The PRESIDING OFFICER. Is there objection?

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

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

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

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

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 926

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

The PRESIDING OFFICER. The clerk will report. The legislative clerk read as follows:

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

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

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

The amendment is as follows:

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

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

SEC. 1. POINT OF ORDER AGAINST LEGISLATION THAT CAUSES SIGNIFICANT JOB LOSS.

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

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

(b) SUPERMAJORITY WAIVER AND APPEAL.—

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

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

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

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

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

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

[Rollcall Vote No. 142 Leg.]

YEAS—54

Alexander
Baucus
Bayh
Bennett
Bond
Brownback
Bunning
Burr
Byrd
Chambliss
Cochran
Collins
Corker
Corzine
Craio
DeMint
Stabenow

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

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

Mr. BOND. Will the Senator yield?

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

The question is on agreeing to the amendment.

The yeas and nays were previously ordered.

The clerk will call the roll.

The legislative clerk called the roll.

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

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

[Rollcall Vote No. 142 Leg.]

NAYS—44

Akaka
Baucus
Bingaman
Boxer
Brown
Burr
Cantwell
Cardin
Carper
Conrad
Dodd
Durbin
Feinstein

NOT VOTING—1

Kennedy

The amendment (No. 926) was agreed to.

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

The motion to lay on the table was agreed to.

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

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

The legislative clerk proceeded to call the roll.
On page 10, line 3, decrease amount by $114,000,000.
On page 10, line 4, decrease amount by $114,000,000.
On page 10, line 7, decrease amount by $50,000,000.
On page 10, line 8, decrease amount by $50,000,000.
On page 11, line 25, decrease amount by $1,095,000,000.
On page 12, line 1, decrease amount by $1,095,000,000.
On page 12, line 5, decrease amount by $750,000,000.
On page 12, line 9, decrease amount by $174,000,000.
On page 12, line 12, decrease amount by $63,000,000.
On page 12, line 13, decrease amount by $63,000,000.
On page 13, line 25, decrease amount by $13,760,000,000.
On page 14, line 1, decrease amount by $13,760,000,000.
On page 14, line 4, decrease amount by $11,759,000,000.
On page 14, line 5, decrease amount by $11,759,000,000.
On page 14, line 8, decrease amount by $7,729,000,000.
On page 14, line 9, decrease amount by $5,419,000,000.
On page 14, line 12, decrease amount by $5,419,000,000.
On page 14, line 13, decrease amount by $5,419,000,000.
On page 14, line 25, decrease amount by $5,685,000,000.
On page 14, line 1, decrease amount by $5,685,000,000.
On page 14, line 4, decrease amount by $4,111,000,000.
On page 14, line 15, increase amount by $4,111,000,000.
On page 15, line 8, decrease amount by $2,286,000,000.
On page 15, line 9, decrease amount by $2,286,000,000.
On page 15, line 12, decrease amount by $468,000,000.
On page 15, line 13, decrease amount by $468,000,000.
On page 15, line 25, decrease amount by $5,581,000,000.
On page 16, line 1, decrease amount by $5,584,000,000.
On page 16, line 4, decrease amount by $1,249,000,000.
On page 16, line 5, decrease amount by $1,284,000,000.
On page 16, line 8, decrease amount by $3,047,000,000.
On page 16, line 9, decrease amount by $3,047,000,000.
On page 16, line 12, decrease amount by $3,047,000,000.
On page 16, line 13, decrease amount by $3,047,000,000.
On page 16, line 25, decrease amount by $8,785,000,000.
On page 17, line 1, decrease amount by $8,785,000,000.
On page 17, line 4, decrease amount by $7,035,000,000.
On page 17, line 5, decrease amount by $7,035,000,000.
On page 18, line 8, decrease amount by $6,052,000,000.
On page 18, line 9, decrease amount by $6,052,000,000.
On page 18, line 12, decrease amount by $5,422,000,000.
On page 18, line 13, decrease amount by $5,422,000,000.
On page 19, line 3, decrease amount by $29,963,000,000.
On page 19, line 4, decrease amount by $29,963,000,000.
On page 19, line 7, decrease amount by $4,011,000,000.
On page 19, line 8, decrease amount by $4,011,000,000.
On page 19, line 10, decrease amount by $326,000,000.
On page 19, line 11, decrease amount by $326,000,000.
On page 20, line 3, decrease amount by $6,421,000,000.
On page 20, line 4, decrease amount by $6,421,000,000.
On page 20, line 7, decrease amount by $3,157,000,000.
On page 20, line 8, decrease amount by $3,157,000,000.
On page 20, line 11, decrease amount by $842,000,000.
On page 20, line 12, decrease amount by $842,000,000.
On page 20, line 15, decrease amount by $183,000,000.
On page 20, line 16, decrease amount by $297,000,000.
On page 23, line 3, decrease amount by $133,000,000.
On page 23, line 4, decrease amount by $133,000,000.
On page 23, line 7, decrease amount by $150,000,000.
On page 23, line 8, decrease amount by $150,000,000.
On page 23, line 11, decrease amount by $150,000,000.
On page 24, line 3, decrease amount by $297,000,000.
On page 24, line 4, decrease amount by $297,000,000.
On page 24, line 7, decrease amount by $133,000,000.
On page 24, line 8, decrease amount by $133,000,000.
On page 25, line 3, decrease amount by $848,000,000.
On page 25, line 4, decrease amount by $848,000,000.
On page 25, line 7, decrease amount by $649,000,000.
On page 25, line 8, decrease amount by $649,000,000.
On page 25, line 11, decrease amount by $750,000,000.
On page 25, line 12, decrease amount by $750,000,000.
On page 26, line 3, decrease amount by $1,400,000,000.
On page 26, line 4, decrease amount by $1,400,000,000.
On page 26, line 7, decrease amount by $1,400,000,000.
On page 26, line 8, decrease amount by $1,196,000,000.
On page 26, line 11, decrease amount by $1,024,000,000.
On page 26, line 12, decrease amount by $1,024,000,000.
On page 26, line 15, decrease amount by $504,000,000.
On page 26, line 16, decrease amount by $504,000,000.
On page 27, line 3, decrease amount by $857,000,000.
On page 27, line 4, decrease amount by $857,000,000.
On page 27, line 7, decrease amount by $857,000,000.
On page 27, line 8, decrease amount by $857,000,000.
On page 27, line 11, decrease amount by $230,000,000.
On page 27, line 12, decrease amount by $230,000,000.
Mr. CONRAD. Mr. President, I need to alert colleagues that we really need them, if they have amendments, to be on the floor or in the cloakroom. We have amendments that we are ready to go to, but we can’t find the Senators. So let me just tell you, if we can’t find them, they are going to lose their chance to offer their amendment. We are going to give a 5-minute grace period, but if Senators have amendments, they have to be in a place where we can reach them.

AMENDMENT NOS. 889, 891, 895, 899, 912, 794, 899, 883, 970, 128, 887, 917, 838, AND 916

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

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

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

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

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

AMENDMENT NO. 889

(Purpose: To establish a deficit-neutral reserve fund to expedite research on viability of the use of higher ethanol blends at the service station pump.)

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

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

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

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

AMENDMENT NO. 891

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

On page 38, line 18, insert ‘‘, such as enhanced charitable giving from individual retirement accounts, including life-income gifts,’’ before ‘‘or refundable tax relief’’.
(Purpose: To increase funding for the Maternal and Child Health Block Grant within the Health Resources and Services Administration by $188,000,000) On page 19, line 24, increase the amount by $188,000,000.

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

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

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

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

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

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

On page 28, line 3, decrease the amount by $61,000,000.

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

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

(Purpose: To modify the deficit-neutral reserve fund for Clean Energy to create jobs and strengthen American manufacturing competitiveness by establishing clean renewable energy manufacturing supply chains) On page 33, line 2, after “development,” insert “strengthen and retool manufacturing supply chains.”

(Purpose: To include in the deficit-neutral reserve fund for America’s veterans and wounded servicemembers funding authority for retirement benefits for members of the Alaska Territorial Guard who served during and after World War II) On page 41, line 24, insert after “Indemnity Compensation,” the following: “provide for the payment of retired pay for members of the Alaska Territorial Guard during and after World War II.”

(Purpose: To establish deficit-neutral reserve funds to enhance and coordinate drug control efforts among Federal, State, and local law enforcement agencies through the expansion of the High Intensity Drug Trafficking Areas program and increased drug interdiction funding at the Department of Homeland Security) On page 49, between lines 3 and 4, insert the following:

SEC. 6. DEFICIT-NEUTRAL RESERVE FUNDS TO ENHANCE DRUG-CONTROL EFFORTS WITHIN OUR COMMUNITIES AND ALONG OUR BORDERS.

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

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

(Purpose: To ensure that health coverage is affordable to small businesses and individuals who are self-employed) On page 30, line 10, strike “households” and insert “(in particular to small business and individuals who are self-employed), households.”

(Purpose: To provide for a deficit-neutral reserve fund to promote individual savings and financial security, and for other purposes) At the appropriate place, insert the following:

SEC. 7. DEFICIT-NEUTRAL RESERVE FUND TO PROMOTE INDIVIDUAL SAVINGS AND FINANCIAL SECURITY.

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

(Purpose: To ensure that the deficit-neutral reserve fund for higher education may be used for Federal TRIO programs and Gain- ing Early Awareness and Readiness for Undergraduate Programs) On page 34, line 13, insert “as such by in- vesting in programs such as the programs under chapters 1 and 2 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1072a-11 et seq., 1070a-21 et seq.),” after “students,”.

(Purpose: To establish a deficit-neutral reserve fund to support the National Health Service Corps) On page 49, between lines 3 and 4, insert the following:

SEC. 8. DEFICIT-NEUTRAL RESERVE FUND FOR THE NATIONAL HEALTH SERVICE CORPS.

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

(Purpose: To establish a deficit-neutral reserve fund to promote individual savings and financial security, and for other purposes) At the appropriate place in title II, insert the following:

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

(a) IN GENERAL.—Subsection (b) of section 1538 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3195) is fully funded.

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

(Purpose: To expand the matters covered by the deficit-neutral reserve fund for defense acquisition and contracting reform) On page 43, after line 24, add the following: (4) reduce the award of contracts to con- tractors with serious cost overruns or cost underbids; (5) reduce the use of contracts, including the continuation of task orders, awarded under the Logistics Civil Augmentation Program (LOGCAP) III; (6) reduce Department of Defense processes for acquiring services in order to reduce costs, improve costs and schedule esti- mation, enhance oversight, or increase the rigor of reviews of programs that experience critical cost growth; (7) reduce the use of contracts for acquisi- tion, oversight, and management support services; or (8) enhance the capability of auditors and inspectors general to oversee Federal acqui- sition and procurement tax law.

(Purpose: To ensure full funding for Adam Walsh Act programs, with an offset) On page 24, line 24, increase the amount by $22,000,000.

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

(Purpose: To increase funding for veterans beneficiary travel reimbursement mileage rate, with an offset) On page 23, line 24, increase the amount by $133,000,000.
my colleague Senator LINCOLN. Our bipartisan amendment would simply clarify that a deficit-neutral reserve that would transform the health system will specifically address the needs of small businesses and the self-employed. More than half of small business owners may work for a small business or are dependent on someone who does. Yet remarkably, this budget resolution fails to even mention the crucial priority of small business health insurance reform.

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

Further compounding the crisis, small businesses are trapped in dysfunctional markets that possess little, if any, meaningful competition. For example, as the Government Accountability Office released a report that I requested, along with Senators BOND, DURBIN, and LINCOLN, which highlighted an alarming trend of consolidation in the state small group insurance market nationwide, the combined market share of the five largest carriers represented 75 percent or more in 34 of 39 States surveyed, compared to 26 States in 2005. Large insurers dominated over 90 percent of the market in 22 States, including Maine, where five insurers now control 96 percent of the market.

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

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

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

**AMENDMENT NO. 889**

I rise as a cosponsor to support amendment No. 889 introduced by my colleague Senator BLANCHE LINCOLN that establishes a special reserve fund to promote financial security through financial literacy, retirement planning, and savings incentives, including individual development accounts and child savings accounts. I am proud that we are coming together on the issue of financial security and financial literacy over the last several years, in particular on the issue of individual development accounts, IDAs, that will allow low-income individuals to pay for education expenses, first-time homebuyer costs, and business capitalization or expansion costs.

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

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

Mr. GRASSLEY. Mr. President, I rise as a cosponsor to support this amendment today and to express my concerns about the Dorsey Snowe amendment No. 881.

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

The provision has become one of the annual “tax extender” provisions. So under current law, which expires December 31, 2009, an individual may rollover up to $133,000 from their IRA into a public charity but not to one of the prohibited entities. Amendment No. 881 to the budget resolution, S. Con. Res. 13, promotes the extension of current-law regarding IRA rollovers to charity, which I also support.

However, the amendment also promotes an expansion of the provision by allowing split-interest trusts to receive IRA rollover contributions. Split-interest trusts are more worrisome than those that are currently prohibited from receiving IRA rollover contributions. These trusts allow donors to retain an income stream from the contributed assets for a defined period. So, just like with donor-advised funds and supporting organizations, the contribution results in an immediate benefit to a charity actually providing support to their employees as a workplace benefit.

Further compounding the crisis, small businesses are trapped in dysfunctional markets that possess little, if any, meaningful competition. For example, as the Government Accountability Office released a report that I requested, along with Senators BOND, DURBIN, and LINCOLN, which highlighted an alarming trend of consolidation in the state small group insurance market nationwide, the combined market share of the five largest carriers represented 75 percent or more in 34 of 39 States surveyed, compared to 26 States in 2005. Large insurers dominated over 90 percent of the market in 22 States, including Maine, where five insurers now control 96 percent of the market.

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

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

I urge all of my colleagues on both sides of aisle to support this non-controversial amendment, which would clarify that when Congress passes broader health reform and universal coverage this year, it will fully consider the issue of small business health insurance reform.
the cloakroom. We have dead time here because, for amendments that are going to require a vote, Senators who are insisting on votes are not here. That is not going to work.

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

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

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

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

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

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

The amendment is as follows:

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

On page 38, line 18, insert “transportation, including freight and passenger rail,” after “energy, water.”

The PRESIDING OFFICER. Is there any further debate?

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

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

The amendment (No. 957) was agreed to.

AMENDMENT NO. 994

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

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I call up amendment No. 994 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Texas (Mr. CORNYN) proposes an amendment numbered 934.

The amendment is as follows:

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

At the appropriate place insert the following:

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

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

(b) WAIVER.—This section may be waived if the Senate adopts an affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

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

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

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

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

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

Mr. CONRAD. Can I put this another way? This amendment is not germane.

So we can have a vote on it, it probably will not succeed, or we could voice vote it and you would succeed.

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

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

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

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

The PRESIDING OFFICER. In the opinion of the Chair, it is not germane. Mr. CONRAD. I raise the germaneness point of order.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

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

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

[Rollcall Vote No. 144 Leg.]
The PRESIDING OFFICER. The Senator from Mississippi.

AMENDMENT NO. 798

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

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

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

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

The amendment is as follows:

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

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

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

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

The PRESIDING OFFICER. The Senator from North Dakota.

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

The PRESIDING OFFICER. The Senator from New Jersey.

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

This amendment has no place here interrupting the budgetary procedure. The pending amendment is not germane and, therefore, I raise a point of order that the amendment violates section 505(b)(2) of the Congressional Budget Act of 1974.

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

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

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

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts [Mr. KENEDY] is necessarily absent.

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

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

[Roll call Vote No. 145 Leg.]

YEAS—63

Alexander        Ensign        McCain
Barrasso         Enzi         McConnell
Baucus          Feingold         Merkowitz
Bayh             Graham            Nelson (NE)
Begich          Grassley         Reid
Bennet           Gregg          Risch
Bennett          Hagan          Roberts
Bingaman        Hatch         Sanders
Bond             Heinrich        Sessions
Brownback       Inhofe         Shaheen
Bunning        Isakson        Shelby
Burr             Johnson         Sessions
Casey            Johnson         Specter
Chambliss       Klobuchar        Tester
Coburn           Kobli            Thune
Cochrans        Kyi              Udall (CO)
Corker           Landrieu          Udall (NM)
Corkyn          Leahy                Vitter
Crapo            Lincoln          Voinovich
DeMint           Lugar            Webb
Durbin          Martinez          Wicker

NAYS—35

Akaka            Feinstein        Mikulski
Boxer           Gillibrand     Murray
Brown           Harkin            Nelson (FL)
Burris            Inouye         Pryor
Byrd             Kaufman        Reed
Byers            Kentwell        Rockefeller
Cardin          Lautenberg      Schumacher
Carper            Levin            Schatz
Collins          Lincoln          Stabenow
Conrad            McCaskill         Warner
Dodd             Menendez          Whitehouse
Durbin           Merkley            Wyden

NOT VOTING—1

Kennedy

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

The majority leader.

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

The motion to lay on the table was agreed to.

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

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

Mr. CONRAD. Next up—

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

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

Mr. GREGG. Yes. I ask unanimous consent.

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

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

The amendment (No. 798) was agreed to.

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

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 904

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

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

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

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

The amendment is as follows:

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

At the end of title II, insert the following:

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

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

Mr. LIEBERMAN. Mr. President, I am honored to be joined in introducing this amendment by my colleagues, Senators CORNYN, THUNE, and the distinguished occupant of the chair, Senator BEICICH. This amendment would ease the strain on the U.S. Army which today is carrying the bulk of the battle in Iraq and Afghanistan for us by establishing a deficit-neutral reserve...
fund to increase Army Active-Duty end strength by 30,000 personnel.

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

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

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

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

The PRESIDING OFFICER. The amendment is from Senator UDALL of Colorado. If he could describe it in 30 seconds.

Mr. UDALL of Colorado. Mr. President, I wish to thank Senator ENSIGN for hazardous fuels reduction and hazard resolution, amendment, motion, or contention by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would—

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:—

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

The PRESIDING OFFICER. The amendment will report.

The legislative clerk read as follows:—

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

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

The amendment is as follows:—

(Sec. 2. DEFICIT-NEUTRAL RESERVE FUND FOR ESTATE TAX RELIEF.

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

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

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

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

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

The PRESIDING OFFICER. The amendment will report.

The Senator from North Dakota.

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

I urge my colleagues to reject the amendment.

The PRESIDING OFFICER. The Republican leader is recognized.

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

The Lincoln-Kyl amendment, on which we are about to vote, would decrease the burden on those who get hit with the death tax by increasing the exemption by $1.5 million to $5 million...
and by reducing the rate of taxation down by 10 percent to 35 percent.

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

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

This amendment has wide bipartisan support, including Senators Nelson, Pryor, and Landrieu—all on the Democratic side—and Senators Grassley, Roberts, Enzi, and Collins on the Republican side. It also has strong support from the small business community, which desperately needs relief at the current moment. It would spur economic growth, which we need, and it makes good overall economic sense since the death tax costs more to comply with than it raises in revenue.

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

Mr. GRASSLEY. Mr. President, the distinguished majority leader, my friend, Senator REID quoted me by name in his remarks in opposition to the Lincoln-Kyl amendment. The distinguished leader quoted me as describing death tax relief legislation as "unseemly." Since that quote was used to argue against Senator LINCOLN's amendment, which I support, I thought it important to respond to the distinguished leader and set the record straight.

The distinguished leader is correct. I did say, at that time shortly after the Katrina Amendment, that pursuing a death tax relief bill would be "unseemly." It is important for everyone to understand the context of that statement. It was made shortly after the terrible hurricane hit the gulf states. At that time, the Senate was about to reconvene after the August recess. The pending business was a cloture motion on the motion to proceed to a House bill that provided death tax relief.

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

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

Senator Frist did the right thing and set the Senate in motion to deal with the hurricane victims. The Finance Committee acted with lightning speed on a bipartisan basis, and in concert with the House, to deliver relief to hurricane victims. I was quite proud of our efforts to help people in need. That was the first Katrina tax relief bill. The second Katrina tax relief bill, unfortunately, took a lot longer to do. Some on the other side saw the Katrina bill as a chance to enact a National agenda of greatly enhancing social programs. I did not question their motives at the time. But, the bottom line was that this attempt to leverage a crisis for a National agenda, significantly delayed our efforts to rebuild the hard-hit gulf zone.

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

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

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

There is a lesson in this history for all of us. Do not try to leverage a crisis for unrelated purposes. Senator LINCOLN's amendment was not "unseemly." To use my reaction to a question about the Senate schedule is to miss the point I was making. The Lincoln-Kyl amendment is a reasonable effort to find a bipartisan compromise on a time-sensitive tax issue. It is an effort to enable a solution to a problem that vexes family farmers and small businesses. The amendment's purpose and substance are the opposite of unseemly. The Lincoln-Kyl amendment is "decorous." The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I will use my leader time. This chart says it all. In February, 651,000 Americans lost their jobs. Five million Americans have lost their jobs this past year—5 million. Our unemployment rate currently stands at 8.1 percent. Nevada's unemployment, but Nevada is not the highest. We have some States that are far more than 10 percent unemployed. Three million more children will likely be living in poverty by the end of this year. The net worth of American households dropped by a combined total of $1 trillion last year—$1 trillion.

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

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

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

President Obama inherited a crisis that no President should have to inherit or fix. Instead of focusing full time on the future, he and we in Congress must first clean up the devastating mistakes of the past. We can then turn the page in a responsible, focused effort to help people in need. That was the Katrina Amendment. It was made shortly after the hurricane victims. I was quite proud of our efforts to help people in need. That was the Katrina Amendment. It was made shortly after the hurricane victims. I was quite proud of our efforts to help people in need. That was the Katrina Amendment.

The hypocrisy here is breathtaking. More tax cuts for the rich—plumbers, contractors, and accountants who amass substantial wealth through hard work and modest living—are not the intended beneficiaries of the proposed cut. The Obama budget already takes care of them. That means 99.8 percent of estates will never, ever pay a penny of estate tax.

Here is what another newspaper said today, entitled "More Tax Cuts for the Rich": The proverbial millionaires next door—the plumbers, contractors, and accountants who amass substantial wealth through hard work and modest living—are not the intended beneficiaries of the proposed cut. The Obama budget already takes care of them. That means 99.8 percent of estates will never, ever pay a penny of estate tax.

Here is what another newspaper said today, entitled "More Tax Cuts for the Rich": The hypocrisy here is breathtaking. More fundamentally, it is hard to stomach those who argue for more tax cuts—and then - moan the failure to stanch rising deficits. A vote for this amendment, at this time of so much red ink and so much suffering, would reflect the most skewed of priorities.

This is only a couple of the Americans all over America today trying to understand what is going on in Washington. In recent years, Congress has already reduced tax rates on the ultrawealthy estates. In fact, the Tax Policy Center calculates that a $20 million estate
right now—now—will pay an effective tax rate of 23 percent. Nurses pay more than that, schoolteachers pay more than that, and secretaries pay a higher tax rate than that, but we say for an estate of $20 million, 23 percent is OK. That is what the Tax Policy Center calculated.

But for the proponents of the amendment now before us, that is not good enough. So they propose that we spend $100 billion on a tax cut for the top two-tenths of 1 percent. Proponents of this amendment will find no offsets for this $100 billion giveaway that will make it deficient neutral. Think about that. Deficit neutral. That means you have to get offsets.

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

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

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

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

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

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

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

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

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

When the estate tax issue was debated back in 2005, in the aftermath of Hurricane Katrina, the then-chairman of the Finance Committee, Senator GRASSLEY, said this—remember, at that time there was a defined group of people who were suffering in the gulf, but now it is the whole country. Today, it was announced on the radio that, for the first time since the Great Depression all 50 states will find offsets, have a downturn in their economy. Here is what Senator GRASSLEY said then, after Hurricane Katrina:

"It's a little unseemly to be talking about doing away with or enhancing the estate tax at a time when people are suffering. If Katrina, which was a disaster for this country, was a reason not to do the estate tax, why now when all 300 million Americans are suffering? People are suffering now in every city, State, and town in America."

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

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

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

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

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICIAL. Are there any other Senators in the Chamber desiring to vote? The result was announced—yeas 51, nays 48, as follows:

Yeas—51

Alexander...Maiden Lane III, are a result of losses on collateral, such as Maiden Lane I, Maiden Lane II, and Maiden Lane III...to which changes in valuation of credit extensions to various special purpose vehicles, such as Maiden Lane I, Maiden Lane II, and Maiden Lane III, are a result of losses on collateral which will not be recovered; (C) the number of borrowers that participate in each of the lending programs and detailed information about the extent to which the credit is concentrated in one or more institutions; and (D) information on the extent to which the central bank is contracting for services from firms for the design, pricing, management, and accounting for the various lending programs and the terms and nature of such contracts and lending processes.

Amendment No. 875, as Modified (Purpose: To provide for enhanced oversight of the Board of Governors of the Federal Reserve System concerning the use of emergency economic assistance)

In Sec. 215, following "contracts and bidding processes," add the following: "(4) and (3) including the identity of each entity to which the Board has provided "all loans and other financial assistance since March 24, 2005, the value or amount of that financial assistance, and what that entity is doing with such financial assistance," after "355.

Mr. CONRAD. Mr. President, I ask unanimous consent that the list I send to the desk be the only amendments remaining in order to the budget resolution and managers' amendments which have been cleared by the managers and leaders that a side by side be in order to any of the amendments on the list at the discretion of the managers and leaders; that the order in which
the amendments are considered be determined by the managers: that upon disposition of all amendments, the Senate proceed to vote on adoption of the concurrent resolution, with the provisions of the previous orders remaining in effect.

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

The list is as follows:


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

Mr. GREGG. No, Durbin.

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

Senator DURBIN.

AMENDMENT NO. 974, AS MODIFIED

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The amendment Nos. 777, 962, and 946

Mr. KYL. Mr. President, the Senate last night, by unanimous consent, approved the amendment Nos. 777, 962, and 946.

Mr. KYL. Mr. President, the Senate last night, by unanimous consent, approved the amendment Nos. 777, 962, and 946.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, it is so ordered.

The amendment Nos. 777, 962, and 946 were agreed to, as follows:

AMENDMENT NO. 777

Purpose: To provide that no additional estate tax relief beyond the levels assumed in this budget resolution unless an equal amount of additional estate tax relief is provided to middle-class taxpayers.

(a) In General.—In the Senate, it shall not be in order to consider any bill, joint resolution, amendment, motion, or conference report that would provide estate tax relief beyond $5,000,000 per person ($7,000,000 per married couple) and a graduated rate ending at less than 45 percent unless an equal amount of estate tax relief is provided to Americans earning less than $100,000 per year and that such relief is in addition to the amounts assumed in this budget resolution.

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

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

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

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

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

I urge my colleagues to support the amendment.

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

Mr. KYL. Mr. President, the Senate last night, by unanimous consent, approved the amendment Nos. 777, 962, and 946.

Mr. KYL. Mr. President, the Senate last night, by unanimous consent, approved the amendment Nos. 777, 962, and 946.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, it is so ordered.

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

AMENDMENT NO. 777

Purpose: To provide that legislation that would provide authority to the Secretary of Veterans Affairs to recover veterans’ health insurance costs for a private health insurance of a disabled veteran amounts paid for treatment of such disability is subject to a point of order in the Senate.

At the appropriate place, insert the following:

SEC. 2. LIMITATIONS ON LEGISLATION THAT WOULD PERMIT THE SECRETARY OF VETERANS AFFAIRS TO RECOVER FROM A PRIVATE HEALTH INSURER OF A DISABED VETERAN AMOUNTS PAID FOR TREATMENT OF SUCH DISABILITY.

(a) POINT OF ORDER.—If the Senate is considering legislation, upon a point of order being made by any Senator against the legislation, or any part of the legislation, that enumeration, if enforced, would result in providing authority to the Secretary of Veterans Affairs to recover from a private health insurer of a disabled veteran amounts paid for treatment of such disability.
Mr. DORGAN. Mr. President, this amendment makes the overall increase in Indian Health Service budget authority for fiscal year 2010 in our views and our recommendation. The amendment for the Indian Health Service. This brings us to the total that committee Vice Chairman BARRASSO and I recommended for the Indian Health Service for fiscal year 2010 in our views and estimates letter to the Senate Budget Committee on March 20, 2009. I ask my colleagues will remember, last year, Congress overwhelmingly passed a similar amendment requesting a $1 billion increase in Indian Health Service budget authority by a vote of 69 to 31. I ask my colleagues to consider the great need for assistance in Indian health, even in these tough economic times.

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

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

Through a number of hearings by the Senate Indian Affairs Committee, we have confirmed extensive unmet health care needs in Indian Country. The need includes over $3 billion just for health facilities and an ever growing $1 billion for contract health services. The health status of Native Americans is staggering. For example, Native Americans die at higher rates than other Americans. Infant mortality is 80 percent higher, alcoholism, 510 percent higher, diabetes, 189 percent higher, and suicide, 70 percent higher. Third
world conditions exist right here in this country on Indian lands.

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

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

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

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

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

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

AMENDMENT NO. 965

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

The PRESIDING OFFICER. The Senator from South Carolina.

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

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The amendment is as follows:

On page 4, line 13, decrease the amount by $10,829,000,000.
On page 4, line 14, decrease the amount by $311,000,000.
On page 4, line 15, decrease the amount by $135,000,000.
On page 4, line 16, decrease the amount by $279,000,000.
On page 4, line 17, decrease the amount by $79,000,000.
On page 4, line 18, decrease the amount by $485,000,000.
On page 4, line 22, decrease the amount by $10,829,000,000.
On page 4, line 23, decrease the amount by $311,000,000.
On page 4, line 24, decrease the amount by $135,000,000.
On page 4, line 25, decrease the amount by $279,000,000.
On page 5, line 1, decrease the amount by $379,000,000.
On page 5, line 2, decrease the amount by $485,000,000.
On page 5, line 6, decrease the amount by $10,829,000,000.
On page 5, line 7, decrease the amount by $131,000,000.
On page 5, line 8, decrease the amount by $79,000,000.
On page 5, line 9, decrease the amount by $279,000,000.
On page 5, line 10, decrease the amount by $379,000,000.
On page 5, line 11, decrease the amount by $485,000,000.
On page 5, line 16, decrease the amount by $10,829,000,000.
On page 5, line 17, decrease the amount by $10,960,000,000.
On page 5, line 18, decrease the amount by $11,156,000,000.
On page 5, line 19, decrease the amount by $11,434,000,000.
On page 5, line 20, decrease the amount by $11,813,000,000.
On page 5, line 21, decrease the amount by $12,296,000,000.
On page 5, line 24, decrease the amount by $10,829,000,000.
On page 5, line 25, decrease the amount by $10,960,000,000.
On page 6, line 1, decrease the amount by $11,156,000,000.
On page 6, line 2, decrease the amount by $11,434,000,000.
On page 6, line 3, decrease the amount by $11,813,000,000.
On page 6, line 4, decrease the amount by $12,296,000,000.
On page 15, line 17, decrease the amount by $10,960,000,000.
On page 15, line 18, decrease the amount by $10,800,000,000.
On page 15, line 20, decrease the amount by $29,000,000.
On page 26, line 21, decrease the amount by $29,000,000.
On page 26, line 24, decrease the amount by $31,000,000.
On page 26, line 25, decrease the amount by $31,000,000.
On page 27, line 3, decrease the amount by $31,000,000.
On page 27, line 4, decrease the amount by $31,000,000.
On page 27, line 7, decrease the amount by $279,000,000.
On page 27, line 8, decrease the amount by $279,000,000.
On page 27, line 11, decrease the amount by $79,000,000.
On page 27, line 12, decrease the amount by $79,000,000.
On page 27, line 14, decrease the amount by $10,829,000,000.
On page 27, line 15, decrease the amount by $485,000,000.
On page 27, line 16, decrease the amount by $485,000,000.

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

This amendment reduces function 370 funds by $21.6 billion, which prevents the President from further using TARP funds in the form of bankruptcy while General Motors and Chrysler will pay the taxpayers dollars. Enough is enough. I reserve the remainder of my time.

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

The Senator from North Dakota.

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

The PRESIDING OFFICER. The Senator from Michigan.

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

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

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

We are now in the middle of a plan to save jobs in communities and restructure the auto industry.
and the senator from Massachusetts (Mr. Kennedy) are necessarily absent. The **Presiding Officer**. Are there any other senators in the chamber desiring to vote? The result was announced—yeas 31, nays 66, as follows:

<table>
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<tr>
<th>Roll Call Vote No. 148 Leg</th>
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YEAS—31

- Barrasso Enzi Nelson (NE)
- Bunning Graham Risch
- Burr Grassley Roberts
- Chambless Greene Sessions
- Coburn Inhofe Shelby
- Cochran Isakson Specter
- Collins Johnson Thune
- Cornyn Kyl Vitter
- Crapo McCain Wicker
- DeMint McConnell
- Ensign Markowski

NAYS—66

- Akaka Feingold Menendez
- Alexander Feinstein Merkley
- Baucus Gillibrand Mikulski
- Bayh Hagan Murray
- Begich Harkin Nelson (FL)
- Bennett Hatch Pryor
- Bennett Hutchison Reed
- Bingaman Inouye Risch
- Bond Johnson Rockefeller
- Boxer Kaufman Sanders
- Brown Kyl Sessions
- Brownback Kobylka Shaheen
- Burris Kohl Snow
- Cantwell Lautenberg Stabeno
- Cardin Lautenberg Tester
- Carper Leahy Udall (CO)
- Casey Levin Udall (NM)
- Conrad Lieberman Voinovich
- Corker Lincoln Warner
- Dodd Lee Webb
- Dorgan Martinez Whitehouse
- Durbin McCaskill Wyden

NOT VOTING—2

Byrd Kennedy

The amendment (No. 965) was rejected.

Mrs. MURRAY. Mr. President, I move to reconsider the vote. Ms. STABENOW. I move to lay that motion on the table. The motion to lay on the table was agreed to.

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

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

Mr. CONRAD. Mr. President, I propose a managers’ package that would involve Begich No. 901, Begich No. 903, Klobuchar No. 886, Alexander No. 792, Crapo No. 958, Hatch No. 970, Hutchinson No. 867, Enzi No. 819, Barrasso No. 960, Barrasso No. 890, Crapo No. 733, Crapo No. 734, Hatch No. 939, Hatch-Dodd No. 878, and Murkowski No. 841. I ask that they be accepted by unanimous consent.

The **Presiding Officer**. Without objection, it is so ordered. The amendments are agreed to.

The amendments are as follows:

**AMENDMENT NO. 901**

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

On page 35, line 11 and insert the following:

(a) INFRASTRUCTURE.—

(1) IN GENERAL.—The Chairman of the Senate Committee on the Budget may revise the allocations to allow for additional funding from the Oil Spill Liability Trust Fund for arctic oil spill research conducted by the Oil Spill Recovery Institute, .

**AMENDMENT NO. 886**

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

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

(c) FOOD SAFETY.—The Chairman of the Senate Committee on the Budget may revise the allocations to allow for additional funding from the Oil Spill Liability Trust Fund for arctic oil spill research conducted by the Oil Spill Recovery Institute, .

**AMENDMENT NO. 859**

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

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

**AMENDMENT NO. 819**

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

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

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

(a) POINT OF ORDER.—It shall not be in order in the Senate to consider any bill, joint resolution, motion, or conference report that would increase the direct costs of one or more States or local governments by an amount that exceeds the threshold provided under section 425(a)(1) of the Congressional Budget Act of 1974 (2 U.S.C. 658c(a)(1)).

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

**AMENDMENT NO. 960**

(Purpose: To provide for a deficit-neutral reserve fund to increase the borrowing authority of the Federal Deposit Insurance Corporation and the National Credit Union Administration, provided that such legislation does not increase the deficit over the period of the total of fiscal years 2009 through 2019.)

At the appropriate place, insert the following:

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

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

**AMENDMENT NO. 976**

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

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

(4) protect Medicare Advantage enrollees from premium increases and benefit reductions in their Medicare Advantage plans that would result from the estimate of the national per capita Medicare Advantage growth percentage contained in the Centers for Medicare & Medicaid Services’ Advance Notice of Methodological Changes for Calendar Year 2010, as proposed on February 20, 2009, that is made using the Medicare payment rates for physicians’ services assumed in such Advance Notice rather than the Medicare payment rates for physicians’ services assumed in the President’s budget proposal for fiscal year 2010 (which accounts for additional expected Medicare payments for such services).
AMENDMENT NO. 890
(Purpose: To provide funding to enable certain individuals and entities to comply with the Endangered Species Act of 1973)
On page 13, line 21, increase the amount by $50,000,000.
On page 13, line 22, increase the amount by $50,000,000.
On page 27, line 23, decrease the amount by $50,000,000.
On page 27, line 24, decrease the amount by $50,000,000.

AMENDMENT NO. 733
(Purpose: To establish a deficit-neutral reserve fund for the innovative loan guarantee program of the Department of Energy)
At the appropriate place in title II, insert the following:

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

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

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

AMENDMENT NO. 734
(Purpose: To establish a deficit-neutral reserve fund for clear energy research and development)
At the appropriate place in title II, insert the following:

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

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Committee on the Budget of the Senate may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that authorizes an additional $50,000,000,000 for use to provide loan guarantees for eligible projects.

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

AMENDMENT NO. 621
(Purpose: To increase funding for the Medical and Child Health Block Grant within the Health Resources and Services Administration by $188,000,000 in fiscal year 2010)
On page 19, line 24, increase the amount by $188,000,000.
On page 19, line 25, increase the amount by $6,000,000.
On page 20, line 4, increase the amount by $18,000,000.
On page 20, line 8, increase the amount by $34,000,000.
On page 20, line 12, increase the amount by $30,000,000.
On page 20, line 23, increase the amount by $34,000,000.
On page 27, line 24, decrease the amount by $188,000,000.
On page 27, line 25, decrease the amount by $6,000,000.
On page 28, line 3, increase the amount by $81,000,000.
On page 28, line 7, increase the amount by $34,000,000.
On page 28, line 11, increase the amount by $13,000,000.

AMENDMENT NO. 792
(Purpose: To provide funding for the Medical and Child Health Block Grant within the Health Resources and Services Administration by $188,000,000 in fiscal year 2010)
On page 19, line 24, increase the amount by $188,000,000.
On page 19, line 25, increase the amount by $6,000,000.
On page 20, line 4, increase the amount by $18,000,000.
On page 20, line 8, increase the amount by $34,000,000.
On page 20, line 12, increase the amount by $30,000,000.
On page 20, line 23, increase the amount by $34,000,000.
On page 27, line 24, decrease the amount by $188,000,000.
On page 27, line 25, decrease the amount by $6,000,000.
On page 28, line 3, increase the amount by $81,000,000.
On page 28, line 7, increase the amount by $34,000,000.
On page 28, line 11, increase the amount by $13,000,000.

AMENDMENT NO. 890
(Purpose: To establish a deficit-neutral reserve fund for the government's loan program, that's a lot more debt to add to our books. I don't think we should do that right now when we know that the FFEL program is working.
I also thought that the Federal Government wouldn't be able to manage that many loans very effectively or efficiently for the students, and I haven't changed my mind on that. There are 6,000 colleges and universities, and over 15 million loans each year to students and parents. The Department of Education can't manage that many loans, nor should they. It is a massive undertaking that calls on over 30,000 people throughout our Nation working for banks, guarantors, and nonprofit lenders. We don't need to increase the Department of Education staffing by 6,000 colleges and universities, and over 30,000 people, so I don't see why we should move all of the loans and operations to that agency.

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

In the past week we have all heard from many of the institutions of higher education in our States favoring the continuation of the FFEL program. My amendment does just that, and it sends a loud message to the Department of Education staffing by 6,000 colleges and universities—and ultimately parents and students—the choice which student loan program works best for them.

Mr. CONRAD. Mr. President, let me say that we are just about ready.
I suggest the absence of a quorum.
The PRESIDING OFFICER. The clerk will call the roll.
The assistant legislative clerk proceeded to call the roll.
Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.
The PRESIDING OFFICER. Without objection, it is so ordered.
AMENDMENT NO. 967

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

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

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

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

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

The amendment is as follows:

Purposes: To implement President Obama’s earmark reforms

At the appropriate place, insert the following:

SEC. 2. EARMARK POINT OF ORDER.

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

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

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

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

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

(c) SUPERMAJORITY WAIVER AND APPEALS.—

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

(2) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision that would limit or prohibit the trading of earmarks for public favors shall be subject to the scrutiny of the legislative leaders.

Yes, all of us were elected to represent our districts and our States. We should have the ability to respond to the needs of the communities.

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

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

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

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

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

The yeas and nays resulted—yeas 28, nays 69, as follows: [Roll Call Vote No. 149 Leg.]

YEAS—28

Barrasso

Bennet

Bunning

Chambliss

Coburn

Corzine

DeMint

Baucus

Enzi

Feingold

Grassley

Graham

Johannesen

Lieberman

NAYS—69

Barrasso

Bennet

Bunning

Chambliss

Coburn

Corzine

DeMint

Baucus

Enzi

Feingold

Grassley

Graham

Johannesen

Lieberman

Risch

Sessions

Snowe

Thune

Vitter

Bennett

Risch

Sessions

Snowe

Thune

Vitter

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

The Senator from North Dakota.

MODIFICATION TO PURPOSE OF AMENDMENT NO. 890

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

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

The purpose, as modified, is as follows:

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

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

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

Mr. KYL. It is.

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

I ask unanimous consent that those six amendments be agreed to.

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

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

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

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

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

AMENDMENT NO. 870

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

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

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(f) HOUSING ASSISTANCE.—The Chairman of the Senate Committee on the Budget may revise the allocations, amendment, motion, or conference report related to housing assistance, which may include low-income rental assistance, assistance provided through the Housing Trust Fund created under section 1311 of the Housing and Economic Recovery Act of 2008, and legislation that allows for a temporary suspension of the 10 percent tax penalty in order for struggling families to make an early withdrawal from their qualified retirement accounts to pay their monthly mortgage payments.
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AMENDMENT NO. 890

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

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

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

Through efforts to increase energy efficiency, small businesses can contribute to America’s energy security,
Mr. President, I support the amendment offered by Senator BROWN, which I and Senator SESSIONS introduced to create a domestic, neutral reserve fund to support funding for critical workforce strategy programs that help individuals seeking specialized training for emerging industries. This reserve fund will help high-tech companies secure needed resources to grow new employment opportunities that are critical to economic recovery by supporting workforce strategy programs that help those in need of training.

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

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

Throughout the Nation, workforce strategy programs, like those within WIA, are being used to promote the long-term competitiveness of industries and to advance employment opportunities. For example, the State of Maine has created a program called the North Star Alliance Initiative. The Alliance has brought together Maine’s boat builders, the University of Maine’s Marine Sciences, and Wood Composites Centers, Maine’s marine and composite trade association, economic development groups, and investment organizations for the purpose of advancing workforce training. In order to do programs like the North Star Alliance Initiative, Senator BROWN and I introduced the SECTORS Act, S. 777, which provides grants to industry clusters—interrelated group of businesses, service providers, and associated institutions in order to establish and expand sector partnerships. By providing financial assistance to these partnerships, this legislation would create customized workforce training solutions for specific industries and workforce sectors. By providing financial assistance to these partnerships, this legislation would create customized workforce training solutions for specific industries.

Just as important, the funding for the sector programs supports innovative workforce training solutions that are critical to economic recovery opportunities for workers, thereby encouraging economic growth. Existing sector partnerships have long been recognized as key strategic elements within some of the most successful economic development initiatives throughout the country. Unfortunately, current federal policy does not provide sufficient support for these critical ventures. This amendment will help ensure that critical funding will be made available for the SECTORS Act if it is passed into law.

AMENDMENT NO. 969

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

Mr. Sessions. The PRESIDING OFFICER. The Senator from Alabama.

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

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

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

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

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Alabama (Mr. Sessions) proposes an amendment to the bill at page 68, between lines 4 and 5, insert the following:

SEC. 4. POINT OF ORDER AGAINST FAILURE TO FULLY FUND SOUTHWEST BORDER FENCE.

(a) POINT OF ORDER.—After a concurrent resolution on the budget in the Senate is agreed to, it shall not be in order in the Senate to consider any appropriations bill that fails to provide at least $2,600,000,000 to carry out section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1227a).

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

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

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

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

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

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

Mr. Conrad. Mr. President, Senator Schumer has the time in opposition.

The PRESIDING OFFICER. The Senator from New York.

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

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

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

Another thing we do here, without even any test, is spend a double fence—$2.6 billion when we know it works or not. I urge the amendment be defeated; we let the Department of Homeland Security study the most effective
way to deal with illegal immigration, and if a double fence or another thing is needed, we will learn about that in time.

Mr. President, I yield the floor.

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

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

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk read as follows:

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

The amendment is as follows:

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

At the appropriate place, insert the following:

SEC. 6. DEFICIT-NEUTRAL RESERVE FUND FOR IMPROVEMENTS TO BAN ON LEAD IN CHILDREN’S PRODUCTS.

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

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

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

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

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

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

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

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

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

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

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

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

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

Many of my colleagues have probably heard from a number of constituents about some problems with the Consumer Product Safety Act that we passed. This amendment simply allows for the improvement of that bill with certain considerations such as allowing current inventory to sell through, exempting thrift stores and second hand sellers, exempting book sales and children’s motorcycles, allowing manufacturers to prove there is no lead content...
by proving that their components have no lead contents. This means they don’t have to destroy existing inventory if they can prove it is safe. This amendment does nothing to diminish safety, but it is common sense.

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

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

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

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

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

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

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

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The question is on agreeing to the amendment.

The legislative clerk called the roll.

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

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

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

[Rollcall Vote No. 151 Leg.]

YEAS—39

Alexander
Baerso
Bennett
Bond
Brownback
Bunning
Burk
Chambliss
Coburn
Cochran
Corzine
Crapo

YEAS—58

Akaka
Baucus
Bayh
Benett

Collins
Conrad
Corzyn
Dodd
Dorgan
Durbin
Feingold
Feinstein
Gillibrand
Gregg
Harkin
Inouye
Johannes
Johnson
Kaufman
Kerry
Kohl
Landrieu
Lautenberg
Leiberman
Leahy
Levin
Lieberman
Lincoln
Martinez
McCain
McCaskill
Menendez
Merkley
Mikulski
Murray
Nelson (FL)
Nelson (NE)

NAY—2

Reed
Reid
Rockefeller
Santorum
Schumer
Shahane
Stabenow
Tester
Udall (CO)
Udall (NM)
Warner
Webb
Whitehouse
Wyden

The amendment is as follows:

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

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

(8) maintain long-term fiscal sustainability by paying for the reduction in health care cost growth, improving productivity, or dedicating additional sources of revenue; or

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

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

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

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

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

The PRESIDING OFFICER. The Senator from North Dakota.

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

The PRESIDING OFFICER. The Senator from Washington.

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

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

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

I encourage my colleagues to vote no. Mr. GREGG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

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

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD)
Mr. CONRAD. Mr. President, I ask unanimous consent that we accept the amendment.

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

The amendment (No. 751) was agreed to.

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

AMENDMENT NO. 937

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

The PRESIDING OFFICER. The amendment from Louisiana, Mr. VITTER. Mr. President, I call up amendment No. 937.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The amendment (No. 937) was agreed to, to add the following:

SEC. . . RESERVE FUND TO REQUIRE DRUG TREATMENT FOR TANF RECIPIENTS.

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

(1) Would require that States operate a drug testing program as part of their Temporary Assistance for Needy Families (TANF) program, which would encourage healthy, drug-free families instead of encouraging dependent behavior or on-going drug abuse.

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

The amendment is as follows:

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

The amendment was agreed to, and the amendment was incorporated in the amendment (No. 751) by Senator VITTER, if he objection, it is so ordered.

Mr. CONRAD. Mr. President, in opposition to the amendment

The PRESIDING OFFICER. The amendment (No. 751) was agreed to, as follows:

[Rollcall Vote No. 152 Leg.]
The amendment (No. 987) was rejected.

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

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

The motion to lay on the table was agreed to.

Mr. KYL. Mr. President, during these recent budget debates, I have been reminded that some in Washington used to mock President Reagan for the "rosy economic scenarios" they said his budgets relied upon. But never—until now—has any President's economic model differed so fundamentally from those predicted by most independent analysts.

President Obama's budget chief, Peter Orszag, predicts that from 2010-2013 the economy will grow 4 percent a year. But the blue-chip economic forecasters say it is much lower—about 2.7 percent. That is a big difference when we are talking about hundreds of billions of dollars.

President Obama claims his budget will halve the deficit by 2014. But the way it gets there is by first running up a huge deficit and then cutting that number in half. The Congressional Budget Office now projects a $1.689 trillion deficit in 2009 that will bottom out at $658 billion in 2012, which is still more than 40 percent above the highest deficit during the Bush administration.

But the Congressional Budget Office also says the deficits accumulated by Obama's budget will then surge to $9.2 trillion in 2019.

President Obama has said he will cut taxes for 95 percent of Americans. But his budget includes raise taxes by $1.4 trillion over 10 years. It not only lets some of the existing tax rates expire—thus raising taxes—but implements a colossal energy tax that will impact every American household—regardless of income—annually is estimated to drop an additional $3,168 annual bill on every household, regardless of their income—and is estimated to drop an additional $3,168 annual bill on every American household—regardless of the increasing funds for entitlement programs. I supported an amendment offered by Senator Gregg, No. 835, to establish a commission to examine the long-term obligations of the Federal Government and make recommendations to reduce it. Similarly, I voted in favor of the McCain amendment, No. 882, as an alternative budget resolution to lay down a marker to encourage reductions in Federal expenditures. The budget is just an outline with all these numbers being determinative as to what will occur on appropriations bills, where I will take another look at spending proposals depending on circumstances at that time.

Mr. AKAKA. Mr. President, I support the budget resolution for fiscal year 2010. The resolution embraces many priorities that I strongly support. They include a renewed commitment to energy security, energy efficiency and renewable energy programs, middle-class tax cuts, and our veterans.

The resolution preserves the major priorities in President Obama's budget that was submitted to Congress. The President's budget outlined a blueprint for addressing and reversing the effects of the deep recession, collapse of the housing and credit markets, and the rise in joblessness that we inherited from the previous administration by setting the stage for sustained economic growth through investments in energy, education, and infrastructure, which were begun in the American Recovery and Reinvestment Act, ARRA.

Since President Obama's budget was submitted to Congress, the CBO's re-estimate of that budget has added $2.3 trillion to long-term deficit projections. Accordingly, the resolution adjusts the President's budget to cut the long-term deficit in half from $1.2 trillion in fiscal year 2010 to $508 billion in fiscal year 2014 while retaining the President's core priorities.

The resolution matches the funding level in the President's budget for fiscal year 2010 energy discretionary funding to reduce our dependence on foreign sources of fuel, produce green jobs, promote renewable energy development, and improve the electric transmission grid, while encouraging energy conservation and efficiency.

I am pleased that this resolution continues with green investments made in the American Reinvestment and Recovery Act and provides increases for energy efficiency and renewable energy programs. The resolution will enable investments in further research and development in clean and sustainable energy technologies from resources that are abundant in my State of Hawaii, such as wind, solar, ocean, hydrogen, and biomass.

The resolution invests in our Nation's future by fully funding the President's request for discretionary education and training programs. This includes expanding early childhood education programs that have proven to be so instrumental in preparing our Nation's children for future success.
budget also increases support for programs designed to reach out to low-income students so that every child has an equal opportunity to succeed. Similarly, by providing the necessary funding to support a $5,550 maximum Pell grant in today’s 2010–2011 school year, this budget resolution will provide much needed assistance to individuals striving to achieve their higher education goals including adults returning to school to revise and revamp their skills in order to more effectively compete in workforces.

I was also pleased to see that funding was included in the budget resolution to enhance and improve the capability of the Federal acquisition workforce. In my role as both chairman of the Subcommittee on Oversight of Government Management and a senior member of the Armed Services Committee, I have long advocated for improvements in the hiring and retention of Federal employees. Similarly, I strongly support the reform of Department of Defense processes for the acquisition of weapons systems including the reduction of no-bid and cost-plus contracts.

As chairman of the Federal Workforce Subcommittee, I am pleased the resolution provides pay parity between Federal civilian and military service-members in the average annual pay raise, which is consistent with more than 20 years of congressional precedent and my priorities.

Turning to housing, in the budget resolution for the Department of Veterans Affairs, the resolution includes the President’s request, plus $540 million to compensate for the ill-advised proposal that would have billed veterans’ insurance companies for service-connected care. President Obama made the right decision not to move forward with that proposal. Veterans’ care and benefits are a cost of war and treatment for conditions directly related to service is the responsibility of the government alone.

The resolution also includes mandatory budget authority for important benefits, such as compensation and pension, for veterans and their survivors. I look forward to working with my colleagues and the administration to enact the funding increases and targeted programs to help VA adapt to the changing needs of veterans and their loved ones.

My colleagues, this resolution, with its targeted investments and changed public-policy priorities, will help us address the essential needs of the Nation.

I urge my colleagues to support the budget resolution for fiscal year 2010.

Mr. KAUFMAN. Mr. President, I believe the document we are now debating reflects two basic realities. First, it reflects the deep troubles that we have inherited from years of lax regulation, excessive risk, neglected oversight, even fraud and criminal behavior in our financial sector.

As President Obama said when he addressed the Joint Session of Congress, America’s “day of reckoning” has arrived. The deficit spending of the past administration and the economic collapse that began last fall have created deep structural problems that this budget inherits.

Along with short-sighted budget policies that have put us deeper into debt, the collapse of our financial sector has brought down virtually every other sector of our economy. Those facts set the difficult context in which we do our work.

Deflación has not been spared from the waves of bad economic news that have swept over our Nation. We have seen the job losses in our manufacturing industries, layoffs in flagships companies like DuPont, and downsizing in our financial services industry.

Nationally, we just lost another three-quarters of a million jobs last month. In Delaware, our statewide unemployment rate has hit 7.4 percent, a level not seen in a generation.

As families in Delaware and around the country sit at their kitchen tables, they know that the world outside has changed. For those who have lost their jobs, for the husbands, the mothers, who have come home with that heartbreaking news—the process of sorting out mortgage payments, health insurance, groceries—even school books and lunch money—has taken on a sad urgency.

For the others, whose neighbors are out of work, whose neighborhood now has a foreclosure or two mixed in with the for sale signs, whose own jobs could be among the next to go—basic decisions about family priorities are growing tougher every day.

We must not forget those families as we do our work here on the Federal budget this week.

But this budget reflects another reality, as well. It reflects the fundamental strengths of our country—our faith in the future, our ability to pull together, the strengths of our national character.

And this budget reflects the change in direction, the change in priorities and values, the American people voted for last November.

To help with family finances, this budget provides tax cuts to middle-class families.

To begin the work of making our health care affordable, this budget makes health care more accessible for families and small businesses.

It makes a college education more accessible and more affordable, so our children can qualify for the jobs that will define our economic future.

This budget starts winding down our dependence on imported fossil fuels, by investments in clean and renewable energy we can provide right here—creating new processes, new products, and new jobs.

And it begins the process of restoring the balance to our Nation’s finances—a balance we had achieved just eight years ago—indeed, a budget surplus that was squandered.

Just as the economic crisis has hit the paychecks of American workers, it has lowered the economic activity that funds the revenues we need to pay for our national priorities.

One key part of our response to this crisis must be to fill the hole left in our economy by the loss of 5 million jobs, the loss of so much economic activity. Our economic recovery package, passed earlier this year, is a part of that response.

So a key function of this budget will be to continue to fill that gap in our economy, to continue to provide families, businesses, and state and local governments with the resources they need to slow, stop, and reverse the decline in our economy.

But if we are to move beyond the current crisis, we must make the investments that will define our future.

This budget is a clear statement of new priorities: it lays down a new foundation for economic growth. These are the priorities, these are the commitments President Obama and Vice President Biden campaigned on. These are the priorities the American people voted for last November.

We must not lose sight of the lesson before us: under the previous administration we gave free rein—and huge financial rewards—to short-term risk-taking, to highly leveraged debt, to deals that many times were not worth the paper they were written on.

We now know that tens of billions, or maybe more, of the paper profits were created by criminal enterprises like the one run by Bernie Madoff. Others, while legal, tread on the very border of our outdated and poorly enforced rules and regulations.

At the same time, we have failed to recognize and support average families in their struggles with rising health care costs, with the rising costs of a college education.

We wasted years when we could have invested in cleaner and more efficient domestic sources of energy, while our dependence on dirty, dangerous, uncertain sources of imported oil increased.

Those wasted years made our country more vulnerable to those who control oil reserves.

The American people have rejected those failed policies and misplaced priorities. This budget replaces them with an agenda for rebuilding our economy and reasserting our values.

Budgets are statements of our priorities, here in Washington, at the kitchen tables of families in Delaware, in the homes of families around the country.

No budget is perfect. All budgets reflect difficult choices. In this economic crisis, our choices are more difficult, and our decisions carry more importance.

I believe this budget reflects the best balance of addressing our present crisis, building a foundation for the future, and putting our finances on a sustainable path.
I urge my colleagues to join me in supporting it.

Mr. LEVIN. Mr. President, I will vote for this budget resolution. It rightfully recognizes that our way through these difficult times is by investing in our future, with significant funding for infrastructure, energy independence, and programs that ensure the safety, health, and education of our Nation’s children. This budget resolution makes clear that we cannot continue to cut taxes for a handful of wealthy individuals, at the expense of the many. I am hopeful that someday the benefits will trickle down. That course of action would lead to deeper and deeper deficits.

The prior administration’s fiscal policies failed. They left us in difficult and uncertain times. Unemployment in my state of Michigan and across the country is sky high. The financial markets are in turmoil, and millions of hard-working Americans that still have jobs are not only concerned about their depleted savings and retirement accounts, but making their mortgage payments. And now, some of the greatest companies in our country are under even greater duress.

Our national ability to navigate these troubled waters will depend upon our willingness to come together. Through this budget resolution, the Senate will set the blueprint for its work to help reverse the past administration’s failed fiscal policies that have been so damaging to our economy.

The Budget Committee includes in this resolution deficit-neutral reserve funds to promote economic recovery and growth, investments in infrastructure, and a long overdue commitment to the health of Americans. With adequate funds, we can modernize the health care system by continuing to progress towards health information technology. With additional dollars to help support and strengthen the healthcare workforce, we are making a firm statement that we will no longer shirk our responsibilities and will continue to fight for the 45.7 million uninsured individuals who have not had access to health care.

This budget will help reduce our dependence on foreign oil. It allows us to improve our educational system. And it provides tax relief to millions of middle-income Americans, including provision of critical relief from the alternative minimum tax. Congress, and our citizens, have long known that this tax was never intended to hit middle-class families.

I am also pleased that this budget paves the way for using our committed resources to restore our financial system, while providing critical transparency and accountability for taxpayers. While I was pleased to support the economic stimulus packages, they only provided a partial solution to fixing our problems. We need a stop stop now. Although we have already taken unprecedented efforts to stimulate and revive our economy, there is more work ahead. While hard-working families struggle to make ends meet, we owe it to them to continue to invest in their futures.

I am pleased that this budget resolution includes my proposal to establish the Domestic Manufacturing Promotion Act. Congress needs to take bold, decisive action to revitalize our domestic manufacturing sector. The U.S. has lost more than 4.1 million manufacturing jobs since 1980, and over 300,000 manufacturing jobs in Michigan since January 2001. It is important that we revitalize and maintain a strong manufacturing base in the U.S. The manufacturing industry faces pressure from international corporations that are strongly supported by their respective governments; our own government needs to lend similar support to keep American manufacturing companies competitive in the global marketplace.

The deficit-neutral reserve fund included in this budget lays the groundwork for legislation to address important initiatives to boost American manufacturing. I look forward to continuing to work with my colleagues to stimulate the manufacturing sector in Michigan and make a wise investment in the long-term growth, health, and stability of the manufacturing industry.

The budget wisely includes a deficit-neutral reserve fund to accommodate legislation that would provide investments in clean energy and reduce greenhouse gas emissions, leaving the details of the legislation to the appropriate committees of jurisdiction. The threat of climate change is real and its impacts could be catastrophic if we do not act quickly. Clean energy and advanced technologies hold the promise for making real progress on reducing harmful greenhouse gases.

While swift action is needed to confront the challenges of global climate change, I oppose misusing the budget reconciliation process in the consideration of climate legislation. That legislation would influence every sector of the U.S. economy and could have far-reaching impacts across the globe. For this reason, I supported an amendment offered by Senator JOHANS that would prohibit the use of reconciliation for climate legislation. I voted in support of the Johans amendment and my position to an extremely truncated process for climate legislation, which would make a deliberative approach impossible. Taking action on climate change legislation to protect public health, the economy, and natural security should be done in a thoughtful way and not rushed through Congress.

I was pleased to join Senator DORGAN in proposing an amendment to increase the number of organ donations. Currently, over 100,000 individuals are on the organ transplant waiting list, and more than 83,000 of those are in need of a kidney transplant. On average, patients wait 4 years before receiving a kidney transplant. Medicare pays approximately $55,000 per patient per year for dialysis. This means that every kidney donation has the potential to save Medicare as much as $220,000. Unfortunately, nearly 6,000 people die every year while waiting for a kidney. We must educate people about donation and developing programs to encourage donation, we can take steps to reduce that number.

Mr. President, this budget will continue the job of getting our great Nation back on track, and it deserves to pass.

Mr. GREGG. Mr. President, I ask unanimous consent that a list of organizations opposing this budget resolution be printed in the RECORD.

The PRESIDING OFFICER. The material was ordered to be printed in the RECORD, as follows:

OUSE GROUPS KEY VOTING AND OPPOSING THE BUDGET RESOLUTION

GROUPS KEY VOTING AGAINST FINAL PASSAGE OF THE BUDGET


GROUPS OPPOSING THE BUDGET


GROUPS OPPOSING USING RECONCILIATION FOR HEALTH CARE AND CARBON TAX WITHIN THE BUDGET


The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I wish to say a brief word so we know what we are going to do when we get back on Monday, 2 weeks from Monday. I express my appreciation to the whole Senate for the outstanding work done by the managers of this bill, Chairman CONRAD, Ranking Member GREGG. They did wonderful work. All the Senate-speaks with one voice on recognizing the tremendous difficulty of this budget. The work was done with civility. We had difficult amendments. This is a day the Senate should be proud.
I applaud and commend, I repeat, on behalf of the entire Senate, the brilliant work done by these two fine gentlemen.

When we come back, I was hoping we would not have to have this vote on Monday, but it appears we are going to have to have two votes tomorrow. One, as we know, Afghanistan, and one we cannot put out of our mind in Iraq. One of the great career senior foreign service officers whom we have had in recent years, Christopher R. Hill of Rhode Island, has been nominated by the President to be Ambassador to Iraq.

It is hard to comprehend, but I am going to have to file cloture on that tonight before we leave. I would hope everyone who is trying to hold up this man would give this some thought. How does this look? It does not look very good. But we are going to go ahead, and we are going to have to have this cloture vote on Monday. We have a lot of other things we could work on. We have a lot to do. We have a 5-week work period when we get back. I have already informed the Republican leader as to what days we are not going to have votes; there are three of them.

I have had a good 2 weeks. We have a lot of time we need to spend at home. We have not been home. These have been very long periods, two long work periods we have had since we have become a new Congress. Of course, I have to say for all of us, it is very exciting to all of us to see the Presiding Officer.

The VICE PRESIDENT. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I would like to take a minute to thank the majority leader and Republican leader for their assistance in helping us move this bill in a reasonably expeditious way, considering it is the budget.

I especially wish to thank the chairman of the committee and the ranking member did such a wonderful job. They do an extraordinary job. They are extremely professional and very courteous to the minority. It is always an open and fair process when we work on the budget, and they set an excellent standard.

I additionally wish to thank my staff, headed up by Cheri Reidy and Jim Hearn, Allison Parent, and they do a fabulous job. I also wish to thank the folks who work on the bill, because they stay here all day and make sure we are in order. I have another bite of this tomorrow. We move and we thank them very much for their time.

Mr. BAUCUS. Mr. President, the chairman of the committee and the ranking member did such a wonderful job. I think we should all express our appreciation.

(Applause, Senators rising.)

The VICE PRESIDENT. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I wish to thank each of our colleagues. This is a tough, difficult day for all of us. I think the Senate has conducted itself well and distinguished itself today.

I wish to thank each of our colleagues for that. I especially wish to thank Leader Reid for his support throughout this process; Senator Murray, who I think has a special knack for convincing people not to offer amendments. Thank goodness for Senator Murray. To my colleague, Senator Gregg, you could not ask for a better partner. There is no one more professional, more decent or somebody whose word is better than Senator Gregg. I deeply appreciate it, as well as his professional staff, who have been terrific to work with.

On our side, Mary Naylor, my staff director; John Righter and Joel Friedman, my deputies; Joe Gaeta, Steve Bailey, Mike Jones, Jamie Morin, Stu Nagurka, Steve Posner, Sarah Kuehl, and all the others who have contributed.

This has been a labor of love. They have worked night and day, weekends for months, and I deeply appreciate their sacrifice.

The VICE PRESIDENT. The Republican leader.

Mr. McCONNELL. Mr. President, let me briefly echo the remarks of the majority leader and congratulating Chairman Conrad and Ranking Member Gregg and say we have a lot of freshmen Senators. You probably think this is a tough day. I might mention to you, this is one of the least tough budget days we have had in the time that I have been here. I think I see the Vice President smiling. He would agree with that.

That is a tribute largely to Senator Gregg and Senator Conrad. Thank you so much for an excellent job.

The VICE PRESIDENT. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I wish to make a plea, if I can publicly. There is still time between now and tomorrow to try to do something differently on this question of sending our Ambassador to Iraq.

Senator Lugar is supportive. I am supportive. There is bipartisan support for this nominee. He is going to be approved. We all know that. Iraq is experiencing increasing political difficulties, and the missing ingredient of our capacity to get the success we want is political reconciliation.

Ambassador Crocker has not been well recently. He has put enormous energy in this effort. Getting Christopher Hill there in the next 2 weeks can make a difference for our colleagues, if there are other issues linked to this, there are other ways to work it through.

My hope would be that we would be able to free him up. It is a terrible message to send, to tie him to issues of North Korea or otherwise extraneous. It handicaps our capacity to maximize our efforts in a war.

If we are going to treat a war seriously, we ought to treat this Ambassador seriously. I would ask my colleagues to think about that while there is an opportunity to be able to approve it in these next 24 hours.

Mr. ENSIGN. Mr. President, I hate to throw a little cold water on this whole "Kumbaya" party we are having, but I think it is an important precedent that we determine tonight.

I rise to make a parliamentary inquiry regarding the status of the budget resolution. Specifically, I rise to inquire if the resolution remains a privileged measure, notwithstanding the adoption of 10 corrosive points of order, 8 of which reach into the jurisdiction of the Finance Committee, 1 of which reaches into the jurisdiction of the Appropriations Committee, and 1 into the Judiciary Committee.

In the case of the Durbin amendment, No. 974, the point of order specifies, with exacting detail, what level of taxpayer must receive a tax cut in order to allow death taxes to go forward.

Therefore, I put the question to the Chair: Does the pending budget resolution retain its privileged status despite these corrosive points of order having been adopted?

The VICE PRESIDENT. It does.

Mr. ENSIGN. Further parliamentary inquiry: Does that mean it would require 60 votes for passage?

The VICE PRESIDENT. It does not.

Mr. ENSIGN. Further parliamentary inquiry: Is losing its privileged status at this point, does that mean it would be still fully debatable?

The VICE PRESIDENT. It has not lost its privileged status.

Mr. ENSIGN. So that would be the precedent for the future, 8 to 10 corrosive amendments does not lose its privileged status.

The VICE PRESIDENT. This particular budget resolution has not lost its privileged status.

Mr. ENSIGN. I thank the Chair.

The VICE PRESIDENT. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, to briefly respond to the Senator from Massachusetts, the chairman of the distinguished Foreign Relations Committee has raised a serious issue about Ambassador Hill.

A number of us on our side have serious questions about Ambassador Hill and how he conducted himself in the last assignment. I would like to see what some of those instructions were from that assignment.

I recognize the seriousness of the situation. We are in deep discussions on this, no question about that. But I have serious reservations about his position in going to that. I think this will be a good period of time for us to get some of these questions answered from the State Department.

I have offered a letter to them. I have some serious questions about what took place during the negotiations with North Korea and a possible missile launch that will take place even in this interim, and this was our lead negotiator there.

For those reasons, I, amongst others, am raising questions at this time. I think they need to be answered before
he is approved for such an important spot for the United States.

The VICE PRESIDENT. The question is on the adoption of the concurrent resolution, as amended.

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

The VICE PRESIDENT. Is there a sufficient second?

There is a sufficient second. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

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

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

[Rollcall Vote No. 154 Leg.]

YEAS—55

Akaka  Hagan  Murray

Baucus  Hatch  Nelson (FL)

Begich  Inouye  Pryor

Bennet  Johnson  Reed

Bingaman  Kaufman  Reid

Boxer  Kennedy  Rockefeller

Brown  Kyl  Sanders

Burris  Klobuchar  Schumer

Cantwell  Kohl  Shaheen

Cardin  Landrieu  Stabenow

Carper  Lautenberg  Tester

Casey  Leahy  Voinovich

Conrad  Lieberman  Udall (CO)

Dodd  Lieberman  Udall (NM)

Dorgan  Lincoln  Warner

Durbin  McCaskill  Webb

Feingold  Menendez  Whitehouse

Feinstein  Merkley  Wyden

Gillibrand  Mikulski

NAYS—43

Alexander  DeMint  McConnell

Barrasso  Ensign  Murkowski

Bayh  Ratzlaff  Nelson (NE)

Bennett  Graham  Risch

Bond  Grassley  Roberts

Brownback  Gregg  Sessions

Bunning  Hatch  Shelby

Chambliss  Inhofe  Snowe

Coburn  Inouye  Stemwedel

Coehran  Johnson  Thune

Collins  Kyl  Vitter

Corker  Logue  Voinovich

Cornyn  Martinez  Wicker

Crapo  McCain

NOT VOTING—1

Byrd

The concurrent resolution (S. Con. Res. 13), as amended, was agreed to.

(The resolution will be printed in a future edition of the RECORD.)

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. (Mr. BEGICH). The Senator from Michigan.

NOMINATION OF ASHTON CARTER

Mr. LEVIN. Mr. President, I had the intent, when we got to executive session, of asking unanimous consent that Calendar Item No. 47, Ashton Carter’s nomination, be agreed to by unanimous consent. There is a hold on this nomination. The Vice Senators who have that hold have indicated to me their reasons for it. One of those Senators—and I have talked to Senator SHELBY; there is no objection to my identifying him this way—has not had the opportunity that he seeks to talk to Mr. CARTER. He has made a commitment that he will do so as quickly as he possibly can after the recess so we can hopefully get to this nomination very promptly. It is essential this be taken up.

So in light of the assurance I have received from Senator SHELBY particularly, and I have talked also to Senator SESSIONS about this matter, I am not going to make that unanimous consent request tonight.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

NOMINATION OF JANE HOLL LUTE

Mr. COBURN. Mr. President, in a few minutes there will be a unanimous consent motion for a nomination to the No. 2 position at Homeland Security—a very nice lady by the name of Ms. Lute.

I would make the point, as the second most senior member on Homeland Security—a very nice lady by the name of Ms. Lute. I cast a “no” vote for this person in committee, and that is very well detailed in my statement.

But I think there are some important things the American people should know about her previous service in terms of the peacekeeping forces under her direction as far as the procurement, management, and followup.

Here is what we know. Forty-three percent of all the money spent on international peacekeeping at the United Nations was either involved in fraud or kickback schemes and illegal contracting.

The other thing we know is that the international peacekeepers raped and abused hundreds and hundreds of people, for which at this time today the services under the direction of Ms. Lute have not been directed toward or the care given for those individuals who suffered those consequences.

The other thing we know is that the contracting associated with her administration in the U.N. was associated with several no-bid contracts that were inefficiently done and ineffectively carried out. It is on that basis that I agreed not to hold up her nomination. She will go through, and she will be confirmed. But this nominee has to prove herself at the Department of Homeland Security. I am willing to be proven wrong, but the fact is, her reason for the problems she had at the U.N. was the lack of cooperation at the U.N. She is going to make that unanimous consent request tonight.

Ms. KLOBUCHAR. Mr. President, I am sure the Senator is aware—let me just make this—but that’s the point. She is going to make that unanimous consent request tonight.

Mr. COBURN. I have no objection with that, and if the motion is made I will withdraw it. I am not going to make it today.

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

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

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to executive session on nominations, en bloc. Calendar Nos. 37, 38, 39, 41, 42, 44, 45, 46, 48, 49, 50, 51, 52, 53, 54, 55, 58, 59, 60, and all nominations on the Secretary’s desk; that the Agriculture Committee be discharged, and the Senate proceed, en bloc, to FN206, FN213 and FN217, that the nominations be confirmed, en bloc, the motions to reconsider be laid upon the table, en bloc, and that no further motions be in order.

The nominations considered and confirmed en bloc are as follows:

INTERNATIONAL BANKS

Timothy F. Geithner, of New York, to be United States Governor of the International Monetary Fund for a term of five years; United States Governor of the International Bank for Reconstruction and Development for a term of five years; United States Governor of the Inter-American Development Bank for a term of five years; United States Governor of the African Development Bank for a term of five years; United States Governor of the Asian Development Bank; United States Governor of the African Development Fund; United States Governor of the European Bank for Reconstruction and Development, vice Henry M. Paulson Jr., resigned.

DEPARTMENT OF STATE

Richard Rahul Verma, of Maryland, to be an Assistant Secretary of State (Legislative Affairs).

Esther Brimmer, of the District of Columbia, to be an Assistant Secretary of State (International Organization Affairs).

Rose Eileen Gottemoeller, of Virginia, to be an Assistant Secretary of State (Verification and Compliance).

Karl Winfrid Eikenberry, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States to the Islamic Republic of Afghanistan.

Melane Verver, of the District of Columbia, to be Ambassador at Large for Women’s Global Issues.

DEPARTMENT OF DEFENSE

James N. Miller, Jr., of Virginia, to be Deputy Under Secretary of Defense for Policy.