we try to come forth with a product for the full consideration of the Senate.

I am looking forward to the amendments that will be filed by noon tomorrow. It will give us the weekend to analyze those amendments, many of which I hope we will be able to accept to improve this bill; in others there may be differences that we cannot resolve in the markup of the committee.

But I have assured my good friend from Alabama, the ranking Republican on the committee, Senator SHELBY, that I am determined to get a bill, to do it in an orderly fashion, to have the markup of this subject matter which is so important to all Americans be done in a civil fashion, so we listen and respect each other as we craft these ideas to try and make a difference and see to it that we never again see our country face the kind of near brink of utter disaster that we came close to accomplishing as a result of the gaps that have existed in our financial regulatory system.

I thank my colleagues for indulging me these few minutes to kind of share with you some of the changes that have occurred since November in the draft we have offered. There are many more I have not gone into in these few minutes that are reflected in the proposal.

But it is a balanced bill, one that is designed to be fair and clear, one that will give us better lines of authority reflecting the changes that have occurred in our country over many years, allowing for a greater, I think, sense of confidence that certain things will be done.

One of the changes we made, my good friend from Alabama made the suggestion and I have included it in the bill. Up to now, the New York Fed, which is a very important regional Federal bank—the Chair of that bank has always been chosen by the very banks the New York Fed regulates. Under our proposal, the head of that New York Fed will be chosen by the President and confirmed by the Senate. That is a major change. I know it may not seem like much to others, but imagine the inherent potential contradiction that the very people you are charged with regulating decide who the regulator is going to be. This bill changes that, along with many other suggestions. Again, that one came from my friend from Alabama. I thank him for it, along with many other ideas reflected in the bill.

I know we have our differences. We have not resolved all of them, but that is why we are here—to resolve differences and come forward. I am confident we can do that and that we will end up in the next number of weeks with a financial reform package that will enjoy broad-based support in the Senate. We will work with our colleagues in the other body and offer to the President for his signature the first major comprehensive reform of financial services institutions since the Great Depression. The task is a huge one. It is daunting in many ways. The bill is almost 1,400 pages long. It is a reflection of weeks and months of work. It is not something crafted over the last weekend and thrown together. It is a reflection of hours and hours of consultation among Democrats and Republicans, stakeholders, advisers, and other people who bring a great deal of wealth and knowledge to this debate.

I felt the time had come to lay down a product and ask my colleagues to react to it, to ask those knowledgeable about the issue to examine it and then for us to get about the business we are sent here to do; that is, to change laws where they need changing, to strengthen regulators where they need strengthening, to create oversight and regulation where it is missing so that we can have a renewed confidence in our economic system. That was my goal at the outset. It is my goal with the presentation of the bill. It is my confidence that my colleagues will embrace this as well when we have a chance to cast final votes in this body.

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

The PRESIDING OFFICER (Mrs. SHAHEEN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DORGAN. Madam President, I ask unanimous consent that the time until 4:15 p.m. be equally divided and controlled in the usual form and that at 4:15 p.m., the Senate proceed to vote in relation to the following amendments in the order listed; that prior to each vote there be 2 minutes of debate equally divided and controlled in the usual form; that the second vote in the sequence be a 10-minute vote and no intervening amendments be in order: Inhofe amendment No. 3549; McCain amendment No. 3475.

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

Mr. DORGAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DORGAN. We will be voting at 4:15 on two amendments. Following that, we have 17 amendments en bloc that have been agreed to by both sides. We can't get them here and have them voted on because of objection, but by and large, they have been agreed on by both sides. Following that, the issue of the slot rules and perimeter—if we can find a way to resolve that, we should be able to finish the bill this afternoon. If not, if there are some who insist they intend to offer amendments, that will be problematic and we probably will not be able to finish this bill. This bill is about aviation safety, modernization, a passenger bill of rights. I hope that we will be able to have some cooperation by Senators—this is the fifth day we have been on the floor with this bill—to get this done today. I hope that will be the case.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 3549

Mr. INHOFE. Madam President, in 5 minutes we will be voting on an amendment I have. I have explained the amendment several times. I first introduced it as S. 3095, the Honest Expenditure and Limitation Program Act of 2010. Let me say what it is. We will be voting, if this goes down, on the McCain amendment and another amendment like we voted on before. There is an honest difference of opinion.

What I thought would be appropriate is, since we will be voting, very likely, on another earmark amendment and since I don't think anyone is going to question the fact that defeating an earmark doesn't save a nickel, if we have an alternative that really does mean something, this would be our chance to vote on it.

What I would like to do is briefly explain what the amendment is that we will be voting on in a few minutes.

Some time ago, President Obama came out with his program where he said, during the State of the Union: I plan to freeze nondefense discretionary spending at 2010 levels. A lot of people applauded, believing that to be some type of a gesture that was a conservative gesture that would reduce spending when, in fact, it didn't because he was talking about the 2010 levels—that is after 1 year—and it has been increased by 20 percent. What he was saying is we are going to raise the nondefense discretionary spending by 20 percent and then freeze it. Rather than raise it by 20 percent and freeze it, the fiscally responsible thing to do is to go ahead and freeze it at the previous level.

Quite often, we have heard President Obama say what he inherited from the previous administration. I always hasten to say that, yes, there were some

deficits during the Bush administration. But the deficit in the first year of the Obama administration—about $1.5 trillion—is more than the last 5 years collectively of President George W. Bush. It is important for people to understand that.

We have an unsustainable debt. You are looking at someone who has 20 kids and grandkids. It is the next generation that is going to face it. We can't continue to do this. Yes, it is a nice gesture. A lot of people think you can eliminate earmarks and eliminate funding. That has nothing to do with it. You don't save a nickel. But you do with this. If we pass this amendment, we would be able to effectively reduce the expenditures over a 10-year budget cycle of just under $1 trillion.

What we are trying to do is have a freeze on discretionary spending at 2008 levels for all nonsecurity appropriations, worded the same way President Obama's effort was worded. The only difference is that we use the 2008 spending level. We have a lot of cosponsors. I hope people will seriously consider this. If they really want to reduce spending, this is their chance to do so.

I understand we have a vote that is coming at 15 after the hour; is that correct?

Mr. INOUYE. Madam President, in the name of reducing our national debt, this amendment offered by the Senator from Oklahoma seeks to freeze discretionary spending at fiscal year 2008 levels for the next 10 years.

While I understand and support the need to restrain discretionary spending as a part of the solution to our debt problem, this draconian approach is most certainly not the way to accomplish that task.

As I have said before, it is a fact that the growth in the debt has resulted primarily from unchecked mandatory spending and massive tax cuts for the rich. This amendment, as have several offered from the other side of the aisle, fails to respond to either of those two problems. For this reason alone, my colleagues should not support it.

We need a comprehensive solution to the national debt, one that addresses spending, mandatory programs, and revenues. Any honest budget analyst can tell you we will never achieve a balanced budget just by freezing discretionary spending. We could eliminate all discretionary spending increases for defense, other security spending, and non-defense and still not balance the budget.

Again, I remind my colleagues if we cut discretionary spending without reaching an agreement on mandatory spending and taxes we will find it very hard to get those who do not want to address revenues to compromise.

For exactly that reason, the administration has just announced that it will create a Deficit Reduction Commission to help us get our financial house in order. It will look at both revenue and spending and find the right balance to restore fiscal discipline.

They will make their recommendations to the Congress and the majority leader has committed that the recommendations of that Commission will be brought to the Senate for a vote.

If we adopt the Inhofe caps we will have to effectively eliminate the President's agenda for discretionary spending—education, green jobs, and homeland security. And this amendment would keep the spending caps in place for ten years. With one amendment, we would actually be tying the hands of the next administration as well.

In my time as chairman of the Appropriations Committee, I have consistently advocated for regular order. Regular order allows all of our colleagues to participate, debate and offer amendments to the appropriations bills. It allows the budget committee to play the essential role that it does. The Inhofe amendment turns regular order on its head.

This amendment fails to do anything serious about deficits. It fails to address the two principal reasons why our fiscal house is out of balance.

As chairman of the Appropriations Committee, I agree that everyone should tighten their belts. The problem with this amendment is that all the tightening will be done on a small portion of spending, while revenues and mandatory spending will still be unchecked.

The Senate has already rejected a less draconian version of this plan three times in the last 2 months. I urge my colleagues to vote no.

The PRESIDING OFFICER. There is 2 minutes now evenly divided on the Senator's amendment.

Mr. INHOFE. All right. Well, Madam President, I will go ahead and take my minute.

This amendment is something that would reduce expenditures, do something about the deficit. I know there are a lot of my Democratic friends and Republican friends alike who would like a chance to do this. I know there is a feel-good vote coming up on earmarks, but that does not reduce anything in terms of the expenditures.

If you vote on an earmark, and you defeat the earmark, it does not cut the amount of money, but the underlying bill will go back to some bureaucracy. It can be the Department of the Interior. It can be the Environmental Protection Agency. It can be any number of departments. Then an unelected bureaucrat will be making that decision.

It was interesting the other day when, in a three-part series, Sean Hannity had on his program 102 earmarks. When he was all through—and I read all of these Monday on the floor—the interesting thing about it, what they all had in common was not one of those earmarks was a congressional earmark. They were all bureaucratic earmarks. That is where the problem is, not the congressional earmarks. So I am going to urge my friends to support a real effort, a sincere effort, and an effective effort to reduce government spending by voting for my amendment.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I yield back the time.

I make a point that the pending amendment deals with matter within the Budget Committee's jurisdiction.

I raise a point of order that the pending amendment violates section 306 of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, pursuant to section 904 of the Congressional Budget Act of 1974 and section 4(g)3 of the Statutory Pay-As-You-Go Act of 2010, I move to waive all applicable sections of those acts and applicable budget resolutions for the purposes of my amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Utah (Mr. BENNETT).

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

The yeas and nays resulted—yeas 41, nays 56, as follows:

[Rollcall Vote No. 59 Leg.]

YEAS—41

Alexander	DeMint	McCain
Barrasso	Ensign	McCaskill
Bond	Enzi	McConnell
Brown (MA)	Graham	Murkowski
Brownback	Grassley	Pryor
Bunning	Gregg	Risch
Burr	Hatch	Roberts
Chambliss	Hutchison	Sessions
Coburn	Inhofe	Shelby
Cochran	Isakson	Snowe
Collins	Johanns	Thune
Corker	Kyl	Vitter
Cornyn	LeMieux	Wicker
Crapo	Lugar	

NAYS—56

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

NOT VOTING—3

Bennett	Byrd	Rockefeller

The PRESIDING OFFICER. On this vote, the yeas are 41, the nays are 56.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to. The point of order is sustained and the amendment falls.

AMENDMENT NO. 3475

The PRESIDING OFFICER. There is now 2 minutes, evenly divided, before a vote with respect to the McCain amendment.

Who yields time?

The Senator from Arizona.

Mr. McCAIN. Madam President, this is a very complicated and complex, difficult amendment to understand. It would place a moratorium on all earmarks on years in which there is a deficit.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, the reason I proposed the previous amendment is because it would do something about the runaway spending and the deficit we have. It would have had the effect of reducing just under $1 trillion in a 10-year period.

This doesn't work. I know everyone thinks they want to jump on the bandwagon on earmark reform, but there is not any earmark that if you kill it, it saves one nickel. To me, it is deceptive to the public. For those people on this side of the aisle, I would only say that if you want to give President Obama that much more money to deal with, this is your opportunity to do it, because if you kill an earmark, it goes back into the bureaucracy and that is where he will have the choice.

The other night when we had the 102 earmarks that the ''Sean Hannity Show'' talked about, not one was a congressional earmark. So I don't think the votes are going to change but, nonetheless, nothing will be saved by this.

I yield back the remainder of my time.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 3475.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Viriginia (Mr. BYRD), the Senator from Washington (Mrs. MURRAY), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Utah (Mr. BENNETT).

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

The result was announced—yeas 26, nays 70, as follows:

[Rollcall Vote No. 60 Leg.]

YEAS—26

Barrasso	DeMint	Kyl
Bayh	Ensign	LeMieux
Brownback	Enzi	McCain
Burr	Feingold	McCaskill
Chambliss	Graham	Risch
Coburn	Grassley	Sessions
Corker	Hatch	Thune
Cornyn	Isakson	Vitter
Crapo	Johanns	

NAYS—70

Akaka	Gillibrand	Nelson (NE)
Alexander	Gregg	Nelson (FL)
Baucus	Hagan	Pryor
Begich	Harkin	Reed
Bennet	Hutchison	Reid
Bingaman	Inhofe	Roberts
Bond	Inouye	Sanders
Boxer	Johnson	Schumer
Brown (MA)	Kaufman	Shaheen
Brown (OH)	Kerry	Shelby
Bunning	Klobuchar	Snowe
Burris	Kohl	Specter
Cantwell	Landrieu	Stabenow
Cardin	Lautenberg	Tester
Carper	Leahy	Udall (CO)
Casey	Levin	Udall (NM)
Cochran	Lieberman	Voinovich
Collins	Lincoln	Warner
Conrad	Lugar	Webb
Dodd	McConnell	Whitehouse
Dorgan	Menendez	Wicker
Durbin	Merkley	Wyden
Feinstein	Mikulski	
Franken	Murkowski	

NOT VOTING—4

Bennett	Murray
Byrd	Rockefeller

The amendment (No. 3475) was rejected.

Mr. GRASSLEY. Madam President, I ask unanimous consent to speak as in morning business for 20 minutes.

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

SUNSHINE WEEK

Mr. GRASSLEY. Madam President, there is finally some sunshine on the Capitol dome today, and it is a welcome change from all the snow we have had this winter, so it is appropriate that this is Sunshine Week. But that is not a reference to the weather. Sunshine Week is a nonpartisan, open-government initiative led by the American Society of News Editors.

It is a good time, then, to talk about congressional oversight and the need for Congress to keep a watchful eye on the executive branch. That is what oversight is all about—checks and balances in government.

I would like to refer to the President's inaugural address and use it as a benchmark for measuring sunshine in government. President Obama promised in the inaugural address to bring more sunshine to the Federal Government, and I want to quote him.

> Those of us who manage the public's dollar will be held to account, to spend wisely, reform bad habits, and do our business in the light of day, because only then can we restore the vital trust between a people and their government.

So let's just see how what has taken place in the last 15 months measures against this very good standard the President set in the inaugural address. I couldn't agree more with the President on what he said. The government should do its business in the light of day. Unfortunately, in my work, I have noticed no improvement in the openness of the Federal Government.

One vital step the President could have taken to ensure greater transparency would have been to order agencies to be more forthcoming in responding to requests from Congress—not just from this Senator but from any Senator. He could have instructed them to review and revise some of the secretive policies that have developed over the years. These policies are not required by law and simply serve to frustrate the ability of Congress to gather information we need in order to act as a check on the power and responsibilities of the executive branch. However, the President has apparently not taken that step because the agencies have been as aggressive as ever in withholding information from Congress.

Throughout my career here in the Senate, I have actively conducted oversight of the executive branch, regardless of who controls Congress or the White House. So that means, for me, as a Republican, I feel I have been just as aggressive, or more so, with a Republican President as with a Democratic President because it is our constitutional duty as legislators to do this.

These issues are typically about basic good government and accountability. They are not about party politics, and they surely aren't about ideology. The resistance is often fierce—resistance from the bureaucracy, that is—protecting itself in what the bureaucracy does best. It loves to protect itself from scrutiny, and it works overtime to keep embarrassing facts from Congress and, in turn, from public scrutiny.

When the agencies I am reviewing get defensive and refuse to respond to my requests, you know what. It makes me simply wonder what they are trying to hide. They act as if documents in government files belong to them. These unelected officials seem to think they alone have the right to decide who gets access to that information—collected, by the way, at taxpayers' expense. Well, I have news for them. These documents in the government files belong to the people, and the elected representatives of the people have a right to see them. That right is essential to carry out our oversight functions under the Constitution.

I had hoped President Obama's commitment to a more open government would mean major changes that would enable more effective congressional oversight. As he said in his inaugural address, those who manage public dollars ought to be held to account and do business in the light of day. But actions always speak louder than words. Given my experience in trying to pry information out of the executive branch, I am disappointed to report that the principles the President articulated so well are not being put into practice.

The administration seems to act as if government officials ought to be held

to account and do business in the light of the day except when they do not want to. There are too many exceptions to count, and I am just going to list a few. Let's contrast the President's words with the agencies' actions. The President's words say that government should do business in the light of day. The agencies' actions say except when it comes to improper payment of Medicare.

As a part of my oversight function of Medicare, Congress reviews annual reports that the administration is required to produce. One of these reports is on improper Medicare payments. That was due last November. Congress is still waiting to see the numbers for improper payments made to specific types of health care providers and for specific services. Improper payment rates vary widely among different types of providers and, of course, services. So this information would help us to determine where to focus our efforts. We have not received such breakdowns of improper payments since the year 2007. We need these numbers to evaluate how the Federal Government is addressing fraud, waste, and abuse and to inform our discussions on legislation about health care financing.

Let's go to another example because I want to repeat the President's words: Government should do business in the light of day. Their actions say: Except when it comes to potential Medicaid fraud. Overutilization of health services and health care fraud play a significant role in the rising cost of our health care system.

I wrote to the Department of Health and Human Services and the Centers for Medicare and Medicaid Services 3 months ago about what they are doing about overutilization of health care services. I specifically asked about a Medicaid prescriber in south Florida who—now hear this—who wrote over 96,000 prescriptions for mental health drugs, nearly twice the number written by the second highest prescriber. It was just a simple question about one Medicare prescriber, and I am still waiting for a response.

On another example—his words would say government should do business in the light of day. The actions of the administration say except when it comes to protecting the privacy of an al-Qaida terrorist.

Listen to this. In preparation for a hearing on Christmas Day bombing attempts, my Republican colleagues and I on the Judiciary Committee requested a copy of something very simple, a copy of the bomber's visa application. We wanted to learn more about why he was given permission to enter the United States in the first place, and why his visa wasn't revoked after his father warned the U.S. officials that he might be planning something.

The State Department first tried to withhold the document on grounds that it might be evidence in a criminal proceeding. But after the Justice Department said that was not an issue, you know what. The State Department comes along and tries to not cooperate. The State Department changed its position and claimed that a provision in the immigration law required them to protect the al-Qaida terrorist's privacy by withholding documents about how he was given permission to enter the country.

After going through all that, all I can say is—transparency, on a little simple visa application, and it cannot be given to us?

On another example, the President says: Government should do business in the light of day. Their actions say: Except when it comes to information about how Treasury officials allowed AIG executives to make off with millions of taxpayer dollars. Since last December, I have exchanged a series of letters with Treasury Secretary Geithner and his staff. I have some detailed questions about exactly which executives received which kind of payments under which contracts, and then why the Treasury Department did not do more to stop those payments. I even addressed the issue directly with Secretary Geithner at a Finance Committee hearing. He promised that I would get the information I was seeking. Yet Treasury Department lawyers are still withholding the documents on the grounds that they have to protect the privacy of AIG executives.

Is government doing its business in the light of day? No. They are still refusing to answer questions about why Treasury regulators allowed AIG to make large severance payments, even though the statute provided the authority to stop those payments.

On another example, and to repeat the President's words: Government should do business in the light of day. What do the actions show? Except when it comes to allegations of misconduct in the Department of Justice.

When Attorney General Eric Holder and I met during his confirmation process, I provided him with a binder that thick full of unanswered letters that I had written regarding the FBI and Justice Department oversight issues in the Bush administration. I was trying to give the Attorney General an opportunity to clear the deck so somehow it was not mixed up with the new administration. I had promises of renewed efforts to accommodate my information requests. The Department has not altered its policies of withholding documents relating to personnel matters and any other matter that might be the subject of internal reviews in the Justice Department.

For years I have been seeking internal Justice Department e-mails related to the FBI's use of so-called exigent letters, together with telephone records of Americans, without a subpoena, and even when there is no legitimate emergency. At first the excuse was that the Congress had to wait for the inspector general to finish a review, but that review is complete at long last. Yet the documents that were supposed to be provided are still being withheld.

Congress is not the only one from whom the executive branch is withholding information. I asked the Government Accountability Office in September about its difficulties in obtaining access to records and other information from the Federal agencies over the last year. As an investigative arm of Congress, the Government Accountability Office investigates how the Federal Government spends taxpayers' dollars, and in order to do that work the GAO requires access to agency documents.

So what has been the record of the Government Accountability Office? They have told me that it generally receives good cooperation, but it has and continues to have access issues at certain agencies such as the Department of Homeland Security. According to the Government Accountability Office, Homeland Security has ''posed continual access challenges for GAO since the department began operations in 2003.''

The Government Accountability Office also indicated that access to information at the Justice Department and the FBI is also particularly problematic. Despite a bipartisan request—get this—a bipartisan request from both the House and Senate Judiciary Committees to audit the FBI's human capital management of its counterterrorism division, the Government Accountability Office has been stonewalled by the Justice Department with new and unprecedented claims that the FBI's intelligence-related functions are off-limits for GAO review.

Understand this: This is the top Republican, top Democrat on the House Judiciary Committee and counterparts on the Senate Judiciary Committee. So it is bipartisan and it is bicameral. Even the Government Accountability Office has trouble getting the information.

The public has also been stonewalled when making requests for records under the Freedom of Information Act. When he first took office, the President back-issued a memo on the Freedom of Information Act to the heads of executive agencies. Listen as I quote. Who is not going to agree with this? The President is doing what a President who campaigned on openness and transparency in government and accountability should be doing. He is doing what he said he was going to do in the campaign. But having it come out the other end of the pipeline, it doesn't seem to work that way.

> The Government should not keep information confidential merely because public officials might be embarrassed by disclosure, because of errors and failures that might be revealed, or because of speculative or abstract fears.

Then he goes on to instruct the executive agencies to:

> . . . adopt a presumption in favor of disclosure, in order to renew their commitment to the principles embodied in the Freedom of

Information Act, and to usher in a new era of open government.

I compliment the President of the United States. Such a good statement, and just what government ought to be standing for because the public's business ought to be public.

The President may have issued a pledge of openness and transparent government, but this week we had the National Security Archive release findings of its Freedom of Information Act audit and found that the administration ''has not conquered the challenge of communicating and enforcing that message throughout the Executive Branch.''

Particularly, the organization found that requests as old as 18 years still exist in the freedom of information system. Somebody made a request 18 years ago, and it has not been granted? Probably the guy who asked for it, or whoever asked for it, is dead and buried now. Why can't something like that be done? It does not meet the commonsense test that we are interested in bringing to Washington—Washington, an island surrounded by reality. And only in the unreal world could there be a freedom of information request 18 years old that has not yet been granted.

This organization also found that five agencies appear to be releasing less and withholding more information, even since this President's Executive order has been in place. How can people thumb their noses at the President of the United States if they are working under his direction? The White House has said it is committed to more open and transparent government. In his memo to the heads of the executive agencies, the President said ''openness will strengthen our democracy and promote efficiency and effectiveness in government,'' and that ''transparency promotes accountability.''

Again—extreme compliment to the President of the United States for setting a standard. That is absolutely in the spirit of representative government. But somehow the message has clearly not gotten through.

It comes back to us and our constitutional responsibilities of checks and balances. It is our job in Congress to ensure that agencies are more transparent and responsive to the people we represent. Congress is not doing its job if we do not hold agencies accountable and ensure that executive policies reflect the interests of our constituents. In other words, the public's business ought to be public.

I will continue doing what I can to hold feet to the fire. It would be helpful if the President would use his authority to require agencies to change their actions to be consistent with his words.

I do not get a chance to compliment this President very much, but he surely has set the standard here that we ought to have in our Government. It just proves, if he really wants it to happen, even if you are President of the United States, it is difficult to get people down in the bowels of the bureaucracy to carry out what you want.

You wonder why people in this country are cynical. That is one reason. But the President can do it. He ought to call all these birds in that are frustrating his principles and look them in the eye and tell them: Either do what I want or get out of government.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. LEMIEUX. Madam President, I ask unanimous consent to speak as in morning business.

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

HEALTH CARE

Mr. LEMIEUX. Madam President, I have come to the floor to again talk about the health care bill that is being worked on over in the House that will potentially be voted on—we are hearing this weekend—and to talk about the myths around this bill, what is being told to the American people and what the facts are, so the American people can know what this Congress is trying to get them into. In this past week, I came to the floor and spoke about 10 myths about this health care bill. I do not wish to go through in detail all those myths today, but we have some new information about a couple of them that I wished to focus on and go over the list of those myths.

Myth 1 was: You get to keep your health insurance if you like what you have. The President has been saying this all around the country. We know that is not true because, according to the Congressional Budget Office, between 9 and 17 million people are going to lose their health insurance from their employer when their employer is going to drop that insurance and make their employees go into the new public system. So you are not going to get to keep it.

We know folks on Medicare Advantage are not necessarily going to get to keep their Medicare Advantage because we are going to cut Medicare Advantage by $120 billion. To the more than 1 million people in Florida who have Medicare Advantage, Medicare Part C, which offers them wellness benefits, hearing benefits, eyesight benefits, programs they like, we know over time they are not going to get to keep that in the way they have it now.

We also know health insurance premiums are not going to go down. That is myth No. 2. The very reason why this country wanted health care reform, the No.1 reason: to lower the cost of health insurance. We know health insurance has gone up more than 130 percent in the last 10 years. Yet this bill does little or nothing to lower the cost of health insurance for the 159 million Americans who have health insurance.

Some may see their rates go down 3 percent—that is the best it gets—while those in the individual market may see their rates go up 10 to 12 percent in the next 10 years. We are supposed to be about the business of health care reform, and we are not going to lower the cost of health insurance.

We talked about whether this would just lower the overall cost of health care itself. That was the third myth we discussed. But we know that Federal outlays for health care are going to increase by more than $200 billion in the next 10 years.

This idea that this health care plan is going to reduce the deficit, that is just funny math. We know this bill has 6 years of spending, 6 years of benefits, if you will, and 10 years of taxes. Only in Washington could someone try to say you were going to spend $1 trillion and save $100 billion.

We know it does not even take into account the fact that we have to give doctors more money in the Medicare system. The Democrats put that in a separate bill, so we do not score that $300 billion cost because, if you did, there would be no deficit reduction. We also know emergency rooms are not going to be less burdened. If we look at the example of Massachusetts that instituted health care reform, they are seeing just as many people crowd their emergency rooms because the folks there tell them it is more convenient than to wait in line to see their doctor.

See, when you push more people into the system and do not provide adequate funding for more health care providers, you do not change and make the system more user friendly, so the folks still show up at the emergency room.

Another myth we busted is that this plan takes on the insurance companies, when, in fact, it is going to put millions of more people into an insurance program. That is why the insurance companies like it.

We also busted the myth that this health care reform is going to improve the doctor-patient relationship. It is not. There is still going to be a third-party payer. We still fundamentally miss the opportunity of getting you, the patient, back involved in the consumer decision.

If we would have taken a page from what we proposed on our side of the aisle and given you a tax credit to let you go in the market and buy insurance yourself, we know that would have driven costs down because you would have been a consumer.

Right now, my wife and I are about to have our fourth child any day now. I remember getting those bills from the hospital on our previous boys when they were born. Similar to most folks, you do not read it, you just look at the bottom and see what you owe. You do not look at all the line-by-line items. You would have to hire someone to help make sense of all that. We have to put consumers back in the health care game. We have to know what we are buying and what we are paying for because we know as consumers we will make a good decision.

We do it in the car insurance market and guess what. The companies that

compete nationally, unlike health care companies that compete only within certain States, they are advertising to us on TV: ''So easy a caveman can do it.'' ''Do you have 15 minutes? You can save 15 percent on your car insurance.''

We know all these slogans because the market is working. The market does not work in health care, and this legislation does nothing to fix it.

We know that eventually under this program, the taxes will go up not down because every government program we put together, certainly entitlement programs, always cost more than we think. They always cost our children and our grandchildren more as we have this ever-increasing national debt, now $12 trillion, a debt our kids are going to have to pay and our grandchildren, a debt that could make this country not the same place of opportunity that we all have experienced and we all enjoy.

But I wished to specifically talk about a couple of the myths that there has been some recent information about. One thing I talked about earlier this week is this idea about premiums. The President of the United States, this week when he was campaigning, said that health care overall, lower premiums will be achieved by this legislation and that those premiums will go down double digits.

The fact is, that is not true. As we talked about before, the fact is, the best it is—and I put this chart from the Congressional Budget Office into the CONGRESSIONAL RECORD earlier this week—the best it is, is 3 percent down.

I ask unanimous consent that this article from the Associated Press called: ''Fact Check: Premiums would rise under Obama plan,'' by Mr. Ricardo Alonso-Zaldivar, be printed in the RECORD.

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

FACT CHECK: PREMIUMS WOULD RISE UNDER OBAMA PLAN

(By Ricardo Alonso-Zaldivar)

WASHINGTON.—Buyers, beware: President Barack Obama says his health care overhaul will lower premiums by double digits, but check the fine print.

Premiums are likely to keep going up even if the health care bill passes, experts say. If cost controls work as advertised, annual increases would level off with time. But don't look for a rollback. Instead, the main reason premiums would be more affordable is that new government tax credits would help cover the cost for millions of people.

Listening to Obama pitch his plan, you might not realize that's how it works.

Visiting a Cleveland suburb this week, the president described how individuals and small businesses will be able to buy coverage in a new kind of health insurance marketplace, gaining the same strength in numbers that federal employees have.

''You'll be able to buy in, or a small business will be able to buy into this pool,'' Obama said. ''And that will lower rates, it's estimated, by up to 14 to 20 percent over what you're currently getting. That's money out of pocket.''

And that's not all.

Obama asked his audience for a show of hands from people with employer-provided coverage, what most Americans have.

''Your employer, it's estimated, would see premiums fall by as much as 3,000 percent,'' said the president, ''which means they could give you a raise.'

A White House press spokesman later said the president misspoke; he had meant to say annual premiums would drop by $3,000.

It could be a long wait.

''There's no question premiums are still going to keep going up,'' said Larry Levitt of the Kaiser Family Foundation, a research clearinghouse on the health care system. ''There are pieces of reform that will hopefully keep them from going up as fast. But it would be miraculous if premiums actually went down relative to where they are today.''

The statistics Obama based his claims on come from two sources. In both cases, the caveats got left out.

A report for the Business Roundtable, an association of big company CEOs, was the source for the claim that employers could save $3,000 per worker on health care costs, the White House said.

Issued in November, the report looked generally at proposals that Democrats were considering to curb health care costs, concluding they had the potential to significantly reduce future increases.

But the analysis didn't consider specific legislation, much less the final language being tweaked this week. It's unclear to what degree the bill that the House is expected to vote on within days would reduce costs for employers.

An analysis by the Congressional Budget Office of earlier Senate legislation suggested savings could be fairly modest.

It found that large employers would see premium savings of at most 3 percent compared with what their costs would have been without the legislation. That would be more like a few hundred dollars instead of several thousand.

The claim that people buying coverage individually would save 14 percent to 20 percent comes from the same budget office report, prepared in November for Sen. Evan Bayh, D–Ind. But the presidential sound bite fails to convey the full picture.

The budget office concluded that premiums for people buying their own coverage would go up by an average of 10 percent to 13 percent, compared with the levels they'd reach without the legislation. That's mainly because policies in the individual insurance market would provide more comprehensive benefits than they do today.

For most households, those added costs would be more than offset by the tax credits provided under the bill, and they would pay significantly less than they have to now.

The premium reduction of 14 percent to 20 percent that Obama cites would apply only to a portion of the people buying coverage on their own—those who decide they want to keep the skimpier kinds of policies available today.

Their costs would go down because more young people would be joining the risk pool and because insurance company overhead costs would be lower in the more efficient system Obama wants to create.

The president usually alludes to that distinction in his health care stump speech, saying the savings would accrue to those people who continue to buy ''comparable'' coverage to what they have today.

But many of his listeners may not pick up on it.

''People are likely to not buy the same low-value policies they are buying now,'' said health economist Len Nichols of George Mason University. ''If they did buy the same value plans . . . the premium would be lower than it is now. This makes the White House statement true. But is it possibly misleading for some people? Sure.''

Mr. LEMIEUX. This article goes through specifically these points. The President of the United States campaigned this week saying that:

> You'll be able to buy in, or a small business will be able to buy into this pool. And that will lower rates, it's estimated by up to 14 to 20 percent over what you're currently getting. That's money out of pocket.

Then he says:

> Your employer, it's estimated, would see premiums fall by as much as 3,000 percent, which means they could give you a raise.

They later corrected the record to mean $3,000, your premiums could fall $3,000. Well, with all due respect, there is no evidence of this in an analysis of this bill. That is what the Associated Press says in their fact check.

In fact, for those in the individual marketplace—and this is not the Senator from Florida speaking, this is the Congressional Budget Office—increases of up to 10 to 13 percent; for everybody else, either stays the same, goes up a little or maybe goes down 3 percent, and that is if they got it right.

So it is important to bust this myth. Your insurance is not going down under this plan. If you thought we were going to enact health care reform and you were going to have a lower cost of health insurance, you, unfortunately, similar to many millions of Americans, were given the wrong impression because this bill does nothing of the sort.

Let me talk a minute also, if I may, about what this is going to mean and what sort of the future of health care is. The system does not work now for the point I made a moment ago, which is that we as consumers are not involved in the equation. I can't think of anything else in our life where we have so little knowledge of what we are buying, and we have so little knowledge of what the cost is.

Do we know what the cost of these procedures are that we undertake? If we have to get an MRI or a CAT scan or a stent put in our heart, do we know what the market price for that is? We do not. The reason why is because the system has become so complex with a third-party payer. What that means is either your insurance company pays or your government pays through Medicare, Medicaid or the VA, and we as consumers do not pay.

Because of that, we have broken what we know works in the marketplace. You want to control costs, you have to put the consumer back in the driver's seat. That is why our proposal on this side of the aisle to give consumers who cannot afford health insurance now a tax credit to let them go in the marketplace and to shop around and get involved in their health care decisions, we know that would lower costs. This plan is not going to lower costs. In fact, it is going to raise costs.

But let me tell you where we are going with this new government plan. I am an optimist about this country, so I hate to talk about something that is pessimistic. But it is my responsibility to tell you facts. We have three major

health care programs in this country: Veterans, Medicare, and Medicaid.

Medicare is health care for seniors. Medicaid is health care for the poor. I wish to talk about the latter two. Those systems are not working, and they are increasingly not working for more and more Americans. The reason why is, they are not properly funded. There is no way to control costs. So what are we finding? We are finding that doctors are not taking Medicare and Medicaid anymore. If you want to know what the future of Medicare is, which is health care for seniors, take a look at Medicaid, which is in worse shape than Medicare.

We know both these programs are huge entitlement programs that, under their current form, we cannot afford. We know there is going to be this huge debt that our children are going to have to pay. It may not be our children, it may be here in the next few years because we have not properly funded these programs and we have not controlled costs.

I ask unanimous consent that this article be printed in the RECORD. It is from the March 17, 2010, Seattle Times, an article by Janet Tu, which is entitled: ''Walgreens: no new Medicaid patients as of April 16.''

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

[From the Seattle Times, Mar. 17, 2010]

WALGREENS: NO NEW MEDICAID PATIENTS AS OF APRIL 16

(By Janet I. Tu)

Effective April 16, Walgreens drugstores across the state won't take any new Medicaid patients, saying that filling their prescriptions is a money-losing proposition—the latest development in an ongoing dispute over Medicaid reimbursement.

The company, which operates 121 stores in the state, will continue filling Medicaid prescriptions for current patients.

In a news release, Walgreens said its decision to not take new Medicaid patients stemmed from a ''continued reduction in reimbursement'' under the state's Medicaid program, which reimburses it at less than the break-even point for 95 percent of brand-name medications dispensed to Medicaid patents.

Walgreens follows Bartell Drugs, which stopped taking new Medicaid patients last month at all 57 of its stores in Washington, though it still fills Medicaid prescriptions for existing customers at all but 15 of those stores.

Doug Porter, the state's director of Medicaid, said Medicaid recipients should be able to readily find another pharmacy because ''we have many more pharmacy providers in our network than we need'' for the state's 1 million Medicaid clients.

He said those who can't can contact the state's Medical Assistance Customer Service Center at 1–800–562–3022 for help in locating one.

Along with Walgreens and Bartell, the Ritzville Drug Company in Adams County announced in November that it would stop participating in Medicaid.

Fred Meyer and Safeway said their pharmacies would continue to serve existing Medicaid patients and to take new ones, though both expressed concern that the reimbursement rate is too low for pharmacies to make a profit.

The amount private insurers and Medicaid pay pharmacies for prescriptions isn't the actual cost of those drugs but rather is based on what's called the drug's estimated average wholesale price. But that figure is more like the sticker price on a car than its actual wholesale cost.

Washington was reimbursing pharmacies 86 percent of a drug's average wholesale price until July, when it began paying them just 84 percent. While pharmacies weren't happy about the reimbursement reduction, the Department of Social and Health Services said that move was expected to save the state about $10 million.

Then in September came another blow. The average wholesale price is calculated by a private company, which was accused in a Massachusetts lawsuit of fraudulently inflating its figures. The company did not admit wrongdoing but agreed in a court settlement to ratchet its figures down by about 4 percent.

That agreement took effect in September—and prompted a lawsuit by a group of pharmacies and trade associations that said Washington state didn't follow federal law in setting its reimbursement rate, and that that rate is too low. The lawsuit is pending.

''Washington state Medicaid is now reimbursing pharmacies less than their cost of participation,'' said Jeff Rochon, CEO of the Washington State Pharmacy Association.

Pharmacies that continue to fill Medicaid prescriptions at the current state reimbursement rate are ''at risk of putting themselves out of business altogether,'' he said.

Mr. LEMIEUX. So here we are. Walgreens, a major pharmacy in Seattle, is not going to take Medicaid anymore. Why are they not going to take Medicaid? They are not going to take Medicaid because the Federal Government is not reimbursing enough for them to make any money.

Medicaid is a Federal-State match. But more and more we are seeing the health care providers will not take Medicaid. We know that in major metropolitan areas, if you are a new Medicaid patient and you are looking for a specialist, that 50 percent of the doctors will not see you.

There is another article here that came out this week in the New York Times, March 15, 2010. It is an article by Kevin Sack: ''With Medicaid Cuts, Doctors and Patients Drop Out.''

It is a story from Flint, MI. It talks about a lady by the name of Carol Vliet, about her cancer. She has tumors metastasizing to her brain, her liver, her kidneys, and her heart.

The President of the United States and my colleague on the other side of the aisle like to give individual examples about people who are suffering without health insurance. Here is a lady who has Medicaid, a government-run program. The only solace she has is she has found a doctor she likes, Dr. Sahouri.

He has given her a regimen of chemotherapy and radiation for the past 2 years that is giving her some relief, but she was devastated when she found out from Dr. Sahouri a couple months ago that he could no longer see her because, like a growing number of doctors, he had stopped taking patients with Medicaid.

It is not just Medicaid; it is also now Medicare. We know that if you are trying to get into Medicare, only about 78 percent of providers are taking Medicare. Here we are, we are about to create a huge new government entitlement program to put 31 million more Americans into a health care system funded by the government. In the programs we have now, doctors and health care providers are dropping the patients. These programs are broken. Yet we are going to create a new one. We are going to create a new one by taking money out of Medicare, a program where the health care providers are increasingly more and more not seeing patients. We are going to take more than $500 billion out of Medicare. In fact, we have found out, from this new bill that came from the House today, that the number has gone up, that it is now more than $500 billion that is going to be taken out of Medicare. We are going to take money out of a program already having problems to start a new one. It makes no sense.

This is why the American people are extremely upset with this health care proposal. There isn't a Senator who doesn't want health care reform. There isn't a Member of Congress today who doesn't want to provide more access and lower the cost of health care insurance for those who have it. But this plan does not do that, and it creates a huge new entitlement program by robbing Peter to pay Paul. We are going to jeopardize health care for seniors and turn Medicare into Medicaid, a program where pharmacies and doctors are dropping patients.

I am new to the Senate. My experience is in State government and business. There are men and women of good will in this body. I believe if we could get together and work in a good faith fashion, we could figure out how to do this in a step-by-step approach, to lower cost and increase access without breaking the bank and putting a huge burden on the children in a world where we already have a $12 trillion debt. But the people of this Chamber and the one down the hall have to get about the business of doing the people's work and remember they are the boss and that we work for them. The time for partisanship is over. The time for getting things done and being problem solvers is here. I am one Senator—and I know there are many—who is willing to work with anyone on the other side on any important issues facing the country who is willing to work with me.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURRIS. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BURRIS. Madam President, I ask unanimous consent to speak as in morning business.

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

Mr. BURRIS. Madam President, in Washington there is a great deal of talk about what health care reform will mean for various segments of the population. In particular, many of us spend a lot of time talking about 47 million Americans who do not currently have health insurance and how they stand to benefit from our reform bill. This debate has centered on these folks, especially the 31 million people who will gain access to coverage under our proposal. In my opinion, this alone should be reason enough to pass health care reform. Expanding access to coverage will improve relative health outcomes and save money across the board. It will shift our focus from sick care to preventive care and will reduce wait time in emergency rooms. This will have a profound effect on the lives of millions, and it speaks to the profound need for comprehensive health care reform. But that is only a part of the story.

Many of my friends in this Chamber and many people across the country recognize the need to expand health coverage. But they are also worried about the effects that health reform will have on their insurance. Middle-class Americans hear all this talk about helping people with no insurance at all and they say: That is great, but I need help too. My premiums are going up, and benefits are disappearing. I am worried that I don't have stable coverage, or that I won't have access to care when I need it. How will reform help me?

I think it is time to take a deeper look at these folks. It is time to provide some answers to their questions. It is time to explain how our proposal would affect their lives. I wish to talk about what our reform bill will mean for the middle class and especially the minority community that have felt the worst effect of our economic crisis.

As I address this Chamber today, there are 88 million people who lack stable health coverage. That is almost a third of the total population who live in fear that their coverage would vanish at any time. Unfortunately, those fears reflect a harsh reality that it is impossible for middle-class families to ignore. In Illinois alone, there are some 612,000 people who have nongroup insurance. These folks will see their premiums go up by as much as 60 percent this year. I am sure my colleagues can agree, that is outrageous.

But it doesn't have to be this way. If we pass a final health care bill and send it to President Obama, middle-class America will start to see the benefits almost immediately. Our legislation would bring unprecedented stability to the market. No one would have to fear that their insurance providers would drop their coverage. No one could be denied care because of a preexisting condition. Our bill will give the American people more power and more choices. It will bring real competition to the insurance market. It will create significant cost savings, and it will restore accountability in the insurance industry.

For the average American, this means saving hundreds or even thousands of dollars a year. It means more time with family doctors and less paperwork and redtape. It means free preventive care and discounted premiums for those who stay in shape, quit smoking, and control their weight. It means no one can be denied coverage because of a preexisting condition, and no one will be forced to pay higher premiums because they get sick. If we pass a final health care bill, 1.8 million people in Illinois will be able to get coverage for the very first time. The 612,000 people in the nongroup market will have an option to buy affordable coverage on the insurance exchange. This will reduce their premiums and improve the quality of their coverage almost overnight.

But it doesn't stop there. One million additional Illinoisans could qualify for tax credits that could make it easier to afford insurance and perhaps, most importantly, 144,000 small businesses would benefit from a tax credit designed to make coverage more affordable. This strikes at the heart of the debate we have been having in recent weeks, especially as it relates to the middle class.

My friends across the aisle are trying to stop us from passing reform. They want us to focus on job creation instead. But what they fail to realize is that these two problems go hand in hand. We can't solve one problem without addressing the other. If we make health insurance more affordable, American companies and especially small businesses will be able to hire more workers. They will be able to afford full coverage for their employees, and there will no longer be any incentives to lay off older workers or to save on premiums. This will make a profound difference in the lives of ordinary folks in my home State and across the country.

About 75 percent of Illinois businesses are small businesses. Under the current system, only 41 percent of them have been able to offer health benefits. But if we pass comprehensive reform—if we will extend a tax credit to 144,000 Illinois small businesses and millions of businesses nationwide—it will reduce the burden on working families. It will help businesses recover from the recession, and even start to expand again. It will help create jobs.

That is what our health care reform bill will mean for middle-class Americans: stability, security, better coverage; freedom to shop around and find a good price; competition in the market; renewed accountability. That is what health care reform will do for millions of ordinary folks across the country.

For minority communities, these effects will be even more pronounced. In Illinois, more than 21 percent of minorities do not have health insurance, compared with 12 percent of Whites. This places them at a greater risk for problems down the road—problems ranging from higher infant mortality to increased rates of chronic diseases in later life. Combine these risks with a higher property rate, and you have a recipe for disaster.

But our bill will help to change all of this. It will change that. Our bill will expand coverage, invest in preventive care, and help spur job creation. It will have a dramatic effect on the hard-hit communities and minority areas that need the help the most.

So on behalf of middle-class Americans and minority individuals and small businesses, on behalf of millions of ordinary folks in Illinois and across the country, I call upon my colleagues to pass this bill without further delay.

Our reform proposals will ensure that everyone is part of the solution to America's health care crisis. So let's seize this opportunity. Let's move forward together. Let's extend the benefits of health reform to the middle class. That way, America can move forward in this 21st century.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. Madam President, I ask unanimous consent to speak as in morning business and to be followed by Senators CASEY and KAUFMAN.

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

START FOLLOW-ON TREATY

Mr. FRANKEN. Madam President, I rise today to speak about arms control and the President's negotiations with Russia over a replacement to the Strategic Arms Reduction Treaty, or START. This new treaty will be an important enhancement to American national security, and I look forward to considering it on the Senate floor once it has been signed.

As you may recall, the original START treaty was ratified by the Senate in 1992 by a bipartisan vote of 93 to 6. It went into force in late 1994, with a predetermined life of 15 years, causing it to expire this past December.

Soon after taking office, the Obama administration began careful and diligent work to negotiate a successor treaty with Russia. As START was expiring in early December, President Obama and President Medvedev of Russia issued a joint statement making clear that our two countries would effectively abide by the expiring treaty until the new one comes into force.

I think we can all agree that the original START was a landmark achievement. It brought about historic reductions in nuclear weapons. Its verification measures and the communication between the United States and Russia that they fostered served to build confidence between the two countries at an uncertain moment. It helped our nations to move toward a post-Cold-War mentality, providing strategic stability between the world's two greatest nuclear powers.

I am confident the successor to START will be equally historic. The world has changed, and this will be a new treaty for a new world with a new set of nuclear challenges. But the bottom line for the new treaty remains the same as it was for the original START: The treaty must—and it will—advance our national security interests.

When the new treaty is signed and presented to the Senate, there will be plenty of opportunity to discuss and debate in detail the specific numerical limitations on strategic offensive arms. President Obama and President Medvedev determined these would be in the range of 500 to 1,100 for strategic delivery vehicles, and in the range of 1,500 to 1,675 for their associated warheads. Likewise, we will carefully examine the counting rules for those limitations, the monitoring and verification measures for implementing the agreement, and all its other provisions.

I look forward to discussing all these specific matters when the Senate fulfills our responsibility to offer our advice and, as appropriate, our consent. But the core reasons this treaty will make us safer are already clear.

The verifiable reduction of nuclear weapons by the United States and Russia will provide us with strategic stability and mutual confidence. In other words, it ensures transparency and predictability between the two countries that possess 95 percent of the world's nuclear weapons.

The new treaty will do this while streamlining the elaborate and, in some cases, outdated and unnecessarily burdensome verification measures from the original treaty. The new treaty will also reduce the risk of nuclear theft or loss from our countries, and we know just how important this last point is in a world where terrorist groups would give anything to obtain a nuclear weapon.

This new treaty will also allow us to lead by example in arms reduction, and this will in turn greatly aid our vital nonproliferation efforts. Indeed, while the arms reductions in the treaty will be relatively modest, entering into the treaty will be a significant step in the renewal of our arms control and nonproliferation agenda for the 21st century. It will put us on firmer ground as we confront the dangers of nuclear weapons in this new world.

I want to dwell briefly on this last point. The centerpiece of the global nonproliferation framework is aptly named the Non-Proliferation Treaty. This treaty requires that states without nuclear weapons pledge not to acquire them. But it also imposes a responsibility on nuclear states which must pursue reductions in weapons.

When we fulfill that responsibility, it strengthens the global nonproliferation framework that centers on the Non-Proliferation Treaty. It strengthens our hand in dealing with nonnuclear states, whether they are allies pursuing civilian nuclear power or adversaries with unclear nuclear intentions.

The point is not that untrustworthy adversaries will suddenly be transparent about their intentions or fulfill their obligations under the Non-Proliferation Treaty. Rather, we can negotiate with and pressure adversaries more effectively when we are meeting our own responsibilities. Likewise, we can work more effectively with our friends—and rely on them for multilateral support—when we ourselves lead by example. In other words, arms control agreements like the new START follow-on treaty are themselves powerful tools in our nonproliferation efforts.

The START follow-on treaty is only one element of President Obama's ambitious nonproliferation and arms control agenda to reduce and ultimately eliminate the threat from nuclear weapons. But until we are able to realize this end goal, it remains important to maintain an effective deterrent. This treaty will in no way—in no way—take away that deterrent.

Likewise, it is critical for us to support the administration's increased budget request for ensuring the safety and reliability of the nuclear stockpile and the complex and experts who maintain it. Such a commitment to a safe and reliable nuclear arsenal goes hand in hand with minimizing the danger from nuclear weapons through arms control and nonproliferation. We must pursue the limitation of nuclear weapons while maintaining an effective deterrent. And that is just what the START follow-on treaty will do. It will make us safer without jeopardizing our effective deterrent.

I look forward to a robust discussion and ultimately, I hope, to bipartisan consent to the resolution of ratification.

I yield the floor.

The PRESIDING OFFICER (Mr. BURRIS). The Senator from Pennsylvania is recognized.

Mr. CASEY. Thank you, Mr. President.

First of all, I thank our colleague, Senator FRANKEN, for his remarks on this issue. I am going to be speaking just for a few moments as in morning business. I ask unanimous consent to do that.

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

Mr. CASEY. Mr. President, I am grateful to be joined by Senator KAUFMAN after me.

Almost two decades after the end of the Cold War, the United States and Russia maintain more than 90 percent—90 percent—of the world's total stockpile of 23,000 nuclear weapons. Each of these weapons has the capacity to destroy a city, and a large-scale nuclear exchange could extinguish most life on this planet. As you are aware, massive numbers of nuclear weapons increase the risk of catastrophic accidents, errors, or unauthorized use.

There is a serious imperative in the United States to address this issue. The United States—and especially this administration—has rightly focused on nuclear nonproliferation as a top priority. In his Prague speech, the President of the United States, President Obama, said:

> As long as these weapons exist, the United States will maintain a safe, secure and effective arsenal to deter any adversary, and guarantee that defense to our allies. But we will begin the work of reducing our arsenal.

So I think it is important to note that the President used a number of important words there: ''safe, secure and effective arsenal to deter any adversary.'' But he also said we have responsibilities.

The first test of that commitment is the new START agreement.

In October, Secretary of State Hillary Clinton said:

> [T]he United States is interested in a new START agreement because it will bolster our national security. We and Russia deploy far more nuclear weapons than we need or could ever potentially use without destroying our ways of life. We can reduce our stockpiles of nuclear weapons without posing any risk to our homeland, our deployed troops or our allies. Clinging to nuclear weapons in excess of our security needs does not make the United States safer. And the nuclear status quo is neither desirable nor sustainable. It gives other countries the motivation or the excuse to pursue their own nuclear options.

So said the Secretary of State.

As we know, Secretary Clinton is in Moscow now, and we all hope we will be able to make progress on the START follow-on treaty during her visit. We want to thank and commend her for the work she is doing not only as Secretary of State every day but at this time especially in Moscow.

The START follow-on treaty would reduce deployed nuclear weapons in the United States and Russia and would provide crucial verification measures that would allow a window into the Russian nuclear program. While this treaty has taken a little longer than expected to complete, I applaud the leadership of Assistant Secretary for Verification, Compliance and Implementation, Rose Gottemoeller, and her efforts to pursue a strong agreement as opposed to an immediate agreement.

A new START agreement is in our national security interests, especially in terms of maintaining verification and transparency measures. Once complete, this agreement could help to strengthen the U.S.-Russian relationship and potentially increase the possibility of Russian cooperation on an array of thorny and grave international issues, including North Korea and Iran.

The START follow-on treaty is a clear demonstration that the United States is upholding our nonproliferation obligations under the NPT. START is a necessary step in reaffirming U.S. leadership on nonproliferation issues. Without a clear commitment to our nonproliferation responsibilities through a new START agreement, it will be increasingly difficult for the United States to secure international support in addressing the urgent security threats posed by the spread of nuclear weapons.

International agreements to limit nuclear weapons draw upon a deep well of bipartisan support over the years. There is no reason—no reason at all—why this START agreement should be different. We may have our differences on elements of the treaty when it is presented before the Senate for ratification, but I hope—and I believe this will happen—we will be able to come together in common cause in recognition that these agreements are in our national security interests because they ultimately decrease the likelihood—decrease the likelihood—of accidental launch and decrease the likelihood of terrorist access to nuclear materials. There will be deliberation and there will be debate, but I am confident that at the end of the process, we will have a strong agreement that in the proud tradition of the Senate will garner bipartisan support.

Mr. President, 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.

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

Mr. KAUFMAN. Mr. President, I am truly pleased to join with my friends, Senator CASEY and Senator FRANKEN, today to underscore the importance of reducing our nuclear arms.

I have spoken in the past about the importance of signing a successor treaty to the Strategic Arms Reduction Treaty, or START, in order to maintain verification and other confidence-building measures. I have also spoken in support of the President's fiscal year 2011 spending priorities, which include a program to modernize and secure our nuclear arsenal. Today, I wish to go back to the basics when talking about arms reduction because it is easy to get lost in the details and misconceptions and forget the big picture.

First, we must remember what is at stake when it comes to our nuclear arms reduction policy. We cannot afford to lose sight of why it is so important to get a successor to START, why it must be the right successor, and why the Senate should take action on the treaty in the very near future.

This treaty was signed by the Soviet Union at a time when we still had fallout shelters to prepare for nuclear war. Almost two decades later, a nuclear attack is more likely to originate from rogue regimes or nonstate actors, but it is still critical that we not take our eye off the ball when it comes to existing nuclear stockpiles.

American and Russian nuclear weapons alone account for almost 96 percent of the world's nuclear arsenal, and stockpile reduction remains a significant challenge in easing residual tensions of the Cold War. The accumulation of nuclear serves as a reminder of the animosity that existed between our countries, much of which has now been relegated, thankfully, to the pages of history. Our nuclear stockpiles reflect the realities of the past, not the economic and security considerations of the present and the future.

START is also symbolically significant because it serves as a cornerstone of the world's nonproliferation efforts and sets tough international standards. With no arms reduction treaty between the United States and Russia, we hand cynics an opportunity around the globe a pretext for derailing nonproliferation efforts.

Now that START has expired, we need a follow-on treaty because security efforts have changed since the Cold War. This is why we must ensure that we end up with the right treaty, not just one that renews now-outdated provisions of START. It is important that a new treaty both adapts to the needs of the world today and presents a clear vision for a more secure future.

It is expected that Americans and Russians have different ideas of this vision and how we can get there. Both countries have domestic and political considerations which must also complicate matters. Throughout this process, I have been thoroughly impressed with Ambassador Rose Gottemoeller and her negotiating team, who have consistently maintained their focus and core principles.

The Obama administration wants the right treaty, not just any treaty, and future generations will likely benefit from its steadfast dedication and resolve.

Finally, we must consider the parameters of the treaty we hope to achieve. By definition, a lasting treaty cannot be drawn unilaterally, so it must be something mutually acceptable to both the United States and Russia. At the same time, there are some important red lines which must be reflected in the final treaty from the perspective of the United States:

First, it must have an intrusive verification system in order to maintain confidence and avoid catastrophic misunderstandings between the two sides.

Second, it must reduce ready-to-go strategic arsenals in a meaningful way, which means addressing upload capability.

Third, it must allow modernization of our existing nuclear capabilities to enhance national and international security.

Fourth, it must remain a strategic offensive treaty with an intentionally narrow scope. We should not include any other weapons systems, including antiballistic missile systems, under its regulatory umbrella.

The Senate should take action on a START follow-on treaty as soon as possible in order to keep Americans safe and protect global security. For anyone who has doubts, rest assured that the President and his negotiating team are working hard to finalize a treaty that first and foremost must advance U.S. security interests.

I look forward to working with my colleagues on this issue because the responsible reduction of the nuclear stockpile is one of the most important measures we can take to improve global security for future generations.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

REMEMBERING GEORGE PANICHAS

Mr. WHITEHOUSE. Mr. President, I am very honored to have the chance to join my distinguished senior Senator JACK REED on the floor of the Senate today to pay our respects to a friend of both of ours who has departed us. I will say a few words about our friend George Panichas myself and then my senior Senator will say a few words in conclusion.

It is a great honor for me to be here with Senator REED. One of the bonds we have is our friendship with the Honorable George Panichas.

On March 2, in our Ocean State, the day of George Panichas's funeral, the flags across the State were at half mast in his honor. While George's family and friends are still in mourning, we wish to take this opportunity to share some of our memories in celebration of the life of a man who was one of Rhode Island's legends.

Representative George Panichas was many things: a husband, a father, a grandfather, a veteran, a public servant, an advocate, a loyal and active member of Rhode Island's Greek community, a successful businessman and, to so many of us, a trusted friend. Although George was small in physical stature, he will always be remembered as big, big, big in personality, heart, influence, and accomplishments.

Born in the city of Pawtucket, Representative Panichas was a lifelong resident of the great State of Rhode Island and a member of our country's ''greatest generation.'' A decorated Air Force veteran of World War II, George served as a tail gunner in the U.S. Air Force, completing 50 missions over enemy-occupied Europe at a time when not many men survived 50 missions. He received the Air Medal with four oak leaf clusters, three battle stars for service in the European theater, the Presidential Unit Citation with oak leaf cluster, and a personal citation from the commanding general of the 15th Air Force.

Representative Panichas was elected to the Rhode Island General Assembly representing a district in Pawtucket in 1970. He served until he retired in 1984. He was the first Greek American to hold State office in our State. Throughout Representative Panichas's tenure, he was known for speaking up with his powerful voice and for his influence in getting the job done.

This Chamber still remembers John O. Pastore, another distinguished

Rhode Island public servant, small in stature, large in voice and influence. George Panichas was very much in his mold.

Representative Panichas was a tireless advocate for Rhode Island's veterans. Thanks to him, today we have a beautiful Rhode Island Veterans Memorial Cemetery. Thousands of people visit the cemetery every year and witness firsthand George Panichas's work. He was responsible for its expansion and many of the improvements that happened on its grounds. The brave Rhode Islanders and their families who served our country so honorably will always have a special beautiful place to be remembered, due in large part to the work of this man.

Perhaps above anything else, Representative Panichas was widely known for his dedication to his beloved Greek heritage. Many years I have attended the Pawtucket Greek Festival with him, held at the Greek Orthodox Church of the Assumption. I will always remember how he knew virtually everybody in attendance and the affection and respect the entire community showed for him.

At his funeral, I returned to the Church of the Assumption for his wake, and I heard so many stories there from his family, friends, and colleagues of his unique character, his kindness, and his bold leadership.

It is with heavy hearts that we remember one of Rhode Island's legends today. But Representative Panichas's spirit will live on through his accomplishments and through his beloved family. I extend my deepest condolences to his loving wife Angela, to his two daughters, of whom he was so proud—Denise and Joan—to his loving and beloved son George, Jr., and the apple of his eye, his grandson George III, and, of course, the rest of the Panichas family. George was truly one of a kind, and he will be missed.

George Panichas once quoted the great Greek philosopher Aristotle in saying: You will never do anything in this world without courage. It is the greatest quality of the mind next to honor.

Today we recall with respect and affection a man whose courage will long live in our hearts.

I yield the floor for my distinguished senior colleague.

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

Mr. REED. Mr. President, I join my colleague and friend Senator WHITEHOUSE in paying tribute to an extraordinary American, an extraordinary Rhode Islander, George Panichas. Senator WHITEHOUSE, with eloquence and obviously great feeling that I share with him, recognized this extraordinary individual. He has been a friend and a mentor to both of us. He has been a force throughout his life for not only what we believe is central to America—opportunity for all, a sense of fairness and justice and decency—but he also has been intimately involved in his native land, Greece and Cyprus.

He is someone who represents the ideal of what an American should be. As a young man, he was a member of, at that time, the U.S. Army Air Corps. He flew 50 missions. He was a gunner on the aircraft. I think all of us recognize—although we did not participate in such challenging assignments—the kind of courage and mental toughness it takes to get in that aircraft and risk your life 50 times at least and to do so in an atmosphere of tension and danger. And George did it.

Like so many of his generation, when he came home, he did not boast about it. He decided, though, that his service was not going to end with his discharge from the U.S. Army Air Corps. He was going to continue to serve this Nation because he had participated with his colleagues, his contemporaries, in a noble effort. He understood the decency of America. He was part of it, and he understood the great challenges ahead—challenges to build a fair, just, and more equal society. He took it upon himself to do that in many ways.

He was a successful businessman. That was just one aspect of his contribution to the community. He was, as my colleague said, a State representative in our house of representatives. He was the first Greek American elected to the State house in Rhode Island. He was a staunch advocate for veterans. He was the leader of an effort that started many years ago in the sixties and seventies to build a State veterans cemetery in Rhode Island and to continue to maintain the highest quality at our State's veterans home. In fact, those two institutions, particularly the cemetery, are monuments to his efforts.

He undertook this great effort at a time when there was a lot of discussion about the service of veterans, but no one was standing up and doing what George was doing—cajoling and persuading and convincing and using all manner of his charming temperament and his booming voice to start to assemble the resources in Rhode Island, and then nationally, to build what I feel—and I am sure I am speaking for my colleague—is the finest State veterans cemetery in the country. It is a place of reverence. It is a place of inspiration. It is a place the families of Rhode Island veterans feel is appropriate as a resting place of those who served this Nation.

In October of 2008, in recognition of his great dedication and service, the administration building at the cemetery was named after George—a fitting tribute.

In addition to being an active patriot of his country, our country, the United States of America, he never lost sight of the need to be a powerful force in Greek-American relations. His constant efforts to assist, both in terms of business enterprises in Greece and in terms of charitable organizations in Greece, and his continued work to pull together the bonds between Greece and the United States were remarkable. He was someone who was keenly interested and very effective in advocating a wise American policy toward Greece and Cyprus and to the Ecumenical Patriarchate.

He was an extraordinary individual, and he will be missed. In all his endeavors, he had the support, the love, and derived strength from his wife Angela, who was a wonderful woman. And of course his daughters, Denise and Joan, have continued the tradition of service in making the community a better place, and his son George, Jr., has a proud name and he carries it proudly. Of course, his grandchildren are remarkable too.

I think the only way to end these few words for a great gentleman is to recall the words of another Greek—Thucydides—who said:

> The bravest of the brave are those who see both the glory and the danger and go forth to meet it.

George Panichas did that as an airman, as a citizen, as an American who used his opportunity to help others.

Mr. President, we miss this great gentleman, and we are so honored to be able to say a few words about him.

I yield the floor.

Ms. SNOWE. Mr. President, I would like to take this opportunity to express my gratitude to the majority leader for finally bringing this essential legislation to the floor after more than 3 years of extensions and delays.

This bipartisan bill is the product of years of diligence, patience, and an overriding commitment to safety. From the tremendous steps forward in implementing the critical Next Generation Air Traffic Control System to the thousands of jobs created by the funding for infrastructure improvements and innovation incentives, this legislation revolves, first and foremost, around enhancing the safety of our skies.

This bill addresses glaring gaps in safety brought to light by the heartbreaking tragedy of what should have been a routine flight for 49 people on February 12, 2009, and instead became, according to the National Transportation Safety Board, NTSB, the worst aviation accident since 2001.

The stunning cockpit voice recordings released by the NTSB during their investigation of the Continental Connection flight 3407 accident outside of Buffalo, NY, chilled Americans across the country. On behalf of the families who lost loved ones in that accident, and who courageously testified at a series of hearings called by Senators DORGAN and DEMINT on the safety of regional air carriers, Senator BOXER and I introduced the One Level of Safety Act. Incorporated into the larger FAA reauthorization bill before us, our legislation seeks to finally fulfill the decade-old promise of One Level of Safety, which the Federal Aviation Administration, FAA, regrettably viewed as little more than a slogan for the past several years. Working closely with the

devastated families left behind by the tragic crash of flight 3407, and the NTSB, we have addressed a number of glaring deficiencies in our aviation system which threatened the safety of passengers across the country.

In response to questions I and others posed before the Commerce Committee, NTSB chairwoman Debbie Hersman vowed to have the flight 3407 investigation completed within a year. To her credit, she lived up to her promise. In fact, with 1 year as chair now under her belt, she has performed admirably. And the work of the Board brought to light critical information necessary to address the gaps in our safety regime, gaps that contributed to the flight 3407 accident.

For example, one of the primary causes of the Continental Connection crash, according to the NTSB's preliminary report released in January, was the lack of rest for the pilots. One airline claims that more than a quarter of its pilots commute 1,000 miles just to get to work! And the safety implications of pilot fatigue are not a new concern. In fact, as you can see on this chart, fatigue has been at the top of the NTSB's Most Wanted list of safety improvements since the list's inception in 1990, left unaddressed now for over 20 years! Today it languishes on that same list, the NTSB noting hat it has received an ''unacceptable response'' from the FAA. Yet the NTSB has indicated that fatigue is the primary cause of over 250 accident deaths over the past 15 years.

Indeed, when the FAA last considered modernizing these fatigue rules in 1995, after receiving resistance from the airlines, the agency simply chose to shelve the proposed changes rather than address obsolete fatigue rules more than a half-century old. We cannot allow this to continue, which is why we require the FAA to develop regulations that would limit the number of hours permitted for pilots to fly in a 24 hour period, to assist in alleviating pilot fatigue problems, as well as to provide guidance to air carriers to develop, and submit to the FAA, fatigue management plans. The bill mandates the completion—within a year of enactment—of an ongoing FAA rulemaking addressing fatigue, an effort undertaken recently by Administrator Babbitt.

For too long, the FAA has been a reactionary body, acting only after a tragedy, rather than analyzing trends and data to enable the agency to foresee future accidents. So, to address this issue, Senator BOXER and I added a level of accountability to the FAA's safety programs to encourage proactive oversight. Specifically, this legislation requires unannounced, on-the-ground annual inspections of flight training schools and airlines, ensuring all safety standards included in this legislation will be enforced.

Another element of our legislation, specifically cited by the NTSB and recently added to their ''Most Wanted'' List of aviation safety threats, as you can see on this chart, addresses the ability of air carriers to view a potential pilot's entire flying history. Incredibly, this information is currently unavailable to an airline—unless they file a Freedom of Information Act request! And that is simply unacceptable. The pilot operating the Continental Connection flight 3407 at the time of the accident had previously failed five flight tests, or ''checks''. But the air carrier claimed it was unaware of these failures, because the pilot did not disclose them on his application. To reverse this unfathomable rule once and for all, this bill gives airlines access to a pilot's complete history to ensure they are hiring qualified, well-trained, and talented pilots.

Another measure, which I am particularly pleased to have included in the Reauthorization is the landmark Passenger Bill of Rights legislation on which Senator BOXER and I worked so diligently as far back as the spring of 2007. The fact is Congress has waited far too long to move on this essential safety measure. New York State, one of many states frustrated by the delays in improving passenger safety here in Washington, sought to impose its own passenger rights standard, but the U.S. Court of Appeals for the Second Circuit struck down their effort, placing the onus squarely on Congress. Specifically, the Circuit's decision stated that only the Federal Government may implement a national standard for passenger safety, and I commend the Commerce Committee for responding by including the Passengers' Bill of Rights.

We all have heard the horror stories, many detailed before the several hearings held in the Senate Commerce Committee on this topic—people trapped on aircraft for nearly 12 hours, left in the dark by the airlines, uncertain when or if they would ever be permitted to deplane; overflowing restrooms; diabetics unable to access their insulin and at risk of going into shock. This was the case in Austin, TX, just prior to New Year's Eve in 2006, when an aircraft remained on the tarmac for nearly 9 hours, with no communication from the airline and passengers ready to revolt. Such incredible stories were on the verge of becoming commonplace during the explosive growth of air travel during the mid-2000s. In fact, just last year there were 904 flights that remained unmoving on the tarmac for 3 hours or more.

More than 10 years since the first attempt to put in place protections for passengers, they can now be assured that they no longer will become prisoners in the event of a lengthy delay, nor will their safety be compromised to meet an airline's bottom line. Guaranteeing basic necessities like food, water, and functioning restrooms for passengers left on a grounded aircraft for hours at a time, while providing them a choice to safely deplane after remaining stranded on the tarmac for more than 3 hours, is a tremendous leap forward for the millions of passengers who travel our skies every year. And I say it is about time.

Moreover, a key component of this bill ends the often ''cozy'' relationship between airlines and their FAA maintenance inspectors that threatens to undermine aircraft safety. Senator KLOBUCHAR and I originally developed this legislation to prevent FAA inspectors from turning a blind eye to safety violations at various airlines. First brought to light by a report issued by Department of Transportation inspector general Calvin Scovel in 2008, those failings were confirmed just last month, when a follow-up report issued by the IG's office revealed that despite the previous report, the ''. . . FAA had failed to take appropriate action . . .'' to address airlines ''. . . longstanding failure to comply with required maintenance inspection procedures . . .''

In recent years, the FAA experienced a culture shift away from a safety-first mentality. In fact, the charter of the FAA was amended in 2003 to include the promotion of air carriers in their mission statement. How is it that a government agency can simultaneously promote and regulate an entire industry? This bill struck the dueling nature of such a mission statement, reducing the significance of advocating for the airlines and returning safety to its rightfully preeminent position at the agency. At the same time, we put into place a Whistleblower's Office to protect individuals who reveal violations within the FAA from retribution.

Why is this necessary? Too often in recent years, Congress has heard from courageous whistleblowers like Doug Peters, who had his job and family threatened in 2008 for reporting numerous safety violations at Southwest, the same violations detailed in the 2008 inspector general's report. Rather than being rewarded for their dedication, these individuals were either summarily removed from their jobs or strategically relocated to place them ''out of the way.'' Thanks to this legislation, they will have advocates and legal recourse within the Department at the Whistleblowers Office.

The reauthorization also slams shut the revolving door between inspectors and airlines. The inspector general's 2008 and 2010 reports concluded that inspectors responsible for requiring compliance with federal standards by an individual air carrier were transitioning between the FAA and those particular airlines and back again, establishing relationships that led to the undermining of safety requirements issued by the FAA. Our bill requires an inspector must experience a ''cooling-off'' period of 2 full years before he or she can gain employment with the air carrier they once inspected.

At the same time, an additional, critical issue for both Maine and the Nation is rural aviation. As a tool for economic development, access to commercial aviation is absolutely essential. To that end, Senator BINGAMAN and I were

pleased to see the inclusion of the Rural Aviation Improvement Act, which overhauls the Essential Air Service, EAS, and small community air service grant programs, to continue the commitment Congress made to small communities when we deregulated the aviation industry in 1978—ensuring those communities hurt by deregulation, particularly less populated areas, would continue to receive commercial air service.

The fact is, since deregulation, communities across the country have experienced a decline in flights and size of aircraft while seeing an increase in fares. More than 300 have lost air service altogether. Our bill raises funding for the program from $127 to $175 million annually, consistent with the President's budget request for the program.

A handful of ''bad actors'' have jeopardized commercial aviation for entire regions, most of them rural, by submitting low-ball contracts to the Department of Transportation to ensure they receive the EAS subsidy, and once they have, reneging on their commitment to the extent and quality of their service. Our bill will not only establish a system of minimum requirements for all EAS contracts to protect municipalities that rely on the program for commercial service, but it will also extend those contracts to 4 years from the current 2. This gives a heightened degree of certainty, so that rather than having communities negotiating new contracts or receiving service from entirely new carriers every 18 months, those municipalities participating in the program can plan for infrastructure improvements or other means to expand service. Actively encouraging communities to get involved in the process, and build relationships with the carriers who serve them, can only bolster the quality of the program.

The reauthorization provides states and communities the ability to take a more active role in the level of service they receive by allowing them a ''buy-in'' option. This would allow states or local communities to leverage the EAS subsidy to develop incentives that would attract additional flights from an existing carrier, or bring in new carriers who offer a larger array of destinations.

In short, I believe this an outstanding, bipartisan bill that has required long hours—over 3 years—and considerable effort to complete. I would like to take this opportunity to thank the committee for adding so many of these improvements to the underlying legislation, commend the Commerce and Finance Committees for their relentless work, and urge all my colleagues to support this critical legislation.

Mrs. FEINSTEIN. Mr. President, I rise today to speak in support of an amendment that I introduced yesterday that addresses the issue of toxins entering the ventilation systems on commercial aircraft.

This amendment is designed to ensure the FAA has the necessary information to protect the American public from exposure to harmful contaminants while flying.

Specifically, here is what the amendment would do:

First, it would require FAA to complete a study of cabin air quality within 1 year; second, the amendment would provide FAA with the authority to mandate that airlines allow air quality monitoring on their aircraft for the purposes of the study; and third, the amendment would authorize FAA to mandate installation of sensors and air filters if the study demonstrates that these steps would provide a public health benefit.

This amendment is necessary because the air in the passenger cabin is a mixture of recirculated cabin air and fresh air that is compressed in the airplane engines.

Sometimes the air you breathe on an airplane gets contaminated with engine oils or hydraulic fluids that are heated to very high temperatures, often appearing as a smelly haze or smoke.

That haze or smoke that enters the cabin air is a toxic soup and can contain carbon monoxide gas as well as chemicals that can damage your nervous system called tricresylphosphates, TCPs.

Exposure to TCPs can initially cause stomach ache and muscle weakness, followed by delayed memory loss, tremors, confusion, and many other symptoms.

Exposure to this and other air toxics in cabin air is a serious matter.

In 2004, the FAA concluded that the problem was so ''unsafe'' that it needed to do thorough inspections of certain aircraft.

In a Federal Register notice, FAA called for ''repetitive detailed inspections of the inside of each air conditioning . . . duct,'' which FAA stated was ''necessary to prevent impairment of the operational skills and abilities of the flight crew caused by the inhalation of agents released from oil or oil breakdown products, which could result in reduced controllability of the airplane.''

Let me take moment to explain how these broad findings impact people who happen to be exposed to toxic air in aircraft cabins.

Terry Williams is a mother of two and a former flight attendant, who knows firsthand the dangers associated with exposure to toxic fumes while onboard an airplane.

As Terry was working on April 11, 2007, she noticed a ''misty haze type of smoke'' on the plane as it taxied toward its gate. Since then, she has experienced chronic migraines and twitching.

Terry made repeated visits to the emergency room before a neurologist told her she had been the victim of toxic exposure.

Terry is not alone.

Although several flight attendants and passengers have related similar stories to the FAA of smelling chemicals and then experiencing serious illnesses, the FAA has never conducted a large-scale study to measure the frequency or severity of such toxic fume events in aircraft.

Moreover, there appears to be no FAA standard for identifying or preventing the presence of toxic fumes in aircraft cabins.

This FAA reauthorization bill pending before the Senate addresses this very important public health and safety issue.

Specifically, section 613 of the Commerce Committee's bill would require that the Federal Aviation Administration implement a research program to identify appropriate and effective air cleaning technology and sensor technology for the engine and auxiliary power unit air supplied to the passenger cabin and flight deck of all pressurized aircraft.

This is a very good and important provision. FAA should absolutely study what equipment most effectively fixes this air quality problem.

But my amendment would go further than the establishment of a ''research program.''

It lays out a clear framework for protecting the public from what could be a serious risk.

First, it requires that FAA study the nature of this risk by thoroughly and comprehensively monitoring the frequency of exposure on aircraft, so that we understand whether toxic exposure is a common occurrence.

Second, the FAA must assemble records of passenger illness complaints to determine the specific health risks associated with harmful contaminants in airplane ventilation systems.

By gathering this information, I am confident that FAA will develop a clear picture of the level of health risk posed by toxins in cabin air, and the ways to protect the American traveling public and the hardworking men and women who make air travel possible.

Finally, this amendment would empower the FAA to require the installation of toxic air monitors and air filters that the Commerce Committee legislation's study would identify.

Such installation would only be required if the FAA's study shows that such a step is necessary to protect public health, but FAA would clearly have a mandate to take this step.

In March 2009, the president of the American Society of Heating, Refrigerating and Air-Conditioning Engineers, ASHRAE, which in 2007 developed voluntary model standards to protect aircraft cabin air quality, called on FAA to ''investigate and determine the requirements for bleed air contaminant monitoring and solutions to prevent bleed air contamination.''

I will ask to have a copy of this full letter printed in the RECORD.

But I also want to read ASHRAE's conclusion, which states:

Although no systematic fleet-wide or industry-wide audits have been conducted, the UK Committee on Toxicity recently calculated the incidence of oil/hydraulic fluid events as 1 percent of flights based on pilots reports and 0.05 percent of flights based on engineering investigations. . . .

Still, no aviation regulator requires either bleed air monitoring or bleed air treatment.

To this end, the ASHRAE committee that developed (the model air quality standard) is writing to ask you . . . to investigate the technical implications and flight safety benefits of addressing bleed air contamination, and to determine the requirements for bleed air contaminant detection systems and solutions to prevent bleed air contamination.

I agree with the ASHRAE recommendation that we need to study this problem and take steps to protect public health and safety.

I offered this amendment in order to implement ASHRAE's very sound recommendations, and I encourage my colleagues to support it.

Mr. President, I ask unanimous consent to have printed in the RECORD the March 6, 2009, letter to which I referred.

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

AMERICAN SOCIETY OF HEATING, REFRIGERATING AND AIR-CONDITIONING ENGINEERS, INC.,
Atlanta, GA, March 6, 2009.

Re Request to investigate and determine requirements for bleed air contaminant monitoring and solutions to prevent bleed air contamination.

LYNNE A. OSMUS,
Acting Administrator, Federal Aviation Administration, Washington, DC.

PATRICK GOUDOU,
Executive Director, European Aviation Safety Agency, Koeln, Germany.

DEAR MS. OSMUS AND MR. GOUDOU: In 2007, ASHRAE published ''Air quality within commercial aircraft'' (ASHRAE, 2007; copy attached), developed by Standard Project Committee 161. The standard addresses a wide range of air quality issues including ventilation, temperature, and contaminants from a variety of sources. In light of the committee's flight safety concerns and the references cited below, the committee requests that, this year, you investigate and determine the requirements for bleed air contaminant monitoring and solutions to prevent bleed air contamination, including maintenance/operating/design control measures and bleed air cleaning equipment.

As background, ASHRAE is an engineering association that, among other things, develops and publishes voluntary indoor air quality standards that are often adopted by regulatory authorities. This aircraft air quality standard was developed over a ten-year period. It was a significant undertaking that was ultimately approved for publication unanimously by a committee of members that represent the full spectrum of aviation interests and expertise: namely, aircraft and component manufacturers, airlines, crewmembers, passengers, and a general interest group, appointed according to administrative rules that ASHRAE issued in 2000 to ensure that all interest groups were represented and would be heard. Pre-publication, the standard was also released for two 45-day comment periods during which the general public and other interested parties had the opportunity to weigh in.

Section 7.2 of the standard requires the installation of ''one or more sensors intended to identify a substance or substances indicative of air supply system contamination with partly or fully pyrolyzed engine oil or hydraulic fluid'' with flight deck indication when such fumes are present to enable the pilot(s) to respond appropriately and rapidly. Also on the subject of air supply monitoring, Section 8.2 of the standard notes the utility of making portable, reliable, easy-to-use air monitoring devices available in the cabin and flight deck. Finally, Section 8.2 states that air cleaning technologies intended to reduce bleed air contaminants may be considered.

Many other publications support this request. For example, the Air Accidents Investigation Branch (AAIB) of the UK Department for Transport echoed the call for bleed air monitoring, noting ''adverse physiological effects in one or both pilots, in some cases severe'' (AAIB, 2007). These smoke/fume events had been reported on commercial flights, so the AAIB recommended that the EASA and the FAA ''consider requiring, for all large aeroplanes operating for the purposes of commercial air transport, a system to enable the flight crew to identify rapidly the source of smoke by providing a flight deck warning of smoke or oil mist in the air delivered from each air conditioning unit.'' The installation of sensors which would identify contaminated air events would further help to address the concerns raised by the FAA and others of the underreporting of such events (FAA, 2006(a); FAA, 2006(b); Michaelis, 2003). It has been estimated that less than 4% of oil fume incidents are reported as required (Michaelis, 2007). Sensors would help mitigate the reported high failure rate of crews to use emergency oxygen, despite clear industry guidelines to use oxygen when the air is (or is suspected to be) contaminated.

Similarly, controlling bleed air contamination is supported by many recent publications that have cited either pilot incapacitation or impairment caused by exposure to oil fumes (AAIB, 2007; ATSB, 2007; SAAIB, 2006; CAA, 2002; CAA, 2000). Oil fume events have been reported fleet-wide across a wide range of aircraft types (Murawski, 2008). For example, on the BAe146 aircraft, the FAA itself requires particular inspections and cleaning to ''prevent impairment of the operational skills and abilities of the flightcrew caused by the inhalation of agents released from oil or oil breakdown products, which could result in reduced controllability of the airplane,'' describing oil contamination as an ''unsafe condition'' and requiring that corrective actions be completed prior to further flight (FAA, 2004).

Although no systematic fleet-wide or industry-wide audits have been conducted, the UK Committee on Toxicity recently calculated the incidence of oil/hydraulic fluid events as 1% of flights based on pilots reports and 0.05% of flights based on engineering investigations (with the caveat that the incidence may vary with airframe, engine type, and servicing) (COT, 2007).

Still, no aviation regulator requires either bleed air monitoring or bleed, air treatment. To this end, the ASHRAE committee that developed Standard 161–2007 is writing to ask you to establish a joint independent committee (perhaps with other regulatory authorities) this year to investigate the technical implications and flight safety benefits of addressing bleed air contamination, and to determine the requirements for bleed air contaminant detection systems and solutions to prevent bleed air contamination, as described. The committee thanks you for your commitment to aviation safety and encourages you to direct any questions, correspondence, or requests for references to the committee Chairman, Dr. Byron Jones.

Sincerely,

WILLIAM HARRISON,
President.

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

Mr. DORGAN. Mr. President, Senator REID has asked I announce to Senators that there will be no further votes this evening and there will be no votes tomorrow. We expect the next vote to be Monday at 5:30 p.m. We do expect finally that we are near an agreement by which we would be able to finish this FAA reauthorization bill with a final vote Monday evening. That is our expectation.

I indicated I would describe the circumstances. We are hopeful, as I indicated earlier, that we would be able to reach conclusion on this bill. We were hopeful in doing it tonight. That was not possible. But we expect to have final passage on the FAA reauthorization bill on Monday at 5:30. But let me describe the discussions we have had more recently with Senator KYL and Senator WARNER and many other colleagues—Senator HUTCHISON.

There remains very little to be done on this bill. We have 17 amendments that have been agreed to on both sides that would be offered en bloc. We were not able to offer those until we were able to resolve another issue or at least begin discussion of another issue. And then there was an issue dealing with slots and perimeter rules for Reagan National Airport. It has been controversial in the past—for many, many years—and some colleagues on both sides of the aisle have offered amendments dealing with slots and the perimeter rule. So it has caused a lot of discussion for some long while. We have people on both sides of these issues, for and against increasing slots and expanding the number of flights beyond the perimeter at Reagan National.

What we have discussed more recently is that an amendment would be offered by the minority. They would perhaps modify an amendment that is now filed, and they would offer an amendment on the slots—I guess slots and the perimeter rule—and have that debated.

One of the things we discussed is that we understand, going into conference with the House, that the House has provisions to increase slots at Reagan National. So that will be an issue in conference. The question is, What is the Senate's position going into conference? It can be determined by a vote on the floor of the Senate—yes or no—or it can be determined in good faith by discussions with all of us who understand there will be modifications, some kinds of modifications on slots and the perimeter rule. What will they be? Those conversations, it seems to me, can also become, between now and Monday, a part of the discussion and good-faith negotiation on how to approach a conference that reaches the

interests and needs of the broadest group of Senators.

So that is what we have done. We expect to have a new amendment filed that will modify one previously filed and have a debate about that. My hope is that we would not have a vote on that and instead reach some common understanding that we would work together on the slot and the perimeter issue in a way that can satisfy the broad interests here in the Senate and take that position into conference in a very assertive way and hope the Senate provision would prevail in conference.

Mr. President, that is my understanding of where we are, and with that, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I appreciate what the Senator from North Dakota has stated. I am also working in this group to try to finish this FAA reauthorization bill. There is so much in this bill that will let airports throughout our country have the stability and the airport trust funds to go forward. There are many safety issues that have resulted from the Colgan accident that we are trying to correct, and other information. This is a very good, very bipartisan bill.

There are approximately 17 amendments we will be able to clear with the consent of everyone who has been interested in these, after we dispose of the perimeter issue. We are going to have the reformed amendment filed on the perimeter issue, and it will be available for a vote on Monday, where we hope we will either be able to vote or get some sort of colloquy that is an understanding. After everyone is satisfied with that, we will then clear the other amendments and hope to go to final passage on Monday. I believe that is the goal, and I think it is very reachable.

The perimeter rule at National Airport is a rule that was put in place for many reasons. For one thing, there are noise issues, there are traffic issues, and there are air traffic issues because National is a very close-in airport.

Then, of course, there is also the Dulles Airport issue. The way it has evolved is that Dulles Airport is the long-haul airport into our Nation's Capital and National is used by people who come into our Capital because it is convenient. We don't want to jeopardize the Dulles Airport service in any way, but the people who live farther out west in our country have been discriminated against, clearly, in not having access to National Airport because there is a perimeter rule, with only 12 flights that go beyond that perimeter.

So we have tried for a long time to settle this in an equitable way that does extend the perimeter but not to the detriment of either National or Dulles Airport. Senator WARNER of Virginia has been a very strong advocate of the protection of National Airport as well as Dulles Airport, as he should be, and I will let him speak for himself. But he has been a very strong advocate, which we all appreciate, and I think the western Senators have also been very strong in their efforts for a long time—for many years.

I have been on the aviation subcommittee and am now ranking member of the Commerce Committee, and I will tell you that we have tried to deal with this perimeter issue to accommodate the needs of western constituents, western citizens who want to be able to come into National Airport and have the choice to come into National Airport. So I believe we are working very constructively in this, and I support the agreements that have been made for us to go forward as described.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, first of all, I want to agree with my colleagues, the ranking member, the Senator from Texas, the Senator from North Dakota, and the Senator from Arizona, on the very good work that has been done on this FAA reauthorization bill and the importance of this bill, not only in terms of at least starting us down the path of NextGen and starting to recognize the safety issues that are addressed.

As a member of the committee, I wish to compliment the bipartisan approach that has been taken on this important piece of legislation. I, like my colleagues and I think most Americans, want to see us move forward on this important piece of legislation.

I also appreciate the ranking member's comments about the long and challenging journey this has been, about the slots and the perimeter rule battles between National and Dulles. I appreciate her comments in terms of my role as a Virginia Senator to make sure the unique nature of National and Dulles is protected. She made the comment that Senator WARNER has been a fighter for this. In this case, I am simply filling the shoes of my esteemed predecessor, Senator John Warner, who I know for 20 years probably has had this battle, and my colleagues have gone through some of the twists and turns.

I want to make two or three comments and not take long today because I will have more to say on Monday.

One is that while National and Dulles serve our Nation's Capital, they also are the local airports for people in Virginia, DC, and Maryland, and there have been a number of issues of a unique nature with National Airport in terms of sound concerns and in terms of traffic concerns and safety concerns regarding the inability to extend any runway. I would also say with regard to Dulles that those of us who have lived in this area for decades have seen Dulles grow from being somewhat of either a foresight or a white elephant, depending on your perspective, over the last 30 years to being an international hub and an airport that has enormous potential and opportunity and has, candidly, benefited from the maintenance of the perimeter rule—an airport this government has invested in heavily.

I also have to recognize that technology has changed in terms of the nature of jets in and out of National. Technology improvements have allowed for much quieter aircraft coming in and out of National, which has mitigated some of the concerns of the neighbors around the airport. We have also seen Dulles make enormous strides not only as a long-haul airport but as a gateway airport, in many ways, for international flights.

Senator DORGAN made mention of the fact that the House has already acted in terms of changing the status quo. So the status quo, at least from the House perspective, is going to change.

What I look forward to, hopefully, after our colloquy and conversation, is a debate on Monday. I appreciate the fact that my colleagues will offer their amendment, and if we get to a vote, we will get to a vote. If we can resolve this through a conversation, I hope we can resolve it through a conversation. But I will have that opportunity to lay out some of the challenges that these airports serve to the traveling public, and particularly to my constituents, but also recognizing that the status quo of the last 20-odd years is going to change and we want to work in a way so that change can be dealt with in a way that accommodates the needs of the local community; that maintains National's incredibly important role; that doesn't cannibalize the great progress that has been made at Dulles; and that also recognizes the traveling needs of those Americans who live outside the perimeter, in a way that strikes that appropriate balance.

I appreciate the support I have received from Chairman ROCKEFELLER and Chairman DORGAN and a number of my colleagues. I also particularly appreciate as well the good-faith efforts Senator HUTCHISON and Senator KYL have made in not only raising this discussion but raising it in a way that we can perhaps resolve it so that those folks who will be on the conference committee can represent a view of the Senate that reaches that kind of accommodation, and most importantly that we can go ahead and pass this very important piece of FAA reauthorization legislation Monday afternoon.

So I look forward to that conversation, I look forward to that debate, and my hope is that we can get to a final vote on passage of the bill on Monday and the good work that so many of our colleagues have done can actually be put into action.

With that, I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, let me echo the comments of all my colleagues who have spoken to the issue. I think the comments Senator WARNER just made summarize the issue very well and I

will not repeat all those things. The translation of all this for our colleagues is—although I am not making the announcement—that I presume there will be no further formal action in the Senate tonight or tomorrow but that we will be laying down a modification of the amendment that was filed that would include modifications to the perimeter rule and perhaps other matters.

We will have an opportunity to discuss that tomorrow, and there will be some opportunity to discuss that Monday, for those who perhaps have already left. In particular, I know some of my colleagues will not return until around 4:30 in the afternoon. I am not going to propound a unanimous-consent request, but I hope, in consultation with the two leaders, we could work out an arrangement whereby at least some of the time on Monday can be reserved for a debate on the amendment that will be filed by, presumably, Senator HUTCHISON, myself, Senator ENSIGN and others and that part of that time will also be in the 4:30 to 5:30 timeframe. That is the time the leader has ordinarily set for the first vote, returning on Monday, and presumably there will be a unanimous-consent agreement with the leaders that will reflect the precise understanding of what vote or votes will occur on Monday night and when, but presumably it would fall within that timeframe that is customary.

Just to conclude by saying I hope that as a result of the conversations we have had and will continue to have Monday and tomorrow, that we can lay the foundation for the establishment of a Senate position in the conference committee that would reflect a consensus and perhaps some compromise that would satisfy the interests of all. We are never going to outdo the fierceness with which both Senator WARNERS—Senator JOHN WARNER, who preceded, and now-Senator MARK WARNER—fight for their constituents and for the interests of two national airports—in a sense representing us all. We certainly appreciate the single-mindedness with which now-Senator MARK WARNER has pursued those interests but also his recognition that obviously times change, there are some needs for other parts of the country, and that through comity and conversation perhaps things can be worked out without having any detriment to anybody. That is obviously the goal we would seek to accomplish.

In any event, we will have an amendment on the floor that can discuss this. Perhaps we will vote on it. In any event, the object will be to vote on final passage of the bill on Monday evening.

Mr. DORGAN. Mr. President, we do not yet have a script with respect to an unanimous consent on the Monday 5:30 vote, but all of us are understanding we want to conclude this legislation Monday, beginning with the 5:30 vote. I think that is a good result.

As Senator HUTCHISON indicated, this is a big bill with many important parts—safety, modernization, so many issues. I am frustrated, as is everybody, in the pace of the Senate. This is the fifth full day on this bill, but Monday at 5:30 we understand we will finally resolve this issue, and it will be good for this country. We will have done some good things passing this bill and getting to a conference with the House.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. 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. REID. Mr. President, I ask unanimous consent that we proceed to a period of morning business with Senators allowed to speak for up to 10 minutes each.

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

TAX EXTENDERS ACT

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Joint Committee on Taxation document entitled ''Estimated Revenue Effects of the Revenue Provisions contained in the 'American Workers, State and Business Relief Act of 2010,' as passed by the Senate on March 10, 2010'' be printed in the RECORD.

In addition, please let the RECORD reflect that the document entitled ''Technical Explanation of the Revenue Provisions Contained in the 'American Workers, State and Business Relief Act of 2010,' as passed by the Senate on March 10, 2010'' can be found on the Joint Committee on Taxation Web site at http://jct.gov/publications.html?func=startdown&id=3664. This document is a contemporary explanation of the legislation that reflects the intentions of the Senate and its understanding of the legislative text.

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

JOINT COMMITTEE ON TAXATION
March 10, 2010
JCX-9-10

ESTIMATED REVENUE EFFECTS OF THE REVENUE PROVISIONS CONTAINED IN THE "AMERICAN WORKERS, STATE AND BUSINESS RELIEF ACT OF 2010," AS PASSED BY THE SENATE ON MARCH 10, 2010

Fiscal Years 2010 - 2020

[Millions of Dollars]

Provision	Effective	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010-15	2010-20
I. Extension of Expiring Provisions														
A. Energy														
1. Alternative motor vehicle credit for heavy hybrids (sunset 12/31/10)	ppa 12/31/09	-3	-3	-1	-1	[1]	[2]	[2]	—	—	—	—	-8	-8
2. Incentives for biodiesel and renewable diesel:														
a. Biodiesel (sunset 12/31/10)	fsoua 12/31/09	-726	-268	—	—	—	—	—	—	—	—	—	-994	-994
b. Renewable diesel (sunset 12/31/10)	fsoua 12/31/09	-10	-4	—	—	—	—	—	—	—	—	—	-14	-14
3. Credit for electricity produced at open-loop biomass facilities placed-in-service before 10/22/04 (sunset 12/31/10)	epasa 12/31/09	-54	-36	-7	-4	-3	-1	—	—	—	—	—	-105	-105
4. Extend placed-in-service date for refined coal and steel industry fuel (sunset 12/31/10 for facilities placed-in-service after 12/31/09)	fpisa 12/31/09	-3	-6	-6	-6	-6	-6	-6	-6	-6	-7	-5	-33	-63
5. Period of incurring qualified expenditures for purposes of credit for production of low sulfur diesel fuel for small refiners in compliance with Environmental Protection Agency sulfur regulations for small refiners (sunset 12/31/10)	[3]	-11	-7	-1	-1	[1]	[2]	[2]	[2]	[2]	[2]	[2]	-20	-20
6. Placed in service date for eligibility for tax credit for the production of coke or coke gas (sunset 12/31/10)	fpisa 12/31/09	-3	-5	-5	-5	-3	—	—	—	—	—	—	-21	-21
7. Credit for construction of energy efficient new homes (sunset 12/31/10)	ppisa 12/31/09	-23	-17	-6	-6	-5	-4	-4	-1	—	—	—	-61	-66
8. Incentives for alternative fuel and alternative fuel mixtures (excluding liquified hydrogen) (sunset 12/31/10)	fsoua 12/31/09	-148	-48	—	—	—	—	—	—	—	—	—	-196	-196
9. Special rule for sales or dispositions to implement FERC or State electric restructuring policy for qualified electric utilities (sunset 12/31/10)	ta 12/31/09	-221	-88	49	49	49	49	49	49	17	—	—	-113	—

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Provision	Effective	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010-15	2010-20
10. Extension of suspension of 100 percent-of-net-income limitation on percentage depletion for oil and natural gas from marginal properties (sunset 12/31/10)	tyba 12/31/09	-67	-36	---	---	---	---	---	---	---	---	---	-103	-103
11. Grants for energy efficient appliances in lieu of credit [4]	api 2009 & 2010	-68	-2	---	---	---	---	---	---	---	---	---	-69	-69
12. Modify the requirements for exterior windows, doors, and skylights to be eligible for the credit for nonbusiness energy property (sunset 12/31/10)	ppisa DOE	---	-145	---	---	---	---	---	---	---	---	---	-145	-145
13. Extend and modify section 45 credit for steel industry fuel (sunset 12/31/10)	DOE & fpa 10/1/08	-13	-15	-16	---	---	---	---	---	---	---	---	-44	-44
B. Individual Tax Relief														
1. Deduction for certain expenses of elementary and secondary school teachers (sunset 12/31/10)	tyba 12/31/09	-43	-172	---	---	---	---	---	---	---	---	---	-215	-215
2. Additional standard deduction for State and local real property taxes (sunset 12/31/10)	tyba 12/31/09	-233	-1,318	---	---	---	---	---	---	---	---	---	-1,551	-1,551
3. Deduction of State and local general sales taxes (sunset 12/31/10)	tyba 12/31/09	-218	-1,288	-294	---	---	---	---	---	---	---	---	-1,800	-1,800
4. Contributions of capital gain real property made for qualified conservation purposes (sunset 12/31/10)	cmi tyba 12/31/09	-23	-60	-22	-17	-14	-12	-10	-8	-8	-8	-8	-148	-190
5. Deduction for qualified tuition and related expenses (sunset 12/31/10)	tyba 12/31/09	-300	-1,201	---	---	---	---	---	---	---	---	---	-1,501	-1,501
6. Tax-free distributions from IRAs to certain public charities from age 70 1/2 or older, not to exceed $100,000 per taxpayer per year (sunset 12/31/10)	Dmi tyba 12/31/09	-175	-187	-24	-25	-26	-28	-29	-31	-33	-34	-35	-465	-627
7. Look-thru of certain regulated investment company ("RIC") stock in determining gross estate of nonresidents (sunset 12/31/10)	dda 12/31/09	*No Revenue Effect*												
8. Election for refundable low-income housing credit for 2010 [4]	DOE	-3,072	-1,232	281	435	504	521	523	523	523	523	482	-2,563	11
C. Business Tax Relief														
1. Tax credit for research and experimentation expenses (sunset 12/31/10)	apoia 12/31/09	-2,195	-1,522	-483	-425	-374	-329	-291	-274	-265	-256	-236	-5,328	-6,650
2. Indian employment tax credit (sunset 12/31/10)	tyba 12/31/09	-17	-23	-7	-1	---	---	---	---	---	---	---	-48	-48
3. New markets tax credit (sunset 12/31/10)	cyba 12/31/09	-15	-55	-161	-181	-204	-219	-219	-196	-145	-9	3	-834	-1,401
4. 50% tax credit for certain expenditures for maintaining railroad tracks (sunset 12/31/10)	epoid tyba 12/31/09	-66	-99	[1]	[1]	---	---	---	---	---	---	---	-165	-165
5. Extension of mine rescue team training credit (sunset 12/31/10)	tyba 12/31/09	[1]	[1]	[1]	[1]	[1]	[1]	[1]	[1]	[1]	[1]	[1]	-1	-1

Provision	Effective	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010-15	2010-20
6. Employer wage credit for activated military reservists (sunset 12/31/10)	pma 12/31/09	-1	-2	-1	[1]	[1]	[1]	[1]	[1]	[1]	[1]	[1]	-4	-4
7. 5-year recovery period for certain farming business machinery or equipment (sunset 12/31/10)	ppisa 12/31/09	-113	-228	-164	-156	-178	41	377	334	87	---	---	-798	---
8. 15-year straight line cost recovery for qualified leasehold, restaurant and retail improvements and new restaurant buildings (sunset 12/31/10)	ppisa 12/31/09	-145	-410	-528	-522	-513	-489	-475	-479	-466	-443	-380	-2,608	-4,851
9. 7-year recovery period for certain motorsports entertainment complexes (sunset 12/31/10)	ppisa 12/31/09	-11	-18	-11	-6	-3	-4	-4	1	6	6	6	-52	-38
10. Accelerated depreciation for business property on Indian reservations (sunset 12/31/10)	ppisa 12/31/09	-107	-186	-69	15	51	80	65	35	4	-7	-4	-216	-123
11. Enhanced charitable deduction for contributions of food inventory (sunset 12/31/10)	cma 12/31/09	-43	-35	---	---	---	---	---	---	---	---	---	-78	-78
12. Enhanced charitable deduction for contributions of book inventory (sunset 12/31/10)	cma 12/31/09	-17	-14	---	---	---	---	---	---	---	---	---	-31	-31
13. Enhanced charitable deduction for qualified computer contributions (sunset 12/31/10)	cmi tyba 12/31/09	-107	-88	---	---	---	---	---	---	---	---	---	-195	-195
14. Extension of election to expense advanced mine safety equipment (sunset 12/31/10)	ppisa 12/31/09	-8	-2	3	2	2	1	1	1	[2]	[2]	[2]	-4	-2
15. Special expensing rules for qualified film and television productions (sunset 12/31/10)	qfatpca 12/31/09	-54	-108	12	26	18	15	13	11	9	7	5	-91	-46
16. Expensing of Brownfields environmental remediation costs (sunset 12/31/10)	epoia 12/31/09	-201	-124	19	22	25	23	20	18	15	13	12	-236	-158
17. Deduction allowable with respect to income attributable to domestic production activities in Puerto Rico (sunset 12/31/10)	tyba 12/31/09	-84	-101	---	---	---	---	---	---	---	---	---	-185	-185
18. Modify tax treatment of certain payments under existing arrangements to controlling exempt organizations (sunset 12/31/10)	proaa 12/31/09	-17	-3	---	---	---	---	---	---	---	---	---	-20	-20
19. Exclusion of gain or loss on sale or exchange of certain Brownfield sites from unrelated business taxable income (sunset 12/31/10)	paa 12/31/09	1	1	-1	-17	-18	-3	-3	-3	-3	-3	-3	-37	-54
20. REIT timber provisions including mineral royalties treated as qualified REIT income of timber REITs; treatment of REIT timber gain; and prohibited transactions safe harbor rules (sunset 12/31/10)	tyea 5/22/09	*Estimate Included in Item I.C.25.*												
21. Treatment of certain dividends of regulated investment companies (sunset 12/31/10)	[5]	-12	-72	---	---	---	---	---	---	---	---	---	-84	-84
22. Extend the treatment of RICs as "qualified investment entities" under section 897 (FIRPTA) (sunset 12/31/10)	1/1/10	-5	-5	---	---	---	---	---	---	---	---	---	-10	-10

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Provision	Effective	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010-15	2010-20
23. Exception under Subpart F for active financing income (sunset 12/31/10)	tyba 12/31/09	-945	-2,978	---	---	---	---	---	---	---	---	---	-3,923	-3,923
24. Look-thru treatment of payments between related CFCs under foreign personal holding company income rules (sunset 12/31/10)	tyba 2009	-135	-439	---	---	---	---	---	---	---	---	---	-574	-574
25. Reduction in corporate rate for qualified timber gain (sunset 12/31/10)	5/23/09	-110	-36	-20	-28	-27	-27	-11	-2	-1	-1	-1	-246	-261
26. Basis adjustment to stock of S corporations making charitable contributions of property (sunset 12/31/10)	cmi tyba 12/31/09	-11	-11	-1	-2	-2	-2	-2	-2	-2	-2	-2	-29	-39
27. Empowerment zone tax incentives (sunset 12/31/10)	tyba 12/31/09	-203	-103	8	2	1	---	-2	-1	-2	-2	-2	-295	-304
28. Tax incentives for investment in the District of Columbia (sunset 12/31/10)	tyba 12/31/09	-59	-17	-3	-2	-1	-2	-4	-2	-2	-4	-4	-84	-101
29. Renewal community tax incentives (sunset 12/31/10)	tyba 12/31/09	-259	-274	-87	-46	-3	-3	-2	-1	1	---	---	-672	-675
30. Increase in limit on cover over of rum excise tax revenues (from $10.50 to $13.25 per proof gallon) to Puerto Rico and the Virgin Islands; (sunset 12/31/10) [6]	abiUSa 12/31/09	-102	-26	---	---	---	---	---	---	---	---	---	-128	-128
31. Economic development credit for American Samoa (sunset 12/31/10)	tyba 12/31/09	-6	-12	---	---	---	---	---	---	---	---	---	-18	-18
32. Election to temporarily utilize unused minimum tax credits [7]	tyba 12/31/09	-160	-3,032	167	142	120	102	87	74	63	53	45	-2,660	-2,337
33. Allow mine safety training credit and election to expense equipment against the AMT (sunset 12/31/10)	tyba 12/31/09	-1	-1	-1	-1	[1]	[1]	[1]	---	---	---	---	-6	-6
D. Temporary Disaster Relief Provisions														
1. National disaster relief														
a. Waiver of certain mortgage revenue bond requirements following Federally declared disasters (sunset 12/31/10)	doa 12/31/09	-1	-2	-2	-2	-2	-2	-2	-2	-2	-2	-2	-11	-21
b. Losses attributable to Federally declared disasters (sunset 12/31/10)	tyba 12/31/09	-437	-291	---	---	---	---	---	---	---	---	---	-728	-728
c. Special depreciation allowance for qualified disaster property (sunset 12/31/10)	eoao doa 12/31/09	-335	-625	-469	-183	-76	-69	-18	97	83	72	65	-1,757	-1,457
d. Net operating losses attributable to Federally declared disasters (sunset 12/31/10)	lat doa 12/31/09	-21	-380	53	57	49	37	28	21	15	12	9	-205	-120
e. Expensing of qualified disaster expenses (sunset 12/31/10)	eoao doa 12/31/09	-20	-17	1	1	1	1	1	1	---	---	---	-33	-31

Provision	Effective	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010-15	2010-20
2. New York Liberty Zone:														
a. Special depreciation allowance for nonresidential and residential real property (sunset 12/31/10)	ppisa 12/31/09	-33	-10	1	1	1	1	1	1	1	1	1	-39	-34
b. Tax-exempt bond financing (sunset 12/31/10)	bia 12/31/09	-2	-8	-12	-12	-12	-12	-12	-12	-12	-12	-12	-58	-118
3. GO Zone:														
a. Remove limitation on basis qualifying for GO Zone additional depreciation allowance	ppisa 12/31/09	-41	-68	-26	-1	1	2	3	4	4	4	4	-133	-114
b. Increase in rehabilitation credit	ppisa 12/31/09	-11	-11	[1]	[2]	[2]	[2]	[2]	[2]	[2]	[2]	[2]	-21	-15
c. Work opportunity tax credit with respect to certain individuals affected by Hurricane Katrina for employees inside disaster areas (sunset 8/27/10)	iha 8/27/09	-6	-1	[1]	[1]	[1]	[1]	—	—	—	—	—	-7	-7
e. Extend placed in service deadline for low income housing tax credit building in the GO Zone (sunset 12/31/12)	ppisa 12/31/10	—	-8	-29	-40	-40	-40	-40	-40	-40	-40	-40	-157	-357
f. Expand the election for the refundable low-income housing credit for 2010 and the election for the low-income housing grant election for 2009 to the GO Zone and the Midwestern disaster area and Hurricane Ike disaster areas [4] [8]	[9]	-1,131	-353	108	161	161	161	161	161	161	161	161	-893	-91
g. Extend tax-exempt bond financing in the GO Zone (sunset 12/31/11)	bia DOE	—	-7	-26	-39	-39	-39	-39	-39	-39	-39	-39	-151	-348
4. Midwestern disaster areas:														
a. Extension of special rules for use of retirement funds	[10]	-14	-9	[1]	-1	[1]	[1]	[1]	[1]	[1]	-1	-1	-25	-27
b. Extension of exclusion of certain cancellation of indebtedness income	apoia 12/31/09	-1	-1	—	—	—	—	—	—	—	—	—	-2	-2
c. Extend the special allowance for certain Kansas disaster property (sunset 12/31/10)	ppisa 12/31/09	-25	-14	-1	[2]	[2]	1	1	1	1	1	1	-39	-34
Extension of Expiring Provisions		**-12,700**	**-17,966**	**-1,782**	**-817**	**-566**	**-256**	**157**	**233**	**-36**	**-17**	**20**	**-34,088**	**-33,735**
II. Revenue Provision Contained in Unemployment Insurance, Health, and Other Provisions - Extend COBRA Subsidy Eligibility Period to to December 31, 2010 [4] [11]	**[12]**	**-4,685**	**-4,144**	**-1,140**	**-60**	**42**	**26**	**16**	**6**	**1**	**—**	**—**	**-9,962**	**-9,939**

Provision	Effective	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010-15	2010-20
III. Pension Funding Relief [4] [13]														
A. Provide Temporary Defined Benefit Plan Funding Relief for Single-Employer Plans														
1. Extended period for defined benefit plans to amortize certain shortfall amortization bases	pyba 12/31/07	110	778	1,595	1,523	858	467	238	-135	-1,006	-1,743	-1,380	5,331	1,305
2. Application of extended amortization period to plans subject to prior law funding rules	[14]	*Estimate Included in Item III.A.1.*												
3. Lookback for benefit accrual restriction	[15]	*Estimate Included in Item III.A.1.*												
4. Lookback for Credit Balance Rule for Plans Maintained by Charities	[16]	*Estimate Included in Item III.A.1.*												
B. Provide Temporary Defined Benefit Plan Funding Relief for Multiemployer Plans														
1. Adjustments to funding standard account rules; reporting clarification	[17]	9	34	56	79	99	117	134	132	99	40	-2	394	797
Total of Pension Funding Relief		**119**	**812**	**1,651**	**1,602**	**957**	**584**	**372**	**-3**	**-907**	**-1,703**	**-1,382**	**5,725**	**2,102**
IV. Offset Provisions														
A. Black Liquor														
1. Exclusion of unprocessed fuels from the cellulosic biofuel producer credit	fsoua DOE	—	5,452	6,137	5,247	2,930	1,465	419	—	—	—	—	21,231	21,650
2. Prohibition on alternative fuel credit and alternative fuel mixture credit for black liquor	fsoua 12/31/09	*Estimate Included in Item IV.A.1.*												
B. Increased Reporting Requirements for the Homebuyer Credit	generally DOE	*Negligible Revenue Effect*												
C. Codify Economic Substance Doctrine and Impose Penalties for Underpayments	teia DOE	74	347	450	512	543	556	568	582	597	613	630	2,483	5,474
D. Increase Information Return Penalties	irrtbfo/a 1/1/11	—	30	41	42	42	43	43	43	44	45	47	197	419
E. Clarify That Bad Check Penalty Applies to Electronic Checks and Other Payment Forms	ita DOE	2	4	4	4	5	5	5	5	5	5	5	24	49
F. Application of Levy to Payments to Federal Vendors Relating to Property	laa DOE	6	13	13	13	14	14	14	15	15	15	15	73	147
G. Authorize Post-Levy Due Process	lia 12/31/10	—	39	37	37	38	39	40	40	41	42	43	189	395
H. Allow Participants in Governmental 457 Plans to Treat Elective Deferrals as Roth Contributions	tyba 12/31/10	—	12	17	25	36	48	56	60	69	83	100	138	506
I. Allow Rollovers from Elective Deferral Plans to Roth Designated Accounts	DOE	1	2	2	2	3	6	10	15	21	28	37	16	127
J. Require Information Reporting for Rental Property Expense Payments	pma 12/31/10	—	[2]	227	239	251	261	275	285	299	314	325	978	2,476
K. Additional Provision - Revision To The Medicare Improvement Fund	—	*Estimate to be Provided by the Congressional Budget Office*												
Total of Offset Provisions		**83**	**5,899**	**6,928**	**6,121**	**3,862**	**2,437**	**1,430**	**1,045**	**1,091**	**1,145**	**1,202**	**25,329**	**31,243**

Provision	Effective	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010-15	2010-20
V. Satellite Television Extension	—	*Estimate to be Provided by the Congressional Budget Office*												
VI. Other Provisions - Increase in the Medicare Physician Payment Update	—	*Estimate to be Provided by the Congressional Budget Office*												
NET TOTAL		-17,183	-15,399	5,657	6,846	4,295	2,791	1,975	1,281	149	-575	-160	-12,996	-10,329

Joint Committee on Taxation

NOTE: Details may not add to totals due to rounding.

Legend for "Effective" column:

abiUSa = articles brought into the United States after
api = appliances produced in
apoia = amounts paid or incurred after
bia = bonds issued after
cma = contributions made after
cmi = contributions made in
cyba = calendar years beginning after
dda = decedents dying after
Dmi - distributions made in
doa = disasters occurring after
DOE = date of enactment
eoao = expenditures on account of
epasa = electricity produced and sold after
epoia = expenses paid or incurred after
epoid = expenses paid or incurred during
fpa = fuel produced after
fpisa = facilities placed in service after
fsoua = fuel sold or used after
iha = individuals hired after
irrtbfo/a = information returns required to be filed on or after
ita = instruments tendered after
laa = levies approved after
lia = levies issued after
lat = losses attributable to
paa = penalties assessed after
pma = payments made after
ppa = property purchased after
ppisa = property placed in service after
pyba = plan years beginning after
qfatpca = qualified film and television productions commencing after
teia = transactions entered into after
tyba = taxable years beginning after
tyea = taxable years ending after

[1] Loss of less than $500,000.
[2] Gain of less than $500,000.
[3] Effective as if included in section 339 of the American Jobs Creation Act of 2004.
[4] Estimate includes the following outlay effects:

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2010-15	2010-20
Grants for energy efficient appliances	68	2	—	—	—	—	—	—	—	—	—	69	69
Election for refundable low-income housing credit for 2010	3,112	1,334	—	—	—	—	—	—	—	—	—	4,446	4,446
COBRA	358	291	591	89	—	—	—	—	—	—	—	1,328	1,328
Expansion of LIHC credit for 2010 and LIHC grant for 2009	1,131	374	—	—	—	—	—	—	—	—	—	1,505	1,505
Single and multi-employer pension funding provisions	—	—	-75	-125	-200	-275	-125	-100	-25	100	150	-675	-675

[5] Effective for dividends with respect to taxable years of regulated investment companies beginning after December 31, 2009.
[6] Estimate provided by the Congressional Budget Office.
[7] Provision does not apply for taxable years beginning after December 31, 2010.
[8] Estimate includes interaction with item to extend placed in service deadline for low income housing tax credit building in the GO Zone.
[9] The provision related to the refundable low-income housing credit is effective on the date of enactment. The provision related to the low-income housing grant election is effective as if enacted in the American Recovery and Reinvestment Tax Act of 2009.

[Footnotes for JCX-9-10 appear on the following page]

Footnotes for JCX-9-10:

[10] Effective as if included in the Heartland Disaster Tax Relief Act of 2008.
[11] Estimate has been updated to reflect enactment of H.R. 4691. Estimate includes interactions with unemployment insurance. Estimates for the rest of this title will be provided by the Congressional Budget Office.
[12] Generally effective as if included in the American Recovery and Reinvestment Act of 2009.
[13] Estimates do not include outlay effects that are provided by the Congressional Budget Office as part of Footnote 4.
[14] Effective as if included in the Pension Protection Act of 2006 (with special rules for eligible charity plans).
[15] Effective for plan years beginning on or after October 1, 2008 (with special rules for plans with a valuation date other than the first day of the plan year).
[16] Generally effective for plan years beginning after August 31, 2009; for plans with a valuation date other than the first day of the plan year, effective for plan years beginning after December 31, 2008.
[17] Generally effective as of the first day of the first plan year beginning after August 31, 2008, with restrictions on certain plan amendments increasing benefits effective as of date of enactment.

HIRE ACT

Mr. LEVIN. Mr. President, today President Obama signed into law the Hiring Incentives to Restore Employment Act, H.R. 2847, which will help put Americans back to work. More must be done on to help fight the unacceptably high unemployment rate, and I hope we can soon address other factors holding back our recovery, and particularly that we make it easier for businesses to obtain the funds they need to survive and grow.

While we work in Congress to get people back to work, I also want to take a moment to focus on another benefit of today's new law.

The HIRE Act is a significant victory for law-abiding U.S. taxpayers, and a significant blow against those who dodge their responsibilities. The Permanent Subcommittee on Investigations, which I chair, has spent years investigating offshore tax abuses which together cost the federal treasury an estimated $100 billion in lost tax revenues annually. In addition to its provisions designed to help foster economic growth, the HIRE Act contains foreign account tax compliance provisions that represent a major new and positive development in the efforts to stop offshore banks from using secrecy laws to help U.S. taxpayers evade their taxes.

These offshore tax compliance provisions are the culmination of over a year's worth of study, debate, and drafting efforts to protect America's honest taxpayers. The drafting effort involved a host of Members of Congress from both the Senate Finance Committee and the House Ways and Means Committee, and the work drew upon multiple bills, including the Stop Tax Haven Abuse Act, S. 506, which I introduced with Senators MCCASKILL, NELSON, WHITEHOUSE, SHAHEEN, and SANDERS, and which Congressman LLOYD DOGGETT introduced in the House with 67 cosponsors. I would like to commend Senator BAUCUS and Congressman RANGEL, in particular, for leading this drafting effort, and for involving us in producing a strong bill that President Obama is signing into law today.

This is a big bill, and its offshore tax provisions are complex. I want to provide some explanation of how this legislation is intended to work, both to guide the development of implementing regulations and to inform the courts of our legislative intent.

Section 501, ''Reporting on Certain Foreign Accounts,'' gives foreign financial institutions a choice. If those financial institutions hold U.S. investments of any variety—from U.S. treasuries to U.S. stocks and bonds to debt and equity interests in U.S. businesses—they must either pay a 30 percent withholding tax on their investment earnings, or disclose any and all accounts held by U.S. persons. The legislative intent behind this choice is to force foreign financial institutions to disclose their U.S. accountholders or pay a steep penalty for nondisclosure. The 30 percent will be withheld by a withholding agent in the United States before the funds are permitted to exit the U.S. financial system.

The reason for this strong approach was seen dramatically in hearings before the Permanent Subcommittee on Investigations. A July 2008 hearing, for example, showed how two foreign banks, UBS AG of Switzerland and LGT Bank of Liechtenstein, used a variety of secrecy tricks to help U.S. clients open foreign bank accounts and hide millions of dollars in assets from U.S. tax authorities. One 2004 UBS document indicated that 52,000 U.S. clients had Swiss accounts that had not been disclosed to the IRS. UBS estimated that those hidden accounts contained a total of about $18 billion in cash, securities, and other assets. In order to defer a criminal prosecution against the bank by the U.S. Department of Justice, UBS admitted that it had participated in a scheme to defraud the United States of tax revenues, paid a $750 million fine, and agreed to stop opening accounts that are not disclosed to the IRS. UBS also agreed to reveal the names of a limited number of U.S. accountholders, although the bulk of the 52,000 still may escape U.S. tax enforcement actions due to Swiss secrecy laws that continue to conceal their identities.

In order to avoid the 30 percent withholding tax, this new law will require each foreign financial institution to enter into an agreement with the Secretary of the Treasury to obtain and verify information which will make it possible for them to determine which of their accounts belong to U.S. account holders, report key information about those U.S. account holders, and comply with any request by the Treasury Secretary related to those U.S. accounts. The bill is written to end wide spread abuses. There are several issues that must be addressed in implementing this provision.

For instance, it is clearly intended that the definition of foreign ''financial institution'' be applied broadly, to include banks, securities firms, money services businesses, money exchange houses, hedge funds, private equity funds, commodity traders, derivative dealers, and any other type of financial firm that holds, invests, or trades assets on behalf of itself or another person.

The definition of ''account'' will cover not only traditional savings, checking, and securities accounts, but also debt and equity interests in hedge funds, private equity funds, and other types of investment firms.

The definition of ''U.S. person'' will apply to U.S. citizens, U.S. residents, and all types of U.S. businesses.

The purpose of the provision is to have foreign financial institutions look past the nominal owners of their accounts to identify the true beneficial owners. That means accounts which are held in the name of a foreign legal representative, agent, or trustee on behalf of a U.S. person, or in the name of a foreign entity, such as an offshore corporation, partnership, or trust, for the benefit of a U.S. person, must be disclosed to U.S. authorities.

Foreign financial institutions are to make use of all customer identification information about each account to determine whether the beneficial owners of the account are U.S. persons—including using all information gathered as a result of antimoney laundering and anticorruption requirements or efforts. So no foreign bank will be able to automatically determine that all foreign offshore shell corporations are foreign accountholders; they will have to look deeper to identify that corporation's beneficial owners and, if any beneficial owner is a U.S. person, to report that person's identity to the United States.

This approach is intended to remedy past IRS regulations which have allowed banks to treat all foreign corporations as foreign accountholders, no matter who the beneficial owner is. Our purpose here is to impose on foreign financial institutions the duty to identify the beneficial owners of each corporation and report any U.S. beneficial owners to the IRS.

Treasury, in implementing this statute, should develop a standard agreement for foreign financial institutions that lays out these requirements with respect to accounts, U.S. persons, and nominee accountholders. That standard agreement must also be constructed in such a way that foreign financial institutions will provide account information in a standardized electronic format that will enable efficient analysis of the data. Treasury should consult with the IRS and the Justice Department's Tax Division to determine how the collected information should be structured to provide timely and usable data in tax enforcement efforts.

The Treasury will need to construct a withholding regime that will efficiently withhold the 30 percent tax on all U.S. investment earnings held by a noncooperative foreign financial institution. This statute will not be effective unless the 30 percent tax is withheld promptly, reliably, and in a comprehensive way. In devising this withholding regime, it is our purpose to apply the term ''withholdable payment'' broadly to cover all types of payments from sources in the United States, including interest payments, dividends, rents, wages, stock gains, and derivative payments originating in the United States.

Finally, we expect that the Treasury, when exercising authority under the bill to grant exceptions or waivers or deem foreign financial institutions to be in compliance with the law, will exercise that authority narrowly and in a fashion that is consistent with the purposes of the statute and will promote disclosure of foreign accounts with U.S. account holders.

Sections 511 through 521 of the HIRE Act establish stronger disclosure requirements for U.S. taxpayers with foreign financial assets. Section 511 will require full disclosure of assets held outside of the United States, in order to end years of abuses involving the concealment of offshore assets, including disclosure, for example, of interests in foreign accounts, securities, complex financial instruments, debt or equity interests in foreign hedge funds, private equity funds, or other investment vehicles, and derivative contracts and trading arrangements. A new requirement in Section 521 for annual reports filed by shareholders of passive foreign investment companies will provide additional important disclosures of assets held outside of the United States. Tough penalties and a longer statute of limitations will add to the effectiveness of these new disclosure requirements.

Sections 531 through 535 tighten U.S. tax rules for foreign trusts and address a variety of abuses identified in my Permanent Subcommittee in Investigations 2006 hearings exposing how U.S. taxpayers use foreign trusts to evade their U.S. tax obligations. Section 531 ends shenanigans involving U.S. persons who are not officially beneficiaries of a foreign trust, but could be named a beneficiary by the trustee, or who write ''Letters of Intent'' instructing the trustee how to use or distribute trust assets. Section 532 creates a ''Presumption that Foreign Trust Has United States Beneficiary'' if a U.S. person directly or indirectly transfers property to that foreign trust. The presumption is rebuttable, but the onus is placed on the proper party, the person who has access to the information about the foreign trust, to rebut the presumption. Section 533 will stop abuses in which U.S. persons instruct foreign trusts to purchase and lend them property on an uncompensated basis, including jewelry, artwork, and even luxury homes. Section 534 requires U.S. grantors as well as trustees to ensure that trust transactions are properly reported to the IRS. These provisions will help put an end to foreign trust tax abuses that significantly undermine the U.S. Government's ability to collect taxes owed by foreign trusts with U.S. beneficiaries.

Still another section of the bill makes important changes to curb offshore tax abuses involving nonpayment of U.S. taxes on U.S. stock dividends. Section 541 is a direct result of a yearlong inquiry by my Permanent Subcommittee on Investigations into this problem. In September 2008, the subcommittee held a hearing and released a report detailing how offshore entities routinely dodge taxes on U.S. stock dividends—S. Hrg. 110–778. As discussed at the hearing, over the last ten years, dividend tax abuse has cost the U.S. treasury and honest taxpayers billions of dollars in lost revenue. The report made four recommendations:

First, end offshore dividend tax abuse. Congress should end offshore dividend tax abuse by enacting legislation to make it clear that non-U.S. persons cannot avoid U.S. dividend taxes by using a swap or stock loan to disguise dividend payments. Section 541 is designed to address this problem by eliminating the different tax rules for U.S. stock dividends, dividend equivalent payments, and substitute dividend payments, and making them all equally taxable as dividends.

Second, take enforcement action. The IRS should complete its review of dividend-related transactions and take civil enforcement action against taxpayers and U.S. financial institutions that knowingly participated in abusive transactions aimed at dodging U.S. taxes on stock dividends. The IRS has recently designated ending dividend tax dodging as a Tier I enforcement issue, and section 541 will provide the IRS with new tools in that enforcement effort. Section 541 requires exactly that.

Third, strengthen regulation on equity swaps. To stop misuse of equity swap transactions to dodge U.S. dividend taxes, the IRS should issue a new regulation to make dividend equivalent payments under equity swap transactions taxable to the same extent as U.S. stock dividends.

Fourth, strengthen stock loan regulation. To stop misuse of stock loan transactions to dodge U.S. dividend taxes, we recommended that the IRS immediately meet its 1997 commitment to issue a new regulation on the tax treatment of substitute dividend payments between foreign parties to make clear that inserting an offshore entity into a stock loan transaction does not eliminate U.S. tax withholding obligations. After waiting over 18 months for Treasury and the IRS to act, section 541 now provides them with a clear legislative mandate to issue stronger regulation of swaps and stock loans.

Section 541 makes a number of key changes in the law. First, section 541 calls for ''dividend equivalents'' to be treated as a U.S. sourced dividend and therefore subject to withholding tax beginning 180 days from enactment. ''Dividend equivalent'' is defined to include ''any substitute dividend made pursuant to a securities lending or a sale-repurchase agreement that (directly or indirectly) is contingent upon, or determined by reference to, the payment of a dividend from sources within the United States.'' Once this becomes effective, all payments made based on, or by reference to, a dividend from a U.S. source under a securities lending or sale-repurchase transaction will be treated as a dividend from a U.S. source.

Treating dividend equivalents as U.S. sourced income sets an important precedent. Before this provision was enacted into law, the source of a dividend equivalent payment—often carried out through a swap arrangement—was determined according to who received the payment. But it makes no sense and turns the English language on its head to say the recipient of a payment is the ''source'' of that payment. The source of a payment will to be determined according to the person who initiated the payment, not according to its recipient, and section 541 makes that clear.

''Dividend equivalent'' is also defined to include ''any payment made pursuant to a specified notional principal contract that (directly or indirectly) is contingent upon, or determined by reference to, the payment of a dividend from sources within the United States.''

''Specified notional principal contract'' is defined differently depending upon whether the payment is made before or after 2 years from the Act's enactment. For the first year-and-a-half after the act's effective date, payments made pursuant to notional principal contracts that are made based on, or by reference to, a dividend from a U.S. source are treated as a dividend from a U.S. source if they meet any of the criteria specified in newly enacted 26 U.S.C. 871(l)(3)(A)(i)–(iv) or ''such contract identified by the Secretary.'' The four specific criteria define the worst of the abusive notional principal contracts that the subcommittee uncovered.

However, as established in the subcommittee report and hearing on this matter, many financial institutions have moved away from the blatantly abusive practices that are addressed in subsections (3)(A)(i)–(iv) and now use more subtle methods of ensuring a riskless transfer between holding U.S. securities and engaging in notional principal contracts. It is the legislative intent of the authors of this provision that the Secretary will use the authority granted in (3)(A)(v) to identify and extend coverage of this statue to stop the more subtle abusive practices as well, and I encourage Treasury to act quickly to do so.

Two years from the date of enactment, any payment made pursuant to a notional principal contract that is based on, or by reference to, a dividend from a U.S. source is treated as a dividend from a U.S. source, ''unless the Secretary determines that such a contract is of a type which does not have the potential for tax avoidance.'' Again, it is the intent of this language that the Secretary uses this exception authority very sparingly, that only narrow types of contracts be excepted, and that such exceptions be fashioned only after conducting a thorough analysis to ensure that the contracts under consideration cannot be exploited for tax avoidance. As the language states, an exception is available only after the Secretary determines that the type of contract is not being used for tax avoidance, and does not have the potential for tax avoidance. That is intentionally a very high standard.

In addition to substitute dividends and payments made pursuant to notional principal contracts, ''dividend equivalent'' is also defined to include

''any other payment determined by the Secretary to be substantially similar'' to substitute dividends and payments made pursuant to notional principal contracts. Treasury is intended to utilize this explicit legislative directive to aggressively enforce dividend tax collection on substantially similar payments and transactions. For example, as explained in the Joint Committee on Taxation's ''Technical Explanation of the Revenue Provisions Contained in Senate Amendment 3310, the 'Hiring Incentives to Restore Employment Act,' Under Consideration by the Senate'' (JCX–4–10), ''the Secretary may conclude that payments under certain forward contracts or other financial contracts that reference stock of U.S. corporations are dividend equivalents.'' The point of the ''substantially similar'' language is to provide Treasury and the IRS with broad authority and the flexibility needed to prevent misuse of other financial instruments or trading activities to evade U.S. dividend taxes.

Finally, section 541 contains an important provision on the ''prevention of over-withholding.'' As the language states, the Secretary may reduce the tax on dividends only ''to the extent that the taxpayer can establish that such tax has been paid with respect to another dividend equivalent in such chain, or is not otherwise due, or as the Secretary determines is appropriate to address the role of financial intermediaries in such chain.'' The burden of proof placed on the taxpayer is intentionally high due to the numerous abuses that have occurred over the years in which taxpayers have designed elaborate chains of transactions to escape all taxation of U.S. stock dividends. This provision provides an equitable way to address the potential problem of over-withholding, while setting an intentionally high burden of proof to avoid abusive over-withholding claims.

I appreciate the attention that the Senate Finance and House Ways and Means Committees gave to the tax dodging problems identified in the Subcommittee's investigation. We also appreciate the technical guidance and cooperation provided by the Treasury Department, Internal Revenue Service, and the Joint Committee on Taxation in this Section.

I hope these remarks help shine a light on how this piece of legislation will begin to curb the $100 billion in offshore tax abuses now robbing honest taxpayers of needed government resources each year.

COMMISSIONING OF THE USS ''DEWEY''

Mr. LEAHY. Mr. President, on March 6, the USS *Dewey*—DDG 105—was commissioned at the Naval Weapons Station in Seal Beach, CA.

The *Dewey*, an *Arleigh Burke*-class ship, is the Navy's newest and most technologically advanced guided-missile destroyer. The ship's sponsor, Deborah Mullen, the wife of Chairman of the Joint Chiefs of Staff Admiral Mike Mullen, christened the ship in January of 2008 during a ceremony at Northrop Grumman Shipbuilding in Pascagoula, MS. Mrs. Mullen recently visited Vermont with Chairman Mullen as they came to a deployment ceremony for the Vermont Army Guard 86th Brigade which is now serving in Afghanistan.

The new destroyer honors Navy Admiral George Dewey and is the third U.S. Navy ship to be named after him. Admiral Dewey, who is from my hometown, Montpelier, VT, became an American hero in 1898 for leading his squadron of warships against the Spanish fleet at Manila Bay. Under his leadership, the U.S. Navy destroyed the Spanish fleet in only 2 hours without the loss of a single American vessel. Dewey was promoted to admiral of the Navy in 1903, a rank which was created for him.

The new USS *Dewey* has the ability to conduct a wide range of operations. The ship contains a multitude of offensive and defensive weapons and will be capable of fighting air, surface, and subsurface battles simultaneously. The USS *Dewey* is an example of how naval warships have the flexibility to conduct a variety of missions.

We Vermonters are proud that another ship has been named after Admiral Dewey. I wish Godspeed to the ship and its crew.

IRAN

Mr. CASEY. Mr. President, I rise today to commemorate Nowruz, the traditional Iranian New Year, which begins with the arrival of spring on the Vernal Equinox. More than 1 million Iranian Americans in the United States as well as millions of Iranians and others around the world celebrate Nowruz, which embodies the ideals of understanding and appreciation of others. Universally, the beginning of spring is associated with rebirth.

At this festive time, when Mother Nature is beginning a new cycle and families around the world are gathering to celebrate a new calendar year, I would like to appeal to the good will of the Iranian government by calling for the immediate release of Joshua Fattal, Sarah Shourd, and Shane Bauer. These three young American hikers have spent almost 8 months in confinement in Iran's Evin prison for allegedly crossing a poorly marked border. We are heartened that the Iranians recently allowed the three young Americans to call their families for the first time since their detention on July 31 last year. Still, we ask at the beginning of Persian New Year that Josh, Sarah, and Shane be released to celebrate a spring with their desperately concerned parents and other family members. Laura Fattal, mother of Josh, recently appealed to the Iranian authorities, asking for them ''to show compassion and allow our families to be reunited in joy and happiness as well.''

I would like to recognize the Senators from California and Minnesota, as well as Senator SPECTER, who have worked tirelessly to reunite Josh, Sarah, and Shane with their families. I hope that Supreme Leader Khamenei, in the spirit of Nowruz, will make the humanitarian gesture of immediately releasing Josh, Sarah, and Shane.

ADDITIONAL STATEMENTS

RECOGNIZING THE UNIVERSITY OF MONTANA GRIZZLIES

• Mr. BAUCUS. Mr. President, today I recognize the achievements of an outstanding college basketball team from my home State of Montana. High school and college sports are a way of life across Big Sky country. On cold winter nights in towns across the state from Libby to Lewistown and from Fort Benton to Fairview folks fill up gymnasiums to cheer on their favorite teams. The University of Montana Grizzlies have legions of devoted fans around Montana, and pack thousands into the Adams Center on the UM campus in Missoula for home games.

This season's edition of the Griz has thrilled fans throughout, and the team is now headed for the NCAA Tournament after a thrilling come from behind win to capture the Big Sky Conference Championship on March 10. The Grizzlies showed the heart, determination, and hustle Montana athletes are known for, in clawing their way back from a 22-point deficit to defeat Weber State University on the Wildcats' home court. Anthony Johnson turned in a performance for the ages and one that will be remembered for decades across Montana. The senior guard poured in a school and Big Sky tournament record 42 points including the winning shot. To illustrate how amazing this performance was Johnson by himself outscored Weber State 34 to 25 in the second half.

In the end it all came down to teamwork as guard Will Cherry made a stellar defensive play to stop Weber State on their last possession, and big men Derek Selvig and Brian Qvale contributed with big blocks and rebounds throughout. This was yet another illustration of how the team has pulled together all year to get big wins no matter the adversity they faced.

The Griz now move on to face the University of New Mexico Lobos in the NCAA Tournament. The Griz have had tournament success in the past, winning a first round game in 2006 despite being a heavy underdog and having a memorable run in the 1975 tournament as well. In 1975 another tremendous performance was turned in by a Grizzly as guard Eric Hays nearly led the team to an upset of defending national champion UCLA in the second round. Hays played the game of his life—he

scored 32 points to keep the Griz in the game, although they ultimately lost 67–64. Griz fans still remember Hays' amazing performance 35 years later. Eric went on to coach basketball at Hellgate High School in Missoula where he won over 350 games.

I would like to commend Wayne Tinkle, the coach of the team, athletic director Jim O'Day, and University of Montana president George Dennison for their leadership and vision in making the Grizzly athletic programs successful and teaching many dedicated student athletes life lessons as well as those on the playing fields and courts. These student athletes deserve our recognition for all the hard work they put in throughout the year.

I know that the Griz will represent the state of Montana well in the NCAA tournament and give it their all. I along with many other Griz fans across the country will be watching and cheering a famous line from the school's fight song—''Up with Montana, boys, down with the foe!''●

REMEMBERING ANTHONY BROWN

● Mr. FEINGOLD. Mr. President, today I remember Anthony Brown, a Madison activist who served in many important roles, including as director of Madison's Equal Opportunities Commission. Sadly, Anthony passed away on March 13. His passing is a terrible loss for his family and friends, and for the community he loved. Anthony was so dedicated to making Madison a better place, and a more just community for everyone.

That showed through in everything he did, including his tenure at Madison's Equal Opportunities Commission and his work at the Wisconsin Housing and Economic Development Authority. Anthony's service to the community was legendary. He served on many boards, and made contributions in countless other ways. One of those contributions was his mentoring of young people, something he felt there needed to be much more of in the community. He also pushed for more opportunities for people of color in the news media in Madison, knowing what a valuable perspective they would bring to news coverage in the city.

Again and again, Anthony stood up for justice and equality. He enriched this community with his work, and I am very grateful for all he did over so many years.

Anthony had so many wonderful qualities; he was tireless, he was persistent, and above all he was an optimist. He was always positive, even in the face of very tough challenges, including the challenges he faced with his own health. That optimism is one of the many wonderful things I will remember him for.

Today my thoughts are with Anthony's family, and with everyone lucky enough to have known him. He will be deeply missed, but his work will continue to have a positive impact on Madison and the State of Wisconsin for many years to come.●

TRIBUTE TO JIM DUPONT

● Mrs. LINCOLN. Mr. President, today I commend postal service employee Jim DuPont of Springdale, AR, who risked his life to help those in need. Hailed as a ''postal hero'' by his colleagues, Jim was on his way home from work when he came upon an accident involving a head-on collision between a truck and a car. Jim rushed to the scene to provide help to the drivers and passengers trapped in their vehicles.

Jim first pulled the truck's driver and passenger out of the cab through the rear window. He then ran back to rescue the driver of the second vehicle. The victims of the accident suffered serious injuries, but thankfully are on their way to recovery. Jim also was hurt, suffering a dislocated shoulder, burns and smoke inhalation.

Mr. President, I salute Jim's bravery and courage. In the face of danger, he put himself in harm's way to save lives. We should all aspire to achieve this level of selflessness and compassion for others.●

RECOGNIZING THE CITIZENS OF DEWITT

● Mrs. LINCOLN. Mr. President, today I recognize the spirit of hard work, volunteerism, and service that is on display each and every day in the city of DeWitt, in my home State of Arkansas. The DeWitt Chamber of Commerce recently honored six exemplary citizens who have contributed their time and expertise to help make their community a better place. They are: Ronda Bowen, Employee of the Year; Tommy Black of Tommy's Rexall, Employer of the Year; Sue Chapman, Civil Servant of the Year; Phyllis Fullerton, Educator of the Year; Bobby Hudspeth, Good Neighbor of the Year; and Gary Vansandt, Citizen of the Year.

I have felt a long kinship to DeWitt, one of our Delta communities not far from and very similar to my hometown of Helena. DeWitt always feels like home, and I am grateful for the friendships I have made there.

Mr. President, we should all embrace the spirit of service and volunteerism on display by these deserving individuals.●

MESSAGE FROM THE HOUSE

At 11:12 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1147. An act to prevent tobacco smuggling, to ensure the collection of all tobacco taxes, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 946. An act to enhance citizen access to Government information and services by establishing that Government documents issued to the public must be written clearly, and for other purposes.

H.R. 1387. An act to amend title 44, United States Code, to require preservation of certain electronic records by Federal agencies, to require a certification and reports relating to Presidential records, and for other purposes.

H.R. 3954. An act to release Federal reversionary interests retained on certain lands acquired in the State of Florida under the Bankhead-Jones Farm Tenant Act, to authorize the interchange of National Forest System land and State land in Florida, to authorize an additional conveyance under the Florida National Forest Land Management Act of 2003, and for other purposes.

H.R. 4825. An act to direct unused appropriations for Members' Representational Allowances to be deposited in the Treasury and used for deficit reduction or to reduce the Federal debt.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1387. An act to amend title 44, United States Code, to require preservation of certain electronic records by Federal agencies, to require a certification and reports relating to Presidential records, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3954. An act to release Federal reversionary interests retained on certain lands acquired in the State of Florida under the Bankhead-Jones Farm Tenant Act, to authorize the interchange of National Forest System land and State land in Florida, to authorize an additional conveyance under the Florida National Forest Land Management Act of 2003, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 4825. An act to direct unused appropriations for Members' Representational Allowances to be deposited in the Treasury and used for deficit reduction or to reduce the Federal debt; to the Committee on Rules and Administration.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

(H.R. 946. An act to enhance citizen access to Government information and services by establishing that Government documents issued to the public must be written clearly, and for other purposes.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

H.R. 4851. An act to provide a temporary extension of certain programs, and for other purposes.

H.R. 4853. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

S. 3143. A bill to provide that Members of Congress shall not receive a pay increase

until the annual Federal budget deficit is eliminated.

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–5089. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revocation of Class D and E Airspace; Brunswick, ME'' ((RIN2120–AA66)(Docket No. FAA–2009–0981)) received in the Office of the President of the Senate on March 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5090. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Lima, OH'' ((RIN2120–AA66)(Docket No. FAA–2009–0929)) received in the Office of the President of the Senate on March 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5091. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Stamford, TX'' ((RIN2120–AA66)(Docket No. FAA–2009–0876)) received in the Office of the President of the Senate on March 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5092. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Langdon, ND'' ((RIN2120–AA66)(Docket No. FAA–2009–0535)) received in the Office of the President of the Senate on March 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5093. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Llano, TX'' ((RIN2120–AA66)(Docket No. FAA–2009–0858)) received in the Office of the President of the Senate on March 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5094. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (106); Amdt. No. 3362'' (RIN2120–AA65) received in the Office of the President of the Senate on March 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5095. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures (74); Amdt. No. 3363'' (RIN2120–AA65) received in the Office of the President of the Senate on March 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5096. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Relief for U.S. Military and Civilian Personnel Who are Assigned Outside the United States in Support of U.S. Armed Forces Operations'' (RIN2120–AJ54) received in the Office of the President of the Senate on March 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5097. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Aircraft Noise Certification Documents for International Operations'' (RIN2120–AJ31) received in the Office of the President of the Senate on March 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5098. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Part 95 Instrument Flight Rules (11); Amdt. No. 486'' (RIN2120–AA63) received in the Office of the President of the Senate on March 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5099. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone of Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XU22) received in the Office of the President of the Senate on March 10, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5100. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Free Annual File Disclosures'' (RIN3084–AA94) received in the Office of the President of the Senate on March 11, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5101. A communication from the Chief Counsel, Saint Lawrence Seaway Development Corporation, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Seaway Regulations and Rules: Periodic Update, Various Categories'' (RIN2135–AA30) received in the Office of the President of the Senate on March 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5102. A communication from the Regulatory Ombudsman, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety Requirements for Operators of Small Passenger-Carrying Commercial Motor Vehicles Used in Interstate Commerce'' (RIN2126–AA98) received in the Office of the President of the Senate on March 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5103. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, Inc. Model CL–600–1A11 (CL–600), CL–600–2A12 (CL–601), and CL–600–2B16 (CL–601–3A, CL–601–3R, and CL–604) Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–1021)) received in the Office of the President of the Senate on March 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5104. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; BAE SYSTEMS (Operations) Limited Model ATP Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2010–0130)) received in the Office of the President of the Senate on March 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5105. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; ATR—GIE Avions de Transport Regional Model ATR42 and ATR72 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2010–0155)) received in the Office of the President of the Senate on March 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5106. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A340–541 and –642 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2010–0128)) received in the Office of the President of the Senate on March 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5107. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus Model A340–200 and A340–300 Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2010–0131)) received in the Office of the President of the Senate on March 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5108. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Corporation Model MD–90–30 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–0783)) received in the Office of the President of the Senate on March 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5109. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; PILATUS AIRCRAFT LTD. Model PC–12/47E Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–1158)) received in the Office of the President of the Senate on March 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5110. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Dowty Propellers Models R354/4–123–F/13, R354/4–123–F/20, R375/4–123–F/21, R389/4–123–F/25, R389/4–123–F/26, and R390/4–123–F/27 Propellers'' ((RIN2120–AA64)(Docket No. FAA–2008–0545)) received in the Office of the President of the Senate on March 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5111. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Hawker Beechcraft Corporation (Type Certificate Previously Held by Raytheon Aircraft Company) Models B300 and B300C Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–1180)) received in the Office of the President of the Senate on March 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5112. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, Inc. Model DHC–8–100 and DHC–

8–200 Series Airplanes, and Model DHC–8–301, –311, and –315 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–0712)) received in the Office of the President of the Senate on March 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5113. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747–400D, 747–400F, 747SR, and 747SP Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–0718)) received in the Office of the President of the Senate on March 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5114. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier, Inc. Model CL–600–2B19 (Regional Jet Series 100 and 440) Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2010–0178)) received in the Office of the President of the Senate on March 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5115. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier Model DHC–8–102, DHC–8–103, DHC–8–106, DHC–8–201, and DHC–8–202 Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–0609)) received in the Office of the President of the Senate on March 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5116. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Model 737–100, –200, –200C, –300, –400, and –500 Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2009–0452)) received in the Office of the President of the Senate on March 16, 2010; to the Committee on Commerce, Science, and Transportation.

EC–5117. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; The Boeing Company Model 747–100, 747–200B, 747–300, and 747 SR Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2008–0376)) received in the Office of the President of the Senate on March 16, 2010; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. DORGAN for the Committee on Commerce, Science, and Transportation.

*Michael Peter Huerta, of the District of Columbia, to be Deputy Administrator of the Federal Aviation Administration.

*David T. Matsuda, of the District of Columbia, to be Administrator of the Maritime Administration.

By Mr. LEAHY for the Committee on the Judiciary.

Brian Anthony Jackson, of Louisiana, to be United States District Judge for the Middle District of Louisiana.

Elizabeth Erny Foote, of Louisiana, to be United States District Judge for the Western District of Louisiana.

Mark A. Goldsmith, of Michigan, to be United States District Judge for the Eastern District of Michigan.

Marc T. Treadwell, of Georgia, to be United States District Judge for the Middle District of Georgia.

Josephine Staton Tucker, of California, to be United States District Judge for the Central District of California.

William N. Nettles, of South Carolina, to be United States Attorney for the District of South Carolina for the term of four years.

Wifredo A. Ferrer, of Florida, to be United States Attorney for the Southern District of Florida for the term of four years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(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. DODD (for himself and Ms. COLLINS):

S. 3136. A bill to amend the Internal Revenue Code of 1986 to extend and increase the exclusion for benefits provided to volunteers firefighters and emergency medical responders; to the Committee on Finance.

By Mr. UDALL of Colorado (for himself, Mr. BENNET, and Mr. MERKLEY):

S. 3137. A bill to amend the Internal Revenue Code of 1986 to provide that solar electric property need not be located on the property with respect to which it is generating electricity in order to qualify for the residential energy efficient property credit; to the Committee on Finance.

By Mr. CARDIN:

S. 3138. A bill to promote documentary films that convey a diversity of views about life in the United States and bring insightful foreign perspectives to United States audiences; to the Committee on Foreign Relations.

By Mr. CRAPO:

S. 3139. A bill to amend title 32, United States Code, to authorize the Secretary of Defense to cover a larger share of expenses under the National Guard Youth Challenge Program in the case of a State program during its first three years of operation; to the Committee on Armed Services.

By Mr. SPECTER (for himself and Mr. CASEY):

S. 3140. A bill to grant the Secretary of Health and Human Services authority to design, construct, and operate facilities for the purpose of developing and producing biological products in order to meet critical national needs for such biological products, in response to potential bioterrorist attacks or naturally occurring pathogens; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN (for himself, Mr. MENENDEZ, Mr. KERRY, Ms. CANTWELL, Ms. STABENOW, and Mr. SCHUMER):

S. 3141. A bill to amend the Internal Revenue Code of 1986 to provide special rules for treatment of low-income housing credits, and for other purposes; to the Committee on Finance.

By Mr. LAUTENBERG (for himself and Mr. MENENDEZ):

S. 3142. A bill to authorize the Secretary of Education to make grants to support fire safety education programs on college campuses; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COBURN:

S. 3143. A bill to provide that Members of Congress shall not receive a pay increase until the annual Federal budget deficit is eliminated; read the first time.

By Mrs. BOXER (for herself and Mrs. HAGAN):

S. 3144. A bill to amend the Richard B. Russell National School Lunch Act to improve the health and well-being of school children, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. VITTER:

S. Res. 461. A resolution expressing the sense of the Senate that Congress should reject any proposal for the creation of a system of global taxation and regulation; to the Committee on Finance.

By Mr. BURR (for himself and Ms. LANDRIEU):

S. Res. 462. A resolution recognizing Thursday, April 22, 2010, as ''Take Our Daughters and Sons To Work Day''; considered and agreed to.

ADDITIONAL COSPONSORS

S. 211

At the request of Mrs. MURRAY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2–1–1 telephone service for information and referral on human services and volunteer services, and for other purposes.

S. 714

At the request of Mr. WEBB, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 714, a bill to establish the National Criminal Justice Commission.

S. 1329

At the request of Mr. KOHL, the name of the Senator from Hawaii (Mr. AKAKA) 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. 1425

At the request of Mr. DURBIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1425, a bill to increase the United States financial and programmatic contributions to promote economic opportunities for women in developing countries.

S. 1553

At the request of Mr. GRASSLEY, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1553, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Future Farmers of America Organization and the 85th anniversary of the founding of the National Future Farmers of America Organization.

S. 1558

At the request of Mrs. LINCOLN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1558, a bill to amend title 37, United States Code, to provide travel and transportation allowances for members of the reserve components for long distance and certain other travel to inactive duty training.

S. 1611

At the request of Mr. GREGG, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 1611, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 1743

At the request of Mrs. LINCOLN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1743, a bill to amend the Internal Revenue Code of 1986 to expand the rehabilitation credit, and for other purposes.

S. 2749

At the request of Mrs. GILLIBRAND, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2749, a bill to amend the Richard B. Russell National School Lunch Act to improve access to nutritious meals for young children in child care.

S. 2960

At the request of Mr. LEAHY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2960, a bill to exempt aliens who are admitted as refugees or granted asylum and are employed overseas by the Federal Government from the 1-year physical presence requirement for adjustment of status to that of aliens lawfully admitted for permanent residence, and for other purposes.

S. 2982

At the request of Mr. KERRY, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 2982, a bill to combat international violence against women and girls.

S. 3033

At the request of Mr. DURBIN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 3033, a bill to amend title 11, United States Code, to improve protections for employees and retirees in business bankruptcies.

S. 3058

At the request of Mr. DORGAN, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from North Carolina (Mrs. HAGAN) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 3058, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

S. 3122

At the request of Mr. ENSIGN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 3122, a bill to require the Attorney General of the United States to compile, and make publicly available, certain data relating to the Equal Access to Justice Act, and for other purposes.

S. RES. 92

At the request of Mr. UDALL of Colorado, his name was added as a cosponsor of S. Res. 92, a resolution honoring the accomplishments and legacy of Cesar Estrada Chavez.

S. RES. 409

At the request of Mr. FEINGOLD, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. Res. 409, a resolution calling on members of the Parliament in Uganda to reject the proposed ''Anti-Homosexuality Bill'', and for other purposes.

S. RES. 418

At the request of Mr. CASEY, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. Res. 418, a resolution commemorating the life of the late Cynthia DeLores Tucker.

At the request of Mr. SPECTER, his name was added as a cosponsor of S. Res. 418, supra.

S. RES. 451

At the request of Mr. BURR, the names of the Senator from Florida (Mr. LEMIEUX), the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Montana (Mr. TESTER) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. Res. 451, a resolution expressing support for designation of a ''Welcome Home Vietnam Veterans Day''.

AMENDMENT NO. 3477

At the request of Ms. CANTWELL, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of amendment No. 3477 intended to be proposed to H.R. 1586, a bill to impose an additional tax on bonuses received from certain TARP recipients.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER (for himself and Mr. CASEY):

S. 3140. A bill to grant the Secretary of Health and Human Services authority to design, construct, and operate facilities for the purpose of developing and producing biological products in order to meet critical national needs for such biological products, in response to potential bioterrorist attacks or naturally occurring pathogens; to the Committee on Health, Education, Labor, and Pensions.

Mr. SPECTER. Mr. President, I have sought recognition today to introduce the Biosecurity and Vaccine Development Improvement Act, which will ensure our country has the resources necessary to protect the American people in the event of a disease outbreak or terrorist attack.

Last year, in preparation for flu season and concern about the H1N1 virus, the Department of Health and Human Services set out to acquire 120 million doses of vaccines. In August 2009, the department initially projected that these doses would be available by mid-October. However, only 11 million were obtained by that time, and the 120 million doses were not acquired until January 2010.

The current system consists of government contracts with private vaccine manufacturers to produce vaccines. While this lowers overhead costs to the Government, the Government is not able to dictate when vaccines will be produced or which vaccines will be produced. The production of the H1N1 vaccine is good example of the problems that can arise without a dedicated Government manufacturing facility for vaccines. The delay was due to several problems with the supplying companies. For example, one company based in Australia had to produce vaccines to meet the needs in Australia before exporting doses to the U.S. Another company had to produce their regular seasonal flu vaccine before switching to H1N1 vaccine production. This demonstrates the critical need to examine the current vaccine system.

The current system has limitations on the ability to produce vaccines related to bioterrorism such as smallpox, anthrax, ebola virus and botulism, leaving the U.S. without vaccines and susceptible to terrorist attacks. What we want to do is to avoid having the government come up short on something like what happened with Katrina where we are unprepared for the eventuality.

I have long been concerned with these issues. Since 2004, when I chaired the Labor, Health and Human Services and Education Appropriations Subcommittee, with the joinder of Senator HARKIN, who is now the chair, we appropriated $14.336 billion for pandemic preparedness. So you can see that we are talking about very substantial funds to meet a very substantial problem. Over the past year, I have held a number of meetings about the need for a facility, through a public/private partnership, that would afford the U.S. Government greater control over vaccine and countermeasure production and development. These meetings included Vice President BIDEN, Secretary of Health and Human Services Sebelius and Secretary of Homeland Security Janet Napolitano. On August 21, 2009, I chaired a hearing in Pittsburgh, PA, to examine the problems our current system faces and what can be done to remedy them.

This legislation would provide funding for a public/private partnership vaccine developing and manufacturing facility, determined by a competitive bidding process. A public/private facility such as this would allow the government to determine what vaccines would be produced and would use new technology being developed by General Electric to allow rapid change in the vaccines produced. This process currently requires extensive cleaning and

takes weeks, but this new technology includes disposable manufacturing equipment to change production quickly and would improve output and meet demand.

This proposed facility would develop and manufacture medical countermeasures critical to this Nation's health and security and could greatly enhance the U.S.'s vaccine-producing abilities. I encourage my colleagues to work with me to move this legislation forward promptly.

By Mr. BINGAMAN (for himself, Mr. MENENDEZ, Mr. KERRY, Ms. CANTWELL, Ms. STABENOW, and Mr. SCHUMER):

S. 3141. A bill to amend the Internal Revenue Code of 1986 to provide special rules for treatment of low-income housing credits, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, among the many casualties of our economic downturn is the collapse of the primary form of private financing to construct affordable housing. I rise today to introduce the Low-Income Housing Tax Credit Recovery Act, which would restore investment in the Low-Income Housing Tax Credit program. In doing so, the bill will create tens of thousands of new affordable housing units and, in turn, thousands of construction jobs. I am grateful to my Finance Committee colleagues, Senators KERRY, CANTWELL, MENENDEZ, STABENOW, and SCHUMER for joining me in introducing this bill.

Many of us are familiar with the Low-Income Housing Tax Credit program's importance; indeed, I consider it the most successful affordable housing production program in our nation's history. Since its enactment in 1986, the program has spurred the creation of more than 1.7 million units of affordable housing nationwide, including nearly 20,000 units in my home State of New Mexico.

But today, the Housing Credit program is facing tremendous challenges in attracting private investment. Having incurred significant losses, many traditional investors cannot currently use these tax credits, and thus have temporarily exited the market. Moreover, Fannie Mae and Freddie Mac—which until recently provided a significant share of private investment in Housing Credit projects in New Mexico and nationwide—have pulled out entirely. Our bill will help attract new private investment to Housing Credit projects in New Mexico and across the country.

First, the bill will permit existing investors to carryback their unusable existing housing credits for up to five years. A major impediment to new investment today is that traditional Housing Credit investors have incurred business losses that prevent them from utilizing tax credits on previous investments. Consequently, these traditional investors have become disinclined to make new investments—as doing so would generate further credits they could not use for some time. But through a 5-year carryback, many of these traditional investors will be able to make use of accumulated credits. Only investors who are committed to creating additional affordable housing deserve this tax treatment. Accordingly, the bill makes the 5-year carryback election available only to the extent that carryback proceeds are entirely invested in new affordable housing credit investments.

Additionally, the bill provides that Housing Credits generated from future investments can be carried back 5 years. With its 10-year credit stream and 15-year tax compliance period, the Housing Credit program faces hurdles lining up investors, as compared to other tax credit programs with shorter investment horizons. Without shortening the compliance period, a 5-year carryback will make the Housing Credit more competitive with other tax credits, by providing greater flexibility. This will result in more stable investor demand and thus more resources for affordable housing.

Our bill is based on consensus proposals developed by a broad coalition of affordable housing organizations—including housing advocates, state housing finance agencies, developers, and investors—to restore private investment in affordable housing. That these proposals will create tens of thousands of affordable housing units and thousands of construction jobs was endorsed in studies by Harvard University's Joint Center on Housing and Ernst & Young's Tax Credit Advisory Services Center.

I am grateful for the coalition's efforts, as well as input that New Mexico stakeholders—including the New Mexico Mortgage Finance Authority, Enterprise Community Partners, and the New Mexico Coalition to End Homelessness—provided as I developed this bill.

We must act swiftly to ensure continued progress in constructing affordable housing, to meet our nation's affordable housing needs and create jobs. I look forward to working with my colleagues to see these provisions enacted into law.

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. 3141

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 ''Low Income Housing Tax Credit Recovery Act of 2010''.

SEC. 2. FIVE-YEAR CARRYBACK OF LOW-INCOME HOUSING CREDIT.

(a) IN GENERAL.—Subsection (a) of section 39 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(4) 5-YEAR CARRYBACK OF LOW-INCOME HOUSING CREDIT.—

''(A) IN GENERAL.—In the case of an applicable low-income housing credit (within the meaning of section 38(c)(6)(C))—

''(i) this section shall be applied separately from the business credit (other than the low-income housing credit), and

''(ii) paragraph (1) shall be applied by substituting 'each of the 5 taxable years' for 'the taxable year' in subparagraph (A) thereof.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007, and to carrybacks of credits from such taxable years.

SEC. 3. CARRYBACK OF NEW INVESTMENTS.

(a) IN GENERAL.—Section 42(f) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(6) SPECIAL RULE FOR CERTAIN INVESTMENTS IN 2010 AND 2011.—

''(A) IN GENERAL.—In the case of a taxpayer who enters into an agreement described in section 38(c)(6)(D)(i)(I) (without regard to the applicable date), which satisfies the requirement of section 38(c)(6)(D)(i)(II), after December 31, 2009, and before January 1, 2012, then solely for purposes of determining the taxable year in which the low-income housing credit under this section may be taken into account for purposes of section 38, and the amount of the credit so taken into account—

''(i) the preceding paragraphs of this subsection shall not apply,

''(ii) the credit period with respect to the housing credit dollar amount to be allocated under such agreement shall be the 1 taxable year in which the taxpayer enters into such agreement,

''(iii) subsections (b) and (c)(1) shall not apply, and

''(iv) the amount of the credit under this section which is taken into account in the taxable year described in clause (ii) shall be the housing credit dollar amount to be allocated under such agreement.

''(B) REQUIREMENTS OF SECTION UNAFFECTED.—Except as provided in subparagraph (A), the provisions of this section shall apply to any building to which an agreement described in subparagraph (A) applies as if such subparagraph had not been enacted.

''(C) RECAPTURE OF EXCESS CREDIT.—If, at the end of the credit period with respect to any building (without regard to subparagraph (A)), the amount of the credit taken into account under subparagraph (A)(iv) with respect to such building exceeds the total amount of the credit which would have been allowed under this section with respect to such building during such credit period but for the application of subparagraph (A), then the amount of such excess shall be recaptured as if it were included in the credit recapture amount under subsection (j).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 4. ALLOWING LOW-INCOME HOUSING CREDITS TO OFFSET 100 PERCENT OF FEDERAL INCOME TAX LIABILITY.

(a) IN GENERAL.—Subsection (c) of section 38 is amended by adding at the end the following new paragraph:

''(6) ALLOWING LOW-INCOME HOUSING CREDIT TO OFFSET 100 PERCENT OF FEDERAL INCOME TAX LIABILITY.—

''(A) IN GENERAL.—In the case of applicable low-income housing credits—

''(i) this section shall be applied separately with respect to such credits,

''(ii) in applying paragraph (1) to such credits—

''(I) the tentative minimum tax shall be treated as being zero, and

''(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be the net income tax (as defined in paragraph (1)) reduced by the credit allowed under subsection (a) for the taxable year (other than the applicable low-income housing credits), and

''(iii) the excess credit for such taxable year shall, solely for purposes of determining the amount of such excess credit which may be carried back to a preceding taxable year, be increased by the amount of business credit carryforwards which are carried to such taxable year, to which this subparagraph applies, and which are not allowed for such taxable year by reason of the limitation under paragraph (1) (as modified by clause (ii)).

''(B) INCREASE IN LIMITATION FOR TAXABLE YEARS TO WHICH EXCESS APPLICABLE LOW-INCOME HOUSING CREDITS ARE CARRIED BACK.—

''(i) IN GENERAL.—Solely for purposes of determining the portion of any excess credit described in subparagraph (A)(iii) for which credit will be allowed under subsection (a)(3) for any preceding taxable year, except as provided in clause (ii), the limitation under paragraph (1) for such preceding taxable year shall be determined under rules similar to the rules described in subparagraph (A).

''(ii) ORDERING RULE.—If the excess credit described in subparagraph (A)(iii) includes business credit carryforwards from preceding taxable years, such excess credit shall be treated as allowed for any preceding taxable year on a first-in first-out basis.

''(C) APPLICABLE LOW-INCOME HOUSING CREDITS.—For purposes of this subpart, the term 'applicable low-income housing credits' means the credit determined under section 42—

''(i) to the extent attributable to buildings placed in service after the date of the enactment of this subparagraph, and

''(ii) in the case of any other buildings, for taxable years beginning in 2008, 2009, and 2010 (and to business credit carryforwards with respect to such buildings carried to such taxable years) to the extent provided in subparagraph (D).

''(D) PREVIOUSLY PLACED IN SERVICE BUILDINGS.—

''(i) IN GENERAL.—Subparagraph (C)(ii) shall apply to such credits for such a taxable year only—

''(I) if the taxpayer has entered into a binding commitment to invest equity not later than the applicable date, with respect to an investment in a future project (which is binding on the taxpayer and all successors in interest) which specifies the dollar amount of such investment, and

''(II) to the extent such credits do not exceed the dollar amount of such proposed investment.

''(ii) APPLICABLE DATE.—For purposes of this subparagraph, the applicable date is—

''(I) in the case of taxable years beginning in 2008 and 2009, September 15, 2010, or

''(II) in the case of a taxable year beginning in 2010, the due date (including extensions of time) for filing the taxpayer's return for such taxable year.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007, and to carrybacks of credits from such taxable years.

By Mrs. BOXER (for herself and Mrs. HAGAN):

S. 3144. A bill to amend the Richard B. Russell National School Lunch Act to improve the health and well-being of school children, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mrs. BOXER. Mr. President, as we prepare to reauthorize the Child Nutrition Act, it is critical that we address the need to invest in commonsense ways to improve the health and well being of our nation's most precious resource—our children.

Childhood obesity threatens the healthy future of one-third of American children. Every year we spend $150 billion to treat obesity-related conditions, and that cost is growing. Obesity rates tripled in the past 30 years, a trend that means, for the first time in our history, American children may face a shorter expected lifespan than their parents.

Right now, the U.S. Department of Agriculture, USDA, spends more than $10 billion a year on school meal programs, but only a small fraction of that funding goes to fruits and vegetables.

A recent report by the Institute of Medicine entitled School Meals: Building Blocks for Healthy Children, found that increasing the amount and variety of vegetables and fruits in schools is one of the best ways to make school meals healthier, and recommends that schools increase their offering of fruits and vegetables to help keep kids healthy.

That is why I am introducing the Healthy Food in Schools Act, which would improve school nutrition by providing more fresh fruits and vegetables in school breakfasts and lunches starting in elementary school, when children are developing healthy eating habits.

A recent study was conducted by Dr. Wendy Slusser, director of UCLA's Fit for Health Program, and Harvinder Sareen, Director of Clinical Programs at WellPoint, a health benefits company that found children's consumption of fruit and vegetables increases dramatically when produce is made available in school meals. The data also shows that increasing availability of fruits and vegetables exposes children to new foods, which can affect their eating habits for a lifetime.

The Healthy Food in Schools Act instructs USDA to put in place a plan to promote the use of salad bars in schools and provide $10 million for fiscal years 2011 and 2012 to help schools purchase salad bars and fruit and vegetable bars for their cafeterias.

The Healthy Food in Schools Act also includes $100 million for overall cafeteria infrastructure improvements. Many cafeterias around the country are looking to move away from processed food and toward kitchens that can cook healthier meals from scratch, but they lack the funds to implement such a plan.

The American Recovery and Reinvestment Act passed last year included $100 million in grants for cafeteria equipment, but the Department of Education received more than $650 million in requests for infrastructure improvements. This bill will help meet the needs of the many school districts that want to improve the meals they serve their students.

This bill also provides competitive matching grants and technical assistance for schools to improve access to local foods. The bill directs $10 million a year for 5 years toward these farm-to-school programs.

Farm-to-school programs are a proven, commonsense way to help improve the health of children while supporting local farmers and bolstering local economies. While many schools would like to incorporate fresh local food into their meals, schools often lack the startup funding and technical expertise to overcome barriers to making this change. These limited federal grants will give school districts and small- and medium-sized farms the help they need to develop new farm-to-school programs.

With more than 31 million children participating in the National School Lunch Program and more than 11 million participating in the National School Breakfast Program, good nutrition at school is more important than ever. That is why I urge my colleagues to join me in support of including this commonsense bill in the upcoming reauthorization of the Child Nutrition Act.

The Healthy Food in Schools Act will help ensure that our nation's children are not just eating, but also learning to eat healthy. The rise in the rates of children who are overweight or obese are a result of poor diets, a lack of physical activity, and insufficient nutrition education. A healthy school environment can help correct these problems and put our Nation's youth and our Nation on the path to a healthier and more sustainable future.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 461—EXPRESSING THE SENSE OF THE SENATE THAT CONGRESS SHOULD REJECT ANY PROPOSAL FOR THE CREATION OF A SYSTEM OF GLOBAL TAXATION AND REGULATION

Mr. VITTER submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 461

Whereas many proposals are pending in Congress—

(1) to increase taxes;

(2) to regulate businesses; and

(3) to continue runaway government spending;

Whereas taxpayer funding has already financed major, on-going bailouts of the financial sector;

Whereas the proposed cap-and-trade system would result in trillions of dollars in new taxes and job-killing regulations;

Whereas a number of nongovernmental organizations are proposing that a cap and trade regulatory system be adopted on a global scale;

Whereas the International Monetary Fund was tasked by the G-20 with preparing ''a report for our next meeting with regard to the range of options countries have adopted or

are considering as to how the financial sector could make a fair and substantial contribution toward paying for any burdens associated with government interventions to repair the banking system.'';

Whereas the options expected to be included in the International Monetary Fund report being prepared for the next meeting of the G-20 would essentially describe proposals to finance bailouts of the financial sector on a global scale;

Whereas the Climate Conference held during December 1 through December 18, 2009, in Copenhagen, Denmark considered a number of international taxation and regulatory proposals that will—

(1) punish businesses; and

(2) promote proposals not based in sound science;

Whereas new international taxation and regulatory proposals would be an affront to the sovereignty of the United States;

Whereas the best manner by which to overcome the economic downturn in the United States includes taking measures that would—

(1) lower tax rates;

(2) reduce government spending; and

(3) impose fewer onerous and unnecessary regulations on job creation; and

Whereas the worst manner by which to overcome the economic downturn in the United States includes taking measures that would—

(1) increase tax rates; and

(2) expand government intervention, including intervention on a global scale: Now, therefore, be it

Resolved, That it is the sense of the Senate that Congress should reject any proposal for the creation of—

(1) an international system of government bailouts for the financial sector;

(2) a global cap-and-trade system or other climate regulations that would—

(A) punish businesses in the United States; and

(B) limit the competitiveness of the United States; and

(3) a global tax system that would violate the sovereignty of the United States.

SENATE RESOLUTION 462—RECOGNIZING THURSDAY, APRIL 22, 2010, AS ''TAKE OUR DAUGHTERS AND SONS TO WORK DAY''

Mr. BURR (for himself and Ms. LANDRIEU) submitted the following resolution; which was considered and agreed to:

S. RES. 462

Whereas the Take Our Daughters To Work Day program in New York City was created as a response to research that showed that by the 8th grade many girls were dropping out of school, had low self-esteem, and lacked confidence;

Whereas, in 2003, the name of the program was changed to ''Take Our Daughters and Sons To Work Day'' so that boys who face many of the same challenges as girls could also be involved in the program;

Whereas the mission of the program, ''Take Our Daughters and Sons To Work Foundation develops innovative strategies that empower girls and boys to overcome societal barriers to reach their full potential'', now fully reflects the addition of boys;

Whereas the Take Our Daughters and Sons To Work Foundation, a non-profit organization, has grown to become one of the largest public awareness campaigns, with over 33,000,000 participants annually in over 3,000,000 organizations and workplaces in every State;

Whereas, in 2007, the Take Our Daughters To Work program was transitioned to Elizabeth City, North Carolina, became known as the Take Our Daughters and Sons To Work Foundation, and received national recognition for the dedication of the Foundation to our future generations;

Whereas every year mayors, governors, and other private and public officials sign proclamations and lend their support to Take Our Daughters and Sons To Work;

Whereas the fame of the program has spread overseas with requests and inquiries being made from around the world on how to operate the program; and

Whereas Take Our Daughters and Sons To Work is intended to continue helping millions of girls and boys on an annual basis through experienced activities and events to examine their opportunities and strive to reach their fullest potential: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes Thursday, April 22, 2010, as ''Take Our Daughters and Sons To Work Day'';

(2) recognizes the goals of introducing our daughters and sons to the workplace; and

(3) commends all the participants in Take Our Daughters and Sons To Work for their ongoing contributions to education, and for the vital role the participants play in promoting and ensuring a brighter, stronger future for the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3550. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 1586, to impose an additional tax on bonuses received from certain TARP recipients; which was ordered to lie on the table.

SA 3551. Mr. LEMIEUX (for himself, Mr. WICKER, Mr. SESSIONS, Mr. SHELBY, Mr. HATCH, Mr. BENNETT, and Mr. COCHRAN) submitted an amendment intended to be proposed to amendment SA 3452 proposed by Mr. ROCKEFELLER to the bill H.R. 1586, supra; which was ordered to lie on the table.

SA 3552. Mr. REID (for Mr. NELSON of Florida) proposed an amendment to the concurrent resolution S. Con. Res. 54, recognizing the life of Orlando Zapata Tamayo, who died on February 23, 2010, in the custody of the Government of Cuba, and calling for a continued focus on the promotion of internationally recognized human rights, listed in the Universal Declaration of Human Rights, in Cuba.

TEXT OF AMENDMENTS

SA 3550. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 1586, to impose an additional tax on bonuses received from certain TARP recipients; which was ordered to lie on the table; as follows:

At the end of the amendment add the following:

On page 147, between lines 4 and 5, insert the following:

(g) STANDARDS.—

(1) IN GENERAL.—Within 90 days after the date on which the Comptroller General submits the report required by subsection (d) to the Congressional committees, the Secretary of Transportation and the Secretary of Health and Human Services jointly shall determine whether Federal standards for part 135 certificate holders and indirect carriers providing helicopter or fixed wing air ambulance services should be promulgated to address aviation safety or health safety matters in air ambulance operations and shall submit a joint report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on their determination.

(2) DETERMINATION FACTORS.—In making the determination required by paragraph (1), the Secretaries—

(A) shall take into account—

(i) issues identified by the Comptroller General in the report required by subsection (d); and

(ii) any other issues deemed necessary or appropriate for consideration by the Secretaries related to the provision of air ambulance services;

(B) shall consult with representatives of the air ambulance service industry and other appropriate stakeholders;

(C) shall consult with the Comptroller General, particularly with respect to areas in which data is insufficient to provide necessary information to the Congress and the Secretaries with respect to air ambulance service issues;

(D) may provide assistance to the Government Accountability Office as necessary for additional analysis to supplement the study and arrange for necessary data collection and analysis, directly or through appropriate competitively awarded contracts; and

(E) may require air ambulance service providers and users to report such data as may be necessary and appropriate to enable the Secretaries to carry out their responsibilities under this subsection.

(3) REPORT CONTENTS.—In the report required by paragraph (1), the Secretaries shall—

(A) explain in detail the rationale for the determination, including—

(i) if the Secretaries determine that such standards are unnecessary, inappropriate, or contrary to public policy, an explanation of the legal and public policy basis for that determination; or

(ii) if the Secretaries determine that such standards should be promulgated, a finding with respect to whether the standards should be promulgated by the Federal government or State governments in light of the policies implemented by the Aviation Deregulation Act of 1978 (as those policies are currently reflected in subtitle VII of title 49, United States Code) and an explanation of the legal and public policy basis for that finding; and

(B) provide a description of non-aviation related health safety matters related to air ambulance service operations that are subject to State regulation under traditional State regulatory authority.

(4) APPLICATION WITH STATE AND LOCAL LAWS.—Nothing in this subsection, or in the standards established under subsection (a), shall preclude any State or local government from licensing air ambulance service providers, or from promulgating or enforcing air ambulance service requirements, subject to applicable Federal law.

SA 3551. Mr. LEMIEUX (for himself, Mr. WICKER, Mr. SESSIONS, Mr. SHELBY, Mr. HATCH, Mr. BENNETT, and Mr. COCHRAN) submitted an amendment intended to be proposed to amendment SA 3452 proposed by Mr. ROCKEFELLER to the bill H.R. 1586, to impose an additional tax on bonuses received from certain TARP recipients; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 723. PROHIBITION ON USE OF FUNDS FOR TERMINATION OF CONSTELLATION PROGRAM OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.

(a) REAFFIRMATION OF PROHIBITION.—The National Aeronautics and Space Administration shall comply with the provisions of the first proviso under the heading ''EXPLORATION'' under the heading ''NATIONAL AERONAUTICS AND SPACE ADMINISTRATION'' in the Science Appropriations Act (title III of division B of Public Law 111–117; 123 Stat. 3147), relating to a prohibition on the use of funds for the termination or elimination of any program, project, or activity of the architecture of the Constellation Program of the National Aeronautics and Space Administration.

(b) LIMITATION.—The provisions of section 1341 of title 31, United States Code (commonly referred to as the ''Anti-Deficiency Act''), may not be utilized as a basis for the termination or elimination of any contract, program, project, or activity of the Constellation Program of the National Aeronautics and Space Administration.

(c) COMPTROLLER GENERAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the Constellation Program of the National Aeronautics and Space Administration. The report shall set forth a description and assessment by the Comptroller General of the contracts, programs, projects, or activities of the Constellation Program, if any, that are contrary to law or are experiencing waste, fraud, or abuse.

(d) CURRENT SHUTTLE MANIFEST FLIGHT ASSURANCE.—The Administrator of the National Aeronautics and Space Administration shall take all actions necessary to ensure shuttle launch capability, including not terminating any contractor support that will limit or impair the launching of, at a minimum, the payloads manifested for the shuttle as of the date of the enactment of this Act.

SA 3552. Mr. REID (for Mr. NELSON of Florida) proposed an amendment to the concurrent resolution S. Con. Res. 54, recognizing the life of Orlando Zapata Tamayo, who died on February 23, 2010, in the custody of the Government of Cuba, and calling for a continued focus on the promotion of internationally recognized human rights, listed in the Universal Declaration of Human Rights, in Cuba; as follows:

Insert after the 15th whereas clause in the preamble the following:

Whereas the Department of State reports that the Government of Cuba has not granted prison visits by the International Committee of the Red Cross, Amnesty International, or Human Rights Watch since 1988;

NOTICE OF HEARING

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a business meeting has been scheduled before Committee on Energy and Natural Resources. The business meeting will be held on Tuesday, March 23, 2010, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the business meeting is to consider the nomination of Jeffrey Lane to be an Assistant Secretary of Energy (Congressional and Intergovernmental Affairs) and cleared legislative agenda items.

For further information, please contact Sam Fowler or Amanda Kelly.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on March 18, 2010, at 9:30 a.m.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on March 18, 2010, at 10 a.m., in room 253 of the Russell Senate Office Building.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on March 18, 2010, at 10 a.m., in room 406 of the Dirksen Office Building.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on March 18, 2010, at 2:15 p.m., in room 628 of the Dirksen Senate Office Building.

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

COMMITTEE ON THE JUDICIARY

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on March 18, 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.

COMMITTEE ON VETERANS' AFFAIRS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on March 18, 2010. The Committee will meet in room SDG–50 in the Dirksen Senate Office Building beginning at 9:30 a.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. DORGAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 18, 2010, at 2:30 p.m.

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

SUBCOMMITTEE ON SCIENCE AND SPACE

Mr. DORGAN. Mr. President, I ask unanimous consent that the Subcommittee on Science and Space of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on March 18, 2010, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

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

RECOGNIZING THE LIFE OF ORLANDO ZAPATA TAMAYO

Mr. REID. I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Con. Res. 54.

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

The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 54) recognizing the life of Orlando Zapata Tamayo, who died on February 23, 2010, in the custody of the Government of Cuba, and calling for a continued focus on the promotion of internationally recognized human rights, listed in the Universal Declaration of Human Rights, in Cuba.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. I ask unanimous consent that the concurrent resolution be agreed to; a Nelson of Florida amendment to the preamble, which is at the desk, be agreed to; the preamble, as amended, be agreed to; the motion to reconsider be laid on the table with no intervening action or debate; and any statements related to this measure be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 54) was agreed to.

The amendment (No. 3552) was agreed to, as follows:

Insert after the 15th whereas clause in the preamble the following:

Whereas, the Department of State reports that the Government of Cuba has not granted prison visits by the International Committee of the Red Cross, Amnesty International, or Human Rights Watch since 1988;

The preamble, as amended, was agreed to.

The concurrent resolution, with its preamble, as amended, reads as follows:

S. CON. RES. 54

Whereas Orlando Zapata Tamayo (referred to in this preamble as ''Zapata''), a 42-year-old plumber and bricklayer and a member of the Alternative Republican Movement and the National Civic Resistance Committee, died on February 23, 2010, in the custody of the Government of Cuba after conducting a hunger strike for more than 80 days;

Whereas, on February 24, 2010, the Foreign Ministry of Cuba issued a rare statement on the death of Zapata, stating, ''Raul Castro laments the death of Cuban prisoner Orlando Zapata Tamayo, who died after conducting a hunger strike.'';

Whereas Reina Luisa Tamayo has asserted that her son Orlando Zapata Tamayo was tortured and denied water during his incarceration and has called ''on the world to demand the freedom of the other prisoners and brothers unfairly sentenced so that what happened to my boy, my second child, who leaves behind no physical legacy, no child or wife, does not happen again'';

Whereas Zapata began a hunger strike on December 9, 2009, to demand respect for his personal safety and to protest his inhumane treatment by the prison authorities in Cuba;

Whereas according to his supporters, Zapata was denied water during stages of his hunger strike at Kilo 8 Prison in Camagüey, was then transferred to Havana's Combinado del Este prison, and was finally admitted to the Hermanos Ameijeiras Hospital on February 23, 2010, in critical condition, where he was administered fluids intravenously and died hours later;

Whereas, on February 25, 2010, Freedom House condemned the Government of Cuba for ''the deplorable prison conditions, torture, and lack of medical attention that led to the death of political prisoner Orlando Zapata Tamayo'';

Whereas Zapata was arrested in 2003 on charges of contempt for authority, public disorder, and disobedience, and was initially sentenced to 3 years in prison;

Whereas Zapata was later convicted of additional ''acts of defiance'' while in prison and was resentenced to a total of 36 years;

Whereas in 2003, Zapata and approximately 75 other dissidents and peaceful supporters of the Varela Project were arrested during the ''Black Spring'' and were sentenced to harsh prison terms;

Whereas more than 25,000 Cubans have signed on to the Varela Project, which seeks a referendum on civil liberties, including freedom of speech, amnesty for political prisoners, support for private business, a new electoral law, and a general election;

Whereas in 2003, Amnesty International designated Zapata as a prisoner of conscience;

Whereas the Government of the United States raised the plight of Zapata during migration talks on February 19, 2010, and urged the Government of Cuba to provide all necessary medical care;

Whereas, on February 25, 2010, Secretary of State Hillary Clinton said in response to the death of Zapata, ''We send our condolences to his family and we also reiterate our strong objection to the actions of the Cuban government. This is a prisoner of conscience who was imprisoned for years for speaking his mind, for seeking democracy, for standing on the side of values that are universal, who engaged in a hunger strike.'';

Whereas following the death of Zapata, the Inter-American Commission on Human Rights reported that at least 50 dissidents were detained or forced to remain in their houses to prevent them from attending the wake and funeral for Zapata;

Whereas the Department of State's 2009 Country Report on Human Rights states that Cuba is a totalitarian state with a government that continues to deny its citizens basic human rights and continues to commit numerous serious human rights abuses;

Whereas the Department of State reports that the Government of Cuba has not granted prison visits by the International Committee of the Red Cross, Amnesty International, or Human Rights Watch since 1988;

Whereas Human Rights Watch states, ''Cuba remains the one country in Latin America that represses virtually all forms of political dissent. The government continues to enforce political conformity using criminal prosecutions, long- and short-term detention, harassment, denial of employment, and travel restrictions.''; and

Whereas in a 2008 annual report, the Inter-American Commission on Human Rights reported that ''restrictions on political rights, on freedom of expression, and on the dissemination of ideas, the failure to hold elections, and the absence of an independent judiciary in Cuba combine to create a permanent panorama of breached basic rights for the Cuban citizenry'': Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the life of Orlando Zapata Tamayo, whose death on February 23, 2010, highlights the lack of democracy in Cuba and the injustice of the brutal treatment of more than 200 political prisoners by the Government of Cuba;

(2) calls for the immediate release of all political prisoners detained in Cuba;

(3) pays tribute to the courageous citizens of Cuba who are suffering abuses merely for engaging in peaceful efforts to exercise their basic human rights;

(4) supports freedom of speech and the rights of journalists and bloggers in Cuba to express their views without repression by government authorities and denounces the use of intimidation, harassment, or violence by the Government of Cuba to restrict and suppress freedom of speech, freedom of expression, freedom of assembly, and freedom of the press;

(5) desires that the people of Cuba be able to enjoy due process and the right to a fair trial; and

(6) calls on the United States to continue policies that focus on respect for the fundamental tenets of freedom, democracy, and human rights in Cuba and encourage peaceful democratic change consistent with the aspirations of the people of Cuba.

TAKE OUR DAUGHTERS AND SONS TO WORK DAY

Mr. REID. I ask unanimous consent that the Senate proceed to S. Res. 462.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 462) recognizing Thursday, April 22, 2010, as ''Take Our Daughters and Sons to Work Day.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid on the table.

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

The resolution (S. Res. 462) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 462

Whereas, the Take Our Daughters To Work Day program in New York City was created as a response to research that showed that by the 8th grade many girls were dropping out of school, had low self-esteem, and lacked confidence;

Whereas, in 2003, the name of the program was changed to ''Take Our Daughters and Sons To Work Day'' so that boys who face many of the same challenges as girls could also be involved in the program;

Whereas, the mission of the program, ''Take Our Daughters and Sons To Work Foundation develops innovative strategies that empower girls and boys to overcome societal barriers to reach their full potential'', now fully reflects the addition of boys;

Whereas, the Take Our Daughters and Sons To Work Foundation, a non-profit organization, has grown to become one of the largest public awareness campaigns, with over 33,000,000 participants annually in over 3,000,000 organizations and workplaces in every State;

Whereas, in 2007, the Take Our Daughters To Work program was transitioned to Elizabeth City, North Carolina, became known as the Take Our Daughters and Sons To Work Foundation, and received national recognition for the dedication of the Foundation to our future generations;

Whereas, every year mayors, governors, and other private and public officials sign proclamations and lend their support to Take Our Daughters and Sons To Work;

Whereas, the fame of the program has spread overseas with requests and inquiries being made from around the world on how to operate the program; and

Whereas, Take Our Daughters and Sons To Work is intended to continue helping millions of girls and boys on an annual basis through experienced activities and events to examine their opportunities and strive to reach their fullest potential: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes Thursday, April 22, 2010, as ''Take Our Daughters and Sons To Work Day'';

(2) recognizes the goals of introducing our daughters and sons to the workplace; and

(3) commends all the participants in Take Our Daughters and Sons To Work for their ongoing contributions to education, and for the vital role the participants play in promoting and ensuring a brighter, stronger future for the United States.

MEASURES READ THE FIRST TIME—S. 3143, H.R. 4851, AND H.R. 4853

Mr. REID. I believe there are three bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will report the bills by title.

The assistant legislative clerk read as follows:

A bill (S. 3143) to provide that Members of Congress shall not receive a pay increase until the annual Federal budget deficit is eliminated.

A bill (H.R. 4851) to provide a temporary extension of certain programs, and for other purposes.

A bill (H.R. 4853) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

Mr. REID. I now ask for their second reading en bloc but object to my own request en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will be read for the second time on the next legislative day.

ORDERS FOR FRIDAY, MARCH 19, 2010

Mr. REID. Mr. President, I now ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Friday, March 19; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of H.R. 1586.

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

PROGRAM

Mr. REID. Mr. President, tomorrow the Senate will resume consideration of the Federal Aviation Administration legislation. There will be no rollcall votes tomorrow. Senators should expect the next vote to begin at or about 5:30 p.m. on Monday, March 22.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. 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 7:43 p.m., adjourned until Friday, March 19, 2010, at 9:30 a.m.