The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. Mr. President, reserving the right to object, if we could have the attention of the Members so we can explain what we are trying to do. I say to Senator BOND, yours will be the first vote when we come back. I say to colleagues, we need to take a break to try to put together a managers' package and determine the final amendments that require a vote. That will take a little bit of time to best organize so we do not waste everyone's time. In addition, some people have not had a break who have not eaten. They have not had any breaks since 11 o'clock this morning, especially the staff. We wish to emphasize we need to take this 45-minute break.

Members who have multiple amendments, at least with respect to our side, are going to have a much better chance getting some amendment accepted if they are a little reasonable on their other amendments; in other words, prioritize, please. Let's try to work down. Some people have six amendments remaining. We need to try to prioritize. During this period, if people who have remaining amendments can come to us and tell us what are their priorities; we can't do them all.

I thank the Chair and yield the floor. We will resume at 6 o'clock.

The PRESIDING OFFICER. Without objection, the Senate stands in recess until 6 o'clock.

Thereupon, the Senate, at 5:19 p.m., recessed until 6:01 p.m. and reassembled when called to order by the Presiding Officer (Mr. REID).

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2010—Continued

Mr. CONRAD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 926

Mr. BOND. Mr. President, I call up amendment No. 926 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BOND] proposes an amendment numbered 926.

Mr. BOND. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To protect workers from significant job loss by providing a point of order against climate change or similar legislation that raises Federal revenues to such an extent that it causes significant job loss in manufacturing- or coal-dependent U.S. regions such as the Midwest, Great Plains or South)

On page 68, after line 4, insert the following:

SEC._____. POINT OF ORDER AGAINST LEGISLATION THAT CAUSES SIGNIFICANT JOB LOSS.

(a) IN GENERAL.—After a concurrent resolution on the budget is agreed to, it shall not be in order in the Senate to consider any bill, resolution, amendment between Houses, motion, or conference report that—

(1) would cause revenues to be more than the level of revenues set forth for that first fiscal year or for the total of that fiscal year and the ensuing fiscal years in the applicable resolution for which allocations are provided under section 302(a) of the Congressional Budget Act of 1974, and (2) would cause significant job loss in manufacturing- or coal-dependent regions of the United States such as the Midwest, Great Plains or South.

(b) SUPERMAJORITY WAIVER and APPEAL.—

(1) WAIVER.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

Mr. BOND. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, this amendment provides a new point of order to prevent climate change legislation from raising more revenue than in the resolution, killing jobs in the coal and manufacturing-dependent regions of the United States, such as the Midwest, the Great Plains, and the South.

There is no question climate change legislation will raise trillions of dollars in Federal revenue through its Government auction of carbon allowances.

President Obama said ''electricity rates would necessarily skyrocket.''

This new energy tax will kill jobs in energy-intensive sectors such as manufacturing, auto assembly, steel, cement, plastics, glass, and fertilizer.

Experts predicted last year's Lieberman-Warner cap-and-trade bill would have killed 3 million to 4 million jobs. The Northeast and west coast will avoid the full impacts because they rely on lower carbon natural gas to generate electricity. However, climate legislation will hit hard the coal and manufacturing-dependent Midwest, Great Plains, and South.

I ask my colleagues to protect our workers by supporting this amendment.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, on behalf of the Senator from Michigan, Ms. STABENOW, who had the time in opposition, I wish to indicate that what the Senator is talking about is not part of the chairman's mark. The chairman's mark provides an energy initiatives reserve fund. It is entirely up to the committees of jurisdiction what legislation they write to reduce our dependence on foreign energy, to deal with global climate change. This resolution makes absolutely no determination about what those committees will report. The effect of this amendment, to me, is a nullity because it is creating a budget point of order against something that does not exist in the chairman's mark.

I ask my colleagues to oppose this amendment, on behalf of Senator STABENOW.

Mr. BOND. Will the Senator yield?

The PRESIDING OFFICER. The Senator's time has expired.

The question is on agreeing to the amendment.

The yeas and nays were previously ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The result was announced—yeas 54, nays 44, as follows:

[Rollcall Vote No. 142 Leg.]

YEAS—54

Alexander	Dorgan	Martinez
Barrasso	Ensign	McCain
Baucus	Enzi	McConnell
Bayh	Feingold	Murkowski
Bennett	Graham	Nelson (NE)
Bond	Grassley	Pryor
Brownback	Gregg	Risch
Bunning	Hagan	Roberts
Burr	Hatch	Rockefeller
Byrd	Hutchison	Sessions
Chambliss	Inhofe	Shelby
Coburn	Isakson	Snowe
Cochran	Johanns	Specter
Collins	Kohl	Tester
Corker	Kyl	Thune
Cornyn	Landrieu	Vitter
Crapo	Lincoln	Voinovich
DeMint	Lugar	Wicker

NAYS—44

Akaka	Gillibrand	Murray
Begich	Harkin	Nelson (FL)
Bennet	Inouye	Reed
Bingaman	Johnson	Reid
Boxer	Kaufman	Sanders
Brown	Kerry	Schumer
Burris	Klobuchar	Shaheen
Cantwell	Lautenberg	Stabenow
Cardin	Leahy	Udall (CO)
Carper	Levin	Udall (NM)
Casey	Lieberman	Warner
Conrad	McCaskill	Webb
Dodd	Menendez	Whitehouse
Durbin	Merkley	Wyden
Feinstein	Mikulski	

NOT VOTING—1

Kennedy

The amendment (No. 926) was agreed to.

Mr. REID. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER (Mr. BEGICH). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. CONRAD. Mr. President, the next amendment to be dealt with is Bennett amendment No. 954.

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENT NO. 954, AS MODIFIED

Mr. BENNETT. Mr. President, I call up amendment 954, as modified.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [MR. BENNETT] proposes an amendment numbered 954, as modified.

The amendment is as follows:

(Purpose: To save the American taxpayer over $150,000,000,000 by adjusting spending levels beyond fiscal year 2010 to compensate for spending from the stimulus bill in the corresponding fiscal years)

On page 4, line 15, decrease amount by $76,325,000,000.
On page 4, line 16, decrease amount by $38,065,000,000.
On page 4, line 17, decrease amount by $22,872,000,000.
On page 4, line 18, decrease amount by $12,787,000,000.
On page 4, line 24, decrease amount by $76,325,000,000.
On page 4, line 25, decrease amount by $38,065,000,000.
On page 5, line 1, decrease amount by $22,872,000,000.
On page 5, line 2, decrease amount by $12,787,000,000.
On page 5, line 8, decrease amount by $76,325,000,000.
On page 5, line 9, decrease amount by $38,065,000,000.
On page 5, line 10, decrease amount by $22,872,000,000.
On page 5, line 11, decrease amount by $12,787,000,000.
On page 5, line 18, decrease amount by $76,325,000,000.
On page 5, line 19, decrease amount by $114,390,000,000.
On page 5, line 20, decrease amount by $137,262,000,000.
On page 5, line 21, decrease amount by $150,049,000,000.
On page 6, line 1, decrease amount by $76,325,000,000.
On page 6, line 2, decrease amount by $114,390,000,000.
On page 6, line 3, decrease amount by $137,262,000,000.
On page 6, line 4, decrease amount by $150,049,000,000.
On page 9, line 24, decrease amount by $960,000,000.
On page 9, line 25, decrease amount by $960,000,000.
On page 10, line 3, decrease amount by $634,000,000.
On page 10, line 4, decrease amount by $634,000,000.
On page 10, line 7, decrease amount by $277,000,000.
On page 10, line 8, decrease amount by $277,000,000.
On page 10, line 11, decrease amount by $104,000,000.
On page 10, line 12, decrease amount by $104,000,000.
On page 10, line 24, decrease amount by $162,000,000.
On page 10, line 25, decrease amount by $162,000,000.
On page 10, line 3, decrease amount by $114,000,000.
On page 10, line 4, decrease amount by $114,000,000.
On page 10, line 7, decrease amount by $50,000,000.
On page 10, line 8, decrease amount by $50,000,000.
On page 11, line 25, decrease amount by $1,095,000,000.
On page 12, line 1, decrease amount by $1,095,000,000.
On page 12, line 4, decrease amount by $750,000,000.
On page 12, line 5, decrease amount by $750,000,000.
On page 12, line 8, decrease amount by $174,000,000.
On page 12, line 9, decrease amount by $174,000,000.
On page 12, line 12, decrease amount by $63,000,000.
On page 12, line 13, decrease amount by $63,000,000.
On page 13, line 25, decrease amount by $13,760,000,000.
On page 14, line 1, decrease amount by $13,760,000,000.
On page 14, line 4, decrease amount by $11,759,000,000.
On page 14, line 5, decrease amount by $11,759,000,000.
On page 14, line 8, decrease amount by $7,728,000,000.
On page 14, line 9, decrease amount by $7,728,000,000.
On page 14, line 12, decrease amount by $5,419,000,000.
On page 14, line 13, decrease amount by $5,419,000,000.
On page 14, line 25, decrease amount by $5,685,000,000.
On page 14, line 1, decrease amount by $5,685,000,000.
On page 14, line 4, decrease amount by $4,111,000,000.
On page 14, line 4, decrease amount by $4,111,000,000.
On page 15, line 8, decrease amount by $2,286,000,000.
On page 15, line 9, decrease amount by $2,286,000,000.
On page 15, line 12, decrease amount by $468,000,000.
On page 15, line 13, decrease amount by $468,000,000.
On page 15, line 25, decrease amount by $5,584,000,000.
On page 16, line 1, decrease amount by $5,584,000,000.
On page 16, line 4, decrease amount by $4,284,000,000.
On page 16, line 5, decrease amount by $4,284,000,000.
On page 16, line 8, decrease amount by $3,047,000,000.
On page 16, line 9, decrease amount by $3,047,000,000.
On page 16, line 12, decrease amount by $531,000,000.
On page 16, line 13, decrease amount by $531,000,000.
On page 16, line 25, decrease amount by $8,785,000,000.
On page 17, line 1, decrease amount by $8,785,000,000.
On page 17, line 4, decrease amount by $7,035,000,000.
On page 17, line 5, decrease amount by $7,035,000,000.
On page 17, line 8, decrease amount by $6,052,000,000.
On page 17, line 9, decrease amount by $6,052,000,000.
On page 17, line 12, decrease amount by $5,422,000,000.
On page 17, line 13, decrease amount by $5,422,000,000.
On page 19, line 3, decrease amount by $29,963,000,000.
On page 19, line 4, decrease amount by $29,963,000,000.
On page 19, line 7, decrease amount by $4,011,000,000.
On page 19, line 8, decrease amount by $4,011,000,000.
On page 19, line 10, decrease amount by $262,000,000.
On page 19, line 11, decrease amount by $262,000,000.
On page 20, line 3, decrease amount by $6,421,000,000.
On page 20, line 4, decrease amount by $6,421,000,000.
On page 20, line 7, decrease amount by $3,157,000,000.
On page 20, line 8, decrease amount by $3,157,000,000.
On page 20, line 11, decrease amount by $842,000,000.
On page 20, line 12, decrease amount by $842,000,000.
On page 20, line 15, decrease amount by $183,000,000.
On page 20, line 16, decrease amount by $183,000,000.
On page 23, line 3, decrease amount by $133,000,000.
On page 23, line 4, decrease amount by $133,000,000.
On page 23, line 7, decrease amount by $150,000,000.
On page 23, line 8, decrease amount by $150,000,000.
On page 23, line 11, decrease amount by $150,000,000.
On page 23, line 12, decrease amount by $150,000,000.
On page 24, line 3, decrease amount by $297,000,000.
On page 24, line 4, decrease amount by $297,000,000.
On page 24, line 7, decrease amount by $133,000,000.
On page 24, line 8, decrease amount by $133,000,000.
On page 25, line 3, decrease amount by $848,000,000.
On page 25, line 4, decrease amount by $848,000,000.
On page 25, line 7, decrease amount by $649,000,000.
On page 25, line 8, decrease amount by $649,000,000.
On page 25, line 11, decrease amount by $750,000,000.
On page 25, line 12, decrease amount by $750,000,000.
On page 26, line 3, decrease amount by $1,400,000,000.
On page 26, line 4, decrease amount by $1,400,000,000.
On page 26, line 7, decrease amount by $1,196,000,000.
On page 26, line 8, decrease amount by $1,196,000,000.
On page 26, line 11, decrease amount by $1,024,000,000.
On page 26, line 12, decrease amount by $1,024,000,000.
On page 26, line 15, decrease amount by $504,000,000.
On page 26, line 16, decrease amount by $504,000,000.
On page 27, line 3, decrease amount by $857,000,000.
On page 27, line 4, decrease amount by $857,000,000.
On page 27, line 7, decrease amount by $457,000,000.
On page 27, line 8, decrease amount by $457,000,000.
On page 27, line 11, decrease amount by $230,000,000.
On page 27, line 12, decrease amount by $230,000,000.

On page 27, line 15, decrease amount by $93,000,000.

On page 27, line 16, decrease amount by $93,000,000.

Mr. CONRAD. Mr. President, we have not seen the modification.

Mr. BENNETT. I have only one copy which I gave the clerk. We found that some of the numbers had been omitted.

Mr. CONRAD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CONRAD. 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. CONRAD. Mr. President, Senator BENNETT can conclude his remarks.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, according to CBO, the stimulus bill will spend over $150 billion between fiscal years 2011 and 2014. My amendment will remove that amount from this budget resolution because it seems to me we do not need to fund the same things twice.

By reducing the proposed spending amounts in the budget resolution, Congress will be recognizing that we have already passed money to spend in that area. For those who say, yes, but the stimulus is different, we are all hoping that the need for stimulus will be passed by the time we get to 2014 and it will not be stimulative but, rather, inflationary. It is for that reason that I offer the amendment.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, the Senator's amendment would eliminate 20 percent of the economic recovery package we passed weeks ago. The Senator's amendment would cut defense by over $2 billion, would cut veterans by over $400 million, would cut areas in education, health, and infrastructure.

If there is one thing that united this body, it was investments in infrastructure, much of what would be cut under this amendment.

I urge my colleagues to vote no.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. CONRAD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The result was announced—yeas 42, nays 56, as follows:

[Rollcall Vote No. 143 Leg.]

YEAS—42

Alexander	DeMint	McCain
Barrasso	Ensign	McConnell
Bennett	Enzi	Murkowski
Bond	Graham	Nelson (NE)
Brownback	Grassley	Risch
Bunning	Gregg	Roberts
Burr	Hatch	Sessions
Chambliss	Hutchison	Shelby
Coburn	Inhofe	Snowe
Cochran	Isakson	Specter
Collins	Johanns	Thune
Corker	Kyl	Vitter
Cornyn	Lugar	Voinovich
Crapo	Martinez	Wicker

NAYS—56

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

NOT VOTING—1

Kennedy

The amendment (No. 954 was rejected.

Mr. CONRAD. Mr. President, we are now making significant progress on putting together a managers' package and on putting together those amendments that will require a vote. We still have a certain amount of clearing to be done in order to be ready to go to those final lists and get them locked in, but that work is going on right now between the two sides.

Let me just give a status report, if I could. We are down to about 55 amendments. That is pretty good, given the fact we started at 231. But 55 at 3 an hour would be another 18 hours. So the word needs to go out that we are asking colleagues who can withhold on amendments that they have filed to use them for a later date. Those who would be willing to accept a voice vote, if they could make certain our staffs are notified of that, we will then be able to proceed in the most efficient way possible.

Mr. President, we also should notify Members that at 8 p.m., give or take a few minutes, we intend to vote on the amendment on estate tax. That is the Lincoln-Kyl amendment. We just want to give people a heads-up that the amendment will be voted on at about that time—roughly 8 p.m., give or take.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. 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. CONRAD. Mr. President, we need to alert colleagues that we really need them, if they have amendments, to be on the floor or in the cloakroom. We have amendments that we are ready to go to, but we can't find the Senators. So let me just tell you, if we can't find the Senators, they are going to lose their chance to offer their amendment. We are going to give a 5-minute grace period, but if Senators have amendments, they have to be in a place where we can reach them.

AMENDMENT NOS. 889, 881, 955, 809, 912, 794, 876, 899, 883, 970, 820, 887, 917, 838, AND 916

Mr. President, we are ready to go to the next managers' package.

I ask unanimous consent that the managers' package be considered en bloc and agreed to en bloc. It includes the following: Klobuchar amendment No. 889, Dorgan amendment No. 881, Dodd amendment No. 955, Brown amendment No. 809, Begich amendment No. 912, Pryor amendment No. 794, Lincoln-Snowe amendment No. 876, Lincoln-Snowe amendment No. 899, Collins amendment No. 883, Hatch amendment No. 970, Enzi amendment No. 820, Klobuchar amendment No. 887, McCaskill amendment No. 917, Dorgan amendment No. 838, and Tester amendment No. 916.

The PRESIDING OFFICER. The Chair would like to clarify that it is Enzi amendment No. 820?

Mr. CONRAD. Enzi. That is correct.

The PRESIDING OFFICER. Is there objection? There is no objection, and it is so ordered.

The amendments were agreed to, en bloc, as follows:

AMENDMENT NO. 889

(Purpose: To establish a deficit-neutral reserve fund to expedite research at the Department of Energy and the Environmental Protection Agency on the viability of the use of higher ethanol blends at the service station pump)

At the appropriate place in title II, insert the following:

SEC. 2_____. DEFICIT-NEUTRAL RESERVE FUND TO EXPEDITE RESEARCH ON VIABILITY OF USE OF HIGHER ETHANOL BLENDS AT SERVICE STATION PUMP.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would expedite research at the Department of Energy and the Environmental Protection Agency on the viability of the use of higher ethanol blends at the service station pump.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

AMENDMENT NO. 881

(Purpose: To provide for the use of the deficit-neutral reserve fund for tax relief to extend and expand the charitable IRA rollover)

On page 38, line 19, insert ", such as enhanced charitable giving from individual retirement accounts, including life-income gifts," before "or refundable tax relief".

AMENDMENT NO. 955

(Purpose: To increase funding for the Maternal and Child Health Block Grant within the Health Resources and Services Administration by $188 million in FY 2010)

On page 19, line 24, increase the amount by $188,000,000.

On page 19, line 25, increase the amount by $56,000,000.

On page 20, line 4, increase the amount by $81,000,000.

On page 20, line 8, increase the amount by $34,000,000.

On page 20, line 12, increase the amount by $13,000,000.

On page 27 line 23, decrease the amount by $188,000,000.

On page 27, line 24, decrease the amount by $56,000,000.

On page 28, line 3, decrease the amount by $81,000,000.

On page 28, line 7, decrease the amount by $34,000,000.

On page 28, line 11, decrease the amount by $13,000,000.

AMENDMENT NO. 809

(Purpose: To modify the deficit-neutral reserve fund for Clean Energy to create jobs and strengthen American manufacturing competitiveness by establishing clean renewable energy manufacturing supply chains)

On page 33, line 2, after ''development,'', insert ''strengthen and retool manufacturing supply chains,''.

AMENDMENT NO. 912

(Purpose: To include in the deficit-neutral reserve fund for America's veterans and wounded servicemembers funding authority for retirement benefits for members of the Alaska Territorial Guard who served during and after World War II)

On page 41, line 24, insert after ''Indemnity Compensation,'' the following: ''provide for the payment of retired pay for members of the Alaska Territorial Guard who served in the Alaska Territorial Guard during and after World War II,''.

AMENDMENT NO. 794

(Purpose: To establish deficit-neutral reserve funds to enhance and coordinate drug control efforts among Federal, State, and local law enforcement agencies through the expansion of the High Intensity Drug Trafficking Areas program and increased drug interdiction funding at the Department of Homeland Security)

On page 49, between lines 3 and 4, insert the following:

SEC. _____. DEFICIT-NEUTRAL RESERVE FUNDS TO ENHANCE DRUG-CONTROL EFFORTS WITHIN OUR COMMUNITIES AND ALONG OUR BORDERS.

(a) HIDTA.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that increase the number of counties designated as High Intensity Drug Trafficking Areas to provide coordination, equipment, technology, and additional resources to combat drug trafficking and its harmful consequences in critical regions of the United States by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

(b) DRUG SMUGGLING.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that increase drug interdiction funding at the Department of Homeland Security to combat drug smuggling across international borders by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

AMENDMENT NO. 876

(Purpose: To ensure that health coverage is affordable to small businesses and individuals who are self-employed)

On page 30, line 10, strike '', households'' and insert ''(in particular to small business and individuals who are self-employed), households''.

AMENDMENT NO. 899

(Purpose: To provide for a deficit-neutral reserve fund to promote individual savings and financial security, and for other purposes)

At the appropriate place, insert the following:

SEC. ____. DEFICIT-NEUTRAL RESERVE FUND TO PROMOTE INDIVIDUAL SAVINGS AND FINANCIAL SECURITY.

The chairman of the Committee on the Budget of the Senate may revise the aggregates, allocations, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that promote financial security through financial literacy, retirement planning, and savings incentives, including individual development accounts and child savings accounts, provided that such legislation does not increase the deficit over either the period of the total fiscal years 2009 through 2014 or the period of the total fiscal years 2009 through 2019.

AMENDMENT NO. 883

(Purpose: To ensure that the deficit-neutral reserve fund for higher education may be used for Federal TRIO programs and Gaining Early Awareness and Readiness for Undergraduate Programs)

On page 34, line 13, insert ''such as by investing in programs such as the programs under chapters 1 and 2 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–11 et seq., 1070a–21 et seq.),'' after ''students,''.

AMENDMENT NO. 970

(Purpose: To establish a deficit-neutral reserve fund to support the National Health Service Corps)

On page 49, between lines 3 and 4, insert the following:

SEC. ____. DEFICIT-NEUTRAL RESERVE FUND FOR THE NATIONAL HEALTH SERVICE CORPS.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions or conference reports that provide the National Health Service Corps with $235,000,000 for fiscal year 2010, by the amount provided in that legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total for fiscal years 2009 through 2014 or the period of the total for fiscal years 2009 through 2019.

AMENDMENT NO. 820

(Purpose: To establish a deficit-neutral reserve fund to improve the animal health and disease program)

At the appropriate place in title II, insert the following:

SEC. 2_____. DEFICIT-NEUTRAL RESERVE FUND TO IMPROVE ANIMAL HEALTH AND DISEASE PROGRAM.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would ensure that the animal health and disease program established under section 1433 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3195) is fully funded.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

AMENDMENT NO. 887

(Purpose: To establish a deficit-neutral reserve fund to promote payment policies under the Medicare program that reward quality and efficient care and address geographic variations in spending)

On page 32, line 10, after ''increases;'' insert ''or'' and the following:

(4) promote payment policies under the Medicare program that reward quality and efficient care and address geographic variations in spending;

AMENDMENT NO. 917

(Purpose: To expand the matters covered by the deficit-neutral reserve fund for defense acquisition and contracting reform)

On page 43, after line 24, add the following:

(4) reduce the award of contracts to contractors with seriously delinquent tax debts;

(5) reduce the use of contracts, including the continuation of task orders, awarded under the Logistics Civil Augmentation Program (LOGCAP) III;

(6) reform Department of Defense processes for acquiring services in order to reduce costs, improve costs and schedule estimation, enhance oversight, or increase the rigor of reviews of programs that experience critical cost growth;

(7) reduce the use of contracts for acquisition, oversight, and management support services; or

(8) enhance the capability of auditors and inspectors general to oversee Federal acquisition and procurement;

AMENDMENT NO. 838

(Purpose: To ensure full funding for Adam Walsh Act programs, with an offset)

On page 24, line 24, increase the amount by $23,000,000.

On page 24, line 25, increase the amount by $16,000,000.

On page 25, line 4, increase the amount by $4,000,000.

On page 25, line 8, increase the amount by $2,000,000.

On page 25, line 12, increase the amount by $1,000,000.

On page 27, line 23, decrease the amount by $23,000,000.

On page 27, line 24, decrease the amount by $16,000,000.

On page 28, line 3, decrease the amount by $4,000,000.

On page 28, line 7, decrease the amount by $2,000,000.

On page 28, line 11, decrease the amount by $1,000,000.

AMENDMENT NO 916

(Purpose: To increase funding for veterans beneficiary travel reimbursement mileage rate, with an offset)

On page 23, line 24, increase the amount by $133,000,000.

On page 23, line 25, increase the amount by $133,000,000.

On page 27, line 23, decrease the amount by $133,000,000.

On page 27, line 24, decrease the amount by $133,000,000.

AMENDMENT NO. 881

Mr. GRASSLEY. Mr. President, I rise to express my concerns about the Dorgan-Snow amendment No. 881.

The IRA rollover was first enacted as temporary provision in the Pension Protection Act which I championed in 2006. Rollovers to grant-making charitable organizations with some element of donor control, such as private foundations, donor advised funds, and supporting organizations, were specifically prohibited. These entities were specifically prohibited from receiving rollover funds because I wanted to make sure that the money would actually get to charities doing work on the frontlines rather than sit in a donor-controlled account.

The provision has become one of the annual ''tax extender'' provisions. So under current law, which expires December 31, 2009, an individual may rollover up to $100,000 from their IRA to a public charity but not to one of the prohibited entities. Amendment No. 881 to the budget resolution, S. Con. Res. 13, promotes the extension of current-law regarding IRA rollovers to charity, which I also support.

However, the amendment also promotes an expansion of the provision by allowing split-interest trusts to receive IRA rollover contributions. Split-interest trusts are more worrisome than those that are currently prohibited from receiving IRA rollover contributions. These trusts allow donors to retain an income stream from the contributed assets for a defined period. So, just like with donor-advised funds and supporting organizations, the contribution does not result in an immediate benefit to a charity actually providing services while the donor receives significant tax benefits at the time of the contribution.

The cost of extending current law through 2009 was almost $1 billion—expanding the IRA rollover provision to allow more entities to receive them would increase the cost. Before we do that, I believe we should make sure that grant-making entities, including split-interest trusts, are accountable for paying out minimum amounts to actual charities before we allow them to receive IRA rollovers.

I understand that Senator DORGAN is willing to work with me and my staff if and when Senator BAUCUS and I consider an expansion of the IRA rollover provision in the Finance Committee. In light of this good faith offer, I will not object to the unanimous consent request for this amendment today and look forward to working with Senator DORGAN to resolve our differences.

AMENDMENT NO. 876

Ms. SNOWE. Mr. President, I rise today in support of Senate amendment No. 876, which I have cosponsored with my colleague Senator LINCOLN. Our bipartisan amendment would simply clarify that a deficit-neutral reserve that would transform the health system will specifically address the needs of small businesses and the self-employed. More than half—52 percent—of our nation's uninsured either work for a small business or are dependent on someone who does. Yet remarkably, this budget resolution fails to even mention the crucial priority of small business health insurance reform.

As former chair and now ranking member of the Senate Committee on Small Business and Entrepreneurship, one of the top issues facing small business continues to be access to affordable health insurance. Since 2000, health insurance premiums have increased by 89 percent—far outpacing inflation and wage gains, and only 49 percent of our Nation's smallest employers, with less than 10 employees, are now able to offer health insurance to their employees as a workplace benefit.

Further compounding the crisis, small businesses are trapped in dysfunctional markets that possess little, if any, meaningful competition among insurers. Just last month, the Government Accountability Office released a report that I requested, along with Senators BOND, DURBIN, and LINCOLN, which highlighted an alarming trend of consolidation in the state small group insurance markets. For example, the combined market share of the five largest carriers represented 75 percent or more in 34 of 39 States surveyed, compared to 26 States in 2005. Large insurers dominated over 90 percent of the market in 23 States, including Maine, where five insurers now control 96 percent of the market.

The sad truth remains that small business insurance markets continue to lack competition among insurers. No competition means higher costs, and higher costs translate to no health insurance.

That is why I will soon reintroduce, with Assistant Majority Leader DURBIN and Senator LINCOLN, the Small Business Health Options Program—SHOP—Act, a bipartisan measure that has generated a broad array of support, including NFIB, the National Association of Realtors, SEIU, AARP, and Families USA. Our bipartisan measure would inject competition into reformed state insurance markets, allow small businesses and the self employed to pool together nationally, and provide a targeted tax credit to small business owners. I firmly believe that the policies in the SHOP Act, including fairer insurance ''rating'' rules that are not based on an individual's health status, must be included in the broader health reform debate that is underway in Congress.

I urge all of my colleagues on both sides of aisle to support this non-controversial amendment, which would clarify that when Congress passes broader health reform and universal coverage this year, it will fully consider the issue of small business health insurance reform.

AMENDMENT NO. 899

I rise as a cosponsor to support amendment No. 899 introduced by my colleague Senator BLANCHE LINCOLN that creates a deficit neutral reserve fund to promote financial security through financial literacy, retirement planning, and savings incentives, including individual development accounts and child savings accounts. I am proud that we have worked together on the issue of financial security and financial literacy over the last several years, in particular on the issue of individual development accounts, IDAs, that will allow low-income individuals to pay for education expenses, first-time homebuyer costs, and business capitalization or expansion costs.

I join Senator LINCOLN in support of this crucial amendment because we must boost savings in the United States, as a sound national savings policy is essential to helping Americans build a better future for themselves. Higher rates of saving can also strengthen the national economy. A paradox of the current economic recession is that our national savings rate has risen as Americans prepare for possible bad times ahead. Personal saving, as a percentage of disposable personal income, was 4.2 percent in February. It was 4.4 percent in January. The last time the saving rate exceeded 4.0 percent two straight months was August and September 1998, up 4.3 percent and 4.2 percent, respectively.

It was more than 10 years ago the last time we had a savings rate above 4 percent. I am glad to see it happening, but we need to increase education on financial security so that Americans have a cushion to get through difficult economic times. I thank the new Chairman of the Subcommittee on Social Security, Pensions and Family Policy for adding me as a cosponsor of this amendment.

Mr. CONRAD. Mr. President, I thank all our colleagues for cooperating on these managers' packages. We are working to clear additional amendments right now. I think at this point, until Senator GREGG returns, we need to note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 957

Mr. CONRAD. Mr. President, the next amendment that requires a vote is the Lautenberg amendment as it affects Amtrak. The Senator is not quite ready. We will give him a minute to do that.

While we are waiting, let me indicate to colleagues, we need Senators who have amendments to be here or to be in

the cloakroom. We have dead time here because, for amendments that are going to require a vote, Senators who are insisting on votes are not here. That is not going to work.

We have now worked on another group of amendments. Momentarily we will be prepared to offer another managers' amendment. I remind colleagues that the estate tax amendment of Senator LINCOLN and Senator KYL will be voted on about 8 o'clock. We need to keep that in mind as we plan the time.

I say to the Senator, we are ready to accept that amendment by unanimous consent. If the Senator wishes to speak, he could, for a minute, or we could take the amendment.

Mr. LAUTENBERG. Mr. President, I want to offer a straightforward amendment that recognizes that investments in our transportation infrastructure system must be a priority for our country. The amendment would simply add transportation, including passenger and freight rail, as an eligible project under the ''Investments in America's Infrastructure'' reserve fund. It is already included in the budget.

Our highways and skyways are so congested and crowded that passengers and freight are routinely delayed. The estimates show these problems will only get worse with the growth of freight traffic, expected to double its size by 2025. Railroads are the one mode of transportation that can grow to help alleviate the congestion.

Amtrak needs more and better passenger and freight rail service. I ask support for this amendment.

I call up the amendment and ask for its immediate consideration, amendment No. 957.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG] proposes an amendment numbered 957.

The amendment is as follows:

(Purpose: To include funding for freight and passenger rail in the deficit-neutral reserve fund for investments in America's infrastructure)

On page 35, line 18, insert ''transportation, including freight and passenger rail,'' after ''energy, water,''.

The PRESIDING OFFICER. Is there further debate?

Mr. CONRAD. Mr. President, we are prepared to take that amendment.

The PRESIDING OFFICER. The question is on agreeing on the amendment.

The amendment (No. 957) was agreed to.

AMENDMENT NO. 934

Mr. CONRAD. Mr. President, Senator CORNYN is prepared with an amendment. Would the Senator describe his amendment?

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I call up amendment No. 934 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 934.

The amendment is as follows:

(Purpose: To increase transparency by requiring five days of public review of legislation before passage by the Senate)

At the appropriate place insert the following:

SEC. __. REQUIREMENT THAT LEGISLATION BE AVAILABLE AND SCORED 5 DAYS BEFORE A VOTE ON PASSAGE.

(a) IN GENERAL.—In the Senate, it shall not be in order, to vote on final passage on any bill, joint resolution, or conference report unless the text and a budget score from the Congressional Budget Office of the legislation, are available on a publicly accessible Congressional website five days prior to the vote on passage of the legislation.

(b) WAIVER.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) APPEALS.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

Mr. CORNYN. Mr. President, my amendment would pose a 60-vote point of order against a bill that had not been made available for public review along with the score of the Congressional Budget Office on a congressional Web site for at least 5 days.

As everyone will recall, the President himself said this was his goal, to offer greater transparency, hence greater accountability, and thus instill greater confidence in the people and their Government. Unfortunately, that pledge has been violated more times than it has been honored, and in our rush to pass the stimulus bill that was circulated—the conference report—at 11 o'clock on a Thursday night, we were required to vote on it less than 24 hours later and thus the uproar over the AIG bonuses ensued because, frankly, Members of the Senate did not know what they were voting on and could not know what they were voting on without this kind of transparency.

I commend this to my colleagues. It is consistent with what the President has advocated and I think it is a good way to do business.

Mr. CONRAD. Mr. President, I would ask the Senator from Texas, would he be willing to allow us to take this on a voice vote or by unanimous consent?

Mr. CORNYN. I would say to the distinguished chairman of the Budget Committee, I have three amendments which I have on the dock. This is the only one of those three that I would like to have a record vote on.

Mr. CONRAD. Can I put this another way? This amendment is not germane. So we can have a vote on it, it probably will not succeed, or we could voice vote it and you would succeed.

Mr. CORNYN. Well, we have had this proposition tendered before. I realize that in all likelihood this amendment would be stripped out in conference behind closed doors. I do not think that is particularly an honest way to deal with these important issues—to say yes on the floor and then to strip them out behind closed doors and to act like we are being consistent and not hypocritical.

I understand what the chairman has to do. He will do what he has to do. But I would like a record vote.

Mr. CONRAD. Mr. President, the Senator certainly has that right. Let me raise the germaneness point of order.

Let me ask the Parliamentarian, is the amendment of the Senator germane?

The PRESIDING OFFICER. In the opinion of the Chair, it is not germane.

Mr. CONRAD. I raise the germaneness point of order.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to waive the point of order.

Mr. CONRAD. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

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

The yeas and nays resulted—yeas 46, nays 52, as follows:

[Rollcall Vote No. 144 Leg.]

YEAS—46

Alexander	Ensign	McCaskill
Barrasso	Enzi	McConnell
Bayh	Graham	Murkowski
Bennett	Grassley	Nelson (NE)
Bond	Gregg	Risch
Brownback	Hatch	Roberts
Bunning	Hutchison	Sessions
Burr	Inhofe	Shelby
Chambliss	Isakson	Snowe
Coburn	Johanns	Specter
Cochran	Klobuchar	Thune
Collins	Kyl	Vitter
Corker	Landrieu	Voinovich
Cornyn	Lugar	Wicker
Crapo	Martinez	
DeMint	McCain	

NAYS—52

Akaka	Feinstein	Nelson (FL)
Baucus	Gillibrand	Pryor
Begich	Hagan	Reed
Bennet	Harkin	Reid
Bingaman	Inouye	Rockefeller
Boxer	Johnson	Sanders
Brown	Kaufman	Schumer
Burris	Kerry	Shaheen
Byrd	Kohl	Stabenow
Cantwell	Lautenberg	Tester
Cardin	Leahy	Udall (CO)
Carper	Levin	Udall (NM)
Casey	Lieberman	Warner
Conrad	Lincoln	Webb
Dodd	Menendez	Whitehouse
Dorgan	Merkley	Wyden
Durbin	Mikulski	
Feingold	Murray	

NOT VOTING—1

Kennedy

The PRESIDING OFFICER. On this vote, the yeas are 46, the nays are 52. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The Senator from North Dakota.

Mr. CONRAD. Next up is Senator WICKER.

The PRESIDING OFFICER. The Senator from Mississippi.

AMENDMENT NO. 798

Mr. WICKER. Mr. President, I call up amendment No. 798 and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. WICKER] proposes an amendment numbered 798.

Mr. WICKER. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To ensure that law abiding Amtrak passengers are allowed to securely transport firearms in their checked baggage)

On page 37, between lines 8 and 9, insert the following:

(d) ALLOWING AMTRAK PASSENGERS TO SECURELY TRANSPORT FIREARMS ON PASSENGER TRAINS.—None of amounts made available in the reserve fund authorized under this section may be used to provide financial assistance for the National Railroad Passenger Corporation (Amtrak) unless Amtrak passengers are allowed to securely transport firearms in their checked baggage.

Mr. WICKER. The amendment is very simple and straightforward. It aims to ensure that gun owners and sportsmen are able to transport securely firearms aboard Amtrak trains in checked baggage, a practice that is done thousands of times a day at airports across the country. I emphasize that this amendment deals with checked, secured baggage only. It would return Amtrak to a pre-9/11 practice. It does not deal with carry-on baggage. Unlike the airline industry, Amtrak does not allow the transport of firearms in checked bags. This means that sportsmen who wish to use Amtrak trains for hunting trips cannot do so because they are not allowed to check safely a firearm. I emphasize, this bill deals with checked, secure luggage, not carry-on luggage. It would apply to Amtrak the same as airlines.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. I yield the time in opposition to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I object to this disruptive amendment offered by the Senator from Mississippi. He wants to enable the carrying of weapons, guns, in checked baggage. One doesn't have to be very much concerned about what we are doing when they look at the history of attacks on railroads in Spain and the UK and such places.

This amendment has no place here interrupting the budgetary procedure. The pending amendment is not germane and, therefore, I raise a point of order that the amendment violates section 305(b)(2) of the Congressional Budget Act of 1974.

Mr. GREGG. Is the germaneness well taken on this?

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act in relation to the Wicker amendment No. 798.

Mr. GREGG. I didn't even make the motion to waive, but I am happy to have the question be on the motion to waive.

The PRESIDING OFFICER. Under the previous order, that motion is automatic.

Mr. GREGG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

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

The yeas and nays resulted—yeas 63, nays 35, as follows:

[Rollcall Vote No. 145 Leg.]

YEAS—63

Alexander	Ensign	McCain
Barrasso	Enzi	McConnell
Baucus	Feingold	Murkowski
Bayh	Graham	Nelson (NE)
Begich	Grassley	Reid
Bennet	Gregg	Risch
Bennett	Hagan	Roberts
Bingaman	Hatch	Sanders
Bond	Hutchison	Sessions
Brownback	Inhofe	Shaheen
Bunning	Isakson	Shelby
Burr	Johanns	Snowe
Casey	Johnson	Specter
Chambliss	Klobuchar	Tester
Coburn	Kohl	Thune
Cochran	Kyl	Udall (CO)
Corker	Landrieu	Udall (NM)
Cornyn	Leahy	Vitter
Crapo	Lincoln	Voinovich
DeMint	Lugar	Webb
Dorgan	Martinez	Wicker

NAYS—35

Akaka	Feinstein	Mikulski
Boxer	Gillibrand	Murray
Brown	Harkin	Nelson (FL)
Burris	Inouye	Pryor
Byrd	Kaufman	Reed
Cantwell	Kerry	Rockefeller
Cardin	Lautenberg	Schumer
Carper	Levin	Stabenow
Collins	Lieberman	Warner
Conrad	McCaskill	Whitehouse
Dodd	Menendez	Wyden
Durbin	Merkley	

NOT VOTING—1

Kennedy

The PRESIDING OFFICER. On this vote, the yeas are 63, the nays are 35. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The majority leader.

Mr. REID. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. 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. CONRAD. 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. CONRAD. Next up——

Mr. GREGG. Mr. President, if the motion was agreed to, then we have to vote on the amendment.

Mr. CONRAD. Why don't we just take it on a voice vote?

Mr. GREGG. Yes. I ask unanimous consent.

Mr. CONRAD. I think we have to do it by voice.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment.

The amendment (No. 798) was agreed to.

Mr. GREGG. Mr. President, I move to reconsider the vote.

Mr. CONRAD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CONRAD. Mr. President, Senator LIEBERMAN is next.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

AMENDMENT NO. 904

Mr. LIEBERMAN. Mr. President, I thank the Chair, and I call up amendment No. 904.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN] proposes an amendment numbered 904.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To add a deficit-neutral reserve fund to reduce the strain on United States military personnel by providing for an increase in the end strength for active duty personnel of the United States Army)

At the end of title II, insert the following:

SEC. 216. DEFICIT-NEUTRAL RESERVE FUND FOR INCREASE IN THE END STRENGTH FOR ACTIVE DUTY PERSONNEL OF THE ARMY.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would reduce the strain on the United States Armed Forces by authorizing an increase in the end strength for active duty personnel of the Army to a level not less than 577,400 persons, by the amounts provided in such legislation for such purpose, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

Mr. LIEBERMAN. Mr. President, I am honored to be joined in introducing this amendment by my colleagues, Senators CORNYN, THUNE, and the distinguished occupant of the chair, Senator BEGICH. This amendment would ease the strain on the U.S. Army which today is carrying the bulk of the battle in Iraq and Afghanistan for us by establishing a deficit-neutral reserve

fund to increase Army Active-Duty end strength by 30,000 personnel.

Although we have depleted the so-called Grow the Force initiative and the Army is now at an end strength of 547,000, the so-called well time for our soldiers has not improved. They still have little more than 1 day at home for every day they spend in the theater. Our soldiers and their families——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LIEBERMAN. Our soldiers continue to serve under an unacceptable strain. I ask my colleagues to ease that strain by adopting this amendment.

Mr. CONRAD. Mr. President, we are prepared to take that on a voice vote.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment.

The amendment (No. 904) was agreed to.

Mr. GREGG. Mr. President, I move to reconsider the vote.

Mr. CONRAD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 746

Mr. CONRAD. Mr. President, the next amendment is from Senator UDALL of Colorado. If he could describe it in 30 seconds.

Mr. UDALL of Colorado. Mr. President, I wish to thank Senator ENSIGN for joining me in this amendment. This is a deficit-neutral reserve fund amendment that would help prevent forest fires. Our State budgets are facing economic wildfires. This would help State and private lands reduce fuel loads so we can prevent catastrophic forest fires. Let's stand with Smokey the Bear. Let's prevent forest fires. Vote for this amendment.

Mr. CONRAD. Mr. President, on behalf of Senator UDALL, I call up his amendment No. 746.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. UDALL] proposes an amendment numbered 746.

Mr. CONRAD. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows.

(Purpose: To establish a deficit-neutral reserve fund for wildland fire management activities)

At the appropriate place in title II, insert the following:

SEC. 2_____. DEFICIT-NEUTRAL RESERVE FUND FOR WILDLAND FIRE MANAGEMENT ACTIVITIES.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would—

(1) allow wildland fire management funds for hazardous fuels reduction and hazard mitigation activities in areas at high risk of catastrophic wildfire to be distributed to areas demonstrating highest priority needs, as determined by the Chief of the Forest Service; and

(2) provide that no State matching funds are required for the conduct of activities described in paragraph (1).

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

Mr. CONRAD. Mr. President, we are prepared to take this amendment on a voice vote.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to the amendment.

The amendment (No. 746) was agreed to.

Mr. CONRAD. Mr. President, next we go to the Lincoln-Kyl amendment.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

AMENDMENT NO. 873

Mrs. LINCOLN. Mr. President, before I begin, I wish to say a word of thanks to Chairman CONRAD, who has done a tremendous job providing great leadership. He and his staff have done a wonderful job reflecting the President's priorities and, more importantly, putting balance to the budget before us.

Because my time is limited, I wish to take a moment to read to you a few excerpts from an editorial that appeared in the Arkansas Democrat-Gazette earlier this year. It was submitted by a member of a family who runs a timber operation in southwest Arkansas and that has been in the family since 1907. He said:

The estate tax kills jobs. It kills companies that provide jobs. In the process it kills towns and communities, particularly those in rural areas dependent upon the land and local industry.

Five times this man's family has been subjected to the estate tax—five times.

He goes on:

Between the 1950s and 1980s, vast amounts of money—tens of millions of dollars—were raised to pay the tax. Lands were clear cut, mills liquidated, communities destroyed. . . .The next hit will be too great.

Think about this type of family business. They have grown their business, reinvested in it over a century's worth of time, put almost all their profits back into it, and now this particular company employs over 1,000 Arkansans and has multiple mills that are worth a good bit of money—millions of dollars.

This amendment provides real relief to our family-owned businesses. In a time when our Government has handed out billions upon billions to failed Wall Street banks, it is time we provide a little relief to our businesses on Main Street that are in need of help right now. These are people who employ more than half the workers in Arkansas. These are the people who, if we reform the estate tax, will invest in their businesses and create more jobs.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. LINCOLN. I ask my colleagues to look at this seriously and realize we are not protecting the ultrawealthy. We are working for small businesses, family businesses in each and every one of our States.

The PRESIDING OFFICER (Mr. BENNET). I remind the Senator that the amendment has not been called up.

Mrs. LINCOLN. Mr. President, I ask unanimous consent to call up amendment No. 873.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mrs. LINCOLN], for herself, Mr. KYL, Mr. NELSON of Nebraska, Mr. GRASSLEY, Mr. PRYOR, Mr. ROBERTS, Mrs. Landrieu, and Mr. ENZI, proposes an amendment numbered 873.

The amendment is as follows:

(Purpose: To create a deficit-neutral reserve fund for estate tax relief)

At the appropriate place in title II, insert the following:

SEC. ____. DEFICIT-NEUTRAL RESERVE FUND FOR ESTATE TAX RELIEF.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide for estate tax reform legislation establishing—

(1) an estate tax exemption level of $5,000,000, indexed for inflation,

(2) a maximum estate tax rate of 35 percent,

(3) a reunification of the estate and gift credits, and

(4) portability of exemption between spouses, and

provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I wish to remind all colleagues that the chairman's mark takes the estate tax exemption from $1 million per person in 2011 to $3.5 million, $7 million a couple. The proposal by the Senator from Arkansas would take it to $5 million, and $10 million a couple, reduces the rate from 45 percent to 35 percent. It is in a deficit-neutral reserve fund. The cost of this amendment from 2012 to 2021, when it is fully effective, is over $100 billion. Where does the money come from? Either by cutting spending somewhere else or raising other taxes.

I urge my colleagues to reject the amendment.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, I wish to proceed for a few moments on my leader time. I am speaking in effect for Senator KYL, who has been our leader on the issue of the death tax for many years.

The Lincoln-Kyl amendment, on which we are about to vote, would decrease the burden on those who get hit with the death tax by increasing the exemption by $1.5 million to $5 million

and by reducing the rate of taxation down by 10 percent to 35 percent.

No one should have to be taxed on their assets twice, and no one should have to visit the tax man and the undertaker on the same day. It is the Government's final outrage. But if we can't repeal this tax, then we should at least lower it at a time when Americans are already burdened by shrinking retirement savings.

This budget, in keeping with the administration's plan, seeks to keep the death tax exemption at $3.5 million and the tax rate at 45 percent. By offering an amendment that would lower the rate and the exemption, Senators KYL and LINCOLN are offering crucial support and protection to small businesses, family ranchers, and farms.

This amendment has wide bipartisan support, including Senators NELSON, PRYOR, and LANDRIEU—all on the Democratic side—and Senators GRASSLEY, ROBERTS, ENZI, and COLLINS on the Republican side. It also has strong support from the small business community, which desperately needs relief at the current moment. It would spur economic growth, which we need, and it makes good overall economic sense since the death tax costs more to comply with than it raises in revenue.

The Lincoln-Kyl amendment is important, it is timely, and I strongly urge its support.

Mr. GRASSLEY. Mr. President, the distinguished majority leader, my friend, Senator REID quoted me by name in his remarks in opposition to the Lincoln-Kyl amendment.

The distinguished leader quoted me as describing death tax relief legislation as ''unseemly.''

Since that quote was used to argue against Senator LINCOLN's amendment, which I support, I thought it important to respond to the distinguished leader and set the record straight.

The distinguished leader is correct. I did say, at that time shortly after the Katrina hurricane hit, that proceeding to death tax relief would be ''unseemly.''

It is important for everyone to understand the context of that statement. It was made shortly after the terrible hurricane hit the gulf states. At that time, the Senate was about to reconvene after the August recess. The pending business was a cloture motion on the motion to proceed to a House bill that provided death tax relief.

The majority leader, Senator Frist, had filed the cloture motion before the Senate departed for the August recess. Of course, that procedural action occurred weeks before the hurricane hit. When asked about the Senate schedule, I responded that proceeding to the death tax bill, and, thereby not dealing with the hurricane victims, would be unseemly.

The distinguished leader's comments caused me to recall how the finance Committee, which I chaired at the time, dealt with Katrina.

Senator Frist did the right thing and set the Senate in motion to deal with the hurricane victims. The Finance Committee acted with lightning speed on a bipartisan basis, and in concert with the House, to deliver relief to hurricane victims. I was quite proud of our efforts to help people in need. That was the first Katrina tax relief bill.

The second Katrina tax relief bill, unfortunately, took a lot longer to do. Some on the other side saw the Katrina bill as a chance to enact a National agenda of greatly enhancing social programs. I did not question their motives at the time and do not now. But, the bottom line was that this attempt to leverage a crisis for a National agenda, significantly delayed our efforts to rebuild the hard-hit gulf zone.

As the distinguished leader will recall, the gulf state Senators, led by Senator Lott, forced the Senate to focus on helping their states rebuild and recover. A similar effort was underway in the House.

Fortunately, the efforts of the bipartisan group of gulf state Senators caused the leadership on the other side to abandon their efforts to leverage the hurricane disaster for a National agenda. No one accused the leadership on the other side of being unseemly.

Senator Frist did the right thing and focused on the hurricane victims. The leadership on the other side did the right thing and focused on bipartisan hurricane relief efforts.

There is a lesson in this history for all of us. Do not try to leverage a crisis for unrelated purposes.

Senator LINCOLN's amendment was not ''unseemly.'' To use my reaction to a question about the Senate schedule is to miss the point I was making The Lincoln/Kyl amendment is a reasonable effort to find a bipartisan compromise on a time-sensitive tax issue. It is an effort to enable a solution to a problem that vexes family farmers and small businesses. The amendment's purpose and substance are the opposite of unseemly. The Lincoln/Kyl amendment is ''decorous.''

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I will use my leader time. This chart says it all. In February, 651,000 Americans lost their jobs. Five million Americans have lost their jobs this past year—5 million. Our unemployment rate currently stands at 8.1 percent. Nevada's unemployment is 10 percent, but Nevada is not the highest. We have some States that are far more than 10 percent unemployed. Three million more children will likely be living in poverty by the end of this year. The net worth of American households dropped by a combined total of $11 trillion last year—$11 trillion.

These statistics tell a story—a very clear story—but what is even clearer is the suffering every American sees and feels every day.

Families whose incomes have fallen are now concerned that they won't be able to make their next mortgage payment. Students at this time of the year should be overjoyed with receiving acceptance to go to college, but because of what is happening at home—their dad or mom has lost a job—they can't go to college. Workers who have given decades of loyal service at the office or factory realize now they can't retire because their pensions are gone and their retirement savings have disappeared. Senior citizens on a fixed income used to have to make a decision as to whether it would be medicine or food. Now many seniors don't have the choice for either.

We know what caused this crisis: 8 years of fiscal policies under the previous administration and its allies in Congress who gave away the store at the expense of the rest of America.

President Obama inherited a crisis that no President should have to inherit or fix. Instead of focusing full time on the future, he and we in Congress must first clean up the devastating mistakes of the past. We can only turn the page from the recession to recovery if we watch every single taxpayer dollar the way families watch every dollar in their budget. Every dollar counts.

That is why it is so stunning, so outrageous, that some would choose this hour of national crisis to push an amendment to slash the estate tax for the superwealthy. This isn't for the wealthy; this is for the superwealthy. Yet that is what we see here today.

The proposal now before us would take $100 billion of American taxpayer money—actually, it is more than that—more than $100 billion of taxpayer money over the next few years and spend it on slashing taxes on the estates of the wealthiest two-tenths of 1 percent of Americans. So 99.8 percent of Americans would derive no benefit—none. In fact, 99.8 percent of Americans would actually see their tax dollars redirected to the estates of those who are at the very top of the economic food chain.

Here is what one newspaper said today:

> The proverbial millionaires next door—the plumbers, contractors, and accountants who amass substantial wealth through hard work and modest living—are not the intended beneficiaries of the proposed cut. The Obama budget already takes care of them. That means 99.8 percent of estates will never, ever pay a penny of estate tax.

Here is what another newspaper said today, entitled ''More Tax Cuts for the Rich'':

> The hypocrisy here is breathtaking. More fundamentally, it is hard to stomach those who argue for more tax cuts—and then bemoan the failure to stanch rising deficits. A vote for this amendment, at this time of so much red ink and so much suffering, would reflect the most skewed of priorities.

This is only a couple of the Americans all over America today trying to understand what is going on in Washington.

In recent years, Congress has already reduced tax rates on the ultrawealthy estates. In fact, the Tax Policy Center calculates that a $20 million estate

right now—now—will pay an effective tax rate of 23 percent. Nurses pay more than that, schoolteachers pay more than that, and secretaries pay a higher tax rate than that, but we say for an estate of $20 million, 23 percent is OK. That is what the Tax Policy Center calculates.

But for the proponents of the amendment now before us, that is not good enough. So they propose that we spend $100 billion on a tax cut for the top two-tenths of 1 percent. Proponents of this legislation say they will find offsets for this $100 billion giveaway that will make it deficit neutral. Think about that. Deficit neutral. That means you have to get offsets.

Where are we going to get offsets? They have to come from somewhere. They are not coming from the sky. Are we going to take them from Medicare? From Senator INOUYE's defense budget? From the Peace Corps? From education?

Even in the best of times, there is no question that we could find a better use for an extra $100 billion. We could put new textbooks in classrooms. We could build better renewable energy transmission lines. We could provide health care to more working families. If it got out of hand, we could do what we did in the last years of the Clinton administration: Reduce the debt.

I can think of no way to describe this amendment other than stunning hypocrisy.

Many of the very same Republicans who held hands with President Bush as he squandered a record budget surplus and turned it into a record deficit suddenly claim to be ''deficit hawks.'' They tell us we cannot invest in the middle class—the very people their disastrous policies have harmed.

These same Republicans tried to stop us from providing health insurance to millions of children of low-income families, so that these kids could go to a doctor when they are sick or hurt. They fought against President Obama's economic recovery plan, because it had the audacity to invest in creating jobs for victims of the recession Bush created.

Now they are fighting against a budget that cuts taxes for the middle class, puts us on a path toward cutting the Republican deficit in half, and invests in middle-class priorities, such as health care, education, and clean, renewable energy. That is what Chairman CONRAD has done.

After 8 years of creating a record deficit so that they could slash taxes on the ultrawealthy, now they oppose our efforts to help the middle class.

These newly hatched deficit hawks say no to any proposal that invests in the people their policies harmed. But when it comes to giving away another $100 billion plus of taxpayer money to the top two-tenths of 1 percent—money that could pay down the deficit they claim to care so much about—these same Senators line up in support.

Again, this is stunning hypocrisy. Not only that; it is outrageous hypocrisy.

When the estate tax issue was debated back in 2005, in the aftermath of Hurricane Katrina, the then-chairman of the Finance Committee, Senator GRASSLEY, said this—remember, at that time there was a defined group of people who were suffering in the gulf, but now it is the whole country. Today, it was announced on the radio that, for the first time since the Great Depression, all 50 States, without exception, have a downturn in their economy. Here is what Senator GRASSLEY said then, after Hurricane Katrina:

> It's a little unseemly to be talking about doing away with or enhancing the estate tax at a time when people are suffering.

If Katrina, which was a disaster for this country, was a reason not to do the estate tax, why now when all 300 million Americans are suffering? People are suffering now in every city, State, and town in America.

I urge my colleagues to oppose this amendment. It amounts to nothing but a giveaway to the wealthiest two-tenths of 1 percent of Americans, at the expense of the other 99.8 percent of Americans.

Especially in this time of economic crisis, this is the wrong priority for our country. I ask everybody to vote ''no'' on this amendment.

The PRESIDING OFFICER. The question is on agreeing to the Lincoln amendment No. 873.

Mr. KYL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

The result was announced—yeas 51, nays 48, as follows:

[Rollcall Vote No. 146 Leg.]

YEAS—51

Alexander	DeMint	McConnell
Barrasso	Ensign	Murkowski
Baucus	Enzi	Murray
Bayh	Graham	Nelson (FL)
Bennett	Grassley	Nelson (NE)
Bond	Gregg	Pryor
Brownback	Hatch	Risch
Bunning	Hutchison	Roberts
Burr	Inhofe	Sessions
Cantwell	Isakson	Shelby
Chambliss	Johanns	Snowe
Coburn	Kyl	Specter
Cochran	Landrieu	Tester
Collins	Lincoln	Thune
Corker	Lugar	Vitter
Cornyn	Martinez	Voinovich
Crapo	McCain	Wicker

NAYS—48

Akaka	Casey	Inouye
Begich	Conrad	Johnson
Bennet	Dodd	Kaufman
Bingaman	Dorgan	Kennedy
Boxer	Durbin	Kerry
Brown	Feingold	Klobuchar
Burris	Feinstein	Kohl
Byrd	Gillibrand	Lautenberg
Cardin	Hagan	Leahy
Carper	Harkin	Levin
Lieberman	Reid	Udall (CO)
McCaskill	Rockefeller	Udall (NM)
Menendez	Sanders	Warner
Merkley	Schumer	Webb
Mikulski	Shaheen	Whitehouse
Reed	Stabenow	Wyden

The amendment (No. 873) was agreed to.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote.

Mr. GREGG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 913, AS MODIFIED, AND 875, AS MODIFIED

Mr. CONRAD. Mr. President, I ask unanimous consent that notwithstanding the adoption of amendments Nos. 913 and 875, the amendments be modified with the changes at the desk.

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

The amendments, as modified, are as follows:

AMENDMENT NO. 913, AS MODIFIED

(Purpose: To provide for enhanced oversight of the Board of Governors of the Federal Reserve System concerning the use of emergency economic assistance)

On page 48, line 21, strike ''banks'' and all that follows through ''2008,'' on line 24 and insert the following ''banks, to include (1) an evaluation of the appropriate number and the associated costs of Federal reserve banks; (2) publication on its website, with respect to all lending and financial assistance facilities created by the Board to address the financial crisis, of (A) the nature and amounts of the collateral that the central bank is accepting on behalf of American taxpayers in the various lending programs, on no less than a monthly basis; (B) the extent to which changes in valuation of credit extensions to various special purpose vehicles, such as Maiden Lane I, Maiden Lane II, and Maiden Lane III, are a result of losses on collateral which will not be recovered; (C) the number of borrowers that participate in each of the lending programs and details of the credit extended, including the extent to which the credit is concentrated in one or more institutions; and (D) information on the extent to which the central bank is contracting for services of private sector firms for the design, pricing, management, and accounting for the various lending programs and the terms and nature of such contracts and bidding processes,''.

AMENDMENT NO. 875, AS MODIFIED

(Purpose: To require information from the Board of Governors of the Federal Reserve System about the use of emergency economic assistance)

In Sec. 215, following ''contracts and bidding processes,'' add the following: '';and (3) including the identity of each entity to which the Board has provided ''all loans and other financial assistance since March 24, 2005, the value or amount of that financial assistance, and what that entity is doing with such financial assistance,'' after ''2008,''.

Mr. CONRAD. Mr. President, I ask unanimous consent that the list I send to the desk be the only amendments remaining in order to the budget resolution and managers' amendments which have been cleared by the managers and leaders and that a side by side be in order to any of the amendments on the list at the discretion of the managers and leaders; that the order in which

the amendments are considered be determined by the managers; that upon disposition of all amendments, the Senate proceed to vote on adoption of the concurrent resolution, with the provisions of the previous orders remaining in effect.

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

The list is as follows:

DeMint healthcare No. 963, Kyl Iran No. 932, Crapo Capital Gains No. 897, Hatch Terrorism Tools POO No. 962, Alexander Student Loans No. 792, DeMint CPSC No. 964, DeMint Autos No. 965, DeMint Earmarks No. 967, Sessions Border Fence POO No. 969, Crapo FDIC No. 958, Burr Veterans Health No. 777, Coburn No. 828, Coburn No. 830, Hatch Medicare Advantage No. 976, Hatch/Baucus (Not Yet Filed), KBH OCS No. 867, Vitter Oil and Gas No. 751, Vitter Drug Testing No. 937, Enzi Unfunded Mandates No. 819, Enzi Health IT No. 822, Graham Debt/Household No. 959, Barrasso Cow Tax No. 765, Barrasso NEPA No. 960, Barrasso ESA No. 890, Crapo DOE Loan Guarantees No. 733, Crapo Nuclear Research Priority No. 734, Hatch DNRF for FDA Facilities No. 939, Snowe/Landrieu DNRF for Energy Star No. 940, Session OCS Inventory No. 770, Hatch/Dodd Maternal Child Health Block Grant No. 878, Martinez Trade Agreements No. 843, Murkowski Nat'l Health Service Corps No. 841, Begich Denali No. 901, Begich Arctic Oil No. 903, Brown Training No. 810, Klobuchar Food Safety No. 886, Lautenberg Homeland Security Grants No. 977, Pryor CPSC No. 814.

Mr. CONRAD. Mr. President, we are prepared to go to the DeMint amendment.

Mr. GREGG. No, Durbin.

Mr. CONRAD. I am sorry. Mr. President, next in order is the Durbin amendment and then the DeMint amendment.

Senator DURBIN.

AMENDMENT NO. 974, AS MODIFIED

Mr. DURBIN. Mr. President, I call up amendment No. 974, as modified.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 974, as modified.

The amendment is as follows:

(Purpose: To provide that no additional estate tax relief beyond that which is already assumed in this resolution, which protects over 99.7 percent of estates from the estate tax, shall be allowed under any deficit-neutral reserve fund unless an equal amount of aggregate tax relief is also provided to Americans earning less than $100,000 per year)

At the appropriate place in title II, insert the following:

Sec.____. POINT OF ORDER AGAINST LEGISLATION THAT PROVIDES ADDITIONAL RELIEF FOR THE ESTATE TAX BEYOND THE LEVELS ASSUMED IN THIS BUDGET RESOLUTION UNLESS AN EQUAL AMOUNT OF ADDITIONAL TAX RELIEF IS PROVIDED TO MIDDLE-CLASS TAXPAYERS.

(a) IN GENERAL.—In the Senate, it shall not be in order to consider any bill, joint resolution, amendment, motion, or conference report that would provide estate tax relief beyond $3,500,000 per person ($7,000,000 per married couple) and a graduated rate ending at less that 45 percent unless an equal amount of tax relief is provided to Americans earning less than $100,000 per year and that such relief is in addition to the amounts assumed in this budget resolution.

(b) WAIVER.—This section may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) APPEALS.—An affirmative vote of three-fifths of the Members of the Senate duly chosen and sworn shall be required to sustain an appeal of the ruling of the Chair on any point of order raised under this section.

Mr. DURBIN. Mr. President, in the midst of the worst recession in 75 years, with hundreds of thousands of Americans losing their jobs and their homes, 51 Members of the Senate believe our highest priority is to give a generous tax break to the wealthiest people in America. Many of these same Senators have been wailing for weeks about deficits but obviously believe deficits do not count when it comes to tax breaks for the wealthy.

At this point, it is clear they would move forward with these tax breaks for the wealthiest people in America. My amendment is simple. It creates a point of order. It says we should help struggling Americans first. Before we give an additional $100 billion in tax breaks to the superwealthy, we must first give at least as much in tax relief to Americans earning less than $100,000. It will be tax relief beyond that already included in this budget resolution.

The amendment creates a point of order that if the people insist, a majority of Senators, that we give this estate tax to the wealthiest, at least let's help working families first before we do so.

I urge my colleagues to support the amendment.

The PRESIDING OFFICER. Who yields time in opposition? The Senator from Arizona.

Mr. KYL. Mr. President, the Senate just voted to support estate tax relief set at $5 million per person to be exempted and at no more than a 35-percent rate. The Durbin amendment creates a point of order unless you have a rate of at least 45 percent and a $3.5 million per person exempted amount. It is directly contrary to what we just voted for. Were this to be adopted, you would have two absolutely contradictory instructions—one for a $5 million exempted amount; the Durbin amendment, $3.5 million. Having voted the way we did, the Durbin amendment should be defeated.

To the extent that it suggests there should be other tax relief, I stipulate to that, I am all for it. But the point of order relates to anything above the $3.5 million or below the 45-percent rate.

I urge my colleagues to vote against it.

Mr. DURBIN. Do I have any time remaining?

The PRESIDING OFFICER. All time has expired. The question is on agreeing to amendment No. 974, as modified.

Mr. GREGG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

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

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 147 Leg.]

YEAS—56

Akaka	Feinstein	Mikulski
Baucus	Gillibrand	Murray
Bayh	Hagan	Nelson (NE)
Begich	Harkin	Pryor
Bennet	Inouye	Reed
Bingaman	Johnson	Reid
Boxer	Kaufman	Rockefeller
Brown	Kennedy	Sanders
Burris	Kerry	Schumer
Byrd	Klobuchar	Shaheen
Cantwell	Kohl	Stabenow
Cardin	Lautenberg	Tester
Carper	Leahy	Udall (CO)
Casey	Levin	Udall (NM)
Conrad	Lieberman	Warner
Dodd	Lincoln	Webb
Dorgan	McCaskill	Whitehouse
Durbin	Menendez	Wyden
Feingold	Merkley	

NAYS—43

Alexander	Ensign	McConnell
Barrasso	Enzi	Murkowski
Bennett	Graham	Nelson (FL)
Bond	Grassley	Risch
Brownback	Gregg	Roberts
Bunning	Hatch	Sessions
Burr	Hutchison	Shelby
Chambliss	Inhofe	Snowe
Coburn	Isakson	Specter
Cochran	Johanns	Thune
Collins	Kyl	Vitter
Corker	Landrieu	Voinovich
Cornyn	Lugar	Wicker
Crapo	Martinez	
DeMint	McCain	

The amendment (No. 974), as modified, was agreed to.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENTS NOS. 777, 962, AND 946

Mr. CONRAD. Mr. President, we have a number of amendments we can now take by unanimous consent: Burr No. 777, Hatch No. 962, and Dorgan No. 946.

I ask unanimous consent that we approve Burr amendment No. 777, Hatch amendment No. 962, and Dorgan amendment No. 946.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, it is so ordered.

The amendments (Nos. 777, 962, and 946) were agreed to, as follows:

AMENDMENT NO. 777

(Purpose: To provide that legislation that would provide authority to the Secretary of Veterans Affairs to recover from a private health insurer of a disabled veteran amounts paid for treatment of such disability is subject to a point of order in the Senate)

At the appropriate place, insert the following:

SEC. _____. LIMITATIONS ON LEGISLATION THAT WOULD PERMIT THE SECRETARY OF VETERANS AFFAIRS TO RECOVER FROM A PRIVATE HEALTH INSURER OF A DISABLED VETERAN AMOUNTS PAID FOR TREATMENT OF SUCH DISABILITY.

(a) POINT OF ORDER.—If the Senate is considering legislation, upon a point of order being made by any Senator against the legislation, or any part of the legislation, that the legislation, if enacted, would result in providing authority to the Secretary of Veterans Affairs to recover from a private

health insurer of a veteran with a service-connected disability amounts paid by the Secretary for the furnishing of care or treatment for such disability, and the point of order is sustained by the Presiding Officer, the Senate shall cease consideration of the legislation.

(b) WAIVERS AND APPEALS.—

(1) WAIVERS.—

(A) IN GENERAL.—Before the Presiding Officer rules on a point of order described in subsection (a), any Senator may move to waive the point of order and the motion to waive shall not be subject to amendment.

(B) VOTE.—A point of order described in subsection (a) is waived only by the affirmative vote of 60 Members of the Senate, duly chosen and sworn.

(2) APPEALS.—

(A) IN GENERAL.—After the Presiding Officer rules on a point of order described in subsection (a), any Senator may appeal the ruling of the Presiding Officer on the point of order as it applies to some or all of the provisions on which the Presiding Officer ruled.

(B) VOTE.—A ruling of the Presiding Officer on a point of order described in subsection (a) is sustained unless 60 Members of the Senate, duly chosen and sworn, vote not to sustain the ruling.

(3) DEBATE.—

(A) IN GENERAL.—Debate on the motion to waive under paragraph (1) or on an appeal of the ruling of the Presiding Officer under paragraph (2) shall be limited to 1 hour.

(B) DIVISION.—The time shall be equally divided between, and controlled by, the Majority leader and the Minority Leader of the Senate, or their designees.

(c) LEGISLATION DEFINED.—In this section, the term ''legislation'' means a bill, joint resolution, amendment, motion, or conference report.

(d) TERMINATION.—The provisions of this section shall terminate on December 31, 2012.

AMENDMENT NO. 962

(Purpose: To ensure the continued safety of Americans against terrorist attack by Al Qaeda and other terrorist organizations by providing a point of order against any legislation that would weaken or eliminate critical terror-fighting tools)

At the appropriate place, insert the following:

SEC. _____. POINT OF ORDER.

(a) IN GENERAL.—After a concurrent resolution on the budget is agreed to, it shall not be in order in the Senate to consider any bill, resolution, amendment between Houses, motion, or conference report that—

(1) weakens any authorized anti-terrorism tool or investigative method provided by the USA Patriot Act of 2001 (PL 107-56), the Intelligence Reform and Terrorism Prevention Act of 2004 (PL 108-458), the USA Patriot Improvement and Reauthorization Act of 2005 (PL 109-177), or the FISA Amendments Act of 2008 (PL 110-261); or

(2) eliminates any authorized anti-terrorism tool or investigative method provided by any of the statutes referred to in paragraph (1).

(b) SUPERMAJORITY WAIVER AND APPEALS.—

(1) WAIVER.—Subsection (a) may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of subsection (a) shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

AMENDMENT NO. 946

(Purpose: To increase the budget authority for the Indian Health Service by an additional $200 million to obtain a total $600 million increase over the FY 2009 enacted level)

On page 19, line 24, increase the amount by $200,000,000.

On page 19, line 25, increase the amount by $130,000,000.

On page 20, line 4, increase the amount by $40,000,000.

On page 20, line 8, increase the amount by $20,000,000.

On page 20, line 12, increase the amount by $10,000,000.

On page 27, line 23, decrease the amount by $200,000,000.

On page 27, line 24, decrease the amount by $130,000,000.

On page 28, line 3, decrease the amount by $40,000,000.

On page 28, line 7, decrease the amount by $20,000,000.

On page 28, line 11, decrease the amount by $10,000,000.

AMENDMENT NO. 962

Mr. HATCH. Mr. President, since the attacks of September 11, 2001, Congress has taken steps to give the Federal law enforcement and intelligence community the necessary tools to keep our citizens safe from terrorist attacks. Last week, FBI Director Robert Mueller testified before the Senate Judiciary Committee. When asked about expiring provisions of the PATRIOT Act, Director Mueller urged Congress to renew these provisions. He referred to them as ''exceptional tools to help protect our national security.'' Director Mueller further provided the committee with information regarding the use of these provisions.

From 2004 to 2007, the roving wiretaps provision was used 225 times—that is—25 times over 3 years. That breaks down to 75 times a year. Roving wiretaps were only used 147 times in 3 years. Congress granted the FBI the authority to use national security letters, NSL, in counterterrorism and counterintelligence investigations. The use of NSLs is invaluable in these investigations. Their use also predates the attacks on 9/11.

The uninformed and the paranoid portray these tools as an example of unchecked government monitoring reminiscent of a scene from George Orwell's book ''1984.'' I would submit to my colleagues that these figures show that these necessary tools have not been overused. Fail-safes and checks against overuse and improper application exist at numerous levels in this process. Changing administrations does not diminish the terrorism threat to our country. Two days ago, a Taliban leader responsible for brazen attacks in Pakistan issued a threat to attack the White House.

Mr. DORGAN. Mr. President, This amendment will go far in meeting the Federal Government's trust responsibility to provide health care services to Native Americans.

There is a health care crisis in Indian Country and I have spoken many times on the Senate floor about the importance of funding and meeting our obligation to provide for the health care of the First Americans. There are over 4 million Native Americans in this country, just fewer than 2 million of which depend on the Indian Health Service for their health care needs. However, the Indian Health Service is severely underfunded. Despite our trust obligation to Indian Tribes, the Federal Government spends twice as much on the health care of Federal prisoners as we do on American Indians.

My amendment will increase the budget authority for the Indian Health Service by an additional $200 million to obtain a total of $600 million in increased budget authority over the fiscal year 2009 enacted level. The President's request for ''over $4 billion'' for total IHS funding, asks for an increase for IHS of over $400 million. My amendment will increase the President's budget request from $400 million to $600 million in increased budget authority for the Indian Health Service. This brings us to the total that committee Vice Chairman BARRASSO and I recommended for the Indian Health Service for fiscal year 2010 in our views and estimates letter to the Senate Budget Committee on March 13, 2009. As my colleagues will remember, last year, Congress overwhelmingly passed a similar amendment requesting a $1 billion increase in Indian Health Service budget authority by a vote of 69 to 31. I ask my colleagues to again consider the great need for assistance in Indian health, even in these tough economic times.

While $200 million is small in comparison to the unmet needs of the Indian Health Service, when included with the President's request, the amendment makes the overall increase in budget authority equal to $600 million. This amendment is crucial because it shows that Congress is committed to funding the Indian Health Service at a higher level and emphasizes the government's effort to continue to fulfill its trust responsibility to provide health care in Indian Country.

We passed the Indian Health Care Improvement Act on the floor of the Senate in the 110th Congress. I am proud of that because it had been many years since this Congress had addressed the issue of Indian health care. Unfortunately, the bill did not pass the House and Indian Country suffers the consequences.

Through a number of hearings by the Senate Indian Affairs Committee, we have confirmed extensive unmet health care needs in Indian Country. The need includes over $3 billion just for health facilities and an ever growing $1 billion for contract health services. The health status of Native Americans are staggering. For example, Native Americans die at higher rates than other Americans from tuberculosis 600 percent higher, alcoholism, 510 percent higher, diabetes, 189 percent higher, and suicide, 70 percent higher. Third

world conditions exist right here in this country on Indian lands.

The story of Jami Rose Jetty highlights what underfunding the Indian health care system means to the lives of our youth and families in Indian Country and communities across the U.S. In February, I held an Indian Affairs oversight hearing on youth suicide. At that hearing, a young woman of 16 years old, named Dana Lee Jetty of the Spirit Lake Nation in North Dakota testified. She told the story of losing her sister, Jami Rose Jetty, who committed suicide at just 14 years old.

Dana described her sister Jami as someone who had a lot of friends and was mature for her age. Jami was an open-minded, caring, and compassionate teenager. The sisters were best friends and part of a middle-class, loving home.

Jami's mother knew there was something wrong with her daughter. She took Jami to Indian health care facilities over and over again, but no doctor properly diagnosed her depression. Even though her mother knew better, the doctors would say Jami was ''just a typical teenager'' and send the family home. In November 2008, Jami took her own life.

During her testimony, Dana emphasized that she felt her sister Jami would still be alive had there been trained mental health professionals available near the Spirit Lake Reservation. Unfortunately, Jami didn't receive the services she needed. Dana, her family, and the entire Spirit Lake community were affected by the loss of this precious young life.

Jami did not receive the care she needed because we have a health care system in Indian Country that is not working. It is dramatically underfunded. We are rationing health care and people are dying as a result. It is truly a scandal, which should be front-page news.

Mr. President, by asking for an increase in Indian health funding, my amendment allows us to continue the dialogue with Indian Country. It emphasizes that the United States understands the health disparities that Native Americans face and that we will make Indian Country a priority this Congress. I thank my colleagues for joining me today and in the future in supporting efforts to improve the health of Native Americans throughout the United States.

AMENDMENT NO. 965

Mr. CONRAD. Mr. President, next we go to an amendment by Senator DEMINT with respect to the auto industry.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. I call up amendment No. 965.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 965.

The amendment is as follows:

(Purpose: To prevent taxpayer-funded bailotus for auto manufacturers)

On page 4, line 13, decrease the amount by $10,829,000,000.

On page 4, line 14, decrease the amount by $131,000,000.

On page 4, line 15, decrease the amount by $195,000,000.

On page 4, line 16, decrease the amount by $279,000,000.

On page 4, line 17, decrease the amount by $379,000,000.

On page 4, line 18, decrease the amount by $485,000,000.

On page 4, line 22, decrease the amount by $10,829,000,000.

On page 4, line 23, decrease the amount by $131,000,000.

On page 4, line 24, decrease the amount by $195,000,000.

On page 4, line 25, decrease the amount by $279,000,000.

On page 5, line 1, decrease the amount by $379,000,000.

On page 5, line 2, decrease the amount by $485,000,000.

On page 5, line 6, decrease the amount by $10,829,000,000.

On page 5, line 7, decrease the amount by $131,000,000.

On page 5, line 8, decrease the amount by $195,000,000.

On page 5, line 9, decrease the amount by $279,000,000.

On page 5, line 10, decrease the amount by $379,000,000.

On page 5, line 11, decrease the amount by $485,000,000.

On page 5, line 16, decrease the amount by $10,829,000,000.

On page 5, line 17, decrease the amount by $10,960,000,000.

On page 5, line 18, decrease the amount by $11,155,000,000.

On page 5, line 19, decrease the amount by $11,434,000,000.

On page 5, line 20, decrease the amount by $11,813,000,000.

On page 5, line 21, decrease the amount by $12,298,000,000.

On page 5, line 24, decrease the amount by $10,829,000,000.

On page 5, line 25, decrease the amount by $10,960,000,000.

On page 6, line 1, decrease the amount by $11,155,000,000.

On page 6, line 2, decrease the amount by $11,434,000,000.

On page 6, line 3, decrease the amount by $11,813,000,000.

On page 6, line 4, decrease the amount by $12,298,000,000.

On page 15, line 17, decrease the amount by $10,800,000,000.

On page 15, line 18, decrease the amount by $10,800,000,000.

On page 26, line 20, decrease the amount by $29,000,000.

On page 26, line 21, decrease the amount by $29,000,000.

On page 26, line 24, decrease the amount by $131,000,000.

On page 26, line 25, decrease the amount by $131,000,000.

On page 27, line 3, decrease the amount by $195,000,000.

On page 27, line 4, decrease the amount by $195,000,000.

On page 27, line 7, decrease the amount by $279,000,000.

On page 27, line 8, decrease the amount by $279,000,000.

On page 27, line 11, decrease the amount by $379,000,000.

On page 27, line 12, decrease the amount by $379,000,000.

On page 27, line 15, decrease the amount by $485,000,000.

On page 27, line 16, decrease the amount by $485,000,000.

Mr. DEMINT. Mr. President, this amendment is called the Auto Bailout Prevention Amendment. We are debating an amendment which spends more, borrows more, and taxes more than any budget in history. Americans are already fed up with how much we spent on all the bailouts. One of the areas they are most frustrated with is the auto bailouts. We have already taken over $17 billion from funds designated to financial institutions and now the administration is talking about some form of bankruptcy while General Motors and Chrysler have asked for another $21.6 billion.

This amendment reduces function 370 funds by $21.6 billion, which prevents the President from further using TARP to prop up General Motors and Chrysler with taxpayer dollars.

Enough is enough. I reserve the remainder of my time.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time in opposition?

The Senator from North Dakota.

Mr. CONRAD. Mr. President, Senator STABENOW has the time in opposition.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, just 3 days ago, President Obama released a bold new plan to revitalize the American auto industry. We need to give this plan a chance to work. There are two or three different outcomes. But they are in the middle of the boldest restructuring of the American auto industry we have ever seen. This would cut the legs out from under that.

Our President has made it clear that we are not going to walk away from the people, the communities or the businesses—the thousands of businesses that depend on the auto industry.

I would finally say that all around the world countries such as Japan helping Toyota, Germany, Korea, China, France—around the world, other countries understand the critical nature for their own national security in terms of the auto industry; their economic security in terms of building a middle class, and they have stepped forward in this global credit crisis to help their auto industries.

We are now in the middle of a plan to save jobs in communities and restructure. I urge strongly a ''no'' vote.

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

The question is on agreeing to amendment No. 965.

Mr. GREGG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

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

The result was announced—yeas 31, nays 66, as follows:

[Rollcall Vote No. 148 Leg.]

YEAS—31

Barrasso	Enzi	Nelson (NE)
Bunning	Graham	Risch
Burr	Grassley	Roberts
Chambliss	Gregg	Sessions
Coburn	Inhofe	Shelby
Cochran	Isakson	Specter
Collins	Johanns	Thune
Cornyn	Kyl	Vitter
Crapo	McCain	Wicker
DeMint	McConnell	
Ensign	Murkowski	

NAYS—66

Akaka	Feingold	Menendez
Alexander	Feinstein	Merkley
Baucus	Gillibrand	Mikulski
Bayh	Hagan	Murray
Begich	Harkin	Nelson (FL)
Bennet	Hatch	Pryor
Bennett	Hutchison	Reed
Bingaman	Inouye	Reid
Bond	Johnson	Rockefeller
Boxer	Kaufman	Sanders
Brown	Kerry	Schumer
Brownback	Klobuchar	Shaheen
Burris	Kohl	Snowe
Cantwell	Landrieu	Stabenow
Cardin	Lautenberg	Tester
Carper	Leahy	Udall (CO)
Casey	Levin	Udall (NM)
Conrad	Lieberman	Voinovich
Corker	Lincoln	Warner
Dodd	Lugar	Webb
Dorgan	Martinez	Whitehouse
Durbin	McCaskill	Wyden

NOT VOTING—2

Byrd	Kennedy

The amendment (No. 965) was rejected.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Ms. STABENOW. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CONRAD. Mr. President, we still have probably 30-some amendments left to do. We are working through a process to try to put together managers' packages that could clear the significant majority of those amendments, but we still have a number of amendments that will require votes. One of the lessons I hope we learn from this is to never do it again. That would be my strong recommendation.

In just a moment, we will be prepared to have a managers' package.

AMENDMENTS NOS. 901, 903, 886, 792, 958, 976, 867, 819, 960, 890, 733, 734, 939, 878, AND 841, EN BLOC

Mr. CONRAD. Mr. President, I propose a managers' package that would involve Begich No. 901, Begich No. 903, Klobuchar No. 886, Alexander No. 792, Crapo No. 958, Hatch No. 976, Hutchison No. 867, Enzi No. 819, Barrasso No. 960, Barrasso No. 890, Crapo No. 733, Crapo No. 734, Hatch No. 939, Hatch-Dodd No. 878, and Murkowski No. 841. I ask that they be accepted by unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendments are agreed to.

The amendments are as follows:

AMENDMENT NO. 901

(Purpose: To express the sense of the Senate regarding the funding level for the Denali Commission)

On page 35, strike line 11 and insert the following:

(a) INFRASTRUCTURE.—

(1) IN GENERAL.—The Chairman of the Senate

On page 35, between lines 23 and 24, insert the following:

The Chairman of the Budget Committee may also revise the allocations to allow funding for the Denali Commission established by section 303(a) of the Denali Commission Act of 1998 (42 U.S.C. 3121 note; 112 Stat. 2681–637) for each applicable fiscal year at a level equal to not less than the level of funding made available for the Denali Commission during fiscal year 2006.

AMENDMENT NO. 903

(Purpose: To modify the deficit-neutral reserve fund to invest in clean energy and preserve the environment to provide for additional funding for the conduct of arctic oil spill research)

On page 33, line 5, before ''implement'', insert ''set aside additional funding from the Oil Spill Liability Trust Fund for arctic oil spill research conducted by the Oil Spill Recovery Institute,''.

AMENDMENT NO. 886

(Purpose: To create a deficit-neutral reserve fund to improve the safety of the food supply in the United States)

On page 46, between lines 2 and 3, insert the following:

(c) FOOD SAFETY.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would improve the safety of the food supply in the United States, by the amounts provided in such legislation for these purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

AMENDMENT NO. 792

(Purpose: To modify the Deficit-Neutral Reserve Fund for Higher Education, to maximize higher education access and affordability by ensuring that institutions of higher education and their students are able to continue to participate in a competitive student loan program, in order to maintain a comprehensive choice of student loan products and services)

On page 34, line 10, strike ''affordable,'' and insert ''affordable while maintaining a competitive student loan program that provides students and institutions of higher education with a comprehensive choice of loan products and services,''.

AMENDMENT NO. 958

(Purpose: To provide for a deficit-neutral reserve fund to increase the borrowing authority of the Federal Deposit Insurance Corporation and the National Credit Union Administration, and for other purposes)

At the appropriate place, insert the following:

SEC. ___. DEFICIT-NEUTRAL RESERVE FUND INCREASE FDIC AND NCUA BORROWING AUTHORITY.

The chairman of the Committee on the Budget of the Senate may revise the aggregates, allocations, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports to increase the borrowing authority of the Federal Deposit Insurance Corporation and the National Credit Union Administration, provided that such legislation does not increase the deficit over the period of the total of fiscal years 2009 through 2019.

AMENDMENT NO. 976

(Purpose: To establish a deficit-neutral reserve fund to address our Nation's long-term fiscal problems)

On page 32, line 10, after ''increases;'' insert ''or'' and the following:

(4) protect Medicare Advantage enrollees from premium increases and benefit reductions in their Medicare Advantage plans that would result from the estimate of the national per capita Medicare Advantage growth percentage contained in the Centers for Medicare & Medicaid Services' Advance Notice of Methodological Changes for Calender Year 2010, as proposed on February 20, 2009, that is made using the Medicare payment rates for physicians' services assumed in such Advance Notice rather than the Medicare payment rates for physicians' services assumed in the President's budget proposal for fiscal year 2010 (which accounts for additional expected Medicare payments for such services).

AMENDMENT NO. 867

(Purpose: To reduce U.S. dependence on foreign energy sources, minimize future gasoline price increases, and reduce the federal budget deficit through expanded oil and gas production on the Outer Continental Shelf)

On page 33, line 1 after ''reduce our Nation's dependence on imported energy'' insert ''including through expanded offshore oil and gas production in the Outer Continental Shelf''.

AMENDMENT NO. 819

(Purpose: To reinstate the 60-vote point of order under section 425(a)(2) of the Congressional Budget Act of 1974 for legislation that creates unfunded mandates on States and local governments)

On page 68, between lines 4 and 5, insert the following:

SEC. _____. RESTRICTIONS ON UNFUNDED MANDATES ON STATES AND LOCAL GOVERNMENTS.

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, or conference report that would increase the direct costs of one or more States or local governments by an amount that exceeds the threshold provided under section 424(a)(1) of the Congressional Budget Act of 1974 (2 U.S.C. 658c(a)(1)).

(b) WAIVER AND APPEAL.—Subsection (a) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

AMENDMENT NO. 960

(Purpose: To increase amounts made available for the conduct of reviews under the National Environmental Policy Act of 1969)

On page 13, line 21, increase the amount by $50,000,000.

On page 13, line 22, increase the amount by $50,000,000.

On page 27, line 23, decrease the amount by $50,000,000.

On page 27, line 24, decrease the amount by $50,000,000.

AMENDMENT NO. 890

(Purpose: To provide funding to enable certain individuals and entities to comply with the Endangered Species Act of 1973)

On page 13, line 21, increase the amount by $50,000,000.

On page 13, line 22, increase the amount by $50,000,000.

On page 27, line 23, decrease the amount by $50,000,000.

On page 27, line 24, decrease the amount by $50,000,000.

AMENDMENT NO. 733

(Purpose: To establish a deficit-neutral reserve fund for the innovative loan guarantee program of the Department of Energy)

At the appropriate place in title II, insert the following:

SEC. 2_____. DEFICIT-NEUTRAL RESERVE FUND FOR INNOVATIVE LOAN GUARANTEE PROGRAM OF THE DEPARTMENT OF ENERGY.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that authorizes an additional $50,000,000,000 for use to provide loan guarantees for eligible projects under title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.).

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

AMENDMENT NO. 734

(Purpose: To establish a deficit-neutral reserve fund for unclear research and development)

At the appropriate place in title II, insert the following:

SEC. 2_____. DEFICIT-NEUTRAL RESERVE FUND FOR NUCLEAR RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that authorizes nuclear research and development activities, including the Generation IV program, the Advanced Fuel Cycle Initiative, and the Light Water Reactor Sustainability program.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in subsection (a) would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

AMENDMENT NO. 939

(Purpose: To establish a deficit-neutral reserve fund for the 2012 completion of Food and Drug Administration facilities)

On page 49, between lines 3 and 4, insert the following:

SEC. ____. DEFICIT-NEUTRAL RESERVE FUND FOR THE 2012 COMPLETION OF FOOD AND DRUG ADMINISTRATION FACILITIES.

The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports in order to provide sufficient funding for the General Services Administration to complete construction of the Food and Drug Administration White Oak Campus in Silver Spring, Maryland by 2012, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

AMENDMENT NO. 878

(Purpose: To increase funding for the Maternal and Child Health Block Grant within the Health Resources and Services Administration by $188,000,000 in fiscal year 2010)

On page 19, line 24, increase the amount by $188,000,000.

On page 19, line 25, increase the amount by $56,000,000.

On page 20, line 4, increase the amount by $81,000,000.

On page 20, line 8, increase the amount by $34,000,000.

On page 20, line 12, increase the amount by $13,000,000.

On page 27, line 23, decrease the amount by $188,000,000.

On page 27, line 24, decrease the amount by $56,000,000.

On page 28, line 3, increase the amount by $81,000,000.

On page 28, line 7, increase the amount by $34,000,000.

On page 28, line 11, increase the amount by $13,000,000.

AMENDMENT NO. 841

(Purpose: To increase funding for the National Health Service Corps)

On page 19, line 24, increase the amount by $100,000,000.

On page 19, line 25, increase the amount by $30,000,000.

On page 20, line 4, increase the amount by $43,000,000.

On page 20, line 8, increase the amount by $18,000,000.

On page 20, line 12, increase the amount by $7,000,000.

On page 27, line 23, decrease the amount by $100,000,000.

On page 27, line 24, decrease the amount by $30,000,000.

On page 28, line 3, decrease the amount by $43,000,000.

On page 28, line 7, decrease the amount by $18,000,000.

On page 28, line 11, decrease the amount by $7,000,000.

AMENDMENT NO. 792

Mr. ALEXANDER. Mr. President, I am pleased that the Senate unanimously approved my amendment to maximize college affordability and access by helping to preserve competition and choice in the student loan program. I look forward to working with my colleagues to preserve the Federal Family Education Loan—FFEL—program as a viable program for students and institutions of higher education.

My amendment is very straightforward and it calls on the Congress to maintain ''a competitive student loan program that provides students and institutions of higher education with a comprehensive choice of loan products and services.'' We know that institutions of higher education like the ability to choose which program to participate in, and 73 percent of schools choose to use the FFEL program.

I think that we should maintain that ability of institutions to choose which program to participate in so that we can give them, and their students, the best options, the best services, and the best programs.

The President's budget proposes to originate all new student loans in the Direct Loan program, which is a proposal that I do not support. When I was U.S. Secretary of Education, I opposed the creation of the Direct Loan program because I felt that the Federal Government shouldn't be in the business of being a bank. I still feel that way. The problem with the government operating as a bank is that we would have to borrow a lot of money and add to the Federal deficit. The FFEL program last year generated $52.9 billion in loans, while the Direct Loan program generated $21.8 billion. If we were to move all of the FFEL loans to the government's loan program, that's a lot more debt to add to our books. I don't think we should do that right now when we know that the FFEL program is working.

I also thought that the Federal Government wouldn't be able to manage that many loans very effectively or efficiently for the students, and I haven't changed my mind on that. There are 6,000 colleges and universities, and over 15 million loans each year to students and parents. The Department of Education can't manage that many loans, nor should they. It is a massive undertaking that calls on over 30,000 people throughout our Nation working for banks, guarantors, and nonprofit lenders. We don't need to increase the Department of Education staffing by 30,000 people, so I don't see why we should move all of the loans and operations to that agency.

As the president of one of our lenders in Tennessee recently wrote in the Knoxville News Sentinel, ''Nationalizing the student loan industry would be the equivalent of the government taking over the parcel shipping industry and doing away with FedEx and UPS, relying entirely on the U.S. Postal Service.'' We can't afford to take that risk when we are dealing with students.

In the past week we have all heard from many of the institutions of higher education in our States favoring the continuation of the FFEL program. My amendment does just that, and it sends the message that the U.S. Senate supports giving colleges and universities—and ultimately parents and students—the choice which student loan program works best for them.

Mr. CONRAD. Mr. President, let me say that we are just about ready.

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

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

AMENDMENT NO. 967

Mr. CONRAD. Mr. President, we are prepared to go to DeMint amendment No. 967.

Mr. DEMINT. Mr. President, I would like to call up DeMint Amendment No. 967.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 967.

Mr. DEMINT. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To implement President Obama's earmark reforms)

At the appropriate place, insert the following:

SEC. _____. EARMARK POINT OF ORDER.

(a) IN GENERAL.—It shall not be in order in the Senate to consider a bill, resolution, amendment, or conference report that includes—

(1) a congressional earmark to a private for profit entity that is not subject to the same competitive bidding requirements as other Federal contracts;

(2) a congressional earmark which has not been the subject of a public hearing in the committee of jurisdiction where the member requesting the earmark has testified on its behalf; or

(3) a congressional earmark which has not been posted on the Member sponsor's website at least 72 hours before consideration of the legislation.

(b) TRADING EARMARKS.—A Senator may not trade a congressional earmark for any political favor, including a campaign contribution.

(c) SUPERMAJORITY WAIVER AND APPEALS.—

(1) WAIVER.—Subsection (a) may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of subsection (a) shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

(d) DEFINITION.—In this section, the term ''congressional earmark'' means a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.

Mr. DEMINT. Mr. President, one of the changes President Obama said he would bring to Washington is earmark reform.

Last month, on March 11, he laid out his plan. And that is what this amendment is. It is a four-point plan. I will explain it with quotes from the President: Any earmark for a for-profit private company should be subject to the same competitive bidding requirements as other Federal contracts; No. 2, each earmark must be open to scrutiny at public hearings where Members will have to justify their expense to the taxpayer; No. 3, earmarks that Members do seek might be aired on those Members' websites in advance so the public and the press can examine them and judge their merits for themselves; and, No. 4, that he would prohibit the trading of earmarks for public favors.

It is just that simple. This is the President's plan for earmark reform. I ask my colleagues to support it.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Chairman INOUYE has the time in opposition.

Mr. INOUYE. Mr. President, at this moment, if you are trying to get an earmark in the bill, you have to have it posted on your Web site 30 days before markup to give the public an opportunity to look at the Web site.

Secondly, there is much transparency, much more than ever before.

Thirdly, we have reduced earmarks to less than 1 percent. And now that, as our Senator has indicated, on March 11, the President spoke on the earmarks, it went something further.

The President said:

I recognize that Congress has the power of the purse, and I believe that individual Members of the Congress understand their districts best. They should have the ability to respond to the needs of the communities.

Yes, all of us were elected to represent our districts and our States. We were not elected to be rubberstamps of anyone.

Mr. COCHRAN. Mr. President, the amendment of the Senator from South Carolina creates a point of order against legislation that does not comply with President Obama's recently proposed earmark reforms.

The amendment ignores the layers of reforms that Congress has adopted in recent years and the reduction in the amount of earmarks that has already taken place.

For the coming fiscal cycle the Appropriations Committee has required that earmarks be posted on the requesting Members' Web sites well in advance of the appropriations bills even being considered in subcommittee. This well exceeds the 72 hour threshold sought by President Obama. And I note that President Obama will not make public his own earmark requests prior to publication of his budget.

The amendment would require all Senators to testify at hearings in support of any earmarks they seek. If testimony by Senators is to be required to justify legislative initiatives, why on Earth would we want to limit this to earmarks? Shouldn't Senators be required to testify at hearings in support of any legislative initiative they advocate? When was the hearing on the amendment of the Senator from South Carolina?

The amendment purports to prohibit earmarks from being traded for ''political favors.'' Mr. President, does this mean it is OK to trade any other official act for political favors? Does this give Members license to pursue legislative provisions for labor interests or for particular industries in exchange for political favors? Of course, it doesn't. My colleagues are well aware that trading earmarks or any other official act for political favors is already against the laws and ethics rules of this body.

I am happy for earmarks and all other legislative matters to be subject to the scrutiny of the legislative process. That is exactly as it should be. I hope my colleagues will support efforts to consider individual appropriations bills this summer in an orderly and timely manner so that the Senator from South Carolina and all other Members can offer amendments to eliminate spending that they see as wasteful.

But we don't need new points of order to do this. I urge my colleagues to reject this amendment.

Mr. GREGG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

Mr. CONRAD. Mr. President, I raise a point of order that the amendment is not germane.

The PRESIDING OFFICER. The motion to waive is considered made.

Mr. DEMINT. I ask for the yeas and nays on the motion to waive.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to the motion to waive the Budget Act in relation to the DeMint amendment No. 967.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

The yeas and nays resulted—yeas 28, nays 69, as follows:

[Rollcall Vote No. 149 Leg.]

YEAS—28

Barrasso	Ensign	Martinez
Bennet	Enzi	McCain
Bunning	Feingold	McCaskill
Burr	Graham	Risch
Chambliss	Grassley	Sessions
Coburn	Inhofe	Snowe
Corker	Isakson	Thune
Cornyn	Johanns	Vitter
Crapo	Kyl	
DeMint	Lieberman	

NAYS—69

Akaka	Baucus	Begich
Alexander	Bayh	Bennett

Bingaman	Hatch	Nelson (NE)
Bond	Hutchison	Pryor
Boxer	Inouye	Reed
Brown	Johnson	Reid
Brownback	Kaufman	Roberts
Burris	Kerry	Rockefeller
Cantwell	Klobuchar	Sanders
Cardin	Kohl	Schumer
Carper	Landrieu	Shaheen
Casey	Lautenberg	Shelby
Cochran	Leahy	Specter
Collins	Levin	Stabenow
Conrad	Lincoln	Tester
Dodd	Lugar	Udall (CO)
Dorgan	McConnell	Udall (NM)
Durbin	Menendez	Voinovich
Feinstein	Merkley	Warner
Gillibrand	Mikulski	Webb
Gregg	Murkowski	Whitehouse
Hagan	Murray	Wicker
Harkin	Nelson (FL)	Wyden

NOT VOTING—2

Byrd	Kennedy

The PRESIDING OFFICER. On this vote, the yeas are 28, the nays are 69. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

The Senator from North Dakota.

MODIFICATION TO PURPOSE OF AMENDMENT NO. 890

Mr. CONRAD. Mr. President, I ask unanimous consent that notwithstanding the adoption of amendment No. 890 by Senator BARRASSO, the amendment be modified in the purpose statement. The modification is at the desk.

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

The purpose, as modified, is as follows:

(Purpose: To provide funding for voluntary efforts to conserve endangered species and to enable certain individuals and entities to comply with the Endangered Species Act of 1973)

AMENDMENTS NOS. 980, AS MODIFIED; 830, 765, 940, 870, AND 810

Mr. CONRAD. Mr. President, I have six amendments that have been agreed to by both sides, starting with Kyl amendment No. 980, as modified, on Iran—I think the modification is at the desk.

Mr. KYL. It is.

Mr. CONRAD. The modification is at the desk—Coburn amendment No. 830; Barrasso No. 765; Snowe-Landrieu No. 940; Thune No. 870; and Brown No. 810.

I ask unanimous consent those six amendments be agreed to.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Nos. 980, as modified; 830, 765, 940, 870, and 810) were agreed to, as follows:

AMENDMENT NO. 980, AS MODIFIED

(Purpose: To deny funding for federal government expenditures to companies that are obtaining at least $1,000,000 in revenue from the sale of goods or services to or investment in Iran's energy sector, including, but not limited to: the exploration, development or exploitation of Iran's natural gas or crude oil fields; the import of refined petroleum products, including but not limited to liquefied natural gas and petroleum bi-products into Iran; the enhancement or maintenance of Iran's oil refineries; and assistance in the import and or export of energy products to or from Iran, including the provision of shipment, insurance, and reinsurance services)

On page 12, line 21, decrease the amount by $1.00.

On page 12, line 22, decrease the amount by $1.00.

On page 27, line 23, decrease the amount by $1.00.

On page 27, line 24, decrease the amount by $1.00.

AMENDMENT NO. 830

(Purpose: To provide for legislation that allows for a temporary suspension of the 10 percent tax penalty in order for struggling families to make an early withdrawal from their qualified retirement accounts to pay their monthly mortgage payments)

On page 40, strike lines 9 through 22 and insert the following:

(f) HOUSING ASSISTANCE.—The Chairman of the Senate Committee on the Budget may revise the allocations of a committee or committees, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports related to housing assistance, which may include low income rental assistance, assistance provided through the Housing Trust Fund created under section 1131 of the Housing and Economic Recovery Act of 2008, and legislation that allows for a temporary suspension of the 10 percent tax penalty in order for struggling families to make an early withdrawal from their qualified retirement accounts to pay their monthly mortgage payments, by the amounts provided in such legislation for those purposes, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

AMENDMENT NO. 765

(Purpose: To provide that the authorized climate change legislation decrease greenhouse gas emissions without regulating carbon dioxide, nitrogen oxide, water vapor, or methane emissions from biological processes associated with livestock production)

On page 33, lines 19 and 20, after ''emissions'' insert the following: ''(without regulating carbon dioxide, nitrogen oxide, water vapor, or methane emissions from biological processes associated with livestock production)''.

AMENDMENT NO. 940

(Purpose: To establish a deficit-neutral reserve fund to require a certain portion of funding for the Energy Star Program of the Environmental Protection Agency to be allocated to the Energy Star for Small Business Program)

At the appropriate place in title II, insert the following:

SEC. 2_____. DEFICIT-NEUTRAL RESERVE FUND FOR ENERGY STAR FOR SMALL BUSINESS PROGRAM.

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would set aside, from amounts made available for the Energy Star Program of the Environmental Protection Agency, at least 2 percent for the Energy Star for Small Business Program.

(b) DEFICIT NEUTRALITY.—Subsection (a) applies only if the legislation described in that subsection would not increase the deficit over the period of the total of fiscal years 2009 through 2014 or the period of the total of fiscal years 2009 through 2019.

AMENDMENT NO. 870

(Purpose: To provide for a total of $99,000,000 in COPS Hot Spots funding, as authorized in the Combat Meth Act)

On page 24, line 24, increase the amount by $99,000,000.

On page 24, line 25, increase the amount by $12,000,000.

On page 25, line 4, increase the amount by $28,000,000.

On page 27, line 23, decrease the amount by $99,000,000.

On page 27, line 24, decrease the amount by $12,000,000.

On page 28, line 3, decrease the amount by $28,000,000.

AMENDMENT NO. 810

(Purpose: To modify the deficit-neutral reserve fund for economic stabilization and growth to promote new employment opportunities that are critical to economic recovery by supporting workforce strategies that help workers seeking specialized training for emerging industries)

On page 37, line 24, insert ''by increasing support for sector workforce training,'' after ''products,''.

AMENDMENT NO. 940

Ms. SNOWE. Mr. President, as ranking member of the Senate Committee on Small Business and Entrepreneurship, and as a longstanding steward of the environment, I have continuously requested increased funding for the Environmental Protection Agency's Energy Star for Small Business Program, which has documented how voluntary action by small business owners can reduce energy costs by 30 percent or more.

The Snowe-Landrieu amendment would require that a minimum of 2 percent of the EPA's Energy Star Program's total budget be allocated to the Energy Star for Small Business Program. This critical program provides free unbiased information and technical support for small businesses to improve their company's financial performance by reducing energy waste and energy costs, while protecting the Earth's environment.

Regrettably, in the past, less than 2 percent of Energy Star's annual funding has been allocated to the Small Business program which is responsible for reaching the entire small business community, thereby restricting its tremendous potential impact. This inadequate percentage grossly underestimates the critical role small businesses can play in improving our Nation's energy efficiency and reducing our carbon footprint.

Through efforts to increase energy efficiency, small businesses can contribute to America's energy security,

help to combat global warming, while strengthening their competitive advantage all at the same time. With 27 million small businesses in the U.S. comprising 99.7 percent of all domestic employer firms and producing approximately half of all the commercial and industrial energy in the United States, the role small businesses can play in forging a solution to global climate change and rising energy prices is undeniable.

This amendment would provide small businesses with the funding, technical assistance, and resources necessary to improve small business energy efficiency. Every effort must be made at the Federal level to ensure the connection small businesses can engage in clean and renewable energy. I appreciate the support of my colleagues on this amendment.

AMENDMENT NO. 810

Mr. President, I support the amendment offered by Senator BROWN, which I am cosponsoring, to create a deficit-neutral reserve fund to support funding for critical workforce strategy programs that help individuals seeking specialized training for emerging industries. This reserve fund will help highlight the need for resources to grow new employment opportunities that are critical to economic recovery by supporting workforce strategy programs that help those in need of training.

Any effort to further stabilize our careening economy must include consideration of job training and transformation. Improving and reauthorizing the Workforce Investment Act, WIA, to help the millions of unemployed—and millions more underemployed—must be a critical element of bolstering our economy.

Much has been made of the phenomena of ''green jobs'' and a ''green technology.''At a recent speech in Atlanta, author Tom Friedman urged America to retake the lead in the world through innovation in ''ET''—Energy Technology. Friedman said the United States needs to ''invent a source of abundant, cheap, clean, reliable electrons.'' He compared the ''ET'' movement to the ''IT''—Information Technology—movement of the last decade. There are thousands of entrepreneurs who are developing the next energy concept that will revolutionize our energy policies, and those concepts will need a highly educated and prepared workforce to make them a reality. The job training programs already in place under the Workforce Investment Act can help activate Americans, and expedite the transformation into a new energy economy. I believe this amendment will help ensure funding for our workers to get the best training and pave the way for just such a revolutionary shift in the future of this country.

Throughout the Nation, workforce strategy programs, like those within WIA, are being used to promote the long-term competitiveness of industries and to advance employment opportunities. For example, the State of Maine has created a program called the North Star Alliance Initiative. The Alliance has brought together Maine's boat builders, the University of Maine's Advanced Engineered Wood Composites Centers, Maine's marine and composite trade association, economic development groups, and investment organizations for the purpose of advancing workforce training.

In order to promote programs like the North Star Alliance Initiative, Senator BROWN and I introduced the SECTORS Act, S. 777, which provides grants to industry clusters—interrelated group of businesses, service providers, and associated institutions in order to establish and expand sector partnerships. By providing financial assistance to these partnerships, this legislation would create customized workforce training solutions for specific industries at a regional level. A sector approach is beneficial because it can focus on the dual goals of promoting the long-term competitiveness of industries and advancing employment opportunities for workers, thereby encouraging economic growth. Existing sector partnerships have long been recognized as key strategic elements within some of the most successful economic development initiatives throughout the country. Unfortunately, current federal policy does not provide sufficient support for these critical ventures. This amendment will help ensure that critical funding will be made available for the SECTORS Act if it is passed into law.

AMENDMENT NO. 969

Mr. CONRAD. Mr. President, now we wish to go to the Sessions amendment No. 969.

Senator SESSIONS.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the chairman of the committee.

This Congress passed the Secure Fence Act of 2006 by a vote of 80 to 19, with broad bipartisan support, including then-Senators Obama, BIDEN, and Clinton. We committed to 700 miles of barriers. Today we are less than halfway there. The funding has simply not been there.

Some progress is being made in areas where the fencing is in place. We have had a dramatic reduction in crime in the San Diego area since the fence was completed a number of years ago. This will help us reduce crime. It will help us reduce drug smuggling, gun smuggling, and immigration violations. We have a lawless border.

Progress is being made, colleagues. We are seeing a reduction in the number of people entering America, a reduction in the number of arrests. And if we follow through with what we have told the American people we intend to do, we will be able to create a lawful system of immigration, which is a responsibility this Congress has.

I urge support of this amendment. It is consistent with previous votes. It puts a budget point of order against an appropriation in this area that does not fund the fence completion.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SESSIONS] proposes an amendment numbered 969.

The amendment is as follows:

(Purpose: To provide for a point of order against any appropriations bill that fails to fully fund the construction of the Southwest border fence)

On page 68, between lines 4 and 5, insert the following:

SEC. ____. POINT OF ORDER AGAINST FAILURE TO FULLY FUND SOUTHWEST BORDER FENCE.

(a) POINT OF ORDER.—After a concurrent resolution on the budget in the Senate is agreed to, it shall not be in order in the Senate to consider any appropriations bill that fails to provide at least $2,600,000,000 to carry out section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note).

(b) FORM OF POINT OF ORDER.—A point of order under subsection (a) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(c) WAIVER.—This section may be waived or suspended only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(d) APPEALS.—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(e) SUNSET PROVISION.—This section shall cease to be effective on the earlier of—

(1) the date on which $2,600,000,000 is appropriated to carry out section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996; or

(2) the date that is 2 years after the date of enactment of this Act.

Mr. CONRAD. Mr. President, Senator SCHUMER has the time in opposition.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, many of us supported the fence. Many of us opposed it. But one thing is for sure, there is only about $120 million left to complete this section of the fence.

The amendment we have before us—without an evaluation as to whether it is effective, without an evaluation of where the new parts should go, without an evaluation as to whether there are other, better ways to deal with the problem of undocumented and illegal immigration—says vote $2.6 billion whether it works or not. That does not make much sense at a time when we are trying to balance the budget, be fiscally austere.

I had prepared a side by side. Let's have an evaluation by the Department of Homeland Security and the Border Patrol and everyone else as to whether the fence is working. I do not think that is clear. We should find out where it is working, how to make it better.

Another thing we do here, without even any test, is set a double fence—$2.6 billion whether we know it works or not. I urge the amendment be defeated; we let the Department of Homeland Security study the most effective

way to deal with illegal immigration, and if a double fence or another thing is needed, we will learn about that in time.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CONRAD. Mr. President, I raise a point of order that the amendment is not germane.

The PRESIDING OFFICER. The motion to waive is considered made.

Mr. GREGG. I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

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

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

The yeas and nays resulted—yeas 36, nays 61, as follows:

[Rollcall Vote No. 150 Leg.]

YEAS—36

Alexander	Cornyn	Johanns
Barrasso	Crapo	Kyl
Bayh	DeMint	McCain
Bennett	Ensign	McConnell
Bond	Enzi	Nelson (NE)
Brownback	Graham	Risch
Bunning	Grassley	Roberts
Burr	Gregg	Sessions
Chambliss	Hatch	Shelby
Coburn	Hutchison	Thune
Cochran	Inhofe	Vitter
Corker	Isakson	Wicker

NAYS—61

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

NOT VOTING—2

Byrd	Kennedy

The PRESIDING OFFICER. On this vote the yeas are 36, the nays are 61. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mr. SCHUMER. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CONRAD. Mr. President, we are now down to six amendments and final passage. I wish to thank all the colleagues who have helped us get to this point.

AMENDMENT NO. 963

The next amendment in order would be the DeMint amendment No. 963 on health care.

Mr. DEMINT. Mr. President, I wish to call up DeMint amendment No. 963.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 963.

The PRESIDING OFFICER. The amendment is as follows:

(Purpose: To provide for a point of order against any legislation that eliminates the ability of Americans to keep their health plan or their choice of doctor)

At the appropriate place, insert the following:

SEC. ___. POINT OF ORDER ON LEGISLATION THAT ELIMINATES THE ABILITY OF AMERICANS TO KEEP THEIR HEALTH PLAN OR THEIR CHOICE OF DOCTOR.

(a) IN GENERAL.—In the Senate, it shall not be in order, to consider any bill, joint resolution, amendment, motion, or conference report that eliminates the ability of Americans to keep their health plan or their choice of doctor (as determined by the Congressional Budget Office).

(b) WAIVER.—This section may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(c) APPEALS.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

Mr. DEMINT. Mr. President, there are a number of concerns about this budget, and I have heard from a number of Americans who see in the budget hundreds of millions of dollars for health care which suggests that the Government is not only going to expand into banks and auto companies and education but to expand into health care. One of the propositions President Obama made is that Americans will always be able to pick their own plans and choose their own doctors. This amendment simply codifies that. It creates a point of order against any legislation that would eliminate the ability of a patient to pick their own plans or their own doctor.

I encourage my colleagues to support it.

The PRESIDING OFFICER. Mr. President, would Senator DEMINT be willing to accept a voice vote?

Mr. DEMINT. If you can assure me we will win.

Mr. CONRAD. I assure you.

Mr. DEMINT. It is a done deal. Thank you.

Mr. CONRAD. Mr. President, I ask to take this on a voice vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 963) was agreed to.

Mr. CONRAD. Mr. President, that gives us five. We are going to go to the countdown; five plus final passage.

AMENDMENT NO. 964

DeMint No. 964 is the next amendment in order.

Mr. DEMINT. Mr. President, I wish to call up amendment No. 964.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 964.

The amendment is as follows:

(Purpose: To establish a deficit-neutral reserve fund to protect small and home businesses from the burdensome and impractical requirements of the Consumer Product Safety Improvement Act of 2008)

At the appropriate place, insert the following:

SEC. _____. DEFICIT-NEUTRAL RESERVE FUND FOR IMPROVEMENTS TO BAN ON LEAD IN CHILDREN'S PRODUCTS.

(a) IN GENERAL.—The Chairman of the Committee on the Budget of the Senate may revise the allocations of 1 or more committees, aggregates, and other appropriate levels in this resolution by the amounts authorized to be appropriated for the programs described in paragraphs (1) through (6) in 1 or more bills, joint resolutions, amendments, motions, or conference reports that fund consumer product safety, including any program that—

(1) delays the lead ban in section 101 of the Consumer Product Safety Improvement Act of 2008 (15 U.S.C. 1278a) by 6 months;

(2) exempts thrift stores, consignment shops, and other second hand sellers from the provisions of such section;

(3) exempts children's motorcycles and all terrain vehicles from treatment as banned hazardous substances under such section;

(4) exempts books from treatment as banned hazardous substances under such section;

(5) allows a product to comply with the lead ban in such section if every component of the product complies with the ban; or

(6) does not require products manufactured before the effective date of the ban under such section to be removed from store shelves.

(b) LIMITATION.—The authority described in subsection (a) may not be used unless the appropriations in the legislation described in paragraphs (1) through (6) of subsection (a) would not increase the deficit over—

(1) the 6-year period beginning with the first day of fiscal year 2009; or

(2) the 11-year period beginning with the first day of fiscal year 2009.

Mr. DEMINT. Mr. President, I ask unanimous consent to add as cosponsors Senators BENNETT, ENZI, BROWNBACK, COBURN, and VITTER.

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

Mr. DEMINT. Mr. President, I ask for my colleagues' attention because this is not a partisan amendment; it is not a messaging amendment.

Many of my colleagues have probably heard from a number of constituents about some problems with the Consumer Product Safety Act that we passed. This amendment simply allows for the improvement of that bill with certain considerations such as allowing current inventory to sell through, exempting thrift stores and secondhand sellers, exempting book sales and children's motorcycles, allowing manufacturers to prove there is no lead content

by proving that their components have no lead contents. This means they don't have to destroy existing inventory if they can prove it is safe. This amendment does nothing to diminish safety, but it is common sense.

Please, this is costing millions of dollars, thousands of jobs across this country. I encourage my colleagues to support this amendment.

Mr. CONRAD. Mr. President, Senator PRYOR has the time in opposition.

Mr. CONRAD. Senator PRYOR has the time in opposition.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, this amendment is a bad amendment. Last year, the Senate passed this legislation with 97 votes. It is a good bill. It bans lead in children's toys. It does so many other great things to make sure our marketplace is safe. It protects us from unsafe Chinese toys.

We need to vote against this amendment. The problem is not with the act. It is very clear from the Consumer Product Safety Commission, where the Commissioner, who is not the Chairman, says that the single most important step that needs to be taken in furtherance of the implementation of the CPSIA at the agency is to have a third Commissioner who would also be a chairman appointed to lead the agency. Until then, any legislative fixes are premature.

The CPSC has the authority to fix all the problems that have been raised by the Senator from South Carolina.

I strongly urge that we vote for our children and vote no on the DeMint amendment.

Mr. CONRAD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The legislative clerk called the roll.

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

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

The result was announced—yeas 39, nays 58, as follows:

[Rollcall Vote No. 151 Leg.]

YEAS—39

Alexander	DeMint	McConnell
Barrasso	Ensign	Murkowski
Begich	Enzi	Nelson (NE)
Bennett	Graham	Risch
Bond	Grassley	Roberts
Brownback	Hagan	Sessions
Bunning	Hatch	Shelby
Burr	Hutchison	Snowe
Chambliss	Inhofe	Specter
Coburn	Isakson	Thune
Cochran	Klobuchar	Vitter
Corker	Kyl	Voinovich
Crapo	Lugar	Wicker

NAYS—58

Akaka	Bingaman	Cantwell
Baucus	Boxer	Cardin
Bayh	Brown	Carper
Bennet	Burris	Casey
Collins	Kohl	Reed
Conrad	Landrieu	Reid
Cornyn	Lautenberg	Rockefeller
Dodd	Leahy	Sanders
Dorgan	Levin	Schumer
Durbin	Lieberman	Shaheen
Feingold	Lincoln	Stabenow
Feinstein	Martinez	Tester
Gillibrand	McCain	Udall (CO)
Gregg	McCaskill	Udall (NM)
Harkin	Menendez	Warner
Inouye	Merkley	Webb
Johanns	Mikulski	Whitehouse
Johnson	Murray	Wyden
Kaufman	Nelson (FL)	
Kerry	Pryor	

NOT VOTING—2

Byrd	Kennedy

The amendment (No. 964) was rejected.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 870, AS MODIFIED

Mr. CONRAD. Mr. President, I ask unanimous consent that the Thune amendment, No. 870, be modified with the changes which are at the desk, notwithstanding adoption of the amendment.

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

The amendment, as modified, is as follows:

On page 24, line 24, increase the amount by $99,000,000.

On page 24, line 25, increase the amount by $12,000,000.

On page 25, line 4, increase the amount by $28,000,000.

On page 25, line 8, increase the amount by $59,000,000.

On page 27, line 23, decrease the amount by $99,000,000.

On page 27, line 24, decrease the amount by $12,000,000.

On page 28, line 3, decrease the amount by $28,000,000.

On page 28, line 7, decrease the amount by $59,000,000.

Mr. CONRAD. Mr. President, we are now down to three amendments and final passage, and one of the three can be done on a voice vote.

AMENDMENT NO. 828

The next amendment in order is Coburn amendment No. 828.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, imagine tomorrow morning, if we are in session, and you no longer get to vote your conscience, that a Federal bureaucrat will tell you what you can and cannot do.

The fact is, we have wonderful physicians in this country who make decisions every day based on a multitude of factors, including what they think in their conscience is right. This is an amendment which simply protects that right, just as you would want the right for your vote in this body to be protected. It also protects the conscience of a patient to be able to choose the physician and the caregiver to whom they trust their body and their health.

I hope this body will support this amendment.

I yield the floor.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 828.

The amendment is as follows:

(Purpose: To protect the freedom of conscience for patients and the right of health care providers to serve patients without violating their moral and religious convictions)

On page 31, strike lines 3 through 7 and insert the following: ''cans;

(8) maintain long-term fiscal sustainability and pays for itself by reducing health care cost growth, improving productivity, or dedicating additional sources of revenue; or

(9)(A) subject to subparagraph (B), protect the freedom of conscience for patients and the right of health care providers to serve patients without violating their moral and religious convictions, which includes, but is not limited to, prohibiting—

(i) discrimination on the basis of a provider's objection to perform or participate in specific surgical or medical procedures or prescribe certain pharmaceuticals;

(ii) legal coercion against a provider who expresses a conscience objection to perform or participate in specific surgical or medical procedures or prescribe certain pharmaceuticals; and

(iii) government coercion of patients to enroll in specific health insurance plans or see pre-selected health care providers; and

(B) require the principles described in subparagraph (A) shall not be construed to authorize or shield from liability the denial, on the basis of a patient's race or present or predicted disability, of a surgical or medical procedure or pharmaceutical that a provider offers to others;''.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, Senator MURRAY has the time in opposition.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, this amendment would put in place a regulation that would mean health care providers—not just doctors but anybody in a health care clinic or hospital—could refuse millions of women health care for critical services. It jeopardizes Federal family planning services, Medicaid, and title X, and it undermines State laws that guarantee women access to contraceptive services.

Health and Human Services has proposed to rescind this rule which the Bush administration published when their clock was running out.

This amendment puts ideology ahead of science and ahead of women's health care. Federal law already permits medical professionals to decline to assist in abortions based on their religious beliefs. But stopping this regulation will not change that. This amendment goes way too far and ignores the needs of patients and denies women reproductive health care services.

I encourage my colleagues to vote no.

Mr. GREGG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The bill clerk called the roll.

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

and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

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

The result was announced—yeas 41, nays 56, as follows:

[Rollcall Vote No. 152 Leg.]

YEAS—41

Alexander	DeMint	McCain
Barrasso	Ensign	McConnell
Bennett	Enzi	Murkowski
Bond	Graham	Nelson (NE)
Brownback	Grassley	Pryor
Bunning	Gregg	Risch
Burr	Hatch	Roberts
Casey	Hutchison	Sessions
Chambliss	Inhofe	Shelby
Coburn	Isakson	Thune
Cochran	Johanns	Vitter
Corker	Kyl	Voinovich
Cornyn	Lugar	Wicker
Crapo	Martinez	

NAYS—56

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

NOT VOTING—2

Byrd	Kennedy

The amendment (No. 828) was rejected.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, the next amendment that is in order is amendment No. 751 by Senator VITTER, if he could briefly mention the amendment.

AMENDMENT NO. 751

Mr. VITTER. Mr. President, I call up amendment No. 751.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 751.

Mr. VITTER. Mr. President, I ask unanimous consent to waive the reading of the amendment.

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

The amendment is as follows:

(Purpose: To protect the more than 6 million Americans employed by the domestic oil and gas industry and to ensure low-cost energy for America's consumers, businesses, and families)

On page 33, line 8, after ''legislation'', insert the following:

''would not increase the cost of producing energy from domestic sources, including oil and gas from the Outer Continental Shelf or other areas; would not increase the cost of energy for American families; would not increase the cost of energy for domestic manufacturers, farmers, fishermen, or other domestic industries; and would not enhance foreign competitiveness against U.S. businesses; and''

Mr. CONRAD. Mr. President, I ask unanimous consent that we accept the amendment.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered.

The amendment (No. 751) was agreed to.

Mr. CONRAD. Mr. President, I thank Senator VITTER, and I also want to take just a moment to thank Senator CRAPO for his graciousness in withdrawing an amendment, as well as Senator MARTINEZ for his graciousness in withdrawing an amendment. We appreciate it very much.

AMENDMENT NO. 937

We are now on to the final amendment before final passage, No. 937, by Senator VITTER.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I call up amendment No. 937.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 937.

Mr. VITTER. Mr. President, I ask unanimous consent to waive the reading of the amendment.

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

The amendment is as follows:

(Purpose: To require States to implement drug testing programs for applicants for and recipients of assistance under the Temporary Assistance for Needy Families (TANF) program, which would encourage healthy, drug-free families instead of encouraging dependent behavior or on-going drug abuse)

At the appropriate place in title II, insert the following:

SEC.____. RESERVE FUND TO REQUIRE DRUG TESTING AND TO PROVIDE DRUG TREATMENT FOR TANF RECIPIENTS.

The Chairman of the Committee on the Budget of the Senate may revise the allocations of a committee or committees, aggregates, and other levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that—

(1) Would require that States operate a drug testing program as part of their Temporary Assistance for Needy Families (TANF) program;

(2) Would provide treatment programs for those who test positive for illegal drug use or are convicted of drug-related crime;

(3) Would withhold TANF assistance for two years to any recipient who, after initially testing positive and having been offered treatment, again tests positive; and

(4) Would not reduce or deny TANF assistance allocated for dependents if the dependent's caretaker tests positive for drug use or is convicted of drug-related crime; by the amounts provided in that legislation for that purpose, provided that such legislation would not increase deficit over either the total of the period of fiscal years 2009 through 2014 or the period of the total of fiscal years of 2009 through 2019.

Mr. VITTER. Mr. President, this amendment is very simple. It advances the policy of drug testing for welfare or TANF recipients. If a recipient were to test positive, they would get treatment. If they tested positive again, then and only then would they be denied the benefit.

Under no circumstances, would the children of that beneficiary be denied the children's benefit because they, of course, would not be a guilty party in any way.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, Senator BAUCUS will speak in opposition to the amendment.

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

Mr. BAUCUS. Mr. President, I oppose this amendment for a lot of reasons. No. 1, this is an unfunded mandate. The TANF program, the low-income program, the welfare program, is a block grant program. We give to all the States and the States set up their own systems under TANF. This is an unfunded mandate. It tells States they have to test all low-income people for drugs.

I think, frankly, it is a mean-spirited amendment. I believe we should not equate all low-income families with drug addiction. States can decide for themselves if they want to drug test. My State of Montana does. TANF, again, is a block grant program. States can decide for themselves what they want to do. We should not equate all low-income families with drug addiction, and I strongly encourage this amendment be soundly defeated.

Mr. VITTER. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 27 seconds remaining.

Mr. VITTER. Mr. President, I don't understand what is mean spirited about not giving tax money to folks who have drug problems and about trying to get them help, which is the first and most important thing we can do to actually help them.

I urge broad bipartisan support for this commonsense amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 937.

Mr. GREGG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The result was announced—yeas 18, nays 79, as follows:

[Rollcall Vote No. 153 Leg.]

YEAS—18

Barrasso	Cornyn	Inhofe
Brownback	Crapo	Isakson
Bunning	DeMint	Kyl
Burr	Ensign	McConnell
Chambliss	Enzi	Risch
Coburn	Grassley	Vitter

NAYS—79

Akaka	Gregg	Nelson (FL)
Alexander	Hagan	Nelson (NE)
Baucus	Harkin	Pryor
Bayh	Hatch	Reed
Begich	Hutchison	Reid
Bennet	Inouye	Roberts
Bennett	Johanns	Rockefeller
Bingaman	Johnson	Sanders
Bond	Kaufman	Schumer
Boxer	Kerry	Sessions
Brown	Klobuchar	Shaheen
Burris	Kohl	Shelby
Cantwell	Landrieu	Snowe
Cardin	Lautenberg	Specter
Carper	Leahy	Stabenow
Casey	Levin	Tester
Cochran	Lieberman	Thune
Collins	Lincoln	Udall (CO)
Conrad	Lugar	Udall (NM)
Corker	Martinez	Voinovich
Dodd	McCain	Warner
Dorgan	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feingold	Merkley	Wicker
Feinstein	Mikulski	Wyden
Gillibrand	Murkowski	
Graham	Murray	

NOT VOTING—2

Byrd Kennedy

The amendment (No. 937) was rejected.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. CONRAD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KYL. Mr. President, during these recent budget debates, I have been reminded that some in Washington used to mock President Reagan for the ''rosy economic scenarios'' they said his budgets relied upon. But never—until now—has any President's economic model differed so fundamentally from those predicted by most independent analysts.

President Obama's budget chief, Peter Orszag, predicts that from 2010–2013 the economy will grow 4 percent a year. But the blue-chip economic forecasters say it is much lower—about 2.7 percent. That is a big difference when we are talking about hundreds of billions of dollars.

President Obama claims his budget will halve the deficit by 2014. But the way it gets there is by first running up a huge deficit and then cutting that number in half. The Congressional Budget Office now projects a $1.669 trillion deficit in 2009 that will bottom out at $658 billion in 2012, which is still more than 40 percent above the highest deficit during the Bush administration. But the Congressional Budget Office also says the deficits accumulated by Obama's budget will then surge to $9.2 trillion in 2019.

President Obama has said he will cut taxes for 95 percent of Americans. But his budget would raise taxes by $1.4 trillion over 10 years. It not only lets some of the existing tax rates expire—thus raising taxes—but implements a colossal energy tax that will impact every American household—regardless of income—and is estimated to drop an additional $3,168 annual bill on every family, on top of its existing energy costs. Remember, candidate Obama told us that under this energy plan, ''electricity rates would necessarily skyrocket.'' Why is this a good idea?

Economic historian John Steele Gordon draws this analogy to an energy tax in the recent issue of Commentary magazine: ''If passed it will act on the economy as a whole exactly the way a governor acts on a steam engine, increasingly resisting any increase in revolutions per minute. . . . The more the economy tries to speed up the more [this tax] will work to prevent it from doing so.''

Think about the incongruity between the growth predicted in President Obama's budget and the policies his budget would partially implement. This budget would saddle American taxpayers, businesses, and industry—everyone—with a bevy of new tax increases and regulations that, once enacted, will unavoidably harm job creation and growth by making it more expensive for businesses to hire and by removing money from the private economy and transferring it to Washington.

How can our economy recover with the Government hampering job creation and growth?

Facts are stubborn things, as President Reagan used to say. We know that raising taxes in time of recession has never helped the economy grow. Why would this time be different?

Mr. FEINGOLD. Mr. President, I strongly believe that the Senate needs to address the serious and pressing problem of climate change, and I look forward to that debate this Congress. I do not, however, believe it would be appropriate to use the fast-track procedure known as reconciliation to consider climate change legislation. Reconciliation is intended for legislation that reduces the deficit. I have strongly opposed past efforts to use reconciliation to address policy matters, such as drilling in the Arctic National Wildlife Refuge. It wasn't appropriate then; it isn't appropriate now.

Mr. SPECTER. Mr. President, in approaching the budget for fiscal year 2010, I am heavily influenced by the $700 billion expenditure in President Bush's bailout package—it was badly administered and I voted against release of the second $350 billion—and the President Obama twin brother $787 billion stimulus package. We have to take a closer look than usual at the mounting deficits and mounting national debt. These budget votes are all going to be determined by the Democratic majority largely on party lines so my vote is really a protest vote and to show there is substantial concern, at least with the loyal opposition, to limit Federal expenditures. To that end, I supported amendments offered by Senators SESSIONS, No. 772, and CRAPO No. 844, to freeze domestic discretionary spending. I also supported amendments by Senators ALEXANDER, No. 747, and GREGG, No. 739, to require a 60-vote threshold on any budget resolution that increases public debt.

Congress must take action to address the current deficit spending especially the increasing funds for entitlement programs. I supported an amendment offered by Senator GREGG, No. 835, to establish a commission to examine the long-term obligations of the Federal Government and make recommendations to reduce that spending. Similarly, I voted in favor of the McCain amendment, No. 882, as an alternative budget resolution to lay down a marker to encourage reductions in Federal expenditures. The budget is just an outline without any of these votes being determinative as to what will occur on appropriations bills, where I will take another look at spending proposals depending on circumstances at that time.

Mr. AKAKA. Mr. President, I support the budget resolution for fiscal year 2010. The resolution embraces many priorities that I strongly support. They include a renewed commitment to energy efficiency, educational improvements, middle-class tax cuts, and our veterans.

The resolution preserves the major priorities in President Obama's budget that was submitted to Congress. The President's budget outlined a blueprint for addressing and reversing the effects of the deep recession, collapse of the housing and credit markets, and the rise in joblessness that we inherited from the previous administration by setting the stage for sustained economic growth through investments in energy, education, and infrastructure, which were begun in the American Recovery and Reinvestment Act, ARRA. Since President Obama's budget was submitted to Congress, the CBO's re-estimate of that budget has added $2.3 trillion to long-term deficit projections. Accordingly, the resolution adjusts the President's budget to cut the long-term deficit in half from $1.2 trillion in fiscal year 2010 to $508 billion in fiscal year 2014 while retaining the President's core priorities.

The resolution matches the funding level in the President's budget for fiscal year 2010 energy discretionary funding to reduce our dependence on foreign sources of fuel, produce green jobs, promote renewable energy development, and improve the electric transmission grid, while encouraging energy conservation and efficiency.

I am pleased that this resolution continues with green investments made in the American Reinvestment and Recovery Act and provides increases for the energy efficiency and renewable energy program. The resolution will enable investments in further research and development in clean and sustainable energy technologies from resources that are abundant in my State of Hawaii, such as wind, solar, ocean, hydrogen, and biomass.

The resolution invests in our Nation's future by fully funding the President's request for discretionary education and training programs. This includes expanding early childhood education programs that have proven to be so instrumental in preparing our Nation's children for future success. The

budget also increases support for programs designed to reach out to low-income students so that every child has an equal opportunity to succeed. Similarly, by providing the necessary funding to support a $5,550 maximum Pell grant award in the 2010–2011 school year, this budget resolution will provide much needed assistance to individuals striving to achieve their higher education goals including adults returning to school to revise and revamp their skills in order to more effectively compete in today's workforce.

I was also pleased to see that funding was included in the budget resolution to enhance and improve the capability of the Federal acquisition workforce. In my role as both chairman of the Subcommittee on Oversight of Government Management and a senior member of the Armed Services Committee, I have long advocated for improvements in the hiring and retention of Federal employees. Similarly, I strongly support funding for the reform of Department of Defense processes for the acquisition of weapons systems including the reduction of no-bid and cost-plus contracts.

As chairman of the Federal Workforce Subcommittee, I am pleased the resolution provides pay parity between Federal civilian and military servicemembers in the average annual pay raise, which is consistent with more than 20 years of congressional precedent and my priorities.

Turning to items in the budget resolution for the Department of Veterans Affairs, the resolution includes the President's request, plus $540 million to compensate for the ill-advised proposal that would have billed veterans' insurance companies for service-connected care. President Obama made the right decision not to move forward with that proposal. Veterans' care and benefits are a cost of war and treatment for conditions directly related to service is the responsibility of the government alone.

The resolution also includes mandatory budget authority for important benefits, such as compensation and pension, for veterans and their survivors. I look forward to working with my colleagues and the administration to enact the funding increases and targeted programs to help VA adapt to the changing needs of veterans and their loved ones.

My colleagues, this resolution, with its targeted investments and changed public-policy priorities, will help us address the essential needs of the Nation.

I urge my colleagues to support the budget resolution for fiscal year 2010.

Mr. KAUFMAN. Mr. President, I believe the document we are now debating reflects two basic realities. First, it reflects the deep troubles that we have inherited from years of lax regulation, excessive risk, neglected oversight, even fraud and criminal behavior in our financial sector.

As President Obama said when he addressed the Joint Session of Congress, America's ''day of reckoning'' has arrived. The deficit spending of the past administration and the economic collapse that began last fall have created deep structural problems that this budget inherits.

Along with short-sighted budget policies that have put us deeper into debt, the collapse of our financial sector has brought down virtually every other sector of our economy. Those facts set the difficult context in which we do our work.

Delaware has not been spared from the waves of bad economic news that have swept over our Nation. We have seen the job losses in our manufacturing industries, layoffs in flagship companies like DuPont, and downsizing in our financial services industry.

Nationally, we just lost another three-quarters of a million jobs last month. In Delaware, our statewide unemployment rate has hit 7.4 percent, a level we have not seen in a generation.

As families in Delaware and around the country sit at their kitchen tables, they know that the world outside has changed. For those who have lost their jobs, for the husbands, the mothers, who have come home with that heartbreaking news—the process of sorting out mortgage payments, health insurance, groceries—even school books and lunch money—has taken on a sad urgency.

For the others, whose neighbors are out of work, whose neighborhood now has a foreclosure or two mixed in with the for sale signs, whose own jobs could be among the next to go—basic decisions about family priorities are growing tougher every day.

We must not forget those families as we do our work here on the Federal budget this week.

But this budget reflects another reality, as well. It reflects the fundamental strengths of our country—our faith in the future, our ability to pull together, the strengths of our national character.

And this budget reflects the change in direction, the change in priorities and values, the American people voted for last November.

To help with family finances, this budget provides tax cuts to middle-class families.

To begin the work of making our health care system more affordable, this budget makes health care more accessible for families and small businesses.

It makes a college education more accessible and more affordable, so our children can qualify for the jobs that will define our economic future.

This budget starts winding down our dependence on imported fossil fuels, by investments in clean and renewable energy we can provide right here—creating new processes, new products, and new jobs.

And it begins the process of restoring the balance to our Nation's finances—a balance we had achieved just eight years ago—indeed, a budget surplus that was squandered.

Just as the economic crisis has hit the paychecks of American workers, it has lowered the economic activity that funds the revenues we need to pay for our national priorities.

One key part of our response to this crisis must be to fill the hole left in our economy by the loss of 5 million jobs, the loss of so much economic activity. Our economic recovery package, passed earlier this year, is a part of that response.

So a key function of this budget will be to continue to fill that gap in our economy, to continue to provide families, businesses, and state and local governments with the resources they need to slow, stop, and reverse the decline in our economy.

But if we are to move beyond the current crisis, we must make the investments that will reshape our future.

This budget is a clear statement of new priorities: it lays down a new foundation for economic growth. These are the priorities, these are the commitments President Obama and Vice President BIDEN campaigned on. These are the priorities the American people voted for last November.

We must not lose sight of the lesson before us: under the previous administration we gave free rein—and huge financial rewards—to short-term risk-taking, to highly leveraged debt, to deals that many times were not worth the paper they were written on.

We now know that tens of billions, or maybe more, of those paper profits were created by criminal enterprises like the one run by Bernie Madoff. Others, while legal, tread on the very border of our outdated and poorly enforced rules and regulations.

At the same time, we failed to recognize and support average families in their struggles with rising health care costs, with the rising costs of a college education.

We wasted years when we could have invested in cleaner and more efficient domestic sources of energy, while our dependence on dirty, dangerous, uncertain sources of imported oil increased. Those wasted years made our country more vulnerable to those who control oil reserves.

The American people have rejected those failed policies and misplaced priorities. This budget replaces them with an agenda for rebuilding our economy and reasserting our values.

Budgets are statements of our priorities, here in Washington, at the kitchen tables of families in Delaware, in the homes of families around the country.

No budget is perfect. All budgets reflect difficult choices. In this economic crisis, our choices are more difficult, and our decisions carry more importance.

I believe this budget reflects the best balance of addressing our present crisis, building a foundation for the future, and putting our finances on a sustainable path.

I urge my colleagues to join me in supporting it.

Mr. LEVIN. Mr. President, I will vote for this budget resolution. It rightfully recognizes that our way through these difficult times is by investing in our future, with significant funding for infrastructure, energy independence and programs that ensure the safety, health, and education of our Nation's children. This budget resolution makes clear that we cannot continue to cut taxes for a handful of wealthy individuals, at the expense of the many and hope that someday the benefits will trickle down. That course of action would lead to deeper and deeper deficits.

The prior administration's fiscal policies failed. They left us in difficult and uncertain times. Unemployment in my state of Michigan and across the country is sky high. The financial markets are in turmoil, and millions of hard-working Americans that still have jobs are not only concerned about their depleted savings and retirement accounts, but making their mortgage payments. And now, some of the greatest companies in our country are under great duress.

Our shared ability to navigate these troubled waters will depend upon our willingness to come together. Through this budget resolution, the Senate will set the blueprint for its work to help reverse the past administration's failed fiscal policies that have been so damaging to our economy.

The Budget Committee includes in this resolution deficit-neutral reserve funds to promote economic recovery and growth, investments in infrastructure, and a long overdue commitment to the health of Americans. With adequate funds, we can modernize the health care system by continuing to progress towards health information technology. With additional dollars to help support and strengthen the health care workforce, we are making a firm statement that we will no longer shirk our responsibilities and will continue to fight for the 45.7 million uninsured individuals who have not had access to health care.

This budget will help reduce our dependence on foreign oil. It allows us to improve our educational system. And it provides tax relief to millions of middle-income Americans, including providing much-needed relief from the alternative minimum tax. Congress, and our citizens, have long known that this tax was never intended to hit middle-class families.

I am also pleased that this budget paves the way for using our committed resources to restore our financial system, while providing critical transparency and accountability for taxpayers. While I was pleased to support the economic stimulus packages, they only provided a partial solution to fixing our economy's problems. We cannot stop now. Although we have already taken unprecedented efforts to stimulate and revive our economy, there is more work ahead. While hard-working families struggle to make ends meet, we owe it to them to continue to invest in their futures.

I am pleased that this budget resolution includes my proposal to establish a deficit-neutral reserve fund to promote American manufacturing. Congress needs to take bold, decisive action to revitalize our domestic manufacturing sector. The U.S. has lost more than 4.1 million manufacturing jobs since January 2001 and over 300,000 manufacturing jobs in Michigan since January 2001. It is important that we revitalize and maintain a strong manufacturing base in the U.S. The manufacturing industry faces pressure from international corporations that are strongly supported by their respective governments; our own government needs to lend similar support to keep American manufacturing companies competitive in the global marketplace.

The deficit-neutral reserve fund included in this budget lays the groundwork for legislation to address important initiatives to boost American manufacturing. I look forward to continuing to work with my colleagues to stimulate the manufacturing sector in a meaningful way, and make a wise investment in the long-term growth, health, and stability of the manufacturing industry.

The budget wisely includes a deficit-neutral reserve fund to accommodate legislation that would provide investments in clean energy and reduce greenhouse gas emissions, leaving the details of the legislation to the appropriate committees of jurisdiction. The threat of climate change is real and its impacts could be catastrophic if we do not act quickly. Clean energy and advanced technologies hold the promise for making real progress on reducing harmful greenhouse gases.

While swift action is needed to confront the daunting challenges of global climate change, I oppose misusing the budget reconciliation process in the consideration of climate legislation. That legislation would influence every sector of the U.S. economy and could have far-reaching impacts across the globe. For this reason, I supported an amendment offered by Senator JOHANNS that would prohibit the use of reconciliation for climate legislation. I voted in support of the Johanns amendment to reaffirm my opposition to an extremely truncated process for climate legislation, which would make a deliberative approach impossible. Taking action on climate change legislation to protect public health, the economy, and natural security should be done in a thoughtful way and not rushed through Congress.

I was pleased to join Senator DORGAN in proposing an amendment to provide an increase of $10 million for organ donation activities at the Health Resources Services Administration. This modest amendment is aimed at fulfilling the promise of the Organ Donation and Recovery Improvement Act of 2004, to increase the number of organ donations. Currently, over 100,000 individuals are on the organ transplant waiting list, and more than 83,000 of those are in need of a kidney transplant. On average, patients wait 4 years before receiving a kidney transplant. Medicare spends about $55,000 per patient per year for dialysis. This means that every kidney donation has the potential to save Medicare as much as $220,000. Unfortunately, nearly 6,000 people die every year while waiting for a transplant. By doing more to educate people about donation and developing programs to encourage donation, we can take steps to reduce that number.

Mr. President, this budget will continue the job of getting our great Nation back on track, and it deserves to pass.

Mr. GREGG. Mr. President, I ask unanimous consent that a list of organizations opposing this budget resolution be printed in the RECORD.

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

OUTSIDE GROUPS KEY VOTING AND OPPOSING THE SENATE BUDGET RESOLUTION

GROUPS KEY VOTING AGAINST FINAL PASSAGE OF THE BUDGET

Americans for Prosperity, Americans for Tax Reform, Associated Builders and Contractors, Center for Fiscal Accountability, Citizens Against Government Waste, Club for Growth, Concerned Women for America, Freedom Works, Independent Electrical Contractors, International Foodservice Distributors Association, National Association of Wholesaler-Distributors, and National Taxpayers Union.

GROUPS OPPOSING THE BUDGET

American Conservative Union, American Family Business Institute, Americans for Limited Government, Associated General Contractors, Club for Growth, Council on National Policy, Family Research Council, National Association of Manufacturers, Numbers USA, Small Business Entrepreneurship Council, Tax Relief Coalition, and U.S. Chamber of Commerce.

GROUPS OPPOSING USING RECONCILIATION FOR HEALTH CARE AND CARBON TAX WITHIN THE BUDGET

Business Roundtable, National Federation of Independent Business, National Mining Association, and Small Business & Entrepreneurship Council.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I wish to say a brief word so we know what we are going to do when we get back on Monday, 2 weeks from Monday.

First of all, I express my appreciation to the whole Senate for the outstanding work done by the managers of this bill, Chairman CONRAD, Ranking Member GREGG. They did wonderful work. All the Senate speaks with one voice in recognizing the tremendous difficulty of this resolution. The work was done with civility. We had difficult amendments. This is a day the Senate should be proud.

I applaud and commend, I repeat, on behalf of the entire Senate, the brilliant work done by these two fine gentlemen.

When we come back, I was hoping we would not have to have this vote on Monday, but it appears we are going to have to. We have two wars going on. One, as we know, Afghanistan, and one we cannot put out of our mind in Iraq. One of the great career senior foreign service officers whom we have had in recent years, Christopher R. Hill of Rhode Island, has been nominated by the President to be Ambassador to Iraq.

It is hard to comprehend, but I am going to have to file cloture on that tonight before we leave. I would hope everyone who is trying to hold up this man would give this some thought. How does this look? It does not look very good. But we are going to go ahead, and we are going to have this cloture vote on Monday. We have a lot of other things we could work on. We have a lot to do. We have a 5-week work period when we get back. I have already informed the Republican leader as to what days we are not going to have votes; there are three of them.

I hope everyone has a good 2 weeks. We have a lot of time we need to spend at home. We have not been home. These have been very long periods, two long work periods we have had since we have become a new Congress.

Of course, I have to say for all of us, it is very exiting to all of us to see the Presiding Officer.

The VICE PRESIDENT. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I would like to take a minute to thank the majority leader and Republican leader for their assistance in helping us move this bill in a reasonably expeditious way, considering it is the budget.

I especially wish to thank the chairman and his staff, headed up by Mary Naylor. They do an extraordinary job. They are extremely professional and very courteous to the minority. It is always an open and fair process when we take up the budget, and they set an excellent standard.

I additionally wish to thank my staff, headed up by Cheri Reidy and Jim Hearn, Allison Parent, and they do a fabulous job. I also wish to thank the folks up there on the dais because they stay here all day and make sure we are in order and keeping things on the move and we thank them very much for their time.

Mr. BAUCUS. Mr. President, the chairman of the committee and the ranking member did such a wonderful job. I think we should all express our appreciation.

(Applause, Senators rising.)

The VICE PRESIDENT. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I wish to thank all of our colleagues. This is a tough, difficult day for all of us. I think the Senate has conducted itself well and distinguished itself today.

I wish to thank each of our colleagues for that. I especially wish to thank Leader REID for his support throughout this process; Senator MURRAY, who I think has a special knack for convincing people not to offer amendments. Thank goodness for Senator MURRAY. To my colleague, Senator GREGG, you could not ask for a better partner. There is no one more professional, more decent or somebody whose word is better than Senator GREGG. I deeply appreciate it, as well as his professional staff, who have been terrific to work with.

On our side, Mary Naylor, my staff director; John Righter and Joel Friedman, my deputies; Joe Gaeta, Steve Bailey, Mike Jones, Jamie Morin, Stu Nagurka, Steve Posner, Sarah Kuehl, and all the others who have contributed.

This has been a labor of love. They have worked night and day, weekends for months, and I deeply appreciate their sacrifice.

The VICE PRESIDENT. The Republican leader.

Mr. MCCONNELL. Mr. President, let me briefly echo the remarks of the majority leader and congratulate Chairman CONRAD and Ranking Member GREGG and say we have a lot of freshmen Senators. You probably think this is a tough day. I might mention to you, this is one of the least tough budget days we have had in the time that I have been here. I think I see the Vice President smiling. He would agree with that.

That is a tribute largely to Senator GREGG and Senator CONRAD. Thank you so much for an excellent job.

The VICE PRESIDENT. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I wish to make a plea, if I can publicly. There is still time between now and tomorrow to try to do something differently on this question of sending our Ambassador to Iraq.

Senator LUGAR is supportive. I am supportive. There is bipartisan support for this nominee. He is going to be approved. We all know that. Iraq is experiencing increasing political difficulties, and the missing ingredient of our capacity to get the success we want is political reconciliation.

Ambassador Crocker has not been well recently. He has put enormous energy in this effort. Getting Christopher Hill there in the next 2 weeks can make a difference. I would urge our colleagues, if there are other issues linked to this, there are other ways to work it through.

My hope would be that we would be able to free him up. It is a terrible message to send, to tie him to issues of North Korea or otherwise extraneous. It handicaps our capacity to maximize our efforts in a war.

If we are going to treat a war seriously, we ought to treat this Ambassador nomination seriously. I would ask my colleagues to think about that while there is an opportunity to be able to approve it in these next 24 hours.

Mr. ENSIGN. Mr. President, I hate to throw a little cold water on this whole ''Kumbaya'' party we are having, but I think it is an important precedent that we determine tonight.

I rise to make a parliamentary inquiry regarding the status of the budget resolution: Specifically, I rise to inquire if the resolution remains a privileged measure, notwithstanding the adoption of 10 corrosive points of order, 8 of which reach into the jurisdiction of the Finance Committee, 1 of which reaches into the Veterans' Committee, and 1 into the Judiciary Committee.

In the case of the Durbin amendment, No. 974, the point of order specifies, with exacting detail, what level of taxpayer must receive a tax cut in order to allow death taxes to go forward.

Therefore, I put the question to the Chair: Does the pending budget resolution retain its privileged status despite these corrosive points of order having been adopted?

The VICE PRESIDENT. It does.

Mr. ENSIGN. Further parliamentary inquiry: Does that mean it would require 60 votes for passage?

The VICE PRESIDENT. It does not require 60 votes for passage.

Mr. ENSIGN. Further parliamentary inquiry: Is losing its privileged status at this point, does that mean it would be still fully debatable?

The VICE PRESIDENT. It has not lost its privileged status.

Mr. ENSIGN. So that would be the precedent for the future, 8 to 10 corrosive amendments does not lose its privileged status.

The VICE PRESIDENT. This particular budget resolution has not lost its privileged status.

Mr. ENSIGN. I thank the Chair.

The VICE PRESIDENT. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, to briefly respond to the Senator from Massachusetts, the chairman of the distinguished Foreign Relations Committee has raised a serious issue about Ambassador Hill.

A number of us on our side have serious questions about Ambassador Hill and how he conducted himself in the last assignment. I would like to see what some of those instructions were from that assignment.

I recognize the seriousness of the situation we are in in Iraq, no question about that. But I have serious reservations about his position in going to that. I think this will be a good period of time for us to get some of these questions answered from the State Department.

I have proffered a letter to them. I have some serious questions about what took place during the negotiations with North Korea and a possible missile launch that will take place even in this interim, and this was our lead negotiator there.

For those reasons, I, amongst others, am raising questions at this time. I think they need to be answered before

he is approved for such an important spot for the United States.

The VICE PRESIDENT. The question is on the adoption of the concurrent resolution, as amended.

Mr. CONRAD. I ask for the yeas and nays.

The VICE PRESIDENT. Is there a sufficient second?

There is a sufficient second. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

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

The result was announced—yeas 55, nays 43, as follows:

[Rollcall Vote No. 154 Leg.]

YEAS—55

Akaka	Hagan	Murray
Baucus	Harkin	Nelson (FL)
Begich	Inouye	Pryor
Bennet	Johnson	Reed
Bingaman	Kaufman	Reid
Boxer	Kennedy	Rockefeller
Brown	Kerry	Sanders
Burris	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Landrieu	Stabenow
Carper	Lautenberg	Tester
Casey	Leahy	Udall (CO)
Conrad	Levin	Udall (NM)
Dodd	Lieberman	Warner
Dorgan	Lincoln	Webb
Durbin	McCaskill	Whitehouse
Feingold	Menendez	Wyden
Feinstein	Merkley	
Gillibrand	Mikulski	

NAYS—43

Alexander	DeMint	McConnell
Barrasso	Ensign	Murkowski
Bayh	Enzi	Nelson (NE)
Bennett	Graham	Risch
Bond	Grassley	Roberts
Brownback	Gregg	Sessions
Bunning	Hatch	Shelby
Burr	Hutchison	Snowe
Chambliss	Inhofe	Specter
Coburn	Isakson	Thune
Cochran	Johanns	Vitter
Collins	Kyl	Voinovich
Corker	Lugar	Wicker
Cornyn	Martinez	
Crapo	McCain	

NOT VOTING—1

Byrd

The concurrent resolution (S. Con. Res. 13), as amended, was agreed to.

(The resolution will be printed in a future edition of the RECORD.)

Mr. DURBIN. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. (Mr. BEGICH). The Senator from Michigan.

NOMINATION OF ASHTON CARTER

Mr. LEVIN. Mr. President, I had the intent, when we got to executive session, of asking unanimous consent that Calendar item No. 47, Ashton Carter's nomination, be agreed to by unanimous consent. There is a hold on this nomination. The two Senators who have that hold have indicated to me their reasons for it. One of those Senators—and I have talked to Senator SHELBY; there is no objection to my identifying him this way—has not had the opportunity that he seeks to talk to Mr. CARTER. He has made a commitment that he will do so as quickly as he possibly can after the recess so we can hopefully get to this nomination very promptly. It is essential this be taken up.

So in light of the assurance I have received from Senator SHELBY particularly, and I have talked also to Senator SESSIONS about this matter, I am not going to make that unanimous consent request tonight.

Ms. KLOBUCHAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

NOMINATION OF JANE HOLL LUTE

Mr. COBURN. Mr. President, in a few minutes there will be a unanimous consent request on a voice vote for a nominee to the No. 2 position at Homeland Security—a very nice lady by the name of Ms. Lute.

I would make the point, as the second most senior member on Homeland Security on the minority side, I cast a ''no'' vote for this person in committee, and that is very well detailed in my statement.

But I think there are some important things the American people should know about her previous service in terms of the peacekeeping forces under her direction as far as the procurement, management, and followup.

Here is what we know. Forty-three percent of all the money spent on international peacekeeping at the United Nations was either involved in fraud or kickback schemes and illegal contracting.

The other thing we know is that the international peacekeepers raped and abused hundreds and hundreds of people, for which at this time today the services under the direction of Ms. Lute have not been directed toward or the care given for those individuals who suffered those consequences.

The other thing we know is that the contracting associated with her administration in the U.N. was associated with several no-bid contracts that were inefficiently done and ineffectively carried out. It is on that basis that I agreed not to hold up her nomination. She will go through, and she will be confirmed. But this nominee has to prove herself at the Department of Homeland Security. I am willing to be proven wrong, but the fact is, her reason for the problems she had at the U.N. was the lack of cooperation at the U.N. She is going to be running a much larger budget with greater responsibilities, and if, in fact, that is the case, and it was all the U.N., then her limited experience, we can hope, will grow, and she will be an effective Assistant Secretary.

There are other people much more qualified who could fill this position. As I said, this is a very humble lady. She has served with great distinguished service in the Armed Services of this country. There is no personal animosity nor direction toward her individually. But the fact is, one of our most difficult agencies is the Department of Homeland Security. It has big problems, conflicts, lack of transparency, and inefficiency.

It is my hope that after she is confirmed, she will, in fact, be up to the task, and we, both in the Senate and as American taxpayers, will get real value out of her service.

With that, I yield the floor.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider, en bloc, Calendar Nos. 37, 38, 39, 41, 42, 44, 45, 46, 48, 49, 50, 51, 52, 53, 54, 55, 58, 59, 60, and all nominations on the Secretary's desk; that the Agriculture Committee be discharged, and the Senate proceed, en bloc, to PN206, PN213 and PN221; that the nominations be confirmed, en bloc, the motions to reconsider be laid upon the table, en bloc, and that no further motions be in order.

The nominations considered and confirmed en bloc are as follows:

INTERNATIONAL BANKS

Timothy F. Geithner, of New York, to be United States Governor of the International Monetary Fund for a term of five years; United States Governor of the International Bank for Reconstruction and Development for a term of five years; United States Governor of the Inter-American Development Bank for a term of five years; United States Governor of the African Development Bank for a term of five years; United States Governor of the Asian Development Bank; United States Governor of the African Development Fund; United States Governor of the European Bank for Reconstruction and Development, vice Henry M. Paulson Jr., resigned.

DEPARTMENT OF STATE

Richard Rahul Verma, of Maryland, to be an Assistant Secretary of State (Legislative Affairs).

Esther Brimmer, of the District of Columbia, to be an Assistant Secretary of State (International Organization Affairs).

Rose Eilene Gottemoeller, of Virginia, to be an Assistant Secretary of State (Verification and Compliance).

Karl Winfrid Eikenberry, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Islamic Republic of Afghanistan.

Melanne Verveer, of the District of Columbia, to be Ambassador at Large for Women's Global Issues.

DEPARTMENT OF DEFENSE

James N. Miller, Jr., of Virginia, to be Deputy Under Secretary of Defense for Policy.