age of dependents under the age of 26 years.

S. 3860

At the request of Mr. BROWN of Massachusetts, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 3860, a bill to require reports on the management of Arlington National Cemetery.

S. 3861

At the request of Mrs. BOXER, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 3861, a bill to direct the Administrator of the Environmental Protection Agency to investigate and address cancer and disease clusters, including in infants and children.

S. 3900

At the request of Mr. COBURN, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 3900, a bill to reduce waste, fraud, and abuse under the Medicare, Medicaid, and CHIP programs, and for other purposes.

S. 3913

At the request of Mr. ROCKEFELLER, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 3913, a bill to amend title 10, United States Code, to enhance the roles and responsibilities of the Chief of the National Guard Bureau.

S. 3925

At the request of Mr. BINGAMAN, the names of the Senator from Indiana (Mr. LUGAR), the Senator from Massachusetts (Mr. KERRY), the Senator from Maryland (Mr. CARDIN), the Senator from Indiana (Mr. BAYH), the Senator from South Dakota (Mr. JOHNSON) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 3925, a bill to amend the Energy Policy and Conservation Act to improve the energy efficiency of, and standards applicable to, certain appliances and equipment, and for other purposes.

S. 3929

At the request of Mr. TESTER, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 3929, a bill to revise the Forest Service Recreation Residence Program as it applies to units of the National Forest System derived from the public domain by implementing a simple, equitable, and predictable procedure for determining cabin user fees, and for other purposes.

S. CON. RES. 63

At the request of Mr. BARRASSO, his name was added as a cosponsor of S. Con. Res. 63, a concurrent resolution expressing the sense of Congress that Taiwan should be accorded observer status in the International Civil Aviation Organization (ICAO).

S. CON. RES. 71

At the request of Mr. FEINGOLD, the names of the Senator from Vermont (Mr. SANDERS), the Senator from Colorado (Mr. UDALL) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. Con. Res. 71, a concurrent resolution recognizing the United States national interest in helping to prevent and mitigate acts of genocide and other mass atrocities against civilians, and supporting and encouraging efforts to develop a whole of government approach to prevent and mitigate such acts.

S. RES. 519

At the request of Mr. DEMINT, the name of the Senator from Florida (Mr. LEMIEUX) was added as a cosponsor of S. Res. 519, a resolution expressing the sense of the Senate that the primary safeguard for the well-being and protection of children is the family, and that the primary safeguards for the legal rights of children in the United States are the Constitutions of the United States and the several States, and that, because the use of international treaties to govern policy in the United States on families and children is contrary to principles of self-government and federalism, and that, because the United Nations Convention on the Rights of the Child undermines traditional principles of law in the United States regarding parents and children, the President should not transmit the Convention to the Senate for its advice and consent.

S. RES. 586

At the request of Mr. FEINGOLD, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. Res. 586, a resolution supporting democracy, human rights, and civil liberties in Egypt.

S. RES. 631

At the request of Mrs. LINCOLN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. Res. 631, a resolution designating the week beginning on November 8, 2010, as National School Psychology Week.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. MURRAY:

S. 3938. A bill to designate the airport traffic control tower located at Spokane International Airport in Spokane, Washington, as the ''Ray Daves Airport Traffic Control Tower''; to the Committee on Commerce, Science, and Transportation.

Mrs. MURRAY. 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. 3938

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The airport traffic control tower located at Spokane International Airport in Spokane, Washington, and any successor airport traffic control tower at that location, shall be known and designated as the ''Ray Daves Airport Traffic Control Tower''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the airport traffic control tower referred to in section 1 shall be deemed to be a reference to the ''Ray Daves Airport Traffic Control Tower''.

By Mr. INHOFE:

S. 3939. A bill to reform earmarking and increase transparency and accountability for all expenditures authorized by Congress and all executive agencies of the Federal Government, to the Committee on Rules and Administration.

Mr. INHOFE. Mr. President, I need to tell Molly I have reduced the length of my speech from 1 hour to 30 minutes because of something I totally did not expect. However, I think it is going to have a happy ending.

I think the bottom line in all this discussion of earmarks—or however you want to word it—is that we have to do something about excessive spending. It is something we cannot continue. It is not sustainable. I think everyone agrees with that.

It is interesting for me when I see the President and the passage of such things as the $787 billion stimulus and all that to say we are going to form a commission to see how we can keep from spending so much money. Well, that is how you do it: You do not do things like that.

Let me say, first of all, after this election, the Tea Party did play a big part in this thing. I have to say I was very excited about it early on. I think I might have been the first Republican anyway to go to Marco Rubio and support him in his efforts down in Florida and several of the others. I think it is clearly a good thing, a change, and I think the American people have clearly spoken.

In spite of what you might have heard in the media, let me clear up one thing. Never have I once had any indication of trying to influence anyone from voting for or against a ban on earmarks. You will find out in just a minute how I can come to this conclusion and why it would not be necessary, and it does not make all that much difference.

But before I do, to make sure people understand, you are hearing these comments not from any Member of the Senate but from someone who probably, I would have to say, has been declared as the most conservative Member of the body more times than anybody else has, most recently by the National Journal, and so you are hearing this from someone who is a conservative and someone who is also lonely.

I go back quite a ways, but I can remember my two favorite Senators. My mentors, I guess I should say, were Jesse Helms and the Senator from Nebraska, Carl Curtis. Both of them are deceased. It has been quite some time since Carl Curtis was serving, but, nevertheless, I remember I was in the State senate—this was many years ago—and I was recognized as a conservative at that time. Carl Curtis was

serving here from Nebraska, and he is the guy, you might remember, who consistently, year after year after year, introduced the budget balancing amendment to the Constitution.

Well, he called me one day—this is back in the 1970s—and he said: Inhofe, I know you and I share the same philosophy. But I can never get this up for a vote. The excuse the liberals use is that you will never be able to get three-fourths of the States to pass a resolution ratifying a constitutional amendment to balance the budget.

So his idea was kind of ingenious. What he said was: I will go ahead and get started and stand behind you, and we will find you and enough other States to make up three-fourths of the States, and we will preratify a constitutional amendment to balance the budget.

I did not understand how it would work, but we talked about it for a while. So I said: Well, let me try it. So I did. In the State senate we preratified a balanced budget amendment to the Constitution. It was kind of fun because after that I started going around to other States and getting them to do the same thing. We got up to within, I think, four States of being able to do it before it started to unravel.

But a guy named Anthony Harrigan—he was a syndicated columnist from down South someplace—wrote an editorial or an op-ed piece that got published, and it was called ''A Voice in the Wilderness.'' He said: Way out in the State of Oklahoma there is one State legislator who is going to balance the Federal budget. So that was kind of the beginning of the kind of lonely ride I have had.

Since that time, I remember serving in the House of Representatives. John Nance Garner—this is 80 years ago—was the Speaker of the House. John Nance Garner devised a system. Here is the problem he had. People were getting more and more informed on how people were voting in America. So he had all his west Texas Members, and they did not want to vote for the liberal agenda of the Democratic Party. Can you see anyone from west Texas voting for gun control? It is not going to happen. So he devised a system—it was kind of ingenious, corrupt but ingenious—and that was a discharge petition so that in the House of Representatives if you want to take up a bill, you have to have it either come out of a committee or, if it is in a committee, you have to have a discharge petition, sign a discharge petition to force it to come out. He wanted his Members to be able to say that they signed the discharge petitions, yet they wouldn't sign them, so the bills would never come out.

They kept the discharge petitions in a locked drawer, just like the Presiding Officer has, right up there in front of the whole House of Representatives, and you couldn't open the drawer unless you were signing a discharge petition. You couldn't copy down the names of anyone else. What I did was set up a system where I had people go up and memorize names, and then I went ahead and just disclosed all of this. Anyway, it is a much longer story than that, but the bottom line is that the punishment for doing what I did was to be expelled from the House of Representatives. I said: OK. That is fine. I will go ahead and do it anyway. They can expel me. I will run. Who is not going to vote for someone who was expelled because they shed light on the system? And it worked. It was declared by several publications as the greatest single reform in the House. Again, it was lonely, but it is something that worked.

Then along came global warming. We all remember the Kyoto Treaty back then. In fact, back during the Clinton-Gore years when it first came up, everybody thought it was something that would be ratified until they looked at it to see what it would cost to do it, and the cost was somewhere between $300 billion and $400 billion. So I looked at that. We all looked at it and we thought, do we really want to ratify this? Well, as it turned out, we didn't. One reason we didn't was Senator Byrd was the primary mover of a motion to stop it from happening unless the developing countries had to pay the same price as the developed nations. Of course, they didn't do it, so it didn't happen. Then several people said: Well, let's just do it unilaterally.

We had the McCain-Lieberman bill of 2003 and 2005. At that time, I was enjoying being in the majority. The occupier of the Presiding Officer's chair today has never been in the minority, so he may not know what I am talking about. But in the majority, you can do a lot more things than you can as a minority. So I chaired the committee called the Environment and Public Works Committee. That committee had jurisdiction over all the energy issues and a lot of other things but also over this global warming issue.

I have to confess that I assumed back then—and this is back in about 2002—that catastrophic global warming was a result of anthropogenic gases, manmade gases, CO_2, methane and such, and I assumed that was the case until the Wharton School came out with a study that concluded that if we were to pass—at that time it was the McCain-Lieberman bill—it would end up costing between $300 billion and $400 billion.

So my effort then as chairman of that committee was, to look to see where the science was. That is when we got to the realization that it all started with the United Nations. They developed the IPCC—the Intergovernmental Panel on Climate Change—and consequently they were going to do all this, and that was the science behind it. But we kept getting complaints because I would make statements on the floor questioning the science. Then scientists starting coming out, and the bottom line is this: After a period of time, up until a year ago right now, it looked as if people recognized that it wouldn't do any good if we did unilaterally pass it. Why is that? Even Lisa Jackson, the head of the Environmental Protection Agency, said that they would be—that if the United States alone passed something to stop the different emissions, CO_2 emissions, it wouldn't have any effect globally because that is just the United States doing it. In fact, one could argue it would have just the opposite effect because companies seeking power would have to go to countries where they didn't have these restrictions and it could actually increase CO_2.

Anyway, the bottom line was that I made the comment—this has been now 8 years ago—that the idea that catastrophic global warming is a result of manmade gases is probably the greatest single hoax ever perpetrated on the American people. Back then, everybody hated me, and now it looks as if we have pretty much won that argument.

I mention this because I am very much concerned—I understand the argument on both sides of the whole thing about the earmarks. I have—Kay and I have 20 kids and grandkids. This little guy right here came up to me, and he said: PopI—''I'' is for INHOFE—he said: PopI, why is it you do things nobody else does? And I said: That is the reason—nobody else does. So that is kind of a little bit of the background as to why I got into this very difficult issue.

I have to say that it is something that needs to be talked about today because something is going to happen this week, and I think we can turn this thing into something that is very good. The tea party people came in. My concern has been over the last 2 years and longer than that, that all we have heard about is people quite frankly demagoguing this whole thing on earmarks, saying ''Earmarks, earmarks, earmarks,'' and all the time that happened, what happened? We ended up with the President and the majority increasing the debt to $13.4 trillion in America—and that is a larger increase than all Presidents from George Washington to George W. Bush combined—and at the same time giving my 20 kids and grandkids a $3 trillion deficit. So we were trying to look at this thing and say: How can we take care of this situation? The increase in the debt is something that is not sustainable. I think we all understand that. I was going to try to accomplish two things—to stop the demagoguing and to solve the problem.

Today, for that purpose, I have introduced—and it is at the desk right now—S. 3939. Now, I grant you that Senator MCCONNELL's announcement changed the way in which I was going to present this, but the bottom line is this: It would be nothing short of criminal to go to all the trouble of electing great new antiestablishment conservatives only to have them cede

to President Obama their constitutional power of the purse, which is exactly what would happen, as has been pointed out, with the moratorium on earmarks.

I wish to read one statement out of Senator MCCONNELL's remarks that I think is worth repeating.

With Republican leaders in Congress united, the attention now turns to the President. We have said we are willing to give up discretion. Now we will see how he handles spending decisions. If the President ends up with total discretion over spending—

That is what he would have—

we will see even more clearly where his priorities lie. We already saw the administration's priorities in the stimulus bill, and that has become synonymous with wasteful spending. True. That borrowed nearly $1 trillion for administration earmarks such as the turtle tunnels and the sidewalk that led to the ditch and all this stuff about which we have been hearing, which I will elaborate on in just a minute. But nonetheless, I think that is important, and we have to look at that.

Now, why I thought that was wrong—let's put up chart No. 1—was I think that anytime you want to eliminate something, you have to define it first. The problem was that there was no definition until the House came along—and this was about a year ago. The House Republicans—not the whole House but the Republicans—and resolved that:

It is the policy of the Republican conference that no Member shall request a congressional earmark, limited tax benefit, or limited tariff benefit, as such terms are used in clause 9 of Rule XXI of the House rules.

Well, if you look up that rule, that applies to appropriations. So what they were saying at that time is that they were not going to appropriate anything. But there is one problem with that.

Chart 2 is article I, section 9 of the Constitution. That is what we are supposed to be doing here. I will elaborate on that a little bit because I think it fits in this debate pretty well. Chart 2. Article I, section 9 of the Constitution makes it very clear that we in the U.S. Senate and the House of Representatives are the ones who are supposed to be spending money: ''No money shall be drawn from the Treasury, but in consequence of appropriations made by law.''

All three of these people who were driving this thing—the Senators, by the way, who were involved in the earmark thing, giving proper credit or blame depending on how you look at it—the first one who went back the furthest was Senator MCCAIN, then Senator COBURN, and then more recently Senator DEMINT. They all embrace the House definition of earmarks. I have a chart that shows that, but it is not necessary to do it. I think everyone realizes that.

Let's go back to the Constitution. We have it right here. The Constitution restricts spending to only the legislative branches and specifically denies that honor to the President.

We take an oath of office to uphold the Constitution. That means we take an oath of office to uphold article I, section 9 of the Constitution. It is important that we elaborate on that Constitution because a lot of people—if you get this in your mind, if there is any doubt that we are supposed to be doing it and not President Obama or the executive branch, then listen to this. Franklin Delano Roosevelt said:

It is the duty of the President to propose and the privilege of Congress to dispose.

James Madison said:

The power over the purse in fact may be regarded as the most complete and effectual weapon with which any Constitution can arm the immediate representatives of the people, for obtaining a redress in every grievance . . .

Now, why is this? He went on to explain in the Federalist Papers and elsewhere that the reason—they called them the direct representatives. At that time, I guess they didn't have Senators, but the direct representatives should do the spending for two reasons. No. 1 is that they are the ones who know their own State or province or area better than the President does—particularly back in those days but it is also true today. The second reason is that if they don't like the way they are doing it, they can immediately go ahead and vote them out of office. Look what happened November 2. That is exactly what did happen. So that was Madison.

Alexander Hamilton said:

The legislature not only commands the purse, but prescribes the rules by which the duties and rights of every citizen are to be regulated . . .

Now, there is no wiggle room in that. It is supposed to be us. The Supreme Court Justice—I was talking with someone with the Investor's Business Daily, and I said: You probably never heard of this guy Joseph Story, the Supreme Court Justice, and he said to me—I wish I could remember his name because this is kind of interesting—he said: Oh, no, I live out here now, but when I lived in Washington, I went to a weekly meeting, It was the Joseph Story Fan Club or something like that.

Anyway, in his commentaries on the U.S. Constitution in 1833, he states—this is Justice Joseph Story:

It is highly proper that Congress should possess the power to decide how and when any money should be applied . . . if it were otherwise, the executive would possess an unbounded power . . . Congress is made the guardian of the Treasury . . .

I say all this to make sure to impress upon any impartial patriot that the legislative branch—that is us—only the legislative branch has the power to spend money, according to the Constitution.

How does a ban on earmarks cede authority to the President? This is significant. Although Senator MCCONNELL didn't mention it this morning, let me say what he would have said had he had time, I believe. I will also show how this can be impacted by S. 3939. It couldn't be a more appropriate time to introduce this.

President Obama—this is the way it is for any President—submits a budget to Congress which Congress either accepts all or part of or rejects all or part of. If it is rejected, we substitute what the Obama requests are with what we think is better for America. The cost is the same.

I have often said that stopping an earmark doesn't save any money. Not many people understand this, but it doesn't because all we are doing is taking what the President would have spent on an item and changing it to something else. For example, in his military budget—and I know President Obama doesn't feel the same way I feel about the priorities of defending America. That should be our No. 1 priority. I don't think he believes that. Nonetheless, in his budget he asked for $300 million and something, plus or minus, for a launching system that is a good launching system. It was called a bucket of rockets, and it is one that I would like to have.

When we went to the Armed Services Committee—keep in mind, these committees, such as the Senate Armed Services Committee, are staffed with professionals. A lot of them are former military people, scientists, people who really understand how we can best, with limited resources, defend this country. So we took the $300 million for that system and put that same $300 million—canceled the launching system and put in 6 new F–18 fighters. They are actually FA–18EF model fighters. This is what we all decided would be best. Now, if we substitute our appropriation for his budget item, it would be an earmark by any definition. If we place a moratorium on earmarks, we would have to accept Obama's original request. This is a concern I have, but it doesn't lead to a happy ending, as you will find out in a second.

Therefore, we would not have any additional F–18s. Still there is no money saved. In other words, we would be doing what James Madison wanted us to do. So the Senate is taken out of the process and cedes its power to President Obama. Speaking of systems we would not have if we had ceded that authority previously, we would not have unmanned aerial vehicles. The Air Force, right now, is currently operating at least 36 continual combat air patrols in Southeast Asia. That was a congressional earmark. We would not have that. We would not have improved armored vehicles and add-on armor. That was a congressional earmark. We would not have Mine Resistant Ambush Protected vehicles. We would not have them. They have saved lives. We would not have had $14.2 million for detection of landmines and detection of suspected bomb makers and IED makers in Iraq and Afghanistan. That was a congressional earmark. Actually, it was mine. We would not have had that.

We can see that a moratorium would not allow us to change anything in the

Obama budget. It would allow the President to perform our constitutional duties. In a minute, I will give you a solution. Meanwhile, we cannot continue to do the big spending. I think a ban on earmarks has at least focused on this problem for right now.

Here is another chart. I mentioned before that there are two problems I had with a ban on earmarks. One of the problems with a ban is that it cedes to the President our constitutional duties. The other is that it gives some protection to people who are big spenders.

Put up chart 4. I was going to say—technically, by the definition, this would be true. I was going to say these are the four biggest, largest earmarks in 2008. They can argue they are not earmarks, that this wasn't the intent, nonetheless. By the definition I showed you in the House and Senate, these are earmarks. First is the TARP. I was one who opposed that $700 billion we gave to an unelected bureaucrat with no oversight whatsoever. There was the mortgage bailout of $300 billion, the Pelosi-Bush stimulus check of $150 billion; PEPFAR, a program that does some good but not expanded to the point it is right now in sending money to foreign countries to fight AIDS. If we total that up, that is $1.2 trillion.

I am not as smart as a lot of the guys in this Chamber. So when I see the millions and billions and trillions, my head starts to spin. I am not sure how this affects us.

Put up chart 5. What I have developed in Oklahoma—and nobody here is aware of this, but they are in Oklahoma—is known as the Inhofe factor. I will use 2009. In 2009, $2 trillion in taxes was paid by individuals across the country, and $18 billion came from Oklahomans, which is about 1 percent of the Federal budget. The average Oklahoma individual tax return for that year, 2009, was $11,100. Therefore, the average Oklahoma taxpayer is responsible for providing—I have the percentage of total Federal revenue. For every $10 million in spending in Washington, Oklahomans pay a nickel in terms of how much each family—I am taking every family in Oklahoma that files a tax return. That is what it amounts to.

Let's see the next one. By the way, I say to some of my friends from other States, other Senators: You are not going to deviate too much from that because Oklahoma is not that much different from other States. What did it cost you for the four largest earmarks? If you apply that to Oklahoma—each family in Oklahoma who filed a tax return—it would cost each family $5,683. That is each family who files a tax return.

In earmarks, the total of all projects requested by me in 2008 was $80 million. Most of them were military projects, some of which I just talked about. If you apply the same factor to $80 million, it would cost each family in Oklahoma 40 cents. I hope you look at this—each family, 40 cents as opposed to the four largest things, $5,683.

I said that because I think it is important that we look at these things and see how much—quit talking in terms of billions and trillions and know what it is for each family. Even though I am ranked as the most conservative member by many organizations, I am a big spender in three areas: national defense, infrastructure—roads, highways, and bridges. We have a crumbling infrastructure throughout America. I think we all understand that. The Governor of Pennsylvania and I have talked about that. He is a far leftwing liberal, and I am a conservative. Yet we agree that infrastructure is very important. The third area where I could be considered a big spender is unfunded mandates. I was a mayor at one time. As I often tell my friends in the Senate: If you want a hard job, become a mayor because there is no hiding things when you are a mayor. So if there is a problem and they don't like the trash system, it ends up in your front yard. It did. I was there.

If we go back to chart 4, we have to follow this carefully. OMB stated that our earmarks for 2010 were $11 billion. They have their definition of an earmark, and people are saying that is a good definition. These four obligations—say they are not earmarks, but they could be defined as that. That would be $1.2 trillion. If we take the $11 billion and do the math, we would find that earmarks are one one-hundredth of just these four spending bills. In other words, the total amount of the 2010 earmarks were only 1 percent of these huge spending bills. Of the three drivers of the earmark wagon, Senator MCCAIN voted for all four of these, or supported them. Senator COBURN, my junior Senator, voted for half of them, $750 billion. Senator DEMINT and I opposed all four of them.

My point is, the public has been focusing so intently on earmarks, that 1 percent figure, they overlook the huge bills that spend 100 times more than all the earmarks, and we ended up with the $13.4 trillion increase in the debt. My 20 kids and grandkids have to pay for $3 trillion of the deficit increase.

That left out Senator DEMINT. I say this in love, but I think it is very important to understand there is a commitment on behalf of every Senator, all 100 Senators, to help people in the States. I have that as well as he does. Let's talk for a minute about Senator DEMINT.

In 2004, Republicans were in the majority. I was chairman of the Environment and Public Works Committee. That takes care of all the transportation, roads, highways, infrastructure, and that type of thing. At Senator DEMINT's request, I flew to South Carolina to support his commitment to highway earmarks. He said: I am not only supportive of I–73 and other projects, but I have a good working relationship with people who can get it done.

I guess that was me. He got 13 earmarks in places such as Myrtle Beach, Beaufort County; engineering design and construction of a port access road, $15 million; and $10 million for improvements in Beaufort and Colleton County to improve safety, and the list goes on.

I tell you what. It actually gets better as we look into it because on September 30, 2009, there was a vote on a $2.5 billion amendment to add 10 additional Charleston, SC, based C–17s for $2.5 billion. The Citizens Against Government Waste listed this as the single largest defense earmark of 2009. Senator DEMINT voted for it, and South Carolina was very appreciative. It was the single largest defense earmark then.

Last week, Senator DEMINT told the Greenville News that he wants to reform the harbor maintenance trust fund to ''get back the money South Carolina contributes.'' He is going after specific funding of $400,000. Whether the money comes from the Corps of Engineers or the harbor maintenance trust fund, it is still an earmark under anyone's definition. He wants to put that money into a fund to study and deepen the channel, rather an O&M. He should do that. He is doing what the Constitution tells him to do. He is looking after the needs of the people of South Carolina. I look after the needs of the people of Oklahoma. I am not sure that if we left this up to President Obama he would be very generous to South Carolina and Oklahoma. So he is entitled to do this. That is why Madison gave the power to spend to the legislature.

All those earmarks—and you might say that Senator DEMINT is adaptable. It reminds me of the guy who had been out of town for 2 years and called up his dearest friend, and he said to his friend: Well, Mary, how are you doing? This is Tom.

She said: Tom, it is so good to hear from you. It has been 2 years.

Tom said: How is old Jim getting along?

She said: Didn't you know? Jim is dead.

He said: No, what happened?

She said: He went down to the garden to pick some peas for dinner and leaned over and had a heart attack and fell on his face dead.

He said: You poor thing, Mary. Whatever did you do?

She said: There is only one thing we could do. We had to open a can of peas.

You see, there is nothing wrong with being adaptable. I think Senator DEMINT is. I think we are talking about not a can of peas but a can of worms.

The government has a function to provide infrastructure, roads, highways, and all of this. I will bring this out because—I will mention a couple of others, but people are concerned about their States. There is one significant fact that needs to be elaborated on now. One of the arguments that was

not sound was that they said earmarks are a gateway drug that needs to be eliminated in order to demonstrate that we are serious about fiscal restraint. There is one problem with that; it is not true.

According to the OMB and Citizens Against Government Waste, the earmarks have dramatically decreased over the past several years. OMB said in 2005 total earmarks were $18.9 billion. In 2008, they were $16.6 billion. In 2009, they were $15.3 billion. In 2010, they were $11.1 billion. Why do you suppose they are reducing every year? It is because we are demanding more light so that people can know what they are spending money on.

I say that earmarks are hardly a gateway drug, a symptom of Federal funding run amok, or even an underlying cause to our fiscal problems. Why? Because we have shed light on earmarks. Let's add why a shining light can be a first step.

In 2009, the Senate performed the rare action of considering many appropriations bills individually rather than irresponsibly lumping them into one like we are doing today, lumping them into one vote at the end of the year. The value of that—considering them individually—is it gives Senators the opportunity to exercise oversight of government programs and to monitor how Federal departments spend money. So in 2009 Senators could offer amendments to cut spending and strike particular earmarks if they desired.

From July until November of that year, 2009, there were 18 votes specifically targeting earmarks. All the amendments failed. Had they succeeded, it would not have reduced the overall amount of money the Federal Government is spending by a dime.

Instead of putting money back into the pockets of the American people by reducing spending or shrinking the deficit, these efforts would have put the money into the hands of President Obama, by allowing his administration to spend the money as he saw fit. At the end of the day, no one would have saved money. President Obama is the winner and the American people are the loser.

In another case Members offered amendments to strike funding from the program called Save America's Treasures for specific art centers throughout the United States. They offered amendments to strike it. Did it save any money? No. That went back to the unelected bureaucrats at the National Park Service to spend. That is the Obama administration. He calls the shots there. It didn't save a cent.

In another case, a Member offered an amendment to strike a variety of transportation projects in quite a few States only to redirect spending to the Obama administration and the unelected bureaucrats in the Federal Highway Administration. Not one of these actions saved a dime but made President Obama happy because it all went back to his coffers.

Now I point this out because there is a solution. We have clearly demonstrated, and we have made a point here, and the point is: No. 1—and no one can deny this—that spending is an exclusive constitutional right of the Senate and the House, and killing earmarks doesn't save a dime but can be the first stop in a real solution.

That gets back to S. 3939. I am very proud of that, and I wish to say there is a happy ending to this story mostly because of that Senate bill. I would like to take credit for that but I am not going to do it because I can't. I wasn't that smart. But there are eight great Americans—and let's put that chart up, if you would, Luke—eight great Americans and the conservative groups they represent—Tom Schatz, president of Citizens Against Government Waste; Melanie Sloan, director of Citizens for Responsibility and Ethics in Washington; Steve Ellis, Taxpayers for Common Sense; Craig Holman, Public Citizens; Jim Walsh, Rich Gold, Manny Rouvelas, and Dave Wenhold—and thanks to them we can put the earmarks issue to rest. They authored the ''5 Principles of Earmark Reform,'' and I will list these. The chart shows what they are, starting at the top.

I have to say that S. 3939 will address all of these specifically. There are people in Washington who go through a lot of work making a lot of studies, and they assume we never read these things or care about them. But if you believe that, you are wrong because I listened, and this is the result—the five principles of earmark reform.

What we are saying here is that we know—and it doesn't matter what you do in having a ban on earmarks, because Members are going to be voting and supporting things in their States; everyone is. I can assure you that is going to happen, by the Senator from Oregon and everyone here. This is going to happen. But principle No. 1 says to cut the cord between campaign contributions, Congress should limit earmarks directed to campaign contributors. Limiting total contributions from the earmark beneficiary and its affiliates to no more than $5,000 would help restore public confidence. This came from those eight great groups that evaluated as to what we could do to clean up this system. Well, S. 3939, just introduced, does exactly that. Section 2 says:

> No earmark beneficiary shall make contributions aggregating more than $5,000 to any requesting candidate with respect to such earmark beneficiary.

So that first one is met. The second principle is to eliminate any connection between legislation and campaign contributions, legislative staff should be barred from participating in fundraising activities. The attendance of legislative staff at fundraisers suggests a connection between campaign donations and earmarks.

So we handled that with S. 3939. It does just that under section 3. Subsections (a) and (b) state:

> Limits on staff attendance of Member fundraisers. Except as provided in subsection B, an employee of the personal staff of a Member of Congress should not attend a political fundraiser on behalf of the Member of Congress for whom they are employed. A Member of Congress may designate one employee who shall not be subject to the provisions of Subsection A.

I think people know there may be a situation where someone would need to drive a Member or there could be threats and they may need to have some security.

The third thing they came up with to increase transparency is, Congress should create a new database of all congressional earmarks. They went on to say:

> Information about lawmakers' earmark requests is scattered across hundreds of web sites in a variety of formats with differing levels of details. The funding levels for each earmark award are listed in a chart at the end of each spending bill. While the data is technically available, it is virtually impossible to collect, understand and analyze all of the earmark information. Congress should create a unified, searchable, sortable and downloadable database on the public website.

S. 3939, which I introduced an hour ago, does exactly that. Section 4 reads:

> The Secretary of the Senate and the Clerk of the House of Representatives shall post on a public website of their respective houses, a link to the earmark database maintained by the Office of Management and Budget.

Done.

No. 4. The fourth concern is to ensure taxpayer money has been spent appropriately, the Government Accountability Office should randomly audit earmarks. Because oversight is essential to maintain integrity in the earmarking process, the Government Accountability Office should develop and implement a system to audit and report to Congress regularly on programs and projects funded through earmarks.

This does that, and I am going to read our section 7. This is a more difficult one, but it is air tight.

> Not later than December 31, 2011, and each year thereafter, the Comptroller General shall submit a report to Congress that uses the OMB database—(1) to randomly select a percentage of each of the programs and projects funded through earmarks in a preceding fiscal year; (2) to conduct an audit on each selected program or project reporting on the amount, purpose, term, requesting Member and the present state of completion of the program or project; and (3) if the earmark contributes to an already existing program or project, to provide a detailed accounting of how the earmark contributed to each program or project.

That was the request, and we came up with the section that, as I say, is air tight in solving the problem.

No. 5, to promote congressional responsibility without stifling innovation, Members should certify earmark recipients are qualified to handle the project. The last language we had on that was section 6:

> And a certification that the recipient is qualified to handle the project, if applicable.

You might say that is great, we have resolved all of the problems that are

out there. This was a combination of the intellects of all the people I have mentioned a while back. They looked at all the problems that are there and how we could resolve those problems. But one thing was overlooked, so we have a section in S. 3939 where we go one step further. It demands—listen to this, Mr. President—the same transparency to Obama bureaucratic earmarks as it does to Senatorial earmarks.

Well, that is kind of neat, if we do that. I will read section 5:

> Not later than July 1, 2011, the head of each department and agency of the Federal Government shall post on the public website of that department or agency a link to a searchable database that lists each contract, grant, cooperative agreement, and other expenditure made by the department or agency listing with respect to the expenditure, the amount, purpose, term and office making such expenditure.

Why is that necessary? I can remember Sean Hannity, about 6 months ago, came out with a series one night where he talked about the 102 most egregious earmarks that were brought up. Here is something that is interesting about that. I was so excited when I saw these that I read them all. I came down and stood right here on the Senate floor and I went over them all and described all 102 earmarks. We have a chart that shows some of those. Look at some of the things we are talking about here: $3.4 million to construct an echo passage for turtles—that is nice; $450,000 to build 22 concrete toilets in the Mark Twain National Forest; $300,000 for helicopter equipment to detect radioactive rabbit droppings; $500,000 for a grant to a researcher named in the Climate-Gate scandal—I wish we had another hour, I would like to talk about that—and $325,000 to study the mating decisions of female cactus bugs.

After reading all 102—and this is five of them—I asked the questions: What do all these have in common? What they have in common is that not one of them was a congressional earmark. They were all earmarks that were put in there by the Obama administration.

So here is the problem you have. If you ban congressional earmarks, you are going to have more of this. Because as you restrict what Congress can do, that same amount of money goes back into the administration, whether it is the Department of the Interior, the Corps of Engineers, the EPA, or any of the rest of them. So is there any question why President Obama embraced the ban on the earmarks? No, because he wants the money to go to him.

But S. 3939 is going to curb that. I think this actually could have a very happy ending, because the five principles of earmark reform assembled by the eight individuals I mentioned is an ingenious document. Even the Tea Party people recognized that we have an obligation to our States.

Let me congratulate Senator Rand Paul for his statement on Sunday, November 7, wherein he stated that he told the people of Kentucky that he will work through the committee process to get things done for Kentucky, but it has to be under a particular overall budget. I agree. I am with him. I have had the same conversation with Marco Rubio. I am with him. They recognize the President does not have the knowledge of each State's needs.

With the passage of S. 3939, it resolves the whole earmark dilemma and puts it to rest. The one good thing about the ban is that we have to tackle the deficit. As long as we continue, as we did in the last 2 years, to stand on the floor of this Senate and go hour after hour after hour talking about the earmark problem, which is 1 percent of the total discretionary spending, we are not going to be able to address the real problem, and that is the increase of the debt to $13.4 trillion—the largest increase in the history of America. It is larger than any of the other increases, all the way from George Washington to George W. Bush, and saddling my 20 kids and grandkids with $3 trillion of extra spending.

That is the problem we have. I would have to say, as I learned in my successful battle against cap and trade, the truth eventually triumphs. Winston Churchill said:

> Truth is incontrovertible. Panic may resent it, ignorance may deride it, malice may destroy it, but there it is.

I believe that is what we are getting closer and closer to. The end result will be that a Senator will be able to continue to work for the needs of the States, as Senator DEMINT is doing, and I am doing right now. But first, all of the reforms necessary to clean up the process will occur; and, secondly, we can limit President Obama or any future President from claiming or from taking our constitutional rights by subjecting him to the same transparency.

I think this is very significant. I believe after all this talk, over all these years, particularly in the last 2 years, we are now at the point to satisfy everyone. If they want to ban earmarks, fine, ban earmarks. But at the same time, put the clarity and the transparency in the system that will clean it up, and I believe that is what is going to happen. I guess you can say we can have it both ways, and it looks as if we are going to be able to do that.

Mr. President, I yield the floor.

By Mr. BAUCUS (for himself Mr. BEGICH, Ms. LANDRIEU, Ms. STABENOW, Mrs. SHAHEEN, and Mr. BROWN of Massachusets):

S. 3946. bll to repeal the expansion of information reporting requirements for payments of $600 or more to corporations, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. President, today, I am introducing a bill to help small businesses across America. The Small Business Paperwork Relief Act repeals recently enacted information reporting rules.

Known as ''the 1099 provision,'' these rules would have required businesses to file Form 1099 with the IRS to report payments made to corporations for goods and certain services with the hope that that better information would help the IRS collect more of the taxes that are legally owed, and in turn, keep taxes lower for all taxpayers.

Forms 1099 have been used by the IRS for decades to better track income. And in fact, this type of information reporting was proposed by the Bush administration to help better keep track of what businesses spend and earn, which helps better keep track of what they owe in taxes.

But it has become clear the new rules went too far.

As I traveled my home state of Montana, I listened to small business owners like Darrell Keck, owner of the Dixie Inn in Shelby. Darrell and his wife Jeanne run a tight ship, they are hard-working, and they pay their taxes. This is just one of many mom-and-pop businesses in Montana and throughout the country that told me they do not have the manpower or the software to make the new Form 1099 reporting rules work.

I have listened to small businesses, I have heard small businesses, and I am responding to small businesses by offering this bill for full repeal of the new information reporting requirements.

The time and expense for small businesses to comply with the new rules far exceed any benefit. Especially in these tough economic times, now is not the time to put additional stress on small businesses to meet complicated government rules. Small business is the backbone of the American economy—especially in Montana where more workers are employed by small businesses than anywhere else in the country. Business owners need to focus their efforts on growing their business and creating jobs—not filing paperwork.

As Chairman of the Senate Committee on Finance, I remain committed to improving tax administration and enhancing voluntary tax compliance. When each person pays what he owes, our nation's system of voluntary tax compliance is fairer for everyone—without raising taxes on anyone. I look forward to working collaboratively with the small business community to improve the ability of small businesses to understand and meet their tax obligations.

Small businesses in Montana and all across America want to comply with the tax laws. But these new rules stretched their ability to do that. I urge my Colleagues to support their full repeal.

Mr. President, I ask 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. 3946

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 ''Small Business Paperwork Relief Act''.

SEC. 2. REPEAL OF EXPANSION OF INFORMATION REPORTING REQUIREMENTS.

Section 9006 of the Patient Protection and Affordable Care Act, and the amendments made thereby, are hereby repealed; and the Internal Revenue Code of 1986 shall be applied as if such section, and amendments, had never been enacted.

By Mr. REID:

S.J. Res. 40. A joint resolution appointing the day for the convening of the first session of the One Hundred Twelfth Congress; considered and passed.

Mr. REID. Mr. President, I ask unanimous consent that the joint resolution of the bill be printed in the RECORD.

There being no objection, the text of the joint reolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 40

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the first regular session of the One Hundred Twelfth Congress shall begin at noon on Wednesday, January 5, 2011.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 674—TO CONSTITUTE THE MAJORITY PARTY'S MEMBERSHIP ON CERTAIN COMMITTEES FOR THE ONE HUNDRED ELEVENTH CONGRESS, OR UNTIL THEIR SUCCESSORS ARE CHOSEN

Mr. REID submitted the following resolution; which was considered and agreed to:

S. RES. 674

Resolved, That the following shall constitute the majority party's membership on the following committees for the One Hundred Eleventh Congress, or until their successors are chosen:

COMMITTEE ON ARMED SERVICES: Mr. Levin (Chairman), Mr. Lieberman, Mr. Reed, Mr. Akaka, Mr. Nelson (Florida), Mr. Nelson (Nebraska), Mr. Bayh, Mr. Webb, Mrs. McCaskill, Mr. Udall (Colorado), Mrs. Hagan, Mr. Begich, Mr. Burris, Mr. Bingaman, Mr. Manchin, Mr. Coons.

COMMITTEE ON THE BUDGET: Mr. Conrad (Chairman), Mrs. Murray, Mr. Wyden, Mr. Feingold, Mr. Nelson (Florida), Ms. Stabenow, Mr. Cardin, Mr. Sanders, Mr. Whitehouse, Mr. Warner, Mr. Merkley, Mr. Begich, Mr. Manchin.

COMMITTEE ON FOREIGN RELATIONS: Mr. Kerry (Chairman), Mr. Dodd, Mr. Feingold, Mrs. Boxer, Mr. Menendez, Mr. Cardin, Mr. Casey, Mr. Webb, Mrs. Shaheen, Mrs. Gillibrand, Mr. Coons.

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS: Mr. Harkin (Chairman), Mr. Dodd, Ms. Mikulski, Mr. Bingaman, Mrs. Murray, Mr. Reed, Mr. Sanders, Mr. Casey, Mrs. Hagan, Mr. Merkley, Mr. Franken, Mr. Bennet, Mr. Manchin.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS: Mr. Lieberman (Chairman), Mr. Levin, Mr. Akaka, Mr. Carper, Mr. Pryor, Ms. Landrieu, Mrs. McCaskill, Mr. Tester, Mr. Burris, Mr. Coons.

COMMITTEE ON THE JUDICIARY: Mr. Leahy (Chairman), Mr. Kohl, Mrs. Feinstein, Mr. Feingold, Mr. Schumer, Mr. Durbin, Mr. Cardin, Mr. Whitehouse, Ms. Klobuchar, Mr. Specter, Mr. Franken, Mr. Coons.

COMMITTEE ON RULES AND ADMINISTRATION: Mr. Schumer (Chairman), Mr. Inouye, Mr. Dodd, Mrs. Feinstein, Mr. Durbin, Mr. Nelson (Nebraska), Mrs. Murray, Mr. Pryor, Mr. Udall (New Mexico), Mr. Warner, Mr. Manchin.

SENATE RESOLUTION 675—COMMEMORATING THE 100TH ANNIVERSARY OF THE WEEKS LAW

Mr. GREGG (for himself and Mrs. SHAHEEN) submitted the following resolution; which was referred to the Committee on Agriculture, Nutrition, and Forestry:

S. RES. 675

Whereas the 100th anniversary of the Act of March 1, 1911 (commonly known as the ''Weeks Law'') (16 U.S.C. 480 et seq.), marks 1 of the most significant moments in conservation and Forest Service history;

Whereas New Hampshire, along with the southern Appalachians, was at the center of efforts to pass the Weeks Law;

Whereas John Wingate Weeks, sponsor of the Weeks Law, was born in Lancaster, New Hampshire, and maintained a summer home there that is now Weeks State Park;

Whereas, in 1903, the Appalachian Mountain Club, and the newly formed Society for the Protection of New Hampshire's Forests, helped draft a bill for the creation of a forest reserve in the White Mountains;

Whereas passage of the Weeks Law on March 1, 1911, was made possible by an unprecedented collaboration of a broad spectrum of interests, including the Appalachian Mountain Club, the Society for the Protection of New Hampshire Forests, industrialists, small businesses, and the tourist industry;

Whereas, in 1914, the first 7,000 acres of land destined to be part of the White Mountain National Forest were acquired in Benton, New Hampshire, under the Weeks Law;

Whereas national forests were established and continue to be managed as multiple use public resources, providing recreational opportunities, wildlife habitat, watershed protection, and renewable timber resources;

Whereas the forest conservation brought about by the Weeks Law encouraged and inspired additional conservation by State and local government as well as private interests, further protecting the quality of life in the United States;

Whereas the White Mountain National Forest continues to draw millions of visitors annually who gain a renewed appreciation of the inherent value of the outdoors;

Whereas the multiple values and uses supported by the White Mountain National Forest today are a tribute to the collaboration of 100 years ago, an inspiration for the next 100 years, and an opportunity to remind the people of the United States to work together toward common goals on a common landscape; and

Whereas President Theodore Roosevelt stated ''We want the active and zealous help of every man far-sighted enough to realize the importance from the standpoint of the nation's welfare in the future of preserving the forests'': Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the significance of the 100th anniversary of the Act of March 1, 1911 (commonly known as the ''Weeks Law'') (16 U.S.C. 480 et seq.) to the history of conservation and the power of cooperation among unlikely allies;

(2) encourages efforts to celebrate the centennial in the White Mountain National Forest with a focus on the future as well as to commemorate the past; and

(3) encourages continued collaboration and cooperation among Federal, State, and local governments, as well as business, tourism, and conservation interests, to ensure that the many values and benefits flowing from the White Mountain National Forest today to the citizens of New Hampshire, and the rest of the United States, are recognized and supported in perpetuity.

SENATE RESOLUTION 676—SUPPORTING THE GOALS AND IDEALS OF AMERICAN DIABETES MONTH

Mrs. SHAHEEN (for herself and Mrs. COLLINS) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 676

Whereas according to the Centers for Disease Control (referred to in this preamble as the ''CDC''), nearly 24,000,000 people of the United States have diabetes and 57,000,000 people of the United States have pre-diabetes;

Whereas diabetes is a serious chronic condition that affects people of every age, race, ethnicity, and income level;

Whereas the CDC reports that Hispanic, African, Asian, and Native Americans are disproportionately affected by diabetes and suffer from diabetes at rates that are much higher than the general population;

Whereas according to the CDC, 3 people are diagnosed with diabetes every minute;

Whereas each day, approximately 4,384 people are diagnosed with diabetes;

Whereas in 2007, the CDC estimates that approximately 1,600,000 individuals aged 20 and older were newly diagnosed with diabetes;

Whereas a joint National Institutes of Health and CDC study found that approximately 15,000 youth in the United States are diagnosed with type 1 diabetes annually and approximately 3,700 youth are diagnosed with type 2 diabetes annually;

Whereas according to the CDC, between 1980 and 2007, diabetes prevalence in the United States increased by more than 300 percent;

Whereas the CDC reports that over 24 percent of individuals with diabetes are undiagnosed, a decrease from 30 percent in 2005;

Whereas the National Diabetes Fact Sheet issued by the CDC states that more than 10 percent of adults of the United States and 23.1 percent of people of the United States age 60 and older have diabetes;

Whereas the CDC estimates that 1 in 3 people of the United States born in the year 2000 will develop diabetes in the lifetime of that individual;

Whereas the CDC estimates that 1 in 2 Hispanic, African, Asian, and Native Americans born in the year 2000 will develop diabetes in the lifetime of that individual;

Whereas according to the American Diabetes Association, in 2007, the total cost of diagnosed diabetes in the United States was $174,000,000,000, and 1 in 10 dollars spent on health care was attributed to diabetes and its complications;

Whereas according to a Lewin Group study, in 2007, the total cost of diabetes (including both diagnosed and undiagnosed diabetes, pre-diabetes, and gestational diabetes) was $218,000,000,000;