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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable JEFF MERKLEY, a Senator from the State of Oregon.

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, who is the light of all we see, make this day luminous with Your presence. Strengthen the Members of this body to do their best, living lives worthy of their high calling. Lord, infuse them with the spirit of kindness, of thoughtfulness, and of fairness. May the tyranny of partisanship and expediency never prompt them to betray high principles. Make them poor in misfortune and rich in blessings. Give them enough challenges to keep them humble, enough failure to keep them dependent on You, and enough success to enable them to fulfill Your purposes for our Nation and world.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEFF MERKLEY 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 assistant legislative clerk read as follows:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 22, 2010.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEFF MERKLEY, a Senator from the State of Oregon, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, following any leader remarks, the Senate will resume consideration of H.J. Res. 45, which is a joint resolution increasing the statutory limit of the public debt. There will be no rollcall votes during today's session of the Senate.

RESERVATION OF LEADER TIME

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

INCREASING THE STATUTORY LIMIT ON THE PUBLIC DEBT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.J. Res. 45, which the clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res 45) increasing the statutory limit on the public debt.

Pending:

Baucus (for Reid) amendment No. 3299, in the nature of a substitute.

Baucus amendment No. 3300 (to amendment No. 3299), to protect Social Security.

Conrad/Gregg amendment No. 3302 (to amendment No. 3299), to establish a Bipartisan Task Force for Responsible Fiscal Action, to assure the long-term fiscal stability and economic security of the Federal Government of the United States, and to expand future prosperity and growth for all Americans.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BAUCUS. Mr. President, today the Senate resumes its third day of consideration of the joint resolution to increase the debt limit. We continue our discussion of whether Congress will allow the government to honor its commitments to pay its bills.

Yesterday, the Senate disposed of the Thune amendment to terminate the Treasury Department's Troubled Asset Relief Program. Today, three amendments remain pending: the substitute amendment raising the amount of the debt limit, this Senator's amendment to protect Social Security, and the Conrad-Gregg amendment to create a fast-track process to consider a budget commission's recommendations. Up to eight other amendments remain in order to the joint resolution. The Senator from Alaska has the right to offer an amendment on the Environmental Protection Agency's endangerment finding. The Senator from Alaska spoke on this subject yesterday, and although I do not by any means wish to speak for the Senator from Alaska, it appears from a statement yesterday that she seeks to address the subject matter as a freestanding resolution of disapproval rather than an amendment. The majority leader also has the right to offer an amendment reinstituting the statutory pay-as-you-go budget law. We hope we might see that amendment today. The six remaining amendments in order are a Coburn

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

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amendment proposing a package of rescissions; a Sessions amendment creating caps on appropriated spending; an amendment by the Republican leader's designee relevant to any on the list; an amendment by the majority leader relevant to any on the list; and two amendments by this Senator regarding the budget commission.

Under the previous order, every amendment to this joint resolution will be subject to an affirmative 60-vote threshold. The Senate will not, however, conduct any rollcall votes today. We expect the next rollcall vote will occur no earlier than Monday afternoon. The Senate is open for business this morning for any of these Senators to offer their amendments, and the Senate is available for the statements, obviously, of all Senators. We will work toward developing an agreement for the offering of all amendments by sometime early next week. We hope to conclude action on this measure shortly thereafter.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

THE NATIONAL DEBT

Mr. WHITEHOUSE. Mr. President, as we continue to debate our Nation's debt limit on the Senate floor, I rise today to review how we came to this point of serious budgetary imbalance and, in particular, how $9 trillion of it is Bush-Republican debt.

At a time when tens of millions of Americans are out of work and families across the Nation are struggling to heat their homes and pay their bills and buy their prescriptions and put food on the table, our constituents are rightly frustrated at America's lack of fiscal restraint. They deserve to hear the whole story. The unfortunate truth is that President Bush left us with a budget so warped and imbalanced and an economy in such disarray that President Obama and this Congress have had no choice but to run temporary deficits. The previous administration must bear at least $9 trillion worth of the blame.

Let's roll back to the time when George Bush took the oath of office as President of the United States. In his first address to the Nation, he pledged to ''call for responsibility and try to live it as well.'' It had been a divisive election, and many Americans now found some comfort and hope in those words. They were to be disappointed. But on the budgetary front, there was good reason for optimism on that January morning in 2001. After decades of deficit spending, President William Jefferson Clinton had set the Nation on its healthiest fiscal path in generations.

After 28 straight years of multibillion-dollar budget deficits, our Nation saw surpluses beginning in 1998 under President Clinton.

In President Clinton's last full year in office, we saw the largest budget surplus in our Nation's history—a budget surplus of $236 billion under President Clinton—and that good budgetary news looked forward as well.

The month George Bush first moved into 1600 Pennsylvania Avenue, our Congressional Budget Office—the nonpartisan accounting arm of Congress—projected that we would continue to see surpluses throughout the following decade.

Those budget surpluses, the product of responsible governing—some might even say fiscally conservative governing—were projected to be enough to completely wipe out our national debt by 2009. That was the picture we looked forward to when George Bush took office in 2001—predictions by the Congressional Budget Office that our national debt would be zero by 2009.

Indeed, there was actually debate in academic circles about whether a debt-free America was a good idea. That discussion seems rather bitter now.

In other words, at that time, the hard work had been done. The Nation was on a strong financial course. If President Bush had stayed that course of fiscal responsibility, he could have been the first President since Andrew Jackson in 1836 to govern a debt-free United States of America. If President Bush had chosen the responsible path, we would be having a very different debate today.

Of course, President Bush and the Republicans who governed Congress did not choose the responsible path. This chart illustrates the difference between the surpluses that George Bush inherited and the deficits he created. This top line, at the top of the red, shows the CBO budget outlook I have described that was projected by CBO in January of 2001, climbing with increased surpluses over the years to come. The bottom line at the bottom of the red shows what the Bush administration actually did, the budget results under the Bush administration.

The difference between the anticipated path President Clinton left this country on and what President Bush actually did is a mind-boggling $8.9 trillion. For purposes of rounding, I will call it $9 trillion. That is a conservative figure that does not include the likely cost of servicing that debt over the years. We have to pay interest and not just pay back our borrowing. It also does not include the spending President Obama had to do to offset fiscal disaster because of the financial meltdown he inherited. That spending by President Obama was not anything President Obama wanted to do. It was not anything he campaigned on. It was not on his agenda. It was an emergency measure necessary to clean up the economic wreckage left by the Bush administration.

Look at one particular contrast. Our current majority leader, HARRY REID, has worked to craft a health care reform bill that would not only achieve near universal coverage but would do so without adding one penny to the national debt. In contrast, when George Bush and his Republican allies in Congress designed a Medicare prescription drug benefit, they did so without offsetting at all the hundreds of billions of dollars in new spending. Indeed, they even larded it up with special deals for the pharmaceutical industry. In other words, the Republicans relied entirely on deficit spending to fund a huge new entitlement program. That was the way they actually did business. The Republicans relied entirely on deficit spending to fund a huge new entitlement program. That is the fact.

Now Republicans inaccurately and, frankly, hypocritically, rail on budgetary grounds against our efforts to extend health care coverage. But unlike their costly prescription drug bill, our health care bill improves our budget baseline.

The baseline we inherited from President Bush desperately needs improvement. This next chart shows the deterioration of annual deficits under the previous administration. The facts are plain. George Bush vastly increased spending while cutting tax revenues. The structural deficit he built in and left to President Obama simply cannot be sustained. But how soon our friends on the other side of the aisle forget.

In fact, as this next chart shows, the national debt limit had to be increased seven times—seven times—while George Bush was President. President Bush inherited from President Clinton a $5.95 trillion national debt limit. By the time he left office, his reckless spending and his tax policies favoring the rich at the expense of working Americans necessitated a debt limit almost twice as high, at $11.52 trillion.

We should not take lightly the borrowing expansion we are now forced to pursue to help recover from the Bush economic meltdown. But we should also not forget how we ended up in this position.

Each borrowed dollar, borrowed under the Bush administration, involves a debt service cost, and the Republican explosion of debt between 2001 and 2009 now makes everything we do, from running the government to stimulating the economy, more expensive.

Balancing our budget is a priority at which Democrats have succeeded in the past. It is one of the legacies of President Clinton. I am confident Democrats will succeed at it again because we believe in responsible governance.

But now is not the time to play games with our Nation's finances and put essential programs on which families depend at risk. In the worst economic recession since the Great Depression, the analogy between family budgets and the Federal budget is a false one. If the Federal Government contracted its spending, shrunk its

spending at the time when States, municipalities, companies, and families are all shrinking and constraining their spending, it would further shrink the economy. It would worsen the recession. It would make things worse for American families. Period. Saying anything else is simply false.

Unemployment hovers around 10 percent nationwide and even higher in hard-hit places such as my home State of Rhode Island. Economic recovery must remain our top national priority. Indeed, we need to do even more to put Americans back to work. The increased borrowing power we are now considering will give us the flexibility to enact new job-creating legislation.

Let me make one point very clear. An upfront commitment of resources to creating jobs need not add to our Nation's long-term liabilities. Let me give some examples.

Throughout the Nation, there are bridges condemned or under weight restrictions. We have bridges in Rhode Island that are condemned or under weight restrictions. There are roadways that the U.S. Department of Transportation has deemed unfit for further maintenance. In my State, the Providence viaduct is in that condition. We have, across the country, water treatment facilities that release raw sewage into our waterways after it rains. We have old school buildings that pose demonstrated safety hazards for our students. We have numerous other structures in demonstrable disrepair. We have an infrastructure deficit.

All these projects need repair, and repairing them is going to require our attention sooner or later. Thus, getting that work done now would not add in a meaningful way to our national long-term liabilities. We have to rebuild this failed infrastructure. We are not going to let those bridges fall into the rivers. Why not do it now when we need the jobs? Why not do it now when the old adage ''a stitch in time saves nine'' prevails?

Every American understands, whether they are working on their car or making repairs on their house, that when you get after maintenance earlier, the cost is always lower. So there is no need to be concerned about the Nation's fiscal liabilities when we are engaged in the repair of decrepit infrastructure.

A vote to increase the debt limit should be taken in proper context. When he was sworn in, President Obama faced the twin evils of a deep recession—a recession that for many American workers is as bad as the Great Depression—and he faced the $9 trillion Bush debt, run up in a time when things were fine. It was fair-weather spending, fair-weather debt.

Our top priority now must be to continue working on job creation until our economic prosperity is restored, until we have recovered from this great recession. We must not sit still for lectures in fiscal probity from the party that ran up $9 trillion in fair-weather debt to fund a war that need not have been embarked on, to fund tax cuts for the wealthiest Americans who did not need them, and to pursue economic policies that led to the recession we are trapped in now. Those policies lit the fires President Obama still is fighting to put out.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. NELSON of Florida. I ask unanimous consent to speak as in morning business up to 15 minutes.

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

HAITIAN CHILDREN

Mr. NELSON of Florida. Mr. President, I do not think there was any person who lives on planet Earth, who saw the clip on CNN this morning of dying children in Haiti, who did not have emotion overwhelm them, as my wife Grace and I, having been to Haiti many times. We saw the fact that children are dying in Haiti because they cannot get medicine and/or cannot get medical supplies. It is an inexcusable and intolerable situation. If you hear emotion in my voice, you will understand that the Nelson office has been working on this crisis for over the past week since the earthquake hit because we have been talking to our doctors and we have so many of our Florida physicians who are down there doing heroic work.

A lot of the work is being done by the University of Miami School of Medicine. A lot of it is being done with the coordinated efforts of Jackson Memorial Hospital in Miami, some of the children's hospitals in Florida. As we have been on the phone with the various agencies trying to cut the redtape so that the supplies can get in or, in the alternative, we can get the critically injured children out, whether it be to a third country, to another part of Haiti, or back to the United States—critically injured—in order to save their lives, we are still having difficulties.

Since we are not going to be voting on this debt ceiling raising that would be a critical vote here, I am taking off at 4 o'clock in the morning with a bunch of doctors from a Tampa charity directly into Port-au-Prince, where I will meet with one of the greatest heroes, Dr. Barth Green, one of the lead physicians, a neurosurgeon from the University of Miami and Miami Jackson Memorial Hospital, who has been down there since the day after the earthquake and has been begging for help.

What I want to do is cut through some of this redtape. I want to give you an example. Here is the latest plea from Dr. Green:

> There are 3 critically burned Haitian patients, one in our [University of Miami]/Project Medishare Hospital and 2 on the USNS Comfort—

The naval hospital ship—

> that needed to be medevacced to the Ryder Burn Unit tomorrow [morning].

This is an e-mail plea from last night.

> We need ok from the US Embassy [for patient] #1 or #2 or #3 to authorize the US Military to take on C130 aircraft. Please help save their lives. I need immediate [help] to do the right thing.

We are trying to cut through this redtape. If it takes me going down there to try to whack through it myself, that is what I am going to do. Six of us are crowding into a little jet in the morning at 4 a.m., five doctors and me, packed with medical supplies to do that.

I know the State Department, the Defense Department, the Department of Homeland Security—we have been talking to all these folks—have been trying. But bureaucracy gets in the way. Let me share with you an e-mail from the State Department. Get this:

> Thank you for your email. We will provide information about your U.S. citizen constituent to the U.S. Embassy in Port au Prince as quickly as possible.

That is a standardized e-mail. That doesn't say anything. It doesn't give specifics. I know they roll these things out, but don't send that kind of e-mail to me to try to placate me because it doesn't. I want action.

I want to give another example. Senator LEVIN is making a plea. He called us when he found out I was going to Haiti. Senator LEVIN's office has a Haitian who is in Michigan, a dad. He is there legally. He is not a naturalized citizen, but he is there legally. His daughter is critically injured. This is addressed to me, and it is about getting this daughter air-vacced out of Haiti because she has critical injuries. This is from the Department of State. This is a little girl, a 17-year-old with a broken back. She is being denied being put on an aircraft.

> Mr. NELSON,
>
> Due to the fact that Samantha is neither an American citizen nor a U.S. Lawful Permanent Resident, she would be ineligible to board an aircraft to the United States. Currently, all visa operations at the U.S. Embassy in Port au Prince, including immigrant visas, have been suspended until further notice while our Embassy focuses its resources to assisting American citizens in Haiti.

This little girl can't board an American aircraft because she has a broken back. She needs to be medevacced so that her life can be saved.

We have another child with a collapsed lung. Dr. Green told us about this child. He cannot save that child with a routine procedure to save people with collapsed lungs unless he can get the proper medical attention and maybe they can get him out there onto that hospital ship. But this is the kind

of bureaucracy we are running into. The Department of Homeland Security, which handles Customs and Border Patrol—and don't talk to me about people trying to sneak into the States. We live with this problem in Florida. We know what it is trying to make people legal in their immigrations. But the Department of Homeland Security—Customs and Border Patrol is telling me their agents on the ground, when these critically injured children come in, have the authority to give, in essence, what is called a medical waiver for a child who is obviously in extremis, and they assured us that will be the case. Well, I hope so. That is why I have come to the floor of the Senate, because I get these other e-mails and I get these pleas from physicians such as Dr. Green who are saying kids are dying because they can't get them out.

We are not talking about a lot. We are talking about 200 whom I know of right now in order to be able to get them out. I will continue to work this problem all the rest of this day, until I get on that aircraft at 4 o'clock in the morning. Then I will work this problem when I get on the ground in Port-au-Prince.

It is total chaos down there. The American military, the American civilian agencies, the State Department, the Department of Homeland Security, all the agencies, are making heroic efforts. It is mass chaos because of a critically poor nation that has no infrastructure. When a natural disaster such as this huge earthquake hits, it turns into ultimate chaos. Out of that chaos, we are trying to bring some order. I thank all those souls, American and otherwise, who are contributing to try to bring order out of this chaos. But sometimes we lose sight of the goal because we get so wound up in bureaucracy. That is what we need to get through. That is what I am sure we will get through.

At the end of the day, we will find that Haiti will restore itself. Although Haiti's Government is in shambles, Haiti does, in fact, have a President who deeply cares and loves its people. President Preval is clean. You can't say that for all the past leaders of Haiti. I believe President Preval is clean. I don't believe all the people around him are clean, but I think he is. It is time for the industrialized nations of the world to come together and to help these people rebuild.

The real crisis is right now, with the dying and the suffering we see in front of our eyes. That has to be attended to.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

AMENDMENT NO. 3302

Ms. KLOBUCHAR. Mr. President, I rise to speak in support of amendment No. 3302, the bipartisan task force for responsible fiscal action, offered by my colleagues Senator CONRAD and Senator GREGG. I was an early sponsor of this amendment from the beginning, from when I first came to the Senate. I wish to thank them for their leadership on this issue.

Under the previous administration, we saw the debt of the United States double. They were handed a budget surplus, and they turned it into an enormous budget deficit. Over the next 8 years, sadly, with no work, if we do nothing, it is projected to double again. Long-term projections vary, but it is clear this course is not the course we wish to take. Despite years of talk from both parties, little progress has been made, which is why I believe that to ensure the Nation's future economic security, we need to establish a budget commission dedicated to examining this problem in detail and coming up with recommendations to address the long-term fiscal challenges of the country.

I don't want to have just a study that sits on a shelf. The American people deserve better than that. That is why I believe it is important to have a statutory commission with an up-or-down vote on the recommendations of the commission. It has worked before for Social Security. I believe it will work here.

I appreciate the administration's work on this. The proposal they have made to have a Presidential-appointed commission obviously is a viable alternative. But I think the better alternative is this one, and that is why I urge my colleagues to vote for it.

We can no longer afford to hide our heads in the sand, hoping the fiscal outlook will correct itself. We need to make changes, and we need to act now in order to keep our debt from spiraling permanently out of control. Difficult fiscal decisions have been put off for too long. We need to make tough decisions now because we are spending too much, and the path we are on is unsustainable.

This was, of course, made more difficult by the economic crisis we faced last fall. On a bipartisan basis we had to do something to make sure we shored up the credit markets to make sure we ensured financial stability for our country. We had to invest in America and invest in jobs with targeted investments. But now we cannot keep going on this course.

Gross debt is likely to exceed 100 percent of GDP within the next few years, nearing levels not seen since the end of World War II. Each citizen's share of today's debt is more than $38,000. The prior administration, as I noted, ran up the Federal debt to the point where today we are forced to spend over 8 percent of our budget simply to pay interest on the Federal debt.

In 2008, American taxpayers paid more than $250 billion to our creditors in interest payments alone. That is money we are sending to other countries instead of spending it in the United States.

The more we spend to service our debts, the less we have for infrastructure investments, health care, energy innovation, and other priorities that are so important to the American people.

The threat our debt poses to the economic security of the United States cannot be ignored. As this economic crisis has shown, credit can dry up overnight. With almost 70 percent of our Nation's debt financed by foreign countries and investors, our government literally could not pay its bills without the help of China, our biggest creditor.

If faith in the American economy were to falter and foreign countries stopped extending credit, we would be faced with a host of bad choices. Even without another crisis, many of these programs are on the path to insolvency, and economic growth cannot make up the difference. These are issues that must be addressed. That is why it is so important we step back and look at the long term, focus on this debt, at the same time knowing we have to have a safety net for the people of this country.

If we look at the health care bill, we will see what we will come up with now as we look at changes to that bill. It actually saved—the Senate bill—$130 billion on the deficit in the first 10 years, $1.3 trillion over the next 10 years. That clearly has to be a piece of this reform as we look at the cost to the American people—how we can deliver health care more efficiently.

I believe it is time to change the way Washington works when it comes to our long-term fiscal outlook. It is not about being a Democrat; it is not about being a Republican; it is not about being an Independent; it is about guaranteeing we get something done for the people of this country.

This bipartisan fiscal task force provides a path to restoring our financial stability by creating a bipartisan commission to study our spending and make recommendations to effectively reduce that spending.

When I first heard about this idea, I was at one of our bipartisan breakfasts. I had just arrived in Washington, and I thought: Why would we need a commission to do this? Why can't the people in this body just do this? I have realized a few things over the years. One, we have not seen that kind of improvement. Two, we have not been able to get that kind of bipartisan work going that I have seen. Three, we have this idea of a commission that has worked in the past.

So after being here for about a year, I decided: Do you know what. This is not a bad idea. You can have experts work on this. You can come up with some ideas on a bipartisan basis for reducing spending, for bringing down our deficit, for bringing down the debt. I have decided this is the way to go because right now there is no movement on this matter at all in this body or in the House.

This is how this task force would work. First, it would be comprised of 18 members from both political parties, 10

Democrats and 8 Republicans. Fourteen of the eighteen task force members would have to agree to report the recommendations to ensure that the recommendations the task force makes to Congress have bipartisan support.

In order to fast-track the process, there is a set timeframe under which the task force would make recommendations and a set timeframe for ensuring that Congress would give them an up-or-down vote.

This task force would not be used to force legislation through Congress. It would just force Congress to come to the table and make a decision.

Let me address one final point. Some are arguing that projections for the near term are so bleak that any talk of deficit and debt reduction should be sidelined. I disagree. Everyone knows that when times are good, it becomes much harder to tighten the purse strings. This crisis has brought the issue of the deficit to the forefront. The people of this country know it. They know they have to watch their own checkbook, They know they have to balance their own checkbook, and they want to see Washington working on this issue.

They understand we have had an economic crisis. They did not cause this crisis. People on Wall Street making bad decisions, people in government allowing some things like subprime mortgages to go through—there are a lot of people who can be blamed. But they understand we not only have to work on the short-term issue of investment in our country, and transportation, and that we had to do something to shore up the financial crisis so that our whole financial system would not go down the tube—it is hard to swallow; when people think about it, they get that—but they also want to know the people who represent them are working on this debt for the long term, that we have a plan, that we are doing something to chisel away at this deficit to bring it down.

That is what they expect from us. They do not want to send all this money in interest to China. They want to be spending it in the United States of America on roads and bridges, on their kids, on their families, on their kids' education, on their houses. That is where they want to be spending this money, not on interest over in China.

So I urge my colleagues to vote for this bill. I understand it will most likely coming up next week. I think it is a very important effort going forward. I commend the White House, the economic team, for the work they have done with the group of us who has been working on this bill and trying to get this through. I think it is very important, not just for this year but for the generations to come. It is time to look past the next election to the next generation.

Mr. President, I yield the floor.

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

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

BANK INVESTING

Mr. DORGAN. Mr. President, yesterday President Obama made some recommendations that have caused quite a stir, especially on the morning shows on television today. The President suggested something that is called radical by some of the commentators: he suggested that banks—commercial banks, FDIC-insured banks, insured by the American taxpayers—should not be essentially gambling or investing in risky instruments, risky securities on their own proprietary accounts. It has been going on for a long time. This President said let's stop that. We have seen such a financial wreck, in which our economy was steered right into the ditch, where something like $15 trillion of value had been lost by American households.

The President said we need to make some fundamental changes. One change, which isn't even, in my judgment, a significant change—at least not in the context of what must be done and should be done—is to limit the ability of FDIC-insured financial institutions to invest in, speculate in, and buy and trade derivatives on their own proprietary accounts. That should not have been going on at all.

Fifteen years ago, I wrote the cover story for the Washington Monthly magazine on this very subject. The title of the article was ''Very Risky Business.'' I talked then about how FDIC-insured banks in this country were trading on their own proprietary accounts in derivatives—$16 trillion of value in derivatives at that time. They were trading on their own proprietary accounts, which puts taxpayers at risk. They might as well put a Keno table or a craps table in their lobby. It is flatout gambling. The President said yesterday: Let's have legislation that stops that. I agree.

The President said something else that is very important: Let's limit the size of financial organizations that are ''too big to fail.'' We have a category in this capitalistic system of ours called ''too big to fail''—a category that is managed by the Federal Reserve Board. They have a list of which institutions are too big to fail. I thought this system of ours—capitalism—is that you succeed or fail based on your own merit. That is not the case. We have now witnessed in the last year and a half which institutions are not allowed to fail.

We have people who go to work every day to a business they started with their own capital. They and their family have invested in a shoe store or a hardware store or gas station, and they open the door in the morning and they are open for business that day and the risk is all theirs. By the way, they are allowed to fail, and many have done so during this economic downturn, but not the biggest financial interests—they are too big to fail. That is called no-fault capitalism. They can gamble in their lobby, and the American taxpayer will pay the bill. That is what has been going on. This President says—and he is right—if you are too big to fail, you are too big. Let's begin limiting the size.

This morning, I listened to some of the commentators have an apoplectic seizure. They said that if we cannot be bigger and bigger, how do we compete with the Europeans? That is exactly what we heard 10½ years ago now—when the Congress passed legislation that took apart the protections put into place after the Great Depression. This legislation gave free rein to this unbelievable orgy of speculation in high finance that led this country right into the ditch, led this country's economy into a colossal wreck. The result of all of that has been catastrophic for the American people. The result of all of that has been trillions of dollars of lost value for American families and an unbelievable unemployment problem—people by the millions losing their jobs, their homes, and losing hope.

The President made two recommendations yesterday, which I support. You would think he was suggesting somehow that he is going to completely take apart the American free enterprise system. That is absolutely absurd. I decided I wanted to give a little bit of history this morning because it is so easy for people to forget. Let's understand how we got to this place and what caused these recommendations to be made.

Alan Greenspan, former Chairman of the Federal Reserve Board, was involved in all of this. I know he wrote a book later implying he was exploring the surface of the Moon while all this was going on, but he wasn't. He was Chairman of the Federal Reserve Board. He had a responsibility to provide oversight and to rein in these excesses, and he didn't. Here is what he said in testimony before the Congress:

> I made a mistake in presuming that the self-interests of organizations, specifically banks and others, were best capable of protecting their own shareholders and their equity in the firms.

That notion that people will behave in their own self-interests and protect the shareholders and our country was pretty unbelievable because this occurred at the same time that the Chairman of the Federal Reserve Board and the Federal Reserve Board itself had responsibilities to provide a regulatory oversight to what was going on in our financial system.

At the same time that was the case, and they were doing nothing, we had new people come to Washington, DC, in the aftermath of the passage of the disastrous bill in 1999, the Financial Services Modernization Act, to be regulators at the Securities and Exchange

Commission, the CFTC—all of those organizations. People came here to assume those jobs, and they were boasting that they would be willfully blind: Let's take these regulatory jobs, and we promise not to look, we promise to close our eyes, and by the way, we are business friendly, so do what you want. It doesn't matter to us.

In fact, we have circumstances where people came to the Securities and Exchange Commission with Mr. Madoff's issue going on, and they said: This guy is running a Ponzi scheme, a scam. We had people show up to the SEC and say: Investigate this, it is a massive scam. The SEC couldn't even investigate it when they had people saying, here is what is happening. It is unbelievable. During that entire time period, we had regulators, starting with the Federal Reserve Board and Mr. Greenspan and others, in regulatory capacities who boasted about not being willing to regulate. The result is that big financial firms in this country, and a lot of others, were engaged in an unbelievable orgy of greed.

Let me show a little of what was going on. The Fed should have been attentive to this. It was their responsibility, among others. We all see these kinds of ads when we wake up and brush our teeth in the morning if we have a television set on. Here is one where Countrywide Mortgage said:

> Do you have less than perfect credit? Do you have late mortgage payments? Have you ever been denied by other lenders? Call us. We would like to loan you money. If you are a bad credit risk, call us.

How can that work? It didn't work. This company went bankrupt. The owner of the company is now under investigation, at long last. He went away with about $200 million, I believe. He left the party with a couple hundred million dollars. These advertisements saying: If you have bad credit, come to us—this is the biggest mortgage company, not some fly-by-night company.

This one is an Internet company. It is called speedybadcreditloans.com. Isn't that great? What a country. What a system. Apparently, somebody has a business model to advertise speedy bad credit loans. It says:

> Bad credit, no problem. No credit, no problem. Bankruptcy, no problem. Get guaranteed bad credit personal loans now.

Does it surprise anybody, having watched over a decade of this, that this collapses?

I won't go through all of them.

Here is Millennium Mortgage:

> Twelve months, no mortgage payments. That's right. We will give you the money to make your first 12 payments if you call in the next 7 days. We pay it for you. Our loan program may reduce your current monthly payment by as much as 50 percent and allow you no payments for the first 12 months. Call us today.

Too good to be true? Get a loan from these guys and they will make the payment for you. They didn't tell you that they will put that around the back side of the loan and wrap it around higher interest rates.

This is Zoom Credit:

> Credit approval is seconds away. Get on the fast track at Zoom Credit. At the speed of light, Zoom Credit will preapprove you for a car loan, home loan, or a credit card, even if your credit is in the tank. Zoom Credit is like money in the bank. Zoom Credit specializes in credit repair and debt consolidation, too. Bankruptcy, slow credit, no credit, who cares?

We have all heard these for a long period of time and wondered: How does this work? What kind of business model is this? It was not a business model. It was a scam and a scheme that undermined the American economy and went on under the nose of, yes, Mr. Greenspan and so many others who had promised us they were interested in being regulators. The list goes on and on.

Let me go back to 1999. We were told in this Chamber—and I was here then—we were told: America has to modernize its financial system, for if we do not, the Europeans and others are going to win this debate and win the economic competition. So we have to modernize. The things that were put in place after the Great Depression were probably important at some point but no longer necessary. We now have Mr. Greenspan protecting us and others. It is a sophisticated system. We need to be able to compete.

They said: We need to have a financial modernization system to allow very large holding companies to put together all the financial systems—investment banks, commercial banks, real estate, and securities operations. By the way, if we can do all that, we can create one-stop financial shopping for the American people.

I stood on the floor of the Senate at great length in 1999 and opposed this. I know it is a little cheesy probably to quote yourself, but I do want to provide some description of what concerned me prior to the passage of this legislation.

Here are some of the things I said at that point. I said:

> I will bet one day somebody is going to look back at this and they are going to say: How on Earth could we have thought it made sense to allow the banking industry to concentrate, through merger and acquisition, to become bigger and bigger and bigger, far more firms in the category of too big to fail? How did we think that was going to help this country?

That was May 6, 1999.

The same day I said:

> I say to the people who own banks: If you want to gamble, go to Las Vegas. If you want to trade in derivatives, God bless you. Do it with your own money. Do not do it through deposits that are guaranteed by the American people and by deposit insurance.

The same day I said:

> This bill—

The Financial Services Modernization Act—

> will, in my judgment, raise the likelihood of future massive taxpayer bailouts. It will fuel the consolidation and mergers in the bank and financial services industry at the expense of customers, farm businesses, family farmers, and others.

I said:

> I think it is a fundamental mistake to decide to repeal Glass-Steagall and allow banks and all of their financial industries to merge into a smorgasbord of financial services. Those who were around to vote to bail out the failed savings and loan industry, $500 billion of taxpayers' money, are they going to want to be around 10, 15 years from now when we see bailouts of hedge funds putting banks at risk? Or how about banks not just bailing out hedge funds, but banks having ownership of hedge funds?

I said: We also have another doctrine at the Federal Reserve Board called too big to fail.

> Remember that term ''too big to fail''? They cannot be allowed to fail because the consequences to the economy are catastrophic and therefore these banks are too big to fail. That is no-fault capitalism. Does the Federal Reserve care about that? Apparently not.
>
> Fusing together the idea of banks which requires not just safety and soundness to be successful but the perception of safety and soundness with other inherently risky speculative activity is, in my judgment, unwise.

Finally—these are about four or five speeches I gave in 1999:

> We will, in 10 years' time, look back and say: We should not have done that because we forgot the lessons of the past.

So here we are, trillions and trillions of dollars. There have been, we believe, $11 trillion or so lent, spent or committed by the Federal Government to try to keep afloat some of the largest financial firms in our country because they did what they wanted to do. They engaged in unbelievable amounts of risk.

I showed the examples of advertising to people who come to get mortgages when they had bad credit. That was not just people who had bad credit. People who had existing loans were enticed by these companies that said: Are you paying 7 percent or 8 or 9 percent interest? Come to us. We want to give you a loan in which you do not have to pay the first 12 months. Come to us. We are going to give you what we call a no-doc loan. You do not even have to document your income to us. Come to us. We will give you a liar's loan. They did not call it a liar's loan, but that is a no-doc loan. Come to us. We will give you a loan where you do not pay any of the interest. We will give a loan where you do not pay any of the interest or any of the principal. All these were entreaties to people to come to these companies and redo their mortgages.

What happened to these mortgages when they were put together? They wrapped them into a security, a mortgage security, and then the mortgage company, Countrywide, for example, would sell it. They would sell it perhaps to a hedge fund or an investment bank. It was rated as a security. By the way, most of them were rated triple A. The ones that went bad were rated triple A.

What happened was those who placed the mortgages no longer had the risk because they sold the risk to others. They sold it to hedge funds, investment banks. All the brokers making money,

the people putting out the mortgages at the bottom, they were making $5,000, $10,000, $25,000 in bonuses, brokers' fees. The mortgage companies were awash in cash.

I mentioned Countrywide's CEO left with a couple hundred million dollars, now under investigation, by the way. The hedge funds were making massive amounts of money. They could not count it fast enough. Just before the economy collapsed, the highest earner in the country was a hedge fund manager who earned $3.6 billion—$3.6 billion. Think about that person coming home from work and the spouse says: How are you doing? I am doing pretty well; $300 million a month. By the way, I am only paying 15 percent income tax because I get a special deal. I pay a 15-percent rate. Nobody else does. I get to pay some of the lowest income tax rates in America. These folks do because they have a deal called carried interest. They were all making money, all awash in cash, giant bonuses, bonuses that were unreal—$15 million, $20 million a year, some of the folks who were running the security agencies, some of the salespeople, and others in these investment banks.

By the way, all these institutions would have collapsed and failed. Even the ones that this morning are reporting record profits, they were about to collapse were it not for the American people who, through their government, saved them.

Now they are willing to complain about everything, and they are ramping up a huge effort in this town to prevent any effort to change the way things were. This President has said: Let's decide, at least, to stop the pernicious practice of having FDIC-insured banks trading in derivatives and other risky instruments on their own proprietary accounts. I think that is nuts to allow that to continue, and this President is right to try to stop it. They are even now gathering an army to try to oppose it.

This issue of too big to fail, the President is right about that, absolutely right.

This shows the house of cards. We have all seen it. We saw it collapsed or nearly collapsed. Were it not for the Congress, the President, the American people in backstopping these largest investment banks, they would be gone. Now, all of a sudden, they are reporting record profits and are on the edge and verge of providing record bonuses at a time when a whole lot of folks are in lines trying to get to a soup kitchen or in lines trying to find a job.

The President of the Dallas Federal Reserve Board, in an editorial review in the Dallas Morning News, said:

> Too bill to fail is not a policy. It's a problem. Too big to fail means too big.

I am glad he said that. I say that. I am glad he said that. He is president of the Dallas Federal Reserve Board.

Joseph Stiglitz—I believe he was a Nobel Prize winner—said:

> We have much to gain by breaking up these behemoths.

Talking about the large financial institutions.

> We need to begin now the admittedly gargantuan task of breaking out their commingled activities.

There has been discussion in the last couple days about Paul Volcker, former Federal Reserve Board Chairman. I had an opportunity to meet with him in the last several weeks. Paul Volcker has spoken very strongly in support of the policy the President has now embraced. Paul Volcker says:

> I would exclude from commercial banking institutions ownership or sponsorship of hedge funds and private equity funds. So should, in my view, a heavy volume of proprietary trading with its inherent risks.

It is common sense for us to begin to shut down those kinds of activities.

Let me quickly say, I understand the need for financial institutions. I understand that. It is a very important part of this country's economy. But I also understand, having studied economics and taught economics ever so briefly, that we have in this country, for 200 years, had a contest about who rules the roost—those who produce or those who finance production. I am telling you, in recent decades, those who finance production have had an unbelievable amount of influence in this country. I must say I do not think it contributes one thing to this country's economy to have big financial institutions trading synthetic derivatives.

Does anyone know what a synthetic derivative is? A derivative is something that derives value from something else. Presumably, whatever the value on the front end or something elsewhere has some value, something that is tangible. A synthetic derivative is wagering, gambling, a derivative that is created with nothing on either side of it, except you are making a wager or a bet. That is going on in this country with respect to big financial institutions. It has in the past, aggressively. That is where they made a lot of money. It continues to go on to this day, and it makes no sense.

Does anybody think that contributes very much to this economy? It does not. The fact is, it darn near ruined this economy with that unbelievable amount of speculation, starting right down at the broker placing loans that should not have been placed that created the subprime scandal and all the way up with credit default swaps and CDOs and synthetic derivatives and all these issues.

A former colleague once described investment banks by saying investment banking is to productive enterprise like mud wrestling is to the performing arts. I do not put it quite that way. But his point was a whole lot of what goes on is pretty worthless. A whole lot of what can go on and should go on is very important in investment banking. That is the part of our banking structure that provides loans in riskier categories. You put loans out there to businesses with ideas and so on. That is very important. Community banks are very important. Commercial FDIC-insured banks are important. Investment banks are important.

My point is not to suggest that our economy can exist without them. That is not the case. But I wish to make a very important point. You look at the heyday of production in this country. I am talking about when our manufacturing plants were humming, when we were turning products out, the best in the world. We were expanding the middle class. We were putting men and women in factories with good jobs that paid well, with benefits.

Look at that period of time in this country and ask yourself: Under what kind of conditions did that exist? It existed before all these changes were made to the financing system of this country that let the finance industries decide to coagulate and combine and create these behemoth organizations with so-called firewalls that turned out to be made of tissue paper.

People suggested somehow we were old-fashioned prior to 1999 and we needed to modernize to compete with somebody else to allow all our financial systems to come together, to merge, to get bigger, to engage in all these activities and create unbelievably exotic instruments, instruments that many of those who trade cannot even explain, thought that was somehow essential to the economic health of this country?

The economic health of this country was much better prior to the enactment of those changes. I did not vote for those changes I just described. I stood on the floor and fought like the devil against them. Eight of us in the Senate voted no on the Financial Services Modernization Act. Eight voted no. The fact is, it set this country up for an unbelievable fall.

So now here we are. The question is, What next? Where do we go from here? I understand, in this country, it is reasonable for every interest group to organize to support their vested interests. I understand that completely. But I also understand there is a higher purpose and a much larger issue for the American people and for our future.

What kind of future do we want? What kinds of activities, what kinds of things can we do to put our country back on track, to restart the economic engine, to put people back on payrolls once again? There is nothing we can do in this Chamber that is much more important, as far as I am concerned, than finding a way to create jobs to put people back to work. There is no social program that is as important as a good job that pays well and allows people to take care of their families. That is just a fact, and we have seen in this country how you expand the middle class—with good jobs that pay well.

I am going to speak later in this next couple of months again about the issue of trade. I have written a book about that subject, but I am going to speak at greater length about it because, in the middle of an economic downturn, when we talk about jobs, if we are hemorrhaging jobs once again outside of

this country in search of 50-cent-an-hour labor, and we have people lining up here looking for work, that doesn't work for me. That is a lot like filling a bathtub with the drain open. So there are a lot of things that are elements in this.

What I wanted to talk about this morning was to say that it is not a coincidence we have ended up at this intersection in deep financial trouble trying to find a way to see if we can rebuild the economy, to start putting people back to work again. It is not a surprise we have wound up here, anybody who watched what happened with the creation of bubbles and unbelievable speculation that was going on, and the massive amount of money ricocheting around and the creation of exotic financial instruments and no regulation at all, with people in regulatory authority who covered their eyes, and the head of the Fed, who actually was a cheerleader for all of it, who said: We don't need to regulate hedge funds or regulate derivatives. I oppose all of that. It isn't a surprise to us that this thing collapsed. It certainly isn't to me. The question is: How do we set it right?

This President—though I don't agree with him on everything—inherited the biggest economic wreck since the Great Depression. That is a plain fact. Had he gone to sleep from January, when he was inaugurated, and done nothing until today, there was going to be a $1.3 trillion budget deficit. That is what he walked into the White House and assumed. It is not just this financial situation, this is most of it, but we went to war and decided not to pay for a penny of it. We sent young men and women to fight and die and risk their lives day after day after day in Iraq, Afghanistan, and elsewhere, and we decided we weren't going to pay for one penny of it.

Some of us in the Senate, by the way, said we ought to at least find a way to pay for some of this cost. We are going to send kids to fight and risk their lives, and we don't have the courage to begin to pay for it? We went 8 years and didn't pay for a penny. Every bit of it went to the debt. To those of us who said let's pay for some of it, the last President said: If you do, and you pass that bill, I will veto it. I don't intend to allow for that at all. So that is another part of this.

Look, this country knows better. The American people know better. That is not a policy that works.

I talked yesterday about the Chairman of the Federal Reserve Board, Mr. Bernanke. I did not speak ill of him, I mean, despite the fact I think he has some ownership of these issues as well. He was part of the economic team at the Federal Reserve Board as well. I indicated yesterday, and I just want to make the point, his nomination is coming up, and I indicated I was not going to vote in favor of the nomination. When he decided to open the lending window at the Federal Reserve Board for the first time in the history of our country to investment banks, I didn't criticize him for it. I wasn't sure whether it was necessary, but I didn't criticize. We were in the middle of a very difficult time. But when he decided to do that, he put the American taxpayers' funds at risk.

We waited, and I and a group of nine other Senators wrote him a letter about 6 months ago and said: All right. Now we want to understand who came to that window and how much money did they get and what were the terms. Who did you give the money to? Who has our money?

He wrote back to us and said: I don't intend to tell you that. I don't intend to tell the Congress, and I don't intend to tell the American people, despite the fact that he said transparency is a big issue for him. Apparently not on this issue.

So I don't think the Congress should proceed with his nomination until he tells us what was the consequence of opening the loan window at the Federal Reserve Board to investment banks for the first time in history.

Well, Mr. President, I see my colleague from Kansas is here and would like to speak, perhaps. This is a long and tortured discussion about this country, its finances, and its future. There is plenty of criticism to go around. I have had kind of a belly full of standing in the Senate and hearing about President Obama and socialism and that sort of thing. The fact is, as I said, he inherited the biggest mess since the Great Depression, and had he done nothing, the budget deficit was going to be $1.3 trillion. So he is trying to do some things that will set this country back on track.

We have gone through almost a lost decade in terms of smart, effective, good public policies that invest in this country's future. It has set us back a lot. What we need to do now, it seems to me, is to try to see if we can't find a way that what both political parties offer to this country can be brought together, to links arms and try to lift up this country.

We see almost every single day people sawing away and ratcheting away about what is wrong with the country. I can spend a lot of time talking about what is wrong with America. But there is a whole lot right about this country, and it deserves, in my judgment, a lot more cooperation than I have seen in the Senate. It deserves the best of what both political parties have to offer America rather than the worst of each. I hope in the next 6 or 8 months we can find ways to ask people of both political parties to decide to stand up for tough things—for things that are going to require some courage and that will restart this economic engine, put America back on track, and try to make certain what has happened to us in the last couple of years will never happen again.

Most importantly, we need to give people an understanding that their future can be better than the past. We need to restore confidence. It is hard for people to have confidence watching the proceedings in this Senate. I understand that. But confidence is everything. If people are confident about the future, they do the things that manifest that confidence and that expand this country's economy. That is just a fact. If they are not confident about the future, they do things that contract the economy—they defer and delay the kinds of things they would otherwise do to expand the economy.

I hope in the near future we can find a way to create some jobs initiatives to put people back to work more quickly. But there are just a lot of issues that confront us, and I wanted today especially to talk about the two things this President mentioned yesterday, both of which are so right and so important, both of which this town will organize to oppose.

The first is asking or deciding or telling FDIC-insured banks: You can't be investing and trading risky instruments on your own proprietary accounts and putting the American people at risk any longer. You can't do that anymore. That is not radical; it is right and it is long overdue. I wrote the first article about that 15 years ago as a cover story for the Washington monthly magazine titled ''Very Risky Business.''

Second is the issue of too big to fail. If anybody in this Chamber wonders whether we ought to do something about too big to fail, go to any town cafe in this country and sit around and ask folks whether they think this capitalistic system works well when you say to almost everybody else: You risk your savings to start a business, and if you don't make it, tough luck. You are on your own. But, by the way, we have some big financial interests that can make record profits, pay the highest bonuses in history, and we have decided they can't fail. We have a special class for them. We will open loan windows at the Fed, we will lend or make $11 trillion available to them if they need it. We will do anything to prevent them from failing because they are too big to fail.

That is no-fault capitalism. That is not what I believe to be the American way. That is something this President wants to change and something I support very strongly.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

PRO-LIFE MOVEMENT

Mr. BROWNBACK. Mr. President, I thank my colleague from North Dakota. I will miss his voice around here. He and I both are leaving this body at the end of this year, and I have appreciated the chance to serve with him and work on many different issues of significance and concern for the country. He has always had a strong voice, done an excellent job in representing his constituency and his point of view, and I will miss serving with him.

Mr. President, right now, at this very minute, hundreds of thousands of people are amassing in this town for the 37th annual Right to Life March—hundreds of thousands. It will be a crowd where 80 percent will be under the age of 25. It is a young movement. It is a movement that believes in human dignity and that life begins at conception and goes to natural death. They are energized, motivated. They are here and they need to be heard. They stand to be a voice for the voiceless; to stand for a cause they believe in, that they believe is right, and I believe they are right. I believe they are winning this cause.

In 1973, the Supreme Court banned most impediments to having an abortion in the United States. Since that tragic decision, many experts estimate that between 40 and 50 million—40 to 50 million—abortions have happened in the United States. It is a number that plagues our government and defies our constitution.

This tragedy is why we continue to call for the end of abortion in the United States. Today, in memory of the 37th anniversary of Roe v. Wade, we want to talk about how the pro-life movement should be credited for changing America's attitude on the issue of abortion. The President's campaign theme in 2008 on change is also relevant to the pro-life movement, which has effectively changed millions of hearts and minds by challenging the central tenets of the flawed Roe decision.

The Roe decision, which took State law and said State laws can no longer cover the issue of abortion and federalized the whole issue, has been the centerpiece issue of this whole debate, saying this should be an issue decided at the State level. These protestors are here en masse to again call for the Supreme Court to overturn Roe v. Wade. The decision has been proven to be antithetical to individual liberties and to human dignity.

There will be young people at the march who have learned they have lost siblings because of abortion. They will never know a younger brother, an older sister, and they are profoundly saddened by such a loss. There will be women at the march for life who have had abortions and now regret making that decision; they are still grieving for their lost children, and they will say that which is politically incorrect: Abortion hurts women. The number of women who have joined this ''Silent No More Campaign'' represents a fundamental change in attitudes regarding the controversy of the issue of abortion.

I hope Congress will listen to those who mourn and advocate for their government to do something to right this wrong. If they do listen, they will notice that the country is changing in several significant ways. The pro-life movement has transcended beyond my generation into a new movement that is young, passionate, energetic, creative, and resilient. President Obama said during his campaign last year:

> A new generation inspires an old generation, and that is how change happens in America. It doesn't just happen in elections and campaigns. We know that young people everywhere are imagining something different than what is.

I believe that this younger generation is inspiring an older generation. Today, there will be hundreds of thousands of Americans—many of them young people, who believe in defending innocent human life—who will march across the National Mall for real change.

We found out earlier this week, with the upset victory by Scott Brown in Massachusetts—one of the bluest of blue States—that politicians have to respect the voters on the issues they care about. The American people are dismayed at our government's radical approach to promoting abortion. The American people don't want government-run health care that includes abortion mandates and Federal subsidies for abortion. They don't want foreign aid going abroad to promote abortion. They don't want to relax commonsense regulations that are proven to reduce the incidence of abortion.

Even for those who are pro-choice, the mantra around here for some period of time was to have abortion be safe, legal, and rare. The policies I just listed are all policies that would expand abortion. The last time the Federal Government paid for elective abortions, we paid for nearly 300,000 a year—a shocking number and certainly not a rarity.

People are realizing that abortion had promised liberty but instead has brought death. Doubters have turned into believers and people are waking up to the reality and the truth about abortion. Our movement is truly changing hearts and minds.

Although it is true the pro-life movement saw many setbacks this past year, we also have much to be thankful for and hopeful for in the future. A Gallup poll earlier this year—for the first time since Gallop started asking this question in 1995—showed our country to be a pro-life majority country. This year, 51 percent of Americans called themselves pro-life on the issue of abortion and 42 percent pro-choice.

In 1995, 56 percent of Americans called themselves pro-choice, and in 2008 that number was 50 percent. I see our movement changing, striving to continue getting a little better each day.

The movement continues to value people over ideology and political parties. Pro-lifers found a hero and strong ally in Democratic Congressman Bart Stupak this year for taking the tough stance in defense of life in the health care reform debate. It was a blow to the abortion advocates when Democratic Congressman STUPAK led the charge and continues to lead the charge in that fight. The pro-life movement is changing because it has rallied new leaders from both major political parties, which is something for which we should be very grateful.

Another way our movement is changing is through new outreach tools. Pro-lifers are sharing the truth about abortion with friends on Facebook, Twitter, YouTube, iPhone, and countless other new technologies. Young people are utilizing these new media tools to uncover and expose an abortion industry. I am excited about this because I know the pro-life movement's focus and energy has never been so devoted or determined.

The movement's message is more expansive. We have changed and attracted a majority of the country to our cause with compassion for all human life—being pro-life and whole life. Our movement has become more consistent and attractive because the pro-life movement speaks to the respect for human life in all places and in all stages—for those who are in the womb, for those who are in prison, for those who are in Africa, for those who are in poverty, for those who have plenty, for those who have experienced natural disasters such as the recent earthquake in Haiti.

The pro-life movement has been successful because it has changed people's views on the issue. We are now seeing more and more studies coming out about the impact on people who have had abortions. Even the evidence has been changing and we now know that 80 to 90 percent of children diagnosed with genetic defects such as Down syndrome are aborted. We are getting that evidence in. We also have evidence now that shows children in the womb feel pain when they are aborted. New science, ultrasound equipment, and other advances in technology are giving new-found hope in spreading the truth about abortion.

Ultimately, the cause for human dignity cannot be silenced and will not stay still. Human liberty and freedom will prevail and I hope this year's March for Life will again inspire a country that longs for change and that many hope will embrace, fully embrace, the culture of life.

I yield the floor.

I suggest the absence a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

HAITI

Mr. LEAHY. Mr. President, we have all watched the widespread devastation and loss of life in Haiti caused by last Tuesday's earthquake. It is a tragedy on a scale that words cannot adequately describe. I have talked with a number of people who have been down there. No matter how horrific the photographs we have seen, in reality it is even worse.

Haiti is the hemisphere's poorest country, a history of repeated calamities, some, of course, caused by natural disasters, but some by past corrupt and abusive governments. Now it faces a humanitarian emergency, but also reconstruction needs of daunting proportions: 3 million people affected, hundreds of thousands left homeless, and an estimated 100,000—perhaps twice that many—lives lost, countless children injured and many orphaned.

The Haitian Government, which already has limited capacity, has been severely damaged. The U.N. mission in Haiti, which is doing heroic work, suffered catastrophic losses.

Americans and people around the world have reacted with compassion and generosity. A massive relief effort is underway. Search and rescue teams from the United States and other countries continue to pull survivors from the rubble more than a week after the buildings collapsed. The U.S. Coast Guard, the U.S. Agency for International Development, the Departments of State and Defense, and many other Federal agencies have personnel on the ground.

Our military sent ships and planes and troops. We have responded as America does. We are, after all, the wealthiest, most powerful Nation on Earth. Morality requires us to help those, especially neighbors, so severely damaged.

I have visited Haiti as chairman of the State and Foreign Operations Subcommittee, and each year I have worked to increase United States assistance for Haiti. I can tell you, this earthquake could not have come at a worse time.

There was hope that Haiti, after recovering from three severe hurricanes in 2008 which left most of the country's infrastructure damaged or destroyed, was poised to finally make some real strides toward political stability and economic development. All of us who care for Haiti thought finally things were getting better. Last Tuesday, in a few terrifying minutes, that hope was buried in rubble. The immediate focus, of course, is saving lives, helping those people who have no place to live and no way to support themselves. I do thank the many humanitarian relief organizations as well as the United Nations, OAS, the Pan-American Health Organization, the International Committee of the Red Cross, other international organizations, and other countries that have sent relief workers to help. They mobilized quickly. We have seen their doctors, nurses and other relief personnel working day and night since shortly after the earthquake hit. They are doing an outstanding job under the worst possible conditions.

I want to express my condolences to the Haitian people, and my admiration for them. They have shown remarkable fortitude and patience in the wake of this catastrophe. Even in the midst of so much misery, there are already glimpses of a recovery.

Some press reports have focused on incidents of looting, and crowds of people surrounding UN vehicles or scrambling for whatever food or water they can find. But in fact those incidents have been the exception. The vast majority of the survivors, in the midst of a destroyed city with little food, water or shelter, have refrained from violence and instead tried to help each other.

To the families of others who died or suffered severe injuries, particularly American citizens who were in Haiti, several of whom were Vermonters or who had relatives in Vermont and who lost their lives when the buildings collapsed, our hearts go out to them. How much we wish we could turn the clock back and bring them home.

A great deal is being done to alleviate the suffering, but I also think there are important lessons from this experience that will enable us to respond even more quickly and more effectively when the next disaster strikes. It is more than a week after the earthquake struck and many people left homeless have yet to receive food or water and they have no shelter.

The Central America-Caribbean region is among the most disaster prone in the world due to the many volcanoes, earthquake fault lines and tropical storms. There are things we can do to be better prepared and to deliver aid more efficiently next time.

This is in no way to detract from the heroic efforts of those not only from the United States but from nongovernmental organizations and from other countries who have worked against almost insurmountable odds to get aid to those who need it.

I am concerned with reports that some humanitarian organizations have been unable to obtain access to the Port-au-Prince airport for several days. Many tons of relief supplies have reportedly been flown instead to the Dominican Republic and then trucked by land to Port-au-Prince, which is not only expensive but time-consuming, and they are needed now. If you are a child, dehydrated and dying, and food and water are only a few miles away, or you are a parent to that child, you cannot wait.

The outpouring of generosity by Americans of all ages to the people of Haiti has been extraordinary. Millions of dollars have been donated. There have been far more offers to volunteer than the relief organizations can accommodate. I am very proud of the many Vermonters, from nurses to elementary school students, who have sent money or gone to Haiti to help.

While Haiti has suffered this devastating blow, our ties to Haiti and the Haitian people are stronger than ever. We will not only help the Haitian people through this crisis, we will work with them to transform this disaster into an opportunity to rebuild their country better than it was before.

That is what the State, Foreign Operations subcommittee will seek to do when we look at the next budget request for Haiti. We will ask: How can we make it better? How can we make them better prepared if disaster strikes again? How can we help the people of Haiti who want and deserve a better life? That is showing a sense of morality. As Americans, that is what we should do.

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

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

The legislative clerk proceeded to call the roll.

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

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

NOMINATION OF BEN BERNANKE

Mr. MERKLEY. Mr. President, I rise today to talk about the challenge of putting our economy back on track and the type of leadership we need to take us forward. Much of this last year we have been absorbed in addressing the challenge of major financial institutions failing and the importance of preventing them from failing in order to not have the second Great Depression. So that has put a lot of attention on Wall Street.

But to go forward as a nation, we need to turn our attention to Main Street. We need to rebuild the financial foundations for our families. That is why I am rising today to oppose the nomination of Chair Bernanke for a second term as head of the Federal Reserve.

I want to take a moment to explain why, when his nomination was in the Banking Committee, I voted against that nomination. I voted against that nomination because I believe Chair Bernanke is not the right person to take us forward.

I will acknowledge he has been quite handy with the fire hose; that is, he has been quite handy in addressing and putting out the fire that has affected our economy over this last year. We are not in a great depression, but we are in a severe recession. But do you hand the job of rebuilding a house that has been burnt down by a fire to the person who helped set the fire to begin with? And Ben Bernanke helped set the fire.

Ben Bernanke was on the Board of Governors of the Fed from 2002 to 2005. He was chair of the Council of Economic Advisers from 2005 to 2006, and he was Chairman of the Fed from 2006 until now. He has been at the table of economic policymaking in this country for 8 years, when mistake after mistake after mistake has been made.

That is how the house was set on fire. Now that it has burned to the ground, we do not need a fireman to rebuild the house; we need a carpenter. We need somebody who understands that short-term wealth on Wall Street is not the goal of our national economic policy. The goal of our policy is to build the financial foundations for our families, the success of our families.

Let me mention some of the things that happened while Ben Bernanke was sitting at the table making economic policy. First, there was an enormous explosion in derivatives. ''Derivatives'' is a term that is hard to get your hands around, but let me translate. It is essentially bets on the future aspects of the economy—bets on future interest rates, bets on future bond prices, bets on future stock prices. You can place bets on things you own yourself, and that is akin to an insurance policy, but you can also place bets that are not on assets you own, and then it is pure speculation. Those derivative contracts—those contracts that were essentially speculation on the future—created a web of risk tying one financial institution to the next financial institution, setting them up like dominoes, so if one failed, they endangered the next failing. While this derivatives market exploded—and there was not a clearinghouse, and there was not an exchange—we heard nothing from Ben Bernanke about the need to address that risk.

Then there is the question of leverage, that the Securities and Exchange Commission lifted the leverage requirements on the five largest investment banks, and they proceeded to invest with 30-to-1 leverage ratios. If you have $1, and with that $1 you can borrow $30 and invest those $30, when things go up in value you are going to make enormous money, enormous profit. But, just as assuredly, when they go down in value, you are going to lose your money instantly—very quickly.

We do not know when the markets will go up and when the markets will go down, but what we do know is they will go up and down over time, and you need to have a system that is not designed just to reap great benefits on the way up and blow up on the way down. We heard nothing from Ben Bernanke about this risk.

It is during this period that proprietary trading increased dramatically. What is proprietary trading? We think of our banks as organizations that take in deposits and make loans. But they also can trade on their own account, and they can borrow money to trade on their own account. You can think of them as day traders in the financial world, only at levels of extreme size, very large size. The risks that are taken in proprietary trading can produce tremendous profits and, when the markets go down, when the bets go bad, enormous losses. Again, we did not hear from Ben Bernanke about the risk that proprietary trading was placing on our depository, lending, banking institutions.

Let's address consumer protection. The Fed has the mission of consumer protection. But under Mr. Bernanke's leadership, the responsibility for monetary policy was in the penthouse; safety and soundness were on the upper floors; and consumer protection was put deep in the basement, never to be heard from again.

Why was this so important to our financial system? Certain practices grew that completely imperiled our financial system based on consumer protection issues. Specifically, one of those was prepayment penalties in home mortgages and the other was steering payments.

Let me explain those a little bit. A steering payment is a payment that a group that is lending the funds makes to a broker to reward them for steering a client into a very expensive loan.

As an American family buying a home—say, for example, you have come from your real estate broker. Your real estate broker follows a very strict code of conduct and makes sure everything is absolutely disclosed in a straightforward manner and makes sure you understand whether they are representing the seller or the buyer or both of you. You go to your broker. You are paying your broker, and you think that broker is going to do the best by you.

Indeed, your broker might say to you: Home mortgages have become very complicated, and I will serve as your financial adviser. So I will make sure you get the best loan. But what you do not know is that broker is taking a huge fee, a huge steering fee, if you will, to convince you to put your name on a loan that is not in your best interest—a loan that has an exploding interest rate, a loan that has a triple option that will go to a low payment, to a high payment, and a loan that has a prepayment penalty that keeps you locked into that loan and unable to refinance it without several pounds of flesh.

Those practices were very valuable to the lender. That is why they paid these payments to the broker, because they could then sell that loan to Wall Street and say: Look how valuable this loan is. The interest rate is going to go way up and the homeowner cannot get out of the loan. That is a valuable asset. Wall Street took those subprime loans and they proceeded to turn them into securities, and they started to sell them to financial institutions throughout the world.

So the failure to protect the homeowner from these abusive practices led to systemic risk, not just here in America but financial institutions throughout the world. That responsibility for consumer protection was the Federal Reserve's responsibility.

I want to note several things. The first is, I have found, in dealing with Chair Bernanke, that he has been very forthcoming in conversations. He has been very professional. He has been very knowledgeable. And he has been very likable. So nothing I am saying right now is based on any sort of personal feelings. Instead, it is about this: How do we put this economy on track for our families, for the financial future of our families?

I have to say, our families have suffered enormously as our national economic house has burned down. They have lost jobs. They have lost their savings. They have often lost their health care that went with their jobs. They have often lost their retirement accounts because the value of the assets they had plunged in that retirement account. Folks who had planned that they were going to have some golden years now are thinking they might have to keep working as long as they are able. Families have lost a great deal. Families are stressed about the future. So these economic mistakes had a huge consequence.

We need to have a Chair of the Federal Reserve who will lean into the wind; that is, when something is unpopular but important to address systemic risk, someone who is willing to say to powerful economic entities: This practice is not acceptable. The lack of reserves is not acceptable. Prepayment penalties and steering payments in mortgages are not acceptable. Undisclosed derivatives that tie financial institutions together in a web of risk is not acceptable. Proprietary trading that can make huge profits for a depository-lending institution in one quarter but bring down that same institution in the next must be regulated. We must have a Chairman of the Federal Reserve who will lean into the wind and say these things are important, these lane markers are important, these traffic signals are important. We can think of it akin to a traffic system. You do not want a stop sign on every corner. You do not want paralyzed traffic from overregulation. But you also do not want to strip away the traffic signals, strip away the lane markers, and have the sort of chaos that results in all kinds of traffic accidents and wreckage. Yet that is what happened in our financial system over the 8 years Ben Bernanke was at the table of economic policymaking.

You may think that maybe I am overstating the mistakes that were made. I would encourage anyone to look up the Washington Post article written on December 21, 2009, a month and a half ago. This article is an extensive review of decisions the Fed made and their impact in the system. I thought I would give you a sampling from this one article of things you might find interesting and important in this conversation about the economic leadership we had.

The article starts out noting that:

> Foreclosures already pocked Chicago's poorer neighborhoods but the downtown still was booming as the Federal Reserve Bank of Chicago convened its annual conference in May 2007.

Quoting further from the article:

> The keynote speaker, Federal Reserve Chairman Ben S. Bernanke, assured the bankers and businessmen gathered at the Westin Hotel . . . that their prosperity was not threatened by the plight of borrowers struggling to repay high-cost subprime loans.

I quote from Mr. Bernanke. He said to the audience:

> Importantly, we see no serious broad spillover to banks or thrift institutions from the

problems in the subprime market. The troubled lenders, for the most part, have not been institutions with federally insured deposits.

The article goes on to note:

The Fed's failure to foresee the crisis to require adequate safeguards happened in part because it did not understand the risks that banks were taking, according to documents and interviews with more than three dozen current and former government officials, bank executives and regulatory experts.

So that is one example.

A second example is, Bernanke had reached a conclusion that essentially the financial system would self-regulate. Reading from the article now:

Bernanke said the economy had entered an era of smaller and less frequent downturns, which he and others called ''the great moderation.''

It notes—and I make this as a third point from this article:

The Fed let Citigroup make vast investments without setting aside enough money to cover its eventual losses.

This article goes on to explain the story with Citigroup and that the reserves were tied into a decision by the Fed; specifically, that a decision was made under accounting rules that when they bought into a pool of securities, those securities were viewed as so stable they didn't need to set aside significant reserves. Here is the interesting point: Even though they had bought those securities and then sold them, they had pledged to cover losses if borrowers defaulted. So they had a significant risk even after these securities had been sold, but that risk was not taken into account when the reserve requirement was set.

We can turn to another piece of this. There was a report done by the Fed called the ''Large Financial Institutions' Perspectives on Risk'' and it found: ''No substantial issues of supervisory concern for large financial institutions.''

As you all might recall, many financial institutions were doing regulatory shopping, looking for the regulator who would give them the best deal or the regulator who knew the least about their affairs so they could hardly even ask the right questions. That was certainly a factor in AIG going down. The Fed regulators looked at National City's books and its management and again found nothing amiss.

In reality, the bank was ailing. Its subprime borrowers were starting to default on their loans. Less than two months after the Fed approved the merger, National City reported a net loss of $19 million. The company never returned to profitability.

I am, again, quoting from that Washington Post analysis:

The Fed's failure to see the rot inside National City resulted from the central bank's reliance on others to identify problems.

They weren't asking the right questions. They didn't have a team who was going out making sure they understood what was going on.

There was another example of this:

In January 2005, National City's chief economist had delivered a prescient warning to the Fed's board of governors: An increasingly overvalued housing market posed a threat to the broader economy.

This message, the article says, was not well received. One board member expressed particular skepticism, and that board member was Ben Bernanke. Bernanke said:

''Where do you think it will be the worst,'' he asked, according to people attending the meeting. ''I'd have to say California,'' said the economist. Bernanke replied, ''They have been saying that about California since I bought my first house in 1979.''

Ben Bernanke did not think there was an issue even to be thoroughly explored and wrestled with.

There is additional information in this article about the Fed's power when mergers occur and it notes:

The Fed's power to reject a merger application involving Golden West and Wachovia was a potentially important check on the wave of mergers that created banks so large that their distress would threaten the economy. But from 1999 through last month, the Fed approved 5,670 applications to create or buy a bank and in that time denied only one.

Well, that power of the Fed regarding mergers was not utilized.

Then, finally, let me note an issue regarding Basel II. Again, I quote from the Washington Post Analysis:

Even on the verge of the financial crisis, the Fed continued to push for new international rules that would let many large banks hold less capital. Under the proposed rules, called Basel II after the Swiss city where they were drafted, regulators further increased their reliance on the bank's risk assessments.

Sheila Bair, Chairman of the FDIC, warned as follows. She said the new rules ''come uncomfortably close to letting banks set their own capital requirements.''

Again, Ben Bernanke, this last year, has done a good job with the firehose, but now we need to rebuild the economic house for the prosperity of our families. The person to rebuild this house is not the person who sat at the table and made mistake after mistake after mistake over an 8-year period that led to this financial house of ours burning down, with catastrophic results for our families across this Nation. This is why I opposed Ben Bernanke's nomination to again be Chairman of the Fed when I was in the Banking Committee last month, and this is why I will oppose this nomination on the floor of this Senate.

Thank you very much.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

TERRORISM ON CHRISTMAS DAY

Mr. LEMIEUX. Mr. President, I rise today to speak about the incident that occurred on Christmas Day, when our Nation was targeted by a terrorist who attempted to bring down a plane with 278 passengers and 11 crew members. This attack would have resulted in mass casualties. Thankfully, it did not occur. Much in part due to the vigilance of nearby passengers and for the grace of God, this terrorist was unable to detonate the explosives he carried with him under his clothes.

We should be responding as if the worst happened. What would we be doing today if that plane had exploded over the skies of Michigan and all of its passengers had died?

When the plane landed, the Nigerian terrorist, Umar Farouk Abdulmatallab, was taken into custody and questioned by authorities. But what happened next is very worrisome. Instead of treating Mr. Abdulmutallab like the terrorist and enemy combatant he is, he was afforded all of the protections of the U.S. Constitution, as if he were a U.S. citizen. He was provided his Miranda rights—the right to remain silent, the right to have an attorney, and the information that if he did not remain silent, it could be used against him. Of course, as best we know, once he was provided with these rights, he stopped talking to those who were questioning him.

What information did we fail to learn? What information about Yemen, the newest breeding ground for al-Qaida and other terrorist groups launching attacks against our country, did we fail to learn? What did we fail to learn about the next attack that is coming, whether it will be again in an airplane or another type of terrorist attack?

Those questions were not asked, and they could not be answered because we treated the terrorist like an American citizen. We gave him all of the constitutional protections. Yet those protections were never meant for people we are fighting against in a war.

That is why I come today to the floor of the Senate because we are treating these terrorists—from the Christmas Day bomber to Khalid Sheikh Mohammed, whom we are going to try in a Federal court, a civil court in New York—as if they are common criminals. In so doing, we are losing ground in the war on terrorism. We cheapen the value of being an American citizen, with all the rights that are afforded to us, when we grant terrorists who seek to end our way of life with those same protections.

Why are we providing Miranda rights and other constitutional protections to terrorists at the expense of the security of the American people? Who in our government is making this decision? Who is saying these terrorists should have these rights? Who made the decision to Mirandize the Christmas Day bomber and treat him as a criminal defendant instead of an unlawful enemy combatant?

Instead of treating this as a criminal law enforcement action, we need to recognize that we are at war. It is not the kind of war that our grandfathers

fought in World War II or the one our fathers fought in Vietnam; it is what they call an asymmetrical war. But it is a war nonetheless. The people who are waging this war against us are trying to destroy America as we know it—not unlike the enemies we have had in our past wars.

We lose the edge against these enemies in this war by failing to gain the information that we could gain, and should gain, from lawful and proper interrogation—information that is not gained as soon as Miranda rights are given.

This week the Director of National Intelligence, Dennis Blair, the National Counterterrorism Center Director, Michael Leiter, and the Department of Homeland Security Secretary, Janet Napolitano, all testified before committees of the Congress and the Senate surrounding the incident concerning Umar Farouk Abdulmutallab. Each of them admitted they were not consulted by anybody in the administration, specifically the Department of Justice, on prosecuting Abdulmutallab in a civilian rather than a military court. These are the people who are supposedly on the frontlines of protecting the homeland and fighting against terrorism.

The Director of National Intelligence, a position created to stand on top of all of the other intelligence-gathering organizations, to break down the silo so we could gain information and connect the dots—which as you hear, of course, did not happen for this event—but the chief intelligence officer of the United States of America was not informed as to why we were prosecuting him as a civilian.

I had the opportunity to question Michael Leiter, the head of the National Counterterrorism Center, who is trying to counter the terrorism that is affecting our country. Although he was careful not to contradict the administration, it is clear to me that he would rather we treat these enemy combatants as what they are and not as common criminals.

So who made this decision? Was it the Attorney General of the United States? Was it the President? Whoever made this decision, we need to know. That information needs to be before the Senate because it is a questionable call at best. In fact, I submit it is the wrong call to treat these non-American citizens as if they had all the rights we do. We are losing the war on terrorism if we do not gain the valuable information to stop terrorist attacks before they start. Someone from this administration needs to come forward and own up to this decision. I call upon the administration to do so. The American people deserve answers. Our policymakers have to come clean. We should be able to ask them questions and ask the right person questions as to why this decision was made.

We should not be trying terrorists in civilian courts. We should not be giving them Miranda rights and other constitutional protections. We should be fighting the war on terrorism as if our very lives depend upon it because they do.

HAITI

Mr. President, I wish to speak about the situation in Haiti and the tragic events that occurred last Tuesday around 5 p.m. when a massive earthquake, measuring 7 points on the Richter scale, occurred near Port-au-Prince, the capital of Haiti.

As a Senator from Florida, I have a deep connection to the Haitian people because we have more than 200,000 Haitians in our community in Florida. Watching what happened on television and the graphic pictures we have all seen on the news of the tragedy that has occurred—families have been separated and lost, children have been orphaned—we have also seen encouraging shots, those of people being rescued. We all saw the shot a couple days ago of the 75-year-old lady who was rescued, and yesterday a small boy and his sister were pulled out of the rubble, amazingly buried alive for a week and they made it out. It gives us hope. But the projections are grim with perhaps as many as 150,000 Haitians dead. It is a staggering figure. It is a tragic loss of humanity.

Last week, I was in Miami, along with the Governor and other officials, as we met to talk about what our response would be. We worked with the Coast Guard and Southern Command to make sure our rescue teams from Miami that have done work all around the world would have the opportunity to join the other search-and-rescue teams to help bring out the living and to find the dead to return them home. We have been very successful in doing that. We are very thankful for all of those Americans and very proud, as I am, especially of the ones from Florida, who have been doing such great work.

While I was down in Miami, I had the chance to go to Little Haiti, which is our largest Haitian-American community, and visit the students at St. Mary's School. It is the school next to the Catholic cathedral in Miami, Dade County. I visited with Monsignor Terence Hogan and Sister Jane Stoecker, who is the principal of the school. I saw these beautiful Haitian children who were there in their school uniforms. They came to school that morning, the day after the earthquake, crying because they have family and loved ones on the island of Hispaniola. They put their pennies and quarters together to raise $500 to send to rescue and help the Haitian people. It is a touching story.

The American people have been touched, too, because now we know tens of millions of dollars have been raised. Former President Bush and former President Clinton have come together under the request of President Obama to lead a relief effort so that we all can contribute, and we all must and we all should.

I am thankful to RADM Steve Branham of the 7th District of the U.S. Coast Guard who has been on the ground and instrumental in making sure the relief efforts and the Coast Guard could be there to help these folks. One thing specifically he has been able to help with, which I will talk about in a moment, concerns the students from Lynn University in Boca Raton.

I would like to talk about some of the heroes, some of our Floridians who have been so instrumental in helping the Haitian people.

I wish to talk about a Fort Pierce-based nonprofit organization called Missionary Flights International that began flying food and supplies to Haiti daily. Since the earthquake, the organization has collected donations and gathered volunteers to load food, water, and supplies on their planes. In 1 day alone, the organization sent more than 400,000 ready meals to be eaten in Haiti.

Another organization, the Big Heart Brigade in Palm Beach, is shipping 140,000 meals ready to eat this week. The Big Heart Brigade provides meals to many in South Florida, but in the wake of the tragedy, they have focused their efforts on Haiti.

I wish to talk about Mr. Hank Asher in Boca Raton, FL, whom I happen to know well, who immediately took his plane and started flying doctors and nurses from Jackson Memorial and needed supplies into Haiti and brought back the wounded and the injured to Florida. We were able to give them some assistance in getting in and out shortly after the disaster.

The good people of Florida and the good people of this country are opening their hearts and wallets and pocketbooks to help the people of Haiti, as they should. I look forward to going to Haiti once the search-and-rescue portion is over to assess the situation myself to see what I can do to help that nation recover.

Also, as I mentioned a moment ago, I wish to talk about Lynn University students. Many folks watching on television today have seen the parents of these students. There were 12 there with faculty members. Some of them were able to get home. They were recovered and returned but alive. Now we know there are four students still missing and two faculty still missing. We remain hopeful that these young ladies and their two faculty members will make it back home to Florida. We have Christine Gianacaci, Stephanie Crispinelli, Courtney Hayes, and Britney Gengel, along with faculty members Patrick Hartwick and Richard Bruno.

I have been talking with Dr. Ross, the president of Lynn University. My office, with other Members of Congress, is trying to assist in the efforts to find these students who were in the Hotel Montana, which fell shortly after the earthquake.

Yesterday, I sent a letter to Secretary Clinton, Administrator Shah, and Secretary Gates. I ask unanimous

consent to have printed in the RECORD a copy of this letter dated January 21, 2010, at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. LEMIEUX. Mr. President, in that letter we have asked that the search-and-rescue efforts continue. We saw the miraculous discovery of that young boy and young girl yesterday. There are people potentially alive still buried in the rubble. We must continue while there is some hope to look for survivors. But if there are no survivors, we request in this letter that their loved ones be brought home so they can be here in the United States. It is a request I think we all understand. We have been working with Secretary Clinton's office. We know they share the same view. I wanted to bring that to the attention of the Senate.

As a parent of young children, I cannot imagine the loss and the feeling of loss of these parents from Lynn University and others who are still waiting for the potential recovery, as the days grow longer and the hours go by, of their family members, especially the loss it must be for these parents, the idea of losing a child. There is nothing more tragic one can think of. Our hearts go out to them. They are in our prayers. We look forward to the hopeful return of these students and faculty, but if not their return alive, then at least bringing them home so they can have rest and peace back in the United States of America.

Mr. President, I yield the floor.

EXHIBIT 1

U.S. SENATE,
Washington, DC, January 21, 2010.

Re Locating and Returning Americans Missing in Haiti.

Hon. HILLARY CLINTON,
Secretary, U.S. Department of State, Washington, DC.
Hon. ROBERT GATES,
Secretary, U.S. Department of Defense, Washington, DC.
Dr. RAJIV SHAH,
Administrator, U.S. Agency for International Development, Washington, DC.

DEAR MADAM SECRETARY CLINTON, MR. SECRETARY GATES, AND ADMINISTRATOR SHAH: Over the past week, the immense scale of the tragedy in Haiti has been revealed. The outpouring of support from Americans for the Haitian people has been significant and heart-warming.

Americans' commitment to the renewal of Haiti existed before last week's devastating earthquake. As a result, thousands of Americans were working, studying, and serving in Haiti when the quake struck. Many of them remain missing. Among the missing are a number of my fellow Floridians.

Because these Americans remain unaccounted for, please urge all relevant U.S. officials to advocate for continuing search and rescue efforts until the possibility of survival no longer exists. Additionally, on behalf of the families of the missing. I request you to do everything within your power to ensure that every American known to be missing in Haiti is located and returned home.

Thank you for your attention to this urgent matter.

Sincerely,

GEORGE S. LEMIEUX,
United States Senator.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Conrad amendment No. 3302.

AMENDMENT NO. 3305 TO AMENDMENT NO. 3299

(Purpose: To reimpose statutory pay-as-you-go)

Mr. REID. Mr. President, I ask unanimous consent that it be set aside, and I call up an amendment I have at the desk.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada (Mr. REID) proposes an amendment numbered 3305 to Amendment No. 3299.

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

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

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

NOMINATION OF T. ALEXANDER ALEINIKOFF

Mr. LEAHY. Mr. President, at the end of this month, the dean of the Georgetown University Law Center, T. Alexander Aleinikoff, will resign his post to accept the highly distinguished appointment of United Nations Deputy High Commissioner for Refugees. I have come to know Dean Aleinikoff well in the 5 years he has served as the dean at my law school alma mater. I am very proud of the dean's appointment and look forward to working with him in his new position.

Dean Aleinikoff has devoted his entire professional career to public service on behalf of refugees, asylum seekers, and immigrants. After graduating from Yale Law School and serving as a clerk to the Honorable Edward Weinfeld, U.S. district judge for the Southern District of New York, Dean Aleinikoff served as an attorney advisor in the Department of Justice and later as General Counsel and Executive Associate Commissioner for Programs to the Immigration and Nationality Service. Dean Aleinikoff devoted years to teaching refugee and immigration law, both at the University of Michigan and at Georgetown University Law Center, where he was appointed dean in 2004. He also served as the cochair of the Immigration Policy Review Team for President Barack Obama's transition in late 2008 and early 2009.

With 34 million refugees and internally displaced persons of concern to the Office of the High Commissioner, Dean Aleinikoff's expertise and management skills will be required on a daily basis. I have long fought to expand the relief available to refugees around the world and to asylum seekers who turn to the United States for protection. I know that we share these goals, and I am confident that Dean Aleinikoff will ably rise to the challenges he will face, however daunting they may be.

I have worked closely with Dean Aleinikoff on a variety of issues throughout his tenure as dean and greatly admire his intellect and commitment to justice. The quality of the Georgetown legal education is extraordinary, and the institution's role as a national leader in law and policy has never been more prominent. As a graduate of the law school, I am sorry to see Dean Aleinikoff depart, but his work on behalf of refugees could not be more important or more timely.

I thank Dean Aleinikoff for his extraordinary leadership of the Georgetown University Law Center and wish him great success in this challenging but critically important new role.

ANNIVERSARY OF ROE V. WADE

Mr. HATCH. Mr. President, today is the 37th anniversary of a double tragedy for our Nation. On January 22, 1973, the Supreme Court of the United States twisted the Constitution to create a right to kill babies before they are born. Since then, nearly 50 million babies have lost their lives. That is more than 40 times the number of Americans who died in all of our Nation's wars. Those babies were living human beings, and they were killed by abortion.

Less than 25 years earlier, inspired by the experience of World War II, the United Nations unanimously adopted the Universal Declaration of Human Rights. The United States voted for it, and it is said to be the most widely translated document in the world. Its very first words declare that ''recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.'' Article 3 of the Declaration states that ''everyone has the right to life.''

I belong to the human family because I am a living human being. So does

every Member of the Senate, every citizen of this country, every human being on this planet. Each of us was no less a living human being, no less a member of the human family, before we were born than we are now.

The facts did not change, but Roe v. Wade represented a radically different set of values. In January 1983, President Ronald Reagan said that the 10th anniversary of Roe v. Wade was a good time to pause and reflect. He said that the real issue with abortion ''is not when human life begins, but, What is the value of human life?'' That is still the real issue today. Do human beings still have, in the words of the U.N. Declaration, inherent dignity and inalienable rights? Or do we have, as President Reagan described, ''a social ethic where some human lives are valued and others are not''? I will ask to have printed President Reagan's profound essay titled ''Abortion and the Conscience of the Nation'' in the RECORD following my statement.

We have not done enough to address the reasons that many women feel they have no alternative but abortion. I applaud the thousands of selfless women and men who volunteer and give and work to help women choose life. I understand that today there are more pro-life centers than abortion clinics in America. But abortion is right or wrong not because of why it is done, but because of what it is. Abortion is the killing of living human beings.

A few years ago, Congress considered bills to ban the killing of horses and to promote humane treatment of farm animals. A House member who supported these bills and co-chaired the Congressional Friends of Animals Caucus said: ''The way a society treats its animals speaks to the core values and priorities of its citizens.''

I believe that the way a society treats babies also speaks to the core values and priorities of its citizens. As President Reagan said, we ''cannot diminish the value of one category of human life—the unborn—without diminishing the value of all human life.''

The result of the Roe v. Wade decision is the first tragedy we should mourn today. The second tragedy is the means the Supreme Court used to achieve that result. The real Constitution, the one that the people established, the one that is the supreme law of the land, the one that protects liberty by limiting government, does not contain a right to abortion. To achieve the result they wanted, the Justices effectively created a different Constitution, and in so doing asserted control over the charter that is supposed to control them. The Justices became masters over the Constitution they had sworn an oath to support and defend.

So the result of Roe v. Wade diminished the value of human life. The means of Roe v. Wade diminished the value of liberty. The Supreme Court attempted to impose upon the people a set of values that they still reject. Most Americans still oppose most abortions, and last year more Americans called themselves ''pro-life'' than the alternative label for the time in the 15 years Gallup has asked that question. As President Reagan said in 1983, ''despite the formidable obstacles before us, we must not lose heart.''

Today, we are challenged to reach out and to give of ourselves to help others. I championed the legislation to help make service a national priority. In July 2008, before he was elected President, Senator Obama said that when you serve, ''you are connected to that fundamental American ideal that we want life, liberty and the pursuit of happiness not just for ourselves but for all Americans. That's why we call it the American dream.'' It might even be called the human dream.

Is that still our dream today? What are our core values and priorities? Do we still embrace those universal human values of inherent dignity and inalienable rights for all members of the human family? Today, Roe v. Wade still gives us an opportunity to pause and reflect. That tragic decision, in President Reagan's words, ''has become a continuing prod to the conscience of the nation.''

Mr. President, I ask unanimous consent to have printed in the RECORD President Reagan's essay titled ''Abortion and the Conscience of the Nation'' to which I referred.

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

[From the National Review, June 10, 2004]

ABORTION AND THE CONSCIENCE OF THE NATION

EDITOR'S NOTE: While president, Ronald Reagan penned this article for The Human Life Review, unsolicited. It ran in the Review's Spring 1983, issue and is reprinted here with permission.

The 10th anniversary of the Supreme Court decision in Roe v. Wade is a good time for us to pause and reflect. Our nationwide policy of abortion-on-demand through all nine months of pregnancy was neither voted for by our people nor enacted by our legislators—not a single state had such unrestricted abortion before the Supreme Court decreed it to be national policy in 1973. But the consequences of this judicial decision are now obvious: since 1973, more than 15 million unborn children have had their lives snuffed out by legalized abortions. That is over ten times the number of Americans lost in all our nation's wars.

Make no mistake, abortion-on-demand is not a right granted by the Constitution. No serious scholar, including one disposed to agree with the Court's result, has argued that the framers of the Constitution intended to create such a right. Shortly after the Roe v. Wade decision, Professor John Hart Ely, now Dean of Stanford Law School, wrote that the opinion ''is not constitutional law and gives almost no sense of an obligation to try to be.'' Nowhere do the plain words of the Constitution even hint at a ''right'' so sweeping as to permit abortion up to the time the child is ready to be born. Yet that is what the Court ruled.

As an act of ''raw judicial power'' (to use Justice White's biting phrase), the decision by the seven-man majority in Roe v. Wade has so far been made to stick. But the Court's decision has by no means settled the debate. Instead, Roe v. Wade has become a continuing prod to the conscience of the nation.

Abortion concerns not just the unborn child, it concerns every one of us. The English poet, John Donne, wrote: '' . . . any man's death diminishes me, because I am involved in mankind; and therefore never send to know for whom the bell tolls; it tolls for thee.''

We cannot diminish the value of one category of human life—the unborn—without diminishing the value of all human life. We saw tragic proof of this truism last year when the Indiana courts allowed the starvation death of ''Baby Doe'' in Bloomington because the child had Down's Syndrome.

Many of our fellow citizens grieve over the loss of life that has followed Roe v. Wade. Margaret Heckler, soon after being nominated to head the largest department of our government, Health and Human Services, told an audience that she believed abortion to be the greatest moral crisis facing our country today. And the revered Mother Teresa, who works in the streets of Calcutta ministering to dying people in her world-famous mission of mercy, has said that ''the greatest misery of our time is the generalized abortion of children.''

Over the first two years of my Administration I have closely followed and assisted efforts in Congress to reverse the tide of abortion—efforts of Congressmen, Senators and citizens responding to an urgent moral crisis. Regrettably, I have also seen the massive efforts of those who, under the banner of ''freedom of choice,'' have so far blocked every effort to reverse nationwide abortion-on-demand.

Despite the formidable obstacles before us, we must not lose heart. This is not the first time our country has been divided by a Supreme Court decision that denied the value of certain human lives. The Dred Scott decision of 1857 was not overturned in a day, or a year, or even a decade. At first, only a minority of Americans recognized and deplored the moral crisis brought about by denying the full humanity of our black brothers and sisters; but that minority persisted in their vision and finally prevailed. They did it by appealing to the hearts and minds of their countrymen, to the truth of human dignity under God. From their example, we know that respect for the sacred value of human life is too deeply engrained in the hearts of our people to remain forever suppressed. But the great majority of the American people have not yet made their voices heard, and we cannot expect them to—any more than the public voice arose against slavery—until the issue is clearly framed and presented.

What, then, is the real issue? I have often said that when we talk about abortion, we are talking about two lives—the life of the mother and the life of the unborn child. Why else do we call a pregnant woman a mother? I have also said that anyone who doesn't feel sure whether we are talking about a second human life should clearly give life the benefit of the doubt. If you don't know whether a body is alive or dead, you would never bury it. I think this consideration itself should be enough for all of us to insist on protecting the unborn.

The case against abortion does not rest here, however, for medical practice confirms at every step the correctness of these moral sensibilities. Modern medicine treats the unborn child as a patient. Medical pioneers have made great breakthroughs in treating the unborn—for genetic problems, vitamin deficiencies, irregular heart rhythms, and other medical conditions. Who can forget George Will's moving account of the little boy who underwent brain surgery six times during the nine weeks before he was born? Who is the patient if not that tiny unborn

human being who can feel pain when he or she is approached by doctors who come to kill rather than to cure?

The real question today is not when human life begins, but, What is the value of human life? The abortionist who reassembles the arms and legs of a tiny baby to make sure all its parts have been torn from its mother's body can hardly doubt whether it is a human being. The real question for him and for all of us is whether that tiny human life has a God-given right to be protected by the law—the same right we have.

What more dramatic confirmation could we have of the real issue than the Baby Doe case in Bloomington, Indiana? The death of that tiny infant tore at the hearts of all Americans because the child was undeniably a live human being—one lying helpless before the eyes of the doctors and the eyes of the nation. The real issue for the courts was not whether Baby Doe was a human being. The real issue was whether to protect the life of a human being who had Down's Syndrome, who would probably be mentally handicapped, but who needed a routine surgical procedure to unblock his esophagus and allow him to eat. A doctor testified to the presiding judge that, even with his physical problem corrected, Baby Doe would have a ''non-existent'' possibility for ''a minimally adequate quality of life''—in other words, that retardation was the equivalent of a crime deserving the death penalty. The judge let Baby Doe starve and die, and the Indiana Supreme Court sanctioned his decision.

Federal law does not allow federally-assisted hospitals to decide that Down's Syndrome infants are not worth treating, much less to decide to starve them to death. Accordingly, I have directed the Departments of Justice and HHS to apply civil rights regulations to protect handicapped newborns. All hospitals receiving federal funds must post notices which will clearly state that failure to feed handicapped babies is prohibited by federal law. The basic issue is whether to value and protect the lives of the handicapped, whether to recognize the sanctity of human life. This is the same basic issue that underlies the question of abortion.

The 1981 Senate hearings on the beginning of human life brought out the basic issue more clearly than ever before. The many medical and scientific witnesses who testified disagreed on many things, but not on the scientific evidence that the unborn child is alive, is a distinct individual, or is a member of the human species. They did disagree over the value question, whether to give value to a human life at its early and most vulnerable stages of existence.

Regrettably, we live at a time when some persons do not value all human life. They want to pick and choose which individuals have value. Some have said that only those individuals with ''consciousness of self'' are human beings. One such writer has followed this deadly logic and concluded that ''shocking as it may seem, a newly born infant is not a human being.''

A Nobel Prize winning scientist has suggested that if a handicapped child ''were not declared fully human until three days after birth, then all parents could be allowed the choice.'' In other words, ''quality control'' to see if newly born human beings are up to snuff.

Obviously, some influential people want to deny that every human life has intrinsic, sacred worth. They insist that a member of the human race must have certain qualities before they accord him or her status as a ''human being.''

Events have borne out the editorial in a California medical journal which explained three years before Roe v. Wade that the social acceptance of abortion is a ''defiance of the long-held Western ethic of intrinsic and equal value for every human life regardless of its stage, condition, or status.''

Every legislator, every doctor, and every citizen needs to recognize that the real issue is whether to affirm and protect the sanctity of all human life, or to embrace a social ethic where some human lives are valued and others are not. As a nation, we must choose between the sanctity of life ethic and the ''quality of life'' ethic.

I have no trouble identifying the answer our nation has always given to this basic question, and the answer that I hope and pray it will give in the future. American was founded by men and women who shared a vision of the value of each and every individual. They stated this vision clearly from the very start in the Declaration of Independence, using words that every schoolboy and schoolgirl can recite:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness.

We fought a terrible war to guarantee that one category of mankind—black people in America—could not be denied the inalienable rights with which their Creator endowed them. The great champion of the sanctity of all human life in that day, Abraham Lincoln, gave us his assessment of the Declaration's purpose. Speaking of the framers of that noble document, he said:

This was their majestic interpretation of the economy of the Universe. This was their lofty, and wise, and noble understanding of the justice of the Creator to His creatures. Yes, gentlemen, to all his creatures, to the whole great family of man. In their enlightened belief, nothing stamped with the divine image and likeness was sent into the world to be trodden on . . . They grasped not only the whole race of man then living, but they reached forward and seized upon the farthest posterity. They erected a beacon to guide their children and their children's children, and the countless myriads who should inhabit the earth in other ages.

He warned also of the danger we would face if we closed our eyes to the value of life in any category of human beings:

I should like to know if taking this old Declaration of Independence, which declares that all men are equal upon principle and making exceptions to it where will it stop. If one man says it does not mean a Negro, why not another say it does not mean some other man?

When Congressman John A. Bingham of Ohio drafted the Fourteenth Amendment to guarantee the rights of life, liberty, and property to all human beings, he explained that all are ''entitled to the protection of American law, because its divine spirit of equality declares that all men are created equal.'' He said the right guaranteed by the amendment would therefore apply to ''any human being.'' Justice William Brennan, writing in another case decided only the year before Roe v. Wade, referred to our society as one that ''strongly affirms the sanctity of life.''

Another William Brennan—not the Justice has reminded us of the terrible consequences that can follow when a nation rejects the sanctity of life ethic:

The cultural environment for a human holocaust is present whenever any society can be misled into defining individuals as less than human and therefore devoid of value and respect.

As a nation today, we have not rejected the sanctity of human life. The American people have not had an opportunity to express their view on the sanctity of human life in the unborn. I am convinced that Americans do not want to play God with the value of human life. It is not for us to decide who is worthy to live and who is not. Even the Supreme Court's opinion in Roe v. Wade did not explicitly reject the traditional American idea of intrinsic worth and value in all human life; it simply dodged this issue.

The Congress has before it several measures that would enable our people to reaffirm the sanctity of human life, even the smallest and the youngest and the most defenseless. The Human Life Bill expressly recognizes the unborn as human beings and accordingly protects them as persons under our Constitution. This bill, first introduced by Senator Jesse Helms, provided the vehicle for the Senate hearings in 1981 which contributed so much to our understanding of the real issue of abortion.

The Respect Human Life Act, just introduced in the 98th Congress, states in its first section that the policy of the United States is ''to protect innocent life, both before and after birth.'' This bill, sponsored by Congressman Henry Hyde and Senator Roger Jepsen, prohibits the federal government from performing abortions or assisting those who do so, except to save the life of the mother. It also addresses the pressing issue of infanticide which, as we have seen, flows inevitably from permissive abortion as another step in the denial of the inviolability of innocent human life.

I have endorsed each of these measures, as well as the more difficult route of constitutional amendment, and I will give these initiatives my full support. Each of them, in different ways, attempts to reverse the tragic policy of abortion-on-demand imposed by the Supreme Court ten years ago. Each of them is a decisive way to affirm the sanctity of human life.

We must all educate ourselves to the reality of the horrors taking place. Doctors today know that unborn children can feel a touch within the womb and that they respond to pain. But how many Americans are aware that abortion techniques are allowed today, in all 50 states, that burn the skin of a baby with a salt solution, in an agonizing death that can last for hours?

Another example: two years ago, the Philadelphia Inquirer ran a Sunday special supplement on ''The Dreaded Complication.'' The ''dreaded complication'' referred to in the article—the complication feared by doctors who perform abortions—is the survival of the child despite all the painful attacks during the abortion procedure. Some unborn children do survive the late-term abortions the Supreme Court has made legal. Is there any question that these victims of abortion deserve our attention and protection? Is there any question that those who don't survive were living human beings before they were killed?

Late-term abortions, especially when the baby survives, but is then killed by starvation, neglect, or suffocation, show once again the link between abortion and infanticide. The time to stop both is now. As my Administration acts to stop infanticide, we will be fully aware of the real issue that underlies the death of babies before and soon after birth.

Our society has, fortunately, become sensitive to the rights and special needs of the handicapped, but I am shocked that physical or mental handicaps of newborns are still used to justify their extinction. This Administration has a Surgeon General, Dr. C. Everett Koop, who has done perhaps more than any other American for handicapped children, by pioneering surgical techniques to help them, by speaking out on the value of their lives, and by working with them in the context of loving families. You will not find his former patients advocating the so-called ''quality-of-life'' ethic.

I know that when the true issue of infanticide is placed before the American people, with all the facts openly aired, we will have no trouble deciding that a mentally or physically handicapped baby has the same intrinsic worth and right to life as the rest of us. As the New Jersey Supreme Court said two decades ago, in a decision upholding the sanctity of human life, ''a child need not be perfect to have a worthwhile life.''

Whether we are talking about pain suffered by unborn children, or about late-term abortions, or about infanticide, we inevitably focus on the humanity of the unborn child. Each of these issues is a potential rallying point for the sanctity of life ethic. Once we as a nation rally around any one of these issues to affirm the sanctity of life, we will see the importance of affirming this principle across the board.

Malcolm Muggeridge, the English writer, goes right to the heart of the matter: ''Either life is always and in all circumstances sacred, or intrinsically of no account; it is inconceivable that it should be in some cases the one, and in some the other.'' The sanctity of innocent human life is a principle that Congress should proclaim at every opportunity.

It is possible that the Supreme Court itself may overturn its abortion rulings. We need only recall that in Brown v. Board of Education the court reversed its own earlier ''separate-but-equal'' decision. I believe if the Supreme Court took another look at Roe v. Wade, and considered the real issue between the sanctity of life ethic and the quality of life ethic, it would change its mind once again.

As we continue to work to overturn Roe v. Wade, we must also continue to lay the groundwork for a society in which abortion is not the accepted answer to unwanted pregnancy. Pro-life people have already taken heroic steps, often at great personal sacrifice, to provide for unwed mothers. I recently spoke about a young pregnant woman named Victoria, who said, ''In this society we save whales, we save timber wolves and bald eagles and Coke bottles. Yet, everyone wanted me to throw away my baby.'' She has been helped by Save-a-Life, a group in Dallas, which provides a way for unwed mothers to preserve the human life within them when they might otherwise be tempted to resort to abortion. I think also of House of His Creation in Catesville, Pennsylvania, where a loving couple has taken in almost 200 young women in the past ten years. They have seen, as a fact of life, that the girls are not better off having abortions than saving their babies. I am also reminded of the remarkable Rossow family of Ellington, Connecticut, who have opened their hearts and their home to nine handicapped adopted and foster children.

The Adolescent Family Life Program, adopted by Congress at the request of Senator Jeremiah Denton, has opened new opportunities for unwed mothers to give their children life. We should not rest until our entire society echoes the tone of John Powell in the dedication of his book, Abortion: The Silent Holocaust, a dedication to every woman carrying an unwanted child: ''Please believe that you are not alone. There are many of us that truly love you, who want to stand at your side, and help in any way we can.'' And we can echo the always-practical woman of faith, Mother Teresa, when she says, ''If you don't want the little child, that unborn child, give him to me.'' We have so many families in America seeking to adopt children that the slogan ''every child a wanted child'' is now the emptiest of all reasons to tolerate abortion.

I have often said we need to join in prayer to bring protection to the unborn. Prayer and action are needed to uphold the sanctity of human life. I believe it will not be possible to accomplish our work, the work of saving lives, ''without being a soul of prayer.'' The famous British Member of Parliament, William Wilberforce, prayed with his small group of influential friends, the ''Clapham Sect,'' for decades to see an end to slavery in the British empire. Wilberforce led that struggle in Parliament, unflaggingly, because he believed in the sanctity of human life. He saw the fulfillment of his impossible dream when Parliament outlawed slavery just before his death.

Let his faith and perseverance be our guide. We will never recognize the true value of our own lives until we affirm the value in the life of others, a value of which Malcolm Muggeridge says: . . . however low it flickers or fiercely burns, it is still a Divine flame which no man dare presume to put out, be his motives ever so humane and enlightened.''

Abraham Lincoln recognized that we could not survive as a free land when some men could decide that others were not fit to be free and should therefore be slaves. Likewise, we cannot survive as a free nation when some men decide that others are not fit to live and should be abandoned to abortion or infanticide. My Administration is dedicated to the preservation of America as a free land, and there is no cause more important for preserving that freedom than affirming the transcendent right to life of all human beings, the right without which no other rights have any meaning.

IMPROVEMENTS IN MINE SAFETY

Mr. ISAKSON. Mr. President, I come before this Chamber to speak about good news. The Mine Safety and Health Administration confirmed that 2009 was the safest year in the history of American mining.

As many of us have learned in the course of our lives, sometimes good can come from tragedy. Indeed, this is true of American mining after the 2006 disasters at the Sago, Aracoma, and Darby mines. Overall that year, 73 miners perished in American mines. Last year, that number decreased by more than half as a result of efforts made throughout the industry. Thirty-four American miners perished, a new record low.

Also in 2009, nearly 85 percent of all U.S. mines recorded no lost-time injuries. According to the Bureau of Labor Statistics, the 2009 incident rate of nonfatal occupational injuries for mining was 3.5. For comparison, the incident rate for all of private industry was 3.9 and manufacturing and construction were 5.0 and 4.7, respectively.

Four years ago, after a decade of steady improvement in mine safety, the Nation was riveted to the unfolding mine tragedies in Appalachia that claimed the lives of more than a dozen miners. And as some of you in this Chamber will recall, those accidents prompted us and the mining industry to revisit mine safety.

Several of us, including Senators BYRD, ENZI, Kennedy, MURRAY, and ROCKEFELLER, spent long hours and conducted extensive hearings on how we could make our mines safer.

We delved into the safety challenges and how the industry and the Federal and State regulators were meeting them. We consulted professional safety experts inside and outside the mining community—including academicians and technology experts.

The result was the MINER Act that Congress passed in the summer of 2006.

At the same time Congress was responding to these tragedies, so was the entire mining industry—employers and employees alike. Complacency about safety was no longer acceptable for 21st century mining. Employees and employers set out to put the industry on course to drive serious mine accidents down to zero.

Among their first actions was to go outside the mining community for other perspectives on how best to meet the mine safety challenge. The result was the Mine Safety Technology and Training Commission—a panel of independent experts from public, private and academia established by the National Mining Association, the industry's trade group.

Among the recommendations of the Commission, perhaps none was more far-reaching than the recommendation to better manage risks. The Commission advised the industry to focus particular attention on areas of the mine where incidents were more likely to occur, then manage those risks aggressively with programs specifically designed to raise awareness of them. The idea was not just to respond to accidents better, but to prevent accidents from happening in the first place.

U.S. mining is acting on these recommendations, and has taken steps far and wide with more sophisticated technology and enhanced training to further improve mine safety. A third component of this effort is raising safety awareness among everyone who works at our mines, and one example is a series of initiatives launched by the industry to reduce accidents by drawing attention to the risks in three high-incident areas: proximity to mobile underground equipment, slips and falls, and driving safety. At the same time, U.S. mining has been investing almost a billion dollars in communications technologies; increased oxygen supplies underground, enhanced rescue capabilities and other safety measures under the MINER Act and to meet the recommendations of the independent safety commission.

Every time we discuss mine safety, I cannot help but remember George ''Junior'' Hamner. Junior Hamner died in the January 2, 2006 disaster at the Sago Mine in Tallmansville, WV. His loving daughter gave me a picture of him and asked that in my capacity as chairman of the Employment and Workplace Safety Subcommittee, I would work to see that future generations of miners would not suffer as her father did. I promised her I would.

It is in light of that promise that I will continue working with the industry, the Obama administration, and my colleagues on both sides of the aisle to

ensure that American mining is unquestionably the safest mining industry in the world.

We know the 34 lives lost last year in American mines were 34 too many and remain committed to seeing zero fatalities and injuries in U.S. mining. That is a goal worth striving for, and it is a goal that increasingly appears to be in reach.

HONORING OUR ARMED FORCES

SPECIALIST BRIAN R. BOWMAN

Mr. BENNET. Mr. President, it is with a heavy heart that I rise today to honor the life and heroic service of Army Specialist Brian R. Bowman. Specialist Bowman, a member of the 1st Battalion, 12th Infantry Regiment, 4th Infantry Division at Fort Carson, CO, died on January 3, 2010. Specialist Bowman was serving in support of Operation Enduring Freedom in Ashoque, Afghanistan, and sustained injuries when insurgents attacked his patrol using improvised explosive devices and small weapons. He was 24 years old.

A native of Crawfordsville, IN, Specialist Bowman moved to Fort Carson in 2007 when he was assigned to the 2nd Infantry Regiment. Specialist Bowman joined the Army in August 2006. He was deployed to Afghanistan in May 2009, where he worked as a health care specialist, or combat medic.

During over 3 years of service, Specialist Bowman distinguished himself through his courage, dedication to duty, and willingness to take on any challenge—no matter how dangerous. Commanders recognized his extraordinary bravery and talent, bestowing on Specialist Bowman numerous awards and medals, including the Army Good Conduct Medal, the National Defense Service Medal, and the Afghanistan Campaign Medal with Bronze Service Star.

As a combat medic, Specialist Bowman worked on the front lines of battle, providing emergency first aid and care to his fellow servicemembers. He is remembered by those who knew him as a consummate professional and friend who they could turn to in times of need. Most of all, they remember his devotion to his wife and his country.

Mark Twain once said, ''The fear of death follows from the fear of life. A man who lives fully is prepared to die at any time.'' Specialist Bowman's service was in keeping with this sentiment—by selflessly putting country first, he lived life to the fullest. He lived without fear.

At substantial personal risk, he braved the chaos of combat zones throughout Afghanistan. And though his fate on the battlefield was uncertain, he pushed forward, protecting America's citizens, her safety, and the freedoms we hold dear. For his service and the lives he touched, Specialist Bowman will forever be remembered as one of our country's bravest.

To Specialist Bowman's mother Paula, his father Robert, his wife Casie, and all his friends and family I cannot imagine the sorrow you must be feeling. I hope that, in time, the pain of your loss will be eased by your pride in Brian's service and by your knowledge that his country will never forget him. We are humbled by his service and his sacrifice.

ADDITIONAL STATEMENTS

REMEMBERING SMITH BAGLEY

• Mrs. BOXER. Mr. President, I ask my colleagues to join me in honoring Smith Bagley, a beloved philanthropist and entrepreneur with an unwavering dedication to improving the lives of others. Mr. Bagley passed away on January 2 due to complications from a stroke. He was 74 years old. Smith will be deeply missed by all he touched, and he touched many.

Smith Bagley was born in Manhattan on April 1, 1935, to Nancy Reynolds Bagley and Henry Walker Bagley. He graduated from Washington and Lee University and served as a captain in the U.S. Army Reserves.

Smith was a successful businessman and chief executive of the cellular telephone company SBI. Passionate about progressive causes, Smith dedicated much of his life to fighting for social justice, human rights, education, and environmental preservation.

Smith served as president of the Arca Foundation, a grant-making trust dedicated to transparency in government and enterprise, diplomacy, and raising the standard of living here and in the developing world.

A champion of education, Smith founded the precursor to Communities in Schools, the Nation's largest dropout prevention program. He was a former trustee of the John F. Kennedy Center Performing Arts. Smith founded a public policy research institute, the Brenn Foundation, and was a board member of the Sapelo Island Research Foundation, a center for environmental research.

Due to his tireless efforts on behalf of the Catholic University of America, Smith was honored with the title of chairman emeritus and presented with the university's highest honor, the President's Medal.

He is survived by his wife of 26 years, former Ambassador to Portugal Elizabeth Frawley Bagley; his six children, Walker Bagley, Nancy Reynolds Bagley, Nicole Ladmer Bagley, Brett Dylan Bagley, Vaughan Elizabeth Bagley, and Conor Reynolds Bagley; a sister, Susan Bagley Bloom; and five grandchildren. My heart goes out to them during this time of grief.

In the words of former President William Jefferson Clinton, who delivered Smith's closing eulogy, ''This man, notwithstanding the circumstances in which he was born or the wealth he generated for himself, always found a way to give more than he took.''

Smith will be sorely missed, not only by the friends and family who knew him well but also by those whose lives were made better by his unwavering commitment to equality and justice.•

REPORT RELATIVE TO THE INTERDICTION OF AIRCRAFT ENGAGED IN ILLICIT DRUG TRAFFICKING—PM 41

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

Consistent with the authorities related to official immunity in the interdiction of aircraft engaged in illicit drug trafficking (Public Law 107–108, 22 U.S.C. 2291–4), as amended, and in order to keep the Congress fully informed, I am providing a report by my Administration. This report includes matters related to support for the interdiction of aircraft engaged in illicit drug trafficking.

BARACK OBAMA.

THE WHITE HOUSE, *January 22, 2010.*

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 10:16 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker had signed the following enrolled bill:

H.R. 4462. An act to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the earthquake in Haiti.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

ENROLLED BILL SIGNED

The PRESIDENT pro tempore (Mr. BYRD) reported that he had signed the following enrolled bill, which had previously been signed by the Speaker of the House:

S. 692. An act to provide that claims of the United States to certain documents relating to Franklin Delano Roosevelt shall be treated as waived and relinquished in certain circumstances.

At 10:33 a.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. 1065. An act to resolve water rights claims of the White Mountain Apache Tribe in the State of Arizona, and for other purposes.

H.R. 3250. An act to designate the facility of the United States Postal Service located at 1210 West Main Street in Riverhead, New York, as the ''Private First Class Garfield M. Langhorn Post Office Building''.

H.R. 3254. An act to approve the Taos Pueblo Indian Water Rights Settlement Agreement, and for other purposes.

H.R. 3342. An act to authorize the Secretary of the Interior, acting through the Commissioner of Reclamation, to develop water infrastructure in the Rio Grande

Basin, and to approve the settlement of the water rights claims of the Pueblos of Nambe, Pojoaque, San Ildefonso, and Tesuque.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 158. A concurrent resolution expressing support for the designation of an Early Detection Month for breast cancer and all forms of cancer.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 730) to strengthen efforts in the Department of Homeland Security to develop nuclear forensics capabilities to permit attribution of the source of nuclear material, and for other purposes.

At 4:59 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced the House having proceeded to reconsider the joint resolution (H.J. Res. 64) making further continuing appropriations for fiscal year 2010, and for other purposes, returned by the President of the United States with his objections, to the House, in which it originated, it was resolved that the said joint resolution do not pass, two-thirds of the House of Representatives not agreeing to pass the same.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3250. An act to designate the facility of the United States Postal Service located at 1210 West Main Street in Riverhead, New York, as the ''Private First Class Garfield M. Langhorn Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 158. Concurrent resolution expressing support for the designation of an Early Detection Month for breast cancer and all forms of cancer; to the Committee on Health, Education, Labor, and Pensions.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, January 22, 2010, she had presented to the President of the United States the following enrolled bill:

S. 692. An act to provide that claims of the United States to certain documents relating to Franklin Delano Roosevelt shall be treated as waived and relinquished in certain circumstances.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4283. A communication from the Assistant Secretary of Land and Minerals Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Requirements for Subsurface Safety Valve Equipment'' (RIN1010–AD45) received during adjournment of the Senate in the Office of the President of the Senate on January 7, 2010; to the Committee on Energy and Natural Resources.

EC–4284. A communication from the Acting Assistant Director of Directives and Regulations, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''National Forest System Land and Resource Management Planning'' (RIN0596–AB86) received during adjournment of the Senate in the Office of the President of the Senate on January 6, 2010; to the Committee on Energy and Natural Resources.

EC–4285. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Conservation Program: Certification, Compliance, and Enforcement Requirements for Certain Consumer Products and Commercial and Industrial Equipment'' (RIN1904–AA95; RIN1904–AB53) received during adjournment of the Senate in the Office of the President of the Senate on January 6, 2010; to the Committee on Energy and Natural Resources.

EC–4286. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Revised Filing Requirements for Centralized Service Companies Under the Public Utility Holding Company Act of 2005, the Federal Power Act, and the Natural Gas Act, Final Rule'' ((Docket No. RM09–21–000)(Order No. 731)) received during adjournment of the Senate in the Office of the President of the Senate on January 6, 2010; to the Committee on Energy and Natural Resources.

EC–4287. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, status reports relative to Iraq for the period of October 15, 2009, through December 15, 2009; to the Committee on Foreign Relations.

EC–4288. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, an annual report relative to the United States Participation in the United Nations; to the Committee on Foreign Relations.

EC–4289. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, the semiannual report on the continued compliance of Azerbaijan, Kazakhstan, Moldova, the Russian Federation, Tajikistan, and Uzbekistan with the 1974 Trade Act's freedom of emigration provisions, as required under the Jackson-Vanik Amendment; to the Committee on Foreign Relations.

EC–4290. A communication from the Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting, pursuant to law, the Agency's response to the GAO report entitled ''Contingency Contracting: DOD, State and USAID Continue to Face Challenges in Tracking Contractor Personnel and Contracts in Iraq and Afghanistan''; to the Committee on Foreign Relations.

EC–4291. A communication from the Assistant General Counsel for Regulatory Services, Office of Elementary and Secondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled ''School Improvement Grants; American Recovery and Reinvestment Act of 2009 (ARRA); Title I of the Elementary and Secondary Education Act of 1965, as Amended'' (RIN1810–AB06) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Health, Education, Labor, and Pensions.

EC–4292. A communication from the Department of State, transmitting, pursuant to law, a report relative to the transfer of detainees (OSS Control No. 2009–2094); to the Committee on the Judiciary.

EC–4293. A communication from the Department of State, transmitting, pursuant to law, a report relative to the transfer of detainees (OSS Control No. 2009–2097); to the Committee on the Judiciary.

EC–4294. A communication from the Department of State, transmitting, pursuant to law, a report relative to the transfer of detainees (OSS Control No. 2010–0016); to the Committee on the Judiciary.

EC–4295. A communication from the Department of State, transmitting, pursuant to law, a report relative to the transfer of detainees (OSS Control No. 2010–0018); to the Committee on the Judiciary.

EC–4296. A communication from the Department of State, transmitting, pursuant to law, a report relative to the transfer of detainees (OSS Control No. 2010–0046); to the Committee on the Judiciary.

EC–4297. A communication from the Policy Editor, Bureau of Immigration and Customs Enforcement, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safe Harbor Procedures for Employers Who Receive a No-Match Letter: Clarification; Final Regulatory Flexibility Analysis'' (RIN1653–AA50) received during recess of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on the Judiciary.

EC–4298. A communication from the General Counsel of the National Tropical Botanical Garden, transmitting, pursuant to law, a report relative to an audit of the Garden for the period from January 1, 2008, through December 31, 2008; to the Committee on the Judiciary.

EC–4299. A communication from the Clerk of Court, U.S. Court of Federal Claims, transmitting, pursuant to law, the Court's annual report for the year ended September 30, 2009; to the Committee on the Judiciary.

EC–4300. A communication from the Director of Regulation Policy and Management, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Copayments for Medications'' (RIN2900–AN50) received during adjournment of the Senate in the Office of the President of the Senate on January 4, 2010; to the Committee on Veterans' Affairs.

EC–4301. A communication from the Director of Regulation Policy and Management, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Vocational Rehabilitation and Employment Program—Periods of Eligibility'' (RIN2900–AM84) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2010; to the Committee on Veterans' Affairs.

EC–4302. A communication from the Director of Regulation Policy and Management, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Vocational Rehabilitation and Employment Program—Basic Entitlement; Effective Date of Induction into a Rehabilitation Program; Cooperation in Initial Evaluation'' (RIN2900–AN13) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2010; to the Committee on Veterans' Affairs.

EC–4303. A communication from the Director of Regulation Policy and Management, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Vocational Rehabilitation and Employment Program—Self-Employment'' (RIN2900–AN31) received during adjournment of the Senate in the Office of the President of the Senate on January 15, 2010; to the Committee on Veterans' Affairs.

EC–4304. A communication from the Secretary of the Department of Commerce, transmitting, pursuant to law, a report relative to the export to the People's Republic of China of items not detrimental to the U.S. space launch industry; to the Committee on Commerce, Science, and Transportation.

EC–4305. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, a report relative to the accuracy and impact of the Do-Not-Call Registry; to the Committee on Commerce, Science, and Transportation.

EC–4306. A communication from the Secretary of Transportation, transmitting proposed legislation relative to rail transit safety; to the Committee on Commerce, Science, and Transportation.

EC–4307. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a report relative to the Government Accountability Office report entitled ''Information Security: NASA Needs to Remedy Vulnerabilities in Key Networks''; to the Committee on Commerce, Science, and Transportation.

EC–4308. A communication from the Acting Administrator, Transportation Security Administration, Department of Homeland Security, transmitting, pursuant to law, a report entitled ''Annual Report on Transportation Security''; to the Committee on Commerce, Science, and Transportation.

EC–4309. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of Homeland Security, transmitting, pursuant to law, a report entitled ''Other Transaction Authority Fiscal Year 2009 Report to Congress''; to the Committee on Commerce, Science, and Transportation.

EC–4310. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled ''2008 Status of the Nation's Highways, Bridges and Transit: Conditions and Performance''; to the Committee on Commerce, Science, and Transportation.

EC–4311. A communication from the Senior Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Passenger Equipment Safety Standards; Front End Strength of Cab Cars and Multiple-Unit Locomotives'' (RIN2130–AB80) received during adjournment of the Senate in the Office of the President of the Senate on January 12, 2010; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. KERRY, from the Committee on Foreign Relations:

[Treaty Doc. 110–2 Hague Convention on International Recovery of Child Support and Family Maintenance with two reservations and three declarations (Ex. Rept. 111–2)]

TEXT OF THE COMMITTEE-RECOMMENDED RESOLUTION OF ADVICE AND CONSENT TO RATIFICATION:

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent subject to two reservations and three declarations.

The Senate advises and consents to the ratification of the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance (the ''Convention''), adopted at The Hague on November 23, 2007 (Treaty Doc. 110–21), subject to the reservations of section 2, the declaration of section 3, and the declarations of section 4.

Section 2. Reservations.

The advice and consent of the Senate under section 1 is subject to the following reservations, which shall be included in the instrument of ratification:

(1) In accordance with Articles 20 and 62 of the Convention, the United States of America makes a reservation that it will not recognize or enforce maintenance obligation decisions rendered on the jurisdictional bases set forth in subparagraphs 1(c), 1(e), and 1(f) of Article 20 of the Convention.

(2) In accordance with Articles 44 and 62 of the Convention, the United States of America makes a reservation that it objects to the use of the French language in communications between the Central Authority of any other Contracting State and the Central Authority of the United States of America.

Section 3. Declaration.

The advice and consent of the Senate under section 1 is subject to the following declaration, which shall be included in the instrument of ratification:

The United States of America declares, in accordance with Articles 61 and 63 of the Convention, that for the United States of America the Convention shall extend only to the following: all 50 U.S. states, the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands.

Section 4. Declarations.

The advice and consent of the Senate under section 1 is subject to the following declarations:

(1) Article 55 of the Convention sets forth a special procedure for the amendment of the forms annexed to the Convention. In the event that the United States of America does not want a particular amendment to the forms adopted in accordance with Article 55 to enter into force for the United States of America on the first day of the seventh calendar month after the date of its communication by the depositary to all parties, the Executive Branch may by notification in writing to the depositary make a reservation, in accordance with Article 62 of the Convention, with respect to that amendment and without the approval of the Senate.

(2) This Convention is not self-executing.

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. CARPER (for himself and Ms. COLLINS):

S. 2947. A bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. UDALL of Colorado (for himself and Mr. BENNET):

S. Res. 395. A resolution commemorating the 150th anniversary of the founding of the Colorado National Guard; to the Committee on Armed Services.

ADDITIONAL COSPONSORS

S. 211

At the request of Mrs. MURRAY, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2–1–1 telephone service for information and referral on human services and volunteer services, and for other purposes.

S. 705

At the request of Mr. KERRY, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 705, a bill to reauthorize the programs of the Overseas Private Investment Corporation, and for other purposes.

S. 941

At the request of Mr. CRAPO, the name of the Senator from Florida (Mr. LEMIEUX) was added as a cosponsor of S. 941, a bill to reform the Bureau of Alcohol, Tobacco, Firearms, and Explosives, modernize firearm laws and regulations, protect the community from criminals, and for other purposes.

S. 987

At the request of Mr. DURBIN, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 987, a bill to protect girls in developing countries through the prevention of child marriage, and for other purposes.

S. 1282

At the request of Mr. BROWNBACK, the name of the Senator from Florida (Mr. LEMIEUX) was added as a cosponsor of S. 1282, a bill to establish a Commission on Congressional Budgetary Accountability and Review of Federal Agencies.

S. 1343

At the request of Mr. BROWN, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 1343, a bill to amend the Richard B. Russell National School Lunch Act to improve and expand direct certification procedures for the national school lunch and school breakfast programs, and for other purposes.

S. 1400

At the request of Ms. STABENOW, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1400, a bill to amend the Internal Revenue Code of 1986 to make permanent

the depreciation classification of motorsports entertainment complexes.

S. 1859

At the request of Mr. ROCKEFELLER, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1859, a bill to reinstate Federal matching of State spending of child support incentive payments.

S. 1932

At the request of Mr. MCCAIN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1932, a bill to amend the Elementary and Secondary Education Act of 1965 to allow members of the Armed Forces who served on active duty on or after September 11, 2001, to be eligible to participate in the Troops-to-Teachers Program, and for other purposes.

S. 1939

At the request of Mrs. GILLIBRAND, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 1939, a bill to amend title 38, United States Code, to clarify presumptions relating to the exposure of certain veterans who served in the vicinity of the Republic of Vietnam, and for other purposes.

S. 2128

At the request of Mr. LEMIEUX, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2128, a bill to provide for the establishment of the Office of Deputy Secretary for Health Care Fraud Prevention.

S. 2801

At the request of Mr. FRANKEN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2801, a bill to provide children in foster care with school stability and equal access to educational opportunities.

S. 2853

At the request of Mrs. HUTCHISON, her name was withdrawn as a cosponsor of S. 2853, a bill to establish a Bipartisan Task Force for Responsible Fiscal Action, to assure the long-term fiscal stability and economic security of the Federal Government of the United States, and to expand future prosperity growth for all Americans.

At the request of Mr. ENSIGN, his name was withdrawn as a cosponsor of S. 2853, supra.

S. 2871

At the request of Mr. INOUYE, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2871, a bill to make technical corrections to the Western and Central Pacific Fisheries Convention Implementation Act, and for other purposes.

S. 2935

At the request of Mr. GRASSLEY, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2935, a bill to clarify that the revocation of an alien's visa or other documentation is not subject to judicial review.

S. 2938

At the request of Mr. THUNE, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Tennessee (Mr. CORKER) were added as cosponsors of S. 2938, a bill to terminate authority under the Troubled Asset Relief Program, and for other purposes.

AMENDMENT NO. 3302

At the request of Mr. CONRAD, the names of the Senator from Indiana (Mr. BAYH), the Senator from Alaska (Mr. BEGICH), the Senator from Colorado (Mr. BENNET), the Senator from New Mexico (Mr. BINGAMAN), the Senator from North Dakota (Mr. DORGAN), the Senator from California (Mrs. FEINSTEIN), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Missouri (Mrs. MCCASKILL), the Senator from Florida (Mr. NELSON), the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Colorado (Mr. UDALL), the Senator from Virginia (Mr. WARNER) and the Senator from Virginia (Mr. WEBB) were added as cosponsors of amendment No. 3302 proposed to H.J. Res. 45.

At the request of Mr. GREGG, the names of the Senator from Maine (Ms. COLLINS), the Senator from Tennessee (Mr. CORKER), the Senator from Ohio (Mr. VOINOVICH), the Senator from South Carolina (Mr. GRAHAM) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of amendment No. 3302 proposed to H.J. Res. 45, supra.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 395—COMMEMORATING THE 150TH ANNIVERSARY OF THE FOUNDING OF THE COLORADO NATIONAL GUARD

Mr. UDALL of Colorado (for himself and Mr. BENNET) submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 395

Whereas on January 23, 1860, the history of the Colorado National Guard began when the first General Assembly of the Jefferson Territory authorized the formation of 2 independent militia companies, the Jefferson Rangers and the Denver Guards, both of which were disbanded after the Colorado Volunteers were established as the official Colorado Territorial Militia;

Whereas after Colorado became a State in 1876, the Colorado State Militia was activated on dozens of occasions to protect public rights, safety, and property;

Whereas during World War I, nearly all units of the Colorado National Guard were called into service, serving as replacements on the front lines as well as carrying out crucial artillery support roles in most of the major campaigns near the end of the war;

Whereas during World War II, Colorado National Guard units served in both the European and Pacific theaters, providing crucial indirect fire support throughout the Pacific, significantly contributing to the invasion of Italy and southern France, and partaking in the liberation of the Dachau concentration camp in April 1945;

Whereas a year prior to the establishment of the United States Air Force in September 1947, the 120th Tactical Reconnaissance Squadron (Fighter) was federally recognized and redesignated as the 120th Fighter Squadron (Single-Engine), thus becoming the first federally recognized unit of the Air National Guard;

Whereas the Colorado National Guard was called into Federal service in 1950 during the Korean War and in 1961 during the Berlin Crisis;

Whereas in 1968 the 120th Tactical Fighter Squadron of the Colorado Air National Guard became one of the first Air National Guard units to be mobilized and the first of 4 fighter units to be deployed for combat operations in the Vietnam War;

Whereas in 1990 and 1991, the Colorado National Guard was called into Federal service to support Operation Desert Shield/Storm in the Persian Gulf and enforce the United Nations-mandated no-fly zone over Iraq during Operations Northern and Southern Watch;

Whereas the Colorado National Guard was called into Federal service in 1994 to help provide stability in Haiti and in 1999 as part of Operation Joint Forge in the Balkans;

Whereas in recent years, the Colorado National Guard has supported various anti-drug and search-and-rescue missions and assisted the citizens of Colorado during numerous natural disasters and State emergencies;

Whereas hours after the attack on the World Trade Center and the Pentagon on September 11, 2001, the Colorado National Guard was activated to bolster airport security at 14 major airports across the State and the Pueblo Chemical Depot, with Colorado Guardsmen, as part of Operation Noble Eagle, launching the first defensive aircraft over the city of Denver within minutes of the terrorist attacks and initiating the Air Sovereignty Alert mission, which continues today with airmen and aircraft on alert 24 hours a day, 365 days a year, to protect our Nation from aerial threats;

Whereas since September 11, 2001, more than 6,500 Colorado National Guard members have served in Iraq and Afghanistan in support of Operations Iraqi Freedom and Enduring Freedom, with more than 550 Colorado National Guard members currently deployed in support of both missions and another 160 members preparing for mobilization;

Whereas the 3rd Battalion of the 157th Field Artillery Regiment, which traces its lineage back to the Civil War, is currently deployed in support of Operation Iraqi Freedom and is the largest Colorado Army National Guard unit to deploy since World War II;

Whereas in 1985, the Colorado National Guard established the High-Altitude Army Aviation Training Site (HAATS) to instruct rotary wing aviators on how to better operate in hostile, high-altitude, and power-limited environments;

Whereas HAATS is the only United States military school teaching such specialized techniques and has provided critical training to helicopter aviators in Iraq and Afghanistan;

Whereas in 1993, the Colorado National Guard was among the first to form a partnership under the auspices of the State Partnership Program with the Republic of Slovenia, and in 2002, formed a second partnership with the Hashemite Kingdom of Jordan;

Whereas the more than 3,700 citizen soldiers of the Colorado Army National Guard are based in 20 communities across Colorado, and the more than 1,500 citizen airmen of the Colorado Air National Guard are based at Buckley Air Force Base in Aurora, Colorado, as well as in Greeley and Colorado Springs, Colorado;

Whereas the citizen soldiers and airmen of the Colorado National Guard have served with courage and selflessness and have

earned the respect and gratitude of Coloradans and all Americans; and

Whereas the Colorado National Guard continues to build on its heritage as a ready, reliable, and relevant community-based force that is always ready and always there, whether to protect our homeland against attacks, to support civil authorities, or to defend freedom overseas: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 150th anniversary of the founding of the Colorado National Guard and its exemplary service to the State of Colorado and the Nation;

(2) thanks the members of the Colorado National Guard and their families for their service and their sacrifice on behalf of the State of Colorado and the Nation;

(3) pledges its continued support in providing the Colorado National Guard with the resources necessary to ensure its readiness to perform State and Federal missions;

(4) expresses condolences to the families of those members of the Colorado National Guard who made the ultimate sacrifice and gave their lives while serving in the Colorado National Guard; and

(5) honors the dedication of the members of the Colorado National Guard who play a central role in protecting the United States and the freedoms and liberties of its citizens.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3303. Mr. COBURN (for himself, Mr. MCCAIN, Mr. ENZI, and Mr. LEMIEUX) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 45, increasing the statutory limit on the public debt; which was ordered to lie on the table.

SA 3304. Mr. SESSIONS (for himself, Mrs. MCCASKILL, and Mr. KYL) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 45, supra; which was ordered to lie on the table.

SA 3305. Mr. REID proposed an amendment to amendment SA 3299 proposed by Mr. BAUCUS (for Mr. REID) to the joint resolution H.J. Res. 45, supra.

TEXT OF AMENDMENTS

SA 3303. Mr. COBURN (for himself, Mr. MCCAIN, Mr. ENZI, and Mr. LEMIEUX) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 45, increasing the statutory limit on the public debt; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ___—ELIMINATION OF DUPLICATIVE AND WASTEFUL SPENDING

SEC. 1. IDENTIFICATION, CONSOLIDATION, AND ELIMINATION OF DUPLICATIVE GOVERNMENT PROGRAMS.

The Comptroller General of the Government Accountability Office shall conduct routine investigations to identify programs, agencies, offices, and initiatives with duplicative goals and activities within Departments and governmentwide and report annually to Congress on the findings, including the cost of such duplication and with recommendations for consolidation and elimination to reduce duplication identifying specific rescissions.

SEC. 2. REPEAL OF INCREASE OF THE OFFICE BUDGETS OF MEMBERS OF CONGRESS.

Of the funds made available under Public Law 111–68 for the legislative branch, $245,000,000 in unobligated balances are permanently rescinded: *Provided*, That none of the funding available for the Legislative Branch be available for any pilot program for mailings of postal patron postcards by Senators for the purpose of providing notice of a town meeting by a Senator in a county (or equivalent unit of local government) at which the Senator will personally attend.

SEC. 3. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF AGRICULTURE.

Of the funds made available under Public Law 111–80 for the Department of Agriculture, $1,342,800,000 in unobligated balances are permanently rescinded: *Provided*, That as proposed by the President's FY 2010 budget, no funding may be available for the Economic Action Program, which is duplicative of USDA's Urban and Community Forestry program, has been poorly managed, and has funded questionable initiatives such as music festivals: *Provided further*, That no funding may be available for the High Energy Cost grant program, which is duplicative of the $6,000,000,000 in low interest loan programs offered by the UDSA's Rural Utilities Service: *Provided further*, That as included in the Congressional Budget Office's August 2009 Budget Options document, which states that the program ''merely replaces private spending with public spending'', no funding may be available for the Foreign Market Development Program, which also duplicates the Foreign Agricultures Service's Market Access Program: *Provided further*, That the Secretary shall consolidate and reduce the cost of administering the numerous programs administered by the Department relating to encouraging conservation, including the Conservation Stewardship Program, which the Government Accountability Office revealed in 2006 is duplicative of other USDA conservations efforts, including the Conservation Reserve Program, the Wetlands Reserve Program, the Farmland Protection Program, the Wildlife Habitat Program, and the Grassland Reserve Program: *Provided further*, That the Secretary shall work with the Secretary of Energy to consolidate and reduce the cost of administering the numerous programs administered by both Departments relating to bioenergy promotion, including the Department of Energy's Biomass Program, the Department of Agriculture's Biomass Crop Assistance Program, the Biorefinery Program for Advanced Fuels Program, and the Biobased Products and Bioenergy Program, the Biorefinery Repowering Assistance Program, the New Era Rural Technology Competitive Grants Program, and the Feedstock Flexibility Program: *Provided further*, That the Secretary shall work with the Secretary of Energy to consolidate and reduce the cost of administering the numerous programs administered by both Departments relating to alternative energy, including the Department of Energy's Geothermal Technology Program, Wind Energy Program, and the Solar Energy Technologies Program, and the Department of Agriculture's Rural Energy for America Program: the Secretary shall consolidate and reduce the cost of administering the numerous programs administered by the Department that provide food assistance to foreign countries, including the USAD Foreign Agricultural Service, the food for Progress Program, the McGovern-Dole International Food for Education and Child Nutrition Program, the food for Peace programs, the Bill Emerson Humanitarian Trust, and the Local and Regional Procurement Projects: *Provided further*, That for any program for which funding is prohibited in this section, any activities under that program that are deemed by the Secretary to be necessary or essential, the Secretary shall assign to an existing program for which funding is not prohibited in this section.

SEC. 4. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF COMMERCE.

Of the funds made available under Public Law 111–117 for the Department of Commerce, $697,850,000 in unobligated balances are permanently rescinded: *Provided*, That the Secretary shall work with the Secretary of Agriculture to consolidate and reduce the cost of administering the programs administered by both Departments that provide rural public telecom grants, including eliminating USDA's grants to rural public broadcasting stations, as proposed by the President's FY 2010 budget, which duplicates the Department of Commerce's Public Telecommunications Facilities Program, and the Corporation for Public Broadcasting, which also receives Federal funding: *Provided further*, That no funding may be made available for the Hollings Manufacturing Extension Partnership Program, which duplicates the Small Business Administration's Small Business Development Centers and which has been found by the Office of Management and Budget to ''only serve a small percentage of small manufactures each year'': *Provided further*, That the Secretary shall work with the Secretaries of Housing and Rural Development and Agriculture to consolidate and reduce the cost of administering the programs administered by these Departments relating to Economic Development, including the following programs, the Economic Development Administration, the Community Development Block Grants, Rural Development Administration grants, the National Community Development Initiative, the Brownfields Economic Development Initiative, the Rural Housing and Economic Development grants, the Community Service Block Grants, the Delta Regional Authority, the Community Economic Development grants, and the Historically Underutilized Business Zone program: *Provided further*, That for any program for which funding is prohibited in this section, any activities under that program that are deemed by the Secretary to be necessary or essential, the Secretary shall assign to an existing program for which funding is not prohibited in this section.

SEC. 5. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF EDUCATION.

Of the funds made available under Public Law 111–117 for the Department of Education, $3,213,800,000 in unobligated balances are permanently rescinded: *Provided*, That the Secretary shall work with Secretaries from other Federal Departments to consolidate and reduce the cost of administering the at least 30 Federal programs that provide financial assistance to students to support postsecondary education in the forms of grants, scholarships, fellowships, and other types of stipends, including the 15 such programs at the Department of Education, such as the Academic Competitiveness Grants, the TEACH grants, the Federal Supplemental Education Opportunity Grants, the Leveraging Educational Assistance Program, the Javits Fellowships Program, Graduate Assistance in Areas of National Need program, as well as the three similar programs administered by the National Science Foundation, such as the Robert Noyce Teacher Scholarship program, as well as a program at the Department of Justice and one at the Health Resources Administration: *Provided*

further, That the Secretary shall work with Secretaries from other Federal Departments to consolidate and reduce the cost of administering the at least 69 Federal programs dedicated in full or in part to supporting early childhood education and child care, as outlined by the Government Accountability Office, which found that these 69 education programs are spread across 10 different agencies: *Provided further,* That the Secretary shall work with Secretaries from other Federal Departments to consolidate and reduce the cost of administering the at least 105 Federal science, technology, math, and engineering education programs, as outlined by the Academic Competitiveness Council, which found that these 105 education programs are spread across numerous Federal agencies: *Provided further,* That the Secretary shall work with Secretaries from other Federal Departments to consolidate and reduce the cost of administering the numerous student foreign exchange and international education programs, including the at least 14 programs at the Department, including the American Overseas Research Centers, Business and International Education, Centers for International Business Education, the Foreign Language and Area Studies Fellowships, the Institute for International Public Policy, the International Research and Studies, the Language Resource Centers, the National Resource Centers, the Technological Innovation and Cooperation for Foreign Information Access, and the Undergraduate International Studies and Foreign Language Program, the State Department's Benjamin A. Gilman International Scholarship Program, the Boren National Security Education Trust Fund, and exchange programs administered by the National Science Foundation's Office of International Science and Engineering.

SEC. 6. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF ENERGY.

Of the funds made available under Public Law 111-85 for the Department of Energy, $1,321,800,000 in unobligated balances are permanently rescinded: *Provided,* That the Secretary shall work with Secretaries from other Federal Departments to consolidate and reduce the cost of administering the various Federal weatherization efforts, including Federal funding for State-run weatherization projects, the Department of Energy's Energy Conservation and Weatherization grants, as well as the Department of Energy's building Technologies Program, the LIHEAP weatherization efforts, the National Park Service's Weatherization and Improving the Energy Efficiency of Historic Buildings program, and the Department of Housing and Urban Development's Energy Innovation Fund: *Provided further,* That the Secretary shall consolidate and reduce the cost of administering the various energy grant programs, including the Tribal Energy grant program, which overlaps with the Department's Energy Efficiency and Conservation Block Grants, and the Energy Start Energy Efficient appliance Rebate Program: *Provided further,* That the Secretary shall consolidate and reduce the cost of administering the various vehicle technology programs at the Department, including the Vehicle Technologies program, the Advanced Battery Manufacturing grants, the Advanced Technology Vehicles Manufacturing Loans Program, and the Innovative Technology Loan Guarantee Program.

SEC. 7. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.

Of the funds made available under Public Law 111–117 for the Department of Health and Human Services, $4,116,950,000 in unobligated balances are permanently rescinded: *Provided,* That the Secretary, in coordination with the heads of other Departments and agencies, shall consolidate the programs that support nonresidential buildings and facilities construction, including the 29 programs across 8 Federal agencies identified by the Government Accountability Office. The Secretary, in coordination with the Secretary of HUD and USDA and other appropriate departments and agencies, shall consolidate duplicative programs intended to reduce poverty and revitalize low-income communities, including the HHS Community Services Block Grant, the HUD Community Development Block Grant, and USDA Rural Development program: *Provided further,* That the Secretary shall work with Secretaries from other Federal Departments to consolidate and reduce the cost of administering the dozens of Federal programs, across multiple agencies, that funded childhood obesity programs, either as the main focus or as one component of the Federal program.

SEC. 8. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF HOMELAND SECURITY.

Of the funds made available under Public Law 111–83 for the Department of Homeland Security, $2,205,000,000 in unobligated balances are permanently rescinded: *Provided,* That the Secretary shall work with Secretaries from other Federal Departments to consolidate and reduce the cost of administering the dozens of Federal homeland security programs, as identified by the Office of Management and Budget, which states that ''a total of 31 agency budgets include Federal homeland security funding in 2010''.

SEC. 9. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

Of the funds made available under Public Law 111–117 for the Department of Housing and Urban Development, $2,302,450,000 in unobligated balances are permanently rescinded: *Provided,* That the Secretary shall work with Secretaries from other Federal Departments to consolidate and reduce the cost of administering the various Federal programs aimed at addressing homelessness, including the Supportive Housing Program, the Shelter Plus Care Program, the Single Room Occupancy Program, the Emergency Shelter Grant Program, programs at Health and Human Services such as the Basic Center Program, Projects for Assistance in Transition from Homelessness, and the Street Outreach Program, and also including the more than 23 housing programs identified by the Government Accounting Office that target or have special features for the elderly.

SEC. 10. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF INTERIOR.

Of the funds made available under Public Law 111–88 for the Department of Interior, $606,200,000 in unobligated balances are permanently rescinded: *Provided,* That the Secretary shall consolidate and reduce the cost of administering the at least 11 historic preservation programs at the Department, including the 9 preservation programs at the Heritage Preservation Services, such as the Federal Agency Preservation Assistance Program, the Historic Preservation Planning Program, the Technical Preservation Services for Historic Buildings, as well as the Save America's Treasures Grant Program, the Advisory Council on Historic Preservation, and the Preserve America program: *Provided further,* That the Secretary shall consolidate and reduce the cost of administering the various climate change impact programs at the Department, including the Bureau of Indian Affairs office Tackling Climate Impacts Initiative, the U.S. Geological Survey's National Climate Change and Wildlife Science Center, the US Fish and Wildlife Service climate change initiatives, and the state and tribal wildlife conservation grants which are being provided to entities to adapt and mitigate the impacts of climate change on wildlife: *Provided further,* That the Secretary shall consolidate and reduce the cost of administering the dozens of invasive species research, monitoring, and eradication programs at the Department, including the eight programs administered by the US Fish and Wildlife Services, the similar programs administered by the Bureau of Land Management, the National Park Service, and the 4 Federal councils created to coordinate Federal invasive species efforts, the National Invasive Species Council, the National Invasive Species Information Center, the Federal Interagency Committee for the Management of Noxious and Exotic Weeds, and the Aquatic Nuisance Species Task Force.

SEC. 11. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF JUSTICE.

Of the funds made available under Public Law 111–117 for the Department of Justice, $1,385,100,000 in unobligated balances are permanently rescinded: *Provided,* That the Attorney General in coordination with the heads of other Departments and agencies, shall consolidate Federal offender reentry programs, including those authorized by the Second Chance Act, the DOJ Office of Justice Programs Bureau of Justice Assistance Prisoner Reentry Initiative, the Department of Labor Reintegration of Ex-Offenders program, the Department of Education Lifeskills for State and Local Inmates Programs, and the HHS Young Offender Reentry Program: *Provided further,* That the Attorney General shall consolidate the four duplicative grant programs, including the State Formula Grant program, the Juvenile Delinquency Prevention Block Grant program, the Challenge/Demonstration Grant program, and the Title V grant program, administered under the Juvenile Justice and Delinquency Prevention Act and reduce the cost of administering such programs: *Provided further,* That the Attorney General, in coordination with the Secretary of Health and Human Services (HHS) and the Office of National Drug Control Policy (ONDCP), shall consolidate Federal programs that assist state drug courts, including substance abuse treatment services for offenders, such as the HHS Adult, Juvenile, and Family Drug Court program, the Substance Abuse and Mental Health Services Administration Drug Court Treatment Program, the DOJ Drug Court Program, the ONDCP National Drug Court Institute: *Provided further,* That the Attorney General shall eliminate the National Drug Intelligence Center (NDIC) which duplicates the activities of 19 other drug intelligence centers and reassign any essential duties performed by NDIC.

SEC. 12. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF LABOR.

Of the funds made available under Public Law 111–117 for the Department of Labor, $679,100,000 in unobligated balances are permanently rescinded: *Provided*, That the Secretary, in coordination with the heads of other Departments and agencies, shall consolidate the 18 programs administered by the Department and ten programs administered by other agencies that support job training and employment, such as the Adult Employment and Training Activities program, Dislocated Worked Employment and Training Activities, Youth Activities, YouthBuild, and the Migrant and Seasonal Farmers program and reduce the cost of administering such programs.

SEC. 13. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF STATE.

Of the funds made available under Public Law 111–117 for the Department of State, $1,318,550,000 in unobligated balances are permanently rescinded: *Provided*, That in accordance with the President's FY 2010 budget, no funding may be made available for the Center for Cultural and Technical Interchange Between East and West, which duplicates the State Departments cultural exchanges: *Provided further*, That no funding may be made available for the Asia Foundation, which duplicates efforts at USAID and the National Endowment for Democracy: *Provided further*, That for any program for which funding is prohibited in this section, any activities under that program that are deemed by the Secretary to be necessary or essential, the Secretary shall assign to an existing program for which funding is not prohibited in this section.

SEC. 14. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF TRANSPORTATION.

Of the funds made available under Public Law 111–117 for the Department of Transportation, $1,090,500,000 in unobligated balances are permanently rescinded: *Provided*, That the Secretary shall consolidate and reduce the costs of various duplicative highway programs, including the regionally specific development programs, the Federal-Aid Highway Programs under chapter I of title 23, United States Code, the Research programs authorized under title V of Public Law 109–59: *Provided further*, That the Secretary shall consolidate and reduce the costs of various rail-line relocation grant programs, including the Rail-Line Relocation and Improvement Capital Program, and the Highway-Rail Crossings Program, the Railroad Rehabilitation and Improvement Financing program.

SEC. 15. REPEAL OF EXCESSIVE OVERHEAD, ELIMINATION OF WASTEFUL SPENDING, AND CONSOLIDATION OF DUPLICATIVE PROGRAMS AT THE DEPARTMENT OF TREASURY.

Of the funds made available under Public Law 111–117 for the Department of Treasury, $677,650,000 in unobligated balances are permanently rescinded.

SEC. 16. RESCISSION OF UNSPENT AND UNCOMMITTED FEDERAL FUNDS.

Notwithstanding any other provision of law, of the $657,000,000,000 in Federal funds unobligated at the end of fiscal year 2009, the discretionary, unexpired funds available for more than 2 consecutive fiscal years, as of the date of enactment of this Act, are permanently rescinded.

SEC. 17. IMPLEMENTATION OF RESCISSIONS.

All rescissions required by this title—

(1) shall come from discretionary amounts appropriated; and

(2) should be rescinded not later 14 days after the date of enactment of this title.

SEC. 18. NULLIFICATION OF INCREASE IN THE STATUTORY LIMIT ON THE PUBLIC DEBT.

Notwithstanding any other provision of this Act, any increase in the statutory limit on the public debt shall be null and void.

SA 3304. Mr. SESSIONS (for himself, Mrs. MCCASKILL, and Mr. KYL) submitted an amendment intended to be proposed by him to the joint resolution H.J. Res. 45, increasing the statutory limit on the public debt; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. __01. DISCRETIONARY SPENDING LIMITS.

(a) IN GENERAL.—Title III of the Congressional Budget Act of 1974 is amended by inserting at the end the following:

''DISCRETIONARY SPENDING LIMITS

''SEC. 316. (a) DISCRETIONARY SPENDING LIMITS.—It shall not be in order in the House of Representatives or the Senate to consider any bill, joint resolution, amendment, or conference report that includes any provision that would cause the discretionary spending limits as set forth in this section to be exceeded.

''(b) LIMITS.—In this section, the term 'discretionary spending limits' has the following meaning subject to adjustments in subsection (c):

''(1) For fiscal year 2010—

''(A) for the defense category (budget function 050), $556,128,000,000 in budget authority; and

''(B) for the nondefense category, $526,122,000,000 in budget authority.

''(2) For fiscal year 2011—

''(A) for the defense category (budget function 050), $564,293,000,000 in budget authority; and

''(B) for the nondefense category, $529,662,000,000 in budget authority.

''(3) For fiscal year 2012—

''(A) for the defense category (budget function 050), $573,612,000,000 in budget authority; and

''(B) for the nondefense category, $533,232,000,000 in budget authority.

''(4) For fiscal year 2013—

''(A) for the defense category (budget function 050), $584,421,000,000 in budget authority; and

''(B) for the nondefense category, $540,834,000,000 in budget authority.

''(5) For fiscal year 2014—

''(A) for the defense category (budget function 050), $598,249,000,000 in budget authority; and

''(B) for the nondefense category, $550,509,000,000 in budget authority.

''(6) With respect to fiscal years following 2014, the President shall recommend and the Congress shall consider legislation setting limits for those fiscal years.

''(c) ADJUSTMENTS.—

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

''(A) the Chairman of the Senate Committee on the Budget may adjust the discretionary spending limits, the budgetary aggregates in the concurrent resolution on the budget most recently adopted by the Senate and the House of Representatives, and allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, by the amount of new budget authority in that measure for that purpose and the outlays flowing there from; and

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

''(2) MATTERS DESCRIBED.—Matters referred to in paragraph (1) are as follows:

''(A) OVERSEAS DEPLOYMENTS AND OTHER ACTIVITIES.—If a bill or joint resolution is reported making appropriations for fiscal year 2010, 2011, 2012, 2013, or 2014, that provides funding for overseas deployments and other activities, the adjustment for purposes paragraph (1) shall be the amount of budget authority in that measure for that purpose but not to exceed—

''(i) with respect to fiscal year 2010, $130,000,000,000 in new budget authority;

''(ii) with respect to fiscal year 2011, $50,000,000,000 in new budget authority;

''(iii) with respect to fiscal year 2012, $50,000,000,000 in new budget authority;

''(iv) with respect to fiscal year 2013, $50,000,000,000 in new budget authority: and

''(v) with respect to fiscal year 2014, $50,000,000,000 in new budget authority.

''(B) EMERGENCY SPENDING.—For fiscal year 2010, 2011, 2012, 2013, or 2014 for appropriations for discretionary accounts designated as emergency requirements, the adjustment for purposes of paragraph (1) shall be the total of such appropriations in discretionary accounts designated as emergency requirements, but not to exceed $10,350,000,000 for fiscal year 2010, $10,454,000,000 for 2011, $10,558,000,000 for 2012, $10,664,000,000 for 2013, and $10,877,000,000 for 2014. Appropriations designated as emergencies in excess of these limitations shall be treated as new budget authority.

''(C) INTERNAL REVENUE SERVICE TAX ENFORCEMENT.—

''(i) IN GENERAL.—If a bill or joint resolution is reported making appropriations for fiscal year 2010, 2011, 2012, 2013, or 2014 that includes the amount described in clause (ii)(I), plus an additional amount for enhanced tax enforcement to address the Federal tax gap (taxes owed but not paid) described in clause (ii)(II), the adjustment for purposes of paragraph (1) shall be the amount of budget authority in that measure for that initiative not exceeding the amount specified in clause (ii)(II) for that fiscal year.

''(ii) AMOUNTS.—The amounts referred to in clause (i) are as follows:

''(I) For fiscal year 2010, $7,100,000,000, for fiscal year 2011, $7,171,000,000, for fiscal year 2012, $7,243,000,000, for fiscal year 2013, $7,315,000,000, and for fiscal year 2014, $7,461,000,000.

''(II) For fiscal year 2010, $890,000,000, for fiscal year 2011, $899,000,000, for fiscal year 2012, $908,000,000, for fiscal year 2013, $917,000,000, and for fiscal year 2014, $935,000,000.

''(D) CONTINUING DISABILITY REVIEWS AND SSI REDETERMINATIONS.—

''(i) IN GENERAL.—If a bill or joint resolution is reported making appropriations for fiscal year 2010, 2011, 2012, 2013, or 2014 that includes the amount described in clause (ii)(I), plus an additional amount for Continuing Disability Reviews and Supplemental Security Income Redeterminations for the Social Security Administration described in clause (ii)(II), the adjustment for purposes of paragraph (1) shall be the amount of budget authority in that measure for that initiative not exceeding the amount specified in clause (ii)(II) for that fiscal year.

''(ii) AMOUNTS.—The amounts referred to in clause (i) are as follows:

''(I) For fiscal year 2010, $273,000,000; for fiscal year 2011, $276,000,000; for fiscal year 2012,

$278,000,000; for fiscal year 2013, $281,000,000; for fiscal year 2014, $287,000,000.

''(II) For fiscal year 2010, $485,000,000; for fiscal year 2011, $490,000,000; for fiscal year 2012, $495,000,000; for fiscal year 2013, $500,000,000; for fiscal year 2014, $510,000,000.

''(iii) ASSET VERIFICATION.—

''(I) IN GENERAL.—The additional appropriation permitted under clause (ii)(II) may also provide that a portion of that amount, not to exceed the amount specified in subclause (II) for that fiscal year instead may be used for asset verification for Supplemental Security Income recipients, but only if, and to the extent that the Office of the Chief Actuary estimates that the initiative would be at least as cost effective as the redeterminations of eligibility described in this subparagraph.

''(II) AMOUNTS.—For fiscal year 2010, $34,000,000, for fiscal year 2011, $34,340,000, for fiscal year 2012, $34,683,000, for fiscal year 2013, $35,030,000 and for fiscal year 2014, $35,731,000.

''(E) HEALTH CARE FRAUD AND ABUSE.—

''(i) IN GENERAL.—If a bill or joint resolution is reported making appropriations for fiscal year 2010, 2011, 2012, 2013, or 2014 that includes the amount described in clause (ii) for the Health Care Fraud and Abuse Control program at the Department of Health & Human Services for that fiscal year, the adjustment for purposes of paragraph (1) shall be the amount of budget authority in that measure for that initiative but not to exceed the amount described in clause (ii).

''(ii) AMOUNT.—The amount referred to in clause (i) is for fiscal year 2010, $311,000,000, for fiscal year 2011, $314,000,000, for fiscal year 2012, $317,000,000, for fiscal year 2013, $320,000,000, and for fiscal year 2014, $327,000,000.

''(F) UNEMPLOYMENT INSURANCE IMPROPER PAYMENT REVIEWS.—If a bill or joint resolution is reported making appropriations for fiscal year 2010, 2011, 2012, 2013, or 2014 that includes $10,000,000, plus an additional amount for in-person reemployment and eligibility assessments and unemployment improper payment reviews for the Department of Labor, the adjustment for purposes paragraph (1) shall be the amount of budget authority in that measure for that initiative but not to exceed—

''(i) with respect to fiscal year 2010, $50,000,000 in new budget authority;

''(ii) with respect to fiscal year 2011, $51,000,000 in new budget authority; and

''(iii) with respect to fiscal year 2012, $51,000,000 in new budget authority.

''(iv) with respect to fiscal year 2013, $52,000,000 in new budget authority; and

''(v) with respect to fiscal year 2014, $53,000,000 in new budget authority.

''(G) LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP).—If a bill or joint resolution is reported making appropriations for fiscal year 2010, 2011, 2012, 2013, or 2014 that includes $3,200,000,000 in funding for the Low-Income Home Energy Assistance Program and provides an additional amount up to $1,900,000,000 for that program, the adjustment for purposes of paragraph (1) shall be the amount of budget authority in that measure for that initiative but not to exceed $1,900,000,000.

''(d) EMERGENCY SPENDING.—

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

''(2) EXEMPTION OF EMERGENCY PROVISIONS.—Subject to the limitations provided in subsection (c)(2)(B), any new budget authority, outlays, and receipts resulting from any provision designated as an emergency requirement, pursuant to this subsection, in any bill, joint resolution, amendment, or conference report shall not count for purposes of sections 302 and 311 of the Congressional Budget Act of 1974, section 201 of S. Con. Res. 21 (110th Congress) (relating to pay-as-you-go), and section 311 of S. Con. Res. 70 (110th Congress) (relating to long-term deficits). Designated emergency provisions shall not count for the purpose of revising allocations, aggregates, or other levels pursuant to procedures established under section 301(b)(7) of the Congressional Budget Act of 1974 for deficit-neutral reserve funds and revising discretionary spending limits set pursuant to this section.

''(3) DESIGNATIONS.—If a provision of legislation is designated as an emergency requirement under this subsection, the committee report and any statement of managers accompanying that legislation shall include an explanation of the manner in which the provision meets the criteria in paragraph (6).

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

''(5) POINT OF ORDER.—

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

''(B) SUPERMAJORITY WAIVER AND APPEALS.—

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

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

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

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

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

''(6) CRITERIA.—

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

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

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

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

''(iv) subject to clause (ii), unforeseen, unpredictable, and unanticipated; and

''(v) not permanent, temporary in nature.

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

''(e) LIMITATIONS ON CHANGES TO EXEMPTIONS.—It shall not be in order in the Senate or the House of Representatives to consider any bill, resolution, amendment, or conference report that would exempt any new budget authority, outlays, and receipts from being counted for purposes of this section.

''(f) POINT OF ORDER IN THE SENATE.—

''(1) WAIVER.—The provisions of this section shall be waived or suspended in the Senate only—

''(A) by the affirmative vote of two-thirds of the Members, duly chosen and sworn; or

''(B) in the case of the defense budget authority, if Congress declares war or authorizes the use of force.

''(2) APPEAL.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the measure. An affirmative vote of two-thirds of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

''(3) LIMITATIONS ON CHANGES TO THIS SUBSECTION.—It shall not be in order in the Senate or the House of Representatives to consider any bill, resolution, amendment, or conference report that would repeal or otherwise change this subsection.''.

(b) TABLE OF CONTENTS.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 315 the following new item:

''Sec. 316. Discretionary spending limits.''.

SA 3305. Mr. REID proposed an amendment to amendment SA 3299 proposed by Mr. BAUCUS (for Mr. REID) to the joint resolution H.J. Res. 45, increasing the statutory limit on the public debt; as follows:

At the appropriate place insert the following:

TITLE ____—STATUTORY PAY-AS-YOU-GO ACT OF 2010

SEC. 1. SHORT TITLE.

This title may be cited as the ''Statutory Pay-As-You-Go Act of 2010''.

SEC. 2. PURPOSE.

The purpose of this title is to reestablish a statutory procedure to enforce a rule of budget neutrality on new revenue and direct spending legislation.

SEC. 3. DEFINITIONS AND APPLICATIONS.

As used in this title—

(1) The term ''BBEDCA'' means the Balanced Budget and Emergency Deficit Control Act of 1985.

(2) The definitions set forth in section 3 of the Congressional Budget and Impoundment Control Act of 1974 and in section 250 of BBEDCA shall apply to this title, except to the extent that they are specifically modified as follows:

(A) The term ''outyear'' means a fiscal year one or more years after the budget year.

(B) In section 250(c)(8)(C), the reference to the food stamp program shall be deemed to be a reference to the Supplemental Nutrition Assistance Program.

(3) The term ''AMT'' means the Alternative Minimum Tax for individuals under sections 55–59 of the Internal Revenue Code of 1986, the term ''EGTRRA'' means the Economic Growth and Tax Relief Reconciliation Act of 2001 (Public Law 107–16), and the term ''JGTRRA'' means the Jobs and Growth Tax Relief and Reconciliation Act of 2003 (Public Law 108–27).

(4)(A) The term ''budgetary effects'' means the amount by which PAYGO legislation changes outlays flowing from direct spending or revenues relative to the baseline and shall be determined on the basis of estimates prepared under section 4. Budgetary effects that increase outlays flowing from direct spending or decrease revenues are termed ''costs'' and budgetary effects that increase revenues or decrease outlays flowing from direct spending are termed ''savings''. Budgetary effects shall not include any costs associated with debt service.

(B) For purposes of these definitions, off-budget effects shall not be counted as budgetary effects.

(C) Solely for purposes of recording entries on a PAYGO scorecard, provisions in appropriation Acts are also considered to be budgetary effects for purposes of this title if such provisions make outyear modifications to substantive law, except that provisions for which the outlay effects net to zero over a period consisting of the current year, the budget year, and the 4 subsequent years shall not be considered budgetary effects. For purposes of this paragraph, the term, ''modifications to substantive law'' refers to changes to or restrictions on entitlement law or other mandatory spending contained in appropriations Acts, notwithstanding section 250(c)(8) of BBEDCA. Provisions in appropriations Acts that are neither outyear modifications to substantive law nor changes in revenues have no budgetary effects for purposes of this title.

(5) The term ''debit'' refers to the net total amount, when positive, by which costs recorded on the PAYGO scorecards for a fiscal year exceed savings recorded on those scorecards for that year.

(6) The term ''entitlement law'' refers to a section of law which provides entitlement authority.

(7) The term ''PAYGO legislation'' or a ''PAYGO Act'' refers to a bill or joint resolution that affects direct spending or revenue relative to the baseline. The budgetary effects of changes in revenues and outyear modifications to substantive law included in appropriation Acts as defined in paragraph (4) shall be treated as if they were contained in PAYGO legislation or a PAYGO Act.

(8) The term ''timing shift'' refers to a delay of the date on which outlays flowing from direct spending would otherwise occur from the ninth outyear to the tenth outyear or an acceleration of the date on which revenues would otherwise occur from the tenth outyear to the ninth outyear.

SEC. 4. PAYGO ESTIMATES AND PAYGO SCORECARDS.

(a) PAYGO ESTIMATES.—

(1) REQUIRED DESIGNATION IN PAYGO ACTS.—

(A) HOUSE OF REPRESENTATIVES.—To establish the budgetary effects of a PAYGO Act consistent with the determination made by the Chairman of the House Budget Committee, a PAYGO Act originated in or amended by the House of Representatives may include the following statement: ''The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled 'Budgetary Effects of PAYGO Legislation' for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.''.

(B) SENATE.—To establish the budgetary effects of a PAYGO Act consistent with the determination made by the Chairman of the Senate Budget Committee, a PAYGO Act originated in or amended by the Senate shall include the following statement: ''The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled 'Budgetary Effects of PAYGO Legislation' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.''.

(C) CONFERENCE REPORTS AND AMENDMENTS BETWEEN THE HOUSES.—To establish the budgetary effects of the conference report on a PAYGO Act, or an amendment to an amendment between Houses on a PAYGO Act, which if estimated shall be estimated jointly by the Chairmen of the House and Senate Budget Committees, the conference report or amendment between the Houses shall include the following statement: ''The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled 'Budgetary Effects of PAYGO Legislation' for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on this conference report or amendment between the Houses.''.

(2) DETERMINATION OF BUDGETARY EFFECTS OF PAYGO ACTS.—

(A) ORIGINAL LEGISLATION.—

(i) STATEMENT AND ESTIMATE.—Prior to a vote on passage of a PAYGO Act originated or amended by one House, the Chairman of the Budget Committee of that House may submit for printing in the Congressional Record a statement titled ''Budgetary Effects of PAYGO Legislation'' which shall include an estimate of the budgetary effects of that Act, if available prior to passage of the Act by that House and shall submit, if applicable, an identification of any current policy adjustments made pursuant to section 7 of this Act. The timely submission of such a statement, in conjunction with the appropriate designation made pursuant to paragraph (1)(A) or (1)(B), as applicable, shall establish the budgetary effects of the PAYGO Act for the purposes of this Act.

(ii) EFFECT.—The latest statement submitted by the Chairman of the Budget Committee of that House prior to passage shall supersede any prior statements submitted in the Congressional Record and shall be valid only if the PAYGO Act is not further amended by either House.

(iii) FAILURE TO SUBMIT ESTIMATE.—If—

(I) the estimate required by clause (i) has not been submitted prior to passage by that House;

(II) such estimate has been submitted but is no longer valid due to a subsequent amendment to the PAYGO Act; or

(III) the designation required pursuant to this subsection has not been made;

the budgetary effects of the PAYGO Act shall be determined under subsection (d)(3), provided that this clause shall not apply if a valid designation is subsequently included in that PAYGO Act pursuant to paragraph (1)(C) and a statement is submitted pursuant to subparagraph (B).

(B) CONFERENCE REPORTS AND AMENDMENTS BETWEEN HOUSES.—

(i) IN GENERAL.—Prior to the adoption of a report of a committee of conference on a PAYGO Act in either House, or disposition of an amendment to an amendment between Houses on a PAYGO Act, the Chairmen of the Budget Committees of the House and Senate may jointly submit for printing in the Congressional Record a statement titled ''Budgetary Effects of PAYGO Legislation'' which shall include an estimate of the budgetary effects of that Act if available prior to passage of the Act by the House acting first on the legislation and shall submit, if applicable, an identification of any current policy adjustments made pursuant to section 7 of this title. The timely submission of such a statement, in conjunction with the appropriate designation made pursuant to paragraph (1)(C), shall establish the budgetary effects of the PAYGO Act for the purposes of this Act.

(ii) FAILURE TO SUBMIT ESTIMATE.—If such estimate has not been submitted prior to the adoption of a report of a committee of conference by either House, or if the designation required pursuant to this subsection has not been made, the budgetary effects of the PAYGO Act shall be determined under subsection (d)(3).

(3) PROCEDURE IN THE SENATE.—In the Senate, upon submission of a statement titled ''Budgetary Effects of PAYGO Legislation'' by the Chairman of the Senate Budget Committee for printing in the Congressional Record, the Legislative Clerk shall read the statement.

(4) JURISDICTION OF THE BUDGET COMMITTEES.—For the purposes of enforcing section 306 of the Congressional Budget Act of 1974, a designation made pursuant to paragraph (1)(A), (1)(B), or (1)(C), that includes only the language specifically prescribed therein, shall not be considered a matter within the jurisdiction of either the Senate or House Committees on the Budget.

(b) CBO PAYGO ESTIMATES.—

(1) IN GENERAL.—

(A) ESTIMATES.—Section 308(a) of the Congressional Budget Act of 1974 is amended by adding at the end the following new paragraph:

''(3) CBO PAYGO ESTIMATES.—

''(A) The Chairs of the Committees on the Budget of the House and Senate, as applicable, shall request from the Director of the Congressional Budget Office an estimate of the budgetary effects of PAYGO legislation.

''(B) Estimates shall be prepared using baseline estimates supplied by the Congressional Budget Office, consistent with section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985.

''(C) The Director shall not count timing shifts, as that term is defined at section 3(8) of the Statutory Pay-As-You-Go Act of 2010, in estimates of the budgetary effects of PAYGO Legislation.''.

(B) SIDEHEADING.—The side heading of section 308(a) of the Congressional Budget Act of 1974 is amended by striking ''Reports on''

(2) GUIDELINES.—Section 308 of the Congressional Budget Act of 1974 is amended by adding at the end the following new subsection:

''(d) SCOREKEEPING GUIDELINES.—Estimates under this section shall be provided in accordance with the scorekeeping guidelines determined under section 252(d)(5) of the Balanced Budget and Emergency Deficit Control Act of 1985.''.

(c) CURRENT POLICY ADJUSTMENTS FOR CERTAIN LEGISLATION.—

(1) IN GENERAL.—For any provision of legislation that meets the criteria in subsection (c), (d), (e) or (f) of section 7, the Chairs of the Committees on the Budget of the House and Senate, as applicable, shall request that CBO adjust the estimate of budgetary effects of that legislation pursuant to paragraph (2) for the purposes of this title. A single piece of legislation may contain provisions that meet criteria in more than one of the subsections referred to in the preceding sentence. CBO shall adjust estimates for legislation designated under subsection (a) and estimated under subsection (b). OMB shall adjust estimates for legislation estimated under subsection (d)(3).

(2) ADJUSTMENTS.—

(A) ESTIMATES.—CBO or OMB, as applicable, shall exclude from the estimate of budgetary effects any budgetary effects of a provision that meets the criteria in subsection (c), (d), (e) or (f) of section 7, to the extent that those budgetary effects, when combined with all other excluded budgetary effects of any other previously designated provisions of enacted legislation under the same subsection of section 7, do not exceed the maximum applicable current policy adjustment defined under the applicable subsection of section 7 for the applicable 10-year period.

(B) BASELINE.—Any estimate made pursuant to subparagraph (A) shall be prepared using baseline estimates supplied by the Congressional Budget Office, consistent with section 257 of the BBEDCA. CBO estimates of legislation adjusted for current policy shall include a separate presentation of costs excluded from the calculation of budgetary effects for the legislation, as well as an updated total of all excluded costs of provisions within subsection (c), (d), or (e) of section 7, as applicable, and in the case of paragraph (1) of section 7(f), within any of the subparagraphs (A) through (L) of such paragraph, as applicable.

(3) LIMITATION ON AVAILABILITY OF EXCESS SAVINGS.—

(A) PROHIBITION ON USE OF EXCESS SAVING FOR INELIGIBLE POLICIES.—To the extent the adjustment for current policy of any provision estimated under this subsection exceeds the estimated budgetary effects of that provision, these excess savings shall not be available to offset the costs of any provisions not otherwise eligible for a current policy adjustment under section 7, and shall not be counted on the PAYGO scorecards established pursuant to subsections (d)(4) and (d)(5).

(B) PROHIBITION ON USE OF EXCESS SAVINGS ACROSS BUDGET AREAS.—For provisions eligible for a current policy adjustment under subsections (c) through (f) of section 7, to the extent the adjustment for current policy of any provision exceeds the estimated budgetary effects of that same provision, the excess savings shall be available only to offset the costs of other provisions that qualify for a current policy adjustment in that same subsection. Each paragraph in section 7(f)(1) shall be considered a separate subsection for purposes of this section.

(4) FURTHER GUIDANCE ON ESTIMATING BUDGETARY EFFECTS.—Estimates of budgetary effects under this subsection shall be consistent with the guidance provided at section 7(h).

(5) INCLUSION OF STATEMENT.—For PAYGO legislation adjusted pursuant to section 7, the Chairman of the House or Senate Budget Committee, as applicable, shall include in any statement titled ''Budgetary Effects of PAYGO Legislation'', submitted for that legislation pursuant to section 4, an explanation of the current policy designation and adjustments.

(d) OMB PAYGO SCORECARDS.—

(1) IN GENERAL.—OMB shall maintain and make publicly available a continuously updated document containing two PAYGO scorecards displaying the budgetary effects of PAYGO legislation as determined under section 308 of the Congressional Budget Act of 1974, applying the look-back requirement in subsection (e) and the averaging requirement in subsection (f), and a separate addendum displaying the estimates of the costs of provisions designated in statute as emergency requirements.

(2) ESTIMATES IN LEGISLATION.—Except as provided in paragraph (3), in making the calculations for the PAYGO scorecards, OMB shall use the budgetary effects included by reference in the applicable legislation pursuant to subsection (a).

(3) OMB PAYGO ESTIMATES.—If a PAYGO Act does not contain a valid reference to its budgetary effects consistent with subsection (a), OMB shall estimate the budgetary effects of that legislation upon its enactment. The OMB estimate shall be based on the approaches to scorekeeping set forth in section 308 of the Congressional Budget Act of 1974, as amended by this title, and subsection (g)(4), and shall use the same economic and technical assumptions as used in the most recent budget submitted by the President under section 1105(a) of title 31 of the United States Code.

(4) 5-YEAR SCORECARD.—The first scorecard shall display the budgetary effects of PAYGO legislation in each year over the 5-year period beginning in the budget year.

(5) 10-YEAR SCORECARD.—The second scorecard shall display the budgetary effects of PAYGO legislation in each year over the 10-year period beginning in the budget year.

(6) COMMUNITY LIVING ASSISTANCE SERVICES AND SUPPORTS ACT.—Neither scorecard maintained by OMB pursuant to this subsection shall include net savings from any provisions of legislation titled ''Community Living Assistance Services and Supports Act'', which establishes a Federal insurance program for long-term care, if such legislation is enacted into law, or amended, subsequent to the date of enactment of this title.

(e) LOOK-BACK TO CAPTURE CURRENT-YEAR EFFECTS.—For purposes of this section, OMB shall treat the budgetary effects of PAYGO legislation enacted during a session of Congress that occur during the current year as though they occurred in the budget year.

(f) AVERAGING USED TO MEASURE COMPLIANCE OVER 5-YEAR AND 10-YEAR PERIODS.—OMB shall cumulate the budgetary effects of a PAYGO Act over the budget year (which includes any look-back effects under subsection (e)) and—

(1) for purposes of the 5-year scorecard referred to in subsection (d)(4), the four subsequent outyears, divide that cumulative total by five, and enter the quotient in the budget-year column and in each subsequent column of the 5-year PAYGO scorecard; and

(2) for purposes of the 10-year scorecard referred to in subsection (d)(5), the nine subsequent outyears, divide that cumulative total by ten, and enter the quotient in the budget-year column and in each subsequent column of the 10-year PAYGO scorecard.

(g) EMERGENCY LEGISLATION.—

(1) DESIGNATION IN STATUTE.—If a provision of direct spending or revenue legislation in a PAYGO Act is enacted as an emergency requirement that the Congress so designates in statute pursuant to this section, the amounts of new budget authority, outlays, and revenue in all fiscal years resulting from that provision shall be treated as an emergency requirement for the purposes of this Act.

(2) DESIGNATION IN THE HOUSE OF REPRESENTATIVES.—If a PAYGO Act includes a provision expressly designated as an emergency for the purposes of this title, the Chair shall put the question of consideration with respect thereto.

(3) POINT OF ORDER IN THE SENATE.—

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

(B) SUPERMAJORITY WAIVER AND APPEALS.—

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

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

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

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

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

(4) EFFECT OF DESIGNATION ON SCORING.—If a provision is designated as an emergency requirement under this Act, CBO or OMB, as applicable, shall not include the budgetary effects of such a provision in its estimate of the budgetary effects of that PAYGO legislation.

SEC. 5. ANNUAL REPORT AND SEQUESTRATION ORDER.

(a) ANNUAL REPORT.—Not later than 14 days (excluding weekends and holidays) after Congress adjourns to end a session, OMB shall make publicly available and cause to be printed in the Federal Register an annual PAYGO report. The report shall include an

up-to-date document containing the PAYGO scorecards, a description of any current policy adjustments made under section 4(c), information about emergency legislation (if any) designated under section 4(g), information about any sequestration if required by subsection (b), and other data and explanations that enhance public understanding of this title and actions taken under it.

(b) SEQUESTRATION ORDER.—If the annual report issued at the end of a session of Congress under subsection (a) shows a debit on either PAYGO scorecard for the budget year, OMB shall prepare and the President shall issue and include in that report a sequestration order that, upon issuance, shall reduce budgetary resources of direct spending programs by enough to offset that debit as prescribed in section 6. If there is a debit on both scorecards, the order shall fully offset the larger of the two debits. OMB shall transmit the order and the report to the House of Representatives and the Senate. If the President issues a sequestration order, the annual report shall contain, for each budget account to be sequestered, estimates of the baseline level of budgetary resources subject to sequestration, the amount of budgetary resources to be sequestered, and the outlay reductions that will occur in the budget year and the subsequent fiscal year because of that sequestration.

SEC. 6. CALCULATING A SEQUESTRATION.

(a) REDUCING NONEXEMPT BUDGETARY RESOURCES BY A UNIFORM PERCENTAGE.—

(1) IN GENERAL.—OMB shall calculate the uniform percentage by which the budgetary resources of nonexempt direct spending programs are to be sequestered such that the outlay savings resulting from that sequestration, as calculated under subsection (b), shall offset the budget-year debit, if any, on the applicable PAYGO scorecard. If the uniform percentage calculated under the prior sentence exceeds 4 percent, the Medicare programs described in section 256(d) of BBEDCA shall be reduced by 4 percent and the uniform percentage by which the budgetary resources of all other nonexempt direct spending programs are to be sequestered shall be increased, as necessary, so that the sequestration of Medicare and of all other nonexempt direct spending programs together produce the required outlay savings.

(2) PROGRAMS AND ACTIVITIES IN UNIFIED BUDGET ONLY.—Subject to the exemptions set forth in section 11, OMB shall determine the uniform percentage required under paragraph (1) with respect to programs and activities contained in the unified budget only.

(b) OUTLAY SAVINGS.—In determining the amount by which a sequestration offsets a budget-year debit, OMB shall count—

(1) the amount by which the sequestration in a crop year of crop support payments, pursuant to section 256(j) of BBEDCA, reduces outlays in the budget year and the subsequent fiscal year;

(2) the amount by which the sequestration of Medicare payments in the 12-month period following the sequestration order, pursuant to section 256(d) of BBEDCA, reduces outlays in the budget year and the subsequent fiscal year; and

(3) the amount by which the sequestration in the budget year of the budgetary resources of other nonexempt mandatory programs reduces outlays in the budget year and in the subsequent fiscal year.

SEC. 7. ADJUSTMENT FOR CURRENT POLICIES.

(a) PURPOSE.—The purpose of this section is to provide for adjustments of estimates of budgetary effects of PAYGO legislation for legislation affecting 4 areas of the budget—

(1) payments made under section 1848 of the Social Security Act (referred to in this section as ''Payment for Physicians' Services'');

(2) the Estate and Gift Tax under subtitle B of the Internal Revenue Code of 1986;

(3) the AMT; and

(4) provisions of EGTRRA or JGTRRA that amended the Internal Revenue Code of 1986 (or provisions in later statutes further amending the amendments made by EGTRRA or JGTRRA), other than—

(A) the provisions of those 2 Acts that were made permanent by the Pension Protection Act of 2006 (Public Law 109–280);

(B) amendments to the Estate and Gift Tax referred to in paragraph (2);

(C) the AMT referred to in paragraph (3); and

(D) the income tax rates on ordinary income that apply to individuals with adjusted gross incomes greater than $200,000 for a single filer and $250,000 for joint filers.

(b) DURATION.—This section shall remain in effect through December 31, 2011.

(c) MEDICARE PAYMENTS TO PHYSICIANS.—

(1) CRITERIA.—Legislation that includes provisions amending or superseding the system for updating payments under subsections (d) and (f) of section 1848 of the Social Security Act shall trigger the current policy adjustment required by this title.

(2) ADJUSTMENT.—The amount of the maximum current policy adjustment shall be the difference between—

(A) estimated net outlays attributable to the payment rates and related parameters in accordance with subsections (d) and (f) of section 1848 of the Social Security Act (as scheduled on December 31, 2009, to be in effect); and

(B) what those net outlays would have been if—

(i) the nominal payment rates and related parameters in effect for 2009 had been in effect through December 31, 2014, without change; and

(ii) thereafter, the nominal payment rates and related parameters described in subparagraph (A) had applied and the assumption described in clause (i) had never applied.

(3) LIMITATION.—If the provisions in the legislation that cause it to meet the criteria in paragraph (1) cover a time period that ends before December 31, 2014, subject to the maximum adjustment provided for under paragraph (2), the amount of each current policy adjustment made pursuant to this section shall be limited to the difference between—

(A) estimated net outlays attributable to the payment rates and related parameters specified in that section of the Social Security Act (as scheduled on December 31, 2009, to be in effect for the period of time covered by the relevant provisions of the eligible legislation); and

(B) what those net outlays would have been if the nominal payment rates and related parameters in effect for 2009 had been in effect, without change, for the same period of time covered by the relevant provisions of the eligible legislation as under subparagraph (A).

(d) ESTATE AND GIFT TAX.—

(1) CRITERIA.—Legislation that includes provisions amending the Estate and Gift Tax under subtitle B of the Internal Revenue Code of 1986 shall trigger the current policy adjustment required by this title.

(2) ADJUSTMENT.—The amount of the maximum current policy adjustment shall be the difference between—

(A) total revenues projected to be collected under the Internal Revenue Code of 1986 (as scheduled on December 31, 2009, to be in effect); and

(B) what those revenue collections would have been if, on the date of enactment of the legislation meeting the criteria in paragraph (1), estate and gift tax law had instead been amended so that the tax rates, nominal exemption amounts, and related parameters in effect for tax year 2009 had remained in effect through December 31, 2011, with nominal exemption amounts indexed for inflation after 2009 consistent with subsection (g).

(3) LIMITATION.—If the provisions in the legislation that cause it to meet the criteria in paragraph (1) cover a time period that ends before December 31, 2011, subject to the maximum adjustment provided for under paragraph (2), the amount of each current policy adjustment made pursuant to this section shall be limited to the difference between—

(A) total revenues projected to be collected under the Internal Revenue Code of 1986 (as scheduled on December 31, 2009, to be in effect for the period of time covered by the relevant provisions of the eligible legislation); and

(B) what those revenues would have been if the estate and gift tax law rates, nominal exemption amounts, and related parameters in effect for 2009, with nominal exemption amounts indexed for inflation after 2009 consistent with subsection (g), had been in effect for the same period of time covered by the relevant provisions of the eligible legislation as under subparagraph (A).

(4) DURATION OF POLICY ADJUSTMENT.—Adjustments made pursuant to this subsection are available for policies affecting the estate and gift tax through only December 31, 2011. Any adjustments shall include budgetary effects in all years from these policy changes.

(e) AMT RELIEF.—

(1) CRITERIA.—Legislation that includes provisions extending AMT relief shall trigger the current policy adjustment required by this title.

(2) ADJUSTMENT.—The amount of the maximum current policy adjustment shall be the difference between—

(A) total revenues projected to be collected under the Internal Revenue Code of 1986 (as scheduled on December 31, 2009, to be in effect); and

(B) what those revenue collections would have been if, on the date of enactment of legislation meeting the criteria in paragraph (1), AMT law had instead been amended by making commensurate adjustments in the exemption amounts for joint and single filers in such a manner that the number of taxpayers with AMT liability or lost credits that occur as a result of the AMT would not be estimated to exceed the number of taxpayers affected by the AMT in tax year 2008 in any year for which relief is provided, through December 31, 2011.

(3) LIMITATION.—If the provisions in the legislation that cause it to meet the criteria in paragraph (1) cover a time period that ends before December 31, 2011, subject to the maximum adjustment provided for under paragraph (2), the amount of each current policy adjustment made pursuant to this section shall be limited to the difference between—

(A) total revenues projected to be collected under the Internal Revenue Code of 1986 (as scheduled on December 31, 2009, to be in effect for the period of time covered by the relevant provisions of the eligible legislation); and

(B) what those revenues would have been if, on the date of enactment of legislation meeting the criteria in paragraph (1), AMT law had instead been amended by making commensurate adjustments in the exemption amounts for joint and single filers in such a manner that the number of taxpayers with AMT liability or lost credits that occur as a result of the AMT would not be estimated to exceed the number of AMT taxpayers in tax year 2008 for the same period of time covered by the relevant provisions of the eligible legislation as under subparagraph (A).

(4) DURATION OF POLICY ADJUSTMENT.—Adjustments made pursuant to this subsection are available for policies affecting the AMT through only December 31, 2011. Any adjustments shall include budgetary effects in all years from these policy changes.

(f) PERMANENT EXTENSION OF MIDDLE-CLASS TAX CUTS.—

(1) CRITERIA.—Legislation that includes provisions extending middle-class tax cuts shall trigger the current policy adjustment required by this title if those provisions extend 1 or more of the following provisions:

(A) The 10 percent bracket as in effect for tax year 2010, as provided for under section 101(a) of EGTRRA and any later amendments through December 31, 2009.

(B) The child tax credit as in effect for tax year 2010, as provided for under section 201 of EGTRRA and any later amendments through December 31, 2009.

(C) Tax benefits for married couples as in effect for tax year 2010, as provided for under title III of EGTRRA and any later amendments through December 31, 2009.

(D) The adoption credit as in effect in tax year 2010, as provided for under section 202 of EGTRRA and any later amendments through December 31, 2009.

(E) The dependent care credit as in effect in tax year 2010, as provided for under section 204 of EGTRRA and any later amendments through December 31, 2009.

(F) The employer-provided child care credit as in effect in tax year 2010, as provided for under section 205 of EGTRRA and any later amendments through December 31, 2009.

(G) The education tax benefits as in effect in tax year 2010, as provided for under title IV of EGTRRA and any later amendments through December 31, 2009.

(H) The 25 and 28 percent brackets as in effect for tax year 2010, as provided for under section 101(a) of EGTRRA and any later amendments through December 31, 2009.

(I) The 33 percent bracket as in effect for tax year 2010, as provided for under section 101(a) of EGTRRA and any later amendment through December 31, 2009, affecting taxpayers with adjusted gross income of $200,000 or less for single filers and $250,000 or less for joint filers in tax year 2010, with these income levels indexed for inflation in each subsequent year consistent with subsection (g).

(J) The rates on income derived from capital gains and qualified dividends as in effect for tax year 2010, as provided for under sections 301 and 302 of JGTRRA and any later amendment through December 31, 2009, affecting taxpayers with adjusted gross income of $200,000 or less for single filers and $250,000 for joint filers with these income levels indexed for inflation in each subsequent year consistent with subsection (g).

(K) The phaseout of personal exemptions and the overall limitation on itemized deductions as in effect for tax year 2010, as provided for under sections 102 and 103 of EGTRRA of 2001, respectively, and any later amendment through December 31, 2009, affecting taxpayer with adjusted gross income of $200,000 or less for single filers and $250,000 for joint filers, with these income levels indexed for inflation in each subsequent year consistent with subsection (g).

(L) The increase in the limitations on expensing depreciable business assets for small businesses under section 179(b) of the Internal Revenue Code of 1986 as in effect in tax year 2010, as provided under section 202 of JGTRRA and any later amendment through December 31, 2009.

(2) ADJUSTMENT.—The amount of the maximum current policy adjustment shall be the difference between—

(A) total revenues projected to be collected and outlays to be paid under the Internal Revenue Code of 1986 (as scheduled on December 31, 2009, to be in effect); and

(B) what those revenue collections and outlay payments would have been if, on the date of enactment of legislation meeting the criteria in paragraph (1), the provisions identified in paragraph (1) were made permanent.

(3) LIMITATION.—If the provisions in the legislation that cause it to meet the criteria in paragraph (1) are not permanent, subject to the maximum adjustment provided for under paragraph (2), the amount of each current policy adjustment made pursuant to this section shall be limited to the difference between—

(A) total revenues projected to be collected and outlays to be paid under the Internal Revenue Code of 1986 (as scheduled on December 31, 2009, to be in effect for the period of time covered by the relevant provisions of the eligible legislation); and

(B) what those revenue collections and outlay payments would have been if, on the date of enactment of legislation meeting the criteria in paragraph (1), the provisions identified in paragraph (1) had been in effect, without change, for the same period of time covered by the relevant provisions of the eligible legislation as under subparagraph (A).

(g) INDEXING FOR INFLATION.—Indexed amounts are assumed to increase in each year by an amount equal to the cost-of-living adjustment determined under section 1(f)(3) of the Internal Revenue Code of 1986 for the calendar year in which the taxable year begins, determined by substituting ''calendar year 2008'' for ''calendar year 1992'' in subparagraph (B) of such section.

(h) GUIDANCE ON ESTIMATES AND CURRENT POLICY ADJUSTMENTS.—

(1) MIDDLE CLASS TAX CUTS.—For purposes of estimates made pursuant to subsection (f)—

(A) each of the income tax provisions shall be estimated as though the AMT had remained at current law as scheduled on December 31, 2009 to be in effect; and

(B) if more than 1 of the income tax provisions is included in a single piece of legislation, those provisions shall be estimated in the order in which they appear.

(2) AMT.—For purposes of estimates made pursuant to subsection (e), changes to the AMT shall be estimated as if, on the date of enactment of legislation meeting the criteria in subsection (e)(1), all of the income tax provisions identified in subsection (f)(1) were made permanent.

SEC. 8. APPLICATION OF BBEDCA.

For purposes of this title—

(1) notwithstanding section 275 of BBEDCA, the provisions of sections 255, 256, 257, and 274 of BBEDCA, as amended by this title, shall apply to the provisions of this title;

(2) references in sections 255, 256, 257, and 274 to ''this part'' or ''this title'' shall be interpreted as applying to this title;

(3) references in sections 255, 256, 257, and 274 of BBEDCA to ''section 254'' shall be interpreted as referencing section 5 of this title;

(4) the reference in section 256(b) of BBEDCA to ''section 252 or 253'' shall be interpreted as referencing section 5 of this title;

(5) the reference in section 256(d)(1) of BBEDCA to ''section 252 or 253'' shall be interpreted as referencing section 6 of this title;

(6) the reference in section 256(d)(4) of BBEDCA to ''section 252 or 253'' shall be interpreted as referencing section 5 of this title;

(7) section 256(k) of BBEDCA shall apply to a sequestration, if any, under this title; and

(8) references in section 257(e) of BBEDCA to ''section 251, 252, or 253'' shall be interpreted as referencing section 4 of this title.

SEC. 9. TECHNICAL CORRECTIONS.

(a) Section 250(c)(18) of BBEDCA is amended by striking ''the expenses the Federal deposit insurance agencies'' and inserting ''the expenses of the Federal deposit insurance agencies''.

(b) Section 256(k)(1) of BBEDCA is amended by striking ''in paragraph (5)'' and inserting ''in paragraph (6)''.

SEC. 10. CONFORMING AMENDMENTS.

(a) Section 256(a) of BBEDCA is repealed.

(b) Section 256(b) of BBEDCA is amended by striking ''origination fees under sections 438(c)(2) and 455(c) of that Act shall each be increased by 0.50 percentage point.'' and inserting in lieu thereof ''origination fees under sections 438(c)(2) and (6) and 455(c) and loan processing and issuance fees under section 428(f)(1)(A)(ii) of that Act shall each be increased by the uniform percentage specified in that sequestration order, and, for student loans originated during the period of the sequestration, special allowance payments under section 438(b) of that Act accruing during the period of the sequestration shall be reduced by the uniform percentage specified in that sequestration order.''.

(c) Section 256(c) of BBEDCA is repealed.

(d) Section 256(d) of BBEDCA is amended—

(1) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (5), and (6);

(2) by amending paragraph (1) to read as follows:

''(1) CALCULATION OF REDUCTION IN PAYMENT AMOUNTS.—To achieve the total percentage reduction in those programs required by section 252 or 253, subject to paragraph (2), and notwithstanding section 710 of the Social Security Act, OMB shall determine, and the applicable Presidential order under section 254 shall implement, the percentage reduction that shall apply, with respect to the health insurance programs under title XVIII of the Social Security Act—

''(A) in the case of parts A and B of such title, to individual payments for services furnished during the one-year period beginning on the first day of the first month beginning after the date the order is issued (or, if later, the date specified in paragraph (4)); and

''(B) in the case of parts C and D, to monthly payments under contracts under such parts for the same one-year period;

such that the reduction made in payments under that order shall achieve the required total percentage reduction in those payments for that period.''.

(3) by inserting after paragraph (1) the following:

''(2) UNIFORM REDUCTION RATE; MAXIMUM PERMISSIBLE REDUCTION.—Reductions in payments for programs and activities under such title XVIII pursuant to a sequestration order under section 254 shall be at a uniform rate, which shall not exceed 4 percent, across all such programs and activities subject to such order.'';

(4) by inserting after paragraph (3), as redesignated, the following:

''(4) TIMING OF SUBSEQUENT SEQUESTRATION ORDER.—A sequestration order required by section 252 or 253 with respect to programs under such title XVIII shall not take effect until the first month beginning after the end of the effective period of any prior sequestration order with respect to such programs, as determined in accordance with paragraph (1).'';

(5) in paragraph (6), as redesignated, to read as follows:

''(6) SEQUESTRATION DISREGARDED IN COMPUTING PAYMENT AMOUNTS.—The Secretary of Health and Human Services shall not take into account any reductions in payment

amounts which have been or may be effected under this part, for purposes of computing any adjustments to payment rates under such title XVIII, specifically including—

''(A) the part C growth percentage under section 1853(c)(6);

''(B) the part D annual growth rate under section 1860D–2(b)(6); and

''(C) application of risk corridors to part D payment rates under section 1860D–15(e).''; and

(6) by adding after paragraph (6), as redesignated, the following:

''(7) EXEMPTIONS FROM SEQUESTRATION.—In addition to the programs and activities specified in section 255, the following shall be exempt from sequestration under this part:

''(A) PART D LOW-INCOME SUBSIDIES.—Premium and cost-sharing subsidies under section 1860D–14 of the Social Security Act.

''(B) PART D CATASTROPHIC SUBSIDY.—Payments under section 1860D–15(b) and (e)(2)(B) of the Social Security Act.

''(C) QUALIFIED INDIVIDUAL (QI) PREMIUMS.—Payments to States for coverage of Medicare cost-sharing for certain low-income Medicare beneficiaries under section 1933 of the Social Security Act.''.

SEC. 11. EXEMPT PROGRAMS AND ACTIVITIES.

(a) DESIGNATIONS.—Section 255 of BBEDCA is amended by redesignating subsection (i) as (j) and striking ''1998'' and inserting in lieu thereof ''2010''.

(b) SOCIAL SECURITY, VETERANS PROGRAMS, NET INTEREST, AND TAX CREDITS.—Subsections (a) through (d) of section 255 of BBEDCA are amended to read as follows:

''(a) SOCIAL SECURITY BENEFITS AND TIER I RAILROAD RETIREMENT BENEFITS.—Benefits payable under the old-age, survivors, and disability insurance program established under title II of the Social Security Act (42 U.S.C. 401 et seq.), and benefits payable under section 231b(a), 231b(f)(2), 231c(a), and 231c(f) of title 45 United States Code, shall be exempt from reduction under any order issued under this part.

''(b) VETERANS PROGRAMS.—The following programs shall be exempt from reduction under any order issued under this part:

''All programs administered by the Department of Veterans Affairs.

''Special Benefits for Certain World War II Veterans (28–0401–0–1–701).

''(c) NET INTEREST.—No reduction of payments for net interest (all of major functional category 900) shall be made under any order issued under this part.

''(d) REFUNDABLE INCOME TAX CREDITS.—Payments to individuals made pursuant to provisions of the Internal Revenue Code of 1986 establishing refundable tax credits shall be exempt from reduction under any order issued under this part.''.

(c) OTHER PROGRAMS AND ACTIVITIES, LOW-INCOME PROGRAMS, AND ECONOMIC RECOVERY PROGRAMS.—Subsections (g) and (h) of section 255 of BBEDCA are amended to read as follows:

''(g) OTHER PROGRAMS AND ACTIVITIES.—

''(1)(A) The following budget accounts and activities shall be exempt from reduction under any order issued under this part:

''Activities resulting from private donations, bequests, or voluntary contributions to the Government.

''Activities financed by voluntary payments to the Government for goods or services to be provided for such payments.

''Administration of Territories, Northern Mariana Islands Covenant grants (14–0412–0–1–808).

''Advances to the Unemployment Trust Fund and Other Funds (16–0327–0–1–600).

''Black Lung Disability Trust Fund Refinancing (16–0329–0–1–601).

''Bonneville Power Administration Fund and borrowing authority established pursuant to section 13 of Public Law 93–454 (1974), as amended (89–4045–0–3–271).

''Claims, Judgments, and Relief Acts (20–1895–0–1–808).

''Compact of Free Association (14–0415–0–1–808).

''Compensation of the President (11–0209–01–1–802).

''Comptroller of the Currency, Assessment Funds (20–8413–0–8–373).

''Continuing Fund, Southeastern Power Administration (89–5653–0–2–271).

''Continuing Fund, Southwestern Power Administration (89–5649–0–2–271).

''Dual Benefits Payments Account (60–0111–0–1–601).

''Emergency Fund, Western Area Power Administration (89–5069–0–2–271).

''Exchange Stabilization Fund (20–4444–0–3–155).

''Farm Credit Administration Operating Expenses Fund (78–4131–0–3–351).

''Farm Credit System Insurance Corporation, Farm Credit Insurance Fund (78–4171–0–3–351).

''Federal Deposit Insurance Corporation, Deposit Insurance Fund (51–4596–0–4–373).

''Federal Deposit Insurance Corporation, FSLIC Resolution Fund (51–4065–0–3–373).

''Federal Deposit Insurance Corporation, Noninterest Bearing Transaction Account Guarantee (51–4458–0–3–373).

''Federal Deposit Insurance Corporation, Senior Unsecured Debt Guarantee (51–4457–0–3–373).

''Federal Home Loan Mortgage Corporation (Freddie Mac).

''Federal Housing Finance Agency, Administrative Expenses (95–5532–0–2–371).

''Federal National Mortgage Corporation (Fannie Mae).

''Federal Payment to the District of Columbia Judicial Retirement and Survivors Annuity Fund (20–1713–0–1–752).

''Federal Payment to the District of Columbia Pension Fund (20–1714–0–1–601).

''Federal Payments to the Railroad Retirement Accounts (60–0113–0–1–601).

''Federal Reserve Bank Reimbursement Fund (20–1884–0–1–803).

''Financial Agent Services (20–1802–0–1–803).

''Foreign Military Sales Trust Fund (11–8242–0–7–155).

''Hazardous Waste Management, Conservation Reserve Program (12–4336–0–3–999).

''Host Nation Support Fund for Relocation (97–8337–0–7–051).

''Internal Revenue Collections for Puerto Rico (20–5737–0–2–806).

''Intragovernmental funds, including those from which the outlays are derived primarily from resources paid in from other government accounts, except to the extent such funds are augmented by direct appropriations for the fiscal year during which an order is in effect.

''Medical Facilities Guarantee and Loan Fund (75–9931–0–3–551).

''National Credit Union Administration, Central Liquidity Facility (25–4470–0–3–373).

''National Credit Union Administration, Corporate Credit Union Share Guarantee Program (25–4476–0–3–376).

''National Credit Union Administration, Credit Union Homeowners Affordability Relief Program (25–4473–0–3–371).

''National Credit Union Administration, Credit Union Share Insurance Fund (25–4468–0–3–373).

''National Credit Union Administration, Credit Union System Investment Program (25–4474–0–3–376).

''National Credit Union Administration, Operating fund (25–4056–0–3–373).

''National Credit Union Administration, Share Insurance Fund Corporate Debt Guarantee Program (25–4469–0–3–376).

''National Credit Union Administration, U.S. Central Federal Credit Union Capital Program (25–4475–0–3–376).

''Office of Thrift Supervision (20–4108–0–3–373).

''Panama Canal Commission Compensation Fund (16–5155–0–2–602).

''Payment of Vietnam and USS Pueblo prisoner-of-war claims within the Salaries and Expenses, Foreign Claims Settlement account (15–0100–0–1–153).

''Payment to Civil Service Retirement and Disability Fund (24–0200–0–1–805).

''Payment to Department of Defense Medicare-Eligible Retiree Health Care Fund (97–0850–0–1–054).

''Payment to Judiciary Trust Funds (10–0941–0–1–752).

''Payment to Military Retirement Fund (97–0040–0–1–054).

''Payment to the Foreign Service Retirement and Disability Fund (19–0540–0–1–153).

''Payments to Copyright Owners (03–5175–0–2–376).

''Payments to Health Care Trust Funds (75–0580–0–1–571).

''Payment to Radiation Exposure Compensation Trust Fund (15–0333–0–1–054).

''Payments to Social Security Trust Funds (28–0404–0–1–651).

''Payments to the United States Territories, Fiscal Assistance (14–0418–0–1–806).

''Payments to trust funds from excise taxes or other receipts properly creditable to such trust funds.

''Payments to widows and heirs of deceased Members of Congress (00–0215–0–1–801).

''Postal Service Fund (18–4020–0–3–372).

''Radiation Exposure Compensation Trust Fund (15–8116–0–1–054).

''Reimbursement to Federal Reserve Banks (20–0562–0–1–803).

''Salaries of Article III judges.

''Soldiers and Airmen's Home, payment of claims (84–8930–0–7–705).

''Tennessee Valley Authority Fund, except nonpower programs and activities (64–4110–0–3–999).

''Tribal and Indian trust accounts within the Department of the Interior which fund prior legal obligations of the Government or which are established pursuant to Acts of Congress regarding Federal management of tribal real property or other fiduciary responsibilities, including but not limited to Tribal Special Fund (14–5265–0–2–452), Tribal Trust Fund (14–8030–0–7–452), White Earth Settlement (14–2204–0–1–452), and Indian Water Rights and Habitat Acquisition (14–5505–0–2–303).

''United Mine Workers of America 1992 Benefit Plan (95–8260–0–7–551).

''United Mine Workers of America 1993 Benefit Plan (95–8535–0–7–551).

''United Mine Workers of America Combined Benefit Fund (95–8295–0–7–551).

''United States Enrichment Corporation Fund (95–4054–0–3–271).

''Universal Service Fund (27–5183–0–2–376).

''Vaccine Injury Compensation (75–0320–0–1–551).

''Vaccine Injury Compensation Program Trust Fund (20–8175–0–7–551).

''(B) The following Federal retirement and disability accounts and activities shall be exempt from reduction under any order issued under this part:

''Black Lung Disability Trust Fund (20–8144–0–7–601).

''Central Intelligence Agency Retirement and Disability System Fund (56–3400–0–1–054).

''Civil Service Retirement and Disability Fund (24–8135–0–7–602).

''Comptrollers general retirement system (05–0107–0–1–801).

''Contributions to U.S. Park Police annuity benefits, Other Permanent Appropriations (14–9924–0–2–303).

''Court of Appeals for Veterans Claims Retirement Fund (95–8290–0–7–705).

''Department of Defense Medicare-Eligible Retiree Health Care Fund (97–5472–0–2–551).

''District of Columbia Federal Pension Fund (20–5511–0–2–601).

''District of Columbia Judicial Retirement and Survivors Annuity Fund (20–8212–0–7–602).

''Energy Employees Occupational Illness Compensation Fund (16–1523–0–1–053).

''Foreign National Employees Separation Pay (97–8165–0–7–051).

''Foreign Service National Defined Contributions Retirement Fund (19–5497–0–2–602).

''Foreign Service National Separation Liability Trust Fund (19–8340–0–7–602).

''Foreign Service Retirement and Disability Fund(19–8186–0–7–602).

''Government Payment for Annuitants, Employees Health Benefits (24–0206–0–1–551).

''Government Payment for Annuitants, Employee Life Insurance (24–0500–0–1–602).

''Judicial Officers' Retirement Fund (10–8122–0–7–602).

''Judicial Survivors' Annuities Fund (10–8110–0–7–602).

''Military Retirement Fund (97–8097–0–7–602).

''National Railroad Retirement Investment Trust (60–8118–0–7–601).

''National Oceanic and Atmospheric Administration retirement (13–1450–0–1–306).

''Pensions for former Presidents (47–0105–0–1–802).

''Postal Service Retiree Health Benefits Fund (24–5391–0–2–551).

''Public Safety Officer Benefits (15–0403–0–1–754).

''Rail Industry Pension Fund (60–8011–0–7–601).

''Retired Pay, Coast Guard (70–0602–0–1–403).

''Retirement Pay and Medical Benefits for Commissioned Officers, Public Health Service (75–0379–0–1–551).

''Special Benefits for Disabled Coal Miners (16–0169–0–1–601).

''Special Benefits, Federal Employees' Compensation Act (16–1521–0–1–600).

''Special Workers Compensation Expenses (16–9971–0–7–601).

''Tax Court Judges Survivors Annuity Fund (23–8115–0–7–602).

''United States Court of Federal Claims Judges' Retirement Fund (10–8124–0–7–602).

''United States Secret Service, DC Annuity (70–0400–0–1–751).

''Voluntary Separation Incentive Fund (97–8335–0–7–051).

''(2) Prior legal obligations of the Government in the following budget accounts and activities shall be exempt from any order issued under this part:

''Biomass Energy Development (20–0114–0–1–271).

''Check Forgery Insurance Fund (20–4109–0–3–803).

''Credit liquidating accounts.

''Credit reestimates.

''Employees Life Insurance Fund (24–8424–0–8–602).

''Federal Aviation Insurance Revolving Fund (69–4120–0–3–402).

''Federal Crop Insurance Corporation Fund (12–4085–0–3–351).

''Federal Emergency Management Agency, National Flood Insurance Fund (58–4236–0–3–453).

''Geothermal resources development fund (89–0206–0–1–271).

''Low-Rent Public Housing—Loans and Other Expenses (86–4098–0–3–604).

''Maritime Administration, War Risk Insurance Revolving Fund (69–4302–0–3–403).

''Natural Resource Damage Assessment Fund (14–1618–0–1–302).

''Overseas Private Investment Corporation, Noncredit Account (71–4184–0–3–151).

''Pension Benefit Guaranty Corporation Fund (16–4204–0–3–601).

''San Joaquin Restoration Fund (14–5537–0–2–301).

''Servicemembers' Group Life Insurance Fund (36–4009–0–3–701).

''Terrorism Insurance Program (20–0123–0–1–376).

''(h) LOW-INCOME PROGRAMS.—The following programs shall be exempt from reduction under any order issued under this part:

''Academic Competitiveness/Smart Grant Program (91–0205–0–1–502).

''Child Care Entitlement to States (75–1550–0–1–609).

''Child Enrollment Contingency Fund (75–5551–0–2–551).

''Child Nutrition Programs (with the exception of special milk programs) (12–3539–0–1–605).

''Children's Health Insurance Fund (75–0515–0–1–551).

''Commodity Supplemental Food Program (12–3507–0–1–605).

''Contingency Fund (75–1522–0–1–609).

''Family Support Programs (75–1501–0–1–609).

''Federal Pell Grants under section 401 Title IV of the Higher Education Act.

''Grants to States for Medicaid (75–0512–0–1–551).

''Payments for Foster Care and Permanency (75–1545–0–1–609).

''Supplemental Nutrition Assistance Program (12–3505–0–1–605).

''Supplemental Security Income Program (28–0406–0–1–609).

''Temporary Assistance for Needy Families (75–1552–0–1–609).''.

(d) ADDITIONAL EXCLUDED PROGRAMS.—Section 255 of BBEDCA is amended by adding the following after subsection (h):

''(i) ECONOMIC RECOVERY PROGRAMS.—The following programs shall be exempt from reduction under any order issued under this part:

''GSE Preferred Stock Purchase Agreements (20–0125–0–1–371).

''Office of Financial Stability (20–0128–0–1–376).

''Special Inspector General for the Troubled Asset Relief Program (20–0133–0–1–376).

''(j) SPLIT TREATMENT PROGRAMS.—Each of the following programs shall be exempt from any order under this part to the extent that the budgetary resources of such programs are subject to obligation limitations in appropriations bills:

''Federal-Aid Highways (69–8083–0–7–401).

''Highway Traffic Safety Grants (69–8020–0–7–401).

''Operations and Research NHTSA and National Driver Register (69–8016–0–7–401).

''Motor Carrier Safety Operations and Programs (69–8159–0–7–401).

''Motor Carrier Safety Grants (69–8158–0–7–401).

''Formula and Bus Grants (69–8350–0–7–401).

''Grants-In-Aid for Airports (69–8106–0–7–402).''.

SEC. 12. DETERMINATIONS AND POINTS OF ORDER.

Nothing in this title shall be construed as limiting the authority of the chairmen of the Committees on the Budget of the House and Senate under section 312 of the Congressional Budget Act of 1974. CBO may consult with the Chairmen of the House and Senate Budget Committees to resolve any ambiguities in this title.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, January 28, at 2:15 p.m. in Room 628 of the Dirksen Senate Office Building to conduct a hearing on the nomination of Lillian A. Sparks to be Commissioner of the Administration for Native Americans, U.S. Department of Health and Human Services, to be followed immediately by an oversight hearing entitled on ''Unemployment on Indian Reservations at 50 percent: the urgent need to create jobs in Indian Country.''

Those wishing additional information may contact the Indian Affairs Committee.

SUBCOMMITTEE ON WATER AND POWER

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources. The hearing will be held on Tuesday, February 9, 2010, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this oversight hearing is to receive testimony on the Bureau of Reclamation's implementation of the SECURE Water Act, (Title 9501 of P.L. 111–11) and the Bureau of Reclamation's Water Conservation Initiative which includes the Challenge Grant Program, the Basin Study Program and the Title XVI Program.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by email to Gina_Weinstock@energy.senate.gov.

For further information, please contact Tanya Trujillo or Gina Weinstock.

DESIGNATING FEBRUARY 1 THROUGH FEBRUARY 5, 2010, AS NATIONAL SCHOOL COUNSELING WEEK

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 381, and the Senate proceed to its immediate consideration.

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

The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 381) designating the week of February 1 through February 5, 2010, as ''National School Counseling Week.''

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

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, there be no intervening action or debate, and any statements relating to the matter be printed in the RECORD.

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

The resolution (S. Res. 381) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 381

Whereas the American School Counselor Association has declared the week of February 1 through February 5, 2010, as ''National School Counseling Week'';

Whereas the Senate has recognized the importance of school counseling through the inclusion of elementary and secondary school counseling programs in the reauthorization of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

Whereas school counselors have long advocated that the education system of the United States must leave no child behind and must provide opportunities for every student;

Whereas personal and social growth results in increased academic achievement;

Whereas school counselors help develop well-rounded students by guiding the students through their academic, personal, social, and career development;

Whereas school counselors have been instrumental in helping students, teachers, and parents deal with the trauma that was inflicted upon them by hurricanes Katrina, Rita, and Wilma, and other recent natural disasters;

Whereas students face a myriad of challenges every day, including peer pressure, depression, the deployment of family members to serve in conflicts overseas, and school violence;

Whereas school counselors are usually the only professionals in a school building who are trained in both education and mental health matters;

Whereas the roles and responsibilities of school counselors are often misunderstood, and the school counselor position is often among the first to be eliminated in order to meet budgetary constraints;

Whereas the national average ratio of students to school counselors of 475-to-1 is almost twice the 250-to-1 ratio recommended by the American School Counselor Association, the American Counseling Association, the American Medical Association, the American Psychological Association, and other organizations; and

Whereas the celebration of National School Counseling Week would increase awareness of the important and necessary role school counselors play in the lives of students in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of February 1 through February 5, 2010, as ''National School Counseling Week''; and

(2) encourages the people of the United States to observe the week with appropriate ceremonies and activities that promote awareness of the role school counselors perform in the school and the community at large in preparing students for fulfilling lives as contributing members of society.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

HAITI

Mr. REID. Mr. President, we have all been working to help the people of Haiti and the American citizens who have been caught up in this tragedy. That is why we are committed to work with Senator BAUCUS, Senator NELSON, Senator MENENDEZ, and Republican colleagues to make sure we pass legislation next week so the Department of Health and Human Services will continue to have the funding they need to help American citizens who are repatriated from Haiti.

UNANIMOUS CONSENT AGREEMENT—H.J. RES. 45 AND EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that on Tuesday, January 26, when the Senate resumes consideration of H.J. Res. 45, the time until 11:30 a.m. be equally divided and controlled between the leaders or their designees, with the time to be divided to run concurrently on the Baucus amendment No. 3300 and the Conrad-Gregg amendment No. 3302; that at 11:30 a.m., the Senate proceed to vote in relation to the Baucus amendment, to be followed by a vote on the Conrad-Gregg amendment, with 2 minutes of debate equally divided prior to the second vote in this sequence, with the provisions of the December 22 order in effect.

Further, as in executive session, I ask unanimous consent that on Monday, January 25, at 5:30 p.m., the Senate proceed to executive session to consider Executive Calendar No. 608, the nomination of Rosanna Peterson to be a U.S. district judge for the Eastern District of Washington, with the time until 6 p.m. equally divided and controlled between Senators LEAHY and SESSIONS or their designees; that at 6 p.m., the Senate then proceed to vote on confirmation of the nomination; that upon confirmation, the motion to reconsider be laid upon the table, no further motion be in order, the President be immediately notified of the Senate's action, and the Senate resume legislative session.

Before the Chair rules on my request, let me indicate for the record that with respect to the judicial nomination, the majority was in a position to agree to a vote on the nomination of Joseph Greenaway to be a U.S. circuit judge for the Third Circuit. However, I was advised the Republicans would not agree to such request. Therefore, we have substituted the nomination of Rosanna Peterson as noted above.

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

Mr. REID. Mr. President, I ask the pardon of everyone here. It is a shame sometimes that things take so long. I have been working this afternoon for 3½ hours, or maybe longer, trying to get to this point—numerous conversations with a few Senators—and we are now at a point where we can move on to the next day's business.

ORDERS FOR MONDAY, JANUARY 25, 2010

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, January 25; 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 3 p.m. with Senators permitted to speak for up to 10 minutes each; and that following morning business, the Senate resume consideration of H.J. Res. 45, a joint resolution increasing the statutory limit on the public debt.

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

PROGRAM

Mr. REID. Mr. President, at 6 p.m. on Monday, the Senate will proceed to a vote on confirmation of the nomination of Rosanna Malouf Peterson, of Washington, to be a Federal District Judge for the Eastern District of Washington.

ADJOURNMENT UNTIL MONDAY, JANUARY 25, 2010, AT 2 P.M.

Mr. REID. 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 5:48 p.m., adjourned until Monday, January 25, 2010, at 2 p.m.