

0 by the full Appropriations Committee. That passed on July 18 of last year. Commerce, Justice, and Science passed, on June 19, 29 to 0, funds for Justice programs and so on. Energy and Water, which is the subcommittee I chair, passed 29 to 0. Financial Services passed, 29 to 0. Homeland Security passed 29 to 0. Virtually all of them passed unanimously.

To give you an example, in my subcommittee—that passed it unanimously, with Republicans and Democrats, by the subcommittee and the full Appropriations Committee—I, for example, in one account cut \$100 million. Why? Because I felt that was not needed. I cut from previous years' expenditures \$100 million. Now, if this piece of legislation fails, that extra \$100 million is going to be spent by that account. It shouldn't be, in my judgment, but will be.

I used some of that money to increase carbon capture so we can protect the environment and continue to use coal. We have to find a way to capture carbon and decarbonize the use of coal. I invested some of that money in carbon capture research and technology. But these are the kinds of things that if we defeat this legislation—we have what is called a continuing resolution. That will be the first amendment this morning. That continuing resolution means we are effectively on autopilot, and the things that have been cut, the spending that has been cut in these subcommittees, and the spending that has been added because things need doing, that will be voided and we will instead be on an autopilot with previous years' judgments having prevailed when, in fact, all these bills passed the subcommittee, with the exception, I believe, of two of them. One was 28 "yes" and 1 "no" by the full Appropriations Committee, and the other was 26 "yes" and 3 "no." With those two exceptions, every other piece of legislation that is included in this omnibus was passed unanimously by Republicans and Democrats in the full Appropriations Committee of the Senate.

Isn't it the case that to suggest somehow this is some mysterious bill that has not been seen, has not been considered, has not been heard, has not been reviewed—that is just not the case. This has been available since last June and July, and most of it passed unanimously on a bipartisan basis.

Mr. DURBIN. In response to the Senator from North Dakota, through the Chair, what has changed? To have the Republican leader come before us today and say: Well, this has not been on the Web site of the Senate for the requisite 5 days, when I mentioned it has been on the House Web site for 7 days, it has passed the House in its entirety.

As the Senator from North Dakota indicated, it has been debated at length and passed unanimously, for the most part—Democrats and Republicans—without objection, voting for all the

contents. And now there is objection from the Republican side of the aisle.

The obvious question is, What has changed? What is different? Well, there is only one thing different. We have a new President, a new President and a new administration, facing an economic struggle, a President who is asking for help from both sides of the aisle that we should give. We need to work together. He was not successful in finding House Republicans to support him in the efforts for the stimulus package. Only a handful voted for this measure when it came up in the House on the Republican side. We are hoping that at least some will finally step forward on the Republican side to pass this bill to keep the Government operating.

What good does it do for us to short-change the Securities and Exchange Commission at this moment in history, when we all know our savings, our retirement investments, 401(k)s, IRAs, are in peril because of a descending stock market, where there is question about the confidence that consumers, investors have in this agency? I put additional funds in there, through my appropriation, to make certain we have the integrity which we deserve in this marketplace; the same for the Commodity Futures Trading Commission.

Those who would argue, as Senator MCCAIN does in his continuing resolution amendment, that we do not need additional resources in these key agencies that protect investors and savers, they are just plain wrong. A vote for the McCain amendment is a vote to go back further to those days when these agencies were not up to the challenges they face. Some of that was conscious, where they ignored demands and warnings related to Mr. Madoff and others. Some was inadvertent in the CFTC, where they did not have the people and the equipment and the computers and the technology to follow these trades.

How in the world can we, in good conscience, say we are not going to adequately fund these agencies, while millions of American families count on us to do that? They make the choice on investments. They trust us to make certain those investments are transparent and there is accountability.

I would say to my friend from North Dakota, when we went through this, month after month, week after week, day after day in the committee, we had bipartisan support all the way. Now that we have a new President of a different political party, the other side of the aisle is raising questions—questions they did not raise for 8 months. Now they are being raised. That is unfortunate. But we are prepared to answer those questions.

#### HOUSING CRISIS

Mr. DURBIN. Madam President, I would like to close with one brief statement, if I can, on the housing crisis we are facing.

Yesterday, I was in a neighborhood of Chicago named Albany Park. It is one

of the most diverse neighborhoods on the north side of our city. I went into this neighborhood on Kedzie Avenue to meet in front of a house that had been boarded up going through mortgage foreclosure. A lot of families gathered around, families who live in the neighborhood. And they looked like America—Black, White, and Brown—all standing there with their neat little homes all around this one foreclosed building. The building was partially boarded up. Windows were broken. The neighbors were outraged that this mortgage foreclosure has resulted in an empty building, which is now being vandalized and turned into a drug haven.

You would be angry, too, if it were in your neighborhood. These folks who care for their lawns, care for their kids, make sure their mortgage payments are paid on time, want to know what we are doing about mortgage foreclosures in this country. The honest answer is, We are doing little or nothing.

We have to change that. For 2 years now. I have tried to pass one simple measure that would change the Bankruptcy Code and say that a bankruptcy judge can, at the last resort, for those who end up in bankruptcy with a mortgage foreclosure, take a look at the terms of the mortgage and change those terms. That is not a radical idea. Currently, the judge can do that for a second home, a farm, a ranch, but they cannot do it for your primary residence. I cannot explain why, but that is a fact.

Now we have primary residences across America that are being subjected to mortgage foreclosure. Initially, it was because of the subprime mortgages with those exotic finance deals that fell apart when the mortgage was reset. Now more and more homes going into foreclosure had fixed-rate mortgages, did not have subprimes, and we are seeing the bottom fall out of the housing market.

It is estimated one out of four mortgage holders in America are paying more principal on their mortgage than the value of their home. They are underwater, as they say. What are we going to do about it? Well, for a long time we said: We will trust the banks, the sanctity of the contract. They will work on it. They will negotiate. It has not happened. As a result, we have record numbers of mortgage foreclosures. The housing market is in a tailspin. No homes are being built, obviously. Most homes end up vacant on the rolls of the bank and become eyesores in a neighborhood.

What I am suggesting is, we have to be honest. We tried to let the banks and the mortgage bankers run this situation for the last year and they have failed and failed miserably. If we do not take control of this situation, if we do not have the bankruptcy court as the last resort that can ultimately change the terms of the mortgage, with reasonable limits—I am prepared to accept reasonable limits; there will not

be any prospective use of this; only those existing mortgages today—that is the only way to come to the bottom of this crisis.

We are working with these financial institutions to try to find reasonable terms to work this out, but we have not had a lot of luck. Citigroup stepped forward. We reached an agreement with them. We are trying to reach an agreement with others. But for the mortgage bankers, who brought us into this mess, to still hold this Congress enthralled, to hold us hostage to their so-called sanctity of contract, is to ignore the obvious.

If they have their way, there will be a continued crisis of mortgage foreclosures, the recession will get worse instead of better, and neighborhoods such as Albany Park will disintegrate, deteriorate because of the foreclosures of homes in the neighborhood. Renters who dutifully pay their rent show up one day to be told: Oh, incidentally, your landlord defaulted on the mortgage and now you are going to be thrown out on the street. Over and over again, and it is totally unfair.

We have to do something. I am glad the House is going to take up this measure. We need to move on it. We waited a year. That is long enough.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. DORGAN. Madam President, let me withhold.

#### RESERVATION OF LEADER TIME

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

#### OMNIBUS APPROPRIATIONS ACT, 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 1105, which the clerk will report by title.

The legislative clerk read as follows:

A bill (H.R. 1105) making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes.

Pending:

McCain amendment No. 592, in the nature of a substitute.

#### AMENDMENT NO. 592

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 11:45 a.m. will be equally divided and controlled between the Senator from Arizona and the Senator from Hawaii or their designees on amendment No. 592.

The Senator from North Dakota.

Mr. DORGAN. Madam President, let me yield myself such time as I may consume.

I will be brief this morning, but I wish to make a couple points. The appropriations bill that is on the floor of the Senate represents the bills that were not completed last year but were

worked through in the individual subcommittees, and the full Appropriations Committee of the Senate, passed, as I indicated earlier, almost unanimously, for every piece of legislation, by all Republicans and all Democrats in the Appropriations Committee. So it is not as if there is something strange here.

The question is, Do we want to pass an appropriations bill, at least for the last half of this year, that funds the agencies the way Congress has determined they should be funded? Or do we want to defeat this bill and go on autopilot and say: Whatever was done last year, that is what we will do next year. That does not make much sense to me. What we might have done last year should be judged on the basis: Did it work? Did it not work? Where are the increases we probably ought to make some additional appropriations for? Or where are some areas that ought to be cut?

All these things represent a matter of judgment by Members of the Senate and particularly members of the Appropriations Committee who are funding the individual agencies.

I mentioned, a moment ago, there is an account I cut in the subcommittee I chair by \$100 million because I felt it was not needed in the coming fiscal year, and I would move that \$100 million to fund something else I thought was very important. Well, that is the kind of thing that will not exist if we decide: Whatever was spent last year in all those accounts, that is what we will spend going forward. That is devoid of any kind of judgment at all.

Let me mention some areas we have felt should be increased. I will give you some examples. One is the funding to prepare for a potential pandemic flu. Obviously, it is a very significant issue. This country needs to be prepared in the event we suffer in our lifetimes a pandemic flu. An influenza, pandemic epidemic that would move around this world would be very serious, kill a lot of people. The need to be prepared for that is very important. There are funds available in this legislation to begin that preparation.

The efforts to improve the warning systems to notify communities about severe weather: This deals with the funding that is necessary for the next-generation satellites. This is not just something that is convenient. When killer storms and hurricanes and other things are threatening population centers, it is a need to have the very finest capability to warn people. This is the money that is needed to continue that progress in improving warning systems through the National Oceanic and Atmospheric Administration weather and climate satellites. That is in this bill to continue that work.

In my subcommittee, nonproliferation programs—and that is the issue of trying to stop the proliferation of nuclear weapons, the programs we have to try to prevent terrorist groups from acquiring the kind of material with

which they can produce nuclear weapons—we provide funding for that and increased funding for that, which is very necessary. It is funding to the National Nuclear Security Administration, and it is critical to our efforts to secure weapons-grade nuclear material around the world that even today, as I speak, terrorists are trying to acquire.

So that issue of nonproliferation—we have increased some funding for it. If we decide we are not going to proceed with the normal appropriations bills that have now been put in this omnibus and instead we are going to go with a continuing resolution, that extra funding to try to protect us and stop the proliferation of nuclear weapons is gone.

There are so many areas. The area of science: our National Laboratories. You know the Bell Labs, which used to be the jewels in our country of scientific inquiry and discovery, and all the unbelievable inventions and new knowledge, those labs are largely gone. Now our science laboratories in this country—and the three weapons laboratories and the array of science laboratories—represent the repository of the best and brightest Ph.D.s in physics and engineering and mathematics and so on. We have to keep our lead in the world in these areas. This legislation provides the increased funding for our science labs that our country has already made a decision to do. If we do not go forward, then we go backward, we lose some of those best and brightest scientists and engineers.

At one of our laboratories, we have something called the Roadrunner, which is the most powerful computer in the world.

That is not elsewhere; that is here in our country. They were telling me one day about the roadrunner, what is called a petaflop, which is a thousand teraflops. A teraflop is a computer that has capacity to do 1 trillion distinct functions per second. That is a teraflop. We reached that 11 years ago. Now we have done a thousand teraflops, or what is called a petaflop. One thousand trillion functions per second in this world's most powerful computer. What can you do with that? Well, they are talking about studying the synapses—1 billion synapses of the brain to work how it works together to produce what we call vision. We don't know that. With supercomputing, the potential to know a lot of things is breathtaking. That exists here. It is the most powerful computer in the world here.

We have to continue to keep our edge in science and knowledge and invention. Part of that will be dependent upon how we fund our national laboratories and whether we keep that group of scientists and engineers working on these breathtaking inventions and the development of new knowledge. We can only do that if we continue the commitment we have made to fund our science in our national laboratories.