

back to some studies 20 years ago, particularly in the area of passthrough entities.

I have a chart here that will make reference to some of these portions, significant portions of the tax gap. This is easily brought to focus on the Internal Revenue chart we have here. Remember, this is for tax year 2001, the latest available information. You can see it is only those items in bold that have been updated from the recent national research program, primarily in the area of individual income taxes and self-employment taxes; these areas right here.

It would be nice to have an update on all of this. But in order to get on top of it and get it done quickly, we asked the IRS to focus on these areas. With the colors, you can see it is only the green—underpayment of taxes—that we have high confidence in. The light blue has been recently updated. We have some better sense of what the costs are.

Unfortunately, it is the yellow—the bigger parts of the chart—that is dependent upon the older numbers sometimes going back years and years. That is the yellow portion I have already referred to.

In terms many can better understand, think of the yellow estimates as being the broad side of the barn in terms of accuracy. So there we have it. At the end of the day the tax gap, based on many old estimates, is thought to be \$345 billion for tax year 2001. That reflects a noncompliance rate of 16 percent. So basically, 84 percent of the tax dollars are coming in as required by law. We have a tax gap then of a remaining 16 percent.

Now I will turn to what are the elements of the tax gap. Again the chart from the Internal Revenue Service provides a useful blueprint. Nonfiling is about \$27 billion. These are the people who do not even file their taxes. Then there is the underreporting of \$285 billion. The Internal Revenue Service divides that into four categories: individual taxes at \$197 billion; employment taxes, \$54 billion; corporate income taxes at \$30 billion; and estate tax and excise taxes of \$4 billion.

Underpayment of taxes, which is the amount people admit they owe on their tax returns but do not pay on time, happens to be \$33 billion.

Clearly individuals make up the biggest part, with individuals underreporting nonbusiness income and business income, and overstating adjustments, deductions, and exemptions being the elements of the tax gap for individuals. A good deal of this is concentrated in the areas of self-employment and schedule C of the tax return.

Now that we have gone through how we measure the tax gap and what makes up the tax gap, the most important thing people want to know is—they do not want a definition of the problem—what can be done to close it? That is what my constituents ask me.

I believe the real question is one I would state this way: What steps can

be taken that are effective and will not unduly burden taxpayers? We have to bear in mind most taxpayers do comply, and a significant amount of noncompliance is unintentional. I think all Members recognize that in the zeal to get at the tax gap, we cannot wreck the lives of the honest taxpayers. Most of the taxpayers, 85 percent, are not a problem. We cannot be like the fellow who tears down his house to get at the mouse. Members on the other side should be particularly sensitive to the mindset of not taking on the honest taxpayer when trying to take care of the problem of the 15 percent, given this was effectively what was being promoted in 1994 with the wholesale reform of health care. Proponents in 1994 wanted to change the health care system for 85 percent of the people for whom the system worked to help the 15 percent of the people who did not have health insurance. The voters were right in telling political leaders at that time in 1994 that this did not make any sense. First we need to recognize that the Internal Revenue Service is already, through enforcement, doing quite a bit to deal with the tax gap.

This chart reflects the Internal Revenue Service's testimony before the Budget Committee and estimates the IRS activities will reduce the tax gap, the \$345 billion total, by nearly \$70 billion by the year 2007. This reflects \$17 billion in direct enforcement revenue and the rest in direct compliance effects. So we start with that as the base, the work of the Internal Revenue Service, which is already reducing approximately 20 percent of the tax gap, with Commissioner Everson's statements last year that the Internal Revenue Service could bring in somewhere between \$50 billion and \$100 billion a year without dramatically changing the relationship between the IRS and taxpayers; in other words, not being more egregious against the honest taxpayer. Well, the IRS is already doing that, according to its Commissioner.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. GRASSLEY. Mr. President, I have to have 10 more minutes, maybe less than that.

The ACTING PRESIDENT pro tempore. The Senator will have to propose a unanimous-consent request to that effect.

Ms. COLLINS. Mr. President, I think we have votes that are scheduled at 11:45.

The ACTING PRESIDENT pro tempore. That is correct.

Ms. COLLINS. Perhaps the Presiding Officer could review—

Mr. GRASSLEY. Mr. President, I will complete my statement later, but I wish people would get it straight. If I were told I could come over here and finish my statement, and do it in morning business, I would like to be able to do it; otherwise, I would have waited to do it tonight.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

IMPROVING AMERICA'S SECURITY ACT OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 4, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 4) to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

Pending:

Reid amendment No. 275, in the nature of a substitute.

Landrieu amendment No. 321 (to amendment No. 275), to require the Secretary of Homeland Security to include levees in the list of critical infrastructure sectors.

Schumer/Clinton amendment No. 336 (to amendment No. 275), to prohibit the use of the peer review process in determining the allocation of funds among metropolitan areas applying for grants under the Urban Area Security Initiative.

Coburn amendment No. 325 (to amendment No. 275), to ensure the fiscal integrity of grants awarded by the Department of Homeland Security.

Coburn amendment No. 294 (to amendment No. 275), to provide that the provisions of the act shall cease to have any force or effect on and after December 31, 2012, to ensure congressional review and oversight of the act.

Kyl modified amendment No. 357 (to amendment No. 275), to amend the data-mining technology reporting requirement to avoid revealing existing patents, trade secrets, and confidential business processes, and to adopt a narrower definition of data-mining in order to exclude routine computer searches.

Biden amendment No. 383 (to amendment No. 275), to require the Secretary of Homeland Security to develop regulations regarding the transportation of high-hazard materials.

Schumer modified amendment No. 367 (to amendment No. 275), to require the Administrator of the Transportation Security Administration to establish and implement a program to provide additional safety measures for vehicles that carry high-hazardous materials.

Stevens amendment No. 299 (to amendment No. 275), to authorize NTIA to borrow against anticipated receipts of the Digital Television Transition and Public Safety Fund to initiate migration to a national IP-enabled emergency network capable of receiving and responding to all citizen-activated emergency communications.

Schumer/Clinton amendment No. 337 (to amendment No. 275), to provide for the use of funds in any grant under the Homeland Security Grant Program for personnel costs.

Bond/Rockefeller amendment No. 389 (to amendment No. 275), to provide the sense of the Senate that the Committee on Homeland Security and Governmental Affairs and the Select Committee on Intelligence of the Senate should submit a report on the recommendations of the 9/11 Commission with respect to intelligence reform and congressional intelligence oversight reform.

AMENDMENTS NOS. 294 AND 325

The ACTING PRESIDENT pro tempore. Under the previous order, the

time until 11:45 a.m. shall be for debate on Coburn amendments Nos. 294 and 325, and the time shall be equally divided between Senators COBURN and LIEBERMAN or their designees.

The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I yield 5 minutes of our time to Senator BROWN of Ohio. He has a statement to make as in morning business.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

Mr. BROWN. Mr. President, I ask unanimous consent to speak for 5 minutes as in morning business.

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

Mr. BROWN. Mr. President, I thank my friend from Connecticut.

(The remarks of Mr. BROWN are printed in today's RECORD under "Morning Business.")

Mr. BROWN. Mr. President, I thank the Senator from Connecticut and yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I yield 5 minutes of the time on our side to the Senator from Delaware.

The ACTING PRESIDENT pro tempore. The Senator from Delaware is recognized.

Mr. CARPER. Mr. President, I thank the chairman.

We heard, a few minutes earlier, from Senator GRASSLEY of Iowa, the ranking Republican on the Finance Committee. He talked at some length about the tax gap, which some suggest may be costing our Treasury roughly \$300 billion this year, last year, and next year as well. These are moneys which are believed to be owed but not being collected by the IRS. When we talk about reducing our Nation's budget deficit—something we all know we need to do—among the ways to do it is to close the tax gap.

Another way to do it is to address what are called improper payments. Senator COBURN and I lead a subcommittee in Governmental Affairs and Homeland Security called the Federal Financial Management Subcommittee. We have been exploring the issue of improper payments. We have had for a number of years an improper payments law that says Federal agencies have to not continue making improper payments.

We found out about 2 years ago roughly \$50 billion in improper payments were made by Federal agencies—mostly overpayments, some underpayments. Unfortunately, that is just the tip of the iceberg. It turns out improper payments made for the last year have been down to about \$41 billion, but it does not include the Department of Defense, it does not include improper payments made by Homeland Security, and it does not include improper payments that crop up in some other parts of our Federal Government.

Senator COBURN and I have been holding hearings. Last year, it was

under his leadership as chairman. We held one under my leadership as chairman earlier this month on improper payments. We are going to focus, early this year, particularly on some of the big agencies—Homeland Security, which still does not comply with the law; the Department of Defense, which still does not comply with the law—to provide a strong impetus for them to begin complying with the law or at least to get on the right track.

Senator COBURN has an amendment he has offered, one that is opposed by the National Governors Association and by a number of other groups. What he would attempt to do—and what I think his purpose is; his goal is meritorious—is to compel the Department of Homeland Security to comply with the Improper Payments Act. He does so in a way that holds at risk State and local governments and their ability to receive homeland security grants, really three out of I think the four major grant programs that are handled by Homeland Security that we are discussing today with this bill.

The reason why the National Governors Association and I think other State and local governmental entities are opposing the amendment is because they could be held at risk of not receiving the grants for a lot of fire departments and other first responders and other State and local agencies, through no fault of their own but because the Department of Homeland Security is not complying with the Improper Payments Act.

Senator COBURN was prepared to offer a second-degree amendment, one I think he and his staff worked on with OMB that I think was a far better approach to getting the attention of Homeland Security to comply with the Improper Payments Act. He is not going to be able to offer the second-degree amendment. As a result, we have no choice but to debate and vote on his initial amendment, which we took up in committee. I asked him not to offer it in committee during the markup. He did not, and today his only choice is to offer that same amendment. Unfortunately, I cannot support it.

He is onto a good idea. The idea is we need to put not just Homeland Security but the Department of Defense—and a bunch of other Federal agencies that are not complying with this law—we need to put them under the gun and say: You have to start complying—and to provide pressure, incentives, sticks, carrots to get them in compliance with the law.

I think we will be holding our second hearing later this month on further looking at the Improper Payments Act. We are going to be bringing before us the Department of Homeland Security to find out what is their problem, why are they unable to comply with the law. Do we need to make changes in the law or do they just need to get on the ball? It may be a combination of the two.

To that end, I look forward to working with my colleague, Senator

COBURN. I must reluctantly oppose the amendment—not the amendment he wanted to offer. The amendment he wanted to offer, he is not going to have a chance to offer. But the amendment he is offering, I have to oppose.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Oklahoma.

Mr. COBURN. Mr. President, I ask the Presiding Officer to notify me when I have 5 minutes remaining of my time.

The ACTING PRESIDENT pro tempore. The Senator will be so notified.

Mr. COBURN. Mr. President, it is a curious thing that when we have hearings in the Senate, we find out problems and then offer real solutions that have teeth—as Senator CARPER just said, to put them under the gun. Nobody wants to put them under the gun.

This amendment on improper payments gives the Department of Homeland Security 18 months to comply before any State will see any harm from this. The fact is, the States are not without some responsibility because some of the improper payments go to some grants that go in the State.

The American people need to ask: Is the Congress really serious about controlling spending? They are not. This amendment is not going to pass. All we are saying is: Here is a law they were supposed to be in compliance with in 2004. It says: If you are not going to be in compliance with it—they have not, they have not, they have not—we are saying, to be accountable, you have to be transparent, you have to have results. The results are complying with the Improper Payments Act.

We also think there ought to be competition for some of the grants. There is not in this bill. There ought to be a priority set. There ought to be responsiveness. There ought to be spending discipline.

As this amendment goes down—and it will—the Senators are going to reject the very idea of having accountability, the very thing they talk about with earmarks. The reason they cannot give up earmarks is because they cannot let the administration and the agencies manage the money.

But here is a tool to force Homeland Security to manage its money, to hold them accountable and say in 18 months from now, if you have not done the work every other agency of this Government is supposed to have done, then we are going to hold you accountable by cutting off the money. That is tough love. It is putting them under the gun. That is exactly what we need to do.

Do you know what will happen if my amendment is accepted and it comes through? Homeland Security will report its improper payments. But if we do not, I want you to think about what happens when you reject this amendment. What is the consequence for every other agency of the Federal Government to now not comply with the Improper Payments Act? There is no cost in not complying with the Improper Payments Act.

According to the GAO, the following portions of Homeland Security do not meet anywhere close the Improper Payments Act. That is the Customs and Border Protection, that is the Office of Grants and Training. They have not done a thing to be in compliance with this money.

Now, we can look the other way and we can say we are not going to enforce the law, but the next thing I am going to do, as a Senator—if we are not going to enforce the improper payments law, then let's get rid of it. The American people deserve to have the law enforced. It is a good law. It helps us hold the agencies accountable, the very thing that the \$26 to \$27 billion worth of earmarks says we cannot do.

Now we have an opportunity to do it, and we are going to vote against it. Why? Because we may put something at risk. Well, quality and results depend on us putting this at risk, to force this agency, FEMA, to come into compliance with a law that is on the books with which they have refused to comply.

Senator CARPER mentioned the \$40 billion of improper payments. That only represents 40 percent of the Federal Government. There is at least \$100 billion of our money—the taxpayers' money—which is being paid out which should not be paid out, and probably \$20 billion of it is in the Pentagon. We know the Department of Health and Human Services has not complied with the Improper Payments Act on Medicaid, and that is estimated somewhere between \$20 billion and \$30 billion. So we know of at least \$100 billion.

I want you to think for a minute when you vote against this amendment what you tell every other agency in the Federal Government: There is no consequence whatsoever to not meeting the Improper Payments Act of 2002. There will be no consequence even though we are going to say you have not done it. Here is a way to do it, to force Homeland Security to be accountable and to recognize they have an obligation under the law to report and look at the risk factors.

Now, what does the Improper Payments Act ask agencies to do? Everything we would want done with our own money:

Perform a risk assessment. Is there a risk for improper payments? Homeland Security hasn't even done that.

Develop a statistically valid estimate of improper payments. In other words, go look at it and do a study to see if there potential that money is going out the door that should not go out the door.

Develop a corrective action plan.

Report the results of these activities to us, the Congress, the people's representatives.

By voting against this amendment, you are telling Homeland Security they don't have to comply, that there is no teeth; it will never be done. Why would the Governors Association oppose this? Because they are the monied

interest groups that are going to get the money. In fact, some of the problems with the money is the responsibility of the Governors. If I were a Governor, I would not want you checking on my money. It is natural for them to oppose it. But it is normal for us to protect the taxpayers by saying that every agency ought to apply and respond to the law under improper payments. It is simple. We should ask that Homeland Security follow the law.

When you vote against this amendment, what you are telling Homeland Security, the Defense Department, the Department of Health and Human Services, and all of the other departments is that they don't have to comply because now we are going to be toothless and say there are no consequences whatsoever.

Some will say this puts these grants at risk. There are no grants at risk. There is \$4.8 billion sitting in the queue right now that won't be spent for 18 months. This bill authorizes another \$3.2 billion to follow after that.

If they cannot comply in 18 months, we need to stop and take a timeout and ask: Why can't you tell us where you are spending money that you should not be spending? Why can't you comply with the very simple things this act asks? Why can't they do a risk assessment in 18 months, develop a statistically valid estimate of where the problems are? They cannot do that in 18 months, develop a corrective action plan? They cannot do that in 18 months? They cannot report to us in 18 months?

To oppose this amendment says we don't care about improper payments. It is going to be like a lot of other laws on the books: we don't have standing; I, as a Senator, don't have any standing to sue the Federal Government to make it comply. The reason we won't have standing is because we don't have the courage to do what is right for the American taxpayers.

The last election had a lot to do with spending. This is going to be a vote to say whether we really meant what we said when we said we were going to start taking better care of the American taxpayers' dollars; that we were going to make the Government more accountable, more transparent and efficient. We are going to see a vote against this amendment, and the American people are going to get shortchanged once again because we don't have the courage to go up against the monied interests that get the grants and say we ought to at least have transparency.

There is another tool coming back called the Transparency and Accountability Act of 2006, and the American taxpayers are going to know whether improper payments are made. We are not going to do our job.

I reserve the remainder of my time.

Mr. OBAMA. Mr. President, I rise today in support of the amendment offered by my good friend from Oklahoma that would sunset the provisions of this bill after 5 years.

In general, I think this is a very good bill. But I have serious reservations about the method by which this bill allocates State homeland security grants.

Last week, I came to the floor to offer an amendment to make this funding allocation more based on risk. My amendment was an attempt to meet the 9/11 Commission's recommendation that "[h]omeland security assistance should be based strictly on an assessment of risks and vulnerabilities [and] federal homeland security assistance should not remain a program for general revenue sharing."

That is why my amendment sought to send the most dollars to those areas at the greatest risk of an attack. As compared to the funding formula in the underlying bill, my amendment would have better protected our borders, our ports, our railroads, our subways, our chemical plants, our nuclear power plants, our food supply, and our firefighters, police officers and EMTs.

Unfortunately, my amendment was defeated, as was a similar amendment offered by Senators FEINSTEIN and CORNYN. I think this was an unfortunate mistake by the Senate, and I am hopeful that this mistake will be corrected in conference.

If the funding formula is not fixed, however, I believe it is perfectly appropriate for us to reexamine this issue 5 years from now to ensure that the allocation of homeland security funding provides the necessary resources to communities most at risk.

For this reason, I will support the amendment offered by my colleague from Oklahoma.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, may I ask how much time we have on our side?

The ACTING PRESIDENT pro tempore. There is 5 minutes 4 seconds.

Mr. LIEBERMAN. I yield 2 minutes of that time to the Senator from Maine.

The ACTING PRESIDENT pro tempore. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I am very sympathetic to the frustration expressed by the Senator from Oklahoma. Our committee, last year, had extensive hearings looking at waste, fraud, and abuse in the spending of funds in the wake of Hurricane Katrina. We documented over a billion dollars of waste or fraudulent spending. So the Senator has put his finger on a very important problem.

I am very concerned about the practical impact of the Senator's amendment. The Senator, at one point, had a second-degree amendment, which he has decided not to offer, which addressed part of my concern. The Senator has said this morning that the Department would have 18 months to comply with the provisions of the Improper Payments Act. But, in fact, the

plain language of his amendment says the Secretary shall not award any grants or distribute any grant funds under any grant program under this act until the certification, risk assessment, and estimates that his amendment calls for have been completed. The result of that, because our legislation includes some grant money for interoperability under the Commerce Committee provisions in the bill, for this year, is that it halts those funding programs, those grant programs. The result is to penalize first responders, State and local governments, for the faults that are largely from the Department of Homeland Security. I don't think that is fair. That is why the National Governors Association and the National Emergency Managers Association strongly oppose this amendment.

In addition, the Department has expressed great concern about this amendment. In fact, the Department's Office of General Counsel has written to me that they "strongly oppose the amendment prohibiting the Secretary from awarding any grant, or distributing any grant funds, until the Secretary has submitted the certifications and other analyses in response to Senator COBURN's amendment." So it is not just the Governors and the emergency managers. It is also the Department of Homeland Security that strongly opposes the Coburn amendment.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I want to speak very briefly on what I believe is the first of two amendments offered by the Senator from Oklahoma, amendment No. 294, the sunset of the entire text of the underlying bill, S. 4.

This would sunset all of the provisions of this legislation in 5 years. Obviously, the terrorism threat in the legislation that we have passed since 9/11, particularly in the Homeland Security Act of 2002 and the 9/11 legislation of 2004, will not go away in 5 years. Many parts of this bill amend existing underlying provisions that do not sunset. Thus, if we pass the Coburn amendment No. 294, we would be amending provisions for homeland security grants, information sharing, interoperability. Then in 5 years these homeland security programs would revert back to earlier rules and realities, which we have found in this bill to be inadequate. I think that would be a disruptive and, in many ways, a bizarre result.

If this called for reauthorization, as other legislation does, not immediate sunset, I would say it would be more reasonable to consider. But that is why I oppose Coburn amendment No. 294.

Mr. COBURN. Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. Six minutes.

Mr. COBURN. For the opposition?

The ACTING PRESIDENT pro tempore. Forty-six seconds.

Mr. COBURN. Mr. President, let me address Senator LIEBERMAN for a minute. The very thing he says he doesn't want to do now, we did exactly on the PATRIOT Act. Why would I want to sunset that? The American people would like to see every piece of legislation that we do that has to do with authorization and spending sunsetted. There are good reasons for that. We don't know what the terrorism situation will be in 5 years. We don't know all of the aspects of what we are dealing with. What we know is that 4 years from now, if this is sunsetted, we will be working on a new bill that is based on the realities of the world at that time.

Instead, what the opposition to this sunset amendment says is what we are doing now we know, without a doubt, is exactly what we need to do in 5 years from now in every area. I would put it to you that none of us knows exactly what we need to do 5 years from now. A sunset won't cause this to lapse. It will cause the Congress to act in year 4 to reauthorize the bill when it expires.

I have 5 minutes left. Let me talk about this. We should get reports on what we have done. We should report and react in a very commonsense way to what this bill has done over the next 4 or 5 years. We should review that. We should then reform what we are doing now so that it has better application and wiser use of resources, and then we should reauthorize.

To oppose sunsetting this speaks of an arrogance that is unbelievable of this body. We cannot know what we need to do 5 years from now in terms of homeland security. We don't know. It is an ever-changing situation. To imply that this will lapse—everybody here knows that is not the fact. We are not about to let it lapse. We are going to do what is necessary for our country.

This amendment tells us that we ought to relook at it because we don't have that kind of wisdom. If we think we do, we should not be here because that means we are going to be making a lot of mistakes. So I will go back to that. Let me go back.

Why would Homeland Security oppose the Improper Payments Act, as read by Senator COLLINS? Because they have not complied. They have no intention of ever complying. The one thing that the 9/11 Commission said that this Congress has not done is to have one committee responsible for oversight of Homeland Security. Senator CARPER and I spent a lot of time last year, as did Senator LIEBERMAN and Senator COLLINS in full committee, and we in our subcommittee, on Oversight of Homeland Security. We found a billion dollars wasted in Katrina. We found tons of improper payments in Homeland Security. We found that, in fact, there is no accountability. There is no accountability in the Department of Homeland Security.

The American public deserves to have the two amendments I have of-

fered today. They deserve to force them to do what the law says on improper payments, and they deserve for us to make a reevaluation 4 years from now on what ought to be different. We ought to reassess what we are doing and reevaluate how we do it, and we ought to say we need to apply more resources to that problem. The American people deserve to know they are getting value for their money. Right now, they are not getting that in homeland security and in multiple areas because we cannot even find out.

So here we are crying that we cannot have earmarks because the agencies are going to run what they want to run. We have an opportunity to not let them run, and we are going to run against it. It is counterintuitive to me that we would be on both sides of this issue.

The fact is, the Federal Government is unaccountable in many ways, and the American people know that. On these two amendments, the American people are going to ask: How did they vote? And they are going to say, once again: What are they thinking? They are protecting the interests they have there now and putting at risk the interests of the next generation—because we don't do something simple like sunset a bill or make an agency comply with improper payments.

What would happen if there was a 1-month delay in grants? Nothing. But what would happen if we got the improper payment data from Homeland Security? Plenty. Then we could act on it and hold them accountable in the appropriations bills. Then we can do our jobs and do something about it.

I withhold the remainder of my time.

Mr. LIEBERMAN. Mr. President, our friend is making some points I agree with, as does Senator COLLINS and most Members. Our problem is that in each of the two amendments, the instrument he has chosen is very blunt. I wish we had more time to work on these. If they don't survive the two votes today, I look forward to going back in committee to work on these generally.

Why do I say they are blunt? The National Governors Association explained why they thought the improper payments would lead to the termination of homeland security grant funding to the States. There are some estimates by the administration that it would threaten Medicare payments. Doing something about this is good, but why have the ultimate punishment be on the beneficiaries?

The same is true of the sunset provision. Incidentally, the money authorizations in this bill are sunsetted. It is different from the PATRIOT Act, where the provisions with the sunset were very controversial. In this bill, I don't think there is any controversy about the underlying proposals.

I still respectfully oppose these two amendments, and I hope that if they don't succeed, my colleague and I can work in the committee to bring forth a

version of both that we can both support.

Mr. COBURN. I inquire of the Chair how much time is remaining.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma has 1 minute 17 seconds.

Mr. COBURN. Mr. President, I hope the American people will look at these commonsense amendments and look at how their Senators vote. The one way to get things done is to put somebody in a bind. The fact is, this is the law. It is already the law, and we are saying we are going to put some teeth behind the law and make you do it.

I raise one final point. If my colleagues vote against this, what they are saying to every other agency is: There is no consequence to not reporting and doing what you are supposed to do under the Improper Payments Act of 2002. That is the signal we will be sending.

The American people want the signal the other way. With \$100 billion of their tax money paid out the door, that is improper, most of it overpayments, and we are saying we are letting one of the biggest agencies of the Federal Government off the hook.

If my colleagues want to vote for that, that is fine, but I hope we are held accountable for that vote in the next election cycle when we claim we want the Government to be efficient, we claim we want it smaller, we claim we want to get good value for the American taxpayer value. These votes surely will not show that, if my colleagues vote against these two amendments.

I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). All time has expired.

Under the previous order, the question is on agreeing to amendment No. 294 offered by the Senator from Oklahoma.

Mr. LIEBERMAN. Mr. President, I move to table amendment No. 294 offered by the Senator from Oklahoma, and I ask the vote be taken by 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 South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senator was necessarily absent: the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 60, nays 38, as follows:

[Rollcall Vote No. 70 Leg.]

YEAS—60

Akaka	Bond	Cardin
Baucus	Boxer	Carper
Bayh	Brown	Casey
Bennett	Bunning	Clinton
Biden	Byrd	Cochran
Bingaman	Cantwell	Coleman

Collins	Lautenberg	Rockefeller
Conrad	Levin	Salazar
Dodd	Lieberman	Sanders
Dorgan	Lincoln	Schumer
Durbin	Lott	Smith
Feingold	Menendez	Snowe
Feinstein	Mikulski	Specter
Harkin	Murkowski	Stabenow
Inouye	Murray	Stevens
Kennedy	Nelson (FL)	Tester
Kerry	Nelson (NE)	Voinovich
Klobuchar	Pryor	Webb
Kohl	Reed	Whitehouse
Landrieu	Reid	Wyden

NAYS—38

Alexander	Ensign	Martinez
Allard	Enzi	McCaskill
Brownback	Graham	McConnell
Burr	Grassley	Obama
Chambliss	Gregg	Roberts
Coburn	Hagel	Sessions
Corker	Hatch	Shelby
Cornyn	Hutchison	Sununu
Craig	Inhofe	Thomas
Crapo	Isakson	Thune
DeMint	Kyl	Vitter
Dole	Leahy	Warner
Domenici	Lugar	

NOT VOTING—2

Johnson	McCain
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The motion was agreed to.

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

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

AMENDMENT NO. 325

The PRESIDING OFFICER. Under the previous order, there will now be a 2-minute debate equally divided on the Coburn amendment No. 325.

Mr. COBURN. Mr. President, this is a real simple amendment. The improper payments law was passed in 2002. By 2004, all Government agencies were supposed to come under it. The Homeland Security Department has never filed, under the six major agencies, an improper payments report.

People will say: Well, this will cut off funding. No. 1, it would not cut off any funding for 18 months. No. 2, if you vote against this, you are sending a signal to every other agency that they do not have to comply with the improper payments law.

Mr. LIEBERMAN. Mr. President, I intend to move to table this Coburn amendment, and, obviously, I look forward to working with the Senator in our committee.

Basically, the funding on this bill is subjected to the improper payments law. As a letter from the National Governors Association makes clear, the Coburn amendment would effectively, and I quote, “stop all State homeland security grant expenditures.”

That is unfair, unnecessary, and that is why I will move to table.

Mr. President, I yield back all remaining time on both sides, and I move to table the amendment offered by the Senator from Oklahoma and ask for the Senator from Oklahoma and 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 motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senators were necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from Alaska (Ms. MURKOWSKI).

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

The result was announced—yeas 66, nays 31, as follows:

[Rollcall Vote No. 71 Leg.]

YEAS—66

Akaka	Domenici	Mikulski
Allard	Dorgan	Murray
Baucus	Durbin	Nelson (NE)
Bayh	Feinstein	Obama
Bennett	Hagel	Pryor
Biden	Harkin	Reed
Bingaman	Inouye	Reid
Cardin	Isakson	Roberts
Carper	Bond	Rockefeller
Casey	Boxer	Kerry
Clinton	Brownback	Salazar
Cochran	Byrd	Sanders
Coleman	Cantwell	Schumer
Collins	Carper	Shelby
Conrad	Casey	Snowe
Crapo	Clinton	Specter
Dole	Cochran	Stabenow
Domenici	Coleman	Sununu
Dodd	Collins	Thomas

NAYS—31

Allard	Ensign	McCaskill
Brown	Enzi	Nelson (FL)
Bunning	Feingold	Sessions
Burr	Graham	Smith
Chambliss	Grassley	Tester
Coburn	Gregg	Thomas
Corker	Hatch	Thune
Cornyn	Hutchison	Vitter
Craig	Inhofe	Webb
DeMint	Kyl	
Dole	Martinez	

NOT VOTING—3

Johnson	McCain	Murkowski
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The motion was agreed to.

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

The motion to lay on the table was agreed to.

Mr. LIEBERMAN. Mr. President, we had hoped at this point to offer another consent request to the Senate about several amendments we thought were cleared on both sides. Unfortunately, there is objection on that so we will have to wait.

Pursuant to the consent agreement we passed last week, we are going to final passage on this bill today. When we come back after the party lunches at 2:15, we will begin to dispose of the pending germane amendments in whatever way we can at that time. Then this afternoon we will go to final passage. There definitely will be additional votes this afternoon on this important legislation.

I ask that the Senate stand in recess under the previous order.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate stands in recess until 2:15 p.m.