

Mr. BYRD. Mr. President, I was saddened to learn that my good friend and former colleague, Senator Howard Metzenbaum, has passed away.

He was a man of courage, conviction, commitment, and toughness. He was a labor lawyer and union lobbyist, who grew up in poverty, and went on to become a champion of the rights of American workers. He was a self-made millionaire who became a dedicated adversary of big business.

I was honored to work with him in the Senate for 18 years. He was an unabashed liberal who brought such an intensity to any issue he was promoting, that it was a pleasure simply to watch him as he worked. It was the high level of energy and emotion that he brought to the issues about which he felt most deeply that prompted me to remark at one point, "Some men have succeeded in politics through diplomacy and compromise, [but] Howard Metzenbaum's forte has been his passion."

And he was passionate about liberal causes. During his career in the Senate, he wrote legislation on nutrition-labeling, funding for "orphan drugs" for rare diseases, airline safety, and penalties for violations of child-labor laws.

It was a delight to work with him in the incredibly productive 100th Congress—and he was one of the reasons that that particular Congress was so productive. Some of the legislation that Senator Metzenbaum sponsored during that Congress included plant-closing notification and a massive worker-retaining program.

Mr. President, Senator Metzenbaum's support for liberal causes earned him a variety of labels and descriptions. While the Wall Street Journal branded him "Senator No" for his determination and ability to block legislation that favored special interests, the Dayton Daily News called him "Senator Can Do" for his legislative accomplishments.

The Cleveland Plain Dealer described him as the "watch dog for American consumers." The Gannet News service called him the "millionaire friend of the little guy." The Congressional Quarterly depicted him as the "Democratic Gatekeeper." In his weekly newspaper column, Senator Paul Simon called him "the tiger of the Senate." The head of Handgun Control, Sara Brady, labeled him a "hero" for his leadership in fighting for the Brady bill and other gun-control measures. I was privileged to be able to call Senator Metzenbaum "friend" and "colleague."

American workers and American consumers, as well as members of the Senate, the State of Ohio, and the citizens of our beloved country are all so much better off because he served in this chamber for nearly two decades.

Mr. President, during one of his fights against special interests, the Washington Post editorialized, "Thank God for Metzenbaum." I loved that re-

mark because I, too, wish to "thank God for [Senator] Metzenbaum."

Mr. HARKIN. Mr. President, I was saddened to learn of the death, last night, of former Senator Howard Metzenbaum of Ohio. But my grief is leavened by wonderful memories of this extraordinary person and all that he accomplished during his nearly two decades in this body.

There are several essential, bedrock things you quickly learned about Howard Metzenbaum. He was proud, unreconstructed, irrepressible liberal. He was a fighter who never gave in or gave up. And he was utterly intolerant of injustice or discrimination toward any human being.

In many ways, he was a classic child of the Great Depression, raised amidst poverty and anti-Semitic prejudice, and reared on the speeches of his hero, Franklin D. Roosevelt.

Howard was a self-made man who said that he was "born knowing how to make money." And he did, indeed, make a fortune in the business world. But, for Howard, money was not an end in itself. It gave him the freedom to devote himself to public service and to the causes that he believed in so passionately.

Howard and I shared a common interest in combating child labor and child slavery around the world. I especially admired his work as a founding member of the RUGMARK Foundation, a non-profit organization dedicated to fighting child labor in the hand-made carpet industry, especially in countries like India and Pakistan.

He poured all his energy and prestige as a U.S. Senator into getting RUGMARK started, and building it into the successful humanitarian organization that it is today. And on many occasions, he joined with other anti-child-labor activists in picketing outside of rug stores that persisted in selling products made with abusive child labor.

Of course, Howard's fight for social and economic justice extended into many other arenas.

For many years, he worked as a lawyer for labor unions, and he always believed passionately in unions as instruments for lifting people up and fighting for justice. It was Senator Metzenbaum who passed the law requiring 60-day notice before a plant could be closed.

And I dare say that the Senate has never had a more outspoken advocate for the American consumer. In fact, after he retired from the Senate, Howard served as chairman of the Consumer Federation of America. He fought for access to affordable prescription drugs. And, with good reason, he was especially proud of the law he passed requiring nutrition labels on all processed food products.

Food labels—listing calories, fat, salt, and cholesterol content—have changed the way Americans shop, and they have given us an important tool for taking charge of our own health. Howard's work on food product labels

was the inspiration for my own bill, which would require chain restaurants to provide similar information on the nutritional content of regular menu items.

Mr. President, those of us who were privileged to serve in the Senate with Howard Metzenbaum will never forget his sharp wit and equally sharp tongue. He didn't come to the Senate to be Mr. Popularity; he came here to get things done and to change the world for the better.

And that's exactly what Senator Metzenbaum did during his 19 years in this body. He was a tireless, outspoken voice for working families and union members, for the poor, and for anyone who is oppressed, exploited, or discriminated against.

Mr. President, there was one other great passion in Howard Metzenbaum's life, and that was his love for Shirley, his wife and partner for more than five decades. My thoughts and prayers, today, are with Shirley.

She is saying goodbye to her beloved husband. We are saying goodbye to one of the true giants of the Senate in the late 20th century.

#### UNANIMOUS-CONSENT REQUEST— S. 1027

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 351, S. 1027; the bill be read a third time and passed, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. BUNNING. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

#### CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. Con. Res. 70, which the clerk will report by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 70) setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

Pending:

Baucus amendment No. 4160, to provide tax relief to middle-class families and small businesses, property tax relief to homeowners, relief to those whose homes were damaged or destroyed by Hurricanes Katrina and Rita, and tax relief to America's troops and veterans.

Graham amendment No. 4170, to protect families, family farms, and small businesses by extending the income tax rate structure, raising the death tax exemption to \$5,000,000 and reducing the maximum death tax rate to no more than 35 percent; to keep education

affordable by extending the college tuition deduction; and to protect senior citizens from higher taxes on their retirement income, maintain U.S. financial market competitiveness, and promote economic growth by extending the lower tax rates on dividends and capital gains.

Bingaman amendment No. 4173, to provide additional funding resources in fiscal year 2009 for investments in innovation and education in order to improve the competitiveness of the United States.

Gregg (for Specter/Craig) amendment No. 4189, to repeal section 13203 of the Omnibus Budget Reconciliation Act of 1993 by restoring the Alternative Minimum Tax rates that had been in effect prior thereto.

Conrad amendment No. 4190, to add a deficit-neutral reserve fund for repealing the 1993 rate increase for the alternative minimum tax for individuals.

Kyl amendment No. 4191, to protect small businesses, family ranches, and farms from the Death Tax by providing a \$5 million exemption, a low rate for smaller estates and a maximum rate no higher than 35%.

Conrad (for Salazar) modified amendment No. 4196, to reform the estate tax to avoid subjecting thousands of families, family businesses, and family farms and ranches to the estate tax.

Bunning amendment No. 4192, to repeal the tax increase on Social Security benefits imposed by the Omnibus Budget Reconciliation Act of 1993.

Conrad amendment No. 4204, to add a deficit-neutral reserve fund for repealing the 1993 increase in the income tax on Social Security benefits.

Gregg (for Specter) amendment No. 4203, to increase funding for the National Institutes of Health and the Low Income Home Energy Assistance Program.

Dorgan amendment No. 4198, to increase the Indian Health Service by \$1,000,000,000 in fiscal year 2009.

Alexander amendment No. 4207, to establish a deficit-neutral reserve fund to improve energy efficiency and production.

Kennedy amendment No. 4151, to add a deficit-neutral reserve fund for increasing federal student loan limits to protect students against disruptions in the private credit markets.

Sununu amendment No. 4221, to save lives, promote overall health care efficiency, and lower the cost for the delivery of health care services by facilitating the deployment and use of electronic prescribing technologies by physicians.

Murray (for Lincoln) amendment No. 4194, to provide the Veterans Benefits Administration with additional resources to more effectively meet their increasing workload and to better address the unacceptably large claims backlog.

Alexander amendment No. 4222, to take \$670,000 used by the EEOC in bringing actions against employers that require their employees to speak English, and instead use the money to teach English to adults through the Department of Education's English Literacy/Civics Education State Grant program.

Sessions amendment No. 4231, to establish a deficit-neutral reserve fund for border security, immigration enforcement, and criminal alien removal programs.

Cornyn amendment No. 4242, to protect the family budget by providing for a budget point of order against legislation that increases income taxes on taxpayers, including hard-working middle-income families, entrepreneurs, and college students.

Conrad (for Pryor) amendment No. 4181, to add a deficit-neutral reserve fund for Science Parks.

Allard amendment No. 4246, to raise taxes by an unprecedented \$1.4 trillion for the pur-

pose of fully funding 111 new or expanded Federal spending programs.

Menendez amendment No. 4259, to establish a reserve fund for immigration reform and enforcement.

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

Mr. CONRAD. Mr. President, we are on the budget resolution. We will complete work today or tomorrow at some point. It is important we complete the business.

Let me indicate this is the circumstance we inherit: The last balanced budget was in 2001. Since then, this administration has run up record deficits and record debt.

Mr. President, 2004 was the largest dollar deficit in history. In fact, we have now had the five largest deficits in our history under this administration. That dug a very deep hole as we began to write this budget resolution.

This is what has happened to the debt: At the end of the first year of the administration—we do not hold them responsible for the first year because they inherited a budget from the previous administration—the debt of the United States stood at \$5.8 trillion. It will be, at the end of 2009, over \$10.4 trillion. This administration will nearly have doubled the debt of our country.

In terms of who is financing that debt, increasingly we are dependent on the kindness of strangers because increasingly this money is being borrowed from abroad.

I show this chart: There are 42 Presidents pictured here. It took 224 years to run up \$1 trillion of U.S. debt held abroad. This President has more than doubled that amount in 7 years. In fact, he has far more than doubled foreign holdings of U.S. debt in 7 years.

That brings us to this budget, which recognizes the economic weakness our country is confronting. So our first priority is to strengthen the economy and create jobs. We do that by investing in energy, to reduce our dependence on foreign oil. We invest in education, knowing we cannot be a first-class nation unless our people are the best educated, best trained in the world. We invest in our infrastructure, to help make us more competitive. We also expand health care coverage for our children because that is a wise investment that pays off over a lifetime. And we provide tax cuts for the middle class.

At the same time, we restore fiscal responsibility by balancing the budget in 4 years, and maintaining balance in the fifth year. We also seek to make America safer by supporting the troops by providing for veterans' health care, and by protecting the homeland by rejecting the President's proposed cuts in law enforcement, the COPS Program, and our first responders.

We all know the economic weakness the country is currently experiencing. Economic growth, in 2006, averaged 2.6 percent; in 2007, 2.5 percent. The Congressional Budget Office is now estimating for 2008 the economic growth

will only be 1.6 percent. Many of us believe the economy is not growing at all at the present time. In fact, we may well be in a recession.

So in order to strengthen the economy, we have provided for stimulus in this budget resolution: some \$35 billion in an insurance policy, standby authority in case this economy weakens further; providing relief in the hard-hit housing sector, where we know they are not in a recession, they are in a depression; also having the option of extending unemployment insurance; providing for additional resources for food stamps; and also having the opportunity for additional funding for low-income heating assistance, the WIC program, and infrastructure funding for 2008—projects that are ready to go: road building, highway construction, bridge construction, school construction—projects that are designed, that are engineered, all of the land has been acquired; they just need the money to begin construction and to hire people and to create jobs.

There is also substantial tax relief in this budget resolution: alternative minimum tax relief, so an additional 20 million families are not caught up in the alternative minimum tax; additional energy tax incentives, again to reduce our dependence on foreign oil; additional education tax cuts, in order to make college more affordable; the stimulus provisions we have discussed, especially targeted at the housing sector; and, of course, the all-important extenders—those tax provisions that are expiring that need to be extended.

The first amendment to the budget resolution will also extend the middle-class tax relief. It will extend the marriage penalty relief, the child tax credit, the 10-percent bracket. It will also provide for estate tax reform, providing for an exemption of \$3.5 million a person—and all of that to keep pace with inflation as well. It also contains an important new property tax relief measure that the chairman of the Finance Committee will describe, tax relief for our troops and veterans, and tax relief for the victims of Hurricanes Katrina and Rita.

All of that is against the backdrop of a budget that is balanced. Once the Baucus amendment is adopted that extends the middle-class tax relief, we show that we are able to balance the budget in the fourth year, and maintain balance in the fifth year, showing a positive balance in the fourth year of \$4 billion, and a similar amount in 2013.

We are also, under this resolution, once the Baucus amendment is adopted, taking the debt as a share of our national income down each and every year, from 69.6 percent, down to 66 percent in 2013. So we have the debt going in the right direction, going down as a share of our national economy.

We also have spending going down under this budget resolution as a share of our national income, from 20.8 percent of gross domestic product in 2009, stepped down each year, until in the

fourth and fifth years we have reduced Federal spending as a share of our national economy to 19.1 percent.

Now, we will hear on the other side assertions that this budget spends hundreds of billions of dollars more. I don't know what budget they are talking about because it is not this budget. This shows the difference between our budget and the President's budget in terms of spending. The red line is the President's spending line. The green line is the spending under this resolution. My colleagues can see, in relative terms, they are very close. There is only a 2-percent difference in spending over the 5 years, the difference between what is in the President's budget and what is in this budget. We use those additional resources for energy, for education, for infrastructure, for our veterans, and to maintain law enforcement programs such as the COPS Program.

One percent: What does this signify? One percent is the difference in the spending level for this next year between our budget and the President's budget. There is 1 percent more spending in our budget in total for 2009 than is in the President's budget. Again, those additional resources are devoted to primarily education, reducing our energy dependence, infrastructure, and veterans health care. Those are the primary areas of difference.

Here are the lines which show the difference between the revenue in our proposal and the revenue in the President's proposal. We will hear there is a \$1 trillion tax increase somehow buried in this budget. There is no such thing. They made the same claims last year. There was no \$1 trillion tax increase last year; there is no \$1 trillion tax increase this year. I said yesterday that if I brought up the menu from the dining room downstairs and introduced it as a budget resolution, our colleagues would say there is a \$1 trillion tax increase because that is what they always say.

The fact is the difference in revenue between the two is 2.6 percent. Here is the difference between the revenue in the President's budget and the revenue in our budget: 2.6 percent. That means we are able to pay the debt down more. That means we are able to balance the budget. That means we are able to put some additional resources in these high priority needs such as veterans health care, education, energy, and infrastructure to help create jobs and stimulate this economy and also position America to be fully competitive in the years ahead.

So how could we get 2.6 percent more revenue than the President and not have a tax increase? Well, I suggest we can do it by going after things such as the tax gap, the difference between what is owed and what is paid. The vast majority of us pay what we owe; some don't. That amount of money has become very large. The IRS says in 2001, that gap between what is owed and what is paid was \$345 billion.

However, that is not the only place there is money that is not being secured. We have offshore tax havens. The Permanent Subcommittee on Investigations has told us we are losing \$100 billion a year to these offshore tax havens. Here is an example: A building in the Cayman Islands, a 5-story building that claims to be home to 12,748 companies. They all say they are doing business out of this little building. Does anybody believe that? The only business they are doing down there is monkey business. What they are doing is avoiding and evading their taxes in this United States. We ought to shut it down. If we do shut it down, there is a tremendous amount of money there, according to our Permanent Subcommittee on Investigations.

This article appeared on March 6 in the Boston Globe: "Top Iraq contractor skirts U.S. taxes offshore." It is a perfect example of what I have been talking about. This story indicates that:

Kellogg Brown & Root, the nation's top Iraq war contractor and until last year a subsidiary of Halliburton Corp., has avoided paying hundreds of millions of dollars in federal Medicare and Social Security taxes by hiring workers through shell companies based in this tropical tax haven.

I wish that was the exception. Unfortunately, our Permanent Subcommittee on Investigations says it is no exception. It is increasingly the case.

Let me close by saying on the other side, our colleagues will say a \$1 trillion tax increase. They made the same claim last year. Now we can go back and check the record and see what actually happened. With Democrats in control of the House and the Senate, did they increase taxes by \$1 trillion? What actually happened? Well, if you go check the record—this isn't a forecast, this isn't a projection, this isn't a claim; this is a fact—this Congress reduced taxes by \$194 billion. They increased revenue through loophole closers by \$7 billion, so a net reduction in taxes of \$187 billion. That is what the Congress did. Congress, controlled by the Democrats in the House and the Senate, didn't increase taxes, as was claimed by the other side last year. They make the same claim this year. The fact is we cut taxes, and we cut taxes quite dramatically.

The stimulus package that will lead to checks being sent out to 100 million Americans, that was a tax cut. In addition, fixing the alternative minimum tax so more than 20 million American families weren't hit with increased taxes are in those numbers.

This is a budget resolution worthy of our colleagues' support, and I encourage each of our colleagues to carefully evaluate it and to support it.

Might I, before my colleague begins, thank him for his many courtesies during consideration of the budget resolution. As always, we have differences. My colleagues will hear them now, I am sure. On substantive issues, we have places where we disagree, but he

has been an absolute professional in the conduct of the work of this committee and the handling of this resolution on the floor. I thank him for it.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, let me join in complimenting the chairman of the committee. He is also a professional and a very enjoyable person to work with. Whether it is his birthday or he is sick, he does a great job around here. I think the comity which we have and the professionalism that is shown, between our staffs especially, who do an extraordinary job, under tremendous pressure, is the way the Senate should work. Obviously, we are debating and engaging on very significant issues of public policy, but they should stay as political and substantive policy debates. The actual operation of the Senate and the management of a piece of legislation such as this needs to be done through cooperation between the two sides, and as a result of the tenor the chairman sets in the committee, it is.

However, as he said, I do disagree. I do disagree with the bill that has been brought forward. In my opinion, it is a lost opportunity of immense proportions.

This Nation faces so many very significant issues—the most significant, of course, being the threat of Islamic terrorism and an attack on our shore again. But that is followed fairly closely by the equally significant issue, in my opinion, of the looming fiscal meltdown of this Nation as a result of the costs which we have put on our children, costs which they will have to bear dealing with paying for the benefits of the retirement of the baby boom generation.

In addition, there are issues such as tax policy and issues such as health care this country needs to deal with. Everybody who fills up their gas tank with gasoline any day of the week knows we better get our hands around the cost of energy or we are going to be in big trouble.

This budget does virtually nothing in any of these areas and, in many of these areas, in my humble opinion, significantly aggravates the problems. The opportunity was there to do things—to do significant things—to take significant steps, to be creative, to be imaginative, to even be bipartisan, which would have been nice, but those opportunities were passed.

Right upfront, this budget underfunds the troops in the field. Now, they are not alone. The administration sent up a budget that did the same thing. But then later, I give the administration credit for correcting their mistake and the Secretary of Defense came forward and said what the right number would be. Last year, the budget and the administration reflected a correct number on what was needed for the troops, but this budget grossly underfunds the troops in the

field. Even if you subscribe to the view of some of my colleagues on the other side of the aisle, which is that these troops should come home tomorrow and acknowledge surrender, you can't get them home. They are going to be left in the field without the equipment they need, without the tools they need to fight this war under the number in this budget.

In addition, this budget dramatically expands spending. My colleague loves to use a chart which shows two lines together and it is only 1 percent. Well, folks, 1 percent on \$3 trillion is real money, at least in New Hampshire. That is \$300 billion of increased spending on the discretionary side of the ledger. When you put in the entitlement side of the ledger, it adds up to over \$700 billion of increased spending. Also, it gets built into the baseline. In other words, when you spend that extra \$22 billion this year, which adds up to over \$300 billion over 5 years, that becomes a figure off which the next year's spending occurs. So it gets bigger and bigger and bigger. It grows and grows and grows. There is no attempt in this budget to try to discipline spending on the discretionary side of the ledger but, more importantly, there is absolutely no attempt in this budget for disciplined spending on the entitlement side of the ledger.

We know we are facing a fiscal meltdown as a result of the costs of Medicare, Medicaid, and Social Security when this huge generation, of which I am a member and of which my colleague is a member, retires. Sixty-six trillion dollars of unfunded liability will be put on the backs of our children. What does that mean? That means their taxes will go up so much in order to support our generation that they will be unable to afford the lifestyle of our generation. They will not be able to send their kids to college. They will not be able to buy that first house. They will not be able to enjoy the comforts of a lifestyle of affluence this country has obtained, the most affluent country in the world, because entitlement costs will not be able to be borne.

This bill does absolutely nothing in this area. Why? Why do we leave this problem to the next generation? We are the ones who are creating this problem. The administration at least had the courtesy to send up a whole series of ideas and they were all fair and they were all reasonable and none of them impacted the vast majority of Medicare beneficiaries or Social Security beneficiaries. Yes, they did impact Warren Buffett. They suggested the Warren Buffetts of this world—I guess there is only one Warren Buffett—the people who have high incomes, the people with over \$80,000 of personal income or \$160,000 of joint income, that they should pay a fair portion of the cost of their drug insurance under Medicare. Today, they pay virtually nothing—well, a very small amount anyway, less than a quarter of a percent—a quarter

of it. But that idea was not included in this bill, although there will be an amendment to have it included in the bill.

Ideas on improving technology weren't included. Ideas on improving malpractice weren't included. All ideas to get entitlement spending at least partially under control—in fact, the administration proposals which would have reduced the outyear liability which we are passing on to our children and which they can't afford, reduce that liability by almost a third in the area of Medicare, nothing in this bill, absolutely zero.

How much saving is in this bill in discretionary accounts? Zero. How much saving is in this bill in entitlement accounts? Zero. In fact, in both accounts, there are significant expansions and spending.

Then there are the games. This bill is replete with games to try to make it look like it is more reasonable and fair and cost-effective than it is. The most obscene game being played around here is the reconciliation instructions. Reconciliation, as we know—those of us who work here—is the one tool of significance which the Budget Committee has. It allows us to change how entitlement programs are funded and slow their rate of growth—that was the purpose of reconciliation—and do it without the changes being subject to the filibuster rule. It is a vehicle basically directed on the purposes of the Senate.

What has happened in this bill? There is no talk of reconciliation. What happens on the House side? They have a \$750 million reconciliation instruction, which is a fig-leaf instruction, under which they intend to build a massive expansion of programmatic activity. The House doesn't need reconciliation. The House is doing the dirty work of the Senate because the Senate leadership on the Democratic side is unwilling to put forward what they are planning to do. It is the ultimate, cynical game of hide and seek with the budget.

That is why I call this the fudge-it budget. There is another fudge-it number in this budget, and that is this alleged tax gap the Senator from North Dakota talks about so much. He talked about it last year. Last year, he said we could get \$300 billion. We got zero. In fact, we ended up cutting the IRS last year—the other side did—so they couldn't even collect as effectively as they were collecting the dollars that were coming in. This tax gap number may exist at some level, but there is no record at all that it is ever going to get collected. And you certainly should not be taking credit for it, claiming that is the way you are going to pay for the tax increases in this budget.

This budget has tax increases. Again, the chairman says it is only 2.6 percent. Well, 2.6 percent on \$3 trillion is approximately \$800 billion. What does it mean in real terms? Well, it means they are going to allow to expire the tax rates on capital gains, dividends, estate taxes, R&D credit, energy cred-

it, tuition tax credit—on a whole series of items that benefit a lot of America.

The claim we hear from their national candidates on the Democratic side is that we are just going to tax the rich; we can pay for everything we want to do if we just tax the rich. If you take the top tax rate from the present level of about 35 percent up to the Clinton years' level of 39.6 percent, you raise \$25 billion year. You cannot pay for even 10 percent of what the Democratic party is planning to spend with \$25 billion a year. They have \$300 billion in this budget alone. Senator OBAMA has proposed another \$300 billion of annual increases in spending. They are short hundreds of billions of dollars in tax revenue by taxing the rich. Where is that money going to come from? I will tell you where. It is obvious. It is going to come from hard-working middle-class American families. Our estimate is that this tax package is going to cost the average small business \$4,100—small business, which is the backbone of American job creation. This budget is a direct attack on their capacity to create jobs with that type of a tax increase. This budget is going to cost the average senior in America—18 million seniors—\$2,200 each. That is what this package is going to cost in tax increases to pay for the spending that is in the program.

My colleague on the other side of the aisle is fond of saying: We didn't raise taxes last year; our budget is not going to raise them. This budget has built into it the expectation that taxes are going to go up by \$1.2 trillion. And then they spend the money. They spend the money, so they have to raise the taxes. So they cannot claim it both ways, but they try to. That is why I call it the "fudge-it budget."

Individuals in this country—43 million Americans—will have to pay \$2,300 each to pay for this budget. That doesn't count what Senator OBAMA and Senator CLINTON are proposing on the campaign trail. As I said earlier, OBAMA has already proposed \$300 billion of new spending every year. That is \$1.2 trillion over the 5 years. That would double this figure, and it would mean American families would have to pay over \$4,500 a year for all of the OBAMA plans for spending, which mirror Senator CLINTON's plan—I don't want to just pick on Senator OBAMA uniquely. On top of this budget, you would have \$2,300 plus \$2,300, or \$4,600 of new taxes on every family in America. Those are not rich families. It is every family who pays taxes of any significance, families who make more than \$50,000, to put it into context. Individuals who make more than \$30,000 will have to pay this tax. The irony is that we hear, as I mentioned, we are going to just tax the rich.

In this budget, they already assume that the tax rates on the wealthy are going to go from 35 percent to 39.6 percent in years 11 and 12. Then they spend that money. So when these proposals come forward from their national candidates that we are going to

put another \$300 billion on the books of new spending next year and we are going to get it from the rich—well, they have already taxed the rich. That is already assumed in here. Who will really pay for it? Working, average Americans and small businesses. Talk about stifling an economy. Nothing will stifle an economy more than that.

This check reflects it. Under this budget, Americans are going to have to write Uncle Sam a check for \$2,300 a year. The spending is built into the baseline, and the taxes are coming down the road. It is, regrettably, in my opinion, a budget of missed opportunities and a budget that is misdirected.

What we need in this country is the willingness to step forward and take aggressive steps to get spending under control, especially in the area of entitlements, and to reform our tax laws so they are more efficient and more effective in collecting obligations. But none of that is assumed in this budget, and none of it is attempted in this budget.

We need to support our troops in the field. None of that is assumed in this budget. Whether or not you agree with the policies of fighting terrorism that the President is pursuing, you have to feel that the troops need our support. This budget does not have that support.

We need to have a budget that doesn't constantly game itself, where we set up alleged enforcement mechanisms, such as pay-go, and then manipulate the budget so we go around those enforcement mechanisms. We need to have something here that protects the integrity of the few disciplining initiatives we have, such as reconciliation, rather than right out of the box, with true cynicism, set up a scenario where you are going to game the reconciliation instructions to use them to expand the size of Government instead of controlling the rate of growth of Government.

Most importantly, we need a budget that understands that it is not our money, it is not the Federal Government's money, not the money of the Members of Congress. It is the money of the people who are working out there every day, trying to make ends meet, trying to fill up their gas tanks and pay for the heat in their houses, trying to send their kids to school, trying to pay their mortgage. It is their money, for goodness' sake. Around here, it is treated as if it is our money and as if it is a generous act on our part to let people keep their money. Well, the purpose of the budget should be to structure itself so that we control spending in a manner that allows us to keep taxes under control and doesn't raise the tax burden on working American families.

We are going to be here voting a long time on a lot of issues. A lot of these issues will be raised during those votes. I appreciate the courtesy of the Senator from North Dakota and the way we have gotten to this point. I, obviously, disagree with the budget as presented.

The PRESIDING OFFICER (Mr. BROWN). The Senator's time has expired.

The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, with my time remaining, let me answer a few of the things that were said by my colleague.

No. 1, we fully fund the President's defense and war costs request. So let's not have any misunderstanding about that for the troops.

Mr. GREGG. Will the Senator entertain a question on that?

Mr. CONRAD. I don't have time for a question.

No. 2, the Senator says it is not our money, it is the people's money. He is exactly right. It is also the people's debt, and unfortunately the other side has run up the people's debt.

Finally, there are no tax increases assumed in this budget. In fact, there are significant tax reductions assumed in this budget in AMT, energy tax, incentives, college tax—all of that is in the budget.

A final point. Mr. President, when our colleague says over and over there are these tax increases, those tax increases must be in the President's budget, too, because there is only a 2.6-percent difference in the revenue.

I thank the Chair and our colleagues. I yield the floor.

The PRESIDING OFFICER. All time has expired.

Mr. CONRAD. Mr. President, we want to announce the first 10 votes for the information of our colleagues. This has been cleared on both sides. The Baucus amendment will be followed by the Bingaman amendment, followed by the Graham amendment, followed by the Bingaman amendment, the Conrad amendment, the Specter amendment, the Salazar amendment, the Kyl amendment, the Conrad amendment, the Bunning amendment, and the Specter amendment. Those are the first 10 in order. That takes us now to Senator BAUCUS.

#### AMENDMENT NO. 4160

The PRESIDING OFFICER. There is 2 minutes, equally divided, on the Baucus amendment. Senators should know that after the 1 minute Senator BAUCUS speaks and Senator GREGG speaks, there will be a 15-minute vote. Senators should understand there will be several subsequent votes.

The Senator from New Hampshire is recognized.

Mr. GREGG. As I understand it, when we go into the vote to come after the first vote, it will be a hard 10-minute vote on each one.

The PRESIDING OFFICER. The Senator is correct. There will be a 5-minute leeway on the first amendment, and we will go into subsequent hard 10-minute votes, with 1 minute of debate on each side. Members should stay here.

Mr. BAUCUS. Mr. President, this amendment would maximize the budget's help for America's working families. It would use the surplus to provide tax cuts to every American taxpayer.

Our amendment provides for permanent extensions of 2001 tax cuts that help working families, including the 10-percent bracket, marriage penalty relief, the refundable child credit, the adoption tax credit, and the child-care tax credit.

Our amendment provides for a new property tax deduction available to any American homeowner, even those who don't itemize.

Our amendment includes tax relief for America's military men and women, room to prevent the estate tax from rising above 2009 levels, and protection from unexpected taxes for gulf coast hurricane survivors.

Turning surplus dollars into tax relief for American families is the right thing to do. I urge my colleagues to support the amendment.

Mr. GREGG. Mr. President, I have no problem with this amendment, obviously. It extends tax cuts. I think it is a poster child for the "fudge-it budget" because last year the same amendment was offered. Actually, after that budget was adopted, none of those taxes cuts were extended. So now we are doing it again. It is sort of like the gift that keeps giving, reoffering this amendment when it has no actual impact or nothing comes from it. We are for it because it reduces some of the tax burdens in this bill, but it still leaves in place, by our calculation, hundreds of billions of dollars of new taxes on working Americans, which will lead to significant tax increases for working Americans because this doesn't relieve all of the tax burdens in this bill.

The PRESIDING OFFICER. All time last expired. The question is on agreeing to the Baucus amendment.

Mr. BAUCUS. 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 bill clerk called the roll.

The result was announced—yeas 99, nays 1, as follows:

[Rollcall Vote No. 42 Leg.]

#### YEAS—99

Akaka	Cornyn	Landrieu
Alexander	Craig	Lautenberg
Allard	Crapo	Leahy
Barrasso	DeMint	Levin
Baucus	Dodd	Lieberman
Bayh	Dole	Lincoln
Bennett	Domenici	Lugar
Biden	Dorgan	Martinez
Bingaman	Durbin	McCain
Bond	Ensign	McCaskill
Boxer	Enzi	McConnell
Brown	Feinstein	Menendez
Brownback	Graham	Mikulski
Bunning	Grassley	Murkowski
Burr	Gregg	Murray
Byrd	Hagel	Nelson (FL)
Cantwell	Harkin	Nelson (NE)
Cardin	Hatch	Obama
Carper	Hutchison	Pryor
Casey	Inhofe	Reed
Chambliss	Inouye	Reid
Clinton	Isakson	Roberts
Coburn	Johnson	Rockefeller
Cochran	Kennedy	Salazar
Coleman	Kerry	Sanders
Collins	Klobuchar	Schumer
Conrad	Kohl	Sessions
Corker	Kyl	Shelby

Smith	Sununu	Warner
Snowe	Tester	Webb
Specter	Thune	Whitehouse
Stabenow	Vitter	Wicker
Stevens	Voinovich	Wyden

## NAYS—1

Feingold

The amendment (No. 4160) was agreed to.

## AMENDMENT NO. 4170

Mr. BROWN. There are now 2 minutes of debate equally divided prior to the vote on the Graham amendment, No. 4170.

Who yields time?

We are going to have 2 minutes of debate on each amendment. The Senator from South Carolina is recognized.

Mr. GRAHAM. Mr. President, I have a modification to the amendment, which I think has been cleared, that I would like to send to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

On page 3, line 10, decrease the amount by \$245,000,000.

On page 3, line 11, decrease the amount by \$949,000,000.

On page 3, line 12, decrease the amount by \$3,215,000,000.

On page 3, line 13, decrease the amount by \$93,791,000,000.

On page 3, line 14, decrease the amount by \$127,024,000,000.

On page 3, line 15, decrease the amount by \$151,137,000,000.

On page 3, line 19, decrease the amount by \$245,000,000.

On page 3, line 20, decrease the amount by \$949,000,000.

On page 3, line 21, decrease the amount by \$3,215,000,000.

On page 3, line 22, decrease the amount by \$93,791,000,000.

On page 3, line 23, decrease the amount by \$127,024,000,000.

On page 3, line 24, decrease the amount by \$151,137,000,000.

On page 4, line 4, increase the amount by \$1,900,000.

On page 4, line 5, increase the amount by \$18,000,000.

On page 4, line 6, increase the amount by \$110,000,000.

On page 4, line 7, increase the amount by \$2,487,000,000.

On page 4, line 8, increase the amount by \$8,005,000,000.

On page 4, line 9, increase the amount by \$15,207,000,000.

On page 4, line 13, increase the amount by \$1,900,000.

On page 4, line 14, increase the amount by \$18,000,000.

On page 4, line 15, increase the amount by \$110,000,000.

On page 4, line 16, increase the amount by \$2,487,000,000.

On page 4, line 17, increase the amount by \$8,005,000,000.

On page 4, line 18, increase the amount by \$15,207,000,000.

On page 4, line 22, increase the amount by \$247,000,000.

On page 4, line 23, increase the amount by \$967,000,000.

On page 4, line 24, increase the amount by \$3,325,000,000.

On page 4, line 25, increase the amount by \$96,278,000,000.

On page 5, line 1, increase the amount by \$135,079,000,000.

On page 5, line 2, increase the amount by \$166,344,000,000.

On page 5, line 7, increase the amount by \$247,000,000.

On page 5, line 8, increase the amount by \$1,214,000,000.

On page 5, line 9, increase the amount by \$4,539,000,000.

On page 5, line 10, increase the amount by \$100,817,000,000.

On page 5, line 11, increase the amount by \$235,846,000,000.

On page 5, line 12, increase the amount by \$402,190,000,000.

On page 5, line 15, increase the amount by \$247,000,000.

On page 5, line 16, increase the amount by \$1,214,000,000.

On page 5, line 17, increase the amount by \$4,539,000,000.

On page 5, line 18, increase the amount by \$100,817,000,000.

On page 5, line 19, increase the amount by \$235,846,000,000.

On page 5, line 20, increase the amount by \$402,190,000,000.

On page 26, line 12, increase the amount by \$1,900,000.

On page 26, line 13, increase the amount by \$1,900,000.

On page 26, line 16, increase the amount by \$18,000,000.

On page 26, line 17, increase the amount by \$18,000,000.

On page 26, line 20, increase the amount by \$110,000,000.

On page 26, line 21, increase the amount by \$110,000,000.

On page 26, line 24, increase the amount by \$2,487,000,000.

On page 26, line 25, increase the amount by \$2,487,000,000.

On page 27, line 3, increase the amount by \$8,005,000,000.

On page 27, line 4, increase the amount by \$8,005,000,000.

On page 27, line 7, increase the amount by \$15,207,000,000.

On page 27, line 8, increase the amount by \$15,207,000,000.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. GRAHAM. Mr. President, I know we are all busy and trying to catch up on a lot of business, but in 1 minute this is what I am trying to do. This amendment is not about me, it is about a lot of people paying taxes, and their taxes are going to go up if we don't pass this amendment.

The Baucus amendment passed 99 to 1. That was good for America. We are filling in a gap that exists when it comes to the budget and protecting tax cuts. My amendment would extend through 2013 the marginal rate cuts that are now in law. The current law is 25 percent. If we don't pass my amendment, in 2011 the tax will go up to 28 percent, a 10-percent increase, 35 percent becomes 39.6 percent, and that means 23 million Americans are going to pay higher taxes.

The estate tax relief in this amendment would protect families and small businesses from losing, through estate taxes, their deductions and exemptions. It will keep the rate at 45 percent versus 50 percent.

The capital gains rate. Nine million people depend on capital gains to help support their family. The rates go up to 20 percent, if my amendment does not pass, versus 15.

Dividend tax rates are great for our economy. We lock in the dividend tax rate cuts we have achieved the last couple years. Twenty-four million people are affected.

Small business expensing. Under the current law, you get \$250,000 under small business expensing. If my amendment doesn't pass, it goes to \$25,000.

There is a lot at stake if you vote against my amendment.

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

The majority leader is recognized.

Mr. REID. Mr. President, I checked with the two managers, and on the amendments that are pending, I ask unanimous consent that there be no second-degree amendments on the list of amendments.

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

Who yields time?

The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, the Graham amendment, well-intentioned as it is, is the road to fiscal irresponsibility. This will absolutely blow a hole in the budget. We now have balance by 2012, and we maintain balance in 2013. If you adopt the Graham amendment—because none of it is paid for, there are no offsets, no spending reductions, no other revenue—it is put on the debt.

So if you want to borrow more from China, if you want to borrow more from Japan, vote for the Graham amendment. If you want to balance the budget, if you want to get this country back on the road to fiscal responsibility, vote no.

The PRESIDING OFFICER. The Senator's time has expired. All time has expired.

Mr. CONRAD. Mr. President, 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 Graham amendment. This is a 10-minute vote, and the 10 minutes will be enforced.

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

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

The result was announced—yeas 47, nays 52, as follows:

[Rollcall Vote No. 43 Leg.]

## YEAS—47

Alexander	Cornyn	Inhofe
Allard	Craig	Isakson
Barrasso	Crapo	Kyl
Bennett	DeMint	Lugar
Bond	Dole	Martinez
Brownback	Domenici	McCain
Bunning	Ensign	McConnell
Burr	Enzi	Murkowski
Chambliss	Graham	Roberts
Coburn	Grassley	Sessions
Cochran	Gregg	Shelby
Coleman	Hagel	Smith
Collins	Hatch	Specter
Corker	Hutchison	



Stevens  
Sununu

Thune  
Vitter

Warner  
Wicker

# NAYS—52

Akaka  
Baucus  
Bayh  
Biden  
Bingaman  
Boxer  
Brown  
Byrd  
Cantwell  
Cardin  
Carper  
Casey  
Clinton  
Conrad  
Dodd  
Dorgan  
Durbin  
Feingold

Feinstein  
Harkin  
Inouye  
Johnson  
Kennedy  
Klobuchar  
Kohl  
Landrieu  
Lautenberg  
Leahy  
Levin  
Lieberman  
Lincoln  
McCaskill  
Menendez  
Mikulski  
Murray  
Nelson (FL)

Nelson (NE)  
Obama  
Pryor  
Reed  
Reid  
Rockefeller  
Salazar  
Sanders  
Schumer  
Snowe  
Stabenow  
Tester  
Voinovich  
Webb  
Whitehouse  
Wyden

# NOT VOTING—1

Kerry

The amendment (No. 4170), as modified, was rejected.

## AMENDMENT NO. 4173

The PRESIDING OFFICER. There are now 2 minutes of debate, equally divided, prior to a vote on the Bingaman amendment, No. 4173. The Senate will come to order.

Mr. BINGAMAN. Mr. President, this amendment is to raise the caps in the appropriate accounts so there is room in this budget for the President's requested levels of spending for the National Science Foundation and for the Office of Science in the Department of Energy, for science and math education, for research and development. It is an amendment I am proposing for myself and Senator ALEXANDER, Senator DOMENICI, Senator KENNEDY, Senator MIKULSKI, Senator ENSIGN, Senator DURBIN, Senator LANDRIEU, Senator FEINSTEIN, Senator LIEBERMAN, and Senator SCHUMER.

This is bipartisan. It is something we should do. It follows on to the America COMPETES Act that we passed last year.

Let me defer to Senator ALEXANDER the remainder of the time.

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

Mr. CONRAD. On opposition time, I yield 30 seconds to the Senator.

Mr. GREGG. I look forward to the Senator's opposition.

Mr. ALEXANDER. Mr. President, this is another example of Senators in this Chamber working together on an important matter and getting a good result. It makes room for us to meet the President's number, to keep our investment in science and technology so we can keep our brainpower advantage and keep jobs from going overseas.

The PRESIDING OFFICER. The time of the Senator has expired. Is there further debate? There are 30 seconds left for the opposition.

All time has expired. The question is on agreeing to the Bingaman amendment.

The amendment (No. 4173) 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, we can thank Senators BINGAMAN and ALEXANDER for setting a very good example, of taking an amendment on a voice vote.

## AMENDMENT NO. 4190

The PRESIDING OFFICER. There are now 2 minutes of debate equally divided prior to a vote on the Conrad amendment, No. 4190. Who yields time? The Senator from North Dakota.

Mr. CONRAD. Mr. President, the alternative minimum tax will affect an additional 20 million families if it is not dealt with. In the budget resolution, we have a 1-year patch to prevent additional families from being hit. This is at a cost of some \$62 billion. For the outyears, we are providing in this amendment for a reserve fund that is fully offset so it does not add to the deficit and debt. I ask my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, we need to defeat this amendment. This is not the usual AMT fix we are used to. This actually repeals rates of the AMT that were put into effect in 1993. The reality is we are not going to increase taxes in order to pay for the relief that would be provided to taxpayers here. This points out the difference between the Specter amendment, which we will deal with next, and the Conrad amendment.

I urge my colleagues to support the Specter amendment because it is the real deal. It is the real way we will deal with AMT, rather than the phony way that is presented by a mere indication that we will find revenues somewhere to offset against this tax cut. The question the majority would have to answer is: What taxes are you going to raise in order to pay for this rate reduction for the people who would otherwise pay the AMT?

There is certainly no suggestion that there is a spending cut in the offing. Therefore, what taxes would be raised to pay for this?

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

The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, the Specter amendment puts it on the debt. The Conrad amendment is offset and paid for. I urge colleagues to vote for the Conrad amendment.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I believe it is the practice of the Senate, under the 2-minute rule, that one person speaks for their time, the other person speaks for their time, and there isn't a tradition that you reserve 10 seconds or 15 seconds. If that is going to be the situation, we are going to go back and forth and everybody has to have a last word, we are going to be here for a long time.

The PRESIDING OFFICER. The Senator from North Dakota has not consumed his entire minute.

The Senator from North Dakota.

Mr. CONRAD. That is the observation I was going to make; we had time remaining on our side.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4190, the Conrad 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 clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) is necessarily absent.

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

The result was announced—yeas 53, nays 46, as follows:

[Rollcall Vote No. 44 Leg.]

## YEAS—53

Akaka  
Baucus  
Bayh  
Bingaman  
Boxer  
Brown  
Byrd  
Cantwell  
Cardin  
Carper  
Casey  
Clinton  
Collins  
Conrad  
Dodd  
Dorgan  
Durbin  
Feingold

Feinstein  
Harkin  
Inouye  
Johnson  
Kennedy  
Kerry  
Klobuchar  
Kohl  
Landrieu  
Lautenberg  
Leahy  
Levin  
Lieberman  
Lincoln  
McCaskill  
Menendez  
Mikulski  
Murray

Nelson (FL)  
Nelson (NE)  
Obama  
Pryor  
Reed  
Reid  
Rockefeller  
Salazar  
Sanders  
Schumer  
Snowe  
Stabenow  
Tester  
Voinovich  
Webb  
Whitehouse  
Wyden

## NAYS—46

Alexander  
Allard  
Barrasso  
Bennett  
Bond  
Brownback  
Bunning  
Burr  
Chambliss  
Coburn  
Cochran  
Coleman  
Corker  
Cornyn  
Craig  
Crapo

DeMint  
Dole  
Domenici  
Ensign  
Enzi  
Graham  
Grassley  
Gregg  
Hagel  
Hatch  
Hutchison  
Inhofe  
Isakson  
Kyl  
Lugar  
Martinez

McCain  
McConnell  
Murkowski  
Roberts  
Sessions  
Shelby  
Smith  
Specter  
Stevens  
Sununu  
Thune  
Vitter  
Warner  
Wicker

## NOT VOTING—1

Biden

The amendment (No. 4190) was agreed to.

## AMENDMENT NO. 4189

The PRESIDING OFFICER. There is now 2 minutes of debate equally divided prior to a vote on the Specter amendment No. 4189. Who yields time? The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, my amendment would reduce the alternative minimum tax rate from 28 to 24 percent. When the tax increase was enacted in 1993, it raised the rates and that has caught many more people in the snare, because the alternative minimum tax was not indexed for inflation.

I provided for no offset, because this tax was never intended to capture the

millions of people to whom it now applies. Originally, it was intended to apply to a very small number of people. So, as a matter of equity, we ought not to have an offset when the tax was not intended to apply at all.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. The amendment that has just passed has dealt with this issue and done it in a deficit-neutral way. The Specter amendment, as he correctly describes, would not be paid for, would not be offset, but would simply add to the debt \$185 billion and would mean this budget would not be in balance for any one of the 5 years.

I urge my colleagues to reject the Specter amendment.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment.

Mr. CONRAD. Mr. President, 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. KYL. The following Senator is necessarily absent: the Senator from Texas (Mr. CORNYN).

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

The result was announced—yeas 49, nays 50, as follows:

[Rollcall Vote No. 45 Leg.]

#### YEAS—49

Alexander	DeMint	McConnell
Allard	Dole	Murkowski
Barrasso	Domenici	Nelson (NE)
Bayh	Ensign	Roberts
Bennett	Enzi	Sessions
Bond	Graham	Shelby
Brownback	Grassley	Smith
Bunning	Gregg	Snowe
Burr	Hagel	Specter
Chambliss	Hatch	Stevens
Coburn	Hutchison	Sununu
Cochran	Inhofe	Thune
Coleman	Isakson	Vitter
Collins	Kyl	Warner
Corker	Lugar	Wicker
Craig	Martinez	
Crapo	McCain	

#### NAYS—50

Akaka	Feinstein	Murray
Baucus	Harkin	Nelson (FL)
Biden	Inouye	Obama
Bingaman	Johnson	Pryor
Boxer	Kennedy	Reed
Brown	Kerry	Reid
Byrd	Klobuchar	Rockefeller
Cantwell	Kohl	Salazar
Cardin	Landrieu	Sanders
Carper	Lautenberg	Schumer
Casey	Leahy	Stabenow
Clinton	Levin	Tester
Conrad	Lieberman	Voinovich
Dodd	Lincoln	Webb
Dorgan	McCaskill	Whitehouse
Durbin	Menendez	Wyden
Feingold	Mikulski	

#### NOT VOTING—1

Cornyn

The amendment (No. 4189) was rejected.

Mr. MENENDEZ. I move to reconsider the vote.

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

Mr. GREGG. I object. I object to laying it on the table.

The PRESIDING OFFICER. Objection is heard.

The question is on agreeing to the motion.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 49, nays 51, as follows:

[Rollcall Vote No. 46 Leg.]

#### YEAS—49

Akaka	Feinstein	Murray
Baucus	Harkin	Nelson (FL)
Biden	Inouye	Obama
Bingaman	Johnson	Pryor
Boxer	Kennedy	Reed
Brown	Kerry	Reid
Byrd	Klobuchar	Rockefeller
Cantwell	Kohl	Salazar
Cardin	Landrieu	Sanders
Carper	Lautenberg	Schumer
Casey	Leahy	Stabenow
Clinton	Levin	Tester
Conrad	Lieberman	Webb
Dodd	Lincoln	Whitehouse
Dorgan	McCaskill	Wyden
Durbin	Menendez	
Feingold	Mikulski	

#### NAYS—51

Alexander	Crapo	McCain
Allard	DeMint	McConnell
Barrasso	Dole	Murkowski
Bayh	Domenici	Nelson (NE)
Bennett	Ensign	Roberts
Bond	Enzi	Sessions
Brownback	Graham	Shelby
Bunning	Grassley	Smith
Burr	Gregg	Snowe
Chambliss	Hagel	Specter
Coburn	Hatch	Stevens
Cochran	Hutchison	Sununu
Coleman	Inhofe	Thune
Collins	Isakson	Vitter
Corker	Kyl	Voinovich
Cornyn	Lugar	Warner
Craig	Martinez	Wicker

The motion was rejected.

The PRESIDING OFFICER. The question now is on the motion to reconsider.

The Senator from New Hampshire.

Mr. GREGG. Parliamentary inquiry, Mr. President: Where actually do we stand right now?

The PRESIDING OFFICER. The question is on agreeing to the motion to reconsider amendment No. 4189.

The motion is not debatable.

Mr. GREGG. Mr. President, what is the effect of agreeing to the motion to reconsider?

The PRESIDING OFFICER. If the motion to reconsider is agreed to, the Senate will revote on amendment No. 4189.

Mr. GREGG. Mr. President, 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 motion to reconsider.

The clerk will call the roll.

The assistant journal clerk called the roll.

The yeas and nays resulted—yeas 50, nays 50, as follows:

[Rollcall Vote No. 47 Leg.]

#### YEAS—50

Alexander	Crapo	McCain
Allard	DeMint	McConnell
Barrasso	Dole	Murkowski
Bayh	Domenici	Roberts
Bennett	Ensign	Sessions
Bond	Enzi	Shelby
Brownback	Graham	Smith
Bunning	Grassley	Snowe
Burr	Gregg	Specter
Chambliss	Hagel	Stevens
Coburn	Hatch	Sununu
Cochran	Hutchison	Thune
Coleman	Inhofe	Vitter
Collins	Isakson	Voinovich
Corker	Kyl	Warner
Cornyn	Lugar	Wicker
Craig	Martinez	

#### NAYS—50

Akaka	Feinstein	Murray
Baucus	Harkin	Nelson (FL)
Biden	Inouye	Nelson (NE)
Bingaman	Johnson	Obama
Boxer	Kennedy	Pryor
Brown	Kerry	Reed
Byrd	Klobuchar	Reid
Cantwell	Kohl	Rockefeller
Cardin	Landrieu	Salazar
Carper	Lautenberg	Sanders
Casey	Leahy	Schumer
Clinton	Levin	Stabenow
Conrad	Lieberman	Tester
Dodd	Lincoln	Webb
Dorgan	McCaskill	Whitehouse
Durbin	Menendez	Wyden
Feingold	Mikulski	

The VICE PRESIDENT. On this question, the yeas are 50, the nays are 50. The Senate being equally divided, the Vice President votes in the affirmative, and the motion is agreed to.

The question now is on agreeing to the amendment upon reconsideration. The yeas and nays, having been ordered previously, are automatic.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 49, nays 51, as follows:

[Rollcall Vote No. 48 Leg.]

#### YEAS—49

Alexander	Crapo	McCain
Allard	DeMint	McConnell
Barrasso	Dole	Murkowski
Bayh	Domenici	Roberts
Bennett	Ensign	Sessions
Bond	Enzi	Shelby
Brownback	Graham	Smith
Bunning	Grassley	Snowe
Burr	Gregg	Specter
Chambliss	Hagel	Stevens
Coburn	Hatch	Sununu
Cochran	Hutchison	Thune
Coleman	Inhofe	Vitter
Collins	Isakson	Warner
Corker	Kyl	Wicker
Cornyn	Lugar	
Craig	Martinez	

#### NAYS—51

Akaka	Feinstein	Murray
Baucus	Harkin	Nelson (FL)
Biden	Inouye	Nelson (NE)
Bingaman	Johnson	Obama
Boxer	Kennedy	Pryor
Brown	Kerry	Reed
Byrd	Klobuchar	Reid
Cantwell	Kohl	Rockefeller
Cardin	Landrieu	Salazar
Carper	Lautenberg	Sanders
Casey	Leahy	Schumer
Clinton	Levin	Stabenow
Conrad	Lieberman	Tester
Dodd	Lincoln	Voinovich
Dorgan	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feingold	Mikulski	Wyden

The amendment (No. 4189) was rejected.



The VICE PRESIDENT. The Senator from North Dakota is recognized.

AMENDMENT NO. 4196, AS MODIFIED

Mr. CONRAD. Mr. President, we now go to the Salazar amendment No. 4196. I see the Senator from Colorado in the Chamber.

The VICE PRESIDENT. The Senator from Colorado is recognized.

Mr. SALAZAR. Mr. President, I ask my colleagues to join me in support of amendment No. 4196. This is about estate tax reform and providing the Finance Committee, Chairman BAUCUS, the opportunity to craft a package that makes sense. This will help make sure that our farmers and ranchers are able to stay on the ranch, that family businesses will be able to keep their family businesses together, and that we can provide certainty for the future in terms of those who will be hit with the estate tax.

There is an alternative amendment that will be coming up by our friend from Arizona, Senator KYL. The problem with that amendment is it is not paid for. We will then continue to build upon this mountain of debt, which has already reached \$10 trillion in the last 7 years.

This amendment is paid for and I urge my colleagues to support it.

The VICE PRESIDENT. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, the question here is whether we are serious about estate tax reform. We went through the exercise last year and passed it in the budget, and we didn't do anything. We are going to repeat that same thing this year unless we commit ourselves to actually passing a bill, saying we are going to raise taxes—because I am sure we are not going to reduce spending—and that is akin to saying it is not going to happen. Once again, we would be passing an amendment we know we are not going to act on. We need to be accountable to the American people and pass something in the budget that we know we are going to do, with real legislation.

I urge my colleagues to vote against this amendment and to vote for the next amendment, which is the real vote in favor of estate tax return.

The PRESIDING OFFICER (Mr. TESTER). The question is on agreeing to the Salazar 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 clerk will call the roll.

The assistant legislative clerk called the roll.

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

The result was announced—yeas 38, nays 62, as follows:

[Rollcall Vote No. 49 Leg.]

YEAS—38

Akaka	Bayh	Boxer
Baucus	Biden	Byrd

Cantwell  
Casey  
Clinton  
Collins  
Conrad  
Dodd  
Feingold  
Feinstein  
Inouye  
Johnson  
Klobuchar

Alexander  
Allard  
Barrasso  
Bennett  
Bingaman  
Bond  
Brown  
Brownback  
Bunning  
Burr  
Cardin  
Carper  
Chambliss  
Coburn  
Cochran  
Coleman  
Corker  
Cornyn  
Craig  
Crapo  
DeMint

Kohl  
Landrieu  
Lautenberg  
Leahy  
Lieberman  
Lincoln  
McCaskill  
Menendez  
Mikulski  
Murray  
Nelson (FL)

NAYS—62

Dole  
Domenici  
Dorgan  
Durbin  
Ensign  
Enzi  
Graham  
Grassley  
Gregg  
Hagel  
Harkin  
Hatch  
Hutchison  
Inhofe  
Isakson  
Kennedy  
Kerry  
Kyl  
Levin  
Lugar  
Martinez

Nelson (NE)  
Obama  
Pryor  
Salazar  
Snowe  
Stabenow  
Tester  
Voinovich  
Webb  
Wyden

McCain  
McConnell  
Murkowski  
Reed  
Reid  
Roberts  
Rockefeller  
Sanders  
Schumer  
Sessions  
Shelby  
Smith  
Specter  
Stevens  
Sununu  
Thune  
Vitter  
Warner  
Whitehouse  
Wicker

The amendment (No. 4196), as modified, was rejected.

AMENDMENT NO. 4191

The PRESIDING OFFICER. There is now 2 minutes of debate equally divided prior to a vote on the Kyl amendment No. 4191. Who yields time?

The Senator from Arizona.

Mr. KYL. Mr. President, last year this amendment received 56 votes, Democratic and Republican votes. It was then in the form of a motion to instruct conferees, but the provisions are the same.

This is the amendment on the estate tax that has a top rate not to exceed 35 percent, and it has a \$5 million exemption for each spouse, for a total of \$10 million.

This amendment is endorsed by small business groups such as the NFIB and by other pro-estate tax reform groups.

I hope my colleagues will agree it is a way to send a very strong signal through the budget process that we are serious about reforming the estate tax this year.

I urge my colleagues to support the amendment.

The PRESIDING OFFICER. Who yields time? The Senator from Colorado.

Mr. SALAZAR. Mr. President, I urge my colleagues to vote against the amendment of my friend from Arizona because at the end of the day, it does not hold up to the principle of fiscal responsibility. All that the amendment of my friend will do is continue to make the mountain of debt bigger and bigger. It is a mountain of debt that is already at \$10 trillion and going beyond. The pay-go rules we have in this Chamber are important for us to maintain if we are going to be fiscally responsible stewards of America's financial treasure.

I urge my colleagues to vote no on the Kyl amendment.

The PRESIDING OFFICER. The Senator from Arizona has 17 seconds remaining.

Mr. KYL. Mr. President, I appreciate my colleague's comments. The question is what taxes are we going to raise in order to provide tax relief. I don't think it is realistic that we are going to raise taxes, and I certainly don't expect we will reduce spending. If we are serious about it, we need to send a signal through this amendment if we want to reform the estate tax.

The PRESIDING OFFICER. The Senator from Colorado has 22 seconds remaining.

Mr. SALAZAR. Mr. President, I respond to my friend from Arizona, at the end of the day, if we are going to be fiscally responsible in the Senate, we have to pay for those items that are creating this mountain of debt. We are either serious about paying down the debt in this country and getting a handle on the fiscal responsibility of the last 8 years or we are not. Senator CONRAD has been right in terms of pay-go. I ask my colleagues to vote no.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4191.

Mr. KYL. Mr. President, 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 bill clerk called the roll.

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

The result was announced—yeas 50, nays 50, as follows:

[Rollcall Vote No. 50 Leg.]

YEAS—50

Alexander	DeMint	Martinez
Allard	Dole	McCain
Barrasso	Domenici	McConnell
Bennett	Ensign	Murkowski
Bond	Enzi	Roberts
Brownback	Graham	Sessions
Bunning	Grassley	Shelby
Burr	Gregg	Smith
Chambliss	Hagel	Snowe
Coburn	Hatch	Specter
Cochran	Hutchison	Stevens
Coleman	Inhofe	Sununu
Collins	Isakson	Thune
Corker	Kyl	Vitter
Cornyn	Landrieu	Warner
Craig	Lincoln	Wicker
Crapo	Lugar	

NAYS—50

Akaka	Feingold	Nelson (FL)
Baucus	Feinstein	Nelson (NE)
Bayh	Harkin	Obama
Biden	Inouye	Pryor
Bingaman	Johnson	Reed
Boxer	Kennedy	Reid
Brown	Kerry	Rockefeller
Byrd	Klobuchar	Salazar
Cantwell	Kohl	Sanders
Cardin	Lautenberg	Schumer
Carper	Leahy	Stabenow
Casey	Levin	Tester
Clinton	Lieberman	Voinovich
Conrad	McCaskill	Webb
Dodd	Menendez	Whitehouse
Dorgan	Mikulski	Wyden
Durbin	Murray	

The PRESIDING OFFICER. Has every Senator voted? Does any Senator wish to change his or her vote?

With 49 in the affirmative, 48 in the negative, the—

Mr. REID. Mr. President, how am I recorded?

The PRESIDING OFFICER. Mr. REID of Nevada is recorded in the negative.

Mr. KYL. Mr. President, the time of the vote has expired.

The PRESIDING OFFICER. The time has expired. The clerk will tally the vote.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The majority leader.

The Senator from North Dakota.

Mr. CONRAD. Mr. President, how am I recorded?

The PRESIDING OFFICER. The Senator from North Dakota is recorded in the negative.

Mr. KYL. Mr. President, parliamentary inquiry: Once the Presiding Officer has announced the clerks will tally the vote, is the vote not concluded?

The PRESIDING OFFICER. Senators are permitted to change their vote.

Mr. KYL. Mr. President, might I inquire as to whether any of the persons who have cast a vote since the Presiding Officer made that comment have changed their vote? The reality is they cast their vote after the time for voting expired by at least 4 minutes.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I appreciate my friend, the distinguished Senator from Arizona, but it has always been the standard here, when there is a close vote—and this is a close vote, I have to acknowledge that; I think now it is 50 to 50—people have the opportunity to change their vote.

We are doing our very best to hold it to the 10-minute limit. To go through the charade of reconsidering because somebody is—it is really unnecessary. This is the vote total, and I think people just have to be very patient. We are going to adhere to the 10-minute limit as much as we can. Everyone knows that if there is a problem on the other side, we do the same thing. We are not playing favorites with anyone.

The PRESIDING OFFICER. With 50 votes in the affirmative and 50 in the negative, amendment No. 4191 is not agreed to.

The amendment (No. 4191) was rejected.

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided prior to the vote on the Conrad amendment, No. 4204, as modified.

Mr. KYL. Parliamentary inquiry.

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

The PRESIDING OFFICER. Is there objection to the motion to lay on the table?

Without objection, the motion to lay on the table was agreed to.

Mr. KYL. Parliamentary inquiry for the benefit of the Senators who are here.

The PRESIDING OFFICER. The Senator is recognized.

Mr. KYL. Mr. President, if we are within two or three votes of a tie vote, is it going to be the rule that the Chair will leave the time for voting open by

at least 4 minutes, as was just explained?

My second question is, Given the fact that the time was closed and Senator CORNYN was not given the opportunity to vote earlier, what would the Chair's opinion be with respect to having a revote on that?

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, would the Senator be kind enough to direct his inquiry, through the Chair, to me?

Mr. KYL. I had a parliamentary inquiry, but I will be happy to always have the majority leader comment on whatever.

Mr. REID. I am sorry, I think a lot of us didn't hear the question.

Mr. KYL. I am sorry, Mr. President, I am perhaps confused because I have two questions.

The first was, since the time for voting had clearly expired by at least 4 minutes and the vote was within two or three of being tied and the majority leader said it was the case that Members could continue to change their votes or vote if it was a close vote, whether we had now established a precedent for the remainder of the day that if we are within two or three of a tie vote, even though we are 4 minutes beyond the time for voting, that the Chair would then, according to this precedent, allow people to change their vote or cast a vote?

Mr. REID. Mr. President, if I can just respond.

The PRESIDING OFFICER. The majority leader.

Mr. REID. And certainly I am not taking the place of the Chair. I personally didn't know if Senator CORNYN was coming to vote or not. If you or Senator MCCONNELL or anyone else had indicated that he was on his way, or one of those we have heard that of before—on his way—no one was trying to take advantage of anyone on the vote. No one was trying to take advantage of anyone. But I think we went through a lot of wasted time, and I probably would have done the same thing had I been in your position. But nobody was trying to take advantage of Senator CORNYN. It was late, and that is too bad. We will try to be as fair as we can.

At this stage, we have about 25 votes left.

Mr. GREGG. We have about 40 votes left.

Mr. REID. Okay, so 40. That was the last count I looked at. And we are going to try to move through these as expeditiously as possible. There will be other close votes, and we are going to try to be as fair as we can to you and to us. So no one is trying to take advantage of anyone, and I think there is an order in effect. The order is we are going to have 10-minute votes.

Mr. KYL. Mr. President, if I could just address this question to the majority leader. That is exactly the question I had. Since we announced the 10 minutes, in the last vote we went over by about 5 minutes. We need to be con-

sistent and our Members need to know what the rules are going to be. We made an exception here.

My inquiry to the Chair is whether, as a result of that exception, which did change the result of the vote, that the precedent would now be that we actually would have up to 15 minutes to cast votes.

Mr. REID. Mr. President, certainly the Chair can respond to this, but there is an order now in effect that we are going to do 10-minute votes. Everybody agreed to that this morning.

I would simply say this: I do say, and I am glad the Senator from Arizona raises this as an issue, that there is not time for lunch, there is no time for meetings, unless you go to the reception area. In the future, I think people are going to have to start missing votes. It is really not fair to both sides if we have people simply off doing other things. Everyone is busy, and the reason we have the 10-minute rule is because we need to work our way through these votes.

So I think you have made a very good point, I say to my friend. I think we need to stick to the 10-minute rule. So we will stick with the 10-minute rule. If you have a problem when people are here shifting votes around—but I think they should be in the Chamber—that is how we will proceed. If anyone can figure a better way to do it, I am happy to listen, but I think the 10-minute rule should apply.

Mr. KYL. Mr. President, one final question. I think I need to address this to the Chair as a purely parliamentary inquiry; that is, once the clerk's tally has been requested by the Presiding Officer, is the vote closed or not, except for Members who might wish to change their vote?

The PRESIDING OFFICER. The conventional practice of the Senate has been that Senators have been permitted to vote or change their vote at that time.

The Senator from North Dakota.

AMENDMENT NO. 4204, AS MODIFIED

Mr. CONRAD. In regular order, is my amendment next?

The PRESIDING OFFICER. Yes. There is now 2 minutes of debate equally divided prior to the vote on the Conrad amendment, No. 4204, as modified.

Mr. CONRAD. Mr. President, the alternative I have offered would provide for a reserve fund that would allow the repeal of the 1993 tax increase on Social Security benefits in a way that would protect Social Security and Medicare and not increase the deficit or the debt over the period of the resolution.

I urge my colleagues to support the amendment.

The PRESIDING OFFICER. Who rises in opposition? The Senator from Kentucky is recognized.

Mr. BUNNING. Mr. President, this is a very interesting amendment, since I have had this amendment the last two times a budget went through the Senate. Senator CONRAD, the chairman of

the Budget Committee, has offered this alternative, but I would note that it contains an instruction that he himself, as chairman, should come up with the savings.

This is a very odd instruction that we put in the budget resolution because it does not say where the savings will occur. I hope he has no intention of raising taxes on other Americans to pay for this amendment.

I urge a "no" vote on this 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 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 PRESIDING OFFICER (Mr. SALAZAR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 46, as follows:

[Rollcall Vote No. 51 Leg.]

#### YEAS—53

Akaka	Feinstein	Nelson (FL)
Baucus	Harkin	Nelson (NE)
Bayh	Inouye	Obama
Biden	Johnson	Pryor
Bingaman	Kennedy	Reed
Boxer	Kerry	Reid
Brown	Klobuchar	Rockefeller
Cantwell	Kohl	Salazar
Cardin	Landrieu	Sanders
Carper	Lautenberg	Schumer
Casey	Leahy	Snowe
Clinton	Levin	Stabenow
Collins	Lieberman	Tester
Conrad	Lincoln	Voinovich
Dodd	McCaskill	Webb
Dorgan	Menendez	Whitehouse
Durbin	Mikulski	Wyden
Feingold	Murray	

#### NAYS—46

Alexander	DeMint	McCain
Allard	Dole	McConnell
Barrasso	Domenici	Murkowski
Bennett	Ensign	Roberts
Bond	Enzi	Sessions
Brownback	Graham	Shelby
Bunning	Grassley	Smith
Burr	Gregg	Specter
Chambliss	Hagel	Stevens
Coburn	Hatch	Sununu
Cochran	Hutchison	Thune
Coleman	Inhofe	Vitter
Corker	Isakson	Warner
Cornyn	Kyl	Wicker
Craig	Lugar	
Crapo	Martinez	

#### NOT VOTING—1

Byrd

The amendment (No. 4204) was agreed to.

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 4192, AS MODIFIED

The PRESIDING OFFICER. There is now 2 minutes of debate equally divided prior to a vote on the Bunning amendment No. 4192.

The Senator from Kentucky.

Mr. BUNNING. Mr. President, there is a modification at the desk to my

amendment. The Chairman has been notified.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

On page 3, line 11, decrease the amount by \$14,300,000,000.

On page 3, line 12, decrease the amount by \$15,600,000,000.

On page 3, line 13, decrease the amount by \$17,500,000,000.

On page 3, line 14, decrease the amount by \$19,800,000,000.

On page 3, line 15, decrease the amount by \$21,600,000,000.

On page 3, line 20, decrease the amount by \$14,300,000,000.

On page 3, line 21, decrease the amount by \$15,600,000,000.

On page 3, line 22, decrease the amount by \$17,500,000,000.

On page 3, line 23, decrease the amount by \$19,800,000,000.

On page 3, line 24, decrease the amount by \$21,600,000,000.

On page 4, line 5, decrease the amount by \$14,300,000,000.

On page 4, line 6, decrease the amount by \$15,600,000,000.

On page 4, line 7, decrease the amount by \$17,500,000,000.

On page 4, line 8, decrease the amount by \$19,800,000,000.

On page 4, line 9, decrease the amount by \$21,600,000,000.

On page 4, line 14, decrease the amount by \$14,300,000,000.

On page 4, line 15, decrease the amount by \$15,600,000,000.

On page 4, line 16, decrease the amount by \$17,500,000,000.

On page 4, line 17, decrease the amount by \$19,800,000,000.

On page 4, line 18, decrease the amount by \$21,600,000,000.

On page 27, line 16, decrease the amount by \$14,300,000,000.

On page 27, line 17, decrease the amount by \$14,300,000,000.

On page 27, line 20, decrease the amount by \$15,600,000,000.

On page 27, line 21, decrease the amount by \$15,600,000,000.

On page 27, line 24, decrease the amount by \$17,500,000,000.

On page 27, line 25, decrease the amount by \$17,500,000,000.

On page 28, line 3, decrease the amount by \$19,800,000,000.

On page 28, line 4, decrease the amount by \$19,800,000,000.

On page 28, line 7, decrease the amount by \$21,600,000,000.

On page 28, line 8, decrease the amount by \$21,600,000,000.

On page 32, line 10, decrease the amount by \$21,500,000,000.

On page 32, line 11, decrease the amount by \$14,300,000,000.

Mr. BUNNING. This is the third time I have addressed on the Senate floor this amendment, the unfair tax that has been on the senior citizens of this country since 1993 when the additional 35 percent was put on. This time it is paid for, not like the last one we voted on. This time it is paid for in my modification.

It specifically states it is paid for by an across-the-board cut in discretionary spending. We do not touch the entitlement spending, but discretionary spending is cut by the amount of money we need to pay for this cut for our senior citizens.

This is the real cut of taxes for senior citizens. The last one was a "cover some part of your body" rather than the real kind of tax cut.

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

The Senator from North Dakota.

Mr. CONRAD. Mr. President, there are real cuts, the Senator is right about that. This would cut, across the board by \$21 billion, education, veterans' health, homeland security, law enforcement. If you want to do that, vote for the Bunning amendment.

I urge my colleagues to oppose it.

Mr. BUNNING. But the other one did not pay for it.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

Mr. CONRAD. 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 bill clerk called the roll.

The result was announced—yeas 47, nays 53, as follows:

[Rollcall Vote No. 52 Leg.]

#### YEAS—47

Alexander	DeMint	McCain
Allard	Dole	McConnell
Barrasso	Domenici	Murkowski
Bennett	Ensign	Roberts
Bond	Enzi	Sessions
Brownback	Graham	Shelby
Bunning	Grassley	Smith
Burr	Gregg	Specter
Chambliss	Hagel	Stevens
Coburn	Hatch	Sununu
Cochran	Hutchison	Thune
Coleman	Inhofe	Vitter
Corker	Isakson	Voinovich
Cornyn	Kyl	Warner
Craig	Lugar	Wicker
Crapo	Martinez	

#### NAYS—53

Akaka	Feingold	Murray
Baucus	Feinstein	Nelson (FL)
Bayh	Harkin	Nelson (NE)
Biden	Inouye	Obama
Bingaman	Johnson	Pryor
Boxer	Kennedy	Reed
Brown	Kerry	Reid
Byrd	Klobuchar	Rockefeller
Cantwell	Kohl	Salazar
Cardin	Landrieu	Sanders
Carper	Lautenberg	Schumer
Casey	Leahy	Snowe
Clinton	Levin	Stabenow
Collins	Lieberman	Tester
Conrad	Lincoln	Webb
Dodd	McCaskill	Whitehouse
Dorgan	Menendez	Wyden
Durbin	Mikulski	

The amendment (No. 4192), as modified, was rejected.

Mr. CONRAD. Mr. President, I move to reconsider the previous vote.

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 4203

The PRESIDING OFFICER. There is now 2 minutes of debate equally divided prior to a vote on the Specter amendment No. 4203.

The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I offer this amendment on behalf of 31 Senators. It adds \$2.1 billion to NIH funding which would bring it to a total of

\$32 billion. NIH has been grossly underfunded for many years. Enormous progress was made during the NIH doubling; major advances on cancer, Parkinson's, and Alzheimer's. It also adds \$1 billion for LIHEAP, which is significantly underfunded, bringing the total to \$3.5 billion. I urge support of the amendment.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from New Hampshire.

Mr. GREGG. Mr. President, it is important to note this is a reprioritization within the budget. I happen to agree with this reprioritization, but it comes out of what is known as the 920 account, which means in order to pay for this, it is an across-the-board cut to all other accounts. I think the Senator is correct that if we are going to prioritize spending, I am willing to do an across-the-board cut to all accounts to put more money into NIH and more money into LIHEAP. I suggest we take it on a voice vote, unless the Senator wants a recorded vote.

Mr. SPECTER. I ask for the yeas and nays. I think it is important people know the strength of this body's support for the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is all time yielded back?

The Senator from North Dakota.

Mr. CONRAD. I encourage Members to support the amendment. The Senator has made a very powerful case for it.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4203. The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Louisiana (Mr. VITTER).

The result was announced—yeas 95, nays 4, as follows:

[Rollcall Vote No. 53 Leg.]

#### YEAS—95

Akaka	Crapo	Lincoln
Alexander	Dodd	Lugar
Allard	Dole	Martinez
Barrasso	Domenici	McCain
Baucus	Dorgan	McCaskill
Bayh	Durbin	McConnell
Bennett	Ensign	Menendez
Biden	Enzi	Mikulski
Bingaman	Feingold	Murkowski
Bond	Feinstein	Murray
Boxer	Graham	Nelson (FL)
Brown	Grassley	Nelson (NE)
Brownback	Gregg	Obama
Bunning	Hagel	Pryor
Burr	Harkin	Reed
Byrd	Hatch	Reid
Cantwell	Hutchison	Roberts
Cardin	Inouye	Rockefeller
Casey	Isakson	Salazar
Chambliss	Johnson	Sanders
Clinton	Kennedy	Schumer
Coburn	Kerry	Sessions
Cochran	Klobuchar	Shelby
Coleman	Kohl	Smith
Collins	Landrieu	Snowe
Conrad	Lautenberg	Specter
Corker	Leahy	Stabenow
Cornyn	Levin	Stevens
Craig	Lieberman	Sununu

Tester  
Thune  
Voinovich

Warner  
Webb  
Whitehouse

Wicker  
Wyden

#### NAYS—4

Carper  
DeMint

Inhofe  
Kyl

#### NOT VOTING—1

Vitter

The amendment (No. 4203) was agreed to.

Mr. LEVIN. 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.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, the next amendment is an amendment by Senator DORGAN; then there would be a side by side to Senator ALEXANDER's energy reserve amendment; then the Senator ALEXANDER amendment; then the Senator KENNEDY amendment; followed by Senator SUNUNU; followed by Senator LINCOLN; followed by Senator ALEXANDER; a side by side to Alexander; then Alexander; then Menendez; then Sessions; then Cornyn; then Pryor; then Allard. That is the regular order previously entered, for the notice of Senators.

We would note that none of them are subject to second degrees. We will make that request. Mr. President, I ask unanimous consent that none of these amendments be subject to second degrees.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Is there objection?

Without objection, it is so ordered.

Mr. CONRAD. Mr. President, that takes us to the Dorgan amendment.

The PRESIDING OFFICER. The Senator from North Dakota.

#### AMENDMENT NO. 4198

Mr. DORGAN. Mr. President, this amendment has to do with Indian health care. We have both a trust responsibility and treaty responsibilities for the health care of American Indians. They are the first Americans.

Let me tell you how we meet our responsibility. We also have a responsibility to provide health care for incarcerated Federal prisoners. We spend twice as much money for health care for our incarcerated prisoners as we do to meet our promise to American Indians for health care. This amendment provides \$1 billion restoration of funding for the Indian health care program. It is paid for by a general reduction in function 920.

Let me say again, people are dying as a result of the underfunding for health care for American Indians. It is a promise we have made, and it is long past the time we keep that promise. This amendment is a step in that direction.

The PRESIDING OFFICER. Who seeks recognition in opposition?

The Senator from New Hampshire.

Mr. GREGG. Mr. President, the Senator from North Dakota has made an

exceptional case regarding the failure of the Indian health program, especially as it relates to his citizenry and other citizenry throughout this country. He has pointed out that it involves rationing, poor medical care, and that it involves inconsistent and spotty medical care. I think he has probably made one of the best cases you could possibly make for why we do not want the Federal Government running health care. The Indian health care system is a Federal system.

So however people vote on this amendment, I think we should understand that this vote is a condemnation of the idea of nationalizing our health care system.

Mr. DORGAN. 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 amendment No. 4198.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Montana (Mr. BAUCUS) is necessarily absent.

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

The result was announced—yeas 69, nays 30, as follows:

[Rollcall Vote No. 54 Leg.]

#### YEAS—69

Akaka	Dorgan	Mikulski
Bayh	Durbin	Murkowski
Bennett	Feingold	Murray
Biden	Feinstein	Nelson (FL)
Bingaman	Graham	Nelson (NE)
Boxer	Grassley	Obama
Brown	Harkin	Pryor
Brownback	Inhofe	Reed
Byrd	Inouye	Reid
Cantwell	Johnson	Rockefeller
Cardin	Kennedy	Salazar
Casey	Kerry	Sanders
Clinton	Klobuchar	Schumer
Coburn	Kohl	Smith
Cochran	Landrieu	Specter
Coleman	Lautenberg	Stabenow
Collins	Leahy	Stevens
Conrad	Levin	Tester
Craig	Lieberman	Thune
Crapo	Lincoln	Webb
Dodd	McCain	Whitehouse
Dole	McCaskill	Wicker
Domenici	Menendez	Wyden

#### NAYS—30

Alexander	DeMint	Martinez
Allard	Ensign	McConnell
Barrasso	Enzi	Roberts
Bond	Gregg	Sessions
Bunning	Hagel	Shelby
Burr	Hatch	Snowe
Carper	Hutchison	Sununu
Chambliss	Isakson	Vitter
Corker	Kyl	Voinovich
Cornyn	Lugar	Warner

#### NOT VOTING—1

Baucus

The amendment (No. 4198) was agreed to.

#### AMENDMENT NO. 4329

Mr. NELSON of Florida. Mr. President, I call up amendment No. 4329.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. NELSON], for himself, Mr. LAUTENBERG, Mr. SALAZAR, and Mr. MENENDEZ, proposes an amendment numbered 4329.

Mr. NELSON of Florida. 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 establish a deficit-neutral reserve fund to improve energy efficiency and production)

At the end of title III, add the following:

**SEC. 3 \_\_\_\_\_. DEFICIT-NEUTRAL RESERVE FUND TO IMPROVE ENERGY EFFICIENCY AND PRODUCTION.**

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Senate Committee on the Budget 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 encourage—

(1) consumers to replace old conventional wood stoves with new clean wood, pellet, or corn stoves certified by the Environmental Protection Agency;

(2) consumers to install smart electricity meters in homes and businesses;

(3) the capture and storage of carbon dioxide emissions from coal projects; and

(4) the development of oil and natural gas resources beneath the outer Continental Shelf in areas not covered by a Presidential or Congressional moratorium.

(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 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

The PRESIDING OFFICER. There are 2 minutes of debate equally divided.

Mr. NELSON of Florida. Mr. President, the Alexander amendment that is coming up unwisely attempts to override the moratorium we have which Congress adopted and the President signed 3 months ago to prevent commercial oil shale leasing, before the impacts of those proposed technologies are known and before the R&D projects in Colorado or Utah have produced any results. So my amendment takes that out.

My amendment also takes out his portion, where he is going to allow oil and gas drilling on the Outer Continental Shelf. Senator ALEXANDER is going to change that just to have gas drilling off Virginia. But I would argue, that is the proverbial camel's nose under the tent and what we fight about each year: Oil drilling off the coast.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, there are only 2 ways to bring down the price of \$3.50 gasoline and to keep electricity from going up. One is to reduce demand and one is to increase supply.

The Senator from Florida and I agree on our amendments on several provisions, but he would take out the parts that will increase the supply of natural gas and increase the supply of oil, which will tend to reduce the price of gasoline and reduce the price of nat-

ural gas and make us less dependent on people in other countries who are trying to kill us.

I urge a "no" vote if you want lower energy prices.

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

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

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

The assistant journal clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 55 Leg.]

**YEAS—56**

Akaka	Durbin	Murray
Baucus	Feingold	Nelson (FL)
Bayh	Feinstein	Nelson (NE)
Biden	Harkin	Obama
Bingaman	Inouye	Pryor
Boxer	Johnson	Reed
Brown	Kennedy	Reid
Byrd	Kerry	Rockefeller
Cantwell	Klobuchar	Salazar
Cardin	Kohl	Sanders
Carper	Lautenberg	Schumer
Casey	Leahy	Smith
Clinton	Levin	Snowe
Coleman	Lieberman	Stabenow
Collins	Lincoln	Tester
Conrad	Martinez	Webb
Dodd	McCaskill	Whitehouse
Dole	Menendez	Wyden
Dorgan	Mikulski	

**NAYS—43**

Alexander	DeMint	McConnell
Allard	Domenici	Murkowski
Barrasso	Ensign	Roberts
Bennett	Enzi	Sessions
Bond	Graham	Shelby
Brownback	Grassley	Specter
Bunning	Gregg	Stevens
Burr	Hagel	Sununu
Chambliss	Hatch	Thune
Coburn	Hutchison	Vitter
Cochran	Inhofe	Voinovich
Corker	Isakson	Warner
Cornyn	Kyl	Wicker
Craig	Landrieu	
Crapo	Lugar	

**NOT VOTING—1**

McCain

The amendment (No. 4329) was agreed to.

**AMENDMENT NO. 4207, AS MODIFIED**

The PRESIDING OFFICER. There will now be 2 minutes of debate, equally divided, prior to a vote on amendment No. 4207, offered by the Senator from Tennessee, Mr. ALEXANDER.

Mr. ALEXANDER. Madam President, I have sent a modification of my amendment to the desk.

The amendment, as modified, is as follows:

At the end of title III, add the following:

**SEC. 3 \_\_\_\_\_. DEFICIT-NEUTRAL RESERVE FUND TO IMPROVE ENERGY EFFICIENCY AND PRODUCTION.**

(a) IN GENERAL.—Subject to subsection (b), the Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint reso-

lution, amendment, motion, or conference report that would encourage—

(1) consumers to replace old conventional wood stoves with new clean wood, pellet, or corn stoves certified by the Environmental Protection Agency;

(2) consumers to install smart electricity meters in homes and businesses;

(3) the capture and storage of carbon dioxide emissions from coal projects;

(4) the development of natural gas resources beneath the outer Continental Shelf but only off the coastline of the State of Virginia; and

(5) the development of oil shale resources on public land pursuant to section 369(d) of the Energy Policy Act of 2005 (42 U.S.C. 15927(d)), without regard to section 433 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110-161).

(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 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

Mr. ALEXANDER. Madam President, my amendment limits the encouragement of the development of natural gas resources beneath the Outer Continental Shelf to the coastline, off the coastline of the State of Virginia.

Madam President, the estimates are that this year 400 billion American dollars are going overseas to buy oil. This amendment has some conservation measures in it, but it also allows us to proceed with the Department of Interior to develop oil from oil shale in the western part of the United States. It allows Virginia, which has asked to do it, to explore for natural gas off the coastline of Virginia. A "yes" vote is to bring down \$3.50 gasoline prices. The supply of oil and gas is important if we want to bring down the price of oil and gas to Americans and make us less dependent upon foreign oil.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Madam President, I point out that the Alexander amendment takes away the sensible moratorium, which Congress just adopted and the President signed 3 months ago, which prevents commercial oil shale leasing before the impacts of those technologies are known, with the R&D projects in Colorado and Utah. It further starts the process of drilling in the Outer Continental Shelf, which you just protected by adopting my amendment. By doing what Senator ALEXANDER said, the camel's nose is under the tent to start drilling off of Virginia.

I urge a "no" vote on Senator ALEXANDER's side-by-side amendment.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Madam President, I ask unanimous consent to have 1 minute to answer the statement made by the Senator from Florida.

The PRESIDING OFFICER. Is there objection?

Mr. MENENDEZ. Reserving the right to object, if the Senator will amend his request for a minute on each side, I would be happy not to object. I would like to talk about it too.

Mr. DOMENICI. I don't care if the Senator wants 5 minutes.

The PRESIDING OFFICER. Is there objection to a minute on each side? Without objection, it is so ordered.

The Senator from New Mexico is recognized.

Mr. DOMENICI. Madam President, what happened in this case, with reference to shale oil, is the United States has as much shale oil in these two States—Colorado and Utah—as the Saudi Arabians have oil. We had that arranged in our Energy bill, where it was being researched by major American oil companies. In the dead of night, the appropriators changed the law in an appropriations bill and put a moratorium on final regulations so that those who are investing money to see if we can produce this with \$100-a-barrel oil out there, or not, they have to look at a moratorium as to whether they should invest money.

There should not be a moratorium. It is protected by law. This is somebody up in one of these States putting a moratorium on in appropriations with nobody around. This Senator wasn't there. If I were there, it would not have happened. We would not have had a bill. We would have had to filibuster that bill because it is so wrong to, in appropriations, say no to the largest body of ore in America that could substitute for crude oil. You might say: Why didn't we do it before? We didn't do it because oil wasn't high enough. Now it is.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Madam President, I oppose this amendment because what this will do, as Senator NELSON said, is undo a quarter century of bipartisan agreement where there is a moratorium on the Outer Continental Shelf, both west and east. If we want to end our addiction and if we care about prices, then don't do it by striking another vein, ultimately, of the same energy resource. You do it by considering alternatives. This amendment does nothing about that, but it does undermine the moratorium in the Outer Continental Shelf.

I yield to my colleague from Colorado.

Mr. SALAZAR. Madam President, I urge my colleagues to vote no on this amendment because it deals with the State of Colorado and the oil shale reserves there. We have a thoughtful way to move forward with that program. This is putting the horse ahead of the cart. This is the wrong way to go.

I urge a "no" note.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

Mr. CONRAD. Madam 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.

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

Mr. KYL. The following Senator is 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 47, nays 51, as follows:

[Rollcall Vote No. 56 Leg.]

#### YEAS—47

Alexander	DeMint	Lugar
Allard	Domenici	McConnell
Barrasso	Dorgan	Murkowski
Bennett	Ensign	Nelson (NE)
Bond	Enzi	Roberts
Brownback	Graham	Sessions
Bunning	Grassley	Shelby
Burr	Gregg	Specter
Chambliss	Hagel	Stevens
Coburn	Hatch	Sununu
Cochran	Hutchison	Thune
Coleman	Inhofe	Vitter
Corker	Isakson	Voinovich
Cornyn	Johnson	Warner
Craig	Kyl	Wicker
Crapo	Landrieu	

#### NAYS—51

Akaka	Feingold	Murray
Baucus	Feinstein	Nelson (FL)
Bayh	Harkin	Obama
Biden	Inouye	Pryor
Bingaman	Kennedy	Reed
Boxer	Kerry	Reid
Brown	Klobuchar	Rockefeller
Cantwell	Kohl	Salazar
Cardin	Lautenberg	Sanders
Carper	Leahy	Schumer
Casey	Levin	Smith
Clinton	Lieberman	Snowe
Collins	Lincoln	Stabenow
Conrad	Martinez	Tester
Dodd	McCaskill	Webb
Dole	Menendez	Whitehouse
Durbin	Mikulski	Wyden

#### NOT VOTING—2

Byrd                      McCain

The amendment (No. 4207), as modified, was rejected.

#### AMENDMENT NO. 4151

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I believe the pending amendment is the amendment I offered earlier; am I correct?

The PRESIDING OFFICER. Amendment No. 4151. There is 2 minutes of debate equally divided.

Mr. KENNEDY. Madam President, everyone is aware of the credit crisis and its impact on homeowners. This amendment is designed to ensure that the crisis does not impact students.

The amendment ensures that Congress can act to provide low-interest loans to students who need them. It will bring stability and security to our higher education system. My amendment strengthens the Federal Student Loan Program so that secure, low-interest student loans will always be available to Main Street America, even when Wall Street is in turmoil.

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. Who yields time?

The Senator from Oklahoma.

Mr. COBURN. Madam President, the only cost in this country that has risen

faster than medical care has been college education. There is no shortage of student loan money under Government-guaranteed loans. We sent \$77 billion to colleges and universities last year, half of them through earmarks.

The more money we send to universities, the higher the tuitions go. That is one of the reasons it is higher than it is today. According to the Secretary, in a study issued this last week, there is no shortage of available student loans among the federally backed Student Loan Guarantee Program. There is a slight shortage in the 10-percent private.

This amendment does not address or increase at all the availability that is already there. So we are not doing anything with this amendment other than spending the very money these kids are going to have to pay back. By borrowing now, they will have to pay it back two and threefold.

The PRESIDING OFFICER. Twenty seconds remains.

The Senator from Massachusetts.

Mr. KENNEDY. Madam President, as I understand, the time has expired.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4151.

The amendment (No. 4151) was agreed to.

Mr. KENNEDY. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. There is now 2 minutes equally divided on the Sununu amendment.

The Senator from New Hampshire is recognized.

Mr. GREGG. Madam President, as I understand it, Senator SUNUNU and Senator KERRY are discussing this amendment. I suggest we move to the next regular order item, if there is no objection, which is Senator LINCOLN's amendment.

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

#### AMENDMENT NO. 4194

The PRESIDING OFFICER. There is now 2 minutes equally divided on the Lincoln amendment, No. 4194.

The Senator from North Dakota.

Mr. CONRAD. Madam President, I will give a moment to the Senator to collect herself and indicate that we are making very good progress. We have a long way to go. We thank colleagues for being so cooperative, but I do indicate that if we have any hope of getting done tonight, even late tonight, it is going to take forbearance on the part of colleagues because we have probably 45, even 50 amendments still pending. That means at three an hour—my colleagues can do the math—we will be well into tomorrow. I ask colleagues, if there is an ability to withhold amendments on this vehicle for another vehicle, that would certainly be helpful.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.



Mrs. LINCOLN. Madam President, my amendment is a simple one, and that is to better ensure that the men and women who have so courageously served our Nation in uniform receive the benefits to which they are entitled, and certainly have earned, in a more timely manner.

I join my colleague Senator SNOWE in offering this amendment. Last year, we got around \$70 million in the budget resolution and then again through the appropriations to specifically go to the Veterans Benefits Administration to hire more claims processing staff.

We have seen a tremendous backlog. I know other Senators in their offices and in their casework find the same situation I do, and that is, these incredible men and women who have served our Nation in uniform and done so in such a courageous and brave way are not getting the benefits they need or deserve. And they are not getting them in a timely way—anywhere from 180 days to more in terms of backlog.

The VBA certainly needs more resources. They need the resources to train these individuals who are working with them to ensure that those benefits are delivered to these brave men and women.

I certainly thank the chairman and the ranking member for working with us, and certainly Senator SNOWE, and urge my colleagues to support the amendment.

The PRESIDING OFFICER. Who yields time?

The Senator from Maryland is recognized.

Ms. MIKULSKI. Madam President, I am a cosponsor of the Lincoln, Mikulski, and Snowe amendment.

Our military people don't stand in line when they have to serve this country, and they shouldn't have to stand in line to file for their disability claims. This is outrageous. We need to put enough money into the checkbook to protect the troops over there and when they come back here.

Let us vote for this Lincoln amendment. If you support the troops, let us end the backlog.

The PRESIDING OFFICER. Who yields time in opposition?

The question is on agreeing to the amendment.

The amendment (No. 4194) was agreed to.

Mr. GREGG. Madam President, I believe we are back to the Sununu amendment. We have a side-by-side, I understand, with Senator KERRY.

AMENDMENT NO. 4221

The PRESIDING OFFICER. There is now 2 minutes of debate equally divided on the Sununu amendment.

The Senator from New Hampshire is recognized.

Mr. SUNUNU. Madam President, this is an amendment that simply adds language to the deficit-neutral fund that emphasizes health care IT.

We all know the value of technology and improving health care efficiency, lowering costs, and reducing medical

errors. Our language—my language—would ensure that health care IT focuses first on electronic prescriptions. We know we can reduce the number of errors, the mistakes in prescribing, improve the quality of care, and improve health care costs for all our seniors by moving to electronic prescribing, with incentives for doctors, grants for doctors to accelerate this process.

This is based on legislation introduced by Senators KERRY and STABENOW on the Democratic side and Senator ENSIGN and me on the Republican side. It is a strong bipartisan effort that will save money and improve the cost of care. I know Senator KERRY has a similar amendment that adds further language to this section, and I hope the Senate will accept both of the amendments.

I thank the Chair.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Madam President, we have no objection to the amendment of the Senator from New Hampshire.

Mr. GREGG. I ask unanimous consent that the Sununu amendment pass.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4221) was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

AMENDMENT NO. 4332

Mr. KERRY. Madam President, I call up amendment No. 4332.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY], for himself, Ms. STABENOW, and Mr. WHITEHOUSE, proposes an amendment numbered 4332.

Mr. KERRY. 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 promote the modernization of the health care system through the adoption of electronic prescribing technology)

On page 64, line 1, insert “, including incentives or other supports for the adoption of electronic prescribing technology,” after “technology”.

Mr. KERRY. Madam President, as the Senator from New Hampshire has said, this is a slight variation of the amendment we just passed. It is an idea we have been working on, on a bipartisan basis and hopefully in the conference the two amendments can be melded into one. We didn't have time to do it now, but I look forward to seeing it pass.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. CONRAD. Madam President, can we go to consideration of the Kerry amendment?

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

The amendment (No. 4332) was agreed to.

Mr. CONRAD. Madam President, that takes us to the Kennedy amendment, which is a side-by-side to the Alexander amendment.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 4350

Mr. KENNEDY. Madam President, we are going to have, in a moment, the Alexander amendment. This is an option which I hope the Senate will accept.

The Alexander amendment would undermine our civil rights laws. The Alexander amendment would cut the EEOC's budget at a time when they have reported a 9-percent increase in the charges of discrimination. We should be giving the EEOC more money to fight the problem, not less.

In addition, the kinds of cases the Senator from Tennessee opposes are extremely rare. The EEOC filed only 29 suits in the past 11 years involving English-only policies, and only when speaking English was unnecessary to do the job.

If we want to fund English literacy—and I favor that we should do it—we should do so, but not by harming the EEOC's ability to fight discrimination. So my amendment provides the needed support for English language education, and funds it across the board for the cut, without harming the EEOC's ability to fight discrimination.

Madam President, this is amendment No. 4350.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Senator KENNEDY] proposes an amendment numbered 4350.

The amendment is as follows:

(Purpose: To increase funding for the Department of Education's English Literacy-Civics Education State Grant program, with an offset)

On page 18, line 16, increase the amount by \$1,000,000.

On page 18, line 17, increase the amount by \$1,000,000.

On page 27, line 16, decrease the amount by \$1,000,000.

On page 27, line 17, decrease the amount by \$1,000,000.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Tennessee.

Mr. ALEXANDER. Madam President, as I understand the amendment of the Senator from Massachusetts, he would increase funding for the adult literacy programs to help Americans learning English. I think that is a terrific idea. Since 1906, immigrants have been required to learn English. No Child Left Behind, which the Senator helped to write, measures their progress in English. Legislation I have offered, and which the Senate has passed, gives people who are legally here and who seek to become a citizen a chance to become

a citizen a year early if they become proficient in English.

I support Senator KENNEDY's amendment. In a moment, I will offer my amendment, which will stop the Government from suing the Salvation Army for requiring its employees to speak English on the job. That is a different matter. The Senator is right on this amendment, and I look forward to voting for it.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

Mr. CONRAD. Would the Chair yield for a moment?

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Madam President, I would ask if both Senators would be willing to take voice votes on these two amendments?

Mr. ALEXANDER. Madam President, no, I wish to have the rollcall vote on our amendment.

Mr. GREGG. We are agreeable to a voice vote on the Kennedy amendment.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I would be glad to take it if the Senator from Tennessee wanted a voice vote. I am glad to take it. If he insists on a rollcall, then we will necessitate a rollcall on our side. But I would be glad to voice vote it if the Senator from Tennessee wants to do that.

Mr. ALEXANDER. Madam President, I admire the amendment of the Senator from Massachusetts and I plan to vote for it, but there is not so much admiration for my amendment by some Senators. I wish to have a rollcall vote on it because I think it is time it became the law, and it has already been passed here before. So I will require a rollcall vote on my amendment.

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

Mr. CONRAD. I ask for the yeas and nays on the Kennedy amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant journal clerk called the roll.

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

Mr. KYL. The following Senator is 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 95, nays 2, as follows:

[Rollcall Vote No. 57 Leg.]

YEAS—95

Akaka	Domenici	Menendez
Alexander	Dorgan	Mikulski
Allard	Durbin	Murkowski
Barrasso	Ensign	Murray
Baucus	Enzi	Nelson (FL)
Bayh	Feingold	Nelson (NE)
Bennett	Feinstein	Pryor
Biden	Graham	Reed
Bingaman	Grassley	Reid
Bond	Gregg	Roberts
Boxer	Hagel	Rockefeller
Brown	Harkin	Salazar
Brownback	Hatch	Sanders
Bunning	Hutchison	Schumer
Burr	Inouye	Sessions
Cantwell	Isakson	Shelby
Cardin	Johnson	Smith
Carper	Kennedy	Snowe
Casey	Kerry	Specter
Chambliss	Klobuchar	Stabenow
Clinton	Kohl	Stevens
Cochran	Kyl	Sununu
Coleman	Landrieu	Tester
Collins	Lautenberg	Thune
Conrad	Leahy	Vitter
Corker	Levin	Voinovich
Cornyn	Lieberman	Warner
Craig	Lincoln	Webb
Crapo	Lugar	Whitehouse
DeMint	Martinez	Wicker
Dodd	McCaskill	Wyden
Dole	McConnell	

NAYS—2

Coburn

Inhofe

NOT VOTING—3

Byrd

McCain

Obama

The amendment (No. 4350) was agreed to.

AMENDMENT NO. 4222

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided prior to a vote on amendment No. 4222, offered by the Senator from Tennessee, Mr. ALEXANDER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Madam President, in the 1990s, Arthur Schlesinger, Jr., a prominent Democrat, a great friend of the Senator from Massachusetts, wrote a book about the "Disuniting of America." He deplored the balkanization of our country. The Equal Employment Opportunity Commission is balkanizing our country when it sues the Salvation Army, as it did, for requiring its employees to speak our common language on the job. Any employer may require any employee to speak whatever language, but that is our national language. Only a few things unite us—our common history, the principles in our founding documents, and our common language. We should be valuing rather than devaluing our common language. A vote yes is for uniting America, a vote no on this amendment is for disuniting America, in the words of Arthur Schlesinger.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Madam President, let's look at what the law is and what the Alexander amendment provides. The law currently says that if there is a need to speak English on the job, fine; employers can require that. But employers cannot use English-only rules as an excuse when they want to fire minorities who are performing the job correctly. In this fact situation, those employees had performed the job correctly for 5 years.

In addition, this amendment reduces the EEOC's ability to fight all forms of discrimination because it cuts the entire budget. That means race, age, religion, and disability cases will be harmed.

I hope the amendment will be defeated.

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

Mr. GREGG. 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 clerk will call the roll.

The bill clerk called the roll.

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

Mr. KYL. The following Senator is 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 54, nays 44, as follows:

[Rollcall Vote No. 58 Leg.]

YEAS—54

Alexander	Crapo	McConnell
Allard	DeMint	Murkowski
Barrasso	Dole	Nelson (NE)
Baucus	Domenici	Pryor
Bayh	Ensign	Roberts
Bennett	Enzi	Sessions
Bond	Graham	Shelby
Brownback	Grassley	Smith
Bunning	Gregg	Snowe
Burr	Hagel	Specter
Chambliss	Hatch	Stevens
Coburn	Hutchison	Sununu
Cochran	Inhofe	Tester
Coleman	Isakson	Thune
Collins	Kyl	Vitter
Corker	Landrieu	Voinovich
Cornyn	Lincoln	Warner
Craig	Lugar	Wicker

NAYS—44

Akaka	Feinstein	Mikulski
Biden	Harkin	Murray
Bingaman	Inouye	Nelson (FL)
Boxer	Johnson	Obama
Brown	Kennedy	Reed
Cantwell	Kerry	Reid
Cardin	Klobuchar	Rockefeller
Carper	Kohl	Salazar
Casey	Lautenberg	Sanders
Clinton	Leahy	Schumer
Conrad	Levin	Stabenow
Dodd	Lieberman	Webb
Dorgan	Martinez	Whitehouse
Durbin	McCaskill	Wyden
Feingold	Menendez	

NOT VOTING—2

Byrd

McCain

The amendment (No. 4222) was agreed to.

Mr. ALEXANDER. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. CONRAD. Madam President, I think it would be useful at this point to recap the next tranche of amendments. The following amendments are in order: Menendez, 4259; Sessions, 4231; Cornyn, 4242; Pryor, 4181; Allard, 4246;

Nelson, 4212; Ensign 4240; Sanders, 4218; Conrad, undesignated; Gregg, 4305; Reed, 4154; DeMint 4328; Biden, 4164; Dole, 4208; Dodd, 4254; Allard, 4232; Brown, 4155; Brownback, 4284; Kohl, 4197; Baucus side-by-side, undesignated; Hatch, 4280. That is the order of the next tranche of amendments.

Let me say for the benefit of our colleagues that it is going to take real restraint if we are going to have any kind of reasonable ending by any kind of reasonable time. All of those amendments are in order. We are prepared to vote on them. To the extent colleagues could withhold on additional amendments, that would certainly be helpful.

We are rapidly approaching the point at which we will have had the average number of amendments on a budget resolution. It runs from 32 to 36, roughly, on a budget resolution for rollcall votes. If we get through this tranche, I think we will be well over that number. But colleagues have a right, we understand that. We ask people to think if there is a possibility to withhold.

Senator MENENDEZ is next.

AMENDMENT NO. 4259

The PRESIDING OFFICER. There will be 2 minutes of debate equally divided on the amendment offered by the Senator from New Jersey, Mr. MENENDEZ.

Mr. MENENDEZ. Madam President, my amendment creates a deficit reserve fund to support increased border security and enforcement of immigration laws. But instead of going down the same old tired way that has not created results, as you will be asked to do in the amendment from Senator SESSIONS, what we do is actually go after the magnet that brings people to this country; that is, jobs and those who employ them illegally.

So we have the ability, under this amendment, to pursue civil penalties against bad-actor employers, to render them ineligible to receive Federal contracts; to also go after criminal aliens in Federal, State, and local prisons to make sure we deport them; and finally, to implement the exit data portion of the US-VISIT entry and exit data system so we know who is coming into this country and how to track them. These are the ways we will begin to address some of our immigration challenges.

Finally, we make sure we allow the National Guard to go to the border but not until we have it declared that it will not impede or render unsafe our troops abroad, which the National Guard are supporting.

For all those reasons, I urge my colleagues to support our amendment and oppose the amendment from Senator SESSIONS.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, the amendment offered by my colleague is an amendment that does not effectively replace the amendment I have offered.

My amendment that will be coming up next is a broad amendment. But this

amendment contains immigration reform language that suggests once again that enforcement cannot be effectively done without a comprehensive amnesty approach. It fails to include any provision for State and local law enforcement, fails to include any provision for border fencing, fails to include any provision to advance specifically the effective operations streamline policy that is being done now in four border areas, that needs to be done in 20, and that has resulted in a 60-percent reduction in illegal entry in those four areas. The Menendez amendment does not particularly cover that area. I would ask that it not be passed and that my amendment coming up next would be the one more appropriately effective to carry out the will of this Congress.

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

Mr. MENENDEZ. 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 West Virginia, Mr. BYRD, is necessarily absent.

Mr. KYL. The following Senator is 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 53, nays 45, as follows:

[Rollcall Vote No. 59 Leg.]

YEAS—53

Akaka	Feinstein	Murray
Baucus	Harkin	Nelson (FL)
Bayh	Inouye	Nelson (NE)
Biden	Johnson	Obama
Bingaman	Kennedy	Pryor
Boxer	Kerry	Reed
Brown	Klobuchar	Reid
Cantwell	Kohl	Rockefeller
Cardin	Landrieu	Salazar
Carper	Lautenberg	Sanders
Casey	Leahy	Schumer
Clinton	Levin	Snowe
Coleman	Lieberman	Stabenow
Collins	Lincoln	Sununu
Conrad	Martinez	Tester
Dodd	McCaskill	Whitehouse
Durbin	Menendez	Wyden
Feingold	Mikulski	

NAYS—45

Alexander	DeMint	Lugar
Allard	Dole	McConnell
Barrasso	Domenici	Murkowski
Bennett	Dorgan	Roberts
Bond	Ensign	Sessions
Brownback	Enzi	Shelby
Bunning	Graham	Smith
Burr	Grassley	Specter
Chambliss	Gregg	Stevens
Coburn	Hagel	Thune
Cochran	Hatch	Vitter
Corker	Hutchison	Voinovich
Cornyn	Inhofe	Warner
Craig	Isakson	Webb
Crapo	Kyl	Wicker

NOT VOTING—2

Byrd McCain

The amendment (No. 4259) was agreed to.

AMENDMENT NO. 4231

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided prior to a vote on amendment No. 4231 offered by the Senator from Alabama, Mr. SESSIONS.

The Senator from Alabama.

Mr. SESSIONS. Madam President, this Senate has repeatedly voted on issue after issue after issue that would move us toward a lawful system of immigration. But for one reason or the other, those votes have not been translated into action or funding. As a result, we have not made the progress we should have made. We have created a lack of confidence in the American people who are cynical about what we do. My amendment is broad. It would allow a budget-neutral reserve fund for any immigration factor, but it specifically mentions six. It does not in any way suggest these enforcement measures should be delayed until some amnesty proposal or comprehensive reform is passed. The programs include Operation Streamline. Four of twenty southern border sectors now are prosecuting illegal entries, and they have seen a 60-percent reduction in illegality. We would like to see that in all 20, of course. It would commit us to construction of the fence and four other areas.

I urge support for this amendment, which would clearly move us in the direction we have been voting in the past.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Madam President, I urge my colleagues to oppose this amendment. The Senate, in a significant vote, voted to get to the heart of the matter, the draw of jobs and those who offer them illegally. That is where the whole issue is. The Senate acted intelligently in that respect. It was tough and smart. But under the Sessions amendment, we are going to deploy another 6,000 National Guard, without conditions, to the border at a time in which we are overstretched with the National Guard in Iraq, Afghanistan, and for challenges that States have for emergencies in their own States. We are going to go ahead and deputize local police in local departments. I believe that is a mistake. We have had these before. They have not succeeded. We succeeded in passing an amendment that is going to be tough and smart and deal with the heart of the matter—employers who illegally hire people. It will make sure they get sanctioned, make sure we proceed against those who have Federal contracts doing this and makes sure we get rid of criminal aliens in the jails—local, State and Federal. That is the way to pursue it.

Vote against the Sessions amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4231.

Mr. REID. 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 bill clerk called the roll.

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

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 61, nays 37, as follows:

[Rollcall Vote No. 60 Leg.]

#### YEAS—61

Alexander	Dole	Murkowski
Allard	Domenici	Nelson (NE)
Barrasso	Dorgan	Pryor
Baucus	Ensign	Roberts
Bayh	Enzi	Sessions
Bennett	Graham	Shelby
Bond	Grassley	Smith
Brownback	Gregg	Snowe
Bunning	Hagel	Specter
Burr	Hatch	Stevens
Carper	Hutchison	Sununu
Chambliss	Inhofe	Tester
Coburn	Isakson	Thune
Cochran	Klobuchar	Vitter
Coleman	Kyl	Voinovich
Collins	Landrieu	Warner
Corker	Lincoln	Webb
Cornyn	Lugar	Wicker
Craig	Martinez	Wyden
Crapo	McCaskill	
DeMint	McConnell	

#### NAYS—37

Akaka	Feinstein	Murray
Biden	Harkin	Nelson (FL)
Bingaman	Inouye	Obama
Boxer	Johnson	Reed
Brown	Kennedy	Reid
Cantwell	Kerry	Rockefeller
Cardin	Kohl	Salazar
Casey	Lautenberg	Sanders
Clinton	Leahy	Schumer
Conrad	Levin	Stabenow
Dodd	Lieberman	Whitehouse
Durbin	Menendez	
Feingold	Mikulski	

#### NOT VOTING—2

Byrd                      McCain

The amendment (No. 4231) was agreed to.

#### AMENDMENT NO. 4242

The PRESIDING OFFICER (Mr. WEBB). There will now be 2 minutes of debate equally divided prior to a vote on amendment No. 4242, offered by the Senator from Texas, Mr. CORNYN.

The Senator from Texas.

Mr. CORNYN. Mr. President, this amendment creates a 60-vote point of order against any legislation that will increase income tax rates on taxpayers, including, of course, middle-class families and others.

If this looks familiar, it is because it is. Last year, we had a vote on this precise amendment. You will see that we had 63 Senators vote in support of this point of order against raising income tax rates, including our friends on the other side of the aisle whose names are indicated on this chart.

I understand from the distinguished chairman of the Budget Committee he may offer a procedural objection to

this amendment, but we are prepared at the appropriate time to offer a motion to waive any objection.

I ask for support on this bipartisan legislation.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, might I ask the Parliamentarian, through the Presiding Officer, a series of questions about this amendment?

The PRESIDING OFFICER. The Senator will state his inquiries.

Mr. CONRAD. Mr. President, No. 1, is this amendment germane to the budget resolution?

The PRESIDING OFFICER. In the opinion of the Chair, it is not germane.

Mr. CONRAD. No. 2, if this amendment were to be adopted, is it corrosive to the privileged nature of a budget resolution?

The PRESIDING OFFICER. In the opinion of the Chair, the amendment would be corrosive to the budget resolution.

Mr. CONRAD. No. 3, if this amendment came back from the conference committee, would it be fatal to the privileged nature of the budget resolution?

The PRESIDING OFFICER. It would be fatal to the privileged nature of the budget resolution.

Mr. CONRAD. Mr. President, that is the problem with this amendment. This is not in the jurisdiction—

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

Mr. CONRAD. It is not in the jurisdiction of the committee.

Is all time yielded back?

The PRESIDING OFFICER. The time has expired.

Mr. CORNYN. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I inquire whether adding the amendment at this point—that is, prior to any conference committee—would endanger the privileged nature of the budget resolution as opposed to offering it and adding it in conference? In other words, is there any difference between doing it now and adding it later?

The PRESIDING OFFICER. It is corrosive, but not fatal, to add the amendment at this point in terms of the privilege.

Mr. CORNYN. So it would not affect the privileged status of the budget resolution to agree to my amendment at this time?

The PRESIDING OFFICER. It would not fatally affect it at this time.

Mr. CORNYN. I thank the Chair.

Mr. CONRAD. Mr. President, it would fatally affect it if it came back from conference committee.

The PRESIDING OFFICER. That is correct.

Mr. CONRAD. I raise a point of order that the Cornyn amendment is not germane and therefore violates section 305 of the Budget Act.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, pursuant to Section 904(c) of the Congressional Budget Act of 1974, I move to waive section 305(b)2 of the Budget Act for consideration of this amendment to S. Con. Res. 70, and 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 yeas and nays are ordered.

The question is on agreeing to the motion.

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.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

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

The yeas and nays resulted—yeas 58, nays 40, as follows:

[Rollcall Vote No. 61 Leg.]

#### YEAS—58

Alexander	DeMint	Murkowski
Allard	Dole	Nelson (NE)
Barrasso	Domenici	Pryor
Baucus	Ensign	Roberts
Bayh	Enzi	Salazar
Bennett	Graham	Sessions
Bond	Grassley	Shelby
Brownback	Gregg	Smith
Bunning	Hagel	Snowe
Burr	Hatch	Specter
Cantwell	Hutchison	Stevens
Chambliss	Inhofe	Sununu
Coburn	Isakson	Tester
Cochran	Kohl	Thune
Coleman	Kyl	Vitter
Collins	Lincoln	Voinovich
Corker	Lugar	Warner
Cornyn	Martinez	Wicker
Craig	McCaskill	
Crapo	McConnell	

#### NAYS—40

Akaka	Feinstein	Murray
Biden	Harkin	Nelson (FL)
Bingaman	Inouye	Obama
Boxer	Johnson	Reed
Brown	Kennedy	Reid
Cardin	Kerry	Rockefeller
Carper	Klobuchar	Sanders
Casey	Landrieu	Schumer
Clinton	Lautenberg	Stabenow
Conrad	Leahy	Webb
Dodd	Levin	Whitehouse
Dorgan	Lieberman	Wyden
Durbin	Menendez	
Feingold	Mikulski	

#### NOT VOTING—2

Byrd                      McCain

The PRESIDING OFFICER. The yeas are 59, nays 39. 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.

Mr. CONRAD. 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.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, we have now cast roughly 19 rollcall votes. We have another 20 pending. For the background of Senators, in 2005, we had 37 recorded rollcall votes; in 2006, we had 36 recorded rollcall votes; in 2007, we

had 32 recorded rollcall votes. So with the votes we have already had and the votes in the train, we will have exceeded the recorded rollcall votes of any of the last 3 years.

I say that knowing Senators have a right to continue to ask for amendments, certainly. But to put it into some perspective, with 20 additional amendments to be voted on, that would take 7 hours, which would put us at midnight. I know sometimes the Senate does its best work after dark, but I hope we will think seriously about relinquishing some of these amendments and save them for a later vehicle.

## AMENDMENT NO. 4181

Mr. CONRAD. The next vote in order is the vote on the amendment by the Senator from Arkansas, Mr. PRYOR. We have indicated that on both sides we would be willing to take that as a voice vote.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, this is amendment No. 4181. The cosponsors are Senators SNOWE, BINGAMAN, and KERRY. It is a deficit-neutral reserve fund for science parks. These are sometimes called technology parks or business incubators. But there is no doubt these science parks have a great track record of spurring innovation and job creation at a time when the economy is slowing and international competition is growing. We need to do everything we can to provide good-paying jobs for American workers.

More than 300,000 workers in North America work in a university science park. Every job there generates an average of 2.57 jobs in the economy.

With that, I think we have an agreement that we will voice vote this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 4181) was agreed to.

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

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

## AMENDMENT NO. 4246

Mr. CONRAD. Mr. President, that would take us to the Allard amendment No. 4246.

The PRESIDING OFFICER. There is 2 minutes equally divided. Who yields time?

The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, I call for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. ALLARD. Mr. President, on the campaign trail, Senator OBAMA has called for about 188 proposals of new spending. What this amendment consists of is this. We take 111 of those

new spending proposals and we put them in this amendment. If you look at it with the 2009 5-year budget, it will cost this country around \$1.4 trillion. The argument has been made on the campaign trail this will be paid for by taxing the rich. That is not possible.

If you apply tax increases to those who make \$250,000, or more per year, all you come up with is about \$225 billion. That is not even close to what it takes to pay for all these new proposals. What you are going to do is have to cram your hands into the pockets of small businesses and the middle-class families and yank the money out of their pockets and send it to Washington to pay for a bloated bureaucracy.

The point of this amendment is you cannot pay for all the spending by taxing the rich.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, this amendment is a concoction. It is a complete fabrication. Senator OBAMA is not the President of the United States. Senator OBAMA has not presented a budget to this body. This is make-believe.

I think it is unfortunate the Senator has offered this amendment styled in this way. We have not done that. I think this is beneath the dignity of the Senate. I urge my colleagues to vote no against what is a complete fiction.

The PRESIDING OFFICER. 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 Arkansas (Mrs. LINCOLN) are necessarily absent.

If present and voting, the Senator from Arkansas (Mrs. LINCOLN) would vote "no."

Mr. KYL. The following Senator is 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 0, nays 97, as follows:

[Rollcall Vote No. 62 Leg.]

## NAYS—97

Akaka	Coleman	Hutchison
Alexander	Collins	Inhofe
Allard	Conrad	Inouye
Barrasso	Corker	Isakson
Baucus	Cornyn	Johnson
Bayh	Craig	Kennedy
Bennett	Crapo	Kerry
Biden	DeMint	Klobuchar
Bingaman	Dodd	Kohl
Bond	Dole	Kyl
Boxer	Domenici	Landrieu
Brown	Dorgan	Lautenberg
Brownback	Durbin	Leahy
Bunning	Ensign	Levin
Burr	Enzi	Lieberman
Cantwell	Feingold	Lugar
Cardin	Feinstein	Martinez
Carper	Graham	McCaskill
Casey	Grassley	McConnell
Chambliss	Gregg	Menendez
Clinton	Hagel	Mikulski
Coburn	Harkin	Murkowski
Cochran	Hatch	Murray

Nelson (FL)	Schumer	Thune
Nelson (NE)	Sessions	Vitter
Obama	Shelby	Voynovich
Pryor	Smith	Warner
Reed	Snowe	Webb
Reid	Specter	Whitehouse
Roberts	Stabenow	Wicker
Rockefeller	Stevens	Wyden
Salazar	Sununu	
Sanders	Tester	

## NOT VOTING—3

Byrd	Lincoln	McCain
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The amendment (No. 4246) was rejected.

Mr. DORGAN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

## AMENDMENT NO. 4212

Mr. CONRAD. Mr. President, the next amendment in order is the Nelson amendment on construction. I understand the Senator has a modification.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NELSON of Nebraska. Mr. President, the modification is not in the body of the amendment but in the stated purpose. To make the statement of purpose acceptable to the other side, we have stricken the word "emergency." That meets with the approval of the other side, so it is now as changed.

As we all know, the budget resolution before us includes room in the budget in 2008 and 2009 for an additional stimulus package. The distinguished chairman included this "insurance policy" against further economic downturn, and I commend him for it. I also thank him and Senator BAUCUS and all the distinguished bipartisan cosponsors for working with me to adopt this amendment.

The amendment simply allocates more of the stimulus money for "ready to go" infrastructure projects. The amendment moves \$3.5 billion from the allowances functions to the transportation function and designates it as fiscal year 2008 discretionary funding. This existing money is already assumed in the resolution.

I reiterate this point: The \$3.5 billion is already assumed in the resolution. The idea behind this amendment is simple. If we are going to spend, we should invest. This amendment injects money into the economy and creates jobs, over 40,000 jobs per billion dollars of infrastructure expenditures, but it also makes a lasting investment in infrastructure that will remain long after the economy recovers.

I urge adoption of the amendment.

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

The clerk will report the amendment.

The assistant journal clerk read as follows:

The Senator from Nebraska [Mr. NELSON], for himself, Mr. VOINOVICH, Mr. BAUCUS, Ms. KLOBUCHAR, Mr. DURBIN, Mr. NELSON of Florida, Mr. SCHUMER, Mr. CONRAD, and Ms. STABENOW, proposes an amendment numbered 4212.

Mr. GREGG. 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 create additional jobs and make a lasting investment in our national infrastructure by increasing Fiscal Year 2008 infrastructure stimulus funding by designating \$3.5 billion in existing stimulus funding in the resolution as discretionary funding)

On page 16, line 9, increase the amount by \$3,500,000,000.

On page 16, line 10, increase the amount by \$3,500,000,000.

On page 27, line 12, decrease the amount by \$3,500,000,000.

On page 27, line 13, decrease the amount by \$3,500,000,000.

Mr. GREGG. Mr. President, I ask unanimous consent that the amendment be agreed to.

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

The amendment (No. 4212) was agreed to.

#### AMENDMENT NO. 4240

Mr. CONRAD. Mr. President, the next amendment is the Ensign amendment.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, briefly, this amendment is to means test Medicare Part D the same way we means test Medicare Part B. An individual making over \$82,000 a year, a couple making over \$164,000—seniors—would be expected to pay a little over \$10 a month extra. That is all we are doing.

This amendment saves a couple billion dollars over the next 5 years. It is very reasonable. There is nothing else in this budget that does anything on entitlement reform, and we all know entitlements are heading for a train wreck in this country. We ought to at least do this little bit for our children for deficit reduction.

I encourage all Senators to vote for this amendment. It is very reasonable. It is modeled exactly after Medicare Part B means testing.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant journal clerk read as follows:

The Senator from Nevada [Mr. ENSIGN], for himself, Mr. GRAHAM, Mr. BUNNING, Mr. ENZI, and Mr. DEMINT, proposes an amendment numbered 4240.

Mr. GREGG. 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 require wealthy Medicare beneficiaries to pay a greater share of their Medicare Part D premiums)

On page 4, line 5, decrease the amount by \$125,000,000.

On page 4, line 6, decrease the amount by \$300,000,000.

On page 4, line 7, decrease the amount by \$375,000,000.

On page 4, line 8, decrease the amount by \$450,000,000.

On page 4, line 9, decrease the amount by \$550,000,000.

On page 4, line 14, decrease the amount by \$125,000,000.

On page 4, line 15, decrease the amount by \$300,000,000.

On page 4, line 16, decrease the amount by \$375,000,000.

On page 4, line 17, decrease the amount by \$450,000,000.

On page 4, line 18, decrease the amount by \$550,000,000.

On page 4, line 23, decrease the amount by \$125,000,000.

On page 4, line 24, decrease the amount by \$300,000,000.

On page 4, line 25, decrease the amount by \$375,000,000.

On page 5, line 1, decrease the amount by \$450,000,000.

On page 5, line 2, decrease the amount by \$550,000,000.

On page 5, line 8, decrease the amount by \$125,000,000.

On page 5, line 9, decrease the amount by \$425,000,000.

On page 5, line 10, decrease the amount by \$800,000,000.

On page 5, line 11, decrease the amount by \$1,250,000,000.

On page 5, line 12, decrease the amount by \$1,800,000,000.

On page 5, line 16, decrease the amount by \$125,000,000.

On page 5, line 17, decrease the amount by \$425,000,000.

On page 5, line 18, decrease the amount by \$800,000,000.

On page 5, line 19, decrease the amount by \$1,250,000,000.

On page 5, line 20, decrease the amount by \$1,800,000,000.

On page 20, line 16, decrease the amount by \$125,000,000.

On page 20, line 17, decrease the amount by \$125,000,000.

On page 20, line 20, decrease the amount by \$300,000,000.

On page 20, line 21, decrease the amount by \$300,000,000.

On page 20, line 24, decrease the amount by \$375,000,000.

On page 20, line 25, decrease the amount by \$375,000,000.

On page 21, line 3, decrease the amount by \$450,000,000.

On page 21, line 4, decrease the amount by \$450,000,000.

On page 21, line 7, decrease the amount by \$550,000,000.

On page 21, line 8, decrease the amount by \$550,000,000.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, the problem with this amendment is exactly what the sponsor said: It is exactly like Part B. Part B, as we know, is a premium that is paid with respect to doctors' examinations and Medicare reimbursement. Part D is the drug benefit. Part D premiums vary significantly nationwide according to geography and according to the plans offered. It is nothing like Part B.

To say we should pattern this off Part B is a statement not fully appreciative of the sophistication of the changes in the Part D. That is one reason not to support this amendment.

Second, any change in Part D is required to be in any Medicare bill if it comes up. We may want to make other Medicare changes. We don't want to be restricted to means testing.

Third, this should be considered broad health care reform, at least Medicare reform, and not be isolated in this case.

I strongly urge this amendment not be adopted.

Mr. GREGG. Mr. President, 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 amendment No. 4240.

The clerk will call the roll.

The assistant journal clerk called the roll.

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

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

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

The result was announced—yeas 42, nays 56, as follows:

[Rollcall Vote No. 63 Leg.]

#### YEAS—42

Alexander	Cornyn	Kyl
Allard	Craig	Lugar
Barrasso	Crapo	McCaskill
Bennett	DeMint	McConnell
Bond	Dole	Murkowski
Brownback	Ensign	Roberts
Bunning	Enzi	Sessions
Burr	Graham	Shelby
Carper	Grassley	Stevens
Chambliss	Gregg	Sununu
Coburn	Hagel	Thune
Coleman	Hatch	Vitter
Collins	Inhofe	Voinovich
Corker	Isakson	Warner

#### NAYS—56

Akaka	Harkin	Nelson (NE)
Baucus	Hutchison	Obama
Bayh	Inouye	Pryor
Biden	Johnson	Reed
Bingaman	Kennedy	Reid
Boxer	Kerry	Rockefeller
Brown	Klobuchar	Salazar
Cantwell	Kohl	Sanders
Cardin	Landrieu	Schumer
Casey	Lautenberg	Smith
Clinton	Leahy	Snowe
Cochran	Levin	Specter
Conrad	Lieberman	Stabenow
Dodd	Lincoln	Tester
Domenici	Martinez	Webb
Dorgan	Menendez	Whitehouse
Durbin	Mikulski	Wicker
Feingold	Murray	Wyden
Feinstein	Nelson (FL)	

#### NOT VOTING—2

Byrd  
McCain

The amendment (No. 4240) was rejected.

The PRESIDING OFFICER. The Senator from Vermont.

#### AMENDMENT NO. 4218

Mr. SANDERS. Mr. President, I call up amendment No. 4218.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. SANDERS], for himself, Mrs. CLINTON, Mr. KENNEDY, Mr. HARKIN, Ms. MIKULSKI, Mr. SCHUMER, and Mr. BROWN, proposes an amendment numbered 4218.

The amendment is as follows:



(Purpose: To put children ahead of millionaires and billionaires by restoring the pre-2001 top income tax rate for people earning over \$1 million, and use this revenue to invest in LIHEAP; IDEA; Head Start; Child Care; nutrition; school construction and deficit reduction)

On page 3, line 11, increase the amount by \$10,800,000,000.

On page 3, line 12, increase the amount by \$16,600,000,000.

On page 3, line 13, increase the amount by \$5,100,000,000.

On page 3, line 20, increase the amount by \$10,800,000,000.

On page 3, line 21, increase the amount by \$16,600,000,000.

On page 3, line 22, increase the amount by \$5,100,000,000.

On page 4, line 5, increase the amount by \$9,800,000,000.

On page 4, line 6, increase the amount by \$15,600,000,000.

On page 4, line 7, increase the amount by \$4,100,000,000.

On page 4, line 14, increase the amount by \$4,196,000,000.

On page 4, line 15, increase the amount by \$11,966,000,000.

On page 4, line 16, increase the amount by \$9,443,000,000.

On page 4, line 17, increase the amount by \$3,187,000,000.

On page 4, line 18, increase the amount by \$708,000,000.

On page 4, line 23, decrease the amount by \$6,604,000,000.

On page 4, line 24, decrease the amount by \$4,634,000,000.

On page 4, line 25, increase the amount by \$4,343,000,000.

On page 5, line 1, increase the amount by \$3,187,000,000.

On page 5, line 2, increase the amount by \$708,000,000.

On page 5, line 8, decrease the amount by \$6,604,000,000.

On page 5, line 9, decrease the amount by \$11,238,000,000.

On page 5, line 10, decrease the amount by \$6,895,000,000.

On page 5, line 11, decrease the amount by \$3,708,000,000.

On page 5, line 12, decrease the amount by \$3,000,000,000.

On page 5, line 16, decrease the amount by \$6,604,000,000.

On page 5, line 17, decrease the amount by \$11,238,000,000.

On page 5, line 18, decrease the amount by \$6,895,000,000.

On page 5, line 19, decrease the amount by \$3,708,000,000.

On page 5, line 20, decrease the amount by \$3,000,000,000.

On page 18, line 16, increase the amount by \$6,200,000,000.

On page 18, line 17, increase the amount by \$1,244,000,000.

On page 18, line 20, increase the amount by \$9,800,000,000.

On page 18, line 21, increase the amount by \$6,766,000,000.

On page 18, line 24, increase the amount by \$2,000,000,000.

On page 18, line 25, increase the amount by \$6,459,000,000.

On page 19, line 4, increase the amount by \$2,843,000,000.

On page 19, line 8, increase the amount by \$688,000,000.

On page 21, line 16, increase the amount by \$3,600,000,000.

On page 21, line 17, increase the amount by \$2,952,000,000.

On page 21, line 20, increase the amount by \$5,800,000,000.

On page 21, line 21, increase the amount by \$5,200,000,000.

On page 21, line 24, increase the amount by \$2,100,000,000.

On page 21, line 25, increase the amount by \$2,984,000,000.

On page 22, line 4, increase the amount by \$344,000,000.

On page 22, line 8, increase the amount by \$20,000,000.

On page 32, line 10, increase the amount by \$8,600,000,000.

On page 32, line 11, increase the amount by \$2,996,000,000.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, I thank Senators DURBIN, KENNEDY, CLINTON, HARKIN, SCHUMER, MIKULSKI, BROWN, CASEY, and MENENDEZ for co-sponsoring this amendment. I also thank dozens of national organizations representing tens of millions of Americans for supporting it, including the AFL-CIO, the SCIU, the Children's Defense Fund, the YWCA, and many other organizations.

This amendment cannot be simpler. The wealthiest people in the country have not had it so good since the 1920s. Their incomes are soaring, while at the same time the middle class is shrinking, and we have by far the highest rate of childhood poverty of any major country. The time is now to begin changing our national priorities and moving this country in a different direction.

This amendment restores the top income tax bracket for households earning more than \$1 million a year, it raises \$32.5 billion over 3 years, and invests that in our kids, including \$10 billion for special education, because the time is long overdue that we kept our word regarding special education.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time? The Senator from Arizona is recognized.

Mr. KYL. Mr. President, the problem is we are in the game here, spending the same dollar three or four times, it appears. Under the Sanders amendment, it is paid for by raising taxes another \$32.5 billion, ostensibly from the rich; that is to say, by raising taxes on people who make over \$1 million a year. Here is the problem with that. The budget on the floor already assumes the expiration of the current tax rates; that is to say, the rates on the highest level go from 35 to 39.6, and that money is spent. If you took all the top-rate income, you would come up with \$25 billion a year, not even enough to meet what is here, and that money has already been spent.

The reality is somewhere or other, somehow, more taxes would have to be raised. I don't think the American people want to do that, particularly in the current environment.

Mr. GREGG. 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 clerk will call the roll.

The assistant legislative clerk called the roll.

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

Mr. KYL. The following Senator is 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 43, nays 55, as follows:

[Rollcall Vote No. 64 Leg.]

#### YEAS—43

Akaka	Feinstein	Mikulski
Bayh	Harkin	Murray
Biden	Inouye	Nelson (FL)
Bingaman	Johnson	Obama
Boxer	Kennedy	Pryor
Brown	Kerry	Reed
Cardin	Klobuchar	Reid
Casey	Kohl	Rockefeller
Clinton	Landrieu	Sanders
Collins	Lautenberg	Schumer
Conrad	Leahy	Stabenow
Dodd	Levin	Webb
Dorgan	Lieberman	Whitehouse
Durbin	McCaskill	
Feingold	Menendez	

#### NAYS—55

Alexander	DeMint	Nelson (NE)
Allard	Dole	Roberts
Barrasso	Domenici	Salazar
Baucus	Ensign	Sessions
Bennett	Enzi	Shelby
Bond	Graham	Smith
Brownback	Grassley	Snowe
Bunning	Gregg	Specter
Burr	Hagel	Stevens
Cantwell	Hatch	Sununu
Carper	Hutchison	Tester
Chambliss	Inhofe	Thune
Coburn	Isakson	Vitter
Cochran	Kyl	Voinovich
Coleman	Lincoln	Warner
Corker	Lugar	Wicker
Cornyn	Martinez	Wyden
Craig	McConnell	
Crapo	Murkowski	

#### NOT VOTING—2

Byrd  
McCain

The amendment (No. 4218) was rejected.

Mr. CONRAD. Mr. President, I want to, one more time, implore our colleagues—we have some colleagues who have multiple amendments pending. By the time we end this tranche, we will have had nearly 40 votes. That is significantly more than any of the last 3 years we have had a budget resolution in terms of recorded rollcall votes. But we have some colleagues—I do not know whether this is their staff speaking for them or whether Members are actually so wedded to those amendments. I would ask colleagues to ask their staffs how many amendments they have on these lists. We have a list here of 50 more amendments. That really is not reasonable. That is not reasonable by any historic standard.

The next amendment in order is the amendment by the Senator from Rhode Island.

Mr. GREGG. Mr. President, I believe the next amendment was my amendment, but we have agreed to pass over it.

Mr. CONRAD. Yes, that is correct. Senator GREGG's amendment is next in line, but we have agreed to drop that down. Some work is being done on that

amendment, which makes the next amendment in order the amendment of the Senator from Rhode Island.

AMENDMENT NO. 4154

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, my amendment would increase LIHEAP funding by an additional \$2.6 billion to bring it up to the fully authorized amount.

I call up amendment No. 4154.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. REED], for himself, Ms. COLLINS, Mr. BAUCUS, Mr. BINGAMAN, Mr. BOND, Mr. BROWN, Mrs. CLINTON, Mr. DODD, Mr. DURBIN, Mr. KENNEDY, Mr. KERRY, Ms. MIKULSKI, Mr. OBAMA, Ms. SNOWE, Mr. SUNUNU, and Mr. WHITEHOUSE, proposes an amendment numbered 4154.

The amendment is as follows:

(Purpose: To reduce the energy burden of low-income families, seniors, and individuals with disabilities by increasing funding for the Low-Income Home Energy Assistance Program (LIHEAP) by \$2.6 billion in FY 2009)

On page 19, line 16, increase the amount by \$2,600,000,000.

On page 19, line 17, increase the amount by \$1,820,000,000.

On page 19, line 21, increase the amount by \$728,000,000.

On page 19, line 25, increase the amount by \$52,000,000.

On page 27, line 16, decrease the amount by \$2,600,000,000.

On page 27, line 17, decrease the amount by \$1,820,000,000.

On page 27, line 21, decrease the amount by \$728,000,000.

On page 27, line 25, decrease the amount by \$52,000,000.

Mr. REED. Mr. President, this amendment would raise the LIHEAP spending to the authorized total of \$5.1 billion. I wish to recognize the work of Senator SPECTER and Senator HARKIN, who earlier today passed an amendment that increased LIHEAP funding. I have worked very closely with my colleagues, especially Senator COLLINS.

Let me point out what is obvious to everyone today: Oil reached \$111 a barrel. That translates very quickly into excruciatingly high prices for seniors or low-income Americans. LIHEAP is a program that can help them. I would urge passage.

I see my colleague, Senator COLLINS, on the other side.

Ms. COLLINS. Mr. President, I, too, urge adoption of this amendment. This has been a very hard winter in the Northeast, with extreme cold and very high prices. We can make a big difference by increasing this account to bring it to the authorized level. In my State of Maine, the last allocation was used up in a matter of 4 days.

The PRESIDING OFFICER. Who yields time in opposition to the amendment?

AMENDMENT NO. 4154, AS MODIFIED

Mr. REED. Mr. President, I ask unanimous consent to modify the amendment in order to reflect the previous amendment passed by Senators HARKIN

and SPECTER. It has been agreed to by both sides.

The PRESIDING OFFICER. Is there objection?

Mr. REED. I send a modification to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

On page 21, line 16, increase the amount by \$1,600,000,000.

On page 21, line 17, increase the amount by \$1,120,000,000.

On page 21, line 21, increase the amount by \$448,000,000.

On page 21, line 25, increase the amount by \$32,000,000.

On page 27, line 16, decrease the amount by \$1,600,000,000.

On page 27, line 17, decrease the amount by \$1,120,000,000.

On page 27, line 21, decrease the amount by \$448,000,000.

On page 27, line 25, decrease the amount by \$32,000,000.

Mr. GREGG. I urge adoption of the amendment and ask unanimous consent that it be agreed to.

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

The amendment (No. 4154), as modified, was agreed to.

Mr. GREGG. Mr. President, I understand we are going to Senator DEMINT next.

AMENDMENT NO. 4328

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I call up amendment No. 4328 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant journal clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 4328.

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:

(Purpose: To provide for a deficit-neutral reserve fund for Social Security reform)

At the end of title III, add the following:

**SEC. \_\_\_\_ RESERVE FUND FOR SOCIAL SECURITY REFORM.**

If the Senate Committee on Finance reports a bill or joint resolution, or an amendment is offered thereto, or a conference report is submitted thereon, that provides changes to the Federal Old Age, Survivors, and Disability Insurance Benefits Program established under title II of the Social Security Act (42 U.S.C. 401 et seq.) by—

(1) requiring that the Federal Old Age and Survivors Trust Fund and the Federal Disability Insurance Trust Fund are to be used only to finance expenditures to provide retirement income of future beneficiaries of such program;

(2) ensuring that there is no change to current law scheduled benefits for individuals born before January 1, 1952;

(3) providing participants with the benefits of savings and investment while permitting the pre-funding of at least some portion of future benefits; and

(4) ensuring that the funds made available to finance such legislation do not exceed the amounts of the Chief Actuary of the Social Security Administration's intermediate actuarial estimates of the Federal Old Age and Survivors Trust Fund and the Federal Disability Insurance Trust Fund, as published in the most recent report of the Board of Trustees of such Trust Funds;

the Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by such legislation, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

Mr. DEMINT. Mr. President, every Senator here today knows we need to address the problem with Social Security. Within the next 8 or 10 years, the current surplus we have for Social Security will run out and we will be in the red as far as cashflow goes. We will begin to transfer money from the general fund to pay for Social Security.

Over the last two decades, we have taken over \$2 trillion of Social Security surplus and spent it on other things. In the next 5 years alone, counting interest, we will take another trillion of this surplus and spend it elsewhere. This amendment simply says we should spend this Social Security surplus that is in front of us only on Social Security.

The last time this bill was on the floor, it got 45 votes. Several of you who voted against it said you thought it set up private accounts, so you voted against it. There is nothing in this amendment about setting up private accounts or how we save it. It simply says that we spend Social Security on Social Security and save it for the future.

The PRESIDING OFFICER (Mr. NELSON of Florida.) The Senator from Montana.

Mr. BAUCUS. Mr. President, this amendment is privatization of Social Security. This body rejected an amendment of this nature in 2006. We also voted last year and rejected it. The country rejected the privatization in 2005.

This will increase insolvency of the Social Security trust fund, not help it. Despite what the Senator said, let me quote what it says:

Providing participants with the benefits of savings and investment while permitting the prefunding . . .

Essentially, this, as stated in the language, sets up private accounts for the benefits of investments and savings. We all know that the volatility of the stock market is not the best thing for seniors.

This is privatization of Social Security. We have voted on this many times in the past. I urge the same vote today.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment.

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 assistant journal clerk called the roll.

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

Mr. KYL. The following Senator is 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 41, nays 57, as follows:

[Rollcall Vote No. 65 Leg.]

#### YEAS—41

Alexander	DeMint	Martinez
Allard	Dole	McCaskill
Barrasso	Ensign	McConnell
Bond	Enzi	Murkowski
Brownback	Graham	Roberts
Bunning	Grassley	Sessions
Burr	Gregg	Specter
Chambliss	Hagel	Stevens
Coburn	Hatch	Sununu
Coleman	Hutchison	Thune
Corker	Inhofe	Vitter
Cornyn	Isakson	Warner
Craig	Kyl	Wicker
Crapo	Lugar	

#### NAYS—57

Akaka	Durbin	Nelson (FL)
Baucus	Feingold	Nelson (NE)
Bayh	Feinstein	Obama
Bennett	Harkin	Pryor
Biden	Inouye	Reed
Bingaman	Johnson	Reid
Boxer	Kennedy	Rockefeller
Brown	Kerry	Salazar
Cantwell	Klobuchar	Sanders
Cardin	Kohl	Schumer
Carper	Landrieu	Shelby
Casey	Lautenberg	Smith
Clinton	Leahy	Snowe
Cochran	Levin	Stabenow
Collins	Lieberman	Tester
Conrad	Lincoln	Voinovich
Dodd	Menendez	Webb
Domenici	Mikulski	Whitehouse
Dorgan	Murray	Wyden

#### NOT VOTING—2

Byrd  
McCain

The amendment (No. 4328) was rejected.

Mr. CONRAD. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. GREGG. Mr. President, I ask unanimous consent that the Senator from Kansas be recognized to change a vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### CHANGE OF VOTE

Mr. ROBERTS. Mr. President, I wish to be recorded “yea” on DeMint amendment No. 4328. It was my intent to vote yea. I did vote nay. That was a mistake. This would not change the vote, as it was 40 to 58.

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

(The foregoing tally has been changed to reflect the above order.)

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, the next amendment is the amendment by Senator BIDEN, No. 4164.

The PRESIDING OFFICER. The Senator is recognized.

#### AMENDMENT NO. 4164

Mr. BIDEN. Mr. President, I have been instructed by the Budget Committee that I have to ask for a modification of the amendment. The pagination on the amendment was off. First, I call up amendment No. 4164.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Delaware [Mr. BIDEN], for himself, Mrs. BOXER, Mr. BROWN, Ms. CANTWELL, Mr. CASEY, Mrs. CLINTON, Mr. KOHL, Mr. LEAHY, Mr. MENENDEZ, Mr. NELSON of Florida, Mr. REED, and Mr. FEINGOLD, proposes an amendment numbered 4164.

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

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

The amendment is as follows:

(Purpose: To increase 2009 funding for the COPS program to \$1.15 billion, with an offset)

On page 24, line 16, increase the amount by \$551,000,000.

On page 24, line 17, increase the amount by \$66,000,000.

On page 24, line 21, increase the amount by \$154,000,000.

On page 25, line 25, increase the amount by \$138,000,000.

On page 26, line 4, increase the amount by \$110,000,000.

On page 25, line 8, increase the amount by \$83,000,000.

On page 27, line 16, decrease the amount by \$551,000,000.

On page 27, line 17, decrease the amount by \$66,000,000.

On page 27, line 21, decrease the amount by \$154,000,000.

On page 27, line 25, decrease the amount by \$138,000,000.

On page 28, line 4, decrease the amount by \$110,000,000.

On page 28, line 8, decrease the amount by \$83,000,000.

#### AMENDMENT NO. 4164, AS MODIFIED

Mr. BIDEN. Mr. President, I send a modification to the desk. As I explained to my colleagues, the pagination in the amendment was incorrect.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

On page 24, line 16, increase the amount by \$551,000,000.

On page 24, line 17, increase the amount by \$66,000,000.

On page 24, line 21, increase the amount by \$154,000,000.

On page 24, line 25, increase the amount by \$138,000,000.

On page 25, line 4, increase the amount by \$110,000,000.

On page 25, line 8, increase the amount by \$83,000,000.

On page 27, line 16, decrease the amount by \$551,000,000.

On page 27, line 17, decrease the amount by \$66,000,000.

On page 27, line 21, decrease the amount by \$154,000,000.

On page 27, line 25, decrease the amount by \$138,000,000.

On page 28, line 4, decrease the amount by \$110,000,000.

On page 28, line 8, decrease the amount by \$83,000,000.

Mr. BIDEN. Mr. President, I urge my colleagues to support this amendment. My amendment will support full funding for the COPS Program. It is fully offset by an across-the-board cut in nondefense discretionary spending. The chairman asked whether I would be willing to have a voice vote. At this hour of the night, I would be willing to do about anything he asked me to do, including a voice vote.

I yield the floor.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from North Dakota.

Mr. CONRAD. Mr. President, I think there is no time in opposition.

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is on agreeing to amendment No. 4164, as modified.

The amendment (No. 4164), as modified, was agreed to.

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 4208

Mr. CONRAD. The next amendment is the amendment by Senator DOLE, No. 4208.

The PRESIDING OFFICER. The Senator from North Carolina.

Mrs. DOLE. Mr. President, I call up amendment No. 4208 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from North Carolina [Mrs. DOLE], for herself, Mr. GRASSLEY, and Mr. VITTER, proposes an amendment numbered 4208.

Mrs. DOLE. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To increase amounts budgeted for States and local governments for expenses related to immigration enforcement training and support under section 287(g) of the Immigration and Nationality Act, with an offset)

On page 24, line 16, increase the amount by \$75,000,000.

On page 24, line 17, increase the amount by \$60,000,000.

On page 24, line 21, increase the amount by \$7,500,000.

On page 24, line 25, increase the amount by \$7,500,000.

On page 27, line 16, decrease the amount by \$75,000,000.

On page 27, line 17, decrease the amount by \$60,000,000.

On page 27, line 21, decrease the amount by \$7,500,000.

On page 27, line 25, decrease the amount by \$7,500,000.

Mrs. DOLE. Mr. President, my amendment would direct \$75 million for ICE to expand the 287(g) program so that more local law enforcement agencies have the resources to identify and help process criminal illegal aliens. To

address the problems presented by individuals who are not only here illegally but who have self-identified themselves because of their criminal behavior, we must provide the funding for ICE to make the necessary resources available to local law enforcement officials who are on the front lines. Greater funding for ICE, specifically the 287(g) program, is sorely needed. I urge my colleagues to support this important amendment.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from North Dakota.

Mr. CONRAD. Mr. President, there is no opposition. We ask colleagues to accept the amendment on a voice vote, if the Senator would agree.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 4208.

The amendment (No. 4208) was agreed to.

Mr. CONRAD. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 4254

Mr. CONRAD. Next in order is an amendment by Senator DODD, No. 4254.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I call up the amendment.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself, Ms. COLLINS, and Mr. KENNEDY, proposes an amendment numbered 4254.

The amendment is as follows:

(Purpose: To increase funding for the National Institutes of Health, the Centers for Disease Control and Prevention and the Health Resources and Services Administration for autism research, education, and early detection with an offset)

On page 19, line 16, increase the amount by \$197,000,000.

On page 19, line 17, increase the amount by \$73,000,000.

On page 19, line 21, increase the amount by \$93,000,000.

On page 19, line 25, increase the amount by \$22,000,000.

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

On page 27, line 16, decrease the amount by \$197,000,000.

On page 27, line 17, decrease the amount by \$73,000,000.

On page 27, line 21, decrease the amount by \$93,000,000.

On page 27, line 25, decrease the amount by \$22,000,000.

On page 28, line 4, decrease the amount by \$4,000,000.

Mr. DODD. Mr. President, I offer this amendment on behalf of myself, Senator COLLINS of Maine, and Senator KENNEDY, and I ask unanimous consent that Senators KLOBUCHAR, OBAMA, MENENDEZ, LIEBERMAN, DURBIN, and CLINTON be added as cosponsors.

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

Mr. DODD. Mr. President, we are aware of the growing problem of au-

tism. It used to be, not that long ago, that 1 child in 166 was afflicted with autism. Those numbers have now dropped to 1 in 150. It is the fastest growing neurological disability in the United States and becoming more and more serious. It is highly complex. Senator Santorum and I offered the combating autism legislation a year or so ago, which passed overwhelmingly. This legislation increases the funding by \$197 million. It is completely offset by dealing with the function 920. Therefore, it is paid for completely and revenue neutral. We urge its adoption.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, there has been an alarming increase in the diagnosis of autism in this country. Back in the 1980s, it was 1 in 2,500 children. As the Senator from Connecticut has indicated, the current statistics are 1 in 150. That means that some 1.5 million children and their families are coping with this disease. This is an area where more research can make a tremendous difference. I urge adoption of the Dodd-Collins amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. DODD. Mr. President, it is the fastest growing developmental disability in the United States.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 4254.

The amendment (No. 4254) was agreed to.

Mr. CONRAD. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 4232

Mr. CONRAD. Mr. President, that takes us to Allard amendment No. 4232.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I call up amendment No. 4232 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from South Carolina [Mr. DEMINT], for Mr. ALLARD, proposes an amendment numbered 4232.

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

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

The amendment is as follows:

(Purpose: To pay down the Federal debt and eliminate government waste by reducing spending 5 percent on programs rated (as mandated under the Government Performance and Results Act (Public Law 103-62)) ineffective by Office of Management and Budget Program Assessment Rating Tool)

On page 4, line 5, decrease the amount by \$750,000,000.

On page 4, line 14, decrease the amount by \$375,000,000.

On page 4, line 15, decrease the amount by \$225,000,000.

On page 4, line 16, decrease the amount by \$150,000,000.

On page 4, line 23, decrease the amount by \$375,000,000.

On page 4, line 24, decrease the amount by \$225,000,000.

On page 4, line 25, decrease the amount by \$150,000,000.

On page 5, line 8, decrease the amount by \$375,000,000.

On page 5, line 9, decrease the amount by \$600,000,000.

On page 5, line 10, decrease the amount by \$750,000,000.

On page 5, line 11, decrease the amount by \$750,000,000.

On page 5, line 12, decrease the amount by \$750,000,000.

On page 5, line 16, decrease the amount by \$375,000,000.

On page 5, line 17, decrease the amount by \$600,000,000.

On page 5, line 18, decrease the amount by \$750,000,000.

On page 5, line 19, decrease the amount by \$750,000,000.

On page 5, line 20, decrease the amount by \$750,000,000.

On page 27, line 16, decrease the amount by \$750,000,000.

On page 27, line 17, decrease the amount by \$375,000,000.

On page 27, line 21, decrease the amount by \$225,000,000.

On page 27, line 25, decrease the amount by \$150,000,000.

On page 32, line 10, decrease the amount by \$750,000,000.

On page 32, line 11, decrease the amount by \$375,000,000.

Mr. DEMINT. Mr. President, I would ask Senator ALLARD to take a minute. I have called the amendment up. If the Senator will explain what it is.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, my amendment will cut the Federal deficit and eliminated Government waste by reducing spending 5 percent on programs rated "ineffective" by the OMB and use the savings to pay down the Federal debt.

Five percent is the expected increase under this budget. We are not cutting any programs or zeroing anything out, just saying that an "ineffective" rating probably means they do not deserve an increase.

The PART program was initiated by Congress, a result of the Government Performance and Results Act, Public Law No. 103-62. It is time we followed through on our efforts to increase Government accountability and efficiency. I urge a "yes" vote.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from North Dakota.

Mr. CONRAD. Mr. President, I think there is a kernel of a good idea here. Unfortunately, I think the PART program has been defective in its analysis. It says, for example, the Community Development Block Grant program is defective because it lacks a clear purpose. Ask your mayors and your Governors about that. It says Amtrak's purpose is ambiguous. Ask the millions of people who go to work every day on Amtrak. It says the Department of Homeland Security security grants have an ineffective risk assessment formula and a lack of consistent performance. Ask that of the first responders

around the country who have the responsibility of protecting the homeland.

This would cut programs \$750 million—programs that are vital to the security of the country, to the economic growth of the country. I urge my colleagues to reject this amendment.

The PRESIDING OFFICER. All time has expired.

Mr. ALLARD. Mr. President, do I have any time left?

The PRESIDING OFFICER. All time has expired.

Mr. ALLARD. Mr. President, 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 amendment No. 4232.

The clerk will call the roll.

The bill clerk called the roll.

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

Mr. KYL. The following Senators are necessarily absent: the Senator from Nebraska (Mr. HAGEL) and 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 29, nays 68, as follows:

[Rollcall Vote No. 66 Leg.]

#### YEAS—29

Allard	Crapo	Kyl
Barrasso	DeMint	Martinez
Bond	Ensign	McConnell
Brownback	Enzi	Sessions
Bunning	Graham	Shelby
Chambliss	Gregg	Sununu
Coburn	Hatch	Thune
Corker	Hutchison	Vitter
Cornyn	Inhofe	Wicker
Craig	Isakson	

#### NAYS—68

Akaka	Durbin	Nelson (FL)
Alexander	Feingold	Nelson (NE)
Baucus	Feinstein	Obama
Bayh	Grassley	Pryor
Bennett	Harkin	Reed
Biden	Inouye	Reid
Bingaman	Johnson	Roberts
Boxer	Kennedy	Rockefeller
Brown	Kerry	Salazar
Burr	Klobuchar	Sanders
Cantwell	Kohl	Schumer
Cardin	Landrieu	Smith
Carper	Lautenberg	Snowe
Casey	Leahy	Specter
Clinton	Levin	Stabenow
Cochran	Lieberman	Stevens
Coleman	Lincoln	Tester
Collins	Lugar	Voinovich
Conrad	McCaskill	Warner
Dodd	Menendez	Webb
Dole	Mikulski	Whitehouse
Domenici	Murkowski	Wyden
Dorgan	Murray	

#### NOT VOTING—3

Byrd	Hagel	McCain
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The amendment (No. 4232) was rejected.

Mr. REID. Mr. President, I have had a conversation with the distinguished managers of the bill, and we are not there yet, but we are at a point where maybe in the next 20 or 30 minutes we can have a final list of amendments. Whatever that number is, we will lock

those in and spend the rest of the time working through those. So I hope we can do that. No one has been cut off from offering any amendments, but I hope people will work with the staffs. The staffs of Senator GREGG and Senator CONRAD have worked very hard all this week, and I hope people will work with them and be considerate of not only them but these people up here who make the Senate work. They have been here since we started voting. So we hope we can do that. We will report back in a half hour or so.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, the next amendment in order is amendment No. 4155 by Senator BROWN from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

#### AMENDMENT NO. 4155

Mr. BROWN. Mr. President, I call up amendment No. 4155 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio [Mr. BROWN], for himself and Ms. STABENOW, proposes an amendment numbered 4155.

Mr. BROWN. 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 improve the training of manufacturing workers)

On page 51, line 9, insert after the comma, the following: “by increasing efforts to train and retrain manufacturing workers.”

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. BROWN. Mr. President, this amendment is cosponsored by Senators SNOWE, STABENOW, FEINGOLD, and CLINTON.

To increase employment in manufacturing, Congress needs to address training and retraining of manufacturing workers. This amendment does that.

More than 3 million manufacturing jobs have been lost since 2000, more than 200,000 in my State of Ohio alone.

Susan Helper, a business professor at Case Western Reserve University in Cleveland, wrote in the Washington Post recently about “paving the high road” for American manufacturing. The high road manufacturing agenda includes significant Federal investment in Federal tax credits for research in the Manufacturing Extension Partnership and in worker training and retraining programs, which is what this amendment does. Manufacturing training is a tool to help businesses succeed, especially small manufacturers.

I urge my colleagues to support the Brown-Snowe-Stabenow-Feingold-Clinton amendment.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. GREGG. I ask unanimous consent that the amendment be agreed to.

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

The amendment (No. 4155) was agreed to.

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

Mr. DORGAN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, next in order is an amendment by Senator BROWNBACK of Kansas.

#### AMENDMENT NO. 4284

Mr. BROWNBACK. Mr. President, I call up amendment No. 4284 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. BROWNBACK] proposes an amendment numbered 4284.

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

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

The amendment is as follows:

(Purpose: To provide funds for a Commission on Budgetary Accountability and Review of Federal Agencies)

On page 25, line 16, increase the amount by \$3,000,000.

On page 25, line 17, increase the amount by \$3,000,000.

On page 25, line 20, increase the amount by \$6,000,000.

On page 25, line 21, increase the amount by \$6,000,000.

On page 25, line 24, increase the amount by \$8,000,000.

On page 25, line 25, increase the amount by \$8,000,000.

On page 26, line 3, increase the amount by \$8,000,000.

On page 26, line 4, increase the amount by \$8,000,000.

On page 26, line 7, increase the amount by \$4,000,000.

On page 26, line 8, increase the amount by \$4,000,000.

On page 27, line 16, decrease the amount by \$3,000,000.

On page 27, line 17, decrease the amount by \$3,000,000.

On page 27, line 20, decrease the amount by \$6,000,000.

On page 27, line 21, decrease the amount by \$6,000,000.

On page 27, line 24, decrease the amount by \$8,000,000.

On page 27, line 25, decrease the amount by \$8,000,000.

On page 28, line 3, decrease the amount by \$8,000,000.

On page 28, line 4, decrease the amount by \$8,000,000.

On page 28, line 7, decrease the amount by \$4,000,000.

On page 28, line 8, decrease the amount by \$4,000,000.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, this is a very direct and well-known process that I wish to take to the rest of Government and ask my colleagues to consider it.

I think we are all familiar with the Base Realignment and Closure Commission. It is a process by which we try to correct where our military bases are—where we have closed some, where we have put more resources in other places. I might note to my colleagues that it has saved us \$65 billion since BRAC has been in place. It has worked. It is one of the things that has worked.

I wish to take that BRAC process to the rest of the Government programs and have a commission identified, just as the BRAC Commission, to review all of the Federal programs and recommend for elimination those that are duplicative or wasteful or have not accomplished their purposes and then give us one vote in a whole package—35 programs, 200 programs—eliminate them or keep them, deal or no deal, and put that on the line.

So I am asking for the yeas and nays.

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

Who yields time?

The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, I would just ask the Senator from Kansas if he would be willing to accept a voice vote.

Mr. BROWNBAC. I would like a recorded vote. We have done this by voice, and I think it is time to really seriously consider it and see where Members are on this issue.

I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays are ordered.

Mr. CONRAD. I will not oppose the amendment of the Senator from Kansas.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 4284.

The clerk will call the roll.

The legislative clerk call the roll.

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

Mr. KYL. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from Nebraska (Mr. HAGEL).

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

The result was announced—yeas 49, nays 48, as follows:

[Rollcall Vote No. 67 Leg.]

#### YEAS—49

Alexander	Ensign	Lugar
Allard	Enzi	Martinez
Barrasso	Feingold	McCaskill
Bayh	Graham	McConnell
Brownback	Grassley	Mikulski
Bunning	Gregg	Roberts
Burr	Harkin	Sessions
Chambliss	Hatch	Shelby
Coburn	Hutchison	Smith
Coleman	Inhofe	Specter
Corker	Inouye	Sununu
Cornyn	Isakson	Thune
Craig	Johnson	Vitter
Crapo	Klobuchar	Voinovich
DeMint	Kyl	Wicker
Dole	Landrieu	
Dorgan	Leahy	

#### NAYS—48

Akaka	Dodd	Obama
Baucus	Domenici	Pryor
Bennett	Durbin	Reed
Biden	Feinstein	Reid
Bingaman	Kennedy	Rockefeller
Bond	Kerry	Salazar
Boxer	Kohl	Sanders
Brown	Lautenberg	Schumer
Cantwell	Levin	Snowe
Cardin	Lieberman	Stabenow
Carper	Lincoln	Stevens
Casey	Menendez	Tester
Clinton	Murkowski	Warner
Cochran	Murray	Webb
Collins	Nelson (FL)	Whitehouse
Conrad	Nelson (NE)	Wyden

#### NOT VOTING—3

Byrd	Hagel	McCain
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The amendment (No. 4284) was agreed to.

Mr. BROWNBAC. 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. The Senator from Wisconsin is recognized.

#### AMENDMENT NO. 4197

Mr. KOHL. Mr. President, I ask unanimous consent to call up my amendment No. 4197.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. KOHL], for himself, Mr. DOMENICI, Mrs. LINCOLN, Mr. WHITEHOUSE, Mr. BINGAMAN, Mrs. CLINTON, Mr. COLEMAN, Ms. STABENOW, Mr. LEVIN, Mr. CASEY, and Ms. KLOBUCHAR, proposes an amendment numbered 4197.

The amendment is as follows:

(Purpose: To establish a deficit-neutral reserve fund for a 3-year extension of the pilot program for national and State background checks on direct patient access employees of long-term care facilities or providers)

At the end of title III, add the following:

**SEC. \_\_\_\_ . DEFICIT-NEUTRAL RESERVE FUND FOR 3-YEAR EXTENSION OF PILOT PROGRAM FOR NATIONAL AND STATE BACKGROUND CHECKS ON DIRECT PATIENT ACCESS EMPLOYEES OF LONG-TERM CARE FACILITIES OR PROVIDERS.**

If the Senate Committee on Finance reports a bill or joint resolution or an amendment is offered thereto or a conference report is submitted thereon, that provides for a 3-year extension of the pilot program for national and State background checks on direct patient access employees of long-term care facilities or providers under section 307 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395aa note) and removes the limit on the number of participating States under such pilot program, the Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution by the amounts provided in such legislation for those purposes up to \$160,000,000, provided that such legislation would not increase the deficit over either the period of the total of fiscal years 2008 through 2013 or the period of the total of fiscal years 2008 through 2018.

Mr. KOHL. Mr. President, I ask unanimous consent that Senator KLOBUCHAR be added as a cosponsor of the amendment.

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

Mr. KOHL. Mr. President, I speak today in support of my amendment, which would allow for the creation of a comprehensive nationwide system of background checks for long-term care workers. As it now stands, thousands of individuals with a history of abuse or a criminal record are hired every year to work closely with defenseless seniors within our Nation's nursing homes and other long-term care facilities. These individuals evade detection throughout the hiring process, securing jobs that allow them to assault, abuse, and steal from one of our most vulnerable populations.

I ask that my colleagues support the amendment I offer today with Senators DOMENICI, LINCOLN, WHITEHOUSE, BINGAMAN, CLINTON, COLEMAN, STABENOW, LEVIN, CASEY, and KLOBUCHAR, which will allow us to expand the outstanding results of the pilot program nationwide. The amendment proposes that the Senate reserve \$160 million over 3 years in a deficit-neutral reserve fund to pay for such an expansion. I hope we can get this amendment passed. I ask for its support.

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 clerk will call the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from Nebraska (Mr. HAGEL).

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

The result was announced—yeas 89, nays 7, as follows:

[Rollcall Vote No. 68 Leg.]

#### YEAS—89

Akaka	Durbin	Mikulski
Alexander	Ensign	Murkowski
Barrasso	Enzi	Nelson (FL)
Baucus	Feingold	Nelson (NE)
Bayh	Feinstein	Obama
Bennett	Graham	Pryor
Biden	Grassley	Reed
Bingaman	Gregg	Reid
Bond	Harkin	Roberts
Boxer	Hatch	Rockefeller
Brown	Hutchison	Salazar
Brownback	Inouye	Sanders
Burr	Isakson	Schumer
Cantwell	Johnson	Shelby
Cardin	Kennedy	Smith
Carper	Kerry	Snowe
Casey	Klobuchar	Specter
Chambliss	Kohl	Stabenow
Clinton	Kyl	Stevens
Cochran	Landrieu	Sununu
Coleman	Lautenberg	Tester
Collins	Leahy	Thune
Conrad	Levin	Vitter
Corker	Lieberman	Voinovich
Cornyn	Lincoln	Warner
Craig	Lugar	Webb
Crapo	Martinez	Whitehouse
Dodd	McCaskill	Wicker
Domenici	McConnell	Wyden
Dorgan	Menendez	



## NAYS—7

Allard	DeMint	Sessions
Bunning	Dole	
Coburn	Inhofe	

## NOT VOTING—4

Byrd	McCain
Hagel	Murray

The amendment (No. 4197) was agreed to.

Mr. CONRAD. 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, we now can go to Senator INHOFE who has an amendment.

## AMENDMENT NO. 4239

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I call up amendment No. 4239 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE] proposes an amendment numbered 4239.

Mr. INHOFE. 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 express the sense of the Senate on funding for national defense in future fiscal years)

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . SENSE OF SENATE ON FUNDING FOR NATIONAL DEFENSE IN FUTURE FISCAL YEARS.**

(a) FINDING.—The Senate finds that the budget of the President for fiscal year 2009 requests funds for national defense, exclusive of wartime costs and supplemental appropriations, that constitute an amount equal to approximately 3.3 percent of the current gross domestic product of the United States.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the amount of funds for national defense, exclusive of wartime costs and supplemental appropriations, for fiscal year 2010 should be not less than an amount equal to 3.7 percent of the then-current gross domestic product of the United States;

(2) it should be the policy of the United States to fund national defense, exclusive of such costs and appropriations, for fiscal year 2011 in an amount equal to not less than 4 percent of the then-current gross domestic product of the United States; and

(3) the amount of funding for national defense, exclusive of such costs and appropriations, for each fiscal year after fiscal year 2011 should be the amount of funds for national defense for the preceding fiscal year as adjusted pursuant to the most appropriate cost adjustment index.

Mr. INHOFE. Mr. President, it is my intention to withdraw this amendment, but I wish to use this moment to serve notice that this is something that not just myself but several of us are concerned about, particularly those of us on the Senate Armed Services Committee.

We have gone through a period of time, up until the early nineties, when our defense spending was somewhere

around—in fact, for the entire 100 years in the 20th century, it averaged 5.7 percent of GDP. At the end of the nineties, it got down to just under 3 percent. If we are to anticipate the needs we will have in the future, it is going to be necessary to have some kind of a floor.

What this amendment says is we will have to start the process by putting 4 percent of the GDP into the defense system. It is one that would accomplish three things.

First, it would allow us to build the next generation of weapons and equipment. As we know, we are doing one weapon right now that will take the next 30 years.

Second, it will add predictability to the industrial base.

And third, it sends a clear message to our military, allies, and enemies that we are committed to the security of our Nation.

It shocks a lot of people when they find out we have platform weapons systems that are not as good as our potential adversaries. This would correct that problem.

## AMENDMENT NO. 4239 WITHDRAWN

Mr. President, I ask that this amendment be withdrawn.

The PRESIDING OFFICER. The amendment is withdrawn.

The Senator from New Hampshire.

Mr. GREGG. Mr. President, I believe the Senator from North Dakota, the chairman of the committee, is going to make a request as to schedule. But I will simply say we are trying to develop a final finite list, and anybody on our side who has an amendment who has not contacted us—I believe everybody has; I believe we know what all the amendments are that people want—it is very important they tell us about them because we are developing a final finite list. And we will even accept amendments from your side if you want to tell us about them. That is OK too.

As a practical matter, I would encourage people on the Republican side to tell us what they want so we can pull up this final finite list.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, if everyone cooperates in these final hours, I think we could reach conclusion. It will be late, but we could reach conclusion at a reasonable time tonight—at least before midnight. But it really is going to require everybody's cooperation.

If you have an amendment that you could reserve until a later vehicle, please do. We have already had nearly 30 rollcall votes. That is very close to what the average has been in the last 3 years in terms of recorded votes. We still have more rollcall votes that are going to have to be done.

We think at this point it would be wise to take a half-hour break to give people a chance to match the paperwork that is out there and try to conclude on a finite list.

Mr. DORGAN. Would the Senator yield for a question?

Mr. CONRAD. I am happy to yield.

Mr. DORGAN. Mr. President, I would ask the chair and the ranking member, I know there are a good number of amendments on both sides that are bipartisan and noncontroversial, and my hope would be that in this break and in future breaks packages of amendments could be put together that are noncontroversial and bipartisan and move them as a block because I think there are a good many of them, and that would be very helpful.

Mr. CONRAD. Mr. President, the Senator has made a good suggestion and one that Senator GREGG and I have just discussed that we will do during this break, and that is to try to put together, No. 1, a finite list of amendments that still require a vote; and, No. 2, a managers' amendment of bipartisan, noncontroversial amendments that could be agreed to as a package.

Mr. GREGG. I stress, Mr. President, when we come out of this break, we hope to have a finite list and hope to lock it in, so we need to hear from folks. We are, as the Senator from—the junior or senior Senator, I never know—from North Dakota suggested, Senator DORGAN, we will be working on a group of amendments that everyone can agree to and doing those as just a package.

## RECESS

Mr. CONRAD. Mr. President, I ask unanimous consent that we take a recess for 30 minutes.

There being no objection, the Senate, at 7:32 p.m., recessed until 8:03 p.m. and reassembled when called to order by the Presiding Officer (Mr. WHITEHOUSE).

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I have been back in the Republican cloakroom meeting with Senators GREGG and CONRAD. I think we are at a point where we should be able to enter a finite list of amendments. That should be momentarily, I hope. Once we get those listed, then the managers and staffs will look to see which can be accepted on each side and which have to be voted on. Some will be taken by voice, perhaps.

It is now 8 o'clock and we have quite a few amendments. I hope everyone will be cooperative. I think we are at a point where we can do a pretty good job of working through these.

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

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

Mr. CONRAD. Mr. President, we are now going to go to a series of amendments involving sanctuary cities. Leader REID will offer an amendment