

CONTINUING EXTENSION ACT OF 2010—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 4851, which the clerk will report.

The assistant legislative clerk read as follows:

Motion to proceed to H.R. 4851, an act to provide a temporary extension of certain programs, and for other purposes.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. COBURN. Mr. President, it has been 2 weeks since we last spoke on the floor on this issue. There has been a lot written in the press and a lot of things that have been said. I will reiterate what I said earlier in that debate before we took an inappropriate spring break, and that is the fact that everybody thinks those who are unemployed and are eligible should be getting unemployment checks. That is not a partisan issue. It is a fact we want to support those who need our help right now.

The real question, however, is what will we do to make sure that effort is an effort that has some real meaning behind it and that these are not hollow words. The debate around here becomes partisan and labels get applied, and I admit that I am partisan—but not from a party standpoint; I am partisan for our children.

The question isn't whether we should make sure that unemployment benefits are there. The question isn't whether people can get health insurance under COBRA. The question isn't whether we ought to do the right thing for those who are depending on us. The question is, where do we get the money?

It is simple. We have two options. One option says: Time out; this is so important that it doesn't matter where we get the money; we have to supply it. The other option is—and by the way, the first option belies the fact that we have any waste in the Federal Government. I don't think we can do a poll that would come so close to unanimity as a poll on which we would ask the American people whether the Federal Government is efficient and effective. I doubt that we would get anybody on the "yes" ledger side on that.

The real question, then, becomes do we have the goodwill and the presence of mind to do this in a way that doesn't jeopardize our children? You see, we are not just fighting about unemployment benefits. We are not debating the issue of unemployment benefits. We are debating the issue of whether we take from those who come after us and give to those today.

Many times I have used this poster of this young lady. Her name is Madeline. Madeline was caught in DC wearing this poster. I have gone over the numbers. When she wore the poster, her debt was \$38,375. Her debt today, with-

out us extending this bill after last year, is over \$45,000. So the question is competing priorities. We have the priority of making sure that we help those who need our help in a time of economic decline. And then we have the priority of making sure we have not mortgaged the opportunity of freedom for children such as Madeline.

Who will fight for the Madelines? Who will stand up for our grandchildren and say we can find \$9.2 billion out of an almost \$4 trillion budget and pay for it and not charge it to the Madelines of this world? That is what we are doing when we declare something an emergency.

I would also make the point that we passed a 9-month extension for many of these programs. It was paid for. In other words, we didn't add to the debt when we passed a bill that would extend this for 9 months. The Senate did its work. That bill hasn't come back because the House is unlikely to pass it with the pay-fors in it and, frankly, several were used to pay for the health care bill that passed.

Who will protect the Madelines of the world? Since the beginning of this year and the famed passage of a statute called pay-go, which says we will no longer create new spending without cutting the spending somewhere else, we have spent \$120 billion of Madeline's future, and every Madeline who is out there—every 3-year-old and 4-year-old who is out there. We have done it by waiving the new statute that says you have to pay as you go. Congress—and the Senate specifically—increased our budget 5.6 percent this year. In a year where true costs were down we increased our own budget. Yet, we refuse to look at the hard choices that are necessary for us to make a future for the Madelines of this world.

What happens if we continue this? What happens if we continue to say we will borrow from the future instead of making the tough choices now? I will tell you what happens. Madeline's future—her opportunity for prosperity—is mortgaged. We tend to think in the short run, and the vision our Founders had was thinking in the long term.

So where do we find \$9.2 billion? If I get an opportunity, I will offer five amendments that will pay for that. I wager that nary a person would ever miss the money. We could find \$9.2 billion in the Defense Department. They have at least \$50 billion worth of waste. But, no, we won't go there. We have \$700 billion in unobligated balances of which well over 20 percent has been sitting there for 2 years. That is \$140 billion. We can pay for this for a year, but we won't go there. We have ineffective spending in the stimulus bill that hasn't been rolled out yet that I will put forward as a greater priority than the money intended left in the stimulus bill is for. But we are not going to go there. What we are going to do—and

we will pass a motion to proceed today to this bill. But what we are going to do is take the easy, the soft road of not paid for. We cannot continue to do that.

Last year—and we will continue this year—out of every dollar the Federal Government spent we borrowed 43 percent. So 43 cents out of every dollar the Federal Government spent last year we borrowed. We ended up with a real deficit of close to \$1.6 trillion by the time you get out of the accounting gimmicks that Washington uses. That is what we added to the Madelines of the world. We are going to do that this year again.

The February deficit was the highest on record ever for the Federal Government. So we are going to have an excessive \$1.4 billion or \$1.5 billion or probably a \$1.6 trillion deficit this year, and we are going to add another \$9.2 billion with this bill.

How is it fair? How is it right that in this country we cannot do two right things, we can only do one right and one wrong thing? I posit that stealing money from our kids' future and mortgaging their future is morally wrong. I posit that helping people who need our help on unemployment benefits is morally right. Why can we not do both? We ought to be able to do both.

I sent a letter to the minority and majority leaders when the bill first came up. I will read it because I think it is important to understand the thinking on why we should pay for this—realizing that we passed a 9-month extension that was paid for, and because the House hasn't acted, we don't feel an obligation to protect the Madelines of the world. The letter says this:

I am writing to notify you that I would like to be consulted on any unanimous consent agreements regarding the consideration of H.R. 4851, the Continuing Extension Act of 2010, which would extend the number of federal programs for one month.

No one is arguing that Americans who are currently unemployed should not have their unemployment insurance payments extended. But once again, Congress is refusing to find a way to offset the \$9.15 billion cost of the bill with cuts to less important federal spending.

Time and time again, Congress intentionally waits until the last minute to consider important legislation and then declares the billions of dollars in foreseeable costs as "emergency" spending in order to avoid having to find a way to pay for the bills' price tags.

In the last 6 months, Congress has passed four major extension bills. H.R. 4851 would be the fifth such bill. The total cost of these bills is almost \$30 billion. Additionally, over the last year Congress has increased funding totaling \$64.9 billion for the Highway and Unemployment Insurance Trust Funds without offsets.

This shortsightedness sticks taxpayers with billions of dollars in additional debt and treats the unemployed, doctors and Medicare patients, hard working men and women who help make our roads and bridges safe, and others relying on federal funds as pawns in Congress' borrowing and spending game.

When the previous last-minute one month extension (H.R. 4692) was brought up days before the funding authority for numerous federal programs, including Unemployment Insurance and the Highway Trust Fund, which expired at the end of February, 2010, a United States Senator was attacked for objecting to passing the bill without any debate or amendments because the bill was unpaid for and added \$10 billion to our nation's debt.

In other words, there is something wrong with Senator BUNNING raising the question of whether we ought to pay for it.

As always, those who prefer to borrow to avoid making the tough budget decisions won out, and the taxpayers were stuck with another \$10 billion in debt.

The Madelines of the world.

Congress has continually resisted the need to act like every family in the United States of America and to budget and live within their means. Our debt is now over \$12.6 trillion. The 2010 deficit is projected to amount to \$1.3 trillion and we are borrowing 43 cents on every dollar; yet, Congress continues to increase spending without any correlating spending cuts.

Congress' inability to prioritize and manage national needs results in real consequences for Americans, whether it be furloughs, market uncertainty that leads to lower investment and job losses, or Americans being saddled with higher debt and taxes.

If Congress keeps approving temporary extension bills throughout the calendar year without finding offsets, Congress will have added almost \$120 billion to our national debt. Additionally, the Senate has already approved more than \$120 billion in new federal spending not offset, even though it passed Pay-Go legislation just over one month ago claiming to prohibit such activity.

In the House, Appropriations Chairman David Obey has indicated that some new spending needs to be offset with unused, unobligated funds. Chairman Obey suggested rescinding \$362 million in reserve stimulus funds for the Women, Infants and Children nutrition program; \$112 million from a Commerce Department program designed to provide coupons to households to help buy analog-to-digital converter boxes; \$103 million from USDA rural development programs; and \$44 million from the Transportation Department's Consumer Assistance to Recycle and Save Program . . . to offset the cost of a different spending bill. The Senate should likewise find a way to offset this one-month extension bill and create a sustainable precedent.

The Senate can start with federal unobligated balances. According to the White House, in Fiscal Year 2011, 33 percent of all federal funds were unused and obligated. The total dollar amount of these unobligated balances was estimated at \$703 billion. Rescinding only discretionary funding that has been available for more than two years would likely result in roughly \$100 billion in offset spending. The Senate could also tap into \$228 billion in unobligated stimulus funds as Chairman Obey has suggested.

At the very least, Congress should reconsider transferring the almost \$100 million budget increase it approved for itself for 2010 to offset the cost of additional spending. Congress should not be increasing its budget by 4.5 percent when our economy shrunk by 2.4 percent and inflation was at less than 1 percent.

I have also detailed through numerous oversight hearings, reports, and legislation how the federal government wastes more than \$300 billion every year. I have suggested hundreds of offsets to new spending, including consolidating duplicative programs, and eliminating federal programs that address parochial concerns.

We all think our Americans in need of financial assistance are worth the \$9 billion bill cost, but do we think our children and grandchildren are worth paying for these costs up front, rather than passing the cost to them? . . .

Thank you for protecting my rights regarding this legislation.

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

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

MARCH 23, 2010.

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

DEAR SENATOR MCCONNELL: I am writing to notify you that I would like to be consulted on any unanimous consent agreements regarding the consideration of H.R. 4851, the Continuing Extension Act of 2010, which would extend a number of federal programs for one month.

No one is arguing that Americans who are currently unemployed should not have their unemployment insurance payments extended. But once again, Congress is refusing to find a way to offset the \$9.15 billion cost of the bill with cuts to less important federal spending.

Time and time again, Congress intentionally waits until the last minute to consider important legislation and then declares the billions of dollars in foreseeable costs as "emergency" spending in order to avoid having to find a way to pay for the bills' price tags.

In the last 6 months, Congress has passed four major extension bills. H.R. 4851 would be the fifth such bill. The total cost of these bills is almost \$30 billion. Additionally, over the last year Congress has increased funding totaling \$64.9 billion for the Highway and Unemployment Insurance Trust Funds without offsets.

This short sightedness sticks taxpayers with billions of dollars in additional debt and treats the unemployed, doctors and Medicare patients, hard working men and women who help make our roads and bridges safe, and others relying on federal funds as pawns in Congress' borrowing and spending game.

When the previous last-minute one-month extension (H.R. 4691) was brought up days before the funding authority for numerous federal programs, including Unemployment Insurance and the Highway Trust Fund, expired at the end of February, 2010, a United States Senator was attacked for objecting to passing the bill without any debate or amendments because the bill was unpaid for and added \$10 billion to our nation's debt.

As always, those who prefer to borrow to avoid making tough budget decisions won out, and the taxpayers were stuck with another \$10 billion of debt.

Congress has continually resisted the need to act like every family in the United States of America and to budget and live within their means. Our debt is now over \$12.6 trillion. The 2010 deficit is projected to amount to \$1.3 trillion and we are borrowing 43 cents on every dollar; yet, Congress continues to increase spending without any correlating spending cuts.

Congress' inability to prioritize and manage national needs results in real consequences for Americans, whether it be furloughs, market uncertainty that leads to lower investment and job losses, or Americans being saddled with higher debt and taxes.

If Congress keeps approving temporary extension bills throughout the calendar year without finding offsets, Congress will have added almost \$120 billion to our national debt. Additionally, the Senate has already approved more than \$120 billion in new federal spending not offset, even though it passed Pay-Go legislation just over one month ago claiming to prohibit such activity.

In the House, Appropriations Chairman David Obey has indicated that some new spending needs to be offset with unused, unobligated funds. Chairman Obey suggested rescinding \$362 million in reserved stimulus funds for the Women, Infants and Children nutrition program; \$112 million from a Commerce Department program designed to provide coupons to households to help buy analog-to-digital converter boxes; \$103 million from USDA rural development programs; and \$44 million from the Transportation Department's Consumer Assistance to Recycle and Save Program (also known as the "Cash for Clunkers" program) to offset the cost of a different spending bill. The Senate should likewise find a way to offset this one-month extension bill and create a sustainable precedent.

The Senate could start with federal unobligated balances. According to the White House, in Fiscal Year 2011, 33 percent of all federal funds were unused and obligated. The total dollar amount of these unobligated balances was estimated at \$703 billion. Rescinding only discretionary funding that has been available for more than two years would likely result in roughly \$100 billion in offset spending. The Senate could also tap into \$228 billion in unobligated stimulus funds as Chairman Obey has suggested.

At the very least, Congress should reconsider transferring the almost \$100 million budget increase it approved for itself for 2010 to offset the cost of additional spending. Congress should not be increasing its budget by 4.5 percent when our economy shrunk by 2.4 percent and inflation was at less than 1 percent.

I have also detailed through numerous oversight hearings, reports, and legislation how the federal government wastes more than \$300 billion every year. I have suggested hundreds of offsets to new spending, including consolidating duplicative programs, and eliminating federal programs that address parochial concerns.

We all think our Americans in need of financial assistance are worth the \$9 billion bill cost, but do we think our children and grandchildren are worth paying for these costs up front, rather than passing the cost to them? I am willing to accept a unanimous consent agreement to pass the bill with my amendment included to offset the full amount. I am open to all other offset suggestions.

Thank you for protecting my rights regarding this legislation.

Sincerely,

TOM A. COBURN.

Mr. COBURN. Mr. President, so what are we going to do? We have before us a need. It is a good need. It is something we ought to do. We are going to borrow 43 cents out of every dollar we spend this year. We are going to put

the Madelines of this world in a position that by 2020, this number is not going to be \$45,000; it is going to be \$95,000. That is where she is going to be. That is every man, woman, and child in terms of what they owe in terms of the direct national debt.

Can we continue on this pace? We hear we will fix it later. Later is not good enough for the Madelines of this world. Later is today. Now is the time for us to do the very hard work. It is not easy to come up with spending offsets. It is not easy to not increase the national debt. It is very easy to simply put the credit card into the machine and say: Because they are out of sight, out of mind—the Madelines of the world—we will just charge it to them.

That is what is being proposed here. If you oppose that, all of a sudden you do not care about the people who are unemployed. I cannot tell you how many times I have heard that in the last 2 weeks; that it is obstruction that you want to pay for it. Should we be working hard to secure the future of the children such as Madeline?

We are told that over the next 9 years, we are going to borrow an additional \$9.8 trillion, based on the budget projections that are out there. Of that \$9.8 trillion, almost half of it is money we are going to borrow and turn around to pay interest on what we already owe. That is eerily close to those of us who get into trouble with credit cards. We get another credit card, borrow the max on it to pay off the other credit cards. Then we get in trouble with that one and get another one. Pretty soon, we cannot pay anything.

The Chinese own over \$900 billion of our bonds, the Russians \$800 billion. Have we considered the fact that our problems, in terms of our foreign policy with Iran and our ability to put sharp, tough sanctions on somebody who wants to use and develop nuclear weapons could possibly be inhibited by the fact that two of the countries opposing those strong, tough sanctions own a lot of our bonds and that we are dependent on them? Could it also be that the week before last, when the Treasury option was very soft because the Chinese did not participate, that is a warning shot across our bow? We are in waters this country has never seen before. If we pass this bill and we continue to pass more bills, not having made the tough choices, we are steaming toward a catastrophe.

What will that look like? It is not that we cannot fix the problem. It is not as if we could not go and find \$9.2 billion out of a nearly \$4 trillion budget. It is that we refuse to. It is not that it is impossible. We refuse to. We refuse to do the same things families across this country do every day; that is, make a choice about priorities.

My office just last week, with the help of the Congressional Research Service and the GAO, identified 70 du-

plicate programs on nutrition across three Federal Departments. We now have 70 programs for food and nutrition across three departments, with thousands upon thousands of Federal employees, thousands upon thousands of pages of bureaucratic gobbledygook and regulations. I would propose probably we ought to have one good program on food and nutrition. We do not address that. The authorizing committees do not. The appropriating committees do not.

We have 105 programs that encourage people to go into math, science, technology, and engineering across six different agencies—105 programs. There is not one agency that does not have considerable waste in it, and there is probably not one American who would not think that we could not cut 1 or 2 or 3 percent from every agency and drive efficiency. But we will not do that.

The real question is: Why won't we? We will beat up people because they will not agree to spend Madeline's money and her future, but we will not agree to trim the waste, the fat, duplication, and fraud out of the Federal Government. It is no wonder the public has such a poor image of Congress because we are actually not doing what they are asking us to do.

It would be different if there was not waste in the Federal Government. If everything was fine-tuned, effective, and efficient, one could make an argument for borrowing this money. But nobody I know of believes the Federal Government is efficient and effective throughout its myriad departments and agencies. If the majority might feel that way, that it is not, why would we not do the hard work of paying for this bill?

What does it mean to borrow \$9.2 billion this month and \$10 billion last month and \$10 billion before and the \$120 billion we passed in the first 3 months of the second session of the 111th Congress? What does it mean? It means we do not think we have to play by the same rules as the rest of the American public. We have a tilted sense of reality. There is no obligation on us to eliminate waste to provide a good for those people who are depending on us.

We will go forward this evening on a motion to proceed to this bill unpaid for, charged to the Madelines of this world, and all you have to do is take \$9.2 billion—it is not much in Washington speak; it is twice the size of Oklahoma's budget for a year—and we will charge it to a credit card to our kids.

Ultimately, what we are doing is stealing a college education from our kids. We are stealing a job opportunity from our kids. We are stealing the ability for our kids to own a home and to provide for their children what was provided for them. You see, the heritage we have that built this country was

one of sacrifice, where we make decisions that require us to make a sacrifice to create opportunity. When you turn that upside down, the American experiment fails. When we steal opportunity from the future so we can benefit for today, we eliminate the genius that made this country great. It is time we reversed that.

It is not really a partisan issue. I know the press is going to say that. It is partisan for our future. It is partisan for our kids. And we can do both. We can find \$9.2 billion that isn't as effectively spent as will be spent on COBRA or unemployment insurance or on flood insurance or on fixing the SGR for a short period of time. We can do that, but we won't because we are in the habit of not making hard choices. We are in the habit of doing the least best thing rather than the best thing.

The best thing for our budget, the best thing for our future, the best thing for our children's future is for us to say X, Y, and Z are not nearly as important as unemployment insurance benefits, are not as important as COBRA benefits, are not as important as fixing the SGR for a short period of time. When will we muscle up the courage to start making those kinds of decisions?

We can't continue doing what we are doing. We can't grow to \$20 trillion worth of debt—over 100 percent of our GDP. At the rate we are going, in 2010, we will have \$24 trillion worth of debt, and \$24 trillion, at 6 percent interest, is \$1.5 trillion a year in interest payments. We can't make it. We cannot handle that. And the reality will only come home when it is too late.

Senator REID, when we passed the pay-go bill, said it was a new start. He said we are going to open our billfold, and if the money is there we will spend it but we are not going to spend money that is not in our billfold—to paraphrase his quote. Well, this bill goes to an empty billfold. The money is not there. So we can either increase our debt, which will make life for the Madelines of this world tougher or we can actually take on some tough decisionmaking as a body and actually eliminate lower priority programs. Would that have some impact on some programs? Yes. I mean, we could actually take a 1-percent across-the-board cut and come up with \$30 billion easily. Americans know we could get 1 percent out of the Federal agencies. But we are not going to do that either.

The question is, When will we start acting in the responsible role with which we are charged? When will we start thinking with a long-term perspective about what is going to happen to our country if, in fact, we don't start making the hard choices now? No matter how much scorn, no matter how many derisive statements are made, the Madelines of the world are worth it. When we sit and relax and think this is not as big a problem as we hear

described, we fall into the same trap as every other republic in history. And they all collapsed. No republic has survived more than 250 years, and they all collapsed for the same reason. They all collapsed ultimately because they lost control of their fiscal policy—taxes, spending, priorities.

So we have a choice in front of us. This isn't the first time we are going to have this choice, and it won't be the last. But a question that I think the American people ought to be asking is, When is the Congress going to start acting in a responsible manner? When are they going to start following the guidelines every other prudent financial decisionmaker makes, whether it be the head of a household, a wage earner, a small business, or a small nonprofit? They all live within a budget, and what they do is they say: Here is the most important priority and here is the least, and they go down the line. When the money runs out, they either generate efficiency to allow that money to be more effective and more efficient in how it is spent or they eliminate the lower priority items.

It would be a wonderful search for people to go on thomas.gov to find out the number of programs that have been eliminated versus the number of programs that have been created in the last 2 years. I guarantee you they will outnumber 200 or 300 to 1. In the Judiciary Committee this week, we will have two bills up that duplicate existing programs. I will have the same fight in the Judiciary Committee, and I will lose. We will extend new programs that are doing the same thing other programs are doing, and yet I will lose the battle and we will create new programs to do the same thing we already have government programs doing. Why is that? Because you cannot manage what you do not measure. We don't put metrics on hardly anything in the Federal Government programs, and conveniently so. Therefore, we can say: Well, we can't know whether they are efficient.

The time for our comfort with where we find ourselves financially is over. The American people already understand that because 72 percent of them, in a recent poll, said their No. 1 issue is debt and spending. They already get it. They are wondering when we are going to catch up with them. They are for supporting unemployment insurance benefits but not charging them to their children. They are for us making the hard choices.

So as we go forward, the hope would be that we would get out of the short-term thinking we find ourselves in and start looking down the road of what is coming. I have been quoted as saying that I think we have less than 5 years to fix our ship. I think that is probably generous. I don't think there is one problem in front of our country that we can't fix. However, if we ignore the

realities of our financial situation, if the elected leaders in this country fail to make priority decisions, which means you are going to offend some of the supporters of the lower priority programs, then we are not going to solve the problems that are in front of us. If our focus is parochial only—in other words, only the concerns within our own States—rather than that of our Nation as a whole, we are not going to fix the problems in front of us.

I have five grandchildren, and in thinking of the future, I often wonder what things will be like for them.

Thinking backward, when I was 17 and 18 and going to college for the first year, there was this tremendous vision on the horizon that I saw in front of me. I could go to school because I had parents who could afford to pay for my college, and wherever I wanted to go, whatever I wanted to do was out there on that horizon. That is a limited possibility today for our kids. Is it going to be a possibility for the Madelines of the world?

Thinking forward, if you take everyone who is 25 years of age and younger in this country and go out 20 years, here is where they will be: That group, 45 and younger, will be responsible for \$1,113,000—each and every one of them will be responsible for \$1,113,000 worth of debt and unfunded liabilities, every one of them, if we are on the same course we are on today. Take 6 percent of that, and you will see they are going to have to come up with about \$67,000 a year just to pay the interest costs on that debt. That is before they pay income taxes. That is before they pay rent or pay a mortgage. That is before they pay for a car or a car payment. That is before they put food on the table. That is before they clothe their kids and themselves. That is before they give to a charity or their church.

We are stealing the American dream every time we fail to be cognizant of what the future holds, if we don't change course. So the debate really isn't about unemployment insurance; it is about when are we going to change course? When are we going to start recognizing the need to live within our means?

We are going to hear that we have always done it this way, that we have passed three other short-term extensions and that we call them emergencies so we don't have to pay for them. I would say it is time that we not always do it the way we have always done it because the way we have always done it has gotten us \$12.6 trillion in debt and is sending us out to sea without a rudder and without enough fuel oil to get back to shore.

My hope is that our debate will focus on what the real problems are in this country, the real long-term problems, because you really solve short-term problems when you start attacking the long-term problems and when you really start making the tough decisions.

I say to my colleague from Montana, as head of the Finance Committee, he knows what would happen if we sent a signal that we were really going to start getting tough about our budget. He knows what would happen to bond rates. He knows what would happen to our ability to lead in the world if we all of a sudden became cognizant and acted in a way that was fiscally responsible. Investment would come flowing back into this country, bond yields would go down, not up, and the cost of our debt would go down. It would be a home run every way we look at it. It would be a home run for the Madelines of this country, and it would be a home run for those who are unemployed.

If you read the financial news, you have been seeing what is happening to Greece. Greece got rescued just in the last week, partly through the IMF, but mainly the money is going to come from Germany and France. They are going to get to borrow for a short period of time at 5 percent instead of the 7½ percent the market reflects.

I would say that there is no Germany or France to bail us out. There is no one who will come to bail America out. It is highly doubtful that Greece has the political will to do what it has to do to solve its own problem. The question is, In 2 or 3 years, are they going to be saying the same thing about our country? Do we have the political will to dig out of the hole we have, in fact, dug for ourselves? When I say "we," I am not talking about the American public. I am talking about the Congress of the United States. You can't blame it on any President. You can't blame it on the courts. The blame for our financial situation lies solely with the U.S. Congress. Whether it is lack of oversight of financial firms or Freddie Mac and Fannie Mae; whether it is the lack of oversight of the SEC; whether it is the tremendous amount of waste, fraud, and abuse in the Federal Government—\$300 billion, at least, per year—it lies with us.

We are going to hear a lot of reasons why we should pass this—just pass the charges on to our kids. My hope is that the American people will reject that because when they accept that it is OK to just charge it to our kids, what they are doing is conditioning us to continue doing the same thing—continuing to spend the future opportunities of our children and grandchildren. Our heritage is much greater than that. Our kids and grandkids are worth much more than that. Let it not be said of this Congress that we failed to act in the time when the tough get going and that we made the tough decisions about not increasing the debt, streamlining the government, eliminating some of the \$300 billion worth of waste, fraud, abuse, and duplication that is in the Federal Government.

I yield the floor.

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

Mr. BAUCUS. Mr. President, we are starting to come out of the worst recession since the Great Depression.

A little more than a year ago, in the fourth quarter of 2008, the economy declined at an annual rate of more than 5 percent. A year later, in the fourth quarter of 2009, the gross domestic product grew at an annual rate of nearly 6 percent.

Last month, manufacturing activity increased at the fastest rate in 5½ years. Last month, the service sector expanded at the fastest rate in more than 2 years. And last month, the economy added 162,000 jobs.

The economy has taken its first steps toward recovery.

The economists say that part of the reason why the economy is starting to come back is what we did here. One of the first things that President Obama did in office was to press for bold action to prevent another Great Depression. And one of the first bills that Congress enacted in the new administration was the Recovery Act.

The economists say that it's working. The nonpartisan Congressional Budget Office says that in the fourth quarter of 2009, the Recovery Act increased the number of full-time-equivalent jobs by between 1.4 million and 3 million. And CBO also estimates that real gross domestic product was 1½ percent to 3½ percent higher in the fourth quarter than it would have been without the Recovery Act.

So there are some encouraging signs.

But we still face major challenges in the economy. There is still work to do creating jobs.

The unemployment rate stands at 9.7 percent. Almost a tenth of the labor force is unemployed. More than 15 million Americans are out of work.

First-time claims for unemployment benefits rose the week before last. Businesses are still laying off workers. And companies remain tentative in hiring new employees.

The economists call unemployment "a lagging indicator." Employers can be slow to rehire, when business begins to pick up.

The Congressional Budget Office expects the unemployment rate to remain above 8 percent until 2012. CBO does not expect unemployment to reach what they call its "natural state" of 5 percent until 2016.

CBO does not expect that the gap between actual output and potential output will close until the end of 2014.

That is why we need to pass a temporary extension of unemployment benefits.

Jobless benefits are a powerful way to bolster demand during times of high unemployment.

Households receiving unemployment benefits spend their additional benefits right away. That spurs demand for goods and services. That boosts production. And that leads businesses to hire more employees.

The Congressional Budget Office looked at the different ways that we can help the economy to grow, and CBO says that extending additional unemployment benefits would have one of the largest effects on economic output and employment per dollar spent.

Because benefits are often spent quickly, extending unemployment benefits will provide a timely boost to the economy.

A temporary extension will also provide immediate assistance to millions of Americans struggling to feed their families and pay the bills.

According to officials in my home State of Montana, if we do not pass this extension, then thousands of Montanans could lose their unemployment benefits and will have significant difficulties. That is a significant number when you consider the population of my State.

An extension of unemployment benefits is essential, but it is not enough. We must also consider unemployment insurance reforms that could help to create more jobs.

That is why I plan to hold a hearing in the Finance Committee on Wednesday to explore ways to use unemployment insurance to help Americans to get back to work.

States and experts have ideas for how we can improve the unemployment insurance system. They have ideas about how it can save and create more jobs.

Wednesday, the Finance Committee will discuss possible commonsense innovations with a panel of experts, while also addressing the challenge of State solvency.

But right now, it is essential that we pass a temporary extension of unemployment benefits. An extension will help workers to get by as they search or retrain for a new job. And an extension will also provide a much-needed boost to the economy.

So, let us help the families who are struggling in this difficult economic time. Let us help to spur demand and economic growth. Let us vote to invoke cloture on this vital legislation.

I yield the floor and 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. 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, we are going to have a cloture vote this evening at 5:30. It is about a subject that is very important. Yet I have been listening to the floor today and hearing the discussion about saving our country, about the issue of large Federal budget deficits, and the things that threaten our country's future.

I wanted to talk a little bit about some of those issues because I have

been reading a book recently, quite an interesting book, called "Too Big to Fail." I was listening this afternoon to some of the debate and thinking about too big to fail and too small to matter.

Interesting dichotomy: Too big to fail is talking about the biggest institutions in this country, the largest financial institutions in America, are too big to fail. So they run themselves into serious trouble. They get the benefit of no-fault capitalism. We are told if they fail, it will be a disaster for America's economy; therefore, we will have the taxpayers pony up \$700 billion to make sure they do not fail. I am talking about the people at the top.

The question is, What about the people at the bottom, the people who work for a living, who like their jobs, want to have a better future for themselves and their children, but who discovered that as we sailed into this economic storm, while the people at the top got a big old parachute and they were lifted gently to the ground or allowed to get gently grounded, the folks at the bottom were just pushed off a cliff.

We ran into this serious economic trouble, and a whole lot of people lost their jobs. We have had millions and millions of people lose their jobs. We estimate somewhere around 17 million Americans woke up this morning without a job. They went looking today, as they do every day, but they have not found a job. They, their spouse, their children, they are all victims of this economy.

So then the question is, the difference between too big to fail—those institutions, by the way, which for some of our colleagues, they could not be quick enough to get the pillow and the aspirin to say: Can we help you to bed? Is there any way we can be of help? Here is \$700 billion on the too-big-to-fail side. But on the too-small-to-matter side—it is the person who lost their job—we had folks in here saying: You are just out of luck. We do not have the ability or willingness to deal with you.

I taught a little economics a couple of years in college. We always understood the basic lessons on economics are simple enough when you run into a very severe recession or depression. But let's talk about recession, a deep recession, and in this case the deepest since the Great Depression. The government's revenues dried up; we have lost somewhere around \$400 billion a year in revenue. The economic stabilizers that are required in a recession would be unemployment insurance, food stamps, and those kinds of things to try to help people out, help them through some difficult periods. I am talking now about helping people at the bottom of the economic ladder. Those things automatically go up.

So the revenue goes down, that goes up, and your deficit balloons. There is no question about that. Everybody understands that. I understand why the

deficit has gone out of sight. I also understand it is a very serious problem for our country. But I think we should all understand we should not do the things that would move us right back into a recession. The economic stabilizers and the expenditures on them is very important in order to get us out of this problem and in order to help those at the bottom of the economic ladder who cannot help themselves.

What bothers me is we have people coming to the floor of the Senate saying: I am the champion to try to reduce the Federal budget deficit. I am the person who is going to solve this.

Well, I would say to those folks: Where were you? Where have you been? It has been a decade and you were not around. I recall nearly 10 years ago when President Bush came into office, and he said: We have a budget surplus. Yes, they did. The first budget surplus in three decades under the last year of President Clinton's Presidency, a budget surplus at the Federal level, the first one. By the way, that resulted from a series of fiscal policy judgments that were made beginning in 1993. I voted for it. It passed by one vote in the Senate. It passed by one vote in the House. Senators such as—I guess I will name him because he was proud of it—Senator Phil Gramm from Texas stood up and said: You pass this, you will bankrupt the country. No, it did not bankrupt the country. It actually led us out of the problems we were in to a budget surplus in the year 2000.

President George Bush came to town and said: You know what. We have this budget surplus. It looks as though we are going to have budget surpluses for the next 10 years. Let's give very large tax cuts to people, but the largest tax cuts to the highest income people in America.

Well, I stood on this floor and said: I do not support that. What if we do not have these surpluses for 10 years. These are just economic predictions by economists who cannot remember their phone numbers for 3 days, and they are telling us what is going to happen in 3, 5, and 10 years. Let's be a little bit conservative.

President Bush and his colleagues on the floor of the Senate said: Katey, bar the door. We are pushing this. They did, and they had the votes. They passed it, and all of a sudden we substantially cut the revenue that was coming into the Treasury.

Then what happened almost immediately? Then we were hit with 9/11, a terrorist attack in this country. Then we were at war in Afghanistan. Then we went to war in Iraq, and year after year after year the President brought to this Congress proposals for emergency spending for the war. This President said—I am talking about President George W. Bush—we do not intend to pay for a penny of it. Every single penny for the war is going to be on an

emergency basis, put on top of the Federal debt.

I did not hear those folks who now say they are going to stand between us and catastrophe come to the Senate floor then to say that did not make any sense. I did. I said: Why don't we pay for some of this?

The President said: If you try to pay for it, I will veto the bill.

There we were for 8 years spending money we did not have on a war we probably should not have fought, borrowing every single penny of it. Now the folks who speak the loudest these days about these issues are the ones who decided: Oh, that made a lot of sense: cut the government's revenue, fight a war without paying for any of it.

By the way, many of them, 10 years ago when we voted on the floor of this Senate to repeal the restrictions that were put in place after the Great Depression to protect our country, they were the ones who voted for the repeal to say: You know what. Let's let these big financial companies create holding companies, and you can put them all together. You can put real estate and securities and banks and investment banks, FDIC-insured banks, put them all in one big holding company. It will be just fine.

Well, I was on the floor of the Senate saying: This will not be just fine. It will be a catastrophe. I said 10 years ago—I did not know for sure, but I said: Within 10 years we are going to see big taxpayer bailouts if we do this.

Some of the same people on the floor of the Senate back then were saying: Look, let's create these big financial behemoths so we can compete. It will be good.

Then the President, George W. Bush, brought in regulators who boasted they were willing to be willfully blind for almost a decade: It does not matter what you do, you can do that. We will not watch. They said: There is a new sheriff in town. We are business friendly.

So in all of these agencies where we were supposed to have regulators to make sure the free market worked, regulators who were the referees with a striped shirt to blow the whistle to call the foul when the free market was the victim of a foul, they were not around. They were just in a Rip Van Winkle sleep for nearly a decade.

Meanwhile, Wall Street went out to play, and they created the most unbelievable instruments of deception: credit default swaps, synthetic credit default swaps, CDOs. I mean it is unbelievable. The circumstances that developed, the subprime scandal, the creation of these exotic financial instruments, the development of substantially more lending approved by regulatory agencies—all of this set us up for an unbelievable fall.

Some of the same people who were cheerleading for these very activities

are now telling us they are going to protect America. And you know where they are going to make their last stand? Their last stand on these deficit issues is to deal with the poor people by saying: No, you cannot get that unemployment insurance extension.

By the way, unemployment insurance is something that people pay for out of their paychecks. Unemployment insurance is something we pay for out of our paychecks. Extending it during a recession is certainly the thing to do. It is something we have always done. Yet this is the last stand.

What about making the last stand when it comes to bailing out Wall Street? How about making the last stand a couple of weeks from now when we have Wall Street reform on the floor of the Senate, when we have a real fight about trying to do reform that is necessary on Wall Street?

In 2008, the financial firms on Wall Street—I am just talking about the Wall Street firms now—the biggest financial firms lost \$36 billion and paid \$18 billion in bonuses.

I have an MBA. I went to graduate business school. There is nowhere they teach in graduate school that if you go out and lose \$35 or \$36 billion, you ought to expect to be able to pay \$17 or \$18 billion in bonuses to those who helped you do it. Yet that is exactly the kind of carnival that existed in this country at the top of the financial food chain.

So we are going to have a big fight about that in a couple of weeks. How do we plug the holes? How do we solve this problem of Wall Street reform? We are going to have a lot of votes, and it will be interesting to see whether those who now speak the loudest about being able to protect the American taxpayer, standing up on the issue of debt and deficits, whether those are the people who are going to join us in taking the action to try to make sure that cannot happen again because, when we talk about what has contributed to this country's debt and deficit, the largest contribution by far are the supportive votes of those who were friends of Wall Street, and in the last 10 years have given them every single opportunity to do what they have done—that is, to create a casino-like economy and to have FDIC-insured banks trading on their own proprietary accounts.

They may just as well have had a blackjack table in the lobby. I mean, it is unbelievable. To fuse together inherently risky investment banks with FDIC-insured banks and having both of them, instead of providing the kinds of things banks used to provide—that is, doing lending—and having both of them trading securities on their own proprietary accounts in order to make big fees and big money. It is unbelievable.

The question is, Who will stand up for our economic interests? Spending

on someone who is out of work in a deep recession, is that where you want to take your last stand?

Let me help with a couple other suggestions. How about making a last stand in asking people, like one person who made \$3.6 billion in one year, to pay their fair share of taxes to the government. My calculation says that is a \$300 million-a-month paycheck. When that person comes home and the spouse asks, Honey, how are we doing? Every single day he can say: We are doing really well. Ten million we earned today. But even better than that, he can now say: And by the way, we paid one of the lowest income tax rates in America. We get to pay a 15-percent income tax. People who work with their hands for a living can't do that. People who take a shower in the morning and after work can't do that. People who work hard all day pay tax rates far higher than 15 percent. We have some of the biggest income earners paying just a 15-percent tax rate on carried interest.

I say to my friends: If you want to do something about the deficit, join me. Let's get rid of that nonsense.

Or I wish they would have joined me the dozen times I have been here talking about the tax dodges that allow people to avoid paying taxes by creating shams. I have shown pictures of American banks that buy German sewer systems. You can't actually touch them. You wouldn't want to feel them. You can't move them. But American banks buy a sewer system in a German city and then lease it back to the city so the city keeps using the system, and the bank gets to write off a sewer system to reduce its American tax obligation. They want all the benefits of being American, but they don't want the responsibility of paying taxes. I say to somebody who comes to the floor and wants to reduce the Federal budget deficit: How about joining me and getting rid of these things?

Or perhaps you could have joined me on the floor when I have shown the picture of the Uglad House, now reasonably famous, a 5-story white building on Church Street in the Cayman Islands. When I showed the photograph, it was an enterprising piece of reporting by a man named David Evans from Bloomberg News who went to the Cayman Islands and found a 5-story white building that in 2004 was the official home to 12,748 corporations. No, they don't all fit in that building. I understand that. It was a legal dodge by companies setting up an address in order to funnel revenue through that address to avoid paying taxes to the United States. By the way, since that time, since 12,748 corporations used that little 5-story house to avoid paying taxes, it has now grown to over 18,000 corporate addresses, as I understand. I say to my friends talking about dealing with budget deficits, how

about helping me on that? How about helping me close those loopholes? Those are unbelievably ridiculous loopholes that allow some of the people and companies who make a great deal of money to pay almost no income tax.

That is the tax side. I could talk forever about that, but I won't. But if we got a little help on that, we would reduce the budget deficit.

On the spending side, I have held 20 hearings on spending dealing with contracting in the wars in Iraq and Afghanistan. There is a place in Iraq. If somebody ever gets there, I suggest they drive by and take a look at it. It is American taxpayer dollars sitting in the desert. It is called Kahn Bani Sa'ad. We paid for it. We built it. We tried to build it. I think we spent \$20 to \$30 million for the first contractor and then fired the contractor and brought in another one. When the other one was finished, the money was gone. But there is a prison sitting on the sands of Iraq that the Iraqi Government said they didn't want and would never use that our Federal Government insisted be built. It is now sitting unused, and it doesn't even look like a finished building. It is huge. Millions, tens of millions of dollars were spent, poured down a hole in the desert. I held 20 hearings on the most unbelievable waste, fraud, and abuse on war contracting in Iraq and Afghanistan that I think has occurred in the history of the country. There is an area of spending we can tackle. We ought to tackle. There are so many areas for us to decide to do something about.

Yet the last stand on the floor of the Senate on a Monday is to say: We have ratcheted up all the strength, the muscle, the courage we have to say we don't think those at the bottom of the economic ladder, those who have lost jobs, those who are out of work, those who feel hopeless and helpless, those whose families are victimized, we don't think they ought to get unemployment insurance extended or we will put enough conditions on it to delay it. The same folks rushed to the altar to say: We can give \$700 billion to the biggest financial firms in the country that ran this country into a ditch.

My point is not that we don't have a very serious economic problem. We do. The budget deficits are unsustainable. We have to fix them. My point is, there are some Johnnies-come-lately going on in this Chamber by people who have never come to the floor of the Senate on these issues in the last decade and now believe this budget deficit problem began to emerge on January 1 a year ago. That is not the case. This budget deficit problem, which is serious, results, in significant part, because this country ran into a very serious economic recession. It was not some natural disaster such as a flood, a fire, or tornado we couldn't do anything about. This was manmade. I warned about it

10 years ago. Those warnings were largely ignored.

Bad choices and bad policies have brought us to this position. Now it is required of us to make good choices. One of the good choices would be to recognize our responsibility to those at the bottom of the economic ladder, the folks who have, millions of them, lost their jobs in this recession and didn't do anything wrong. They weren't underperformers at work. They just were swept away by a very substantial recession. They paid for unemployment insurance in their paychecks. We all do.

My hope is we will get some cooperation on this vote today. It is a vote by which an effort to extend unemployment insurance for those who are the most vulnerable in the country has been blocked so we have a cloture petition. It ripens today at 5:30. My hope is we can do that and then move ahead.

There are plenty of us who are anxious to work on reducing the Federal budget deficit. This government needs to tighten its belt in a wide range of areas. There is no question about it. The spending side is important. We need to tackle the spending side and do it seriously. But it is not the only side. There is a whole series of folks who are not paying taxes who should pay. There are some of the biggest corporations in the country avoiding taxes that they should be paying. We ought to bring in the revenue we are required to bring in, ask some to pay what everybody else is paying, and we also ought to tighten our belt. All of that can help us address this very serious economic problem.

Let me look forward again 2 weeks to say if this is the last stand by those who are worried about the Federal budget deficit; that is, trying to make those at the bottom of the economic ladder, the most vulnerable Americans, wait and wonder whether they will get help from this Congress—if that is their last stand, 2 weeks from now, when we take on Wall Street reform and decide to do the things that are necessary to fix what caused this economic problem, fix what caused a substantial portion of the Federal budget deficits and fix what caused this deepest recession we have been in since the Great Depression, will we not get some help in 2 weeks? By the way, the bill that came out of the Banking Committee is a good first step. It needs to be strengthened in a number of areas. But even that bill didn't get any Republican support, not one vote in the Banking Committee. There are a lot of people here who support making sure that we are not too aggressive in trying to deal with the Wall Street folks and Wall Street interests. If we are not aggressive enough to make sure we have closed the loopholes and make sure we have tightened the reins so the American people have some confidence

this will not happen again, we will rue the day if we end with a result that doesn't measure up in the minds of the American people.

Again, my point is to suggest we have a very serious, unsustainable budget deficit. It ought not to be surprising to anybody in this Chamber, moving along for a decade, fighting wars without paying for them, running into a very deep recession with revenues drying up when expenditures increase for economic stabilization. That is not surprising. But we need to come together and work together to find ways to not only get the taxes paid that are owed while at the same time we reduce the Federal budget deficit through those means, tighten our belts, and do the things that are necessary to move away from a decade of irresponsibility. If we are going to fight a war, send men and women off to war but don't have the courage to pay for it along the way, that is unbelievable to me. I have been to so many sendoffs, and every one of my colleagues has.

We are prepared to take people away from their families and send them off. I was just at Camp Bondsteel in Kosovo last week visiting the troops. They are away from home for a year. They have courage. When the country asks, they go. When they are called, they don't ask why. Shouldn't this Congress have the same courage to say: If we are going to send people to war, we will pay for it; we will have to ask the American people to pay the cost of that war? That is another significant part of this debate about how to deal with Federal budget deficits.

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. SPECTER. 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. SPECTER. Mr. President, I ask unanimous consent that I may speak for up to 10 minutes.

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

PROSPECTIVE SUPREME COURT VACANCY

Mr. SPECTER. Mr. President, I have sought recognition to comment briefly about the prospective vacancy in the Supreme Court of the United States with the resignation of Justice Stevens. I do so to urge the President to select a nominee without regard to any threats of a filibuster. I urge the President to make his selection of whom-ever he believes to be the best qualified to handle the responsibilities with a view to academic excellence, professional experience, and intellect to carry on the battle, where we have seen the Supreme Court veer very sharply to the right.

Let's be candid about the Supreme Court being an ideological battleground today. That happens to be the fact. When some decry judicial activism, what could be more judicial activism than reversing the 100-year precedent that corporations may not engage in political advertising, as the Supreme Court did in *Citizens United*, in a contortion of procedural maneuverings to take a case with an isolated issue with a predetermined obvious purpose of changing the law on that very vital subject for the operation of our democracy?

We had Chief Justice Roberts, in the confirmation proceedings, under oath, swear he would not, quote, "jolt the system." Well, there have been quite a number of jolts in the system with his key vote. We had a very extensive questioning and commentary about Chief Justice Roberts' deference to congressional fact-finding. Only Congress has hearings, hears witnesses, and makes determinations of fact-finding. When the voting rights came up, all of that seemed to have been forgotten.

We have a situation where it is obvious the Supreme Court makes the cutting-edge decisions on the law of the land. The Supreme Court, it turns out, decides who will be President in *Bush v. Gore*—a decision strictly along political partisan lines.

The Supreme Court of the United States decides what will be the law with respect to campaign finance reform, as we seek to make a determination as to how we can limit the expenditures in political campaigns—the very core of the democratic process.

In *Buckley v. Valeo*, in 1976, the Supreme Court said that, under the First Amendment, speech equals money. It seemed to me at the time that was a farfetched decision. Now, with *Citizens United*, we find that corporations are somehow persons, somehow entitled to first amendment rights and can advertise in political campaigns.

The Supreme Court decides who will live and who will die, decides what is the extent of the death penalty. The Supreme Court decides the extent of a woman's right to choose—*Casey v. Planned Parenthood*. The Supreme Court decides about the power of the State to take private property in eminent domain. And so the cases go on and on and on.

I have sought, for more than a decade now, to have the Supreme Court televised, and twice during my tenure as chairman or ranking member of the Judiciary Committee the committee reported out favorably legislation to require the Supreme Court to be televised, unless there was some extraordinary circumstance invoked by the Court. More recently, in this Congress, I have modified that effort with legislation which recommends that the Supreme Court televise its proceedings.

When *Bush v. Gore* came up, then-Senator BIDEN and I wrote to Chief Justice Rehnquist urging that the Court allow that monumental case to be televised so the public could see it, considering the very limited number of people who could gain access.

When I went over to the Court that day—being one of the few who could gain access to the Court—the block was surrounded with television cameras because of so much public interest. But the cameras could not go inside. That day the Supreme Court, with the Chief Justice's order, did change practice and allowed an audio transcript to be released immediately thereafter.

I believe Congress has the authority, should it choose to do so, to direct the Supreme Court to permit its proceedings to be televised. The Supreme Court, in a series of cases, has said the public has a right to know what is going on inside the courtroom, and that was the case which involved *Richmond Newspapers*. Well, in an electronic era, where the public gets so much of its information via television or via radio, there ought to be that access.

But the Congress has the authority to determine when the Court starts to function each year: the first Monday in October. Congress sets a quorum for the Court: six. Congress can set the number of Justices on the Court, as evidenced by the effort by President Franklin Roosevelt in the mid to late 1930s to increase the number of the Supreme Court to some 15.

Obviously, we cannot tell the Supreme Court what to decide, how to decide, but we can tell them about administrative matters. And the Congress has the authority to tell the Court which cases to take. So there is a broad range of matters where the Congress cannot act.

I modified the effort I had to have the Supreme Court televised—instead of "requiring it" to "recommending it"—because in the final analysis the Court can make a determination on separation of powers if Congress imposes a requirement that can be overruled by the Court.

But if the public had access to what was going on in the Supreme Court, it seems to me there would be a clamor to have more openness, more transparency, and greater public appreciation of the fact that the Supreme Court is a battleground.

When considerations are made about—as the Sunday talk shows have filled the airwaves just yesterday—a number of Senators from the other side of the aisle left the filibuster on the table, would not rule it out, the question of what is judge-made law. Well, that is very much in the eye of the beholder as to what is judge-made law.

But I would urge the President not to pay any heed to that. When we start to

engage in the subtleties of a nominee who will be among the five instead of the four, I suggest that is a stretch beyond making any determination. That is, I believe—well, it was candidly said trying to persuade Justice Kennedy to be among five, as it is speculated with some pretty solid foundation that Justice Stevens succeeded in persuading Justice Kennedy to side on the issue of habeas corpus.

We had *Rasul v. Bush*, where Justice Stevens—in a very learned opinion, tracing the authority of detention from the Magna Carta down through habeas corpus—made a determination that habeas corpus was a constitutional right. The case then came to the Court of Appeals for the District of Columbia, and in a contorted opinion—at least contorted in my judgment—the Circuit Court for the District of Columbia said it was on statutory grounds and not constitutional grounds. But reading *Rasul v. Bush*, starting with the Magna Carta and tracing the constitutional evolution, it certainly, as a fair reading would say, was on constitutional grounds.

Then *Boumediene v. Bush* came up, and on the petition for cert, only three Justices voted to hear the case, and Justice Stevens was not among them. Had Justice Stevens voted to hear the case, there would have been four Justices to take up the case and it would have been docketed and it would have been heard. But Justice Stevens voted not to hear the case. It was speculated at that time widely that Justice Stevens felt if the Court took the case habeas corpus would be rejected.

We had the long fight on the floor of this body, and I offered an amendment to restore habeas corpus, which was defeated 51 to 48 on the military commissions act. I predicted at that time the Supreme Court would eventually overrule the congressional determination and reinstate habeas corpus as a constitutional right.

Then there came to light information in the military commissions about some very questionable practices, and there was a subsequent petition for reconsideration for a grant of cert. On a petition for reconsideration on a grant of cert, it takes five votes. Four votes are insufficient. You have to have five votes to have cert granted and cert was granted. Justice Stevens and Justice Kennedy joined the other three Justices in the petition for reconsideration to grant cert.

In *Boumediene v. Bush*, the Supreme Court said that habeas corpus, in fact, was a right. Well, those are speculative and those are subtleties. But my own thinking on the subject is the President ought to appoint somebody who can be in a sense a warrior in this ideological battle which is going on across the green in the Supreme Court. That is what is happening.

If a new nominee is only a fourth, well, there may be an opportunity for a

fifth. President Obama is not halfway through his second year. Who knows what the future will hold on the electoral process or who knows what the future may hold with respect to Supreme Court vacancies. But there may well be an opportunity for subsequent appointments to the Supreme Court.

It is my hope there will be a nominee whom the President feels comfortable with ideologically. Interestingly, when President Obama was Senator Obama, as the record shows, he voted against Chief Justice Roberts for confirmation. In his statement he pretty much acknowledged Chief Justice Roberts'—then Judge Roberts—competency and qualifications but disagreed with him on philosophical and ideological grounds.

But what goes on inside that conference room is known only to the Justices. It is very small, very simple, situated right behind where the Chief Justice sits in court, if you walk right in back of that. I think relatively few people have had an opportunity to see that conference room. It is written about as a place where only the Justices can go. If there is a knock on the door, as is frequently reported, it is the junior Justice who answers the door. But what goes on inside that conference room decides the cutting-edge questions of the day. It is my hope that the replacement will be someone with solid academic credentials, solid professional credentials, the intellect and really the ability to carry on that battle, which is an ideological battleground within that Supreme Court conference room.

I urge further that the President look beyond certain judges. Today, the nine Justices, including Justice Stevens, all come from the courts of appeals from the circuits. Well, there is great talent beyond the circuits. When *Brown v. Board of Education* was decided, I believe only one had been a circuit judge. Why not look for an ex-Governor like Earl Warren? Why not look for an ex-Attorney General like Robert Jackson? Why not look for an ex-Senator or a current Senator, like Hugo Black, who was a Senator when he was selected for the Court, or perhaps even an ex-President? William Howard Taft had been President of the United States and later served as Chief Justice of the Supreme Court of the United States.

So I believe we ought not to be concerned about it. As divisive as the Senate has become and as partisan and as gridlocked as the Senate has become, I believe there are 60 votes in this Chamber to reject the concept of a filibuster and that the President ought to have a free hand in selecting his choice in accordance with the considerations which I have outlined.

I thank the Chair, and in the absence of any Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REED. 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. REED. Mr. President, we are here to move forward on extending unemployment benefits, which is long overdue. They expired April 5. We have thousands and indeed hundreds of thousands of our fellow citizens across the Nation who need this assistance.

In my State of Rhode Island, it has become even more necessary. Not only are we seeing unemployment rates ranging around 12 percent, but last week we endured the worst flooding in the history of our State. It has swept through a large portion of our State. Senator WHITEHOUSE and I have been going from town to town and neighborhood to neighborhood. People's homes have been engulfed in water, up through the first floor. They have lost their utilities. They have lost their appliances. They have lost their precious mementoes—everything. We have also had commercial operations that have been flooded. Our largest mall in the State, Warwick Mall, has been completely inundated. It has been closed now for almost 2 weeks. Literally hundreds and hundreds of employees have not been able to work. They are now eligible, through no fault of their own, for unemployment compensation. So we have to do this. This is an example of one State, but it is throughout this whole country.

What is also adding further necessity to the legislation before us is that—what we have found is that our Federal, State, and local officials have been extraordinarily prompt in responding to the disaster. I thank the President. He very quickly issued a Presidential disaster declaration for Rhode Island and parts of Massachusetts, as well as other areas of New England. FEMA has been on the ground. They are doing a very good job. But for someone who has lost their home and all of their possessions, someone who also may have lost their business simultaneously, every moment is precious. Despite the extraordinary efforts of the men and women of FEMA, the Small Business Administration, EPA, the Corps of Engineers, State officials, and local officials, we have to do much more for these people.

One of the ironies is that—one of the benefits of the Small Business Administration is essentially providing loans to households and to businesses; however, they are limited unless these businesses can get flood insurance. Private flood insurance is out of sight financially.

Public flood insurance has been without authorization. In this legislation,

we will have a temporary extension of the National Flood Insurance Program. Let me translate that into practical terms. SBA in Rhode Island could go to a business and say: You have had physical damage. We can lend up to \$2 million to you. Unfortunately, because you can't get flood insurance, we are limited to giving you \$14,000. When you offer that to someone who is desperate, who is seeing hundreds of employees without work, who is trying their best—in fact, even the idea of taking another loan is a very great leap forward. To say: You need \$100,000 or \$500,000; we can give it to you, but—it is the classic catch-22. In this legislation, we can extend this program, even for several weeks, but allow individuals in these affected areas to qualify for what they need.

In terms of home loans, the limit is not that high, but it could be up around \$40,000 for personal property and \$200,000 for real estate. I have been in homes where the damage is excessive. Yesterday, I walked into a home in Cranston, RI, and a father and his two grown sons were ripping up the tiles. The whole first floor has to be gutted and replaced. They may just try to do it on their own, they may try to seek bank lending, but it would be nice if they could get the full support of the Federal Government, as we intended when we passed the SBA laws and disaster relief laws.

In terms of economic injury, if there is a business that has lost all of its inventory, that has to close, that has just lost business because of the flood, they, too, can qualify for loans—and again, the total is up to \$2 million. However, without flood insurance, the cap is \$5,000. So going to someone who has lost all of this and saying to them: Well, let me explain the intricacies. You can get this, but you can't get this. If Congress acts, you can get this. We have to do much more for our citizens. If these programs are available, we have to make them truly available.

One of the consequences, frankly, of this political jousting back and forth is we lose sight of the effect on our constituents, the effect on real people and real problems. As a result, they are looking at us here and saying: What is going on? You have authorized the program. You have the money to loan me up to \$2 million, but you can't because you can't authorize another program. We might understand that procedurally. We might understand the delays we see here, et cetera. But the American public doesn't understand it. They have a problem; they expect their government to respond, particularly when the programs are already authorized, when the programs are there, and we have done it in the past. I would hazard a guess that every Member in this Chamber has used—or their constituents have used Federal flood relief programs, agriculture relief programs.

I supported every one of them because when Americans are facing a natural disaster, they need all of us to rally behind them and support them.

Well, now is the time in Rhode Island and Massachusetts. We need that support. For people to oppose it—oh, we object to this or that—that is not what we are called upon to do. We have people who are desperate because of a natural disaster. We need unemployment compensation for those people and for the thousands who are still looking without success for jobs, and we also need it to assure the people that their welfare is our goal. That is what we do. We can sort out the nuances of conflicting programs and conditions, et cetera, so that they get the help they need.

So I hope we can move through this motion to proceed and get on to a serious debate. I personally believe we have to extend unemployment compensation through the end of the year. This "Perils of Pauline" every 30 days leaves people to wondering what is happening to them.

I was in a diner yesterday in Rhode Island, and a woman stopped me and said: When are you going to extend unemployment insurance? I don't know if I am going to get it. I am running out of resources.

This is a woman who has worked all of her life. In fact, she told me she had been laid off once before because she didn't have the training, and then she went and got education through a Federal program, moved into administration, and was just let go by her company because of the downsizing. She played by the rules, she has done everything asked of her as a citizen, and she is just waiting there.

We have to do more. So I hope the logic of our constituents might overwhelm the logic of this Chamber at the moment.

Mr. President, with that, I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 323, H.R. 4851, an act to provide a temporary extension of certain programs, and for other purposes.

Harry Reid, Richard J. Durbin, Patty Murray, Patrick J. Leahy, Jack Reed, Christopher J. Dodd, Mark Udall, Debbie Stabenow, Amy Klobuchar, Sheldon Whitehouse, Max Baucus, Dianne Feinstein, Kirsten E. Gillibrand, Kent Conrad, Byron L. Dorgan, John D. Rockefeller, IV, Jeff Bingaman, Robert Menendez.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that the debate on the motion to proceed to H.R. 4851, the Continuing Extension Act of 2010, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Iowa (Mr. HARKIN), the Senator from New Jersey (Mr. MENENDEZ), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Utah (Mr. BENNETT), the Senator from New Hampshire (Mr. GREGG), and the Senator from Missouri (Mr. BOND).

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

The yeas and nays resulted—yeas 60, nays 34, as follows:

[Rollcall Vote No. 109 Leg.]

YEAS—60

Akaka	Feingold	Murray
Baucus	Feinstein	Nelson (NE)
Bayh	Franken	Nelson (FL)
Begich	Gillibrand	Pryor
Bennet	Hagan	Reed
Bingaman	Inouye	Reid
Boxer	Johnson	Sanders
Brown (MA)	Kaufman	Schumer
Brown (OH)	Kerry	Shaheen
Burr	Klobuchar	Snowe
Byrd	Kohl	Specter
Cantwell	Landrieu	Stabenow
Cardin	Lautenberg	Tester
Carper	Leahy	Udall (CO)
Casey	Levin	Udall (NM)
Collins	Lieberman	Voinovich
Conrad	Lincoln	Warner
Dodd	McCaskill	Webb
Dorgan	Merkley	Whitehouse
Durbin	Mikulski	Wyden

NAYS—34

Alexander	Ensign	McCain
Barrasso	Enzi	McConnell
Brownback	Graham	Murkowski
Bunning	Grassley	Risch
Burr	Hatch	Roberts
Chambliss	Hutchison	Sessions
Coburn	Inhofe	Shelby
Cochran	Isakson	Thune
Corker	Johanns	Vitter
Cornyn	Kyl	Wicker
Crapo	LeMieux	
DeMint	Lugar	

NOT VOTING—6

Bennett	Gregg	Menendez
Bond	Harkin	Rockefeller

The PRESIDING OFFICER. On this vote, the yeas are 60, the nays are 34. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. BAUCUS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. I now ask unanimous consent that on Tuesday, April 13, following a period of morning business,

the Senate resume postcloture debate on the motion to proceed to H.R. 4851; that at 2:15 p.m., all postcloture time be yielded back, the motion to proceed be agreed to, and the Senate proceed to consideration of H.R. 4851.

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

Mr. REID. I would say I have had a number of conversations with the majority leader and Senator COBURN and I think we have a way to move forward tomorrow afternoon.

Madam President, I was talking to the distinguished Senator from Ohio and we were saying, he and I, how much Lula Davis knows. She even recognized I made a mistake. I don't do it very often. I was referring to the Republican leader, not the majority leader. I would like the RECORD to reflect that.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. I would agree about the part about Lula Davis, for sure.

We have all been back in our State for the last 2 weeks. I have been everywhere from Marietta to Cleveland to Toledo to Defiance to Youngstown to Columbus to Dayton—all over my State. There are a lot of things I hear. Of course there is a lot of pain. There are a lot of people who are looking for work, a lot of people who believe they are about to lose their health care or they have lost their health care.

I heard a lot, frankly, of gratitude that Congress moved on this health insurance bill so that now, immediately, small business people in Ohio, whether they are in Marion or Mansfield, whether they are in Warren or Wapakoneta, have a much better chance because of these tax breaks that take effect immediately to insure their employees, something that most small businesses I know, whether they are in New Hampshire or Ohio, want to do.

Also, we did not hear much of this during this debate, but the number of people who came up to me—and the majority leader was talking to me and he sees this in Nevada too—the number of people who came up to me in Youngstown or Cleveland or Bay Village or different places who have 22-year-old daughters or 20-year-old sons who might be home from the Army or home from college, finished college, finished their time in the Army and they do not have insurance and they cannot find a job with insurance. As a 23-year-old, it is pretty hard to find a job with decent health insurance. They like this new law because it means they can stay on their parents' health insurance until the age of 26. I heard people all over the State, in the 2 weeks I traveled in Ohio in the time since we have been talking here, talking with senior citizens in senior centers, talk about closing the doughnut

hole. So the bill President Bush pushed through more than anything gave huge subsidies and giveaways to the drug companies and the insurance industry but now we are taking care of the seniors by closing the doughnut hole at the same time this health care bill will provide the seniors once a year an opportunity to get a physical with no copay.

In spite of the difficulties people face, there is good news that way. There is some light at the end of the tunnel.

When I was at a GM plant in Defiance, they are beginning to hire people to build the engine for the Cruise. The Cruise will be assembled in Lorantville, OH. They are hiring 1,100 people on the third shift. That was a decision President Obama made at the urging of many of us in the Senate—Senator CASEY, Governor Strickland in Ohio, many others—to enforce U.S. trade laws on oil country tubular steel which we use for piping for oil and gas lines—oil and gas drilling. That company in Youngstown, V&M Star Steel, is hiring 400 people and probably more in the future.

We are hearing some pieces of good news. That doesn't mean anyone thinks this recession is over. It does not mean there is yet that much good news. It means people are still struggling and it shows how important it is to do what we did today. In spite of 34 Republicans opposed to the bill, we were able to get 4 Republican votes. I applaud the four of them: the newest Senator here, Senator BROWN from Massachusetts; Senators COLLINS and SNOWE from Maine, the neighboring State of the Presiding Officer; and Senator VOINOVICH, the senior Senator from my State—Senator VOINOVICH, who is retiring at the end of the year. They all voted to move forward on unemployment compensation.

It is too bad that Senator COBURN and Senator BUNNING, day after day, tried to block the extension of unemployment. It looks as though we are going to be able to move forward now.

There seems to be some misunderstanding about what unemployment is. It is not called unemployment welfare, it is called unemployment insurance. That means all of us who are lucky enough, in this economy we have been in in the last couple or 3 years, to have jobs, all pay into an unemployment fund, we pay into an insurance fund. If we lose our jobs, the money we have paid in as insurance, we get assistance. Many people never receive unemployment insurance, just as some people don't use their health insurance if they are healthy. But those who are sick sometimes get more money out of their health insurance than they put in. Some people put into unemployment insurance, get more out if they lose their jobs and they are unemployed for a long time. That is why this bill is so

important, because it is unemployment insurance.

That means if people lose their jobs, they should get some help. It is the right thing to do morally. It is also the right thing to do for the economy because if people are getting unemployment insurance, they are spending that money in Zanesville at the local drugstore, they are spending that money in Cambridge at the local grocery store, in Springfield and Xenia, OH, to buy books and to buy clothes for their kids for school. So unemployment insurance gives the economy a bump and some help and some stimulus. It goes back into the economy quicker than anything else government can do—unemployment insurance. That is the other reason it is important.

Then I heard my colleagues say we are for unemployment insurance extension and we are for helping with COBRA, the health care subsidy, so people can stay in their health care plan after they have lost their job and get some assistance from the government to do that because it is expensive. My colleagues say we want—we are OK with that, we think it is all right, but we have to pay for it.

There are certain emergency situations over the years that government has made a decision that you need to respond to quickly. You don't have to cut spending somewhere else or increase taxes to pay for it.

That is what I hear my colleagues say, but they never talk about how, when they voted for tax cuts for the richest Americans, that was added to the budget deficit. So a few rich people got huge tax cuts and my kids and grandchildren pay for it. They don't mention that.

They don't mention this war in Iraq which they enthusiastically supported, costing us \$1 trillion in terms of the costs of war and the costs of veterans' benefits and the costs of veterans' health care. They did not pay for that.

They don't talk about the Medicare privatization bill, the giveaway to the drug companies and the insurance companies and how they did that and didn't pay for that.

It is only unemployment. It is only unemployed workers. Now they get some fiscal religion. All of a sudden they are for a balanced budget. They are not for a balanced budget in paying for the war, not for a balanced budget in paying for tax cuts for the rich, not for a balanced budget when they are shoveling subsidies to the insurance companies and drug companies, but all of a sudden it is unemployed workers, people who are struggling, people who have paid into this insurance fund, people who send out—listen to them in your State in Hanover or in Mansfield, OH, listen to people say how they are sending out 10 and 20 and 30 and 50 résumés a week to try to find jobs and they still can't find them. We are going

to penalize them and say we are not going to pay for it, but they will not on the cost of war or the cost of veterans' benefits or the cost of tax cuts for the rich and the cost of the giveaways to the drug and insurance companies.

Let me close with this. As we were home the last 2 weeks—most of us were back in our States. Some were elsewhere. We talked to people more, but we also get letters when we get back. We see the kinds of letters that I am getting all the time from people at home. Let me read two of these letters. James from Franklin County, OH—that is the middle of the State where Columbus is, the State capital.

At this point in my life my future is uncertain. I have been unemployed for almost a year. Along with my other former co-workers from the optical lab, we continue to look for jobs.

I am an American to the bone. I have worked nearly every day of my life. I am now 55 years old.

Like many thousands of fellow Ohioans, our current unemployment benefits are about to expire.

I can make it financially with two or three part-time jobs to make sure I can pay for my daughter's nursing school. I will live in my car if I lose my apartment, but I will make sure my daughter continues her education. Please help the hard-working people of Ohio.

"I will live in my car if I lose my apartment, but I will make sure my daughter continues her education." How can you say those people do not matter as much as giving tax cuts to the rich? How can anybody in this institution stand and with a good conscience and a straight face say that James from Franklin County is not doing everything right in order to provide for his family and for the future?

Do not blame James for this budget deficit that this crowd in this body voted for; the war, unpaid for; the tax cuts, unpaid for; the drug company subsidies, unpaid for; that James is not trying to do the right thing to provide for the future for his daughter to get her through nursing school.

Derek from Cuyahoga County, the State's largest county on Lake Erie, the Cleveland area, writes:

I have just exhausted my unemployment benefits. I have been sending resumes like crazy, but there is just no work in this part of Northeastern Ohio. Pretty soon I won't be able to afford my bills—or anything for that matter. I'm 26 years old, don't have health insurance, and need help while I look for a job. We bailed out large corporations when they were in a financial jam. Why can't we help the American people who are in their own financial struggle?

Unemployment benefits do not make you comfortable. They do not make you rich. They are not what you plan for in the future. They are not something anybody wants to live on for very long. But they help people while they are trying to find a job. Unemployment insurance gives people that helping hand. It may be another week, it may be another month or 3 months. At least

four of my colleagues today voted to extend unemployment for a month. It should have been longer. I wish we could do better. I wish we could get some Republican votes to do this right and to help get us on the track so people can plan better in their lives and can continue to go out and try to get jobs. That is what we need to do. It is what this economy needs.

I urge my colleagues to do the right thing this week with the unemployment extension and to do the right thing with the jobs bill to begin to put more people in this country back to work.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. 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. BROWN of Ohio. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

EARLY CHILDHOOD EDUCATION

Mr. REID. Madam President, I rise today to call attention to the importance of quality early childhood education programs throughout our country that promote and support the growth and development of our Nation's youngest citizens.

Research has shown that the quality of early relationships and experiences contributes to school success, overall health, and future workforce productivity. During a young child's life, there are 700 new neural connections formed every second, thus creating the foundation for learning and more complex brain development. In fact, more than 85 percent of the foundation for communication: critical thinking, problem solving and team work, is developed by age 5—before children enter kindergarten.

To reach their full potential, these connections need to be nurtured with positive and developmentally appropriate cognitive and social-emotional stimuli. Quality prekindergarten programs reduce placement in special education, lower the risk of grade retention, and decrease incidences of juvenile crime. Improving the success rate of high school graduation and adult earning potential is critical for our Nation's children. The implementation of quality early childhood education programs results in both social and eco-

nomics benefits for the child into adulthood, as well as for the community and the Nation as a whole. Even conservative estimates yield a benefit/cost ratio of 2.36 and a significant long term increase in the gross national product.

Quality early childhood programs require the commitment and dedication of a professional early childhood education work force. Today, I recognize not only the importance of quality early childhood education programs throughout our country but also the professionals who have dedicated their careers to ensuring the highest levels of achievement in early learning for our Nation's children, thus creating lifelong benefits for the child, family, community, and country.

SCHOOL SAFETY PATROL LIFESAVING AWARD

Mr. REID. Madam President, I rise today to show my profound appreciation for the actions of five young Americans who comprise this year's School Safety Patrol Lifesaving Award recipients as chosen by the American Automobile Association.

In 1920, the American Automobile Association, AAA, began the School Safety Patrol Program in hopes of promoting traffic safety amongst school children. The AAA School Safety Patrol Program has been awarding its highest honor, the Lifesaving Award, to those patrollers who have acted to save the life of another since 1949. This year, five heroic school safety patrollers are receiving this award, and it is my great honor to recognize their courageous actions.

Ian Valles, a sixth grader from Heights-Murray Elementary School in Wilkes-Barre, PA, bore witness to a tragic accident the morning of January 9, 2009. While standing at a busy intersection, Ian witnessed a van strike adult crossing guard Edward Martin, who jumped in front of the van to save a mother and child in its way. Ian stayed calm and called 911 with a cell phone, staying by Mr. Martin's side until he was safely taken to the hospital by paramedics. Ian's heroism along with his calm composure saved the life of Mr. Edward Martin.

On April 20, 2009, Lauren Micolichuk prevented a young girl at South View Elementary in Chippewa Falls from being struck by a fast approaching car about to make a left turn into the crosswalk. Lauren thought quickly when she saw the student walking toward the crosswalk and saved her life by shouting "wait." Her immediate response to the situation prevented the young girl from being hit by the vehicle.

Charles Tate, a fifth grade safety patroller from Second District Elementary School in Meadville, PA, also demonstrated quick action when he saved a kindergarten student from