

We recognize that one of your suggestions (renaming "Our Nation's Motto") is a correction, and the "Pledge" and "In God We Trust" are additions. The approximate cost of doing all three projects, according to the Architect of the Capitol, is \$150,000.

We are pleased that you have agreed to Senate consideration of the CVC legislation. Sincerely,

DIANNE FEINSTEIN,
Chairman.
ROBERT F. BENNETT,
Ranking Member.

Mr. REID. Mr. President, I ask unanimous consent that the amendment that is at the desk be considered and agreed to; the bill, as amended, be read three times, passed; the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed in the RECORD, as if given, with the above occurring with no intervening action or debate.

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

The amendment (No. 5674) was agreed to.

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

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 5159), as amended, was read the third time, and passed.

Mr. REID. Mr. President, I appreciate the bipartisan working relationship on the Rules Committee. Senators FEINSTEIN and BENNETT work so well together, and this is an example of that working relationship.

Again, for all Senators, we are going to vote at 10 o'clock this morning.

RESERVATION OF LEADER TIME

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

CONSOLIDATED SECURITY, DISTASTER ASSISTANCE, AND CONTINUING APPROPRIATIONS ACT, 2009

Mr. REID. Under the previous order, the Senate will resume consideration of the House message to accompany H.R. 2638, which the clerk will report.

The legislative clerk read as follows: House message to accompany H.R. 2638, the Department of Homeland Security Appropriations Act/Continuing Resolution for 2009.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 10 a.m. shall be equally divided and controlled between the two leaders or their designees.

Mr. REID. Mr. President, I suggest the absence of a quorum and ask that the time be charged against both the majority and the minority.

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

The clerk will call the roll. The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to concur in the House amendment to the Senate amendment to H.R. 2638, the Department of Homeland Security Appropriations Act/Continuing Resolution for Fiscal Year 2009.

Evan Bayh, Debbie Stabenow, Benjamin L. Cardin, Byron L. Dorgan, Barbara A. Mikulski, Jeff Bingaman, John F. Kerry, Herb Kohl, Sherrod Brown, Jon Tester, Benjamin Nelson, Richard Durbin, Patrick J. Leahy, Amy Klobuchar, Robert P. Casey, Jr., Claire McCaskill, Bernard Sanders.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the motion to concur in the amendment of the House to the amendment of the Senate to H.R. 2638, the Department of Homeland Security Appropriations Act/Continuing Resolution for Fiscal Year 2009, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Delaware (Mr. BIDEN), the Senator from Massachusetts (Mr. KENNEDY), 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 yeas and nays resulted—yeas 83, nays 12, as follows:

[Rollcall Vote No. 207 Leg.]

YEAS—83

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

NAYS—12

Bunning	DeMint	Kyl
Burr	Ensign	Landrieu
Coburn	Feingold	Sessions
Corker	Graham	Shelby

NOT VOTING—5

Bayh	Kennedy	Obama
Biden	McCain	

The PRESIDING OFFICER (Ms. KLOBUCHAR). On this vote, the yeas are 83; the nays are 12. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The majority leader is recognized.

Mr. REID. Madam President, we are now working our way through postcloture time. Everyone has been very courteous and agreeable. We will probably have to spend 2½ hours before we have the final vote on this CR. It will probably be around 1 o'clock. We would hope that we can condense the time. That would be 1 o'clock today rather than 4 o'clock or 5 o'clock tomorrow afternoon. That being the case, the only matter that is left that we have to be concerned about is the Department of Defense authorization. My plan, as I have explained to the Republican leader, is to file cloture on that today for a Monday cloture vote. We can't wait until Wednesday to do that, for obvious reasons. Now it appears our goal is to try to complete everything next week.

For the information of all Members, staff worked until 3 o'clock this morning on the rescue plan for the financial problems we have in America today.

There are a number of issues that need to be resolved by Members. Chairman DODD has indicated he is going to get people together sometime today when appropriate. Staff has to move down the road a little bit longer. The goal is to try to come up with a final agreement by tomorrow. Now, we may not be able to do that, but we are trying very hard. It is something I think shows how we can work together. It is an issue on which none of us would like to be working, but we have to work on it.

If we are going to be able to do what it appears we can do, it will resolve a lot of the questions people have around the country because it is not the proposal we got from Secretary Paulson. It is one where Democrats and Republicans in the House and the Senate are working to get an end product.

Without getting into the details—I do not think we should do that now, and I talked to Chairman DODD earlier today, and he also agrees we should not get into the details right now. But if we can do that, at least announce sometime tomorrow that we have the beginning of an agreement—we are told it is very important we do that—if we could do it by 6 o'clock tomorrow, it would be important because that is when the Asian markets open, and everyone is waiting for this thing to tip a little bit too far, that we may not have another day. But if we can announce an agreement, then it is going to take

some time to draft this because we know people want to read every line, as they should. We are going to work something out on that.

I have spoken to the Republican leader. It is possible, with the agreement of Senators BAUCUS and GRASSLEY, that we could use a tax measure they already have, that we would start here first. Now, my inclination is not to do that. We should have the House do it first. But there are a lot of possibilities floating around. I am going to keep in as close touch as I can with Senator MCCONNELL, and he will notify his Members when that is appropriate, and I will do the same.

So we will have one more vote today. We think we have that worked out. We do not have the actual agreement—I do have it. Everyone should know I am getting pretty good at reading Lula's writing, which is OK, but not real good.

Madam President, I ask unanimous consent that all postcloture time be yielded back except that the following be recognized to speak, and at the expiration of that time the Senate proceed to vote on the motion to concur, and there be no further intervening action or debate; that the people who will speak on the motion to concur be Senator BYRD, 15 minutes; Senator COCHRAN, 15 minutes; Senator COBURN, 15 minutes; Senator SESSIONS, 30 minutes; Senator KYL, 10 minutes; Senator DEMINT, 15 minutes; Senator LANDRIEU, 30 minutes.

The PRESIDING OFFICER. Is there objection?

Ms. LANDRIEU. Madam President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Madam President, I understand there are many plans that have been made this weekend, and I appreciate the cooperation of the Democratic leader and the Republican leader. I appreciate the good work that some of my Republican and Democratic colleagues have done this last week, particularly Chairman HARKIN. However, on ag we are about ready to close out a session without a substantial and adequate advance or plan to help the agricultural community, and the rules that have been written in the last farm bill are not adequate.

I have asked the leader for 1 hour to speak today. I do not think that is too much to try to advance the effort. I thank Senator HUTCHISON for signing on. I have asked for just a vote at the next available time—not today, not on this bill.

Would the leader please respond if an hour would be available?

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, we are happy to change the 30 minutes in the consent that is being sought now to have 1 hour for the Senator from Louisiana. What we have been working on today is that there are a number of agricultural States: Arkansas, Louisiana, Texas, and a lot of—

Ms. LANDRIEU. Mississippi.

Mr. REID. Mississippi, and a lot of other States. We have an agreement that there is a piece of legislation that Senators from a number of States will sign onto, Democrats and Republicans. Senator MCCONNELL and I will do everything we can to bring it up. Everyone understands the Senate rules, and we will do our best to get it up.

Now, we cannot guarantee a vote, but we will guarantee that we will do everything we can to bring this matter before the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. REID. As modified, with Senator LANDRIEU having 1 hour, 60 minutes.

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

The Republican leader is recognized.

Mr. MCCONNELL. Madam President, I just want to indicate to my Republican colleagues we will have a briefing in the Mansfield Room at 11 o'clock from Senator GREGG to bring everyone up to date on the status of the talks that are going on. Staff worked, as the majority leader indicated, through the evening, and this will be an opportunity to bring everybody up to date.

Mr. DOMENICI. Madam President, will the leader yield to the Senator from New Mexico for a question?

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, I have a question of the majority leader or the minority leader.

I have been asked by a number of people who want to come to the Senate floor when I give a couple sentences of goodbye to the Senate, and I am just wondering when might such things be available for myself, Senator WARNER—

Mr. REID. Madam President, I have prepared a speech that I want to give for my friend. We have worked together for so many years. I am going to do that on Monday. We are going to be in session on Monday, and we will likely have a vote Monday on the Defense Department authorization bill. If we don't, we are still going to be in session. I think we send the wrong message to America if we leave here with this bailout not having been done. So I am going to give my speech on Monday about you, I say to the Senator, and that would be a good time to give one.

Mr. DOMENICI. Madam President, I know Senator WARNER would like to speak. That is satisfactory with me, as long as we are expecting to give people like you and me a little bit of time.

Mr. REID. Madam President, we will have time next week to make sure we do. There are a number of Senators who want to say a few words or many words—whatever they choose—about departing Senators. So we are going to have plenty of time to do that next week.

Mr. DOMENICI. Madam President, I thank our leader.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Madam President, I, too, had planned to speak about Senator DOMENICI and Senator WARNER today, and I will check with them on their schedules because I certainly would like for them to be here on the floor of the Senate. Obviously, a better time to do that, if it were done today, would be after the vote, an hour and a half or so from now. But I will be conferring with them about that.

Mr. DOMENICI. I thank the Senator. The PRESIDING OFFICER. Is there objection to the original request of the majority leader?

Without objection, it is so ordered.

The Senator from West Virginia is recognized.

Mr. BYRD. Madam President, I thank the Chair.

Madam President, I speak today in support of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of 2009.

The measure that is before the Senate includes the fiscal year 2009 Defense appropriations bill, the fiscal year 2009 Military Construction and Veterans Affairs bill, and the fiscal year 2009 Homeland Security bill.

In addition, the measure includes a continuing resolution for fiscal year 2009, which provides funding for Government operations at fiscal year 2008 levels through March 6, 2009.

In response to the Midwest floods and Hurricanes Gustav, Hanna, and Ike, the measure includes \$22.3 billion of critical disaster relief.

The measure also includes funding to support \$25 billion of auto industry loans that were authorized in the Energy Independence and Security Act of 2007. These loans will provide a critical boost to the effort to develop energy-efficient vehicles, while creating thousands—thousands, I will say—of new jobs. The bill also includes \$5.1 billion for the Low-Income Home Energy Assistance Program and \$250 million for the Weatherization Program. With this funding, an additional 5.7 million households will get assistance in coping with dramatically rising home heating costs. At the current funding level, the Low-Income Home Energy Assistance Program serves only 15 percent of eligible families.

The message that is before the Senate lives up to the commitment we made to support our troops, provide first class health care to our veterans, secure our homeland, direct relief to the victims of natural disasters all across this great Nation of ours, and provide help for families on Main Street.

Madam President, my good friend, Senator THAD COCHRAN, and I began this year with the goal of producing 12 bipartisan, fiscally responsible appropriations bills. The Committee on Appropriations made great progress in reporting nine such bills by the end of July. Regrettably, the President—your President, my President, our President—chose to announce that he would veto any of the bills—hear that—he

would veto any of the bills—did you hear that—that he would veto any of the bills that exceeded his request.

Our bills included critical increases in funding for veterans health care, for job-creating programs such as highway and mass transit, for the National Institutes of Health, and for fighting crime in our streets. As a result of the President's veto threats, the appropriations process has fallen prey to the election cycle. Therefore, in order to fulfill our promises to the troops and to our veterans, we have, once again, yes, been forced to use an omnibus appropriations measure to complete our work. I disdain—I disdain—such procedures. But, in order to complete our work, we proceeded on a bipartisan basis to produce the legislation that is now before the Senate.

So I urge all of my fellow Senators—hear me: I urge all of my fellow Senators to join me in supporting swift action on these critical national priorities.

Madam President, there is funding in this bill to conduct an independent and objective study regarding the withdrawal of our troops from Iraq in the next 12 to 18 months. This bill includes \$2.4 million for the Department of Defense to provide to the RAND Corporation to conduct this study. As a Federally-funded research and development center and an independent research arm of the Department of Defense, RAND has access to the Department of Defense information necessary to prepare such plans. Furthermore, the staff at RAND is able to draw on expertise from across the entire spectrum of the U.S. government to provide a long overdue strategic assessment. This study will assume that the United States will leave a limited number of troops in Iraq to train Iraqis, target Al Qaeda, and protect our mission after the withdrawal of the majority of our forces.

A study of this scope is long overdue. Secretary of Defense Gates stated before the Senate Armed Services Committee on September 23, 2008 that in Iraq, he believes:

we have now entered that endgame—and our decisions today and tomorrow and in the months ahead will be critical to regional stability and our national security interests for years to come.

Yet it is unclear where Defense Department formal planning stands on withdrawing our forces in a measured and responsible manner. The time to begin the Iraq withdrawal is now. This new RAND study will publicly and independently help chart the responsible course ahead.

I wish to thank Chairman INOUE for including this language and Senator KENNEDY for his strong leadership on this issue.

Madam President, I reserve the balance of my time.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Madam President, according to the order, I was allocated a

certain amount of time. I think it was 15 minutes.

The PRESIDING OFFICER. That is correct.

Mr. COCHRAN. I doubt if I will use that time, for the information of other Senators who may be waiting for the opportunity to speak.

We have adopted, strictly speaking, an amendment to the Senate amendment to H.R. 2638, an act making appropriations for the Department of Homeland Security for fiscal year 2008. But most Members are aware that what this bill actually contains is the fiscal year 2009 Homeland Security Appropriations bill, and the Military Construction and Veterans Affairs appropriations bill. It also contains a continuing resolution to fund the rest of the Government through March 6, and a substantial disaster supplemental in response to floods, wildfires, and hurricanes.

I highlight the title of the bill because it is indicative of the sometimes opaque and convoluted process by which the bill was drafted. Its contents were determined almost exclusively by staff members and a small handful of Members of the Senate. There was no opportunity for most Senators to advocate for a specific request. There was no forum in which to offer amendments. There were no meetings in which to argue policy or discuss grievances that Members may have had with the provisions of these bills. There was no meeting of the conference committee. Only a few elements of the bill have been previously considered on the floor of the Senate. Only the Military Construction and Veterans Affairs chapter was debated on the floor of the other body. Yet we have only a few days remaining in the fiscal year, and we have been compelled to either concur in the House amendment or risk the shutdown of the Government.

The appropriations process has rarely, if ever, been perfect, and I am the first to admit that. In many years, the regular order has been abandoned at some stage of the process because of pressures of the legislative and fiscal calendar.

This year, we have thrown regular order completely out the window. In the process, we have failed both the Senate and, in my opinion, the people we represent. Not any of the 12 fiscal year 2009 appropriations bills have been brought to the Senate floor. Only one appropriations bill was brought to the floor of the House.

The Senate committee did not mark up even three of the appropriations bills, including the Defense bill, that supports men and women in uniform, which accounts for almost half of all discretionary spending. We didn't consider the bill in committee. Yet here we are with a so-called conferenced Defense bill buried within a much larger appropriations measure, which we have adopted.

It is not without precedent to have regular bills appended to the con-

tinuing resolution or other appropriations bills, but this is a \$1 trillion appropriations package that has been presented for final action without a conference committee meeting, without any noncommittee members having had an opportunity to discuss the issues, to amend the bill, and without even committee members having an opportunity to consider most of the provisions of the bill.

Now, the principal reason, we understand, is that the leadership made a conscious decision early in the year not to engage the President, not to fuss with the President over appropriations bills. Of course, he has insisted that his request be honored, that the submission he has made to the Congress for appropriations be honored in terms of the top line figure; that any bill increasing the amount above the President's request would be vetoed. But you know what. I don't remember any President since I have been in the Senate who hasn't said something such as that when he submits the bills to the Senate. I can remember the Senate working its will, considering the President's requests. I remember President Reagan standing there with a big continuing resolution and supplementals and everything else we can imagine; it was about 2 feet high and tall, and in his State of the Union or speech to the Congress, he said: Don't ever send me another bill such as this. I will veto it. Well, guess what. We kept sending bills, and if they weren't that high, they might have been close to it. That is what we have on our hands here, the chief executive insisting on his right to participate in the process and be an influence in the process through the budget submission and the request for appropriations that he is bound to make to the Government every year, and we are bound to respond. We are bound to act, and we have.

So I am not quarreling with the technicality; what I am suggesting is we have denied our own Members the opportunity to openly discuss, to debate, to offer amendments on these bills. I think we need to reexamine that process of putting half of the day-to-day operations of the Government on auto pilot, which is what was the result, for 6 months—for 6 months—rather than negotiate with the President, or attempt to override his veto. We can override the veto, too. It is not the end of the world when the President vetoes a bill.

So the majority continues to express confidence that the Congress will be able to come back next year and, working with the next President, we hope to complete action on the remaining appropriations bills. Whether that is realistic to expect, we will wait until the next Congress and confront the next administration with our views on the appropriations levels and the proper way to write these bills of funding the Federal Government.

I fear the next Congress may refuse to do that and instead extend the continuing resolution through the end of

the year. There may be some adjustments made here and there. We have done that before. We did it in 2007. We wouldn't spend much less under that scenario, but we might omit some details, guidance, and oversight provisions that are our responsibility to undertake.

So if the majority was unable to win concessions from the President on their spending priorities, we could have overridden the President's vetoes or rewritten the bills to accommodate the President's concerns. There is nothing to stop Congress from coming back next year and working with the next administration to address in supplemental legislation any shortfalls we may become aware of. That is probably what we will end up doing. But with this CR, this continuing resolution, we will put half of the Government adrift, in effect, for the next 6 months.

We have been able to take some comfort in the past by the fact that the Appropriations Committees did that which was their responsibility to do. This year, however, even the committee has fallen short. In the Senate we marked up only 9 of the 12 appropriations bills. In the House, only five were reported from the full committee.

That is because the majority didn't want to take votes on the single issue which has been the top priority of American families throughout the summer—energy prices. The majority didn't want to risk even considering amendments to amend or repeal the moratoria on oil and gas development on the Outer Continental Shelf, or the moratorium that prohibits the development of Rocky Mountain oil shale deposits.

I was elected by the people of my State to vote on issues such as energy policy. That is what we are here to do. But we spent much of the summer, in effect, avoiding our responsibilities.

What has been the result? Before us we now have an appropriations bill that does exactly what the majority had hoped to avoid—it lifts the moratoria on oil shale and Outer Continental Shelf development. In the process of getting to that result, however, Members of the House and Senate Appropriations Committees have been denied the opportunity to debate and offer amendments to the other appropriations bills, including the Defense appropriations bill that is buried in this package.

This saddens me.

I regret that Republican committee members in the other body were denied an opportunity to amend the Defense or Homeland Security bills that are part of this package.

I regret that Republicans in the other body were denied an opportunity to offer a motion to recommit this bill. The majority precluded even this minor parliamentary opportunity by using the fiscal year 2008 Homeland Security bill as a shell for this bill.

I am sorry for all Members of the other body who were denied any oppor-

tunity to offer amendments to any piece of this package aside from the Military Construction and Veterans Affairs bill. Even amendments to that bill were controlled by an unusually restrictive rule.

I regret that some members of the Senate Appropriations Committee were unable to offer amendments to the Defense bill, the Interior bill or the legislative branch bill because those bills were never brought before the committee.

I am sorry for all the Members of this body who will have no opportunity, and have had no prior opportunity, to offer amendments to the various elements of this package.

This is a \$1 trillion appropriations bill, yet there has been no conference committee to resolve differences between the House and Senate. This Senator has taken part in only a single meeting on this bill, and that meeting was confined to the Defense Appropriations chapter and was limited to the chairmen and ranking Members of the Defense subcommittee. There was no similar meeting for any of the other parts of this bill. Instead, decisions were made exclusively by staff, the committee chairmen, and the Democratic leaders.

To be clear, Chairman BYRD and his staff have been steadfast throughout this process in advocating for Senate priorities. I am grateful for Senator BYRD's support, and other Senators should be as well. I would like to be able to help him, however, and I know my colleagues on the committee would like to help as well. Yet without mark-ups or conference committees or formal meetings, there is no venue for Members to express their views or advocate for their priorities.

Some will criticize this bill for including billions and billions in earmarks that were tucked into a must-pass spending bill behind closed doors. It may surprise people to hear me say this, but there is some truth in this. While I will defend vigorously the right of Congress to appropriate funds for specific purposes or projects, I will also defend the right of individual Senators to challenge those choices throughout the legislative process. Just like anything else in a bill, earmarks should be subject to scrutiny and amendment in committee, on the floor, and during conference. We do ourselves a great disservice by centralizing decision-making in the hands of a few, and by not allowing all Members of the House and Senate to contribute their own unique knowledge and ideas to legislation.

Don't get me wrong. This bill includes many positive measures.

In the Military Construction and Veterans Affairs chapter, the Department of Veterans Affairs is funded at a record level of \$94.4 billion, including \$31 billion for medical services. Our commitment to quality care for our veterans has never been greater.

The Homeland Security chapter includes funding for 2,200 new border pa-

trol agents, \$775 million for continued work on physical and tactical infrastructure along the southern and northern borders, and funding above the President's request to accommodate an additional 1,400 detention beds.

The Defense chapter provides a balanced approach to readiness, modernization and quality of life programs for U.S. military men and women. It provides the level of support that they deserve—including additional family advocacy programs, enhanced health care, improved training, and state-of-the-art equipment.

The bill includes \$9.3 billion for the Federal Emergency Management Agency for essential disaster response across the United States. These funds are crucial to help our citizens and communities recover from recent disasters such as Hurricanes Gustav and Ike, as well as past disasters such as Hurricane Katrina.

At the end of the day, I am pleased that we will get the three principal security-related appropriations bills to the President. I regret the process that has brought us to this point, and the degree to which Members have been shut out of the decision-making. It would be unconscionable for Congress to adjourn without enacting a Defense bill while our troops are in the field, fighting to implement the policies of our government and sometimes making the ultimate sacrifice.

I will support this bill, and I urge my colleagues to do the same. But we must do better next year. We must put the upcoming election behind us, and recognize that shortcuts in the legislative process are often the long way around. Enacting appropriations bills is one of the core duties of the Congress. If Congress is to regain the trust and respect of the American people, we must perform that duty in a timely and transparent fashion.

Thank you, Madam President.

My hope is we will admit we have responsibilities that go beyond putting the Government on this auto pilot as we have described. We are here to challenge the President when we disagree with him, but we don't need to avoid completely our responsibilities or abrogate our responsibilities.

Madam President, I yield the floor.

THE PRESIDING OFFICER. The Chair wishes to note that under the previous order cloture having been invoked on the motion to concur in the House amendment, the motion to concur with an amendment falls.

The Senator from West Virginia is recognized.

Mr. BYRD. Madam President, let me say that I share the disdain the able Senator from Mississippi has expressed for this process. Everything the able Senator has said is absolutely correct. The last time that all appropriations bills were sent to the President on time was 1994 when I was chairman. We should all do better, and I look forward to working with the able and distinguished Senator to return to the regular order.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President, I sincerely thank my distinguished colleague and friend, Senator BYRD, the chairman of our committee. We have worked closely together during my time in the Senate. I have enjoyed the opportunity to learn from him. I appreciate the cooperation he has extended to me personally. Also, that is true of his staff members, that we have worked together and with mutual respect. That respect still continues. I am grateful for it. I know that by continuing to put our best efforts forward, we can improve this process, and I look forward to that day.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, I thank the very able and distinguished Senator.

I certify that the information required by Senate rule XLIV related to congressionally directed spending has been available on the publicly accessible congressional Web site in a searchable format at least 48 hours before a vote on the pending bill.

Madam President, I speak today in support of the fiscal year 2009 Homeland Security Appropriations bill which addresses America's most critical and pressing security needs. The Appropriations Committee, which was established in 1867, by a vote of 29 to 0, produced a balanced and responsible bill. We had a good negotiation with the House.

The legislation invests the resources needed to protect our citizens from deadly terrorist attacks, to secure our borders and enforce U.S. immigration laws, and to ensure a rapid and effective Federal response to both natural and manmade disasters.

The bill total is \$42.2 billion. That is \$42.20 for every minute since Jesus Christ was born. The bill total is \$42.2 billion, which is \$2.4 billion above the President's budget request. And despite—hear me now—despite the administration's assertion that al-Qaida has reconstituted itself in Pakistan with the goal of striking America, the President—get this—the President submitted a flat budget proposal for the Department of Homeland Security.

I am going to read that again. It bears reading again. Despite the administration's assertion—that is, this administration—this administration's assertion that al-Qaida has reconstituted itself in Pakistan with the goal of striking America, the President submitted—that is your President, my President, our President, Madam President—the President submitted a flat budget proposal for the Department of Homeland Security.

The President—your President, my President, our President—proposed deep cuts—you hear that—the President proposed deep cuts in funding for our Nation's first responders.

The message that is now before the Senate increases our ability to secure

the homeland—this homeland, our homeland—by increasing resources for border security, restoring irresponsible cuts in first responder grants, funding immigration enforcement, and increasing funding above the President's request for core homeland security missions that help to keep our people—your people, my people—our people safe.

Finally, the bill includes new requirements for contracting, procurement, and program oversight, helping to ensure that taxpayer dollars are being carefully spent.

The legislation significantly increases resources for border security, including \$775 million, as requested, for border fencing and technology on the southwest border and funding to hire 2,200 new Border Patrol agents and 892 new Customs officers.

The legislation provides significant resources for immigration enforcement, including over \$1 billion to identify and remove from the United States criminal aliens who are either at large or already incarcerated in prisons or jails, funding for 1,400 new detention beds, \$60 million above the request for work site enforcement, and \$226 million to fully fund 104 fugitive operations teams that locate and remove illegal aliens who have been ordered removed from the country.

The legislation restores irresponsible cuts in first responder grants by providing \$4.244 billion—\$16.2 million above fiscal year 2008 and \$2.071 billion above the President's fiscal year 2009 request.

Port security grants are funded at \$400 million, and rail and transit security grants are funded at \$400 million. FIRE Act grants are funded at \$565 million, which is \$265 million over the President's request, and SAFER grants are funded at \$210 million, which the President proposed to eliminate.

The bill provides critical increases above the President's request for core homeland security missions, including the Coast Guard, the Secret Service, aviation security, and FEMA.

Madam President, I ask unanimous consent to have printed in the RECORD a more detailed description of the bill.

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

BILL HIGHLIGHTS

The legislation significantly increases resources for border security, including:

\$775 million, as requested, for border fencing and technology. Of these funds, \$100 million is made available immediately, \$40 million is directed toward Northern border security, and \$30 million is for interoperable communications grants for communities along the border. \$400 million is withheld from obligation until the Department submits a detailed expenditure plan. It is expected that nearly all of the 670 miles of fencing and vehicle barriers on the Southwest border will be complete or under contract by the end of January 2009.

2,200 new Border Patrol agents—this will bring the total number of agents to 20,019 by the end of Fiscal Year 2009. It also adds funds to transfer 75 experienced agents to the Northern border.

892 new CBP officers and specialists, including 561 for land border ports of entry, 173 for airports, 100 agriculture specialists, and 58 trade specialists.

The bill provides significant resources for immigration enforcement including:

Direction that \$1 billion be focused on identifying and removing from the United States criminal aliens who are either at large or already incarcerated in prisons or jails. This includes \$150 million above the request, added by the Senate bill, to continue the Secure Communities program that was initially funded last year.

1,400 new detention beds, for a total of 33,400 beds—400 more than requested.

\$60 million above the request for worksite enforcement (including detention beds associated with worksite enforcement actions). Worksite enforcement is funded at \$126.5 million.

\$226 million to fully fund 104 fugitive operations teams that locate and remove illegal aliens who have been ordered removed from the country but who have absconded.

\$189 million for the Criminal Alien Program to identify and remove aliens currently serving time for crimes committed in this country.

The bill restores irresponsible cuts in first responder grants:

The bill restores irresponsible cuts in first responder grants by providing \$4.244 billion for the programs, \$16.2 million above FY 2008 enacted and \$2.071 billion above the President's FY 2009 request. Port security grants are funded at \$400 million, which is \$190 million over the request. Rail and transit security grants are funded at \$400 million, which is \$225 million over the President's request. FIRE Act grants are funded at \$565 million, which is \$265 million over the President's request. And SAFER grants are funded at \$210 million, which the President proposed to eliminate.

The bill provides critical increases above the request for core homeland security missions:

The bill provides \$294 million for the purchase and installation of explosives detection equipment for checked baggage at airports, \$140.1 million above the request and the same level enacted in Fiscal Year 2008. When combined with \$250 million in mandatory funds for this program, the bill provides \$544 million. TSA is in receipt of over 80 requests totaling \$700 million for airport facility modifications for optimal checked baggage screening solutions. The increase of \$140.1 million above the President's request greatly accelerates the ability of TSA to implement these optimal systems.

The bill provides \$250 million for checkpoint screening equipment, \$122.3 million above the President's request and the same level enacted in Fiscal Year 2008. At the President's request level, deployment of screening technology would decrease by 64 percent compared to Fiscal Year 2008. The bill's increase will allow TSA to accelerate the purchase of technologies that can provide significant improvements in threat detection at passenger checkpoints.

The bill provides \$122.8 million for air cargo security, \$18 million above the President's request and \$49.8 million above the Fiscal Year 2008 enacted level. The bill's increase will allow TSA to expand technology pilots that evaluate the effectiveness of air cargo screening and to audit indirect air carriers, shippers, and distribution centers participating in the certified shipper program.

The bill provides \$1.1 billion within the total appropriation provided to the TSA for activities and requirements authorized by the 9/11 Act, including \$544 million for the procurement and installation of explosives detection systems at airports; \$122.8 million

for air cargo security; \$30 million to expand Visible Intermodal Protection and Response Teams; \$390.7 million for specialized screening programs (travel document checkers, behavior detection officers, bomb appraisal officers, and officers to randomly screen more airport and airline employees); \$11.6 million for surface transportation inspectors; and \$20 million to implement regulations and other new activities authorized by the 9/11 Act.

The bill provides \$819.5 million for the Federal Air Marshals (FAMs), \$33.4 million above the President's request and \$49.9 million above the Fiscal Year 2008 enacted level. The increase will allow FAMs to maintain current coverage on critical flights.

The bill provides \$108 million for Coast Guard response boats, \$44 million above the request and \$63 million above the Fiscal Year 2008 enacted level. This funding will allow the Coast Guard to purchase 36 Response Boat-Mediums (RB-Ms) in Fiscal Year 2009, 22 more than the President requested. The RB-M is a critical Coast Guard asset that will replace aging 41-foot Utility Boats acquired in the early 1970s and serve as a platform for boardings, search and rescues, and port security. Recent studies have identified the lack of response boats as an impediment to fully implementing the Coast Guard's mission requirements.

The bill provides \$353.7 million for the Coast Guard's National Security Cutter (NSC), the same amount as the President's request and \$188 million above the Fiscal Year 2008 enacted level. Of this amount, \$346.6 million is for the production of NSC #4, and \$7.1 million is for the structural retrofit of NSC #1. The bill's accompanying statement expresses concern with purported cost increases above the requested level and requires the Coast Guard to provide the Committees with detailed information on all reasons why there may be a nearly 50 percent increase in the cost of this cutter.

The bill provides \$30.3 million above the request to re-activate USCGC *Polar Star*, a Coast Guard heavy polar icebreaker. Over 22 percent of the world's energy supply is under the Arctic ice cap. Russian President Dmitry Medvedev has stated that Russia should unilaterally claim part of the Arctic, stepping up the race for the disputed energy-rich region. Russia has a fleet of 20 heavy icebreakers and is nearing completion of the first of their newest fleet of nuclear-powered icebreakers in an effort to control energy exploration and maritime trade in the region. Thanks to the Bush Administration, the United States has only one functioning heavy polar icebreaker. These funds will allow the Coast Guard to reactivate the *Polar Star* to extend its service life 7 to 10 additional years. The Navy and the Air Force call our need for polar icebreaking capabilities "an essential instrument of U.S. policy" in the region.

The bill provides \$23.5 million above the request for Coast Guard port and maritime safety and security enhancements. Funds are provided for additional watchstanders, boats, and marine inspection staff; to conduct testing of Area Contingency Plans; to increase maritime casualty investigations; to increase armed boat escorts and security boardings; and to increase terminal inspections of Certain Dangerous Cargoes transport and delivery.

The bill provides \$4 million above the request for cyber crimes investigations by the Secret Service and \$1.7 million above the President's request for international investigations.

The bill provides \$97.6 million for a new consolidated headquarters for the Department of Homeland Security (DHS). DHS headquarters facilities are currently located in approximately 40 locations and 70 build-

ings throughout the National Capital Region.

The bill provides \$904 million for FEMA Management and Administration, \$19 million over the President's request and \$279 million over FY 2008. For too long, FEMA was left to wither on the vine. This investment continues the restoration of needed resources for an Agency that is vital to the prevention, preparedness, and response efforts of this Nation as threats loom and disasters strike.

Mr. BYRD. Madam President, I thank the very able, very distinguished Senator, THAD COCHRAN, the ranking member, for his many notable contributions to this legislation.

I also thank our able majority and minority staff who worked together to produce this legislation. Let me name them: Charles Kieffer—let me say that again—the inimitable Charles Kieffer, Chip Walgren, Scott Nance, Drenan Dudley, Christa Thompson, Tad Gallion, Rebecca Davies, Carol Cribbs, Arex Avanni, and Adam Morrison.

Madam President, I yield the floor. I thank all Senators.

Mr. COCHRAN. Madam President, I suggest the absence of a quorum and ask that the time be equally charged to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. COBURN. Madam President, I appreciate the unanimous consent request that allows me to spend a little bit of time on this bill. Before I get into the bill, I wish to answer the most senior Senator we have in terms of the President's request for flatlining a lot of DHS.

I happen to be on the Homeland Security Committee, and I can tell you, outside the Pentagon, there is no agency in the Government that has more waste, fraud, and abuse than the Department of Homeland Security. Any business manager or any family could quickly see that you could easily flatline it and make it much more efficient and do a good job for the taxpayers. So the motivation by flatlining is to try to generate some efficiency in the Department of Homeland Security.

I also wish to associate some of my words with the Senator from Mississippi on terms of process. We have a tremendous amount of money—\$643 billion—that this bill has. Here is the bill. It is another one of those thick bills we are going to send over. There are going to have to be technical corrections—we know that—in any big bill we do this way. But there is something fundamentally flawed, and it doesn't have anything to do with the bill; it has to do with the process.

We have an Appropriations Committee that does generally a very good job on most of these items, but what we have done is excluded the whole

body from their input into making decisions about some \$640 billion worth of spending. As far as the discretionary budget, it is about 65 percent of the total discretionary budget that we are going to pass, and it is not going to have any input except for 29 Members of this body—no input, no chance to change policy, no chance to put limitations, no chance to truly do what should be done. We have to ask the question: Why is that? Why is it that appropriations bills did not come through this body this year? I think the reason is, not because they didn't really want people to try to improve and perfect the legislation, it is that we didn't want any votes that might make some political party—one or the other, ours or the majority—to have a political advantage through a vote. That is a very terrible way for this body to descend into politics instead of policy. This bill contains tons of earmarks. Some are bright, some stink. Some, when the light of day is shone on them, the American people will actually gasp and say: Where was the common sense? How in the world are my children paying for us spending money like this?

I am concerned, not because of the present crisis we have in front of us. I think this body, by the time this weekend is completed, will have addressed that issue and started down the road. But what we are doing is treating a symptom of a disease Congress has, and that disease is lack of oversight to see how we are spending the money, lack of metrics to be able to measure the effectiveness of programs. We are highly resistant to holding administrative agencies accountable, and we are restricting the ability of individual Senators to offer positions for the body to consider. Not that they may be won, but that the whole country loses when we don't have the debate.

There are many egregious earmarks that are in this bill, and I will tell you I think our appropriations process this year is broken, that it doesn't serve the country well. There is no question we need to fund the agencies, but what we are doing is we are taking three agencies and we are funding them—we will not allow amendments or allow the body to work—but the rest of the agencies will run in a status quo until March 6. Now, let me give you an example of why that is bad.

I had the good pleasure of meeting with a couple of Oklahomans who happened to be traveling back here last Monday. They happen to work for the weather service. They are both acquisition officers for the weather service, and here is what happened to them last year—and it is going to happen again this year. They are going to get their final numbers sometime in late March. We will pass the information on for them as to what they are allowed to spend. They will have less than 3 months to contract and acquire everything for 12 months. They are telling me it is impossible for them to do a

good job; that there is no way they can be frugal, efficient, and get great value for the American public the way we are running the appropriations process.

Now, that has nothing to do with my colleague from Mississippi. His desire would have been to bring these bills to the floor, have them amended, have them voted on, and send them to the House. But a leadership decision was made that we could not do that.

Now, I want you to multiply these two gentlemen who were acquisition specialists in the weather service, multiply that across the whole Government, and what we have done is we have squeezed, into a 3-month period of time, acquisitions that normally take 6 to 9 months to do properly and efficiently and in a frugal way for the American taxpayers. Consequently, we are going to waste another 10 or 15 percent of the money in these appropriations bills.

Then, when it comes to the end of the year, if any money is left over, here is what they told me they have to do. They have to spend the money to make sure the Appropriations Committee will give them the money next year, even though they had trouble spending the money this year because we put a time constraint on them.

None of us would run our businesses, none of us would run our families that way. Yet we are telling the rest of the Federal Government—great employees whom we have—to do something that is impossible to do in an efficient and orderly manner.

There are a lot of things that have happened in the last 2 years in the way this Senate is run. I believe most of them were for political reasons. They were not intended to hurt the policy, but nevertheless the policy is tremendously damaged. It is my hope that come January, when we have a new leader in the White House, no matter who it is, he will recognize the severity of the appropriations process and its impact on waste in this country.

As I frequently do, I wish to raise again to the American public and this body the fact that the Government Accountability Office, the various inspectors general, the Congressional Research Service, and the Congressional Budget Office can specifically lay out for the American people at least \$300 billion a year of spending that is either pure waste, fraud or total duplication. At a time when we are going to have a \$600 billion accounting deficit—because you have to add what we are stealing from Social Security to what we spend to get what our real deficit is—does it make any sense that we would continue to have \$300 billion worth of waste, fraud or abuse and duplication in these bills? There is not one attempt in this bill to eliminate that. Not one. Not one.

So as you think about your quarterly tax payments or you think about your paycheck stub and the taxes taken from you, your income tax and estimated payments, and you think about

what we are not doing, you ought to be awfully dissatisfied as an American taxpayer. We have failed the test. We have failed the test. Why it is important is because what we have done is mortgaged the future hopes, freedom, and prosperity of our children and our grandchildren.

I am disappointed, to say the least, with the process. But I am more disappointed in the fact that we are going to earn a reputation that we have not done our jobs.

Serious concerns with the economy should turn the attention of Congress away from parochial interests toward national interests.

Congress has focused on parochial interests for far too long, spending more time securing earmarks than doing the business of the American people.

Our Nation faces an economic challenge today equal to any challenge we have previously faced and now requires our full attention.

The following snapshot of our economy should impress upon everyone the seriousness of the job ahead.

The national debt currently stands at over \$9.58 trillion, the largest in world history.

This year's deficit, in real accounting terms, stands above \$600 billion.

This year alone, taxpayers will spend more than \$230 billion just to pay the interest on the national debt.

Since 2006, gas has risen from \$2.24 per gallon to nearly \$4 a gallon.

More Americans are out of work; the unemployment rate has increased from 4.9 percent in January to 6.1 percent in August.

In 2008, over 600,000 jobs have been lost.

According to USDA projections, the Consumer Price Index—CPI—for all food is forecast to increase 4.5 to 5.5 percent in 2008. For example, since 2006 the price of milk has increased approximately 16 percent.

According to Reuters news service, the total tab for government rescues and special loan facilities this year is more than \$900 billion, not including the proposed \$700 billion rescue of the financial markets in the Paulson plan.

Already this year, the Federal Government has taken drastic steps to stabilize the economy, all using taxpayer dollar. While several of these amounts may be fully repaid to taxpayer, they involve huge liabilities and expenditures:

\$200 billion was authorized for use in rescuing Fannie Mae and Freddie Mac. The Treasury will inject up to \$100 billion into each institution by purchasing preferred stock to shore up their capital as needed;

\$300 billion for the Federal Housing Administration to refinance failing mortgages into new reduced-principal loans with a Federal guarantee;

\$4 billion in HUD grants to banks to help them buy and repair homes abandoned due to mortgage foreclosures;

\$85 billion loan from the Fed for AIG, which would give the Federal Govern-

ment a 79.9 percent stake and avoid a bankruptcy filing for the embattled insurer;

At least \$87 billion in repayments to JPMorgan Chase & Co. for providing financing to underpin trades with units of bankrupt investment bank Lehman Brothers;

\$29 billion in financing from the Fed for JPMorgan Chase's Government-brokered buyout of Bear Stearns & Co. in March;

At least \$200 billion of currently outstanding loans to banks issued through the Federal Reserve's Term Auction Facility, which was recently expanded to allow for longer loans of 84 days alongside the previous 28-day credits;

Starting last year, Social Security and Medicare projected expenditures exceed revenues. Over the next 75 years, this will cost \$41 trillion in present value terms. Of that amount, \$34 trillion is related to Medicare and \$7 trillion to Social Security. By one account, the current unfunded liabilities of Medicare and Social Security are above \$100 trillion.

If we think that the current economic troubles are a concern, wait until the bill comes due for all of the reckless spending Congress is engaging in today.

Members should focus like a laser on these issues rather than concentrate their efforts on political games and earmarks.

Instead of doing any of this, Congress is now planning to ram through an irresponsible continuing resolution to keep the Government operating during fiscal year 2009.

None of these issues are addressed in the bill but only compound the problems. Congress seems to have not learned its lesson.

The appropriations process is broken and excludes Members from considering serious issues.

The Senate is preparing to vote on an appropriations bill that will cost \$634 billion, which will include funds for all of our national security agencies, disaster relief, and a continuing resolution for the 2009 fiscal year. Yet the text of the bill only came available late on Tuesday night, with no one having seen a word of it except for a few Democratic staff and Members in the House. Further still, a joint explanatory statement was released yesterday afternoon.

This must be what the House Appropriations Committee chairman meant when he said that the continuing resolution would be drafted in "secret."

The following is an excerpt from an article yesterday in Bloomberg News.

The plan outlined by Obey would give Republicans less than 24 hours to scrutinize legislation spending more than \$600 billion on the Defense, homeland security and veterans' affairs agencies including thousands of pet projects known as earmarks.

Asked if the process has been secretive, Obey said: "You're d**n right it has because if it's done in the public it would never get done." He said he wanted to avoid his colleagues' "pontificating" on the content of

the legislation, saying “that’s what politicians do when this stuff is done in full view of the press.” He said “we’ve done this the old fashioned way by brokering agreements in order to get things done and I make no apology for it.”

It is easy to understand why the House Appropriations Chairman would want to conduct his business in secret, as one who received \$51.5 million in earmarks for his district.

The one constitutional duty of the Congress is to pass legislation funding the operations of Government, and yet his duty has been entirely abandoned by the majority.

Congress is now less than 1 week away from the beginning of fiscal year 2009, and yet it has not passed one appropriations bill.

The only bill to receive a vote by either body is the Military Construction—Veterans Affairs appropriations bill that passed the House of Representatives.

No appropriations bills have even been brought to the floor of the Senate during the entire calendar year 2008 thus far—though the Senate is now expected to vote on three of the largest bills having had 36 hours to review the \$634 billion in spending they contain.

The appropriations process should have begun long ago. It is unfair to taxpayers when Congress chooses to pass large legislation in the dark of night rather than debate them for all to see.

Congress now finds itself considering major national security legislation in one day under pressure of both a Government shutdown and delay on an important piece of economic legislation.

Had the majority leader taken action earlier this year, Members would be free to concentrate fully on the Treasury proposal. Instead, they are distracted by making sure that their earmarks and pork-barrel projects are in the CR.

The CR has been loaded down with billions of dollars in wasteful earmarks.

Despite having had only 1½ days to look over the bill, it is plain that there are a large number of highly questionable earmarks set to receive funding in 2009.

In just the three appropriations bills for the Department of Defense, the Department of Homeland Security, and the Department of Veterans Affairs/Military Construction, there are 2,627 earmarks worth \$16.1 billion.

This means that without even funding the remaining nine appropriations bills, Congress has nearly reached the dollar value of all earmarks in fiscal year 2008.

According to Citizens Against Government Waste, there were 11,620 earmarks worth \$17.2 billion for all 12 appropriations bills in 2008.

In fiscal year 2008, the average dollar amount of each earmark was \$1.48 million.

In the continuing resolution before the Senate, the average dollar amount

for each earmark is \$6.1 million— more than five times higher.

Every dollar that goes to an earmark in this bill is a dollar that will not go to important national security programs at the Departments of Homeland Security and Defense.

What kind of projects are receiving earmarked funds out our national security agencies in 2009?

\$3.2 million for the High Altitude Airship—Senator SHERRON BROWN. After spending millions to investigate and develop a blimp-based platform for ICBM surveillance, the Missile Defense Agency—MDA—cancelled the program—called the High Altitude Airship—due to myriad capability limitations.

MDA did not request funding for the program for 2008. However, \$2.5 million in earmarks in the 2008 Defense appropriations bill revived the cancelled program, despite the fact that no one else at the Pentagon had expressed interest.

After shopping the program around, Lockheed Martin managed to pass the program to Army Space and Missile Defense Command, which will now begin investigating if there is any utility for them with the program.

The project has been based in Akron, OH, funded by a \$1 million earmark toward the program by Senator BROWN, who has a long record in opposition to missile defense.

\$2 million for Hibernation Genomics—Senator TED STEVENS. This earmark would provide funding to the University of Alaska for research into the hibernation genomics of Alaskan ground squirrels.

University of Alaska lobbyist, Martha Stewart—no relation—claims that the research into squirrel hibernation will one day help wounded soldiers in the battlefield.

According to Ms. Stewart, the university is well equipped to do the work. She insists: “We have a number of ground squirrels that are in various stages of hibernation in Fairbanks.”

And \$800,000 for the Columbia College Chicago Construct Program—Senator DICK DURBIN. Columbia College claims to be the “Nation’s largest private arts and media school in the Nation.” It offers a wide selection of coursework in audio arts, dance, film, journalism, poetry, and radio. According to the school’s annual report, it received \$2.7 million in Federal grants during 2007 from the Department of Education, U.S. Army Research Laboratory, Corporation for National and Community Service, the National Endowment for the Arts, and the Department of Health and Human Services.

Since 2000, Columbia College Chicago has received over \$275 million in grants, cooperative agreements, and direct payments from the Federal Government.

And \$800,000 for Partnership in Innovative Preparation for Educators and Students and the Space Education Consortium—Senator WAYNE ALLARD and Senator KEN SALAZAR. The Space Edu-

cation Consortium was created by the Air Force in 2004 as a partnership with the University of Colorado and others to promote science education for professionals as well as “getting space technology and curriculum infused throughout the U.S. education system from kindergarten to post-graduate work.

“It is a chance to grow a cadre of space professionals from the launch pad to the stars,” said Air Force General Lance Lord, commander of the Air Force Space Command.

A July 2008 report by the DOD Inspector General stated that this earmark was not consistent with the department’s mission “to provide the military forces needed to deter war and to protect the security of our country.”

And 24.5 million for the National Drug Intelligence Center—Representative JOHN MURTHA. Every year, millions of dollars for our national defense are siphoned away from the military’s budget to pay for a single program administered not by the Pentagon but by the Department of Justice.

This funding is directed to the National Drug Intelligence Center—NDIC—which the Department of Justice has asked Congress to shut down.

The former director of NDIC even confessed to U.S. News, “I recognized that a lot of [NDIC] reports were God-awful, poorly written, poorly researched, and, some cases, wrong.”

Another former director even admitted, “I’ve never come to terms with the justification for the NDIC” and “the bottom line was that we had to actually search for a mission.”

According to an investigation by the Government Accountability Office, NDIC duplicates the activities of 19 drug intelligence centers that already existed.

Since 1992, the center has received over 500 million in federal funding.

\$15 million for Waterbury Industrial Commons Redevelopment Initiative—Senator JOE LIEBERMAN and Representative CHRIS MURPHY. According to Taxpayers for Common Sense, “This would clean up a decades old munitions factory to be used as a city-owned industrial park.

The Fairfield Weekly reports that the State of Connecticut has turned down requests to fund this project—each year the Mayor of Waterbury “makes the trip to Hartford seeking the money, and each year comes back empty handed.”

Why should the American taxpayer fund that which State of Connecticut will not provide funding?

And \$4 million to the Go For Broke National Education Center. This earmark is aptly named in light of the fact that Congress is helping the Nation “go broke.”

And \$9.9 million for the U.S.S. Missouri Memorial Association. Visitors can go aboard the battleship from World War II that survived the attack on Pearl Harbor in Hawaii.

While preserving the Nation's history is important, this is not only something that could be funded privately, it is not a priority at this time.

And \$1.6 million for New Electronic Warfare Specialists Through Advanced Research by Students Representative DAVID HOBSON.

And \$4.5 million for the 2010 Olympics Coordination Center Senator PATTY MURRAY and Representative RICK LARSEN.

And \$800,000 Pseudofolliculitis Barbae—PFB—Topical Treatment—this goes to ISW Group in St. Louis, MO—Senator KIT BOND.

There is \$10 million for the Intrepid Museum Foundation.

And \$4 million for the Nimitz Center.

And \$1.2 million for the Center for Nonproliferation Studies, Monterey Institute for International Affairs—Representative BERMAN.

And \$10 million for the New Mexico State University Institute for Defense and Public Policy—Senator JEFF BINGAMAN.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Madam President, I ask unanimous consent to speak for 5 minutes.

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

Mr. SPECTER. Madam President, I have sought recognition to comment briefly on a letter which I am sending today to the executive officials, to Secretary Paulson and Chairman Bernanke, and to the legislators who are involved in the negotiations on the economic proposal, with the suggestion that extensive consideration be given to loans instead of purchasing the toxic securities.

I think the model of AIG would be very appropriate to use as opposed to the purchase of those toxic securities. It will be very difficult to ascertain what is fair value for those securities when there is no market. But the AIG example was a good one, with the Government securing a preferred position, substantial interest rate, and excellent opportunities to get the money paid back.

I also urge the negotiators to give consideration to the proposals by the House Republicans on the so-called insurance fund. I believe all the options ought to be weighed when we are dealing with a matter of this magnitude. When we deviate from the regular legislative course, we are in a very difficult area.

As to the proposal of the \$700 billion, I believe we have not yet had a sufficiently specific description on that figure. It is a gigantic figure, and the public response, understandably, is why and what are the causes for the problem. That is my view, too, as to why the figure has been advanced. There has been no specification as to why we need that figure.

On the proposals to advance part of it initially, I think that is a good idea. I

don't know that the figure has to be as much as \$250 billion. There ought to be justification for why that figure is selected. And then the proposal for an additional \$100 million, with the request of the President, I think is sound, to have a procedure for staged installments. But even as to the President's request, there ought to be some standards specified.

Then, as to the balance of the \$350 billion, or whatever sum that is, we have to be careful that we do not violate the holding of the U.S. Supreme Court in *INS v. Chadha*, where there was an effort to have legislative refusal of certain executive action by the Attorney General, the Supreme Court said where there is deviation, you have to follow the regular legislative process—passage by both Houses and approved by the President. So we are in a very complex legal area, which I urge the negotiators to study carefully before coming to any judgment. When regular order is not followed, we are on thin ice.

The executive branch negotiators, Secretary Paulson and Chairman Bernanke, would not have any reason to know the intricacies of the legislative process, but they have served our country very well for more than 200 years. As we all know, it starts with a bill, a bill we can read. Well, we still don't have a bill, and we are talking about passage within the next couple days. After you get a bill, you have hearings. There have been some hearings, but not in the context of a specific bill. Then the proponents of the legislation are asked to testify, and there are people opposed to it or people with other ideas who testify before the relevant committee—which would be the Banking Committee in this situation. They are subject to examination and cross-examination and pushed as to exactly what they have in mind.

Then, after the hearing, or hearings, are completed, there is committee action and what we call a markup, where the committee goes over the proposed legislation line by line and decides whether there should be changes and then votes on the changes. The committee then files a report. It is usually thick and complicated. It comes before the Senate and we debate it and we offer amendments.

The same thing happens in the House. Finally, when each House has acted and there is passage of the bill proposed, it goes to conference, where it is further refined and then is presented to the President. The President takes an additional look at it to see if he thinks it ought to be approved or if it ought to be rejected.

Well, that is a very lengthy process, and I think we ought to be very careful when we deviate from that process so we know what we are doing. Perhaps there is not time—well, there isn't time to go through the exhaustive process, which would take a considerable period of time—but when we deviate from that process, we ought to be

careful that we know what we are doing and not set arbitrary time limits which are very brief.

I have taken a look at the Dow for the intervening period between Friday, September 19, and Friday September 26—yesterday. When the proposals were made over the last weekend, there was an urging of Congress to act before the 26th, which was our scheduled date for adjournment. Then we thought: Well, maybe Saturday or Sunday or maybe Monday morning. Next week we have the Jewish holidays, and Yom Kippur in the week that follows. But on the Dow, which closed at 11,388 on Friday, September 19, it declined 2.15 percent over a week to close at 11,143 on September 26. By measuring from September 19, on September 22 it was down 3.27 percent; on the 23rd, it was down 1.47 percent; on the 24th, it was down .27 percent; on the 25th, it was up 1.82 percent; and on the 26th, it was up 1.1 percent. So the net figure was down 2.15 percent.

We would rather see the Dow go up, but that is not a precipitant decline. It is my sense that the market—Wall Street, that entity which calibrates the market—would understand it takes some additional time. As long as they have seen that Congress is working as promptly as practicable, then I do believe there would be a sufficient opportunity without having a precipitous slide. Obviously, we can watch it on a day-by-day basis, and we ought to move as promptly as we can, but I do believe it is not a matter which has to be done yesterday or tomorrow. We have to do it promptly and show that we acknowledge the problem.

There is a consensus, with very few dissenters, that something needs to be done and something very substantial.

Our actions need to be very thoughtful and very careful. We also need to assure the American people that our actions are thoughtful. Senator CASEY and I had an open forum on Pennsylvania Cable Network on Tuesday, where we had call-ins, and the temperature out there is 212 degrees Fahrenheit or higher. It is boiling. We have a responsibility in the Congress to make judgments and we listen to our constituents but, in a representative democracy, as Edmund Burke said several hundred years ago, it is our responsibility to exercise our best judgment.

The intervening days have given us an opportunity to see the issue percolate in the country, where people consider it, where there are talk shows and radio and television and op-ed pieces, and we get to digest it and sleep on it for a few days, which is a very healthy thing.

I heard a suggestion from the former Speaker of the House, Newt Gingrich, that whatever the proposal is, it ought to be on the Internet for 24 hours. Maybe that is not quite long enough, but it is projected that in 24 hours you would have thousands of responses, or perhaps millions of responses the way

the Internet is watched. That would put us on guard that something has not been slipped in. These bills turn out to be very voluminous. It started off as a 3-page memorandum; now it is more than 100 pages. America could provide us with some good ideas so that we are alerted to something being slipped in that we can't rectify after the fact, or alert us to some unintended consequences.

In conclusion, it is my hope the Congress will act in a way which will be effective, after we have given the entire matter appropriate consideration and consider views beyond those expressed by Secretary Paulson and Chairman Bernanke. There has been some significant movement, movement toward oversight, not allowing the people who have gotten us into this mess to profit—the golden parachutes, et cetera. But we are on the road to acting. I think we have to do it in an appropriate timeframe.

I ask unanimous consent that the letter I am sending to the executive branch, those involved in the negotiations, be printed in the RECORD; in addition, a letter which I sent to Secretary Paulson and Chairman Bernanke dated September 23 be included in the RECORD; and a letter I sent to Majority Leader REID and Republican Leader MCCONNELL, dated September 21, be printed in the RECORD.

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

SEPTEMBER 27, 2008.

Secretary of the Treasury HENRY PAULSON,
Chairman of the Federal Reserve BEN
BERNANKE,
Speaker of the House NANCY PELOSI,
House Republican Leader JOHN BOEHNER,
Senate Majority Leader HARRY REID,
Senate Republican Leader MITCH MCCON-
NELL,
Chairman CHRISTOPHER DODD,
Ranking Member RICHARD SHELBY,
Chairman KENT CONRAD,
Ranking Member JUDD GREGG,
Chairman BARNEY FRANK,
Ranking Member SPENCER BACHUS,
Senator BOB BENNETT.

GENTLEMEN AND SPEAKER PELOSI: I write with some suggestions on the prospective legislation to deal with the economic crisis and to urge you to take the time necessary to give appropriate consideration to it without rushing to judgment. In the past week, I, like many members, have been reaching out to economists and other experts and have had suggestions coming in from economists and other experts, as well as listening to the suggestions made by other members of Congress.

I urge you to consider lending federal funds with senior security as opposed to having the federal government buy toxic securities. The AIG model could be used. The obvious difficulty for the federal government to go into the market to buy toxic securities is the difficulty in assessing realistic value in the absence of a market. With a lending approach, the government is likely to be able to have lesser expenditures with a better chance of repayment. I further urge a real consideration to the proposals made by House Republicans for an industry-financed insurance program for mortgages which are in default.

As to the overall figure of \$700 billion, Congress should have a detailed explanation as

to how at which that figure was arrived and the necessity for such a large sum. I favor the proposal to have the federal funds advanced in installments. Consideration should be given to having the first installment less than the \$250 billion as currently proposed. On additional installments, it is a good idea to require a presidential certification with the legislation specifying standards which the President should use.

On the stipulation to give Congress to the option to object to the final \$350 billion, care must be exercised not run afoul of the Supreme Court decision in *INS v. Chadha* which requires following regular legislative process with passage by both houses and presidential action and perhaps inferentially legislative conditions.

In a letter dated September 21, 2008 I wrote to Majority McConnell urging that we not rush to judgment. Many have argued that the situation is so dire that there must be immediate Congressional action in order to avoid a cataclysmic result in the market. My view, as expressed in my letter to Secretary Paulson and Chairman Bernanke on September 23, 2008, is practicable to enact a serious, substantial program since there is a solid consensus that some major government aid must be and will be forthcoming.

On September 19, 2008, there were predictions of dire consequences if legislation was not passed by September 26th. The Dow declined by 2.15% from September 19th from 11,388.44 to September 26th to 11,143.13. During this time, there was no major deviation from September 19th: 9/22—down 3.27%; 9/23—down 1.47%; 9/24—down .27%; 9/25—up 1.82%; 9/26—up 1.1%. It is noteworthy that the market ended on a positive note at the end of a week, even though Congress had not passed legislation.

I urge time for due deliberation because of the risks when we do not follow regular order. For those who are not acquainted with the details of the legislative process, there should be a focus on the institutions of Congress which have served this nation so well for more than 200 years. The legislative process begins, as we all know, with the introduction of a bill. As yet, we do not have in writing the traditional starting point, a bill which we can study and analyze. Next there are hearings on the bill with testimony from its proponents. Then the committee of jurisdiction listens to opponents or those with other ideas and all the witnesses are subject to questioning, really cross examination, by members of the committee.

Then the committee sits in what is called a markup going over the proposed legislation line by line with votes on suggested changes. A committee report is then filed and the measure is called for floor action in each house with debate and opportunity for amendments. The bills passed by each house are then subjected to a conference where further refinement is made before the legislation is presented to the president.

When we depart from regular order, we are on very risky ground. I am not suggesting that this full time-consuming process legislative be followed; but we should take great care in the consideration of this legislation to compensate as much as possible for the departure from regular order.

I pass on, for your consideration, an idea proposed by former Speaker of the House Newt Gingrich who suggests that the final proposal be put on the internet for 24 hours. Speaker Gingrich suggests, and I concur, that such a proposal would be read by thousands if not millions of people who could then inform the Congress of provisions which are so often slipped into legislation unbeknownst to the members and further give us appraisals of unintended consequences.

As already noted, I wrote to Secretary Paulson and Chairman Bernanke by letter

dated September 23, 2008 (copies enclosed for the additional addressees), not yet answered, which raises questions which I would like to have responded to before I am called upon to vote.

We have a duty to the American people to act responsibly to address the problem, protect the taxpayers, and take every measure to ensure that this does not happen again.

Thank you for your consideration of these suggestions.

Sincerely,

ARLEN SPECTER.

U.S. SENATE,

COMMITTEE ON THE JUDICIARY,

Washington, DC, September 23, 2008.

HENRY M. PAULSON, JR.,

Secretary of the Treasury, Department of the Treasury, Washington, DC.

BEN S. BERNANKE,

Chairman of the Board of Governors, Federal Reserve System, Washington, DC.

DEAR SECRETARY PAULSON AND CHAIRMAN BERNANKE: I write to you because I am in the process of deciding how to vote on legislation to deal with the economic crisis. I agree that there is need for federal action; but I am concerned that we not rush to judgment without giving sufficient attention to the many complex issues which are involved.

At the outset, the, or a, precipitating cause was the fact that hundreds of thousands of people, perhaps as many as five million, faced an inability to make their mortgage payments and eviction from their homes. These mortgages were "securitized," divided up and sold in packages to many people or entities. As a result, it was not always clear who had the authority to adjust these mortgages, and when it was clear, adjustments were not made quickly enough. Last November, Senator Durbin introduced S. 2136 and I introduced S. 2133 to give the bankruptcy courts authority to revise homeowners' financial obligations. Keeping people in their homes should be a, if not the, fundamental object of congressional action.

After assisting homeowners, a decision should then be made as to what additional federal aid is necessary to unclog the lending pipelines and restore confidence and stabilize the economy. I am very skeptical about granting authority to spend \$700 billion on other aid without standards as to who should get the funds and a requirement that there be demonstrated necessity that such additional expenditures are indispensable to stabilizing the economy.

Then there is the question of oversight and regulation. Obviously, there must be oversight and some regulation to prevent a recurrence. As I see it, the regulation must be calibrated to those objectives and not go too far. Vigorous enforcement of our laws to prevent market manipulation, as well as added transparency, should be a priority.

I hear tremendous resentment from my constituents on this matter. In a free enterprise society, entrepreneurs may undertake whatever risks they choose to secure big profits, but when there are losses, they should not turn to the government for a bailout which puts the burden on the taxpayers. The firms/corporations and their executives who created the crisis should not profit from a federal bailout. If it is not already a part of your proposal, you should consider structuring the funding in a way that gives the Government a preferred creditor position and a share in ultimate profits, rather than simply buying up debt which has declined in value. And any aid should be conditioned on the elimination of golden parachutes or large compensation packages.

Also, I am concerned about reports that foreign corporations, with a United States affiliate, will participate in a federal bailout.

If foreign corporations are to get funding, then foreign governments ought to bear their fair share.

I know there is concern that Congress must act promptly or the economy may deteriorate further. It seems to me that Wall Street should and would understand that legislation on this complex matter requires some time. If it is seen that Congress is moving as swiftly as practicable, that ought to stem the tide. But we can only do it as fast as realistic to work through the legislative proposals and resolve these intricate issues.

These are issues which come to my mind at the moment and I am sure there will be more as the hearings progress and the debate occurs. I would appreciate your responses as promptly as possible.

Sincerely,

ARLEN SPECTER.

U.S. SENATE,

Washington, DC, September 21, 2008.

Senator HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.

Senator MITCH MCCONNELL,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR HARRY AND MITCH: As you project the Senate's schedule, I urge that we not rush to judgment and take whatever time is necessary on any proposed legislation to deal with the nation's economic problems. The public, our constituents, have a great deal of skepticism, which I share, about legislation which will let Wall Street "off the hook" and pay insufficient attention to Main Street, middle class Americans.

It is important to focus the legislation on the hundreds of thousands of homeowners who are at risk of losing their residences to foreclosure.

In deciding what additional powers to give to the federal regulators, I believe we should give careful consideration to not extending those powers beyond the current crisis and steps to prevent a recurrence.

I have read reports that some Wall Street firms, whose conduct has created the crisis, will benefit from a congressional legislative fix. We should do our utmost to see to it that those responsible for the crisis bear the maximum financial burden on any bailout in order to minimize the taxpayers' exposure.

There are reports that the bailout might be extended to foreign firms with United States affiliates. In my view, the legislation must be carefully tailored for United States' interests and if foreign firms, even if United States affiliates are to be involved, then consideration should given to appropriate contributions from those foreign governments.

I realize there is considerable pressure for the Congress to adjourn by the end of next week, but I think we must take the necessary time to conduct hearings, analyze the Administration's proposed legislation, and demonstrate to the American people that any response is thoughtful, thoroughly considered and appropriate.

Sincerely,

ARLEN SPECTER.

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

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized for 15 minutes.

Mr. DEMINT. Madam President, as we try to end the session today, I think

I am looking for some silver lining in all we are doing here, with the panic I believe we here in Congress have created in our markets and credit industry and passing this conglomeration of bills without adequate debate. There is one silver lining for me that I think we need to mention to the American people. A number of families are suffering for a lot of reasons, but one of the greatest is the high cost of gasoline in this country—and now even shortages. But because of the anger of the American people, because of the e-mails that have come in, this continuing resolution we will be voting on today includes a huge victory for the American people because the moratorium on oil and gas leasing on most of the Outer Continental Shelf and on oil shale leasing on Federal lands will expire.

Many thought this was a law that we couldn't change, but the fact is this was a year-to-year rider on spending bills that had to be included every year or it would expire. But because Americans got engaged in this whole idea of making October 1 Energy Freedom Day, our Democratic colleagues have backed down and have not included an extension of this moratorium in this year's bill.

So at midnight on October 1, 2008, because it is a start of a new fiscal year, the current prohibitions on oil and gas leasing on most of the Outer Continental Shelf and on oil shale leasing on Federal lands will expire. That is something to celebrate here in America.

Estimates from the Minerals Management Service and the Bureau of Land Management indicate there are upwards of 18 billion barrels of recoverable crude oil on the currently off-limit areas of the Outer Continental Shelf, as well as more than 55 trillion cubic feet of natural gas.

Estimates of American oil shale vary widely but range from the hundreds of billions of barrels to trillions of barrels of oil. Many believe we have more oil in oil shale than Saudi Arabia has.

Taking advantage of America's resources will increase the worldwide supply of petroleum and bring down prices at the pump. The very access to these resources will send powerful price reduction signals to the futures market, providing immediate price relief, even if the actual leasing does not commence for months.

Everyone is familiar with the crisis on Wall Street. The coverage dominates every media outlet. But we also have a crisis on Main Street, where people are paying outrageously high prices for gasoline and having to wait in long lines to fill up their cars.

Here are only a few headlines we are starting to get from newspapers. The Associated Press headline: "The Southeast Shortage Squeezes Small Retailers and One Gas Station Owner Says It's A Panic."

CBS News reported in their headline in North Carolina: "Gas Shortage Leaves People Panicked."

Washington Post, "Gas Shortage in the South Creates Panic and Long Lines."

It goes on and on. This is very real. This is not something we are manufacturing and it is a direct result of bad policy here in Congress that has restricted the development of our own energy here in America.

Unfortunately, we are still having to wait for a number of Members of Congress to allow this to proceed. It was announced earlier this week that the Democrats had given up on their efforts to block energy exploration, and America celebrated. But then not more than 24 hours later we learned the majority leader here was making plans to rob Americans of this victory by extending the ban on oil shale. Fortunately, that effort was defeated yesterday. Now media reports indicate that Democrats also have a plan to delay any offshore drilling using environmental lawsuits until after the November elections, when the Democrats can reinstate the ban on deep sea energy exploration.

In fact, House Majority Leader HOYER told cnnnews.com on Wednesday that restoring the ban on new offshore oil drilling leases will be a top priority for discussion next year. If the Democrats retain control of Congress, he said, I am sure it will be a top priority for discussion next year.

This is outrageous. The American people will not tolerate it. That is why I have written a bill that is called the Drill Now Act, which will guarantee access to offshore and oil shale reserves. It will expedite the leasing and production of these energy supplies and provide States with a 50-50 share of the revenues with the Federal Government and prevent frivolous lawsuits from delaying the will of the American people. This is very simple and it is what Americans want. I hope my colleagues on the other side of the aisle will set aside their desire to punish Americans for buying gas and side with the American people.

Yesterday I asked unanimous consent that we bring this bill up and pass it, but it was objected to by the majority leader. We will continue this effort, to try to pass this bill that will expedite energy production in our country.

I wish to mention a few things we will be voting on in an hour because this is, frankly, an embarrassment in a time we are running around here like Chicken Little saying "the sky is falling." The credit markets are seizing up—this has been a self-fulfilling prophecy. We have created a crisis in our country. But while we are talking about a financial crisis and an economic crisis all around America and the world, it is business as usual here in the Senate. When the Democrats took control 2 years ago, they promised we would end this wasteful spending and cut earmarks dramatically, but the continuing resolution we are voting on today goes right back to where we were, and worse. This bill includes

\$16.1 billion in earmarks—that is billion. There are over 2,620 earmarks in this bill. For all the appropriations bills last year, there were less than that, and this only includes three. There is more porkbarrel spending today than we did all of last year, at a time when we are saying the country is running out of money.

At this rate, for these three bills, the 2009 fiscal year budgets will see more earmarks than we have ever seen in history. Most Americans are beginning to understand how this wastes their money and corrupts the process. Let me mention a few of the earmarks that are in this bill.

There is \$44 million for the National Drug Intelligence Center in JOHN MURTHA's district, a project the Defense Department has said repeatedly it does not want or need. But every year it comes back because it is in a Congressman's district.

There is \$1.75 million for a heritage center that Speaker NANCY PELOSI put in for a museum that is negligible—it has no value to the men and women in uniform.

There is \$1.28 million for a Navy museum included by Congressman DICKS. The military doesn't need another museum, they need the tools to fight the war. If we had billions of extra money sitting around, maybe we could talk about these extravagances, but when we are going into more and more debt, hundreds of billions of dollars a year, it makes absolutely no sense to be including over 2,000 earmarks, wasteful spending, in a bill that includes serious military needs.

Americans are angry. They are hearing we have to bail out Wall Street. They are angry at wasteful spending and they have every right to be. When the Democrats took control, the Congressional Budget Office projected an \$800 billion surplus between 2008 and 2017. But after 2 years of Democratic control, that same budget office now projects a \$2.6 trillion deficit over the same period. That is \$3.4 trillion in deterioration of our budget situation. As I said, even worse; wasteful spending and secret earmarks are back in full force.

Americans have seen, over the last couple of years, this Congress do things and attempt to do things that they know are bad for our country. They saw a massive amnesty bill for illegal immigrants come through, but we were able to stop it because of the anger of the American people. They have seen this Congress for years stop the development of our own resources, our own energy, and now prices are through the roof and shortages are occurring.

But the anger of the American people is beginning to get the attention of Congress. We have stopped this moratorium, and we are making progress. Now we are talking about this massive bailout of Wall Street that was caused by bad policy here in Congress that we still refuse to change.

While this bailout may be necessary for reasons we have caused here in Con-

gress, we need to do it in a way that protects the taxpayer and includes some free market principles. We need to do some things that actually solve the problems that caused what we are dealing with today. We need to do some things that support some free market principles and guarantee that the Government is not going to be a permanent player in our financial markets.

Americans are angry. I hope they will stay angry because the more they call and e-mail, the more we can get things done here that are right for American people. We stopped their amnesty bill, we have stopped the moratorium on drilling, and we have gotten their attention on this bailout. Now they are listening to some of the better solutions that have been brought up. So I thank the American people for being engaged. Because of their action, we have a chance now to make some major changes here in Congress.

I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE.) The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I thank Senator DEMINT for his principled leadership and his willingness to talk about some difficult issues. I want to talk about some of those today.

I absolutely believe the question of energy is a major contributing factor to the fundamental difficulties we are having in the economy today. We calculated—my staff—that the average American two-car family is paying \$105 more per month today for gasoline than they were a year or so ago. This is, in effect, a gas tax, and if a particularly onerous event occurred—and today I heard that after the University of Alabama had a little football game with Clemson University and pulled off a victory, they were saying there was not enough gas for Alabamians to go to Georgia to play the University of Georgia football team today. Well, they would have walked over there, if necessary. It would have been an exciting game.

But there is a problem out there, and it has been unaddressed by this Congress. So we are now in the closing days of the 110th Congress. Although some work may be completed, it appears that we are soon—in a matter of hours—going to adjourn.

I would note that today is September 27, 2008. The Senate has been in session for 148 days this year. There are 96 days left on the calendar, but on September 30 the fiscal year ends. October 1 is a new fiscal year, and the fundamental responsibility of the Congress and the Senate is to authorize and appropriate the moneys necessary to run this Government. We are within days—a couple or 3 days—of that deadline arriving. We have yet to do it. So what we will be seeing here is a very unfortunate event where everything will be completed in a matter of a few hours.

They are saying that this is an election year and we need to get out of Washington and go home and cam-

paign. I understand that. People do need to see their candidates, and certainly campaigns are important to America. They help the electorate become more knowledgeable and select the best candidate. But I want to be clear, the decision to adjourn this week is a completely arbitrary decision. It is nothing more than a date circled on a calendar. It would not set back the pace of democracy in America for Congress to stay here and work and to actually cast votes and to be held accountable for what it does. How much more time would it take? I do not think a lot. But we certainly would not hurt the Republic doing that. In my opinion, this Congress and this Senate are failing the American people.

Senators and their staff are already scurrying around the Capitol trying to tie up the loose ends to justify a departure. Members also will soon hit the trail, making the case for why the people should send them back here. It might be a tough case to make for some of us. I am up this time. I am certainly working, and have been for some weeks, trying to discuss with the people of my State the issues they think are important and how I hope to address some of those.

A recent Fox News poll reports that only 17 percent of the American people approves of the way Congress does business. That is a really distressing number, 17 percent. It may be the lowest we have ever had. It means that 8 out of every 10 Americans are unhappy with the Congress. And if the American people really knew how this great heritage of debate, amendments, and discussions that this Senate has, how that has been eroded, I think they perhaps might be even more unhappy with us.

While it is typical that the last week of Congress is rushed and a lot happens, and I understand that, I do not recall a time since I have been in the Senate that we have rushed through so many important issues in such a very short time. Over these closing hours, the Senate will likely call up and vote on three major pieces of legislation, huge pieces of legislation. These huge pieces of legislation will pass, I predict, with no opportunity for amendments and no real debate.

First, we considered, without debate, a \$56 billion new stimulus package. We did \$150 billion earlier, sent out the checks and that sort of thing. I have to say, I did not support it. It certainly has not gotten us out of the fix we are in, almost doubling the projected deficit for this year, every penny of that stimulus package—emergency spending, on top of the debt—every penny increasing the debt. And this stimulus package, thank goodness, that was proposed by the Democratic leadership was defeated and did not pass, which would have added another \$56 billion straight to the national debt. It included a \$7.5 billion bailout for automobile companies. But it has been put back in the CR, even though it failed in that package, and presumably will pass, as I will discuss.

Second, we are considering a continuing resolution, with an omnibus spending bill attached, that will fund military projects in the Department of Defense and Homeland Security.

Third, we will consider an unprecedented \$700 billion financial industry saving—economy saving, they say—bailout. I think we do have a problem with the economy, and this Congress needs to act and we need to act quickly, so certain normal processes will have to be truncated. We have some good people who are focused on that. But it is a closely held deal, very few people meeting in private meetings, unavailable to the public, writing the legislation that will dispense with \$700 billion. In truth, I do believe and hope and pray that even though we are exposed for \$700 billion, we will not actually, as a government, take that big a hit. I think there will be a recoupment. I certainly hope and pray it will be recouped.

So these are three extraordinarily important pieces of legislation, each of which is being moved through Congress in the closing hours of the session with virtually no public, open debate. I suggest it raises questions about the historic purposes of the Senate. None of the three bills have been subject to the traditional legislative process.

We only received the continuing resolution from the House last night. It is 344 pages involving hundreds and hundreds of billions of dollars. How is it possible that we could fully understand its impact before we vote today?

I have been a Member of this Senate for 12 years. There was one thing that slowed down the trains. You know what it was—the sheriff, Senator JOHN MCCAIN. He would come down here, to this chair right here—I have seen him do it—not for some political gimmick but because he was concerned about this process—and he would object to any UCs until he had a chance to read the bill, and he would come down and highlight what he considered bogus and wasteful spending. He even opposed some spending I put in those bills. But that was healthy. But they wanted to pass those bills, the powers that be, without any debate, without anybody reading them, just pass them. That is not a healthy thing for the great Senate of the United States of America to do.

Well, we have not seen a firm legislative proposal regarding the bailout yet, but we are going to vote on it today, tonight, tomorrow, Monday. The Senate has been called the world's greatest deliberative body, but if we are honest, we will have to admit we have fallen far from it. In fact, I think we are standing on the cusp of the greatest legislative failure of Senate leadership in my tenure here for sure.

The growing trend to procedurally, through manipulation and other efforts, limit free and open debate, to block the ability to improve legislation through the technique of filling the tree, which the majority leader, the

Democratic leader, HARRY REID, has done—it has been done by Republicans in the past. It has reached a new height, anybody would have to agree, under Senator REID, all of which is designed to avoid the committee process traditionally available in the Senate. And they use small groups of Senators—I have taken to calling them masters of the universe—to negotiate deals behind closed doors and deposit that bill on the floor of the Senate with the idea that: It has to be passed. We are going to recess. We have no time to discuss and debate and vote.

Mr. President, I would ask that I be notified when 20 minutes has passed.

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

Mr. SESSIONS. I think this is bad for America. It is a bipartisan bad thing. It was not good when Republicans were doing it, and it is not good now that the Democrats have carried it even further.

This Congress is no longer serving in its traditional role of protecting and allowing the American people to see the issues before them, to be the saucer that allows the debating issues to be cooled and debated. I worry about it.

There was a time when, if you look back at debates, according to a gentleman from Harvard who studied this, the debates focused on what was in the long-term interests of the country, and people debated that and they said: Well, if we give money to people who invested recklessly or people who are lazy and will not go to work, will we not encourage reckless investment, or when we encourage people to stay home and draw a check? I mean, they asked these kinds of questions and they discussed them because what we do here has certain importance. But it is too rare today.

The legislative process, I have to say, is broken. The congressional budget and spending process is broken. The American people need to know what is happening and what is not happening here.

So in the spirit to reach the finish line, I am going to take a few moments to highlight some items that I see as an example of the broken nature of the process.

There is no better scorecard for how a Congress operates than the tally of appropriations bills that are actually debated. There are 12 appropriations bills we must pass each year. Traditionally, each one is brought up and voted on, and each one of those bills should be passed before October 1. They fund certain parts of the Government. As of this minute, this day, on the eve of our adjournment, this year's legislative score on the 12 bills is zero, none, not one. This is the first time it has happened in my 12 years in the Senate, that Congress failed to pass a single stand-alone appropriations bill on time. Failure to move individual bills is more and more a common thing. Republicans and Democrats have both been guilty of this, but this year is the worst ever.

The congressional budget and spending process is broken. Since 1980, only three times has Congress enacted all its appropriations bills, as they should, by the start of the fiscal year, October 1. Only three times in 28 years have we done our job on time. Mr. President, 138 continuing resolutions, however, have been needed to keep the Government running. The reason for this is that any Government agency cannot expend a dime that is not appropriated by Congress. If we don't appropriate money for the next fiscal year beginning October 1, they cannot pay payrolls. They cannot pay the light bill. They cannot do necessary things. The Antideficiency Act says it is a crime for them to spend money not appropriated by Congress, and it violates the Constitution.

These stopgap measures, these continuing resolutions, have been used as a method to keep the Government open. We can't agree on the appropriations bills, so we just continue funding at the present level without any real review or priorities, and it avoids discussion and debate. The American people should know a continuing resolution represents, in truth: a failure of Congress to get its job done.

Also, over the past 12 budget cycles, Congress has passed 10 big omnibus bills, averaging about seven or eight bills each. They are put in massive form, as we will see, hundreds of pages oftentimes, with just a few hours to debate and very limited ability to file amendments. They have been rammed through the Senate and the House in the last hours of a session. Now the masters of the universe say: If we bring this bill up, people might actually offer amendments, and they might ask us to change the Tax Code. Somebody might want to raise or lower the capital gains rate. We would have to vote on that. We would be put on record as having to vote. We don't want to go back home and have a voting record. We are going to see if we can't bring it up at the end of the session.

Don't think this is by chance. This is by design, to bring it up at the end of a session so there is little time for debate and discussion. Nobody can deny that. We know that, those of us who have been here.

This year we are going to have both. We will have an omnibus bill where some actual appropriations bills are put together, and then we will have a continuing resolution. We will vote on the Department of Defense bill representing \$487 billion. That is a pretty good chunk of money, not \$700 billion but a lot of money. We will not have amendments on that bill. I am not happy with some of the things that happened that moved some money around since it left the Armed Services Committee, of which I am a member. As a practical matter, there is no way, I am told, I can get a vote from this body to try to correct it. We either take the bill, as the group of people who put it together approved it, or not.

Let me move along and share this thought with my colleagues. It is something we have to do. I offer this as a bipartisan solution that I believe would make a big difference. There is no single cure for what we are doing. It takes a determination by each of us that we want to do a better job of affirming and defending and validating the historical prerogatives and responsibilities of the Senate.

Let me suggest that a biennial, 2-year budget process would be a tremendous step in the right direction. It is good Government reform. Biennial, 2-year budgeting has been supported by the last four Presidents, Democrats and Republicans. It has strong bipartisan support in this Congress.

Some people know every time a bill passes—and they are skilled at it—they can stick something on it. They believe if the bill isn't passing but once every 2 years, they might have less opportunity to stick some special interest pork project on it. But whatever, we would be doing 2-year budgets, and a change from that would have benefits. By eliminating the budget decision to every other year, Congress would have considerably more time to spend passing critical legislation such as this bailout package, actually giving it thought. Two-year budgets would allow more time for considering things such as the energy crisis, for heaven's sake. That is critical. It would also allow much better oversight of existing wasteful programs that are not achieving what they are supposed to.

Two-year budgeting would provide Federal agencies such as the Department of Defense more time to complete their core missions. They are over here all the time, every year, trying to work through congressional arguments and fusses over what DOD needs.

Process does drive policy. The current budget process, the current appropriations process, is not working. It is an embarrassment to the heritage of the Senate. Two-year budgeting will not solve all our spending problems, but it would be a positive step. I believe this is a matter that would strengthen the Congress, our traditional role, improve the way we do business, and make our Government better.

Putting together in a CR the appropriations bills points out the need for more oversight, more serious congressional action, including the fact that there is over \$16 billion worth of earmarks in the bill that were not really brought forward in a way that somebody could pass them or reject them, based on whether they are legitimate. Senator DEMINT mentioned some of those earlier today. I will mention one.

The LIHEAP legislation eligibility was changed from 60 percent to 75 percent of a State's median income for one to be eligible. That means more people would be eligible to have the Government pay for their heating oil. It has been said that this program would be able to be accessed by people who have

high electricity bills and heating bills, maybe in Arizona, Louisiana, and Alabama. But look at the \$2.88 billion designated as emergency. Almost all of this is going to be earmarked in a way that it is going to go to the Northeast. So it is not fair, No. 1, and No. 2, I am not sure why people's gas bills are not going to be paid. Why are we picking on that?

One more thing about that: I think it is particularly odd that Members of the Northeast who oppose consistently drilling off our shores, who consistently oppose natural gas pipelines, who oppose nuclear power oftentimes, they are now demanding that the U.S. taxpayers give them a subsidy so they can buy at below-market price dirty heating oil to heat their homes with. We hear we need to use more solar and geothermal and wind. Maybe we ought to give money for that if it is so wonderful. But this is an increase of a \$2.8 billion emergency expenditure for LIHEAP.

I think it is bad policy. In this crisis of time and overspending and deficits I don't believe another new \$2.8 billion in emergency spending is good policy. I don't believe it is good for America. Sure, it is great if you have a check for your heating oil. You would say: Thank you, Uncle Sam. But somebody paid for that check. If not the taxpayers, our grandchildren.

I would note, by the way, since we are already in deficit and this is emergency spending, every single dollar of that \$2.8 billion increases the debt of the United States. There is no money to pay for it. There is lots of that kind of thing in there.

I will not use the rest of my time to go through these kinds of matters, but I will note that the automobile bailout that I thought we had defeated with the second emergency supplemental is now back in the bill. It is going to pass, \$7.5 billion to guarantee \$25 billion in loans for automobile producers. We have to be careful about this. We have criticized the Europeans for subsidizing loans for their industries. Now we are in this hog wild. It is going to be a problem maybe in violation of the WTO agreements we have made.

The heritage of the Senate is indeed a great one. We have been slipping in recent years away from full and open debate. I see the Republican whip is here, Senator KYL. He remembers many of the 3-week debates on issues of importance in the day. That has gotten less and less frequent as time has gone by. More and more power is asserted by fewer and fewer Members to move huge pieces of legislation without debate. It is not good.

I urge my colleagues to consider what we can do about it. This year the train is on the track. I assume it is going to be able to move forward and carry these bills through. That is what I am hearing. That is what I hear the votes are. But I do think we need to change this. We need to return to the great heritage of the Senate. If it

means we have to stay here for a week and stay into the night so people can come in and engage on how to fix the energy crisis or how to create more liquidity in the markets or what to do about the fundamental problems this country faces—as USA Today said the other day, three things: We are an economy founded on excessive personal debt, excessive government debt, and a massive trade deficit. We can move around with a lot of things to try to help the financial markets not be bottlenecked. But I am really worried if we don't deal with those things such as energy independence, things of that nature, the economy is not likely to improve.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. While the Senator from Alabama is still on the Senate floor, it is with no great pleasure that any of us opposes a continuing resolution. But I associate myself with his remarks. At some point you have to say enough is enough. Unless people object to the process, it is not going to change. I note that when I try to explain to my constituents that is the way business is done in Washington. They say: Then try to stop it.

So while it is with great reluctance that we oppose a continuing resolution, I don't know of any other way to make the point that this business as usual has to stop than by voting no. So I appreciate the remarks of my colleague from Alabama.

Mr. SESSIONS. Mr. President, if the Senator will yield?

Mr. KYL. Yes.

Mr. SESSIONS. I thank him for making that explicit point. It is sad that I feel I have to vote against the continuing resolution. But the Senator is so right. You have seen this for a number of years more than I. If we do not begin to push back against this process—and I think we could make a difference if we fight—it is going to continue. So I thank the Senator for his leadership and his insight and his commitment to reform in the great traditions of the Senate.

Mr. KYL. I thank the Senator very much.

Mr. President, I, first, wish to explain a little bit of the process. When I say we oppose a continuing resolution with great reluctance, the reason is that something has to be done to ensure that our Government can operate, the Government programs are funded.

Unfortunately, we have ourselves in a bind because the Senate has passed not one single appropriations bill. There are about 13 different appropriations bills that we usually pass each year to fund the Department of Education, the Department of Agriculture, the Department of Defense—all the different things that need to operate with the Government—and we are supposed

to have that done by the end of the fiscal year, which is in a couple days. Because we have not passed a single appropriations bill, we have to roll up everything all into one giant bill and either take it or leave it. It is called the continuing resolution. It continues to fund the Government, in this case, for another roughly 6 months. There is no opportunity to amend it. It is a take-it-or-leave-it proposition, and it is wrong. Because what happens is that bills that could not possibly pass on their own are added to this must-pass legislation, putting us in this absolute difficult political bind. The Hobson's choice: If you vote for it, you are saying yes to a broken system, to over 2,000 earmarks, to \$34 billion in spending that is added to the national debt above and beyond the budgeted amount that otherwise is necessary to run the Government. So there is the pressure to vote for that. Yet there is no way for us to take each of these items out and say we would have voted to amend them out of the bill if we would have had a chance to do so, except to oppose the entire legislation.

Let me give you some illustrations of this. Because this is done on a take-it-or-leave-it basis, I would have to vote against a bill which, first of all, funds the Department of Defense, which I want to fund, and the homeland security and military construction efforts. It funds border enforcement, which is important for my State of Arizona, and, importantly, it removes the moratorium on offshore drilling, which is a policy Republicans have pushed very hard to achieve. So those are good things in the bill that I wish to register my support for.

But am I forced to take all the other things in order to register my support for these things? Here is what we are asked to swallow. According to the House Budget Committee, there are 2,627 congressional earmarks. They total \$16-plus billion. Now, my colleague, JOHN MCCAIN, has made it clear that if and when he is elected President, this process is going to stop. But Senator SESSIONS and I wish to make the point that it should stop now. We do not need one last orgy of earmarks before the reformers come to town and say: It is stopped. I am going to veto the legislation.

Now, what of these earmarks? Well, there are some very good projects, I suspect. Here is one, for example: \$23 million for biomedical research at a particular State university. Now, one of the best biomedical research facilities is in the State of Arizona in Phoenix. I would love to have them be able to bid on that \$23 million research grant. They would have a good chance of getting it because they are good. They do great work there. Why does this particular State university get the money instead?

There is a \$2 million study of animal hibernation. Now, there may well be some scientific reason to understand why animals—I mean, I think I know

why they sleep over the winter, but there has to be something about that that is important to some scientists. But do we need to add that to the national debt or could it compete with other kinds of projects? That is the problem with this kind of bill: the take it or leave it.

What you would like to do is establish priorities and say: All right, maybe an animal hibernation study is a good thing, but is it so important we need to add it to the national debt? That is the question—no debate, no amendment, take it or leave it.

There is \$44 million for a drug center for the military that it says it does not need, but it is important for a particular Member's district. Once again, prioritize. Some of these things may be good, but how about if you had them compete with other good things and the best ones are funded and the ones that are not so good do not get added to the national debt?

There is a huge amount of money in here for the so-called CDBG disaster funds. Now, these are Community Development Block Grants, ordinarily considered to be long-term projects. In fact, this CDBG funding is to provide assistance for long-term rebuilding of communities, not emergency recovery. We have emergency recovery money in here for various emergencies or disasters, and I do not object to that funding. But why do we need to put in an emergency supplemental that is not paid for but is added to the Federal debt? This long-term spending money, it should not be in here.

There is a total of \$34 billion, as I said, in this unfunded emergency spending, about \$16 billion, as I said, in earmarks. Another one of the elements is about \$7.5 billion for the so-called auto bailout loans. There is money to our big auto companies. Now, it may be that you think our big auto companies need a little help from us taxpayers. I am not sure that is true. One of the reasons they say they need help is that the Government has put so many new obligations on them for fuel efficiency standards and other things that they need to retool in order to pay for them. Maybe we should not have put those obligations on them in the first place.

But, in any event, there is something eerily familiar about this loan. Do you remember in our financial market problem we are working on over this weekend, part of the issue is the fact that a lot of loans were issued to people with almost no payments due for several years. Low interest or no interest or no principal has to be paid, and then all of a sudden people find out after 5 years they have a big balloon payment they have to make and they cannot afford it. So you come in and foreclose on the home. People criticized the mortgage brokers who enticed them into those kinds of loans.

Guess what kind of a loan this is for the auto companies. No principal, no interest for 5 years. What happens after 5 years? They are going to be back in

here saying: Thank you for the \$25 billion that we have not had to pay interest or principal on. We are going to have a hard time to pay that principal and interest now. Could you give us another hand?

We are criticizing these folks who sold mortgages to people who could not afford them by having these no-interest and no-principal payments. Yet that is exactly what we are doing with these auto companies right now. Oh, they are happy to have the money, I know.

Then, we have \$2.8 billion in emergency funds for LIHEAP. That is above the regular appropriation, which is about twice again as much. So it is over \$5 billion. My colleague from Alabama said, there is one little problem with this other than the fact it is a huge amount of money and not paid for, it is also very unfair. We come from States that are more in the South and in the West, and it is not a matter of stifling hot winters, it is a matter of stifling hot summers. The reality is the fuel oil to fuel heat in the winter is a whole lot cheaper than the electricity bill in Phoenix, AZ, or Yuma, AZ, in the middle of the summer, and people die from situations that arise from the fact that they cannot air-condition their home. However, with all this, Arizona gets a little less than 1 percent of the funding under the formula. Now, the Governor of Arizona, a Democrat, Governor Janet Napolitano, and I have both written letters to our colleagues, Democrats and Republicans, saying this is not fair. Phoenix is the fifth-largest city in the country. Arizona is a big State now, and it gets very hot throughout the summer months, and electricity bills are too high for a lot of people to afford. However, 1 percent is enough.

Let me conclude by saying, as I said in the beginning, it is with great reluctance that we oppose a continuing resolution such as this. But there are so many things I have discussed, and more which I could, that require I register an objection and for which I am required to vote no.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I have business to bring before the Senate, and I understand this will not count against my time. May I ask the Presiding Officer?

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

Ms. LANDRIEU. I thank the Chair.

JUDICIAL ADMINISTRATION AND TECHNICAL AMENDMENTS ACT OF 2008

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 3569, and the Senate proceed to its immediate consideration.

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