

Then they did a second thing. They put a cap on their debt, and they put a cap on spending. Do you know what happened in 2 years' time? Israel's GDP has grown by 7.9 percent. The International Monetary Fund and the World Bank have told the EU and some of the struggling countries in the EU such as Portugal and Spain that they should adopt a biennial spending process and the oversight process of a biennial budget and an appropriations act.

Well, I would say this: If 20 of our States are doing it, and they are 20 of our most fiscally sound States, beginning with New Hampshire and Nebraska and Oregon and States like that, and if Israel has done it and demonstrated, in difficult world economic times, they can grow their GDP by 7.9 percent and reduce their debt and cap their spending, and if the World Bank and International Monetary Fund are telling the European Union, which is in most difficult straits today, that it is part of the answer as to how they spend their money and getting an arm around their spending, then I think we should take a look at it, and it should be on the floor of the Senate being debated.

We have a window of opportunity. We have the chance to reform our spending process, to set ourselves on a glidepath to reducing our debt and reducing our deficit over time and sending a signal to the world market that the strong America they have known and invested in is going to be even stronger in the future.

But if we continue to dilly-dally around, trying to make political headway out of economic events, and push ourselves out in time on debt and deficit, we are going to have higher inflation, higher interest rates. We are going to devalue the assets of the American people and, worst of all, we are going to lose our place in the world.

I do not want to be a part of that. The President does not want to be a part of that. I do not think any Member of the Senate wants to be a part of that. So my encouragement to the leadership, Democratic and Republican alike, is, let's let the best ideas flow. Let's let them come to the floor of the Senate. Let's debate them. Let's invite the President to come and sit down with us and do the same thing.

Instead of taking entitlements off the table, they ought to be part of the discussion. Instead of saying there are some things we are not going to do and some things we will, we ought to be open and say we will look at everything, and then we will prioritize based on cost versus benefits. If we do that, we will do what the people of Georgia expect me to do, and I think what the people of the United States expect all of us to do.

We have a great country made great by a great people who made difficult decisions in difficult times. This is the difficult decision facing our time. I want to be one of the people who is a part of the solution, not a footnote in

history at the beginning of the decline of the United States of America.

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

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

#### LIBYA

Mr. SESSIONS. Mr. President, I have a couple of things to say this morning. First, and briefly, I want to, and probably will, support the military action in Libya. I have been inclined to think that careful, surgical use of our forces can make a positive difference to the degree it would be worth the risk of that involvement. But I am not really sure of that.

As a senior member of the Armed Services Committee, these are matters with which I am not totally unfamiliar. I was very confident from the beginning that we could execute a no-fly zone very effectively, and that—there is risk but not great risk because of our military capabilities. However, I do believe that over a number of years the Congress and the American people have expressed grave concerns over the executive branch committing the United States to military actions without full participation of the legislative branch. We have not used the declaration of war mechanism, truthfully, as the defining act for most of our military actions in recent years. We have used authorization of military force resolutions that authorized the President to utilize the military force.

We spent weeks doing that before the Iraq invasion—not weeks, months. In fact, as I recall, the authorization for utilization of military force in Iraq was passed in the fall, I believe October, and the actual invasion did not occur until the next spring, in March.

During that time, we had many hearings. We had full debate. There was resolution after resolution in the U.N, but Congress was fully on top of all of it. They knew what was at stake, and we voted. Some voted no and complained and continued to complain. But for the most part, those who voted no supported the action because we had been involved in a discussion that was real about the risk and so forth.

Then we had other actions, such as Grenada and Panama, that had less debate by Congress. People have not been happy about that. They believed there should have been more. In my opinion, the consultative process for this military engagement was unacceptable. It did not have to occur in this fashion. There was ample opportunity to discuss it.

Senator SUSAN COLLINS, on the Armed Services Committee, a few days

ago, we had top Defense Department officials there. Admiral Stavridis, who is the commander of NATO forces, was testifying. She said: Well, we had time, it appears, to consult and get a vote in the U.N. We had time to consult and get a vote in NATO. The Arab League apparently found time to reach some sort of consensus, but we did not have time to involve the Congress.

Well, that struck me as a very legitimate and serious statement. I think Senator COLLINS was correct. There was ample opportunity to consult Congress. This was a war, to use a phrase in recent years, of choice. It was not a military action that was demanded because we had been attacked on our soil or in our legitimate bases somewhere around the world and we had to defend ourselves immediately.

So I am not happy about it. I think it is a big mess. I think Democrats and Republicans have the same unease about it, and I believe it is time for Congress to assert itself more effectively.

We had a briefing last night, 5 o'clock, 6 o'clock. It went 50 minutes. Frankly, I did not get a lot out of it. I heard little that I had not picked up from the cable news networks. We turned on the television this morning, and we saw news about the CIA involvement there, for good or ill. I did not hear that discussed at our briefing. It would have been nice to have heard it straight from the administration's leaders, rather than seeing it on television the next morning. So this is the kind of situation we are in. It is not acceptable. Congress must assert itself.

Based on what President Obama said back during the campaign about our reluctance to initiate military force, it is sort of surprising that we have not had more consultation.

Maybe it is an institutional tendency. Once you become President, you don't want to fool with Congress. They ask troublesome questions. They slow things down, maybe, although in this instance I think we had a lot quicker response from Congress than we got from the administration. Regardless, I think we are in front of that issue. It is time for Congress in a bipartisan way to ask itself, first, what do we expect, what is a minimum amount of congressional involvement? Then we need to make sure that every President hence forward complies with at least that.

I am also not happy at the way some resolution was passed here that seemed to have authorized force in some way that nobody I know of in the Senate was aware that it was in the resolution when it passed. I am very concerned about that.

#### OMB NOMINATION

Mr. SESSIONS. Mr. President, we will have this afternoon a vote in the Budget Committee, of which I am ranking Republican, on the nomination of Heather Higginbottom to be President Obama's deputy budget director

at the Office of Management and Budget. OMB is a very critical part of the administration of any American government. OMB is the agency that controls, on behalf of the President, the lust of all agencies and departments to get more money for their budgets. They send up their requests. OMB is the control point for the President. He cannot sit down and negotiate every single dispute over funding. OMB handles that, controls it. If there is a real loggerhead debate between Cabinet officials and OMB, they can go directly to the President, and the President will decide it. But most times overwhelmingly decisions are made in OMB. It is that institution that is critical to contain the growing spending we have. It is a very important position.

I supported the appointment of Jack Lew for Director. He had been OMB Director under President Clinton. He was said to be the one to get credit for balancing the budget. I do remember that the House Republicans under Newt Gingrich fought over spending for months and years. Actually for a short period of time the government shut down. It looks as though it didn't destroy America. We are still operating. But they fought, and they balanced the budget. So Mr. Lew was there during that period of time. Certainly he deserves some credit. I was pleased to support him. But I was stunningly disappointed when Mr. Lew went on television and said the President's 10-year budget calls on America to live within its means, to not spend more than we take in, when over the 10-year budget, there is not a single year by the President's own budget, submitted by Mr. Lew, in which the deficit fell below \$600 billion. And in the outyears the numbers were going up to about \$800 billion.

Since Mr. Lew submitted the President's budget, the Congressional Budget Office, nonpartisan group, analyzed President Obama's budget and said it is far worse than that. The lowest single deficit we will have in 10 years is \$748 billion. The highest deficit President Bush ever had was \$450 billion.

This is unbelievable. This year the budget deficit is going to be over \$1.4 billion. In the tenth year, CBO said Mr. Lew and President Obama's budget would call for a \$1.2 trillion deficit, a clearly unsustainable path of surging debt in the outyears going up. That is why Mr. Bernanke, Federal Reserve Chairman, and Erskine Bowles, President Obama's chairman of the deficit commission, both said this is an unsustainable path.

Interest last year on the budget was about \$200 billion. We paid out \$200 billion to people in China and governments of China, Japan, all over the world and to American citizens who loaned us money so we can spend \$3.6 trillion this year while we are only taking in 2.2. We have to borrow that money. We don't have that money. Forty cents of every dollar that is spent is borrowed. We get a budget for

next year, blithely calling for education funding to be increased 10 percent, 11 percent, calling for the Energy Department to get a 9.5-percent increase, calling for the State Department to get a 10.5-percent increase, calling for huge increases in the Transportation Department, while inflation is 2 percent or less, and deficits are surging out of control. And what do they say? They say these are investments, but sometimes we don't have money to invest. How can I buy stock if I don't have any money? We don't have money. Reality has to break through.

The fact that the President continues to assert his budget calls on us to live within our means when it sets forth the most irresponsible surge of debt the Nation has ever seen is breathtaking. I am disappointed that Mr. Lew has mouthed the same phrases. He has said the same things.

Mr. Erskine Bowles, who cochaired the commission President Obama appointed, he and Alan Simpson a few days ago issued a statement when they testified before the Budget Committee. They said this country is facing the most predictable economic crisis in its history. When asked by Senator CONRAD, our chairman, about that, he said it could be 2 years, Mr. Bowles, maybe a little less, maybe a little more, we will have a crisis. Alan Simpson, cochairman of the commission, popped in and said he thinks 1 year; by the end of this year we could have a debt crisis. It is time to act and get on the right path and not be in denial as we are at this time.

I asked Ms. Higginbottom about some of these issues when she was before the committee to try to determine whether she understood the gravity of the situation which we are now in. I was not satisfied.

First, Ms. Higginbottom's experience level is stunningly lacking. She was a former campaign adviser to President Obama, has had no formal budget training or experience, not even a college class in economics. She said: I am not an accountant. No, she is not. She has never served on the Budget Committee. She never studied business, never ran a business, never was a mayor of a town, a county commissioner who had to balance a budget or served in a Governor's office in any way, shape, or form. She has campaigned for Senator KERRY. The highest job she has had was legislative director, not the Chief of Staff who manages the staff, but the legislative director for Senator KERRY who testified for her.

She is a fine person. I think she seems in every way to be a decent person and would be a good legislative director in the Senate. But to be the person who looks a Cabinet official in the eye and says: Secretary Smith, you are asking for X billion dollars and we don't have it. OMB says you don't get it. Who can talk to the American people and tell them we are in a fiscal cri-

sis that could lead to a debt crisis to put us in another recession, a double dip? I don't think she has any comprehension of that. How could she? This is not her experience. She has been a political operative, a legislative operative. When pressed about it, she basically said: The President's budget is a policy document.

At this point in history, OMB needs to be thinking about dollars and cents, needs to be thinking about debt. This idea that we can spend and invest regardless of the financial consequences that will inevitably accrue is false. We need to be listening to someone like Erskine Bowles. We need someone like Erskine Bowles in charge of the OMB. When the President announced his budget, that very day, Mr. Bowles said it came nowhere close to doing what is necessary to get this country on the right track, nowhere close. We need somebody of seriousness who understands the threat this country is facing.

They say you have objected to her because she is young. I have never mentioned the word "young." But she is young. But the most important thing is, she does not have the kind of experience in business or accounting or budgeting or responsibility for management that one would look for in the second in command of the OMB, the most central unit in our entire governmental structure committed to containing wasteful spending. We need somebody who will go after waste, fraud, and abuse.

Being a former Federal prosecutor, a little experience in going after criminals who are trying to steal from us wouldn't hurt. It would be of some value. But she doesn't have that.

Despite the fact that she is a person of character and a good personality and is liked, she is not the right nominee, and, in my view, the nomination should not go forward, and I object to it.

I know in the Homeland Security and Government Affairs Committee, where she also had a hearing, Senator SCOTT BROWN asked her a number of questions.

He asked:

You'll be No. 2. And if Director Lew is not there, you will be No. 1, potentially. In that respect, I would presume you would be dealing with accounting and budgeting, obviously, problems within OMB. Is that a fair statement?

Higginbottom: Sure, uh-huh.

Brown: So I guess my original question is, what type of budgeting and accounting experience do you have?

Higginbottom: I have done a lot of policy-making.

Senator Brown: All right. I understand that. But I guess I'm asking, do you have any accounting or budgetary experience aside from dealing in policy matters?

Higginbottom: I am not an accountant, but the President's budget is an articulation of his policy agenda.

I think that fails to evidence an understanding of the difficult role the OMB has.

My staff director for the minority in the Senate Budget Committee served in OMB for a while—such a wonderful person. One reason he came to my attention was because a member of President Bush's administration, whom I know well, said he had to go to him and try to ask him to approve additional funding for a department or agency, and he said he could say no, and he would do it in a way that he showed he understood what we were talking about but he would not give in, and he made you respect him for it.

Well, that is kind of the nature of the OMB. All these agencies and departments want to ask for more money for their departments—they can do all these good things—and somebody has to say: This is putting us over the limit. This is putting us over our budget. We do not have this kind of money.

I hope we can get the kind of serious leadership in that office that does not seem to be present today by virtue of the language that indicates that our OMB believes we have a good budget that lives within our means. Both Director Lew and President Obama have repeatedly said the President's budget allows us to live within our means, "spend money that we have each year" and "begin paying down our debt."

Five or six fact check organizations that analyze statements to see if they are accurate have found these statements to be false. And they are plainly, utterly false. The lowest deficit we are going to have, under the President's Budget, according to the CBO, is \$748 billion in the next 10 years. The lowest annual deficit. And our interest payment will increase from \$200 billion this year to over \$900 billion in 2012.

Mr. President, I do not know what time is left on this side. There is no time left? I will wrap up and say it is for those concerns I have expressed that I will not support Heather Higginbottom as OMB Deputy Director, even though she has many fine qualities, as Senator JOHN KERRY set forth in his testimony on her behalf, although he was not able and did not contend that she has experience in budget, accounting, or finance.

I thank the Chair and yield the floor.

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

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#### CLEAN AIR ACT

Mr. CARDIN. Mr. President, sometime today we are going to get back to the SBIR bill, the bill that deals with helping our small businesses with innovation and growth so we can create more jobs and continue to lead the world in innovation, so we can win that international competition the President talks about. We need to do that by outeducating and outinnovating and outbuilding our competitors. Part of that is helping our small business community with innovation. The bill that is on the floor—the authorization of the SBIR program—helps small, inno-

vative companies in order to create jobs and help America grow.

I take this time, though, to urge my colleagues to reject all of the amendments that may be offered that would take away from the Environmental Protection Agency their ability to enforce our Clean Air Act. I say that because I truly believe—I think most people believe; and it has been proven over history—we can have a clean environment and we can grow our economy. In fact, I think if we do not have a clean environment, it is going to be more difficult for us to grow our economy.

We need to do what is right for the people of this Nation as it relates to their public health. The Clean Air Act has been one of the most important bills to protect the public health of the people of this Nation.

Carbon emissions are pollution. They are polluting our environment. They are causing respiratory ailments. They are making it more difficult for people who have respiratory illness to be able to breathe. We have children with asthma who are directly affected by the quality of the air they breathe.

It is our responsibility to take care of our children. It is our responsibility to make sure they have clean air. The Clean Air Act has helped us deal with those needs. We want the enforcement of the Clean Air Act to be based upon science, not the political whims here in Washington. We want the scientists to tell us what we can do to protect our public health. That is what the Clean Air Act and its enforcement is about, and it is being done in a way that allows our economy to grow.

There are some here who say: Well, some of these amendments are a temporary holdback from what EPA can do to enforce our laws by putting a moratorium on enforcement. Well, we all know what happens with moratoriums. We do not know whether we will ever get beyond those short-term delays. We do not want to go down that path.

What do you do if you are a business and you are trying to do what is right with the investments of your company to comply with the Clean Air Act and now you are being told, well, maybe those rules will change? How do you make the necessary investments in your company without knowing the ground rules are the ground rules? Let's not go down that path. That would be the wrong way to go.

Let me give an example in my own State of Maryland where we have seen that a clean environment is good for our economy.

In 2007, the Maryland legislature passed the Healthy Air Act. Let me tell you something, Mr. President. Since the creation of that bill, it created thousands of jobs. It created more opportunity for the people of Maryland. Constellation Energy invested \$1 billion in compliance with the 2007 Healthy Air Act, reducing its SO<sub>2</sub>, SO<sub>x</sub> emissions by 85 percent and mercury by 80 percent. We have seen in our State of Maryland that the Healthy Air

Act created jobs and has provided healthier air for the people of Maryland.

Let me tell you something, air knows no boundary. We have helped our surrounding States. The problem is, the people of Maryland are downwind from other States we wish were making the same type of commitments we are making in Maryland.

Let's at least maintain the standards of the Clean Air Act. This is the wrong bill to consider this issue anyway. Remember, I started by saying we will be taking up the small business bill to help our small business communities with innovation—SBIR: innovation and research. That is the bill we are on. Yet my colleagues want to attach to this bill amendments that would restrict the Environmental Protection Agency from doing its responsibility on behalf of the public to protect our clean air.

Let me give you by way of example—we tried this. The EPA is the cop on the beat to make sure the polluters do not pollute our air. We at one time had a cop on the beat for the financial markets, and we sort of eased that up because we said we needed to do that for business. What happened is, we had a financial meltdown.

We do not want to go down the same path on protecting the public health of the people of this Nation by removing the cop on the beat. That would be the wrong thing to do. I urge my colleagues to reject those types of amendments.

Let me tell you something: The public gets this. Seven out of ten Americans want us to enforce our Clean Air Act against the polluters. Seven out of ten Americans do not want us to weaken the laws of this country that protect the public health of the people of America.

We cannot afford to turn the clock back on our clean air policies and we cannot turn the clock back on the health of our citizens. I urge my colleagues to reject each and every one of these amendments that may be offered that would restrict the enforcement of the Clean Air Act against the polluters of America.

Let's speak out for our children, let's speak out for clean air, let's speak out for our future, and let's speak out for our economic growth which very much depends upon a clean environment.

With that, Mr. President, I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. BROWN of Ohio). Without objection, it is so ordered.

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#### CONTRACTING OVERSIGHT

Mrs. MCCASKILL. Mr. President, I am honored to chair a subcommittee of