

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ATTORNEY GENERAL NOMINEE

Mr. McCONNELL. Madam President, the Senate will soon be asked to confirm a new Attorney General. For the past several months, our Democratic colleagues have pleaded for this very thing. They have spoken at length about the importance of the Justice Department and the urgent need to install new leadership there as soon as possible.

They do not want to make the pick. All they want is someone with "integrity" and "experience," who "respects the rule of law," and who can "hit the ground running." These are their words. The senior Senator from New York has assured us he and his colleagues will not "obstruct or impede" such a nominee—again, their own words. This was their plea and their promise.

It now appears, however, that despite these promises, some of our Democratic colleagues may indeed obstruct and impede.

Roll Call reported Monday that Democrats on the Judiciary Committee may intentionally—intentionally—delay confirmation of the next nominee, whoever he or she is, in order to extract still more administration documents in the U.S. attorneys matter. It cited one Democratic leadership aide as saying that "it would not be surprising if Democrats decide to take their time on the nomination as a way to force the administration's hand."

So our Democratic colleagues have repeatedly told us that the central concern in all of this was the health and well-being of the Justice Department. Yet now they say they are willing to hold up the new Attorney General in exchange for more documents related to their fishing expedition—which, so far, has been long on fishermen and short on fish.

Let's remember that over the last 7 months, the Senate Judiciary Committee has held no fewer than 13 hearings on the U.S. attorneys matter—13 hearings. The administration has cooperated extensively in this process. It has provided more than 8,000 pages of documents, along with dozens of witnesses in both public hearings and private interviews.

None of these documents, none of these witnesses, none of these hearings has produced evidence of illegality on the part of the administration in the U.S. attorneys matter. Despite their best efforts, our Democratic friends have candidly and publicly conceded they have yet to find—again, in their own words—a "smoking gun," which is not to say these investigations have been a complete waste of time for Senate Democrats.

While the Senate Judiciary Committee was holding hearings, the

Democratic Senatorial Campaign Committee was hard at work too. According to the Washington Post, as the Judiciary Committee hearings began, the Democrats' campaign committee began to raise money off the matter.

Here, in fact, is a copy of one of the DSCC's fundraising solicitations. It points to the U.S. attorneys matter and asks for a donation. Interesting timing.

Well, Madam President, as the adage goes: The proof is in the pudding. Our Democratic colleagues will help prove their concern for the Justice Department was genuine and not motivated by partisan politics by confirming a nominee in a timely manner.

Now, we know what the precedents are. Since the Carter administration, it has taken, on average—let me say this again—since the Carter administration, it has taken, on average, about 3 weeks from nomination to confirmation for a nominee for Attorney General—3 weeks, on average, from nomination to confirmation for Attorneys General since the Carter administration.

Some nominees have actually taken less time. Benjamin Civiletti and Janet Reno, the second Attorney General nominees of President Carter and President Clinton, were confirmed in 12 and 13 days, respectively, after their nominations. Richard Thornburgh, President Reagan's third Attorney General, was confirmed 17 days after he was nominated.

Now is the chance for our Democratic colleagues to prove they meant what they said. If they were serious when they cried out for new leadership at the Justice Department, they will follow Senate precedent. They will carefully weigh the qualifications of the nominee and vote in a timely fashion, as has been the case since the Carter administration.

If, instead, our colleagues intentionally delay the nominee and hold him or her hostage, they will show the American people that their concern for the Department was insincere and that they simply did not mean it when, as the senior Senator from New York put it: "This Nation needs a new attorney general, and it can't afford to wait."

In these times, it is especially important that the Senate act promptly. We are, after all, at war, and as the distinguished ranking member of the committee has noted, apart from the Defense Department, no Department of the executive branch is more important to defending our Nation than the Department of Justice.

So, Madam President, we need to act. I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, I just note, listening to the Republican leader, it is a little difficult to accuse us of delaying a nomination that has not yet been made. This is a new one.

The way it works is the President actually has to nominate somebody be-

fore we can consider the nomination. So before we rush out here and start accusing our side of delaying a nomination that has not yet been made, they might want to direct their attention to the White House. They are the ones who have an obligation to make the nomination.

PAY-GO

Mr. CONRAD. Madam President, I have come to the floor because at the end of last week the ranking member of the Budget Committee made a speech on pay-go in which he suggested it is a meaningless exercise and that it makes no contribution to fiscal responsibility. I come to the floor because I beg to differ, and I think I have a responsibility, as chairman of the Budget Committee, to give the other side of the story.

The Senate pay-go rule says that any new mandatory spending or tax cuts must be offset or get a supermajority vote. So if you want new spending or new tax cuts, you can have them, but you either have to pay for them or get a supermajority vote. That is the Senate rule. It is a good rule, and it has been effective at contributing to fiscal discipline.

If we look back in history, here is what we see, as demonstrated on this chart. We had a strong pay-go rule in effect from 1991 to 2000, and the deficit was reduced each and every year. In fact, we moved into surplus—in fact, a surplus so large that for 2 years we stopped using the Social Security trust fund to fund the operating expenses of the Federal Government. That is what happened with a strong pay-go rule.

Then our colleagues on the other side took control of both Chambers, took control of the White House, weakened the pay-go rule, and look what happened to deficits afterward. The surplus was squandered. We moved into deficits that grew year after year after year to record levels.

Now we have restored pay-go, and we are moving back toward a balanced budget. Pay-go, in fact, is working. The Senate pay-go scorecard shows a positive balance of \$450 million. So, in fact, pay-go is working. Every bill coming out of conference this year has been paid for. Every one that has come out of conference has been paid for, or more than paid for. Pay-go also has provided a significant deterrent, preventing many costly bills from ever being offered. Let me say I know that because as the Budget Committee chairman, I am besieged by Members who want to somehow get around pay-go. When we tell them: No, we are going to insist that things be paid for, it is quite remarkable how many of these things go away or are reduced so that they can be paid for.

Now, Senator GREGG himself, in a previous incarnation, was a strong supporter of pay-go. Here is what he said previously:

The second budget discipline, which is pay-go, essentially says if you are going to add a

new entitlement or you are going to cut taxes during a period, especially of deficits, you must offset that event so that it becomes a budget-neutral event that also lapses. If we do not do this, if we do not put back in place caps and pay-go mechanisms, we will have no budget discipline in this Congress and, as a result, we will dramatically aggravate the deficit which, of course, impacts a lot of important issues, but especially impacts Social Security.

Senator GREGG was exactly right then. Why he has done a U-turn I don't know. The fact is pay-go has been a useful discipline in this Congress, and he previously—even he has acknowledged that fact.

Now, the Senator from New Hampshire also criticized the use of the reconciliation process that was just used to extend assistance to college students. He said that was an abuse of reconciliation. I would remind him and our colleagues on the other side of the aisle of what they did when they controlled the reconciliation process. In the bill we just passed, we paid for it completely, and had over \$700 million of deficit reduction. That is what reconciliation is intended to do—to provide for deficit reduction.

Here is what they did when they controlled the reconciliation process. They adopted legislation that was not paid for, tax cuts that were not offset, and they added \$1.7 trillion to the debt using reconciliation, which was designed to reduce deficits and reduce debt. They stood the whole process on its head and used those special rules, those fast-track procedures to explode the deficits and debt.

In using reconciliation, we have not only been able to increase the assistance that will go to college students in this country, but paid for it completely. In the 2005–2006 budget reconciliation our friends on the other side controlled, they increased the deficit by \$31 billion. It is true they had some spending cuts, but they had even more tax cuts, so once again, they added to the deficit and debt.

So let's be clear. In the Senate reconciliation rule we have adopted, we have said reconciliation—which is a special fast-track procedure that has a limited time for discussion and debate and limits amendments—that special procedure can only be used if deficit reduction is the result. That is not what they did with reconciliation. They used it to explode deficit and debt. But on our side, we use the reconciliation process for the reason intended. There is a 60-vote point of order against any reconciliation bill that would increase the deficit or reduce a surplus.

The higher education reconciliation bill that was criticized by my colleague on the other side—which, by the way, passed here with an overwhelming bipartisan vote—but that bill increased the Pell grant to \$5,400 by 2012; cut the student loan interest rates in half; and reduced the deficit by \$752 million. That is in keeping with the spirit of reconciliation that is for deficit reduction. We compare and contrast that

with what the other side has done. When they had the control of reconciliation, they used that fast-track procedure not to reduce deficits, which was the whole reason for reconciliation; they instead used it to explode deficits and debt.

Our colleague on the other side also attacked the children's health insurance legislation that will cover 4 million additional children and is paid for. Let's review what that legislation does. It provides health care coverage to 4 million additional children. It is fully paid for over both 6 and 11 years, as required under pay-go. It is a 5-year reauthorization; Congress will reauthorize in 2012 with new policies and new offsets. Hopefully, by then we will have enacted reform of health care in America and we will have provided coverage, universal coverage. I think there is a growing bipartisan consensus that any health care reform should provide universal coverage, because that is the way we can most effectively run a health care system. It also provides important coverage to kids, while spurring action on broader health care reform.

Let me get back to the simple fact. This bill is paid for. The reconciliation bill for education was paid for. It was paid for because we put in place a pay-go requirement that says: If you are going to have new spending, you have to offset it or get a supermajority vote. We might have been able to get a supermajority vote without paying for these things. We didn't choose to do that. We chose to be fiscally responsible. We chose to pay for an expansion of children's health care. We chose to pay for additional assistance to our young men and women going to college. That was the right thing to do.

I might add, if you compare and contrast what they are complaining about, which is the outyear potential funding for children's health insurance, I am talking about this little line out here. This is what they are complaining about, this little tiny gap, and that is a theoretical gap. It is fascinating, because these tax cuts they want to extend without paying for them creates this chasm. They make no complaint about this chasm. They direct all of their attention to this theoretical gap, this tiny thing you probably can't even see on television. There is no credibility to that complaint. They say nothing about this chasm, and they focus all of their complaint on this tiny difference that is wholly theoretical, because this is a 5-year bill. It doesn't extend beyond 2012. They are talking about what is going to happen in the sweet by and by. Nobody can tell us what is going to happen past 2012. We know this bill is paid for until 2012. What happens in the future will be dependent upon the actions of future Congresses.

So as I have reviewed the remarks of my colleague on the other side criticizing pay-go, criticizing the higher education bill that passed here over-

whelmingly; criticizing the children's health care insurance expansion that is fully paid for, I don't find much merit. A lot of rhetoric there, but not much merit.

IRAQ

Mr. CONRAD. Madam President, yesterday was 9/11. I think all of us recall that fateful day. I certainly do. Earlier that morning, I had spoken to an education conference south of the Pentagon. I had driven by the Pentagon right before it was struck. I came and parked on the Mall in front of the Capitol. I came up the steps to a leadership meeting. Security people were coming down the steps ordering people out of the building, saying they were concerned about an attack on the Capitol itself. I left here and my military aide met me as I walked back to my offices—I guess, more accurately, I jogged back to my offices because we were being urged to leave quickly. I could hear a fighter plane overhead. My military aide turned to me and said: You know, Senator, those are our guys. Those are the Happy Hooligans from Fargo, ND. The first planes in the air to protect the Capitol were the Happy Hooligans of Fargo, ND. You may be asking yourselves: How can it be that a National Guard unit from Fargo, ND, are the first planes in the sky to protect the Nation's Capital? The reason is they are given that responsibility and they are aircraft flown by North Dakota pilots who are based at a base close by the Nation's Capital. They fly what is called the CAP over the Capitol to protect us, and they were the first planes in the air to provide fighter protection to this Capitol complex. It made me proud at the time to know those were the Happy Hooligans of Fargo, ND.

When I went back to my office, I was doing a national radio interview with a man named Ed Schultz who has a national radio show. We were watching in horror as the Twin Towers started to collapse. Security people ran in again and ushered us out, telling us there was a plane 8 minutes out and they were afraid it was headed for the Capitol complex. That is the plane that ultimately crashed in Pennsylvania. I don't think anyone knows for certain where that plane was headed. Most assume it was either the Capitol or the White House that was the intended target of that plane. I think we will always be forever grateful for the men and women who were on that plane who fought back. You think of the incredible bravery of those people, to know they were hijacked, to have learned through cell phone contact that the World Trade Center had been attacked, the Pentagon had been attacked, and they did not just sit. They got out of their chairs and fought back. By doing so, they may have saved either the White House or this Capitol. That was an act of extraordinary heroism and courage.