

some of our proposals. But the proof of their commitment is in the final product—what finally comes out of conference.

This debate isn't over with the passage of this budget today, and Republicans are not finished fighting on behalf of the priorities of the American people—not even close.

Mr. President, I yield the floor.

#### RESERVATION OF LEADER TIME

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

#### CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. Con. Res. 13, which the clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 13) setting forth the congressional budget for the United States Government for fiscal year 2010, revising the appropriate budgetary levels for fiscal year 2009, and setting forth the appropriate budgetary levels for fiscal years 2011 through 2011.

Pending:

Ensign amendment No. 805, to require certain higher income beneficiaries enrolled in the Medicare prescription drug benefit to pay higher premiums, as is currently required for physicians' services and outpatient services, and as proposed in the budget of the U.S. Government most recently submitted by the President.

McCain amendment No. 882, in the nature of a substitute.

The ACTING PRESIDENT pro tempore. Under the previous order, there is 90 minutes of debate remaining on the resolution, of which 40 minutes is for the debate of amendment No. 882, offered by the Senator from Arizona, Mr. MCCAIN.

The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I am going to respond briefly to the Republican leader and then we will go to the McCain amendment.

First of all, I have just listened to remarks that are an attempt to rewrite history. Trying to put this deficit and this debt at the door of our new President is simply misplaced. He inherited a debt that was doubled over the last 8 years, and most of my friends on the other side were silent sentinels as that debt grew and grew and grew. Most of them said nothing; worse, they supported the policies that created that doubling of the debt. Beyond that, they tripled foreign holdings of U.S. debt and left the country in the worst recession since the Great Depression. This President inherited a crisis in the financial markets, a crisis in housing, a fiscal crisis, and two wars.

The budget that is before us is not as described by the Republican leader. The budget before us reduces the def-

icit by two-thirds over the 5 years of its term. In fact, as a share of GDP—which most economists say ought to be the measuring point because it excludes inflation—we reduce the deficit by three-quarters, all while maintaining the President's key priorities of reducing our dependence on foreign energy. That is not just a Presidential priority, that is an American priority. If we are going to be strong in the future, we have to dramatically reduce our dependence on foreign energy.

On education, there is a focus on excellence in education. If we are not the best educated, we are not going to be the strongest country in the world very long.

The prospect of major health care reform, which is provided for in this budget, is the 800-pound gorilla. We are now spending \$1 of every \$6 in this country on health care. If we stay on the current trend, we will spend more than \$1 of every \$3 in this country on health care. That is utterly unsustainable.

They describe the budget of the President as having all these tax increases. I would remind my colleagues that when the Congressional Budget Office scores the President's budget, they say there is \$2.2 trillion in tax cuts. If they look at the budget I have offered, which is a 5-year budget instead of a 10-year budget, it has \$825 billion in tax cuts on a net basis. As I say, all while cutting the deficit in half, which was the President's goal. In the President's budget and the budget I have offered, we cut it by two-thirds.

Now, on spending. Well, on spending, the hard fact is, the budget I have offered reduces deficits and debt by \$608 billion compared to the President's budget, on a 5-year comparison to a 5-year comparison. We reduce it by \$608 billion in the budget that is before us. And on spending, we increase domestic spending, on average, by 2½ percent a year. Believe me, I have heard lots of criticism from the left with respect to the fact that is not enough. But when you lose \$2.3 trillion in revenue because of the new CBO forecast, we felt it was necessary to make adjustments in the President's budget while maintaining his priorities.

Now, in terms of middle-class tax relief, which is contained in this budget, let me be clear that all the provisions from 2001 and 2003 are included in this budget. The 10-percent bracket, the child tax credit, the marriage penalty relief, the education incentives—all of it—is in this budget and an extension for the full 5 years.

In addition, the President's Make Work Pay provision was previously provided for in the stimulus package for 2 years, and we provide the ability to extend that, if there are offsets. In addition, we have provided for alternative minimum tax reform, fully funded for 3 years. No other budgets in the last 5 years have done it for that long. It has always been a year-by-year fix.

On estate tax reform, we take the provisions from 2009 and extend them for 2010—a \$3.5 million exemption per person, \$7 million per family. Instead of going back to \$1 million in 2011, we continue that \$3.5 million exclusion per person, \$7 million per couple, adjusted for inflation.

We also provide for the business tax provisions and the extenders fully paid for. That is a total of almost a trillion dollars of tax relief, offset by certain loophole closers to go after these abusive tax shelters—these offshore tax havens. We have the spectacle now of companies buying European sewer systems, not because they are in the sewer business but in order to depreciate them on their books for U.S. tax purposes. That is outrageous—United States companies buying European sewer systems so they can write them off on their books here, and then they lease them back to the European cities that built them in the first place.

The guys who came up with these scams didn't limit themselves to sewer systems. They are doing the same thing with public buildings and city halls. We have companies that have bought city halls in Europe in order to depreciate them on their books in the United States and then lease the city halls back to the European countries that built them in the first place. Is that acceptable? I don't think so. The President in his budget and we in our budget say: Enough of that. Let's shut down these abusive tax shelters. Let's shut down these offshore tax havens, which our Permanent Subcommittee on Investigations tells us is costing us \$100 billion a year.

If anybody wonders about it, read the Stanford saga. Mr. Stanford was running these offshore tax havens; running billions of dollars through these offshore tax havens. Why? Why are they sending their money down to the Cayman Islands? Is it because they think the banks down there are more secure? Oh, no. They are sending their money down there to dodge the tax liability in the United States. That is the basis upon which Mr. Stanford sold his services.

On a net basis, our budget has \$825 billion in tax cuts. Again, on spending, domestic spending increased at an average rate of 2½ percent a year. That is pretty tough.

In our proposal, in the budget before the body, there is no energy tax. There is none contained here. This reference to a national sales tax on energy, it is not in this budget proposal. It is not there. We have a reserve fund that permits the committees of jurisdiction to come up with a way of reducing our dependence on foreign energy. We have the ability for the committees of jurisdiction to write climate change legislation. But there is no endorsement of any specific plan in this budget around climate change that has been posited by others.

I wish to make clear that this budget is responsible, it controls spending, it

reduces the deficit by two-thirds, it extends the middle-class tax cuts, and it adopts the President's priorities of reducing our dependence on foreign energy, putting a focus on excellence in education and providing the possibility of major health care reform. Those are the priorities of the American people, and they are contained in our budget.

Our budget has made significant adjustments from the President's. Again, over 5 years, we have reduced the deficit and debt in the President's proposal by \$608 billion.

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

AMENDMENT NO. 882, AS MODIFIED

Mr. McCAIN. Mr. President, I ask unanimous consent that the McCain substitute amendment be modified with the changes at the desk.

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

Mr. McCAIN. Mr. President, I appreciate the courtesy of the chairman in allowing me to do this modification. I am aware it could have been objected to, and I would like to say that the sense-of-the-Senate provision is removed because I believe that sense-of-the-Senate resolutions are not done this year in the budget resolution. There was a formula glitch that affected some of the funding levels. We have corrected the problem in the modification. We have corrected budget authority and spending levels.

I thank my friend for allowing me to make this modification.

The ACTING PRESIDENT pro tempore. The amendment has been modified.

The amendment, as modified, is as follows:

Strike all after the resolving clause and insert the following:

**SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2010.**

(a) **DECLARATION.**—Congress declares that this resolution is the concurrent resolution on the budget for fiscal year 2010 and that this resolution sets forth the appropriate budgetary levels for fiscal years 2009 and 2011 through 2019.

(b) **TABLE OF CONTENTS.**—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent resolution on the budget for fiscal year 2010.

**TITLE I—RECOMMENDED LEVELS AND AMOUNTS**

Sec. 101. Recommended levels and amounts.  
Sec. 102. Social Security.  
Sec. 103. Major functional categories.

**TITLE II—RESERVE FUNDS**

Sec. 201. Deficit-reducing reserve funds for entitlement commissions—Social Security and Medicare & Medicaid.  
Sec. 202. Deficit-neutral reserve fund for comprehensive healthcare reform.  
Sec. 203. Deficit-neutral reserve fund for America's veterans and wounded servicemembers.  
Sec. 204. Deficit-neutral reserve fund for energy security.  
Sec. 205. Deficit-neutral reserve fund for tax code modernization.

Sec. 206. Deficit-neutral reserve fund for defense acquisition and contracting reform.

Sec. 207. Deficit-neutral reserve fund for a bipartisan, comprehensive investigation into the current financial crisis.

**TITLE III—BUDGET PROCESS**

**SUBTITLE A—BUDGET ENFORCEMENT**

Sec. 301. Discretionary spending limits, program integrity initiatives, and other adjustments.  
Sec. 302. Point of order against advance appropriations.  
Sec. 303. Emergency legislation.  
Sec. 304. Point of order against legislation increasing short-term deficit.

**SUBTITLE B—OTHER PROVISIONS**

Sec. 311. Oversight of government performance.  
Sec. 312. Budgetary treatment of certain discretionary administrative Expenses.  
Sec. 313. Application and effect of changes in allocations and aggregates.  
Sec. 314. Adjustments to reflect changes in concepts and definitions.  
Sec. 315. Exercise of rulemaking powers.  
Sec. 316. Cost estimates for conference reports and other measures.  
Sec. 317. Limitation on long-term spending proposals.  
Sec. 318. Revenues collected from closing the tax gap are used only for debt reduction.  
Sec. 319. Point of order to save Social Security first.  
Sec. 320. Point of order against a budget resolution containing a debt-held-by-the-Public-to-GDP ratio that exceeds 65%.  
Sec. 321. Point of order against a budget resolution containing deficit levels exceeding 8% of GDP.

**TITLE I—RECOMMENDED LEVELS AND AMOUNTS**

**SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.**

The following budgetary levels are appropriate for each of fiscal years 2009 through 2014:

(1) **FEDERAL REVENUES.**—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2009: \$2,186,000,000,000  
Fiscal year 2010: \$2,332,000,000,000  
Fiscal year 2011: \$2,651,000,000,000  
Fiscal year 2012: \$2,858,000,000,000  
Fiscal year 2013: \$3,025,000,000,000  
Fiscal year 2014: \$3,166,000,000,000  
Fiscal year 2015: \$3,329,000,000,000  
Fiscal year 2016: \$3,470,000,000,000  
Fiscal year 2017: \$3,625,000,000,000  
Fiscal year 2018: \$3,771,000,000,000  
Fiscal year 2019: \$3,923,000,000,000

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2009: \$0  
Fiscal year 2010: —\$3,000,000,000  
Fiscal year 2011: —\$132,000,000,000  
Fiscal year 2012: —\$228,000,000,000  
Fiscal year 2013: —\$257,000,000,000  
Fiscal year 2014: —\$269,000,000,000  
Fiscal year 2015: —\$280,000,000,000  
Fiscal year 2016: —\$291,000,000,000  
Fiscal year 2017: —\$302,000,000,000  
Fiscal year 2018: —\$313,000,000,000  
Fiscal year 2019: —\$325,000,000,000

(2) **NEW BUDGET AUTHORITY.**—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2009: \$3,672,991,000,000  
Fiscal year 2010: \$2,843,271,000,000

Fiscal year 2011: \$2,733,991,000,000  
Fiscal year 2012: \$2,700,845,000,000  
Fiscal year 2013: \$2,828,619,000,000  
Fiscal year 2014: \$2,951,763,000,000  
Fiscal year 2015: \$3,044,960,000,000  
Fiscal year 2016: \$3,167,613,000,000  
Fiscal year 2017: \$3,238,948,000,000  
Fiscal year 2018: \$3,319,833,000,000  
Fiscal year 2019: \$3,472,009,000,000

(3) **BUDGET OUTLAYS.**—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2009: \$3,360,034,000,000  
Fiscal year 2010: \$2,971,983,000,000  
Fiscal year 2011: \$2,875,771,000,000  
Fiscal year 2012: \$2,752,996,000,000  
Fiscal year 2013: \$2,846,991,000,000  
Fiscal year 2014: \$2,943,836,000,000  
Fiscal year 2015: \$3,027,078,000,000  
Fiscal year 2016: \$3,150,051,000,000  
Fiscal year 2017: \$3,214,230,000,000  
Fiscal year 2018: \$3,289,783,000,000  
Fiscal year 2019: \$3,445,611,000,000

(4) **DEFICITS.**—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 2009: —\$1,693,000,000,000  
Fiscal year 2010: —\$1,190,000,000,000  
Fiscal year 2011: —\$798,000,000,000  
Fiscal year 2012: —\$502,000,000,000  
Fiscal year 2013: —\$477,000,000,000  
Fiscal year 2014: —\$484,000,000,000  
Fiscal year 2015: —\$459,000,000,000  
Fiscal year 2016: —\$503,000,000,000  
Fiscal year 2017: —\$481,000,000,000  
Fiscal year 2018: —\$484,000,000,000  
Fiscal year 2019: —\$448,000,000,000

(5) **PUBLIC DEBT.**—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the public debt are as follows:

Fiscal year 2009: \$11,836,000,000,000  
Fiscal year 2010: \$13,255,000,000,000  
Fiscal year 2011: \$14,321,000,000,000  
Fiscal year 2012: \$15,194,000,000,000  
Fiscal year 2013: \$16,074,000,000,000  
Fiscal year 2014: \$16,943,000,000,000  
Fiscal year 2015: \$17,774,000,000,000  
Fiscal year 2016: \$18,630,000,000,000  
Fiscal year 2017: \$19,470,000,000,000  
Fiscal year 2018: \$20,318,000,000,000  
Fiscal year 2019: \$21,093,000,000,000

(6) **DEBT HELD BY THE PUBLIC.**—The appropriate levels of debt held by the public are as follows:

Fiscal year 2009: \$7,496,000,000,000  
Fiscal year 2010: \$8,686,000,000,000  
Fiscal year 2011: \$9,484,000,000,000  
Fiscal year 2012: \$9,986,000,000,000  
Fiscal year 2013: \$10,464,000,000,000  
Fiscal year 2014: \$10,948,000,000,000  
Fiscal year 2015: \$11,407,000,000,000  
Fiscal year 2016: \$11,910,000,000,000  
Fiscal year 2017: \$12,391,000,000,000  
Fiscal year 2018: \$12,875,000,000,000  
Fiscal year 2019: \$13,323,000,000,000

**SEC. 102. SOCIAL SECURITY.**

(a) **SOCIAL SECURITY REVENUES.**—For purposes of Senate enforcement under sections 302 and 311 of the Congressional Budget Act of 1974, the amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2009: \$654,000,000,000  
Fiscal year 2010: \$682,000,000,000  
Fiscal year 2011: \$719,000,000,000  
Fiscal year 2012: \$756,000,000,000  
Fiscal year 2013: \$803,000,000,000  
Fiscal year 2014: \$842,000,000,000  
Fiscal year 2015: \$879,000,000,000  
Fiscal year 2016: \$925,000,000,000  
Fiscal year 2017: \$962,000,000,000  
Fiscal year 2018: \$1,004,000,000,000  
Fiscal year 2019: \$1,048,000,000,000

(b) **SOCIAL SECURITY OUTLAYS.**—For purposes of Senate enforcement under sections

302 and 311 of the Congressional Budget Act of 1974, the amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2009: \$662,000,000,000  
 Fiscal year 2010: \$695,000,000,000  
 Fiscal year 2011: \$721,000,000,000  
 Fiscal year 2012: \$749,000,000,000  
 Fiscal year 2013: \$790,000,000,000  
 Fiscal year 2014: \$839,000,000,000  
 Fiscal year 2015: \$891,000,000,000  
 Fiscal year 2016: \$948,000,000,000  
 Fiscal year 2017: \$1,008,000,000,000  
 Fiscal year 2018: \$1,072,000,000,000  
 Fiscal year 2019: \$1,141,000,000,000

**SEC. 103. MAJOR FUNCTIONAL CATEGORIES.**

Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2009 through 2019 for each major functional category are:

(1) NATIONAL DEFENSE (050):  
 Fiscal year 2009:  
 (A) New budget authority, \$689,926,000,000  
 (B) Outlays, \$666,842,000,000  
 Fiscal year 2010:  
 (A) New budget authority, \$686,128,000,000  
 (B) Outlays, \$689,963,000,000  
 Fiscal year 2011:  
 (A) New budget authority, \$614,923,000,000  
 (B) Outlays, \$657,207,000,000  
 Fiscal year 2012:  
 (A) New budget authority, \$623,612,000,000  
 (B) Outlays, \$637,011,000,000  
 Fiscal year 2013:  
 (A) New budget authority, \$634,421,000,000  
 (B) Outlays, \$636,332,000,000  
 Fiscal year 2014:  
 (A) New budget authority, \$648,249,000,000  
 (B) Outlays, \$641,632,000,000  
 Fiscal year 2015:  
 (A) New budget authority, \$663,159,000,000  
 (B) Outlays, \$653,234,000,000  
 Fiscal year 2016:  
 (A) New budget authority, \$678,149,000,000  
 (B) Outlays, \$671,890,000,000  
 Fiscal year 2017:  
 (A) New budget authority, \$694,153,000,000  
 (B) Outlays, \$683,256,000,000  
 Fiscal year 2018:  
 (A) New budget authority, \$709,147,000,000  
 (B) Outlays, \$693,789,000,000  
 Fiscal year 2019:  
 (A) New budget authority, \$726,167,000,000  
 (B) Outlays, \$714,089,000,000  
 (2) International Affairs (150):  
 Fiscal year 2009:  
 (A) New budget authority, \$57,114,000,000  
 (B) Outlays, \$41,514,000,000  
 Fiscal year 2010:  
 (A) New budget authority, \$42,847,000,000  
 (B) Outlays, \$43,622,000,000  
 Fiscal year 2011:  
 (A) New budget authority, \$43,167,000,000  
 (B) Outlays, \$43,897,000,000  
 Fiscal year 2012:  
 (A) New budget authority, \$43,473,000,000  
 (B) Outlays, \$43,985,000,000  
 Fiscal year 2013:  
 (A) New budget authority, \$43,759,000,000  
 (B) Outlays, \$43,911,000,000  
 Fiscal year 2014:  
 (A) New budget authority, \$44,214,000,000  
 (B) Outlays, \$43,866,000,000  
 Fiscal year 2015:  
 (A) New budget authority, \$44,847,000,000  
 (B) Outlays, \$44,257,000,000  
 Fiscal year 2016:  
 (A) New budget authority, \$45,621,000,000  
 (B) Outlays, \$44,870,000,000  
 Fiscal year 2017:  
 (A) New budget authority, \$46,430,000,000  
 (B) Outlays, \$45,575,000,000  
 Fiscal year 2018:  
 (A) New budget authority, \$47,211,000,000  
 (B) Outlays, \$46,301,000,000  
 Fiscal year 2019:

(A) New budget authority, \$48,084,000,000  
 (B) Outlays, \$47,105,000,000  
 (3) GENERAL SCIENCE, SPACE, AND TECHNOLOGY (250):  
 Fiscal year 2009:  
 (A) New budget authority, \$35,264,000,000  
 (B) Outlays, \$30,855,000,000  
 Fiscal year 2010:  
 (A) New budget authority, \$29,780,000,000  
 (B) Outlays, \$31,707,000,000  
 Fiscal year 2011:  
 (A) New budget authority, \$30,007,000,000  
 (B) Outlays, \$31,161,000,000  
 Fiscal year 2012:  
 (A) New budget authority, \$30,231,000,000  
 (B) Outlays, \$30,214,000,000  
 Fiscal year 2013:  
 (A) New budget authority, \$30,432,000,000  
 (B) Outlays, \$30,312,000,000  
 Fiscal year 2014:  
 (A) New budget authority, \$30,758,000,000  
 (B) Outlays, \$30,584,000,000  
 Fiscal year 2015:  
 (A) New budget authority, \$30,703,000,000  
 (B) Outlays, \$30,417,000,000  
 Fiscal year 2016:  
 (A) New budget authority, \$31,748,000,000  
 (B) Outlays, \$31,359,000,000  
 Fiscal year 2017:  
 (A) New budget authority, \$32,319,000,000  
 (B) Outlays, \$31,984,000,000  
 Fiscal year 2018:  
 (A) New budget authority, \$32,872,000,000  
 (B) Outlays, \$32,446,000,000  
 Fiscal year 2019:  
 (A) New budget authority, \$33,484,000,000  
 (B) Outlays, \$33,028,000,000  
 (4) ENERGY (270):  
 Fiscal year 2009:  
 (A) New budget authority, \$44,998,000,000  
 (B) Outlays, \$5,350,000,000  
 Fiscal year 2010:  
 (A) New budget authority, \$5,568,000,000  
 (B) Outlays, \$8,974,000,000  
 Fiscal year 2011:  
 (A) New budget authority, \$5,582,000,000  
 (B) Outlays, \$11,303,000,000  
 Fiscal year 2012:  
 (A) New budget authority, \$5,459,000,000  
 (B) Outlays, \$11,999,000,000  
 Fiscal year 2013:  
 (A) New budget authority, \$5,319,000,000  
 (B) Outlays, \$7,091,000,000  
 Fiscal year 2014:  
 (A) New budget authority, \$5,175,000,000  
 (B) Outlays, \$2,082,000,000  
 Fiscal year 2015:  
 (A) New budget authority, \$5,212,000,000  
 (B) Outlays, \$3,214,000,000  
 Fiscal year 2016:  
 (A) New budget authority, \$5,325,000,000  
 (B) Outlays, \$3,512,000,000  
 Fiscal year 2017:  
 (A) New budget authority, \$5,478,000,000  
 (B) Outlays, \$3,765,000,000  
 Fiscal year 2018:  
 (A) New budget authority, \$5,567,000,000  
 (B) Outlays, \$3,905,000,000  
 Fiscal year 2019:  
 (A) New budget authority, \$5,595,000,000  
 (B) Outlays, \$4,502,000,000  
 (5) NATURAL RESOURCES AND ENVIRONMENT (300):  
 Fiscal year 2009:  
 (A) New budget authority, \$54,596,000,000  
 (B) Outlays, \$36,252,000,000  
 Fiscal year 2010:  
 (A) New budget authority, \$35,085,000,000  
 (B) Outlays, \$38,866,000,000  
 Fiscal year 2011:  
 (A) New budget authority, \$35,772,000,000  
 (B) Outlays, \$37,713,000,000  
 Fiscal year 2012:  
 (A) New budget authority, \$35,952,000,000  
 (B) Outlays, \$36,983,000,000  
 Fiscal year 2013:  
 (A) New budget authority, \$36,160,000,000  
 (B) Outlays, \$36,478,000,000

Fiscal year 2014:  
 (A) New budget authority, \$36,465,000,000  
 (B) Outlays, \$36,631,000,000  
 Fiscal year 2015:  
 (A) New budget authority, \$36,714,000,000  
 (B) Outlays, \$36,712,000,000  
 Fiscal year 2016:  
 (A) New budget authority, \$37,002,000,000  
 (B) Outlays, \$36,845,000,000  
 Fiscal year 2017:  
 (A) New budget authority, \$37,312,000,000  
 (B) Outlays, \$36,917,000,000  
 Fiscal year 2018:  
 (A) New budget authority, \$37,602,000,000  
 (B) Outlays, \$36,923,000,000  
 Fiscal year 2019:  
 (A) New budget authority, \$37,952,000,000  
 (B) Outlays, \$37,215,000,000  
 (6) AGRICULTURE (350):  
 Fiscal year 2009:  
 (A) New budget authority, \$6,349,000,000  
 (B) Outlays, \$6,111,000,000  
 Fiscal year 2010:  
 (A) New budget authority, \$6,131,000,000  
 (B) Outlays, \$6,217,000,000  
 Fiscal year 2011:  
 (A) New budget authority, \$6,150,000,000  
 (B) Outlays, \$6,133,000,000  
 Fiscal year 2012:  
 (A) New budget authority, \$6,205,000,000  
 (B) Outlays, \$6,159,000,000  
 Fiscal year 2013:  
 (A) New budget authority, \$6,261,000,000  
 (B) Outlays, \$6,207,000,000  
 Fiscal year 2014:  
 (A) New budget authority, \$6,319,000,000  
 (B) Outlays, \$6,261,000,000  
 Fiscal year 2015:  
 (A) New budget authority, \$6,359,000,000  
 (B) Outlays, \$6,275,000,000  
 Fiscal year 2016:  
 (A) New budget authority, \$6,402,000,000  
 (B) Outlays, \$6,312,000,000  
 Fiscal year 2017:  
 (A) New budget authority, \$6,455,000,000  
 (B) Outlays, \$6,345,000,000  
 Fiscal year 2018:  
 (A) New budget authority, \$6,507,000,000  
 (B) Outlays, \$6,401,000,000  
 Fiscal year 2019:  
 (A) New budget authority, \$6,601,000,000  
 (B) Outlays, \$6,532,000,000  
 (7) COMMERCE AND HOUSING CREDIT (370):  
 Fiscal year 2009:  
 (A) New budget authority, \$13,216,000,000  
 (B) Outlays, \$6,253,000,000  
 Fiscal year 2010:  
 (A) New budget authority, \$6,197,000,000  
 (B) Outlays, \$8,977,000,000  
 Fiscal year 2011:  
 (A) New budget authority, \$6,055,000,000  
 (B) Outlays, \$6,847,000,000  
 Fiscal year 2012:  
 (A) New budget authority, \$6,097,000,000  
 (B) Outlays, \$7,436,000,000  
 Fiscal year 2013:  
 (A) New budget authority, \$5,982,000,000  
 (B) Outlays, \$7,180,000,000  
 Fiscal year 2014:  
 (A) New budget authority, \$5,909,000,000  
 (B) Outlays, \$6,250,000,000  
 Fiscal year 2015:  
 (A) New budget authority, \$5,860,000,000  
 (B) Outlays, \$5,915,000,000  
 Fiscal year 2016:  
 (A) New budget authority, \$5,855,000,000  
 (B) Outlays, \$5,748,000,000  
 Fiscal year 2017:  
 (A) New budget authority, \$5,839,000,000  
 (B) Outlays, \$5,730,000,000  
 Fiscal year 2018:  
 (A) New budget authority, \$5,814,000,000  
 (B) Outlays, \$5,701,000,000  
 Fiscal year 2019:  
 (A) New budget authority, \$5,793,000,000  
 (B) Outlays, \$5,675,000,000  
 (8) TRANSPORTATION (400):  
 Fiscal year 2009:

(A) New budget authority, \$79,061,000,000  
 (B) Outlays, \$85,668,000,000  
 Fiscal year 2010:  
 (A) New budget authority, \$30,312,000,000  
 (B) Outlays, \$92,847,000,000  
 Fiscal year 2011:  
 (A) New budget authority, \$30,717,000,000  
 (B) Outlays, \$93,051,000,000  
 Fiscal year 2012:  
 (A) New budget authority, \$31,140,000,000  
 (B) Outlays, \$92,082,000,000  
 Fiscal year 2013:  
 (A) New budget authority, \$31,544,000,000  
 (B) Outlays, \$92,110,000,000  
 Fiscal year 2014:  
 (A) New budget authority, \$32,105,000,000  
 (B) Outlays, \$92,296,000,000  
 Fiscal year 2015:  
 (A) New budget authority, \$32,806,000,000  
 (B) Outlays, \$91,863,000,000  
 Fiscal year 2016:  
 (A) New budget authority, \$33,656,000,000  
 (B) Outlays, \$90,792,000,000  
 Fiscal year 2017:  
 (A) New budget authority, \$34,545,000,000  
 (B) Outlays, \$90,908,000,000  
 Fiscal year 2018:  
 (A) New budget authority, \$35,432,000,000  
 (B) Outlays, \$92,372,000,000  
 Fiscal year 2019:  
 (A) New budget authority, \$36,385,000,000  
 (B) Outlays, \$93,932,000,000  
 (9) COMMUNITY AND REGIONAL DEVELOPMENT  
 (450):  
 Fiscal year 2009:  
 (A) New budget authority, \$23,006,000,000  
 (B) Outlays, \$26,252,000,000  
 Fiscal year 2010:  
 (A) New budget authority, \$14,959,000,000  
 (B) Outlays, \$26,337,000,000  
 Fiscal year 2011:  
 (A) New budget authority, \$15,070,000,000  
 (B) Outlays, \$24,669,000,000  
 Fiscal year 2012:  
 (A) New budget authority, \$15,179,000,000  
 (B) Outlays, \$21,493,000,000  
 Fiscal year 2013:  
 (A) New budget authority, \$15,277,000,000  
 (B) Outlays, \$18,981,000,000  
 Fiscal year 2014:  
 (A) New budget authority, \$15,435,000,000  
 (B) Outlays, \$17,445,000,000  
 Fiscal year 2015:  
 (A) New budget authority, \$15,662,000,000  
 (B) Outlays, \$16,156,000,000  
 Fiscal year 2016:  
 (A) New budget authority, \$15,932,000,000  
 (B) Outlays, \$15,504,000,000  
 Fiscal year 2017:  
 (A) New budget authority, \$16,215,000,000  
 (B) Outlays, \$15,664,000,000  
 Fiscal year 2018:  
 (A) New budget authority, \$16,481,000,000  
 (B) Outlays, \$15,911,000,000  
 Fiscal year 2019:  
 (A) New budget authority, \$16,787,000,000  
 (B) Outlays, \$16,153,000,000  
 (10) EDUCATION, TRAINING, EMPLOYMENT,  
 AND SOCIAL SERVICES (500):  
 Fiscal year 2009:  
 (A) New budget authority, \$188,508,000,000  
 (B) Outlays, \$94,814,000,000  
 Fiscal year 2010:  
 (A) New budget authority, \$89,417,000,000  
 (B) Outlays, \$138,899,000,000  
 Fiscal year 2011:  
 (A) New budget authority, \$90,007,000,000  
 (B) Outlays, \$127,810,000,000  
 Fiscal year 2012:  
 (A) New budget authority, \$90,588,000,000  
 (B) Outlays, \$98,331,000,000  
 Fiscal year 2013:  
 (A) New budget authority, \$91,092,000,000  
 (B) Outlays, \$94,666,000,000  
 Fiscal year 2014:  
 (A) New budget authority, \$91,948,000,000  
 (B) Outlays, \$94,142,000,000  
 Fiscal year 2015:  
 (A) New budget authority, \$93,164,000,000  
 (B) Outlays, \$95,075,000,000  
 Fiscal year 2016:  
 (A) New budget authority, \$94,657,000,000  
 (B) Outlays, \$96,402,000,000  
 Fiscal year 2017:  
 (A) New budget authority, \$96,235,000,000  
 (B) Outlays, \$97,938,000,000  
 Fiscal year 2018:  
 (A) New budget authority, \$97,739,000,000  
 (B) Outlays, \$99,507,000,000  
 Fiscal year 2019:  
 (A) New budget authority, \$99,415,000,000  
 (B) Outlays, \$101,130,000,000  
 (11) HEALTH (550):  
 Fiscal year 2009:  
 (A) New budget authority, \$75,483,000,000  
 (B) Outlays, \$57,635,000,000  
 Fiscal year 2010:  
 (A) New budget authority, \$56,948,000,000  
 (B) Outlays, \$64,243,000,000  
 Fiscal year 2011:  
 (A) New budget authority, \$57,413,000,000  
 (B) Outlays, \$62,603,000,000  
 Fiscal year 2012:  
 (A) New budget authority, \$57,881,000,000  
 (B) Outlays, \$59,451,000,000  
 Fiscal year 2013:  
 (A) New budget authority, \$58,305,000,000  
 (B) Outlays, \$57,913,000,000  
 Fiscal year 2014:  
 (A) New budget authority, \$58,971,000,000  
 (B) Outlays, \$58,176,000,000  
 Fiscal year 2015:  
 (A) New budget authority, \$59,879,000,000  
 (B) Outlays, \$58,713,000,000  
 Fiscal year 2016:  
 (A) New budget authority, \$60,974,000,000  
 (B) Outlays, \$59,583,000,000  
 Fiscal year 2017:  
 (A) New budget authority, \$62,124,000,000  
 (B) Outlays, \$60,662,000,000  
 Fiscal year 2018:  
 (A) New budget authority, \$63,242,000,000  
 (B) Outlays, \$61,727,000,000  
 Fiscal year 2019:  
 (A) New budget authority, \$64,465,000,000  
 (B) Outlays, \$62,697,000,000  
 (12) MEDICARE (570):  
 Fiscal year 2009:  
 (A) New budget authority, \$5,390,000,000  
 (B) Outlays, \$5,255,000,000  
 Fiscal year 2010:  
 (A) New budget authority, \$5,595,000,000  
 (B) Outlays, \$5,566,000,000  
 Fiscal year 2011:  
 (A) New budget authority, \$5,819,000,000  
 (B) Outlays, \$5,781,000,000  
 Fiscal year 2012:  
 (A) New budget authority, \$5,852,000,000  
 (B) Outlays, \$5,828,000,000  
 Fiscal year 2013:  
 (A) New budget authority, \$5,893,000,000  
 (B) Outlays, \$5,855,000,000  
 Fiscal year 2014:  
 (A) New budget authority, \$5,927,000,000  
 (B) Outlays, \$5,920,000,000  
 Fiscal year 2015:  
 (A) New budget authority, \$5,967,000,000  
 (B) Outlays, \$5,935,000,000  
 Fiscal year 2016:  
 (A) New budget authority, \$6,004,000,000  
 (B) Outlays, \$5,955,000,000  
 Fiscal year 2017:  
 (A) New budget authority, \$6,035,000,000  
 (B) Outlays, \$5,962,000,000  
 Fiscal year 2018:  
 (A) New budget authority, \$6,065,000,000  
 (B) Outlays, \$5,975,000,000  
 Fiscal year 2019:  
 (A) New budget authority, \$6,085,000,000  
 (B) Outlays, \$5,992,000,000  
 (13) INCOME SECURITY (600):  
 Fiscal year 2009:  
 (A) New budget authority, \$74,067,000,000  
 (B) Outlays, \$64,056,000,000  
 Fiscal year 2010:  
 (A) New budget authority, \$62,365,000,000  
 (B) Outlays, \$67,580,000,000  
 Fiscal year 2011:  
 (A) New budget authority, \$62,275,000,000  
 (B) Outlays, \$67,880,000,000  
 Fiscal year 2012:  
 (A) New budget authority, \$62,540,000,000  
 (B) Outlays, \$66,271,000,000  
 Fiscal year 2013:  
 (A) New budget authority, \$62,803,000,000  
 (B) Outlays, \$65,341,000,000  
 Fiscal year 2014:  
 (A) New budget authority, \$63,328,000,000  
 (B) Outlays, \$64,169,000,000  
 Fiscal year 2015:  
 (A) New budget authority, \$64,221,000,000  
 (B) Outlays, \$64,804,000,000  
 Fiscal year 2016:  
 (A) New budget authority, \$65,362,000,000  
 (B) Outlays, \$65,660,000,000  
 Fiscal year 2017:  
 (A) New budget authority, \$66,561,000,000  
 (B) Outlays, \$66,690,000,000  
 Fiscal year 2018:  
 (A) New budget authority, \$67,716,000,000  
 (B) Outlays, \$67,735,000,000  
 Fiscal year 2019:  
 (A) New budget authority, \$68,976,000,000  
 (B) Outlays, \$68,840,000,000  
 (14) SOCIAL SECURITY (650):  
 Fiscal year 2009:  
 (A) New budget authority, \$6,386,000,000  
 (B) Outlays, \$5,479,000,000  
 Fiscal year 2010:  
 (A) New budget authority, \$5,460,000,000  
 (B) Outlays, \$5,549,000,000  
 Fiscal year 2011:  
 (A) New budget authority, \$5,545,000,000  
 (B) Outlays, \$5,655,000,000  
 Fiscal year 2012:  
 (A) New budget authority, \$5,630,000,000  
 (B) Outlays, \$5,763,000,000  
 Fiscal year 2013:  
 (A) New budget authority, \$5,716,000,000  
 (B) Outlays, \$5,849,000,000  
 Fiscal year 2014:  
 (A) New budget authority, \$5,830,000,000  
 (B) Outlays, \$5,809,000,000  
 Fiscal year 2015:  
 (A) New budget authority, \$5,969,000,000  
 (B) Outlays, \$5,942,000,000  
 Fiscal year 2016:  
 (A) New budget authority, \$6,135,000,000  
 (B) Outlays, \$6,103,000,000  
 Fiscal year 2017:  
 (A) New budget authority, \$6,306,000,000  
 (B) Outlays, \$6,271,000,000  
 Fiscal year 2018:  
 (A) New budget authority, \$6,479,000,000  
 (B) Outlays, \$6,443,000,000  
 Fiscal year 2019:  
 (A) New budget authority, \$6,665,000,000  
 (B) Outlays, \$6,627,000,000  
 (15) VETERANS BENEFITS AND SERVICES (700):  
 Fiscal year 2009:  
 (A) New budget authority, \$49,394,000,000  
 (B) Outlays, \$46,757,000,000  
 Fiscal year 2010:  
 (A) New budget authority, \$53,263,000,000  
 (B) Outlays, \$52,474,000,000  
 Fiscal year 2011:  
 (A) New budget authority, \$54,417,000,000  
 (B) Outlays, \$53,972,000,000  
 Fiscal year 2012:  
 (A) New budget authority, \$55,855,000,000  
 (B) Outlays, \$55,487,000,000  
 Fiscal year 2013:  
 (A) New budget authority, \$57,384,000,000  
 (B) Outlays, \$56,932,000,000  
 Fiscal year 2014:  
 (A) New budget authority, \$58,969,000,000  
 (B) Outlays, \$58,519,000,000  
 Fiscal year 2015:  
 (A) New budget authority, \$60,971,000,000  
 (B) Outlays, \$59,265,000,000  
 Fiscal year 2016:  
 (A) New budget authority, \$62,494,000,000  
 (B) Outlays, \$61,978,000,000  
 Fiscal year 2017:

(A) New budget authority, \$64,367,000,000  
 (B) Outlays, \$63,067,000,000  
 Fiscal year 2018:  
 (A) New budget authority, \$65,404,000,000  
 (B) Outlays, \$65,012,000,000  
 Fiscal year 2019:  
 (A) New budget authority, \$67,415,000,000  
 (B) Outlays, \$65,345,000,000  
 (16) ADMINISTRATION OF JUSTICE (750):  
 Fiscal year 2009:  
 (A) New budget authority, \$54,099,000,000  
 (B) Outlays, \$48,018,000,000  
 Fiscal year 2010:  
 (A) New budget authority, \$48,763,000,000  
 (B) Outlays, \$49,470,000,000  
 Fiscal year 2011:  
 (A) New budget authority, \$50,595,000,000  
 (B) Outlays, \$51,525,000,000  
 Fiscal year 2012:  
 (A) New budget authority, \$50,506,000,000  
 (B) Outlays, \$51,416,000,000  
 Fiscal year 2013:  
 (A) New budget authority, \$50,389,000,000  
 (B) Outlays, \$51,428,000,000  
 Fiscal year 2014:  
 (A) New budget authority, \$50,263,000,000  
 (B) Outlays, \$50,466,000,000  
 Fiscal year 2015:  
 (A) New budget authority, \$50,156,000,000  
 (B) Outlays, \$49,725,000,000  
 Fiscal year 2016:  
 (A) New budget authority, \$50,012,000,000  
 (B) Outlays, \$49,250,000,000  
 Fiscal year 2017:  
 (A) New budget authority, \$50,023,000,000  
 (B) Outlays, \$49,366,000,000  
 Fiscal year 2018:  
 (A) New budget authority, \$50,015,000,000  
 (B) Outlays, \$49,501,000,000  
 Fiscal year 2019:  
 (A) New budget authority, \$50,247,000,000  
 (B) Outlays, \$46,565,000,000  
 (17) GENERAL GOVERNMENT (800):  
 Fiscal year 2009:  
 (A) New budget authority, \$24,562,000,000  
 (B) Outlays, \$18,861,000,000  
 Fiscal year 2010:  
 (A) New budget authority, \$18,976,000,000  
 (B) Outlays, \$19,896,000,000  
 Fiscal year 2011:  
 (A) New budget authority, \$19,286,000,000  
 (B) Outlays, \$20,181,000,000  
 Fiscal year 2012:  
 (A) New budget authority, \$19,598,000,000  
 (B) Outlays, \$20,541,000,000  
 Fiscal year 2013:  
 (A) New budget authority, \$19,915,000,000  
 (B) Outlays, \$20,781,000,000  
 Fiscal year 2014:  
 (A) New budget authority, \$20,320,000,000  
 (B) Outlays, \$20,662,000,000  
 Fiscal year 2015:  
 (A) New budget authority, \$20,828,000,000  
 (B) Outlays, \$20,951,000,000  
 Fiscal year 2016:  
 (A) New budget authority, \$21,426,000,000  
 (B) Outlays, \$21,366,000,000  
 Fiscal year 2017:  
 (A) New budget authority, \$22,039,000,000  
 (B) Outlays, \$21,854,000,000  
 Fiscal year 2018:  
 (A) New budget authority, \$22,668,000,000  
 (B) Outlays, \$22,427,000,000  
 Fiscal year 2019:  
 (A) New budget authority, \$23,330,000,000  
 (B) Outlays, \$22,873,000,000  
 (18) NET INTEREST (900):  
 Fiscal year 2009:  
 (A) New budget authority, \$0  
 (B) Outlays, \$0  
 Fiscal year 2010:  
 (A) New budget authority, \$0  
 (B) Outlays, \$0  
 Fiscal year 2011:  
 (A) New budget authority, \$0  
 (B) Outlays, \$0  
 Fiscal year 2012:  
 (A) New budget authority, \$0

(B) Outlays, \$0  
 Fiscal year 2013:  
 (A) New budget authority, \$0  
 (B) Outlays, \$0  
 Fiscal year 2014:  
 (A) New budget authority, \$0  
 (B) Outlays, \$0  
 Fiscal year 2015:  
 (A) New budget authority, \$0  
 (B) Outlays, \$0  
 Fiscal year 2016:  
 (A) New budget authority, \$0  
 (B) Outlays, \$0  
 Fiscal year 2017:  
 (A) New budget authority, \$0  
 (B) Outlays, \$0  
 Fiscal year 2018:  
 (A) New budget authority, \$0  
 (B) Outlays, \$0  
 Fiscal year 2019:  
 (A) New budget authority, \$0  
 (B) Outlays, \$0  
 (19) ALLOWANCES (920):  
 Fiscal year 2009:  
 (A) New budget authority, \$0  
 (B) Outlays, \$0  
 Fiscal year 2010:  
 (A) New budget authority, \$0  
 (B) Outlays, \$0  
 Fiscal year 2011:  
 (A) New budget authority, \$0  
 (B) Outlays, \$0  
 Fiscal year 2012:  
 (A) New budget authority, \$0  
 (B) Outlays, \$0  
 Fiscal year 2013:  
 (A) New budget authority, \$0  
 (B) Outlays, \$0  
 Fiscal year 2014:  
 (A) New budget authority, \$0  
 (B) Outlays, \$0  
 Fiscal year 2015:  
 (A) New budget authority, \$0  
 (B) Outlays, \$0  
 Fiscal year 2016:  
 (A) New budget authority, \$0  
 (B) Outlays, \$0  
 Fiscal year 2017:  
 (A) New budget authority, \$0  
 (B) Outlays, \$0  
 Fiscal year 2018:  
 (A) New budget authority, \$0  
 (B) Outlays, \$0  
 Fiscal year 2019:  
 (A) New budget authority, \$0  
 (B) Outlays, \$0  
 (20) UNDISTRIBUTED OFFSETTING RECEIPTS  
 (950):  
 Fiscal year 2009:  
 (A) New budget authority, \$0  
 (B) Outlays, \$0  
 Fiscal year 2010:  
 (A) New budget authority, \$0  
 (B) Outlays, \$0  
 Fiscal year 2011:  
 (A) New budget authority, \$0  
 (B) Outlays, \$0  
 Fiscal year 2012:  
 (A) New budget authority, \$0  
 (B) Outlays, \$0  
 Fiscal year 2013:  
 (A) New budget authority, \$0  
 (B) Outlays, \$0  
 Fiscal year 2014:  
 (A) New budget authority, \$0  
 (B) Outlays, \$0  
 Fiscal year 2015:  
 (A) New budget authority, \$0  
 (B) Outlays, \$0  
 Fiscal year 2016:  
 (A) New budget authority, \$0  
 (B) Outlays, \$0  
 Fiscal year 2017:  
 (A) New budget authority, \$0  
 (B) Outlays, \$0  
 Fiscal year 2018:  
 (A) New budget authority, \$0  
 (B) Outlays, \$0  
 Fiscal year 2019:  
 (A) New budget authority, \$0  
 (B) Outlays, \$0

Fiscal year 2019:  
 (A) New budget authority, \$0  
 (B) Outlays, \$0

TITLE II—RESERVE FUNDS

**SEC. 201. DEFICIT-REDUCING RESERVE FUNDS FOR ENTITLEMENT COMMISSIONS—SOCIAL SECURITY AND MEDICARE & MEDICAID.**

(a) 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 a BRAC-like commission to review the current and long-term solvency of Social Security and a BRAC-like commission to review the current and long-term solvency of Medicare and Medicaid, 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) These commissions will provide recommendations to reduce mandatory spending by at least four percent over the next five years, and seven percent over the next ten years.

(c) For the purposes of this Resolution, for individuals 55 or older, Medicare will not be changed (other than means testing for high-income beneficiaries under the prescription drug benefit under Part D).

**SEC. 202. DEFICIT-NEUTRAL RESERVE FUND FOR COMPREHENSIVE HEALTHCARE REFORM.**

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 address health care costs, coverage, and care in the United States in a manner that reduces the costs of health care, increases access to health insurance, and improves the transparency of the costs and quality for medical care, 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. The legislation may include tax provisions.

**SEC. 203. DEFICIT-NEUTRAL RESERVE FUND FOR AMERICA'S VETERANS AND WOUNDED SERVICEMEMBERS.**

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 expand the number of disabled military retirees who receive both disability compensation and retired pay, accelerate the phase-in of concurrent receipt, and eliminate the offset between Survivor Benefit Plan annuities and Veteran's Dependency and Indemnity Compensation, 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.

**SEC. 204. DEFICIT-NEUTRAL RESERVE FUND FOR ENERGY SECURITY.**

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 promote energy security activities including, but not limited to, increasing funding for waste storage alternatives, advanced technology assessment and deployment for clean coal and carbon capture and storage, and clean energy deployment including increasing the use of nuclear power and refurbishing the transmission grid, and allowing loans under the Department of Energy's Innovative Technology Loan Guarantee Program of up to \$50,000,000,000 for the purposes of constructing nuclear power generating units, 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.

**SEC. 205. DEFICIT-NEUTRAL RESERVE FUND FOR TAX CODE MODERNIZATION.**

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 for revenue-neutral income (including AMT revenue) and payroll tax reform that makes the tax code fair, more pro-growth, easier to administer, improves compliance and aids U.S. international competitiveness, 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.

**SEC 206. DEFICIT-NEUTRAL RESERVE FUND FOR DEFENSE ACQUISITION AND CONTRACTING REFORM**

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—

(1) enhance the capability of the Federal acquisition or contracting workforce to achieve better value for taxpayers;

(2) reduce the use of no-bid and cost-plus contracts; or

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

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.

**SEC. 207. DEFICIT-NEUTRAL RESERVE FUND FOR A BIPARTISAN, COMPREHENSIVE INVESTIGATION INTO THE CURRENT FINANCIAL CRISIS.**

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 for a select senate committee to carry out a bipartisan, comprehensive investigation into the underlying causes of the current economic crisis, and recommend ways to avoid another crisis, 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.

**TITLE III—BUDGETARY PROCESS**

**SUBTITLE A—BUDGET ENFORCEMENT**

**SEC. 301. DISCRETIONARY SPENDING LIMITS, PROGRAM INTEGRITY INITIATIVES, AND OTHER ADJUSTMENTS.**

(a) **SENATE POINT OF ORDER.**—

(1) **IN GENERAL.**—Except as otherwise provided in this section, it shall not be in order in the Senate to consider any bill or joint resolution (or amendment, motion, or conference report on that bill or joint resolution) that would cause the discretionary spending limits in this section to be exceeded.

(2) **SUPERMAJORITY WAIVER AND APPEALS.**—

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

(B) **APPEALS.**—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection 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 this subsection.

(b) **SENATE DISCRETIONARY SPENDING LIMITS.**—In the Senate and as used in this section, the term “discretionary spending limit” means—

(1) with respect to fiscal year 2009—

(A) for the defense category \$689,926,000,000 in new budget authority and \$666,842,000,000 in outlays;

(B) for the Veterans Affairs (VA) category \$49,394,000,000 in new budget authority and \$46,757,000,000 ; in outlays; and

(C) for the nondefense/non-VA category \$742,099,000,000 in new budget authority and \$532,373,000,000 in outlays.

(2) with respect to fiscal year 2010—

(A) for the defense category \$686,128,000,000 in new budget authority and \$689,963,000,000 in outlays, as adjusted in conformance with the adjustment procedures in subsection (c);

(B) for the Veterans Affairs (VA) category \$53,263,000,000 in new budget authority and \$52,274,000,000 ; in outlays; as adjusted in conformance with the adjustment procedures in subsection (c); and

(C) for the nondefense category \$458,515,000,000 in new budget authority and \$608,750,000,000 in outlays, as adjusted in conformance with the adjustment procedures in subsection (c).

(3) with respect to fiscal year 2011 —

(A) for the defense category \$614,293,000,000 in new budget authority and \$657,207,000,000 in outlays;

(B) for the Veterans Affairs (VA) category \$54,417,000,000 in new budget authority and \$53,972,000,000 ; in outlays; and

(C) for the nondefense/non-VA category \$463,460,000,000 in new budget authority and \$596,209,000,000 in outlays.

(4) with respect to fiscal year 2012—

(A) for the defense category \$614,293,000,000 in new budget authority and \$657,207,000,000 in outlays;

(B) for the Veterans Affairs (VA) category \$54,417,000,000 in new budget authority and \$53,972,000,000 ; in outlays; and

(C) for the nondefense/non-VA category \$463,460,000,000 in new budget authority and \$596,209,000,000 in outlays.

(5) with respect to fiscal year 2013—

(A) for the defense category \$634,421,000,000 in new budget authority and \$636,332,000,000 in outlays;

(B) for the Veterans Affairs (VA) category \$57,384,000,000 in new budget authority and \$56,932,000,000 ; in outlays; and

(C) for the nondefense/non-VA category \$468,849,000,000 in new budget authority and \$544,103,000,000 in outlays.

(6) with respect to fiscal year 2014—

(A) for the defense category \$648,249,000,000 in new budget authority and \$641,632,000,000 in outlays;

(B) for the Veterans Affairs (VA) category \$58,969,000,000 in new budget authority and \$58,515,000,000 in outlays; and

(C) for the nondefense/non-VA category \$472,964,000,000 in new budget authority and \$534,759,000,000 in outlays.

(7) with respect to fiscal year 2015—

(A) for the defense category \$663,159,000,000 in new budget authority and \$6653,234,000,000 in outlays;

(B) for the Veterans Affairs (VA) category \$60,971,000,000 in new budget authority and \$59,265,000,000 in outlays; and

(C) for the nondefense/non-VA category \$478,347,000,000 in new budget authority and \$535,954,000,000 in outlays.

(8) with respect to fiscal year 2016—

(A) for the defense category \$678,149,000,000 in new budget authority and \$671,890,000,000 in outlays;

(B) for the Veterans Affairs (VA) category \$62,494,000,000 in new budget authority and \$61,978,000,000 in outlays; and

(C) for the nondefense/non-VA category \$486,111,000,000 in new budget authority and \$539,261,000,000 in outlays.

(9) with respect to fiscal year 2017—

(A) for the defense category \$694,153,000,000 in new budget authority and \$683,256,000,000 in outlays;

(B) for the Veterans Affairs (VA) category \$64,367,000,000 in new budget authority and \$63,067,000,000; in outlays; and

(C) for the nondefense/non-VA category \$493,916,000,000 in new budget authority and \$545,501,000,000 in outlays.

(10) with respect to fiscal year 2018—

(A) for the defense category \$709,147,000,000 in new budget authority and \$693,789,000,000 in outlays;

(B) for the Veterans Affairs (VA) category \$65,404,000,000 in new budget authority and \$65,012,000,000 in outlays; and

(C) for the nondefense/non-VA category \$501,500,000,000 in new budget authority and \$553,275,000,000 in outlays.

(11) with respect to fiscal year 2019—

(A) for the defense category \$726,167,000,000 in new budget authority and \$714,089,000,000 in outlays;

(B) for the Veterans Affairs (VA) category \$67,415,000,000 in new budget authority and \$65,345,000,000 in outlays; and

(C) for the nondefense/non-VA category \$509,864,000,000 in new budget authority and \$558,866,000,000 in outlays.

(c) **ADJUSTMENTS IN THE SENATE.**—

(1) **IN GENERAL.**—After the reporting of a bill or joint resolution relating to any matter described in paragraph (2), or the offering of an amendment thereto or the submission of a conference report thereon—

(A) the Chairman of the Senate Committee on the Budget may adjust the discretionary spending limits, budgetary aggregates, and allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, by the amount of new budget authority in that measure for that purpose and the outlays flowing therefrom; and

(B) following any adjustment under subparagraph (A), the Senate Committee on Appropriations may report appropriately revised suballocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(2) **ADJUSTMENTS TO SUPPORT ONGOING OVERSEAS CONTINGENCY OPERATIONS.**—The Chairman of the Senate Committee on the Budget may adjust the discretionary spending limits, allocations to the Senate Committee on Appropriations, and aggregates for one or more—

(A) bills reported by the Senate Committee on Appropriations or passed by the House of Representatives;

(B) joint resolutions or amendments reported by the Senate Committee on Appropriations;

(C) amendments between the Houses received from the House of Representatives or Senate amendments offered by the authority of the Senate Committee on Appropriations; or

(D) conference reports; making appropriations for fiscal year 2010 for overseas contingency operations by the amounts provided in such legislation for those purposes (and so designated pursuant to this paragraph), up to \$130,000,000,000 in budget authority for fiscal year 2010 and the new outlays flowing therefrom.

(3) REVISED APPROPRIATIONS FOR FISCAL YEAR 2010.—

(A) IN GENERAL.—If after adoption of this resolution by the Congress, the Congressional Budget Office (CBO) re-estimates the President's request for discretionary spending in fiscal year 2010 at an aggregate level different from the CBO preliminary estimate dated March 20, 2009, the Chairman of the Senate Committee on the Budget may adjust the discretionary spending limits, budgetary aggregates, and allocations pursuant to section 302(a) of the Congressional Budget Act of 1974 by the amount of budget authority and outlays flowing therefrom, to reflect the difference between such re-estimate and the CBO preliminary estimate dated March 20, 2009.

(B) SUBALLOCATIONS.—Following any adjustment under subparagraph (A), the Senate Committee on Appropriations may report appropriately revised suballocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this paragraph.

(d) INAPPLICABILITY.—In the Senate, subsections (a), (b), (c), and (d) of section 312 of S. Con. Res. 70 (110th Congress) shall no longer apply.

#### SEC. 302. POINT OF ORDER AGAINST ADVANCE APPROPRIATIONS.

(a) IN GENERAL.—

(1) POINT OF ORDER.—Except as provided in subsection (b), it shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, or conference report that would provide an advance appropriation.

(2) DEFINITION.—In this section, the term “advance appropriation” means any new budget authority provided in a bill or joint resolution making appropriations for fiscal year 2010 that first becomes available for any fiscal year after 2010, or any new budget authority provided in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2011, that first becomes available for any fiscal year after 2011.

(b) EXCEPTIONS.—Advance appropriations may be provided for fiscal years 2011 and 2012 for programs, projects, activities, or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading “Accounts Identified for Advance Appropriations” in an aggregate amount not to exceed \$28,852,000,000 in new budget authority in each year.

(c) SUPERMAJORITY WAIVER AND APPEAL.—

(1) WAIVER.—In the Senate, subsection (a) may be waived or suspended 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 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) 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.

(e) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or

an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(f) INAPPLICABILITY.—In the Senate, section 313 of S. Con. Res. 70 (110th Congress) shall no longer apply.

#### SEC. 303. EMERGENCY LEGISLATION.

(a) AUTHORITY TO DESIGNATE.—In the Senate, with respect to a provision of direct spending or receipts legislation or appropriations for discretionary accounts that Congress designates as an emergency requirement in such measure, the amounts of new budget authority, outlays, and receipts in all fiscal years resulting from that provision shall be treated as an emergency requirement for the purpose of this section.

(b) EXEMPTION OF EMERGENCY PROVISIONS.—Any new budget authority, outlays, and receipts resulting from any provision designated as an emergency requirement, pursuant to this section, in any bill, joint resolution, amendment, or conference report shall not count for purposes of sections 302 and 311 of the Congressional Budget Act of 1974, section 201 of S. Con. Res. 21 (110th Congress) (relating to pay-as-you-go), section 311 of S. Con. Res. 70 (110th Congress) (relating to long-term deficits), and sections 301 and 304 of this resolution (relating to discretionary spending and short-term deficits). Designated emergency provisions shall not count for the purpose of revising allocations, aggregates, or other levels pursuant to procedures established under section 301(b)(7) of the Congressional Budget Act of 1974 for deficit-neutral reserve funds and revising discretionary spending limits set pursuant to section 301 of this resolution.

(c) DESIGNATIONS.—If a provision of legislation is designated as an emergency requirement under this section, the committee report and any statement of managers accompanying that legislation shall include an explanation of the manner in which the provision meets the criteria in subsection (f).

(d) DEFINITIONS.—In this section, the terms “direct spending”, “receipts”, and “appropriations for discretionary accounts” mean any provision of a bill, joint resolution, amendment, motion, or conference report that affects direct spending, receipts, or appropriations as those terms have been defined and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

(e) POINT OF ORDER.—

(1) IN GENERAL.—When the Senate is considering a bill, resolution, amendment, motion, or conference report, if a point of order is made by a Senator against an emergency designation in that measure, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

(2) SUPERMAJORITY WAIVER AND APPEALS.—

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

(B) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection 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, as the case may be. 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 subsection.

(3) DEFINITION OF AN EMERGENCY DESIGNATION.—For purposes of paragraph (1), a provision shall be considered an emergency designation if it designates any item as an emergency requirement pursuant to this subsection.

(4) FORM OF THE POINT OF ORDER.—A point of order under paragraph (1) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(5) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(f) CRITERIA.—

(1) IN GENERAL.—For purposes of this section, any provision is an emergency requirement if the situation addressed by such provision is—

(A) necessary, essential, or vital (not merely useful or beneficial);

(B) sudden, quickly coming into being, and not building up over time;

(C) an urgent, pressing, and compelling need requiring immediate action;

(D) subject to subparagraph (B), unforeseen, unpredictable, and unanticipated; and

(E) not permanent, temporary in nature.

(2) UNFORESEEN.—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

(g) INAPPLICABILITY.—In the Senate, section 204(a) of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008, shall no longer apply.

#### SEC. 304. POINT OF ORDER AGAINST LEGISLATION INCREASING SHORT-TERM DEFICIT.

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, amendment, motion, or conference report (except measures within the jurisdiction of the Committee on Appropriations) that would cause a net increase in the deficit in excess of \$10,000,000,000 in any fiscal year provided for in the most recently adopted concurrent resolution on the budget unless it is fully offset over the period of all fiscal years provided for in the most recently adopted concurrent resolution on the budget.

(b) SUPERMAJORITY WAIVER AND APPEAL IN THE SENATE.—

(1) WAIVER.—This section may be waived or suspended only by the 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 to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(c) DETERMINATIONS OF BUDGET LEVELS.—For purposes of this section, the levels shall be determined on the basis of estimates provided by the Senate Committee on the Budget.

(d) SUNSET.—This section shall expire on September 30, 2018.

(e) INAPPLICABILITY.—In the Senate, section 315 of S. Con. Res. 70 (110th Congress), the concurrent resolution in the budget for fiscal year 2009, shall no longer apply.

#### SUBTITLE B—OTHER PROVISIONS

### SEC. 311. OVERSIGHT OF GOVERNMENT PERFORMANCE.

In the Senate, all committees are directed to review programs within their jurisdiction to root out waste, fraud, and abuse in program spending, giving particular scrutiny to issues raised by Government Accountability Office reports. Based on these oversight efforts and committee performance reviews of programs within their jurisdiction, committees are directed to include recommendations for improved governmental performance in their annual views and estimates reports required under section 301(d) of the Congressional Budget Act of 1974 to the Committees on the Budget.

### SEC. 312. BUDGETARY TREATMENT OF CERTAIN DISCRETIONARY ADMINISTRATIVE EXPENSES.

In the Senate, notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974, section 13301 of the Budget Enforcement Act of 1990, and section 2009a of title 39, United States Code, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocations under section 302(a) of the Congressional Budget Act of 1974 to the Committees on Appropriations amounts for the discretionary administrative expenses of the Social Security Administration and of the Postal Service.

### SEC. 313. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Senate Committee on the Budget.

### SEC. 314. ADJUSTMENTS TO REFLECT CHANGES IN CONCEPTS AND DEFINITIONS.

Upon the enactment of a bill or joint resolution providing for a change in concepts or definitions, the Chairman of the Senate Committee on the Budget may make adjustments to the levels and allocations in this resolution in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002).

### SEC. 315. EXERCISE OF RULEMAKING POWERS.

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate, and as such they shall be considered as part of the rules of the Senate and such rules shall supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with full recognition of the constitutional right of the Senate to change those rules at any time, in the same manner, and to the same extent as is the case of any other rule of the Senate.

### SEC. 316. COST ESTIMATES FOR CONFERENCE REPORTS AND OTHER MEASURES.

It shall not be in order to consider a conference report, bill, or joint resolution unless an estimate of costs has been printed in the Congressional Record at least one day before its consideration.

### SEC. 317. LIMITATION ON LONG-TERM SPENDING PROPOSALS

It shall not be in order to consider any bill or joint resolution reported from a committee if such bill or resolution is not accompanied by a cost estimate prepared by the Congressional Budget Office on whether or not the measure would cause a net increase in direct spending in excess of \$5 billion in any of the four next five-year periods.

### SEC. 318. REVENUES COLLECTED FROM CLOSING THE TAX GAP ARE USED ONLY FOR DEBT REDUCTION.

(a) SPECIAL SCOREKEEPING RULE IN THE SENATE.—

(1) REPORT TO BUDGET COMMITTEE.—When a bill is cleared for the President, the Congressional Budget Office (CBO), pursuant to section 202 of the Congressional Budget Act of 1974, and the Joint Committee on Taxation shall inform the Chairman of the Committee on the Budget if that measure contains provisions that increase revenues from closing the tax gap. The report shall include the amount of revenue raised each year including the current year, the budget year, and for each of the 10 years following the current year.

(2) EXCLUSION FROM PAY-AS-YOU-GO SCORECARD.—Any revenue raised from provisions to close the tax gap (as detailed in the report described in (a)(1)) shall not count as offsets for purposes of section 201 of S. Con. Res. 21, the FY 2008 Budget Resolution.

(b) CRITERIA AND DEFINITIONS.—

(1) The tax gap is the difference between the revenue that is owed to the federal government in accordance with existing tax law and the revenue that is collected by the federal government.

(2) The tax gap is a combination of inadvertent errors and deliberate evasion.

(3) Revenues raised from changes to withholding or payment reporting requirements are examples of efforts to close the tax gap.

(4) The tax gap is not about clarifying existing law in order to close loopholes, broadening the tax base, raising tax rates, or any other action that would change existing tax law.

### SEC. 319. POINT OF ORDER TO SAVE SOCIAL SECURITY FIRST.

(a) POINT OF ORDER IN THE SENATE.—It shall not be in order in the Senate to consider any direct spending legislation that would increase the on-budget deficit above the amounts provided for in this resolution in any fiscal year until the President submits legislation to Congress and Congress enacts legislation which would restore 75-year solvency to the Old-Age, Survivors, and Disability Insurance Trust Funds as certified by the Social Security Administration actuaries.

(b) SUPERMAJORITY WAIVER AND APPEAL.—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. An affirmative vote of three-fifths of

the Members of the Senate, 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.

### SEC. 320. POINT OF ORDER AGAINST A BUDGET RESOLUTION CONTAINING A DEBT HELD BY THE PUBLIC-TO-GDP RATIO THAT EXCEEDS 65%.

(a) IN GENERAL.—It shall not be in order in the Senate to consider a concurrent resolution on the budget for the budget year or any amendment, amendment between Houses, motion, or conference report thereon that contains a ratio of debt held by the public-to-Gross Domestic Product which exceeds 65% in any year covered by the budget resolution.

(b) SUPERMAJORITY WAIVER AND APPEAL IN THE SENATE.—

(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 of the Senate, 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.

(c) DETERMINATION OF DEBT LEVELS.—For purposes of this section, the debt level shall be determined by the Chairman of the Senate Committee on the Budget on the basis of estimates provided by the Congressional Budget Office.

### SEC. 321. POINT OF ORDER AGAINST A BUDGET RESOLUTION CONTAINING DEFICIT LEVELS EXCEEDING 8% OF GDP.

(a) IN GENERAL.—It shall not be in order in the Senate to consider a concurrent resolution on the budget for the budget year or any amendment, amendment between Houses, motion, or conference report thereon that contains deficits as a percentage of the Gross Domestic Product in excess of 8% in any year covered by the budget resolution.

(b) SUPERMAJORITY WAIVER AND APPEAL IN THE SENATE.—

(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 of the Senate, 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.

(c) DETERMINATION OF DEFICIT LEVELS.—For purposes of this section, the deficit as a percentage of Gross Domestic Product shall be determined by the Chairman of the Senate Committee on the Budget on the basis of estimates provided by the Congressional Budget Office.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Republican time be allocated as follows, between now and the time of the vote: that Senator HUTCHISON be allowed 5 minutes on the substitute amendment, Senator GRAHAM 5 minutes, Senator COBURN 5 minutes, myself 5 minutes, Senator GREGG 10 minutes, Senator INHOFE 3 minutes, Senator SESSIONS 5 minutes, Senator CHAMBLISS 2 minutes, and Senator WICKER 2 minutes.

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

Mr. MCCAIN. Mr. President, I yield 5 minutes to the Senator from Texas, Mrs. HUTCHISON.

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



Mrs. HUTCHISON. Mr. President, I, first, wish to thank Senator MCCAIN for leading this effort to present an alternative because we all know, after looking at the Democratic budget and the Obama administration budget which produced the Democratic budget, that the debt is unsustainable. This is a budget that would double our debt in 5 years, and if it goes out to 10, it would triple our debt. As a matter of fact, it spends too much, it taxes too much, and it borrows too much.

We have to start putting some common sense in this budget process or we are going to go into an abyss. We must take the reins of this budget and hold it back. Today, our debt-to-gross domestic product is 57 percent. That is pretty high. The average over the last 50 years has been about 40 percent. This underlying budget today would take our debt-to-gross domestic product ratio to 80 percent. That is simply unsustainable on a long-term basis. During the Great Depression, during World War II, we saw numbers such as that, but you cannot sustain it over a long period of time. It was brought back down after World War II so that it was in the 30-percent range. Forty percent is optimum. We are at 57. We would go to 80 if we don't do something.

That is why Senator MCCAIN and those of us who are cosponsoring his substitute are trying to do the right thing. We are trying to produce an alternative that is responsible and takes care of the needs of our country at the same time.

The key points of this substitute are that we would cap discretionary spending at baseline levels plus inflation, except for defense and veterans. That means every program we have can grow with inflation. You are not cutting anything from today, but you are allowing it to just grow by inflation, which will cap it—except for defense, which does increase, and our veterans, which does increase. We have increased our veterans, we have increased defense, we continue to do so because we know our duty to those who are serving our country and protecting our freedom.

This substitute also extends the 2001 and 2003 tax cuts. That means marriage penalty relief will be extended. It means we will not put a shock into the stock market by increasing the capital gains and dividends rates at a time when we want to shore up our stock market. The worst thing we can do is send a signal that those taxes are going to go up in 2 years when our economy is already flailing. It will lower everyone's tax burden—everyone's. It will keep that 10-percent rate instead of moving it up. It will keep everyone's tax burden lower.

Marriage penalty relief is something I am going to offer an amendment on if this substitute does not pass because we need to make it permanent. The marriage penalty in this country, if we go back to the way it used to be, is

over \$1,000 a couple. Is this a country that wants to dissuade people from getting married? That is the core of our family support in this country. Our substitute will extend the tax cuts, including marriage penalty, including every bracket, and including capital gains and dividends, to encourage savings and shore up our stock market.

It also takes the bigger picture view. This is a 10-year substitute, so it ensures that revenues collected from closing the tax gap would only be used for debt reduction. This is planning for the future. This is saying we are going to bring down that debt burden that is in the underlying bill before us. It will not be used to increase Federal spending because we are going to cap that at the baseline plus inflation. We are not going to hurt anyone. We are not going to also add to our debt. In fact, we would cut \$4 trillion from the budget that is before us.

The PRESIDING OFFICER (Mrs. GILLIBRAND). The time of the Senator has expired.

Mrs. HUTCHISON. I hope my colleagues will look at this responsible alternative.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Madam President, the thing many of my colleagues don't know is, before I was a physician I was an accountant, and the thing about numbers is you can make them show anything you want. That, historically, is what Republicans and Democrats have done with budgets. They play games. The only year that counts is the next year, this next 2010 fiscal year. That is the only thing that counts in terms of what they are going to do.

The important thing before us ought to be the following: At the end of the budget that is offered by both President Obama and the majority, the deficit will be higher than it has ever been any time prior to this year, and it will not go down. It will never go down, in light of that, in terms of a sustainable level.

The second point I want to make on this budget is this budget is a real budget that says to every American except our fighting men and women and our seniors and our veterans: Everybody has to sacrifice for us to get out of the mess we are in. The sacrifice will not necessarily be hard because of the tremendous amount of waste that is in the Federal Government right now. At a conservative minimum, 10 percent of everything we spend is pure waste or fraud. We will not do anything about it. One of the things with the McCain budget, the Republican budget, is that it will force us to do something about it.

We take some of that \$380 billion a year that is now defrauded of the Federal Government, or pure waste, and we will recapture that to do something positive. But the underlying point is, as Americans, if we are going to get out of the problems we are in, we can-

not spend our way into prosperity, and we can't borrow our way out of debt. That is what this budget does. It attempts to grow Federal Government.

The claim is that it only grows it 2 percent over 5 years. But when you look at the numbers in this budget, it grows at 7 percent in the next year, in terms of discretionary spending. Then all the pain is after that. We all know the reality of the Senate. There will not be any pain. It will be 7 percent the year after that. You watch what comes from the appropriators.

The House budget has a 12-percent increase in it. The President's had an 11-percent increase. We can hear all these statements on the floor, but the No. 1 fact is, everybody in this country is going to have to sacrifice except those who have already sacrificed. If we do anything less than that, then what we are doing is sacrificing the future of our kids and our grandkids.

In this budget we have a proposal that will pick up the 11 million Americans who are eligible for Medicaid who are not even getting health care now and, at the same time, save the States \$88 billion a year and save the Federal Government \$40 billion a year and improve the health care of everybody on Medicaid today. That is \$1.3 trillion of efficiency in health care that we will save. The States will love the plan.

Does it fit into the overall plan of what we have now? Is it the only way we can do it? No. But the fact is, 40 percent of the doctors and caregivers in our country today will not even see a Medicaid patient. We are up to almost 20 percent not seeing a Medicare patient. We have to do something about that. But we don't need more money in health care; what we need is a more efficient market and common sense in the way we spend the money so we get great quality care at a fair price, which is not happening today.

I hope my colleagues will consider the McCain budget because of the significant truth that underlies it, that everybody is going to have to sacrifice some. Everybody has to sacrifice if we are to get out of the mess we are in. You can be critical of it, but the fact is, there is no program, in terms of total dollars, that is going to see a marked decrease in terms of spending without getting exactly the same or better results.

Our President said he wants a line-by-line review of every program, that he wants competitive bidding, he wants metrics. That is what we do. We actually do what the average American would do. We apply common sense to the way the Government spends money, and we look at it and say we cannot continue on the path we are on without bankrupting our kids.

The very real possibility that out of the budget that is being presented today we will have a fiat currency or a currency that is inflated, which will devalue the assets of everybody in this country, is absolutely real and recognized.

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

Mr. COBURN. I thank the Senator from Arizona for the time to speak on his budget, and I yield.

The PRESIDING OFFICER. Who yields time?

Mr. MCCAIN. Madam President, how much time is remaining on both sides?

The PRESIDING OFFICER. The majority has 35 minutes and the Republicans also have 35 minutes.

Mr. MCCAIN. I thank the Chair.

Mr. SESSIONS. Madam President, I ask to be notified after 4 minutes.

The PRESIDING OFFICER. The Chair will so advise the Senator. The Senator from Alabama is recognized.

Mr. SESSIONS. Madam President, I thank the Chair. I appreciate the comments that have been made. I agree first with Senator COBURN's comments about our distinguished chairman's pride in spending less money than the Obama proposal called for for discretionary spending over 5 years. He said he saved \$600 billion—and it should save some. However, President Obama's budget was an 11-percent increase.

Senator CONRAD came in with a 7-percent increase, which is huge in light of the money we are spending on top of that with the stimulus package we just passed; and at 7 percent, Government spending would double in 10 years. But the House is at 12 percent. So when the bill goes to conference, it is not going to be at 7, it is going to be at 10, 11, maybe 12 percent.

No. 2, his savings are projected in years 2, 3, 4 and 5, and as Senator COBURN said, when we come back next year, this body, if the same Members are here, is going to have another 7 percent or 10 percent. The only one that counts is this year. So I do not believe we have a real change in this budget. I believe Mr. Orszag is correct—the President's budget manager—that this is 98 percent of what he asked for and he asked for a budget over 10 years that doubles the debt in 5 years and triples it in 10. It triples the debt in 10. It is admitted by the President's own budget. It is in the numbers he sent to us. We are not making this up. That is No. 1.

I have several amendments I will be calling to my colleagues' attention. One is the Comprehensive Outer Continental Shelf Study. We have no idea today how much oil and gas may be off our coasts, our Atlantic coast and Pacific coast. Particularly, the Atlantic States are eager to know what is out there and to consider whether they want to produce out there. I think it has great potential for America.

Every barrel of oil and energy we can produce in the United States off our shores so we do not have to transfer our wealth to Saudi Arabia or Venezuela or places around the world but keep it here creating jobs and revenue is progress for America in a significant way. That is an amendment on which I hope we will have bipartisan support.

Missile defense, I am working with Senator LIEBERMAN on that. I am concerned there might be some belief that we can ease off the completion of missile defense. Our missile defense system now has 26 launchers already built or contracted for; we want to do 44. After years and years of science and technology and investment, we are about to be able to complete a missile defense system that will make us all proud and can protect us from such things as a North Korean launch. If we don't get this system up like we need it, we will not be able to do that.

I believe today our technology would knock down that missile if it reached the United States. We need to complete that program. If we slow it down, it will just drive up the cost even more. That is important.

I am concerned about the history of this Congress when it deals with border security. We have voted repeatedly—the last big vote was 80 to 19—to complete 700 miles of fencing and barriers on our border. The money often does not get appropriated, however. We vote and say we are for it, but when the chips are down the money doesn't get funded. This would call on us to complete the funding for that project. I think all of us would want to complete what we have started.

The PRESIDING OFFICER. The Senator has 1 minute.

Mr. SESSIONS. Madam President, I want to say it is not impossible for us at least to move substantially toward a balanced budget. In the immediate years ahead it is going to be hard to get to a balanced budget. But the President's budget does not attempt to do so. In fact, in years 7 and 10 of his budget, his deficits are not going down. This is his own document he submitted to us—they are surging upward. In his 10th year, the Congressional Budget Office says his deficit will be, in 1 year, \$1.2 trillion. That will be almost three times the highest deficit this country has ever had in its history.

I thank Senator MCCAIN and others who are working on it.

The PRESIDING OFFICER. Who yields time?

Ms. LANDRIEU. Madam 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. CONRAD. Madam 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. Madam President, how much time remains under my control?

The PRESIDING OFFICER. There is 25 minutes remaining.

Mr. CONRAD. Madam President, how much time is under the control of Senator MCCAIN?

The PRESIDING OFFICER. There is 10 minutes remaining on the McCain amendment.

Mr. CONRAD. I ask unanimous consent that the debate on the McCain

amendment appear all as one piece in the RECORD. I think that will be better for those reading this at some point in the future, if someone does care to read it in the future. It will be better if we keep the McCain debate all together as one.

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

Mr. CONRAD. First, I thank and congratulate the Senator from Arizona for producing a budget and a budget alternative. That was not done on their side until he did it, and I commend him for it.

I also commend him for producing a budget that in its overall totals is very close to the budget resolution I have advanced through the Budget Committee.

In fact, if you compare Senator MCCAIN's 5-year totals with my 5-year totals, compare his revenue to my revenue, his spending to my spending, they are 98 percent alike. In addition, the size of the deficit in 2014 is virtually the same. Mine is 2.9 percent of GDP, his is 2.8. And the debt, mine is 98.7, his is 98.3, virtually identical in 2014.

So there is some commonality here, and that is something perhaps we can build on. Of course, there are differences, and differences do matter. Largely they appear in two places. The Senator from Arizona appears to reduce mandatory spending by \$350 billion over 5 years.

But where does he do it? Does he show savings in Medicare? No. Does he show savings in Medicaid and the health care accounts? No. Does he show savings in Social Security? No. Does he show savings in agriculture? No. He does not do it in any of those places that are the major pots of money for mandatory spending. Instead, he takes all of the \$350 billion in savings in Function 920. That is the general overhead function for all of those categories.

So, in effect, what he has is an across-the-board cut in Medicare, Medicaid, Social Security, agriculture, and that is how this budget would work. I do not know if that is the intention, but that is what would happen.

In fact, excluding debt service, 85 percent of the claimed savings are from function 920, no specific savings at all. Where are the remaining 15 percent of the savings? Largely, they are in the international affairs budget. Relative to the budget resolution before us, and that is before we adopted the Kerry amendment yesterday, he reduces spending on international accounts by \$44 billion over the 5 years. The Senator from Arizona assumes an increase of 1.3 percent in 2010 and less than 1 percent over the remaining 5 years. That runs counter to what the Secretary of Defense has asked of us because he has asked that we plus-up the international accounts so that things that really ought to be done in the international accounts, instead of the Defense Department accounts, be shown there.

Disturbingly, next year, when we will still be recovering from the worst recession since the Great Depression, the budget advanced by the Senator from Arizona would cut nondefense discretionary spending, compared to the resolution before us, by \$23 billion. Those cuts would affect virtually every discretionary function, although not defense and not veterans. I commend him for holding them harmless, but that means everything else has to be cut more. That means education, the health care accounts—all of those would have to be cut.

In terms of looking at a budget in a fair and balanced way, while I commend the Senator for producing a budget, it is a budget without detail, a budget without specificity, a budget that is almost “paint your own picture.” Because he has this \$350 billion of savings in function 920, because he doesn’t specify, that would have to be done across the board. That means all of these other functions—Medicare, Social Security, agriculture, all of the other mandatory accounts—would have to take significant across-the-board cuts.

I commend the Senator from Arizona for offering an alternative, but I think the difference between his plan and my plan in overall numbers is very small, but the differences that do exist matter a great deal.

One other point I want to make: As with many of my GOP colleagues’ amendments, the McCain amendment would create 60-vote points of order against future budget resolutions, threatening the ability to maintain the disciplines that come through the budget process. Caps on discretionary spending, allocations to committees, the supermajority points of order against excessive spending—all of that would be put at risk in the name of preventing the growth of deficits and debt. While I share the basic idea and the basic value of trying to control deficits and debt, as an unintended consequence, the cure here is worse than the disease. When the answer is to make it harder to do a budget resolution, you actually lose the disciplines we could employ in order to reduce the growth of deficits and debt.

It is a curious thing, if one thinks about it. The way to prevent the growth of debt is not to do a budget or make it harder to do a budget. Unfortunately, around here one of the few things we have to discipline spending is a budget. That is where all the points of order lie when we go to the appropriations process. If it were successful, if you were able to prevent doing a budget resolution, you would then immediately go to appropriations bills and you would have no points of order, no 60-vote hurdles against excessive spending. We want to think carefully whether that is the answer.

My own view is, we would be much better off doing some kind of special process where all of the major players are at the table, everything is on the

table, and we have a special process to get whatever plan they develop to the floor for an actual vote. My own belief is, after 22 years of this, the only real hope for changing the underlying policies, for disciplining entitlements, for fundamental tax reform, the only way to do that is some sort of special bipartisan process where everybody is at the table, everything is on the table, and the work of that group comes to the floor for a guaranteed vote. That is the best hope we have.

With that, I yield the floor and retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I yield myself a couple of minutes.

First, the fundamental difference between the proposal before us and my proposal is that the budget as proposed has a growth in 2010 for nondefense spending of 8 percent, with about 1 percent growth in each of the following years from 2011 to 2014. That is an old gimmick. The budget proposal before us caps discretionary funding in 2010, which front-loads all the higher costs in the first year. Without caps in the outyears, we will find ourselves right back here next year listening to why the administration can’t possibly live with an increase in 2011 of less than 1 percent as recommended in the budget.

Mandatory spending is more than Social Security and Medicare. It is general sciences, space, energy, natural resources. Every estimate we have is that we could cut 10 percent immediately in unnecessary and wasteful spending and fraud across the board, including Medicare, including all of these other programs. We are asking Americans who are tightening their belts, we are asking every State legislature in America to make tough decisions, and we are not making those tough decisions. We are just going on as if it were business as usual. An 8-percent increase in spending for 2010? Tell me one State legislature in America or any family in America that can afford an 8-percent increase in their budget. Only we can because we print money.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Georgia.

Mr. CHAMBLISS. I ask unanimous consent that the Senator from Arizona yield 2 minutes to me to speak on the budget.

The PRESIDING OFFICER. The Senator is allotted 2 minutes.

Mr. CHAMBLISS. Madam President, as everyone knows, the chairman of the Budget Committee happens to be a dear friend of mine, a guy with whom I work on any number of issues on a regular basis. I empathize with him for having to take what I think has been generally recognized as a freewheeling spending budget coming from the White House and try to evolve that into something that is meaningful and much more responsible. Unfortunately,

that is a difficult task. I don’t think it has been done. I thought for a minute, in listening to the chairman of the committee speak about the McCain alternative, that perhaps he was going to support it. But I understand why he can’t.

There is one other major difference the Budget Committee chairman fails to point out between the President’s budget and the Democratic budget we will be voting on, and it is a fundamental difference. The President’s budget and the Democratic budget focus on where we are going to spend money, versus the McCain budget which seeks to reduce Federal spending for the short term and the long term. The reason that is a fundamental difference is that when you look at the President’s budget and you look at the Democratic budget, in the year 2019, for example, the amount of money that will be owed as interest on the debt will exceed the amount of money we are going to spend on discretionary defense. That is outrageous.

I have four grandchildren. Two of them are brand new. They are the ones who will be charged with repaying this debt. By passing the Democratic budget and the President’s budget, there is simply no way the grandchildren of all of us are ever going to be able to pay the money back.

I urge support for the McCain alternative.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I yield myself 30 seconds.

I didn’t mention at the beginning of my response, but I wish to express my appreciation for the way the chairman, Senator CONRAD, and Senator GREGG have handled this debate. People have had a good opportunity to express their views. The worst part, obviously, is coming up in about 20 minutes. Both the distinguished chairman and ranking member of the committee have handled the debate in a fashion better than I have ever seen in the past. I congratulate both of them for allowing virtually every Member of the Senate to express their views on this important issue.

I retain the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from North Dakota.

Mr. CONRAD. Madam President, I inquire if the Senator from Arizona wishes to go on his amendment. Do we still have Senator GRAHAM?

Mr. MCCAIN. I think he is on his way.

Mr. CONRAD. Could I say, I was told a number of years ago that one of our colleagues called in and said he was on his way, that he was at the airport, and then it turned out he was at the Philadelphia airport.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I thank the chairman.

I wish to remind my colleagues where we are. We have a national debt of \$10.7

trillion. The budget that was proposed by the President was \$3.6 trillion. What we are looking at is a debt of \$10.7 trillion. The Fed just pumped \$1.2 trillion into the economy. The TARP, Troubled Asset Relief Program, was \$700 billion. We passed an omnibus bill of \$410 billion. Prior to that, we passed a \$1.1 trillion stimulus package. And to cap it all off, the Chinese own \$2 trillion of our paper, of our debt.

This is an unprecedented expenditure of the taxpayers' dollars, and with no way of paying for it. So these are extraordinary times, and we need to do extraordinary things. But let's try not to ignore what we are doing to future generations of Americans. Especially this time of year, I see lots of our citizens around the halls of Congress wearing badges and buttons and carrying signs and advocating for the causes and efforts they believe in. Generally speaking, those causes and efforts, in their view, require more of our tax dollars. I understand that. I appreciate it. And it is wonderful to see people exercising their right to petition Congress, which is guaranteed by the Constitution.

But I do not see anybody who is in the halls of Congress for my kids and my grandkids and your kids and your grandkids. We are laying an astronomical debt on them, which they will have to pay for sooner or later. One of the ways to pay for it is to debase the currency and print money. The result of that is hyperinflation, which is the greatest enemy of the middle class, and we have seen that before in the 1970s.

So, yes, this is a tough budget I am talking about. Yes, these are caps on discretionary spending. Tell me of a family in America—hardly—that is not having to put a cap on their spending. Tell me of a State legislature in America that is not having to put a cap on their spending because of enormous debts. My home State of Arizona is looking at a billion-dollar deficit. That is small compared to what is happening in California.

Madam President, I ask for 2 additional minutes from Senator GREGG's time.

Mr. GREGG. Madam President, I yield the Senator 3 minutes.

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

Mr. MCCAIN. So my point here is—by the way, one of the areas I agree with both Senator GREGG and Senator CONRAD is, we have to have a commission that meets and makes tough decisions on entitlements. We know entitlements cannot be sustained at their present level. And, of course, the first area we ought to look at is the \$60 billion the inspector general has said is wasted in Medicare and Medicaid every year. But tough decisions have to be made.

This is a tough budget proposal here. This is tough. It caps discretionary spending, except for defense and veterans. It increases defense spending. We are in two wars. We are in two

wars, and I wish to give a little straight talk. In Afghanistan it is going to get worse before it gets better, and it is going to cost more of American blood and treasure.

It reduces the deficit and debt more than the proposals offered by the Senate Budget Committee or the President, and I would point out that 10 years is what we have to plan for rather than 5. It addresses the critical problem of Social Security and Medicare solvency by the establishment—according to the proposal both by the chairman and ranking member—of BRAC-like commissions that would provide recommendations to reduce mandatory spending by at least 4 percent over the next 5 years.

It addresses our critical energy goals, and it also extends the tax cuts. This is the wrong time to increase anyone's taxes. History shows us if we raise people's taxes in tough economic times, it exacerbates the economic problems.

I do not pretend this is easy. I do not pretend this does not affect many Americans and their lives. But if we lay these multitrillion-dollar debts on future generations of Americans, we have contradicted and betrayed the commitment this Nation has kept throughout our history; that is, that the next generation of Americans inherit a better Nation than the one we did.

Madam President, I urge a vote for this amendment and this alternate budget proposal.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, could the Chair inform us of the time remaining on both sides?

The PRESIDING OFFICER. The Senator from North Dakota has 9 minutes. The Senator from New Hampshire has 7½ minutes. The Senator from Oklahoma has 3 minutes. The Senator from South Carolina has 5 minutes. The Senator from Mississippi has 2 minutes.

Mr. CONRAD. Madam President, I think I will take a bit of my time, then, as we await these other Senators. Perhaps the cloakroom could check on the availability of Senators who have time so we can use the time effectively and efficiently.

With respect to Senator MCCAIN's amendment, his substitute, I want to again indicate there is virtually no difference between the debt at the end of the 5 years under his amendment and the amendment that has come through the Senate Budget Committee. The debt as a share of GDP on the budget that is on the floor is 98.7 percent of GDP in 2014. In the substitute amendment offered by the Senator from Arizona, it is 98.3 percent. There is virtually no difference in the debt levels under the McCain amendment and the budget I have offered our colleagues.

With respect to deficits, in 2014, the deficit as a share of GDP in the budget that is before us is 2.9 percent. Under the McCain amendment, it is 2.8 percent.

So I say to my colleagues, if you rack up, if you look at his revenue compared to my revenue: 98 percent the same. His spending versus my spending: 98 percent the same. Where have we heard that figure before?

I think the point that needs to be made, though, is that there are differences, and the differences do matter. The big difference here is the Senator from Arizona saves \$350 billion out of the mandatory accounts, but he does not say where. He does not say where. He does not say it is out of Medicare. He does not say it is out of Social Security. He does not say it is out of agriculture. He does not say it is out of the other mandatory accounts. He puts all \$350 billion in section 920, which is an across-the-board cut in all of them—\$350 billion.

Colleagues, if you want to be voting for cuts that could be \$350 billion in Medicare and Social Security, vote for the McCain alternative. If you do not think that is a real good idea, stick with the budget that is before us. Because we have been specific about where the revenues are, about where the spending is, and we have tried to be disciplined about getting down to virtually the same levels on deficits and debt that are in the McCain amendment.

I yield the floor.

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. GRAHAM. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. GRAHAM. Madam President, if it is all right with the bill managers, I would ask for 7 minutes to speak in support of the McCain amendment.

The PRESIDING OFFICER. The Senator has 5 minutes under the order.

Mr. GRAHAM. Five minutes. OK, thank you, Madam President.

I stand today in support of an alternative budget that is being proposed by Senator MCCAIN and others. This country is trying to write a budget for the American people. That should not be unknown to the American people. They are doing it every day. Every business is writing a budget. Every family is trying to plan a budget. The one thing families and businesses are doing is they are tightening their belts. Well, we are not. We are buying a bigger belt. We are buying a bigger suit.

We are trying to mask the fact that we are grossly overburdened. The budget before us is better than President Obama's budget. But Peter Orszag of OMB says it is 98 percent the same. So we are trying to find a different path. You can evaluate the people running your country as to how they want to spend your money and how much.

What we are proposing in this budget is to basically freeze domestic spending, except for defense and veterans—to

do what you are doing, basically; that is, control your spending, to get by on the same amount of money, with allowing some growth in some needed areas, but to rein in what will be a dramatic increase over time of domestic spending. I think we can do that.

We are spending trillions of dollars. We have trillions of dollars available to us. I know we could get by for another year or two on that same amount of money, allowing growth in certain key areas if we wanted to. But we don't have to. It is a choice we make. You don't have that choice. You can't go and print money. If you write a bad check, you go to jail; we call it good government. So you have choices. You have to make choices. We seem not to be bound by any choices.

If you are going to build a budget from a Federal level, what is the most important thing? At home and in your business, you build a budget around the essentials of what your family needs and what your business needs. I think we should be building a budget around securing the Nation. Under the budget of President Obama, defense spending goes from 4.7 percent of GDP—we are in Iraq and Afghanistan; there are all kinds of threats from Iran, North Korea, you name it; the world is a very dangerous place—and over 10 years, his defense budget takes spending down to 3 percent of GDP. I don't know what he is listening to in terms of intelligence reports, but I don't think this world is safe right now, and now is not the time to cut defense. The budget I am supporting, Senator MCCAIN's alternative, does away with tax increases on the job creators. If you make over \$250,000 a year, your taxes are going to go up by about 25 percent. At a time when we are trying to get people to expand their business—and I can tell my colleagues one thing, and John Kennedy understood this—if you raise taxes, people do less business. If you raise the capital gains rates from 15 to 20, people do less capital gains transactions because there is a penalty to engage in business activity. So now is not the time to raise taxes on anyone.

We have to compete with China and India. When you pass on the cost of doing business—and that is what will happen—the American consumer suffers and the American business community is going to suffer because they are competing with people in a global economy who do not have all these tax burdens.

The biggest problem this country faces in terms of long-term debt is Social Security and Medicare. These are entitlement programs. When you get retirement eligible under Social Security, you get a check based on your contributions. Nobody wants to allow that system to go bankrupt, but it is headed toward bankruptcy. Why? Because the amount of money coming in and the amount of money obligated do not match.

When I was born in 1955, there were 15 workers for every retiree. Today there

are three and in 20 years there will be two. People will not be able—two workers will not be able to meet the obligations that are owed through the Social Security system unless we act now. This budget puts aside a reserve program to deal with saving Social Security. Medicare and Social Security and Medicaid are a very large part of our budget, and they are on autopilot. I commend the President for wanting to do something in health care, but in his budget, he adds \$1.6 trillion as a downpayment on health care reform.

We already spend more money than any country in the world on health care. Rather than adding another \$1 trillion into the system, let's see if we can better manage the money we have today. This budget puts a new earmark system in place so Senators and Congressmen cannot, in the middle of the night—

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

Mr. GRAHAM. This is an alternative that makes sense. This is an alternative that has to make the same choices you are making in the private sector. I hope the Congress will adopt this proposal.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

AMENDMENT NO. 875

Mr. SANDERS. Madam President, I ask unanimous consent to call up amendment No. 875.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. SANDERS] proposes an amendment numbered 875.

Mr. SANDERS. Madam 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 require information from the Board of Governors of the Federal Reserve System about the use of emergency economic assistance)

On page 48, line 24, insert “including the identity of each entity to which the Board has provided such assistance, the value or amount of that financial assistance, and what that entity is doing with such financial assistance,” after “2008.”

Mr. SANDERS. Madam President, the American people are outraged by the greed, the recklessness, and the illegal behavior they have seen from the masters of the universe on Wall Street, who, through their outrageous behavior, these financial tycoons, many of whom have earned hundreds of millions of dollars, if not billions of dollars in their career, have plunged our country and much of the world into a deep recession which has cost our people millions of jobs, which has cost people their homes, which has cost people their savings, and which has led millions of Americans to wonder what kind of future their kids are going to have.

All of this is not the result of an act of nature, it is the result of very definitive actions by a small number of people on Wall Street who have shown outrageous greed in their behavior. It goes without saying that we need a major investigation to understand how we got into this disaster, and what we are going to do to get out of it, and whom we are going to hold accountable.

It goes without saying that we need to begin the process of reregulating Wall Street, bringing back Glass-Steagall, and making sure our taxpayers will never again be put in this position of having to bail out the greed on Wall Street. It goes without saying that we have got to address the issue of too big to fail, in my view—and I have said this many times—if an institution is too big to fail, it is too big to exist, and we begin should begin right now in starting the breakup of these mammoth financial institutions whose failure would cause systemic damage to our entire economy.

It goes without saying that we have got to do more than worry about Wall Street, we have got to start worrying about Main Street and the middle class of this country. We need to pass strong mortgage reform legislation, as well as legislation to protect the American people, who are paying outrageously high interest rates on their credit cards.

In that regard, I have introduced legislation, and hope to get it to the floor of the Senate before too long, which would put a cap of 15 percent on the interest rates any credit card holder in this country would be charged.

But those issues dealing with Wall Street and many more will have to wait for another day. Today, I am offering, along with Senators FEINGOLD and WEBB, a very simple, what I believe is a noncontroversial amendment, which I hope will have the support of every Member of this body.

As you well know, the Congress voted to provide \$700 billion in so-called TARP funds to help bail out some of the major financial institutions in our country. I happen to have voted against that bailout. But what is very clear is that every penny of that TARP bailout money is now public.

As part of that bailout legislation, what was mandated is that every financial institution that received 1 penny of the taxpayers' money would be listed on the Treasury Department Web site. And if any American wants to know where that \$700 billion went, they can account for every nickel of that. That is the way it should be.

On the other hand, what many people do not know is that the TARP funds, that \$700 billion, were only one part of the bailout. What many people do not know is that the Federal Reserve has lent out over \$2 trillion to a number of financial institutions. But if you were to ask me or any Member of the Senate, any Member of Congress, any American, who received that money, what they will tell you is: We do not

know. Over \$2 trillion of taxpayer money has been placed at risk, but the American people do not know who received those funds, and what the exact contractual arrangements were.

Anybody who believes in the concept of good government, anybody who believes in transparency, understands that is wrong, that is unacceptable, and that has got to change.

Earlier this month, I had an opportunity to ask Ben Bernanke, who is the Chairman of the Federal Reserve, about this issue when he testified before the Budget Committee, of which I am a member.

At that hearing, Chairman Bernanke told the Budget Committee that since the start of the financial crisis, the Fed has provided loans to "hundreds and hundreds of banks." But Mr. Bernanke declined to name any of those banks, how much assistance they were provided, or what, in fact, those banks are doing with the money that taxpayers gave them.

What the Federal Reserve needs to understand is that this money does not belong to them, it belongs to the American people, and the American people have a right to know who the Fed is lending taxpayer money to, how much they are getting, and what the Fed is asking in return for this money. I cannot imagine anything that is more obvious, more common sense. How can you put \$2.2 trillion of taxpayer money at risk and not know who is receiving that money? I think back now to the financial forms that Members of Congress have to fill out. People want to know, are we in a conflict of interest. We fill out those forms, they are made public. Our staff members fill out those forms. In many instances, when people are applying for Federal aid, they are forced to make public what they are asking for and how much. Some years ago, small farmers in the State of Vermont received some help from the Federal Government as part of the MILC program, if I recall correctly there. It was right in the newspaper, every nickel the struggling farmers were getting. Some of these farmers make \$20,000, \$25,000 a year. Some of them are on food stamps. It was, \$8,399 goes to this farmer and that farmer. They were not happy about it. That is what the process was.

So it seems to me that if small farmers in Vermont are going to see what they get from the Federal Government and hope to keep small farms alive in this country, I think that multibillion dollar financial institutions should also be asked to have what they received made public as well.

The amendment I am offering today is a pretty simple one. It amends an amendment I offered. It was submitted in the Budget Committee. Specifically this amendment calls for increased transparency, including names, which institutions received assistance from the Fed, how much money they received, and what they are doing with this assistance.

I sincerely believe that is not an issue of left versus right. In fact, some of the strongest supporters of this concept are very conservative people such as RON PAUL, a colleague of mine in the House—a former colleague—who supports this type of approach. A number of Republicans have spoken for increased transparency, as well as progressives.

That is the issue. It is as simple and as clear as it can possibly be, that if taxpayers are going to be placed at risk by providing trillions of dollars in loans to large financial institutions, the American people have a right to know who is receiving that money, and what the terms are.

This amendment, once again, is supported by Senator FEINGOLD and Senator WEBB. I ask my colleagues to support this amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from North Dakota.

Mr. CONRAD. Madam President, I yield 5 minutes to the Senator from Louisiana to discuss her amendment, not to call it up but to discuss her amendment.

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

The Senator from Louisiana.

AMENDMENT NO. 931

Ms. LANDRIEU. I rise to speak about amendment No. 931 which is at the desk, as modified. I will ask the chairman at a later time for it to be voted on and in order.

I wanted to speak about an issue in the budget as we discuss the importance of laying out a framework for how we may allocate future revenues that come into our general fund from offshore oil and gas drilling.

A couple of years ago, in 2006, Senator Domenici and I led a bipartisan effort to establish what I believe is a breakthrough process as we seek to build a system or a method of energy security for our Nation which would, as the debate is going on in the Congress, include more domestic oil and gas drilling and an expansion of our nuclear capability for the production of electricity. I am very hopeful about alternative energy—wind and solar. We also have some interesting experiments underway with geothermal and energy created by our tides. There are also exciting opportunities for new hydro projects. It is going to take all of the above to help our country maximize domestic energy sources.

Representing the State of Louisiana, I am offering this amendment with the Senator from Alaska as well, Mr. BEGICH, who also represents a State that has contributed a great deal to conventional oil and gas production. It is important that the revenue streams associated with this production are shared equitably and fairly, not only with the Federal Treasury but with States that serve as platforms for this industry and with counties and, in the case of Louisiana, parishes that serve as platforms for this great industry.

More than ever, people in businesses and residences, individuals and families are focused on the cost of energy and electricity, both on the electricity side and the transportation side. While we are not there yet, we are pushing forward with the President's new initiatives and agenda to find a way to make America more energy secure.

In large measure, this debate has actually been led by the chairman of the Budget Committee, who is doing an outstanding job on the budget, but has also been flexing his muscle and lending his voice, and we are so grateful and appreciative, to pushing our country to energy security.

I offer this amendment as a basis to establish a deficit-neutral reserve fund that will continue the precedent and practice that was set by the Gulf of Mexico Energy Security Act, which will set aside 50 percent of future funds to be allocated in a budget-neutral fashion for revenue sharing for States and local governments, along with contributions out of that fund made to the Land and Water Conservation Fund and to investments in energy innovation—those three allocations of funding, whether it is for revenue sharing to establish a partnership with State and local governments, as we consider where else in America we can drill.

This amendment does not say where we are going to drill. It does not authorize drilling. It says when those decisions are made that the revenues should be shared with State and local governments appropriately, to enter into strong, reliable partnerships and mutually beneficial partnerships for increased drilling domestically. I think this is a very smart way to proceed, and it has been voted for by over 72 Members of this Senate, both Republicans and Democrats.

In addition, we understand that a part of this money could be dedicated to conservation, land and water. It could also go to energy innovation, research, and development. So, again, it does not tie our hands to the specifics. It does not authorize any drilling that is not already authorized under the law. But it does establish a deficit reserve fund for us to act in the future.

I understand my time has come to an end. I thank the chairman for his consideration. We will call this amendment up, No. 931, at the appropriate time.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, I thank the distinguished Senator from Louisiana for her leadership on these issues and for the good working relationship we have enjoyed. One thing I have learned about the Senator from Louisiana: She is persistent with a capital "P." And I will tell you, if I wanted somebody to represent me here in this Capitol to get a result, I would pick her because never have I seen someone more indefatigable in defense of their State than the Senator from Louisiana, and I mean that with the highest praise.

The PRESIDING OFFICER. Who yields time?

The Senator from New Hampshire.

Mr. GREGG. How much time is still pending for the various parties?

The PRESIDING OFFICER. The Senator from North Dakota has 5½ minutes, the Senator from New Hampshire has a total of 10 minutes, the Senator from Oklahoma has 3 minutes, and the Senator from Mississippi has 2 minutes.

Mr. GREGG. I see the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Madam President, I ask unanimous consent to set aside the pending amendment to call up amendment No. 742.

The PRESIDING OFFICER. Is there objection? Would the Senator restate the number.

Mr. INHOFE. No. 742.

The PRESIDING OFFICER. The clerk will report—

Mr. CONRAD. Madam President, I object. We have a queue here. We have a unanimous consent agreement. It would be out of order to call up an amendment at this point.

Mr. INHOFE. Madam President, let me withdraw that unanimous consent request and let me comment about what this amendment is about. There was a misunderstanding. I thought this was going to be voice voted at some point, or accepted.

It has been accepted on both sides. My cosponsor is Senator AKAKA, who I think is down here now. I will briefly describe what it is and, hopefully, we will be able to get it in before the day is over.

There is a little bit of a problem we have in health care for our veterans, in that quite often—in fact, 19 out of the last 22 years—Congress has been unsuccessful in passing annual funding for veterans health care in time. Over the past 7 years, the VA has received its final budget at an average of 3 months after the beginning of the new year.

There is a solution to this—this discontinuation of health care for our veterans—that doesn't cost anything, and that is what this bill is all about. It would allow us to have advanced appropriations for veterans health care. This is not unprecedented; it happens in other areas too.

In October 2008, during his campaign, then-Senator Obama said:

The way our Nation provides funding for VA health care must be reformed. . . . My administration will recommend passage of advance appropriations legislation for the fiscal year 2010 appropriations cycle.

So this is a recommendation that actually came from the administration. I am joined by several others, including Senator AKAKA, who is, of course, the head of the Veterans' Committee.

At the appropriate time, I wish to go ahead and get this through, and I will leave it up to the managers of the bill as to when that appropriate time will be.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG. Madam President, I will yield myself a few minutes.

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

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

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

Mr. GREGG. Madam President, we had represented to our colleagues that we would begin voting at 11:30. We have an inordinate number of votes already in the queue. I hope people will appreciate the fact that the number of amendments pending right now is going to take us well into the evening tonight, headed toward midnight. I recognize everybody wants to get their amendment up, and that is their right, but I would simply counsel that if we are going to complete this bill—which probably I should not counsel for since I am not for it, but as a practical matter, if we are going to complete this bill, we need to be a little bit judicious as we ask for votes on amendments; otherwise, we will be here well into Friday, if not into Saturday at this rate.

At this point, in order to recognize the fact that we are already behind schedule a little bit, I would suggest to the chairman that we yield back all time, even though I had a brilliant statement in opposition to the bill.

Mr. ENSIGN. Madam President, if the Senator will yield, I wasn't able to speak on my amendment last night. I wonder if I could have the remaining time until 11:45 to speak on the amendment.

Mr. GREGG. I do have 10 minutes left, so I will yield the Senator 5 minutes.

I, first, wish to take a minute, however, to say I appreciate Senator MCCAIN's full substitute. I think it is a very positive substitute. It does what the American people need to have done. It controls spending in the outyears.

The essence of the problem with the budget that has been brought forward by the President and by the Senator from North Dakota is that in the out-years, the debt explodes and it explodes as a result of an explosion in spending. Senator MCCAIN has taken an aggressive effort to try to change that course of action so our kids have an affordable Government. I congratulate him for it.

I yield 5 minutes to the Senator from Nevada.

Mr. CONRAD. Madam President, if the Senator from Nevada will withhold for 1 minute—and this time will not come out of his time—I think it is very important Senators understand that

we have done a 5-year budget here. That is what we have done 30 of the 34 times Congress has done a budget under the Budget Act, including the last 5 years and including 2 when the ranking member was the chairman. Now, why have we done 5-year budgets? It is because the projections beyond 5 years are notoriously unreliable. The ranking member himself has said that second 5 years is a guess. My own belief is the fact that President Obama came forward with a 10-year budget is a useful thing. We have that scored. We know what that does. We know what it does in the second 5 years. But Congress has almost always done 5-year budgets. Thirty of the thirty-four times a budget has been written in Congress, it has been done on a 5-year basis because the outyears are so notoriously unreliable.

One other point I wish to make to colleagues. We now have over 100 amendments pending. If everyone insists on their amendment, we can do three an hour, we will be here for 33 hours. It is in the hands of our colleagues. If everybody is going to insist on their amendment and a vote on their amendment, you can do the math. We can do three votes an hour, and we will be here for 33 hours. I hope my colleagues think carefully about that.

Mr. GREGG. Madam President, 33½ hours.

Mr. CONRAD. So 33½ hours. I stand corrected.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 805

Mr. ENSIGN. Madam President, my amendment which I have offered in the past, is a means testing of Medicare Part D, the prescription drug benefit.

This Congress, under the leadership of President George W. Bush, offered seniors a brand new benefit: Prescription drug coverage. The problem with what this Congress did is that in this brand new benefit, we didn't take into account wealthier seniors who were getting a benefit from a system they never paid into. People pay taxes for Medicare Part A: Hospital coverage. That is what Part A is for. We currently means test and require seniors that have more means to pay part of the Part B premium, which covers doctors. Well, Part D is to cover prescription drugs. So what we are doing with this amendment is saying to seniors, that instead of a schoolteacher, firefighter or police officer, the middle-income folks out there having to pay higher taxes in order to pay for your prescription drugs, if you have the means, then you should pay for them.

That is all this amendment does. The savings are contributed to deficit reduction.

We are talking about the massive amount of debt this budget puts onto our children and our grandchildren. The Chinese, who are a big buyer of our debt, are questioning whether they want to continue to buy our debt. If

that ever happens, if the Japanese, the Chinese, other sovereigns around the world, or if our own citizens quit buying our Treasury bills this country is in trouble. We should be looking at ways to lower our debt, to lower the amount of money we are borrowing from our children and grandchildren.

This amendment saves about \$3 billion. I realize it is small change, but that used to be a lot of money around here. In these tough economic times we should save money whenever we can. This means-testing of Medicare Part D is absolutely a place where we should start saving.

Mr. GREGG. Madam President, will the Senator yield?

Mr. ENSIGN. I am happy to yield.

Mr. GREGG. I know the Senator mentioned this, but I wish to reinforce it. This was a proposal that came from President Obama's administration and it was in his budget; is that correct?

Mr. ENSIGN. The Senator is correct, that the President of the United States did include means testing as a part of his budget, means testing for Part D. He did put that toward health care. There are many of us who believe we spend plenty of money on health care in this country; we just don't spend it in the right way. We have a sick care system that pays people, doctors, and hospitals once people get sick, but we don't do pay for better behavior in this country, such as not smoking.

Safeway was in here talking to us about the program they implemented, and they actually give financial incentives for healthier living. They have actually been able to lower costs, compared to the rest of the United States, by 40 percent over the last 4 years. The United States does not need to spend more money on health care. We need to better allocate the money we are spending. That is why putting the savings from Medicare Part D toward deficit reduction is the responsible way to go.

Let's take the \$3 billion in savings, considered a pittance around here, and put it toward deficit reduction so we do not continue to put a huge burden on our children and our grandchildren.

Lastly, when the President says: Let's means test Part D, I think we should do just that. When our children and our grandchildren are saying: Let's not have any more debt, let's not be burdened with huge taxes in the future, we should listen to them as well. We have a responsibility to do that.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Montana is recognized.

Mr. BAUCUS. Madam President, this amendment sounds good on the surface, but, frankly, it will make health care reform more difficult. It is difficult enough as it is. This amendment will make it much more difficult.

Some suggest that wealthier Americans should be "means tested;" that is, they should not get the same benefit under the Part D drug benefit as oth-

ers. That is a policy that needs to be debated. I personally think that is something we should consider. After all, as the Senator from Nevada said, it is in the President's budget to means test Part D drug benefits.

But that is not the point here. The point here is, do we want to help make health care reform easier or more difficult? The effect of the amendment is to reduce the Finance Committee's allocation in health care reform. That is going to make the Finance Committee's effort to get meaningful health care reform more difficult.

I suggest we take up that issue—whether to means test Medicare or not—in the context of health care reform. Then the savings that would be achieved by means testing—if we enacted it—would go toward health care reform.

The effect of the Senator's amendment is twofold. One is to suggest means testing Medicare Part D, which is in the President's budget, but the President doesn't want to use means testing to reduce spending on health care. He doesn't want that. So it would accomplish both purposes; that is, to be sure we meaningfully address means testing but in a way that doesn't hurt the efforts of health care reform.

It makes much more sense to not adopt this amendment but take up the question of means testing in the context of health care reform, where it is part of many other components of health care reform, where the pieces will fit together in a way that makes more sense.

I respectfully say this is not the place to consider means testing. It should be done in the context of health care reform. If we don't approve this amendment, then we can deal with this issue on health care reform.

There are a lot of arguments for and against this. I take no firm position as chairman of the Finance Committee, but I believe the Senator's concept has merit. After all, it is in the President's budget, but it should not be done here, which has the effect of taking it out of the Finance Committee's allocation, which makes it more difficult for the Finance Committee to do its work on health care reform.

I respectfully urge Senators to not support this amendment so we can make it easier to take up health care reform in a way that we can consider this policy as one of the many we take up on health care reform.

Again, I urge that the amendment not be adopted so we can do our job.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Madam President, momentarily, we will go to a vote on the Ensign amendment.

Before we do that, I ask unanimous consent that upon the use of all time remaining for debate on the budget resolution, the Senate then proceed to vote in relation to the following amendments in the order listed; that

each amendment be reported by number prior to the time for debate with respect to the amendment; that the previous order remaining debate time and vote time remain in effect; provided further, that if a budget point of order is raised against any amendment, then a motion to waive the applicable point of order be considered made, with the vote occurring on the motion to waive.

The list of amendments is as follows: Ensign, No. 805; McCain, No. 882, as modified; Dodd-Shelby, No. 913; Sanders, No. 875; Johanns, motion to recommend; Bennett, No. 759; Bennet, No. 799; Democratic side-by-side amendment to the Vitter amendment; Vitter No. 787; Coburn, No. 892; Casey, No. 755; Coburn, No. 893; Brown, No. 808; Graham, No. 910; Landrieu, No. 931, as modified, with the changes at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CONRAD. I thank the Chair.

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

Mr. GREGG. Madam President, I wish to speak in support of the Ensign amendment. It should have been done long ago. There is no reason that people who are working in a restaurant or at Wal-Mart in New Hampshire should have to subsidize Warren Buffett's drugs, which is what happens under present law. There is no requirement that people who are wealthy have to pay anything on Part D premiums.

I certainly hope we will approve the Ensign amendment.

At this point, I suggest that we yield back all time.

Mr. CONRAD. I am prepared to yield back all time.

Mr. GREGG. We yield back all time, and we will go to the vote on the Ensign amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 805, offered by the Senator from Nevada, Mr. ENSIGN.

Mr. GREGG. Madam 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.

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

Mr. KYL. The following Senator is necessarily absent: the Senator from Alaska (Ms. MURKOWSKI).

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

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

[Rollcall Vote No. 128 Leg.]

YEAS—39

Alexander	Bond	Burr
Barrasso	Brownback	Chambliss
Bennett	Bunning	Coburn



Cochran	Grassley	McCaskill
Collins	Gregg	McConnell
Corker	Hatch	Risch
Cornyn	Hutchison	Roberts
Crapo	Inhofe	Sessions
DeMint	Isakson	Shelby
Ensign	Johanns	Specter
Enzi	Kyl	Thune
Feinstein	Lugar	Vitter
Graham	McCain	Voinovich

NAYS—58

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

NOT VOTING—2

Kennedy Murkowski

The amendment (No. 805) was rejected.

Mr. CONRAD. Madam President, Senator FEINSTEIN wishes to be recognized for the purpose of changing her vote.

The PRESIDING OFFICER. The Senator from California is recognized.

CHANGE OF VOTE

Mrs. FEINSTEIN. Madam President, I want to change my vote on rollcall No. 128. It was my intention to vote “yes” and I voted “no.” Since it will not change the outcome of the vote, I ask unanimous consent that my vote be changed to reflect a “yea” vote.

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

(The foregoing tally has been changed to reflect the above order.)

Mr. REID. Madam President, I announced this morning, though only Senator MCCONNELL and I were on the floor, that today we are going to enforce the rule. This vote was turned in at 20 minutes. The 10-minute votes are going to be enforced. You have a 5-minute leeway. If you are not here exactly on time, the vote will be turned in. The clerks have been instructed of that fact.

Senator MCCONNELL and I believe we have to move this show along today. There is no reason to leave the Chamber. There is something to drink in the cloakroom and a sandwich if someone wants one, but let’s cooperate and get this done today.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, now that colleagues are in the Chamber, we will give you a status update. We now have over 100 amendments pending. We can do three an hour. If we hold on that, and everybody insists on a vote on their amendment, we will be here for at least 33 hours.

I implore colleagues on both sides, if you can take a voice vote on your amendment, please be willing to do

that. So I ask colleagues, if you can take a voice vote on your amendment or if you can hold off to another day, please do so; otherwise, we will be here clear through tomorrow.

Mr. GREGG. The next amendment is Senator MCCAIN, I believe.

AMENDMENT NO. 882, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 882, as modified, offered by the Senator from Arizona, Mr. MCCAIN.

The Senator from Arizona.

Mr. MCCAIN. Madam President, this proposal caps discretionary funding at a baseline level plus inflation, a dramatic difference between this proposal and the Senate budget committee proposal. The proposal by Senator CONRAD increases domestic spending by 8 percent for 2010 and then 1 percent in the years following.

We all know that is unrealistic. And we all know we will be back here next year with another 8 percent increase in domestic spending. It is time for some tough love. This is what this budget proposal is.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, the chairman’s mark that was referenced increases discretionary spending not by 8 percent but by 5.3 percent. That is all domestic discretionary spending is increased—by 5.3 percent. It averages nondefense discretionary spending at a 2½-percent increase over the 5 years.

The McCain offer and the chairman’s mark are almost identical with respect to deficit levels and debt levels. In 2014, the debt is 98.3 percent of GDP under the McCain amendment; 98.7 percent under the Chairman’s mark—virtually no difference.

But there are differences. He takes \$350 billion in savings out of mandatory programs and doesn’t specify whether it comes out of Social Security or Medicare or agriculture—\$350 billion. Where does it land?

If you want to risk cutting Social Security and Medicare by \$350 billion, vote for the McCain substitute. If not, vote no.

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

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 amendment No. 882, as modified.

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

The result was announced—yeas 38, nays 60, as follows:

[Rollcall Vote No. 129 Leg.]

YEAS—38

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

NAYS—60

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

NOT VOTING—1

Kennedy

The amendment (No. 882), as modified, was rejected.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

AMENDMENT NO. 913

Mr. CONRAD. Madam President, next in order is the Dodd-Shelby amendment, No. 913.

Senator DODD?

Mr. DODD. Madam President, I offer this amendment on behalf of myself and Senator SHELBY. This amendment calls for increased transparency and disclosure at the Federal Reserve Bank in order to understand better the risks the Fed is taking onto its balance sheets. It also calls for a further evaluation of the costs of the existing Federal Reserve Bank system, which has not been done before.

Our colleagues from Vermont and Kentucky will offer an amendment after our amendment is offered. There is a distinction between these two. The amendment offered by the Senators from Vermont and Kentucky goes one step further than ours. Presently—and it has been the case for years and years—you do not reveal the names of the companies that show up at the discount window. There is a reason for that. The reason is obviously to avoid potential runs on those institutions. Our amendment does not require the disclosure of those companies names. We call for transparency, disclosure of the items I mentioned, the collateral that the Fed is taking, but we stop short of insisting upon naming the people who show up at the discount window. That is a fundamental distinction which our colleagues will have to decide on which course to follow.

We think there is some danger in going the route our colleagues from

Vermont and Kentucky are proposing. If we end up naming those names, you could well trigger runs on those institutions, and that could end up costing the taxpayer a lot more. The Dodd-Shelby amendment improves disclosure and transparency at the Federal Reserve but does not risk the problems associated with the other amendment. We urge our colleagues to support our amendment.

I call up the amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself and Mr. SHELBY, proposes an amendment numbered 913.

The amendment is as follows:

(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 "purposes," on line 25 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."

Mr. DODD. I do not see Senator SHELBY in the Chamber.

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

Mr. CONRAD. Senator SANDERS will have the time in opposition.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. SANDERS. The Dodd-Shelby amendment is a very good step forward in terms of long-overdue transparency of the Fed. I compliment both Senators for their effort, and I support their amendment.

Unfortunately, this amendment, as Senator DODD has just told us, does not go far enough. The bottom line is that the Fed has lent out some \$2.2 trillion, and the American people and the Members of Congress do not know which financial institutions have received that money or what the exact terms of those transactions are. I think it is basically absurd that \$2.2 trillion is at risk without us knowing who has received that money.

I support the Dodd-Shelby amendment, and in a moment I will ask for

support for the Sanders-Feingold-Webb amendment as well.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to amendment No. 913.

Mr. DODD. 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 clerk will call the roll.

The assistant 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 result was announced—yeas 96, nays 2, as follows:

[Rollcall Vote No. 130 Leg.]

YEAS—96

Akaka	Ensign	Menendez
Barrasso	Enzi	Merkley
Baucus	Feingold	Mikulski
Bayh	Feinstein	Murkowski
Begich	Gillibrand	Murray
Bennet	Graham	Nelson (FL)
Bennett	Grassley	Nelson (NE)
Bingaman	Hagan	Pryor
Bond	Harkin	Reed
Boxer	Hatch	Reid
Brown	Hutchison	Risch
Brownback	Inhofe	Roberts
Bunning	Inouye	Rockefeller
Burr	Isakson	Sanders
Burris	Johanns	Schumer
Byrd	Johnson	Sessions
Cantwell	Kaufman	Shaheen
Cardin	Kerry	Shelby
Carper	Klobuchar	Snowe
Casey	Kohl	Specter
Chambliss	Kyl	Stabenow
Coburn	Landrieu	Tester
Cochran	Lautenberg	Thune
Collins	Leahy	Udall (CO)
Conrad	Levin	Udall (NM)
Corker	Lieberman	Vitter
Cornyn	Lincoln	Voinovich
Crapo	Lugar	Warner
DeMint	Martinez	Webb
Dodd	McCain	Whitehouse
Dorgan	McCaskill	Wicker
Durbin	McConnell	Wyden

NAYS—2

Alexander

Gregg

NOT VOTING—1

Kennedy

The amendment (No. 913) was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 875

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate, equally divided, prior to a vote on amendment No. 875, offered by the Senator from Vermont, Mr. SANDERS.

Mr. SANDERS. Madam President, I ask unanimous consent that Senator BUNNING be added as a cosponsor. I will yield 30 seconds to him and 10 seconds to Senator WEBB, who is a very quick speaker.

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

Mr. SANDERS. The taxpayers of this country, through the Fed, have lent \$2.2 trillion to a number of financial institutions. We do not know who these institutions are or what they received. This is totally absurd. We need to name the names. That is what this amendment is about.

I yield to Senator BUNNING.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. BUNNING. Madam President, this is a transparency amendment that allows the Fed, forces them, to reveal what banks have received over \$2 trillion in assistance. That is what the amendment says. That is what it does.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WEBB. I ask my colleagues to consider 10 words: The American people deserve to know where their money went.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SHELBY. Madam President, I share Senator SANDER's concern regarding the transparency of these programs. We all do. We just voted on the Dodd-Shelby amendment—96 to 2, it passed, I believe.

As Senator DODD has pointed out, however, disclosing the names of the companies may create financial instability by unnecessarily raising concerns about institutions that accessed these facilities, something we should try to avoid. I believe the Senate has already spoken, and we certainly do not need this amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 875.

Mr. SANDERS. Madam President, 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 PRESIDING OFFICER (Mr. UDALL of New Mexico). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 39, as follows:

[Rollcall Vote No. 131 Leg.]

YEAS—59

Akaka	Dorgan	McCain
Begich	Durbin	McCaskill
Boxer	Ensign	Merkley
Brown	Feingold	Mikulski
Brownback	Feinstein	Murray
Bunning	Graham	Nelson (FL)
Burr	Grassley	Pryor
Burris	Hagan	Reid
Byrd	Harkin	Risch
Cantwell	Hutchison	Roberts
Cardin	Inhofe	Rockefeller
Casey	Inouye	Sanders
Coburn	Kerry	Sessions
Collins	Klobuchar	Snowe
Conrad	Landrieu	Specter
Cornyn	Leahy	Stabenow
Crapo	Levin	Tester
DeMint	Lincoln	

Thune	Vitter	Whitehouse
Udall (NM)	Webb	Wyden

NAYS—39

Alexander	Enzi	Martinez
Barrasso	Gillibrand	McConnell
Baucus	Gregg	Menendez
Bayh	Hatch	Murkowski
Bennet	Isakson	Nelson (NE)
Bennett	Johanns	Reed
Bingaman	Johnson	Schumer
Bond	Kaufman	Shaheen
Carper	Kohl	Shelby
Chambliss	Kyl	Udall (CO)
Cochran	Lautenberg	Voinovich
Corker	Lieberman	Warner
Dodd	Lugar	Wicker

NOT VOTING—1

Kennedy

The amendment (No. 875) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, the reason this vote took a little longer is because people, even though it is a 10-minute vote, waited until the last minute to come and vote or to change their vote. It is making it extremely difficult for the people at the desk to do this. There was a mistake made because people were switching votes, so it took a lot longer.

If everyone would stay as close as they can to get the votes out of the way and not wait until the last minute—the Republican cloakroom, we have sent pages back to try to find Members, and to the Democratic cloakroom as well.

The PRESIDING OFFICER. The Republican leader.

SENATOR GRASSLEY'S 10,000TH VOTE

Mr. MCCONNELL. Mr. President, our good friend from Iowa, Senator GRASSLEY, has cast his 10,000th vote. Senator GRASSLEY has been a distinguished Member of this body for 29 years and, in my view, the Nation is always a lot better off when people are paying very close attention to CHUCK GRASSLEY.

Over the course of the past two centuries, nearly 2,000 men and women have served in the Senate. Fewer than 30 have cast more votes than CHUCK GRASSLEY. Only one other Senator from Iowa has served longer. This year Senator GRASSLEY will mark 50 years of public service to the people of the Hawkeye State. While some Members of Congress have a tendency to lose touch with their constituents, Senator GRASSLEY has always worked hard to make sure he never did. He has made it his business to stay connected to the folks back home by holding at least one townhall meeting a year in all of Iowa's 99 counties and by responding to every letter, postcard, e-mail, and phone call his office receives from Iowans.

He also stays close to the land by working his family farm, even while he keeps up with his duties in Washington. CHUCK GRASSLEY may be a U.S. Senator, but he has always preferred to be known as "a farmer from Butler

County." Visitors to the Grassley farm say it is not uncommon to see Senator GRASSLEY pulling a cell phone out from under his baseball cap while riding on his tractor. Remind me never to borrow Senator GRASSLEY's cell phone.

A 1955 graduate of the University of Northern Iowa, Senator GRASSLEY ran for the Iowa House at the age of 23 and lost. But this is a man, the Des Moines Register once wrote, for whom the word "dogged" was invented. Three years later, at age 25, he won that seat in the House, and Iowa voters have been reelecting him ever since, including five terms in the Senate.

Over the years, Senator GRASSLEY has distinguished himself for his tenacity and his commitment to the public interest. Whistleblower amendments that he has sponsored have recovered \$18 billion to the U.S. Treasury. He has kept a watchful eye on spending at the Pentagon and, as the top Republican on the Senate Finance Committee, he has been an equal opportunity foe of loopholes, closing them to corporations and individuals alike. He has also done the hard work of following up on these and other accountability measures he has authored over the years.

Senator GRASSLEY has a lot to be proud of in his career. He and Barbara are also rightly proud of their 54 years of marriage, their five children, and nine grandchildren. CHUCK couldn't have foreseen such an eventful life when he and Barbara met, and Barbara probably certainly didn't expect that 30 years of marriage would pass before she finally got her diamond engagement ring. We all know it is probably because CHUCK didn't want to spend that money.

Senator GRASSLEY has been a farmer, a father, a government watchdog, a steward of the Nation's finances; in short, he is a real statesman. The Senate would not be the same without him, and the Nation, I firmly believe, would be a lot worse off without the remarkable service of CHUCK GRASSLEY. Senator, congratulations.

(Applause, Members rising.)

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I join the Republican leader in congratulating CHUCK GRASSLEY, our friend, on casting his 10,000th vote. CHUCK was born in the city of New Hartford—but not Connecticut—Iowa, where he and his wife Barbara raised their five children. They reside there today. After graduating Iowa State Teachers College, he earned a doctorate from the University of Iowa.

I have referred to Senator GRASSLEY on a number of occasions as CHUCK, Senator, Hey You, but now Dr. GRASSLEY. Everyone should understand that.

CHUCK, in addition to his education excellence, worked as an assembly line laborer before he was elected to the Iowa House of Representatives and later to the United States Congress. He has been in the Senate since 1980. CHUCK quickly became known as a

friend to taxpayers and a foe to government waste.

As former chairman of the Senate Aging Committee, on which I served under him, Senator GRASSLEY worked to expose the neglectful practices of many of America's nursing homes, and certainly Senator GRASSLEY was a catalyst for change. To ensure that government workers feel free to shine a light on corruption and misappropriation of public funds, CHUCK GRASSLEY coauthored the Whistleblower Protection Act of 1989.

As former chairman and now ranking member of the Finance Committee, Senator GRASSLEY has worked with Members of both sides of the aisle to find bipartisan solutions to put taxpayers first.

He is a man of his word, and once he tells you what he has agreed to do, he goes to the wall. I have found that on a number of different issues working with him.

Senator GRASSLEY is a leader on health care issues. Senator GRASSLEY reached across the aisle to coauthor legislation with Senator KENNEDY 12 years ago that provides middle-class families with the opportunity to buy into Medicare for children with special needs.

I particularly appreciate Senator GRASSLEY's longstanding commitment to developing clean, homegrown renewable energy.

In addition to his leadership on a broad spectrum of national issues, Iowans depend on CHUCK GRASSLEY for his responsiveness to constituent services. He has accomplished the remarkable feat of visiting each one of Iowa's 99 counties—that is so hard for me to comprehend. The State of Nevada, as big as it is, only has 17 counties. Iowa has 99 counties, and he has visited those counties every year at least once since he was first elected to the Senate.

CHUCK and Barbara, as Senator MCCONNELL has mentioned, are the parents of five children: Lee, Wendy, Robin, Michele, and Jay.

An accomplishment for sure—10,000 votes cast in the U.S. Senate. It is a remarkable accomplishment. But as I look at his record, I think one of his greatest accomplishments is the fact that the Senator from Iowa will achieve, this year, his 55th wedding anniversary with Barbara.

Congratulations, CHUCK.

(Applause, Senators rising.)

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I join with the entire Senate family in congratulating my colleague, my good friend, and the senior Senator from Iowa, on casting his 10,000th vote in the Senate. This is a truly remarkable milestone, but even more remarkable is the fact that Senator GRASSLEY has cast nearly 6,000 votes without missing a vote. It has been 16 years since Senator GRASSLEY has missed a vote. The last time he missed a vote, he had to be

in Iowa during that terrible flooding we had in 1993. So he has not missed a vote since. It has been 16 years that Senator GRASSLEY has not missed a vote.

I note for the record that Cal Ripken, the great shortstop and third baseman for the Baltimore Orioles, went 16 years without missing a game, and they called him the Iron Man. So now Senator GRASSLEY has gone 16 years without missing a vote, so I guess now we can call him the Iron Man of the U.S. Senate.

But the measure of a Senator is not just how many votes he or she casts, it also includes what he or she accomplishes off the floor of the Senate. That is also where Senator GRASSLEY has truly distinguished himself in this body over the last 28 years.

Count me as one of those who believes the executive branch of this Government has gotten too powerful, has arrogated too much power to themselves in relation to the legislative branch.

Mr. BYRD. Yes, yes.

Mr. HARKIN. And it is a power they flaunt. I do not care whether it is a Democratic administration or a Republican administration. I daresay no Senator is more dedicated to providing rigorous, relentless oversight of executive branch agencies—whether during Republican administrations or Democratic administrations—than Senator GRASSLEY. Senator GRASSLEY's dedication to the oversight function has been exemplary, a model every Senator ought to strive to emulate.

CHUCK GRASSLEY and I have served together in the Congress since we were both elected the same year in 1974. We took our oaths of office on the same day in the House in 1975. Of course, he preceded me to the Senate. He came to the Senate in 1981. I followed him here in 1985. Well, we belong to different parties, but I like to think we share a down-to-earth, commonsense Iowa way of looking at the world. I value his friendship and his counsel. I have the highest respect for his work here in the Senate and his work in Iowa on behalf of all Iowans.

So, again, I join my colleagues in congratulating my colleague, my friend, and the senior Senator from Iowa on this remarkable milestone.

(Applause, Senators rising.)

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I have lined up to speak. So many of us want to congratulate the esteemed Senator from Iowa. I congratulate him on his 10,000th vote.

Many of you know CHUCK and I get together once a week. We started this practice at least 8 or 9 years ago, and sometimes he is chairman, sometimes I am chairman; chairman or ranking member, vice versa, back and forth. We meet every Tuesday at 5 o'clock in the afternoon, and we have done this for 8 years. Maybe we have missed five or six or seven times, but constantly, consist-

ently we get together to go over matters, minimize misunderstandings, and so forth. Lately, the last couple, 3 years, the meetings have been in my office. I have a little bit bigger conference room. That is not the real reason, though. The real reason is, as CHUCK always reminds me, in my office the coffee is free, so it is much better to meet in my office.

All of you who know CHUCK know he passes the airport test; that is, if you are ever stranded in an airport for 10 or 12 hours and you are sitting next to somebody, you get to like the person or you do not get to like the person. CHUCK more than passes the airport test. The more you get to know CHUCK GRASSLEY, the more you will like him. It is his decency, his honesty. He is unpretentious. It is his basic Iowa grass-roots personality. It means so much to me, in spending so much time with him. The only time our meetings are cut short, I might say, is when CHUCK has to dash out and get on the radio and talk to people back home in Iowa; otherwise, CHUCK stays throughout the meeting. The people in Iowa mean so much to him.

I might also say that we know how much he protects taxpayers' interests. It has been mentioned—whistleblower legislation, which he promotes so aggressively. He is also downright parsimonious himself. He turns the balance of his office budget back to the taxpayers. Every year, he returns a good portion back to the taxpayers. He also, I might say, promotes ethanol for several reasons. One, it is good for Iowa. But he also contributes to the reduction of fossil fuel consumption. When he comes back home from plowing his field, he is on his tractor, and he coasts downhill the last mile to save a few pennies of diesel fuel. He does. I checked that out a short while ago. Yes, he does that just to save a few pennies of diesel fuel.

Anyway, I want to tell you how much I appreciate him. He is one of my very best friends.

I think the measure of a Senator really is whether he or she is popular in two different areas, with two different audiences. First is the people back home—how popular is a Senator back home? The second is, how popular is he or she with his or her colleagues? There are two separate audiences. There are two separate criteria. Clearly, CHUCK is popular in both areas. He is very popular in Iowa. The people of Iowa love him. The people, Members of the Senate love him. He is one heck of a guy, and I just feel so honored to be able to serve with CHUCK on the Finance Committee, but also, more importantly, he is a very good friend here in the Senate.

So I congratulate you, CHUCK.

(Applause, Senators rising.)

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, do you know what, so many of you stayed around. I do not know how many times

I have heard of other Senators having voted 10,000 or 12,000 times and I probably did not stay around, and I probably have not earned what you have said about me because I did not pay that much attention to the rest of you who have gone before. So let me apologize for that, and I will bet next time I will stay around.

So I am not flying under false colors, I would like to say a couple things. One person spoke about my being a farmer, and that is absolutely right. I am. But I can tell you this, that when you get a 25-year-old grandson, grandfathers are not as important in the farming operation as you would like to be. So I consider myself now more of a hired man for Robin Grassley and Pat Grassley than I am a family farmer. But I still am a crop sharer with my son, and I market my own crops, and I am there to help put the crop in when they need me—and wish they needed me more—and help get the crop out, and wish they needed me more. So I do appreciate that.

As much as I would like to be called Dr. GRASSLEY—you can get that impression maybe because I did do 2 years of graduate work beyond my master's degree, but I did not quite finish it because I was elected to the State legislature and I never went back to the University of Iowa to finish it, and I kind of regret that. But I did not get back.

Mr. REID. Will my friend yield?

Mr. GRASSLEY. Yes, I will yield.

Mr. REID. I am sorry. That was something that was prepared for me. You always reminded me of having a Ph.D.

Anyway, here is the story. Somebody like you or me is going to go give a speech—and they give us these speeches, and we walk out and give them—and he is about halfway through his speech, and he comes to a page that is blank, and he says: You are on your own, you SOB. So that is kind of like this. I will check with my staff to make sure they do not make a mistake like that again.

(Laughter.)

Mr. GRASSLEY. Well, it is one of these cases where I passed the French test, and I was ready to write a dissertation, and I never quite got around to it.

One other thing I would like to say is, obviously, thank you for the recognition. I enjoy my job in the Senate very much. I guess if you vote 10,000 times, you are just doing what we are paid to do.

It is a wonderful experience serving here in the Senate. And I think I can say—as Senator BAUCUS has inferred, I hope I am liked by everybody. I like every one of you. I do not know any of you who consider me an enemy. And if you do, I do not want to know who you are.

(Laughter.)

If you wonder why there is some emphasis upon voting, people in this country are very cynical about those of us in elected office. I think: What can you

do to reduce cynicism? And I thought a long time ago, sitting in a restaurant one time—and probably nobody at that time knew who I was. I overheard them saying something like: Well, it must be election time; the politicians are in town.

I heard that 30 years ago, and I made up my mind that at least one way I was going to try to overcome that for politicians generally was to make sure the process of representative government works. So when I was elected to the Senate, it was not something I promised the people of Iowa, it was just something I promised myself: that I am going to go to every county every year to hold at least one town meeting so that person who was griping about only seeing a politician at election time could not say that about CHUCK GRASSLEY, and I hope in the process it has raised the respect people have for those of us who are elected.

The other thing about voting as often as I do here in the Senate, it is an opportunity to let people know when you are in session, you are here working. And when we are not in session, I am back in Iowa with my people. It is an opportunity to kind of quantify what our job is all about and to get over this business of people who, I think, think we are only here in Washington sitting around with our feet up on our desk waiting to take a phone call from somebody—that we are actually doing something. This is one way—maybe a very elementary way, but sometimes that is the way you have to explain government to the American people—that we are on the job, doing our job, and when we are not here, we are at home making the process of representative government work.

So I very much appreciate the kind words that have been said. And I did not record them, but if I did, I would play them back during election time.

Thank you very much for the honor. I would yield to the Senator—oh, the Senator from Illinois said something nice about me one time, and I did use it in my literature. And some people of his party got on him: Why are you doing that?

Well, I think he said: It was true.

And he came to me one time and he said: Will you say something nice about me? I could put it in my literature.

And I gave him a slip of paper that said: He is not as bad as you think he is.

I yield the floor.

(Applause, Senators rising.)

The PRESIDING OFFICER. The Senator from Nebraska.

MOTION TO RECOMMIT

Mr. JOHANNIS. Mr. President, I have at the desk a motion, and I would ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the motion.

The bill clerk read as follows:

The Senator from Nebraska [Mr. JOHANNIS] moves to recommit S. Con. Res. 13 to the Committee on the Budget with instructions

to report the same back to the Senate in 3 days making the following changes:

Mr. JOHANNIS. Mr. President, I ask unanimous consent that reading of the motion be dispensed with.

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

The motion is as follows:

(1) Amend levels in the resolution as to report back a resolution with an aggregate level of budget authority (and associated outlays) for nondefense, nonveterans discretionary accounts for fiscal year 2010 at the level enacted for fiscal year 2009 level, increased by the rate of inflation for 2010 as projected by the Congressional Budget Office.

(2) Amend spending levels in the resolution so as to report back a resolution with aggregate spending levels for discretionary nondefense, nonveterans spending for each subsequent fiscal year in the budget window so as not to exceed the immediately previous fiscal year spending level for discretionary nondefense, nonveterans spending, increased by the rate of inflation for the applicable year as projected by the Congressional Budget Office.

The PRESIDING OFFICER. There is 2 minutes equally divided on the motion.

Mr. JOHANNIS. Mr. President, the budget before us increases nondefense discretionary spending by \$42 billion over last year's levels.

Here is what my motion does. It would limit the overall increase in the budget to CBO's projected rate of inflation for nondefense, nonveterans spending. This motion will save \$36 billion in 2010 and \$194 billion over the 5-year budget window.

My motion only affects aggregate spending so it allows some programs to be larger than the rate of inflation; thus, any claim that it is unfair to one particular group would be inaccurate. The motion allows the committee to take a scalpel to the budget, which is exactly what the President called for. If not, our country continues to be in a dire situation. This helps deal with the spending piece of this.

This motion will allow us to take a step back from bloated spending and step forward to fiscal responsibility.

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

Mr. JOHANNIS. I urge my colleagues to vote yes and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from North Dakota.

Mr. CONRAD. Mr. President, in more normal times, this is an amendment I might well support, but these are not normal times. We are faced with the steepest economic decline since the Great Depression. The underlying budget mark already cuts nondefense discretionary spending by more than \$160 billion. This would cut another \$120 billion, much of it front end loaded, at the worst possible time for economic recovery.

One other point I would make. We have more than 200 amendments pending now—more than 200. If the Senator's amendment were to pass—this is a motion to recommit the budget resolution to the committee. If anybody wants to repeat the entire exercise of this week, the week we get back, I recommend you vote for the Senator's amendment. If you prefer to end this today, I recommend you vote no.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The result was announced—yeas 43, nays 55, as follows:

[Rollcall Vote No. 132 Leg.]

YEAS—43

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

NAYS—55

Akaka	Gillibrand	Murray
Baucus	Hagan	Nelson (FL)
Begich	Harkin	Pryor
Bennet	Inouye	Reed
Bingaman	Johnson	Reid
Boxer	Kaufman	Rockefeller
Brown	Kerry	Sanders
Burr	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	
Feinstein	Mikulski	

NOT VOTING—1

Kennedy

The motion was rejected.

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

Mrs. FEINSTEIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CONRAD. Mr. President, I want to inform colleagues that when I said earlier we had 100 amendments pending, I was half right. That was last night. As of now, we have over 230 amendments pending. If you divide 230 by 3, that is almost 80 hours—about 76, 77 hours. That would mean we would be here all day today, tomorrow, and all day Saturday. If everybody sticks to their amendment, that is what is going to happen.

I hope people in the calmness of the moment will think about other options. No. 1, if you will accept a voice vote—Senator GREGG and I are trying to work things out on amendments that could be accepted. If not, if you would withhold until there is another vehicle—and there will be a lot of vehicles this year. Really, we have been doing this for a lot of years. Amendments have sprouted here. I hope people will think: Do we want to do this for 3 days straight?

AMENDMENTS NOS. 759, 799, 949, 755, AND 808

We have an agreement to take several amendments here by unanimous consent. They are: Bennett No. 759; Bennet No. 799; Democratic side-by-side to Vitter; Casey No. 755, and Brown No. 808. I ask unanimous consent that these amendments be agreed to.

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

The amendments are as follows:

AMENDMENT NO. 759

(Purpose: To prohibit changing current tax laws for charitable contribution tax deductions to pay for modernizing the health care system)

On page 31, line 9, after “purposes,” insert “provided that such legislation would not result in diminishing a taxpayers’ ability to deduct charitable contributions as an offset to pay for such purposes, and”.

AMENDMENT NO. 799

(Purpose: To establish a deficit-neutral reserve fund to address the systemic inequities of Medicare and Medicaid reimbursement that lead to access problems in rural areas, including access to primary care and outpatient services, hospitals, and an adequate supply of providers in the workforce)

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

**SEC. \_\_\_\_ . DEFICIT-NEUTRAL RESERVE FUND TO ADDRESS THE SYSTEMIC INEQUITIES OF MEDICARE AND MEDICAID REIMBURSEMENT THAT LEAD TO ACCESS PROBLEMS IN RURAL AREAS.**

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 address the systemic inequities of Medicare and Medicaid reimbursement that lead to access problems in rural areas, including access to primary care and outpatient services, hospitals, and an adequate supply of providers in the workforce, 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. 755

(Purpose: To establish a deficit-neutral reserve fund to provide for accelerated carbon capture and storage and advanced clean coal power generation research, development, demonstration, and deployment)

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

**SEC. 2 \_\_\_\_ . DEFICIT NEUTRAL RESERVE FUND TO PROVIDE FOR ACCELERATED CARBON CAPTURE AND STORAGE AND ADVANCED CLEAN COAL POWER GENERATION RESEARCH, DEVELOPMENT, DEMONSTRATION, AND DEPLOYMENT.**

(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 and limits in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would accelerate the research, development, demonstration, and deployment of advanced technologies to capture and store carbon dioxide emissions from coal-fired power plants and other industrial emission sources and to use coal in an environmentally acceptable manner.

(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. 808

(Purpose: To provide for legislation that removes Social Security numbers from Medicare cards and to pay for such legislation by reducing waste, fraud, and abuse in other federal programs)

On page 20, line 24, increase the amount by \$5,000,000.

On page 20, line 25, increase the amount by \$5,000,000.

On page 21, line 3, increase the amount by \$10,000,000.

On page 21, line 4, increase the amount by \$10,000,000.

On page 21, line 7, increase the amount by \$10,000,000.

On page 21, line 8, increase the amount by \$10,000,000.

On page 27, line 23, decrease the amount by \$5,000,000.

On page 27, line 24, decrease the amount by \$5,000,000.

On page 28, line 2, decrease the amount by \$10,000,000.

On page 28, line 3, decrease the amount by \$10,000,000.

On page 28, line 6, decrease the amount by \$10,000,000.

On page 28, line 7, decrease the amount by \$10,000,000.

Mr. CONRAD. Mr. President, I want to make it clear that the side by side to the Vitter amendment we approved by voice vote is No. 949.

With that, the next amendment up is the Vitter—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, on the Bennett amendment No. 759, Senator BENNETT of Utah wishes to be recognized for a brief statement.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I understand from the distinguished Budget Committee chairman that they have accepted this amendment by unanimous consent. Therefore, I congratulate them on their wisdom and thank them.

This is a serious amendment, which I hope will survive conference. I am glad to have it accepted. It deals with the tax treatment of charitable contributions. I am happy to have it accepted by the other side so that the Senate is on record saying they want the President's budget not to change the tax treatment of charitable contributions.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I yield time to the Senator from Montana.

Mr. BAUCUS. Mr. President, the Bennett amendment would express the importance of taxpayers' ability to take deductions for contributions to charity. It is also important to recognize that this amendment is not inconsistent with either current law or the President's budget.

This amendment is also consistent with the votes that we took last week when we affirmed our support for charitable contributions.

I urge the Senate to adopt the amendment.

AMENDMENT NO. 949

Mr. CONRAD. Mr. President, on an amendment that we just adopted by voice vote, the Reed amendment No. 949, there is a misunderstanding. There was not unanimous consent. So I think in fairness we ought to go back to that amendment and have Senator REED offer it.

I ask unanimous consent to vitiate the adoption of the Reed amendment No. 949.

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

Mr. CONRAD. That would be the pending amendment, No. 949, and Senator REED would be recognized to offer the amendment.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, my amendment would focus on the issue I think we are all concerned about, and it would be a counterpoint to Senator VITTER's amendment, and that would be the administration of the Troubled Asset Relieve Program. My amendment would create a reserve fund, which would focus the remaining resources in the TARP fund on supporting small businesses, saving homeowners from foreclosure, helping the bond market, and making credit more widely available. It would also strengthen the oversight entities, the Special Inspector General, the Congressional Oversight Panel, and the Government Accountability Office.

Senator VITTER's amendment purports to take back the money by striking certain functions, such as function 370. But that function also has the funding for the FHA, the Rural Housing Program, and the Small Business Administration. In effect, we will not be taking away the TARP money, we will be challenging these other programs to find funds.

I urge adoption of my amendment and the rejection of Senator VITTER's amendment.

The PRESIDING OFFICER. Has the Senator offered the amendment?

Mr. REED. Mr. President, I offer it at this time.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island (Mr. REED) proposes an amendment numbered 949.

The amendment is as follows:

(Purpose: To provide for the expenditure of the remaining Troubled Asset Relief Program funds for the benefit of consumers)

At the appropriate place, insert the following:

SEC. \_\_\_\_ . EXPENDITURE OF REMAINING TARP FUNDS.

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 reaffirm that the remaining Troubled Asset Relief Program funds shall be used to save homes, save small businesses, help the municipal bond market, make credit more widely available, and provide additional resources for the Special Inspector General for the Troubled Asset Relief Program, the Congressional Oversight Panel, and the Government Accountability Office for vigorous audit and evaluation of all expenditures and commitments made under the Troubled Asset Relief Program, by the amounts provided in that 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.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Louisiana is recognized.

Mr. VITTER. Mr. President, next after this amendment is my amendment. It would return TARP funds not already out the door, except for the \$100 billion set aside for buying toxic assets, which is exactly what TARP was supposed to be about. But it ends everything else and invites the Obama administration to come back to us regarding other programs.

The Reed amendment reaffirms TARP as it has been executed. So if you like everything that has been done under TARP and how it has been done, that model and program changing every other week, vote for the Reed amendment and reaffirm TARP as it is. If you think a change and focus needs to be brought to TARP, vote for the Vitter amendment, which is next.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to amendment No. 949.

Mr. REED. 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 bill 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 result was announced—yeas 56, nays 42, as follows:

[Rollcall Vote No. 133 Leg.]

YEAS—56

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

NAYS—42

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

NOT VOTING—1

Kennedy

The amendment (No. 949) was agreed to.

Mr. CONRAD. Mr. President, I have a unanimous consent request that I wish to propound on the next group of amendments before we go to the Vitter amendment.

I ask unanimous consent that the following group of amendments be the next to be considered; that the provisions of the previous order regarding debate time, vote time, and budget points of order remain in effect for the duration of consideration of amendments to the budget resolution; and that the amendments be considered in the order listed. This is the order proposed: Senator Hutchison amendment No. 866; Menendez amendment No. 921; Coburn amendment No. 895; Brownback amendment No. 841; Graham amendment No. 898; Boxer amendment No. 953; Reid amendment No. 730; Hutchison amendment No. 868; Snowe amendment No. 773; Senators Murray and Bond amendment No. 880; Thune amendment No. 803; Barrasso-Wyden—I do not have a number on that amendment; a Democratic side by side to Bennett of Utah on spending stimulus; Bennett of Utah amendment No. 954; a Democratic side by side to the Enzi trigger; Enzi No. 824; Conrad or his designee side by side on AMT; and Grassley on AMT.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Reserving the right to object, we do not have copies of the side by sides. I suggest we hold those four that are involved until we get a copy of the side by sides. That would be the Democratic side by side to Bennett,

the Bennett, the Democratic side by side to Enzi, and the Enzi.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I alter the unanimous consent request so that the last four amendments in that request not be included. I also want to clarify that Brownback is No. 840.

The PRESIDING OFFICER (Mr. BROWN). Is there objection?

Mr. GREGG. Reserving the right to object, the wrong number was announced on Brownback. The number is 840.

Mr. CONRAD. That is what I just did.

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

The Senator from Louisiana is recognized.

AMENDMENT NO. 787

Mr. VITTER. Mr. President, I now present the Vitter amendment. It is very simple. It says that the Troubled Asset Relief Program, TARP, will actually be about troubled asset relief. It returns the other money not reserved for troubled asset relief to the Treasury for debt reduction, \$136 billion of debt reduction.

I reserve the remainder of my time.

The PRESIDING OFFICER. Has the Senator offered the amendment?

Mr. VITTER. I offer the amendment at this point.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 787.

The amendment is as follows:

(Purpose: To end \$272 billion in spending on bailouts under TARP and reduce record deficits and levels of debt)

On page 4, line 13, decrease the amount by \$116,626,400,000.

On page 4, line 14, decrease the amount by \$23,103,200,000.

On page 4, line 15, decrease the amount by \$4,939,200,000.

On page 4, line 16, decrease the amount by \$7,053,600,000.

On page 4, line 17, decrease the amount by \$9,575,200,000.

On page 4, line 18 decrease the amount by \$12,156,800,000.

On page 4, line 22, decrease the amount by \$116,626,400,000.

On page 4, line 23, decrease the amount by \$23,103,200,000.

On page 4, line 24, decrease the amount by \$4,939,200,000.

On page 4, line 25 decrease the amount by \$7,053,600,000.

On page 5, line 1, decrease the amount by \$9,575,200,000.

On page 5, line 2, decrease the amount by \$12,156,800,000.

On page 5, line 6, decrease the amount by \$116,626,400,000.

On page 5, line 7, decrease the amount by \$23,103,200,000.

On page 5, line 8, decrease the amount by \$4,939,200,000.

On page 5, line 9, decrease the amount by \$7,053,600,000.

On page 5, line 10, decrease the amount by \$9,575,200,000.

On page 5, line 11, decrease the amount by \$12,156,800,000.

On page 5, line 16, decrease the amount by \$116,626,400,000.

On page 5, line 17, decrease the amount by \$139,729,600,000.

On page 5, line 18, decrease the amount by \$144,668,800,000.

On page 5, line 19, decrease the amount by \$151,722,400,000.

On page 5, line 20, decrease the amount by \$161,297,600,000.

On page 5, line 21, decrease the amount by \$173,454,400,000.

On page 5, line 24, decrease the amount by \$116,626,400,000.

On page 5, line 25, decrease the amount by \$139,729,600,000.

On page 6, line 1, decrease the amount by \$144,668,800,000.

On page 6, line 2, decrease the amount by \$151,722,400,000.

On page 6, line 3, decrease the amount by \$161,297,600,000.

On page 6, line 4, decrease the amount by \$173,454,400,000.

On page 15, line 17, decrease the amount by \$116,000,000,000.

On page 15, line 18, decrease the amount by \$116,000,000,000.

On page 15, line 21, decrease the amount by \$20,000,000,000.

On page 15, line 22, decrease the amount by \$20,000,000,000.

On page 26, line 20, decrease the amount by \$626,400,000.

On page 26, line 21, decrease the amount by \$626,400,000.

On page 26, line 24, decrease the amount by \$3,103,200,000.

On page 26, line 25, decrease the amount by \$3,103,200,000.

On page 27, line 3, decrease the amount by \$4,939,200,000.

On page 27, line 4, decrease the amount by \$4,939,200,000.

On page 27, line 7, decrease the amount by \$7,053,600,000.

On page 27, line 8, decrease the amount by \$7,053,600,000.

On page 27, line 11, decrease the amount by \$9,575,200,000.

On page 25, line 12, decrease the amount by \$9,575,200,000.

On page 27, line 15, decrease the amount by \$12,156,800,000.

On page 27, line 16, decrease the amount by \$12,156,800,000.

Mr. VITTER. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I yield time in opposition to Senator REED of Rhode Island.

The PRESIDING OFFICER. The senior Senator from Rhode Island is recognized.

Mr. REED. Mr. President, the Reed amendment, which we just adopted, focuses the remaining TARP funds on functions that are critical to the economic progress of the country—keeping people in homes, providing help for small business, supporting the traditional bond market, making credit more widely available. The restriction of these funds proposed by Senator VITTER will undercut these objectives. In addition, the Reed amendment has strengthened the oversight responsibilities.

Secretary Geithner has just announced a program that will focus on these toxic assets. Keeping these TARP funds, I believe, will give the Treasury the flexibility to make that program work more effectively, and I oppose the Vitter amendment.

The PRESIDING OFFICER. The Senator from Louisiana has 35 seconds.

Mr. VITTER. Mr. President, the program which Secretary Geithner has actually announced about toxic assets is protected even under my amendment. What my amendment says is that we are not any longer going to allow the Treasury to do other things on an ad hoc basis, making it up as they go along every week.

In the process, we would reduce the debt of this country by at least \$136 billion under this amendment. I urge support for the amendment.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 787.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The result was announced—yeas 28, nays 70, as follows:

[Rollcall Vote No. 134 Leg.]

YEAS—28

Barrasso	DeMint	Nelson (NE)
Bennett	Ensign	Risch
Bond	Enzi	Sessions
Brownback	Feingold	Shelby
Bunning	Grassley	Specter
Burr	Hutchison	Thune
Coburn	Inhofe	Vitter
Collins	Johanns	Wicker
Cornyn	McCain	
Crapo	Murkowski	

NAYS—70

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

NOT VOTING—1

Kennedy

The amendment (No. 787) was rejected.

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

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

The senior Senator from South Carolina is recognized.

Mr. GRAHAM. I call up amendment No. 910.

Mr. GREGG. Will the Senator allow us to do a unanimous consent?

Mr. GRAHAM. I will.

AMENDMENTS NOS. 892 AND 893

Mr. CONRAD. Mr. President, I ask unanimous consent that the Coburn amendment No. 892 and Coburn amendment No. 893 be accepted.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. No objection.

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

The amendments (No. 892 and No. 893) were agreed to, as follows:

AMENDMENT NO. 892

(Purpose: To end bogus bonuses awarded to contractors and government executives responsible for over budget projects and programs that fail to meet basic performance requirements)

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

**SEC. 216. DEFICIT-NEUTRAL RESERVE FUND FOR PROHIBITING UNDESERVED CONTRACTING PERFORMANCE BONUSES.**

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 prohibit federally funded bonuses awarded to contractors and government executives responsible for over budget projects and programs that fail to meet basic performance requirements, by the amounts provided in that legislation for that 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 2010 through 2019.

AMENDMENT NO. 893

(Purpose: to support President Obama in his effort to go line by line through the Federal Budget in order to help him eliminate wasteful, inefficient, and duplicative programs)

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

**SEC. . . . DEFICIT-REDUCTION RESERVE FUND TO ENSURE THE PLEDGE OF PRESIDENT OBAMA TO ELIMINATE WASTEFUL, INEFFICIENT, AND DUPLICATIVE PROGRAMS.**

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 achieves savings by going through the Federal Budget line by line, as President Obama has called for, to eliminate wasteful, inefficient, and duplicative spending by requiring—

(1) the head of every department and agency to provide a report to Congress within 90 days after the date of enactment of this resolution on programs that are duplicative, inefficient, or failing, with recommendations for elimination and consolidation of these programs,

(2) the Office of Management and Budget to provide a report to Congress within 90 days after the date of enactment of this resolution on programs that are duplicative government-wide, with recommendations for elimination or consolidation of these programs, and



(3) every standing committee of the Senate to conduct at least one oversight hearing each fiscal year in order to identify wasteful, inefficient, outdated, and duplicative programs that could be eliminated and consolidated,

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.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I thank Senator COBURN for his courtesy and say he has set a very good example for other Members, a very good example.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

AMENDMENT NO. 910

Mr. GRAHAM. Mr. President, since I am not a squish like Senator COBURN, I am going to go ahead.

My amendment is straightforward. This amendment creates a budget point of order on legislation that increases the cost of energy for middle-class families. Why are we doing this? The climate change proposal that was in the President's budget would create a massive tax increase on anybody who uses energy, and that would be every American middle-class family, which already has a tough time getting by. This would be a point of order against any bill that would raise the cost of energy on our middle-class families who are struggling to get by.

I ask the Senate to rally around this concept. We can deal with climate change without passing a \$3,000-per-household energy tax on the families of America who are having a hard time paying their bills.

The PRESIDING OFFICER. Is the Senator from South Carolina offering the amendment?

Mr. GRAHAM. Yes. I am sorry. I thought we had done that. Everything I said still goes.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows: The Senator from South Carolina [Mr. GRAHAM] proposes an amendment numbered 910.

The amendment is as follows:

(Purpose: To protect middle-income taxpayers from a national energy tax)

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

**SEC. . POINT OF ORDER AGAINST LEGISLATION THAT IMPOSES A NATIONAL ENERGY TAX ON MIDDLE-INCOME TAXPAYERS.**

(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 includes a National energy tax increase which would have widespread applicability on middle-income taxpayers.

(b) DEFINITIONS.—In this subsection:

(1) MIDDLE INCOME TAXPAYERS.—The term “middle-income” taxpayers means single individuals with \$200,000 or less in adjusted gross income (as defined in section 62 of the Internal Revenue Code of 1986) and married couples filing jointly with \$250,000 or less in adjusted gross income (as so defined).

(2) WIDESPREAD APPLICABILITY.—The term “widespread applicability” includes the definition with respect to individual income taxpayers in section 4022(b)(1) of the Internal Revenue Service Restructuring and Reform Act of 1998.

(3) NATIONAL ENERGY TAX INCREASE.—The term “National energy tax increase” means any legislation that the Congressional Budget Office would score as leading to an increase in the costs of producing, generating or consuming energy.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, it is my intention to vote for this amendment. I ask the Senator from South Carolina, would the Senator from South Carolina, in a moment of comity and weakness, be willing to accept a voice vote? Mr. GRAHAM. No.

Mr. CONRAD. I thought that might be the answer. All right. My intention is to vote for the amendment, and 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 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 65, nays 33, as follows:

[Rollcall Vote No. 135 Leg.]

YEAS—65

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

NAYS—33

Akaka	Harkin	Reed
Bingaman	Inouye	Reid
Boxer	Kaufman	Rockefeller
Brown	Kerry	Sanders
Burr	Lautenberg	Schumer
Cardin	Leahy	Shaheen
Carper	Levin	Stabenow
Dodd	Lieberman	Udall (CO)
Durbin	Menendez	Udall (NM)
Feinstein	Merkley	Warner
Gillibrand	Mikulski	Whitehouse

NOT VOTING—1

Kennedy

The amendment (no. 910) was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 931, AS MODIFIED

Mr. CONRAD. Mr. President, the next amendment is the Landrieu amendment with 2 minutes equally divided.

Ms. LANDRIEU. Mr. President, this amendment seeks to establish a deficit-neutral reserve fund based on the current law supporting revenue sharing for coastal States contributions to the Land and Water Conservation Fund and a fund for innovative energy technology.

It would save up to, which is the current law today, which 26 Senators voted on, up to 50 percent which can be set aside from future oil and gas revenues for revenue sharing for coastal States for the Land and Water Conservation Fund and for funds to be created to invest in alternative energy technologies.

This is something that has been debated in the Senate but has been broadly supported by Republicans and Democrats. There has been some opposition. I suspect there may be some today. But there has been broad bipartisan support for revenue sharing for coastal States contributions to the Land and Water Conservation Fund and alternative energy sources.

This does not change the current law, it does not direct drilling anywhere in the country that does not already exist. That is the essence of the amendment I offer with myself and Senator BEGICH from Alaska.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows: The Senator from Louisiana [Ms. LANDRIEU], for herself and Mr. BEGICH, offers an amendment numbered 931, as modified.

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

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

The amendment, as modified, is as follows:

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

**SEC. 2 . . . DEFICIT-NEUTRAL RESERVE FUND FOR OUTER CONTINENTAL SHELF OIL AND NATURAL GAS LEASING REVENUES.**

(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 provide that up to 50 percent of any revenues collected by the United States from oil and natural gas leases in the outer Continental Shelf shall be—

- (1) distributed among coastal energy producing States; and/or
- (2) allocated for—

- (A) the conduct of innovative alternative energy research; and
- (B) supporting parks and wildlife.

(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.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, this is not an insignificant amendment. It is not small change. It has very significant consequences to all States. A very small number of States, a handful, will

get a big windfall. All of the rest of the States will have money otherwise raised from OCS—raised from revenues from mineral leasing royalties not go to them at all.

Currently, revenue goes to all 50 States. There is a small carving out for some of the coastal States and Florida. This amendment says: All the revenue raised, all the coastal revenue goes to only those few coastal States, which means revenue would not go to the other States that benefit currently from oil and gas leasing revenue.

The other big consequence is, this is a big tax increase. It is a revenue-neutral provision. That means it is \$110 billion, conservatively, over 10 years, which means we have to raise taxes \$110 billion to pay for giving money to a small handful of States and take it away from the majority of the States.

I strongly urge members not to support this amendment.

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

Ms. LANDRIEU. Mr. President, 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 assistant legislative clerk called the roll.

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

Mr. KYL. The following Senator is necessarily absent: the Senator from Alabama (Mr. SESSIONS).

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

The result was announced—yeas 37, nays 60, as follows:

[Rollcall Vote No. 136 Leg.]

YEAS—37

Barrasso	DeMint	McConnell
Begich	Ensign	Murkowski
Bennett	Enzi	Nelson (NE)
Bond	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Hatch	Shelby
Burr	Hutchison	Vitter
Carper	Inhofe	Warner
Chambliss	Isakson	Webb
Coburn	Johanns	Whitehouse
Cochran	Kyl	Wicker
Cornyn	Landrieu	
Crapo	McCain	

NAYS—60

Akaka	Feinstein	Merkley
Alexander	Gillibrand	Mikulski
Baucus	Gregg	Murray
Bayh	Hagan	Nelson (FL)
Bennet	Harkin	Pryor
Bingaman	Inouye	Reed
Boxer	Johnson	Reid
Brown	Kaufman	Rockefeller
Burris	Kerry	Sanders
Byrd	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Lautenberg	Snowe
Casey	Leahy	Specter
Collins	Levin	Stabenow
Conrad	Lieberman	Tester
Corker	Lincoln	Thune
Dodd	Lugar	Udall (CO)
Dorgan	Martinez	Udall (NM)
Durbin	McCaskill	Voivovich
Feingold	Menendez	Wyden

NOT VOTING—2

Kennedy Sessions

The amendment (No. 931), as modified, was rejected.

CHANGE OF VOTE

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, Senator ROBERTS has a unanimous consent request on a change of vote.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. I thank the distinguished Senator and nattily dressed chairman of the Budget Committee.

Mr. President, on rollcall vote 136, I voted “nay.” It was my intention to vote “yea.” Therefore, I ask unanimous consent that I be permitted to change my vote, since it will not affect the outcome.

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

(The foregoing tally has been changed to reflect the above order.)

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I would say to colleagues, I do not know what it is about this year, but the hole just keeps getting deeper. We still have over 200 amendments, and nobody seems to be much interested in kind of being collegial here and allowing us to get to some kind of reasonable list. Now, 200 amendments pending, 3 an hour—that is almost 70 hours. That is 3 days. So please work with us and be willing to take voice votes. When we have amendments that are being adopted overwhelmingly, you know, really, do we really intend to stay here for 3 days? I hope not.

Mr. President, I ask unanimous consent that the following be the next group of amendments to be considered; that the provisions of the previous order regarding debate time, vote time, and budget points of order remain in effect for the duration of consideration of amendments to the budget resolution; that the amendments be considered in the order listed: Hutchison No. 866, Menendez No. 921, Coburn No. 895, Brownback No. 840—we have done this? Well, this is good. We are making progress.

Mr. GREGG. What about voice votes?

Mr. CONRAD. 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.

AMENDMENTS NOS. 921, 895, 880, AND 788

Mr. CONRAD. Mr. President, we have four amendments in this list that we could agree to: Menendez No. 921; Coburn No. 895, Murray-Bond No. 880, and Barrasso-Wyden—do we have a number on that?

Mr. GREGG. No. 788.

Mr. CONRAD. No. 788.

Mr. GREGG. Mr. President, I ask unanimous consent that they be agreed to.

Mr. CONRAD. Mr. President, I ask unanimous consent that those four amendments be agreed to.

The PRESIDING OFFICER. Is there objection?

Mr. BUNNING. What are the four amendments, please?

Mr. CONRAD. Menendez No. 921, Coburn No. 895, Murray-Bond No. 880, Barrasso-Wyden No. 788.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

The amendments (Nos. 921, 895, 880, and 788) were agreed to, as follows:

AMENDMENT NO. 921

(Purpose: To establish a deficit-neutral reserve fund for the Violence Against Women Act (VAWA) and the Family Violence Prevention and Services Act (FVPSA), and other related programs)

On page 49, after line 3, insert the following:

**SEC. \_\_\_\_ DEFICIT-NEUTRAL RESERVE FUND FOR THE VIOLENCE AGAINST WOMEN ACT (VAWA) AND THE FAMILY VIOLENCE PREVENTION AND SERVICES ACT (FVPSA), AND OTHER RELATED PROGRAMS.**

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 resources for programs administered through the Violence Against Women Act and the Family Violence Prevention and Services Act, and other related programs, 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. 895

(Purpose: To provide a deficit-neutral reserve fund to end abusive no-bid contracts by requiring all Federal contracts over \$25,000 to be competitively bid)

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

**SEC. 216. DEFICIT-NEUTRAL RESERVE FUND FOR ENDING ABUSIVE NO-BID CONTRACTS.**

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 end abusive no-bid contracts by requiring all Federal contracts over \$25,000 to be competitively bid, by the amounts provided in that legislation for that 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 2010 through 2019.

AMENDMENT NO. 880

(Purpose: To create a deficit-neutral reserve fund for legislation to enable States to establish or expand quality programs of early childhood home visitation)

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

**SEC. \_\_\_\_ . DEFICIT-NEUTRAL RESERVE FUND FOR HOME VISITATION PROGRAMS.**

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that provide funds to States to establish or expand quality programs of early childhood home visitation that increase school readiness, child abuse and neglect prevention, and early identification of developmental and health delays, including potential mental health concerns, and that—

(1) serve pregnant women, or parent's or other primary caregivers and their children under the age of entry into kindergarten through quality programs of early childhood home visitation;

(2) are delivered by nurses, social workers, child development specialists, or other well-trained and competent staff, as demonstrated by education or training and the provision of ongoing specific training and supervision in the model of service being delivered;

(3) have outcomes and research standards that—

(A) demonstrate ongoing positive outcomes for children, parents and other primary caregivers that enhance child health and development;

(B) conform to a clear consistent home visitation model that has been in existence for at least 3 years and that—

(i) is research-based, grounded in relevant empirically-based knowledge;

(ii) is linked to program determined outcomes;

(iii) is associated with a national organization or institution of higher education that has comprehensive home visitation program standards that ensure high quality service delivery and continuous program quality improvement; and

(iv) has demonstrated significant positive outcomes when evaluated using well-designed and rigorous randomized controlled or well-designed and rigorous quasi-experimental research designs, and the evaluation results have been published in a peer-reviewed journal; and

(4) show, establish, or propose linkages to high quality early learning opportunities;

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. 788**

(Purpose: To fund the account Hazardous Fuel Reduction on Federal Lands (within Function 300) at the level authorized in the Healthy Forests Restoration Act of 2003)

On page 13, line 21, increase the amount by \$200,000,000.

On page 13, line 22, increase the amount by \$140,000,000.

On page 14, line 1, increase the amount by \$60,000,000.

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

On page 27, line 24, decrease the amount by \$140,000,000.

On page 28, line 3, decrease the amount by \$60,000,000.

**AMENDMENT NO. 788**

Mr. WYDEN. Mr. President, this is an amendment that Senator BARRASSO and I have offered to fully fund the Healthy Forests Restoration Act, by providing an additional \$200 million for this purpose. I am very pleased that my colleague from Oregon, Senator MERKLEY, has also joined us in this

amendment as well as Senators CRAPO, KYL, ENZI, BENNETT and HATCH.

Significantly, this amendment would provide for full funding for this legislation for the first time since its passage. I helped author the Healthy Forests Restoration Act in 2003—a bipartisan bill that I worked on with a number of my colleagues to help address serious forest health issues and a significant backlog of hazardous fuels that have been building up on our national forests.

When Congress passed the Healthy Forests Restoration Act, HFRA, Congress authorized \$760 million in new money to complete hazardous fuel reduction work on 20 million acres. Yet in each of the past years the Bush administration's budget request has fallen short, in my estimation by well over \$600 million less than Congress authorized. Because the Healthy Forests Restoration Act was never fully funded in the prior administration, it has never really had the chance to work. Our amendment would ensure that rural communities will finally get the resources they were promised. These funds will put these communities on a path to preventing wildfires and bringing jobs back to the forest.

In hearings before the Energy and Natural Resources Committee, previous administration leaders assured me that even in the face of such severe budget cuts, they could get the work done, possibly within 8 to 10 years. Yet in hearings before the committee we also heard witnesses from the GAO and USDA inspector general's office testify that the agencies were falling far short of meeting this mandate and that hazardous fuels were building up in our forests as much as three times faster than the agencies could remove them.

When you come from a State like mine, where the Federal Government owns so much of the land, the health of those public forests is a very serious issue—one with life or death consequences for communities that are next to these forests and could become raging infernos in the next fire season.

We can no longer dawdle on completing the thinning work that urgently needs to be performed on our Nation's forests. This work would also provide jobs thinning overstocked forests in rural communities, while reducing the threat of wildfires.

Those wildfires are getting more and more costly to fight and consuming more and more of the budget of our public lands agencies. It simply doesn't make sense to not spend the money on preventing the fires and then turn around during the fire season and watch the millions of dollars flow freely while people's homes and livelihoods go up in smoke.

Full funding of the HFRA would also allow for funding to communities so they can implement "community wildfire protection plans" developed in areas that are part of "wildland urban interface" and living on the edge of our public forests.

I hope my colleagues will support this commonsense amendment and get the Healthy Forests Act back on track.

**AMENDMENT NO. 840, AS MODIFIED**

Mr. GREGG. Mr. President, I ask unanimous consent to send a modification to the desk on behalf of Senator BROWNBACK to his amendment No. 840.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

**AMENDMENT NO. 866**

Mr. CONRAD. Mr. President, that takes us to the Hutchison amendment, No. 866.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, my amendment would create a point of order against any legislation that would impose or increase the marriage penalty tax. We have worked very hard in Congress to eliminate the marriage penalty, which we have not been able to do completely, but we have mitigated it, lowered it significantly.

Before we addressed this issue, the marriage penalty was an average of \$1,100 per couple; that is, two single people getting married caused them to have to pay \$1,100 more in taxes because of the marriage penalty in the Tax Code. We have mitigated that to a great extent.

This amendment would create a point of order against any legislation that would impose or increase the marriage penalty. We all know we should not in any way discourage marriage in this country. We have been able to do that. I think we need to stick with it, and this is the way to do it.

Thank you, Mr. President.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for herself, Mr. MARTINEZ, Mr. VITTER, Mr. ENZI, and Mr. BROWNBACK, proposes an amendment numbered 866.

The amendment is as follows:

(Purpose: To provide a point of order against legislation that has the effect of imposing a greater tax liability on taxpayers who are married than if such taxpayers had filed individual tax returns)

At the end of subtitle A of title III, insert the following:

**SEC. \_\_\_\_ . POINT OF ORDER ON LEGISLATION THAT IMPOSES A MARRIAGE TAX PENALTY.**

(a) IN GENERAL.—In the Senate, it shall not be in order, to consider any bill, joint resolution, amendment, motion, or conference report that includes any provision which imposes or increases a marriage tax penalty.

(b) DEFINITION.—In this section, the term "marriage penalty" means any provision under which the Federal income tax liability of taxpayers filing a joint return under section 6013 of the Internal Revenue Code of 1986 is greater than such tax liability of such taxpayers if such taxpayers were unmarried and had filed individual tax returns under section 1(c) of such Code.

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

(d) 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.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I support the Hutchison amendment. I think there is strong support on this side.

Would the Senator be willing to take a voice vote?

Mrs. HUTCHISON. Mr. President, I would.

Mr. CONRAD. I thank the Senator from Texas.

I ask unanimous consent that the Hutchison amendment No. 866 be agreed to.

The PRESIDING OFFICER. The Senator yields back time?

Without objection, the amendment is agreed to.

The amendment (No. 866) was agreed to.

AMENDMENT NO. 840, AS MODIFIED

Mr. CONRAD. Mr. President, that takes us to Brownback amendment No. 840. Senator BROWNBACK would describe that amendment. This is a similar circumstance. There is strong support on this side toward the Senator's amendment, and we could take it on a voice vote if the Senator would be willing to do that.

If the Senator would take a moment to describe his amendment.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I would be happy to take a moment to describe the amendment. And if by going by voice vote it is more likely to stay in conference, I would be happy to do a voice vote.

Mr. CONRAD. It is amazing how that will improve the chances.

Mr. BROWNBACK. Well, I am quite excited about that.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK] proposes an amendment numbered 840, as modified.

The amendment is as follows:

(Purpose: To provide funds for a Commission on Budgetary Accountability and Review of Federal Agencies)

On page 25, line 24, increase the amount by \$3,000,000.

On page 25, line 25, increase the amount by \$3,000,000.

On page 26, line 3, increase the amount by \$6,000,000.

On page 26, line 4, increase the amount by \$6,000,000.

On page 26, line 7, increase the amount by \$8,000,000.

On page 26, line 8, increase the amount by \$8,000,000.

On page 26, line 11, increase the amount by \$8,000,000.

On page 26, line 12, increase the amount by \$8,000,000.

On page 26, line 15, increase the amount by \$4,000,000.

On page 26, line 16, increase the amount by \$4,000,000.

On page 10, line 20, decrease the amount by \$3,000,000.

On page 10, line 21, decrease the amount by \$3,000,000.

On page 10, line 24, decrease the amount by \$6,000,000.

On page 10, line 25, decrease the amount by \$6,000,000.

On page 11, line 3, decrease the amount by \$8,000,000.

On page 11, line 4, decrease the amount by \$8,000,000.

On page 11, line 7, decrease the amount by \$8,000,000.

On page 11, line 8, decrease the amount by \$ 8,000,000.

On page 11, line 11, decrease the amount by \$4,000,000.

On page 11, line 12, decrease the amount by \$4,000,000.

Mr. BROWNBACK. Mr. President, colleagues, this is an amendment that passed last year. It creates a commission, an independent commission, to review all of Federal spending, make recommendations to the body, and then requires a vote on those recommendations whether to continue the program or discontinue it. It is a way for us to get at failed programs. It is a way for us to get at inefficient programs or programs that have accomplished their purposes.

This is at the core of what so many people want to see us do; that is, to get our spending under control so we can spend on higher priority categories. That is what this amendment would do, and it does it in a fashion and in a way that we have seen before that has worked on eliminating wasteful Government spending.

This has had broad bipartisan support in the past. I would hope we could accept it and it could stay in the overall budget in conference.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, we have strong support for the amendment on this side. I ask unanimous consent that the amendment be adopted.

The PRESIDING OFFICER. Is there objection?

Hearing none, it is so ordered.

The amendment (No. 840), as modified, was agreed to.

AMENDMENT NO. 898 WITHDRAWN

Mr. GREGG. Mr. President, I ask unanimous consent, on behalf of Senator GRAHAM, to withdraw amendment No. 898.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. Without objection on this side.

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

AMENDMENT NO. 953, AS MODIFIED

Mr. CONRAD. Mr. President, that takes us to the Boxer amendment, No. 953, afterschool reserve fund.

Senator BOXER.

Mrs. BOXER. I say to the Senators, thank you so much, Senator CONRAD and Senator GREGG. I say thank you very much to Senator ENSIGN. He and I have been working on afterschool for many years.

This is a Boxer-Ensign amendment. There is a modification at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from California [Mrs. BOXER] for herself and Mr. ENSIGN, proposes an amendment numbered 953, as modified.

Mrs. BOXER. Mr. President, 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 add a deficit-neutral reserve fund for the 21st Century Community Learning Centers afterschool program)

At the end of Title II, insert the following:

SEC. \_\_\_\_ DEFICIT-NEUTRAL RESERVE FUND FOR 21ST CENTURY COMMUNITY LEARNING CENTERS

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 increase funding for the 21st Century Community Learning Centers program 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.

Mrs. BOXER. Mr. President, we are not adding a penny. We are just saying, within the amounts that are in the education budget, to fully fund afterschool programs. We all know it helps our kids, and there are millions on the list. Senator ENSIGN explained many times—he wanted to speak here today, but he is not on the floor—that afterschool programs really saved his life when he was a young child.

So I hope this amendment will be accepted.

I thank my colleagues, and I yield back.

The PRESIDING OFFICER. Who yields time in opposition?

Mrs. BOXER. Mr. President, I ask for a voice vote, if we could do that.

Mr. GREGG. Mr. President, if the Senator would be willing to let us pass over this amendment for a minute, we have some questions on our side, and hopefully we can clear them up.

Mrs. BOXER. I am sorry?

Mr. GREGG. We have some questions on our side. Hopefully, we can clear them up. I ask the Senator, can we move on to the next amendment and move back to yours?

Mrs. BOXER. Of course. Senator ENSIGN thought it was all taken care of, so he is off the floor. Maybe we can get him back out here. Thank you.

The PRESIDING OFFICER. Is there objection to setting aside the amendment?

Without objection, the amendment is set aside.

AMENDMENT NO. 730

Mr. CONRAD. Mr. President, that takes us to Reid amendment No. 730, and the leader is here.

Senator REID.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, prior to the Tax Reform Act of 1986, individuals

were entitled to deduct State and local sales taxes. When the deduction was repealed, it put taxpayers in States without an income tax, such as Nevada, Washington, and others, at a disadvantage. It took us 22 years before fairness was restored when the deduction was reinstated in 2004. The problem is that deduction is not a permanent part of the law.

The amendment I have filed with Senators ENSIGN, CANTWELL, MURRAY, NELSON, HUTCHISON, and others fixes that by establishing a reserve fund for legislation making the deduction permanent. Based on all the information we have, this would affect lots of people—almost half a million in Nevada. At a time when families are struggling to make ends meet, every penny counts.

I would accept a voice vote on this amendment, Mr. President.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, we have just been informed that the matching amendment to the Reid amendment may be withdrawn. They are working on that right now. So that would mean a vote on the Reid amendment and the Hutchison amendment may not be necessary.

AMENDMENT NO. 953, AS MODIFIED

So, Mr. President, I ask that we now return to the Boxer amendment because we have reached conclusion on that. We know it will require a vote. If the Senator would be so inclined, we could return to that amendment and go to a vote.

Mr. GREGG. Mr. President, the Senator has used her minute.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mrs. BOXER. Colleagues, if I could ask to be heard for one more moment.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Thank you.

I simply want to say that we are a little caught off guard here because we were told this was cleared on the Republican side. This is a Boxer-Ensign amendment. It does not add one penny to the deficit. It does not change anything. It just says, within the funding for education, let's fully fund after-school programs because we have so many kids who are waiting to get into those programs. I am hopeful we will have a strong bipartisan vote for this amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 953, as modified. 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 Massachusetts (Mr. KENNEDY) is necessarily absent.

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

The result was announced—yeas 89, nays 9, as follows:

[Rollcall Vote No. 137 Leg.]

YEAS—89

- |           |            |             |
|-----------|------------|-------------|
| Akaka     | Ensign     | Merkley     |
| Alexander | Enzi       | Mikulski    |
| Barrasso  | Feingold   | Murkowski   |
| Baucus    | Feinstein  | Murray      |
| Bayh      | Gillibrand | Nelson (FL) |
| Begich    | Graham     | Nelson (NE) |
| Bennet    | Grassley   | Pryor       |
| Bennett   | Hagan      | Reed        |
| Bingaman  | Harkin     | Reid        |
| Bond      | Hatch      | Risch       |
| Boxer     | Hutchison  | Roberts     |
| Brown     | Inouye     | Rockefeller |
| Brownback | Isakson    | Sanders     |
| Burr      | Johanns    | Schumer     |
| Burriss   | Johnson    | Shaheen     |
| Byrd      | Kaufman    | Shelby      |
| Cantwell  | Kerry      | Snowe       |
| Cardin    | Klobuchar  | Specter     |
| Carper    | Kohl       | Stabenow    |
| Casey     | Landrieu   | Tester      |
| Chambliss | Lautenberg | Thune       |
| Cochran   | Leahy      | Udall (CO)  |
| Collins   | Levin      | Udall (NM)  |
| Conrad    | Lieberman  | Vitter      |
| Corker    | Lincoln    | Warner      |
| Cornyn    | Lugar      | Webb        |
| Crapo     | Martinez   | Whitehouse  |
| Dodd      | McCaskill  | Wicker      |
| Dorgan    | McConnell  | Wyden       |
| Durbin    | Menendez   |             |

NAYS—9

- |         |        |           |
|---------|--------|-----------|
| Bunning | Gregg  | McCain    |
| Coburn  | Inhofe | Sessions  |
| DeMint  | Kyl    | Voinovich |

NOT VOTING—1

- |         |
|---------|
| Kennedy |
|---------|

The amendment (No. 953), as modified, was agreed to.

Mrs. BOXER. 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, if we are really going to have recorded rollcall votes—what was the final tally—on votes that are 89 to 9, we are going to be here a very long time.

Honestly, I have been doing this for 22 years. I don't know if I have ever seen a year where colleagues just seem to be absolutely insistent on having rollcall votes on things that are going to keep us here a very long time. We cannot make people give up their votes or take voice votes. But at some point there has to be a serious consideration. Is this what we are really going to do to each other? Are we going to be here for 70 hours? That is where we are headed.

With that, we can go to the Snowe amendment—or has the Hutchison-Reed amendment been resolved? We should pass over that and go to Senator SNOWE's amendment. She is right here. If the Senator would explain her amendment.

The PRESIDING OFFICER. The Senator from Maine is recognized.

AMENDMENT NO. 773

Ms. SNOWE. Mr. President, I call up amendment No. 773.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Ms. SNOWE] proposes an amendment numbered 773.

The amendment is as follows:

(Purpose: To provide for a deficit-neutral reserve fund to provide for the extension of the top individual tax rates for small businesses after 2010)

At the end of title II, insert the following:

SEC. \_\_\_\_ DEFICIT-NEUTRAL RESERVE FUND TO PROVIDE FOR THE EXTENSION OF THE TOP INDIVIDUAL TAX RATES FOR SMALL BUSINESSES.

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 maintains the rates of tax under section 1 of the Internal Revenue Code of 1986 for the highest two rate brackets at 33 percent and 35 percent, respectively, for individuals who receive more than 50 percent of income from a small business concern (as defined under section 3 of the Small Business Act), by the amounts provided by that 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.

Ms. SNOWE. Mr. President, my amendment would create a deficit-neutral reserve fund for the tax cuts of 2001 to extend those tax rates to small businesses that earn 50 percent of their income from small business.

If we fail to do that, we can expect small businesses to see their taxes rise by 9 percent by allowing those rates to go up from 33 percent to 36 percent, and 36 percent to 39.6 percent. Why would we want to impose a tax on the very entities that we are depending upon to lead us out of this economic morass by increasing their taxes?

Just this week, the Joint Tax Committee indicated there are 6.5 percent of those small businesses that earn over \$250,000, which is three times the original estimate by those who were opposed to this amendment. Let me say that the Small Business Administration said 93 percent of all small business owners file an individual tax return. The Treasury Department has indicated that 9 percent earn 70 percent of the income in this country.

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

Mr. CONRAD. Mr. President, I ask the Senator if she is willing to take this on a voice vote?

Ms. SNOWE. I am.

Mr. CONRAD. I ask for a voice vote.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 773, offered by the Senator from Maine.

The amendment (No. 773) was agreed to.

AMENDMENTS NOS. 816, 885, 872, 827, 764, 788, 795, 817, 837, 818, 874, 839, 877, 797, 802, AND 826 EN BLOC

Mr. CONRAD. Mr. President, we are now ready to offer a draft managers' package No. 1.

Mr. President, I ask unanimous consent that the following amendments be considered en bloc and adopted en bloc, and that the motions to reconsider be considered made and laid on the table. The amendments are as follows:

Boxer, No. 816, dependent care; Bennett of Utah, No. 885, DOE pensions; Dodd, No. 872, firefighter grants; Collins, No. 827; Carper, No. 764; Barrasso, No. 788; Pryor, No. 795; Bunning, No. 817; Dorgan, No. 837; Bunning, No. 818; Landrieu, No. 874; Roberts, No. 839; Reed of Rhode Island, No. 877; Burr, No. 797; Pryor, No. 802, and Enzi, No. 826.

Mr. INHOFE. Reserving the right to object, has the Senator considered my amendment No. 742, which is accepted on both sides to my knowledge? Senator AKAKA and I put it forward, having to do with the health care of veterans. Nobody has objected to it.

Mr. CONRAD. That is being considered in the next tranche. We are working on that right now.

Mr. INHOFE. I thank the Senator.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 816

(Purpose: To provide access to affordable, quality child care for middle class families by making improvements in the employer-provided child care credit and the dependent care tax credit)

On page 38, line 19, after “refundable tax relief” insert “and enhancement of the employer-provided child care credit and enhancement of the dependent care tax credit”.

AMENDMENT NO. 885

(Purpose: To establish a deficit-neutral reserve fund to cover the full cost of pension obligations for employees of laboratories and environmental cleanup sites under the jurisdiction of the Department of Energy)

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

**SEC. 2. DEFICIT-NEUTRAL RESERVE FUND FOR PENSION COVERAGE FOR EMPLOYEES OF DEPARTMENT OF ENERGY LABORATORIES AND ENVIRONMENTAL CLEANUP SITES.**

(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 authorize funding to cover the full cost of pension obligations for current and past employees of laboratories and environmental cleanup sites under the jurisdiction of the Department of Energy (including benefits paid to security personnel) in a manner that does not impact the missions of those laboratories and environmental cleanup sites.

(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. 872

(Purpose: To add a deficit-neutral reserve fund for provisions of critical resources to firefighters and fire departments)

At the end of Title II, insert the following:  
**SEC. \_\_\_\_ DEFICIT-NEUTRAL RESERVE FUND FOR PROVISION OF CRITICAL RESOURCES TO FIREFIGHTERS AND FIRE DEPARTMENTS.**

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, amend-

ments, motions, or conference reports that would provide firefighters and fire departments with critical resources under the Assistance to Firefighters Grant and the Staffing for Adequate Fire and Emergency Response Firefighters Grant of the Federal Emergency Management Agency, by the amounts provided in such legislation for 1 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.

AMENDMENT NO. 827

(Purpose: To modify the provision relating to the deficit-neutral reserve fund for clean energy legislation to include industrial energy efficiency programs)

On page 33, line 4, insert “(including through industrial energy efficiency programs)” after “and efficiency”.

AMENDMENT NO. 764

(Purpose: To establish a deficit-reduction reserve fund for the elimination and recovery of improper payments)

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

**SEC. \_\_\_\_ DEFICIT-REDUCTION RESERVE FUND FOR THE ELIMINATION AND RECOVERY OF IMPROPER PAYMENTS.**

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, functional totals, and other appropriate levels and limits in this resolution upon enactment of legislation that achieves savings by requiring that Federal departments and agencies eliminate improper payments and increase the use of the recovery audits and uses such savings to reduce the deficit, by the amount of such savings, provided that such legislation would decrease the deficit.

AMENDMENT NO. 795

(Purpose: To modify a deficit neutral reserve fund to ensure improvement of infrastructure related to flood control)

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

(d) FLOOD CONTROL PROJECTS.—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 for levee modernization, maintenance, repair, and improvement, by the amounts provided in that 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. 817

(Purpose: To modify a deficit-neutral reserve fund for the repeal of the 1993 increase in the income tax on social security benefits)

At the end of title II, add the following:

**SEC. \_\_\_\_ DEFICIT-NEUTRAL RESERVE FUND FOR THE REPEAL OF THE 1993 INCREASE IN THE INCOME TAX ON SOCIAL SECURITY BENEFITS.**

The Chairman of the Senate Committee on the Budget 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 repeal the 1993 increase in the income tax on social security benefits, 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. 837

(Purpose: To increase funding for organ transplantation and organ donation activities at the Health Resources and Services Administration by \$10 million in FY 2010)

On page 19, line 24, increase the amount by \$10,000,000.

On page 19, line 25, increase the amount by \$3,000,000.

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

On page 20, line 8, increase the amount by \$2,000,000.

On page 20, line 12, increase the amount by \$1,000,000.

On page 27, line 23, decrease the amount by \$10,000,000.

On page 27, line 24, decrease the amount by \$3,000,000.

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. 818

(Purpose: To provide for a deficit-neutral reserve fund to provide for legislation to increase the amount of capital losses allowed to individuals)

At the end of title II, insert the following:

**SEC. \_\_\_\_ DEFICIT-NEUTRAL RESERVE FUND FOR LEGISLATION TO INCREASE THE AMOUNT OF CAPITAL LOSSES ALLOWED TO INDIVIDUALS.**

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 increases the amount by which a capital loss of an individual is allowed, by the amounts provided by that 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. 874

(Purpose: To provide for a deficit-neutral reserve fund for foster care financing reform)

At the end of title II, insert the following:

**SEC. \_\_\_\_ DEFICIT-NEUTRAL RESERVE FUND FOR FOSTER CARE FINANCING REFORM.**

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—

(1) change the Federal foster care payment system from a system that supports programs to one that supports children, whatever their best placement may be, and one that promotes permanency for children;

(2) when it is determined to be in the best interests of the child, promote and improve family support, family preservation, including residential family treatment for families suffering from substance abuse and addiction, and time-limited family reunification services;

(3) provide for subsidies and support programs that are available to support the needs of the children prior to removal, during removal, and post placement, whether through reunification, adoption, kinship adoption, or guardianship;

(4) promote innovation and best practice at the State level; and

(5) guarantee that public funds are used to effectively meet the needs of children who have been abused or neglected;

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. 839

(Purpose: To fully fund the small business child care grant program under section 8303 of the Small Business and Work Opportunity Act of 2007)

- On page 21, line 24, increase the amount by \$20,000,000.
- On page 21, line 25, increase the amount by \$15,200,000.
- On page 22, line 3, increase the amount by \$20,000,000.
- On page 22, line 4, increase the amount by \$19,800,000.
- On page 22, line 7, increase the amount by \$10,000,000.
- On page 22, line 8, increase the amount by \$12,400,000.
- On page 22, line 12, increase the amount by \$2,500,000.
- On page 22, line 16, increase the amount by \$100,000.
- On page 27, line 23, decrease the amount by \$20,000,000.
- On page 27, line 24, decrease the amount by \$15,200,000.
- On page 28, line 2, decrease the amount by \$20,000,000.
- On page 28, line 3, decrease the amount by \$19,800,000.
- On page 28, line 6, decrease the amount by \$10,000,000.
- On page 28, line 7, decrease the amount by \$12,400,000.
- On page 28, line 11, decrease the amount by \$2,500,000.
- On page 28, line 15, decrease the amount by \$100,000.

AMENDMENT NO. 877

(Purpose: To ensure that the deficit-neutral reserve fund for higher education may be used for Leveraging Educational Assistance Partnership programs)

On page 34, line 13, insert “such as by investing in programs such as the programs under subpart 4 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070c et seq.),” after “students.”

AMENDMENT NO. 797

(Purpose: To develop biodefense medical countermeasures by fully funding the Biomedical Advanced Research and Development Authority (BARDA) in a fiscally responsible manner)

- On page 19, line 24, increase the amount by \$850,000,000.
- On page 19, line 25, increase the amount by \$170,000,000.
- On page 20, line 4, increase the amount by \$476,000,000.
- On page 20, line 8, increase the amount by \$136,000,000.
- On page 20, line 12, increase the amount by \$51,000,000.
- On page 20, line 16, increase the amount by \$17,000,000.
- On page 27, line 23, decrease the amount by \$850,000,000.
- On page 27, line 24, decrease the amount by \$170,000,000.
- On page 28, line 3, decrease the amount by \$476,000,000.
- On page 28, line 7, decrease the amount by \$136,000,000.
- On page 28, line 11, decrease the amount by \$51,000,000.
- On page 28, line 15, decrease the amount by \$17,000,000.

AMENDMENT NO. 802

(Purpose: To provide a deficit-neutral reserve fund for the Veterans Health Administration to ensure that the supply of appropriately prepared health care professionals is available to meet the needs of the Veterans Health Administration)

At the end of title II, add the following:  
**SEC. 216. DEFICIT-NEUTRAL RESERVE FUND FOR HEALTHCARE PROFESSIONALS FOR THE VETERANS HEALTH ADMINISTRATION.**

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—

- (1) increase the number of healthcare professionals in the Veterans Health Administration to meet the needs of the expanding number of veterans and to fill healthcare professional positions in the Veterans Health Administration that are currently vacant; and
  - (2) provide enhanced incentives for healthcare professionals of the Veterans Health Administration who serve in rural areas;
- by the amounts provided in that legislation for that purpose, provided that such legislation would not increase the 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.

AMENDMENT NO. 826

(Purpose: To establish a deficit-neutral reserve fund to repeal certain deductions from mineral revenue payments made to States)

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

**SEC. 2 . DEFICIT-NEUTRAL RESERVE FUND TO REPEAL DEDUCTIONS FROM MINERAL REVENUE PAYMENTS TO STATES.**

(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 repeal the requirement to deduct certain amounts from mineral revenues payable to States under the heading “ADMINISTRATIVE PROVISIONS” under the heading “MINERALS MANAGEMENT SERVICE” under the heading “DEPARTMENT OF THE INTERIOR” of title I of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2009 (Public Law 111-8).

(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. 872

Mr. DODD. Mr. President, I am in strong support of the Dodd-Lieberman-Collins amendment.

A decade ago, many of us in this body worked together to create the FIRE Grant Program—the goal of which was simple, but essential: It gives local fire departments the ability to purchase new equipment and initiate education and training programs.

Soon after we wrote that bill, we were reminded why it was so desperately needed—the Worcester Cold Storage blaze on December 3, 1999, that left 17 children without their fathers.

That story reminds us of the price our fire fighters pay every day to keep our communities safe.

We also wrote the SAFER Act to put an additional 75,000 firefighters on the job.

Today, the FIRE Act provides the single largest stream of Federal funding to communities to train and equip firefighters. Along with the SAFER Act, it has already provided more than \$3 billion in grants to help hire, train, and equip firefighters.

In essence, these historic pieces of legislation have made the Federal Government a partner with our Nation’s firefighters.

But to make that partnership as strong as it needs to be to keep our communities safe, we need to ensure that the Federal Government provides the necessary resources. We need to fund those programs.

In fiscal year 2009, the FIRE and SAFER Programs were funded at \$565 million and \$210 million respectively. FIRE is authorized through this fiscal year and will be reauthorized later this year, while SAFER is scheduled for reauthorization next year.

Our amendment will simply ensure there is adequate funding for the FIRE and SAFER Programs for fiscal years 2010 to 2014.

Economic recovery depends on safe and secure communities.

Just recently, East Hartford was forced to eliminate 19 municipal jobs, including firefighters. Farmington is trying to budget for replacing decade old fire engines, while Torrington and Greenwich are deciding whether they will be able to repair and build a new firehouse. This is happening in fire departments across my State.

We already made great strides with the economic recovery package providing \$210 million to help America’s first responders. But with this amendment, we can ensure that one thing that will not be left behind during this economic downturn is the safety of our communities.

And so I thank my colleagues and urge them to support this amendment.

AMENDMENT NO. 874

Mr. GRASSLEY. Mr. President, this amendment would create a deficit neutral fund in order to provide for reform of the current foster care system.

The foster care system is broken tremendously overburdened and needs to be fixed.

The system is understaffed and under trained. Children linger too long before securing a safe and permanent home. More funding could be available for family reunification services. Administrative funds could be used more efficiently.

Data collection is insufficient. The foster care financing structure is antiquated and inflexible and prevents states from responding to a variety of challenges.

We need to replace the old system with one that improves the foster care payment structure to support children

rather than programs, promotes and improves family preservation and ensures that public funds are used effectively.

Our amendment sets us on a course to make these vital improvements to the foster care system.

I urge my colleagues to support the Landrieu-Grassley amendment.

Mr. CONRAD. Mr. President, that is very helpful. That cleared a lot of amendments on both sides. I now go to Senator HUTCHISON for the purpose of withdrawing her amendment.

AMENDMENT NO. 868 WITHDRAWN

Mrs. HUTCHISON. Mr. President, I withdraw my amendment No. 868. I do support Senator REID's amendment. It is important.

AMENDMENT NO. 868 WITHDRAWN

Mr. CONRAD. I thank the Senator. That is very gracious of her. We could go to the Reid amendment.

I ask unanimous consent that Reid amendment No. 730 be adopted.

Mr. GREGG. Reserving the right to object, and I will not, I want to point out that in New Hampshire we have no sales or income tax. If people want to escape these taxes, they should come to New Hampshire.

Mr. CONRAD. Mr. President, I renew my request.

The PRESIDING OFFICER. All time is yielded back.

Without objection, the amendment is agreed to.

The amendment (No. 730) was agreed to, as follows:

(Purpose: to establish a deficit-neutral reserve fund to permanently extend the deduction for state and local sales taxes)

At the end of Title II, insert the following:

SEC. \_\_\_\_ . RESERVE FUND TO PROMOTE TAX EQUITY FOR STATES WITHOUT PERSONAL INCOME TAXES.

The Chairman of the Senate Committee on the Budget 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 would provide for the permanent extension of the deduction for state and local sales taxes, 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.

Mr. CONRAD. Mr. President, that takes us to the Thune amendment No. 803.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

AMENDMENT NO. 803

Mr. THUNE. Mr. President, I send my amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. THUNE] for himself, Mr. BENNETT, and Mr. ENSIGN, proposes an amendment numbered 803.

The amendment is as follows:

(Purpose: To protect charitable giving by ensuring that organizations that provide important religious, educational, cultural, health care, and environmental services are not negatively impacted by changes to the Federal income tax deduction for charitable donations)

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

SEC. \_\_\_\_ . POINT OF ORDER ON LEGISLATION THAT INCREASES REVENUE ABOVE THE LEVELS ESTABLISHED IN THE BUDGET RESOLUTION.

(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 would cause revenues to be more than the level of the revenues set forth, prior to any adjustment made pursuant under any reserve fund, 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.

(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. THUNE. Mr. President, my amendment is very straightforward. It creates a budget point of order against any legislation that would raise revenue from a reduction in the tax deduction for charitable donations.

What the Senator from North Dakota is going to say is that it is not included in his budget. As we know, this is a long process, and we also know the President, in his budget, included a proposal that would reduce the amount people could claim as a tax benefit for a charitable donation.

Again, we don't know what is going to happen from this point forward in the budget process. This could go into conference, and a provision like this could be added. Again, this places a point of order against any legislation that would raise revenue from the tax deduction for charitable giving.

Americans gave \$300 billion in 2007 to charitable causes, which is equal to 2 percent of our GDP.

A Washington Post article said this:

Diana Aviv, [president of Independent Sector, a national membership organization of charities] said any decrease in charitable giving caused by Obama's proposal, no matter how small, would be 'seen as a stake in the heart.'—'With all other means of income down, the idea that there will be another potential cut to the income of those nonprofit organizations feels catastrophic,' Aviv said. 'It is utterly unacceptable.'

I hope my colleagues will vote for this amendment.

Mr. CONRAD. Mr. President, would the Senator accept a voice vote? It would help a great deal in terms of moving the agenda and in terms of the disposition of the chairman on results out of the conference committee.

Mr. THUNE. Mr. President, as much as I appreciate the generosity of the

Senator in offering me that opportunity, I think this is an important issue. I think the Senate needs to be on record.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

All time is yielded back.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

Mr. KYL. The following Senator is necessarily absent: the Senator from Pennsylvania (Mr. SPECTER).

Further, if present and voting, the Senator from Pennsylvania (Mr. SPECTER) would have voted "yea."

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

The result was announced—yeas 94, nays 3, as follows:

[Rollcall Vote No. 138 Leg.]

YEAS—94

Akaka	Durbin	McConnell
Alexander	Ensign	Menendez
Barrasso	Enzi	Merkley
Baucus	Feingold	Mikulski
Bayh	Feinstein	Murkowski
Begich	Gillibrand	Murray
Bennet	Graham	Nelson (FL)
Bennett	Grassley	Nelson (NE)
Bingaman	Gregg	Pryor
Bond	Hagan	Reed
Boxer	Harkin	Reid
Brown	Hatch	Risch
Brownback	Hutchison	Roberts
Bunning	Inhofe	Rockefeller
Burr	Inouye	Schumer
Burriss	Isakson	Sessions
Byrd	Johanns	Shaheen
Cantwell	Johnson	Shelby
Cardin	Kaufman	Snowe
Carper	Kerry	Stabenow
Casey	Klobuchar	Tester
Chambliss	Kohl	Thune
Coburn	Kyl	Udall (CO)
Cochran	Landrieu	Udall (NM)
Collins	Lautenberg	Vitter
Conrad	Leahy	Voinovich
Corker	Levin	Warner
Cornyn	Lieberman	Webb
Crapo	Lincoln	Wicker
DeMint	Lugar	Wyden
Dodd	Martinez	
Dorgan	McCain	

NAYS—3

McCaskill Sanders Whitehouse

NOT VOTING—2

Kennedy Specter

The amendment (No. 803) was agreed to.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

AMENDMENT NO. 824

Mr. CONRAD. Madam President, I propose we go next to Enzi amendment No. 824. It has been cleared on both sides.

Mr. ENZI. Madam President, built into this budget is an assumption that the 33 percent and 35 percent tax brackets would be allowed to expire. As a result, many individuals and small businesses would see their taxes rise substantially in the very near future.

The Administration has been quick to explain that the tax hike wouldn't



take effect until January 2011 after the economy has rebounded. But no one can be sure when our economy will turn the corner and the administration's economic assumptions have been criticized as being more optimistic than most.

While I do not support raising taxes—especially in this economic climate—I realize I am in the minority in this Chamber. So I am here now to offer my friends across the aisle a chance to improve this budget resolution.

My amendment would block any tax increase until the economy has recovered. A sure sign of recovery would be a reduction in the unemployment rate to 5.8 percent, a level many private sector economists associate with a fully productive economy.

Common sense tells us that employment is a key indicator of our economy's strength and potential for growth. The organization formally tasked with identifying U.S. recessions, the National Bureau of Economic Research—NBER—used job numbers to determine the start date of our current recession and it is only right to use job numbers as a signal that it has ended.

I don't support the tax increases in this budget, but if the majority in this Chamber insists on moving forward with higher taxes, they shouldn't do it while the economy is mired in recession.

I urge my colleagues to support this amendment.

Mr. CONRAD. Madam President, I ask unanimous consent that we adopt the Enzi amendment No. 824.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, it is so ordered.

The amendment (No. 824) was agreed to, as follows:

(Purpose: To protect taxpayers and businesses from the job-killing and growth-stunting impact of tax increases imposed while the domestic economy is in crisis)

At the end of subtitle A of title III, insert the following:

**SEC. \_\_\_\_ . POINT OF ORDER ON LEGISLATION THAT INCREASES TAXES DURING ANY PERIOD WHEN THE UNEMPLOYMENT RATE IS IN EXCESS OF 5.8 PERCENT.**

(a) IN GENERAL.—In the Senate, it shall not be in order, to consider any bill, joint resolution, amendment, motion, or conference report during any period in which the unemployment rate in the United States (as measured by the most recent Bureau of Labor Statistics' Current Population Survey and based on the national seasonally adjusted rate for persons age 16 and over) exceeds 5.8 percent if such bill, joint resolution, amendment, motion, or conference report increases taxes.

(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. CONRAD. Madam President, I especially thank Senator ENZI, who dem-

onstrates once again why everybody regards him as a gentleman here. I appreciate his being gracious.

Madam President, that takes us next to the Conrad AMT amendment, which I will not pursue, and we will go directly to the Grassley amendment on the alternative minimum tax.

AMENDMENT NO. 950

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 950.

The amendment is as follows:

(Purpose: To ensure that millions of middle-income families do not face an alternative minimum tax increase in 2013 and 2014 and that the budget resolution honestly and accurately reflects that result)

On page 3, line 14, decrease the amount by \$8,608,000,000.

On page 3, line 15, decrease the amount by \$105,822,000,000.

On page 4, line 8, increase the amount by \$8,608,000,000.

On page 4, line 9, increase the amount by \$105,822,000,000.

On page 4, line 17, increase the amount by \$179,046,000.

On page 4, line 18, increase the amount by \$2,901,367,000.

On page 5, line 1, increase the amount by \$179,046,000.

On page 5, line 2, increase the amount by \$2,901,367,000.

On page 5, line 10, increase the amount by \$8,787,046,000.

On page 5, line 11, increase the amount by \$108,723,367,000.

On page 5, line 20, increase the amount by \$8,787,046,000.

On page 5, line 21, increase the amount by \$117,510,413,000.

On page 6, line 3, increase the amount by \$8,787,046,000.

On page 6, line 4, increase the amount by \$117,510,413,000.

On page 27, line 11, increase the amount by \$179,046,000.

On page 27, line 12, increase the amount by \$179,046,000.

On page 27, line 15, increase the amount by \$2,901,367,000.

On page 27, line 16, increase the amount by \$2,901,367,000.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, the chairman's resolution patches the AMT for 2010 through 2012. Now, that is good, but it is not good enough. Since we have a 5-year window, we should patch AMT for all 5 years. My amendment is to make sure that AMT is patched 2013 and 2014 so that the entire 5-year period has an AMT patch.

This would provide tax relief to 18 million families at a cost of \$114 billion. This patch is essential to honest budgeting because we all know that the AMT will eventually pass without being patched. This amendment also helps families plan their financial affairs properly, rather than leave them guessing as to what their future tax burden will be.

Also, by giving greater stability to this area of the tax law, tax professionals will administer the law better, leading to better compliance and a smaller tax gap.

I ask support for this amendment to patch AMT for 2013 and 2014, and I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, we already have 3 full years of alternative minimum tax protection in the chairman's mark—3 full years. We have never had that much before in any resolution.

The amendment of the Senator would add \$117 billion to the debt. After we lost \$2 trillion in the CBO forecast, we had to insist that some additional things be paid for. I urge my colleagues to defeat the Grassley amendment and understand we have 3 full years of alternative minimum tax protection in the chairman's mark.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to amendment No. 950.

The clerk will call the roll.

The bill clerk proceeded to call 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 result was announced—yeas 40, nays 58, as follows:

[Rollcall Vote No. 139 Leg.]

YEAS—40

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

NAYS—58

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

NOT VOTING—1

Kennedy

The amendment (No. 950) was rejected.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Madam President, I ask unanimous consent that under the rules we have been operating on for each of the tranches, that we next go

to Inhofe No. 742; followed by Sanders, No. 811; followed by Stabenow, No. 879; followed by Bond, No. 926; followed by Coburn, No. 894; followed by Bennett, No. 954.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. CONRAD. Madam President, that would take us next to the Inhofe amendment. If the Senator would describe his amendment.

## AMENDMENT NO. 742

Mr. INHOFE. Madam President, I ask unanimous consent that the amendment No. 742 be considered.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE] proposes an amendment numbered 742.

The amendment is as follows:

(Purpose: To provide for advance appropriations for medical care for veterans through the Department of Veterans Affairs)

On page 57, strike line 23 and insert the following:

casting; and

(3) for the Department of Veterans Affairs for the Medical Services, Medical Administration, Medical Facilities, and Medical and Prosthetic Research accounts of the Veterans Health Administration.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Madam President, this is one of the rare amendments we have that is not going to cost anything but makes a rearrangement in the flow of funding. One of the problems we are having now is that in 19 out of the last 22 years, Congress has been unsuccessful in passing annual funding for veterans health care. In fact, over the last 7 years, there has been a delay averaging 3 months in the funding flow for the care of veterans.

This can be corrected. What this amendment does, it offers a solution by providing advance appropriations for veterans health care. It does not mean it increases the cost. It means it actually comes in—and this is used in some other areas of Government. In fact, it is interesting that in October of 2008, then-Senator Obama, a candidate, said:

The way our Nation provides funding for VA health care must be reformed. . . . My administration will recommend passage of advance appropriations legislation . . .

For this purpose.

Senator DANNY AKAKA is a cosponsor on this. I ask it be accepted. I do not need a rollcall.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Will the Senator from Oklahoma be agreeable to a voice vote on this amendment?

Mr. INHOFE. Yes.

Mr. CONRAD. I ask unanimous consent that we accept the Inhofe amendment, No. 742.

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

The amendment (No. 742) was agreed to.

## AMENDMENT NO. 811

Mr. CONRAD. Madam President, that takes us then next to the Sanders amendment, No. 811.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Vermont [Mr. SANDERS] proposes an amendment numbered 811.

The amendment is as follows:

(Purpose: To provide for a deficit-neutral reserve fund to establish a national usury law, and for other purposes)

At the appropriate place, insert the following:

## SEC. \_\_\_\_ DEFICIT-NEUTRAL RESERVE FUND TO ESTABLISH A NATIONAL USURY LAW.

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 establish a national usury law, provided that such legislation does 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 Vermont is recognized.

Mr. SANDERS. Madam President, this amendment, No. 811, would simply establish a deficit-neutral reserve fund to establish a national usury law. Establishing a national usury law is not a radical concept. About half the States in our country have usury laws now, capping interest rates on their books. Unfortunately, the State usury laws were made meaningless by a 1978 Supreme Court decision that allowed national banks to charge whatever interest rates they wanted if they move to States without an interest rate cap.

The bottom line is people all over this country are tired of bailing out banks and then paying 25 or 30 percent interest rates on their credit cards. That is wrong. We need a national usury rate, and this amendment would begin the process of establishing one.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, obviously, this is not the appropriate vehicle to legislate a national usury law. Even if a national usury law made sense, which it does not, because this is clearly a States rights issue, I am not sure what we would use here. Would we use the Koran or the Bible for setting this?

Let's be honest, a national usury law is not a good idea. Its time has not come and this amendment should be defeated.

Mr. CONRAD. Madam 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 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 PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 31, nays 67, as follows:

[Rollcall Vote No. 140 Leg.]

## YEAS—31

Begich	Harkin	Reed
Boxer	Kaufman	Reid
Brown	Kerry	Rockefeller
Burr	Kohl	Sanders
Cardin	Lautenberg	Schumer
Casey	Leahy	Shaheen
Dodd	Levin	Udall (NM)
Durbin	McCaskill	Whitehouse
Feingold	Menendez	Wyden
Feinstein	Merkley	
Gillibrand	Mikulski	

## NAYS—67

Akaka	DeMint	McConnell
Alexander	Dorgan	Murkowski
Barrasso	Ensign	Murray
Baucus	Enzi	Nelson (FL)
Bayh	Graham	Nelson (NE)
Bennet	Grassley	Pryor
Bennett	Gregg	Risch
Bingaman	Hagan	Roberts
Bond	Hatch	Sessions
Brownback	Hutchison	Shelby
Bunning	Inhofe	Snowe
Burr	Inouye	Specter
Byrd	Isakson	Stabenow
Cantwell	Johanns	Tester
Carper	Johnson	Thune
Chambliss	Klobuchar	Udall (CO)
Coburn	Kyl	Vitter
Cochran	Landrieu	Voivovich
Collins	Lieberman	Warner
Conrad	Lincoln	Webb
Corker	Lugar	Wicker
Cornyn	Martinez	
Crapo	McCain	

## NOT VOTING—1

Kennedy

The amendment (No. 811) was rejected.

The PRESIDING OFFICER. The Senator from Minnesota.

## CHANGE OF VOTE

Ms. KLOBUCHAR. Mr. President, thank you very much. And I thank the manager of the bill.

I would like to change my vote on rollcall vote No. 140. It was my intention to vote "nay," and I voted "yea." I voted "yea" when I was presiding. I ask unanimous consent that my vote be changed to reflect a "nay" vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

Mr. CONRAD. Madam President, just for the information of colleagues, very soon we are going to need to take a break. Floor staff have not eaten; they have not had a break. So we are going to have to take a break.

Before we do that, I would like to dispose of the remaining amendments in this tranche, and I would ask Senator BOND if we would be willing to take a voice vote on his amendment if Senator STABENOW would take a voice vote on hers?

Mr. BOND. Madam President, I will respond by saying that we on this side would like to have a vote on the point of order on the climate legislation.

Mr. CONRAD. So I take that as—

Mr. BOND. No.

Mr. CONRAD. Well, OK. That means two more votes. I do not know how many times we voted on this already. But if people are insistent on having votes, we will get to stay here.

Mr. DORGAN. Would the chairman of the committee yield? Is it not the case that most of the amendments, perhaps 90 percent of the amendments we have voted on today, would have no real policy implications?

Mr. CONRAD. That is probably a pretty fair estimate. The Budget Committee does not have the authority to tell committees of jurisdiction the specifics of legislative outcomes. These are message amendments, and the truth is, we all do it. We do it on both sides. But I have to say to my colleagues, it has run amok this year. For some reason this year we have hundreds of amendments out there, and people are just stuck. Even when they could get a voice vote and it pass, they still want votes. We have had votes that were nine in opposition. But that is a Senator's right.

Mr. DORGAN. If the Senator would yield further for a question, might it not be advisable, given the fact that most amendments have no policy implications at all, if they are made to the Budget Act, just to accept all amendments en bloc by UC and discard all of those without merit once you get to conference?

Mr. CONRAD. The problem is, that would take unanimous consent. It is very clear we cannot get unanimous consent.

Is Senator COBURN in the Chamber? I ask unanimous consent that we set aside for a moment the Stabenow and Bond amendments for the purpose of going to the Coburn amendment because I am told that Senator COBURN would be willing to take a voice vote; is that correct?

Mr. COBURN. I would take it by unanimous consent.

Mr. CONRAD. Even better. I ask unanimous consent that the Coburn amendment, No. 894, be adopted.

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

The amendment (No. 894) was agreed to, as follows:

(Purpose: To provide a deficit-neutral reserve fund to set performance standards to identify failing Government programs)

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

**SEC. 216. DEFICIT-NEUTRAL RESERVE FUND FOR SETTING PERFORMANCE STANDARDS TO IDENTIFY FAILING GOVERNMENT PROGRAMS.**

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 develop performance measures for each program receiving Federal assistance under their jurisdiction, by the amounts provided in that legislation for that 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 2010 through 2019.

AMENDMENT NO. 879

Mr. CONRAD. I thank our colleague. That takes us back to Stabenow amendment No. 879.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Michigan [Ms. STABENOW], for herself, Mr. BROWN, Mrs. BOXER, and Mrs. SHAHEEN, proposes an amendment numbered 879.

The amendment is as follows: (Purpose: To modify the authorization for climate change legislation)

On page 33, line 20, strike "or help" and insert "create new jobs in a clean technology economy, strengthen the manufacturing competitiveness of the United States, diversify the domestic clean energy supply to increase the energy security of the United States, protect consumers (including policies that address regional differences), provide incentives for cost-savings achieved through energy efficiencies, provide voluntary opportunities for agriculture and forestry communities to contribute to reducing the levels of greenhouse gases in the atmosphere, and help".

The PRESIDING OFFICER. The Senator is recognized for 1 minute.

Ms. STABENOW. We have had a number of votes that indicated what we should not do as it relates to a climate change policy. This is about what we should do. I believe, just as with any piece of legislation, if it is done right, it can be very positive.

I believe it can be about creating jobs and revitalizing the economy. I would like to thank Senators BROWN, BOXER, and SHAHEEN for supporting this amendment which lays out a framework for a balanced climate change policy to create jobs and a clean technology economy, strengthening manufacturing competitiveness, diversifying domestic clean energy supplies, protecting consumers, including policies that address regional differences, provide incentives for cost savings achieved through energy efficiencies, and allowing voluntary opportunities for agriculture and forestry to participate in this process of lowering greenhouse gases.

I ask for support from my colleagues. The PRESIDING OFFICER. Who yields time in opposition?

Mr. GREGG. Would the Senator take a voice vote?

Ms. STABENOW. My question, I guess, through the Chair would be, is Senator BOND also willing to take a voice vote on his amendment?

Mr. BOND. Madam President, my amendment shoots with real bullets. It provides a Budget Act point of order for any climate change legislation that brings in more revenue than that set forth in the budget resolution.

So it does—if that will be accepted by voice vote, it is creating a new Budget Act point of order. We would like a vote. But it does have real teeth.

Mr. CONRAD. I would just say to the Senator, we would be willing to take yours on a voice vote, Senator STABENOW's on a voice vote, then go to the Bennett for a vote. And we could take a break because people have not had a break.

We have voted on this over and over and over. I do not think the record could be more clear.

Mr. BENNETT. Madam President, assuming a voice vote means approval, I am willing to take a voice vote.

Mr. CONRAD. That is in a separate category. We will have a vote on yours.

Mr. GREGG. We will vote on both. Mr. CONRAD. I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 879.

The clerk will call the roll. The assistant 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 result was announced—yeas 73, nays 25, as follows:

[Rollcall Vote No. 141 Leg.]

YEAS—73

Akaka	Gillibrand	Nelson (FL)
Baucus	Graham	Nelson (NE)
Bayh	Grassley	Pryor
Begich	Hagan	Reed
Bennet	Harkin	Reid
Bingaman	Hutchison	Risch
Bond	Inouye	Roberts
Boxer	Johanns	Rockefeller
Brown	Johnson	Sanders
Brownback	Kaufman	Schumer
Burr	Kerry	Shaheen
Burriss	Klobuchar	Snowe
Byrd	Kohl	Specter
Cantwell	Lautenberg	Stabenow
Cardin	Leahy	Tester
Carper	Levin	Thune
Casey	Lieberman	Udall (CO)
Collins	Lincoln	Udall (NM)
Conrad	Lugar	Voinovich
Crapo	Martinez	Warner
Dodd	McCaskill	Webb
Dorgan	Menendez	Whitehouse
Durbin	Merkley	Wyden
Feingold	Mikulski	
Feinstein	Murray	

NAYS—25

Alexander	DeMint	McCain
Barrasso	Ensign	McConnell
Bennett	Enzi	Murkowski
Bunning	Gregg	Sessions
Chambliss	Hatch	Shelby
Coburn	Inhofe	Vitter
Cochran	Isakson	Wicker
Corker	Kyl	
Cornyn	Landriou	

NOT VOTING—1

Kennedy

The amendment (No. 879) was agreed to.

Mr. CONRAD. 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.

The PRESIDING OFFICER. The majority leader is recognized.

RECESS

Mr. REID. Mr. President, I have conferred with the Republican leader. I have conferred with the two managers of the bill.

I ask unanimous consent that the Senate stand in recess until 6 o'clock this evening.