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Senate

The Senate met at 10 a.m. and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by the Reverend Marshal Ausberry, Sr., from Antioch Baptist Church in Fairfax Station, VA.

The guest Chaplain offered the following prayer:

Let us pray.

Dear Lord, we pause at this moment to thank You for the day at hand: a day that You have given us. In this day, may You grant us wisdom and grace to do what is right, what is best, though it may not always be popular or politically expedient, but may it be right and best.

I ask Your blessings over each man and woman who serves in this body. As we serve our communities, our constituents, and our country, may we do it with respect, as we engage in sometimes spirited debate.

Dear Lord, grant us the ability to clearly see the common ground that unites us so we may work together to address the great challenges confronting our Nation.

May we appreciate that You have raised us up for such a time as this and not we ourselves. We pray that You will keep Your hand, Your mighty hand upon this great Nation and protect us from those who would do us harm.

We pray in Your wonderful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 12, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. PRYOR thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ASSISTANT MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The assistant majority leader is recognized.

SCHEDULE

Mr. DURBIN. Mr. President, following leader remarks, the Senate will proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each. The Senate will recess from 11:30 a.m. until 1 p.m. for the ceremony in the Capitol Rotunda honoring the 200th anniversary of the birth of President Abraham Lincoln. All Members are encouraged to attend.

It is the leader's intention to try to bring for consideration today the Economic Recovery and Reinvestment Act Conference Report. They are continuing to work on it as we speak in the hopes of accomplishing that goal.

COMMEMORATING THE LIFE AND LEGACY OF PRESIDENT ABRAHAM LINCOLN ON THE BICENTENNIAL OF HIS BIRTH

Mr. DURBIN. Mr. President, I have a resolution commemorating the life and legacy of President Lincoln, which I wish to offer if it meets with the approval of the Republican leader.

I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 38, submitted earlier today.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 38) commemorating the life and the legacy of President Abraham Lincoln on the bicentennial of his birth.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, with no intervening action or debate, and any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 38) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 38

Whereas President Abraham Lincoln was born on February 12, 1809, to modest means, in a 1-room log cabin in Kentucky;

Whereas Abraham Lincoln spent his childhood in Indiana, and, despite having less than a year of formal schooling, developed an avid love of reading and learning;

Whereas Abraham Lincoln arrived in Illinois at the age of 21;

Whereas, while living in Illinois, Abraham Lincoln met and married his wife, Mary Todd Lincoln, built a successful legal practice, served in the State legislature of Illinois, was elected to Congress, and participated in the famous ''Lincoln-Douglas'' debates;

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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Whereas Abraham Lincoln left Illinois 4 months after being elected President of the United States in 1860;

Whereas Abraham Lincoln was the first member of the Republican party elected President of the United States and helped build the Republican party into a strong national organization;

Whereas, after his election and the secession of the southern States, Abraham Lincoln steered the United States through the most profound moral and political crisis, and the bloodiest war, in the history of the Nation;

Whereas, by helping to preserve the Union and by holding a national election, as scheduled, during a civil war, Abraham Lincoln reaffirmed the commitment of the people of the United States to majority rule and democracy;

Whereas the Emancipation Proclamation signed by Abraham Lincoln declared that slaves within the Confederacy would be forever free and welcomed more than 200,000 African American soldiers and sailors into the armed forces of the Union;

Whereas the Emancipation Proclamation signed by Abraham Lincoln fundamentally transformed the Civil War from a battle for political unity to a moral fight for freedom;

Whereas the faith Abraham Lincoln had in democracy was strong, even after the bloodiest battle of the war at Gettysburg;

Whereas the inspiring words spoken by Abraham Lincoln at Gettysburg still resonate today: ''that these dead shall not have died in vain; that this nation, under God, shall have a new birth of freedom; and that government of the people, by the people, for the people, shall not perish from the earth'';

Whereas Abraham Lincoln was powerfully committed to unity, turning rivals into allies within his own Cabinet and welcoming the defeated Confederacy back into the Union with characteristic generosity, ''with malice toward none; with charity for all'';

Whereas Abraham Lincoln became the first President of the United States to be assassinated, days after giving a speech promoting voting rights for African Americans;

Whereas, through his opposition to slavery, Abraham Lincoln set the United States on a path toward resolving the tension between the ideals of ''liberty and justice for all'' espoused by the Founders of the United States and the ignoble practice of slavery, and redefined what it meant to be a citizen of the United States;

Whereas, in his commitment to unity, Abraham Lincoln did more than simply abolish slavery; he ensured that the promise that ''all men are created equal'' was an inheritance to be shared by all people of the United States;

Whereas the story of Abraham Lincoln and the example of his life, including his inspiring rise from humble origins to the highest office of the land and his decisive leadership through the most harrowing time in the history of the United States, continues to bring hope and inspiration to millions in the United States and around the world, making him one of the greatest Presidents and humanitarians in history; and

Whereas February 12, 2009, marks the bicentennial of the birth of Abraham Lincoln: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the bicentennial of the birth of President Abraham Lincoln;

(2) recognizes and echoes the commitment of Abraham Lincoln to what he called the ''unfinished work'' of unity and harmony in the United States; and

(3) encourages the people of the United States to recommit to fulfilling the vision of Abraham Lincoln of equal rights for all.

Mr. DURBIN. Mr. President, I wish to make a statement relative to this anniversary of Lincoln's birth, but I would be prepared first to yield to the Republican leader if he wishes to make a statement.

Mr. MCCONNELL. I thank my friend from Illinois. I do have a couple of brief observations.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

STIMULUS PACKAGE

Mr. MCCONNELL. Mr. President, we have not seen all the details of the deal between House and Senate Democrats, but some of the early reports suggest this bill has only gotten worse. The President has asked for 40 percent in tax cuts; this bill falls short of that. But Congressional Democrats did make sure it contains billions in questionable, nonstimulative projects and the most highly touted tax cut in the original proposal now translates to $7.70 a week for middle-class workers.

This bill was meant to be a stimulus that was timely, targeted, and temporary. Unfortunately, it appears to be none of the above. Democrats in Congress have said this plan will help ensure long-term economic growth. Yet the CBO suggests that over the long term, this bill will result in an economy that either declines or remains flat. The only thing we know for sure about this bill is it will lead to more debt for our children—and that is just the beginning. This week, Congressional Democrats are handing the taxpayers a bill for $1.2 trillion. Soon they will spend $400 billion to finish spending from last year. We are being told to get ready for untold hundreds of billions for the financial industry.

Since taking over Congress and the White House, Democrats have been making up for lost time with a Government spending spree on the taxpayers' credit card. Even without this massive spending bill, the deficit continues to grow. Yesterday, Treasury reported that the first 4 months of the fiscal year, the deficit rose to $569 billion. That is nearly $500 billion more than the same period last year.

Let me repeat that. According to Treasury, we ran a deficit in the first quarter of this fiscal year that is nearly $500 billion more than the same period last year. You do not have to be Suze Orman to know this is not sustainable.

I know everyone involved believes their efforts will help strengthen the economy and create jobs. No one should doubt that everyone is trying to do the right thing. My concern is not with the motivation behind these efforts but the wisdom of these efforts. Everyone wants to help Americans get back on their feet, but we need to do it smartly. In my view and in the view of my Republican colleagues, this is not a smart approach. The taxpayers of today and tomorrow will be left to clean up the mess.

LINCOLN BICENTENNIAL

Mr. MCCONNELL. Mr. President, later today Members of Congress will join President Obama and the Lincoln Bicentennial Commission to honor the bicentennial of President Lincoln's birth. My good friend Senator BUNNING has my gratitude for his work on the Commission.

The people of my State are rightly proud of the fact that Abraham Lincoln was born 3 miles south of Hodgenville, KY. And there are events across our State and others honoring this great man. And the ceremony later today will be an opportunity for us all to remember his life and service.

NAACP CENTENNIAL

Mr. MCCONNELL. Mr. President, I rise today to congratulate the NAACP on this, its 100th anniversary.

One hundred years ago, 60 men and women answered a call to promote social equality in this country. This effort brought together a diverse group of prominent Americans, including Kentucky native William English Walling, who signed a manifesto forming the NAACP. They chose February 12 as their founding date to honor the birth of Abraham Lincoln.

Since then, the NAACP has recognized the contributions of Americans who have made strides in eliminating prejudice.

This year, the NAACP will honor Kentucky native Muhammad Ali for a lifetime of contributions. When I was growing up in Louisville, I went to DuPont Manual High School. A young man who was then named Cassius Clay was in the same grade at Central High School. He was the most well known teenager in town by far. We all knew him as the local Golden Gloves champ.

His spirit of hard work and efforts to improve his community are being rightly honored by the NAACP this year, and Kentucky is proud that one of its own is being honored this week.

So to all at the NAACP, congratulations on this centennial. It is an opportunity to reflect on the efforts and accomplishments of those who worked so hard over the past century to advance your founding goals.

I yield the floor.

The ACTING PRESIDENT pro tempore. The assistant majority leader is recognized.

STIMULUS PACKAGE

Mr. DURBIN. Mr. President, before I make some remarks about the bicentennial of Abraham Lincoln's birth, I wish to respond to the Republican leader's comments about the ongoing negotiations that have been inspired by

President Obama's request that we pass a stimulus package, a spending bill and tax cut package that will reinvigorate this economy and try to stop the loss of jobs in America.

It is troubling to hear the frequent criticism from the Republican side that this is going to add to our deficit. No one doubts that. We are talking about the need to spend money immediately to stop the downward spiral of our economy. It will surely add to the deficit. But doing nothing, taking the approach that has been espoused by many on the other side of the aisle, will lead to even greater deficits and more suffering.

What we are trying to do is to step in with this tourniquet and try to stop the bleeding in this economy so we can turn it around for the families and businesses that are suffering today.

It troubles me, as I hear the Republican leader come and tell us of their concerns about deficits. I think, frankly, the air in the Senate Chamber leads to political amnesia, because many of the critics of our current efforts have forgotten that when President Bush came to office 8 years ago, he inherited a surplus from the Clinton administration—a surplus. We were giving longevity to the Social Security Program because we had a surplus in the Treasury. What happened to that surplus? I will tell you what happened. President Bush, George W. Bush, inherited the debt of the United States, the accumulated debt of every President from George Washington to George W. Bush, which was $5 trillion.

At the end of his 8 years we had more than doubled the national debt of America. His decisions to double that debt by a war he did not pay for and tax cuts for wealthy people at a time when we should not have had tax cuts were endorsed by that side of the aisle. They stood in approval of President Bush's policies that doubled the national debt from $5 trillion to $10 trillion.

President Obama, 3 weeks ago, inherited the worst economic crisis since Franklin Roosevelt came to office in 1933 with the Great Depression. He is doing everything in his power to turn this around and he knows we need to spend money into this economy to create and save 3 to 4 million jobs. The criticism from the other side of the aisle is it is going to add to the national debt. Where have these tears been for the last 8 years when their President doubled the national debt?

I am also troubled by the fact that when this package came before the Congress, many Republican Senators who refused to vote for it added costs to the package. A Senator from Iowa in the Finance Committee added an amendment that cost $70 billion to the package and then said he couldn't vote for the package because it costs too much. A Senator from Georgia added anywhere from $11 to $30 billion, depending on the best estimate, to the cost of the package and then said he couldn't vote for the package because it costs too much.

I have to tell you, I do not believe that the message from the other side of the aisle is consistent.

Three Republican Senators have had the courage to step up and say we will work with you, we will come together and try to solve this problem. I salute them—Senators SNOWE and COLLINS of Maine and Senator SPECTER of Pennsylvania. But, they said, if you are going to do that we want to reduce the cost of the package.

I did not happen to agree with that approach, but I am prepared to compromise. I am prepared to work with them. It took $100 billion out of this package, this recovery and reinvestment package. Frankly, I do not, as I said, agree with that—at a time we had to basically come together if we were going to have any agreement.

Now the Senate Republican leader comes to the floor and criticizes the cuts in the package. Why did the amount of tax cuts for families go from $500 to $400? It was because the Republican Senators said we want to bring down the cost and that was one of the ways we did it. I can't follow the logic, if there is any, on the other side of the aisle—criticizing adding to the deficit after they doubled it over the last 8 years, then criticizing cuts in the package, reducing its spending when in fact they say it costs too much, and offering amendments on that side of the aisle to add cost to the package and then arguing that it is too expensive. It is completely inconsistent. Their arguments are completely inconsistent and I think the American people know it.

They want Congress to come together and find solutions. They want partnership, not partisanship. They want us to stop squabbling and start working together. That is what we are trying to do, even today. It is hard. It is difficult. We are trying to find the votes to make this happen. It is essential that we do.

READING THE GETTYSBURG ADDRESS ON THE BICENTENNIAL OF ABRAHAM LINCOLN'S BIRTH

Mr. DURBIN. Mr. President, today marks the bicentennial of the birth of America's greatest President, Abraham Lincoln. This morning, as part of the nationwide celebration of this historic anniversary, the Abraham Lincoln Presidential Library and Museum in my hometown of Springfield, IL, is sponsoring a simultaneous reading of the Gettysburg Address by schoolchildren from coast to coast. I remember as a schoolchild memorizing the Gettysburg Address. I am happy to see that a new generation of American children is studying what many consider to be the greatest speech in our Nation's history.

But we can all learn from Lincoln. We are never too old. So this morning we in the Senate will also listen to the speech that many consider the greatest summation in our Nation's history of the meaning and price of freedom.

After that, some of us will take the floor and share our thoughts on President Lincoln's immortal words and his powerful and enduring legacy.

These are the words President Abraham Lincoln spoke on the blood-drenched battlefield in Gettysburg, PA, on November 19, 1863:

> Four score and seven years ago our fathers brought forth, on this continent, a new nation, conceived in Liberty, and dedicated to the proposition that all men are created equal.
>
> Now we are engaged in a great civil war, testing whether that nation, or any nation so conceived and so dedicated, can long endure. We are met on a great battle-field of that war. We have come to dedicate a portion of that field, as a final resting place for those who here gave their lives that that nation might live. It is altogether fitting and proper that we should do this.
>
> But, in a larger sense, we cannot dedicate—we cannot consecrate—we cannot hallow—this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note, nor long remember what we say here, but it can never forget what they did here. It is for us the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion—that we here highly resolve that these dead shall not have died in vain—that this nation, under God, shall have a new birth of freedom—and that government of the people, by the people, for the people, shall not perish from the earth.

The Battle of Gettysburg in Pennsylvania was the largest battle ever fought on American soil. In the third summer of the Civil War, the Army of the Potomac met the Army of Northern Virginia at a crossroads near the small market town of Gettysburg, PA. For 3 brutal days, from July 1 to July 3, more than 160,000 American solders clashed in what would prove to be a decisive Union victory and a turning point in the war.

When the cannons and guns fell silent on July 4, our Nation's birthday, more than 51,000 Confederate and Union soldiers were wounded, missing, or dead. And 4½ months later, when President Lincoln traveled to Gettysburg to help dedicate America's first national cemetery, the battlefield was still covered with scars and signs of the carnage.

One soldier recalled, '' . . . all about were traces of the fierce conflict. Rifle pits, cut and scarred trees, broken fences, pieces of artillery wagons and harness, scraps of blue and gray clothing, bent canteens . . . ''

President Lincoln was not supposed to be the main speaker at this dedication. In fact, there was a 2-hour speech given by Edward Everett, who was considered one of the great orators of his day. Abraham Lincoln's remarks took 2 minutes. They were so brief that when he finished, many in the crowd of

30,000 were not even sure he had spoken. Yet his words continue to inspire the world and the Nation today. In 272 words is what it took for President Lincoln to explain to a war-weary nation why it must continue to fight. He called on the Nation to look up from the devastation and division of the war to a higher purpose. He redefined the meaning and the value of the continuing struggle: ''that these dead shall not have died in vain; that this nation shall have a new birth of freedom.''

He said that the ceremony at Gettysburg was more than the consecration of a cemetery; it represented an opportunity and an obligation for us, the living, to finish the work of those who had fallen there, to ensure that ''this government of the people, by the people, and for the people shall not perish from the earth.''

It may have been the greatest speech in American history. Yet, after President Lincoln delivered it, there was only polite applause. On his trip back to Washington, Lincoln expressed disappointment. He said of his address, ''It was a flat failure. I am distressed about it. I ought to have prepared it with more care.''

The Chicago Times was even less charitable. They editorialized and said:

> The cheek of every American must tingle with shame as he reads the silly, flat and dishwatery utterances of the president.

Edward Everett, the famed orator and former Governor of Massachusetts who had been the main speaker at Gettysburg, was one of the first to recognize the greatness of Lincoln's words. Within days, he wrote to the President, ''I should be glad if I could flatter myself that I came as near to the central idea of the occasion, in two hours, as you did in two minutes.''

In June 1865, in his eulogy to the fallen President, the fiery abolitionist Senator Charles Sumner called the Gettysburg Address ''a monumental act.'' He said President Lincoln had been mistaken when he predicted that ''the world will little note, nor long remember what we say here.'' The truth, Senator Sumner said, is that ''[t]he world noted at once what he said, and will never cease to remember it. The battle itself was less important than the speech.''

President Lincoln did not live to see his legacy: a United States of America that has endured, a nation so far removed from the hated institution of legalized human slavery that today President Lincoln's old office in the White House is occupied by our first African-American President.

As we commemorate today the 200th birthday of the man whose leadership saved our Union, saved our Nation and created a new birth of freedom, let us pledge that we too will dedicate ourselves to preserving his legacy and continuing the still-unfinished work for America.

I yield the floor.

COMMENDING THE GUEST CHAPLAIN

Mr. WEBB. Mr. President, I rise today to speak about today's guest Chaplain, Reverend Marshal Ausberry of Antioch Baptist Church, located in Fairfax Station, VA. I am pleased to welcome Dr. Ausberry to the U.S. Senate today.

Dr. Ausberry holds a master of divinity degree from the Samuel DeWitt Proctor School of Theology at Virginia Union University and a doctorate of ministry degree in preaching at Gordon-Conwell Theological Seminary. He and his wife Robyn have been married for nearly 30 years, and have three children: Marshal Jr., Rian, and Mycah.

Antioch Baptist Church was founded in January 1989, and in its 20th year continues to bring its mission and ministry to the greater DC metro area. Since 1995, Dr. Ausberry has led this vibrant and robust congregation, expanding not only their membership, but their outreach and community involvement as well.

Through the dozens of missions and ministries at Antioch, Dr. Ausberry has made a profound impact on the lives of many members of not only my constituency but those throughout the DC metro area. I am certain that he will continue to guide his congregation for many years to come, and I look forward to seeing the direction of Antioch Baptist Church under his leadership.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

Mr. LEAHY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Vermont.

ECONOMIC STIMULUS

Mr. LEAHY. Mr. President, I wish to state my strong support of the economic recovery plan because the American people and their communities need it to create jobs, to stabilize the economy, and to protect those who have been most hurt by the current global economic and financial crises.

Many Americans, especially my fellow Vermonters who have watched this process, look at the resistance the economic recovery plan has met from many on the other side of the aisle, and they are somewhat dispirited. They remember how readily Congress rubberstamped hundreds of billions of dollars the previous administration earmarked for Iraq. Now they see how difficult it has been to get bipartisan approval for investments here at home that are desperately needed to jump start an economy that is in the midst of the worst economic crisis since the Great Depression.

I call on fellow Senators—who were willing and eager to vote for billions of dollars to rebuild the infrastructure of Iraq, who were willing to vote for billions of dollars to create jobs in Iraq, who were willing to vote for billions of dollars to help law enforcement in Iraq—to focus on the needs we have here at home. Let's spend some of that money in America to repair our infrastructure, to create jobs in America, and to help law enforcement in America.

No one disputes the clear fact that we are confronting the most severe economic problem we have had in generations. The U.S. economy has been in recession since December 2007. America's GDP declined 3.8 percent in the fourth quarter of 2008, the steepest drop since 1982. The United States lost 2.6 million jobs last year, the most since 1945. Last week we learned the U.S. economy shed almost 600,000 jobs in January, putting the unemployment rate at 7.6 percent.

In Vermont, not only has the amount of credit available to small businesses shrunk significantly, but our unemployment rate jumped to 6.4 percent in December. That is the highest it has been in 15 years. Vermont is not alone in this struggle. Workers, businesses, State and local governments all across the country face mounting debt, slumping orders, and sagging budgets.

To respond to this extraordinary crisis, I agree with President Obama and the vast majority of Americans that we have to act quickly and responsibly to pass an economic recovery and job creation plan as bold as the challenges we face. Americans want jobs. They want to work. They want to support their families. We have to help create those jobs. If we act now to strengthen our economy and invest in America's future, we can create good-paying jobs, we can cut taxes for working families, and we can make responsible investments in our future.

Our first priority should be to put America back to work. This economic recovery plan will help create or save over three million jobs, including an entire generation of green jobs that will make public and private investments in renewable energy and make America more energy efficient.

Investing in our country's infrastructure and education will do more than create jobs today—it can put us on a long-term path toward prosperity. Rebuilding our roads and bridges, expanding broadband access to rural communities; making our energy grid smart

and more efficient; creating state-of-the-art classrooms and labs and libraries; and investing in job training that Americans will need to succeed in the 21st century global economy will give us tangible assets we can use for years to come to foster additional economic growth.

As chairman of the Senate Judiciary Committee, I would like to highlight that the funding for State and local law enforcement in this recovery package will not only help to address vital crime prevention needs, but it will have an immediate and positive impact on the economy, as police chiefs and experts from across the country told the Judiciary Committee in its first hearing this year. Hiring new police officers will stimulate the economy and lead to safer communities and neighborhoods.

Nobody thinks this bill is perfect. We could write 100 different perfect bills based on our own analysis. But America is hurting, and Americans urgently need our help. I believe this economic recovery package will make a timely and constructive difference across the country by creating and saving jobs, making needed infrastructure investments, reducing the tax burden on struggling families, and relieving the strain on State budget deficits.

Vermonters are watching and waiting. Working families across the country are watching and waiting. Time is running out. I will vote aye.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

TRIBUTE TO MILLARD FULLER

Ms. LANDRIEU. Mr. President, I come to the floor today to pay tribute to a great American who we lost earlier this month.

Millard Fuller, the founder and former president of Habitat for Humanity, was a personal friend to me and many Members of Congress. Many of us worked closely with Millard Fuller, particularly in the last 15 years of his extraordinary leadership.

I wish to take a minute today to pay tribute to Millard and his family—his wife Linda, his son Christopher, his daughters Kim, Faith and Georgia and his nine grandchildren. He has left behind these loved ones who will carry on his important work. Linda was a cofounder of Habitat for Humanity, and a driving force in the creation of this organization that has touched the lives of literally millions of people around the world.

When I think of where Millard Fuller died unexpectedly earlier this month, near the small town of Americus, GA, I cannot help but be reminded of the Universal Declaration of Human Rights, one of the most inspiring documents ever written. This declaration reminds us that when we speak about human rights, we must remember that the recognition of these rights begins in small places close to home, places so small that they can't necessarily be seen on maps. It is in these small places that people long for dignity and respect.

Sometimes in the Senate, we get carried away with grand visions of universal rights and broad, sweeping policies to protect these rights. But when you get right down to it, our visions are carried out in our own neighborhoods, in our own courthouses and in very small places like Americus, GA.

By the age of 29, Millard Fuller had made his first million dollars. He was a man with a great mind and extraordinary leadership abilities, who could have made a great fortune for his wife, his children and himself. But instead, with his wife's urging, Millard Fuller and Linda decided to take the multiple talents God had given them and refocus their lives on Christian service. They set their hearts on making a difference in the world, and the result was an organization that is one of the greatest nonprofits I have come to know.

In 1968, Millard Fuller and Linda began a Christian ministry on a farm in southwest Georgia where they built decent housing for low-income families using volunteer labor and donations. This concept was expanded into what is now Habitat for Humanity International and the Fuller Center for Housing. By 1981, Habitat had affiliates in 14 States, and was carrying out its mission to build homes with volunteer labor, ensuring that these homes were affordable to the poor and those of modest means.

Many Senators have commented privately and publicly about his extraordinary organization, and President Carter once remarked that Millard Fuller was one of the greatest talents he had ever known—serious words coming from a President. President Carter was a personal friend of Millard Fuller, and in 1984, he became a Habitat volunteer, giving his name and resources to Millard Fuller's organization. President and Mrs. Carter became the faces of Habitat for Humanity, and would attract thousands of people to volunteer during the Jimmy Carter Work Project, an annual week-long effort to build Habitat homes all over the world. By 1992, Habitat had a presence in 92 nations.

I was very fortunate to have met Millard Fuller. He was an inspiration to me and, as I have said, to many Senators. Many of us come into our young adulthood and say we want to make a difference in the world, and we all try in our various ways. Many of us never quite accomplish that. But Millard Fuller did. He had an impact on the world, and the world will remember his life and his vision. The world will remember that in this great land of wealth and opportunity, Millard Fuller thought it was shameful that people were living without decency and respect.

He said it is not what Jesus would want. It is not what the Bible teaches. It is not what those of the Christian faith believe. He built Habitat on a simple principle that the poor are not lazy, but very industrious—that if the poor were given a chance, they could accomplish a great deal.

In order to occupy a Habitat house, the family who is going to live there gets to build the home with their neighbors, with the kind of old-fashioned, rock-ribbed community values of pitching in, building a home, and building upon that solid foundation.

Not only was it Millard Fuller's vision to give families a decent place to live, he wanted to give them something to own. Owning a home paves the way for being able to finance against the equity in that home to build a business, to send children to college, and to establish a future.

I want people to know that paying tribute to Millard Fuller is about more than just building homes. Millard Fuller's life was about building hope, building a future and literally changing the course of life—creating an upward trajectory for people around the world.

I don't believe that Millard Fuller knew what an impact he had. I only hope we will remember him often. And when we do, as leaders in the Senate and the House, as Governors, and in the White House, we will recommit ourselves to realizing the simple principles that Millard Fuller lived every day.

After Hurricanes Katrina and Rita and the devastation that hit the gulf coast, Habitat was one of the first organizations on the ground. Millard and his wife Linda came to Louisiana and helped us to start building on higher ground. They built not just in the New Orleans area and along the gulf coast of Mississippi, but also in Shreveport, LA, where they joined with a group of local leaders to start new organizations that built homes for people in northwest Louisiana.

I would like to read one personal testimony from Cherie Ashley, who is the executive director of Habitat for Humanity in Northwest Louisiana. She and her family were beneficiaries of this work. Cherie was originally from New Orleans, but the flood waters of Katrina forced her out. She fled to Shreveport with her family. She said:

> I was blessed with one of the first of the three homes that was built in Allendale, in Northwest Louisiana. Mr. Fuller was passionate about the work he did and he was passionate about eliminating poverty across this nation. The Fuller Center for Housing and Habitat for Humanity of Northwest Louisiana have provided me and my children the opportunity to regain stability and normalcy after such a life altering event—Hurricane Katrina. I am not just the Executive Director for Habitat for Humanity of Northwest Louisiana, most importantly, I am a proud Habitat homeowner, and that's what God—through Millard Fuller—did for me.

He most certainly was a man who lived up to God's calling. I believe we would do ourselves well to remember him often, to thank Linda and his family for the tremendous sacrifice they made, and to honor him by continuing his work.

I ask unanimous consent that his obituaries from the New York Times and the Atlanta Journal-Constitution be printed in the RECORD.

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

[From the Atlanta Journal-Constitution, Feb. 11, 2009]

HABITAT FOUNDER'S GONE, BUT WORK CAN'T BE FORGOTTEN

(By Lynda Spofford)

During a time of renewed optimism yet extreme economic distress, our country is searching for heroes. I can't help but feel we took a big step backward with the death of Millard Fuller last week.

Like the country he loved, Millard Fuller was a man of great contrasts. Someone once described him as part honey, part jet fuel, and surely that was true.

Fuller was a highly educated son of the Deep South who made his first million by the time he was 29. A practicing lawyer, Fuller was troubled by racial and economic injustice and worked to redress it, first by defending black citizens in Sumter County, and later at Koinonia Farms—an interracial community founded by Clarence Jordan for black people and white people to live and work together in a spirit of partnership. There, Habitat for Humanity was formed.

As the founder of Habitat, Fuller transformed the concept of philanthropy, mobilizing armies of volunteers to shelter a million people in need. For his vision, inspiration and labor, he was awarded the Presidential Medal of Freedom.

When his 30-year career as founder and president of Habitat for Humanity ended, Fuller started a similar organization in his own name.

In the four years it operated, the Fuller Center brought thousands of families and communities together to build decent, affordable homes in places as close as the hurricane-ravaged U.S. Gulf coast to as far away as Romania, Nigeria and Sri Lanka. Bringing inspiration to the inner city, Fuller also set about renovating low-income homes in poor condition, asking that the beneficiaries mail modest contributions on a regular basis to keep the ''repair cycle'' going.

The Fuller Center model rested on the small community efforts often deemed unworthy of the administrative hassle by other, larger organizations. Yet it was precisely these grass-roots programs that had the greatest appeal to Fuller.

In defiance of those who felt he was too slow to shed his unapologetic Christian bent, Fuller called his new organization a ''housing ministry.'' Ironically, as he held tight to the Christian origins that were part of the founding of the group, his organization embraced people of all backgrounds around the world to achieve his goals—Muslims, Hindus, Christians and Jews—a multi-faith appeal that is increasingly popular today. Fuller knew what many evangelists often forget: that decent shelter should be a matter of conscience and action no matter who you worship or what books you read.

For those who followed him, he was part deity, part rock star. The people who gathered in churches and town meeting halls to hear him speak understood his almost otherworld appeal. I knew him more as a kindly grandfather and green-shade fiduciary who took time to write personal responses to every letter and e-mail he received. A woman from North Dakota always asked Fuller to send a stamp along with his reply so that she could write back. (He did.) Another entrusted his stewardship to everything she owned of value—a pencil, some loose change and her wedding ring—all crammed into a padded envelope.

In the years he worked, he took a modest salary for himself. In 2008, his annual salary was $21,000 a year (often donating a portion back)—and he insisted on driving a 1992 Ford Taurus with a torn roof liner. Yet he quietly paid for college tuition for many bright young people who couldn't afford it, including children he met when their families received a new Habitat house. He did this quietly and without fanfare.

As I read the news, I can't help but note the irony of the hype and attention we bestow upon our celebrities and athletic champions, society's heroes. I watch the television at night to find that even reputable news organizations are wasting time on Jessica Simpson's high-waisted jeans and other trivial Hollywood gossip. I wonder how many other Millard Fullers are working in the trenches we ignore while glorifying others with far less notable accomplishments.

Last week, our country lost a true hero. There was no halftime show, no parade, no costumed dancers. He was buried in a plain wooden shipping crate and laid to rest in a pecan orchard without a headstone.

I hope the world remembers.

[From the New York Times, Feb. 4, 2009]

MILLARD FULLER, 74, WHO FOUNDED HABITAT FOR HUMANITY, IS DEAD

(By Douglas Martin)

Millard Fuller, who at 29 walked away from his life as a successful businessman to devote himself to the poor, eventually starting Habitat for Humanity International, which spread what he called ''the theology of the hammer'' by building more than 300,000 homes worldwide, died Tuesday near Americus, Ga. He was 74.

His brother, Doyle, said Mr. Fuller became ill with a severe headache and chest pains and was taken to a hospital in Americus, his hometown. He died in an ambulance on the way to a larger hospital in Albany, Ga. Doyle Fuller said the cause had not been determined, but may have been an aneurysm.

Propelled by his strong Christian principles, Millard Fuller used Habitat to develop a system of using donated money and material, and voluntary labor, to build homes for low-income families. The homes are sold without profit and buyers pay no interest. Buyers are required to help build their houses, contributing what Mr. Fuller called sweat equity.

More than a million people live in the homes, which are in more than 100 countries. There are 180 in New York City, including some that former President Jimmy Carter, a longtime Habitat supporter and volunteer, personally helped construct. Mr. Carter said of him on Tuesday that ''he was an inspiration to me, other members of our family, and an untold number of volunteers who worked side by side under his leadership.''

Former President Bill Clinton has also volunteered on Habitat projects. When he presented Mr. Fuller the Presidential Medal of Freedom in 1996, he said, ''I don't think it's an exaggeration to say that Millard Fuller has literally revolutionized the concept of philanthropy.''

Mr. Fuller said his inspiration came from the Bible, starting with the injunction in Exodus 22:25 against charging interest to the poor. He spoke of the ''economics of Jesus'' and insisted that providing shelter to all was ''a matter of conscience.'' Christianity Today in 1999 called him ''God's contractor.''

His skills included fund-raising finesse, an exuberant speaking style and a talent for making use of the news media. In 1986, The Chicago Tribune quoted him asking a publicity man about a woman in front of her ramshackle apartment, ''Don't you think that'd make some great pictures to show her in that rat-infested place?''

The article later said Mr. Fuller did not expect to house the world. ''Instead,'' it said, ''he sees Habitat as a hammer that can drive the image of a woman in a rat-infested apartment as deep into the mind of America as the image of an African child with a distended stomach.''

Mr. Fuller liked to tell and re-tell the stories of his earliest houses. One man had moved from a leaky shack into a new house.

''When it rains, I love to sit by the window and see it raining outside,'' one new homeowner said, ''and it ain't raining on me!''

Another new resident saw his new home as a literal resurrection. ''Being in this house is like we were dead and buried, and got dug up!'' she said.

In 2005, a woman employed by Habitat accused Mr. Fuller of verbally and physically harassing her, a widely publicized charge that an investigation by the organization did not prove. But he and a new generation of Habitat board members were disagreeing on organizational and other issues, and he and his wife agreed to resign.

Mr. Fuller started a new organization called the Fuller Center for Housing. It is active in 24 states and 14 foreign countries.

Millard Dean Fuller was born on Jan. 3, 1935, in Lanett, Ala., then a small cotton-mill town. His mother died when he was 3, and his father remarried. Millard's business career began at 6 when his father gave him a pig. He fattened it up and sold it for $11. Soon he was buying and selling more pigs, then rabbits and chickens as well. He dabbled in selling worms and minnows to fishermen.

When he was 10, his father acquired 400 acres of farmland, and Mr. Fuller sold his small animals to raise cattle. He remembered helping his father repair a tiny, ramshackle shack that an elderly couple had inhabited on the property. He was thrilled to see their joy when the work was complete.

Mr. Fuller went to Auburn University, running unsuccessfully for student body president, and in 1956 was a delegate to the Democratic National Convention in Chicago. He graduated from Auburn with a degree in economics in 1957 and entered the University of Alabama School of Law.

He and Morris S. Dees Jr., another law student, decided to go into business together while in the law school. They set a goal: get rich.

They built a successful direct-mail operation, published student directories and set up a service to send cakes to students on their birthdays. They also bought dilapidated real estate and refurbished it themselves. They graduated and went into law practice together after Mr. Fuller briefly served in the Army as a lieutenant.

As law partners, they continued to make money. Selling 65,000 locally produced tractor cushions to the Future Farmers of America made $75,000. Producing cookbooks for the Future Homemakers of America did even better, and they became one of the nation's largest cookbook publishers. By 1964, they were millionaires. Mr. Dees went on to help found the Southern Poverty Law Center.

Mr. Fuller's life changed completely after his wife, the former Linda Caldwell, whom he had married in 1959, threatened to leave him. She was frustrated that her busy husband was almost never around, and she had had an affair, their friend Bettie B. Youngs wrote in ''The House That Love Built'' (2007), a joint biography. For the rest of his career, he talked openly about repairing the marriage.

There was much soul-searching. Finally, the two agreed to start their life anew on Christian principles. Eschewing material

things was the first step. Gone were the speedboat, the lakeside cabin, the fancy cars.

The Fullers went to Koinonia Farm, a Christian community in Georgia, where they planned their future with Clarence Jordan, a Bible scholar and leader there. In 1968, they began building houses for poor people nearby, then went to Zaire in 1973 to start a project that ultimately built 114 houses.

In 1976, a group met in a converted chicken barn at Koinonia Farm and started Habitat for Humanity International. Participants agreed the organization would work through local chapters. They decided to accept government money only for infrastructure improvements like streets and sidewalks.

Handwritten notes from the meeting stated the group's grand ambition: to build housing for a million low-income people. That goal was reached in August 2005, when home number 200,000 was built. Each home houses an average of five people.

The farm announced plans for a simple public burial service for Mr. Fuller on Wednesday.

Besides his brother, Doyle, of Montgomery, Ala., and his wife, Mr. Fuller is survived by their son, Christopher, of Macon, Ga.; their daughters, Kim Isakson of Argyle, Tex., Faith Umstattd of Americus, and Georgia Luedi of Jacksonville, Fla.; and nine grandchildren.

After Hurricanes Katrina and Rita, the Fuller Center built a house in Shreveport, La., for a mother and her daughters, one named Genesis, the other Serenity. Mr. Fuller loved the religious connotations he saw in their names.

''What will little Genesis become?'' he asked at the time. ''What will little Serenity become? We don't know, but we know one thing: if we give them a good place to live, they've got a better chance.''

Ms. LANDRIEU. Mr. President, I yield the floor.

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

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

The Senator from Arizona is recognized.

TRIBUTE TO AMBASSADOR RYAN CROCKER

Mr. McCAIN. Mr. President, I rise to pay tribute to an American patriot, a man of the finest caliber, and a diplomat whose skills and determination have helped alter history's course for the better.

In a few days, Ambassador Ryan Crocker will depart his post as the chief American diplomat in Iraq. His departure will mark the close of a storied career, one of nearly 40 years of distinguished service to our country. In dedicating his career to furthering America's interests and ideals in the far reaches of the globe, and in coupling his dedication with a tremendously adventurous spirit, Ryan Crocker has become known informally as our own ''Lawrence of Arabia.''

As a young man in Walla Walla, WA, Ryan Crocker decided to depart not for the beaches of southern California but, rather, abroad, hitchhiking from western Europe to Southeast Asia. By the time he graduated from Whitman College in 1971, Ambassador Crocker had already visited more of the world than most Americans will throughout their lifetimes. His extensive travel and interest in global politics and culture led him to join the Foreign Service in 1971.

Ambassador Crocker quickly developed a reputation for incredible dedication in the face of challenges. From his early days at the State Department, he was assigned to some of the most difficult posts in the Foreign Service. He worked in Iran, Qatar, Egypt, and in Saddam Hussein's Iraq. He was in the Embassy in Beirut in 1983, when a Hezbollah suicide bomber killed 63 people. Thrown against the wall by the blast, Ambassador Crocker immediately began helping others escape the rubble.

He went on to serve as Ambassador to Lebanon, Kuwait, Syria, Pakistan, and Iraq. During his time in Damascus, demonstrators assaulted his residence and, in 2002, he reopened the U.S. Embassy in Kabul, which had been untouched by Americans since 1989. A newspaper account illustrates the spirit that animates this selfless patriot:

He arrived to find a cobweb-strewn wreck full of 1989 newspapers, broken Wang computers and maps of the old Soviet Union. U.S. Marines outnumbered diplomats by 3 to 1, and all 100 Americans slept on cots and shared two working toilets. Yet Crocker was upbeat. ''The men and women of this mission are extremely proud to be a forward element,'' Crocker told [Secretary of State] Powell at the time.

Throughout all these assignments, Ryan Crocker has approached his work with resolve, tenacity, and a unique ability to see the broader strategic issues in play. Had he never gone to lead the U.S. Embassy in Iraq, the American people would owe him deep gratitude. Had he not accepted the challenge in Baghdad, he would have nevertheless won the sincere appreciation and admiration of all Senators. Yet it was in his decision to become America's Ambassador to Iraq that Ryan Crocker has left his true mark on history, and we are all the better off for it.

He was sworn in not here in Washington, as is customary, but in Baghdad, and in March 2007, as the surge of troops to Iraq was commencing, GEN David Petraeus had taken over as commander, and our Nation was making its greatest, and possibly final, push to avoid disaster in Iraq. Let us remember that in 2007, as public support for the war plummeted, we in Congress were engaged in a great debate about the way forward in Iraq. Sectarian violence was spiraling out of control, life had become a struggle for survival, and a full-scale civil war seemed almost unavoidable. Al-Qaida in Iraq was on the offensive and entire Iraqi provinces were under the control of extremists. Noting that ''here in Iraq, America faces its most critical foreign policy challenge,'' Ambassador Crocker did not sugarcoat the situation or present an overly rosy scenario. He never does. He stressed just how hard the path ahead would be but stressed also that it was not impossible. As he would later testify before the Armed Services Committee, ''hard does not mean hopeless.''

It was this combination—cold-eyed appraisal of the reality of Iraq combined with hope that things could change for the better—that was so refreshing every time I visited Baghdad. In a true partnership with General Petraeus, Ambassador Crocker executed a civil military counterinsurgency plan for Iraq that turned the tide of violence in a timeframe and to a degree that surprised even the optimists. He ensured unprecedented cooperation between the military, the Embassy, and our allies. His decades of experience in the Middle East proved invaluable as he navigated an increasingly complex and contentious regional dynamic. His efforts, in coordination with the brave men and women of the military and State Department, are the reason we find ourselves in a situation many thought was not possible.

Ryan Crocker's determination to succeed in a situation where many would have failed should inspire us all. Yet any who have followed the career of this skilled and extraordinary diplomat shouldn't be surprised. His creative and pragmatic approach to diplomacy has earned respect both at home and abroad. His list of awards and achievements is long and distinguished, including the Presidential Meritorious Service Award, the State Department Distinguished Honor Award, the American Foreign Service Association Rivkin Award, and most recently the Presidential Medal of Freedom, the Nation's highest civilian commendation.

I am immensely grateful for the enormous contributions that Ambassador Crocker has made to the Department of State, to our Nation, and the people of Iraq. As he departs Baghdad, he will be sorely missed. We wish Ambassador Crocker and his family all the best as he enters the next chapter of his life. He has earned the respect and admiration of a grateful nation.

I have had the great honor for many years to travel the world and encounter many of our wonderful Foreign Service personnel and the men and women who serve in posts throughout the world. They serve with dedication and most of the time without the appreciation they deserve. I have been so impressed with the people who have dedicated their lives to serving this Nation all around the world, in many cases in the most difficult of circumstances. I know of no one I have met in my life who epitomizes public service more than Ryan Crocker; a quiet demeanor, modesty, and, frankly, a knowledge of the issues and the complexities which would take many hours to describe that prevail in the Middle East.

Ryan Crocker came at a seminal time to the Embassy in Baghdad, and in partnership with one of our great military leaders, General Petraeus—a true and equal partnership—those two individuals changed the course of history. Many in this body at that time had believed there was no hope for Iraq and that the situation could not be salvaged. Because of Ryan Crocker, David Petraeus, and many others, with their leadership we have just witnessed an election taking place in Iraq that was virtually without incident.

Ambassador Crocker will be the first to tell us there is a long way to go in Iraq. There are many challenges ahead, but we do have an ally, a democratic nation, and the hope of a society free of the oppression and repression that unfortunately has characterized the situation in Iraq for centuries.

So, again, I know in the future young Americans who serve this country will continue to be inspired by the performance and the dedication of Ryan Crocker. We will miss him. We will miss him enormously, but I know he will continue to serve this country in any way possible for as long as he lives. Thank you, Ryan Crocker.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ENSIGN. 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. ENSIGN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. The Senator is recognized.

HONORING ABRAHAM LINCOLN

Mr. ENSIGN. Mr. President, today marks the 200th anniversary of the birth of one of this Nation's finest leaders. Abraham Lincoln was born in 1809 destined for greatness but with humble beginnings. It is remarkable and inspiring to study the life of Abraham Lincoln. Today is a fitting time to reflect on some of the lessons we can continue to learn from him, especially in light of the challenges we are facing today.

President Lincoln's rise to leadership was full of trials and setbacks, most of which would have deterred a lesser man but not Abraham Lincoln. Throughout his lifetime, he was the picture of incomparable character, willing to put his ego aside for the greater good, committed to freedom for the generations, and a true believer that he was not superior to anyone.

These traits may seem like words that are easy to put together, but to live your life by them is truly exemplary. It is especially remarkable in the face of adversity. It is said that trials don't build character, they simply reveal it. Well, President Lincoln served in the highest office of our country at one of the most tumultuous times in our history. His character was revealed time and time again. Americans are still proud of his leadership and his vision.

During Lincoln's Presidency, our Nation faced the gravest of challenges. We were at war amongst ourselves, and the consequences of our leadership would go down in history. Either America would cease to exist, or we would survive, heal, and one day be stronger than ever. Abraham Lincoln made it possible for us to be here today as the United States of America.

Today, we face many overwhelming challenges. They are significant, but they are not as dire as the Civil War. We can work together to get out of this economic downturn.

In 1862, Lincoln declared:

> The bottom is out of the tub.

It sort of feels that way today. All you have to do is talk to people to realize the numbness that is permeating our country. Those who have lost jobs or homes are facing a painful reality. Most Americans are not sure what to do. If you are thinking about buying a home or a car, you think many times about it because of the uncertainty of our economy today. We have to do something here that will boost the confidence of Americans. They have to become consumers again if we want to get this economy going. That means dealing with the underlying housing crisis that set off the bottom falling out of this ''tub.''

The other issue we have to remember is that the money we spend today will have to be paid for by our children and our grandchildren. So each dollar that goes into this stimulus bill needs to be spent efficiently, and it needs to be far reaching. Each dollar needs to go toward creating jobs and stimulating growth. That way, we can recover from this deepening recession and continue to grow.

Unfortunately, this so-called stimulus bill is not even close to ideal legislation. It will bury us in debt, reduce our creditworthiness as a nation, and only minimally stimulate the economy. It just doesn't speak to the opportunity Abraham Lincoln knew was possible in this country.

He once said:

> There is no permanent class of hired laborers amongst us. Twenty-five years ago, I was a hired laborer.

Americans have a unique gift in this country. That gift is opportunity—the opportunity to grow, change course, and improve one's circumstances.

One of the great freedoms we have in America is the freedom to fail. Abraham Lincoln knew a lot about that freedom. He failed many times, but he also knew about the gift of opportunity, and he took advantage of it. We have seen the resilience and ingenuity of the American people throughout history. Our job is to do what we can to let that promise grow and not get in the way.

I believe the stimulus bill we will vote on soon could have been vastly improved if it had been written from the beginning with Republicans and Democrats as part of the process. That is a lesson we should take from President Lincoln. The political process can be messy and petty. We should put our egos aside, as Lincoln did when he brought his greatest rivals into his Cabinet. We should focus on the end goal being the good of our country, not groups to whom each of us is beholden.

We should understand there are no guarantees when it comes to the future of our country. We always have to work to protect what has been defended for more than 200 years. Lincoln reminded us that ''it is not merely for today, but for all time to come that we should perpetuate for our children's children this great and free government, which we have enjoyed all of our lives.'' If we ignore the consequences of our actions today, then we take for granted what is to come for the future of our great country.

President Lincoln was a visionary. On this special day, we cannot lose sight of the tremendous lessons of his lifetime. It is never too late for us to join together as Americans to create a better and a stronger future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. BURRIS. Mr. President, it is my great honor to stand here today and commemorate Abraham Lincoln on the bicentennial of his birth.

Abraham Lincoln's leadership during one of our darkest periods forever changed the face of our Nation. Because of his bold vision and undivided faith in the future of our great Nation, freedom and justice for all was realized. Without doubt, as this resolution affirms, President Lincoln ''redefined what it means to be an American.'' Today, I wish to take a moment to recognize another part of his legacy.

In this resolution, it states that ''despite less than a year of formal schooling, he developed an avid love for reading and learning.'' Lincoln's stepmother, Sarah Bush Johnston, encouraged Lincoln to read, write, and think freely, even as she and Lincoln's father could not afford to send him to school. And herein lies the brilliance of Lincoln's rise.

From the backcountry in Illinois to the White House in Washington, DC, Abraham Lincoln rose to the highest office in the land by educating himself. In his first political address in 1832, seeking a seat in the Illinois General Assembly, he said:

> I desire to see the time when education . . . shall become much more general than at present, and I should be gratified to have it in my power to contribute something to its advancement.

As President Lincoln showed us, education is the foundation of our future success. In this period of economic stress and uncertainty, we draw on Lincoln's legacy and move forward because of his strength.

Mr. LUGAR. Mr. President, I rise today to recognize the 200th anniversary of the birth of Abraham Lincoln. On February 12, 1809, our 16th President was born to Thomas and Nancy Lincoln in Kentucky. President Lincoln spent the majority of his adult life in Illinois where he became a successful lawyer and politician. But in between these periods, he lived with his family in the backwoods of Indiana, 20 miles east of Evansville. In these famous salt lick hunting grounds near the Ohio River, the young Abe Lincoln learned about farming, suffered the death of his mother, and grew into a man. Although his potential as a leader would not be fully revealed until later in life, his experiences in Indiana formed the basis of his self-taught genius and helped shape his belief system.

Abe Lincoln's family moved to Indiana in December 1816 when Abe was 7, arriving shortly after Indiana entered the Union as the 19th State. In Kentucky, the Lincolns had struggled with legal controversies related to the title to their land. They were attracted to Indiana, in part, because buying land from the Federal Government under the clear terms of the Northwest Ordinance would eliminate these troubles. Thomas Lincoln acquired 160 acres of land near Little Pigeon Creek in what is now Spencer County and set up a farm.

The family initially lived in a three-sided cabin, known as a half-faced camp. Abraham, who was always tall for his age, helped his father with farming chores. By age 9, he began to learn the detailed skill of wielding an ax, which later would be the basis for his backwoods ''rail splitter'' campaign persona.

Soon after arriving in Indiana, tragedy struck the family when Nancy Lincoln died of ''milk sickness'' on October 5, 1818. Thomas Lincoln married Sarah Bush Johnston on December 2, 1819. Sarah Johnston and her three children from her previous marriage joined Abe and his older sister Sarah.

Being situated in a sparsely populated region of southern Indiana made access to school difficult. The closest school was a great distance over rough terrain from the Lincoln farm, and Abe's attendance was sporadic, at best. In 1859 Lincoln wrote a letter to his friend Jesse Fell describing his early life and education in Indiana:

> We reached our new home about the time the State came into the Union. It was a wild region, with many bears and other wild animals still in the woods. There I grew up. There were some schools, so called; but no qualification was ever required of a teacher, beyond readin, writin, and cipherin' to the Rule of Three. If a straggler supposed to understand latin, happened to so-journ in the neighborhood, he was looked upon as a wizzard. There was absolutely nothing to excite ambition for education. Of course when I came of age I did not know much. Still somehow, I could read, write, and cipher to the Rule of Three; but that was all. I have not been to school since. The little advance I now have upon this store of education, I have picked up from time to time under the pressure of necessity.[sic]

Thomas Lincoln, who had received no formal education himself, saw little value in Abe's schooling. But Abe's stepmother Sarah encouraged him to read on his own. Abe immersed himself in the family Bible and borrowed books from neighbors. He read Parson Weems' ''Life of Washington'' at an early age, as well as such classics as Benjamin Franklin's ''Autobiography'' and Daniel Defoe's ''Robinson Crusoe.''

The first exposure that President Lincoln had to political argument came at a country store owned by James Gentry, a local land owner and friend of the Lincoln family. Abe worked in Gentry's store, soaking up conversation on politics and frontier life. As Lincoln grew, his horizons expanded beyond Spencer County. In 1828, he worked on a flatboat carrying goods for Gentry all the way to New Orleans. On this trip he encountered slavery for the first time.

The Lincolns moved to Illinois in 1830 where Abe went on to become a lawyer and State politician, Member of the U.S. House of Representatives, and finally President of the United States.

The strong feelings of pride that Hoosiers feel for President Lincoln are amplified by remembrances of the President around the State. For example, the Indiana State Museum located in Indianapolis houses the largest private collection of President Lincoln memorabilia in the world. Included in this collection are signed copies of the Emancipation Proclamation and the 13th amendment, family photos, and more than 20,000 other items. Additionally, the Lincoln Boyhood National Memorial continues to fascinate visitors and preserve Lincoln's Hoosier legacy.

Hoosiers are proud to celebrate President Lincoln's life and the 14 formative years he spent in Indiana. The ties of the Lincoln family in Spencer County will never be forgotten, and new generations of Hoosiers will learn how Lincoln lifted himself up from humble circumstances to become a great President and a true American hero.

Mr. MARTINEZ. Mr. President, today our Nation celebrates the bicentennial of Abraham Lincoln's birth, a man who became one of the finest leaders America has ever known. Given his service to our Nation, it is fitting that we pause to acknowledge President Lincoln's lasting contributions to our society.

President Lincoln was a writer, an attorney, and a statesman, but above all else he was a strong advocate for the common man. This was due in large part to the fact that he was a common man. He was born into a family with modest means, became self-educated, and entered into a life of public service at the age of 23.

During his Presidency, Lincoln once remarked, ''God must love the common man, he made so many of them.'' He gave a voice to the disenfranchised, the destitute, and the dispirited, and even in the face of adversity, he stood strong in support of the notion that ''all men are created equal.''

He also led with conviction during a turbulent time in our Nation's history. As President, Lincoln guided our divided Nation with moral clarity and persevered when the fabric of our democracy was tested. He helped to heal our Nation after the Civil War and put America on a path to overcome the dark days of slavery.

Today, President Lincoln's virtue extends far beyond our borders. He has inspired generations of individuals seeking to advance the cause of freedom and liberty even when their voices have been silenced. These individuals find inspiration in places like Havana, where a statue of Lincoln still stands proudly along the Avenida de los Presidentes. I join them in hoping for the day when Lincoln's dreams can be realized and the people of Cuba can taste the same fruits of liberty we as Americans cherish.

On this day, we are reminded not only of Lincoln's contributions to our society, but also his vision, which continues to guide our Nation. May his life continue to inspire us and his words always serve as a source of hope. As he once wrote, ''The cause of liberty must not be surrendered at the end of one, or even one hundred defeats.'' May God bless Abraham Lincoln, and may He continue to bless the United States of America.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 1 p.m.

Thereupon, the Senate, at 11:24 a.m., recessed and reassembled at 1 p.m. when called to order by the Presiding Officer (Mr. UDALL of Colorado).

The PRESIDING OFFICER. The Senator from Alabama.

STIMULUS PACKAGE

Mr. SESSIONS. Mr. President, I will share a few remarks about the stimulus package that we understand is making its way here after going through conference. I believe there may be some opportunity to change what is in it. I hope so because one of the most disappointing aspects of the process we have been going through is that I was denied a vote on an amendment that would simply say that every business that gets contracts out of this job stimulus package will have to use the very simple-to-operate E-verify system that over one hundred thousand American corporations are using voluntarily.

With that system, you simply punch in the Social Security number of a job applicant in order to verify work eligibility. Employers run the social security number through the system and they receive information as to whether this individual has a legitimate Social

Security number. It accurately identifies quite a number of people illegally in the country who are passing themselves off as being legal. In fact, we have had testimony over the years that there are quite a number of individuals who have used the same social security number; possibly thousands who have used the same Social Security number. Until the E-Verify program, nobody checked.

This system has successfully been set up. President Bush was somewhat reluctant but moved forward with it, and the system is up and running. It was supposed to be fully implemented for every business in America. It is available to every business in America today on a voluntarily basis. Last year, the Bush Administration issued Executive Order 12989, which would require all Federal Government contractors and subcontractors to use E-Verify.

It is not an unusual idea. It is a popular idea in the House, the Senate and with the American people. Out of all the potential applicant queries made, E-Verify only identifies about 3 percent a year who are apparently not legally in the country and should not be getting a job. We are passing a bill, a huge piece of legislation that, frankly, is less stimulative and less job creative than we would like it to be.

Gary Becker and one of his partners, a Nobel Prize economist, in the Wall Street Journal yesterday wrote a big piece in which he questioned how many jobs would actually be created and how stimulative this package is. It has too much in it that is not stimulative. He said you would normally hope to get 1.5 percent of GDP of stimulation for every dollar spent. In his opinion, because of the way it is written, it would be less than 1 percent. Not good.

The idea was to create jobs, but not for people illegally in the country; for Americans, legal Americans. These include citizens, green cardholders and legal workers in America. They should all be eligible for jobs created under this bill, but not illegally here should not.

The House unanimously accepted 2 E-Verify amendments. The House passed legislation by Congressman CALVERT of California that said the E-verify system, which will expire this spring, will be extended for 4 years. In addition to being accepted in their stimulus bill, that language passed the House 407 to 2 last July. Unfortunately, the Democrat majority blocked the Senate from voting on it in the last Congress.

Congressman KINGSTON offered an amendment that every contractor who gets money under the stimulus bill should use E-verify to try to ensure the people who are hired, those who get jobs, are lawful Americans.

How much simpler can it be than that? How much more common sense can we have in a bill than that? That was accepted as part of the final package. When the vote was held in the House, I guess all but 11 Democrats voted for both of those provisions.

They are kind of proud of themselves. They are telling their constituents: I voted to make sure, as best we could—it is not a perfect system—but as best we could, that contractors would use E-verify and prohibit some of the people who should not be getting jobs from doing so.

Then when I offered an identical amendment in the Senate, it was never allowed to be brought up for a vote. I have been through this process for some time. I have seen how things work. I am beginning to see what might be afoot. I know that the majority leader, Senator REID, whom I respect so much, who has such a difficult job—I don't see how anybody can handle it—but he has to make decisions. He has made one with which I don't agree.

Somewhere along the way, the leadership decided they would not allow the Senate to vote on this amendment, although they claimed everybody gets votes on their amendments. They would not allow a vote on it.

Why was this significant? My amendment, supported by Senator BEN NELSON, one of the people who helped arrange this final settlement, a Democratic Senator, an experienced Governor—was the same as the language included in the House version of this bill. Under our rules, if the Senate passes legislation that has the same language as the House, it should remain in the final bill. It should not be taken out. If it was validated by both Houses of Congress, it should not be altered by the conferees. But if one body does not have the language in their version of the bill, then the conferees have a choice. They can either take the House language that had the E-verify provisions in it, or they could take the Senate language that did not.

Let me tell you why I was pretty worried about it. Under this maneuver, this is what happened. The House Members all get to claim they voted for it, and the Senate Members never have to say they voted against it. If anybody complains about it not being in the bill, any Member of the Senate can say: I would have voted for it; I just didn't get the vote. That works a lot of times, and it is not good because I truly believe that if this amendment had been voted on in the Senate, it would have received very large bipartisan support.

I don't think there is any doubt in my mind that many Senators would take the position that E-verify, an essential system for creating a lawful system of immigration, should be extended. I think very few Senators would take the position that somebody getting money under this jobs package, this stimulus package paid for by the American taxpayers, shouldn't have to hire those who are not lawfully in the country.

I am disappointed. I think the American people should be disappointed.

I want to go back a little bit further and discuss it some more because I firmly believe that one reason the American people distrust Congress and that we have such a low approval rating is this very kind of manipulation and chicanery.

Back when the effort was made to move the comprehensive immigration bill in the Judiciary Committee, it would have given, I think it is fair to say, amnesty to those here illegally, while only promising a lot of enforcement measures in the future. During markup in the Judiciary Committee, I offered several amendments to tighten up enforcement. I was a little bit surprised because amendments I had offered before were accepted, amendments to extend the fence, to add to the number of investigators, and to add necessary detention space so people could be deported if they were apprehended.

Two years ago, we were apprehending 1.1 million people a year attempting to enter the country illegally. We arrested that many people at the border and we had a lot of things we needed to do.

It finally dawned on me what was happening. This is what happened in 1986. Why did the 1986 amnesty bill ultimately fail? The amnesty bill in 1986 gave legal status and a path to citizenship for millions—it turned out to be more than estimated—but it promised enforcement. What I want you to know is the amnesty provisions become law at once. But the enforcement was merely a promise. Unless the money for enforcement is actually appropriated by the appropriators, no additional Border Patrol agents get added, no fence and barriers get built, no detention spaces get added, no systems, such as E-verify, get set up. That is why it failed before, and I saw that we were heading down the same path again in 2006 and 2007.

Those of us who questioned the legislation and demanded that we have confidence in the enforcement provisions did not receive those assurances. And that is why the American people made their voice heard and the bill ended up going down in flames with an overwhelming vote against it. This was a far different outcome than people had been projecting even a few months before.

I remember how we handled the amendment I offered on defensive barriers at the border. It was obvious that at the California border, barriers were working. We wanted to extend that barrier. I introduced an amendment to authorize the construction of barriers of various kinds—some vehicles, some fixed—and it would pass with 86 votes. But when the appropriations bills came back, where we actually disburse the money to fund these programs, the money for the barriers was not included. So we began to have a serious discussion on the floor of the Senate about that kind of duplicity, I felt, where we would vote overwhelmingly to take an action and then when came time to put up the money to make it happen, we would vote it down, and everybody would say: I voted to build a

fence. It is not my fault. It just didn't happen.

I want to say, this is what is happening with these E-Verify provisions. The American people need to know it. This was a very reasonable and restrained provision. It is common sense, if there is any such thing as common sense associated with the way this stimulus bill was handled. It tries to help Americans get jobs. Unemployment is up to 7.6 percent now. Unfortunately, I think it may go up more. Why in the world would we not take this reasonable, simple step to try to ensure that the $800 billion we are spending goes to American citizens or those lawfully in our country? It does not create police. It does not create enforcement. It does not create a bureaucracy. It simply extends the already successful program and says every employer ought to use this simple E-verify system, a 2-minute computer check to find out if the person is likely to be illegal or legal.

I could not imagine why we would not do that, but now I understand. I saw one publication, an inside trade publication that said the chicken processors and the Chamber of Commerce, big business Chamber of Commerce, had written the leaders and asked them not to pass my amendment. They didn't write to me. They didn't write to other Members. Somebody is talking in secret. Somewhere, somehow this plan was developed to keep this provision from becoming part of this law. And it is not right. I protested. Three or four times I came to this floor, and I asked that this language either be put in the bill or that, at the very least, the Senate be allowed to vote on it. I expressed my concern that this very thing was happening. But the leadership in the Senate has the power to pick and choose the amendments they allow to be voted on, and they didn't want this one to be voted on. They didn't want it because they didn't want the language in the bill, I conclude. What else could I conclude because if we had had a vote, it would have passed, I am convinced.

Senator BEN NELSON and I supported it. We had a whole lot of Members on the Democratic side who did not go for this last comprehensive immigration bill. This is just a tiny step compared to that historic vote. I believe virtually all of our Members would have believed this was a reasonable amendment, and, overwhelmingly, I am confident a strong majority would have voted for it and it would have been in the bill.

So that is the kind of thing we are doing. If people are unhappy with their Congress and the process we have ongoing, then they need to do like they did back during the immigration debate and send letters and make phone calls. That apparently made a tremendous difference then.

You may ask: Well, why did the conference not include the House-passed language; isn't there a process? Well, the Senate conference was very small, and the Senate conferees were a majority of Democrats selected by the majority leader. In the House they have a majority appointed by the Speaker. That means basically the Speaker and the majority leader control what comes out of the conference. They pick the people who run it and vote on it and they get to decide. So somewhere along the way the Speaker and the majority leader agreed to take this language out. It should not have happened. It should have been in this bill, and I am very sorry it was not.

Mr. President, I will just say that will be one of the reasons I will oppose this bill. I am very disappointed we didn't have the free ability this great Senate is so famous for to have a vote on a clearly relevant, germane amendment. It was already in the House bill. That guarantees it to be a germane amendment. It would be germane under any circumstances, I believe. I am deeply disappointed we didn't have a right to vote on that.

I thank the Chair, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. 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. SESSIONS. Mr. President, to follow up on my earlier remarks about E-Verify, I would note it is ironic that it appears the final version of this legislation will result in a huge expansion of Government, but it also could result in termination of a key program, and that is the E-Verify Program. It has been proven to be successful. People like it—on a bipartisan basis they like it—and it will terminate this spring if we don't do something about it.

According to both Robert Rector at the Heritage Foundation, and Steven Camarota from the Center for Immigration Studies—Mr. Rector was the architect of welfare reform and one of the best minds in the country on these issues—this legislation we are talking about passing today or tomorrow could result in several hundred thousand jobs being given to illegal immigrants—several hundred thousand.

The version of the stimulus bill that passed the Senate contained $104 billion in construction spending, including highways, schools, and public housing. Only about $30 billion is for highways—a little over 3 percent of the bill's value, just for perspective—but it would total about $104 billion for infrastructure and construction. Government estimates suggest this spending could create about 2 million new construction jobs.

Consistent with other research, the Center for Immigration Studies has previously estimated that 15 percent of construction workers are illegal immigrants, which means about 300,000 of the construction jobs created by the Senate stimulus plan could go to those who are not lawfully in the country.

The E-Verify—formerly called the Basic Pilot/Employment Eligibility Verification Program—is an online system operated jointly by the Department of Homeland Security and the Social Security Administration. Participating employers can check the work status of new hires online by comparing information from the employee's submitted I–9 form against the Social Security and Department of Homeland Security databases. More than 107,000 employers voluntarily are using that system today, and happily so.

E-Verify is free—it doesn't cost the employer anything—it is voluntary, and the best means available for determining employment eligibility for new hires and the validity of their Social Security number. According to the Department of Homeland Security, 96.1 percent of employees are cleared automatically, and growth continues at a rate of 2,000 additional businesses using the system each week.

Now, this 96 percent, I know, is for all employees and all companies, and I am sure there might be a higher number with construction workers. As of February 2, 2009, there have been over 2.5 million inquiries through the system. In 2008, there were more than 6.6 million inquiries run. The number is really going up.

An employer who verifies work authorization under the E-Verify system has an advantage. That employer has created a rebuttable presumption that they have taken reasonable steps to make sure they are not filling their employment rolls with illegals. If the investigators come out and find someone who is illegal, they can say: Well, I ran the number on your system, and if it had been bad, I wouldn't have hired them and I can show you where that cleared your system. So it protects the employer from any false charges.

So Senator BEN NELSON and I wrote a letter to Senators REID and MCCONNELL asking that this legislation include provisions to require E-Verify for the jobs created under this proposal.

As an aside, there is another problem, and we might as well talk about it. I was very worried and concerned because, on January 28 of this year, President Obama pushed back the implementation of Executive Order No. 12989, executed by President Bush, which would require all Federal contractors and subcontractors to use E-Verify. In other words, those who are doing work now on military bases and roads and other things would be required to use a successful system that has long been planned and being phased in. Now, the implementation date has been pushed back to May 21.

So are we now seeing some sort of serious movement to undermine one of the most effective, least intrusive systems we have ever developed, the cornerstone of Homeland Security's enforcement efforts? I don't know. When

you add that decision to what has happened on the floor of the Senate, my concerns are increasing.

Recently, the Bureau of Labor Statistics reported that the unemployment rate in January had gotten to 7.6 percent, including 598,000 jobs lost in January. This is the highest unemployment rate in 17 years. We know and expect it will go higher—hopefully, not a whole lot higher, but certainly those trends are not good.

Immigration by illegal immigrants and other poorly educated aliens has a serious and depressing effect on the standard of living of low-skilled, hard-working Americans, and I will tell you that is a fact. The United States Commission on Immigration Reform, chaired by the late civil rights pioneer, Barbara Jordan, found that immigration of unskilled immigrants comes at a cost to unskilled U.S. workers. I don't think there is any doubt about that.

The Center for Immigration Studies has estimated that such immigration has reduced the wage of the average native-born worker in a low-skilled occupation by 12 percent or $2,000 a year. It may not impact people in universities and Senators, but hard-working Americans are having to compete against persons who are willing to work for so much less and who often are being taken advantage of.

I just give this aside: I talked to the CEO of a company—a family company. They do right-of-way clearing and other type work of that kind for utilities in States and counties. He said they have had good employees. They have hired them for many years. They pay retirement and health care benefits and competitive wages. All of a sudden, just a few years ago, they started losing bid after bid after bid. They could not understand how the competitor could bid so low. They began to look into it, and it appears, quite clear to him, the reason a company from Texas was able to outbid him was because they were paying their employees much less, and he believes many of them were illegally in the country. Now, how did that help his employees? He may be forced to go out of business simply because he was obeying the law.

In addition, a Harvard economist, Professor George Borjas, who has written a book on this subject—himself a Cuban refugee; at a young age he came from Cuba—has estimated that immigration in recent decades has reduced the wages of native-born workers without a high school degree by 8.2 percent.

Doris Meissner, former head of INS—the immigration service—under President Clinton, wrote this in February of this year:

> Mandatory employer verification must be at the center of legislation to combat illegal immigration. The E-Verify system provides a valuable tool for employers who are trying to comply with the law. E-Verify also provides an opportunity to determine the best electronic means to implement verification requirements. The administration should support reauthorization of E-Verify and expand the program.

That is Doris Meissner, who is certainly a moderate on immigration issues. She served under President Clinton and said just recently this is a key thing for us to do.

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

Mr. SESSIONS. I thank the Chair, and I would suggest finally that these are very important issues for American citizens. We need to speak out clearly on them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. BUNNING. Mr. President, we are in a period of morning business, up to 10 minutes?

The PRESIDING OFFICER. The Senator is correct.

STIMULUS CONFERENCE REPORT

Mr. BUNNING. Mr. President, I rise to speak on the conference report to the so-called stimulus bill. While we have not seen the actual bill, the outlines of the final agreement are available, and not much has changed from the bill since it passed the Senate earlier this week. The bill will still cost more than $1 trillion over the next 10 years after interest on the borrowed money necessary to finance the bill is added. This is $1 trillion added to our national debt and $1 trillion we have to take away from our American workers in the future to pay off that debt. That is why the bill also raises the limit on the national debt to over $12 trillion. That is almost a $2 trillion increase in the national debt.

But $1 trillion of new debt is not the whole story. Many of the tax and spending provisions in this bill last only a few months or years. The President and many in Congress have promised to extend those provisions or even make them permanent. Obviously, that means the cost of the bill as written does not show the true cost of the changes it puts in place. In fact, in a letter sent yesterday, the Congressional Budget Office said that when you add in the cost of extending the programs the President has promised to extend, the total cost of the bill over the next 10 years is actually $2½ trillion. Add the interest on that $2½ trillion of new debt, and the bill will cost the taxpayer $3.3 trillion over the next 10 years. That is $3.3 trillion we will have to tax our children, my grandchildren and your grandchildren, and our neighbors.

It is true the conference report is a bit smaller than the House-passed bill, so those numbers will have to be figured again when the final language is available, but they are close enough to understand the massive size of this debt spending bill.

If all this new debt spending would actually fix the economy and create jobs, it might be worth it. But that is not what is going to happen. Even the Congressional Budget Office agrees with that. In another letter they sent yesterday, they said the bill will reduce—you heard me right—reduce GDP over the long term. They also estimated it will lower wages over the long term because Government spending now will take money away from productive use by the private sector later.

We cannot spend our way out of this crisis. The solution to the crisis that was created by too much debt is not more debt, and America cannot afford to waste several trillion dollars. If we really want to stimulate the economy, we need to focus our attention on tax cuts for individuals, investments, and businesses. We need to enact legislation that will have a direct and immediate impact. We need a bill that will create more jobs through targeted tax relief, not a bill that will spend money on programs that offer no immediate or long-term return to the American taxpayer. We could have done that on this bill, but the majority refused to work with the minority to craft a truly bipartisan bill. In all of Congress, there were only 3 members of the minority who supported this flawed spending bill, and 3 out of 218 does not make this a bipartisan bill.

I hope the actual bill is made available with time for Senators and the American public to examine it before we vote. I cannot support the conference report that has been described by the House and Senate leadership, and I hope we can do better the next time.

I ask unanimous consent that the two letters from the Congressional Budget Office that I mentioned earlier be printed in the RECORD.

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 11, 2009.

Hon. PAUL RYAN,
Ranking Member, Committee on the Budget, House of Representatives, Washington, DC.

DEAR CONGRESSMAN, as you requested, the Congressional Budget Office and the Joint Committee on Taxation have estimated the impact of permanently extending more than 20 of the provisions contained in H.R. 1, the American Recovery and Reinvestment Act of 2009, as passed by the House of Representatives. As specified in H.R. 1 as passed, those provisions would either explicitly expire or would specify appropriations only for a limited number of years (usually 2009 and 2010).

CBO estimates that H.R. 1, as passed by the House of Representatives, would increase budget deficits by about $820 billion over the 2009–2019 period; we estimate that permanently extending the programs you identified would increase the cumulative deficit over that period by another $1.7 trillion (see attached table).

As you requested, the Congressional Budget Office has also estimated the costs of debt service that would result from enacting the bill with these extensions. Such costs are not included in CBO's cost estimates for individual pieces of legislation and are not counted for Congressional scorekeeping purposes for such legislation. If the specified provisions of H.R. 1 are continued, under

CBO's current economic assumptions and assuming that none of the direct budgetary effects of the legislation are offset by future legislation, CBO estimates that enacting the bill would increase the government's interest costs by a total of about $745 billion over the 2009–2019 period.

I hope this information is helpful to you. If you would like further details about this estimate, the CBO staff contacts are Christi Hawley Anthony and Barry Blom.

Sincerely,

DOUGLAS W. ELMENDORF,
Director.

Enclosure.

ESTIMATED COST OF EXTENDING CERTAIN PROVISIONS OF H.R. 1, AS PASSED BY THE HOUSE OF REPRESENTATIVES ON JANUARY 28, 2009, AS SPECIFIED BY CONGRESSMEN RYAN AND CAMP

		(By fiscal year, in billions of dollars)—											
		2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	Total, 2009–2019
Revenues:													
Making Work Pay Tax Credit		0	0	−39	−56	−57	−58	−58	−58	−58	−58	−58	−498
Expansion of EITC		0	0	0	−1	−1	−1	−1	−1	−1	−1	−1	−9
American Opportunity Education Tax Credit		0	0	−1	−6	−6	−6	−6	−6	−6	−6	−6	−51
Renewable Energy Production Credit		0	0	0	0	0	−1	−1	−2	−3	−4	−5	−15
UC Interaction with Health Care Coverage for the Unemployed		0	0	*	*	*	*	*	*	*	*	*	3
Total, Revenues		0	0	−40	−64	−64	−65	−66	−67	−68	−69	−69	−571
Direct Spending:													
Child Support Enforcement	BA	0	0	1	1	1	1	1	1	1	1	1	6
	OT	0	0	1	1	1	1	1	1	1	1	1	6
Medicaid for the Unemployed	BA	0	3	7	7	7	8	8	8	9	10	11	78
	OT	0	3	7	7	7	8	8	8	9	10	11	78
Health Care Coverage for the Unemployed under COBRA	BA	0	7	13	14	13	12	12	12	12	12	12	121
	OT	0	7	13	14	13	12	12	12	12	12	12	121
Medicaid FMAP Increase	BA	0	0	34	43	32	29	31	33	35	38	42	316
	OT	0	0	34	43	32	29	31	33	35	38	42	316
Increase in Funding for SNAP [1]	BA	0	5	8	9	10	12	11	11	11	11	11	99
	OT	0	5	8	9	10	12	11	11	11	11	11	99
Foster Care (part of FMAP increase)	BA	0	0	0	0	0	0	0	0	1	1	1	5
	OT	0	0	0	0	0	0	0	0	1	1	1	5
Increase in Funding for SSI Payments	BA	0	4	5	5	5	5	5	5	5	6	6	51
	OT	0	4	5	5	5	5	5	5	5	6	6	51
UC Interaction with Health Care Coverage for the Unemployed	BA	0	*	*	*	*	*	*	*	*	1	1	4
	OT	0	*	*	*	*	*	*	*	*	1	1	4
Making Work Pay Tax Credit	BA	0	0	1	18	18	18	18	18	18	18	18	144
	OT	0	0	1	18	18	18	18	18	18	18	18	144
Earned Income Tax Credit	BA	0	0	0	3	3	3	3	3	3	3	3	26
	OT	0	0	0	3	3	3	3	3	3	3	3	26
American Opportunity Education Tax Credit	BA	0	0	*	2	1	1	1	1	1	1	1	11
	OT	0	0	*	2	1	1	1	1	1	1	1	11
Subtotal, Direct Spending	BA	0	20	69	102	92	90	91	94	97	101	105	861
	OT	0	20	69	102	92	90	91	94	97	101	105	861
Discretionary Spending:													
Pell Grants and College Work Study [2]	BA	0	0	4	4	4	4	4	4	5	5	3	37
	OT	0	0	1	4	4	4	4	4	4	5	5	35
Head Start	BA	0	0	1	1	1	1	1	1	1	1	1	5
	OT	0	0	*	0	0	0	1	1	1	1	1	4
Early Head Start	BA	0	0	1	1	1	1	1	1	1	1	1	5
	OT	0	0	*	*	*	*	1	1	1	1	1	4
Title 1 Help for Disadvantaged Kids	BA	0	0	7	7	7	7	7	7	7	7	8	63
	OT	0	0	*	4	6	7	7	7	7	7	7	53
Education for Homeless Children & Youth	BA	0	0	*	*	*	*	*	*	*	*	*	*
	OT	0	0	*	*	*	*	*	*	*	*	*	*
IDEA Special Education [3]	BA	0	0	7	7	8	8	8	8	8	8	9	71
	OT	0	0	*	4	7	8	8	8	8	8	8	59
CCDBG	BA	0	0	1	1	1	1	1	1	1	1	1	10
	OT	0	0	*	1	1	1	1	1	1	1	1	9
NSF Employment in Science and Engineering	BA	0	3	3	3	3	3	3	3	3	3	3	28
	OT	0	*	2	2	2	3	3	3	3	3	3	24
NIH Funding for Biomedical Research	BA	0	3	3	3	4	4	4	4	4	4	4	36
	OT	0	*	2	3	3	3	4	4	4	4	4	30
Increased Funding for Prevention and Wellness [4]	BA	0	0	2	2	2	2	2	2	2	2	3	21
	OT	0	0	1	2	2	2	2	2	2	2	2	19
Increased Funding for Senior Nutrition	BA	0	0	*	*	*	*	*	*	*	*	*	1
	OT	0	0	*	*	*	*	*	*	*	*	*	1
Increased Funding for LIHEAP	BA	0	0	1	1	1	1	1	1	1	1	1	10
	OT	0	0	1	1	1	1	1	1	1	1	1	9
Expansion of Americorps	BA	0	*	*	*	*	*	*	*	*	*	*	2
	OT	0	*	*	*	*	*	*	*	*	*	*	2
Increase in Funding for State & Local Law Enforcement	BA	0	3	3	3	3	3	3	3	3	3	4	33
	OT	0	1	2	2	3	3	3	3	3	3	3	27
Subtotal, Discretionary Spending	BA	0	8	33	33	34	34	35	36	36	37	36	323
	OT	0	1	9	24	31	33	34	35	35	36	37	276
Total Increase in the Deficit from Extensions		0	21	118	190	187	188	192	195	200	205	212	1,708
Increase in the Deficit from H.R. 1 as Passed		170	356	175	49	26	24	11	*	1	3	4	820
Total Impact of H.R. 1 with Extension of Certain Provisions		170	377	293	239	213	212	203	196	201	208	215	2,527
Memorandum:													
Debt Service on H.R. 1 as Passed with Extensions		1	4	13	30	51	68	84	99	115	131	149	744

[1] H.R. 1 would increase the maximum SNAP benefit by 13.6% in 2009 and hold it steady until the impact of annual indexing has exceeded that increase. For this estimate, CBO assumed that the maximum benefit would increase by 13.6% in 2009 and that benefits would be indexed annually from this new, higher base.

[2] Includes CBO's estimate of the cost of raising the maximum award for the Pell Grant Program from $4,241 under current law to $4,860 under H.R. 1. In addition, this estimate inflates the level of budget authority appropriated for the College Work Study Program in 2011.

[3] Includes higher funding for infants and special education.

[4] Assumes the level of funding provided in 2009 will be provided in each year, adjusted for inflation, beyond 2010.

Notes: EITC = Earned Income Tax Credit; COBRA = Consolidated Omnibus Budget Reconciliation Act; FMAP = Federal Medical Assistance Percentage; SSI = Supplemental Security Income; IDEA = Individuals with Disabilities Education Act; CCDBG = Child Care Development Block Grant; NSF = National Science Foundation; NIH = National Institutes of Health; LIHEAP = Low Income Home Energy Assistance Program; SNAP = Supplemental Nutrition Assistance Program; UC = Unemployment Compensation; BA = Budget Authority; OT = Outlays; * = less than $500 million.

Sources: Congressional Budget Office and Joint Committee on Taxation.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 11, 2009.

Hon. JUDD GREGG,
Ranking Member, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR SENATOR: At your request, the Congressional Budget Office (CBO) has prepared a year-by-year analysis of the economic effects of pending stimulus legislation. This analysis is based on an average of the effects of two versions of H.R. 1—as passed by the House and as passed by the Senate. (The economic effects of those two bills are broadly similar.)

SHORT-RUN EFFECTS

The macroeconomic impacts of any economic stimulus program are very uncertain. Economic theories differ in their predictions about the effectiveness of stimulus. Furthermore, large fiscal stimulus is rarely attempted, so it is difficult to distinguish among alternative estimates of how large the macroeconomic effects would be. For those reasons, some economists remain skeptical that there would be any significant effects, while others expect very large ones.

CBO has developed a range of estimates of the effects of stimulus legislation on gross

domestic product (GDP) and employment that encompasses a majority of economists' views. By CBO's estimation, in the short run the stimulus legislation would raise GDP and increase employment by adding to aggregate demand and thereby boosting the utilization of labor and capital that would otherwise be unused because the economy is in recession. Most of the budgetary effects of the legislation would occur over the next few years, and as those effects diminished the short-run impact on the economy would fade.

LONG-RUN EFFECTS

In the long run, the economy produces close to its potential output on average, and that potential level is determined by the stock of productive capital, the supply of labor, and productivity. Short-run stimulative policies can affect long-run output by influencing those three factors, although such effects would generally be smaller than the short-run impact of those policies on demand.

In contrast to its positive near-term macroeconomic effects, the legislation would reduce output slightly in the long run, CBO estimates, as would other similar proposals. The principal channel for this effect is that the legislation would result in an increase in government debt. To the extent that people hold their wealth as government bonds rather than in a form that can be used to finance private investment, the increased debt would tend to reduce the stock of productive private capital. In economic parlance, the debt would ''crowd out'' private investment. (Crowding out is unlikely to occur in the short run under current conditions, because most firms are lowering investment in response to reduced demand, which stimulus can offset in part.) CBO's basic assumption is that, in the long run, each dollar of additional debt crowds out about a third of a dollar's worth of private domestic capital (with the remainder of the rise in debt offset by increases in private saving and inflows of foreign capital). Because of uncertainty about the degree of crowding out, however, CBO has incorporated both more and less crowding out into its range of estimates of the long-run effects of the stimulus legislation.

The crowding-out effect would be offset somewhat by other factors. Some of the legislation's provisions, such as funding for improvements to roads and highways, might add to the economy's potential output in much the same way that private capital investment does. Other provisions, such as funding for grants to increase access to college education, could raise long-term productivity by enhancing people's skills. And some provisions would create incentives for increased private investment. According to CBO's estimates, provisions that could add to long-term output account for between one-fifth and one-quarter of the legislation's budgetary cost.

The effect of individual provisions could vary greatly. For example, increased spending for basic research and education might affect output only after a number of years, but once those investments began to boost GDP, they might pay off over more years than would the average investment in physical capital (in economic terms, they have a low rate of depreciation). Therefore, in any one year, their contribution to output might be less than that of the average private investment, even if their overall contribution to productivity over their lifetime was just as high. Moreover, although some carefully chosen government investments might be as productive as private investment, other government projects would probably fall well short of that benchmark, particularly in an environment in which rapid spending is a significant goal. The response of state and local governments that received federal stimulus grants would also affect their long-run impact; those governments might apply some of that money to investments they would have carried out anyway, thus lowering the long-run economic return on those grants. In order to encompass a wide range of potential effects, CBO used two assumptions in developing its estimates: first, that all of the relevant investments together would, on average, add as much to output as would a comparable amount of private investment, and second, that they would, on average, not add to output at all.

In principle, the legislation's long-run impact on output also would depend on whether it permanently changed incentives to work or save. However, according to CBO's estimates, the legislation would not have any significant permanent effects on those incentives.

NET EFFECTS ON OUTPUT AND EMPLOYMENT

Taking all of the short- and long-run effects into account, CBO estimates that the legislation implies an increase in GDP relative to the agency's baseline forecast of between 1.4 percent and 3.8 percent by the fourth quarter of 2009, between 1.1 percent and 3.3 percent by the fourth quarter of 2010, between 0.4 percent and 1.3 percent by the fourth quarter of 2011, and declining amounts in later years (see Table 1). Beyond 2014, the legislation is estimated to reduce GDP by between zero and 0.2 percent. This long-run effect is slightly smaller than CBO estimated in its preliminary analysis of the Senate stimulus legislation last week due to refinements in our methodology.

Correspondingly, the legislation would increase employment by 0.8 million to 2.3 million by the fourth quarter of 2009, by 1.2 million to 3.6 million by the fourth quarter of 2010, by 0.6 million to 1.9 million by the fourth quarter of 2011, and by declining numbers in later years. The effect on employment is never estimated to be negative, despite lower GDP in later years, because CBO expects that the U.S. labor market will be at nearly full employment in the long run. The reduction in GDP is therefore estimated to be reflected in lower wages rather than lower employment, as workers will be less productive because the capital stock is smaller.

I hope this information is helpful to you. If you have any further questions, I would be glad to answer them. The staff contacts for the analysis are Ben Page and Robert Arnold, who may be reached at (202) 226–2750.

Sincerely,

DOUGLAS W. ELMENDORF,
Director.

TABLE 1.—ESTIMATED MACROECONOMIC IMPACTS OF A STIMULUS PACKAGE (AVERAGE OF HOUSE-PASSED AND SENATE-PASSED VERSIONS OF H.R.1), FOURTH QUARTERS OF CALENDAR YEARS 2009 THROUGH 2019

	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Real GDP (Percentage change from baseline):											
Low estimate of effect of plan	1.4	1.1	0.4	0.1	0.0	−0.1	−0.2	−0.2	−0.2	−0.2	−0.2
High estimate of effect of plan	3.8	3.3	1.3	0.7	0.4	0.3	0.0	0.0	0.0	0.0	0.0
GDP Gap [1] (Percent):											
Baseline	−7.4	−6.3	−4.1	−2.2	−0.7	−0.1	0.0	0.0	0.0	0.0	0.0
Low estimate of effect of plan	−6.2	−5.3	−3.7	−2.0	−0.6	−0.1	0.0	0.0	0.0	0.0	0.0
High estimate of effect of plan	−3.9	−3.2	−2.9	−1.7	−0.4	0.0	0.0	0.0	0.0	0.0	0.0
Unemployment Rate (Percent):											
Baseline	9.0	8.7	7.5	6.4	5.5	5.0	4.8	4.8	4.8	4.8	4.8
Low estimate of effect of plan	8.5	8.1	7.2	6.3	5.4	5.0	4.8	4.8	4.8	4.8	4.8
High estimate of effect of plan	7.7	6.8	6.5	6.0	5.3	4.9	4.8	4.8	4.8	4.8	4.8
Employment (Millions of jobs):											
Baseline	141.6	143.3	146.2	149.3	152.1	153.9	154.9	155.7	156.4	157.0	157.7
Low estimate of effect of plan	142.4	144.5	146.8	149.6	152.2	154.0	154.9	155.7	156.4	157.0	157.7
High estimate of effect of plan	143.9	146.9	148.1	150.1	152.5	154.2	154.9	155.7	156.4	157.0	157.7

[1] Real GDP is gross domestic product, excluding the effects of inflation. The GDP gap is the percentage difference between gross domestic product and CBO's estimate of potential GDP. Potential GDP is the estimated level of output that corresponds to a high level of resource—labor and capital—use. A negative gap indicates a high unemployment rate and low utilization rates for plant and equipment.

Source: Congressional Budget Office.

Mr. BUNNING. I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New Hampshire is recognized.

STIMULUS PACKAGE

Mrs. SHAHEEN. Mr. President, I rise today in support of the economic recovery package on which we will soon vote. We are in the midst of the most severe recession since the Great Depression. Families and small businesses across this country and in my home State of New Hampshire are hurting. As a former Governor and small business owner, I know it is business and not government that creates jobs and drives new ideas and innovation. But I believe government has a vital role to play in helping business create jobs, especially in these very difficult economic times.

These are very difficult economic times. New Hampshire is a small State. We have just over 1.3 million people. Yet, in December alone, nearly 73,000 weekly claims were filed for unemployment compensation. As you can see on this chart, that is more than double the number of unemployment claims of a year ago and almost triple what the unemployment claims were 2 years ago. Nationally, we lost almost 600,000

jobs in January alone. We are shedding jobs at an alarmingly fast rate in New Hampshire and across this country. That is why it is critical that we pass a robust economic recovery package and that we do it immediately.

The economic recovery bill we are going to vote on is not perfect. I would have preferred more investment for roads and bridges, for water treatment plants, for K–12 and higher education buildings. Over the past year in New Hampshire, we lost almost 10 percent of our construction jobs, and investing in infrastructure creates good-paying construction jobs now, with the money earned by these workers generating a multiplier effect of economic activity so that it strengthens our economy, not just now but in the future. If it were up to me alone, we would be investing more heavily in infrastructure. But, as President Obama said the other day, we cannot let the perfect be the enemy of the good.

This economic recovery bill is good. For example, with this bill, over $132 million in highway funding will come to New Hampshire for road and bridge construction. Monday, I toured the construction site for a long planned access road to our major airport in New Hampshire, the Manchester-Boston Regional Airport. The highway funding in this economic recovery package will expedite the completion of that access road to our major airport in Manchester. It will create 1,000 construction jobs, and it will unleash the full potential of the Manchester Airport.

Almost $60 million will come to New Hampshire for water and wastewater treatment plants. That will create good construction jobs. It will enable cities and towns to move forward with long overdue projects.

The economic recovery package will also help small businesses obtain the financing they need to retain and create good jobs. This is critically important in New Hampshire, where 94 percent of our businesses have fewer than 100 employees, yet they employ half of the State's workforce.

The credit crunch has hit small businesses particularly hard. By temporarily waiving the Small Business Administration fees and increasing the loan guarantee cap, this economic recovery package is estimated to stimulate up to $20 billion in small business loans.

We may need to do more in the coming months to help small businesses access the working capital they need to survive during the recession. Too many small businesses today are relying on credit cards and they are paying exorbitant interest rates to obtain working capital. As a member of the Small Business Committee, I will be vigilant at monitoring whether the actions we are taking now in this economic package are sufficient to provide small businesses with access to financing.

This economic package will also put us on the path to energy independence by doubling our renewable energy-generating capacity over the next 3 years. By passing this legislation, we will make it possible for great projects across the country to get up and running.

I had the opportunity to talk to some people behind one of those projects in our capital city of Concord, NH. A company called Concord Steam has a fully permitted 20-megawatt biomass plant that is ready to go right now. Their challenge is getting the financing they need. If they are able to go forward, this combined heat and power plant will be built on a restored brownfields site. It will employ over 100 construction workers for the next year and a half, and it will create 25 permanent jobs at the plant. Because its fuel will be New Hampshire forest waste, this renewable powerplant will also create about 100 jobs in the timber industry. This project will benefit every single American because the steam heat and power that it produces will displace 12 million gallons of foreign oil each year.

We need to pass this economic recovery package, not only because it will put people back to work and lay a foundation for long-term economic growth but also because we need to restore confidence in our economy. The American people have always risen to meet every challenge. They need to see their Government is ready to meet this economic challenge as well.

I urge my colleagues to join me in voting for this economic recovery package and doing it as soon as possible.

I suggest the absence a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

200TH ANNIVERSARY OF PRESIDENT LINCOLN'S BIRTH

Mr. BROWN. Mr. President, today, as we all know, if we read the papers, we celebrated the 200th anniversary of Abraham Lincoln's birth. Our Nation's 16th President is remembered and celebrated, of course, for his many accomplishments that shaped our Nation.

Most of us recall hearing about the Lincoln-Douglas debates in 1858, a series of debates between the two Senate candidates over the issues of slavery, and how that led to the 1860 Presidential election.

President Lincoln is celebrated for signing the Emancipation Proclamation, the beginning of the end to slavery. All of us remember learning in grade school, some of us failing to perhaps memorize it, but learning of the Gettysburg Address, the prophetic words to a nation in turmoil that a ''government of the people, by the people, and for the people, shall not perish from the earth.''

One of the great places to go in Washington, DC, on a hot summer night is to sit on the marble floor at the Lincoln Memorial and read the Gettysburg Address on one side, then turn around and walk over and read perhaps Lincoln's greatest speech, in my opinion, the second inaugural address: With charity for all, with malice toward none, and all that he said in the second inaugural.

We often remember elements of his legacy but sometimes forget the world view that drove his actions. Lincoln's fight for social and economic justice changed the face of our Nation forever. His fight for economic justice, his fight to ensure that work is rewarded and that wealth accrues to those who produce it, has also changed the face of our Nation.

He forged a path toward prosperity, shared rather than hoarded, a path toward economic opportunity, rather than economic stratification.

President Lincoln knew then what so many of us are reminded of today. That is one reason we celebrate him the way we do, not just his 200th birthday but what he stood for, and especially in light of today's economy. He knew that a nation with the economic priorities skewed toward the wealthiest citizens is a nation with a fragile foundation.

One of my favorite Lincoln quotes:

> It has so happened in all ages of the world, that some have laboured and others have, without labour, enjoyed a huge proportion of the fruits. This is wrong, and should not continue.

President Lincoln could stand before this Chamber and deliver those same words and find equal resonance within the these walls and in the homes of middle-class families in the Presiding Officer's State of Colorado, and my home State of Ohio.

President Lincoln's commitment to economic opportunity for America's workers was a tenet of what he stood for from his early days in the State legislature, in Springfield, IL, all the way to his final days in the White House.

Those efforts were amplified through the fight against slavery, the hallmark of his legacy, which was founded on a fight for economic opportunity, opportunity for all.

President Lincoln saw the fight for our Nation's workers, all workers, as a moral, a political, and an economic issue, one that put the Nation on a new path to prosperity and opportunity. Lincoln, in effect, fought for what we would today call the American dream. Americans who work hard, play by the rules, should get the opportunity and will get ahead.

While he may have not have said it in so many words, he may have not have used the term American dream, he may not have mentioned the framework ''work hard and play by the rules,'' he was laying the groundwork for the creation of our Nation's middle class.

He applied his philosophy that ''labor is the true standard of value'' and that

workers should be justly rewarded for their labor. President Lincoln saw Government as a catalyst that could propel the son of a farmer or a tradesman to a better life, to greater economic stability. He believed that Government investment in public works projects created jobs for millions of Americans, and history has shown him right—projects such as the transcontinental railroad, the Morrill Act to create land grants for colleges, and the building of canals through much of what was then the United States.

It was the same philosophy championed by Franklin Delano Roosevelt some 70 years later on behalf of a nation in turmoil. Once again, the economic might of our Government was harnessed to promote public works projects, to create jobs, and to create economic prosperity.

President Roosevelt's New Deal projects led to the construction of electricity-generating dams—I know what it did in the Presiding Officer's part of the country—in schools, in hospitals, in highways and bridges.

The WPA, the Works Progress Administration, was responsible for putting millions of Americans back to work to support their families, back on the path to the American dream. Our Nation once again faces chronically uncertain economic times. During the last 8 years, the wealthiest 1 percent of our Nation got wealthier and wealthier. Most of the rest of America saw their wages stagnate. Yet the 1 percent got the hugest tax breaks. Middle-class families, the backbone of our Nation, saw their income stagnate, their jobs disappear, their health care costs rise, and sometimes their health care itself evaporate, their energy costs rise, their homes go into foreclosure, their retirement security vanish.

Productivity rose and real wages declined. You would think in the history of this country, in the postwar years especially, when productivity went up, when workers were more productive, their wages kept up. During the Bush administration, that was truncated, where prosperity continued to go up, but wages flattened and the workers simply did not share in the wealth they created.

That would so violate the spirit of Abraham Lincoln and so run counter to what he said about labor and about workers. Let me read that line again: It has so happened in all ages of the world, that some have laboured and others have, without labour, enjoyed a huge proportion of the fruits. This is wrong, and should not continue.

Our Government's priorities in the last few years were focused on enabling the wealthiest Americans to accrue more wealth, not focused on ensuring that hard work would enable middle-class families to thrive. Lincoln knew better. Roosevelt knew better. And we know better. That is why what we are doing this week is so important. We are walking away from priorities that undervalue Main Street, Lima, OH, Main Street, Akron, OH, Main Street, Mansfield, OH, and overvalue Wall Street. We are walking away from priorities that undervalue Main Street and overvalue Wall Street.

We are focusing on making sure that there are jobs to be had, and that Americans who work hard and play by the rules are rewarded for doing those jobs and renewing American prosperity by rebuilding its infrastructure, an infrastructure that has been starved by a war in Iraq, and starved by tax cuts going overwhelmingly to the wealthy. We are investing in public works projects because we know that the path carved out by President Lincoln, expanded by President Roosevelt, and now the one we follow along with President Obama, is the right path for job creation. It is the right path for our Nation's economy and our Nation's workers. It is the right path to the American dream.

Abraham Lincoln, first and foremost, believed in American workers. He believed in American businesses. He believed in America itself. This economic recovery package is an investment in our great country, it is a fitting way to mark President Lincoln's birthday. I think he would have been proud.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ALEXANDER. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. ALEXANDER. I ask unanimous consent that I be allowed to lead a colloquy among my colleagues for up to 30 minutes.

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

STIMULUS PACKAGE

Mr. ALEXANDER. Mr. President, the stimulus bill is the subject of discussion. There are some things we know about it and some we don't. We know, for example, it is a massive amount of money, almost $800 billion. These are numbers we throw around. But according to the Politico newspaper last month, this is more than we spent on Iraq, more than we spent on Afghanistan, more than we spent going to the Moon in today's dollars, and more than the Federal Government spent in the entire New Deal in today's dollars. It's a massive amount of money. It is not like some of the money we were authorizing to be spent in October and November, when we were giving the Department of the Treasury, in effect, a line of credit to help financial institutions begin to lend again so people could get auto loans. This is money we are spending. It goes out the door. We have to pay it back. It adds to the national debt. It took from the founding of our country all the way to the late 1970s to accumulate a national debt as large as the amount of money we are spending in this bill. We have been moving rapidly on this legislation. It is not only spending. The amount of money spent for education is such that it may be the largest Federal education bill we have ever passed in terms of dollars. The amount of money spent for energy is enough that it will be one of the largest Energy bills. The amount of money spent for Medicaid in the House and Senate bills, nearly $90 billion over 2 years to the States, may completely distort the discussion we are about to have on national health care policy. These are all topics that normally we would take weeks to consider.

For example, if we are going to add $40 billion to a Department of Education that only spends $68 billion today, we would ask the question: $40 billion for more of the same, or do we have some better ideas about how we might reward outstanding teachers or give teachers more discretion or parents more choices of schools?

I ask the assistant Republican leader from Arizona, this is one of the most important, massive bills. Republicans want a stimulus package. We have made clear we think we ought to start by fixing housing first, letting people keep more of their own money, and confining the spending to only those projects that create jobs.

I ask the Senator from Arizona, where are we? Has he had an opportunity to read the legislation to know how much is being spent, how much is actually targeted for jobs, and how temporary that targeting might be?

Mr. KYL. Mr. President, we do not know yet. I received an e-mail that said the Speaker of the House would be holding a press conference sometime in about an hour. I assume that, therefore, by then they will actually have produced the bill, that there will actually be a bill she can then share with her colleagues in the House and then would come over here and we could begin to read as well.

The answer to the first question is, despite all the discussion, we don't know yet exactly what is in it, how much it is, and what the long-term consequences will be. We do know from news media that certain things in the bill that passed the Senate have been changed. We are also told the basic amount is somewhere in the neighborhood of $20 or $30 billion less than the House-passed bill. If that is true, we can make some rough guesses. I will be happy to share what the Congressional Budget Office says about those guesses about future amounts of money.

If I may indulge by setting one bit of background first, when the Congressional Budget Office, the nonpartisan staff for the Congress, develops their cost estimates, they base it on what the language of the bill is and how the bill needs to work in the future. They always provide us with a 10-year cost. That is particularly important because

we hear about the cost of the bill, and we assume that is all there is. The truth is, there is a lot of cost that isn't calculated into the bill. When we hear about a bill that is $790 billion or $820 billion, that is not the true cost.

I will give an example. One of the programs in the bill expands Medicaid. It is called the FMAP increase in Medicaid. That went through the Finance Committee. For about 25 years, they calculate the cost of expanding the eligibility for Medicaid. Then they simply assume, because the cost was getting to be too big, that it stops at that point. For the rest of the 5 years for the 10-year total, in effect, the program goes away. Everybody knows the program is not going away. One program that is not going away is Medicaid. The eligible people on Medicaid are not going to suddenly be wiped off the program. Obviously, Congress will continue the program. What CBO had to do is calculate not only the first-year cost or the 5-year cost but what will it cost over 10 years. They have done the same thing with Head Start, Early Head Start, title I education—incidentally, there is something about all these programs; they do not in any way create jobs or stimulate economic growth, as they are social programs deemed to be a good thing but having nothing to do with stimulus—the LIHEAP program, the National Institutes of Health, COBRA insurance coverage, Medicaid, and other programs.

What CBO did was to take the House bill and calculate the true cost over the 10-year period. When one does that, it jumps from $820 billion to over $2.5 trillion. Then add in the interest payments on that amount which are about $744 billion. The total deficit impact, then, over the 10-year period would be $3.27 trillion. Assume that the bill might be slightly less expensive than what CBO is estimating, it is still, obviously, going to be in the neighborhood of $3 trillion over 10 years.

It is important to look at expenses over an extended period because, as the Senator noted, this is borrowed money. This is not money we have today. We are borrowing it. Therefore, the long-term consequences of that borrowing are important. What the CBO also said was that by the 10th year, we are actually going to be creating negative economic growth. The GDP will grow by between .1 and .3 of a percent less in the year 2019 than it would if we hadn't even passed this bill.

I compare it to kids eating sugar. They get a sugar high. They have all kinds of energy for a while. But when they crash, we have seen what that can be. While some of this might be stimulative early on, once the sugar high is gone, we are going to be left with the longer term consequences. Over this 10-year period the CBO has to calculate, we are talking about getting into negative economic growth, over $3 trillion in cost.

The question is, At that point, what is that going to do to our economy? I don't think anybody can say it is good news. But it is the kind of thing we have been talking about, to think about the long-term consequences of what we are doing. If one is gambling with a couple hundred million, that is one thing. Start gambling with $3 trillion, one better be right. I don't think anybody can say, with any degree of certainty, that what is in this legislation we can doggone guarantee is going to work and be worth the expenditure.

Mr. ALEXANDER. As I listen to the Senator, what occurs to me is, we have some laws about truth in labeling, truth in packaging. This bill wouldn't meet any definition I have ever seen. The whole argument for this legislation is, we are in an economic downturn. We Republicans know that. Americans are hurting. We feel that too. So we thought, what can we do to help make a difference? The thought was, fix housing first. We suggested lower interest rate mortgages. We suggested, with the leadership of Senator ISAKSON, a $15,000 tax credit for home buyers for the next 2 years to create more demand to stabilize home values. Those ideas would have been actually stimulative. But most of the legislation the Senator from Arizona talks about is very different. Medicaid would come up in the regular appropriations process.

As I am thinking about it, what has the Senator heard about one of the aspects of this bill that would be actually stimulative, the one I mentioned, Senator ISAKSON's proposal for a tax credit of $15,000 for home buyers, so that if they bought a home, they would get $15,000 off their taxes, cash in their pocket, as a way of stimulating the market? Is that in the compromise legislation?

Mr. KYL. Mr. President, I say to my colleague, obviously, we don't know because we haven't read it. But what my staff believes, from contact they have had with other staff, is that in order to make room for a bunch of other spending, that incentive program has been slashed. The amount of money has at least been cut in half. The people eligible to take advantage of it have been narrowed to first-time home buyers. There would be an income cap. I think now that CBO would score that somewhere in the neighborhood of about $2 billion, meaning that the impact of it on the economy could not be particularly significant.

May I mention one other thing, because it reminded me of another idea that we had. We had a lot of good ideas because we wanted to make sure this would work. We mentioned, several of us, the fact that 80 percent of the jobs are created by small business. So we looked in the bill to see where the relief would be targeted to small businesses to encourage them to hire more folks. When we finally found what was in there, it amounted to .8 of 1 percent of all of tax provisions in here that could be utilized by small business, hiring 80 percent of the jobs. Only .8 of 1 percent of the bill is dedicated to those kind of businesses as tax relief.

So when we talk about targeted, well, our idea of targeting relief obviously does not comport with the authors of the bill, and that is another one of the real questions and concerns we have about this legislation.

Mr. ALEXANDER. Mr. President, if I could ask the Senator from Arizona one more question.

Over the last couple days, we have heard testimony from the Secretary of Treasury about the importance of moving now to help strengthen financial institutions so they can lend money, so people can buy cars, buy homes, send their kids to college. We have heard about the importance of the housing plan that is coming. We have heard numbers of $1 trillion, $2.5 trillion. We have had testimony from experts outside the administration who have estimated that the so-called bad bank option for taking toxic assets out of banks might need $2 trillion and that we ought to capitalize that bank at several hundred billion dollars.

I ask the Senator, is it possible, if we spend the whole piggy bank on this so-called stimulus package, we will not have the dollars left to get the economy moving again by fixing housing and strengthening our financial institutions?

Mr. KYL. Mr. President, I say to the Senator from Tennessee, a friend of mine has a saying that probably applies here: You broke the code. That is one of the big problems. We know we are going to need a massive amount of money to deal with the housing problem and to deal with the credit problem so when you go to the bank, they will have money to lend to you.

Because this so-called stimulus bill is taking so much borrowed money—well over a trillion dollars just in the first 2 years; $3 trillion over 10 years—there is a real question about how much money we can afford to spend on these other things that, as you note, are absolutely critical. There will come a point in time when the people who buy U.S. debt—primarily foreign governments and foreign entities now—are going to believe we are so heavily in debt they are not going to trust our debt or be willing to give us as good a rate on that debt, the result of which there will come a tipping point when we cannot afford to borrow anymore. By, in effect, wasting a lot of it on this stimulus bill, I think the Senator's question is exactly on point: Will we have what is necessary when the real time comes?

If I could finish with an analogy. Some of my friends on the other side have said: Well, when the house is on fire, you just go put it out. You don't worry about how much water it takes or whatever. Well, that is fine, unless the fire is going to spread to the second house and the third house and the fourth house. You better not waste all your water on the first house. That is the essence of the question from the

Senator from Tennessee, and I think it is a very good point. I thank him.

Mr. ALEXANDER. Or to put it another way: Don't dump the water out on the street and fertilize the field if you need to throw it on the house.

Mr. KYL. Right.

Mr. ALEXANDER. We have a limited amount of water, a limited amount of money. I note the Senator from Arizona as well as I both voted to give President Obama the money he needed to work on housing and to work on financial institutions, and we may have to do it again. So it is not just a matter of saying no to proposals; it is a matter of being greatly disappointed this legislation is not targeted, is not temporary.

The Senator from Wyoming is in the Chamber. He has been an outstanding spokesman on the importance of the stimulus legislation, how to fashion that. I ask the Senator from Wyoming, as he looks at this legislation—and I know we have not yet seen the entire compromise—but how satisfied is he the legislation focuses on the problem that will actually create new jobs for Americans in a short period of time?

Mr. BARRASSO. Well, Mr. President, that is my biggest concern. I make a point of getting home to Wyoming every weekend. I have been to Wyoming just last weekend and the weekend before that and the weekend before that and this is what the people of Wyoming want to know. Is this money going to be well spent? Are they going to get value for their taxpayer dollars?

Similar to the other Members of this body, I have not yet seen a copy of the final proposal. But I think the answer, from what I see of the little snippets, is the value is not there for taxpayers. In today's Investor's Business Daily there is a front-page story, and the headline is ''Stimulus Bill Funds Programs Deemed 'Ineffective' by OMB''—the Office of Management and Budget. Stimulus bill funds programs deemed ineffective.

Well, if they are going to be ineffective at stimulating the economy, my question is: Why are they in a stimulus bill? The people at home get it right. This past Saturday I was at a Boys & Girls Clubs function. We had 700 people trying to help our Positive Place For Kids in the community, and many of them talked to me about this and said: We want to help. We want a program that will succeed. We need a program that will help our Nation and will help our economy. But they say, every dollar you put into this that is not really targeted and timely—and then, of course, temporary—every dollar that is spent that is not stimulating the economy is an extra dollar we or our kids or our grandkids are going to owe to people from around the world—owe to the Chinese, owe to others—and that is not the way to have a strong economy for our Nation.

Mr. ALEXANDER. Mr. President, I wonder if I might ask the Senator, he has been especially effective as a spokesman for the importance of fixing housing first. Many of us, especially on this side, believe housing got us into this mess and helping housing restart will get us out of the mess. Can you explain why there seems to be, in a nearly $1 trillion bill, so little focus on housing?

Mr. BARRASSO. Well, I think they did not focus where they should have put the focus, which is where we got into the problem in the first place and that was housing. I believe this body said unanimously we need to fix housing first, and we put in a significant amount of money: a $15,000 tax credit, tax relief for people who buy a house, to get the economy moving in the area that got us into the problem in the first place. Then—while we have not seen the bill yet—that has been stripped away, I understand, in this new compromise between the House and the Senate, and they have taken billions out of it, to a very small number, where it is $8,000 for certain, limited numbers of first-time home buyers.

So there is a significant decrease in dealing with housing. But there is money in for all sorts of other things that will not effectively help our economy, and that is what I have trouble with. I am looking for something I can support, can vote for. President Clinton's economic adviser, Alice Rivlin, said there should be something much smaller, something that is targeted at the problem. Because, to me, this seems rushed. We are making rushed judgments on energy, education, health care that, to me, do not belong in a stimulus package. We should be focused on what got us into the problem in the first place. That, to me, is housing.

So we can go on about other problems I see with this legislation. People all say to me: Hey, how are you going to judge success? I say: Well, the American people are going to judge success. They will be the ones to decide whether this will be a successful program. If people believe things are working and the Government is working for them, then terrific. But if the people of America feel the burden of this whole package—the burden is on them with inflation, with increased taxes, with less buying power, with more Government rules—well, then, the people of America will judge this to not be a successful package.

But whether it is throwing water on a fire or breaking the piggy bank, the people of Wyoming think of this as we are using so much money, we are shooting all our bullets at once, and we are not going to have any ammunition left over if we have to come after this again.

Mr. ALEXANDER. Mr. President, I thank the Senator from Wyoming for his leadership, especially as a spokesman on the importance of fixing housing first, which we believe the American people have gotten that message, but apparently the majority writing this bill has not gotten that message.

The Senator from South Dakota has arrived. He is vice chairman of the Republican conference, one of the leaders, too, in this debate. I have heard him speak about the importance of this legislation for stimulus being temporary and targeted. Actually, to give credit where credit is due, I believe we borrowed that phrase from the Speaker of the House, who said last year that stimulus packages, programs to create jobs for the American people, should meet the test of temporary, timely, and targeted.

I ask the Senator from South Dakota, specifically in light of the McCain amendment, which was offered—which you may want to describe—whether he looks at this compromise which is coming our way as temporary, timely, and targeted on the problem of creating jobs for Americans?

Mr. THUNE. Mr. President, I appreciate the Senator from Tennessee yielding and the comments of my colleague from Wyoming in focusing this debate where it should be, on things that are actually stimulus, that actually do create jobs in the economy, that actually do stimulate the economy and create growth and economic opportunity for more Americans.

I would say to my colleague from Tennessee that there are lots of things about this bill that do not meet that criteria, that do not meet that definition. You used the phrase ''timely, targeted, and temporary.'' I would argue that much of the substance of this bill is much different than that. In fact, it is slow, it is unfocused, and it is unending.

Again, we do not know exactly what is in it, unfortunately, because we have yet to see the bill. All we know is it is going to be somewhere in the neighborhood of $800 billion in face amount. When you add in the interest to that—some $350 billion—you are talking about almost $1.2 trillion in obligations we are handing off to future generations.

I think whenever you talk about that, you need to make sure you are understanding what you are getting for that amount of investment and what that means to future generations. For example, a lot of people do not realize or think about the debt we have today. The gross Federal debt is $10.7 trillion. Now, that means that every man, woman, and child in the United States owes approximately $35,000. That is their personal part of the Federal debt. CBO projects the fiscal year 2009 deficit to be $1.2 trillion before—before—any additional stimulus measures are considered. So when you start adding that in, the deficit as a percentage of our gross domestic product will be 10 percent, which is the highest level—the last time we saw that kind of a deficit-to-GDP ratio was back in 1945 when it was 8 percent. That is the amount of debt we are talking about.

I heard my colleague from Tennessee say before that this generation of

Americans will be the first generation of Americans who will not have the same standard of living as their parents. If you think about what we are doing, we are making matters much worse. We have a lot of young people out there who do not have a voice in this debate. I would characterize them as the ''silent generation'' who are not going to be heard. Somebody needs to be their voice in this debate too. Somebody needs to bring some rhyme or reason to what is happening here and hope we can get something reasonable passed through the Senate that is focused on job creation, that is temporary, that is targeted, that is timely—all the things we have talked about should be but this bill is not.

Mr. ALEXANDER. Mr. President, if I could ask the Senator from South Dakota: As I recall, Senator MCCAIN offered one amendment which almost all of us voted for, which was very targeted and cost about $400 billion, but he also offered another amendment which would have guaranteed that whatever was passed actually be temporary.

Mr. THUNE. Yes, that is correct. We had an opportunity to vote on a number of alternatives. The McCain alternative, which you and I both supported, was one that, in my judgment, made a lot of sense because it got you about twice the effectiveness, twice the job creation, at half the cost.

It was focused, as you mentioned earlier, and as our colleague from Wyoming mentioned, on the central issue of housing, which is so critical to bringing our economy back on a pathway to recovery. It also focused on tax relief for middle-income Americans and for small businesses which are responsible for creating most of the jobs in this country. It had an appropriate focus on infrastructure, which many of us agree is an area that can create jobs. It also had a trigger in there, a hard trigger that said when you have two consecutive quarters of economic growth, the spending would cease or would terminate. In other words, when we start to get our way out of the recession, we would actually bring some fiscal responsibility to this debate.

What troubles me about where we are going with this particular bill right now is it does not have that. In fact, much of the spending in here is long term and extends well beyond the so-called period we are looking at in terms of getting some stimulus into the economy. Many of the commitments that are made, many of the obligations will be obligations we are going to experience for months and years to come. Much of the spending in the bill is on what we call mandatory spending; in other words, spending that will be factored into the baseline and that we are going to be responsible for going into the future.

Senator MCCAIN's amendment would have addressed that issue. It would have brought some fiscal responsibility to this proposal. Unfortunately, it was defeated. But that being said, there are lots of things in here that still I think the average American, when they look at this, they will wonder: What is Washington doing, and why are they spending money on these sorts of things?

I am looking here at another proposal: $750 million for the replacement of the Social Security Administration's National Computer Center. Now, that is almost a billion dollars we are talking about, and you have to ask the question: What does this do to create jobs? How is it that this in any way stimulates anything other than perhaps some jobs in a government agency in Washington, DC? We have $2.5 billion to turn Federal buildings into green buildings; $1 billion for the U.S. Census; $850 million in new subsidies for Amtrak; $650 million in additional funds for digital TV conversion boxes; $645 million for new and repaired facilities at the National Oceanic and Atmospheric Administration; $448 million for the headquarters of the Department of Homeland Security in Washington; $300 million for new cars for government workers; $228 million to the State Department for information technology upgrades; $125 million for the Washington, DC, sewer system; $20 million for the removal of fish barriers. These are all things that are included. I forgot this one: $3 million tax benefit for golf carts, electric motorcycles, and ATVs, provided they don't exceed 25 miles per hour. These are all things that are in this legislation, and I think it would be very hard to convince the majority of the American people these have anything to do with stimulus.

Furthermore, as the Senator from Tennessee has very appropriately pointed out on many occasions, with some of the spending in here, what the States are asking for in terms of assistance—because many of them have shortfalls in their budget. My State is an example of Medicaid now constituting a bigger portion of our State's budget. It was 15.83 percent of the State's budget in 2000, and in 2008 it was 23.33 percent of the budget—a dramatic increase. What we are talking about is sending a lot more money out there. I have heard the Senator from Tennessee talk about it as the States asking for a life raft, and we are sending them the yacht from Washington, DC—

Mr. ALEXANDER. And we are going down to the bank and borrowing the money in their name?

Mr. THUNE.—to do it, almost eight times the amount of money they would need just to cover additional enrollment due to the downturn. Eight times the amount the States would need to get that done is what we are going to be shipping out there and, as the Senator from Tennessee mentioned, borrowing from future generations and piling on to that $35,000 that every man, woman, and child in America already owes as their part or their share of the Federal debt.

This is a very bad direction, in my view, to be heading for the country. I think we have had some opportunities to improve the bill, to make it better. We have had some alternatives offered. The McCain alternative which the Senator mentioned was one that I think, again, was very well balanced, focused on housing and tax relief and infrastructure and had the kind of fiscal responsibility and discipline in it that makes sure a lot of the spending doesn't go on ad infinitum—forever.

So I would concur with the points and the arguments that have been made by my colleague from Tennessee and say that we ought to be thinking not just about today but about the next generation because we have always had a history in this country—for 200 years Americans have sacrificed to make the next generation's lives better, to create a better life for our children and grandchildren. We are asking our children and grandchildren to sacrifice for us. That is a reversal of 200 years of American history. For generation after generation after generation, we have attempted to build a better, brighter, more prosperous future for our children and grandchildren. What we are essentially asking them to do is to loan us $1 trillion to do these things—some of which I mentioned and that I think are just completely outside the realm of anything that fits within the mission of job creation or stimulating the economy—at enormous cost to them because it is going to pile additional debt on top of the $35,000 they already owe, their share of the Federal debt we have today.

So I hope in the end people will come to the realization that this is a mistake and that we will see the necessary votes to defeat it and perhaps go back to the drawing board and put something together that really does, in fact, address the fundamental problem we are facing in the country right now, to get the focus back on housing, to get the focus back on the American people and families and small businesses, and to make sure we are doing it in a fiscally responsible way.

Mr. ALEXANDER. I thank the Senator from South Dakota. I imagine my 30 minutes has expired, but seeing none of my colleagues, I ask unanimous consent for up to 10 more minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I thank the Senator from South Dakota for his eloquent words. The numbers being thrown around are so huge—and numbers get thrown around so often in Washington, DC—that it is sometimes hard to distinguish between $1 million and $1 trillion or $1 billion or $10.

One thing I was thinking of as the Senator from South Dakota was speaking, I believe he said as much as 10 percent of the gross domestic product of the United States would be the size of this year's Federal deficit. What that means is, this country—even in these

bad times—is such a marvelous country that we will produce about 25 percent of all of the money in the world just for Americans, 5 percent of the people in the world. So what we are saying is, just this year we are going to run up a debt of 10 percent of 25 percent of all of the money in the world and add it to the national debt we already have and which we already know we are going to be increasing because of the responsibilities we have to try to help fix housing and encourage the financial institutions to support the efforts that the President is making to get the economy moving again.

What we are asking is, why would we spend the whole piggybank on a $1 trillion piece of legislation that isn't targeted to create jobs when we have so many other pressing responsibilities for this limited amount of borrowed money—namely, fixing housing and getting lending moving again? That is where we would put our attention. So we have a lot of questions about the bill.

As the Senator from South Dakota said, Republicans offered our legislation, which was voted down, and it focused on housing, it focused on letting people keep more of their own money and on a limited amount of spending for targeted, job-creating infrastructure projects. That saved $500 or $600 billion which could have been reserved for housing, for lending, or to reduce the debt. But this bill, I am afraid—and we will know more about it as it comes—is mostly spending instead of mostly stimulus. Not enough of the jobs come quickly enough to make as much difference as this borrowed money should make. Even most of the tax cuts in the bill aren't stimulative. They may be welcome, they may leave 13 more dollars in your paycheck each week. But is running up the debt this much more worth that? This is a lot of money—according to one report, more than the Federal Government spent in the entire New Deal, more than we spent in Iraq, more than we spent in Afghanistan, and we should spend this money carefully.

As the Senators from South Dakota and Arizona have pointed out, what happens after 2 years? The Senate rejected our amendment that said once the economy recovers, the new spending stops so we don't continue to run up an unimaginable debt.

States are having trouble and in a shortfall. Tennessee has a $900 million shortfall this year. But we are sending Tennessee, according to the latest estimates—even with the cuts and the compromise—about $3.8 billion. We are establishing policy without even thinking about it. In this legislation, which has never been to the authorization committees, we are having possibly the largest, I believe, Federal education bill in our history in terms of dollars. We are having one of the largest health care bills. We are having one of the largest energy bills. That is not the way we make energy, education, and health care policy—just by passing an appropriations bill with a huge amount of money.

We are very disappointed about the lack of bipartisanship. We respect our new President. We want him to succeed because if he succeeds, our country succeeds. We expected that in this first major piece of legislation, a number of us would sit down on both sides of the aisle and compare our notes and say: Let's go forward. We know the Democrats have the majority and we have the minority, and so more of their ideas are going to be included than more of our ideas, but 58 Democrats and 3 Republicans is not a bipartisan effort. That is not the way we do things around here.

The way we do things in a bipartisan way around here is when we had the Energy bill in 2005 and Senator Domenici and Senator BINGAMAN worked side by side. All ideas were considered. We had our votes. It took weeks and we got a big result. Another example is when we passed the America COMPETES Act and we worked side by side, or even with a contentious area such as intelligence surveillance when Senator BOND and Senator ROCKEFELLER worked side by side and we came to a conclusion together. The American people gained more confidence in what we could do and in the result that we came to. I am afraid in this case we have not had that kind of bipartisanship.

What I fear is that this is not a good sign for the future because this is the easy piece of legislation. This is the first major proposal from the President. This is just a spending bill, albeit a massive spending bill. Next comes health care and controlling entitlements and whether we want to authorize more money to take bad assets out of banks and to help housing. Next comes whether we want to pass this version of climate change or that version of climate change. All of these are difficult pieces of legislation.

I have said on this floor before that President Bush technically did not have to have broad-based congressional support to wage the war in Iraq because he was the Commander in Chief. So he went ahead, and it made the war more difficult. It made his Presidency less successful. ''We won the election, we will write the bill'' is not a recipe for resolving a difficult problem or for a successful Presidency.

I would hope we can either do as the South Dakota Senator said, which is start over again on this bill and retarget it, make it temporary, make it timely, and save hundreds of billions of dollars while focusing on housing and lending. That somehow we can get the Congress on track with the President so that when we say bipartisan, we do bipartisan, and we don't have an attitude that says, in effect: We won the election; we will write the bill.

Unless the Senator from South Dakota has additional comments—I am finished with mine, so I yield the floor and yield to him.

Mr. THUNE. Who controls the time, Mr. President?

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

Senators are authorized to speak for up to 10 minutes each.

Mr. THUNE. Mr. President, I ask unanimous consent to use up to that amount of time.

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

Mr. THUNE. Again, to my colleague from Tennessee, I thank him for his leadership on this issue and particularly for bringing to the forefront of the debate the housing issue which, as so many have mentioned already, really is an integral, essential part of the solution. If we don't deal with that, then I think we are not going to be able to lead our country out of the recession. I don't think anybody will dispute the fact that housing played a very important role in where we are today, and I think trying to recover is going to require a good amount of focus and attention on that issue which, in this bill, is very light. In fact, if you look at what is included in the bill—let me see—1 percent of the Senate bill goes toward fixing housing. Even the $15,000 new home buyer credit that was reportedly cut in half in the final version of the bill, I am told—and I don't know the answer to this because I have not seen the final bill, nor, I don't think, have any of us seen the details in it—that entire housing tax credit may, in fact, be gone which would eliminate any commitment to helping to repair that aspect of our economy—the housing sector of the economy—which I think is going to be so important in helping us to recover.

So 1 percent of the Senate bill goes toward housing currently, 2.3 percent of the Senate bill goes toward small business tax relief, and, as I mentioned before, small businesses create two-thirds or three-fourths of all of the new jobs in our economy. It seems to me at least that ought to be a very proper and important focus of this legislation.

Of course, some of the alternatives we voted on last week, one of which was the McCain alternative which we referenced earlier, did include a significant amount of incentive for small businesses to invest and to create jobs. I offered a couple of tax amendments to a couple of alternatives to the bill which really did focus on tax relief for middle-income families and for small businesses. That, of course, was defeated as well.

I guess my point is, the bill as we have it in front of us is going to be very much oriented toward spending, and spending on government programs and spending which, in many cases, doesn't go away; that isn't temporary, that, in fact, makes obligations and commitments and liabilities well into the future. We talked about up to about $200 billion of funding in the bill being what we call mandatory spending; in other words, spending that is built into the baseline, that isn't temporary, and it is hard to see how that

fits into the definition of temporary, targeted, and timely, which was the criteria that was set out by the President and by the Democratic leadership in developing this bill in the first place.

The Senator from Tennessee, when he touched upon the amount of money his State of Tennessee will receive and what the State's need is—and I would repeat what I said earlier, that under this bill, we are not giving States what they have estimated their amount is to cover the increased Medicaid enrollment due to the economic downturn.

We are giving them—if you can believe this—almost eight times the amount of money they would need to cover additional enrollment due to the economic downturn. Why? States, of course, aren't going to refuse it. Which Governor out there will turn down additional resources? It is estimated that States would need about $11 billion in additional funding to cover enrollment-driven growth in State Medicaid Programs.

Under this bill, we provide $87 billion with absolutely no strings attached and no requirements that States get their own spending and fraud and abuse under control. I hope we have pointed out—and we will continue to point out—the ways in which the funding under this bill is being spent. Again, I mention some of the particular earmarks here, much of which go to Government agencies: $20 million for the removal of fish barriers; $300 million for new cars for Government workers; $645 million for new and repaired facilities at the NOAA; and $750 million for the new computer center for the Social Security Administration.

It is hard to argue that these things are stimulus. Perhaps they are needed and, in fact, perhaps ought to be debated, but it ought to be done in the regular order, handled through the normal annual appropriations process, not included in a bill that is being sold to the American people as stimulating the economy and creating jobs. There is little in here I can see that meets that definition.

I want to make a final point with regard to the whole issue of job creation, because the CBO, in a letter dated February 11, 2009, clearly describes the false economic theories behind this Government spending bill. The CBO letter encompasses the majority of the economists' views on this legislation. Specifically, the letter states that beyond the year 2014, this legislation is estimated to reduce gross domestic product by up to two-tenths of 1 percent. The reduction in GDP is therefore estimated to be reflected in lower wages, rather than lower employment. Workers will be less productive because the capital stock is smaller. The legislation's long-run impact on output also would depend on whether it permanently changed incentives to work or save. The legislation would not have any significant permanent effects on those incentives.

Those are quotes from the CBO letter that came out last week. Even the most optimistic CBO projection states that long-run GDP growth will increase by zero percent. Even the most optimistic projection is built on an assumption that all of the relevant investments, on average, would add as much to output as would a comparable amount of private investment.

The Government spending included in the House and Senate bills doesn't change GDP at all due to Government spending crowding out private investment.

Most of us would agree—I think most of us on this side would agree—that we are much better served in terms of creating economic growth and jobs, in seeing that the jobs are created in the private sector, and that we are providing the necessary incentives for investments in new jobs. This bill is very light on the types of incentives that would lead small businesses to go out and invest and do the sorts of things that actually will create jobs and help us recover and build a better and more prosperous future for our children and grandchildren which, as I said earlier, in my view, is in serious jeopardy because of this legislation—primarily because of the enormous amount of borrowing it includes and how much it adds to the debt for every man, woman, and child in America, and $35,000 is that share of the debt. Under this bill, that would grow $2,700 per every man, woman, and child in America.

What we are doing to future generations is wrong, it is not fair to them. This Government needs to learn to live within its means. We need to think about building and sacrificing so that our children and grandchildren and future generations will have a brighter future. That is the way it has always been in this country. It is part of our culture and ethic that we work hard and sacrifice so that future generations can have a brighter and better future. This completely turns that whole history, that legacy, we have as a nation on its head by asking future generations to sacrifice for us. That is the wrong thing to do.

I hope we will reject this legislation and go back to the drawing board and do something that is effective and creates jobs and does work and will give the American taxpayer a good return on their investment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I want to join my colleagues and discuss the spending package that will be back in front of us—the $800 billion but, with interest, probably $1.2 trillion, which will be in the package, and it will all be borrowed—every cent of it. We don't have that money presently. So we are going to be borrowing it to do this.

A couple of things strike me. One, we learned last fall—and there is an old saying that is true in government and certainly with individuals as well, which is ''haste makes waste.'' I grew up with that saying. People say, look, if you hurry at this and you don't get it right, you are going to have to do it again. We saw that last fall with TARP. We put in $750 billion because they said we have to do it now and we have to do it fast. But at the end of the day, that haste made waste. The Treasury Department went pillar to post, saying we are going to do this or we are going to do that, and they ended up spending the money. Now we are looking at TARP II and the banks still need help. I have a lot of people back home saying: What happened to the first hundreds of billions of dollars you gave the banks? Haste makes waste. We saw it then.

There is no reason for us to rush to get this wrong on the stimulus package. Yes, we need a stimulus package. My State needs a stimulus package. This country needs it. We need a stimulus package, not a spending bill. If we slow down a little bit—I think we should refer this back to the Committees on Finance and the Appropriations and put a requirement on it that every dollar spent must yield at least $1.50 in economic activity over and above what is spent.

We should make it a stimulus bill, not a spending bill. We have not done that. We are hastily putting this forward. I believe, tragically, we will be wastefully putting it out. There will be a number of programs that can use the funds, I have no doubt about that. But if the target is to get this economy off its knees and moving forward, we have to hit that target and not a multiple set of targets, and not a set of spending targets that are not stimulative in nature.

There is another saying that President Reagan was fond of using, and it was that there is nothing so permanent as a temporary Government program. That was his experience and it has been mine as well. Once something gets started, it is hard to stop, because it gets a constituency built up around it, and people build up their expectations and infrastructure around it. When you go to eliminate it once it has started, it is like, wait a minute, now this has a multiplier impact on a broader cross-section of individuals. That is why there is nothing so permanent as a temporary Government program.

I think that is probably why some people are looking at starting things under the guise of stimulus that are, in actuality, starting new Federal spending programs with the hope that infrastructure builds up around it and in future years, when it goes to be cut, people will say you cannot do this because it will have this multiplier impact. That is the history of the Federal Government and its growth.

According to a CBO analysis, if most of the new spending programs enacted under the proposed stimulus were to become long-term spending programs—and that is our history and what we have seen in the past—the cost of the

stimulus package would rise to $2.5 trillion over the next decade, and $3.3 trillion if you include interest payments on that debt. We are borrowing every cent. You are looking at long-term spending in the $3.3 trillion category. If you do and you look at a rough outline of this, you are going to move the Federal Government from about 20 percent of the economy, which it has been, up to 25 and possibly 30 percent of the economy. At what time do you come to the tipping point? And that is before you add in the baby boomers retiring and the increased costs in Medicare, and when that baby boomer generation is retired and using the Government programs instead of paying into them. You will get to a tipping point where people cannot afford the tax structure that is needed underneath that. That is not wise for us to do.

In this stimulus bill, we will take the Federal debt in private hands relative to our gross domestic product from below 40 percent of GDP to move it well over 60 percent of GDP. So that will be like saying I have a job and I make $100,000 a year, and I borrowed $40,000 that I am paying on, and now I am going to jump it to $60,000. You are looking at that in this soft economy and saying, is that a smart thing to do? Most people would say, no, that is not the right thing to do. You want to try to stimulate things, not harm them.

Finally is this thought: I don't believe that hastily constructed bills such as this one being sold as stimulative is a plan to help our economy weather this recession. It strikes me as a highly leveraged, speculative bet on larger Government and massive long-term spending as a cure to our economic woes. We have seen what the aftermath of highly leveraged speculative bets can bring. That is what we have gotten into in the first place, where you have had highly speculative leveraged events taking place in the housing market and expanding into credit card use, into automobile loans. A number of homes were bought with 100 or 110 percent borrowing, and they thought the appreciation would pay for that. Those were completely leveraged events. That doesn't bring economic prosperity; it brings bubbles. I don't think you are even going to see that with this one. You are going to see long-term costs. We are going to see speculative debt with the Government using our children as leverage. Is that the way we want to go?

Clearly, the people in my State believe no, and they believe we need a stimulus package, and that we need to work together on a bipartisan package. We should take it through the regular order, through the Appropriations Committee and the Finance Committee, and hold hearings on it, look at what actually works, set a criteria on this. When we had this very rapid, hastily put together TARP legislation—and everybody is mad about that now—we didn't hold hearings on it. We did it quickly and in closed sessions. Out pops the package, and now we are back at it. I think we will be back at this one also if we don't do what we need to do. But only our ammo box will be empty. We are not going to have anything in it, because haste makes waste. We rush out there trying to get it done and we don't work the process and work together on it. We are not going to hit the target and that will be sad for the American public.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, I ask unanimous consent to speak in morning business for 20 minutes.

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

Mr. DORGAN. Mr. President, there has been a generous amount of discussion on the floor today about the economic recovery package that has been put together and about the dire conditions of our economy. If you listen, they have been described in so many different ways—financial crisis, deep recession, economic trouble, a wreck, a dire condition—and I suspect almost anybody who has been experiencing trouble in the workplace as a result of this rather steep economic decline would understand all of those terms.

I have been listening to the debate on the floor of the Senate, and I had to come to see if we could add a little clarity to what has caused all this. It is pretty hard to describe a remedy unless you understand what has caused it.

I understand from a lot of discussion a bit ago that there are a lot of people who don't want to do anything or they want to do something much less or they are not sure. In any event, I was thinking of how many people in the Senate lined up to help the banks. The Treasury Secretary said we have to pass legislation to help the big Wall Street banks. He said we have to pass a 3-page bill in 3 days for $750 billion. Boy, there was a big-old traffic jam trying to get up here to the well to vote in favor of that legislation, helping out all the big banks with hundreds of billions of dollars. Now we are talking about helping someone else out, helping out folks who need jobs, and all of a sudden, there is a big problem. Mr. President, $700 billion to bail out big banks and steer this economy in the ditch—that is OK, big traffic jam to do that, but some money to help put people get back on payrolls, no, that is deficit spending, we are told.

I showed this chart the other day on the floor of the Senate. There were 35 jobs available in Miami for firefighters, and 1,000 people showed up on the sidewalk and lined up to apply.

For some, it may be easy to come to the floor of the Senate and talk about the 598,000 people who lost their jobs last month, the 1 million people who lost their jobs in the last 2 months, and the 3.6 million people who lost their jobs since this recession began. But name 1, name 10, name 1,000, name 1 million or look at their picture and see the faces of people who want to work but cannot because they were told their jobs no longer exist. Then ask whether this is important, and ask yourself: What are you going to do about it? What do you think the remedy is? What do you think the priority ought to be with respect to putting people, such as these people, back to work: giving them an opportunity with a job or lining up in the well of the Senate to say to the big banks: Here I come; here is $700 billion. Big difference, in my judgment.

The difficulties we face in this country today are not some natural disaster. This is not Hurricane Katrina that came raging through our country. This is not some disaster over which we had no control. This is an economy which is collapsing and has very serious trouble as a result of specific things that have been done that have been irresponsible.

How on Earth do you describe a solution unless you are willing to admit what has caused it? Let me go through some of it. It is not a question of pointing fingers, it is just a matter of deciding, let's be straight about where we are and how we got here. They will write in the history books about this era and this age. We studied the Gay Nineties. We studied the Roaring Twenties. Somebody will study this age, this age of excess, this carnival of greed in the history books in the future.

So how did we get here? Let me describe it by saying we got, in my judgment, several fundamentally flawed policy changes that happened over a long period of time.

Trade. First of all, you cannot suggest this problem we have does not lay right on the doorstep of those who have allowed this trade deficit in this country to rise to $700 billion to $800 billion a year, buying $2 billion more each day than we sell abroad and racking up a giant deficit for this country that we must repay to other countries. Most of the Members of this body have been perfectly willing to be brain dead on that subject for a long time. Trade doesn't matter, the deficits don't count. Don't worry about jobs going overseas, don't worry about unfair trade agreements, just ignore it and just keep chanting about free trade. That is one big mistake that has been made for a very long time and no more so than during the past 8 years of the past administration.

With a trade deficit of $700 billion to $800 billion a year, add to that budget deficits. I know what they say about the budget deficit in the newspaper. OMB puts out a number. I think the

last administration said it is some $450 billion. That is not true at all. It is not $450 billion. The question is how much did we have to borrow last year. That is the impact. It is between $700 billion and $800 billion, even more depending on whose counting. So with an economy of $14 trillion or so, a $700 billion to $800 billion trade deficit, a budget deficit of somewhere around $700 billion to $800 billion, that is 10-percent or so indebtedness in 1 single year.

But it is not just the fact we have this budget deficit that has been so out of whack ever since the last administration took office—and by the way, they inherited a budget surplus. We had a big debate on the floor of the Senate, and those now saying: Let's not do much to remedy this economy, were standing on the floor of the Senate saying: We want to get rid of the budget surplus; we want very big tax cuts for a very long time, most of which will go to the very wealthy. Some of us said: Let's be careful, let's be conservative. No. Katy, bar the door. They passed their legislation. We ran into very big budget deficits in a very big hurry.

Trade deficits, budget deficits—and by the way, a budget deficit that was, in part, constructed by deciding to fight a war and not paying for it. Can you imagine, fighting a war and saying we are going to charge every penny. We say to the American people: You go shopping. That is what President Bush said: Your job is to go shopping. We are going to fight this war. We are going to spend $10 billion, $12 billion a month, and we don't intend to pay a penny of it. Some of us who wanted to pay for part of it were told: We will veto the legislation if you try. He said: I will veto the legislation if you try.

Trade deficits and budget deficits have weighed this economy down in a very significant way. And the very folks who have come today to talk about spending and deficits are the ones who supported all along a fiscal policy that created the most significant budget deficits in the history of this country.

Those are not the only two things. They are significant—trade deficit, a budget deficit, reckless fiscal policy. They are significant, but something else happened, something very significant, and I talked about it frequently on the floor of the Senate. The same people who are so concerned about these issues now joined forces to say: You know what, we need to modernize America's banking system. It is way old-fashioned, way out of date. We put in place all kinds of things since the Great Depression to prevent banks from being modernized, and we need to have one-stop shopping. We need to let banks get involved in real estate investments again. We need banks to get involved in securities investments again. And so they passed—yes, the Congress did; incidentally, there was bipartisan support for it—a piece of legislation called the Financial Services Modernization Act. It got rid of old-fashioned things that were put in place after the Great Depression and helped create the big bank holding companies that could get involved in securities, real estate, and all kinds of risk ventures attached to banking which we had prevented for 80 years.

All of a sudden, we saw the pyramid created, the big holding companies, and it was Katy, bar the door. What we saw was the buildup of unbelievable leveraged debt in these institutions and a substantial amount of risk brought into America's banking system.

Almost immediately, that system allowed greed to permeate. Here is how it manifested itself in one significant part of the contributor to this economic malaise, and that is the housing bubble and the subprime loan scandal. I have spoken about it at great length—I am sure people are tired of hearing it—the subprime loan scandal. We know people who were cold-called by brokers to say: We know you are paying a 7-percent interest rate. We will give you a 2-percent interest rate, and by the way, you don't have to pay any principal; 2-percent interest rate and no principal, and you don't have to document your income to us. No-doc loan, no principal, 2-percent rate. They put people in subprime loans not telling or emphasizing that it is going to reset in 2 years to 10 percent or 11 percent and you can't prepay because there is a prepayment penalty for doing it.

They larded up a whole lot of securities because they wrapped these into securities with bad loans, bad mortgages, and then sold them upstream to mortgage banks, hedge funds, investment banks. They were all fat and happy, and that included the rating agencies that would take a look at that security and say: That is a good security; that is AAA. They were all in on the take. By ''the take,'' I mean infected with greed. So we had the housing bubble. We had all of these mortgages out there.

Consider this: A $14,000-a-year strawberry picker buying a $720,000 home placed by a broker who got a big bonus for placing the mortgage without any chance of that person being able to make payments. But that mortgage then becomes a mortgage wrapped into a security sold to a hedge fund, rated as a security as AAA, sold to an investment bank. Now all of a sudden you have brokers who are happy because they are making massive amounts of money; you have the mortgage banks, they love it, they are making lots of money; hedge funds, they are making so much money they can't count it.

By the way, the top hedge fund manager a year and a half ago earned $3.7 billion. By my calculation, that is $300 million a month, about $10 million a day.

Honey, how are you doing at work?

I am doing pretty well, $10 million a day. I make as much in 3 minutes as the average American worker does in a year.

They were all happy, all making massive amounts of money. The problem is, they built a pyramid. The scheme of this pyramid is not much different from Mr. Madoff, who apparently allegedly got away with a $50 billion Ponzi scheme. This scheme was not much different. All of a sudden, it began to collapse.

Huge trade debt, big federal debt, reckless fiscal policy, fighting a war and not paying for it, charging every penny, in fact, insisting on continuing tax cuts even during the war, and then this unbelievable banking scandal by removing the protections that existed since the Great Depression and saying to the big banks: You can create holding companies, you can attach risk, such as securities and other issues, and it will be just fine. You can do that. And so they did. All of it was built on leverage—trade debt, budget debt, leverage debt in the private sector, almost unparalleled in the history of this country. Then the tent pole began to come down. All of a sudden, we discover a very serious problem.

To describe how significant the money that was being paid was, there was a discussion in the last couple of days in the Congress about maybe doing what President Obama suggested; that is, to those big companies that got bailout funds, for the top 25 people in those companies, their compensation should be limited to half a million dollars a year. It is interesting, when they tried to do that, my understanding is there was a budget cost to that of something close to $10 billion. Why would there be a budget cost? Because they were all making so much money that the income tax they would pay as a result of that money was so significant that you had a $10 billion budget cost if you limited the income of the top people on Wall Street in these firms to $500,000 a year. That is almost unbelievable to me. But having done some work to study how much income exists in those areas, that is exactly true.

There was an investigative story in the Washington Post about the failure of one of the largest investment banks. They described the top trader in that organization, a person trading securities and the person who was in charge of risk management. It turns out they carpooled every day from Connecticut to New York. It wasn't very hard to have the top trader deal with his best friend risk manager and get things done pretty easily. The top trader, they said, was making $20 million to $30 million a year. So that company turns out to be loaded with toxic assets, as were most of the other institutions engaged in exactly the same business because they were making so much money.

Now we are told the taxpayers have to come to the rescue of these banking institutions. So $700 billion has been voted in what is called the Troubled Asset Relief Program, TARP. I did not support that legislation. I didn't think

the Treasury Secretary had the foggiest idea what he was doing, and I think history shows that to be the case.

But one of the questions I think needs to be asked at this moment, is: Is there a requirement that we bail out these specific banks? Is that some divine right of existing institutions, to come to the Government to say: We are in trouble, you need to help us. Well, what has happened is the Government has allowed them to become so big they are referred to as being too big to fail. That is an actual specific category at the Federal Reserve Board—too big to fail. Despite the fact that they are bailing them out, our Government—the Federal Reserve Board and the Treasury, which have said these institutions are too big to fail, and have in fact failed and need taxpayer money to bail them out—our Government is actually pursuing mergers to make them bigger. It is unbelievably ignorant, in my judgment, as a policy matter. But I think it is important for us to ask some basic questions here. Do we care about too big to fail; and should we, at some point, decide to take apart those institutions and create different entities, smaller institutions?

I understand we can't tomorrow decide there will not be any major banking institutions in this country. Our country can't function like that. Credit is critical to every business in this country. I know many profitable Main Street businesses that are having great difficulty finding credit from established credit sources they have had for decades. So I understand the urgency and the need for credit from banking institutions. My only observation is this: If we are pushing $700 billion after failed institutions in order to try to make them well, even as we are saying to them, we want you to become bigger, and when, in fact, they are already too big to fail, I am saying that doesn't add up to me. I think maybe we should have a discussion here in this Congress about whether there is some inherent right to preserve institutions, or whether those that are too big to fail should be perhaps taken apart and create institutions that will better serve this country's interest.

Now, some say there are only two choices in the future as we try to take a look at financial reform. And by the way, there is very little action on that at this point, and I believe it ought to go concurrent with all the discussion about trying to put people back to work and so on. But it seems to me the two choices are: You go back to a world in which you had Glass-Steagall and separation of banks from other inherently risky things, such as securities and real estate. And I believe we should do that. That means banks essentially become very much like a utility. That is the way it was. They were regulated, but generally performing traditional banking functions and making money. Then risky enterprises are over here, regulated in a different way but nonetheless able to engage in substantial amounts of risk with securities, real estate, and other items.

We have to make that choice, and the sooner the better. I think to ignore that is to suggest, as some are now doing, that what we are going to do is we are going to have taxpayer money chase current institutions that have failed, and perhaps even make them bigger when they are already too big to fail. That makes no sense to me at all.

And that brings me to this issue today of the economic recovery plan that has been negotiated. I don't think anyone comes willingly to this either starting line or finish line with this kind of a plan to say, I am pleased to be here. But I do think this: I see all of the energy of people who rush to try to help the big banks with $700 billion, and then see so much concern about trying to help people who are out of work, and I say: Wait a second; maybe we have our priorities wrong here. I believe that the economic engine in this country works best when people have something to work with, when American families have a job to go to, a job that pays well and allows them to take care of their family. I think that is a percolating-up kind of strategy with the economic engine, and I think it is perfectly appropriate and important. In fact, I think it is essential for us to worry about trying to put people back to work during a very deep recession.

No one can say that what happened last month doesn't matter. You can't say that 598,000 people coming home at night and telling their loved ones they lost their job doesn't matter to this place. If it mattered to this place that the biggest banks in the country were having some difficulty, and they had to get $700 billion, why doesn't it matter that we care a little bit about the people who lined up in Miami, FL, a thousand of them, trying to get a little shot at 35 firefighting jobs? This too ought to matter. It is not unfair, as some have suggested last week when I showed this chart, and said I was playing on sympathy. This isn't sympathy. This is reality. Isn't it important that we talk a little about reality and a little less about theory here in the Chamber of the Senate? The fact is these people got up, stood in line, because they need a job, and we ought to be able to do something about that, to try to put people back to work and give this economy a lift.

I think it is pretty clear that no one knows exactly what the medicine is or the menu is to try to make this economy well and healthy once again. But this legislation we are going to be considering contains a couple of things that I put in during this past week when it was considered. One is very simple: If we are going to put people back to work building roads and dams and bridges and so on and so forth, putting people on payrolls to do these projects that will invest in America's infrastructure, then let's try to buy American products while we do it so that we are putting people on factory floors to produce those products. I am talking about steel and iron and manufactured projects.

When I suggested that we buy American for the major purchases that we are going to make to put people back to work, I did that because I know when we buy those products we will put our people back to work in those factories. But you would have thought I was talking the most radical kind of talk in the world, by the reaction of some—you are going to upset the international balance of trade. That is absurd. We are already so out of balance in trade. We are $700 billion to $800 billion in red in trade. At any rate, my legislation is here. So as we try to put people back to work and invest in our infrastructure to create jobs, we should buy American. It is common sense.

The second amendment I put in this piece of legislation is different than anything that has been required with all the other money that has been shoved out the door by the Federal Reserve Board, by the Treasury Department, by the FDIC, and, yes, with TARP, supported by the Congress, and that is a provision that says: I want accountability. If you get money from this economic recovery package, you have to report to us on a quarterly basis that says: Here is who I am, here is the money I got, here is how I used it, and here is how many jobs I created. That kind of accountability, demanding that kind of reporting, is essential for my support for this bill. And that is in this piece of legislation because I put it there last week.

Now, one final point, if I might. I understand, as I have said many times, that in most ways the issue of trying to promote economic recovery in this country is not about some menu. It is not about a menu of tax cuts or more spending. It is not about a menu of M1B or anything of that sort in fiscal or monetary policy. It is about trying to give the American people some increased confidence about the future. That is critical in order to have an expansion of our economy. People have to feel confident about the future in order to act on that confidence—to buy a suit, buy a new washing machine, buy a car, buy a home, take a trip. It is the kind of things people do when they are working and they feel good about the future and their job is secure. They do things that expand the economy.

When people aren't confident, they do the exact opposite, and that causes a contraction of the economy. That is where we are today. People aren't confident about the future. I understand that. I mean, I think all of us know why. They have seen the most significant era of greed perhaps since the 1920s, and they do not like it. They have seen a collapse of the housing bubble, they have seen big investment bankers get rich, they have seen all these things—the scandals—and it is hard to be confident. They have seen the country fight a war without paying

for it. Some people have given their lives. So I understand that we have a lack of confidence. The question is not whether that exists; the question is what do we do about it? Do we decide to do something about it? And if so, what?

I have described often the response of Mark Twain when asked if he would engage in a debate at this organization, and he said: Oh yes, if I can take the negative side. They said, but we haven't even told you the subject yet. He said: Oh, the subject doesn't matter. The negative side will take no preparation.

So I understand how easy it is to simply be opposed to everything. The question now, however, is: What do we do to lift this country? What do we do to help lift this country out of this deep recession and give people some confidence that we are on the right road? Perhaps a trade policy that begins to insist on some balance in trade so we are not deep in the red; a budget policy that at some point says you can't spend what you don't have on what you don't need. You have to have some balance in fiscal policy and you have to recognize that. And you have to have a policy on banking and finance that says we're not going to allow you to do this anymore. We are not going to merge the safety and soundness of banking with speculation and risk in real estate and securities. We are not going to do it. If we would take those steps, it seems to me we would give some substantial confidence to the American people.

Passing the legislation that is going to be proposed today or tomorrow—the American Recovery and Reinvestment Act—is not the easiest thing, I understand, because it is counterintuitive to somehow believe that the way out, when you are deep in debt, is to spend some money. Well, I understand that is counterintuitive. Yet all of the lessons we have learned are that you have to prime the pump to put people back on a payroll. If you have half a million people a month losing their jobs, you have to find a way to put people back on the payroll and to inspire some confidence in the economy again.

I have heard discussions today about, well, I worry about this piece or that piece, and people won't go back to work. I am telling you, I think there are a lot of things in this bill that will put people back to work.

I chair the Appropriations Subcommittee on Energy and Water. We have $4.6 billion in this with the Corps of Engineers, and the Corps of Engineers will be repairing mostly bridges and water projects—that are designed, engineered, and ready to go. They will be being hiring contractors who will be hiring workers. The fact is there will be a lot of jobs created with this package—we believe 3.5 to 4 million jobs. That is going to make a difference, I believe.

Having described in some cases our disagreements, let me say that I do think every single person in this Chamber wants the same thing for this country. We perhaps have different approaches to how to get there, but we all want this country to prosper, the economy to be lifted and to recover, for people to go back to work, and for us to have the kind of future that we expect for our children. I believe that is possible. If I didn't believe it was possible, I would hardly be able to go to work in the morning.

Let me tell one story, if I might—I have mentioned it before, a couple of weeks ago—and some people have heard of this. I talked about this guy named Ken Mink from Kentucky, because it is so inspiring. It is so indicative of people in this country who think we can do anything and they can do anything.

Ken Mink, from a news report I read, was 73 years old. He was out in the back yard shooting baskets, and he came in and said to his wife: Honey, it is back. She said what is back? He said: My shot. My basketball shot is back. No matter where I shoot in the back yard, I don't miss. So he sat down that night and wrote applications to colleges—junior colleges—at age 73. He got into a junior college and tried out for the basketball team, at age 73, and made the basketball team. About a month and a half ago, he made two points in a college basketball game. The oldest man, by 40 years, ever to score at a college basketball game, at age 73. I was thinking about that the other day, and I thought: What a wonderful inspirational story, of somebody who didn't understand what he couldn't do. Who says you can't play basketball at age 73 for a junior college some place in Kentucky?

My point is: I think that represents the story of our country. We have so many stories of people who, against the odds, do things that make this a better place. And if we work together and believe in ourselves, and believe in what we have accomplished in decades past and will accomplish in the future, this country is going to be fine. So we are going to get through this week, and hopefully we will give some boost to this economy, and after which I believe we will see an economy that provides more jobs and begins to expand and provides opportunity for American families once again.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

(The remarks of Mr. BENNETT and Mr. WYDEN pertaining to the introduction of S. 426 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Oregon is recognized.

Mr. WYDEN. Madam President, in the course of debating the economic stimulus legislation, every Senator I have talked to has been interested in trying to find savings to keep down the cost of the economic stimulus bill. I have come to the floor this afternoon because it appears that when the Senate debates the final stimulus legislation, it is not going to include a bipartisan provision to protect taxpayers, a bipartisan provision which would require that Wall Street companies that recently paid excessive bonuses be required to pay those bonuses back to the taxpayers.

Taxpayers in this country were horrified several weeks ago to learn about the fact that recently Wall Street companies that had received TARP financing—TARP, of course, being the Troubled Asset Relief Program—had just paid $18 billion in bonuses. Once that news became public, everybody in Government spoke out against the bonuses. Everybody lined up in front of the television cameras to say the bonuses were wrong. Everybody said that it was outrageous and unacceptable for these Wall Street bonuses to have been paid when these institutions were receiving billions and billions of dollars of taxpayer money.

After the news, three of us on the Senate Finance Committee—a bipartisan group—said we were going to do more than say the bonuses were wrong; we were going to take steps to make sure the bonuses were actually paid back. So we came together and put forward a bipartisan proposal. We collaborated with law professors across the country and had the Joint Committee on Taxation, under the able leadership of Edward Kleinbard, review the financial underpinnings of the proposal, and they found that our modest approach that would allow taxpayers to be paid back the excessive amount of the cash bonuses would generate $3.2 billion for American taxpayers—just a fraction of what had been paid out. We felt it was a modest proposal. We felt it was a bipartisan proposal.

The fact is, nobody would oppose our idea in broad daylight, but it now seems that when the ink is dry on the final legislation, the taxpayers of this country are still going to get soaked. It is not right. It is not right because taxpayers in this country have been taking a beating with their health care costs and their fuel costs and trying to figure out how to stay in their homes.

Companies normally pay bonuses when they are doing well. That wasn't the case with these Wall Street financial firms. Here is the math. The Wall Street firms took $274 billion in taxpayer money. When they weren't doing well, they paid $18 billion in bonuses, but they couldn't pay the taxpayers $3.2 billion of the amount paid—the excessive amount paid—in cash bonuses when the taxpayers are being hit in

their wallets, as we all have seen every time we are home and talking to our constituents.

The arguments of the financial firms don't add up to me, and they aren't going to add up to the millions of taxpayers whose money has gone to the financial firms. The taxpayers deserve to see in this stimulus legislation that somebody was actually standing up for them; that it wasn't just about speeches; it wasn't just about saying something was wrong; it was about backing up those words and taking concrete action to protect taxpayers.

So I have come to the floor more than anything else to make it clear that I am a persistent guy, and I am going to stay at this until there is a better accounting for our taxpayers' money, until Congress puts a stop to these kinds of actions where financial firms take taxpayers' money and give the citizens of this country a runaround. This needs to end, and it needs to end now. It means concrete action has to be taken. That means more than speeches.

We know in the days ahead these financial firms are likely to come back to the Congress of the United States and say they need additional sums of money to deal with the toxic loans that are on their books. How can one have confidence about giving these firms additional money when they have just paid bonuses during these tough times and they have fought—I know for a fact—against a reasonable provision to require that these bonuses be paid back.

I intend to stay at this. It concerns me greatly that we didn't have a recorded vote here on the floor of the Senate on this provision. I knew that nobody would oppose this in broad daylight, but I had no idea there would be such an aggressive effort behind the scenes to kill a modest step to protect taxpayers, and particularly to find savings in this legislation. For days now, Senators of both political parties have been talking about ways to hold down the costs. A bipartisan group of Senators found a way—a reasonable way—to save more than $3 billion, according to the Joint Committee on Taxation.

It is time to put a stop to financial firms taking taxpayers' money and using the money to pay bonuses to many of the same people responsible for the current financial crisis. I am old enough to know that normally you pay bonuses when you do well. That is what the American economy is all about. That is what capitalism is all about. Somehow, some of these institutions think they ought to be able to privatize their gains and socialize their losses. That is not right, and it wasn't right to kill this modest provision to force the repayment of the excessive amount of these Wall Street bonuses.

So I intend to come back to the floor of the Senate on this subject. I will do everything I can to get a fair shake for the taxpayers of Oregon and the taxpayers of this country. I wish this bonus recovery provision was in the stimulus legislation that will be voted on here in the Senate. I regret greatly that it is not. I am going to stay with this until the taxpayers recover this money that shouldn't have been paid out in the first place.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MARTINEZ. Madam President, I wish to speak on the pending matter, which is the so-called stimulus plan, with great concern about where we are. As we hear, the plan has been agreed to and the package is being put together; however, we have yet to see it. So I am going to make some assumptions about the things I hear that may or may not be included in it.

It appears we have some clear idea of some things that definitely won't be a part of this package. The fact is that as we approach this problem—and this is a serious problem for our Nation—the President talked about a timely, targeted, and temporary spending package. The President talked about it being timely because we needed to get the money out the door now so that it would get into the mainstream of commerce, so that it could get into the economy so that we could avoid a deep and long-lasting recession. It also needed to be targeted because it made no sense to do those things that would spend money but not create jobs, not create economic activity; the types of tax cuts that are geared toward creating more jobs in the marketplace, not simply to give money to people that may or may not ultimately be spent. It needed to be temporary because we all know that Government spending in excess during a time of a recovery, when the Government should not be overspending, should not be overheating the economy, could lead to a slowdown of the recovery because it would increase inflation.

So that is why, when the President made those comments, I was excited. I was positive. I was very positive in thinking this is exactly what our country needed at this point in time. However, we have found that as this has evolved through the Halls of Congress, that is not what we are getting. We are getting an unfocused spending plan which spends money on things that are far afield from shovel ready, ready-to-get-out-the-door types of projects, but which is really an unfocused spending measure that, in my view and in the view of many others, spends too much at a time when we can hardly afford to be overspending needlessly, but it also does not spend on that which is designed to create the jobs America desperately needs today.

In my view, there are ways we could have crafted a package. I made a proposal because I do believe that to simply oppose what the President proposes and what the majority of this body and across the hall have put together is—it is not enough to just say no, don't do it. We have a responsibility to be responsible and offer alternatives, to offer a proposal, because at this point in time we know we are in deep and serious economic times. So the key to this is oppose but propose.

The fact is that some of us did attempt mightily to see if we could not come to a bipartisan compromise, a spending package that would have spent about $650 billion—a very big package of spending. But the spending would have been focused on what I believe would have gotten out the door quickly. We also know it would have been good to spend on things that we needed to spend the money on anyway. In fact, military reset, the resetting of equipment that has been damaged or lost in the long struggles in Iraq and Afghanistan would have been a great way for us to be spending it—those things that we have to spend money on anyway but at the same time be doing so now in a manner that gets it out the door in a hurry.

We have the infrastructure in place for military purchases of equipment. That would have helped. We could have also done more in the infrastructure field. I think this plan is not big enough as it relates to the building of highways and bridges. The fact is that the Presiding Officer well knows the need for bridges. In Minnesota, there is a tremendous need for infrastructure. I wanted to see more bridges. Across this Nation, we have bridges that are failing and need to be rebuilt, and more highways and bridges and infrastructure in that sense would have been the right way to approach it.

Obviously, a part of the package should also be tax cuts geared to job creation. There is a difference between giving money to the people who would use it to pay down debt or hoard and hold it because they are fearful of what is coming in the economy. I believe in more focused tax cuts, such as payroll deduction or the corporate tax rate being reduced, which ultimately is America's small businesses that will put America back to work. Giving those small businesses a tax break would have encouraged them to get people back on the rolls of the employed.

My largest disappointment of all is that this plan fails to address the problem that got us into this mess in the first place. Why did the President and my Governor appear in Fort Myers a couple of days ago? Because that is the foreclosure capital of America, and that is where more houses are being foreclosed than anyplace else in Florida. I was speaking with a group of government officials from Charlotte County, a little north of Fort Myers, where there is 11 percent unemployment and a terrible problem with foreclosures. They said: Please do something about foreclosures. If we can stop houses from being foreclosed, we can do two very important things. We can keep a family in their home and keep that family whole; we can keep that street from having a foreclosed house, and we

keep that community from yet declining further and further in the prices of homes.

In addition, we also do something else; we sustain home values in a way that will help yet another foreclosure from occurring as the declining spiral of housing prices continues to go downhill.

The second one I would have loved to have seen in this package—and I am disappointed to know it is not in there—is the proposal by Senator ISAKSON, which is to give a $15,000 tax credit to anybody who purchases a home—not just first-time home buyers but anybody. We know one of the great problems in the housing market today is that there is an enormous inventory of unsold homes, many the result of foreclosures. If we encourage potential home buyers by giving them a significant tax break, they would get into the marketplace and make the decision to buy, and we could begin then to stave off this continuing cycle of declining home prices, stalled sales, and more foreclosures.

I know when the President went to Fort Myers, he went there because there is a foreclosure problem. If there wasn't a foreclosure problem in Fort Myers, there would not be double digit inflation in Lee County and Charlotte County. I know my Governor wishes to see this package passed. I don't know that my Governor understands all of the details in the package. There will be nothing here to help with Florida's housing economy, which is the No. 1 problem we have today. Until we address the housing problem, we are not going to bring Florida back to economic health.

There is not enough largess that can come to Florida from the Federal Government to fill the coffers of the State's needs. We need for Florida's economy to get back on its feet. We need tax cuts so that the taxpayers have more money to spend, and we need to work on the housing problem. We need to work on the overall economy of the country so that tourism comes back to our State. All of these things working in unison will bring America back to economic health.

This package, unfortunately, misses the mark. One of the great dangers in it is that at the cost of almost just a hair under $800 billion, there are not enough additional hundreds of billions that we can safely spend. We have to get it right, because some of us in the Banking Committee this week heard from the Secretary of the Treasury, who told us to get ready, another almost $2 trillion more is going to be asked of you for the financial institutions. At the end of the day, this is very costly. At some point, continued Government spending isn't going to cut it. So that is why it is so important that this package be gotten right.

I hate to oppose this package, because I would have loved for us to have come up with something that was a truly bipartisan package—not just a way of getting three votes but a way of, in fact, working together and getting the best thinking of both sides and working on something that was bipartisan. Not working in that fashion has caused some of us to oppose this package. I hate doing that. I wanted to work with President Obama. I wish our new President well, and I hope the package succeeds and has the desired effect. In my conscience, I cannot support it because I don't feel it will do what this economy currently needs or that it will do what in fact all of us need to work together toward doing, and that is getting our country back on the road to recovery.

With great regret, I will not be able to support this package. I look forward to seeing the final outcome because we have not all read the bill yet. I will analyze it again to see if the component parts are there that will allow me to support it. But it appears clear to me, in the information we have, that that in fact will not be the case. I am increasingly disappointed, but at the same time my hope is that it will succeed because, at this moment, at this juncture in history, we need for our country to be successful, so that Americans can get back to work and our Nation can get back to prosperity.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Madam President, I have been listening to the remarks of the Senator from Florida. I find myself in agreement with him. I want to elaborate a little bit. For that reason, I ask unanimous consent that my 10 minutes be extended to 15 minutes should I need that time.

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

The Senator from Oklahoma is recognized.

(The remarks of Mr. INHOFE pertaining to the introduction of S.J. Res. 10 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. INHOFE. I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Utah.

Mr. HATCH. Mr. President, I rise to express my opposition to the conference report that has been granted and put together accompanying the American recovery and Reinvestment Act of 2009, more commonly known as the stimulus package.

When I spoke on the floor last week about my disappointments in the Senate version of the stimulus bill, I did not think the bill would get much worse in conference. In fact, I harbored some hope it would actually improve. Unfortunately, I was wrong.

What we have seen emerge from the conference weakens the stronger provisions of the Senate bill and worsens the less effective provisions.

Many Utahans have called and written me to express their concerns about this stimulus package and the process by which it has been legislated. They are rightly worried about the consequences of an economic stimulus package that, with interest, will cost taxpayers well over $1 trillion. That is just the beginning, by the way. They are particularly worried it will be ineffective in saving or creating jobs.

Last year, President Obama's campaign was based on "hope not fear." That is until he needs fear to help him pass a bill, as Charles Krauthammer of the Washington Post points out. The pressure is on the majority to convince the American people this is the right economic package.

On Tuesday, President Obama spoke to the American people, not about the audacity of hope but rather to instill fear into Americans. He said at that time:

> A failure to act will only deepen the crisis as well as the pain of Americans.

He also said:

> The Federal Government is the only entity left with the resources to jolt our economy.

While I do not disagree with these statements, it is wrong to use fear to force the completion of an unbalanced, largely partisan package that the Congressional Budget Office estimates will create at most 1.9 million jobs by the end of 2011 and leave us with a lower gross domestic product in 10 years than if we do nothing at all.

Keep in mind, the head of the Congressional Budget Office is a Democratic appointee.

It is clear we are in an economic recession and that action is needed to stimulate the Government. I think every one of our colleagues agrees with this. What troubles me is the misperception about why most Republicans are opposed to this bill. The President and many of our Democratic colleagues have unfairly implied that Republicans prefer to do nothing. That is absolutely not true. Yes, we are opposed to this bill, but we are not opposed to stimulating the economy. We simply want to do it in the most effective and least wasteful way as possible. We do not want to see us make a $1 trillion mistake, and this is a $1 trillion-plus mistake.

Yet we Republicans were shut out of negotiating the final conference report, which is something President Obama vowed to the American people he would change. According to President Obama's Presidential campaign Web site, change.gov, he vowed to "end the practice of writing legislation behind closed doors."

Specifically he said he would " . . . work to reform congressional rules to require all legislative sessions, including committee mark-ups, and conference committees, to be conducted in public."

That certainly did not happen here. I believe this bill could be much more effective and so does President Obama. At his Tuesday press conference, he admitted as much when he said:

> I cannot tell you for sure that everything in this plan will work exactly as we hope.

That concerns me. If we plan to spend an amount equal to the 15th

largest economy in the world, we ought to make sure the stimulus plan is drafted in the most effective way possible.

For example, many economists say the make work pay tax credit provision in the plan, which will give workers roughly $15 more a week in each paycheck, will largely be ineffective in stimulating the economy. It is not going to help the economy. Yet it is a tremendous cost, around $150 billion, that could have easily been spent on something that would help the economy, create jobs. I suggested the research and development tax credit by making that permanent. I cannot begin to tell you how that would keep our unqualified lead in the high-tech world.

My objection to this bill is not based on the fact it includes spending, it is because it lacks an effective balance of spending and tax relief.

If we look closely at the bill, we will see that much of what the majority lists as tax relief is actually spending. In other words, those who do not pay any income taxes, as well as State and local governments, are receiving money through the Tax Code. How can there be tax relief to those who do not pay taxes? That is more taxes for those who do. Tax relief from what? I am not saying those who do not pay income taxes should not benefit from this stimulus package. I am saying if you are going to give money to people who do not pay taxes, call it what it is—it is spending, it is not tax relief.

Like I say, I would far rather would have had a permanent research and development tax credit, which would cost about only two-thirds of what they are going to spend on this so-called make work pay provision that would create millions of jobs in America and throughout the world.

In fact, when one adds up all the provisions in the bill, more than 70 percent is spending and less than 30 percent is real tax relief. Where is the balance? Even worse, only one-half of 1 percent of this bill—one-half of 1 percent of this bill—is devoted to tax relief to help struggling businesses keep their doors open. One-half of 1 percent—that is pathetic. We know small business produces most of the jobs. Yet this is what we are doing. Moreover, the bill fails to adequately address the housing crisis. Unfortunately, the $15,000 tax credit for home buyers, which is one of the few bipartisan amendments accepted into the Senate bill during the Senate debate, has now been watered down drastically. So has the other major bipartisan amendment added on the Senate floor—the deduction for interest on a new auto loan. And one of the few provisions to help struggling companies keep their doors open—the expanded period for carryback net operating losses—has been erased from the conference report, except for small businesses.

Now, I have some news for my Democratic colleagues. Small businesses are not the only companies that are laying off workers. Allowing companies to get quick refunds of taxes previously paid was one of the few smart and efficient provisions in the Senate bill, designed to directly save jobs. Now that has been whittled down to a mere shadow of what it was.

I worry that my friends on the other side of the aisle are looking through rose-colored glasses, spectacles tinted by spending priorities, such as expanding Government programs, which they hope will stimulate the economy. They are trying to convince America that spending millions on Government vehicles will somehow stimulate the economy. They refuse to listen to even the President's Chair of the Council of Economic Advisers, Christina Romer, who in a study determined that every dollar of Government spending increases the gross domestic product by $1.40, while every dollar of tax relief increases the gross domestic product by $3. That is what the study says. The President's own Chair of the Council of Economic Advisers says that $1 of Government spending equals a $1.40 increase in GDP, but if you do it in tax relief, $1 will give you a $3 increase in GDP. Doesn't take too many brains to figure out it is far better to do it the second way.

The Congressional Budget Office recently estimated that the Senate version of this so-called stimulus package would only save or create between 600,000 and 1.9 million jobs by the end of 2011. At a cost of $1.2 trillion, including interest, the cost to the taxpayer for each job saved or created under the plan is at least $632,000 and as much as $2 million if that goes up. We are spending taxpayer money to create one job at the rate of $632,000 per job.

Now that the Senate bill has been scaled back significantly, this job-creation estimate is almost sure to go down significantly. We can do better than this, Mr. President. This is not good enough for Government work. With the amount of money spent in this bill, you could give every man, woman, and child in America $4,000. I think Utahns and all Americans would put $1.2 trillion to better use than what this bill does.

A large share of this stimulus bill will go to States to implement temporary programs. When that funding runs out, what do we tell all of those employees who were hired and now have to be let go? Will we say: Sorry, this is just a temporary job. Who are we kidding? This makes about as much sense as denying an undefeated football team the chance to play in the national championship game. I know that sounds a little bit like sour grapes since the University of Utah was the only undefeated team this last year but had absolutely zero chance to play in the national championship game.

The majority knows the American people want to see more tax relief in this stimulus bill. A February 9 poll conducted by the Rasmussen Report found that 62 percent of U.S. voters want the plan to include more tax relief and less Government spending. It appears as if the more time Americans have to review this bill, the less they like it. That is certainly the case for me.

While time is of the essence, we cannot afford to get this wrong. The stakes are too high. Yet President Obama has chosen to break the theme of his Presidential campaign and use fear to hurriedly pass this flawed economic stimulus package. Now, I am not sure I can blame him for that because he is stuck with what the people up here have done to him and to what he said he would do. So I suppose he was limited to using fear to get this package passed. I have a lot of respect for him. I personally have helped him, and I intend to help him more. But, gee whiz, this is pathetic.

Mr. President, we Republicans realize the severity of this economic situation. We recognize the need to stimulate the economy with a balanced stimulus package that has an appropriate mix of spending and real tax relief. We want to create jobs and spur economic growth. But haste makes waste, and, like many of my constituents, I believe our efforts are about to be wasted—squandered on a stimulus bill that will stimulate more criticism and feeling of futility than the economy.

The great American poet and abolitionist John Greenleaf Whittier wrote:

> For of all sad words of tongue or pen, the saddest are these: ''It might have been!''

And while those words were written more than a century ago, they can certainly be applied now to Congress. Faced with serious recession, we need to do our very best to get the economy moving again. Instead, it looks as if this body will settle for a partisan bill that could well fail to do the job our Nation requires. We should do better. We could do much better. The American people need us to do much better. And if this legislation passes, many of us will one day shake our heads at the opportunity lost and wonder aloud about what might have been.

I have told a few people over the last number of weeks who have blamed both parties for what has gone on here over the last number of years that I have been here 33 years and there hasn't been 1 day in the Senate that I can point to where a fiscal conservative majority has been in control of the Senate—not 1 day in 33 years—because there are always enough liberal Republicans, combined with the mostly all liberal Democrats, to do just about anything they want to in spending. It is discouraging, I have to admit. We have won some battles because we have outworked the other side or we have had a President who has made a difference on some issues, no question about it. But not 1 day that I can recall where, if you count the liberals on our side and the liberals on the Democratic side and you put them together—it is usually only five or six, really, on our side—we always have the majority on

the other side. That is why President Bush was hammered all the time for his spending programs when, in fact, his budgets were at all times less than what we ultimately passed here in both Houses.

Mr. President, I would like to now take a few minutes to talk about the health care provisions in this so-called stimulus package or, more appropriately, the next installment of the ''Socialized Health Care for All Act of 2009.'' Democrats hate to hear that. They think it is terrible to hear the word ''socialism.''

President Obama recently made the media rounds stating that any delay in passing this Government spending package would be inexcusable and irresponsible. Well, today I am going to highlight certain health care provisions in this Trojan horse legislation that, in the President's own words, should be classified as inexcusable and irresponsible.

First and foremost, let me make this point again, even though I am starting to sound like a broken record. Reforming our health care system to ensure that every American has access to quality, affordable, and portable health care is not a Republican or Democratic issue, it is an American issue. When we are dealing with 17 percent of our total economy, it is absolutely imperative that we address this challenge in an open and bipartisan process.

Think about it. We are going to talk about this for just a minute. Just like the partisan SCHIP exercise preceding this bill, this stimulus legislation is another example of the Democrats justifying the current economic turmoil to simply expand our entitlement programs and make the Federal Government bigger. More and more Americans are being pushed into Government-run health care programs. Special interests have taken priority over families; politics, of course, over policy.

In this time of national crisis, we should have come together as one group to write a responsible bill for the American families who are faced with rising unemployment and dropping home values. Instead, the other side has simply chosen to turn this into a government-expansion exercise and a grab-bag of favors for the liberal special interests.

I continue to hope that the other side's promise of change was more than a campaign slogan that did not expire on November 4, 2008. Let's all remember: Actions speak louder than words.

Let me start with the COBRA provisions in this package. The Senate version of the stimulus includes more than $20 billion in subsidies for health insurance premiums for those who have lost their jobs in these tough economic conditions. However, this subsidy will only go to those Americans who had access to COBRA coverage through their employers.

Now, let me put this inequity into perspective. If you worked for a large employer, such as Lehman Brothers or Bear Stearns in New York City, which had access to a COBRA qualified group health plan, you will get help under this bill. But mom-and-pop stores in Salt Lake City that could not afford a group health plan for their hard-working employees, they get nothing. Not a thing. Now, let me repeat again—nothing. This is not only unfair, it is unconscionable.

That is not all. It gets worse. Both the Senate- and the House-passed language gave the same COBRA subsidy—50 percent and 65 percent respectively—regardless of one's income threshold. Look at this chart. You probably recognize the fellow on the left. This is Richard Fuld, the former CEO of the now-bankrupt Lehman Brothers, who made almost half a billion dollars in salary, bonuses, and stock options since the year 2000. He is going to get the same level of subsidy for his health insurance premiums as the laid-off construction worker on the right here in Utah.

I worked with Senator GRASSLEY to write an amendment that would have applied income testing to this provision to target this taxpayer-funded help to those who needed it the most. We income test Medicare Part B for our seniors, so why not do the same for these subsidies? Unfortunately, it was not included in the Senate package.

Another concern Americans need to be mindful about is the impact of this massive COBRA subsidy on our Nation's employers, who are already struggling to meet their payroll needs.

By the way, just so everybody understands what COBRA means, if you get fired or the business ends or you have to leave the business, you have a right under COBRA to continue the insurance, but you have to pay for it rather than your employer.

Even though employers are not explicitly liable for the COBRA subsidies in this legislation, they will suffer from this phenomenon of adverse selection. A number of COBRA-eligible individuals have premiums that exceed those of active workers. Studies have shown that the average COBRA premiums are at 145 percent of active worker premium payments. According to a study by PricewaterhouseCoopers, the 10-year impact of this provision on employers, even when limited to those in the 55-to-64 age group, could be up to $65 billion. Economics 101 dictates that these additional costs will simply be passed on to employers, which in return will result in lower wages and more layoffs. This is not exactly what would qualify as ''stimulus'' in my book—spending, sure, but definitely not stimulus.

Let me shift my attention to the comparative effectiveness provision. The idea behind this concept is simple: Compare the effectiveness of medical treatments and procedures so payers, providers, and patients can make smart choices. Sounds good. However, the difficulty arises when you decide to compare on the basis of what is cheaper rather than what works well. Both the House- and the Senate-passed versions provided $1.1 billion for comparative effectiveness, including a $400 million slush fund to be used by the Secretary at his or her discretion. Once again, this is a topic of bipartisan interest and concern that should have been discussed in the context of comprehensive reform.

We can all agree that a one-size-fits-all approach is the wrong approach for the American health care system. Based on our own personal experiences, we know that what works best for one does not always work the same for the other. Allowing comparative effectiveness on the basis of cost can have disastrous consequences not only on innovation of lifesaving treatments but also in the delivery of quality care.

On this chart, for example, we see Jack Tagg, a former World War II pilot, who in 2006 suffered from a severe case of macular degeneration. The regional health board that utilized cost-based comparative effectiveness rejected his request for treatment citing high cost, unless the disease hit his other eye also.

It took 3 years to overturn that decision. Now let's just all remember that a family member with cancer in an intensive care unit would probably neither have the time nor the resources to appeal such an egregious decision. We need to remember the real implications of these provisions—not simply in terms of political spin and special interests—but in terms of its impact on real people who are our mothers, fathers, husbands, wives, brother and sisters—children.

During the Finance Committee consideration of the stimulus legislation, Senators BAUCUS, ENZI, CONRAD, and I discussed the importance of getting the comparative effectiveness provision right.

I believe that comparative effectiveness must focus on clinical effectiveness, not cost, and it should maintain patient choice and innovation. Failure to do so could have disastrous consequences.

As I have already said multiple times, I am disappointed that Democrats have decided to use the stimulus legislation to address health care reform in a partisan and piecemeal manner. Health IT—information technology—is another perfect example. It is an area of consensus that should have been part of a comprehensive and bipartisan health care reform dialogue.

It is my hope that the Health Information Technology Standards Committee that is created in this legislation will take into account the work of States like Utah that already have adopted statewide HIT. standards for the exchange of clinical data. Utah is much further down the road than other States in this area. Therefore, when the committee is making recommendations for HIT standards, it is my hope that the work of States like Utah will be taken into account and seriously

considered by the HIT Standards Committee members. Utah has been a national leader in this area and I believe that its work in this area should be used as a template when national HIT standards are developed.

In addition, as we incentivize physicians, hospitals and other health care providers to use electronic health records—EHR, it is important that we provide assistance for them with both the purchase and maintenance of EHR systems. I have heard from one Utah physician in Ogden who paid over $8,000 for software only to discover that the software simply does not work. This is unacceptable. Therefore, if we are going to incentivize health providers to use electronic health records, we need to make sure that providers will have assistance in choosing, implementing and using electronic health records.

Utah has been a leader in physician EHR implementation as a result of its participation in the Centers for Medicare and Medicaid Services—CMS—Medicare Care Management Performance—MCMP demonstration project which was created through the Medicare Modernization Act. The demonstration provided incentive funding to Utah physicians for adopting EHRs and offered these doctors support and assistance with their EHRs systems. In the bill we are considering, I included language to ensure that health providers in Utah and across the country will continue to receive that assistance. Without such assistance, many practices will move forward with a commitment to adopt EHRs, but will not choose the right product for their needs or could have difficulty using the system.

Another concern that has been brought to my attention by Utah health care providers is that the maintenance of effort provision in this legislation only applies to eligible State and local governments and not to State and local health care providers. This is a real concern in Utah. My State, like others across the Nation, is experiencing economic difficulties and, as a result, is contemplating reducing provider payments. I am deeply concerned about the impact this provision could have not only on providers but patient access to quality health care.

Finally, I would like to briefly address the enforcement provisions contained in section 13410 of this legislation relating to the State attorneys general. When adopting rules to implement the health information technology provisions in this act, I would urge Secretary of HHS to include rules to require the States to notify the HHS Secretary as to any outside groups that will have contracts to assist with the enforcement of these provisions. I appreciate the opportunity to work with my colleagues on this important issue.

I look forward to working together to transform our sick-care system into a true health care system. However, the other side at this time seems focused on transforming it into a socialized welfare system through this Government-spending bill. I continue to hold deep hope in my heart that we will soon move beyond these beltway games and work together to fix Main Street and make sure that our Nation continues to be the shining city on the hill.

Let me just make one other comment. When our bill went over to the House—the House bill was passed too—I happened to notice that the welfare reform program that we worked so hard on in the mid-1990s, that President Clinton vetoed twice until he finally decided that it was worthwhile and signed it, has been greatly modified in this bill. I may be wrong in this because I have not read that section, but I have had indications that that section basically has changed our welfare reform law. It basically put, within a short time thereafter, two-thirds of the people who had been on welfare to work, many of those people second and third generations on welfare. They found out that they could work and get the self-esteem that comes from being able to work, while still having a welfare system to care for those who can't care for themselves but would if they could.

My understanding is they have changed the rules now where people can stay on welfare their whole lifetime. I hope that has been changed. I have not looked at this final version, but I hope that has been changed. If not, let me make a prediction. For most all of my time in the Senate, the percentage of GDP that our Federal Government has required is somewhere between 18 and 20 percent. If this bill goes through and there is another $2 or $3 trillion in spending, without being done right, we are talking about Europeanizing America. We are talking about the percentage of GDP going up as high as 39 percent—according to the economists I talked to. That would be disastrous.

Some are so crude that they suggest that is the plan of our more liberal friends on the other side because the more they get people dependent on the Federal Government, the more they think the Democratic Party is the only one that is going to take care of them.

We prefer a little different approach to it. We prefer to help those who can't take care of themselves but would if they could, to help them in every way we possibly can. We have difficulty—at least I do—helping those who can help themselves but will not.

I hope that provision is no longer in this bill, but I strongly suspect it is. If that is so, we will have done the American economy tremendous harm.

I am concerned about this. I can't vote for this bill, but I would have liked to have voted for a really good bill that really provided appropriate tax relief and made it possible to expand jobs in such a way as to bring this economy back to the greatest economy in the world, bar none, without question, and without question of its future greatness.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. COBURN. Mr. President, I wanted to spend a few minutes this evening talking about what we think, what we think—I am going to emphasize that—because nobody has seen the bill that I understand we are supposed to vote on tomorrow morning, that spends almost $700 plus billion. We have not seen the bill. We have not seen the report language. And I can assure you that this Senator is not about to vote on this bill until he has read the bill and we will do due diligence to do that, if we ever get a copy of the bill.

But I wanted to talk about a couple of things that are important that we think are in the bill, and it has to do with health care. I have a little bit of experience in that. I have practiced medicine now for 28, 29 years. I find parts of this bill that I know when it is explained to the American public, they will agree with me, it is ludicrous.

Let me tell you the first part of the bill. There is $20 billion in this bill to pay hospitals and doctors to buy health IT. Now, at the beginning you would say, well, what is wrong with that? We want electronic medical records. We want to see the benefits that come from the economy of scale, the increased productivity that comes from IT to help us in health care.

Where this bill does not understand what is happening out there is doctors will buy health IT, and hospitals will improve—they all have health IT right now, by the way—will improve their health IT once there is a program out there that is interoperable with the rest of the program. The reason doctors are not buying programs for electronic medical records has nothing to do with a lack of money, it is this very simple reason: They know if they buy it now they get to buy it again, because none of the computers in health IT talk to each other. They will not talk.

The way to make them talk is called an interoperable standard. And a good example for you to compare, think about where we had ATMs. How did we make an ATM, where you can go anywhere in the country if you have a credit card that allows you to get cash and go into any ATM in this country and get cash. How did we do that? How did ATMs come about? They came about because the private sector, the banking industry, created an interoperable standard first. Because they had the interoperability standard, where every bank could make sure that they could talk to every other bank, they put in ATMs.

All of a sudden, voila, anywhere in the world today, if you have money in the bank and you have an ATM card, you can get money out of the bank. They did not build the ATMs first, they did not have the Government buy the ATMs before they had the standard set.

People say, well, we have taken care of that in this bill. We are going to have the Government decide what the interoperable standard is. Well, the Government has been working for 6 years to develop an interoperability standard. They are at least doing it through a private consortium now, and 80 percent of that standard has been accomplished. It will be completed in 2011. But it will not be completed the way this bill is written, because we are going to pull it all back from this public-private consortium and we are going to have some bureaucrats at HHS decide what the standard is going to be.

There are a lot of problems with that. One is nobody at HHS knows that information. No. 2 is, everything that is out there in the market today is now put at risk, so you are going to absolutely stop private investment in this area that is so much needed.

So what we are going to do is we are going to allow bureaucrats to decide what is it going to be. We are going to eliminate companies that have great ideas, because they are not going to be in the mix, and we are going to accept a standard that is not going to be the best standard.

The way HHS has it set up now with a public-private consortium was a poor way to do it, but at least it has got it 80 percent of the way there. We are going to backtrack on it. Just so you know, we are so good at spending money. We have spent $780 million already of your money trying to get this, that we are going to now throw down the toilet so we can start over and have bureaucrats exactly decide what the standard is going to be.

Well, I will predict to you, everything else we do in IT in the Federal Government, 50 percent of the money we waste. That is what our studies show. We waste $32 billion a year on IT programs that never work, out of a $64 billion budget for IT programs alone. So we are going to waste a ton of money.

But that is not the important thing in this bill. We are going to give every doctor in the country, no matter how much money they make, if they do not have electronic medical records, we are going to give them $60,000 to buy an electronic medical record.

Now, it would seem to me that with the incomes of the average physician being over $200,000, the last place we want to give $60,000 to buy a piece of software that is not going to work, that is going to have to be replaced anyway, is to those who are in the upper income in this country.

But that is probably not as important as we are going to give for-profit hospitals and the profitable non-profit hospitals $11 million each to buy electronic medical record software that still will not talk to the doctors who bought it and we gave $60,000.

The total cost of this, and what we are doing, is going to be in excess, by the time all of the problems are solved and all of the defects are figured out, and all of the wasted money, of $100 billion. This bill is going to waste $100 billion.

Now, tell me for a minute why we would give some of the most profitable companies in the country, the for-profit hospitals and the not-for-profit hospitals who last year made in excess of $6 billion—that is the not-for-profit hospitals made in excess of $6 billion besides doing the charity care that they did—why are we going to give them $11 million each to accomplish something that cannot be accomplished?

I will tell you why we are going to do it. Because some Congressman or some Senator said the way you solve this problem is to throw money at it. They haven't thought it through. There has been no development on or recognition of what is needed, which is an interoperable standard. What should we have done? Seven years ago when we started down this process, there were three great programs out there: one at Mayo—I am talking big programs—one at Cleveland Clinic, and one at Kaiser Permanente. What should we have done? We should have bought all three of those, created the ability for those three programs to talk to each other and given it away. We would have spent about $20 or $30 million, maybe $100 million, maybe $200 million, but not $100 billion. So again, Washington has messed it up. The very thing we are hoping to fix we are going to ruin. As we do it, we are going to waste $100 billion, and $30 billion of that total is in this bill.

The other interesting thing is none of this money starts rolling out until the middle of next year.

I am told I have 1 minute remaining. I ask unanimous consent for 2 additional minutes.

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

Mr. COBURN. That is one of the problems with this bill.

Let's talk about the big problem. As a practicing physician, I know what physicians are taught. First, do no harm. Second, listen to your patient, and they will tell you what is wrong with them. Third, if it has already been done, don't do it again. That is what they are taught. With that comes years of experience, clinical judgment, and in-depth knowledge about people and their disease. In this bill is a statement that says: We are going to develop, through a large slush fund at Health and Human Services, a model called comparative effectiveness. There is nothing wrong with comparing effective outcomes. There is nothing wrong with trying to use clinical data to move us in a better direction. But that is not what this is about. This is comparative effectiveness to control cost.

I warn the American people tonight, if this bill goes through, we are well on the way to absolute government control of the patient-doctor relationship, because we are going to assume that there is no way that a doctor can make a better decision than a computer. I will give two examples that happened in the last 5 years in my practice, two people who came in who had no clinical signs, had no indications other than my knowing them for years and developing a suspicion that something was wrong. They didn't come with a complaint. Their complaint was something else. I ordered MRIs on both patients. They were both denied by their insurance company. I arranged for both of them to get MRIs. Both had deadly brain tumors. They never would have fit in the comparative effectiveness or the cost control mechanism that we are setting up with this so we can control Medicare costs. This is the first step for the government to start rationing the very care it says it wants to give to the American people.

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

Mr. COBURN. I ask unanimous consent for 1 additional minute.

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

Mr. COBURN. The American people better pay very close attention to this bill. If you are on Medicare today or if you are 55 years of age, you better be plenty afraid of the language in this bill, because it is setting up the basis with which the Government will decide what kind of care you get. We are going to use a chart. If you don't fit in the chart, you are out of luck. You are going to lose the ability for clinical skills to make a difference in your life. Talk to the people of Great Britain where cancer cure rates are lower than ours because they don't have access to treatments Americans have today.

I yield the floor.

The PRESIDING OFFICER (Mr. BEGICH). The Senator from New Mexico.

(The remarks of Mr. UDALL of New Mexico pertaining to the introduction of S. 433 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I rise to discuss the economic stimulus plan, and I rise in dismay. I am dismayed because we are about to spend $786 billion—or whatever the latest figure is that keeps changing almost by the hour—one of the most expensive bills this or any other Congress has ever seen that will not truly stimulate anything. I am also dismayed that in doing so we are placing an almost insurmountable fiscal yoke across the next generation's shoulders.

Yesterday, I became the proud grandfather of two twin granddaughters. It saddens me to know the result of the

votes we cast, I assume, tomorrow—and the ultimate cost of this bill—is going to be borne by those two little girls in their lifetimes and not by my generation in ours. We are saddling this next generation of our children and grandchildren with an unbelievable debt for the purpose of trying to stimulate the economy when, in fact, there is virtually nothing in this bill that truly is going to stimulate the economy in the current crisis we are in.

Georgians and Americans are struggling. They need jobs. They need food on the table. They need to be able to go to bed at night knowing, at the very least, they have the blessing of a roof over their heads.

But provisions in the bill that could have truly helped Americans, such as a $500-per-worker tax credit, have been so watered down that now the experts say that particular provision is going to provide about $13 more per week in workers' pockets. That is not a stimulus plan.

I commend my good friend and my colleague, Senator ISAKSON from Georgia, who worked to put an idea in this bill, a housing tax credit that we know would have stimulated the economy and revived the plummeting housing market.

Now, why are we in this economic crisis we are in today? If you ask any economist to point to one thing that has put us in this crisis, every single one of them—Republican and Democratic economists, conservative and liberal economists, Independent economists—every one of them will tell you the housing crisis is the No. 1 issue that put us into this crisis.

Unfortunately, the bill that came out of the House, the bill that originally came out of the Finance Committee in the Senate, contained not one single provision, in either bill, that was focused on addressing this issue of the housing crisis.

Under Senator ISAKSON's proposal that was an amendment to the bill on the floor of the Senate, a $15,000 home buyer tax credit would have been given to anyone who purchased a home during the next year. That would have had a very positive effect on the economy. How do we know that? We know that because Congress passed a similar housing tax credit in 1975, when we were in the midst of another declining housing industry situation in a crisis that was not as severe as this one but still in a crisis. What we found then was that particular provision turned around America's sagging economic fortunes.

I know families across the country were waiting for this tax credit to pass. I have heard from Georgians over and over again, over the last several weeks, who are looking for a new home to buy, but they, frankly, have been waiting on the proposal because they have been reading about it.

I got a call from a radio talk show host in my home State today who made the statement to me, before we started the interview: Tell me about Senator ISAKSON's tax credit provision. Where does it stand because I am looking for a home to buy and my realtor called me and said: Look, you can afford to pay a little bit more because here is what is going to be the result of your buying this house: a $15,000 tax credit.

Now, with the way this provision has been watered down, it may as well not even be in there. It is unfortunate. This was a bipartisan amendment, an amendment that was talked about on both sides of the aisle by Senators in this Chamber, and was agreed to without even calling for a vote because everybody recognizes the housing sector has to be fixed and that this would play a major role in fixing that sector.

All week we have read in the papers and heard from a majority of our colleagues that this bill is a compromise. Well, let me say this: This bill is no compromise. When deals of this magnitude are struck in closed-door, backroom sessions, when the White House talks to this side of the aisle but does not truly listen, you do not have a compromise.

It is pretty clear the White House has not listened to this side of the aisle in crafting this final proposal that apparently is in the process of being agreed to. My Republican colleagues have offered proposal after proposal to create jobs, to fix the real crux of our economic troubles—the housing crisis—and to lend a hand to laid-off workers who are suffering through no fault of their own. Instead, we are spending money we do not have on projects or programs that are not needed.

What taxpayers are getting instead is a bloated Government giveaway packed with pet projects. Let me say there has been a lot of conversation coming from the White House, as well as on the floor of the Senate, that this bill does not contain earmarks. Well, anybody who says that simply has not read the bill. This bill is packed with as many earmarks as I have seen in any bill that has come into this body in the time I have been here. There is earmark after earmark in here, and we are going to talk some more about that before this bill is voted on, presumably tomorrow.

The American people know something needs to be done, and I agree that it does. But this legislation is not what is needed to address the housing crisis, put hard-earned dollars back in our citizens' pockets to spend as they wish, and put Americans back to work.

Our side of the aisle offered a very targeted combination of spending and tax reductions in the McCain amendment. A truly bipartisan effort by the majority and the Senate as a whole would have passed that amendment, and we could be headed down the road of reaching a bipartisan agreement on the issue of trying to solve this economic crisis. Unfortunately, that amendment was not agreed to because it was not voted on in a bipartisan way.

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

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Senator from Georgia for his excellent comments about the housing proposal offered by our colleague, Senator ISAKSON. I thought it was a good idea when he first brought it up. It would have pleased me if that had been included at the time President Bush sent out those checks a year ago that had no real permanent benefit, and I thought it should have been included then. I was very much supportive of it when he brought it forward later, last week, and I thought we had adopted it. But it looks like it is going to be taken out or so reduced it will not have the same effect.

The advantage of that was it would target the real problem we have; which is the housing supply that is growing. The growing supply of unoccupied housing causes the price of everyone's home to decline. We know it had to decline some because we had a bubble in housing. But there is a danger when home prices fall below what the real market value is. When they fall too low, it does begin to have serious ramifications in the economy.

Similar to Senator CHAMBLISS, I thought Senator MCCAIN's proposal had some real infrastructure spending, some targeted tax reductions that would put money in people's pockets immediately but would not necessarily be permanent, and we could shut that off without creating a bureaucracy. I thought that was a real good piece of legislation. It cost about half the cost of this legislation.

So there are some things we could do. I was certainly prepared to consider other options and other alternatives. But, as it is, there has been very little input into this bill. Right now, we still have not seen it. There was talk about trying to vote on it tonight. That is unthinkable: to have a 700-plus page piece of legislation, spending almost $800 billion, and people who have not read it are going to vote on it? Surely, that will not happen. It is not a good process, in my view.

I am disturbed about it, and I think the financial soul of our country is at stake. If this becomes a pattern, if this becomes the way we do business and the way we spend money and throw money around, it seems to me, too much in a political way, rather than in a stimulative way, we will say to our constituents and to the world: The United States does not have its house in order, it is not a safe place to put money, and there is no certainty about what will happen next because unpredictable Government actions may dwarf the natural economic forces that people relied on in the past to make their investments. So I am worried about that.

I would share something here. When you get the Government spending a large amount of money, it creates a lot

of problems. Our economy has always been less dominated by Government spending than the European economies, at least Germany and France in particular. They have had Government spending that represents as much as 45 or 50 percent of their gross domestic product. It is a huge portion of their economy. Their unemployment rate has always tended to be higher than ours, and their growth has not kept up with ours.

One other thing happens when the Government injects itself into the economy; and that is, it has a tendency to corrupt the Government itself. We have had a lot of criticisms about lobbyists, that we have too many lobbyists. Lobbyists have too much influence, and we should have fewer lobbyists and they should have less influence. But as the size and power of the Government expands, I think it is only natural that one would expect companies worth billions of dollars would feel a necessity to have more lobbyists. This is a Washington Times piece not long ago dealing with the $700 billion Wall Street bailout, and it shows some of the things that were happening. During the fourth quarter, Citigroup had $1.28 million in lobbyist expenses. In the third quarter, they had $1.39 million in lobbyist expenses. People say, well, that is unbelievable. That is a lot of money. There are 1,000 million dollars in a billion. That is how many 1 billion is, 1,000 million. During that time, Citigroup gets $45 billion from the U.S. Government. So what is that? Forty-five billion is forty-five thousand million. So it is probably a pretty good idea, from the company's point of view, to spend $1 million on lobbyists. That is a pretty good bargain. That is all I am saying. The bigger the Government, the more the Government gets interfaced with what has historically been a private sector that we didn't stick our nose in. Historically, the companies paid taxes, they obeyed the law, and the Government didn't subsidize winners and losers in the banking industry.

So AIG, they actually got, I think now, over $100 billion. They spent $390,000 in fourth quarter expenses. General Motors, look at that: $3,320,000. They got money out of this Wall Street financial bailout that nobody ever thought they could get. They got the Government to give them $10 billion. So I guess they consider $3 million in lobbying expenses to be a pretty good bargain. Those are some of the dangers when we stick our nose into matters that we out not to meddle in.

Once again, I wish to share this chart because I think it is instructive of the situation in which we find ourselves. Back in 2004, President Bush had the biggest deficit up to that time since World War II—maybe ever, in terms of real dollars. It was $413 billion. That is when he was criticized so aggressively, as many of my colleagues will remember, for reckless spending and running up the deficit. I thought a lot of that criticism was valid, but we had a war going on and we had some other things. We didn't contain spending as well as we should have. The recession that occurred was biting into revenue, and we ended up with a $413 billion deficit, the biggest we had ever had. It dropped in 2005 to $318 billion, it dropped to $248 billion in 2006, and in 2007 the deficit dropped to $161 billion. It was definitely heading in the right direction. That represented only 1.2 percent of GDP. This 3.6 percent of GDP for the deficit was the highest in about 30 years, since the recession in 1980, as I recall.

So what about 2008, the last fiscal year, ending September 30 of 2008. We sent out the $150 billion in checks to Americans in the hope that it would do something good for the economy. People blamed the President for it. I think he deserves blame for it because it didn't work. However, the President has no authority whatsoever to spend a dime that Congress doesn't give him. He had to come to Congress and ask for that money. The Democratic leadership supported it and moved the bill forward, and we sent out the checks. That, plus the economic slowdown, caused the 2008 deficit. Last September 30, it was $455 billion, the largest ever.

What about this year? Our own Congressional Budget Office has done some analysis. And I would just say that the CBO is a nonpartisan group. We just elected a new Director. He was basically selected by the Democratic majority. The Republican members of the Budget Committee liked him. We thought he was an honest, capable man, and we voted for him. So we got a new Director. He is, I believe, an honorable person, gives us good numbers, as the previous Director did. So the CBO estimates, without the stimulus, the deficit ending September 30 of this year will be $1.3 trillion. That will represent 8.3 percent of GDP, the highest ever.

Now we are about to pass another almost $800 billion stimulus package on top of that. It all would not get spent in 2009. It is not all going to get spent before September 30 of this year, so of that 800 they are scoring about 232 to be spent in this year, meaning the total deficit would be $1.4 trillion, three times—three times—the size of the highest deficit we have ever had in history.

I have to tell my colleagues, Gary Becker, the Nobel Prize-winning economist, and another one of his associates, just wrote an op-ed in the Wall Street Journal. He questioned this stimulus package. He used careful language. He said normally in a stimulus package, for every dollar you expend, you hope to get a dollar and a half of growth. He said in their opinion, because of the nature of this legislation—I will say the political nature of it rather than the stimulus nature of it—they conclude each dollar spent will produce less than a dollar of stimulus.

So we are adding another $800 billion on to our debt total for very little benefit. When you go to next year, they are expecting it to be another $1 trillion deficit and the year after that, $640 billion. By the way, these 2 years at least have $70 billion more which will be added because we are going to fix the AMT, the alternative minimum tax. It costs $70 billion to fix it, and we do it every year, and that is never scored until we fix it. So that will be added on to both of those. Also, physicians are set to get a 20-percent reduction next year in their physician payments. Why do we do that? Well, we passed a law a long time ago that would call for that. We have long since recognized we can't cut our doctors' pay that way, we can't cut them 20 percent. Every year, we put the money back in. It is about $30 billion, I believe, a year. That doesn't score in these numbers. So you can assume the deficit next year will be at least about $100 billion higher than current estimates. Those are gimmicks we use to hide the real nature of the deficit.

According to the Congressional Budget Office, interest in the stimulus bill alone over the next 10 years will amount to $326 billion, and that includes the first 2 years when all is not yet spent. It will actually be about $40 billion a year thereafter once it all gets spent. That is a huge thing. That is $400 billion every decade. Who is going to pay it? Our children and grandchildren. There is no plan to pay this off. So this is not a minor matter.

Finally, our own Congressional Budget Office, after studying this package, concluded these things: It would have a temporary stimulus effect in the first 2 to 3 years, but over a 10-year period, they conclude the gross domestic product would grow less if the legislation were enacted than if we didn't pass anything. They project that over a 10-year period it would hurt the economy—not a lot, but it would be down. Why? Because when we borrow $1 trillion from the private economy to pay this debt, it crowds out private people who may want to borrow money and create jobs.

Secondly, you have to pay the interest on it every year; we have to pay $40 billion a year in interest. How much is $40 billion? That is the amount of the entire Federal highway budget each year, $40 billion—a lot of money. Now we are going to add that every year, just in interest, which we will be paying indefinitely. Some people have said—even some conservatives have said deficits don't matter. Wrong. Deficits do matter.

Finally, I would just point out these facts about why the bill is not effective to do what it says it wants to do, which is to create jobs. It is simple arithmetic. We wrote this chart when the bill was $826 billion. It actually came out of the Senate at $838 billion. We are hearing it is going to come out less than that, and that we will end up with about $789 billion. So we don't know. Apparently, they are still arguing over what to spend and how to spend the

money. The interest on that version, according to CBO, would run $347 billion, give or take a billion or two, over the next decade.

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

Mr. SESSIONS. I ask unanimous consent for 2 additional minutes.

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

Mr. SESSIONS. So that totals over $1.1 trillion. You divide that out per taxpayer, per person who pays taxes—don't think that something can be created for nothing. To inject $800 billion into the economy today, we have to borrow it. How much does that mean that the average American is assuming as new debt? Well, what we conclude is—just from simple arithmetic—it is about $8,400 per taxpayer. Think about that. Just like that, we are going to pass a bill that over 10 years will cost over $1.1 trillion and increase the average taxpayer's share of the debt by about $8,400. It is like adding it to your mortgage or something.

If it produces 3.9 million jobs, which is the high end of what the Congressional Budget Office says it would create—the goal for those pushing the legislation say they want to create 4 million jobs. That is the high side of what—it is higher, actually, than what CBO, our own budget office, tells us it will create. So 3.9 million jobs, that costs $300,000 per job. Do the arithmetic.

Is that a good deal for America? Is that worth burdening us with $8,400 each? What if it came out on the low side? What if it only created 1.3 million jobs, which was the low side that CBO scored—1.3 to 3.9? That would be $900,000 per job.

Mr. President, I would say that, yes, we can do some things to improve this economy, but we are moving a political agenda; we are moving programmatic ideas. A lot of people might like to see some of these things become law, but they don't want to go through the entire budget process, to compete and debate. They just stick these programs into this emergency stimulus bill that goes straight to the debt, none of which is paid for, and then it is all debt. I don't think it is a good idea.

Good people might disagree, but I firmly believe it is not a good idea for my constituents. My phones are ringing off the hook against it. I don't believe it is good for my children, my grandchildren, or yours.

I yield the floor.

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

Mr. MENENDEZ. Mr. President, I understand we are in morning business for up to 10 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. MENENDEZ. Mr. President, I ask unanimous consent to speak for up to 15 minutes.

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

Mr. MENENDEZ. Mr. President, what we are debating in the Senate is about fighting for the economic future of America.

Dr. King talked about the ''fierce urgency of now'' in the context of a struggle for civil rights. We have to remember the fierce urgency of now when we are tackling the worst economic crisis our country has seen in generations.

We have to understand the urgency for the 3.6 million Americans who have lost their job since December 2007—almost 600,000 in the last month alone. It is an urgent situation when millions of American families are in danger of losing their homes. It is a dire situation when State budgets are stretched so thin they have to watch school buildings crumble. It is an emergency situation when local communities are forced to consider cutting police or firefighters who protect their residents. It is an immediate crisis when a young girl needs an operation but her parents cannot afford health insurance. The Dow lost 40 percent in a year's time. Businesses are closing. Life savings are being drained.

Even for the hard-working Americans who still have their jobs, pensions, and health care, there is still a lot of fear out there that their careers and health insurance aren't secure; that the job loss or foreclosure that hit their neighbor might knock on their door next. Yet in the midst of all of that, I hear so many of my colleagues basically saying: Oh, no, do nothing.

Without bold and decisive action, the country faces the possibility of a prolonged economic collapse rivaling the worst we have ever seen.

In a crisis this severe, the Federal Government has the responsibility to step in and to stabilize the economy and lay the groundwork for recovery. We are not just talking about the financial recovery of individuals; we are talking about the renewal of a nation.

We have before us a tremendous opportunity to strengthen the 21st-century economy, to make investments so the private sector can create the innovations that will help our country prosper in the future, to transition away from fossil fuels and stop sending our money abroad, enhance America's energy security and meet the climate crisis that threatens our planet.

We have an opportunity very soon to vote on a bold plan to create and maintain more than 3.5 million jobs in America and 100,000 in my home State of New Jersey, helping workers damaged by this crisis and laying the foundations for economic growth well into the future.

Is the bill we are considering perfect? No. But in my many years of legislating, I have never seen a perfect bill. People are losing their jobs, their homes, and their life savings. The unemployment rate in New Jersey is the highest it has been in a decade and a half. More Americans are filing first-time jobless claims than any time in a quarter of a century. This isn't a time for delay, and it isn't a time for games or political posturing. It is time for quick, bold action. This is a complicated piece of legislation, so I will take a little time to lay out its most important provisions.

First, this bill brings tax relief to the middle class—about $230 billion worth of tax cuts. In the Finance Committee, I introduced an amendment to save over 1 million New Jerseyans from the alternative minimum tax, saving families up to $5,600.

That AMT tax was originally designed to ensure that the wealthiest Americans could not use creative accounting to avoid all taxes, but it was never intended to hit the middle class as hard as it is hitting them now. If we don't act, millions of taxpayers could wake up next tax season to realize they owe more in taxes even though their income hasn't changed.

The cornerstone of this legislation, in terms of tax relief, is a making work pay credit—the credit that is available to those who are working. The average working family—95 percent of all working families—are going to get a tax cut of up to $800 to put money back into their pockets to support their families and, at the same time, create demand for goods and services in this economy that will be provided largely by the private sector that creates other jobs for those who provide those goods and service.

It expands the earned-income and child tax credit to help low-income working families get through these difficult times. Those are the individuals who need money, and when they have it, they spend it in an economy that also creates demand for goods and services, created largely by the private sector. In fact, 90 percent of all of the jobs created under this bill will be from the private sector. It supports tax incentives for businesses to make new investments and hire new employees.

This recovery package would not just create jobs; it will create a new generation of green jobs. What we are considering today is a green recovery package, which will help change the direction of our economy for one based on fossil fuels to one based on clean renewable energy. It makes important investments in building efficiency, renewable fuels, clean vehicles, and green job training. It makes a massive investment in weatherizing homes, which will reduce emissions while bringing down energy costs. All along the way, each of those initiatives creates a different sector of the job marketplace that Americans will be able to fulfill.

Just like the rest of it, the energy piece of this legislation isn't perfect. I would have liked to have seen more support for mass transit. They are facing major budget crises and have to consider service cutbacks, just as ridership is growing and climate change is accelerating. Transit funding is essential if we are going to meet our emissions goals, get cars off the streets, and keep efficient transportation affordable.

The Federal Government has been dragging its feet on energy security and climate change for too long. Our local governments have been leading the way. That is why I am proud to have created the energy efficiency and conservation block grant in 2007, along with Senator SANDERS, to help fund and reward them for that work. I am thrilled this Economic Recovery Act contains substantial funding for these grants, including tens of millions of dollars for New Jersey. Cities and communities across the country can use the funding to promote efficiency, lower greenhouse gas emissions, and invest in renewable energy and the jobs that will go along with that in doing that work.

A municipality could work to insulate office buildings, install fluorescent light bulbs, install solar panels, invest in LED lighting for traffic signals or purchase more efficient municipal vehicles. Of course, what a municipality would do for energy efficiency in New Jersey would be different from what one might do in Alaska or Arizona. So the funding allows for flexibility.

There is strong support for solar energy, including a manufacturing tax credit and tax incentives for homeowners to install solar panels. That is good news for New Jersey, which is the second-biggest solar-producing State in the country and where the solar cell was invented.

The support for energy efficiency is complemented by important investments in infrastructure. With this recovery plan, we can start building and rehabilitating scores of roads, bridges, and bypasses.

We have the chance to secure a stream of funding to start construction on the ARC rail tunnel, to ease commutes across the Hudson, reduce traffic, and clean our air. Most important, those kinds of projects put people to work. Not only the construction people but the engineers and architects, the clerical workers in their office, and everybody who creates supplies for these jobs at their places of work, and the transportation that brings it to the job site. This is how we create all of these jobs, and they're mostly in the private sector.

We understand a major part of helping the economic recovery is allowing workers who have lost their jobs to keep their families afloat, develop the skills necessary to maintain long-term employment and find new jobs.

This economic recovery package makes exactly this type of bold investment. It helps States close gaps in their unemployment programs. It rewards States for innovative reforms, providing benefits to more than 500,000 workers a year who are now falling through the cracks of the unemployment program. It stimulates the broader economy as every dollar put into the hands of temporarily displaced workers and their families generates $1.64 in economic growth, whether it is spent on housing, groceries, or other basic necessities.

For those who have fallen on the hardest of times—who have been laid off and haven't been able to find work and are having trouble putting food on the table or keeping a roof overhead—the recovery package includes important support for food assistance, as well as housing programs that will help prevent foreclosures, rehabilitate homes, and provide emergency housing in New Jersey.

This legislation that we are talking about is not only recovery but investment. This legislation also means about $4 billion for worker training and employment services. The labor market has fundamentally changed. If we are going to stay competitive in our State and country, we need to invest in human capital and give our workers the skills to thrive in the 21st-century economy.

Preparing those students and workers and those who will prepare them for the high-tech, high-paying jobs means investing in education at every level. That is also not only going to lay the foundation for long-term economic growth but give immediate opportunities for jobs as well. These are ways in which we, in fact, can modernize our schools. At least 205 New Jersey schools will have the opportunity to modernize themselves with the technology necessary and the laboratory necessary for preparation for this 21st-century economy. It is an investment that could mean the difference between a crumbling schoolroom and a science lab that prepares a child for a career in biomedical engineering.

I was raised in a tenement, poor, the son of immigrants, the first in my family to go to college. I know I would not be standing in the Senate today if it weren't for the Federal Government's support and those opportunities. Whether it is our public education program or in college through the Pell grants and the opportunities in the American opportunity tax credit to make college more affordable, it will produce a workforce that can compete anywhere in the world and be able to capture the new jobs created under this bill.

Any parent in America knows the challenges of affording health care, even if you haven't lost your job. Families working in low-wage or even moderate-wage jobs struggle every month just to pay the bills, not to mention the medical bills on top of that. Those who have recently lost jobs are pretty much out of luck. Unfortunately, a child's illness doesn't always wait for a good-paying job with health care to come along.

That is why we have included provisions in this bill to help States continue to provide health coverage to those children and families they are serving. For those who lose their jobs and their health insurance with it, we have included a tax break to help them pay for the COBRA coverage they are eligible for in between jobs.

I will end where this whole crisis began, in housing. This bill includes provisions that will allow more families to get tax relief when they buy a home, provide additional funding for those who recently lost their home, and provide additional funding for a provision I authored to help children affected by a home foreclosure stay in school.

This plan may be detailed; the investments it makes may be diverse. But we are not talking about just throwing money haphazardly. We understand every dollar in the plan belongs to the American taxpayer. They deserve assurances that their money is invested wisely. So we are going to ensure unprecedented transparency, oversight, and accountability to the plan so Americans can see not only how their money is being spent, but also the results of their investments.

This includes requiring the President to report quarterly on the plan's progress, as well as establishing an oversight panel to review the management of taxpayer dollars.

We have had a vigorous debate in the legislation. That is part of our democracy and it is always welcome. It has been troubling to me to see such a bad case of amnesia in some of my colleagues on the other side of the aisle. I think it would make every American who loss his or her job in this recession cringe to hear that some of my Republican colleagues want to repeat the policies that helped create this crisis in the first place.

Republican policies dominated the last Presidency over the last 8 years and dominated Congress for a good part of that period of time. All of a sudden, they are guardians of fiscal responsibility, after taxing the middle class while passing capital gains and dividend tax cuts aimed at the wealthy, after turning President Clinton's record surpluses into President Bush's record deficits and doubling the national debt to more than $11 trillion—$11 trillion. If we did absolutely nothing, if President Obama did absolutely nothing, he will have inherited a $1.2 trillion debt. I hear these voices now of fiscal responsibility. Where were they when they were driving this enormous deficit to the Nation?

Now, to top it all off, they added amendment after amendment that added to the debt, and then they turned around, after adding to the debt and complaining about it, and voted against the package because they said it adds too much to the Federal debt. Only in Washington can one believe that.

Finally, I hope our Republican colleagues are not of the belief that by hoping this package does not succeed they will achieve political victory because, in essence, they would be voting and betting against an American economic recovery, against the American people's hopes and dreams and aspirations to live a better life.

I fear, after reading some of the articles today, that is exactly where they are: no plan to meet the economic challenges we have, complain about the

plan that is there, and then ultimately find ourselves in a set of circumstances in which they are betting against the American people and this economic recovery. That is not only bad politics, it is pad policy for the Nation. I hope they will see the light when it comes time to vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. RISCH. Mr. President, first, let me say to my distinguished colleague from New Jersey, I sincerely appreciate his passion about this problem. I think everyone on this side of the aisle likewise feels as passionately about the difficulties facing the American people today. There is no one who believes this is not a problem. There is no one here who does not feel the empathy every one of us should feel about Americans who are losing their jobs and about Americans who are underemployed.

There are over 92 percent of Americans employed, but there are over 7 percent who are not. The fact that 92 percent are employed in no way denigrates the fact that we have a substantial and a high rate of unemployment.

With all due respect to my colleague from New Jersey, he made reference to the fact that there are people encouraging that we do nothing. I don't know who that person is. I have not run into them yet. It is not anyone on this floor that I know of.

I think this problem is so serious and I believe my Republican colleagues believe this problem is so serious that it does not only deserve something be done but that something major be done, something aggressive be done, and something quickly be done.

With all due respect, I strongly disagree with his characterization that there is anyone on this side of the aisle who hopes this plan does not succeed. We pray every day that this package does succeed. It has to succeed. If it does not, this country is going to be in very serious trouble.

Let there be no mistake about it, this is clearly a Democratic plan. The people who are saying this is a bipartisan plan are flat wrong. This is a Democratic plan. I hope it works. I pray that it works. I pray that we will be able to come out here one day in the very near future and say congratulations to the Democrats for putting together this package and putting it to work so that we turn this economy around. The Democrats own this plan.

Having said that, I urge, and my colleagues on this side of the aisle urge, that this is not just a single path that is going to take us out of the problem we have. Indeed, it is going to take more than just spending. Just spending has not worked in the past. It did not work at the time of the Great Depression. It did not work for Japan in the nineties. It did not even work for us last year when this Congress gave $600 to every individual to go out and spend. It did not even put a blip on the screen as far as helping the downturn in the economy.

The real problem, the systemic problem is the frozen credit markets. It is not Government spending that is going to get us out of this situation; it is the spending by the great American people, by the great American consumer, by businesses large and businesses small. It is their spending that will get us out of the deep hole we are in.

With all due respect to my good friend from New Jersey, I would like to see as much passion about attacking the problem with the banking sector and the frozen credit markets that we are seeing for this spending of $800 billion which, when all is said and done, will turn out to be $1.2 trillion when we include the interest that is going to have to be paid.

I congratulate the good Senator for referring to the work done in the housing sector. With all due respect, I urge it is not enough. This Senate added an excellent provision to this particular package. It was taken out when the conference committee met, and that portion that was taken out reduced in half what needed to be done to help stimulate the housing sector.

Mr. President, you heard my distinguished colleague from New Jersey talk about the amount people will be able to use to go out and get a home. It was reduced in the conference committee. It was cut virtually in half. On top of that, it only allows for first-time buyers, which just does not make sense. If we are trying to stimulate the housing sector, why just first-time house buyers? Everyone should be given this opportunity to go out and to purchase a new home or a previously occupied home and should get the credit.

With all due respect, what this Senate did was taken out in the conference committee. I would like to see the same passion as the other two paths—that is, attacking the frozen credit market and the housing sector—that we keep seeing from the other side as far as the spending of this $800 billion.

I close with this. I asked this on the floor the other day: Why $800 billion? It is really important that history knows why America settled on $800 billion. There is no doubt this is going to pass. The Democrats will vote together on this. Three Republicans have shown they are going to vote with them. And there is no doubt this is going to pass. But we need, America needs, America requires an explanation of why $800 billion.

I heard the President of the United States say earlier this week: That is not just a number I pulled out of the air. I take him at his word. If it was not just pulled out of the air, it was carefully constructed with a formula. I want to see that formula. America wants to see that formula. Historians are going to need to see that formula because if it works, we are going to need that formula in the future again someday. If it does not work, we need to look at that formula and see if we can figure out why it did not work.

Somebody, please, deliver us that formula so we know how the number of $800 billion was reached. It could be $50 billion. It could be $200 billion. It could be $600 billion. It could be $1.5 trillion. We don't know. But if we have that formula, we Republicans can help fine-tune that formula to either spend more if more needs to be spent based on the formula or to spend less if less can be spent and if we can save this money. We are strapping our children, grandchildren, and great grandchildren with a horrendous debt. They are going to be paying this back. The money will have to be borrowed probably from China. They are the ones who usually put up the money for this. Future generations are going to be working to pay back the Chinese Government $800 billion. Future generations have the absolute right to know how this administration and how the Democratic Party constructed a formula that spent $800 billion. It is only fair.

Mr. President, I yield the floor, and 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. DURBIN. 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. DURBIN. Mr. President, I have been listening to the criticisms of the recovery and reinvestment plan from the other side of the aisle, and I have tried to put them into categories so I can address them and consider them. The first complaint appears to be that this is an $800 billion stimulus package which will add to our deficit.

There is no question about the premise. The facts are right. It is $800 billion, and it will add to our deficit. But I find it interesting that the Republicans who are criticizing this come from the same party which, over the last 8 years, saw America's national debt double from $5 trillion to $10 trillion and they went along with all of it. When the President wanted a war and did not want to pay for it, which added to the debt of the country, they voted for it. The final cost was about $800 billion, and it is still accumulating. When the President wanted tax cuts in the midst of a weak economy, which added to the deficit—and cuts that went primarily to the wealthiest people—his Republican Party supported him and no questions asked.

In fact, the argument for many years was that deficits don't matter, when President Bush was in the White House, during that 8-year period of time. Now deficits do matter. It is an accumulated debt of America. It has a lot of negative impact on our economy. But for a party which ignored this reality for so many years to come and tell us now, in the midst of the worst economic crisis in modern times, that

we have to be so careful of the deficit we cannot address this economic crisis, is a little hard to take. That is the first point.

The second point is they criticize this package for costing too much, when in fact on two separate occasions Republican Senators offered amendments to this package which added to the costs dramatically. In the Senate Finance Committee, the Republican Senator from Iowa offered an amendment that added $70 billion in cost to this package. It passed with the support of both parties, I will add. At the end of the day, the package cost $70 billion more, and the Senator from Iowa said he couldn't vote for the final work product because it was too expensive. He had authored an amendment that added $70 billion in cost and then said he couldn't vote for the package because it was too expensive.

Another Senator, from Georgia, added an amendment on the floor—I thought it was a thoughtful amendment—that added in cost $11 billion to $30 billion, by some estimates, to give incentives for people to buy homes. It makes sense. We need help in the housing market. Yet this added expense on the bill, this added amendment, which we adopted, could not win that Senator's support. He too was critical of the final product: It cost too much.

So it is hard to follow why so many Republican Senators are criticizing the President's attempt to get this economy back and moving forward, because they are saying it cost too much, when they introduced and passed amendments which added to the cost of the package. It doesn't follow.

And the third point, made by the Republican leader, who came to the floor today and criticized the compromise—the final bill here that we will consider probably tomorrow night—said they cut back on some of the tax cuts for working families.

It is true. The President's original proposal was $500 for individuals, I think it was up to $70,000 or $80,000 in income, and $1,000 for families. Then when we had to cut back in the cost of the overall bill to win the support of several Republican Senators, the President offered to make a cutback in that area. So when we try to cut back in the cost of the bill to win Republican support, we are criticized for those cutbacks; and when the bill comes to the committee, or to the floor, Republican Senators add amendments that add cost to the bill and then tell us it costs too much. It is hard to follow their logic. I can't.

I am glad that it appears, with our fingers crossed, that there will be at least 60 Senators tomorrow when we vote on this bill that will do something about the state of our economy. This President has inherited the worst economic crisis of any President since Franklin Roosevelt's in 1933. This situation is terrible. It is no Great Depression, thank goodness, but it is terrible. We have lost jobs all over America—500,000 jobs in the month of December—and 36,000 of them, incidentally, in my home State of Illinois. That is 1,200 jobs a day we have lost in my State in December, I am afraid a like number in the month of January, and there is no end in sight.

The President has stepped up and said: We cannot let the American economy slide into this spiral that is going to create so much hardship for workers losing their jobs and businesses closing. We have to do something. We need a solution. We can't stand back and watch the parade go by. We have to step in and try to stop the negative impact of this economic crisis.

Most Americans—in fact, the overwhelming majority of Americans—believe the President is right in trying to solve this problem. He has said, and they understand, this may not be a 100-percent solution. At the end of the day, we may need to do more or something different. But the alternative is to do nothing, and that seems to be the position of many Senators who are opposing this. They want to wait. They want to wait and see if this economy gets better or they want to return to the old-time religion. What is the old-time religion? It is what we tried last April. When the economy was softening, President George W. Bush came to us and said: I know the solution. I know how to get us out of this problem. It is a tax cut.

Well, if you have been around Congress for a while, you know that when it comes to the Republican Party, the answer to every challenge, every issue, every circumstance is a tax cut. We have a surplus. Is the economy booming? Cut taxes. Do we have problems. Is the economy cratering? Cut taxes. Well, tax cuts do have value, but in certain circumstances they may not work effectively. And we found out last April that our $150 billion package—and I think that was the number—that President Bush asked for, enacted by the Democratic Congress, didn't work. I believe it was $300 to individuals and $600 to families. It may have helped an individual family put some money in savings or pay off a credit card, but at the end of the day, when you step back and look at the big picture—the macroeconomic picture—it didn't work. The economy continued to slide downhill.

So the magic elixir of tax cuts, which we hear consistently from the Republican side, even during this crisis, is one that has been tried and failed.

We included tax cuts in this package in an effort to try to win over some Republican votes. It didn't work very well. We got no Republican support in the House and only three Republican Senators who stepped up in the Senate and said they would support it.

What we are trying here is something that is dramatically different; not just tax cuts for working families, which they need, but injecting money into the economy. Why do we need to have the government spending money in this economy? Because Americans are not spending enough of their own money. We anticipate that this year Americans will spend about $1 trillion less on goods and services than they ordinarily would.

We have a gross domestic product of about $14 trillion a year. Well, that is about 7 or 8 percent of it that won't be spent this year. And when you cut back in that much spending, when people are not buying the things they buy—refrigerators and cars and homes and clothing, and all the rest—jobs are lost, businesses contract, and our recession gets deeper. So the President said: Let's put this money into a stimulus or recovery package that will inject new life into this economy and try to get it moving forward again.

It turns out economists—conservatives, liberals, most economists—have said it is worth a try. Historically, it has worked; we should do it now. And the President went further. He said that our goal will be creating or saving 3½ million jobs over the next 2 years. That is an ambitious goal, and I hope we can reach it.

I know those on the other side criticize it. They say: You know what, when you take the total cost of this bill and divide it into the number of jobs, it is a fantastic amount of money for each job. But they have forgotten one basic thing: That new worker in Illinois or in Iowa is not only going to get a paycheck, that worker is going to spend the paycheck. And when the worker spends the paycheck downtown, the people who work at that shop have a job, too. And the people who work at the shop with the job take a paycheck home, and they will go to another shop and spend the paycheck. It moves through the economy over and over again. So to argue that we are spending so much money for a single job overlooks the obvious, overlooks Economics 101. I think I learned this in Georgetown in one of the first classes. It is called the multiplier. That says if I go out and spend a dollar at shop, then maybe 80 cents of that is going to be spent by a worker there, and on and on. So the dollar may turn out to be worth a lot more in terms of the economic activity.

That is the President's goal, to create enough jobs and save enough jobs to breathe life into this economy to start people moving forward again with confidence in making purchases. That is the bottom line.

It also provides, this bill we are going to consider tomorrow, 40 percent in direct relief to working and middle-class families. I talked about the President's tax cuts. He focuses on the working and middle-class families. I think it is the right thing to do. It is about $400 an individual, $800 for a family. That will give them a helping hand.

It also doubles the renewable energy generating capacity of our country over 3 years. Is there anyone who doubts the President's position that if we are going to have a strong economy over a long term we need to have more

energy independence, we need to have more renewable sustainable sources of energy right here in our country? This bill, this stimulus package, invests in energy for America's future—good energy, reliable energy, energy that we do not have to bargain with OPEC to have in future years to build our economy.

It invests $29 billion in the Clean Energy Finance Authority and renewable tax credits. This is a way to encourage the renewable energy sector. In my State of Illinois, in the State of Iowa and a lot of other States, you see the wind turbines when you drive down the highway. In one section of central Illinois are 240 wind turbines that will generate enough clean electricity to supply the electricity needs of Bloomington-Normal, a large—at least by Illinois downstate standards—metropolitan area. More and more of these need to be built. Solar panels, using wind energy, geothermal sources, all of these are clean, thoughtful, homegrown, and make us less dependent on energy sources from overseas.

There is also a dramatic investment, $150 billion, in infrastructure. Infrastructure is a generic word that does not paint a very specific picture. We are talking about roads and bridges and highways. We are talking about making certain that what we have in our State and States across the Nation is in good repair and safe, and is expanding opportunities for the economy to grow by building these roads and bridges for the future. It is money well spent, as far as I am concerned.

And health care, too. The first casualty for unemployed workers is usually health insurance, so we want to help the families facing unemployment with the costs of health insurance. That to me is money well spent. These families need the peace of mind to know that if somebody gets sick they have a doctor they can go to and a medical bill that at least will get a helping hand to be paid.

There is $25 billion for school construction—no, not for new buildings but modernizing schools. If you bring energy efficiency to a school, it is going to reduce the cost to the school district and to the property taxpayers who sustain that district.

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

Mr. DURBIN. Mr. President, I ask unanimous consent for an additional 5 minutes.

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

Mr. DURBIN. In addition to that, we are going to try to make sure this bill moves us forward when it comes to health care. One of the things we need to do in America, which we have done in the Veterans' Administration, is start putting medical records on computers. The importance of that is obvious to anyone who has visited a modern hospital. You know if a doctor has access to all of your medical records on computer, or a nurse, that they are more likely to make a better diagnosis, come up with better treatment, save money in the process and have a safer outcome. So if we are going to move toward a health care system ready for this century, we need to bring the Internet into the hospital room and into the hospital setting. This bill makes the investment to do that. It is a critically important investment and it is the starting point I think in moving toward the health care system we need to provide for Americans.

There will be critics. Many of them want to do nothing, let the economy solve its own problems. But most of them are not students of history. The last President facing a major economic crisis, who said let's ride it out, was Herbert Hoover. Herbert Hoover, a Republican President during the Great Depression, said things will get better, the economy will cure itself, the market is a miracle. Guess what happened. More and more people lost jobs, more businesses failed, the stock market cratered and Franklin Roosevelt rode to the rescue.

We have to understand that standing back and watching this economy crater is unacceptable. This President was elected last November 4 to bring real change to this town in the way we do business and real change to this economy so we have a fighting chance for excellence in the 21st century. I think he has the right approach.

Let me add another element. There is a big section of this bill that demands accountability. All of us, whether we voted for or against President Bush's attempts to help the economy—all of us were frustrated at the end of the day that so few dollars could be accounted for. We gave them $350 billion. At the end of the day we wanted an accounting—those who voted for it and for the taxpayers. We couldn't get it. We still don't know what happened to the money.

This bill is different. This bill not only is going to provide inspectors general in each of the departments to watch the money as it is being spent, accountability through the States and through the local units of government, but Web sites as well for taxpayers to follow the course of this bill. It is a new level of openness and transparency we have not seen before and it is long overdue. I am glad it is there. I think that kind of openness is what the American taxpayers want to see, too.

They want solutions, they do not want political squabbling. They want to have people working together here rather than like in the House of Representatives, where no Republicans would even support the idea of a stimulus package. They want accountability, transparency—so they know their Federal tax dollars are being spent wisely—and they want honesty too. This President has been honest from the beginning and he said: I believe this will work. The best minds in the economy tell me this will work. If it does not, we are going to try something that does. We are going to be honest with you about the outcome here.

That is the best we can ask from our leaders, that they give it their best effort, good-faith efforts to solve our problems and be honest with us if they do not succeed. We need to succeed. There is too much at stake here.

I have seen it in Illinois. We have seen it all across this country. This particular proposal for Illinois is one I am excited about, creating or saving 148,000 jobs over the next 2 years. We need it. As I mentioned, we lost 36,000 jobs in December. We need to do something to stop this outflow of jobs.

A making work pay tax cut of up to $800 will affect about 5 million workers and their families in my State; 156,000 families are going to be eligible for an American opportunity tax credit, which makes college affordable. When I talk to college presidents, they tell me: I am worried. Kids are coming into the dean's office and saying: Dad's business is going down or Mom lost her job. I may not be able to finish here.

Let's give these families a helping hand, a tax credit so these kids can stay in school. If these young people end up dropping out of school with a mountain of student loans and no degree, that's the worst possible outcome. This will help us avoid it.

An additional $100 a month in unemployment insurance for those who lost their job doesn't sound like much to most families, but for these folks $100 means an awful lot.

We are providing funding sufficient to modernize 412 schools in Illinois so our children have the labs and classrooms and libraries and energy efficiency they need.

We are doubling the renewable energy generating capacity. I think there will be more wind turbines that will be installed in my State. There will be some happy farmers renting their plots of land for that and some communities that will have cleaner energy sources.

This is a bill that looks forward. To those looking in the rearview mirror of what we tried last year and want to try it again—we gave them their chance and it didn't work. It is worth a try now. I am glad three Republican Senators stepped forward and said they are willing to give this President a chance. It shows the kind of bipartisan cooperation we need more of.

I hope at the end of the day even more will vote for this and I hope the next time we debate an important issue on the floor that more Senators from both sides of the aisle will come together to solve the problems the American people face and do the job they sent us here to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, we have seen a whirlwind of activity on this so-called economic stimulus package.

We began by watching the partisanship in the House prevail, where the

House passed a package strictly along party lines. No House Republican voted for it. And 11 Democrats joined the Republicans in voting no.

Then we had a mark-up in the Senate Finance Committee, the committee that I am ranking member on. Over 200 amendments were filed. Some amendments were agreed to, like the amendment I filed for a 1-year alternative minimum tax ''AMT'' patch.

But many others, specifically Republican amendments, failed or were never brought to a vote.

Unfortunately, there was a tacit agreement among the Democratic members of my committee to vote no on any Republican amendment, regardless of the merits. Those on my side of the aisle did not find that very bipartisan.

Then a floor debate in the Senate ensued. It lasted a full week. I am happy that the debate gave many Members on my side of the aisle an opportunity to discuss how this legislation could be improved. I was dismayed, however, on the process. For example, there were a number of amendments that I filed that were never given a fair vote.

Bottom line, they were blocked. I was not the only Republican Senator that got locked out of the process.

And speaking of process, let me briefly discuss how this conference committee process worked. Or shall I say did not work. It was not a conference that permitted bipartisan negotiations.

I have often used the following analogy to define bipartisanship. It is an analogy that married couples can understand. That analogy comes from the example of Barbara and CHUCK GRASSLEY going to buy a car. If I buy the car and take it to Barbara that is not a truly marital decision. If we both go to the dealership and agree on the car, then that is truly a joint marital decision.

The same logic applies to bipartisan legislating. If Senator REID shows me a deal that has been done by Democratic conferees, which he was courteous enough to do Wednesday morning, without my participation as the leading Republican tax writer, that's not bipartisan. There is no ''bi'' in that partisan.

So let no one be mistaken that this conference agreement is the result of bipartisan negotiations. While Republicans were courteously consulted at the member and staff level, we were never at the negotiating table. Speaker PELOSI best described the bottom line on the process.

She said: ''Yes, we wrote the bill. Yes, we won the election.'' That quote comes right out of the front page of the Washington Post, dated Friday, January 23, 2009.

Now, one can argue that all that I have just described is water under the bridge. We now have a conference agreement that both Houses of Congress are on the verge of approving. I will be voting against the package.

But before I cast my vote I wanted to take this time to applaud the inclusion of specific proposals in this conference agreement that I advocated for. While being locked out of the process, I am happy to see that my commonsense proposals were ultimately included in this final bill.

The first commonsense proposal is placing income limits on the subsidy for COBRA benefits. As the provision was originally drafted, which provided involuntarily terminated workers a subsidy to help pay for their health insurance, there were no income limits on the eligibility for the subsidy.

I want to remind my friends in the media that the House passed this provision with no income limits. The Senate Finance Committee approved this provision with no income limits. And the Nelson-Collins substitute, which garnered 61 votes in the Senate, was passed with no income limits.

That means if the original provision that cleared so many legislative hurdles made it into law, Wall Street CEOs and hedge fund managers, who made millions of dollars while running our economy into the ground, would have received a taxpayer-funded subsidy to pay for their health insurance.

In my opinion, this is outrageous. Just last week the Obama administration released guidelines for capping compensation paid to executives whose financial institution receives taxpayer dollars through the Troubled Asset Relief Program. The COBRA subsidy provision was in clear contradiction to our President's policy.

During the Senate Finance Committee mark-up, however, I offered an amendment that would have placed income limits on the eligibility for the COBRA subsidy. When I offered my amendment, some Democratic committee members rebuffed my efforts with trumped up charges that the IRS would not be able to administer income limits. It appeared that my Democratic friends on the committee, who voted in favor of the chairman's mark, wanted to give the taxpayer-funded subsidy to Wall Street CEOs and hedge fund managers. But in the end, Chairman BAUCUS gave me a commitment to at least look at an income cap.

So I filed an amendment during the floor debate. And I continued pressing the point both publicly and privately. I was disappointed that my amendment was never given a fair vote.

Simply put, my amendment provided that if a worker who was involuntarily terminated from their job earned income in excess of $125,000 for individuals and $250,000 for families during 2008, this worker would not be eligible to receive the subsidy.

Some Members of this body asked me why I set these limits at $125,000 and $250,000. It is simple. When candidate Obama was campaigning to be President Obama, he continually said that he wanted to raise taxes on families making over $250,000 a year. Why? Because then, candidate Obama felt that these people are too ''rich'' to pay lower taxes.

So it logically followed that if these families are too ''rich'' to receive a tax benefit in the form of lower taxes, are these people not too ''rich'' to receive a taxpayer-funded subsidy for health insurance?

I applaud the inclusion of income limits for the COBRA subsidy. Although, the income limits are set at $145,000 and $290,000, I am happy that my work was the reason it was added during the conference committee.

The second proposal included in this final conference agreement is something that is of vital importance to workers who have been displaced by trade. I am talking about the temporary reauthorization of the Trade Adjustment Assistance Act, or TAA.

At the beginning of this year, I engaged with Chairman BAUCUS and our counterparts on the Ways and Means Committee, Chairman RANGEL and Ranking Member CAMP, to see if we could work out a compromise to reauthorize the trade adjustment assistance programs that we could all support.

That engagement led to weeks of intensive negotiations. They were not easy negotiations. But they were truly bipartisan and bicameral negotiations. And they resulted in a compromise that I am proud to support.

That is the way the process should work. I wish the rest of the provisions in the conference report had been developed in such a bipartisan way. If they had, we would have seen more Republican support for this conference report.

Hopefully, the majority will not repeat the partisan process that produced this conference report.

I want to highlight some of the reasons why I support our compromise on trade adjustment assistance.

The fact is, the current trade adjustment assistance program is not doing enough to help American workers. It is outdated, overly rigid, and fails to incorporate appropriate oversight and accountability at the State and Federal level.

Our compromise addresses each of those concerns.

First, it extends the benefits of the program to service workers. Services now account for almost 80 percent of our economy. It doesn't make sense to exclude service workers from eligibility for trade adjustment assistance if they lose their job due to trade.

If a call center in the United States is closed and the operation moved to India, for example, those workers are not currently eligible for trade adjustment assistance. Our compromise changes that.

But it does so in a way that preserves the requirement that there be a causal link between trade and the loss of a job. Our compromise treats manufacturing workers and service workers the same, if trade contributed importantly to the workers' job loss, then they may be eligible for adjustment assistance.

We also improved the program by interjecting much more flexibility, so

that individual workers are empowered to decide for themselves how best to respond if they lose their jobs.

Workers can choose between full-time and part-time training, or full-time work with limited wage insurance. Trade-impacted workers can even take advantage of training and case management services before they lose their jobs.

Our compromise increases the funding for worker retraining to accommodate these expansions in the pool of potentially eligible workers and the array of benefits that are made available to eligible workers.

But it does so in a way that protects against inefficient spending of taxpayer dollars. For example, for the first time, we have capped funding for administrative expenses at an amount equal to 10 percent of training funds. I insisted on that.

In addition, our compromise requires changes in the way the Secretary of Labor allocates and distributes funds, so that States that do not need additional funds are not building up their kitties at the expense of States that need those funds now.

We also require States to implement control measures to ensure that the data they collect and report is accurate and timely. The Department of Labor needs accurate data in order to administer the trade adjustment assistance program efficiently.

And we require the Department of Labor to collect and post the data on the Department's Web site, to increase transparency and make the information more readily accessible to the public.

I am confident that the compromise legislation that it have helped to craft will provide immediate and long-term benefits for workers in Iowa and across the United States.

Separately, our compromise reauthorizes the trade adjustment assistance for firms program, and it improves and reauthorizes the trade adjustment assistance for farmers program.

The farmers program was enacted as part of the Trade Act of 2002, and it has not operated as planned.

We have made it easier for farmers to demonstrate that they are eligible for benefits under the program, and we have redirected those benefits to focus on developing and implementing business plans to better adjust to imports.

We also established a trade adjustment assistance for communities program to help entire communities respond to the pressures of globalization. One component of that program is a new community college and career training grant program which I have been working to develop over the past few years.

This is a timely, targeted, and temporary grant program to help educational institutions develop and offer the most appropriate courses to retrain trade-impacted workers.

The program will improve and expand the educational opportunities available to eligible workers. It is an investment in the long-term competitiveness of the American workforce.

Mr. President, I have already noted that our compromise is the result of a bipartisan effort that reflects the work of four offices.

There are portions of the amendment that I might have done differently if it were solely up to me.

But that is the nature of compromise. And the overall policy embodied in this amendment is a good one that will do a lot of good for a lot of Americans, in Iowa and across the United States.

Equally important, if we enact this amendment into law, it will help unlock the trade agenda so we can progress with other important priorities.

Chief among those is implementation of the Colombia trade agreement, which is my top trade priority.

And then we need to turn to our other trade agreements with Panama and South Korea as well.

We need to level the playing field so that our exporters, service suppliers, and farmers can increase their sales to foreign countries.

It is more important than ever.

We have had a social compact on trade for over 45 years.

One side of that compact is to address them of trade-displaced workers, and we are doing that with the compromise I have helped to negotiate on trade adjustment assistance.

The other side is to open up new markets for U.S. exports. That was a driving principle when President Kennedy established the Trade Adjustment Assistance program.

President Obama should hold true to that principle by doing everything he can to create new export opportunities, starting with implementation of our pending trade agreements.

A pro-growth trade agenda should be integral to our economic recovery strategy. I stand ready to work with the President and my colleagues on both sides of the aisle to accomplish that.

Mr. BAUCUS. Mr. President, the conference report for H.R. 1, the American Recovery and Reinvestment Act of 2009, includes provisions that would modernize and expand the trade adjustment assistance program to reflect today's economy. This has been my highest trade priority. It has been the priority of workers and labor unions. And it has been the priority of the business community. We all recognize the importance of passing a TAA bill that helps American workers, firms, farmers and communities.

Earlier this week, I received letters of support from the following groups: AFL–CIO; Change to Win; United Auto Workers; United Steelworkers; Trade and American Competitiveness Coalition with over 50 businesses; and the Information Technology Industry Council. I ask unanimous consent that a few of these letters of support be printed in the RECORD.

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

CHANGE TO WIN,
Washington, DC, February 11, 2009.

Hon. HARRY REID,
Senate Majority Leader,
Washington, DC.
Hon. MITCH MCCONNELL,
Senate Minority Leader,
Washington, DC.
Hon. NANCY PELOSI,
Speaker of the House,
Washington, DC.
Hon. JOHN BOEHNER,
House Minority Leader,
Washington, DC.

DEAR CONGRESSIONAL LEADERS AND CONFEREES: Change to Win's seven affiliated unions and more than six million members urge you to include the Baucus-Grassley-Rangel-Camp Trade Adjustment Assistance amendment in the American Recovery and Reinvestment Act conference report.

This amendment will bring many long-needed improvements in the TAA program, such as extending assistance to workers in services-related industries, increasing access to wage insurance and health insurance benefits, and expanding training. This bipartisan, bicameral compromise is an important part of our economic recovery and should be incorporated into the recovery package.

Sincerely,

CHRISTOPHER CHAFE,
Executive Director.

FEBRUARY 9, 2009.

Hon. HARRY REID,
Senate Majority Leader,
Washington, DC.
Hon. NANCY PELOSI
Speaker of the House,
Washington, DC.
Hon. MITCH MCCONNELL
Senate Minority Leader,
Washington, DC.
Hon. JOHN BOEHNER,
House Minority Leader,
Washington, DC.

We, the undersigned companies and associations, urge you to include the Trade and Globalization Adjustment Act of 2009 in the conference report for H.R. 1, the American Recovery and Reinvestment Act.

We applaud Chairman Baucus, Ranking Member Grassley, Chairman Rangel, and Ranking Member Camp for their tireless bipartisan, bicameral efforts to craft the Trade and Globalization Adjustment Act of 2009. Their hard work has created a good compromise package that will be a significant improvement over existing law, offering more flexible training opportunities so workers can transition into new careers in a dynamic 21st century economy.

We support the Trade and Globalization Adjustment Act of 2009 and hope you will include it in the conference report for the American Recovery and Investment Act.

Sincerely,

Abbott; American Chemistry Council; Applied Materials, Inc.; Auto Trade Policy Council; Bechtel Corporation; Business Roundtable; California Chamber of Commerce; Cargill, Incorporated; Caterpillar Inc.; Chevron.

Cisco Systems, Inc.; Citi; Coalition of Service Industries; CompTIA; Corning Incorporated; Eastman Kodak Company; Emergency Committee for American Trade; FedEx; Financial Services Forum.

Grocery Manufacturers Association; Hewlett-Packard Company; IBM Corporation; Information Technology Industry Council (ITI); Intel Corporation;

Microsoft Corporation; National Association of Manufacturers; National Foreign Trade Council; National Electrical Manufacturers Association; Ohio Alliance for International Trade.

Oracle Corporation; Pharmaceutical Research and Manufacturers of America; Pyramid Mountain Lumber; Retail Industry Leaders Association; Software & Information Industry Association (SIIA); Sun Microsystems; Sun Mountain Lumber; TechAmerica; Telecommunications Industry Association.

The American Business Council; The Association of Equipment Manufacturers; The Boeing Company; The Coca-Cola Company; The Dow Chemical Company; The General Electric Company; The McGraw-Hill Companies; The Stanford Financial Group; United States Council for International Business; United Technologies Corporation; UPS; U.S. Chamber of Commerce; Wal-Mart Stores, Inc.; Whirlpool.

INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA,

Washington, DC, February 10, 2009.

Hon. NANCY PELOSI,
Speaker, House of Representatives, Washington, DC.

Hon. HARRY REID,
Majority Leader, U.S. Senate, Washington, DC.

DEAR SPEAKER PELOSI AND MAJORITY LEADER REID: This week the House and Senate are expected to have a conference on the proposed American Economic Recovery and Reinvestment Act. The UAW wishes to share with you and the other conferees our views on several important provisions in this legislation.

The UAW strongly supports the core elements of the House and Senate bills, including the provisions that would:

Give tax relief to 95% of working families, amounting to $500 for individuals and $1,000 for couples;

Increase spending on infrastructure, energy efficiency, and health care information technology;

Provide fiscal relief for states and localities through an increase in FMAP and other mechanisms; and

Extend assistance to the unemployed through an extension and expansion of UI benefits and COBRA.

We believe these initiatives will create millions of jobs and provide an immediate stimulus for our economy, while also helping to alleviate the impact of the current recession on the most vulnerable Americans. Many of these measures also represent important investments that will lay the basis for long-term economic growth.

The UAW applauds the inclusion of provisions in the House and Senate bills that would encourage investment in advanced technology vehicles and their key components, while also providing assistance to the struggling domestic auto industry. This includes funding for advanced battery manufacturing, the purchase of fuel efficient vehicles by the federal government, and the purchase and manufacturing of plug-in hybrids, as well as monetization of banked tax credits and restoration of the tax deduction for interest and taxes related to the purchase of vehicles. We urge you to retain these provisions in the final conference report.

In addition to these elements, the UAW urges you to include in the final conference report:

The stronger Buy American language in the Senate bill; these provisions will help to ensure that taxpayer funds are used to create jobs for American workers and to stimulate the U.S. economy, rather than being sent overseas;

The TAA reform package that has been agreed to by Senators Baucus and Grassley and Representatives Rangel and Camp; these historic reforms will provide vital assistance to workers who have lost their jobs due to trade, and correct numerous longstanding deficiencies in the TAA program;

The more expansive provisions in the House bill that would provide health care to more laid off workers both through an expansion of Medicaid and through a 65% subsidy under COBRA; and

The provisions in the House bill that would provide greater spending for school construction and assistance to states and localities; in addition to generating jobs and boosting the economy, these measures would provide important investments in education and other vital social programs.

The UAW believes it is critically important that Congress act quickly to approve the proposed American Recovery and Reinvestment Act. Thank you for considering the points discussed above as you fashion the final conference report on this legislation.

Sincerely,

ALAN REUTHER,
Legislative Director.

Mr. SCHUMER. Mr. President, I have always been a steadfast supporter of Federal funding for museums and the arts in New York and across the country. When I voted in favor of Senator COBURN's amendment No. 309 to H.R. 1, the American Recovery and Reinvestment Act, I thought the amendment was only targeted to casinos and golf courses and was not aware it also included museums and other cultural centers. The arts community knows they have had—and will certainly continue to have—my full support.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. REID. Mr. President, the papers from the House will be here momentarily, within the next few minutes. Senator MCCONNELL and I have spoken a number of times during the day. We believe it is fair that Members have an opportunity to study this big document. The basic document people have already read but, of course, that is what the conference is about. They change things. So this should be here in a short time. This will give Members all night to look at this. Senator MCCONNELL and I talked a few minutes ago. We will come in tomorrow at a reasonable hour, spend all day debating this. This would give people the opportunity to read all the papers. Then we would vote sometime late tomorrow afternoon or in the early evening. I have talked to Senator MCCONNELL. He has been certainly more than fair. As everyone knows, Senator KENNEDY is ill. He came here earlier this week, and it would be to his health advantage not to have to come back tomorrow. Senator MCCONNELL has agreed that is, in fact, the case. It doesn't change the vote count, but it means we can set a definite time which is very helpful.

In addition, Senator BROWN's mother died. The celebration of his mother's life starts tomorrow. Senator BROWN has agreed to leave for, I don't know what it would be called in his religious belief, a viewing, and people will come and greet his family. It is a very large extended family. They will do that. That would be completed around 8 tomorrow night. So we are going to keep the vote open for Senator BROWN until he arrives tomorrow night. This is not the first time we have done this.

I have announced we will hold our votes to 15 minutes, plus we give Members 5 minutes' leeway. After that, the vote is closed. But we have always said that on a close vote, we would keep the vote open until everything is done. Everyone understands that when one's mother dies, we have to be a little more understanding of the situation. This is very difficult for SHERROD BROWN to go home because he has to turn right around and come back here the same night. He is going to fly here and fly back the same night so he can be at the funeral Saturday morning. I appreciate Senator MCCONNELL and all Senators working toward doing this. We will come in at some reasonable time and enter a unanimous consent request that I am confident will be granted so we can do this. We are going to close shortly and come back in the morning at an agreed-upon time with the minority leader.

100TH ANNIVERSARY OF THE NAACP

Mr. DURBIN. Mr. President, I rise to speak on the 100th anniversary of the founding of the National Association for the Advancement of Colored People, NAACP, and to congratulate this remarkable organization on its historic achievements.

In the summer of 1908, a race riot took place in Springfield, IL, my hometown and the hometown of President Abraham Lincoln. A mob of White residents destroyed homes and businesses owned by African Americans, and forced thousands of Black residents to flee Springfield. Two prominent Black men were lynched within half a mile of the home President Lincoln had owned and within 2 miles of his grave.

One of these two men was William Donnegan, a longtime resident of Springfield who was a friend of President Lincoln and the cobbler who made the President's boots. The mob went to Mr. Donnegan's home, cut his throat and lynched him in a school yard across the street.

These tragic events were widely reported at the time and shocked the Nation. It seemed clear that if African Americans living in President Lincoln's hometown could be attacked, then such violence could happen anywhere in the Unites States.

A group of brave individuals responded to these events by establishing the NAACP 100 years ago today, turning tragedy into hope for a better future. The founders of the NAACP issued a call to the Nation on President Lincoln's birthday in 1909, urging their fellow Americans to take stock of the progress since the Emancipation Proclamation and to measure how well the country had lived up to its obligation to ensure that each and every citizen was afforded equal opportunity and protection.

Less than 50 years after the end of the Civil War, the founders of the NAACP concluded that President Lincoln would be tremendously disappointed by the situation in 1909: the disenfranchisement of African Americans in several States between 1890 and 1908, the failure of the Supreme Court to strike down these disenfranchisement provisions, the segregation in trains and other public places, and attacks on African Americans, even in his hometown of Springfield, IL.

In 1909, Springfield held a banquet to celebrate President Lincoln's centennial. Booker T. Washington was invited to speak at this banquet, but declined to come to the city where race riots had taken place only 6 months before. Not a single African-American resident of Springfield was invited to this banquet. Black residents of Springfield held their own commemoration at the nearby African Methodist Episcopal Church, where the Reverend L. H. Magee expressed his disappointment at the exclusion of African Americans from the official commemoration of the Lincoln Centennial and predicted that by the bicentennial in 2009 Americans would have banished prejudice.

Over the last 100 years, the NAACP has been at the forefront of the struggle for equality. The NAACP led the fight to desegregate public schools, culminating in the Supreme Court's 1954 Brown v. Board of Education decision, and played a central role in the passage of the 1964 Civil Rights Act and the 1965 Voting Rights Act. Thanks to the hard work of the NAACP and many others, we have taken tremendous steps since the tragic events that led to its creation.

Tonight, at Springfield's bicentennial banquet in honor of President Lincoln, the minister of the African Methodist Episcopal Church will deliver the benediction and President Barack Obama will be the keynote speaker. President Obama's election and so much else that we treasure about America today is possible in part because of the vision and leadership of Abraham Lincoln and shows that there is still within us a passionate longing to be the America that President Lincoln believed we could and must become.

A hundred years later, I believe the founders of the NAACP might conclude that President Lincoln would be proud about many things in our country. But I think they would also remind us that there is still much to be done in the struggle for equality for all persons. I am reassured in knowing that the NACCP will continue to lead the fight to ensure political, educational, social and economic equality for all persons.

Mr. WEBB. Mr. President, I rise today to celebrate the 100th anniversary of the founding of the National Association for the Advancement of Colored People, NAACP, one of our Nation's oldest and most influential civil rights organizations.

Founded on February 12, 1909, the NAACP's original and primary goal was to secure for African Americans the rights that our Constitution guarantees under the 13th, 14th and 15th amendments. The NAACP played a leading role in the civil rights movement in the mid-20th century, stirring the conscience of our nation against segregation and institutionalized racism. Today, the NAACP continues its work to eliminate racial prejudice, and the organization has expanded its endeavors to ensure equal access to political, educational, social and economic advancement for all Americans.

Throughout its 100-year history, the NAACP has effected change at all levels of society and politics, working tirelessly through organizing, advocacy, and judicial action. From a small group of determined citizens in the early 1900s to an organization with over a half-million members and supporters today, the NAACP has established itself throughout America and the world as a leading champion for civil and human rights.

I am proud to be a lifetime member of the NAACP. I share its desire to ensure economic fairness and social justice in this country, and I am pleased to congratulate the NAACP on the occasion of its 100th anniversary.

SOUTHEAST ARIZONA LAND EXCHANGE AND CONSERVATION ACT OF 2009

Mr. KYL. Mr. President, yesterday I was pleased to join with Senator MCCAIN to introduce the Southeast Arizona Land Exchange and Conservation Act, which has been introduced in previous Congresses and has been modified only slightly from the version introduced last year. This bill is a culmination of several years of negotiation with local and State stakeholders and other interested parties.

Let me briefly explain the new provisions in this bill. First, a previous version of this bill would have placed 822 acres of Federal land, including the Apache Leap, in a conservation easement to ensure that these sensitive lands were protected. This modified bill goes a step further by keeping the Apache Leap under the control of the Forest Service, thereby providing Federal protection in perpetuity. In addition, I am pleased to announce that representatives from Resolution Copper have agreed to add an additional 110 acres of privately owned land adjacent to the federally owned portion of the Leap in this version of the land exchange.

Besides addressing concerns with Apache Leap, this modified bill also would provide for continued acorn gathering by the Apache tribes at the Oak Flat campground, and transfer additional private lands that will also serve this purpose.

In summary, this land exchange would preserve highly sought after land that is important for wildlife habitat, cultural resources, watershed and land-management objectives; promote outdoor recreation and tourism; and generate economic opportunities for state and local residents in the copper triangle region in Arizona. It is good for our environment and our economy. At a time when our economy is in desperate need of new jobs, this land exchange could create more than a thousand jobs at its peak, and generate more than $10 billion in total Federal, State, county and local tax revenues. The mine could also meet as much as a quarter of the U.S. demand for copper in the future.

I urge my colleagues to approve the legislation at the earliest possible date.

SELECT COMMITTEE ON ETHICS RULES OF PROCEDURE

Mrs. BOXER. Mr. President, in accordance with rule XXVI(2) of the Standing Rules of the Senate, Senator ISAKSON and I ask, unanimous consent that the Rules of Procedure of the Select Committee on Ethics, which were adopted February 23, 1978, and revised November 1999, be printed in the CONGRESSIONAL RECORD for the 111th Congress. The committee procedural rules for the 111th Congress are identical to the procedural rules adopted by the committee for the 110th Congress.

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

RULES OF THE SELECT COMMITTEE ON ETHICS

PART I: ORGANIC AUTHORITY

SUBPART A—S. RES. 338 AS AMENDED

S. Res. 338, 88th Cong., 2d Sess. (1964)

Resolved, That (a) there is hereby established a permanent select committee of the Senate to be known as the Select Committee on Ethics (referred to hereinafter as the ''Select Committee'') consisting of six Members of the Senate, of whom three shall be selected from members of the majority party and three shall be selected from members of the minority party. Members thereof shall be appointed by the Senate in accordance with the provisions of Paragraph 1 of Rule XXIV of the Standing Rules of the Senate at the beginning of each Congress. For purposes of paragraph 4 of Rule XXV of the Standing Rules of the Senate, service of a Senator as a member or chairman of the Select Committee shall not be taken into account.

(b) Vacancies in the membership of the Select Committee shall not affect the authority of the remaining members to execute the functions of the committee, and shall be filled in the same manner as original appointments thereto are made.

(c) (1) A majority of the members of the Select Committee shall constitute a quorum for the transaction of business involving complaints or allegations of, or information about, misconduct, including resulting preliminary inquiries, adjudicatory reviews, recommendations or reports, and matters relating to Senate Resolution 400, agreed to May 19, 1976.

(2) Three members shall constitute a quorum for the transaction of routine business of the Select Committee not covered by the first paragraph of this subparagraph, including requests for opinions and interpretations concerning the Code of Official Conduct or any other statute or regulation under the jurisdiction of the Select Committee, if one member of the quorum is a member of the majority Party and one member of the quorum is a member of the minority Party. During the transaction of routine business any member of the Select Committee constituting the quorum shall have the right to postpone further discussion of a pending matter until such time as a majority of the members of the Select Committee are present.

(3) The Select Committee may fix a lesser number as a quorum for the purpose of taking sworn testimony.

(d) (1) A member of the Select Committee shall be ineligible to participate in—

(A) any preliminary inquiry or adjudicatory review relating to—

(i) the conduct of—

(I) such member;

(II) any officer or employee the member supervises; or

(III) any employee of any officer the member supervises; or

(ii) any complaint filed by the member; and

(B) the determinations and recommendations of the Select Committee with respect to any preliminary inquiry or adjudicatory review described in subparagraph (A).

For purposes of this paragraph, a member of the Select Committee and an officer of the Senate shall be deemed to supervise any officer or employee consistent with the provision of paragraph 12 of Rule XXXVII of the Standing Rules of the Senate.

(2) A member of the Select Committee may, at the discretion of the member, disqualify himself or herself from participating in any preliminary inquiry or adjudicatory review pending before the Select Committee and the determinations and recommendations of the Select Committee with respect to any such preliminary inquiry or adjudicatory review. Notice of such disqualification shall be given in writing to the President of the Senate.

(3) Whenever any member of the Select Committee is ineligible under paragraph (1) to participate in any preliminary inquiry or adjudicatory review or disqualifies himself or herself under paragraph (2) from participating in any preliminary inquiry or adjudicatory review, another Senator shall, subject to the provisions of subsection (d), be appointed to serve as a member of the Select Committee solely for purposes of such preliminary inquiry or adjudicatory review and the determinations and recommendations of the Select Committee with respect to such preliminary inquiry or adjudicatory review. Any Member of the Senate appointed for such purposes shall be of the same party as the Member who is ineligible or disqualifies himself or herself.

Sec. 2. (a) It shall be the duty of the Select Committee to—

(1) receive complaints and investigate allegations of improper conduct which may reflect upon the Senate, violations of law, violations of the Senate Code of Official Conduct and violations of rules and regulations of the Senate, relating to the conduct of individuals in the performance of their duties as Members of the Senate, or as officers or employees of the Senate, and to make appropriate findings of fact and conclusions with respect thereto;

(2) (A) recommend to the Senate by report or resolution by a majority vote of the full committee disciplinary action to be taken with respect to such violations which the Select Committee shall determine, after according to the individual concerned due notice and opportunity for a hearing, to have occurred;

(B) pursuant to subparagraph (A) recommend discipline, including—

(i) in the case of a Member, a recommendation to the Senate for expulsion, censure, payment of restitution, recommendation to a Member's party conference regarding the Member's seniority or positions of responsibility, or a combination of these; and

(ii) in the case of an officer or employee, dismissal, suspension, payment of restitution, or a combination of these;

(3) subject to the provisions of subsection (e), by a unanimous vote of 6 members, order that a Member, officer, or employee be reprimanded or pay restitution, or both, if the Select Committee determines, after according to the Member, officer, or employee due notice and opportunity for a hearing, that misconduct occurred warranting discipline less serious than discipline by the full Senate;

(4) in the circumstances described in subsection (d)(3), issue a public or private letter of admonition to a Member, officer, or employee, which shall not be subject to appeal to the Senate;

(5) recommend to the Senate, by report or resolution, such additional rules or regulations as the Select Committee shall determine to be necessary or desirable to insure proper standards of conduct by Members of the Senate, and by officers or employees of the Senate, in the performance of their duties and the discharge of their responsibilities;

(6) by a majority vote of the full committee, report violations of any law, including the provision of false information to the Select Committee, to the proper Federal and State authorities; and

(7) develop and implement programs and materials designed to educate Members, officers, and employees about the laws, rules, regulations, and standards of conduct applicable to such individuals in the performance of their duties.

(b) FOR THE PURPOSES OF THIS RESOLUTION—

(1) the term ''sworn complaint'' means a written statement of facts, submitted under penalty of perjury, within the personal knowledge of the complainant alleging a violation of law, the Senate Code of Official Conduct, or any other rule or regulation of the Senate relating to the conduct of individuals in the performance of their duties as Members, officers, or employees of the Senate;

(2) the term ''preliminary inquiry'' means a proceeding undertaken by the Select Committee following the receipt of a complaint or allegation of, or information about, misconduct by a Member, officer, or employee of the Senate to determine whether there is substantial credible evidence which provides substantial cause for the Select Committee to conclude that a violation within the jurisdiction of the Select Committee has occurred; and

(3) the term ''adjudicatory review'' means a proceeding undertaken by the Select Committee after a finding, on the basis of a preliminary inquiry, that there is substantial credible evidence which provides substantial cause for the Select Committee to conclude that a violation within the jurisdiction of the Select Committee has occurred.

(c) (1) No—

(A) adjudicatory review of conduct of a Member or officer of the Senate may be conducted;

(B) report, resolution, or recommendation relating to such an adjudicatory review of conduct may be made; and

(C) letter of admonition pursuant to subsection (d)(3) may be issued, unless approved by the affirmative recorded vote of no fewer than 4 members of the Select Committee.

(2) No other resolution, report, recommendation, interpretative ruling, or advisory opinion may be made without an affirmative vote of a majority of the Members of the Select Committee voting.

(d) (1) When the Select Committee receives a sworn complaint or other allegation or information about a Member, officer, or employee of the Senate, it shall promptly conduct a preliminary inquiry into matters raised by that complaint, allegation, or information. The preliminary inquiry shall be of duration and scope necessary to determine whether there is substantial credible evidence which provides substantial cause for the Select Committee to conclude that a violation within the jurisdiction of the Select Committee has occurred. The Select Committee may delegate to the chairman and vice chairman the discretion to determine the appropriate duration, scope, and conduct of a preliminary inquiry.

(2) If, as a result of a preliminary inquiry under paragraph (1), the Select Committee determines by a recorded vote that there is not such substantial credible evidence, the Select Committee shall dismiss the matter. The Select Committee may delegate to the chairman and vice chairman the authority, on behalf of the Select Committee, to dismiss any matter that they determine, after a preliminary inquiry, lacks substantial merit. The Select Committee shall inform the individual who provided to the Select Committee the complaint, allegation, or information, and the individual who is the subject of the complaint, allegation, or information, of the dismissal, together with an explanation of the basis for the dismissal.

(3) If, as a result of a preliminary inquiry under paragraph (1), the Select Committee determines that a violation is inadvertent, technical, or otherwise of a de minimis nature, the Select Committee may dispose of the matter by issuing a public or private letter of admonition, which shall not be considered discipline. The Select Committee may issue a public letter of admonition upon a similar determination at the conclusion of an adjudicatory review.

(4) If, as a result of a preliminary inquiry under paragraph (1), the Select Committee determines that there is such substantial credible evidence and the matter cannot be appropriately disposed of under paragraph (3), the Select Committee shall promptly initiate an adjudicatory review. Upon the conclusion of such adjudicatory review, the Select Committee shall report to the Senate, as soon as practicable, the results of such adjudicatory review, together with its recommendations (if any) pursuant to subsection (a)(2).

(e) (1) Any individual who is the subject of a reprimand or order of restitution, or both, pursuant to subsection (a)(3) may, within 30 days of the Select Committee's report to the Senate of its action imposing a reprimand or order of restitution, or both, appeal to the Senate by providing written notice of the basis for the appeal to the Select Committee and the presiding officer of the Senate. The presiding officer of the Senate shall cause the notice of the appeal to be printed in the Congressional Record and the Senate Journal.

(2) A motion to proceed to consideration of an appeal pursuant to paragraph (1) shall be highly privileged and not debatable. If the motion to proceed to consideration of the appeal is agreed to, the appeal shall be decided on the basis of the Select Committee's report to the Senate. Debate on the appeal shall be limited to 10 hours, which shall be divided equally between, and controlled by, those favoring and those opposing the appeal.

(f) The Select Committee may, in its discretion, employ hearing examiners to hear testimony and make findings of fact and/or recommendations to the Select Committee concerning the disposition of complaints.

(g) Notwithstanding any other provision of this section, no adjudicatory review shall be initiated of any alleged violation of any law, the Senate Code of Official Conduct, rule, or regulation which was not in effect at the time the alleged violation occurred. No provisions of the Senate Code of Official Conduct shall apply to or require disclosure of any act, relationship, or transaction which occurred prior to the effective date of the applicable provision of the Code. The Select Committee may initiate an adjudicatory review of any alleged violation of a rule or law which was in effect prior to the enactment of the Senate Code of Official Conduct if the alleged violation occurred while such rule or law was in effect and the violation was not a matter resolved on the merits by the predecessor Select Committee.

(h) The Select Committee shall adopt written rules setting forth procedures to be used in conducting preliminary inquiries and adjudicatory reviews.

(i) The Select Committee from time to time shall transmit to the Senate its recommendation as to any legislative measures which it may consider to be necessary for the effective discharge of its duties.

Sec. 3. (a) The Select Committee is authorized to (1) make such expenditures; (2) hold such hearings; (3) sit and act at such times and places during the sessions, recesses, and adjournment periods of the Senate; (4) require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents; (5) administer such oaths; (6) take such testimony orally or by deposition; (7) employ and fix the compensation of a staff director, a counsel, an assistant counsel, one or more investigators, one or more hearing examiners, and such technical, clerical, and other assistants and consultants as it deems advisable; and (8) to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, by contract as independent contractors or, in the case of individuals, by employment at daily rates of compensation not in excess of the per diem equivalent of the highest rate of compensation which may be paid to a regular employee of the Select Committee.

(b) (1) The Select Committee is authorized to retain and compensate counsel not employed by the Senate (or by any department or agency of the executive branch of the Government) whenever the Select Committee determines that the retention of outside counsel is necessary or appropriate for any action regarding any complaint or allegation, which, in the determination of the Select Committee is more appropriately conducted by counsel not employed by the Government of the United States as a regular employee.

(2) Any adjudicatory review as defined in section 2(b)(3) shall be conducted by outside counsel as authorized in paragraph (1), unless the Select Committee determines not to use outside counsel.

(c) With the prior consent of the department or agency concerned, the Select Committee may (1) utilize the services, information and facilities of any such department or agency of the Government, and (2) employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable. With the consent of any other committee of the Senate, or any subcommittee thereof, the Select Committee may utilize the facilities and the services of the staff of such other committee or subcommittee whenever the chairman of the Select Committee determines that such action is necessary and appropriate.

(d) (1) Subpoenas may be authorized by—

(A) the Select Committee; or

(B) the chairman and vice chairman, acting jointly.

(2) Any such subpoena shall be issued and signed by the chairman and the vice chairman and may be served by any person designated by the chairman and vice chairman.

(3) The chairman or any member of the Select Committee may administer oaths to witnesses.

(e) (1) The Select Committee shall prescribe and publish such regulations as it feels are necessary to implement the Senate Code of Official Conduct.

(2) The Select Committee is authorized to issue interpretative rulings explaining and clarifying the application of any law, the Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction.

(3) The Select Committee shall render an advisory opinion, in writing within a reasonable time, in response to a written request by a Member or officer of the Senate or a candidate for nomination for election, or election to the Senate, concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

(4) The Select Committee may in its discretion render an advisory opinion in writing within a reasonable time in response to a written request by any employee of the Senate concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

(5) Notwithstanding any provision of the Senate Code of Official Conduct or any rule or regulation of the Senate, any person who relies upon any provision or finding of an advisory opinion in accordance with the provisions of paragraphs (3) and (4) and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of any such act, be subject to any sanction by the Senate.

(6) Any advisory opinion rendered by the Select Committee under paragraphs (3) and (4) may be relied upon by (A) any person involved in the specific transaction or activity with respect to which such advisory opinion is rendered: Provided, however, that the request for such advisory opinion included a complete and accurate statement of the specific factual situation; and, (B) any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered.

(7) Any advisory opinion issued in response to a request under paragraph (3) or (4) shall be printed in the Congressional Record with appropriate deletions to assure the privacy of the individual concerned. The Select Committee shall, to the extent practicable, before rendering an advisory opinion, provide any interested party with an opportunity to transmit written comments to the Select Committee with respect to the request for such advisory opinion. The advisory opinions issued by the Select Committee shall be compiled, indexed, reproduced, and made available on a periodic basis.

(8) A brief description of a waiver granted under paragraph 2(c) [NOTE: Now Paragraph 1] of Rule XXXIV or paragraph 1 of Rule XXXV of the Standing Rules of the Senate shall be made available upon request in the Select Committee office with appropriate deletions to assure the privacy of the individual concerned.

Sec. 4. The expenses of the Select Committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the Select Committee.

Sec. 5. As used in this resolution, the term ''officer or employee of the Senate'' means—

(1) an elected officer of the Senate who is not a Member of the Senate;

(2) an employee of the Senate, any committee or subcommittee of the Senate, or any Member of the Senate;

(3) the Legislative Counsel of the Senate or any employee of his office;

(4) an Official Reporter of Debates of the Senate and any person employed by the Official Reporters of Debates of the Senate in connection with the performance of their official duties;

(5) a Member of the Capitol Police force whose compensation is disbursed by the Secretary of the Senate;

(6) an employee of the Vice President if such employee's compensation is disbursed by the Secretary of the Senate; and

(7) an employee of a joint committee of the Congress whose compensation is disbursed by the Secretary of the Senate.

SUBPART B—PUBLIC LAW 93–191—FRANKED MAIL, PROVISIONS RELATING TO THE SELECT COMMITTEE

Sec. 6. (a) The Select Committee on Standards and Conduct of the Senate [NOTE: Now the Select Committee on Ethics] shall provide guidance, assistance, advice and counsel, through advisory opinions or consultations, in connection with the mailing or contemplated mailing of franked mail under section 3210, 3211, 3212, 3218(2) or 3218, and in connection with the operation of section 3215, of title 39, United States Code, upon the request of any Member of the Senate or Member-elect, surviving spouse of any of the foregoing, or other Senate official, entitled to send mail as franked mail under any of those sections. The select committee shall prescribe regulations governing the proper use of the franking privilege under those sections by such persons.

(b) Any complaint filed by any person with the select committee that a violation of any section of title 39, United State Code, referred to in subsection (a) of this section is about to occur or has occurred within the immediately preceding period of 1 year, by any person referred to in such subsection (a), shall contain pertinent factual material and shall conform to regulations prescribed by the select committee. The select committee, if it determines there is reasonable justification for the complaint, shall conduct an investigation of the matter, including an investigation of reports and statements filed by that complainant with respect to the matter which is the subject of the complaint. The committee shall afford to the person who is the subject of the complaint due notice and, if it determines that there is substantial reason to believe that such violation has occurred or is about to occur, opportunity for all parties to participate in a hearing before the select committee. The select committee shall issue a written decision

on each complaint under this subsection not later than thirty days after such a complaint has been filed or, if a hearing is held, not later than thirty days after the conclusion of such hearing. Such decision shall be based on written findings of fact in the case by the select committee. If the select committee finds, in its written decision, that a violation has occurred or is about to occur, the committee may take such action and enforcement as it considers appropriate in accordance with applicable rules, precedents, and standing orders of the Senate, and such other standards as may be prescribed by such committee.

(c) Notwithstanding any other provision of law, no court or administrative body in the United States or in any territory thereof shall have jurisdiction to entertain any civil action of any character concerning or related to a violation of the franking laws or an abuse of the franking privilege by any person listed under subsection (a) of this section as entitled to send mail as franked mail, until a complaint has been filed with the select committee and the committee has rendered a decision under subsection (b) of this section.

(d) The select committee shall prescribe regulations for the holding of investigations and hearings, the conduct of proceedings, and the rendering of decisions under this subsection providing for equitable procedures and the protection of individual, public, and Government interests. The regulations shall, insofar as practicable, contain the substance of the administrative procedure provisions of sections 551–559 and 701–706, of title 5, United States Code. These regulations shall govern matters under this subsection subject to judicial review thereof.

(e) The select committee shall keep a complete record of all its actions, including a record of the votes on any question on which a record vote is demanded. All records, data, and files of the select committee shall be the property of the Senate and shall be kept in the offices of the select committee or such other places as the committee may direct.

SUBPART C—STANDING ORDERS OF THE SENATE REGARDING UNAUTHORIZED DISCLOSURE OF INTELLIGENCE INFORMATION, S. RES. 400, 94TH CONGRESS, PROVISIONS RELATING TO THE SELECT COMMITTEE

SEC. 8. * * *

(c) (1) No information in the possession of the select committee relating to the lawful intelligence activities of any department or agency of the United States which has been classified under established security procedures and which the select committee, pursuant to subsection (a) or (b) of this section, has determined should not be disclosed, shall be made available to any person by a Member, officer, or employee of the Senate except in a closed session of the Senate or as provided in paragraph (2).

(2) The select committee may, under such regulations as the committee shall prescribe to protect the confidentiality of such information, make any information described in paragraph (1) available to any other committee or any other Member of the Senate. Whenever the select committee makes such information available, the committee shall keep a written record showing, in the case of any particular information, which committee or which Members of the Senate received such information. No Member of the Senate who, and no committee which, receives any information under this subsection, shall disclose such information except in a closed session of the Senate.

(d) It shall be the duty of the Select Committee on Standards and Conduct to investigate any unauthorized disclosure of intelligence information by a Member, officer or employee of the Senate in violation of subsection (c) and to report to the Senate concerning any allegation which it finds to be substantiated.

(e) Upon the request of any person who is subject to any such investigation, the Select Committee on Standards and Conduct shall release to such individual at the conclusion of its investigation a summary of its investigation together with its findings. If, at the conclusion of its investigation, the Select Committee on Standards and Conduct determines that there has been a significant breach of confidentiality or unauthorized disclosure by a Member, officer, or employee of the Senate, it shall report its findings to the Senate and recommend appropriate action such as censure, removal from committee membership, or expulsion from the Senate, in the case of a Member, or removal from office or employment or punishment for contempt, in the case of an officer or employee.

SUBPART D—RELATING TO RECEIPT AND DISPOSITION OF FOREIGN GIFTS AND DECORATIONS RECEIVED BY MEMBERS, OFFICERS AND EMPLOYEES OF THE SENATE OR THEIR SPOUSES OR DEPENDENTS, PROVISIONS RELATING TO THE SELECT COMMITTEE ON ETHICS

Section 7342 of title 5, United States Code, states as follows:

Sec. 7342. Receipt and disposition of foreign gifts and decorations.

''(a) For the purpose of this section—

''(1) 'employee' means—

''(A) an employee as defined by section 2105 of this title and an officer or employee of the United States Postal Service or of the Postal Rate Commission;

''(B) an expert or consultant who is under contract under section 3109 of this title with the United States or any agency, department, or establishment thereof, including, in the case of an organization performing services under such section, any individual involved in the performance of such services;

''(C) an individual employed by, or occupying an office or position in, the government of a territory or possession of the United States or the government of the District of Columbia;

''(D) a member of a uniformed service;

''(E) the President and the Vice President;

''(F) a Member of Congress as defined by section 2106 of this title (except the Vice President) and any Delegate to the Congress; and

''(G) the spouse of an individual described in subparagraphs (A) through (F) (unless such individual and his or her spouse are separated) or a dependent (within the meaning of section 152 of the Internal Revenue Code of 1986) of such an individual, other than a spouse or dependent who is an employee under subparagraphs (A) through (F);

''(2) 'foreign government' means—

''(A) any unit of foreign governmental authority, including any foreign national, State, local, and municipal government;

''(B) any international or multinational organization whose membership is composed of any unit of foreign government described in subparagraph (A); and

''(C) any agent or representative of any such unit or such organization, while acting as such;

''(3) 'gift' means a tangible or intangible present (other than a decoration) tendered by, or received from, a foreign government;

''(4) 'decoration' means an order, device, medal, badge, insignia, emblem, or award tendered by, or received from, a foreign government;

''(5) 'minimal value' means a retail value in the United States at the time of acceptance of $100 or less, except that—

''(A) on January 1, 1981, and at 3 year intervals thereafter, 'minimal value' shall be redefined in regulations prescribed by the Administrator of General Services, in consultation with the Secretary of State, to reflect changes in the consumer price index for the immediately preceding 3-year period; and

''(B) regulations of an employing agency may define 'minimal value' for its employees to be less than the value established under this paragraph; and

''(6) 'employing agency' means—

''(A) the Committee on Standards of Official Conduct of the House of Representatives, for Members and employees of the House of Representatives, except that those responsibilities specified in subsections (c)(2)(A), (e)(1), and (g)(2)(B) shall be carried out by the Clerk of the House;

''(B) the Select Committee on Ethics of the Senate, for Senators and employees of the Senate, except that those responsibilities (other than responsibilities involving approval of the employing agency) specified in subsections (c)(2),(d), and (g)(2)(B) shall be carried out by the Secretary of the Senate;

''(C) the Administrative Office of the United States Courts, for judges and judicial branch employees; and

''(D) the department, agency, office, or other entity in which an employee is employed, for other legislative branch employees and for all executive branch employees.

''(b) An employee may not—

''(1) request or otherwise encourage the tender of a gift or decoration; or

''(2) accept a gift or decoration, other than in accordance with, the provisions of subsections (c) and (d).

''(c)(1) The Congress consents to—

''(A) the accepting and retaining by an employee of a gift of minimal value tendered and received as a souvenir or mark of courtesy; and

''(B) the accepting by an employee of a gift of more than minimal value when such gift is in the nature of an educational scholarship or medical treatment or when it appears that to refuse the gift would likely cause offense or embarrassment or otherwise adversely affect the foreign relations of the United States, except that

''(i) a tangible gift of more than minimal value is deemed to have been accepted on behalf of the United States and, upon acceptance, shall become the property of the United States; and

''(ii) an employee may accept gifts of travel or expenses for travel taking place entirely outside the United States (such as transportation, food, and lodging) of more than minimal value if such acceptance is appropriate, consistent with the interests of the United States, and permitted by the employing agency and any regulations which may be prescribed by the employing agency.

''(2) Within 60 days after accepting a tangible gift of more than minimal value (other than a gift described in paragraph (1)(B)(ii)), an employee shall—

''(A) deposit the gift for disposal with his or her employing agency; or

''(B) subject to the approval of the employing agency, deposit the gift with that agency for official use. Within 30 days after terminating the official use of a gift under subparagraph (B), the employing agency shall forward the gift to the Administrator of General Services in accordance with subsection (e)(1) or provide for its disposal in accordance with subsection (e)(2).

''(3) When an employee deposits a gift of more than minimal value for disposal or for official use pursuant to paragraph (2), or within 30 days after accepting travel or travel expenses as provided in paragraph (1)(B)(ii) unless such travel or travel expenses are accepted in accordance with specific instructions of his or her employing

agency, the employee shall file a statement with his or her employing agency or its delegate containing the information prescribed in subsection (f) for that gift.

''(d) The Congress consents to the accepting, retaining, and wearing by an employee of a decoration tendered in recognition of active field service in time of combat operations or awarded for other outstanding or unusually meritorious performance, subject to the approval of the employing agency of such employee. Without this approval, the decoration is deemed to have been accepted on behalf of the United States, shall become the property of the United States, and shall be deposited by the employee, within sixty days of acceptance, with the employing agency for official use, for forwarding to the Administrator of General Services for disposal in accordance with subsection (e)(1), or for disposal in accordance with subsection (e)(2).

''(e) (1) Except as provided in paragraph (2), gifts and decorations that have been deposited with an employing agency for disposal shall be (A) returned to the donor, or (B) forwarded to the Administrator of General Services for transfer, donation, or other disposal in accordance with the provisions of the Federal Property and Administrative Services Act of 1949. However, no gift or decoration that has been deposited for disposal may be sold without the approval of the Secretary of State, upon a determination that the sale will not adversely affect the foreign relations of the United States. Gifts and decorations may be sold by negotiated sale.

''(2) Gifts and decorations received by a Senator or an employee of the Senate that are deposited with the Secretary of the Senate for disposal, or are deposited for an official use which has terminated, shall be disposed of by the Commission on Arts and Antiquities of the United States Senate. Any such gift or decoration may be returned by the Commission to the donor or may be transferred or donated by the Commission, subject to such terms and conditions as it may prescribe, (A) to an agency or instrumentality of (i) the United States, (ii) a State, territory, or possession of the United States, or a political subdivision of the foregoing, or (iii) the District of Columbia, or (B) to an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 which is exempt from taxation under section 501(a) of such Code. Any such gift or decoration not disposed of as provided in the preceding sentence shall be forwarded to the Administrator of General Services for disposal in accordance with paragraph (1). If the Administrator does not dispose of such gift or decoration within one year, he shall, at the request of the Commission, return it to the Commission and the Commission may dispose of such gift or decoration in such manner as it considers proper, except that such gift or decoration may be sold only with the approval of the Secretary of State upon a determination that the sale will not adversely affect the foreign relations of the United States.

'' (f)(1) Not later than January 31 of each year, each employing agency or its delegate shall compile a listing of all statements filed during the preceding year by the employees of that agency pursuant to subsection (c)(3) and shall transmit such listing to the Secretary of State who shall publish a comprehensive listing of all such statements in the Federal Register.

''(2) Such listings shall include for each tangible gift reported—

''(A) the name and position of the employee;

''(B) a brief description of the gift and the circumstances justifying acceptance;

''(C) the identity, if known, of the foreign government and the name and position of the individual who presented the gift;

''(D) the date of acceptance of the gift;

''(E) the estimated value in the United States of the gift at the time of acceptance; and

''(F) disposition or current location of the gift.

''(3) Such listings shall include for each gift of travel or travel expenses—

''(A) the name and position of the employee;

''(B) a brief description of the gift and the circumstances justifying acceptance; and

''(C) the identity, if known, of the foreign government and the name and position of the individual who presented the gift.

''(4) In transmitting such listings for the Central Intelligence Agency, the Director of Central Intelligence may delete the information described in subparagraphs (A) and (C) of paragraphs (2) and (3) if the Director certifies in writing to the Secretary of State that the publication of such information could adversely affect United States intelligence sources.

''(g)(1) Each employing agency shall prescribe such regulations as may be necessary to carry out the purpose of this section. For all employing agencies in the executive branch, such regulations shall be prescribed pursuant to guidance provided by the Secretary of State. These regulations shall be implemented by each employing agency for its employees.

''(2) Each employing agency shall—

''(A) report to the Attorney General cases in which there is reason to believe that an employee has violated this section;

''(B) establish a procedure for obtaining an appraisal, when necessary, of the value of gifts; and

''(C) take any other actions necessary to carry out the purpose of this section.

''(h) The Attorney General may bring a civil action in any district court of the United States against any employee who knowingly solicits or accepts a gift from a foreign government not consented to by this section or who fails to deposit or report such gift as required by this section. The court in which such action is brought may assess a penalty against such employee in any amount not to exceed the retail value of the gift improperly solicited or received plus $5,000.

''(i) The President shall direct all Chiefs of a United States Diplomatic Mission to inform their host governments that it is a general policy of the United States Government to prohibit United States Government employees from receiving gifts or decorations of more than minimal value.

''(j) Nothing in this section shall be construed to derogate any regulation prescribed by any employing agency which provides for more stringent limitations on the receipt of gifts and decorations by its employees.

''(k) The provisions of this section do not apply to grants and other forms of assistance to which section 108A of the Mutual Educational and Cultural Exchange Act of 1961 applies.''

PART II: SUPPLEMENTARY PROCEDURAL RULES

145 Cong. Rec. S1832 (daily ed. Feb. 23, 1999)

RULE 1: GENERAL PROCEDURES

(a) OFFICERS: In the absence of the Chairman, the duties of the Chair shall be filled by the Vice Chairman or, in the Vice Chairman's absence, a Committee member designated by the Chairman.

(b) PROCEDURAL RULES: The basic procedural rules of the Committee are stated as a part of the Standing Orders of the Senate in Senate Resolution 338, 88th Congress, as amended, as well as other resolutions and laws. Supplementary Procedural Rules are stated herein and are hereinafter referred to as the Rules. The Rules shall be published in the Congressional Record not later than thirty days after adoption, and copies shall be made available by the Committee office upon request.

(c) MEETINGS:

(1) The regular meeting of the Committee shall be the first Thursday of each month while the Congress is in session.

(2) Special meetings may be held at the call of the Chairman or Vice Chairman if at least forty-eight hours notice is furnished to all members. If all members agree, a special meeting may be held on less than forty-eight hours notice.

(3) (A) If any member of the Committee desires that a special meeting of the Committee be called, the member may file in the office of the Committee a written request to the Chairman or Vice Chairman for that special meeting.

(B) Immediately upon the filing of the request the Clerk of the Committee shall notify the Chairman and Vice Chairman of the filing of the request. If, within three calendar days after the filing of the request, the Chairman or the Vice Chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, any three of the members of the Committee may file their written notice in the office of the Committee that a special meeting of the Committee will be held at a specified date and hour; such special meeting may not occur until forty-eight hours after the notice is filed. The Clerk shall immediately notify all members of the Committee of the date and hour of the special meeting. The Committee shall meet at the specified date and hour.

(d) QUORUM:

(1) A majority of the members of the Select Committee shall constitute a quorum for the transaction of business involving complaints or allegations of, or information about, misconduct, including resulting preliminary inquiries, adjudicatory reviews, recommendations or reports, and matters relating to Senate Resolution 400, agreed to May 19, 1976.

(2) Three members shall constitute a quorum for the transaction of the routine business of the Select Committee not covered by the first subparagraph of this paragraph, including requests for opinions and interpretations concerning the Code of Official Conduct or any other statute or regulation under the jurisdiction of the Select Committee, if one member of the quorum is a Member of the Majority Party and one member of the quorum is a Member of the Minority Party. During the transaction of routine business any member of the Select Committee constituting the quorum shall have the right to postpone further discussion of a pending matter until such time as a majority of the members of the Select Committee are present.

(3) Except for an adjudicatory hearing under Rule 5 and any deposition taken outside the presence of a Member under Rule 6, one Member shall constitute a quorum for hearing testimony, provided that all Members have been given notice of the hearing and the Chairman has designated a Member of the Majority Party and the Vice Chairman has designated a Member of the Minority Party to be in attendance, either of whom in the absence of the other may constitute the quorum.

(e) ORDER OF BUSINESS: Questions as to the order of business and the procedure of the Committee shall in the first instance be decided by the Chairman and Vice Chairman, subject to reversal by a vote by a majority of the Committee.

(f) HEARINGS ANNOUNCEMENTS: The Committee shall make public announcement of the date, place and subject matter of any hearing to be conducted by it at least one week before the commencement of that hearing, and shall publish such announcement in the Congressional Record. If the Committee determines that there is good cause to commence a hearing at an earlier date, such notice will be given at the earliest possible time.

(g) OPEN AND CLOSED COMMITTEE MEETINGS: Meetings of the Committee shall be open to the public or closed to the public (executive session), as determined under the provisions of paragraphs 5 (b) to (d) of Rule XXVI of the Standing Rules of the Senate. Executive session meetings of the Committee shall be closed except to the members and the staff of the Committee. On the motion of any member, and with the approval of a majority of the Committee members present, other individuals may be admitted to an executive session meeting for a specific period or purpose.

(h) RECORD OF TESTIMONY AND COMMITTEE ACTION: An accurate stenographic or transcribed electronic record shall be kept of all Committee proceedings, whether in executive or public session. Such record shall include Senators' votes on any question on which a recorded vote is held. The record of a witness's testimony, whether in public or executive session, shall be made available for inspection to the witness or his counsel under Committee supervision; a copy of any testimony given by that witness in public session, or that part of the testimony given by the witness in executive session and subsequently quoted or made part of the record in a public session shall be made available to any witness if he so requests. (See Rule 5 on Procedures for Conducting Hearings.)

(i) SECRECY OF EXECUTIVE TESTIMONY AND ACTION AND OF COMPLAINT PROCEEDINGS:

(1) All testimony and action taken in executive session shall be kept secret and shall not be released outside the Committee to any individual or group, whether governmental or private, without the approval of a majority of the Committee.

(2) All testimony and action relating to a complaint or allegation shall be kept secret and shall not be released by the Committee to any individual or group, whether governmental or private, except the respondent, without the approval of a majority of the Committee, until such time as a report to the Senate is required under Senate Resolution 338, 88th Congress, as amended, or unless otherwise permitted under these Rules. (See Rule 8 on Procedures for Handling Committee Sensitive and Classified Materials.)

(j) RELEASE OF REPORTS TO PUBLIC: No information pertaining to, or copies of any Committee report, study, or other document which purports to express the view, findings, conclusions or recommendations of the Committee in connection with any of its activities or proceedings may be released to any individual or group whether governmental or private, without the authorization of the Committee. Whenever the Chairman or Vice Chairman is authorized to make any determination, then the determination may be released at his or her discretion. Each member of the Committee shall be given a reasonable opportunity to have separate views included as part of any Committee report. (See Rule 8 on Procedures for Handling Committee Sensitive and Classified Materials.)

(k) INELIGIBILITY OR DISQUALIFICATION OF MEMBERS AND STAFF:

(1) A member of the Committee shall be ineligible to participate in any Committee proceeding that relates specifically to any of the following:

(A) a preliminary inquiry or adjudicatory review relating to (i) the conduct of (I) such member; (II) any officer or employee the member supervises; or (ii) any complaint filed by the member; and

(B) the determinations and recommendations of the Committee with respect to any preliminary inquiry or adjudicatory review described in subparagraph (A).

For purposes of this paragraph, a member of the committee and an officer of the Senate shall be deemed to supervise any officer or employee consistent with the provision of paragraph 12 of Rule XXXVII of the Standing Rules of the Senate.

(2) If any Committee proceeding appears to relate to a member of the Committee in a manner described in subparagraph (1) of this paragraph, the staff shall prepare a report to the Chairman and Vice Chairman. If either the Chairman or the Vice Chairman concludes from the report that it appears that the member may be ineligible, the member shall be notified in writing of the nature of the particular proceeding and the reason that it appears that the member may be ineligible to participate in it. If the member agrees that he or she is ineligible, the member shall so notify the Chairman or Vice Chairman. If the member believes that he or she is not ineligible, he or she may explain the reasons to the Chairman and Vice Chairman, and if they both agree that the member is not ineligible, the member shall continue to serve. But if either the Chairman or Vice Chairman continues to believe that the member is ineligible, while the member believes that he or she is not ineligible, the matter shall be promptly referred to the Committee. The member shall present his or her arguments to the Committee in executive session. Any contested questions concerning a member's eligibility shall be decided by a majority vote of the Committee, meeting in executive session, with the member in question not participating.

(3) A member of the Committee may, at the discretion of the member, disqualify himself or herself from participating in any preliminary inquiry or adjudicatory review pending before the Committee and the determinations and recommendations of the Committee with respect to any such preliminary inquiry or adjudicatory review.

(4) Whenever any member of the Committee is ineligible under paragraph (1) to participate in any preliminary inquiry or adjudicatory review, or disqualifies himself or herself under paragraph (3) from participating in any preliminary inquiry or adjudicatory review, another Senator shall be appointed by the Senate to serve as a member of the Committee solely for purposes of such preliminary inquiry or adjudicatory review and the determinations and recommendations of the Committee with respect to such preliminary inquiry or adjudicatory review. Any member of the Senate appointed for such purposes shall be of the same party as the member who is ineligible or disqualifies himself or herself.

(5) The President of the Senate shall be given written notice of the ineligibility or disqualification of any member from any preliminary inquiry, adjudicatory review, or other proceeding requiring the appointment of another member in accordance with subparagraph (k)(4).

(6) A member of the Committee staff shall be ineligible to participate in any Committee proceeding that the staff director or outside counsel determines relates specifically to any of the following:

(A) the staff member's own conduct;

(B) the conduct of any employee that the staff member supervises;

(C) the conduct of any member, officer or employee for whom the staff member has worked for any substantial period; or

(D) a complaint, sworn or unsworn, that was filed by the staff member. At the direction or with the consent of the staff director or outside counsel, a staff member may also be disqualified from participating in a Committee proceeding in other circumstances not listed above.

(l) RECORDED VOTES: Any member may require a recorded vote on any matter.

(m) PROXIES; RECORDING VOTES OF ABSENT MEMBERS:

(1) Proxy voting shall not be allowed when the question before the Committee is the initiation or continuation of a preliminary inquiry or an adjudicatory review, or the issuance of a report or recommendation related thereto concerning a Member or officer of the Senate. In any such case an absent member's vote may be announced solely for the purpose of recording the member's position and such announced votes shall not be counted for or against the motion.

(2) On matters other than matters listed in paragraph (m)(1) above, the Committee may order that the record be held open for the vote of absentees or recorded proxy votes if the absent Committee member has been informed of the matter on which the vote occurs and has affirmatively requested of the Chairman or Vice Chairman in writing that he be so recorded.

(3) All proxies shall be in writing, and shall be delivered to the Chairman or Vice Chairman to be recorded.

(4) Proxies shall not be considered for the purpose of establishing a quorum.

(n) APPROVAL OF BLIND TRUSTS AND FOREIGN TRAVEL REQUESTS BETWEEN SESSIONS AND DURING EXTENDED RECESSES: During any period in which the Senate stands in adjournment between sessions of the Congress or stands in a recess scheduled to extend beyond fourteen days, the Chairman and Vice Chairman, or their designees, acting jointly, are authorized to approve or disapprove blind trusts under the provision of Rule XXXIV.

(o) COMMITTEE USE OF SERVICES OR EMPLOYEES OF OTHER AGENCIES AND DEPARTMENTS: With the prior consent of the department or agency involved, the Committee may (1) utilize the services, information, or facilities of any such department or agency of the Government, and (2) employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable. With the consent of any other committee of the Senate, or any subcommittee, the Committee may utilize the facilities and the services of the staff of such other committee or subcommittee whenever the Chairman and Vice Chairman of the Committee, acting jointly, determine that such action is necessary and appropriate.

RULE 2: PROCEDURES FOR COMPLAINTS, ALLEGATIONS, OR INFORMATION

(a) COMPLAINT, ALLEGATION, OR INFORMATION: Any member or staff member of the Committee shall report to the Committee, and any other person may report to the Committee, a sworn complaint or other allegation or information, alleging that any Senator, or officer, or employee of the Senate has violated a law, the Senate Code of Official Conduct, or any rule or regulation of the Senate relating to the conduct of any individual in the performance of his or her duty as a Member, officer, or employee of the Senate, or has engaged in improper conduct which may reflect upon the Senate. Such complaints or allegations or information may be reported to the Chairman, the Vice Chairman, a Committee member, or a Committee staff member.

(b) SOURCE OF COMPLAINT, ALLEGATION, OR INFORMATION: Complaints, allegations, and information to be reported to

the Committee may be obtained from a variety of sources, including but not limited to the following:

(1) sworn complaints, defined as a written statement of facts, submitted under penalty of perjury, within the personal knowledge of the complainant alleging a violation of law, the Senate Code of Official Conduct, or any other rule or regulation of the Senate relating to the conduct of individuals in the performance of their duties as members, officers, or employees of the Senate;

(2) anonymous or informal complaints;

(3) information developed during a study or inquiry by the Committee or other committees or subcommittees of the Senate, including information obtained in connection with legislative or general oversight hearings;

(4) information reported by the news media; or

(5) information obtained from any individual, agency or department of the executive branch of the Federal Government.

(c) FORM AND CONTENT OF COMPLAINTS: A complaint need not be sworn nor must it be in any particular form to receive Committee consideration, but the preferred complaint will:

(1) state, whenever possible, the name, address, and telephone number of the party filing the complaint;

(2) provide the name of each member, officer or employee of the Senate who is specifically alleged to have engaged in improper conduct or committed a violation;

(3) state the nature of the alleged improper conduct or violation;

(4) supply all documents in the possession of the party filing the complaint relevant to or in support of his or her allegations as an attachment to the complaint.

RULE 3: PROCEDURES FOR CONDUCTING A PRELIMINARY INQUIRY

(a) DEFINITION OF PRELIMINARY INQUIRY: A ''preliminary inquiry'' is a proceeding undertaken by the Committee following the receipt of a complaint or allegation of, or information about, misconduct by a Member, officer, or employee of the Senate to determine whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred.

(b) BASIS FOR PRELIMINARY INQUIRY: The Committee shall promptly commence a preliminary inquiry whenever it has received a sworn complaint, or other allegation of, or information about, alleged misconduct or violations pursuant to Rule 2.

(c) SCOPE OF PRELIMINARY INQUIRY:

(1) The preliminary inquiry shall be of such duration and scope as is necessary to determine whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred. The Chairman and Vice Chairman, acting jointly, on behalf of the Committee may supervise and determine the appropriate duration, scope, and conduct of a preliminary inquiry. Whether a preliminary inquiry is conducted jointly by the Chairman and Vice Chairman or by the Committee as a whole, the day to day supervision of a preliminary inquiry rests with the Chairman and Vice Chairman, acting jointly.

(2) A preliminary inquiry may include any inquiries, interviews, sworn statements, depositions, or subpoenas deemed appropriate to obtain information upon which to make any determination provided for by this Rule.

(d) OPPORTUNITY FOR RESPONSE: A preliminary inquiry may include an opportunity for any known respondent or his or her designated representative to present either a written or oral statement, or to respond orally to questions from the Committee. Such an oral statement or answers shall be transcribed and signed by the person providing the statement or answers.

(e) STATUS REPORTS: The Committee staff or outside counsel shall periodically report to the Committee in the form and according to the schedule prescribed by the Committee. The reports shall be confidential.

(f) FINAL REPORT: When the preliminary inquiry is completed, the staff or outside counsel shall make a confidential report, oral or written, to the Committee on findings and recommendations, as appropriate.

(g) COMMITTEE ACTION: As soon as practicable following submission of the report on the preliminary inquiry, the Committee shall determine by a recorded vote whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred. The Committee may make any of the following determinations:

(1) The Committee may determine that there is not such substantial credible evidence and, in such case, the Committee shall dismiss the matter. The Committee, or Chairman and Vice Chairman acting jointly on behalf of the Committee, may dismiss any matter which, after a preliminary inquiry, is determined to lack substantial merit. The Committee shall inform the complainant of the dismissal.

(2) The Committee may determine that there is such substantial credible evidence, but that the alleged violation is inadvertent, technical, or otherwise of a de minimis nature. In such case, the Committee may dispose of the matter by issuing a public or private letter of admonition, which shall not be considered discipline and which shall not be subject to appeal to the Senate. The issuance of a letter of admonition must be approved by the affirmative recorded vote of no fewer than four members of the Committee voting.

(3) The Committee may determine that there is such substantial credible evidence and that the matter cannot be appropriately disposed of under paragraph (2). In such case, the Committee shall promptly initiate an adjudicatory review in accordance with Rule 4. No adjudicatory review of conduct of a Member, officer, or employee of the Senate may be initiated except by the affirmative recorded vote of not less than four members of the Committee.

RULE 4: PROCEDURES FOR CONDUCTING AN ADJUDICATORY REVIEW

(a) DEFINITION OF ADJUDICATORY REVIEW: An ''adjudicatory review'' is a proceeding undertaken by the Committee after a finding, on the basis of a preliminary inquiry, that there is substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred.

(b) SCOPE OF ADJUDICATORY REVIEW: When the Committee decides to conduct an adjudicatory review, it shall be of such duration and scope as is necessary for the Committee to determine whether a violation within its jurisdiction has occurred. An adjudicatory review shall be conducted by outside counsel as authorized by section 3(b)(1) of Senate Resolution 338 unless the Committee determines not to use outside counsel. In the course of the adjudicatory review, designated outside counsel, or if the Committee determines not to use outside counsel, the Committee or its staff, may conduct any inquiries or interviews, take sworn statements, use compulsory process as described in Rule 6, or take any other actions that the Committee deems appropriate to secure the evidence necessary to make a determination.

(c) NOTICE TO RESPONDENT: The Committee shall give written notice to any known respondent who is the subject of an adjudicatory review. The notice shall be sent to the respondent no later than five working days after the Committee has voted to conduct an adjudicatory review. The notice shall include a statement of the nature of the possible violation, and description of the evidence indicating that a possible violation occurred. The Committee may offer the respondent an opportunity to present a statement, orally or in writing, or to respond to questions from members of the Committee, the Committee staff, or outside counsel.

(d) RIGHT TO A HEARING: The Committee shall accord a respondent an opportunity for a hearing before it recommends disciplinary action against that respondent to the Senate or before it imposes an order of restitution or reprimand (not requiring discipline by the full Senate).

(e) PROGRESS REPORTS TO COMMITTEE: The Committee staff or outside counsel shall periodically report to the Committee concerning the progress of the adjudicatory review. Such reports shall be delivered to the Committee in the form and according to the schedule prescribed by the Committee, and shall be confidential.

(f) FINAL REPORT OF ADJUDICATORY REVIEW TO COMMITTEE: Upon completion of an adjudicatory review, including any hearings held pursuant to Rule 5, the outside counsel or the staff shall submit a confidential written report to the Committee, which shall detail the factual findings of the adjudicatory review and which may recommend disciplinary action, if appropriate. Findings of fact of the adjudicatory review shall be detailed in this report whether or not disciplinary action is recommended.

(g) COMMITTEE ACTION:

(1) As soon as practicable following submission of the report of the staff or outside counsel on the adjudicatory review, the Committee shall prepare and submit a report to the Senate, including a recommendation or proposed resolution to the Senate concerning disciplinary action, if appropriate. A report shall be issued, stating in detail the Committee's findings of fact, whether or not disciplinary action is recommended. The report shall also explain fully the reasons underlying the Committee's recommendation concerning disciplinary action, if any. No adjudicatory review of conduct of a Member, officer or employee of the Senate may be conducted, or report or resolution or recommendation relating to such an adjudicatory review of conduct may be made, except by the affirmative recorded vote of not less than four members of the Committee.

(2) Pursuant to S. Res. 338, as amended, section 2 (a), subsections (2), (3), and (4), after receipt of the report prescribed by paragraph (f) of this rule, the Committee may make any of the following recommendations for disciplinary action or issue an order for reprimand or restitution, as follows:

(i) In the case of a Member, a recommendation to the Senate for expulsion, censure, payment of restitution, recommendation to a Member's party conference regarding the Member's seniority or positions of responsibility, or a combination of these;

(ii) In the case of an officer or employee, a recommendation to the Senate of dismissal, suspension, payment of restitution, or a combination of these;

(iii) In the case where the Committee determines, after according to the Member, officer, or employee due notice and opportunity for a hearing, that misconduct occurred warranting discipline less serious than discipline by the full Senate, and subject to the provisions of paragraph (h) of this

rule relating to appeal, by a unanimous vote of six members order that a Member, officer or employee be reprimanded or pay restitution or both;

(iv) In the case where the Committee determines that misconduct is inadvertent, technical, or otherwise of a de minimis nature, issue a public or private letter of admonition to a Member, officer or employee, which shall not be subject to appeal to the Senate.

(3) In the case where the Committee determines, upon consideration of all the evidence, that the facts do not warrant a finding that there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred, the Committee may dismiss the matter.

(4) Promptly, after the conclusion of the adjudicatory review, the Committee's report and recommendation, if any, shall be forwarded to the Secretary of the Senate, and a copy shall be provided to the complainant and the respondent. The full report and recommendation, if any, shall be printed and made public, unless the Committee determines by the recorded vote of not less than four members of the Committee that it should remain confidential.

(h) RIGHT OF APPEAL:

(1) Any individual who is the subject of a reprimand or order of restitution, or both, pursuant to subsection (g)(2)(iii), may, within 30 days of the Committee's report to the Senate of its action imposing a reprimand or order of restitution, or both, appeal to the Senate by providing written notice of the appeal to the Committee and the presiding officer of the Senate. The presiding officer shall cause the notice of the appeal to be printed in the Congressional Record and the Senate Journal.

(2) S. Res. 338 provides that a motion to proceed to consideration of an appeal pursuant to paragraph (1) shall be highly privileged and not debatable. If the motion to proceed to consideration of the appeal is agreed to, the appeal shall be decided on the basis of the Committee's report to the Senate. Debate on the appeal shall be limited to 10 hours, which shall be divided equally between, and controlled by, those favoring and those opposing the appeal.

RULE 5: PROCEDURES FOR HEARINGS

(a) RIGHT TO HEARING: The Committee may hold a public or executive hearing in any preliminary inquiry, adjudicatory review, or other proceeding. The Committee shall accord a respondent an opportunity for a hearing before it recommends disciplinary action against that respondent to the Senate or before it imposes an order of restitution or reprimand. (See Rule 4(d).)

(b) NON-PUBLIC HEARINGS: The Committee may at any time during a hearing determine in accordance with paragraph 5(b) of Rule XXVI of the Standing Rules of the Senate whether to receive the testimony of specific witnesses in executive session. If a witness desires to express a preference for testifying in public or in executive session, he or she shall so notify the Committee at least five days before he or she is scheduled to testify.

(c) ADJUDICATORY HEARINGS: The Committee may, by the recorded vote of not less than four members of the Committee, designate any public or executive hearing as an adjudicatory hearing; and any hearing which is concerned with possible disciplinary action against a respondent or respondents designated by the Committee shall be an adjudicatory hearing. In any adjudicatory hearing, the procedures described in paragraph (j) shall apply.

(d) SUBPOENA POWER: The Committee may require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such correspondence, books, papers, documents or other articles as it deems advisable. (See Rule 6.)

(e) NOTICE OF HEARINGS: The Committee shall make public an announcement of the date, place, and subject matter of any hearing to be conducted by it, in accordance with Rule 1(f).

(f) PRESIDING OFFICER: The Chairman shall preside over the hearings, or in his absence the Vice Chairman. If the Vice Chairman is also absent, a Committee member designated by the Chairman shall preside. If an oath or affirmation is required, it shall be administered to a witness by the Presiding Officer, or in his absence, by any Committee member.

(g) WITNESSES:

(1) A subpoena or other request to testify shall be served on a witness sufficiently in advance of his or her scheduled appearance to allow the witness a reasonable period of time, as determined by the Committee, to prepare for the hearing and to employ counsel if desired.

(2) The Committee may, by recorded vote of not less than four members of the Committee, rule that no member of the Committee or staff or outside counsel shall make public the name of any witness subpoenaed by the Committee before the date of that witness's scheduled appearance, except as specifically authorized by the Chairman and Vice Chairman, acting jointly.

(3) Any witness desiring to read a prepared or written statement in executive or public hearings shall file a copy of such statement with the Committee at least two working days in advance of the hearing at which the statement is to be presented. The Chairman and Vice Chairman shall determine whether such statements may be read or placed in the record of the hearing.

(4) Insofar as practicable, each witness shall be permitted to present a brief oral opening statement, if he or she desires to do so.

(h) RIGHT TO TESTIFY: Any person whose name is mentioned or who is specifically identified or otherwise referred to in testimony or in statements made by a Committee member, staff member or outside counsel, or any witness, and who reasonably believes that the statement tends to adversely affect his or her reputation may—

(1) Request to appear personally before the Committee to testify in his or her own behalf; or

(2) File a sworn statement of facts relevant to the testimony or other evidence or statement of which he or she complained. Such request and such statement shall be submitted to the Committee for its consideration and action.

(i) CONDUCT OF WITNESSES AND OTHER ATTENDEES: The Presiding Officer may punish any breaches of order and decorum by censure and exclusion from the hearings. The Committee, by majority vote, may recommend to the Senate that the offender be cited for contempt of Congress.

(j) ADJUDICATORY HEARING PROCEDURES:

(1) NOTICE OF HEARINGS: A copy of the public announcement of an adjudicatory hearing, required by paragraph (e), shall be furnished together with a copy of these Rules to all witnesses at the time that they are subpoenaed or otherwise summoned to testify.

(2) PREPARATION FOR ADJUDICATORY HEARINGS:

(A) At least five working days prior to the commencement of an adjudicatory hearing, the Committee shall provide the following information and documents to the respondent, if any:

(i) a list of proposed witnesses to be called at the hearing;

(ii) copies of all documents expected to be introduced as exhibits at the hearing; and

(iii) a brief statement as to the nature of the testimony expected to be given by each witness to be called at the hearing.

(B) At least two working days prior to the commencement of an adjudicatory hearing, the respondent, if any, shall provide the information and documents described in divisions (i), (ii) and (iii) of subparagraph (A) to the Committee.

(C) At the discretion of the Committee, the information and documents to be exchanged under this paragraph shall be subject to an appropriate agreement limiting access and disclosure.

(D) If a respondent refuses to provide the information and documents to the Committee (see (A) and (B) of this subparagraph), or if a respondent or other individual violates an agreement limiting access and disclosure, the Committee, by majority vote, may recommend to the Senate that the offender be cited for contempt of Congress.

(3) SWEARING OF WITNESSES: All witnesses who testify at adjudicatory hearings shall be sworn unless the Presiding Officer, for good cause, decides that a witness does not have to be sworn.

(4) RIGHT TO COUNSEL: Any witness at an adjudicatory hearing may be accompanied by counsel of his or her own choosing, who shall be permitted to advise the witness of his or her legal rights during the testimony.

(5) RIGHT TO CROSS-EXAMINE AND CALL WITNESSES:

(A) In adjudicatory hearings, any respondent and any other person who obtains the permission of the Committee, may personally or through counsel cross-examine witnesses called by the Committee and may call witnesses in his or her own behalf.

(B) A respondent may apply to the Committee for the issuance of subpoenas for the appearance of witnesses or the production of documents on his or her behalf. An application shall be approved upon a concise showing by the respondent that the proposed testimony or evidence is relevant and appropriate, as determined by the Chairman and Vice Chairman.

(C) With respect to witnesses called by a respondent, or other individual given permission by the Committee, each such witness shall first be examined by the party who called the witness or by that party's counsel.

(D) At least one working day before a witness's scheduled appearance, a witness or a witness's counsel may submit to the Committee written questions proposed to be asked of that witness. If the Committee determines that it is necessary, such questions may be asked by any member of the Committee, or by any Committee staff member if directed by a Committee member. The witness or witness's counsel may also submit additional sworn testimony for the record within twenty-four hours after the last day that the witness has testified. The insertion of such testimony in that day's record is subject to the approval of the Chairman and Vice Chairman acting jointly within five days after the testimony is received.

(6) ADMISSIBILITY OF EVIDENCE:

(A) The object of the hearing shall be to ascertain the truth. Any evidence that may be relevant and probative shall be admissible unless privileged under the Federal Rules of Evidence. Rules of evidence shall not be applied strictly, but the Presiding Officer shall exclude irrelevant or unduly repetitious testimony. Objections going only to the weight that should be given evidence will not justify its exclusion.

(B) The Presiding Officer shall rule upon any question of the admissibility of testimony or other evidence presented to the Committee. Such rulings shall be final unless reversed or modified by a recorded vote of not less than four members of the Committee before the recess of that day's hearings.

(C) Notwithstanding paragraphs (A) and (B), in any matter before the Committee involving allegations of sexual discrimination, including sexual harassment, or sexual misconduct, by a Member, officer, or employee within the jurisdiction of the Committee, the Committee shall be guided by the standards and procedures of Rule 412 of the Federal Rules of Evidence, except that the Committee may admit evidence subject to the provisions of this paragraph only upon a determination of not less than four members of the full Committee that the interests of justice require that such evidence be admitted.

(7) SUPPLEMENTARY HEARING PROCEDURES: The Committee may adopt any additional special hearing procedures that it deems necessary or appropriate to a particular adjudicatory hearing. Copies of such supplementary procedures shall be furnished to witnesses and respondents, and shall be made available upon request to any member of the public.

(k) TRANSCRIPTS:

(1) An accurate stenographic or recorded transcript shall be made of all public and executive hearings. Any member of the Committee, Committee staff member, outside counsel retained by the Committee, or witness may examine a copy of the transcript retained by the Committee of his or her own remarks and may suggest to the official reporter any typographical or transcription errors. If the reporter declines to make the requested corrections, the member, staff member, outside counsel or witness may request a ruling by the Chairman and Vice Chairman, acting jointly. Any member or witness shall return the transcript with suggested corrections to the Committee offices within five working days after receipt of the transcript, or as soon thereafter as is practicable. If the testimony was given in executive session, the member or witness may only inspect the transcript at a location determined by the Chairman and Vice Chairman, acting jointly. Any questions arising with respect to the processing and correction of transcripts shall be decided by the Chairman and Vice Chairman, acting jointly.

(2) Except for the record of a hearing which is closed to the public, each transcript shall be printed as soon as is practicable after receipt of the corrected version. The Chairman and Vice Chairman, acting jointly, may order the transcript of a hearing to be printed without the corrections of a member or witness if they determine that such member or witness has been afforded a reasonable time to correct such transcript and such transcript has not been returned within such time.

(3) The Committee shall furnish each witness, at no cost, one transcript copy of that witness's testimony given at a public hearing. If the testimony was given in executive session, then a transcript copy shall be provided upon request, subject to appropriate conditions and restrictions prescribed by the Chairman and Vice Chairman. If any individual violates such conditions and restrictions, the Committee may recommend by majority vote that he or she be cited for contempt of Congress.

RULE 6: SUBPOENAS AND DEPOSITIONS

(a) SUBPOENAS:

(1) AUTHORIZATION FOR ISSUANCE: Subpoenas for the attendance and testimony of witnesses at depositions or hearings, and subpoenas for the production of documents and tangible things at depositions, hearings, or other times and places designated therein, may be authorized for issuance by either (A) a majority vote of the Committee, or (B) the Chairman and Vice Chairman, acting jointly, at any time during a preliminary inquiry, adjudicatory review, or other proceeding.

(2) SIGNATURE AND SERVICE: All subpoenas shall be signed by the Chairman or the Vice Chairman and may be served by any person eighteen years of age or older, who is designated by the Chairman or Vice Chairman. Each subpoena shall be served with a copy of the Rules of the Committee and a brief statement of the purpose of the Committee's proceeding.

(3) WITHDRAWAL OF SUBPOENA: The Committee, by recorded vote of not less than four members of the Committee, may withdraw any subpoena authorized for issuance by it or authorized for issuance by the Chairman and Vice Chairman, acting jointly. The Chairman and Vice Chairman, acting jointly, may withdraw any subpoena authorized for issuance by them.

(b) DEPOSITIONS:

(1) PERSONS AUTHORIZED TO TAKE DEPOSITIONS: Depositions may be taken by any member of the Committee designated by the Chairman and Vice Chairman, acting jointly, or by any other person designated by the Chairman and Vice Chairman, acting jointly, including outside counsel, Committee staff, other employees of the Senate, or government employees detailed to the Committee.

(2) DEPOSITION NOTICES: Notices for the taking of depositions shall be authorized by the Committee, or the Chairman and Vice Chairman, acting jointly, and issued by the Chairman, Vice Chairman, or a Committee staff member or outside counsel designated by the Chairman and Vice Chairman, acting jointly. Depositions may be taken at any time during a preliminary inquiry, adjudicatory review or other proceeding. Deposition notices shall specify a time and place for examination. Unless otherwise specified, the deposition shall be in private, and the testimony taken and documents produced shall be deemed for the purpose of these rules to have been received in a closed or executive session of the Committee. The Committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness's failure to appear, or to testify, or to produce documents, unless the deposition notice was accompanied by a subpoena authorized for issuance by the Committee, or the Chairman and Vice Chairman, acting jointly.

(3) COUNSEL AT DEPOSITIONS: Witnesses may be accompanied at a deposition by counsel to advise them of their rights.

(4) DEPOSITION PROCEDURE: Witnesses at depositions shall be examined upon oath administered by an individual authorized by law to administer oaths, or administered by any member of the Committee if one is present. Questions may be propounded by any person or persons who are authorized to take depositions for the Committee. If a witness objects to a question and refuses to testify, or refuses to produce a document, any member of the Committee who is present may rule on the objection and, if the objection is overruled, direct the witness to answer the question or produce the document. If no member of the Committee is present, the individual who has been designated by the Chairman and Vice Chairman, acting jointly, to take the deposition may proceed with the deposition, or may, at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection from the Chairman or Vice Chairman of the Committee, who may refer the matter to the Committee or rule on the objection. If the Chairman or Vice Chairman, or the Committee upon referral, overrules the objection, the Chairman, Vice Chairman, or the Committee as the case may be, may direct the witness to answer the question or produce the document. The Committee shall not initiate procedures leading to civil or criminal enforcement unless the witness refuses to testify or produce documents after having been directed to do so.

(5) FILING OF DEPOSITIONS: Deposition testimony shall be transcribed or electronically recorded. If the deposition is transcribed, the individual administering the oath shall certify on the transcript that the witness was duly sworn in his or her presence and the transcriber shall certify that the transcript is a true record of the testimony. The transcript with these certifications shall be filed with the chief clerk of the Committee, and the witness shall be furnished with access to a copy at the Committee's offices for review. Upon inspecting the transcript, within a time limit set by the Chairman and Vice Chairman, acting jointly, a witness may request in writing changes in the transcript to correct errors in transcription. The witness may also bring to the attention of the Committee errors of fact in the witness's testimony by submitting a sworn statement about those facts with a request that it be attached to the transcript. The Chairman and Vice Chairman, acting jointly, may rule on the witness's request, and the changes or attachments allowed shall be certified by the Committee's chief clerk. If the witness fails to make any request under this paragraph within the time limit set, this fact shall be noted by the Committee's chief clerk. Any person authorized by the Committee may stipulate with the witness to changes in this procedure.

RULE 7: VIOLATIONS OF LAW; PERJURY; LEGISLATIVE RECOMMENDATIONS; EDUCATIONAL MANDATE; AND APPLICABLE RULES AND STANDARDS OF CONDUCT

(a) VIOLATIONS OF LAW: Whenever the Committee determines by the recorded vote of not less than four members of the full Committee that there is reason to believe that a violation of law, including the provision of false information to the Committee, may have occurred, it shall report such possible violation to the proper Federal and state authorities.

(b) PERJURY: Any person who knowingly and willfully swears falsely to a sworn complaint or any other sworn statement to the Committee does so under penalty of perjury. The Committee may refer any such case to the Attorney General for prosecution.

(c) LEGISLATIVE RECOMMENDATIONS: The Committee shall recommend to the Senate by report or resolution such additional rules, regulations, or other legislative measures as it determines to be necessary or desirable to ensure proper standards of conduct by Members, officers, or employees of the Senate. The Committee may conduct such inquiries as it deems necessary to prepare such a report or resolution, including the holding of hearings in public or executive session and the use of subpoenas to compel the attendance of witnesses or the production of materials. The Committee may make legislative recommendations as a result of its findings in a preliminary inquiry, adjudicatory review, or other proceeding.

(d) Educational Mandate: The Committee shall develop and implement programs and materials designed to educate Members, officers, and employees about the laws, rules, regulations, and standards of conduct applicable to such individuals in the performance of their duties.

(e) APPLICABLE RULES AND STANDARDS OF CONDUCT:

(1) Notwithstanding any other provision of this section, no adjudicatory review shall be initiated of any alleged violation of any law, the Senate Code of Official Conduct, rule, or regulation which was not in effect at the time the alleged violation occurred. No provisions of the Senate Code of Official Conduct shall apply to or require disclosure of any act, relationship, or transaction which occurred prior to the effective date of the applicable provision of the Code.

(2) The Committee may initiate an adjudicatory review of any alleged violation of a rule or law which was in effect prior to the enactment of the Senate Code of Official Conduct if the alleged violation occurred while such rule or law was in effect and the violation was not a matter resolved on the merits by the predecessor Committee.

RULE 8: PROCEDURES FOR HANDLING COMMITTEE SENSITIVE AND CLASSIFIED MATERIALS

(a) PROCEDURES FOR HANDLING COMMITTEE SENSITIVE MATERIALS:

(1) Committee Sensitive information or material is information or material in the possession of the Select Committee on Ethics which pertains to illegal or improper conduct by a present or former Member, officer, or employee of the Senate; to allegations or accusations of such conduct; to any resulting preliminary inquiry, adjudicatory review or other proceeding by the Select Committee on Ethics into such allegations or conduct; to the investigative techniques and procedures of the Select Committee on Ethics; or to other information or material designated by the staff director, or outside counsel designated by the Chairman and Vice Chairman.

(2) The Chairman and Vice Chairman of the Committee shall establish such procedures as may be necessary to prevent the unauthorized disclosure of Committee Sensitive information in the possession of the Committee or its staff. Procedures for protecting Committee Sensitive materials shall be in writing and shall be given to each Committee staff member.

(b) PROCEDURES FOR HANDLING CLASSIFIED MATERIALS:

(1) Classified information or material is information or material which is specifically designated as classified under the authority of Executive Order 11652 requiring protection of such information or material from unauthorized disclosure in order to prevent damage to the United States.

(2) The Chairman and Vice Chairman of the Committee shall establish such procedures as may be necessary to prevent the unauthorized disclosure of classified information in the possession of the Committee or its staff. Procedures for handling such information shall be in writing and a copy of the procedures shall be given to each staff member cleared for access to classified information.

(3) Each member of the Committee shall have access to classified material in the Committee's possession. Only Committee staff members with appropriate security clearances and a need-to-know, as approved by the Chairman and Vice Chairman, acting jointly, shall have access to classified information in the Committee's possession.

(c) PROCEDURES FOR HANDLING COMMITTEE SENSITIVE AND CLASSIFIED DOCUMENTS:

(1) Committee Sensitive documents and materials shall be stored in the Committee's offices, with appropriate safeguards for maintaining the security of such documents or materials. Classified documents and materials shall be further segregated in the Committee's offices in secure filing safes. Removal from the Committee offices of such documents or materials is prohibited except as necessary for use in, or preparation for, interviews or Committee meetings, including the taking of testimony, or as otherwise specifically approved by the staff director or by outside counsel designated by the Chairman and Vice Chairman.

(2) Each member of the Committee shall have access to all materials in the Committee's possession. The staffs of members shall not have access to Committee Sensitive or classified documents and materials without the specific approval in each instance of the Chairman, and Vice Chairman, acting jointly. Members may examine such materials in the Committee's offices. If necessary, requested materials may be hand delivered by a member of the Committee staff to the member of the Committee, or to a staff person(s) specifically designated by the member, for the Member's or designated staffer's examination. A member of the Committee who has possession of Committee Sensitive documents or materials shall take appropriate safeguards for maintaining the security of such documents or materials in the possession of the Member or his or her designated staffer.

(3) Committee Sensitive documents that are provided to a Member of the Senate in connection with a complaint that has been filed against the Member shall be hand delivered to the Member or to the Member's Chief of Staff or Administrative Assistant. Committee Sensitive documents that are provided to a Member of the Senate who is the subject of a preliminary inquiry, adjudicatory review, or other proceeding, shall be hand delivered to the Member or to his or her specifically designated representative.

(4) Any Member of the Senate who is not a member of the Committee and who seeks access to any Committee Sensitive or classified documents or materials, other than documents or materials which are matters of public record, shall request access in writing. The Committee shall decide by majority vote whether to make documents or materials available. If access is granted, the Member shall not disclose the information except as authorized by the Committee.

(5) Whenever the Committee makes Committee Sensitive or classified documents or materials available to any Member of the Senate who is not a member of the Committee, or to a staff person of a Committee member in response to a specific request to the Chairman and Vice Chairman, a written record shall be made identifying the Member of the Senate requesting such documents or materials and describing what was made available and to whom.

(d) NON-DISCLOSURE POLICY AND AGREEMENT:

(1) Except as provided in the last sentence of this paragraph, no member of the Select Committee on Ethics, its staff or any person engaged by contract or otherwise to perform services for the Select Committee on Ethics shall release, divulge, publish, reveal by writing, word, conduct, or disclose in any way, in whole, or in part, or by way of summary, during tenure with the Select Committee on Ethics or anytime thereafter, any testimony given before the Select Committee on Ethics in executive session (including the name of any witness who appeared or was called to appear in executive session), any classified or Committee Sensitive information, document or material, received or generated by the Select Committee on Ethics or any classified or Committee Sensitive information which may come into the possession of such person during tenure with the Select Committee on Ethics or its staff. Such information, documents, or material may be released to an official of the executive branch properly cleared for access with a need-to-know, for any purpose or in connection with any proceeding, judicial or otherwise, as authorized by the Select Committee on Ethics, or in the event of termination of the Select Committee on Ethics, in such a manner as may be determined by its successor or by the Senate.

(2) No member of the Select Committee on Ethics staff or any person engaged by contract or otherwise to perform services for the Select Committee on Ethics, shall be granted access to classified or Committee Sensitive information or material in the possession of the Select Committee on Ethics unless and until such person agrees in writing, as a condition of employment, to the nondisclosure policy. The agreement shall become effective when signed by the Chairman and Vice Chairman on behalf of the Committee.

RULE 9: BROADCASTING AND NEWS COVERAGE OF COMMITTEE PROCEEDINGS

(a) Whenever any hearing or meeting of the Committee is open to the public, the Committee shall permit that hearing or meeting to be covered in whole or in part, by television broadcast, radio broadcast, still photography, or by any other methods of coverage, unless the Committee decides by recorded vote of not less than four members of the Committee that such coverage is not appropriate at a particular hearing or meeting.

(b) Any witness served with a subpoena by the Committee may request not to be photographed at any hearing or to give evidence or testimony while the broadcasting, reproduction, or coverage of that hearing, by radio, television, still photography, or other methods is occurring. At the request of any such witness who does not wish to be subjected to radio, television, still photography, or other methods of coverage, and subject to the approval of the Committee, all lenses shall be covered and all microphones used for coverage turned off.

(c) If coverage is permitted, it shall be in accordance with the following requirements:

(1) Photographers and reporters using mechanical recording, filming, or broadcasting apparatus shall position their equipment so as not to interfere with the seating, vision, and hearing of the Committee members and staff, or with the orderly process of the meeting or hearing.

(2) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, the coverage shall be conducted and presented without commercial sponsorship.

(3) Personnel providing coverage by the television and radio media shall be currently accredited to the Radio and Television Correspondents' Galleries.

(4) Personnel providing coverage by still photography shall be currently accredited to the Press Photographers' Gallery Committee of Press Photographers.

(5) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and the coverage activities in an orderly and unobtrusive manner.

RULE 10: PROCEDURES FOR ADVISORY OPINIONS

(a) WHEN ADVISORY OPINIONS ARE RENDERED:

(1) The Committee shall render an advisory opinion, in writing within a reasonable time, in response to a written request by a Member or officer of the Senate or a candidate for nomination for election, or election to the Senate, concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within the Committee's jurisdiction, to a specific

factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

(2) The Committee may issue an advisory opinion in writing within a reasonable time in response to a written request by any employee of the Senate concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within the Committee's jurisdiction, to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

(b) FORM OF REQUEST: A request for an advisory opinion shall be directed in writing to the Chairman of the Committee and shall include a complete and accurate statement of the specific factual situation with respect to which the request is made as well as the specific question or questions which the requestor wishes the Committee to address.

(c) OPPORTUNITY FOR COMMENT:

(1) The Committee will provide an opportunity for any interested party to comment on a request for an advisory opinion—

(A) which requires an interpretation on a significant question of first impression that will affect more than a few individuals; or

(B) when the Committee determines that comments from interested parties would be of assistance.

(2) Notice of any such request for an advisory opinion shall be published in the Congressional Record, with appropriate deletions to insure confidentiality, and interested parties will be asked to submit their comments in writing to the Committee within ten days.

(3) All relevant comments received on a timely basis will be considered.

(d) ISSUANCE OF AN ADVISORY OPINION:

(1) The Committee staff shall prepare a proposed advisory opinion in draft form which will first be reviewed and approved by the Chairman and Vice Chairman, acting jointly, and will be presented to the Committee for final action. If (A) the Chairman and Vice Chairman cannot agree, or (B) either the Chairman or Vice Chairman requests that it be taken directly to the Committee, then the proposed advisory opinion shall be referred to the Committee for its decision.

(2) An advisory opinion shall be issued only by the affirmative recorded vote of a majority of the members voting.

(3) Each advisory opinion issued by the Committee shall be promptly transmitted for publication in the Congressional Record after appropriate deletions are made to insure confidentiality. The Committee may at any time revise, withdraw, or elaborate on any advisory opinion.

(e) RELIANCE ON ADVISORY OPINIONS:

(1) Any advisory opinion issued by the Committee under Senate Resolution 338, 88th Congress, as amended, and the rules may be relied upon by—

(A) Any person involved in the specific transaction or activity with respect to which such advisory opinion is rendered if the request for such advisory opinion included a complete and accurate statement of the specific factual situation; and

(B) any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered.

(2) Any person who relies upon any provision or finding of an advisory opinion in accordance with the provisions of Senate Resolution 338, 88th Congress, as amended, and of the rules, and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of any such act, be subject to any sanction by the Senate.

RULE 11: PROCEDURES FOR INTERPRETATIVE RULINGS

(a) BASIS FOR INTERPRETATIVE RULINGS: Senate Resolution 338, 88th Congress, as amended, authorizes the Committee to issue interpretative rulings explaining and clarifying the application of any law, the Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction. The Committee also may issue such rulings clarifying or explaining any rule or regulation of the Select Committee on Ethics.

(b) REQUEST FOR RULING: A request for such a ruling must be directed in writing to the Chairman or Vice Chairman of the Committee.

(c) ADOPTION OF RULING:

(1) The Chairman and Vice Chairman, acting jointly, shall issue a written interpretative ruling in response to any such request, unless—

(A) they cannot agree,

(B) it requires an interpretation of a significant question of first impression, or

(C) either requests that it be taken to the Committee, in which event the request shall be directed to the Committee for a ruling.

(2) A ruling on any request taken to the Committee under subparagraph (1) shall be adopted by a majority of the members voting and the ruling shall then be issued by the Chairman and Vice Chairman.

(d) PUBLICATION OF RULINGS: The Committee will publish in the Congressional Record, after making appropriate deletions to ensure confidentiality, any interpretative rulings issued under this Rule which the Committee determines may be of assistance or guidance to other Members, officers or employees. The Committee may at any time revise, withdraw, or elaborate on interpretative rulings.

(e) RELIANCE ON RULINGS: Whenever an individual can demonstrate to the Committee's satisfaction that his or her conduct was in good faith reliance on an interpretative ruling issued in accordance with this Rule, the Committee will not recommend sanctions to the Senate as a result of such conduct.

(f) RULINGS BY COMMITTEE STAFF: The Committee staff is not authorized to make rulings or give advice, orally or in writing, which binds the Committee in any way.

RULE 12: PROCEDURES FOR COMPLAINTS INVOLVING IMPROPER USE OF THE MAILING FRANK

(a) AUTHORITY TO RECEIVE COMPLAINTS: The Committee is directed by section 6(b) of Public Law 93–191 to receive and dispose of complaints that a violation of the use of the mailing frank has occurred or is about to occur by a Member or officer of the Senate or by a surviving spouse of a Member. All such complaints will be processed in accordance with the provisions of these Rules, except as provided in paragraph (b).

(b) DISPOSITION OF COMPLAINTS:

(1) The Committee may dispose of any such complaint by requiring restitution of the cost of the mailing, pursuant to the franking statute, if it finds that the franking violation was the result of a mistake.

(2) Any complaint disposed of by restitution that is made after the Committee has formally commenced an adjudicatory review, must be summarized, together with the disposition, in a report to the Senate, as appropriate.

(3) If a complaint is disposed of by restitution, the complainant, if any, shall be notified of the disposition in writing.

(c) ADVISORY OPINIONS AND INTERPRETATIVE RULINGS: Requests for advisory opinions or interpretative rulings involving franking questions shall be processed in accordance with Rules 10 and 11.

RULE 13: PROCEDURES FOR WAIVERS

(a) AUTHORITY FOR WAIVERS: The Committee is authorized to grant a waiver under the following provisions of the Standing Rules of the Senate:

(1) Section 101(h) of the Ethics in Government Act of 1978, as amended (Rule XXXIV), relating to the filing of financial disclosure reports by individuals who are expected to perform or who have performed the duties of their offices or positions for less than one hundred and thirty days in a calendar year;

(2) Section 102(a)(2)(D) of the Ethics in Government Act, as amended (Rule XXXIV), relating to the reporting of gifts;

(3) Paragraph 1 of Rule XXXV relating to acceptance of gifts; or

(4) Paragraph 5 of Rule XLI relating to applicability of any of the provisions of the Code of Official Conduct to an employee of the Senate hired on a per diem basis.

(b) REQUESTS FOR WAIVERS: A request for a waiver under paragraph (a) must be directed to the Chairman or Vice Chairman in writing and must specify the nature of the waiver being sought and explain in detail the facts alleged to justify a waiver. In the case of a request submitted by an employee, the views of his or her supervisor (as determined under paragraph 12 of Rule XXXVII of the Standing Rules of the Senate) should be included with the waiver request.

(c) RULING: The Committee shall rule on a waiver request by recorded vote with a majority of those voting affirming the decision. With respect to an individual's request for a waiver in connection with the acceptance or reporting the value of gifts on the occasion of the individual's marriage, the Chairman and the Vice Chairman, acting jointly, may rule on the waiver.

(d) AVAILABILITY OF WAIVER DETERMINATIONS: A brief description of any waiver granted by the Committee, with appropriate deletions to ensure confidentiality, shall be made available for review upon request in the Committee office. Waivers granted by the Committee pursuant to the Ethics in Government Act of 1978, as amended, may only be granted pursuant to a publicly available request as required by the Act.

RULE 14: DEFINITION OF ''OFFICER OR EMPLOYEE''

(a) As used in the applicable resolutions and in these rules and procedures, the term ''officer or employee of the Senate'' means:

(1) An elected officer of the Senate who is not a Member of the Senate;

(2) An employee of the Senate, any committee or subcommittee of the Senate, or any Member of the Senate;

(3) The Legislative Counsel of the Senate or any employee of his office;

(4) An Official Reporter of Debates of the Senate and any person employed by the Official Reporters of Debates of the Senate in connection with the performance of their official duties;

(5) A member of the Capitol Police force whose compensation is disbursed by the Secretary of the Senate;

(6) An employee of the Vice President, if such employee's compensation is disbursed by the Secretary of the Senate;

(7) An employee of a joint committee of the Congress whose compensation is disbursed by the Secretary of the Senate;

(8) An officer or employee of any department or agency of the Federal Government whose services are being utilized on a full-time and continuing basis by a Member, officer, employee, or committee of the Senate in accordance with Rule XLI(3) of the Standing Rules of the Senate; and

(9) Any other individual whose full-time services are utilized for more than ninety

days in a calendar year by a Member, officer, employee, or committee of the Senate in the conduct of official duties in accordance with Rule XLI(4) of the Standing Rules of the Senate.

RULE 15: COMMITTEE STAFF

(a) COMMITTEE POLICY:

(1) The staff is to be assembled and retained as a permanent, professional, nonpartisan staff.

(2) Each member of the staff shall be professional and demonstrably qualified for the position for which he or she is hired.

(3) The staff as a whole and each member of the staff shall perform all official duties in a nonpartisan manner.

(4) No member of the staff shall engage in any partisan political activity directly affecting any congressional or presidential election.

(5) No member of the staff or outside counsel may accept public speaking engagements or write for publication on any subject that is in any way related to his or her employment or duties with the Committee without specific advance permission from the Chairman and Vice Chairman.

(6) No member of the staff may make public, without Committee approval, any Committee Sensitive or classified information, documents, or other material obtained during the course of his or her employment with the Committee.

(b) APPOINTMENT OF STAFF:

(1) The appointment of all staff members shall be approved by the Chairman and Vice Chairman, acting jointly.

(2) The Committee may determine by majority vote that it is necessary to retain staff members, including a staff recommended by a special counsel, for the purpose of a particular preliminary inquiry, adjudicatory review, or other proceeding. Such staff shall be retained only for the duration of that particular undertaking.

(3) The Committee is authorized to retain and compensate counsel not employed by the Senate (or by any department or agency of the Executive Branch of the Government) whenever the Committee determines that the retention of outside counsel is necessary or appropriate for any action regarding any complaint or allegation, preliminary inquiry, adjudicatory review, or other proceeding, which in the determination of the Committee, is more appropriately conducted by counsel not employed by the Government of the United States as a regular employee. The Committee shall retain and compensate outside counsel to conduct any adjudicatory review undertaken after a preliminary inquiry, unless the Committee determines that the use of outside counsel is not appropriate in the particular case.

(c) DISMISSAL OF STAFF: A staff member may not be removed for partisan, political reasons, or merely as a consequence of the rotation of the Committee membership. The Chairman and Vice Chairman, acting jointly, shall approve the dismissal of any staff member.

(d) STAFF WORKS FOR COMMITTEE AS WHOLE: All staff employed by the Committee or housed in Committee offices shall work for the Committee as a whole, under the general direction of the Chairman and Vice Chairman, and the immediate direction of the staff director or outside counsel.

(e) NOTICE OF SUMMONS TO TESTIFY: Each member of the Committee staff or outside counsel shall immediately notify the Committee in the event that he or she is called upon by a properly constituted authority to testify or provide confidential information obtained as a result of and during his or her employment with the Committee.

RULE 16: CHANGES IN SUPPLEMENTARY PROCEDURAL RULES

(a) ADOPTION OF CHANGES IN SUPPLEMENTARY RULES: The Rules of the Committee, other than rules established by statute, or by the Standing Rules and Standing Orders of the Senate, may be modified, amended, or suspended at any time, pursuant to a recorded vote of not less than four members of the full Committee taken at a meeting called with due notice when prior written notice of the proposed change has been provided each member of the Committee.

(b) PUBLICATION: Any amendments adopted to the Rules of this Committee shall be published in the Congressional Record in accordance with Rule XXVI(2) of the Standing Rules of the Senate.

SELECT COMMITTEE ON ETHICS

PART III—SUBJECT MATTER JURISDICTION

Following are sources of the subject matter jurisdiction of the Select Committee:

(a) The Senate Code of Official Conduct approved by the Senate in Title I of S. Res. 110, 95th Congress, April 1, 1977, as amended, and stated in Rules 34 through 43 of the Standing Rules of the Senate;

(b) Senate Resolution 338, 88th Congress, as amended, which states, among others, the duties to receive complaints and investigate allegations of improper conduct which may reflect on the Senate, violations of law, violations of the Senate Code of Official Conduct and violations of rules and regulations of the Senate; recommend disciplinary action; and recommend additional Senate Rules or regulations to insure proper standards of conduct;

(c) Residual portions of Standing Rules 41, 42, 43 and 44 of the Senate as they existed on the day prior to the amendments made by Title I of S. Res. 110;

(d) Public Law 93–191 relating to the use of the mail franking privilege by Senators, officers of the Senate; and surviving spouses of Senators;

(e) Senate Resolution 400, 94th Congress, Section 8, relating to unauthorized disclosure of classified intelligence information in the possession of the Select Committee on Intelligence;

(f) Public Law 95–105, Section 515, relating to the receipt and disposition of foreign gifts and decorations received by Senate members, officers and employees and their spouses or dependents;

(g) Preamble to Senate Resolution 266, 90th Congress, 2d Session, March 22, 1968; and

(h) The Code of Ethics for Government Service, H. Con. Res. 175, 85th Congress, 2d Session, July 11, 1958 (72 Stat. B12). Except that S. Res. 338, as amended by Section 202 of S. Res. 110 (April 2, 1977), and as amended by Section 3 of S. Res. 222 (1999), provides:

(g) Notwithstanding any other provision of this section, no adjudicatory review shall be initiated of any alleged violation of any law, the Senate Code of Official Conduct, rule, or regulation which was not in effect at the time the alleged violation occurred. No provisions of the Senate Code of Official Conduct shall apply to or require disclosure of any act, relationship, or transaction which occurred prior to the effective date of the applicable provision of the Code. The Select Committee may initiate an adjudicatory review of any alleged violation of a rule or law which was in effect prior to the enactment of the Senate Code of Official Conduct if the alleged violation occurred while such rule or law was in effect and the violation was not a matter resolved on the merits by the predecessor Select Committee.

APPENDIX A—OPEN AND CLOSED MEETINGS

Paragraphs 5(b) to (d) of Rule XXVI of the Standing Rules of the Senate reads as follows:

(b) Each meeting of a standing, select, or special committee of the Senate, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by a committee or a subcommittee thereof on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in classes (1) through (6) would require the meeting to be closed followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

(c) Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt.

(d) Whenever disorder arises during a committee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the Chair to enforce order on his own initiative and without any point of order being made by a Senator. When the Chair finds it necessary to maintain order, he shall have the power to clear the room, and the committee may act in closed session for so long as there is doubt of the assurance of order.

APPENDIX B—"SUPERVISORS" DEFINED

Paragraph 12 of Rule XXXVII of the Standing Rules of the Senate reads as follows:

For purposes of this rule—

(a) a Senator or the Vice President is the supervisor of his administrative, clerical, or other assistants;

(b) a Senator who is the chairman of a committee is the supervisor of the professional, clerical, or other assistants to the committee except that minority staff members shall be under the supervision of the ranking minority Senator on the committee;

(c) a Senator who is a chairman of a subcommittee which has its own staff and financial authorization is the supervisor of the professional, clerical, or other assistants to the subcommittee except that minority staff members shall be under the supervision of the ranking minority Senator on the subcommittee;

(d) the President pro tempore is the supervisor of the Secretary of the Senate, Sergeant at Arms and Doorkeeper, the Chaplain, the Legislative Counsel, and the employees of the Office of the Legislative Counsel;

(e) the Secretary of the Senate is the supervisor of the employees of his office;

(f) the Sergeant at Arms and Doorkeeper is the supervisor of the employees of his office;

(g) the Majority and Minority Leaders and the Majority and Minority Whips are the supervisors of the research, clerical, and other assistants assigned to their respective offices;

(h) the Majority Leader is the supervisor of the Secretary for the Majority and the Secretary for the Majority is the supervisor of the employees of his office; and

(i) the Minority Leader is the supervisor of the Secretary for the Minority and the Secretary for the Minority is the supervisor of the employees of his office.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION RULES OF PROCEDURE

Mr. ROCKEFELLER: Mr. President, the Committee on Commerce, Science, and Transportation adopted rules governing its procedures for the 111th Congress earlier today. Pursuant to rule XXVI, paragraph 2, of the Standing Rules of the Senate, I ask unanimous consent that the accompanying rules from the Senate Committee on Commerce, Science, and Transportation be printed in the RECORD.

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

February 10, 2009

RULES OF THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

I. MEETINGS OF THE COMMITTEE

1. The regular meeting dates of the Committee shall be the first and third Tuesdays of each month. Additional meetings may be called by the Chairman as the Chairman may deem necessary, or pursuant to the provisions of paragraph 3 of rule XXVI of the Standing Rules of the Senate.

2. Meetings of the Committee, or any subcommittee, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the Committee, or any subcommittee, on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in subparagraphs (A) through (F) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the Committee, or any subcommittee, when it is determined that the matter to be discussed or the testimony to be taken at such meeting or meetings—

(A) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(B) will relate solely to matters of Committee staff personnel or internal staff management or procedure;

(C) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(D) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interest of effective law enforcement;

(E) will disclose information relating to the trade secrets of, or financial or commercial information pertaining specifically to, a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(F) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

3. Each witness who is to appear before the Committee or any subcommittee shall file with the Committee, at least 24 hours in advance of the hearing, a written statement of the witness's testimony in as many copies as the Chairman of the Committee or subcommittee prescribes.

4. Field hearings of the full Committee, and any subcommittee thereof, shall be scheduled only when authorized by the Chairman and ranking minority member of the full Committee.

5. The Chairman, with the approval of the ranking minority member of the Committee, is authorized to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials at a hearing, except that the Chairman may subpoena attendance or production without the approval of the ranking minority member where the Chairman or a member of the Committee staff designated by the Chairman has not received notification from the ranking minority member or a member of the Committee staff designated by the ranking minority member of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the ranking minority member as provided in this paragraph, the subpoena may be authorized by vote of the Members of the Committee, the quorum required by paragraph (1) of section II being present. When the Committee or Chairman authorizes subpoenas, subpoenas may be issued upon the signature of the Chairman or any other Member of the Committee designated by the Chairman.

6. Counsel retained by any witness and accompanying such witness shall be permitted to be present during the testimony of the witness at any public or executive hearing to advise the witness, while the witness is testifying, of the witness's legal rights, except that in the case of any witness who is an officer or employee of the government, or of a corporation or association, the Chairman may rule that representation by counsel from the government, corporation, or association or by counsel representing other witnesses, creates a conflict of interest, and that the witness may only be represented during testimony before the Committee by personal counsel not from the government, corporation, or association or by personal counsel not representing other witnesses. This paragraph shall not be construed to excuse a witness from testifying in the event the witness's counsel is ejected for conducting himself or herself in such manner as to prevent, impede, disrupt, obstruct, or interfere with the orderly administration of the hearings. This paragraph may not be construed as authorizing counsel to coach the witness or to answer for the witness. The failure of any witness to secure counsel shall not excuse the witness from complying with a subpoena.

7. An accurate electronic or stenographic record shall be kept of the testimony of all witnesses in executive and public hearings. The record of a witness's testimony, whether in public or executive session, shall be made available for inspection by the witness or the witness's counsel under Committee supervision. A copy of any testimony given in public session or that part of the testimony given by the witness in executive session and subsequently quoted or made part of the record in a public session shall be provided to that witness at the witness's expense if so requested. Upon inspecting the transcript, within a time limit set by the Clerk of the Committee, a witness may request changes in the transcript to correct errors of transcription and grammatical errors. The Chairman or a member of the Committee staff designated by the Chairman shall rule on such requests.

II. QUORUMS

1. A majority of the members, which includes at least 1 minority member, shall constitute a quorum for official action of the Committee when reporting a bill, resolution, or nomination. Proxies may not be counted in making a quorum for purposes of this paragraph.

2. Eight members shall constitute a quorum for the transaction of all business as may be considered by the Committee, except for the reporting of a bill, resolution, or nomination or authorizing a subpoena. Proxies may not be counted in making a quorum for purposes of this paragraph.

3. For the purpose of taking sworn testimony a quorum of the Committee and each subcommittee thereof, now or hereafter appointed, shall consist of 1 Senator.

III. PROXIES

When a record vote is taken in the Committee on any bill, resolution, amendment, or any other question, the required quorum being present, a member who is unable to attend the meeting may submit his or her vote by proxy, in writing or by telephone, or through personal instructions.

IV. BROADCASTING OF HEARINGS

Public hearings of the full Committee, or any subcommittee thereof, shall be televised or broadcast only when authorized by the Chairman and the ranking minority member of the full Committee.

V. SUBCOMMITTEES

1. Any member of the Committee may sit with any subcommittee during its hearings.

2. Subcommittees shall be considered de novo whenever there is a change in the chairmanship, and seniority on the particular subcommittee shall not necessarily apply.

VI. CONSIDERATION OF BILLS AND RESOLUTIONS

It shall not be in order during a meeting of the Committee to move to proceed to the consideration of any bill or resolution unless the bill or resolution has been filed with the Clerk of the Committee not less than 48 hours in advance of the Committee meeting, in as many copies as the Chairman of the Committee prescribes. This rule may be waived with the concurrence of the Chairman and the ranking minority member of the full Committee.

COMMITTEE ON RULES AND ADMINISTRATION RULES AND PROCEDURE

Mr. SCHUMER. Mr. President, the Committee on Rules and Administration has adopted rules governing its procedures for the 111th Congress. Pursuant to rule XXVI, paragraph 2, of the Standing Rules of the Senate, on behalf of myself and Senator BENNETT, I ask unanimous consent that a copy of the committee rules be printed in the RECORD.

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

RULES OF PROCEDURE

COMMITTEE ON RULES AND ADMINISTRATION, UNITED STATES SENATE

(Adopted: February 11, 2009)

TITLE I—MEETINGS OF THE COMMITTEE

1. The regular meeting dates of the Committee shall be the second and fourth Wednesdays of each month, at 10:00 a.m. in room SR–301, Russell Senate Office Building. Additional meetings of the Committee may be called by the Chairman as he may deem necessary or pursuant to the provision of paragraph 3 of Rule XXVI of the Standing Rules of the Senate.

2. Meetings of the committee, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the committee on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in subparagraphs (A) through (F) would require the meeting to be closed followed immediately by a recorded vote in open session by a majority of the Members of the committee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings:

A. will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

B. will relate solely to matters of the committee staff personnel or internal staff management or procedure;

C. will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

D. will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

E. will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if:

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

F. may divulge matters required to be kept confidential under the provisions of law or Government regulations. (Paragraph 5(b) of rule XXVI of the Standing Rules.)

3. Written notices of committee meetings will normally be sent by the committee's staff director to all Members of the committee at least a week in advance. In addition, the committee staff will telephone or e-mail reminders of committee meetings to all Members of the committee or to the appropriate assistants in their offices.

4. A copy of the committee's intended agenda enumerating separate items of legislative business and committee business will normally be sent to all Members of the committee and released to the public at least 1 day in advance of all meetings. This does not preclude any Member of the committee from discussing appropriate non-agenda topics.

5. After the Chairman and the Ranking Minority Member, speaking order shall be based on order of arrival, alternating between Majority and Minority Members, unless otherwise directed by the Chairman.

6. Any witness who is to appear before the committee in any hearing shall file with the clerk of the committee at least 3 business days before the date of his or her appearance, a written statement of his or her proposed testimony and an executive summary thereof, in such form as the chairman may direct, unless the Chairman and the Ranking Minority Member waive such requirement for good cause.

7. In general, testimony will be restricted to 5 minutes for each witness. The time may be extended by the Chairman, upon the Chair's own direction or at the request of a Member. Each round of questions by Members will also be limited to 5 minutes.

TITLE II—QUORUMS

1. Pursuant to paragraph 7(a)(1) of rule XXVI of the Standing Rules, a majority of the Members of the committee shall constitute a quorum for the reporting of legislative measures.

2. Pursuant to paragraph 7(a)(1) of rule XXVI of the Standing Rules, one-third of the Members of the committee shall constitute a quorum for the transaction of business, including action on amendments to measures prior to voting to report the measure to the Senate.

3. Pursuant to paragraph 7(a)(2) of rule XXVI of the Standing Rules, 2 Members of the committee shall constitute a quorum for the purpose of taking testimony under oath and 1 Member of the committee shall constitute a quorum for the purpose of taking testimony not under oath; provided, however, that in either instance, once a quorum is established, any one Member can continue to take such testimony.

4. Under no circumstances may proxies be considered for the establishment of a quorum.

TITLE III—VOTING

1. Voting in the committee on any issue will normally be by voice vote.

2. If a third of the Members present so demand a roll call vote instead of a voice vote, a record vote will be taken on any question by roll call.

3. The results of roll call votes taken in any meeting upon any measure, or any amendment thereto, shall be stated in the committee report on that measure unless previously announced by the committee, and such report or announcement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment by each Member of the committee. (Paragraph 7(b) and (c) of rule XXVI of the Standing Rules.)

4. Proxy voting shall be allowed on all measures and matters before the committee. However, the vote of the committee to report a measure or matter shall require the concurrence of a majority of the Members of the committee who are physically present at the time of the vote. Proxies will be allowed in such cases solely for the purpose of recording a Member's position on the question and then only in those instances when the absentee committee Member has been informed of the question and has affirmatively requested that he be recorded. (Paragraph 7(a) (3) of rule XXVI of the Standing Rules.)

TITLE IV—AMENDMENTS

1. Provided at least five business days' notice of the agenda is given, and the text of the proposed bill or resolution has been made available at least five business calendar days in advance, it shall not be in order for the Committee to consider any amendment in the first degree proposed to any measure under consideration by the Committee unless such amendment has been delivered to the office of the Committee and circulated via e-mail to each of the offices by at least 5:00 p.m. the day prior to the scheduled start of the meeting.

2. In the event the Chairman introduces a substitute amendment or a Chairman's mark, the requirements set forth in Paragraph 1 of this Title shall be considered waived unless such substitute amendment or Chairman's mark has been made available at least five business days in advance of the scheduled meeting.

3. It shall be in order, without prior notice, for a Member to offer a motion to strike a single section of any bill, resolution, or amendment under consideration.

4. This section of the rule may be waived by agreement of the Chairman and the Ranking Minority Member.

TITLE V—DELEGATION OF AUTHORITY TO COMMITTEE CHAIRMAN

1. The Chairman is authorized to sign himself or by delegation all necessary vouchers and routine papers for which the committee's approval is required and to decide in the committee's behalf all routine business.

2. The Chairman is authorized to engage commercial reporters for the preparation of transcripts of committee meetings and hearings.

3. The Chairman is authorized to issue, in behalf of the committee, regulations normally promulgated by the committee at the beginning of each session.

TITLE VI—DELEGATION OF AUTHORITY TO COMMITTEE CHAIRMAN AND RANKING MINORITY MEMBER

The Chairman and Ranking Minority Member, acting jointly, are authorized to approve on behalf of the committee any rule or regulation for which the committee's approval is required, provided advance notice of their intention to do so is given to Members of the committee.

COMMITTEE ON THE BUDGET RULES OF PROCEDURE

Mr. CONRAD. Mr. President, I ask unanimous consent to have printed in the RECORD a copy of the Committee on the Budget Rules of Procedure.

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

RULES OF THE COMMITTEE ON THE BUDGET

One-Hundred-Eleventh Congress

I. MEETINGS

(1) The committee shall hold its regular meeting on the first Thursday of each month. Additional meetings may be called by the chair as the chair deems necessary to expedite committee business.

(2) Each meeting of the committee, including meetings to conduct hearings, shall be open to the public, except that a portion or portions of any such meeting may be closed

to the public if the committee determines by record vote in open session of a majority of the members of the committee present that the matters to be discussed or the testimony to be taken at such portion or portions—

(a) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(b) will relate solely to matters of the committee staff personnel or internal staff management or procedure;

(c) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(d) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement; or

(e) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(i) an act of Congress requires the information to be kept confidential by Government officers and employees; or

(ii) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person.

(f) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

(3) Notice of, and the agenda for, any business meeting or markup shall be provided to each member and made available to the public at least 48 hours prior to such meeting or markup.

II. QUORUMS AND VOTING

(1) Except as provided in paragraphs (2) and (3) of this section, a quorum for the transaction of committee business shall consist of not less than one-third of the membership of the entire committee: Provided, that proxies shall not be counted in making a quorum.

(2) A majority of the committee shall constitute a quorum for reporting budget resolutions, legislative measures or recommendations: Provided, that proxies shall not be counted in making a quorum.

(3) For the purpose of taking sworn or unsworn testimony, a quorum of the committee shall consist of one Senator. (4)(a) The committee may poll—

(i) internal committee matters including those concerning the committee's staff, records, and budget;

(ii) steps in an investigation, including issuance of subpoenas, applications for immunity orders, and requests for documents from agencies; and

(iii) other committee business that the committee has designated for polling at a meeting, except that the committee may not vote by poll on reporting to the Senate any measure, matter, or recommendation, and may not vote by poll on closing a meeting or hearing to the public.

(b) To conduct a poll, the chair shall circulate polling sheets to each member specifying the matter being polled and the time limit for completion of the poll. If any member requests, the matter shall be held for a meeting rather than being polled. The chief clerk shall keep a record of polls; if the committee determines by record vote in open session of a majority of the members of the committee present that the polled matter is one of those enumerated in rule 1(2)(a)–(e), then the record of the poll shall be confidential. Any member may move at the committee meeting following a poll for a vote on the polled decision.

III. PROXIES

When a record vote is taken in the committee on any bill, resolution, amendment, or any other question, a quorum being present, a member who is unable to attend the meeting may vote by proxy if the absent member has been informed of the matter on which the vote is being recorded and has affirmatively requested to be so recorded; except that no member may vote by proxy during the deliberations on Budget Resolutions.

IV. HEARINGS AND HEARING PROCEDURES

(1) The committee shall make public announcement of the date, place, time, and subject matter of any hearing to be conducted on any measure or matter at least 1 week in advance of such hearing, unless the chair and ranking member determine that there is good cause to begin such hearing at an earlier date.

(2) In the event that the membership of the Senate is equally divided between the two parties, the ranking member is authorized to call witnesses to testify at any hearing in an amount equal to the number called by the chair. The previous sentence shall not apply in the case of a hearing at which the committee intends to call an official of the Federal government as the sole witness.

(3) A witness appearing before the committee shall file a written statement of proposed testimony at least 1 day prior to appearance, unless the requirement is waived by the chair and the ranking member, following their determination that there is good cause for the failure of compliance.

V. COMMITTEE REPORTS

(1) When the committee has ordered a measure or recommendation reported, following final action, the report thereon shall be filed in the Senate at the earliest practicable time.

(2) A member of the committee, who gives notice of an intention to file supplemental, minority, or additional views at the time of final committee approval of a measure or matter, shall be entitled to not less than 3 calendar days in which to file such views, in writing, with the chief clerk of the committee. Such views shall then be included in the committee report and printed in the same volume, as a part thereof, and their inclusions shall be noted on the cover of the report.

In the absence of timely notice, the committee report may be filed and printed immediately without such views.

VI. USE OF DISPLAY MATERIALS IN COMMITTEE

Graphic displays used during any meetings or hearings of the committee are limited to the following:

Charts, photographs, or renderings:

Size: no larger than 36 inches by 48 inches.

Where: on an easel stand next to the member's seat or at the rear of the committee room.

When: only at the time the member is speaking.

Number: no more than two may be displayed at a time.

VII. CONFIRMATION STANDARDS AND PROCEDURES

(1) Standards. In considering a nomination, the committee shall inquire into the nominee's experience, qualifications, suitability, and integrity to serve in the position to which he or she has been nominated. The committee shall recommend confirmation if it finds that the nominee has the necessary integrity and is affirmatively qualified by reason of training, education, or experience to carry out the functions of the office to which he or she was nominated.

(2) Information Concerning the Nominee. Each nominee shall submit the following information to the committee:

(a) A detailed biographical resume which contains information concerning education, employment, and background which generally relates to the position to which the individual is nominated, and which is to be made public;

(b) Information concerning financial and other background of the nominee which is to be made public; provided, that financial information that does not relate to the nominee's qualifications to hold the position to which the individual is nominated, tax returns or reports prepared by federal agencies that may be submitted by the nominee shall, after review by the chair, ranking member, or any other member of the committee upon request, be maintained in a manner to ensure confidentiality; and,

(c) Copies of other relevant documents and responses to questions as the committee may so request, such as responses to questions concerning the policies and programs the nominee intends to pursue upon taking office.

(3) Report on the Nominee. After a review of all information pertinent to the nomination, a confidential report on the nominee may be prepared by the committee staff for the chair, the ranking member and, upon request, for any other member of the committee. The report shall summarize the steps taken and the results of the committee inquiry, including any unresolved matters that have been raised during the course of the inquiry.

(4) Hearings. The committee shall conduct a hearing during which the nominee shall be called to testify under oath on all matters relating to his or her suitability for office, including the policies and programs which he or she would pursue while in that position. No hearing or meeting to consider the confirmation shall be held until at least 72 hours after the following events have occurred: the nominee has responded to the requirements set forth in subsection (2), and, if a report described in subsection (3) has been prepared, it has been presented to the chairman and ranking member, and is available to other members of the committee, upon request.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS RULES OF PROCEDURE

Mrs. BOXER. Mr. President, I ask unanimous consent to have printed in the RECORD a copy of the Committee on Environment and Public Works Rules of Procedure.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Jurisdiction

Rule XXV, Standing Rules of the Senate

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

* * * * *

(h)(1) Committee on Environment and Public Works, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Air pollution.
2. Construction and maintenance of highways.
3. Environmental aspects of Outer Continental Shelf lands.
4. Environmental effects of toxic substances, other than pesticides.
5. Environmental policy.
6. Environmental research and development.
7. Fisheries and wildlife.
8. Flood control and improvements of rivers and harbors, including environmental aspects of deepwater ports.
9. Noise pollution.
10. Nonmilitary environmental regulation and control of nuclear energy.
11. Ocean dumping.
12. Public buildings and improved grounds of the United States generally, including Federal buildings in the District of Columbia.
13. Public works, bridges, and dams.
14. Regional economic development.
15. Solid waste disposal and recycling.
16. Water pollution.
17. Water resources.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to environmental protection and resource utilization and conservation, and report thereon from time to time.

RULES OF PROCEDURE

RULE 1. COMMITTEE MEETINGS IN GENERAL

(a) REGULAR MEETING DAYS: For purposes of complying with paragraph 3 of Senate Rule XXVI, the regular meeting day of the committee is the first and third Thursday of each month at 10:00 a.m. If there is no business before the committee, the regular meeting shall be omitted.

(b) ADDITIONAL MEETINGS: The chair may call additional meetings, after consulting with the ranking minority member. Subcommittee chairs may call meetings, with the concurrence of the chair, after consulting with the ranking minority members of the subcommittee and the committee.

(c) PRESIDING OFFICER:

(1) The chair shall preside at all meetings of the committee. If the chair is not present, the ranking majority member shall preside.

(2) Subcommittee chairs shall preside at all meetings of their subcommittees. If the subcommittee chair is not present, the ranking majority member of the subcommittee shall preside.

(3) Notwithstanding the rule prescribed by paragraphs (1) and (2), any member of the committee may preside at a hearing.

(d) OPEN MEETINGS: Meetings of the committee and subcommittees, including hearings and business meetings, are open to the public. A portion of a meeting may be closed to the public if the committee determines by roll call vote of a majority of the members present that the matters to be discussed or the testimony to be taken—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) relate solely to matters of committee staff personnel or internal staff management or procedure; or

(3) constitute any other grounds for closure under paragraph 5(b) of Senate Rule XXVI.

(e) BROADCASTING:

(1) Public meetings of the committee or a subcommittee may be televised, broadcast, or recorded by a member of the Senate press gallery or an employee of the Senate.

(2) Any member of the Senate Press Gallery or employee of the Senate wishing to televise, broadcast, or record a committee meeting must notify the staff director or the staff director's designee by 5:00 p.m. the day before the meeting.

(3) During public meetings, any person using a camera, microphone, or other electronic equipment may not position or use the equipment in a way that interferes with the seating, vision, or hearing of committee members or staff on the dais, or with the orderly process of the meeting.

RULE 2. QUORUMS

(a) BUSINESS MEETINGS: At committee business meetings, and for the purpose of approving the issuance of a subpoena or approving a committee resolution, one third of the members of the committee, at least two of whom are members of the minority party, constitute a quorum, except as provided in subsection (d).

(b) SUBCOMMITTEE MEETINGS: At subcommittee business meetings, a majority of the subcommittee members, at least one of whom is a member of the minority party, constitutes a quorum for conducting business.

(c) CONTINUING QUORUM: Once a quorum as prescribed in subsections (a) and (b) has been established, the committee or subcommittee may continue to conduct business.

(d) REPORTING: No measure or matter may be reported to the Senate by the committee unless a majority of committee members cast votes in person.

(e) HEARINGS: One member constitutes a quorum for conducting a hearing.

RULE 3. HEARINGS

(a) ANNOUNCEMENTS: Before the committee or a subcommittee holds a hearing, the chair of the committee or subcommittee shall make a public announcement and provide notice to members of the date, place, time, and subject matter of the hearing. The announcement and notice shall be issued at least one week in advance of the hearing, unless the chair of the committee or subcommittee, with the concurrence of the ranking minority member of the committee or subcommittee, determines that there is good cause to provide a shorter period, in which event the announcement and notice shall be issued at least twenty-four hours in advance of the hearing.

(b) STATEMENTS OF WITNESSES:

(1) A witness who is scheduled to testify at a hearing of the committee or a subcommittee shall file 100 copies of the written testimony at least 48 hours before the hearing. If a witness fails to comply with this requirement, the presiding officer may preclude the witness' testimony. This rule may be waived for field hearings, except for witnesses from the Federal Government.

(2) Any witness planning to use at a hearing any exhibit such as a chart, graph, diagram, photo, map, slide, or model must submit one identical copy of the exhibit (or representation of the exhibit in the case of a model) and 100 copies reduced to letter or legal paper size at least 48 hours before the hearing. Any exhibit described above that is not provided to the committee at least 48 hours prior to the hearing cannot be used for purpose of presenting testimony to the committee and will not be included in the hearing record.

(3) The presiding officer at a hearing may have a witness confine the oral presentation to a summary of the written testimony.

(4) Notwithstanding a request that a document be embargoed, any document that is to be discussed at a hearing, including, but not limited to, those produced by the General Accounting Office, Congressional Budget Office, Congressional Research Service, a Federal agency, an Inspector General, or a nongovernmental entity, shall be provided to all members of the committee at least 72 hours before the hearing.

RULE 4. BUSINESS MEETINGS: NOTICE AND FILING REQUIREMENTS

(a) NOTICE: The chair of the committee or the subcommittee shall provide notice, the agenda of business to be discussed, and the text of agenda items to members of the committee or subcommittee at least 72 hours before a business meeting. If the 72 hours falls over a weekend, all materials will be provided by close of business on Friday.

(b) AMENDMENTS: First-degree amendments must be filed with the chair of the committee or the subcommittee at least 24 hours before a business meeting. After the filing deadline, the chair shall promptly distribute all filed amendments to the members of the committee or subcommittee.

(c) MODIFICATIONS: The chair of the committee or the subcommittee may modify the notice and filing requirements to meet special circumstances, with the concurrence of the ranking member of the committee or subcommittee.

RULE 5. BUSINESS MEETINGS: VOTING

(a) PROXY VOTING:

(1) Proxy voting is allowed on all measures, amendments, resolutions, or other matters before the committee or a subcommittee.

(2) A member who is unable to attend a business meeting may submit a proxy vote on any matter, in writing, orally, or through personal instructions.

(3) A proxy given in writing is valid until revoked. A proxy given orally or by personal instructions is valid only on the day given.

(b) SUBSEQUENT VOTING: Members who were not present at a business meeting and were unable to cast their votes by proxy may record their votes later, so long as they do so that same business day and their vote does not change the outcome.

(c) PUBLIC ANNOUCEMENT:

(1) Whenever the committee conducts a rollcall vote, the chair shall announce the results of the vote, including a tabulation of the votes cast in favor and the votes cast against the proposition by each member of the committee.

(2) Whenever the committee reports any measure or matter by rollcall vote, the report shall include a tabulation of the votes cast in favor of and the votes cast in opposition to the measure or matter by each member of the committee.

RULE 6. SUBCOMMITTEES

(a) REGULARLY ESTABLISHED SUBCOMMITTEES: The committee has seven subcommittees: Transportation and Infrastructure; Clean Air and Nuclear Safety; Superfund, Toxics and Environmental Health; Water and Wildlife; Green Jobs and the New Economy; Children's Health; and Oversight.

(b) MEMBERSHIP: The committee chair, after consulting with the ranking minority member, shall select members of the subcommittees.

RULE 7. STATUTORY RESPONSIBILITIES AND OTHER MATTERS

(a) ENVIRONMENTAL IMPACT STATEMENTS: No project or legislation proposed by any executive branch agency may be approved or otherwise acted upon unless the committee has received a final environmental impact statement relative to it, in accordance with section 102(2)(C) of the National Environmental Policy Act, and the written comments of the Administrator of the Environmental Protection Agency, in accordance with section 309 of the Clean Air Act. This rule is not intended to broaden, narrow, or otherwise modify the class of projects or legislative proposals for which environmental impact statements are required under section 102(2)(C).

(b) PROJECT APPROVALS:

(1) Whenever the committee authorizes a project under Public Law 89–298, the Rivers and Harbors Act of 1965; Public Law 83–566, the Watershed Protection and Flood Prevention Act; or Public Law 86–249, the Public Buildings Act of 1959, as amended; the chairman shall submit for printing in the Congressional Record, and the committee shall publish periodically as a committee print, a report that describes the project and the reasons for its approval, together with any dissenting or individual views.

(2) Proponents of a committee resolution shall submit appropriate evidence in favor of the resolution.

(c) BUILDING PROSPECTUSES:

(1) When the General Services Administration submits a prospectus, pursuant to section 7(a) of the Public Buildings Act of 1959, as amended, for construction (including construction of buildings for lease by the government), alteration and repair, or acquisition, the committee shall act with respect to the prospectus during the same session in which the prospectus is submitted.

A prospectus rejected by majority vote of the committee or not reported to the Senate during the session in which it was submitted shall be returned to the General Services Administration and must then be resubmitted in order to be considered by the committee during the next session of the Congress.

(2) A report of a building project survey submitted by the General Services Administration to the committee under section 11(b) of the Public Buildings Act of 1959, as amended, may not be considered by the committee as being a prospectus subject to approval by committee resolution in accordance with section 7(a) of that Act. A project described in the report may be considered for committee action only if it is submitted as a prospectus in accordance with section 7(a) and is subject to the provisions of paragraph (1) of this rule.

(d) NAMING PUBLIC FACILITIES: The committee may not name a building, structure or facility for any living person, except former Presidents or former Vice Presidents of the United States, former Members of Congress over 70 years of age, former Justices of the United States Supreme Court over 70 years of age, or Federal judges who are fully retired and over 75 years of age or have taken senior status and are over 75 years of age.

RULE 8. AMENDING THE RULES

The rules may be added to, modified, amended, or suspended by vote of a majority of committee members at a business meeting if a quorum is present.

75TH ANNIVERSARY OF THE EXPORT IMPORT BANK

Mr. DODD. Mr. President, I rise today to mark the 75th anniversary of the Export-Import Bank of the United States, this country's official export credit agency. Its mandate is to create and support jobs here in the United States by financing U.S. exports that might otherwise be lost because private sector financing is unavailable or to meet the competition of foreign governments' export credit agencies that are supporting their exporters to secure the deal. Obviously, the work of Ex-Im Bank is especially relevant in difficult economic times such as we are currently experiencing, because U.S. exports equal U.S. jobs.

The Export-Import Bank falls under the jurisdiction of the Senate Banking, Housing, and Urban Affairs Committee, and I am aware of the many positive effects it has had for U.S. manufacturers. In the past 5 years, it has helped at least 75 companies in 43 communities in Connecticut finance over $700 million in exports. These export sales create and sustain high-paying manufacturing and other jobs related to exports.

Ex-Im Bank is also accustomed to stepping in when times are hard. It was founded on February 12, 1934, in order to help facilitate exports during the Great Depression. Since then, it has supported over $400 billion in U.S. exports that would not have gone forward without it—exports that support U.S. jobs.

Just after World War II, Ex-Im Bank became a precursor of the Marshall Plan, authorizing over $2 billion for the reconstruction of Europe. In more recent times, Ex-Im Bank has stepped in to assist U.S. exporters during the Mexican debt crisis of the 1980s and the Asian debt crisis of the 1990s.

Don't confuse this with foreign aid. Ex-Im Bank charges for its services and is self-financing, and is therefore not a drain on U.S. taxpayers. Ex-Im Bank makes credit judgments on the basis of reasonable assurance of repayment, and has a historical default rate under 2 percent. Over 80 percent of Ex-Im Bank's transactions directly benefit small businesses, which are the most effective generators of jobs in our economy.

Over the past 75 years, Ex-Im Bank has responded in difficult times to the problems of U.S. exporters. In this time of economic hardship, we need government institutions like the Ex-Im Bank to provide strong leadership in responding effectively and efficiently to the challenges facing U.S. exporters, large and small.

I am happy to join with leaders from across the political spectrum in wishing the Export-Import Bank of the United States well on its 75th anniversary.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

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

Thank you for asking for the opinions from residents of the great state of Idaho. Clearly only one answer for this . . . do something now! We all know that it will take a couple of years to implement; however, we must remember this is for the long term. I believe that nuclear and hydroelectric is the way of the future, and the cleanest approach.

My husband and I are long-haul truckers, and pay over $1,400 per day to fuel. Yes, there are other countries that pay more, but we have not prepared ourselves for ''mass transit'' in the United States, and we are also, in my opinion, very spoiled with our cars.

Most Americans do not stop to realize what impact all of this madness will have on them. It is not just ''fuel costs'' at the gas pump; it is the big picture of the fuel costs. I have seen all the corn fields in Iowa and Midwest that have been bought out by foreigners. Our country is literally vanishing before our eyes, and ''fuel'' does not even touch the surface of our internal problems.

Let us stop selling off America and do for ourselves, quick. We could be a self-sufficient country, and get back some of our power that we have so easily sold off.

Thank you for your considerations.

DIANNE, *Boise Valley*.

We are in our early 70s retired and on a fixed income. We now plan every trip to town (16 Miles one way) to do senior things and shop. Our costs are going up on every area: food, medications (Plan D ran out this month June; paying 100 percent now for the rest of the year). We have had to pull money out of savings every year since retirement. Gas and diesel is a joke and you people in Washington, DC are out of touch with reality. Open up our reserve and kill the profit takers. Open up by Federal Law our Drilling and harvesting our own oil products while working on other alternative fuel sources. We citizens know what is happening; why do not you? Stop being lawyers and start being citizens and do what is right for the USA.

The environmentalists are OK along with the civil liberty union folks but once in a while you have to make decisions they are not going to be happy about for the good of the country. You should all now know corn to fuel is not the answer.—We need to build refineries back here in our own country along with our manufacturing jobs. Do something right and open up our own reserves and give us citizens a chance to enjoy our retirement after 60 years of work. Thank you for reading my letter.

MARVIN and GLORIA, *New Meadows*.

Please do not support off-shore drilling and exploration for additional domestic oil. Sure, Idaho is a big state and we have to drive from here to there, but finding us more domestic oil is not the solution. Even if we starting domestic oil exploration today, I understand we would not be producing that oil for many more years, and that would not solve our immediate self-induced crisis today.

Conservation is not a ''personal virtue''—conservation is key to reducing our oil consumption, and Idahoans have a long history of conserving when it is necessary. Unfortunately, we got lulled into a false sense of security and prosperity by cheap oil prices for many years, and thought we could drive our

SUVs inexpensively forever. We chose to ignore the warnings that we would eventually run out of cheap oil.

And, nuclear energy is not the alternative, not if the nuclear waste is going to continue to be stored in Idaho.

Better use of funding: mass transit (even in Idaho) and renewable energy sources, not domestic oil exploration.

BECKI, *Hailey*.

I am retired (66 years old) and live with my wife. We have carefully budgeted our retirement for a home, cars and a dog. We find ourselves keeping our air conditioner off until it is unbearable. We do not travel because of the high gas prices and our children cannot afford to come see us. We keep the lights off and use a couple of fans during the day. Food prices are up forcing us to use some of our food storage and rotation. We pay twice as much for food then we did last year and electricity and gas are prohibited and there is no leveling off in sight. House market is down and we cannot even sell our house if we are forced to. It appears the government wants to force greater taxes on Social Security without factoring in that we paid into for many years and a decrease of Social Security and other high costs will cause us buying less food, gas, and electricity use. We need some relief and quick decisions on solving these problems now. I am for drilling, building new refiners, obtaining other sources energy with protection of wildlife. We can do it.

JAMES, *Eagle*.

Thank you for the opportunity to sound off my concerns regarding the rising oil prices. The rising cost of gasoline affects my family not only with the higher cost to fill our van but prevents us from spending our dollars in ways that we would prefer: family trips, clothing and shoes, an occasional TV update. This is the first year in our 11-year marriage that my husband and I have been able to enroll our children (we have 4) into extracurricular programs (karate and swimming lessons) and we will now need to cancel one or both due to the higher cost of driving to and from work. Food costs have skyrocketed, making it difficult to feed our family in a healthy way. It surprises me to see that the less healthy foods are less expensive than healthy options like fresh vegetables and fruit. Hamburger with a higher fat content is much cheaper than a more healthy option. Like all families, we make accommodations—we buy much less snack foods, sodas and breads to allow us to purchase basics such as chicken, hamburger, some vegetables and a few fruits. There are no evening or weekend excursions to the movies, Boondocks Entertainment Center or the water park. We will be unable to travel around Idaho this year to show the kids how wonderful their state is. Our heating bill this coming winter is something I am afraid to think of.

Many families that we know have lost jobs from Micron cuts and now Albertson's cuts putting their very families into jeopardy for homelessness and hunger, let alone higher gas prices. With higher prices in everything and wages not increasing to accommodate the rise, crime is also on the rise and police departments are facing even higher costs than we are because they are unable to do their jobs properly which will reflect in a very negative way despite the fact that it is not their fault. The elderly and people with disabilities are affected by higher gas prices in the same ways as the rest but additionally with higher taxi fares and reduced bus routes preventing them from getting to medical appointments, Social Security Administration appointments and other appointments or events critical to their well-being.

Solutions that we can think of: We believe in the nuclear options and hydrogen powered cars. We believe in increasing the use of solar power and wind power—especially in Idaho. These need to be priorities in Washington. Our dependence on oil hurts the USA in many ways other than basic dollars—such as our very credibility. It would also be prudent of our Congressmen to encourage their state counterparts to encourage and develop public transportation options, especially in rural areas. It is an expense that would eventually pay off.

Thank you for your time.

GINNY, *Boise*.

What can we do about the rising cost of fuel in this country? Once the economic power country of the world is now in a very sad situation. Opec is dictating what we pay for oil and we are standing still letting it happen. Some of the politicians are suggesting tax the oil companies on the huge profits. Really who would wind up paying for that tax? The consumer that is who.

Here are some suggestions, which I am sure you have heard:

1. Start using our reserves now and begin using pumps that are standing idle. We have the oil in reserve to cut off importing Opec country oil and put the squeeze on them.

2. Begin drilling ANWR and forget about the environmentalists crying about it. They will soon realize we have to do this before it is too late. At the same time stop exporting oil we now drill in Alaska and use it here at home.

3. Give the big oil companies incentives to build new refineries in the form of tax credits etc. Maybe if we use our oil and they build new refineries the supply would increase. I have a hard time dealing with the saying ''supply and demand.'' Why should we be paying nearly the minimum wage for a gallon of gasoline. Why should people have to worry about buying fuel or food. This is The United States of America, and it is time our reputation of being the economic leader of the world return to us.

I have a small business and the cost of having products shipped to me is eating away at my profit margin. I cannot continue to have to raise my prices and get sales in my type of business.

I am sure a person of your level does not even have to worry about what you spend on food and fuel but the majority of this country does and we cannot sit still and wonder when this is going to end. It is up to our elected leaders to step up and do something about it now. The American dream is not the American nightmare. Mr. Craig has been on the news and had some good ideas. All of you in Washington need to band together as one and do something to fix the situation. When 9/11 happened Republicans and Democrats united together as one and again it is time that you do that.

TERRY.

You asked how high fuel prices have affected our lives.

1. I am a sales rep and travel S. Idaho & E. Oregon. Since April 15th I have driven 13,000 miles. I am sure that I have spent over $600.00 since then on gas. I knew that I could no longer afford my Toyota Sequoia. So I downsized to a Honda Accord. I now get 27 MPG's. I have had to make a tough decision. I now have to ask my customers if they will be spending over $2,000. Otherwise I can no longer afford to make the trip. What I would be making off the sale would basically be going back into gas making me nothing. It is not fair to my customers. They no longer get the personalized customer service they deserve. The company I work for does not reimburse us for fuel, food, and hotel. My customers have also had an increase in shipping costs.

2. My husband switched jobs. He was driving 60 miles round trip 5 days a week. The cost to fill up his diesel truck is over $100.00 now (it used to cost $60.00 2 years ago). He now works closer to home being able to make the tank last 2–3 days longer now.

3. I now run errands once a week. I conserve gas by making one trip into town. I could halfway understand the high cost of fuel if the gas companies (Chevron, Texaco, etc.) were posting huge losses in their profits. But they are not. They are posting some of the largest profits in history.

Everyone is feeling the pinch. Something must be done and fast. Thanks for your time.

Cheerfully,

ALYSON.

I firmly believe that our answers will not be found simply by extending our addiction to oil. Saying that drilling in the Alaskan wilderness or off the coast of Florida will fix our problem is akin to saying that the cure for an alcoholic is to go to a bar with a larger selection of drinks. We, as a nation, must eliminate our need for the limited resource that is oil.

We have spent, by conservative estimates, over $550 billion on the Iraq war during the last five years. By ending the war and spending even ¼ of that amount solely on alternative, renewable energy resources, we would be off of oil in a decade and the Mideast would no longer mean anything of consequence to us except as a coalition of countries to which we could sell food and goods.

President Kennedy made up his mind to lead us to the moon in a decade, and he made it our national goal. We succeeded in that national goal. It is now your turn, Senator Crapo, to lead us toward our new national goal. Clean renewable energy that will forever take us out of the shackles in which limited oil has us bound. Imagine how this goal affects us by taking us out of war during the next ten years. Boosting our economy by injecting money into ground breaking research and industry. Helping to balance our budget by eliminating the need for at least another $550 billion of war funding and directing the remaining dollars to technology that builds our country. It would help level the trade imbalance by reducing our imports of foreign oil and increasing our exports of food, technology, energy, etc. Our economy is built up, the dollar is strengthened and our independence is safeguarded while we maintain our role as a world leading nation.

Thank you for the opportunity to be heard,

BRIAN, *Twin Falls*.

P.S. I also believe that nuclear energy is not the answer as it sacrifices the long-term future for a short-term gain. Leaving the nuclear waste problem to our children and grandchildren is simply the wrong thing to do. We are greater than that. Be part of the long term answer, Senator Crapo; do not be a hostage to re-election politics. Be great, do the right thing and let history show that you held future generations in the highest regard and laid the foundation for the enormous success those generations will create.

I currently pay about $9.25 a day to get to and from work. That is nearly double what I paid this time last year. I have not had a pay raise in about two years. Its only obvious that gas and food prices are causing a strain on our way of life in the current economy. Its like I am making less now than I was before.

I believe our main focus should be to recover the valuation of the dollar on the international market. At the time of this

email, the dollar is at 73.544. Oil prices have gone straight up because the value of the dollar is way down from its typical 100.000 mark. Drilling for more oil would certainly help our economy in the short run, but without the focus being on the valuation of the dollar, we are just applying band-aids. I believe that America should apply working solutions that reinvigorate American pride. Businesses need tax breaks to survive the current shaky economy. Businesses that deal strictly with products made in the USA should be rewarded quite a bit more beyond generalized tax breaks. The rebuilding of our economy needs to focus on the true roots of our economic engine.

BOB.

First off, I want to thank you for taking the time to listen to the average American on how high energy prices are affecting our daily lives.

My husband and I are getting close to retirement age. My husband is in his 60s, Viet Nam vet and very proud of the fact he was able to serve his county. I am 56. We live in a small rural community, surround by farm ground, population 600. Both my husband and I commute to work—I have about 25 miles, he has about 17. I understand that it is our choice to live ''out in the country,'' but the choice was made to start up a business in our little town; my husband opened up a small engine repair shop. Things were clicking along great for a few years. We weren't setting the world on fire, but life was good, until the economy took a downward turn. We had to close our shop and my husband went back to into the workforce resulting in the commute.

I would say we have an average income, the two of us bringing in approx $50,000. We do not own a lot of fancy things, do not drive fancy cars, and we are just average down home folks. As the price of fuel begins to climb, I see the extra we set aside for our ''retirement'' dwindle, it now fills the gas tank so we can go to work to pay the bills to put gas in the gas tank. The circle continues with no end. I worry about the ''golden'' years; will there be enough for us to actually retire and when we do retire will there be enough money to live on and enjoy a few things in life that we worked so long and hard for. Such as travel, that now does not seem to be in our future. We will not be able to afford it. I worry about my children and their children, and their future, will they be able to afford food, medical and fuel for their cars.

In our community, the rumbling at the local coffee shop is the talk of the high energy cost, how it is starting to affect all aspects of our lives, the farmers are struggling, many are selling out because they just cannot make it. We must make a change in our country to continue to be the greatest, strongest, self supporting, independent county we once were.

For you in Congress, I urge you not to forget the everyday people, there has to be way to work though this crisis. We support off shore drilling, increase domestic oil production, build refineries, study alternative fuel such as wind energy and lastly tax credits on renewable energy. Environmentalists have a place in our world, but the extremes they have taken have tied our hands at making the USA self supportive as we can and should be. Please urge your fellow Senators to work for and with you on this much-needed cause.

Again, thank you for your continued support for Idahoans.

GAIL, *Melba*.

I hear cries for drilling. We should be hearing a challenge from a President. Do you remember when John F. Kennedy issued the following challenge ''within the decade we will put a man on the moon''? Well—I was hoping that President Bush would have cemented his name in history with a similar challenge—something like ''I challenge the Nation to effectively become energy self-sufficient and efficient inside of the decade'' but no—we just continue to hear—we need oil.

I personally say—get off of foreign oil now. The technology the world is benefiting from came from JFK's challenge and think of all of the new technology if a President were to stand up and issue a challenge in the current era. Thanks for listening.

JOE, *Nampa*.

ADDITIONAL STATEMENTS

TRIBUTE TO ERIC BOE

• Mr. CHAMBLISS. Mr. President, today I recognize an exceptional Georgian, COL Eric Boe. Eric grew up in Atlanta and graduated from Henderson High School in Chamblee in 1983. A distinguished graduate with honors from the U.S. Air Force Academy, Eric earned his bachelor of science in astronautical engineering and subsequently a masters of science in electrical engineering from Georgia Institute of Technology.

Eric has served his country with distinction. He has been an F–4E pilot, a T–38 instructor pilot, F–15C flight commander, and a test pilot for the F–15 and UH–1N, logging over 4,000 flight hours in 45 different aircraft. Additionally, Eric flew 55 combat missions over Iraq in support of Operation Southern Watch.

In 2008, Eric was selected by NASA as a pilot and served in the Astronaut Office Advanced Vehicles Branch, Station Operations Branch, and Space Shuttle Branch as well as the Exploration Branch. In 2005–2006, Eric served as NASA Director of Operations at the Gagarin Cosmonaut Training Center in Star City, Russia.

On November 14, 2008, Eric made his first trip to space serving as the pilot on STS–126 Endeavour. The Endeavour launched from NASA's Kennedy Space Center with no delays or issues and docked with the International Space Station on November 16, 2008. The successful 16-day mission, which completed 250 orbits of Earth covering over 6 million miles, expanded the living quarters of the international space station and included four space walks by members of the Endeavour crew.

Eric has been recognized with numerous awards and honors. Serving as a Cadet in the Georgia Wing of the Civil Air Patrol, Eric earned the Spaatz Award, the highest award given to Civil Air Patrol cadets. Further, Eric has received various military decorations such as two Meritorious Service Medals, two Air Medals, five Aerial Achievement Medals, the three Air Force Achievement Medals, and the Air Force Commendation Medals, three Outstanding Unit Awards, and the Combat Readiness Medal.

I want to acknowledge the achievements of the entire STS–126 Endeavour crew and congratulate them on their successful mission. As a fellow Georgian, I want to especially thank Eric for his outstanding service to our nation as a combat pilot and astronaut. His love of country and dedication are an inspiration, and he is a role model and an example of leadership of which we can all be proud.•

MESSAGE FROM THE HOUSE

At 1:28 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 448. An act to protect seniors in the United States from elder abuse by establishing specialized elder abuse prosecution and research programs and activities to aid victims of elder abuse, to provide training to prosecutors and other law enforcement related to elder abuse prevention and protection, to establish programs that provide for emergency crisis response teams to combat elder abuse, and for other purposes.

H.R. 469. An act to encourage research, development, and demonstration of technologies to facilitate the utilization of water produced in connection with the development of domestic energy resources, and for other purposes.

H.R. 554. An act to authorize activities for support of nanotechnology research and development, and for other purposes.

H.R. 631. An act to increase research, development, education, and technology transfer activities related to water use efficiency and conservation technologies and practices at the Environmental Protection Agency.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 448. An act to protect seniors in the United States from elder abuse by establishing specialized elder abuse prosecution and research programs and activities to aid victims of elder abuse, to provide training to prosecutors and other law enforcement related to elder abuse prevention and protection, to establish programs that provide for emergency crisis response teams to combat elder abuse, and for other purposes; to the Committee on the Judiciary.

H.R. 469. An act to encourage research, development, and demonstration of technologies to facilitate the utilization of water produced in connection with the development of domestic energy resources, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 554. An act to authorize activities for support of nanotechnology research and development, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 631. An act to increase research, development, education, and technology transfer activities related to water use efficiency and conservation technologies and practices at the Environmental Protection Agency; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. Res. 39. An original resolution authorizing expenditures by the Committee on the Judiciary.

By Mr. CONRAD, from the Committee on the Budget, without amendment:

S. Res. 41. An original resolution authorizing expenditures by the Committee on the Budget.

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

S. Res. 42. An original resolution authorizing expenditures by the Committee on Environment and Public Works.

By Mr. DODD, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. Res. 43. An original resolution authorizing expenditures by the Committee on Banking, Housing, and Urban Affairs.

By Mr. LEVIN, from the Committee on Armed Services, without amendment:

S. Res. 44. An original resolution authorizing expenditures by the Committee on Armed Services.

By Mr. KOHL, from the Special Committee on Aging, without amendment:

S. Res. 45. An original resolution authorizing expenditures by the Special Committee on Aging.

By Mr. SCHUMER, from the Committee on Rules and Administration, without amendment:

S. Res. 46. An original resolution authorizing expenditures by the Committee on Rules and Administration.

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, without amendment:

S. Res. 47. A resolution authorizing expenditures by the Committee on Commerce, Science, and Transportation.

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 160. A bill to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LEVIN:

S. 419. A bill for the relief of Luay Lufti Hadad; to the Committee on the Judiciary.

By Mr. LEVIN:

S. 420. A bill for the relief of Josephina Valera Lopez; to the Committee on the Judiciary.

By Mr. SPECTER:

S. 421. A bill to impose a temporary moratorium on the phase out of the Medicare hospice budget neutrality adjustment factor; to the Committee on Finance.

By Ms. STABENOW (for herself, Ms. MURKOWSKI, Mrs. FEINSTEIN, Ms. COLLINS, Mrs. LINCOLN, Mr. CHAMBLISS, Ms. MIKULSKI, Mr. COCHRAN, Ms. LANDRIEU, Mrs. BOXER, Mrs. SHAHEEN, Mr. CARDIN, Mr. KERRY, Mr. WHITEHOUSE, Mr. AKAKA, Mr. SANDERS, Mr. INOUYE, Mr. BEGICH, Mr. CASEY, Mr. MENENDEZ, Mr. BAYH, Mr. CARPER, Mr. WYDEN, and Mr. CONRAD):

S. 422. A bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diesases in women; to the Committee on Health, Education, Labor, and Pensions.

By Mr. AKAKA (for himself, Ms. SNOWE, Mr. JOHNSON, Mr. ROCKEFELLER, Mr. SANDERS, Mr. TESTER, Mr. BEGICH, Mr. BINGAMAN, Mrs. BOXER, Mr. FEINGOLD, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. MENENDEZ, Ms. MURKOWSKI, Ms. STABENOW, Mr. THUNE, Mr. VITTER, Mr. SCHUMER, and Mr. BURR):

S. 423. A bill to amend title 38, United States Code, to authorize advance appropriations for certain medical care accounts of the Department of Veterans Affairs by providing two-fiscal year budget authority, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. LEAHY (for himself, Mr. FEINGOLD, Mr. SCHUMER, Mr. CARDIN, Mr. WHITEHOUSE, Mr. WYDEN, Mr. KERRY, Mr. BROWN, Mr. MENENDEZ, Mrs. MURRAY, Mr. DODD, Mr. AKAKA, Mr. LAUTENBERG, Mr. INOUYE, and Mrs. BOXER):

S. 424. A bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships; to the Committee on the Judiciary.

By Mr. BROWN:

S. 425. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for the establishment of a traceability system for food, to amend the Federal Meat Inspection Act, the Poultry Products Inspections Act, the Egg Products Inspection Act, and the Federal Food, Drug, and Cosmetic Act to provide for improved public health and food safety through enhanced enforcement, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BENNETT:

S. 426. A bill to amend title II of the Social Security Act to provide for progressive indexing and longevity indexing of Social Security old-age insurance benefits for newly retired and aged surviving spouses to ensure the future solvency of the Social Security program, and for other purposes; to the Committee on Finance.

By Mrs. LINCOLN (for herself, Ms. SNOWE, and Mr. JOHNSON):

S. 427. A bill to amend title XVI of the Social Security Act to clarify that the value of certain funeral and burial arrangements are not to be considered available resources under the supplemental security income program; to the Committee on Finance.

By Mr. DORGAN (for himself, Mr. ENZI, Mr. LUGAR, and Mr. DODD):

S. 428. A bill to allow travel between the United States and Cuba; to the Committee on Foreign Relations.

By Mr. CASEY (for himself and Mr. GRASSLEY):

S. 429. A bill to ensure the safety of imported food products for the citizens of the United States, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. INHOFE:

S. 430. A bill to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; to the Committee on Environment and Public Works.

By Mr. WHITEHOUSE:

S. 431. A bill to establish the Temporary Economic Recovery Adjustment Panel to curb excessive executive compensation at firms receiving emergency economic assistance; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BINGAMAN (for himself and Mr. MCCAIN):

S. 432. A bill to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to honor the legacy of Stewart L. Udall, and for other purposes; to the Committee on Environment and Public Works.

By Mr. UDALL of New Mexico (for himself and Mr. UDALL of Colorado):

S. 433. A bill to amend the Public Utility Regulatory Policies Act of 1978 to establish a renewable electricity standard, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. INHOFE:

S.J. Res. 10. A joint resolution supporting a base Defense Budget that at the very minimum matches 4 percent of gross domestic product; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DURBIN (for himself, Mr. BAYH, Mr. BUNNING, Mr. BURRIS, Mr. LUGAR, and Mr. MCCONNELL):

S. Res. 38. A resolution commemorating the life and legacy of President Abraham Lincoln on the bicentennial of his birth; considered and agreed to.

By Mr. LEAHY:

S. Res. 39. An original resolution authorizing expenditures by the Committee on the Judiciary; from the Committee on the Judiciary; to the Committee on Rules and Administration.

By Mr. LAUTENBERG (for himself, Ms. COLLINS, Mr. KAUFMAN, Mr. SANDERS, Mr. MENENDEZ, and Mr. LEVIN):

S. Res. 40. A resolution designating September 2009 as ''Campus Fire Safety Month''; to the Committee on the Judiciary.

By Mr. CONRAD:

S. Res. 41. An original resolution authorizing expenditures by the Committee on the Budget; from the Committee on the Budget; to the Committee on Rules and Administration.

By Mrs. BOXER:

S. Res. 42. An original resolution authorizing expenditures by the Committee on Environment and Public Works; from the Committee on Environment and Public Works; to the Committee on Rules and Administration .

By Mr. DODD:

S. Res. 43. An original resolution authorizing expenditures by the Committee on Banking, Housing, and Urban Affairs; from the Committee on Banking, Housing, and Urban Affairs; to the Committee on Rules and Administration.

By Mr. LEVIN:

S. Res. 44. An original resolution authorizing expenditures by the Committee on Armed Services; from the Committee on Armed Services; to the Committee on Rules and Administration.

By Mr. KOHL:

S. Res. 45. An original resolution authorizing expenditures by the Special Committee on Aging; from the Special Committee on Aging; to the Committee on Rules and Administration.

By Mr. SCHUMER:

S. Res. 46. An original resolution authorizing expenditures by the Committee on

Rules and Administration; from the Committee on Rules and Administration; placed on the calendar.

By Mr. ROCKEFELLER:

S. Res. 47. A resolution authorizing expenditures by the Committee on Commerce, Science, and Transportation; from the Committee on Commerce, Science, and Transportation; to the Committee on Rules and Administration.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. Res. 48. A resolution honoring the sesquicentennial of Oregon statehood; considered and agreed to.

ADDITIONAL COSPONSORS

S. 61

At the request of Mr. DURBIN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 61, a bill to amend title 11 of the United States Code with respect to modification of certain mortgages on principal residences, and for other purposes.

S. 252

At the request of Mr. AKAKA, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 252, a bill to amend title 38, United States Code, to enhance the capacity of the Department of Veterans Affairs to recruit and retain nurses and other critical health-care professionals, to improve the provision of health care veterans, and for other purposes.

S. 354

At the request of Mr. WEBB, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 354, a bill to provide that 4 of the 12 weeks of parental leave made available to a Federal employee shall be paid leave, and for other purposes.

S. 371

At the request of Mr. THUNE, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 371, a bill to amend chapter 44 of title 18, United States Code, to allow citizens who have concealed carry permits from the State in which they reside to carry concealed firearms in another State that grants concealed carry permits, if the individual complies with the laws of the State.

S. 394

At the request of Mr. SCHUMER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 394, a bill to amend the Internal Revenue Code of 1986 to provide the same capital gains treatment for art and collectibles as for other investment property and to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literacy, musical, artistic, or scholarly compositions created by the donor.

S. 416

At the request of Mrs. FEINSTEIN, the names of the Senator from Washington (Ms. CANTWELL), the Senator from Maine (Ms. SNOWE) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 416, a bill to limit the use of cluster munitions.

S. 417

At the request of Mr. LEAHY, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 417, a bill to enact a safe, fair, and responsible state secrets privilege Act.

S. CON. RES. 3

At the request of Mr. DODD, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. Con. Res. 3, a concurrent resolution honoring and praising the National Association for the Advancement of Colored People on the occasion of its 100th anniversary.

S. RES. 20

At the request of Mr. VOINOVICH, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. Res. 20, a resolution celebrating the 60th anniversary of the North Atlantic Treaty Organization.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER:

S. 421. A bill to impose a temporary moratorium on the phase out of the Medicare hospice budget neutrality adjustment factor; to the Committee on Finance.

Mr. SPECTER. Mr. President, I have sought recognition today to introduce the Medicare Hospice Protection Act, which will place a one-year moratorium on a final rule issued by the Centers for Medicare and Medicaid Services, CMS, reducing payments to hospice providers and ensure Medicare beneficiaries' access to hospice care.

More than 1.3 million Americans depend on hospice for high quality and compassionate end-of-life care each year. Unfortunately, on October 1, 2008, CMS issued a final rule to reduce hospice reimbursement rates in Medicare. This reduction of the hospice wage index will take $2.1 billion out of hospice care for Medicare beneficiaries over the next 5 years.

The Medicare Payment Advisory Commission, MedPAC, is currently examining the payment system for hospice care. We must allow MedPAC to complete this important review of the hospice Medicare benefit and make payment recommendations, which is expected in 2009. The Hospice Protection Act, introduced by myself and Senators HARKIN, WYDEN, ROBERTS, and ROCKEFELLER, will maintain access to hospice care for seniors.

Hospice is an efficient and cost-effective health care model. Hospice provides individuals at the end of their lives, as well as their families, with comfort and compassion when they are needed most. Hospice care enables a person to retain his or her dignity and maintain quality of life during the end of life. An independent Duke University study in 2007 showed that patients receiving hospice care cost the Medicare program about $2,300 less than those who did not, resulting in an annual savings of more than $2 billion.

In April 28, 2008, just before the Notice of Proposed Rule Making was released, a bipartisan group of more than 40 Senators wrote to Secretary Leavitt and asked him to stop further action and wait for MedPAC recommendations on hospice payment issues. On July 28, 2008, before the final rule was released, Senators HARKIN, WYDEN, ROBERTS and I wrote to White House Chief of Staff Joshua Bolton, to urge him to stop the regulation from being finalized and to consider the burden that this regulation will put on the hospice community.

Access to quality compassionate hospice care is critical for Medicare beneficiaries. I ask my fellow Senators to join me in support of the Hospice Protection Act and to work toward its swift passage.

By Ms. STABENOW (for herself, Ms. MURKOWSKI, Mrs. FEINSTEIN, Ms. COLLINS, Mrs. LINCOLN, Mr. CHAMBLISS, Ms. MIKULSKI, Mr. COCHRAN, Ms. LANDRIEU, Mrs. BOXER, Mrs. SHAHEEN, Mr. CARDIN, Mr. KERRY, Mr. WHITEHOUSE, Mr. AKAKA, Mr. SANDERS, Mr. INOUYE, Mr. BEGICH, Mr. CASEY, Mr. MENENDEZ, Mr. BAYH, Mr. CARPER, Mr. WYDEN, and Mr. CONRAD):

S. 422. A bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women; to the Committee on Health, Education, Labor, and Pensions.

Ms. STABENOW. Mr. President, I rise today to discuss a critical health issue affecting too many women: heart disease, a disease that surprisingly affects more women than men.

As women, we tend to be great at taking care of everyone around us—our children, our spouses, our aging parents. Unfortunately, we do not do nearly as well taking care of ourselves sometimes. I suspect we all know women who have been to their doctors or to emergency rooms exhibiting symptoms of heart attack, only to be told they were suffering from ''stress'' or indigestion.

For women, there are a lot of misconceptions about heart disease, but here are the facts.

Heart disease and stroke actually kill more women each year than men.

Heart disease, stroke, and other cardiovascular diseases are the leading cause of death for women in the United States and in Michigan. According to the Michigan Department of Community Health, a third of all deaths in women are due to cardiovascular disease.

One in three adult women has some form of cardiovascular disease.

Minority women, particularly African American, Hispanic and Native American women, are at even greater risk from heart disease and stroke.

These reasons are why Senator LISA MURKOWSKI and I are reintroducing the HEART for Women Act in the Senate today to turn these startling statistics around. Our bill is a three-prong approach to fighting heart disease by raising awareness, strengthening research, and increasing access to screening programs for more women. I am so pleased that nearly a quarter of the Senate is joining us today in sponsoring this legislation, and that that Congresswomen LOIS CAPPS and MARY BONO MACK are introducing companion legislation in the U.S. House of Representatives.

Mr. President, I ask unanimous consent that support material be printed in the RECORD.

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

AMERICAN HEART ASSOCIATION,
FEBRUARY 12, 2009.

Heart Disease and Stroke. You're the Cure.

Hon. DEBBIE A. STABENOW,
U.S. Senate,
Washington, DC.
Hon. LISA MURKOWSKI,
U.S. Senate,
Washington, DC.

DEAR SENATOR STABENOW AND SENATOR MURKOWSKI: On behalf of the American Heart Association and our approximately 22 million volunteers and supporters nationwide, we applaud you for your re-introduction of the HEART for Women Act.

As your legislation recognizes, too many American women and their healthcare providers still think of heart disease as a ''man's disease,'' even though about 50,000 more women than men die from cardiovascular diseases each year. And unfortunately, while we as a nation have made significant progress in reducing the death rate from cardiovascular diseases in men, the death rate in women has barely declined (17 percent decline in men versus a 2 percent decline in women over the last 25 years). Even more alarmingly, the death rate in younger women ages 35 to 44 has actually been increasing in recent years.

The American Heart Association and its American Stroke Association division is a strong supporter of the HEART for Women Act because it would improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women and ultimately help end the disparity that women face. Your legislation is particularly important in the current economic recession, where Americans are losing their jobs and their health insurance coverage and women may be foregoing needed screening that could aid in the early identification and treatment of heart disease and stroke.

More specifically, your legislation would: 1) authorize the expansion of the Centers for Disease Control and Prevention's WISEWOMAN program, which provides free heart disease and stroke screening and lifestyle counseling to low-income, uninsured and underinsured women, to all 50 states; 2) educate women and healthcare professionals about the risks women face from cardiovascular diseases; and 3) provide clinicians and their women patients with better information about the efficacy and safety of new treatments for heart disease and stroke.

Thank you again for your leadership on this important legislation. We look forward to working with you to get the HEART for Women Act enacted into law in this Congress.

Sincerely,

DAVID A. JOSSERAND,
Chairman of the Board.
TIMOTHY J. GARDNER, MD, FAHA,
President.

[From the Chicago Tribune, Dec. 29, 2008]

WOMEN'S HEART DISEASE: IT'S THE LEADING KILLER, BUT PATIENT CARE LAGS THAT FOR MEN—AS CARDIAC SCIENCE ADVANCES, WOMEN FIND TREATMENT LAGGING

(By Judith Graham)

Heart disease is the leading cause of death for women in the U.S., yet a wealth of data shows female cardiac patients receive inferior medical care compared with men.

Too many physicians still discount the idea that a woman could be suffering from heart disease, delaying or denying needed medical interventions, experts note. Most community hospitals in the U.S. still are not following guidelines for treating women with heart attacks. And primary care doctors don't do as much as they could to emphasize prevention.

As a result, women are failing to reap the full benefits of enormous advances in cardiovascular medicine.

The point was underscored this month by a study published in the journal Circulation finding that women who have heart attacks receive fewer recommended treatments in hospitals than men, including aspirin, beta blocker medications, angioplasties, clot-busting drugs and surgeries to re-establish blood flow. Women with the most serious heart attacks, known as STEMIs, were significantly more likely to die at a hospital than men.

''We need to do a better job of defining women's symptoms and treating them aggressively and rapidly, as we do for men,'' said Dr. Hani Jneid, the study's lead author and assistant professor of medicine at the Baylor College of Medicine in Houston.

In Israel, when guidelines have been applied much more rigorously, the mortality difference between the sexes all but disappeared, according to a July study in the American Journal of Medicine.

Outside hospitals, too few internists, family doctors, obstetricians and gynecologists are implementing recommendations for preventing heart disease in women, experts say. Eighty percent of heart attacks in women could be prevented if women changed their eating habits, got regular exercise, managed their cholesterol and blood pressure, and followed other preventive measures.

Although death rates from cardiovascular disease have fallen, the condition killed 455,000 women in 2006, according to data from the American Heart Association. Heart disease causes about 72 percent of cardiovascular fatalities; the rest are strokes and other related conditions.

The next decade could see major advances as scientists better understand how the biology of heart disease differs in women, said Dr. Joan Briller, director of the Heart Disease in Women program at the University of Illinois Medical Center at Chicago.

Already, for example, researchers have learned that plaque deposits tend to be spread more widely in women than in men, resulting in fewer big blockages in the arteries. That means standard therapies such as angioplasty are often less effective in women. Also, women metabolize certain heart drugs at a different rate than men.

Women should learn about the symptoms of acute heart disease—which can differ from those in men—respond promptly if they sense something is wrong, and ''find physicians who care about them,'' said Dr. Annabelle Volgman, medical director of the Heart Center for Women at Rush University Medical Center.

''Ask your doctor: Are you familiar with the guidelines for the prevention of heart disease in women published in 2007? Do you follow them? If they say 'no,' find yourself another doctor,'' she said.

These Chicago-area women learned the importance of that advice the hard way:

Elizabeth Hein of Chicago was 27 when she began feeling a tight, squeezing feeling in her chest, ''like a bone was stuck in my heart,'' she said.

When it didn't go away, Hein visited her primary-care doctor. ''You're young and healthy; don't worry,'' she remembers him saying. Take aspirin, he advised.

The disturbing sensation sent Hein to the doctor four more times over the next six months. She was fine, he repeated. Hein was in good shape and running 3 to 5 miles daily.

One day at work, Hein felt numbness spread up her arm and into her neck. Breathing became difficult. ''I'm sitting there thinking my doctor doesn't believe anything is wrong; what should I do?'' said Hein, now 38.

At a nearby hospital, Hein remembers, a triage nurse briefed a skeptical emergency room doctor on her electrocardiogram.

''She's too young. It can't be a heart attack,'' she heard the doctor say behind a curtain.

When he examined Hein, he asked what drugs she took. (Cocaine can simulate heart attack symptoms.) After several hours, the doctor sent Hein home. She later learned from her primary-care physician that she had, indeed, had a heart attack.

''My overwhelming feeling was relief: Finally he acknowledged something was really wrong,'' said Hein, who soon changed doctors.

''If your doctor won't listen, fire him and find one who will,'' she said.

That lesson was brought home painfully three years ago when Hein's mother began to suffer lower back pain and fatigue. Her Minnesota doctor sent her to a masseuse. A month later, when she returned to the doctor because she was retaining water, he reportedly told her: ''You're an older woman. It's normal.''

Weeks later, Mabel Hein died of a massive heart attack.

''They missed it because they dismissed her too,'' her daughter said. ''What I tell other women now is don't let it happen to you.''

In March 2007, a screening test told Michelle Smietana of Gurnee her blood pressure and cholesterol levels were excellent.

''I thought that's fantastic, no problems there,'' said Smietana, 35.

Eight hours later, she was in a hospital emergency room with a heart attack.

It began at dinner with a friend, when the computer specialist felt an achy pain at the right shoulder blade. By the time she got to her car, the feeling had crept up into her throat, where it settled in the soft spot under her chin.

''At first I thought I'd hurt a muscle. Then I thought: 'Am I having an allergic reaction?' '' Smietana said. ''All the time, I felt, whatever this is, I really don't like it.''

Doctors at an urgent care center sent Smietana to Condell Medical Center after a test for a cardiac marker came back positive. There Smietana received aggressive treatment and ultimately discovered that a prolonged coronary artery spasm had interrupted blood flow through her narrower-than-usual arteries.

''My first reaction was a weird feeling of shame, because I was only 33 and this wasn't supposed to be happening,'' Smietana said. ''Then, I felt kind of guilty, because I'm a little heavy and a little underexercised.''

Moving on from the episode was terrifying, she said. ''Because it came out of nowhere, you're not sure if it's going to come back again and if you'll survive the next time,'' she said.

She credits three months of cardiac rehabilitation with defeating that fear and learning how to move again and take better care of herself.

Today, Smietana tells women: ''If your body tells you something doesn't feel right, listen to it and take it seriously. I did and I got lucky.''

Helen Pates' grandmother died in her sleep of a massive heart attack around age 40. Her mother also suffered from heart disease, as did several maternal relatives.

All this was detailed in her medical records. Yet when Pates developed persistent fatigue and occasional bouts of nausea, not one of seven Chicago doctors she consulted ordered cardiac exams.

Instead, they scanned her liver, her brain, her gastrointestinal tract. ''They all said the same thing: 'We're not finding anything. You have a demanding career, a busy life. It's probably stress-related,'" said Pates, who lives in Chicago and manages money for people with high net worth.

Then in 2005 Pates awoke at 3 a.m. with excruciating pain on the left side of her back and severe shortness of breath. Crawling out of bed, she managed to drive to Rush University Medical Center.

A few hours later, surgeons told Pates she had a large aortic aneurysm—a bulge in her body's main blood vessel—that was about to rupture. Doctors inserted a stent that caused the aneurysm to shrink and eventually vanish.

Within three months Pates' energy began to return, and a year later she was feeling like herself again.

Now 43, Pates said she's upset so many doctors dismissed her symptoms.

''As a woman, you need to stay on top of your health,'' she said. ''Make yourself a priority. And if you have a family history, like I did, and don't feel well, ask your doctor if you could be having problems with your heart.''

The first time Debbie Dunn collapsed, doctors diagnosed pneumonia. A high fever, they said, had caused her cold sweats and thumping heart.

The next three times Dunn felt on the verge of collapse, her heart racing wildly, medical providers told her she was having panic attacks.

Eventually a cardiologist gave her a new diagnosis: supraventricular tachycardia, an abnormally rapid heart rhythm. ''It's benign,'' Dunn says he told her.

For years, Dunn visited the cardiologist occasionally but primarily relied on a technique he taught her to control symptoms. Still, more and more often, she said, ''My heart felt like tennis shoes in the drier doing flip-flops.''

In 2002, at a restaurant with her husband, Dunn felt what she calls a ''ripping, burning sensation above my breast.'' Her left arm went numb, then started to ache.

At a nearby hospital, after hours of waiting, a nurse casually told Dunn she'd had a massive heart attack. A cardiologist said her heart was profoundly damaged and operating at about 30 percent of capacity. Dunn was prescribed medications but felt perpetually exhausted.

''I tried to be a good mom, a good wife, and go back to my activities but I couldn't keep up,'' said Dunn, 52. Her cardiologist prescribed another medication for inflammation, but it didn't help either.

A turning point came when Dunn read an article in O magazine on women and heart disease. Seeing herself in the story, she went to see Oprah Winfrey's cardiologist. In the physician's office, having a cardiac stress test for the first time, Dunn had another heart attack.

Today, the Libertyville resident has a pacemaker. Channeling anger over her mistreatment into activism, Dunn runs a support group for women with heart disease at Glenbrook Hospital in Glenview and Condell Medical Center and is starting another at Lake Forest Hospital.

By Mr. AKAKA (for himself, Ms. SNOWE, Mr. JOHNSON, Mr. ROCKEFELLER, Mr. SANDERS, Mr. TESTER, Mr. BEGICH, Mr. BINGAMAN, Mrs. BOXER, Mr. FEINGOLD, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. MENENDEZ, Ms. MURKOWSKI, Ms. STABENOW, Mr. THUNE, Mr. VITTER, Mr. SCHUMER, and Mr. BURR):

S. 423. A bill to amend title 38, United States Code, to authorize advance appropriations for certain medical care accounts of the Department of Veterans Affairs by providing two-fiscal year budget authority, and for other purposes; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, this is an important day for Congress, for veterans, and their families. Today we take another step towards securing timely, predictable funding for the Veterans Health Care system. Our plan will create a transparent funding process that will yield sufficient, on-time funding that will enable VA to care for veterans more effectively.

Historically, VA's health care system has been plagued by underfunding. Only a few years ago, VA reported a shortfall of over $1 billion dollars. VA has had to come back to Congress repeatedly to get supplementary funding for health care costs. Fortunately, in the past two years, we have begun to change course, by providing record-funding to meet the increased needs of veterans and their families.

Even with sufficient funding, however, the money for VA has been provided late in 19 of the past 22 fiscal years. Sometimes, the appropriations have come as late as February, when VA needed the funds to spend in the preceding October.

Funding levels and the timing of funding depend on the federal appropriations process—a process vulnerable to partisan posturing and last minute changes.

This means that the largest health care system in the country—to which millions of wounded and indigent veterans turn to for care—does not know what funds it will receive, when it will be funded, or, in reality, whether vital programs will receive funding at all. This is no way to finance a national health care system with such a sacred obligation.

Today we suggest a better option. I am proud to introduce the Senate-version of the Veterans Health Care Budget Reform Act. This bill would require that veterans' health care be funded one-year in advance of the regular appropriations process.

Unlike Medicare and Medicaid, veterans' health care would not be funded as an entitlement: Congress would still review and manage funding, as necessary, so as to maintain oversight.

By knowing what funding they will receive one year in advance, VA would be able to plan more efficiently, and better use taxpayer dollars to care for veterans.

In addition to improving timeliness, this bill will deliver a more transparent funding process. A GAO audit and public report to Congress on VA funding would be provided annually.

I am proud to join a number of our nation's leading veterans' organizations, and a bipartisan team of supporters from the House and Senate in calling for this bill's passage. Joining me as cosponsors on this bill are Senators SNOWE, JOHNSON, ROCKEFELLER, SANDERS, TESTER, BEGICH, BINGAMAN, BOXER, FEINGOLD, LANDRIEU, LAUTENBERG, MENENDEZ, MURKOWSKI, STABENOW, THUNE, VITTER, and Mr. SCHUMER.

Now is the time to secure timely, predictable veterans' health care funding. Mr. President, and I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 423

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Veterans Health Care Budget Reform and Transparency Act of 2009''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Title 38, United States Code, authorizes the Secretary of Veterans Affairs to furnish hospital and domiciliary care, medical services, nursing home care, and related services to eligible and enrolled veterans, but only to the extent that appropriated resources and facilities are available for such purposes.

(2) For 19 of the past 22 fiscal years, funds have not been appropriated for the Department of Veterans Affairs for the provision of health care as of the commencement of the new fiscal year, causing the Department great challenges in planning and managing care for enrolled veterans, to the detriment of veterans.

(3) The cumulative effect of insufficient, late, and unpredictable funding for the Department for health care endangers the viability of the health care system of the Department and impairs the specialized health care resources the Department requires to maintain and improve the health of sick and disabled veterans.

(4) Appropriations for the health care programs of the Department have too often proven insufficient over the past decade, requiring the Secretary to ration health care and Congress to approve supplemental appropriations for those programs.

(5) Providing sufficient, timely, and predictable funding would ensure the Government meets its obligation to provide health

care to sick and disabled veterans and ensure that all veterans enrolled for health care through the Department have ready access to timely and high quality care.

(6) Providing sufficient, timely, and predictable funding would allow the Department to properly plan for and meet the needs of veterans.

SEC. 3. TWO-FISCAL YEAR BUDGET AUTHORITY FOR CERTAIN MEDICAL CARE ACCOUNTS OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) TWO-FISCAL YEAR BUDGET AUTHORITY.—

(1) IN GENERAL.—Chapter 1 of title 38, United States Code, is amended by inserting after section 113 the following new section:

"§ 113A. Two-fiscal year budget authority for certain medical care accounts

''(a) IN GENERAL.—Beginning with fiscal year 2011, new discretionary budget authority provided in an appropriations Act for the appropriations accounts of the Department specified in subsection (b) shall be made available for the fiscal year involved, and shall include new discretionary budget authority for such appropriations accounts that first become available for the first fiscal year after such fiscal year.

''(b) MEDICAL CARE ACCOUNTS.—The medical care accounts of the Department specified in this subsection are the medical care accounts of the Veterans Health Administration as follows:

''(1) Medical Services.

''(2) Medical Support and Compliance.

''(3) Medical Facilities.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of such title is amended by inserting after the item relating to section 113 the following new item:

''113A. Two-fiscal year budget authority for certain medical care accounts.''.

SEC. 4. COMPTROLLER GENERAL OF THE UNITED STATES STUDY ON ADEQUACY AND ACCURACY OF BASELINE MODEL PROJECTIONS OF THE DEPARTMENT OF VETERANS AFFAIRS FOR HEALTH CARE EXPENDITURES.

(a) STUDY OF ADEQUACY AND ACCURACY OF BASELINE MODEL PROJECTIONS.—The Comptroller General of the United States shall conduct a study of the adequacy and accuracy of the budget projections made by the Enrollee Health Care Projection Model, its equivalent, or other methodologies, as utilized for the purpose of estimating and projecting health care expenditures of the Department of Veterans Affairs (in this section referred to as the ''Model'') with respect to the fiscal year involved and the subsequent four fiscal years.

(b) REPORTS.—

(1) IN GENERAL.—Not later than the date of each year in 2011, 2012, and 2013, on which the President submits the budget request for the next fiscal year under section 1105 of title 31, United States Code, the Comptroller General shall submit to the appropriate committees of Congress and to the Secretary a report.

(2) ELEMENTS.—Each report under this paragraph shall include, for the fiscal year beginning in the year in which such report is submitted, the following:

(A) A statement whether the amount requested in the budget of the President for expenditures of the Department for health care in such fiscal year is consistent with anticipated expenditures of the Department for health care in such fiscal year as determined utilizing the Model.

(B) The basis for such statement.

(C) Such additional information as the Comptroller General determines appropriate.

(3) AVAILABILITY TO THE PUBLIC.—Each report submitted under this subsection shall also be made available to the public.

(4) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ''appropriate committees of Congress'' means—

(A) the Committees on Veterans' Affairs, Appropriations, and the Budget of the Senate; and

(B) the Committees on Veterans' Affairs, Appropriations, and the Budget of the House of Representatives.

By Mr. LEAHY (for himself, Mr. FEINGOLD, Mr. SCHUMER, Mr. CARDIN, Mr. WHITEHOUSE, Mr. WYDEN, Mr. KERRY, Mr. BROWN, Mr. MENENDEZ, Mrs. MURRAY, Mr. DODD, Mr. AKAKA, Mr. LAUTENBERG, Mr. INOUYE, and Mrs. BOXER):

S. 424. A bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am proud to reintroduce the Uniting American Families Act. This legislation will allow U.S. citizens and legal permanent residents to petition for their foreign same-sex partners to come to the United States under our family immigration system. I thank Senators WHITEHOUSE, KERRY, SCHUMER, FEINGOLD, WYDEN, CARDIN, MENENDEZ, MURRAY, BROWN, AKAKA, and LAUTENBERG for their support of this legislation. I hope that the Senate will act to demonstrate our Nation's commitment to equality under the law by passing this measure.

I am also grateful that Congressman NADLER is introducing this same measure in the House of Representatives. Congressman NADLER has been a steady champion of this legislation, and I commend his efforts.

When the marker for the Senate's comprehensive immigration legislation was introduced at the beginning of this Congress, I said that among the changes needed in our immigration laws is equality for gay and lesbian Americans. The burdens and benefits of the laws created by the elected officials who represent all Americans should be shared equally, and without discrimination. With an historic election behind us, and the promise of a more just, peaceful, and prosperous world ahead of us, let us begin to break down the barriers that still remain for so many American citizens.

Under current law, committed same-sex foreign partners of American citizens are unable to use the family immigration system, which accounts for a majority of the green cards and immigrant visas granted annually by the United States. As a result, gay Americans who are in this situation must either live apart from their partners, or leave the country if they want to live with them legally and permanently. According to the most recent census, there are approximately 35,000 bi-national, same-sex couples living in the United States. It is all but certain that many of these couples will eventually be forced to make a choice with which no American should be faced—to choose between the country they love and the person they love.

Some have expressed concern that providing this equality in our immigration law will lead to more immigration fraud. At best these concerns are misguided, and at worst they are a pretext for discrimination. This bill retains strong protections against fraud already in immigration law. To qualify as a permanent partner, petitioners must prove that they are at least 18-years-old and are in a committed, financially interdependent relationship with another adult in which both parties intend a lifelong commitment. They must also prove that they are not married to, or in a permanent partnership with, anyone other than that person, and are unable to contract with that person in a marriage cognizable under the Immigration and Nationality Act. Proof could include sworn affidavits from friends and family and documentation of financial interdependence. Penalties for fraud would be the same as penalties for marriage fraud—up to five years in prison and $250,000 in fines for the U.S. citizen partner, and deportation for the foreign partner. Discrimination based upon sexual orientation should play no role in guarding against those who seek to abuse our immigration laws.

Like many people across the country, there are Vermonters whose partners are foreign nationals and who feel abandoned by our laws in this area: Vermonters like Gordon Stewart who has come to talk to me about the unfairness of our current laws, or a committed, loving couple of 24 years in Brattleboro, VT, who travel back and forth between Vermont and England, and who wish nothing more than to be able to be together in the United States. This bill would allow them, and other gay and lesbian Americans throughout our Nation who have felt that our immigration laws are discriminatory, to be a fuller part of our society. The promotion of family unity has long been part of Federal immigration policy, and we should honor that principle by providing all Americans the opportunity to be with their loved ones.

The idea that immigration benefits should be extended to same-sex couples is not a novel one. Many nations have come to recognize that their respective immigration laws should respect family unity, regardless of a person's sexual orientation. Indeed, 16 of our closest allies—Australia, Belgium, Brazil, Canada, Denmark, Finland, France, Germany, Iceland, Israel, the Netherlands, New Zealand, Norway, South Africa, Sweden and the United Kingdom—recognize same-sex couples for immigration purposes.

I would ask all Senators to take heed of what my friend, Congressman JOHN LEWIS has said about discrimination against gay and lesbian Americans, when he wrote in 2003: ''Rather than divide and discriminate, let us come together and create one nation. We are all one people. We all live in the American house. We are all the American family. Let us recognize that the gay people living in our house share the same hopes, troubles, and dreams. It's time we treated them as equals, as family.'' Congressman LEWIS is right. I hope all Senators will join me in supporting equality for all Americans and their loved ones.

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

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 424

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

SECTION 1. SHORT TITLE; AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Uniting American Families Act of 2009''.

(b) AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT.—Except as otherwise specifically provided in this Act, if an amendment or repeal is expressed as the amendment or repeal of a section or other provision, the reference shall be considered to be made to that section or provision in the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; amendments to Immigration and Nationality Act; table of contents.
Sec. 2. Definitions of permanent partner and permanent partnership.
Sec. 3. Worldwide level of immigration.
Sec. 4. Numerical limitations on individual foreign states.
Sec. 5. Allocation of immigrant visas.
Sec. 6. Procedure for granting immigrant status.
Sec. 7. Annual admission of refugees and admission of emergency situation refugees.
Sec. 8. Asylum.
Sec. 9. Adjustment of status of refugees.
Sec. 10. Inadmissible aliens.
Sec. 11. Nonimmigrant status for permanent partners awaiting the availability of an immigrant visa.
Sec. 12. Conditional permanent resident status for certain alien spouses, permanent partners, and sons and daughters.
Sec. 13. Conditional permanent resident status for certain alien entrepreneurs, spouses, permanent partners, and children.
Sec. 14. Deportable aliens.
Sec. 15. Removal proceedings.
Sec. 16. Cancellation of removal; adjustment of status.
Sec. 17. Adjustment of status of nonimmigrant to that of person admitted for permanent residence.
Sec. 18. Application of criminal penalties to for misrepresentation and concealment of facts regarding permanent partnerships.
Sec. 19. Requirements as to residence, good moral character, attachment to the principles of the Constitution.
Sec. 20. Application of family unity provisions to permanent partners of certain LIFE Act beneficiaries.
Sec. 21. Application to Cuban Adjustment Act.

SEC. 2. DEFINITIONS OF PERMANENT PARTNER AND PERMANENT PARTNERSHIP.

Section 101(a) (8 U.S.C. 1101(a)) is amended—

(1) in paragraph (15)(K)(ii), by inserting ''or permanent partnership'' after ''marriage''; and

(2) by adding at the end the following:

''(52) The term 'permanent partner' means an individual 18 years of age or older who—

''(A) is in a committed, intimate relationship with another individual 18 years of age or older in which both individuals intend a lifelong commitment;

''(B) is financially interdependent with that other individual;

''(C) is not married to, or in a permanent partnership with, any individual other than that other individual;

''(D) is unable to contract with that other individual a marriage cognizable under this Act; and

''(E) is not a first, second, or third degree blood relation of that other individual.

''(53) The term 'permanent partnership' means the relationship that exists between 2 permanent partners.''.

SEC. 3. WORLDWIDE LEVEL OF IMMIGRATION.

Section 201(b)(2)(A)(i) (8 U.S.C. 1151(b)(2)(A)(i)) is amended—

(1) by ''spouse'' each place it appears and inserting ''spouse or permanent partner'';

(2) by striking ''spouses'' and inserting ''spouse, permanent partner,'';

(3) by inserting ''(or, in the case of a permanent partnership, whose permanent partnership was not terminated)'' after ''was not legally separated from the citizen''; and

(4) by striking ''remarries.'' and inserting ''remarries or enters a permanent partnership with another person.''.

SEC. 4. NUMERICAL LIMITATIONS ON INDIVIDUAL FOREIGN STATES.

(a) PER COUNTRY LEVELS.—Section 202(a)(4) (8 U.S.C. 1152(a)(4)) is amended—

(1) in the paragraph heading, by inserting '', PERMANENT PARTNERS,'' after ''SPOUSES'';

(2) in the heading of subparagraph (A), by inserting '', PERMANENT PARTNERS,'' after ''SPOUSES''; and

(3) in the heading of subparagraph (C), by striking ''AND DAUGHTERS'' inserting ''WITHOUT PERMANENT PARTNERS AND UNMARRIED DAUGHTERS WITHOUT PERMANENT PARTNERS''.

(b) RULES FOR CHARGEABILITY.—Section 202(b)(2) (8 U.S.C. 1152(b)(2)) is amended—

(1) by striking ''his spouse'' and inserting ''his or her spouse or permanent partner'';

(2) by striking ''such spouse'' each place it appears and inserting ''such spouse or permanent partner''; and

(3) by inserting ''or permanent partners'' after ''husband and wife''.

SEC. 5. ALLOCATION OF IMMIGRANT VISAS.

(a) PREFERENCE ALLOCATION FOR FAMILY MEMBERS OF PERMANENT RESIDENT ALIENS.—Section 203(a)(2) (8 U.S.C. 1153(a)(2)) is amended—

(1) by striking the paragraph heading and inserting the following:

''(2) SPOUSES, PERMANENT PARTNERS, UNMARRIED SONS WITHOUT PERMANENT PARTNERS, AND UNMARRIED DAUGHTERS WITHOUT PERMANENT PARTNERS OF PERMANENT RESIDENT ALIENS.—'';

(2) in subparagraph (A), by inserting '', permanent partners,'' after ''spouses''; and

(3) in subparagraph (B), by striking ''or unmarried daughters'' and inserting ''without permanent partners or the unmarried daughters without permanent partners''.

(b) PREFERENCE ALLOCATION FOR SONS AND DAUGHTERS OF CITIZENS.—Section 203(a)(3) (8 U.S.C. 1153(a)(3)) is amended—

(1) by striking the paragraph heading and inserting the following:

''(2) MARRIED SONS AND DAUGHTERS OF CITIZENS AND SONS AND DAUGHTERS WITH PERMANENT PARTNERS OF CITIZENS.—''; and

(2) by inserting '', or sons or daughters with permanent partners,'' after ''daughters''.

(c) EMPLOYMENT CREATION.—Section 203(b)(5)(A)(ii) (8 U.S.C. 1153(b)(5)(A)(ii)) is amended by inserting ''permanent partner,'' after ''spouse,''.

(d) TREATMENT OF FAMILY MEMBERS.—Section 203(d) (8 U.S.C. 1153(d)) is amended—

(1) by inserting ''or permanent partner'' after ''section 101(b)(1)''; and

(2) by inserting '', permanent partner,'' after ''the spouse''.

SEC. 6. PROCEDURE FOR GRANTING IMMIGRANT STATUS.

(a) CLASSIFICATION PETITIONS.—Section 204(a)(1) (8 U.S.C. 1154(a)(1)) is amended—

(1) in subparagraph (A)—

(A) in clause (ii), by inserting ''or permanent partner'' after ''spouse'';

(B) in clause (iii)—

(i) by inserting ''or permanent partner'' after ''spouse'' each place it appears; and

(ii) in subclause (I), by inserting ''or permanent partnership'' after ''marriage'' each place it appears;

(C) in clause (v)(I), by inserting ''permanent partner,'' after ''is the spouse,'';

(D) in clause (vi)—

(i) by inserting ''or termination of the permanent partnership'' after ''divorce''; and

(ii) by inserting '', permanent partner,'' after ''spouse''; and

(2) in subparagraph (B)—

(A) by inserting ''or permanent partner'' after ''spouse'' each place it appears;

(B) in clause (ii)—

(i) in subclause (I)(aa), by inserting ''or permanent partnership'' after ''marriage'';

(ii) in subclause (I)(bb), by inserting ''or permanent partnership'' after ''marriage'' the first place it appears; and

(iii) in subclause (II)(aa), by inserting ''(or the termination of the permanent partnership)'' after ''termination of the marriage''.

(b) IMMIGRATION FRAUD PREVENTION.—Section 204(c) (8 U.S.C. 1154(c)) is amended—

(1) by inserting ''or permanent partner'' after ''spouse'' each place it appears; and

(2) by inserting ''or permanent partnership'' after ''marriage'' each place it appears.

SEC. 7. ANNUAL ADMISSION OF REFUGEES AND ADMISSION OF EMERGENCY SITUATION REFUGEES.

Section 207(c) (8 U.S.C. 1157(c)) is amended—

(1) in paragraph (2)—

(A) by inserting '', permanent partner,'' after ''spouse'' each place it appears; and

(B) by inserting '', permanent partner's,'' after ''spouse's''; and

(2) in paragraph (4), by inserting '', permanent partner,'' after ''spouse''.

SEC. 8. ASYLUM.

Section 208(b)(3) (8 U.S.C. 1158(b)(3)) is amended—

(1) in the paragraph heading, by inserting '', PERMANENT PARTNER,'' after ''SPOUSE''; and

(2) in subparagraph (A), by inserting '', permanent partner,'' after ''spouse''.

SEC. 9. ADJUSTMENT OF STATUS OF REFUGEES.

Section 209(b)(3) (8 U.S.C. 1159(b)(3)) is amended by inserting '', permanent partner,'' after ''spouse''.

SEC. 10. INADMISSIBLE ALIENS.

(a) CLASSES OF ALIENS INELIGIBLE FOR VISAS OR ADMISSION.—Section 212(a) (8 U.S.C. 1182(a)) is amended—

(1) in paragraph (3)(D)(iv), by inserting ''permanent partner,'' after ''spouse,'';

(2) in paragraph (4)(C)(i)(I), by inserting '', permanent partner,'' after ''spouse'';

(3) in paragraph (6)(E)(ii), by inserting ''permanent partner,'' after ''spouse,''; and

(4) in paragraph (9)(B)(v), by inserting '', permanent partner,'' after ''spouse''.

(b) WAIVERS.—Section 212(d) (8 U.S.C. 1182(d)) is amended—

(1) in paragraph (11), by inserting ''permanent partner,'' after ''spouse,''; and

(2) in paragraph (12), by inserting '', permanent partner,'' after ''spouse''.

(c) WAIVERS OF INADMISSIBILITY ON HEALTH-RELATED GROUNDS.—Section 212(g)(1)(A) (8 U.S.C. 1182(g)(1)(A)) is amended by inserting '', permanent partner,'' after ''spouse''.

(d) WAIVERS OF INADMISSIBILITY ON CRIMINAL AND RELATED GROUNDS.—Section 212(h)(1)(B) (8 U.S.C. 1182(h)(1)(B)) is amended by inserting ''permanent partner,'' after ''spouse,''.

(e) WAIVER OF INADMISSIBILITY FOR MISREPRESENTATION.—Section 212(i)(1) (8 U.S.C. 1182(i)(1)) is amended by inserting ''permanent partner,'' after ''spouse,''.

SEC. 11. NONIMMIGRANT STATUS FOR PERMANENT PARTNERS AWAITING THE AVAILABILITY OF AN IMMIGRANT VISA.

Section 214(r) (8 U.S.C. 1184(r)) is amended—

(1) in paragraph (1), by inserting ''or permanent partner'' after ''spouse''; and

(2) in paragraph (2), by inserting ''or permanent partnership'' after ''marriage'' each place it appears.

SEC. 12. CONDITIONAL PERMANENT RESIDENT STATUS FOR CERTAIN ALIEN SPOUSES, PERMANENT PARTNERS, AND SONS AND DAUGHTERS.

(a) SECTION HEADING.—

(1) IN GENERAL.—The heading for section 216 (8 U.S.C. 1186a) is amended by striking ''AND SONS'' and inserting '', PERMANENT PARTNERS, SONS, '' after

(2) CLERICAL AMENDMENT.—The table of contents is amended by amending the item relating to section 216 to read as follows:

''Sec. 216. Conditional permanent resident status for certain alien spouses, permanent partners, sons, and daughters.''.

(b) IN GENERAL.—Section 216(a) (8 U.S.C. 1186a(a)) is amended—

(1) in paragraph (1), by inserting ''or permanent partner'' after ''spouse''; and

(2) in paragraph (2)—

(A) in subparagraph (A), by inserting ''or permanent partner'' after ''spouse'';

(B) in subparagraph (B), by inserting ''permanent partner,'' after ''spouse,''; and

(C) in subparagraph (C), by inserting ''permanent partner,'' after ''spouse,''.

(c) TERMINATION OF STATUS IF FINDING THAT QUALIFYING MARRIAGE IMPROPER.—Section 216(b) (8 U.S.C. 1186a(b)) is amended—

(1) in the subsection heading, by inserting ''OR PERMANENT PARTNERSHIP'' after ''MARRIAGE''; and

(2) in paragraph (1)(A)—

(A) by inserting ''or permanent partnership'' after ''marriage''; and

(B) in clause (ii)—

(i) by inserting ''or has ceased to satisfy the criteria for being considered a permanent partnership under this Act,'' after ''terminated,''; and

(ii) by inserting ''or permanent partner'' after ''spouse''.

(d) REQUIREMENTS OF TIMELY PETITION AND INTERVIEW FOR REMOVAL OF CONDITION.—Section 216(c) (8 U.S.C. 1186a(c)) is amended—

(1) in paragraphs (1), (2)(A)(ii), (3)(A)(ii), (3)(C), (4)(B), and (4)(C), by inserting ''or permanent partner'' after ''spouse'' each place it appears; and

(2) in paragraph (3)(A), (3)(D), (4)(B), and (4)(C), by inserting ''or permanent partnership'' after ''marriage'' each place it appears.

(e) CONTENTS OF PETITION.—Section 216(d)(1) (8 U.S.C. 1186a(d)(1)) is amended—

(1) in subparagraph (A)—

(A) in the heading, by inserting ''OR PERMANENT PARTNERSHIP'' after ''MARRIAGE'';

(B) in clause (i)—

(i) by inserting ''or permanent partnership'' after ''marriage'';

(ii) in subclause (I), by inserting before the comma at the end '', or is a permanent partnership recognized under this Act'';

(iii) in subclause (II)—

(I) by inserting ''or has not ceased to satisfy the criteria for being considered a permanent partnership under this Act,'' after ''terminated,''; and

(II) by inserting ''or permanent partner'' after ''spouse'';

(C) in clause (ii), by inserting ''or permanent partner'' after ''spouse''; and

(2) in subparagraph (B)(i)—

(A) by inserting ''or permanent partnership'' after ''marriage''; and

(B) by inserting ''or permanent partner'' after ''spouse''.

(f) DEFINITIONS.—Section 216(g) (8 U.S.C. 1186a(g)) is amended—

(1) in paragraph (1)—

(A) by inserting ''or permanent partner'' after ''spouse'' each place it appears; and

(B) by inserting ''or permanent partnership'' after ''marriage'' each place it appears;

(2) in paragraph (2), by inserting ''or permanent partnership'' after ''marriage'';

(3) in paragraph (3), by inserting ''or permanent partnership'' after ''marriage''; and

(4) in paragraph (4)—

(A) by inserting ''or permanent partner'' after ''spouse'' each place it appears; and

(B) by inserting ''or permanent partnership'' after ''marriage''.

SEC. 13. CONDITIONAL PERMANENT RESIDENT STATUS FOR CERTAIN ALIEN ENTREPRENEURS, SPOUSES, PERMANENT PARTNERS, AND CHILDREN.

(a) IN GENERAL.—Section 216A (8 U.S.C. 1186b) is amended—

(1) in the section heading, by inserting '', PERMANENT PARTNERS,'' after ''SPOUSES''; and

(2) in paragraphs (1), (2)(A), (2)(B), and (2)(C), by inserting ''or permanent partner'' after ''spouse'' each place it appears.

(b) TERMINATION OF STATUS IF FINDING THAT QUALIFYING ENTREPRENEURSHIP IMPROPER.—Section 216A(b)(1) (8 U.S.C. 1186b(b)(1)) is amended by inserting ''or permanent partner'' after ''spouse'' in the matter following subparagraph (C).

(c) REQUIREMENTS OF TIMELY PETITION AND INTERVIEW FOR REMOVAL OF CONDITION.—Section 216A(c) (8 U.S.C. 1186b(c)) is amended, in paragraphs (1), (2)(A)(ii), and (3)(C), by inserting ''or permanent partner'' after ''spouse''.

(d) DEFINITIONS.—Section 216A(f)(2) (8 U.S.C. 1186b(f)(2)) is amended by inserting ''or permanent partner'' after ''spouse'' each place it appears.

(e) CLERICAL AMENDMENT.—The table of contents is amended by amending the item relating to section 216A to read as follows:

''Sec. 216A. Conditional permanent resident status for certain alien entrepreneurs, spouses, permanent partners, and children.''.

SEC. 14. DEPORTABLE ALIENS.

Section 237(a)(1) (8 U.S.C. 1227(a)(1)) is amended—

(1) in subparagraph (D)(i), by inserting ''or permanent partners'' after ''spouses'' each place it appears;

(2) in subparagraphs (E)(ii), (E)(iii), and (H)(i)(I), by inserting ''or permanent partner'' after ''spouse'';

(3) by inserting after subparagraph (E) the following:

''(F) PERMANENT PARTNERSHIP FRAUD.—An alien shall be considered to be deportable as having procured a visa or other documentation by fraud (within the meaning of section 212(a)(6)(C)(i)) and to be in the United States in violation of this Act (within the meaning of subparagraph (B)) if—

''(i) the alien obtains any admission to the United States with an immigrant visa or other documentation procured on the basis of a permanent partnership entered into less than 2 years before such admission and which, within 2 years subsequent to such admission, is terminated because the criteria for permanent partnership are no longer fulfilled, unless the alien establishes to the satisfaction of the Secretary of Homeland Security that such permanent partnership was not contracted for the purpose of evading any provision of the immigration laws; or

''(ii) it appears to the satisfaction of the Secretary of Homeland Security that the alien has failed or refused to fulfill the alien's permanent partnership, which the Secretary of Homeland Security determines was made for the purpose of procuring the alien's admission as an immigrant.''; and

(4) in paragraphs (2)(E)(i) and (3)(C)(ii), by inserting ''or permanent partner'' after ''spouse'' each place it appears.

SEC. 15. REMOVAL PROCEEDINGS.

Section 240 (8 U.S.C. 1229a) is amended—

(1) in the heading of subsection (c)(7)(C)(iv), by inserting ''PERMANENT PARTNERS,'' after ''SPOUSES,''; and

(2) in subsection (e)(1), by inserting ''permanent partner,'' after ''spouse,''.

SEC. 16. CANCELLATION OF REMOVAL; ADJUSTMENT OF STATUS.

Section 240A(b) (8 U.S.C. 1229b(b)) is amended—

(1) in paragraph (1)(D), by inserting ''or permanent partner'' after ''spouse''; and

(2) in paragraph (2)—

(A) in the paragraph heading, by inserting '', PERMANENT PARTNER,'' after ''SPOUSE''; and

(B) in subparagraph (A), by inserting '', permanent partner,'' after ''spouse'' each place it appears.

SEC. 17. ADJUSTMENT OF STATUS OF NONIMMIGRANT TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE.

(a) PROHIBITION ON ADJUSTMENT OF STATUS.—Section 245(d) (8 U.S.C. 1255(d)) is amended by inserting ''or permanent partnership'' after ''marriage''.

(b) AVOIDING IMMIGRATION FRAUD.—Section 245(e) (8 U.S.C. 1255(e)) is amended—

(1) in paragraph (1), by inserting ''or permanent partnership'' after ''marriage''; and

(2) by adding at the end the following:

''(4)(A) Paragraph (1) and section 204(g) shall not apply with respect to a permanent partnership if the alien establishes by clear and convincing evidence to the satisfaction of the Secretary of Homeland Security that—

''(i) the permanent partnership was entered into in good faith and in accordance with section 101(a)(52);

''(ii) the permanent partnership was not entered into for the purpose of procuring the alien's admission as an immigrant; and

''(iii) no fee or other consideration was given (other than a fee or other consideration to an attorney for assistance in preparation of a lawful petition) for the filing of a petition under section 204(a) or 214(d) with respect to the alien permanent partner.

''(B) The Secretary shall promulgate regulations that provide for only 1 level of administrative appellate review for each alien under subparagraph (A).''.

(c) ADJUSTMENT OF STATUS FOR CERTAIN ALIENS PAYING FEE.—Section 245(i)(1)(B) (8 U.S.C. 1255(i)(1)(B)) is amended by inserting '', permanent partner,'' after ''spouse''.

SEC. 18. APPLICATION OF CRIMINAL PENALTIES TO FOR MISREPRESENTATION AND CONCEALMENT OF FACTS REGARDING PERMANENT PARTNERSHIPS.

Section 275(c) (8 U.S.C. 1325(c)) is amended to read as follows:

''(c) Any individual who knowingly enters into a marriage or permanent partnership for the purpose of evading any provision of the immigration laws shall be imprisoned for not more than 5 years, fined not more than $250,000, or both.''.

SEC. 19. REQUIREMENTS AS TO RESIDENCE, GOOD MORAL CHARACTER, ATTACHMENT TO THE PRINCIPLES OF THE CONSTITUTION.

Section 316(b) (8 U.S.C. 1427(b)) is amended by inserting '', permanent partner,'' after ''spouse''.

SEC. 20. APPLICATION OF FAMILY UNITY PROVISIONS TO PERMANENT PARTNERS OF CERTAIN LIFE ACT BENEFICIARIES.

Section 1504 of the LIFE Act Amendments of 2000 (division B of Public Law 106–554; 114 Stat. 2763–325) is amended—

(1) in the heading, by inserting ''**, PERMANENT PARTNERS,**'' after ''**SPOUSES**'';

(2) in subsection (a), by inserting '', permanent partner,'' after ''spouse''; and

(3) in each of subsections (b) and (c)—

(A) in each of the subsection headings, by inserting '', PERMANENT PARTNERS,'' after ''SPOUSES''; and

(B) by inserting '', permanent partner,'' after ''spouse'' each place it appears.

SEC. 21. APPLICATION TO CUBAN ADJUSTMENT ACT.

(a) IN GENERAL.—The first section of Public Law 89–732 (8 U.S.C. 1255 note) is amended—

(1) in the next to last sentence, by inserting '', permanent partner,'' after ''spouse'' the first 2 places it appears; and

(2) in the last sentence, by inserting '', permanent partners,'' after ''spouses''.

(b) CONFORMING AMENDMENT.—Section 101(a)(51)(D) (8 U.S.C. 1101(a)(51)(D)) is amended by striking ''or spouse'' and inserting '', spouse, or permanent partner''.

By Mr. BROWN:

S. 425. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for the establishment of a traceability system for food, to amend the Federal Meat Inspection Act, the Poultry Products Inspections Act, the Egg Products Inspection Act, and the Federal Food, Drug, and Cosmetic Act to provide for improved public health and food safety through enhanced enforcement, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. BROWN. Mr. President, recent events involving E. coli- and salmonella-tainted foods demonstrate once again that our country's food inspection, tracking, and safety system is unable to adequately protect American consumers. At a time when too many Ohioans are struggling to put food on their tables, it is simply unacceptable that they also have to worry about the safety of that food.

The most recent food-borne illness outbreak was identified as a salmonella contamination linked on January 12, 2009 to the Peanut Corporation of America's, PCA, plant in Blakely, GA. Since October of last year, this salmonella outbreak has sickened 600 people in 43 states. More an 1,900 products have been recalled—representing one of the largest food recalls in our Nation's history. Yesterday, the nationwide death toll rose to nine. Ohio has reported 92 cases linked to this outbreak and two deaths, including this week's death of a Medina woman.

Unfortunately, the current salmonella outbreak is not the only food-borne illness outbreak to have plagued our Nation in recent years. Just last year, Nebraska beef, an Omaha slaughterhouse, issued a recall of 5.3 million pounds of meat after widespread reports indicated that its meat was tainted with the sometimes-deadly strain of E. coli 0157:H7 bacteria. Health officials confirmed that 21 Ohioans, and 45 people in total, were made ill by this outbreak.

The current salmonella outbreak—taken alone—is a tragedy. The current salmonella outbreak—taken in combination with recent beef, spinach, and jalapeno pepper disease outbreaks, which have sickened and killed many—is evidence of a complete break-down in our nation's food safety system.

More can—and must—be done to improve the safety of our food supply. It is for this reason that I am introducing legislation today to address some of the major problems plaguing the Food and Drug Administration and the United States Department of Agriculture, the Federal agencies tasked with overseeing and protecting our nation's food supply.

The bill I am introducing today, the Food Safety and Tracking Improvement Act, closely mirrors legislation that I introduced in the 110th Congress, and would give the Federal Government the authority it needs to protect American consumers. It would give the Government the authority to recall tainted food and the tools to track the source of food outbreaks. Most importantly, it would save lives by ensuring a swift and thorough Federal response to contamination outbreaks.

I think most Americans would be alarmed to learn that the. Federal government does not currently have the authority to issue a mandatory recall of contaminated food. Instead, America's food safety system relies on voluntary recalls and self-policing by industry. The top priority for both USDA and FDA should be to protect the public's health—a mission that will sometimes require swift and decisive action that, let's face it, may not be to industry's liking.

In the most recent outbreak, PCA was identified as the source of the salmonella outbreak on January 12, 2009. While PCA issued a voluntary recall of a limited number of peanut butter products the next day, it wasn't until 16 days later that PCA expanded its recall to encompass all peanut and peanut products processed at its Georgia facility.

In the Nebraska Beef case, had USDA been able to issue a mandatory recall once it became clear that consumers' safety was at risk, unsafe food would have been taken off of the shelves quicker and fewer citizens would have purchased and consumed the contaminated meat.

We will never know how many more people consumed dangerous foods in the 16 days that PCA kept its products on the market, or in the weeks that Nebraska Beef decided to keep selling its products. But we do know that allowing private companies to unilaterally decide whether or not to recall their products is not in the best interest of our country. We must provide the relevant Federal agencies with mandatory recall authority so that they can act swiftly and efficiently to ensure that the public's safety is not compromised.

It is vital that FDA have the authority to remove dangerous products from grocery store shelves, from school cafeterias, and from nursing home dinner trays as soon as regulators believe a threat exists. It is also vital that we establish a Federal program to allow for quick and accurate tracing of tainted food back to the source of the problem. If the United States Postal Service can track a package from my office in Washington to my office in Cincinnati, we should be able to do the same for food products.

My legislation would provide $40 million over three years for the FDA to set up a national traceability system for all food under its jurisdiction. This system would allow the Federal government to quickly identify the origin of contaminated food and would be developed by an Advisory Committee comprised of consumer advocates, industry leaders, and relevant representatives from FDA and USDA. The Committee would determine which tracking mechanisms, such as tracking numbers, electronic barcodes, and Federal databases, should be employed to protect consumers.

I have partnered in these initiatives with Representative DIANA DEGETTE, a close colleague of mine in the House, who has long been an advocate of providing our food safety regulators with these much-needed powers.

The time to reform our Nation's food safety system is now. We cannot wait for another peanut or beef or spinach disaster. It is the responsibility of FDA and USDA to protect our nation's food supply and it is the responsibility of the United States Congress to ensure that these agencies have the tools and authority they need to do their job. I urge all of my colleagues to join me in support of the Food Safety and Tracking Improvement Act.

By Mr. BENNETT:

S. 426. A bill to amend title II of the Social Security Act to provide for progressive indexing and longevity indexing of Social Security old-age insurance benefits for newly retired and aged surviving spouses to ensure the future solvency of the Social Security program, and for other purposes; to the Committee on Finance.

Mr. BENNETT. Mr. President, we are awaiting the conference report on the stimulus package. The papers and the airwaves are full of the fact that this will be the largest expenditure we have made in peacetime perhaps in our history.

I think it well, as we wait for the details of the package, for us to pause for a moment and take a longer look, beyond the recession, beyond the financial circumstances we are facing at the moment, and look down the road at what we are facing as a nation as a whole.

So I am going to make a historic pattern today and then introduce, at the end, a bill I believe is necessary for us to deal with our financial problems. Let's go back a moment in history to the year 1966. Why do I pick 1966? Because that was the year we significantly expanded the entitlement spending in the United States. That was the year we adopted Medicare as a Federal program.

As you see from the chart, at that time the mandatory spending constituted 26 percent of the budget. By ''mandatory,'' I mean spending that we have to do. People are entitled to receive that money whether we have the money or not; it is mandatory under the law.

The largest portion of the mandatory spending in 1966 was Social Security.

We were paying roughly 7 percent of our budget for interest. We had nondefense discretionary spending which was 23 percent. The big item, the big ticket item that dominated the budget in 1966 was defense. It constituted 44 percent of Federal spending in 1966.

Let's see what has happened since that time. Let's see where we are today. In fiscal 2008, this is where we are. The mandatory spending has grown from 26 percent to 54 percent. Interest costs are roughly the same. They were 7 percent; now they are 8. Nondiscretionary spending has shrunk to 17 percent. Defense discretionary, even though we are in a wartime, is 21 percent. It is clear the mandatory spending is taking over control of the Federal budget. And interest costs, of course, are mandatory. We owe those interest costs.

If you add the two together, 54 and 8, you get 62 percent of the Federal budget beyond the control of Congress. That is, when we pass the appropriations bills, when we make our decisions what to spend money for, we are spending money in the minority; whereas, 62 percent majority is out of our control. When you take away the defense spending and assume that has a semimandatory aspect to it and put defense spending in the mix, that means the Congress only has control of 17 percent of the budget, an amazing change in the roughly 40 years from 1966 until today.

What does the future look like? I must make the point that every projection we make around here is wrong. Every projection is an educated guess. But the educated guess of what will happen 10 years from now is that mandatory spending will have grown to 61 percent and interest costs to 10 percent. That is 71. The Congressional Budget Office won't make a guess as to the divide between defense and nondefense discretionary spending. So all discretionary spending will be 29 percent, if we divide it in half, as it has historically been. That means the Congress, just 10 years from now, will only control 10 percent of the Federal budget. All the rest of it will be on automatic pilot. That is a startling thing to look forward to.

So as we talk about the stimulus package, we need to pause and pay a little attention to the entitlement spending that will go on and the kind of spending that will be built up, and we are adding to that with this stimulus.

Here it is in the projections of what it will be. It constitutes a wave. Indeed, it has been referred to almost as a tsunami of spending. It is broken down into the three primary sources of mandatory spending, the three biggest entitlements. At the bottom is the one that is the biggest now, and that is Social Security. But Social Security does not grow as fast as the next one, which is Medicare. And then on top of that is Medicaid. One can see this tsunami of spending will take our mandatory spending, which at the moment is less than 10 percent of GDP, up to more than 20 percent of GDP.

Let me show another chart that illustrates the same point in a slightly different way. You have the same entitlements. We have added in this chart discretionary spending. The solid line across is the average revenue of the Federal Government. It is recorded in percentage of GDP. We have historically had a revenue average of 18.4 percent of GDP. As we can see in 2007, the expenditures were slightly above that line. The largest portion of the expenditure was the combination of defense and nondefense discretionary spending. But the projection, as you go out, you see that at some point the entitlements will take over every dime we take in. The largest portion of it will be Medicare. Social Security will still be there. Medicaid will still be there. Discretionary spending will shrink even further as a percentage of what we are dealing with.

Why is this happening? Is this some kind of a plot that somebody is involved in? No. This is a result of the demographic changes that are occurring in our country. This chart summarizes it with the headline: ''Americans Are Getting Older.''

If you go back to 1950, the percentage of Americans who were age 65 or older was about 7 percent. It grew, the percentage, at a relatively slow level and then actually began to shrink. Why did it begin to shrink, the percentage of Americans 65 and over? This is a reflection of the Great Depression. People had fewer children in the Great Depression. So it follows that 65 years later, there were fewer people who were of retirement age. But following the Great Depression, you had the Second World War and then, when people came home from war, you had what historians refer to as the baby boom. All of those who came as a consequence of that are called the boomers.

Starting in 2008, which is now history, the line started upward in a dramatic fashion. In the next 20 years, we are going to see something happen that has never happened in American history. In the next 20 years, the percentage of Americans who are over 65 is going to double. That is what is driving all the numbers I put up before, all the changes in entitlement spending. These people are already born. This is not a projection that depends on guesses. This is something we can be sure of because the demographics of these folks are already there.

Now the projection is that 20 years from now, when the baby boomers finish retiring, the rate of increase will slow down again and go back to the somewhat gentle rate it was before we got into this situation. But that is the reality we are dealing with. In the next 20 years, the percentage of Americans who are 65 or over is going to double.

Let's look at some of the detail behind these demographics. Seniors are living longer. Not only are we going to get more of them, but they are living longer. That is why that trend is not going to turn down once the baby boomers have been absorbed. If you go back to 1940, after you reached 65 in 1940, if you were a male, your life expectancy was another 12 years, female 13. The chart shows how it has changed. Now if you are male and you reach 65, your life expectancy is another 16 years. If you are female, it is another 19 years. And roughly a short decade away, a male will go to 18 and female to 21. That means all the entitlement programs geared toward our senior citizens are going to be tapped into for many more years than was the case when they were put in place.

If we go back to the history of Social Security, we realize Social Security was something of a lottery. When Social Security started in the 1930s, roughly half of American workers did not survive until they were 65. So it was a lottery with 100 percent of the people paying in and only 50 percent taking anything out. Those who paid in got nothing for having done so. Those who survived to 65 got the benefit of their survival. Now you see they are living longer today, something like 75 or 80 percent of workers who join the workforce at age 20 are still alive at 65, so the lottery doesn't work anymore. Instead of half the people paying into the lottery, not getting anything out, you have more than three-quarters of the people who pay into the lottery getting something out. Then, once they get it, they get it for longer. The life expectancy of Americans is going up, as was shown in the last chart. This

shows the trend lines for male and female.

Again, in 1940, the life expectancy of Americans who had reached 65 was, for males, about 75. When we get out into the future, it will be 86. Put those two facts together. More people survive to 65 and, then, more people who get into the pool over 65 stay there for more years.

All this means that the financial structure of Social Security is simply unsustainable. Social Security cannot deal with these demographic changes. This is not a Republican plot or a Democratic plot. This is the demographics of the reality of the fact that Americans are healthier, living longer, and surviving to older age. So you get this reaction to the Social Security situation.

We go to the next chart that shows how Social Security works, in terms of the lottery I was discussing. In 1945, the program was still in its infancy. So this is a bit of a distortion. There were 42 people working and paying into the program for every one retiree drawing out. As the program matured and more and more of the workers retired, this number very appropriately came down. By 1950, there were still 17 workers paying into the program for every one retiree drawing out. Today there are three workers paying into the program for every one drawing out. With the demographic realities I described in the previous charts, we are looking at a time when there will be two workers for every retiree. That means, if the retiree is going to take out $1,000 a month, each worker has to be putting in $500 a month in order to make that happen and for a long period of time. This is how we have dealt with this demographic change throughout our history. We have dealt with it by raising taxes. Every step along the way, as the number of workers to retirees has gone down, the amount of taxes every worker pays has gone up.

Here is the history of the payroll tax increases: In 1937, you paid taxes on $3,000. That was it. Now it is $106,000. It has gone up and up all the way through.

This is unsustainable. You cannot continue to deal with the demographic changes in Social Security by simply ratcheting up the taxes. You have to do something to stabilize Social Security in a way that it will be there for our children and our grandchildren.

There is a reported survey—I have seen it many places, but I have never seen the source—that says a poll shows that among the young people in America, more believe in the existence of UFOs than believe Social Security will be available for them when they retire. I have grandmothers come up to me spontaneously on the streets in Utah and tell me how concerned they are their children and grandchildren will not have Social Security. I have people entering the workforce who come to me and say: Senator, my biggest question is, Will Social Security be there for me? And, increasingly, people are sure it is not.

The legislation I introduce today is geared to make sure Social Security will be there for our children and our grandchildren and that it will be there at roughly the same level it is for us; that is, they will not have to accept significantly less than we accept in order to make this program work.

How do we do that in the face of this demographic challenge? How is that possible? Well, one of our colleagues in the Senate for many years, Senator Pat Moynihan of New York, had the answer. Senator Moynihan looked back on how Social Security benefits were calculated, and he said: We calculate the increase in Social Security benefits on the wrong base. I do not want to get too technical, but the term that applies is ''wage-based'' increases for cost of living. Senator Moynihan pointed out the cost of living is not going up as rapidly as wages are. So if we would just adjust the base from wage base to cost-of-living base, a true cost-of-living base—that means we would slow down the rate of growth in benefits, and in slowing down the rate of growth in benefits in that fashion, we would solve the problem. It would become solvent.

That is fine. But what if you are someone who depends upon Social Security as your sole source of retirement? It was never intended that would be the case when it was put in place, but it has become that way for too many Americans. If they were to give up the benefit that comes from an overpayment—that is the form of wage-based adjustments—to go to the true payment of cost of increasing, which is the cost of the Consumer Price Index, it would hurt them. They would give up significant benefits. On the other hand, if you look at people such as Warren Buffett and Oprah Winfrey, they do not really need to have Social Security go beyond the true increase in cost of living.

So the solution is to say, for those who are at the bottom of the economic ladder, we keep Social Security benefits exactly as they are. For Warren Buffett and Oprah Winfrey and those who are at the exact top end of the economic ladder, we take Senator Moynihan's idea and we put it in place and say: You will have to struggle by with a Social Security plan based on the actual increase in cost of living rather than an inflated increase in cost of living.

What about those of us who are in between, the people at the bottom and the people at the very top? For those of us who fall in between those two areas, we get a mix, a blend, if you will, of wage base or cost-of-living base. It is called progressive indexing. All of the details are available in hearings that have been held on this subject which I chaired when I was chairman of the Joint Economic Committee and in other publications that have addressed this question.

What will this do to the actual benefits of the people in Social Security? We have asked the Social Security Administration to tell us. Now, again, these are projections, and as projections, they are subject to some kind of challenge. But they are the best analysis that people can make.

We start out with people who are currently 55; that is, only 10 years away from the 65 retirement date, although Social Security, by the time they get there, will be at 67. But what is going to happen to them under the bill I am introducing?

As shown on this chart, the dark bar is what a 2009 retiree will get. The red bar is what a 2019 retiree will get. These are in constant dollars; that is, an adjustment has been made for inflation. You see in every instance, the 2019 retiree will get more than the 2009 retiree.

Now, this is for the low earner. These are the people who are at the bottom third of our economic structure. Then the medium earner, and the high earner. So you see, in every case, people are made whole and protected.

This last chart is for the max earner, the maximum earner, who, quite frankly, probably does not exist. That would assume that somebody entered the workforce at age 20, earned $106,000 a year the first year, and continued to earn that level going on up through his entire career. The maximum he could possibly draw from Social Security: that would be that one.

But 82 percent of Americans fall in these two categories. So for someone age 55, under this bill, they come out just fine. They have nothing they should worry about.

Well, what about somebody who is 45, a little bit younger? What happens to them? Again, these are the estimates made by the Social Security Administration. Once again, the low earners, they do better under the Bennett plan. The medium earners, they do better under the Bennett plan. The high earners, virtually the same under the Bennett plan.

We can make the statement that we are going to hold everybody harmless. We will adjust Social Security in a way that makes it solvent, while at the same time preserving the same level of benefits we have for those of us who are currently drawing Social Security benefits, and we can see the same level of benefits would be available to those who come after us.

We will reach out all the way to 2075 and see what the estimates are from the Social Security Administration. These are people who will be born in 2010. It is a little hard to make a projection as to how much money they will have when they are not alive yet, but the projections are made.

Once again, under the bill I am introducing today, in 2075, the people at the bottom will do substantially better comparing today's benefit of $800 to the potential benefit of nearly $1,300 because they are the ones who are held harmless in the way Social Security benefits are currently calculated. So

they will get a significant position of significantly greater benefit than they do under current law. The medium earner—well, they also will do better. The high earner also will do better. Even the max earner will come out essentially the same.

Now, I cannot guarantee these numbers. You cannot guarantee with any certainty what the numbers are going to be in 2075. But the fact is that the Social Security Administration, looking over a past version of this bill I have introduced, has said everyone can look forward with some certainty—this is my description of it, not their words—everyone can look forward with some certainty to seeing that his or her Social Security benefits will be roughly the same as the benefits that are being paid to retirees today, and the system will be solvent, not requiring any increase in taxes throughout the life of the system.

We have had a lot of debates about Social Security, and we have had a lot of proposals about Social Security. To my knowledge, this is the only one that can say the two things I have just said; that is, that everybody's benefit, wherever they fall on the economic continuum, will be held at roughly the same level as today's benefit—in the case of the low earners, substantially better—and it can be done without raising any taxes. That is why we call this the Social Security Solvency Act.

Let me go back to the charts I put up in the beginning to stress once again the importance of bringing entitlements under control.

As shown on this chart, this is where we were in 1966 before entitlements started to get out of control. We in the Congress controlled 23 percent of the budget in nondefense discretionary spending and 44 percent of the budget in defense spending. So we controlled the majority. Today, we have shrunk that to the point where we control only 17 percent of the Federal budget, with 21 percent for defense spending, and the mandatory and interest costs have grown to a majority—a significant majority. Looking ahead just 10 years, if we do not do something about the entitlements, the mandatory spending will be 61 percent, 71 percent when you add interest costs. If you divide defense and nondefense in this historic pattern, we will only have 15 percent of the entire Federal budget under our control for nondefense discretionary spending.

We are talking about the largest single expenditure in our peacetime history. As we adopt it, we should do so against the backdrop of what we are looking at in mandatory spending down the road and realize if we are going to be able to afford this stimulus package, we have to have the courage to tackle mandatory spending at the same time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, before he leaves the floor, I simply want to say to Senator BENNETT, my partner lo these many years in the bipartisan effort to fix health care, how much I appreciate his leadership on the Social Security issue.

I think everybody understands what the demographics are all about. In fact, the demographics on Social Security are very similar to the demographics on health care. Yet Senator BENNETT has been out there prosecuting the case of trying to bring the Senate together for a bipartisan approach on Social Security, just as we have sought to do on health care.

I want to let the Senator from Utah know how much I am looking forward to working with him on this issue. I think he knows there are a number of us who believe this is going to take a bipartisan effort. Like most of the big issues, if you are going to get an enduring reform, bring the country together, you have to take the pursuit that Senator BENNETT has followed, which is to do your homework and get the financial underpinnings in place.

I commend my colleague for all his effort to zero the attention of the Senate in on the Social Security question. I am looking forward to working with him in partnership on this issue as well as continuing our health care effort.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I thank my friend and colleague from Oregon for his kind words. He was not here when I put up one chart which has now been taken away that showed the tsunami of entitlement spending, consisting of a band of three programs. The largest portion of that tsunami band was made up of health care spending. I will confess to having taken the easy route. Social Security is the easiest one to fix because we can make the kinds of changes I described here that go back to the effort started by Senator Moynihan.

Here is the chart. We can see Social Security is the easy one and eventually the small one. Medicare and Medicaid are the ones that are going to overwhelm us. They are the most difficult ones to fix.

So I am honored to have the Senator from Oregon say what he has to say because he has been the leader in recognizing that this challenge; that is, the challenge of dealing with the health care costs, is the tougher challenge, but, as with most tough challenges, it is also the one that will produce the biggest reward. It is where the biggest opportunity lies.

As I have said many times and repeated here on the floor of the Senate, one of the things I realized while working with the Senator from Oregon is that the best way to get all of these costs under control and turn these lines downward is to get quality going in our health care program. The bill I have had the honor to cosponsor, along with the Senator from Oregon, is focused on getting proper quality into our health care system.

If the Senator from Oregon is successful, with whatever help I can give him along with those others who have joined us, he will have made a significant contribution to our country, not only in terms of the benefits that come from having done health care right but from the economic impact of having done health care right. He will have made it possible for us to even consider such expenditures as a target in the stimulus package because this is the backdrop against which we are going to have to pay for those. So I thank the Senator from Oregon for his kind words, but I thank him even more for his valiant effort and his leadership on the whole issue of trying to deal with the health care challenge.

Mr. WYDEN. Mr. President, I would close this discussion with Senator BENNETT by saying that I think, having listened to his comments with respect to Social Security and knowing of our work together on health care, if anything, we have seen during this last couple of weeks of discussion about the economic stimulus how important it is going to be to bring the Senate together in the months ahead in a bipartisan way to tackle these most significant economic questions. You are not going to fix Social Security and you are not going to fix health care on a narrowly partisan approach. The Senator has made that clear with the ideas he has advanced on Social Security.

It is a pleasure to team up with the Senator on health care. I look forward to joining with him in following up on the Social Security proposal he has made this afternoon. I thank him for his work.

Mr. BENNETT. Mr. President, I again stress how grateful I am to the Senator for his leadership and how happy I am to be one of his cadre of loyal followers on this issue.

By Mr. CASEY (for himself and Mr. GRASSLEY):

S. 429. A bill to ensure the safety of imported food products for the citizens of the United States, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. CASEY. Mr. President, I rise today to introduce, along with my colleague Senator GRASSLEY, the EAT SAFE Act of 2009. Our bill is an important piece of foodsafety legislation that brings common sense solutions to give Americans peace of mind that the foods they eat and give their families is safe to consume.

We continue to see major problems in our food safety systems. Most recently, there was both contaminated salsa and a massive peanut butter recall. Two years ago, there was the major recall of animal feed and pet food that contained contaminated Chinese gluten. These examples highlight the need for action to ensure the safety of both domestic and foreign food products. Ensuring the safety of food products and food ingredients brought into this country from other nations has taken on a greater urgency.

A report issued in September 2007 by the Interagency Working Group on Import Safety stated that, ''aspects of our present import system must be strengthened to promote security, safety, and trade for the benefit of American consumers.'' The EAT SAFE Act that we are reintroducing today is designed to address one of those critical aspects of the food and agricultural import system that, in the face of the mounting imported food safety crisis, has received little public focus. That issue is food and other agricultural products that are being smuggled into the United States.

When many people think of food smuggling, they likely think of it as something that occurs when travelers attempt to bring small amounts of foreign food or agricultural products into the U.S. by concealing it in their vehicles, luggage, or other personal affects. While this type of smuggling is unquestionably a problem that U.S. authorities must and do address, the larger threat of smuggled food and agricultural products comes from the companies, importers, and individuals who circumvent U.S. inspection requirements or restrictions on imports of certain products from a particular country.

The ways in which these companies, importers, and individuals circumvent the system can happen in any number of ways. Many times smuggled products are intentionally mislabeled and bear the identification of a product that can legally enter the country. Other times, smuggled products gain import entry through falsifying the products' countries of origin. And, many times, products that have previously been denied entry are later ''shopped around,'' that is, presented to another U.S. port of entry in the effort to gain importation undetected.

Just some examples of prohibited products discovered in commerce in the United States in recent years include duck parts from Vietnam and poultry products from China, both nations with confirmed human cases of avian influenza; unpasteurized raw cheeses from Mexico containing a bacterium that causes tuberculosis; strawberries from Mexico contaminated with Hepatitis A; and mislabeled puffer fish from China containing a potentially deadly toxin. These smuggled food and agriculture products present safety risks to our food, plants, and animals, and pose a threat to our Nation's health, economy, and security.

The EAT SAFE Act addresses these serious risks by applying commonsense measures to protect our food and agricultural supply. This legislation authorizes funding for the U.S. Department of Agriculture and the Food and Drug Administration to bolster their efforts by hiring additional personnel to detect and track smuggled products. It also authorizes funding to provide food safety cross training for Homeland Security Agricultural Specialists and agricultural cross training for Customs' Border Patrol Agents to ensure that those men and women working on the front lines are knowledgeable about these serious food and agricultural threats.

In addition to focusing on increased personal and training, the EAT SAFE Act also seeks to increase importer accountability. The legislation requires private laboratories conducting tests on FDA-regulated products on behalf of importers to apply for and be certified by FDA. It also imposes civil penalties for laboratories or importers who knowingly or conspire to falsify imported product laboratory sampling and for importers who circumvent the USDA import reinspection system.

Finally, the EAT SAFE Act will also ensure increased public awareness of smuggled products, as well as recalled food products, by requiring the USDA and FDA to provide this information to the public in a timely and easily searchable manner.

These commonsense measures are an important first step towards safeguarding American's food and agricultural supply and ensuring our Nation's health, economy, and security. I urge all of my colleagues to support this legislation.

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

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

S. 429

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Ending Agricultural Threats: Safeguarding America's Food for Everyone (EAT SAFE) Act of 2009''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.
Sec. 4. Food safety training, personnel, and coordination.
Sec. 5. Reporting of smuggled food products.
Sec. 6. Civil penalties relating to illegally imported meat and poultry products.
Sec. 7. Certification of food safety labs.
Sec. 8. Data sharing.
Sec. 9. Public notice regarding recalled food products.
Sec. 10. Foodborne illness education and outreach competitive grants program.

SEC. 2. FINDINGS.

Congress finds that—

(1) the safety of the food supply of the United States is vital to—

(A) the health of the citizens of the United States;

(B) the preservation of the confidence of those citizens in the food supply of the United States; and

(C) the success of the food sector of the United States economy;

(2) the United States has the safest food supply in the world, and maintaining a secure domestic food supply is imperative for the national security of the United States;

(3) in a report published by the Government Accountability Office in January 2007, the Comptroller General of the United States described food safety oversight as 1 of the 29 high-risk program areas of the Federal Government; and

(4) the task of preserving the safety of the food supply of the United States is complicated by pressures relating to—

(A) food products that are smuggled or imported into the United States without being screened, monitored, or inspected as required by law; and

(B) the need to improve the enforcement of the United States in reducing the quantity of food products that are—

(i) smuggled into the United States; and

(ii) imported into the United States without being screened, monitored, or inspected as required by law.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATION.—The term ''Administration'' means the Food and Drug Administration.

(2) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Animal and Plant Health Inspection Service.

(3) DEPARTMENT.—The term ''Department'' means the Department of Agriculture.

(4) FOOD DEFENSE THREAT.—The term ''food defense threat'' means any intentional contamination, including any disease, pest, or poisonous agent, that could adversely affect the safety of human or animal food products.

(5) SMUGGLED FOOD PRODUCT.—The term ''smuggled food product'' means a prohibited human or animal food product that a person fraudulently brings into the United States.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

SEC. 4. FOOD SAFETY TRAINING, PERSONNEL, AND COORDINATION.

(a) DEPARTMENT.—

(1) TRAINING PROGRAMS.—

(A) AGRICULTURAL SPECIALISTS.—

(i) ESTABLISHMENT.—The Secretary shall establish training programs to educate each Federal employee who is employed in a position described in section 421(g) of the Homeland Security Act of 2002 (6 U.S.C. 231(g)) on issues relating to food safety and agroterrorism.

(ii) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subparagraph $1,700,000.

(B) CROSS-TRAINING OF EMPLOYEES OF UNITED STATES CUSTOMS AND BORDER PROTECTION.—

(i) ESTABLISHMENT.—The Secretary shall establish training programs to educate border patrol agents employed by the United States Customs and Border Protection of the Department of Homeland Security about identifying human, animal, and plant health threats and referring the threats to the appropriate agencies.

(ii) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subparagraph $4,800,000.

(2) ILLEGAL IMPORT DETECTION PERSONNEL.—Subtitle G of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6981 et seq.) is amended by adding at the end the following:

''SEC. 263. FOOD SAFETY PERSONNEL AND TRAINING.

''(a) ADDITIONAL EMPLOYEES.—Not later than 2 years after the date of enactment of the Ending Agricultural Threats: Safeguarding America's Food for Everyone (EAT SAFE) Act of 2009, the Secretary shall hire a sufficient number of employees to increase the number of full-time field investigators, import surveillance officers, support staff, analysts, and compliance and enforcement experts employed by the Food Safety and Inspection Service as of October 1, 2007, by 100 employees, in order to—

''(1) provide additional detection of food defense threats;

''(2) detect, track, and remove smuggled human food products from commerce; and

''(3) impose penalties on persons or organizations that threaten the food supply.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000.''.

(b) ADMINISTRATION.—Chapter IV of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341 et seq.) is amended by adding at the end the following:

''SEC. 418. FOOD SAFETY PERSONNEL AND TRAINING.

''(a) IN GENERAL.—Not later than 2 years after the date of enactment of the Ending Agricultural Threats: Safeguarding America's Food for Everyone (EAT SAFE) Act of 2009, the Secretary shall hire a sufficient number of employees to increase the number of full-time field investigators, import surveillance officers, support staff, analysts, and compliance and enforcement experts employed by the Food and Drug Administration as of October 1, 2007, by 150 employees, in order to—

''(1) provide additional detection of food defense threats;

''(2) detect, track, and remove smuggled food products from commerce; and

''(3) impose penalties on persons or organizations that threaten the food supply.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000.''.

(c) COORDINATION OF FEDERAL AGENCIES.—Section 411(b) of the Homeland Security Act of 2002 (6 U.S.C. 211(b)) is amended by adding at the end the following:

''(4) COORDINATION OF FEDERAL AGENCIES.—The Commissioner of United States Customs and Border Protection, in coordination with the Secretary of Agriculture and the Commissioner of Food and Drugs, shall conduct activities to target, track, and inspect shipments that—

''(A) contain human and animal food products; and

''(B) are imported into the United States.''.

SEC. 5. REPORTING OF SMUGGLED FOOD PRODUCTS.

(a) DEPARTMENT.—

(1) PUBLIC NOTIFICATION.—

(A) IN GENERAL.—Not later than 3 days after the date on which the Department identifies a smuggled food product, the Secretary shall provide to the public notification describing the food product identified by the Department and, if available, the individual or entity that smuggled the food product.

(B) REQUIRED FORMS OF NOTIFICATION.—The Secretary shall provide public notification under subparagraph (A) through—

(i) a news release of the Department for each smuggled food product identified by the Department;

(ii) a description of each smuggled food product on the website of the Department;

(iii) the management of a periodically updated list that contains a description of each individual or entity that smuggled the food product identified by the Secretary under subparagraph (A); and

(iv) any other appropriate means, as determined by the Secretary.

(2) NOTIFICATION TO DEPARTMENT OF HOMELAND SECURITY.—Not later than 30 days after the date on which the Department identifies a smuggled food product, the Secretary shall provide to the Department of Homeland Security notification of the smuggled food product.

(b) ADMINISTRATION.—

(1) PUBLIC NOTIFICATION.—

(A) IN GENERAL.—Not later than 3 days after the date on which the Administration identifies a smuggled food product, the Secretary of Health and Human Services shall provide to the public notification describing the smuggled food product identified by the Administration and, if available, the individual or entity that smuggled the food product.

(B) REQUIRED FORMS OF NOTIFICATION.—The Secretary of Health and Human Services shall provide public notification under subparagraph (A) through—

(i) a press release of the Administration for each smuggled food product identified by the Administration;

(ii) a description of each smuggled food product on the website of the Administration;

(iii) the management of a periodically updated list that contains a description of each individual or entity that smuggled the food product identified by the Secretary of Health and Human Services under subparagraph (A); and

(iv) any other appropriate means, as determined by the Secretary of Health and Human Services.

(2) NOTIFICATION TO DEPARTMENT OF HOMELAND SECURITY.—Not later than 30 days after the date on which the Administration identifies a smuggled food product, the Secretary of Health and Human Services shall provide to the Department of Homeland Security notification of the smuggled food product.

SEC. 6. CIVIL PENALTIES RELATING TO ILLEGALLY IMPORTED MEAT AND POULTRY PRODUCTS.

(a) MEAT PRODUCTS.—Section 20(b) of the Federal Meat Inspection Act (21 U.S.C. 620(b)) is amended—

(1) by striking ''(b) The Secretary'' and inserting the following:

''(b) DESTRUCTION; CIVIL PENALTIES.—

''(1) DESTRUCTION.—The Secretary''; and

(2) by adding at the end the following:

''(2) CIVIL PENALTIES.—Each individual or entity that fails to present each meat article that is the subject of the importation of the individual or entity to an inspection facility approved by the Secretary shall be liable for a civil penalty assessed by the Secretary in an amount not to exceed $25,000 for each meat article that the individual or entity fails to present to the inspection facility.''.

(b) POULTRY PRODUCTS.—Section 12 of the Poultry Products Inspection Act (21 U.S.C. 461) is amended—

(1) by striking the section heading and all that follows through ''(a) Any person'' and inserting the following:

''SEC. 12. PENALTIES.

''(a) PENALTIES RELATING TO THE VIOLATION OF CERTAIN SECTIONS.—

''(1) IN GENERAL.—Any person''; and

(2) in subsection (a) (as amended by paragraph (1)), by adding at the end the following:

''(2) FAILURE TO PRESENT POULTRY PRODUCTS AT DESIGNATED INSPECTION FACILITIES.—Each individual or entity that fails to present each poultry product that is the subject of the importation of the individual or entity to an inspection facility approved by the Secretary shall be liable for a civil penalty assessed by the Secretary in an amount not to exceed $25,000 for each poultry product that the individual or entity fails to present to the inspection facility.''.

(c) EGG PRODUCTS.—Section 12 of the Egg Products Inspection Act (21 U.S.C. 1041) is amended—

(1) by striking the section heading and all that follows through ''(a) Any person'' and inserting the following:

''SEC. 12. PENALTIES.

''(a) PENALTIES RELATING TO THE VIOLATION OF CERTAIN PROHIBITED ACTIONS.—

''(1) IN GENERAL.—Any person''; and

(2) in subsection (a) (as amended by paragraph (1)), by adding at the end the following:

''(2) FAILURE TO PRESENT EGG PRODUCTS AT DESIGNATED INSPECTION FACILITIES.—Each individual or entity that fails to present each egg product that is the subject of the importation of the individual or entity to an inspection facility approved by the Secretary shall be liable for a civil penalty assessed by the Secretary in an amount not to exceed $25,000 for each egg product that the individual or entity fails to present to the inspection facility.''.

SEC. 7. CERTIFICATION OF FOOD SAFETY LABS; SUBMISSION OF TEST RESULTS.

(a) IN GENERAL.—Chapter IV of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341 et seq.), as amended by section 4(b), is amended by adding at the end the following:

''SEC. 419. CERTIFICATION OF FOOD SAFETY LABS; SUBMISSION OF TEST RESULTS.

''(a) DEFINITION OF FOOD SAFETY LAB.—In this section, the term 'food safety lab' means an establishment that conducts testing, on behalf of an importer through a contract or other arrangement, to ensure the safety of articles of food.

''(b) CERTIFICATION REQUIREMENT.—

''(1) IN GENERAL.—A food safety lab shall submit to the Secretary an application for certification. Upon review, the Secretary may grant or deny certification to the food safety lab.

''(2) CERTIFICATION STANDARDS.—The Secretary shall establish criteria and methodologies for the evaluation of applications for certification submitted under paragraph (1). Such criteria shall include the requirements that a food safety lab—

''(A) be accredited as being in compliance with standards set by the International Organization for Standardization;

''(B) agree to permit the Secretary to conduct an inspection of the facilities of the food safety lab and the procedures of such lab before making a certification determination;

''(C) agree to permit the Secretary to conduct routine audits of the facilities of the food safety lab to ensure ongoing compliance with accreditation and certification requirements;

''(D) submit with such application a fee established by the Secretary in an amount sufficient to cover the cost of application review, including inspection under subparagraph (B); and

''(E) agree to submit to the Secretary, in accordance with the process established under subsection (c), the results of tests conducted by such food safety lab on behalf of an importer.

''(c) SUBMISSION OF TEST RESULTS.—The Secretary shall establish a process by which a food safety lab certified under this section shall submit to the Secretary the results of all tests conducted by such food safety lab on behalf of an importer.''.

(b) ENFORCEMENT.—Section 303(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(f)) is amended—

(1) by redesignating paragraphs (5), (6), and (7) as paragraphs (7), (8), and (9), respectively;

(2) by inserting after paragraph (4) the following:

''(5) An importer (as such term is used in section 419) shall be subject to a civil penalty in an amount not to exceed $25,000 if such importer knowingly engages in the falsification of test results submitted to the Secretary by a food safety lab certified under section 419.

''(6) A food safety lab certified under section 419 shall be subject to a civil penalty in

an amount not to exceed $25,000 for knowingly submitting to the Secretary false test results under section 419.''';

(3) in paragraph (2)(C), by striking ''paragraph (5)(A)'' and inserting ''paragraph (7)(A)'';

(4) in paragraph (7), as so redesignated, by striking ''or (4)'' each place it appears and inserting ''(4), (5), or (6)'';

(5) in paragraph (8), by striking ''paragraph (5)(A)'' and inserting ''paragraph (7)(A)''; and

(6) in paragraph (9), as so redesignated, by striking ''paragraph (6)'' each place it appears and inserting ''paragraph (8)''.

SEC. 8. DATA SHARING.

(a) DEPARTMENT OF AGRICULTURE MEMORANDA OF UNDERSTANDING.—The Secretary shall ensure that the agencies within the Department of Agriculture, including the Food Safety and Inspection Service, the Agricultural Research Service, and the Animal and Plant Health Inspection Service, enter into a memorandum of understanding to ensure the timely and efficient sharing of all information collected by such agencies related to foodborne pathogens, contaminants, and illnesses.

(b) INTERAGENCY MEMORANDUM OF UNDERSTANDING.—The Secretary, in collaboration with the Secretary of Health and Human Services, shall enter into a memorandum of understanding between the agencies within the Department of Agriculture, including those described in subsection (a), and the agencies within the Department of Health and Human Services, including the Centers for Disease Control and Prevention and the Food and Drug Administration, to ensure the timely and efficient sharing of all information collected by such agencies related to foodborne pathogens, contaminants, and illnesses.

SEC. 9. PUBLIC NOTICE REGARDING RECALLED FOOD PRODUCTS.

(a) DEPARTMENT.—

(1) NEWS RELEASES REGARDING RECALLED FOOD PRODUCTS.—

(A) IN GENERAL.—On the date on which a human or animal food product regulated by the Department is voluntarily recalled, the Secretary shall provide to the public a news release describing the human or animal food product.

(B) CONTENTS.—Each news release described in subparagraph (A) shall contain a comprehensive list of each human and animal food product regulated by the Department that is voluntarily recalled.

(2) WEBSITE.—The Secretary shall modify the website of the Department to contain—

(A) not later than 1 business day after the date on which a human or animal food product regulated by the Department is voluntarily recalled, a news release describing the human or animal food product;

(B) if available, an image of each human and animal food product that is the subject of a news release described in subparagraph (A); and

(C) not later than 90 days after the date of enactment of this Act, a search engine that—

(i) is consumer-friendly, as determined by the Secretary; and

(ii) provides a means by which an individual could locate each human and animal food product regulated by the Department that is voluntarily recalled.

(3) STATE-ISSUED AND INDUSTRY PRESS RELEASES.—To meet the requirement under paragraph (1)(A), the Secretary—

(A) may provide to the public a press release issued by a State; and

(B) shall not provide to the public a press release issued by a private industry entity in lieu of a press release issued by the Federal Government or a State.

(4) PROHIBITION ON DELEGATION OF DUTY.—The Secretary may not delegate, by contract or otherwise, the duty of the Secretary—

(A) to provide to the public a news release under paragraph (1); and

(B) to make any required modification to the website of the Department under paragraph (2).

(b) ADMINISTRATION.—

(1) PRESS RELEASES REGARDING RECALLED FOOD PRODUCTS.—

(A) IN GENERAL.—On the date on which a human or animal food product regulated by the Administration is voluntarily recalled, the Secretary of Health and Human Services shall provide to the public a press release describing the human or animal food product.

(B) CONTENTS.—Each press release described in subparagraph (A) shall contain a comprehensive list of each human and animal food product regulated by the Administration that is voluntarily recalled.

(2) WEBSITE.—The Secretary of Health and Human Services shall modify the website of the Administration to contain—

(A) not later than 1 business day after the date on which a human or animal food product regulated by the Administration is voluntarily recalled a press release describing the human or animal food product;

(B) if available, an image of each human and animal food product that is the subject of a press release described in subparagraph (A); and

(C) not later than 90 days after the date of enactment of this Act, a search engine that—

(i) is consumer-friendly, as determined by the Secretary of Health and Human Services; and

(ii) provides a means by which an individual could locate each human and animal food product regulated by the Administration that is voluntarily recalled.

(3) STATE-ISSUED AND INDUSTRY PRESS RELEASES.—For purposes of meeting the requirement under paragraph (1)(A), the Secretary of Health and Human Services—

(A) may provide to the public a press release issued by a State; and

(B) may not provide to the public a press release issued by a private industry entity in lieu of a press release issued by a State or the Federal Government.

(4) PROHIBITION ON DELEGATION OF DUTY.—The Secretary of Health and Human Services may not delegate, by contract or otherwise, the duty of the Secretary of Health and Human Services—

(A) to provide to the public a press release under paragraph (1); and

(B) to make any required modification to the website of the Administration under paragraph (2).

SEC. 10. FOODBORNE ILLNESS EDUCATION AND OUTREACH COMPETITIVE GRANTS PROGRAM.

Title IV of the Agricultural Research, Extension, and Education Reform Act of 1998 is amended by adding after section 412 (7 U.S.C. 7632) the following:

''SEC. 413. FOODBORNE ILLNESS EDUCATION AND OUTREACH COMPETITIVE GRANTS PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Food Safety and Inspection Service.

''(2) COMMISSIONER.—The term 'Commissioner' means the Commissioner of Food and Drugs.

''(3) ELIGIBLE ENTITY.—The term 'eligible entity' means—

''(A) the government of a State (including a political subdivision of a State);

''(B) an educational institution;

''(C) a private for-profit organization;

''(D) a private non-profit organization; and

''(E) any other appropriate individual or entity, as determined by the Secretary.

''(b) ESTABLISHMENT.—The Secretary (acting through the Administrator of the Cooperative State Research, Education, and Extension Service), in consultation with the Administrator and the Commissioner, shall establish and administer a competitive grant program to provide grants to eligible entities to enable the eligible entities to carry out educational outreach partnerships and programs to provide to health providers, patients, and consumers information to enable those individuals and entities—

''(1) to recognize—

''(A) foodborne illness as a serious public health issue; and

''(B) each symptom of foodborne illness to ensure the proper treatment of foodborne illness;

''(2) to understand—

''(A) the potential for contamination of human and animal food products during each phase of the production of human and animal food products; and

''(B) the importance of using techniques that help ensure the safe handling of human and animal food products; and

''(3) to assess the risk of foodborne illness to ensure the proper selection by consumers of human and animal food products.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,500,000 for fiscal year 2009 and each fiscal year thereafter.''.

Mr. GRASLEY. Mr. President, today I rise to speak about the EAT SAFE Act which I am once again cosponsoring with Senator CASEY.

It seems like all too often we have a new food safety problem. It might be contaminated food right here at home, or tainted goods coming in from other countries.

Now, as everyone in this body knows, I am a family farmer. And I take pride in the food that I grow on my farm that helps to feed the world. I have never met a farmer who didn't want to produce safe food.

Many of us in Congress are parents and grandparents. We are always looking at the foods we buy to stock our shelves because we know it will impact the health of our loved ones. And so, everyone in this body should have the same goal in protecting our food supply.

That is why the senator from Pennsylvania and I have seen the importance of introducing a bipartisan food safety bill.

As part of our national security, we require a safe and secure food supply. The importers of food into the U.S. have a duty to make sure what they supply is safe. At the same time, with trillions of dollars worth of products being imported into the U.S. every year, we need to make sure that our inspectors can handle the workload.

The EAT SAFE Act puts an emphasis on training and personnel. We authorize funding for both the Food and Drug Administration and the U.S. Department of Agriculture to hire additional personnel to detect and track smuggled food and a agricultural products. The bill would also crosstrain Department of Homeland Security border patrol agents and agricultural specialists on food safety since they are our first line of defense to imported threats.

In addition, our bill requires private laboratories conducting tests on FDA-regulated products on behalf of importers, to apply for and be certified by FDA. It directs FDA to develop a determination, certification, and audit process for these private laboratories, and authorizes FDA to collect user fees to cover certification costs. Finally, it imposes civil penalties for laboratories and importers who knowingly falsify laboratory sampling results and for importers who circumvent the USDA import reinspection system.

Consumer confidence in America's food supply has always been high. But as each week passes with a recall on something in our fridges and pantries, that consumer confidence is slipping.

I believe this bill helps alleviate the threats from imported products and puts reliability into private lab testing. FDA does not have the resources as we have seen with the recent peanut products recall to fully monitor all the threats against our food supply.

I hope the introduction of this bill will get the seeds planted on what is sure to be a comprehensive look at our Nation's food system. I urge my colleagues to join Senator CASEY and me and support this important legislation.

By Mr. INHOFE:

S. 430. A bill to amend the Public Works and Economic Development Act of 1965 to reauthorize that Act, and for other purposes; to the Committee on Environment and Public Works.

Mr. INHOFE. Mr. President, today I am introducing a bill to reauthorize the Economic Development Administration, EDA. EDA works with partners in economically distressed communities to create wealth and minimize poverty by promoting favorable business environments to attract private investment and encourage long-term economic growth. Authorization of EDA's programs expired on September 30, 2008. I originally introduced this bill in July 2008 so that we could avert this lapse in authorization. Unfortunately, my bill was never enacted, so I am reintroducing it today.

Unlike the majority of the spending in the so-called ''stimulus'' bill passed by the Senate earlier this week, EDA investments actually provide economic benefits. In fact, studies show that EDA uses federal dollars efficiently and effectively, creating and retaining long-term jobs at an average cost that is among the lowest in government. Knowing that, I was pleased to see some funding for EDA included in that massive spending bill; I only wish more of that bill had been legitimate economic stimulus.

Last year, I was disappointed to see an Obama campaign document refer to EDA as wasteful and ineffective government spending and propose cutbacks in funding for the agency. While I, too, am committed to eliminating wasteful spending, I couldn't disagree more with that characterization of EDA.

In my home State of Oklahoma, for example, EDA has worked long and hard with many communities in need to bring in private capital investment and jobs. Durant, Clinton, Oklahoma City, Seminole, Miami and Elgin are just some of the Oklahoma communities that have made good use of EDA assistance. In fact, over the past six years, EDA grants awarded in my home state have resulted in more than 9,000 jobs being created or saved. With an investment of about $26 million, we have leveraged another 30 million in State and local dollars and more than 558 million in private sector dollars. I would call that a wonderful success story.

Particularly in these difficult economic times, we should be doing all we can to ensure the continuation of such successful programs, and reauthorization is an important step. I hope now-President Obama reconsiders the rhetoric of then-candidate Obama and recognizes the effectiveness and importance of this agency. I look forward to working with my colleagues here in the Senate, as well as in the House of Representatives, to reauthorize the programs of the Economic Development Administration as quickly as possible.

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

S. 430

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Economic Development Administration Reauthorization Act of 2009''.

SEC. 2. ECONOMIC DEVELOPMENT PARTNERSHIPS.

Section 101 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3131) is amended by adding at the end the following:

''(e) EXCELLENCE IN ECONOMIC DEVELOPMENT AWARDS.—

''(1) ESTABLISHMENT OF PROGRAM.—To recognize innovative economic development strategies of national significance, the Secretary may establish and carry out a program, to be known as the 'Excellence in Economic Development Award Program' (referred to in this subsection as the 'program').

''(2) ELIGIBLE ENTITIES.—To be eligible for recognition under the program, an entity shall be an eligible recipient that is not a for-profit organization or institution.

''(3) NOMINATIONS.—Before making an award under the program, the Secretary shall solicit nominations publicly, in accordance with such selection and evaluation procedures as the Secretary may establish in the solicitation.

''(4) CATEGORIES.—The categories of awards under the program shall include awards for—

''(A) urban or suburban economic development;

''(B) rural economic development;

''(C) environmental or energy economic development;

''(D) economic diversification strategies that respond to economic dislocations, including economic dislocations caused by natural disasters and military base realignment and closure actions;

''(E) university-led strategies to enhance economic development;

''(F) community- and faith-based social entrepreneurship;

''(G) historic preservation-led strategies to enhance economic development; and

''(H) such other categories as the Secretary determines to be appropriate.

''(5) PROVISION OF AWARDS.—The Secretary may provide to each entity selected to receive an award under this subsection a plaque, bowl, or similar article to commemorate the accomplishments of the entity.

''(6) FUNDING.—Of amounts made available to carry out this Act, the Secretary may use not more than $2,000 for each fiscal year to carry out this subsection.''.

SEC. 3. ENHANCEMENT OF RECIPIENT FLEXIBILITY TO DEAL WITH PROJECT ASSETS.

(a) REVOLVING LOAN FUND PROGRAM FLEXIBILITY.—Section 209(d) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149(d)) is amended by adding at the end the following:

''(5) CONVERSION OF PROJECT ASSETS.—

''(A) REQUEST.—If a recipient determines that a revolving loan fund established using assistance provided under this section is no longer needed, or that the recipient could make better use of the assistance in light of the current economic development needs of the recipient if the assistance was made available to carry out any other project that meets the requirements of this Act, the recipient may submit to the Secretary a request to approve the conversion of the assistance.

''(B) METHODS OF CONVERSION.—A recipient the request to convert assistance of which is approved under subparagraph (A) may accomplish the conversion by—

''(i) selling to a third party any assets of the applicable revolving loan fund; or

''(ii) retaining repayments of principal and interest amounts on loans provided through the applicable revolving loan fund.

''(C) REQUIREMENTS.—

''(i) SALE.—

''(I) IN GENERAL.—Subject to subclause (II), a recipient shall use the net proceeds from a sale of assets under subparagraph (B)(i) to pay any portion of the costs of 1 or more projects that meet the requirements of this Act.

''(II) TREATMENT.—For purposes of subclause (I), a project described in that subclause shall be considered to be eligible under section 301.

''(ii) RETENTION OF REPAYMENTS.—Retention by a recipient of any repayment under subparagraph (B)(ii) shall be carried out in accordance with a strategic reuse plan approved by the Secretary that provides for the increase of capital over time until sufficient amounts (including interest earned on the amounts) are accumulated to fund other projects that meet the requirements of this Act.

''(D) TERMS AND CONDITIONS.—The Secretary may require such terms and conditions regarding a proposed conversion of the use of assistance under this paragraph as the Secretary determines to be appropriate.

''(E) EXPEDIENCY REQUIREMENT.—The Secretary shall ensure that any assistance intended to be converted for use pursuant to this paragraph is used in an expeditious manner.

''(6) PROGRAM ADMINISTRATION.—The Secretary may allocate not more than 2 percent of the amounts made available for grants under this section for the development and maintenance of an automated tracking and monitoring system to ensure the proper operation and financial integrity of the revolving loan program established under this section.''.

(b) MAINTENANCE OF EFFORT.—Title VI of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3211 et seq.) is amended by adding at the end the following:

"SEC. 613. MAINTENANCE OF EFFORT.

''(a) EXPECTED PERIOD OF BEST EFFORTS.—

''(1) ESTABLISHMENT.—To carry out the purposes of this Act, before providing investment assistance for a construction project under this Act, the Secretary shall establish the expected period during which the recipient of the assistance shall make best efforts to achieve the economic development objectives of the assistance.

''(2) TREATMENT OF PROPERTY.—To obtain the best efforts of a recipient during the period established under paragraph (1), during that period—

''(A) any property that is acquired or improved, in whole or in part, using investment assistance under this Act shall be held in trust by the recipient for the benefit of the project; and

''(B) the Secretary shall retain an undivided equitable reversionary interest in the property.

''(3) TERMINATION OF FEDERAL INTEREST.—

''(A) IN GENERAL.—Beginning on the date on which the Secretary determines that a recipient has fulfilled the obligations of the recipient for the applicable period under paragraph (1), taking into consideration the economic conditions existing during that period, the Secretary may terminate the reversionary interest of the Secretary in any applicable property under paragraph (2)(B).

''(B) ALTERNATIVE METHOD OF TERMINATION.—

''(i) IN GENERAL.—On a determination by a recipient that the economic development needs of the recipient have changed during the period beginning on the date on which investment assistance for a construction project is provided under this Act and ending on the expiration of the expected period established for the project under paragraph (1), the recipient may submit to the Secretary a request to terminate the reversionary interest of the Secretary in property of the project under paragraph (2)(B) before the date described in subparagraph (A).

''(ii) APPROVAL.—The Secretary may approve a request of a recipient under clause (i) if—

''(I) in any case in which the request is submitted during the 10-year period beginning on the date on which assistance is initially provided under this Act for the applicable project, the recipient repays to the Secretary an amount equal to 100 percent of the fair market value of the pro rata Federal share of the project; or

''(II) in any case in which the request is submitted after the expiration of the 10-year period described in subclause (I), the recipient repays to the Secretary an amount equal to the fair market value of the pro rata Federal share of the project as if that value had been amortized over the period established under paragraph (1), based on a straight-line depreciation of the project throughout the estimated useful life of the project.

''(b) TERMS AND CONDITIONS.—The Secretary may establish such terms and conditions under this section as the Secretary determines to be appropriate, including by extending the period of a reversionary interest of the Secretary under subsection (a)(2)(B) in any case in which the Secretary determines that the performance of a recipient is unsatisfactory.

''(c) PREVIOUSLY EXTENDED ASSISTANCE.—

''(1) IN GENERAL.—With respect to any recipient to which the term of provision of assistance was extended under this Act before the date of enactment of this section, the Secretary may approve a request of the recipient under subsection (a) in accordance with the requirements of this section to ensure uniform administration of this Act, notwithstanding any estimated useful life period that otherwise relates to the assistance.

''(2) CONVERSION OF USE.—If a recipient described in paragraph (1) demonstrates to the Secretary that the intended use of the project for which assistance was provided under this Act no longer represents the best use of the property used for the project, the Secretary may approve a request by the recipient to convert the property to a different use for the remainder of the term of the Federal interest in the property, subject to the condition that the new use shall be consistent with the purposes of this Act.

''(d) STATUS OF AUTHORITY.—The authority of the Secretary under this section is in addition to any authority of the Secretary pursuant to any law or grant agreement in effect on the date of enactment of this section.''.

SEC. 4. EXTENSION OF AUTHORIZATION OF APPROPRIATIONS.

Section 701(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3231(a)) is amended—

(1) in paragraph (1), by striking ''2004'' and inserting ''2009'';

(2) in paragraph (2), by striking ''2005'' and inserting ''2010'';

(3) in paragraph (3), by striking ''2006'' and inserting ''2011'';

(4) in paragraph (4), by striking ''2007'' and inserting ''2012''; and

(5) in paragraph (5), by striking ''2008'' and inserting ''2013''.

SEC. 5. FUNDING FOR GRANTS FOR PLANNING AND GRANTS FOR ADMINISTRATIVE EXPENSES.

Section 704 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3234) is amended to read as follows:

"SEC. 704. FUNDING FOR GRANTS FOR PLANNING AND GRANTS FOR ADMINISTRATIVE EXPENSES.

''(a) IN GENERAL.—Subject to subsection (b), of the amounts made available under section 701 for each fiscal year, not less than $27,000,000 shall be made available to provide grants under section 203.

''(b) SUBJECT TO TOTAL APPROPRIATIONS.—For any fiscal year, the amount made available pursuant to subsection (a) shall be increased to—

''(1) $28,000,000, if the total amount made available under subsection 701(a) for the fiscal year is equal to or greater than $300,000,000;

''(2) $29,500,000, if the total amount made available under subsection 701(a) for the fiscal year is equal to or greater than $340,000,000;

''(3) $31,000,000, if the total amount made available under subsection 701(a) for the fiscal year is equal to or greater than $380,000,000;

''(4) $32,500,000, if the total amount made available under subsection 701(a) for the fiscal year is equal to or greater than $420,000,000; and

''(5) $34,500,000, if the total amount made available under subsection 701(a) for the fiscal year is equal to or greater than $460,000,000.''.

By Mr. BINGAMAN (for himself and Mr. MCCAIN):

S. 432. A bill to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 to honor the legacy of Stewart L. Udall, and for other purposes; to the Committee on Environment and Public Works.

Mr. BINGAMAN. Mr. President, I am pleased to join with Senator MCCAIN in introducing a bill to amend the Morris K. Udall Scholarship and Excellence in National Environmental Policy Act, both to enhance the Udall Foundation and to honor one of the foremost environmental visionaries of American history, Stewart L. Udall.

The Morris K. Udall Foundation was established by Congress in 1992 to provide federal-funded scholarships to the growing number of students in America who wish to become environmental professionals in the public and private sectors and importantly, to identify and educate new generations of leaders in Indian Country. By now, there are more than 1,100 young Udall Scholars and Udall Native American interns around the country. The educational programs of the Foundation have earned national significance and are among the most sought after on American campuses.

In 1998, Foundation grew to include a new Federal environmental mediation program created by Congress. Named the U.S. Institute for Environmental Conflict Resolution, the agency has played a quiet leading role to find common ground on issues as diverse as Everglades Restoration to the joint tribal-federal management of the National Bison Range Complex. The Institute's small in-house staff, often working in partnership with members of its national roster of mediators, have handled important conflict resolution processes in collaboration with many federal departments including Interior, Defense, USDA Forest Service, and Transportation. Now more than ever, these skills are needed to move infrastructure projects and restore the economy.

The Udall Foundation is also a founder and funder of the Native Nations Institute, NNI, a graduate educator and policy center for Indian Country. NNI teaches a new way of governance on the reservations which embraces tribal identity as a core principle and smart business practices as a way to assist Indian nations rebuild their economies. In the last 5 years, more than 2,000 Native American leaders have benefitted from its courses. New leaders emerging from the Foundation's education programs are beginning to take their places in Tribal governance.

The Udall Foundation's Parks in Focus aims to connect underserved youth to nature through the art of photography. The Foundation organizes week-long trips, introduces members of local Boys & Girls Clubs, many of whom have never before left their communities, to some of the most beautiful natural landscapes in the country; provides them with Canon digital cameras to use and keep; and teaches the basics of photography, ecology, and conservation while exploring national parks, wildlife refuges, and other public lands. The Foundation will be expanding the Parks in Focus program significantly in the coming years.

The proposed legislation includes additional resources for operations of this fine agency as well as renaming it the Morris K. Udall and Stewart L. Udall Foundation, in recognition of the historic Interior Secretary's contributions.

Stewart Udall was Secretary of the Interior under Presidents Kennedy and Johnson, where his accomplishments earned him a special place among those ever to serve in that post and have made him an icon in the environmental and conservation communities. His best-selling book on environmental attitudes in the U.S., The Quiet Crisis, 1963, along with Rachel Carson's Silent Spring, is credited with creating a consciousness in the country leading to the environmental movement.

Stewart's remarkable career in public service has left an indelible mark on the Nation's environmental and cultural heritage. Born in 1920, and educated in Saint Johns, Arizona, Udall attended the University of Arizona for 2 years until World War II. He served 4 years in the Air Force as an enlisted B24 gunner flying 50 missions over Western Europe for which he received the Air Medal with three Oak Leaf Clusters. He returned to the University of Arizona in 1946 where he played guard on a championship basketball team and attended law school. He received his law degree and was admitted to the Arizona bar in 1948. He married Erma Lee Webb during this time. They raised 6 children.

Stewart was elected to the U.S. House of Representatives from Arizona in 1954. He served with distinction in the House for 3 terms on the Interior and Education and Labor committees. In 1960, President Kennedy appointed Stewart Udall Secretary of Interior. In this role, he oversaw the addition of four parks, 6 national monuments, 8 seashores and lakeshores, 9 recreation areas, 20 historic sites and 56 wildlife refuges to the National Park system. During his tenure as the Interior Secretary, President Johnson signed into law the Wilderness Act, the Water Quality Act, the Wild and Scenic Rivers Act and National Trails Bill. Stewart also helped spark a cultural renaissance in America by setting in motion initiatives that led to the Kennedy Center, Wolf Trap Farm Park, the National Endowments for Arts and the Humanities, and the revived Ford's Theatre.

Stewart currently resides in Santa Fe, NM, and will turn 90 years old in the coming year.

The Udall Foundation is an exemplary organization doing remarkable work and I am pleased to support additional resources to this agency. In addition, Stewart displayed significant leadership in helping to enact much of the legislation that protects our environment and lands today as well as being one of the first people to point to problems in the environment. For these and many other reasons, he deserves inclusion in the Foundation on par with his brother, Morris.

I look forward to working with my colleagues to ensure swift passage of this bill.

By Mr. UDALL, of New Mexico (for himself and Mr. UDALL, of Colorado):

S. 433. A bill to amend the Public Utility Regulatory Policies Act of 1978 to establish a renewable electricity standard, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. UDALL of New Mexico. Mr. President, I rise to introduce legislation to establish a Federal renewable electricity standard. Before I talk about what that will do, let me tell you a little bit about the people it will help.

Luna County, NM has a double-digit unemployment rate. More than half of its children live in poverty. It was in recession before our current economic crisis. If nothing changes, it will be in recession long after the rest of the country recovers. Now, let me be clear. Luna County deserves help, but I'm not looking to spend a lot of money. We usually think of economic development as something you pay for. But the proposal I am introducing today does not spend a dime. In fact, my plan will generate tax revenue.

Luna County has something else worth noting. When you look at the United States on a map that measures solar thermal energy, Luna County is red hot. Like hundreds of small communities across our country, Luna has immense untapped potential for renewable energy. If Luna can find a way to sell its sunlight, its future will be secure. But Luna has a problem. America's energy markets do not value Luna's sunlight the way they should. These markets ignore three critical things. First, growing demand and stagnant supply mean rising prices for fossil fuels. The price of natural gas has more than tripled since 1995. Unless we act, we can expect more price spikes in the future, spikes that threaten the economy. But it is easier for utilities to buy a little more natural gas than it is to invest in clean technologies. The result is that we are moving forward as if our energy use is sustainable, when we know it is not.

In most markets, this would be bad enough, but our energy markets have two other problems. Americans care whether our energy comes from farmers in Iowa or mullahs in Iran, but our markets do not. When we buy solar energy from Luna County, we keep our money in this country, and we make ourselves less dependent on countries such as Russia and Iran, countries that have shown their willingness to use our dependence against us. America's energy markets also ignore global climate change. Right now a clean electron produced by the sun costs as much as an electron produced by burning carbon. Our markets don't care whether the energy we consume is leading to fewer farms and more forest fires. They don't care whether our grandchildren will be able to live comfortably on this Earth. They just don't care. And we are paying the price. Even the most conservative economists will tell us that energy is a classic case of market failure. The energy market ignores our economic security, our national security, and the future of our world. Economists call these things externalities. I call them the basis of our way of life.

So what do we do? I am proposing that we demand a little bit more from our utilities. Let's require that they produce 25 percent of their electricity from renewable sources by 2025. Thanks in large part to Senator BINGAMAN, the Senate has already passed a similar proposal three times. Last year I was proud to help pass a proposal such as this in the other body.

Renewable electricity standards have succeeded at the State level. In fact, more than 28 States have renewable standards, including the State of New Mexico. But a national RES has never become the law of the land. It is time for Congress to make it so.

There are many reasons to support this plan. To start, it is good for consumers. Scientists looking at a 20-percent standard concluded that it could save utility customers $31.8 billion. A 25-percent standard would save even more. A renewable energy standard would also strengthen rural communities and provide new income for farmers and ranchers.

This plan will make America safer. The billions of dollars it will generate are dollars that cannot be used to hold our foreign policy hostage.

Most importantly, a national renewable standard will create hundreds of thousands of high-paying jobs, jobs that cannot be outsourced. Study after study shows that shifting capital to renewable energy increases job creation. Not only will this plan stimulate job creation today, it will put us on a path toward dominance in the industries of the future.

Some of my colleagues will probably say a renewable standard makes sense for sunny New Mexico, but it won't work for their States. I urge them to take another look at their States. Scientists predict that Florida could one day meet one-third of its energy needs by tapping the power of the gulf stream. Louisiana has wind energy potential offshore, and New Orleans has already begun to rebuild its economy by creating jobs developing solar energy. Alaska has wind energy potential all over its coast and geothermal potential in the south. The State of Tennessee concluded its existing investment in renewables could yield 4,500 jobs and additional investment could yield 45,000.

Everywhere we look, America has untapped renewable energy potential. But for the sake of argument, let's say that Louisiana might have to import some energy from Florida under a national renewable standard. Louisiana already

imports a big chunk of its energy. As consumption rises, more and more of Louisiana's energy comes from imports. Today those imports come largely from natural gas, and 43 percent of the world's natural gas is under Russia and Iran. So Louisiana is bidding up the price of a commodity that is largely controlled by countries that don't like us. I would rather buy hydropower from Florida than fossil fuels from Iran.

The choice is not between importing and not importing. It is between Charlie Crist and Mahmoud Ahmadinejad. This is not a tough choice.

Of course, some people say they support a renewable standard, but not yet. They say America cannot afford to reduce our contribution to climate change because the growth of China and India will drown out the impact of our emissions reductions. This concern is very real, but it represents a failure of our moral imagination. If we are to have a future as a country and as a global community, we cannot see the world's aspiring middle class as potential threats. We have to see them as potential customers. And we should be racing to develop the technologies they will need.

Waiting for China to address its emissions problem before we address ours is like waiting for an opponent to finish the race before we start to lace up.

Right now, the world is engaged in a high-stakes competition; America just does not always admit it. As the world's citizens see the impact of climate change, we are demanding energy supplies that do not endanger our collective future. That means soon clean energy will not be an alternative, it will be the standard. When that happens, whichever country dominates the clean energy industry will be able to create jobs on a grand scale.

Do not take my word for it. The CEO of GE Energy has testified before the Congress that ''wind and solar energy are likely to be among the largest sources''—largest sources—''of new manufacturing jobs worldwide during the 21st Century.'' Think about what he said:

> [W]ind and solar energy are likely to be among the largest sources of new manufacturing jobs. . . .

We hear a lot of discussion on this floor about new manufacturing jobs and us losing manufacturing jobs. Well, this is where the new manufacturing jobs are going to be.

A growing chorus of economists and business leaders agree with what this GE Energy CEO has said.

America cannot afford to let another country become the world's clean energy leader. But right now we are falling behind. Countries that have done much more to shape their energy markets have already created thriving green energy industries. With a population roughly one-quarter as large as America's, Germany has more than twice as many workers developing wind energy technologies. Spain has almost five times as many workers in the solar thermal industry as America. China has more than 300 times as many.

America is not falling behind because our scientists are not smart enough. Some of the big ideas now powering the economies of Europe originated right here. From 1970 to 1996, Los Alamos National Lab developed a technique for cleanly and efficiently using the Earth's heat to generate electricity. Estimates indicated the technique could eventually power the Earth for hundreds of years. But without market incentives to encourage continued development, progress stagnated. Germany took that technology and brought it to market in just 3 years. They now have 150 geothermal plants nearing completion. Think of the jobs that will create. Those could be our jobs. Those should be our jobs.

A renewable electricity standard would let America catch up and take the lead. We still have the world's most productive workers. We still have the most creative entrepreneurs. Our culture encourages individual initiative to solve tough problems. But if we want to win, we have to act now.

The American people are ready for this. I have driven to every county in New Mexico, and everywhere I saw innovation. I saw wind turbines going up in Little Texas. I saw the spot in Deming, NM, where the world's largest solar plant will sit. At Mesalands Community College in Tucumcari, NM, I saw a classroom in a wind turbine hundreds of feet over the desert. Even Luna County is starting to develop its resources. They just need help.

The Federal Government is late to the party. We should be leading the clean energy revolution. Instead, our constituents are leaving us in the dust. The private sector is working hard, but they need us to create a market that supports their efforts. They need a market that values our economic security, our national security, our environmental security.

Mr. President, it is time for us to lead.

Now, you might have noticed that we New Mexicans are passionate about renewable energy. As I said earlier, JEFF BINGAMAN has led on this issue for years. As I said earlier, he has passed a renewable standard in the Senate three times. I introduced this legislation today because I want to help Senator BINGAMAN win this fight. I look forward to working with him and with all of you to get a renewable electricity standard signed into law.

I am also pleased to be introducing this legislation with another Senator, a Senator with a very distinguished last name: my cousin, the senior Senator from Colorado. We spent a decade in the other body together. And much of that time was spent working to pass a renewable electricity standard. We were both attracted to his proposal because it reflects the kind of Western pragmatism that people in Colorado and New Mexico like. I know this issue is important to both of us. I want to thank the Senator for continuing this effort with me, and for his support through the years.

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By Mr. INHOFE:

S.J. Res. 10. A joint resolution supporting a base Defense Budget that at the very minimum matches 4 percent of gross domestic product; to the Committee on Armed Services.

Mr. INHOFE. Mr. President, I am introducing today a joint resolution, S.J. Res. 10, with Congressman TRENT FRANKS introducing the identical joint resolution in the House, which sets a minimum baseline for defense spending.

By establishing a minimum defense base budget of 4 percent, this country can achieve two critical needs—national security and economic growth.

For the past few weeks, this Congress has been debating an economic stimulus plan. Defense spending, along with infrastructure spending and tax cuts, has a greater stimulative impact on the economy than some of the provisions in there. In fact, I had amendments, which I will describe in a minute, that would have increased the percentage in this huge bill, so that you would have maybe up to 10 percent for transportation infrastructure and then defense—I will explain that in more detail later.

Our level of defense spending must consider the resources needed to meet current and future needs. In order to provide this stability, Congress needs to guarantee a not less than baseline in defense funding, enabling the Pentagon to execute sustained multiyear program investments. Guaranteeing a

baseline budget, not including supplemental, that sets the floor based on our GDP is the best way to accomplish this.

At this point, I acknowledge that I had an experience back during the first hearing we had for the confirmation of then-Defense Secretary Rumsfeld. I asked the question at that time: We have serious problems. We don't know what our future needs are going to be. We may think we know what they are going to be today—and we have a lot of smart generals who will tell us, but they are going to be wrong. I remember at that time I said that in 1994 someone testified and said in 10 years we would no longer need to have a ground force, that everything would be done from the air in a precision, clean way. That would be awfully nice, but that is not the way it happened. I said, recognizing that we need to have the best of everything, what would be your recommendation? He said that he made a study of this—it was not his, but he said that if you will go back and study it over the last 100 years, the average amount of defense spending has been 5.7 percent of GDP. That was all during the 20th century, for 100 years.

Now, we went down at the end of the 1990 to as low as 2.9 percent, and now we are at 3.6 percent. The problem is the predictability. It is not there. We don't know in these systems what we can rely on. We know the cost of closing down a manufacturing line, but we don't have the predictability we need.

There are some who think by cutting unnecessary weapons systems along with reforming DOD's procurement process, we can reduce defense spending and still maintain a military level that could defend our Nation and reach the minimum expectations of the American people. The problem with that is that it doesn't happen that way. Yes, we need acquisition reform, I agree. But the overall budget outlays and the problems we have—this alone will not rebuild our military.

We could eliminate weapons systems that are called low-hanging fruit. That has already been done several years ago. I think we all remember—and some would rather forget—that after the Cold War, there were so many in this Chamber who said we were in a position then where we did not need the military because the Cold War was over. We talked about all kinds of schemes that would transfer previous military spending into current spending for social programs. This is the way people were thinking at that time, that the Cold War is over. They had this euphoric attitude that we didn't need to continue a strong defense.

We have been trying to get past a bow wave created in the 1990s. As a result, the amount of defense spending actually appropriated during that 8 years, the 1990s, was $412 billion above the budget request. In other words, the budget request was $412 billion below what was sustained at the beginning of that 8-year period. This is what we are paying for now. Little did we know at that time that 9/11 would come, and that while we are trying to rebuild our military in terms of modernization, force strength, we would be attacked and have to start defending America and prosecuting a war.

I believe we should spend only as much as we need to ensure our national defense—no more, no less. This joint resolution sets a minimum baseline for defense spending. By establishing a minimum defense budget of 4 percent, this country can achieve two critical needs—national security and economic health.

First, it will allow our military to develop and build the next generation of weapons and equipment. This is something we have been concerned about—weapons and equipment that will be needed to maintain our national security over the next 40 years or more. The age of the last KC–135R, when it retires, will be 70 years old, and the B–52 will be even older than that. We are still doing this. We need this contribution for more heavy equipment. Right now, we have gotten into a problem of not developing them. They say the old KC–135R—we have a few more years on that. If we started today on a new lift vehicle to replace that, it would be several years before we would be able to have these replaced.

The second thing is it will create and maintain jobs across America and sustain our military industrial base. Investing in our Nation's defense provides thousands of sustainable American jobs and provides for our national security at the same time. Experts estimate that each $1 billion in procurement spending correlates to 6,500 jobs.

Major defense procurement programs are all manufactured in the United States with our aerospace industry alone employing 655,000 workers spread across 44 States. The U.S. shipbuilding industry supports more than 400,000 workers in 47 States.

Establishing a minimum baseline defense budget will allow the Department of Defense and the services to plan for and fund acquisition programs based on a minimum known budget through what we call our FYDP program.

We are no longer able to complete purchases of large acquisition programs in 3 to 5 years. The KC–X will take over 30 years to complete once its contract is awarded. We will still be flying these up until that time.

Programming from a known minimum budget for the outyears will translate to less programming and more stability for thousands of businesses throughout the United States at decreased costs.

This week, I voted against this massive Government spending bill that provided plenty in the way of more wasteful Government spending and little in the way of stimulative opportunities such as defense spending.

I offered two amendments. One would have increased defense spending, and without changing the top line of the bill that was before us, it would change within it to have more defense spending and provide jobs. At the same time, in this entire $900 billion—or whatever it ends up being—bill that we are prepared to vote on out of conference, only $27 billion was in roads, bridges, and the things that Americans know we need.

If we had that along with the additional amount or percentage that would go to defense spending, it would equate to an increase of an additional 4 million jobs. This is what we have heard President Obama talking about for quite some time. That is one way to do it. At the same time, we have something that is lasting.

We—and certainly the Chair knows this because she sits on the same committee, the Environment and Public Works Committee—we are going to be doing a reauthorization of the highway bill. There is more we could have done in this particular bill that is totally inadequate in terms of putting people to work. The amendments we offered were defeated.

Today Congressman TRENT FRANKS and I are simultaneously offering a joint resolution to keep this country safe, restore our military to the level of capability and readiness the people of this country demand, and provide for sustainable jobs in almost every State in the country.

By voting for this joint resolution, we send a clear signal to our military, to our allies, to our enemies—all alike—that we are committed to the security of this Nation and that we will not have to go through something like we went through during the nineties.

One of the great heroes of our time is GEN John Jumper. Before he was Chief of the Air Force, he stood in 1998 and made a very courageous statement. He said now the Russians are cranking out through their SU–30s, SU–35s, a strike vehicle better than anything we have in this country. The best ones at that time were the F–15 and F–16. Had it not been for his statement as a wakeup call to the American people, China, that bought a bunch of SU vehicles from Russia would have better vehicles than we were sending up with our fliers in potential combat. All of a sudden, we were able to turn around and start programs such as the F–22 and F–35 so we could be No. 1.

The American people assume all the time we are No. 1, and obviously we are not. When the American people find out the best artillery piece we have right now, which is called Paladin—it is World War II technology. You have to get out and swab the breach after every shot. It is outrageous. Prospective enemies in the field would have better equipment than we would have.

The best way to do this and ensure this in the future is to have a baseline. I am hoping we will get the support of enough Senators to get this passed in both the House and the Senate since it is a joint resolution.

Lastly, let me address some of the points that were said by the Senator

from Florida. I agree with all his comments. He is a little nicer about it than I am, I guess. Don't lose sight of the fact that this is supposed to be a stimulus bill, not a spending bill. But it is a spending bill.

We had people analyze what in this bill will stimulat the economy. There are two things that can do it: the right types of tax relief. We know this is true. We remember what happened during President Kennedy's term and the recommendation he made when he said we have to have more revenues to run our Great Society programs. The best way to increase revenue is decrease marginal rates. He decreased marginal rates. Between the years 1961 and 1968, our revenues increased by 62 percent. Unbelievable.

In the year 1980, the total amount of money that came from marginal rates was $244 billion. In 1990, it was $466 billion. It almost doubled in the decade when we had the greatest reductions in capital gains rates, in marginal rates, inheritance tax rates.

There are only two very minor items in this bill that address the tax situation. One has to do with accelerated depreciation. Another is with loss carryback, increasing it from 2 years to 5 years, I believe it is. If you add that together in terms of the cost that is in the bill, this $900 billion bill we are going to be passing, we have to keep in mind that is a very small part. It amounts to about 3⅓ percent. The other way you can stimulate is to increase jobs.

I mentioned we had an amendment to increase jobs. It is outrageous that there is only $27 billion worth of highway construction, road construction, and bridge construction that we desperately need in this country in this bill.

We have right now $64 billion worth of shovel-ready jobs that we could actually produce in this country, and all we have is 3⅓ percent of the entire amount of $900 billion going to that type of program. That is where I come up with the conclusion that this bill is 7 percent stimulus and 93 percent spending.

I have to tell you, back when the first $700 billion program came along in October, yes, that came from our administration, a Republican administration, a Republican Secretary of the Treasury. But also the Democrats were all very enthusiastically behind it. I opposed it at that time and said there are two problems with it. No. 1, this amount of money, $700 billion, is more money, it is the largest expenditure, largest authorization in the history of the world, and we are giving it, No. 2, to a guy with no guidelines, without any kind of oversight.

We have seen now that has not worked. Now we have the second half of that, and we find out yesterday the current Secretary of the Treasury is going to use it any way he wants. Again, no oversight. This was a horrible mistake. That was the $700 billion last October.

Now we are faced with something far greater than that. I know it is going to go through. It is a Democratic bill. It is not a bipartisan bill. It is not a compromise. It is a Democratic bill. They took the House bill and the Senate bill and something will come from that. Whether it is closer to the House bill or the Senate bill, it does not matter. It is going to be close to $900 billion, something we should not have had.

We are thinking in new terms now. I used to say back during the $700 billion, if you take the total number of families in America who are filing tax returns and do your math, it comes to $5,000 a family. That was bad enough. This bill comes to $17,400 a family over a 10-year period. That is what we have to start thinking about.

I am hoping the American people will look at this bill and realize this gigantic spending bill follows a philosophy that you can spend your way out of a recession. It has never happened before. It is not going to happen with this bill.

We want to do the very best we can. I know President Obama did not want to go as far this way. I think the House and the Senate have steered this into a bigger spending bill than he would have liked. I think he would have liked more stimulants in this bill.

Let's do the best we can with it and then let's get busy and try the things we know have worked in the past and will work in the future.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 38—COMMEMORATING THE LIFE AND LEGACY OF PRESIDENT ABRAHAM LINCOLN ON THE BICENTENNIAL OF HIS BIRTH

Mr. DURBIN (for himself, Mr. BAYH, Mr. BUNNING, Mr. BURRIS, Mr. LUGAR, and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 38

Whereas President Abraham Lincoln was born on February 12, 1809, to modest means, in a 1-room log cabin in Kentucky;

Whereas Abraham Lincoln spent his childhood in Indiana, and, despite having less than a year of formal schooling, developed an avid love of reading and learning;

Whereas Abraham Lincoln arrived in Illinois at the age of 21;

Whereas, while living in Illinois, Abraham Lincoln met and married his wife, Mary Todd Lincoln, built a successful legal practice, served in the State legislature of Illinois, was elected to Congress, and participated in the famous ''Lincoln-Douglas'' debates;

Whereas Abraham Lincoln left Illinois 4 months after being elected President of the United States in 1860;

Whereas Abraham Lincoln was the first member of the Republican party elected President of the United States and helped build the Republican party into a strong national organization;

Whereas, after his election and the secession of the southern States, Abraham Lincoln steered the United States through the most profound moral and political crisis, and the bloodiest war, in the history of the Nation;

Whereas, by helping to preserve the Union and by holding a national election, as scheduled, during a civil war, Abraham Lincoln reaffirmed the commitment of the people of the United States to majority rule and democracy;

Whereas the Emancipation Proclamation signed by Abraham Lincoln declared that slaves within the Confederacy would be forever free and welcomed more than 200,000 African American soldiers and sailors into the armed forces of the Union;

Whereas the Emancipation Proclamation signed by Abraham Lincoln fundamentally transformed the Civil War from a battle for political unity to a moral fight for freedom;

Whereas the faith Abraham Lincoln had in democracy was strong, even after the bloodiest battle of the war at Gettysburg;

Whereas the inspiring words spoken by Abraham Lincoln at Gettysburg still resonate today: ''that these dead shall not have died in vain; that this nation, under God, shall have a new birth of freedom; and that government of the people, by the people, for the people, shall not perish from the earth'';

Whereas Abraham Lincoln was powerfully committed to unity, turning rivals into allies within his own Cabinet and welcoming the defeated Confederacy back into the Union with characteristic generosity, ''with malice toward none; with charity for all'';

Whereas Abraham Lincoln became the first President of the United States to be assassinated, days after giving a speech promoting voting rights for African Americans;

Whereas, through his opposition to slavery, Abraham Lincoln set the United States on a path toward resolving the tension between the ideals of ''liberty and justice for all'' espoused by the Founders of the United States and the ignoble practice of slavery, and redefined what it meant to be a citizen of the United States;

Whereas, in his commitment to unity, Abraham Lincoln did more than simply abolish slavery; he ensured that the promise that ''all men are created equal'' was an inheritance to be shared by all people of the United States;

Whereas the story of Abraham Lincoln and the example of his life, including his inspiring rise from humble origins to the highest office of the land and his decisive leadership through the most harrowing time in the history of the United States, continues to bring hope and inspiration to millions in the United States and around the world, making him one of the greatest Presidents and humanitarians in history; and

Whereas February 12, 2009, marks the bicentennial of the birth of Abraham Lincoln: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the bicentennial of the birth of President Abraham Lincoln;

(2) recognizes and echoes the commitment of Abraham Lincoln to what he called the ''unfinished work'' of unity and harmony in the United States; and

(3) encourages the people of the United States to recommit to fulfilling the vision of Abraham Lincoln of equal rights for all.

SENATE RESOLUTION 39—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON THE JUDICIARY

Mr. LEAHY submitted the following resolution; from the Committee on the Judiciary; which was referred to the Committee on Rules and Administration:

S. RES. 39

Resolved, That, in carrying out its powers, duties, and functions under the Standing

Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Judiciary is authorized from March 1, 2009, through September 30, 2009; October 1, 2009, through September 30, 2010; and October 1, 2010, through February 28, 2011, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2(a). The expenses of the committee for the period of March 1, 2009, through September 30, 2009, under this resolution shall not exceed $6,528,294, of which amount (1) not to exceed $116,667 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $11,667 may be expended for the training of the professional staff of such committee (Under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) for the period October 1, 2009, through September 30, 2010, expenses of the committee under this resolution shall not exceed $11,481,341, of which amount (1) not to exceed $200,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2010, through February 28, 2011, expenses of the committee under this resolution shall not exceed $4,890,862, of which amount (1) not to exceed $83,333 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $8,333 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The Committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2011, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2009, through September 30, 2009, October 1, 2009 through September 30, 2010; and October 1, 2010 through February 28, 2011, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations.''

SENATE RESOLUTION 40—DESIGNATING SEPTEMBER 2009 AS ''CAMPUS FIRE SAFETY MONTH''

Mr. LAUTENBERG (for himself, Ms. COLLINS, Mr. KAUFMAN, Mr. SANDERS, Mr. MENENDEZ, and Mr. LEVIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 40

Whereas, each year, States across the Nation formally designate September as Campus Fire Safety Month;

Whereas, since January 2000, at least 129 people, including students, parents, and children have died in campus-related fires;

Whereas more than 80 percent of those deaths occurred in off-campus residences;

Whereas a majority of college students in the United States live in off-campus residences;

Whereas a number of fatal fires have occurred in buildings in which the fire safety systems had been compromised or disabled by the occupants;

Whereas automatic fire alarm systems provide the early warning of a fire that is necessary for occupants and the fire department to take appropriate action;

Whereas automatic fire sprinkler systems are a highly effective method of controlling or extinguishing a fire in its early stages, protecting the lives of the building's occupants;

Whereas many college students live in off-campus residences, fraternity and sorority housing, and residence halls that are not adequately protected with automatic fire sprinkler systems and automatic fire alarm systems;

Whereas fire safety education is an effective method of reducing the occurrence of fires and reducing the resulting loss of life and property damage;

Whereas college students do not routinely receive effective fire safety education during their time in college;

Whereas it is vital to educate young people in the United States about the importance of fire safety to help ensure fire-safe behavior by young people during their college years and beyond; and

Whereas, by developing a generation of fire-safe adults, future loss of life from fires may be significantly reduced: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2009 as ''Campus Fire Safety Month''; and

(2) encourages administrators of institutions of higher education and municipalities across the country—

(A) to provide educational programs to all students during September and throughout the school year;

(B) to evaluate the level of fire safety being provided in both on- and off-campus student housing; and

(C) to ensure fire-safe living environments through fire safety education, installation of fire suppression and detection systems, and the development and enforcement of applicable codes relating to fire safety.

SENATE RESOLUTION 41—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON THE BUDGET

Mr. CONRAD submitted the following resolution; from the Committee on the Budget; which was referred to the Committee on Rules and Administration:

S. RES. 41

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget is authorized from March 1, 2009, through September 30, 2009; October 1, 2009, through September 30, 2010; and October 1, 2010, through February 28, 2011, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this resolution shall not exceed $4,384,507, of which amount (1) not to exceed $35,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946), and (2) not to exceed $70,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2009, through September 30, 2010, expenses of the committee under this resolution shall not exceed $7,711,049, of which amount (1) not to exceed $60,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946), and (2) not to exceed $120,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2010, through February 28, 2011, expenses of the committee under this resolution shall not exceed $3,284,779, of which amount (1) not to exceed $25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946), and (2) not to exceed $50,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2009, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the

payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SENATE RESOLUTION 42—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mrs. BOXER submitted the following resolution; from the Committee on Environment and Public Works; which was referred to the Committee on Rules and Administration:

S. RES. 42

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works is authorized from March 1, 2009, through September 30, 2009; October 1, 2009, through September 30, 2010; and October 1, 2010, through February 28, 2011, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2(a). The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this resolution shall not exceed $3,529,786, of which amount (1) not to exceed $4,666.67 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))), and (2) not to exceed $1,166.67 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(b) For the period October 1, 2009, through September 30, 2010, expenses of the committee under this resolution shall not exceed $6,204,665, of which amount (1) not to exceed $8,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) For the period October 1, 2010, through February 28, 2011, expenses of the committee under this resolution shall not exceed $2,641,940, of which amount (1) not to exceed $3,333.33 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))), and (2) not to exceed $833.33 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2011.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2009, through September 30, 2009; October 1, 2009 through September 30, 2010; and October 1, 2010, through February 28, 2011, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations''.

SENATE RESOLUTION 43—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DODD submitted the following resolution; from the Committee on Banking, Housing, and Urban Affairs; which was referred to the Committee on Rules and Administration:

S. RES. 43

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing, and Urban Affairs is authorized from March 1, 2009 through September 30, 2009; October 1, 2009, through September 30, 2010, and October 1, 2010, through February 28, 2011, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2(a). The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this resolution shall not exceed $4,204,901 of which amount (1) not to exceed $11,667 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $700 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2009, through September 30, 2010, expenses of the committee under this resolution shall not exceed $7,393,024 of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1,200 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period of October 1, 2010, through February 28, 2011, expenses of the committee under this resolution shall not exceed $3,148,531 of which amount (1) not to exceed $8,333 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $500 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2011.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2009, through September 30, 2009; October 1, 2009, through September 30, 2010; and October 1, 2010, through February 28, 2011, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations.''

SENATE RESOLUTION 44—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ARMED SERVICES

Mr. LEVIN submitted the following resolution; from the Committee on Armed Services; which was referred to the Committee on Rules and Administration:

S. RES. 44

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from March 1, 2009, through September 30, 2009; October 1, 2009, through September 30, 2010; and October 1, 2010, through February 28, 2011, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) For the period March 1, 2009, through September 30, 2009, expenses of the committee under this resolution shall not exceed $4,639,258, of which amount—

(1) not to exceed $75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended); and

(2) not to exceed $30,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2009, through September 30, 2010, expenses of the committee under this resolution shall not exceed $8,158,696, of which amount—

(1) not to exceed $80,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended); and

(2) not to exceed $30,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2010, through February 28, 2011, expenses of the committee under this resolution shall not exceed $3,475,330, of which amount—

(1) not to exceed $50,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended); and

(2) not to exceed $30,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required—

(1) for the disbursement of salaries of employees paid at an annual rate;

(2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate;

(3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate;

(4) for payments to the Postmaster, United States Senate;

(5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate;

(6) for the payment of Senate Recording and Photographic Services; or

(7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 4. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2009, through September 30, 2009; October 1, 2009, through September 30, 2010; and October 1, 2010, through February 28, 2011, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations''.

SENATE RESOLUTION 45—AUTHORIZING EXPENDITURES BY THE SPECIAL COMMITTEE ON AGING

Mr. KOHL submitted the following resolution; from the Special Committee on Aging; which was referred to the Committee on Rules and Administration:

S. RES. 45

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Special Committee on Aging is authorized from March 1, 2009, through September 30, 2009; October 1, 2009, through September 30, 2010; and October 1, 2010, through February 28, 2011, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this resolution shall not exceed $1,892,515, of which amount (1) not to exceed $117,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946), and (2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2009, through September 30, 2010, expenses of the committee under this resolution shall not exceed $3,327,243, of which amount (1) not to exceed $200,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946), and (2) not to exceed $15,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2010, through February 28, 2011, expenses of the committee under this resolution shall not exceed $1,416,944, of which amount (1) not to exceed $85,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946), and (2) not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2011, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SENATE RESOLUTION 46—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON RULES AND ADMINISTRATION

Mr. SCHUMER submitted the following resolution; from the Committee on Rules and Administration; which was placed on the calendar:

S. RES. 46

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized from March 1, 2009, through September 30, 2009; October 1, 2009, through September 30, 2010; and, Oct. 1, 2010, through February 28, 2011, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this resolution shall not exceed $1,797,669, of which amount (1) not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $6,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2009, through September 30, 2010, expenses of the committee under this resolution shall not exceed $3,161,766, of which amount (1) not to exceed $50,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2010, through February 28, 2011, expenses of the committee under this resolution shall not exceed $1,346,931, of which amount (1) not to exceed $21,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,200 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2011.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2009, through September 30, 2009; October 1, 2009, through September 30, 2010; and October 1, 2010, through February 28, 2011, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations.''

SENATE RESOLUTION 47—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ROCKEFELLER submitted the following resolution; from the Committee on Commerce, Science, and Transportation; which was referred to the Committee on Rules and Administration:

S. RES. 47

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science, and Transportation is authorized from March 1, 2009, through September 30, 2009, October 1, 2009, through September 30, 2010, and October 1, 2010, through February 28, 2011, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the Committee for the period from March 1, 2009, through September 30, 2009, under this resolution shall not exceed $4,529,245, of which amount (1) not to exceed $50,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $50,000 may be expended for the training of the professional staff of the Committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2009, through September 30, 2010, expenses of the Committee under this resolution shall not exceed $7,963,737, of which amount (1) not to exceed $50,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $50,000 may be expended for the training of the professional staff of the Committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2010, through February 28, 2011, expenses of the committee under this resolution shall not exceed $3,391,751, of which amount (1) not to exceed $50,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $50,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The Committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2010, and February 28, 2011, respectively.

SEC. 4. Expenses of the Committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the Committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, (4) for payments to the Postmaster, United States Senate, (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, (6) for the payment of Senate Recording and Photographic Services, or (7) for the payment of franked and mass mail costs by the Office of the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the Committee from March 1, 2009, through September 30, 2009, October 1, 2009, through September 30, 2010, and October 1, 2010, through February 28, 2011, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations''.

SENATE RESOLUTION 48—HONORING THE SESQUICENTENNIAL OF OREGON STATEHOOD

Mr. WYDEN (for himself and Mr. MERKLEY) submitted the following resolution; which was considered and agreed to:

S. RES. 48

Whereas 53,000 settlers traveled the Oregon Trail, the longest of the overland routes used in westward expansion of the United States;

Whereas approximately 80 Native American tribes inhabited Oregon before the pioneers settled, making Oregon rich with Native American history and culture;

Whereas the ''Father'' of Oregon, John McLoughlin, valued the Oregon Country and reached out to settlers from the United States who were heading west to seek a new life in a land rich with resources and opportunity;

Whereas Oregon was admitted to the Union 150 years ago, on February 14th, 1859;

Whereas Oregon is the only State in the United States to have a 2-sided flag;

Whereas Oregon is home to the deepest lake in the United States, Crater Lake, known for its beautiful deep blue waters;

Whereas Oregon is home to the Sea Lion Caves, the largest sea lion caves in the world, where Steller sea lions and a variety of wild birds reside;

Whereas the State fish of Oregon, the Chinook salmon, is the largest of the Pacific salmon;

Whereas among the natural bounty of Oregon, the State produces some of the finest nuts, berries, pears, wines, and microbrews in the world;

Whereas the varied geography of Oregon ranges from mountains to rivers, deserts to lakes, fossil beds to deep canyons;

Whereas the forests of Oregon have diverse ecologies and histories, from temperate rainforests to ancient old growth forests;

Whereas Oregon is home to Forest Park, the largest urban forest reserve in the United States;

Whereas Oregon is the home of companies such as Nike, Intel, and Columbia Sportswear, which are responsible for employing tens of thousands of people in the United States;

Whereas the largest city in Oregon, Portland, known as the ''Rose City'', is home to the International Rose Test Garden, which was founded in 1917 and is the oldest official rose garden in the United States;

Whereas Oregon has been a national leader in democratic innovations, such as a ballot initiative system that dates back to the turn of the 20th century;

Whereas the Oregon legislature was the first in the United States to pass a ''bottle bill'', a landmark piece of legislation that promoted conservation and environmental responsibility; and

Whereas the Oregon legislature has passed a ''beach bill'' and instituted a state-wide land use planning process to protect the very resources that brought people to Oregon: Now, therefore, be it

Resolved, That—

(1) it is the sense of the Senate that—

(A) the people of the United States should observe and celebrate the sesquicentennial of Oregon on February 14, 2009, to honor the admission of Oregon as the 33rd State of the United States; and

(B) Oregonians should be honored for their pioneering spirit and innovation; and

(2) the Senate respectfully requests the Secretary of the Senate to transmit to the Governor of the State of Oregon an enrolled copy of this resolution for appropriate display.

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Ms. LANDRIEU. Mr. President, I would like to inform Members that the Committee on Small Business and Entrepreneurship will meet in the Reception room, immediately off the Floor to conduct a vote on the Committee's budget and rules for the 111th Congress. The Committee will meet immediately after the first roll call vote occurring on Thursday, February 12, 2009.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LEVIN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Homeland

Security and Governmental Affairs will hold a hearing entitled, ''Tax Haven Banks and U.S. Tax Compliance—Obtaining the Names of U.S. Clients with Swiss Accounts.'' This hearing will continue the Subcommittee's examination of financial institutions which are located in offshore tax havens and which use practices that facilitate tax evasion and other misconduct by U.S. clients. One of the banks featured in a July 2008 hearing on this topic is UBS, a major financial institution headquartered in Switzerland. The hearing will examine issues related to a John Doe summons served by the IRS on UBS seeking the names of U.S. clients with UBS Swiss accounts that have not been disclosed to the IRS. In July, UBS representatives estimated that about 19,000 U.S. clients had about $18 billion in assets in such Swiss accounts. UBS stated at the July 2008 hearing that it would cooperate with the IRS summons, but to date virtually none of the requested information has been provided to either the IRS or the U.S. Department of Justice which is also examining the matter. The hearing will examine the status of the information exchange, the role of U.S.-Swiss tax and legal assistance treaties, and the effect of Swiss secrecy laws on the information requests. A witness list will be available Friday, February 20, 2009.

The Subcommittee hearing is scheduled for Tuesday, February 24, 2009, at 10:00 a.m., in room 342 of the Dirksen Senate Office Building. For further information, please contact Elise Bean of the Permanent Subcommittee on Investigations at 202–224–9505.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, February 12, 2009, at 9:30 a.m.

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

COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on February 12, 2009 at 10 a.m.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Thursday, February 12, 2009, immediately following the Committee's business meeting at 10 a.m., in room 253 of the Russell Senate Office Building.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on Thursday, February 12, 2009, at 10 a.m., in room SD366 of the Dirksen Senate Office Building.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, February 12, 2009, at 10 a.m. in room 406 of the Dirksen Senate Office Building.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 12, 2009, at 2 p.m.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Thursday, February 12, 2009, at 10 a.m. to conduct a hearing entitled ''Structuring National Security and Homeland Security at the White House.''

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

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Thursday, February 12, 2009 at 9:30 a.m. in room 628 of the Dirksen Senate Office Building.

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

COMMITTEE ON THE JUDICIARY

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct an executive business meeting on Thursday, February 12, 2009, at 10 a.m. in room SD–226 of the Dirksen Senate Office Building.

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

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship to meet, during the session of the Senate in the Reception Room, immediately off the Floor to conduct a vote on the Committee's budget and rules for the 111th Congress. The Committee will meet immediately after the first roll call vote occurring on Thursday, February 12, 2009.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. DORGAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 12, 2009 at 2:30 p.m.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. BEGICH. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 17, the nomination of Leon Panetta to be Director of the CIA; that the nomination be confirmed and the motion to reconsider be laid upon the table; that no further motions be in order; that any statements relating to the nomination be printed in the RECORD; that the President be immediately notified of the Senate's action; and the Senate return to legislative session.

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

The nomination considered and confirmed is as follows:

CENTRAL INTELLIGENCE AGENCY

Leon E. Panetta, of California, to be Director of the Central Intelligence Agency.

Mrs. FEINSTEIN. Mr. President, I rise today as chairman of the Select Committee on Intelligence on the Senate's confirmation of Leon Panetta to be the next Director of the Central Intelligence Agency.

Mr. Panetta is well-known to many of us for his long, distinguished record of public service, including eight terms in Congress and service as a presidential chief of staff.

Mr. Panetta knows well the inner workings of government at the highest levels. He has an impeccable reputation for integrity, and I am confident that he is the right man at the right time to lead the CIA.

Leon Panetta is a product of my home State, California, born in Monterey. His parents, Carmelo and Carmelina, ran a local cafe and later purchased a walnut ranch, which he still owns. He majored in political science at Santa Clara University, where he graduated magna cum laude in 1960.

In 1963, he received his JD from Santa Clara University as well. After law school, he served in the United States Army from 1964 to 1966, and attended the Army Intelligence School.

In 1966, Mr. Panetta joined the Washington, DC, staff of Republican Senator Thomas Kuchel of California.

In 1969, he served as Director of the Office of Civil Rights in the Office of

Health, Education and Welfare in the Nixon Administration.

From 1970 to 1971, he worked as the executive assistant to New York City Mayor John Lindsay. Afterward, he returned to Monterey, to private law practice.

In 1976, he ran and won election to the U.S. House of Representatives, and he served in the House for 16 years. During that time, he also served as chairman of the Budget Committee.

In 1993, he joined the Clinton administration as head of the Office of Management and Budget. In July 1994, Mr. Panetta became President Clinton's chief of staff.

He served in that capacity until January 1997, when he returned to California to found and lead the Leon and Sylvia Panetta Institute for Public Policy at California State University Monterey Bay.

Mr. Panetta and his wife, Sylvia, have three sons and five grandchildren.

It is very fair and safe for me to say that he has a reputation for intelligence and integrity.

In speaking with Mr. Panetta and President Obama multiple times, I am convinced that Mr. Panetta will surround himself with career professionals, including Deputy Director Stephen Kappes. He has committed to keeping the senior leadership of the CIA in place, but at the same time has vowed to bring new policies and new leadership to the Agency.

I know Mr. Panetta has immersed himself in CIA matters since being nominated, and his top priority, if confirmed, will be to conduct a complete review of all the Agency's activities.

Moreover, I strongly believe that the CIA needs a Director who will take the reins of the Agency and provide the supervision and oversight so that this agency, which operates in a clandestine world of its own, must have.

President Obama has made clear that his selection of Leon Panetta was intended as a clean break from the past—a break from secret detentions and coercive interrogations; a break from outsourcing its work to a small army of contractors; and a break from analysis that was not only wrong, but the product of bad practice that helped lead our Nation to war.

President Obama said when announcing this nomination that this will be a CIA Director ''who has my complete trust and substantial clout.''

This is a hugely important but difficult post. The CIA is the largest civilian intelligence agency with the most disparate of missions.

It produces the most strategic analysis of the intelligence agencies and it is the center for human intelligence collection. It is unique in that it carries out covert action programs, implementing policy through intelligence channels. The Intelligence Committee held confirmation hearings on Mr. Panetta's nomination on February 5 and 6.

Our responsibility was clear: to make sure that Leon Panetta will be a Director who makes the CIA effective in what it does—but also to make sure that it operates in a professional manner that reflects the true values of this country.

The committee did its work. It questioned Mr. Panetta on a broad array of issues he will confront as Director of the CIA, and it submitted followup questions, all of which were answered.

These questions, and Mr. Panetta's answers, can be found at the Intelligence Committee Web site.

I urge all Members of the Senate, as well as the public, to review them in order to obtain a better understanding of his views about the office to which he has been nominated.

I am pleased to report that yesterday the Intelligence Committee voted unanimously to report favorably the nomination of Leon Panetta to be the Director of the CIA. He has the confidence of the committee, and we believe we will be able to work closely with him during his tenure.

Leon Panetta will mark a new beginning for the CIA as its next Director.

He has the integrity, the drive and the judgment to ensure that the CIA fulfills its mission of producing information critical to our national security, without sacrificing our national values.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

COLONEL JOHN H. WILSON, JR. POST OFFICE BUILDING

Mr. BEGICH. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 21, S. 234.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 234) to designate the facility of the United States Postal Service located at 2105 East Cook Street in Springfield, Illinois, as the ''Colonel John H. Wilson, Jr. Post Office Building.''

There being no objection, the Senate proceeded to consider the bill.

Mr. BEGICH. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related thereto be printed in the RECORD.

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

The bill (S. 234) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 234

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

SECTION 1. COLONEL JOHN H. WILSON, JR. POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2105 East Cook Street in Springfield, Illinois, shall be known and designated as the ''Colonel John H. Wilson, Jr. Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Colonel John H. Wilson, Jr. Post Office Building''.

HONORING THE SESQUICENTENNIAL OF OREGON STATEHOOD

Mr. BEGICH. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 48, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 48) honoring the sesquicentennial of Oregon statehood.

There being no objection, the Senate proceeded to consider the resolution.

(Mr. BEGICH assumed the Chair.)

Mr. WYDEN. Mr. President, we rise to offer this resolution in recognition of a historic day for my STATE and the people of Oregon. On February 14, 1859, 150 years ago, President James Buchanan signed the bill that admitted Oregon as the 33rd STATE to join this great union.

Mr. President, 150 years ago, there were barely 50,000 people living in Oregon. Pictures from that era show hearty men and women standing in mud streets in front of clapboard buildings. That would soon change as thousands migrated across the continent on the Oregon Trail, a trek that would become synonymous with the American spirit.

Those who made that arduous journey were not nomads aimlessly wandering the land looking for a quick buck. They came with a purpose: to work hard and to make a new start in a new land. And what a new land it was. Oregon was graced by providence with endless forests, rivers teeming with fish, fertile valleys, majestic mountains, a dramatic coast line, and rugged high deserts.

Today, more than 3,500,000 people live in Oregon, which continues to boast some of the NATION's most unique and beautiful forests, farm lands, mountains, coast line and high deserts. They still beckon to those who seek a better life, much in the same way as those who endured the Oregon Trail. In some parts of Oregon the tracks made by the pioneers covered wagons are still visible, forever etched in the landscape.

Oregon has its geographic icons such as the Columbia River, Crater Lake, and Mount Hood. It has its great names: Wayne Morse, Mark Hatfield, Tom McCall. It has been a national leader with innovations such as an initiative stem that dates back to the turn of the last century, a beach bill, a bottle bill and a statewide land use planning process to protect those things that brought people to Oregon in the first place.

Over its 150-year history, Oregon has earned a reputation as a progressive, forward thinking STATE. We Oregonians are not without our quirks, but we embrace them with enthusiasm and wear them with pride. We have watched our economy change from one based on forestry and wood products to one that has become a leader in high-tech innovation, from wood chips to silicon chips. Millions of people around the world know of Oregon because of companies like Nike, Intel, and Columbia Sportswear that call Oregon home.

As our STATE embarks on another 150 years, Oregon is already working to cultivate new economies grounded in alternative energy, green buildings, and clean technology. Wind, geothermal, and wave energy are either already being generated in Oregon or will be soon. The solar energy industry has recognized the quality of Oregon's workforce and is moving to our STATE in a big way.

But as Oregon embraces the new economy and new technology, we have not forgotten those places for which we have become famous. With the help of this body, thousands of acres of Oregon's most beautiful, rugged, and pristine areas are destined for permanent protection. The anticipated additions of the Lewis and Clark Mount Hood Wilderness, the Copper Salmon Wilderness, the Badlands Wilderness, the Spring Basin Wilderness, and the Cascade Siskiyou National Monument guarantee future generations of Americans will see firsthand why Oregon was the NATION's first destination resort.

We are all aware that these are serious times that require our full and undivided attention if we are going to restore America's greatness as an economic power and rebuild our reputation with the rest of the world. But at the same time, I believe there is value at looking back to celebrate a place which has done so much to help make this country great. Please join me at wishing the great STATE of Oregon a happy birthday and many more to come.

Mr. MERKLEY. Mr. President, I rise today to honor Oregon's 150th birthday. On February 14 of this year, we will begin a year-long celebration of those who invested their lives in making Oregon a great place to live, work, and raise a family.

I was born in Myrtle Creek, OR, the son of a sawmill worker and grew up in Roseburg, OR. I later moved to East Multnomah County with my family and am truly blessed to call Oregon my home and share all of its natural beauty with my family.

There are so many diverse events that take place all across Oregon which give our State its unique character. The Shakespeare Festival held in Ashland, OR, draws tens of thousands of people from all over the country and is one of the oldest non-profit theater companies in the world. The Pendleton Roundup, located in Eastern Oregon, is one of the largest rodeos in the world and has been going strong for nearly one hundred years.

Oregon is one of the most geographically diverse States in the country and people from all across the state love to celebrate the great Oregon outdoors. The Hood to Coast Relay, which starts at Mount Hood and ends in Seaside Oregon, is the largest relay in the world. Every year, Oregonians compete in six events at the Pole Peddle Paddle in Bend, OR, a relay race that begins at the top of Mount Bachelor and ends on the grassy banks of the Deschutes River. The Pole Peddle Paddle consists of a leg in alpine skiing/snowboarding, cross-country skiing, biking, running, canoe/kayaking and a sprint to the finish line.

Each of these events and the many other cultural, artistic and civic festivals held in the State—will have a special resonance this year as we honor our sesquicentennial.

But even more than the beautiful vistas of Oregon or the countless celebrations, Oregon is defined by the people who live there. I've traveled all over the State and met so many amazing Oregonians who continue to carry on the legacy of innovation and hard work that has transformed our State into an influential civic laboratory and high tech hub. Oregon has taken the lead on issues vital to our natural resources and led the way in producing of some of the finest goods in the country. As a United States Senator, I couldn't be prouder to represent such a wonderful State, filled with people who are incredibly kind and welcoming.

I encourage my fellow Oregonians to commemorate Oregon's 150th birthday by taking part in local celebrations of our culture and history and volunteering some of your time to a service project in your community. I invite my colleagues here in the Senate, your constituents, and citizens from around the world to come to Oregon this year and experience all our wonderful State has to offer. Regardless of where you live whether you are in North Carolina or Texas or Europe or South America a world of opportunity awaits you in Oregon. Come see how together we can make Oregon's next 150 years even more memorable.

(Mr. MERKLEY assumed the Chair.)

Mr. BEGICH. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 48) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 48

Whereas 53,000 settlers traveled the Oregon Trail, the longest of the overland routes used in westward expansion of the United States;

Whereas approximately 80 Native American tribes inhabited Oregon before the pioneers settled, making Oregon rich with Native American history and culture;

Whereas the ''Father'' of Oregon, John McLoughlin, valued the Oregon Country and reached out to settlers from the United States who were heading west to seek a new life in a land rich with resources and opportunity;

Whereas Oregon was admitted to the Union 150 years ago, on February 14th, 1859;

Whereas Oregon is the only State in the United States to have a 2-sided flag;

Whereas Oregon is home to the deepest lake in the United States, Crater Lake, known for its beautiful deep blue waters;

Whereas Oregon is home to the Sea Lion Caves, the largest sea lion caves in the world, where Steller sea lions and a variety of wild birds reside;

Whereas the State fish of Oregon, the Chinook salmon, is the largest of the Pacific salmon;

Whereas among the natural bounty of Oregon, the State produces some of the finest nuts, berries, pears, wines, and microbrews in the world;

Whereas the varied geography of Oregon ranges from mountains to rivers, deserts to lakes, fossil beds to deep canyons;

Whereas the forests of Oregon have diverse ecologies and histories, from temperate rainforests to ancient old growth forests;

Whereas Oregon is home to Forest Park, the largest urban forest reserve in the United States;

Whereas Oregon is the home of companies such as Nike, Intel, and Columbia Sportswear, which are responsible for employing tens of thousands of people in the United States;

Whereas the largest city in Oregon, Portland, known as the ''Rose City'', is home to the International Rose Test Garden, which was founded in 1917 and is the oldest official rose garden in the United States;

Whereas Oregon has been a national leader in democratic innovations, such as a ballot initiative system that dates back to the turn of the 20th century;

Whereas the Oregon legislature was the first in the United States to pass a ''bottle bill'', a landmark piece of legislation that promoted conservation and environmental responsibility; and

Whereas the Oregon legislature has passed a ''beach bill'' and instituted a state-wide land use planning process to protect the very resources that brought people to Oregon: Now, therefore, be it

Resolved, That—

(1) it is the sense of the Senate that—

(A) the people of the United States should observe and celebrate the sesquicentennial of Oregon on February 14, 2009, to honor the admission of Oregon as the 33rd State of the United States; and

(B) Oregonians should be honored for their pioneering spirit and innovation; and

(2) the Senate respectfully requests the Secretary of the Senate to transmit to the Governor of the State of Oregon an enrolled copy of this resolution for appropriate display.

APPOINTMENT

The PRESIDING OFFICER. The Chair announces, on behalf of the minority leader, pursuant to the provisions of S. Res. 105, adopted April 13, 1989, as amended by S. Res. 149, adopted October 5, 1993, as amended by Public Law 105–275, further amended by S. Res. 75, adopted March 25, 1999, amended by S. Res. 383, adopted October 27,

2000, and amended by S. Res. 355, adopted November 13, 2002, and further amended by S. Res. 480, adopted November 20, 2004, the appointment of the following Senators to serve as members of the Senate National Security Working Group for the 111th Congress: Senator THAD COCHRAN of Mississippi, Co-chairman; Senator JON KYL of Arizona, Administrative Co-chairman; Senator MITCH MCCONNELL of Kentucky, Co-chairman; Senator RICHARD LUGAR of Indiana; Senator JEFF SESSIONS of Alabama; Senator GEORGE VOINOVICH of Ohio; and Senator BOB CORKER of Tennessee.

ORDERS FOR FRIDAY, FEBRUARY 13, 2009

Mr. BEGICH. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. on Friday, February 13; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business until 5 p.m., with Senators permitted to speak for up to 10 minutes each, and that the time be equally divided between the two leaders or their designees.

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

PROGRAM

Mr. BEGICH. Mr. President, as announced earlier, we expect to be in a position tomorrow evening to vote on the adoption of the conference report to accompany H.R. 1, the American Recovery and Reinvestment Act.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BEGICH. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 8:12 p.m., adjourned until Friday, February 13, 2009, at 10 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate, Thursday, February 12, 2009:

CENTRAL INTELLIGENCE AGENCY

LEON E. PANETTA, OF CALIFORNIA, TO BE DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.