work. Today, Republicans will present in greater detail our ideas for making this stimulus work. Our friend and colleague, Senator MCCAIN, is here now to explain his proposal.

Mr. President, with that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, I know the Senator from Arizona is eagerly awaiting the opportunity to offer his amendment. I only have a couple of words.

RESERVATION OF LEADER TIME

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

AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 1, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1) making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for the fiscal year ending September 30, 2009, and for other purposes.

Pending:

Reid (for Inouye/Baucus) amendment No. 98, in the nature of a substitute.

Murray amendment No. 110 (to amendment No. 98), to strengthen the infrastructure investments made by the bill.

Feingold amendment No. 140 (to amendment No. 98), to provide greater accountability of taxpayers' dollars by curtailing congressional earmarking and requiring disclosure of lobbying by recipients of Federal funds.

Grassley (for Thune) amendment No. 197 (to amendment No. 98), in the nature of a substitute.

Baucus (for Dorgan) amendment No. 200 (to amendment No. 98), to amend the Internal Revenue Code of 1986 to provide for the taxation of income of controlled foreign corporations attributable to imported property.

Ensign amendment No. 353 (to amendment No. 98), in the nature of a substitute.

Dodd amendment No. 354 (to amendment No. 98), to impose executive compensation limitations with respect to entities assisted under the Troubled Asset Relief Program.

Barrasso amendment No. 326 (to amendment No. 98), to expedite reviews required to be carried out under the National Environmental Policy Act of 1969.

Barrasso (for DeMint) amendment No. 189 (to amendment No. 98), to allow the free exercise of religion at institutions of higher education that receive funding under section 803 of division A.

Baucus (for Boxer) amendment No. 363, to ensure that any action taken under this act of any funds made available under this act that are subject to the National Environmental Policy Act (NEPA) protect the public health of communities across the country.

Baucus (for Harkin/Stabenow) amendment No. 338 (to amendment No. 98), to require the Secretary of the Treasury to carry out a program to enable certain individuals to trade certain old automobiles for certain new automobiles.

Baucus (for Dodd) amendment No. 145 (to amendment No. 98), to improve the efforts of the Federal Government in mitigating home foreclosures and to require the Secretary of the Treasury to develop and implement a foreclosure prevention loan modification plan.

Baucus (for McCaskill) amendment No. 125 (to amendment No. 98), to limit compensation to officers and directors of entities receiving emergency economic assistance from the Government.

Baucus (for McCaskill) modified amendment No. 236 (to amendment No. 98), to establish funding levels for various offices of inspectors general and to set a date until which such funds shall remain available.

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

Mr. BAUCUS. Mr. President, to set the stage a little for today, to give Senators an opportunity to know the lay of the land, yesterday the Senate put in quite a long day, as we all know. By my count, we considered 28 amendments, we conducted 8 rollcall votes, and we accepted a number of amendments by voice vote.

I want to highlight one amendment adopted, the Isakson-Lieberman amendment, which provides Federal income tax credit for home purchases. This amendment addresses one of the central points that Senators on the other side of the aisle have been raising, namely that we need to address the housing market.

I might say, Senators on both sides of the aisle are concerned about the degree to which we are addressing the housing market. We adopted the Isakson-Lieberman amendment that does just that, and I am proud we accepted their idea.

I want to clear up the record on the Cornyn amendment. Yesterday I raised a pay-go point of order against the Cornyn amendment. After the Senate failed to waive the budget provisions, the Chair ruled the amendment violated the budget.

The budget rules require both the Presiding Officer and myself to rely on the Budget Committee to determine whether an amendment violates the budget. Budget Committee staff advised my staff and the Parliamentarian that there was a pay-go point of order against the Cornyn amendment. But in reality the amendment did not violate the pay-go rules.

I apologize to the Senator from Texas for raising that point of order. But as the vote to waive the budget was 37 in favor, 60 opposed, raising the point of order did not change the result and I hope my statement now will clear up the record.

Looking forward, we expect another busy day today. I expect we will process a number of amendments. We may have rollcall votes throughout the day. We may well work late into the evening. But I have good reason to hope we might finish this bill this evening, and that is a goal toward which we are working.

For the information of Senators, 14 amendments are now pending. Those amendments are: the underlying Finance-Appropriations Committee substitute amendment, No. 98; the Murray amendment No. 110; the Feingold amendment No. 140, regarding earmarks—I might add, the Murray amendment No. 110 is with respect to infrastructure—again, the Feingold amendment No. 140 is with respect to earmarks; Thune amendment 197, that is a House Republican alternative; Dorgan amendment No. 200, runaway plants; Ensign amendment No. 353, substitute housing; Dodd amendment No. 354, executive pay; Barrasso amendment No. 326, environmental laws; DeMint amendment No. 189, religious freedom; Boxer amendment No. 363, environmental laws; Harkin amendment No. 338, auto trade-in; Dodd amendment No. 145, foreclosure mitigation; McCaskill amendment No. 125, CEO pay; McCaskill amendment No. 236, as modified—I think that is with respect to the inspector general.

That is it so far. This morning we expect to hear from Senator MCCAIN on his substitute amendment. Thereafter, we expect to hear from Senators ENSIGN, WYDEN, and CANTWELL about amendments they intend to offer. Once again, I ask Senators to let the managers know about amendments they intend to offer. The more we know, the more quickly and expeditiously we can proceed. A little notice helps a lot here.

We had a great day yesterday. I expect another one today. Mind you, we must move quickly because the recession is so deep. Americans are depending on Congress to act. Let's act, let's get the job done. Other problems that are very important can be pushed off to later dates, but today let's get this bill passed and in conference with the House so the President can sign it and people can get some relief.

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

Mr. MCCAIN. If the Senator has an urgent matter, I will be happy to yield.

Mr. SANDERS. Thirty seconds.

Mr. MCCAIN. For 30 seconds.

Mr. SANDERS. Will the Senator from Montana answer a question? We have an amendment with Mr. GRASSLEY that we wish to bring up. Can we get it in order as well?

Mr. BAUCUS. Senator, offer your amendment.

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

AMENDMENT NO. 364 TO AMENDMENT NO. 98

(Purpose: To propose a substitute)

Mr. MCCAIN. Mr. President, I ask the pending amendments be set aside and ask consideration of an amendment that I have at the desk.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] for himself, Mr. GRAHAM, and Mr. THUNE, proposes an amendment numbered 364 to amendment No. 98.

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

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

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

Mr. MCCAIN. Mr. President, the amendment I have is a product of a lot of work from a number of Senators on this side of the aisle. I especially thank Senator MARTINEZ of Florida, a great leader on this issue, along with Senator THUNE, Senator GRAHAM, and many other Senators who have been involved in this discussion. This is an alternative we believe would truly create jobs and stimulate our economy. The total cost is around $421 billion.

I wish, before I describe the amendment—and I know others of my colleagues want to discuss this amendment—I wish to point out it is very clear that public opinion in this country is swinging against the proposal that is now before the Senate and was passed by the other body. They are opposed because they see now in the Senate a $995 billion package which could reach more than $1.2 trillion. Many Americans, certainly now a majority, do not see it as a way to create jobs and to stimulate our economy. They see it loaded down with unnecessary spending programs. They see it, very correctly, with policy changes which deserve extended debate and voting on their own, such as ''Buy American'' provisions, Davis-Bacon, giving Federal workers new whistleblower protections. Some of these policy changes may be laudable, others are not, at least in my view, but all of them deserve debate and discussion rather than being placed in a piece of legislation that is intended to stimulate our economy and create jobs.

I think it is time that we also understand how we got where we are. I have been around this body long enough to recognize that we are now entering the final phase of consideration of this package. Whether it be today or over the weekend or early next week, this bill will be disposed of one way or another by the Senate. So how did we get to where we are today, with a $995 billion package, at least, or $1.2 trillion, or perhaps more than that, with a bill that probably would create, in the view of the administration—and I do not agree with it—3 million jobs, which would mean that each job that is created by it costs the taxpayers $275,000. I do not think many Americans believe that each job created should cost $275,000 of their hard-earned tax dollars.

In fact, the response my office is getting borders on significant anger when we talk about many of the funding programs that are in the stimulus bill. I will go through several of them later on, but $400 million for STD prevention; $40 million to make park services more energy efficient; $75 million for smoking cessation. It is hard to argue that, even though these provisions, many of them, may be worthwhile, they actually create jobs. So we have strayed badly from our original intent of creating a situation in America to reverse the terrible decline and economic ditch in which we find the American economy, to the point we have had spending programs and policy provisions which have nothing to do with stimulating the economy and creating jobs. It may be Government—let me put it this way. It may be legislative activity, possibly, at its worst.

We are offering today an alternative at less than half the cost that we think creates jobs and stimulates the economy. I remind my colleagues, despite the rhetoric about bipartisanship, this bill originated in the House of Representatives, as is constitutionally appropriate. There was no Republican input whatsoever. It passed the other body on a strict party-line basis with the loss of 11 Democrats and came over to this body, where in both the Appropriations and the Finance Committees, almost every Republican amendment was rejected on party lines.

I appreciate very much that the President of the United States came over to address Republican Members of the Senate and Republican Members of the House. The tenor of his remarks I think was excellent. But the fact is, we did not sit down and seriously negotiate between Republican and Democrat. I have been involved in many bipartisan efforts in this body, for many years, that have achieved legislative result. The way you achieve it is not to come over and talk to a body. The answer is to sit down and seriously negotiate and come up with compromises which result in legislation which is good for the country.

That has not happened in this process. Again, the American people are figuring it out. I am confident, because of the way this process has taken place, that gap, which is now 43–37, the majority of the American people opposing this package, will grow.

A majority of the American people still believe we have to stimulate the economy and create jobs. I agree with them. But to spend $1.2 trillion on it, and have no provision for when the economy recovers to put us back on the path of fiscal sanity and stability—as the amendment that I had last night was rejected; we got 44 vote—does not provide the American people with confidence that spending will stop at some time.

One thing they have learned is that spending programs that are initially supposed to be temporary become permanent. They become permanent. That is a historical fact.

So we have initiated nearly $1 trillion—many in new spending, some hundreds of billions of dollars in new spending—with no provision, once the economy has recovered—and the economy will recover in America—this is no path to balancing the budget. Instead, we laid a $700 billion debt on future generations of America in the form of TARP, we are laying $1.2 trillion additional in the form of this bill, and another half a trillion dollars in the omnibus appropriations bill, and then we are told there will be a necessity for another TARP, which could be as much as $1 trillion, because of our declining economy. Yet there has been no provision whatsoever, once the economy recovers, to put us back on a path to balancing the budget and reducing and perhaps eliminating—hopefully eliminating—this debt we have laid on future generations of Americans.

I used to come down to the floor here, and have over the years, and argue against provisions in appropriations bills—which, by the way, has led to corruption. I notice there is another individual staffer who is being charged today, or yesterday, for inappropriate behavior with Mr. Abramoff.

There used to be hundreds of thousands and sometimes thousands. Now, they are in the millions and billions, tens of millions and billions. My how we have grown.

Do we need $1 billion for national security at the Nuclear Security Administration Weapons Activities to create jobs? We may need $1 billion for National Nuclear Security Administration Weapons Activity, but to say it will create jobs and will stimulate the economy is a slender reed.

There is nobody who appreciates more than this person the contribution that Filipino war veterans made to winning the Second World War. We are going to give millions of dollars to those who live in the Philippines. Do not label that as job stimulation.

Smoking cessation is something that we all support. How does $75 million for smoking cessation create jobs within the next years that would justify expenditures of $75 million?

This body, in the name of increasing health care for children, raised taxes by some $61 billion, I guess it is, on tobacco use. So we now hope people will use tobacco in order to pay for insurance for children. But the fact is, $75 million for smoking cessation should be an issue that is brought up separately and on its own. And the list goes on and on and on.

Our proposal—I am grateful for the participation of so many Senators—would allocate approximately $275 billion in tax cuts. It would eliminate the 3.1 percent payroll tax for all employees for 1 year and use general revenues to pay for the Social Security obligation.

It would allocate $60 billion to lower the 10-percent tax bracket to 5 percent for 1 year. It would lower the 15-percent tax bracket to 10 percent for 1 year. It would lower corporate tax brackets from 35 percent to 25 percent for 1 year.

We alarmed the world with the ''Buy American'' provisions which are included in this bill. The reaction has been incredible, and the fact is, jobs flee America for a number of reasons. But one of them is we have the highest business taxes of any nation in the world. We used to have among the lowest.

So if we really want to create jobs in America and attract capital and investment for the United States of America, we need to lower the corporate tax bracket. We need to have accelerated depreciation for capital investments for small businesses. We need to assist Americans in need, there is no doubt about that. There are Americans who are wounded and are hurting today. It is not their fault.

We need to extend the unemployment insurance benefits. That is a $38 billion pricetag. We need to extend food stamps. We need to extend unemployment insurance benefits, make them tax free. That is a $10 billion pricetag. And, of course, we need to provide workers with training and employment. That is a $50 billion cost.

We need to keep families in their homes. We needed, and we did adopt last night, the $15,000 tax credit. But we also need to fund the increase in the fee that servicers receive from continuing a mortgage and avoiding foreclosure. We need to have GSE and FHA conforming loan limits. That is $32 billion. We also, by the way, need to do more in the housing area.

You know, it is interesting in all of these spending proposals we have, there is not one penny for defense, not one penny. Obviously, we are going to have to reset our military. We need to replace the aging equipment that has been used so heavily in Iraq and will be needed in Afghanistan.

We need to improve and repair and modernize the barracks, the facilities and infrastructure that directly support the readiness and training of the Armed Forces. We do not have that in the now $995 billion package that is before us. Obviously, we need to spend money on military construction projects which will create jobs immediately. Those people who say that is not the case, I can provide for the record adequate information that many of our military construction projects could begin more quickly than those that are not on our military bases because of environmental and other concerns.

We need to spend $45 billion on transportation infrastructure. There are grants to States to build and repair roads and bridges, including $10 billion for discretionary transportation grants, and $1 billion for roads on Federal lands. Public transit, obviously, we need to fund, and airport infrastructure improvements are necessary, along with small business loans. That is about $63 billion in our proposal.

Finally, the American people believe, and I think correctly, spending is out of control in our Nation's Capital. We continue to spend and spend and spend. We not only have accumulated over a $10 trillion deficit, this will add another $1 trillion or more. I mentioned the TARP of $700 billion, all of which is being paid for—we are printing money in order to fund it.

At some point we are going to have to get our budget balanced or our children and our grandchildren are going to pay the bill. I recommend that this body hear as much as possible from David Walker, former head of the Government Accountability Office, in the Congress of the United States. He paints a stark picture. In my view, it is also time that we establish entitlement commissions: one for Social Security and one for Medicare-Medicaid and make recommendations so we can act on what is a multi-trillion-dollar deficit in Social Security and over a $40 trillion debt on Medicare and Medicaid.

Unless we address these long-term entitlement issues, there is no way we are going to be able to prevent the majority of Americans' taxes from being devoted to those two programs. So we need to establish those commissions and we need to put them to work and we need to put them to work right away.

Now, I am told there is general agreement. Why not do it now? Why not do it now? We also need better accountability, better transparency, better oversight, and better results. Among many disappointments we have over TARP, one was that we were told the Congress and the American people would have oversight and transparency, and they would know exactly how that initial $350 billion was being spent.

The American people and Members of Congress have been bitterly disappointed as TARP shifted from one priority to another. Funds went to the automotive industry, which none of us had anticipated when we voted for and approved it. We need more transparency and accountability and oversight of how this, probably the biggest single emergency spending package in the history of this country, is being spent.

I notice I have other Members here who wish to speak on this issue. I hope we can pass this alternative, some $421 billion, to what has now surged to over $1 trillion. It probably may not pass for the reasons of numbers, but if we do not sit down and negotiate and come up with a package that is more than a $50- or $60- or $80 billion reduction, when we are talking about $1.2 trillion, the American people will not be well served.

They will not be well served by requiring Davis-Bacon, they will not be well served by requiring ''Buy American,'' they will not be well served by spending their hard-earned dollars on unnecessary programs that even though in the eyes of some may have virtue, have no or very little association with job creation and relief for Americans who are struggling to stay in their homes and either keep their jobs or go out and find a new one.

I believe the United States of America will recover from the economic crisis. I have a fundamental faith, belief, that American workers are the most productive, the most innovative, and the best in the world. But they need some help right now. What they need is the right kind of help.

I urge my colleagues, when you see the money that is being spent in the name of job creation and stimulus that is laying a debt burden on our children and our grandchildren, we need to have serious consideration of this kind of spending because it is not fair, not only to this generation of Americans but to future generations as well.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority whip.

Mr. DURBIN. Mr. President, I would like to respond to the Senator from Arizona, in particular on his amendment, but I also would like to respond in a most general way.

Let's have the right starting point. Barack Obama has been President of the United States for 2 weeks and 2 days. He did not create this economic crisis; he inherited this economic crisis. This economic crisis we face in this country has brought down growth of our gross domestic product, which is the measurement of the value of all goods and services in the United States, to the lowest point of growth in 25 years.

Did Barack Obama create that? No, he inherited that. We know we have lost jobs, dramatic losses of jobs—500,000 in December, 600,000 in January. I do not know where this will end. Did Barack Obama create that situation? No, he inherited that situation.

What led us to this point? Well, there are a litany of things to which you can point. Some of it goes back to the failed policies of the previous administration. When we identified the weakness in the American economy last year, President George W. Bush came to the Democratic Congress and said: I know the solution. It has been the solution all along. It will work again. We need tax cuts. If we can send $300 to every American citizen, the economy will recover. The Democratic Congress accepted George W. Bush's solution for the problem, enacted a program of tax cuts, $150 billion worth of tax cuts, sent the money to families across America, who I am sure appreciated it.

How much did they spend? About 15 percent. They used the remainder of the money to put into savings and to pay off their credit cards. Well, for each family that was a blessing. It was helpful. From the viewpoint of the economy, it did not work. We continued to go downhill.

This notion from the other side of the aisle that tax cuts solve everything has failed. It is part of the failed policies of the previous administration that have brought us to this moment in history.

When President Bush was elected to office, he inherited a surplus in the Federal budget from the Clinton administration, a surplus. And he inherited the accumulated debt of the United States of America from George Washington until George W. of $5 trillion.

What happened to the national debt under the Bush administration's 8 years? It more than doubled. It more than doubled because the President insisted then in sending tax cuts to the wealthiest people in America and in waging a war without paying for it. We dragged ourselves deeply into debt with not only the complicity but the cooperation and with the enthusiastic approval of the other side of the aisle. That is where we are today, with a debt over $10 trillion, with an economy flat on its back, with the failed policies of the last 8 years creating the economic crisis we face today. President Barack Obama, in office for 2 weeks and 2 days, did not create this crisis. But the people of America said last November 4: Do something about the way you are running the Government. Bring real change to this town. Find solutions to our problems and, for goodness' sake, work together. We are tired of all the squabbling on Capitol Hill between Democrats and Republicans. Finally, accept this challenge of setting the economy straight and work together.

President Obama in 2 weeks and 2 days in office went to the Republicans in the House of Representatives asking for their cooperation and their assistance. When this measure of stimulus recovery was called in the House, not one single Republican Representative would join in that effort.

Now it comes to the Senate, where we need 60 votes. We will need several Republicans to step up and hear the lesson from the last election and help us move forward. This is the measure before us. It is voluminous. It costs about $900 billion, a substantial sum of money. But it has been calculated to try to get the economy moving forward, to try to save and create 3 to 4 million jobs in America. It is about the jobs.

Now we have a proposal from Senator MCCAIN to spend less than half. What will that cost us—1.5 to 2 million American jobs. They are prepared on the other side of the aisle to accept what I consider a halfway response to a major American problem.

Then they have their bill of particulars, their objections to this measure, President Obama's recovery plan. I have listened carefully and measured and added up their arguments against these measures. It turns out, if I could do this in a symbolic way, that their measures account for one page of this bill. Listen to the things they list that they find so objectionable. They account in dollar terms to about one page of this bill. Listen to what they have to say. Let's go into some of the particulars we have heard repeatedly. Smoking cessation, $75 million. I happen to believe passionately in this issue, passionately because I lost my father to lung cancer when I was a little boy, passionately because I have fought the tobacco companies as long as I have been in public life, passionately because I know tobacco-related disease is the No. 1 killer in America. I believe in this. I have given my public career to it. But we decided, because of the objection to one page, to remove it.

My message to the Republican side of the aisle is: Read the bill. Smoking cessation programs are no longer in the bill. That is a fact.

Let me also note, Senator MCCAIN said something which is not accurate. I want to call his attention to it, as he is in the Chamber. Senator MCCAIN said there is not one penny for defense in this bill.

Mr. MCCAIN. Will the Senator yield?

Mr. DURBIN. I yield for a question.

Mr. MCCAIN. Mr. President, I was incorrect in that statement. I was only speaking about the reset. We need a lot more. I would like to acknowledge that I was incorrect in that statement.

Mr. DURBIN. I thank the Senator.

Senator MCCAIN suggests $4 billion in defense spending in his amendment. The bill contains $4.5 billion in defense spending already. I acknowledge that we all make mistakes, but we have done well by defense. We can do better, but we have not ignored our national security nor the men and women in uniform in this important stimulus package.

Let me also say, there have been arguments made that we need more oversight in this bill. I don't want to waste a single taxpayer dollar. I want to make sure that money is well spent. I call the attention of Senator MCCAIN and the Republican side of the aisle to page 9 of the bill. On page 9—and those that follow—there is item after item where we are providing additional funds to inspectors general in each of the departments to keep an eye on the spending in this bill.

Let me read what it says:

> In addition to the funds otherwise made available, hereby appropriated are the following sums to the specified offices of inspectors general to remain available until September 30, 2013, for oversight and audit of programs, grants, and projects funded up under this act.

Oversight is important, but oversight is included in this bill.

I heard Senator MCCONNELL. I have heard Senator MCCAIN. They object to the idea of making Government buildings more energy efficient. How shortsighted can they be? If you own a home, is it worth insulating the home, if it costs a little bit of money this year, knowing that it will save you money in heating costs for years to come? Would you put in thermal windows? Would you insulate your home? It is a practical decision made by families every day. When we suggest including money in this bill so that the Government buildings we pay for and the heat and air-conditioning in these buildings we pay for is done in an energy-efficient way, it is ridiculed—in the words of Senator MCCONNELL, ''money to spruce up buildings.'' We are not talking about planting flowers, we are talking about energy efficiency. The notion that that is wasteful? Is it wasteful for your family if you get rid of the incandescent bulbs and buy fluorescents? No. It is smart. We need that kind of approach when it comes to energy.

Then Senator MCCONNELL criticized $70 million, using the money for research in climate change. There is at least one Republican Senator who calls climate change a hoax, but I think only one. Most of us understand something is happening in this world. The climate is changing and not for the better. Global warming is happening, and it changes weather patterns—hurricanes in months of the year when we have never seen them, storms we have never seen before. Should we just ignore this and say: Maybe God will take care of it or do we have an obligation to do something about it? Will it affect our economic future? Of course it will. They ridicule the $70 million in this bill for global warming and climate change. I don't understand that.

Let me also say, Senator MCCAIN has suggested in his bill that there will be $276 billion in tax cuts. I say to him, in the bill we have before us from President Obama, there is $370 billion in tax cuts already. Senator MCCAIN is reducing tax cuts for American families. Does that make it a stronger bill, a better bill for revitalizing the economy? I don't think so.

The bottom line is this: President Obama inherited the worst economic crisis in 75 years. It is the product of many factors, but it also clearly is the product of failed policies of the past. Returning to those policies over and over is the definition of insanity, to do the same thing over and over when it fails. That is what this amendment does. It returns to the same worn, unfortunately, unsuccessful concepts from the past.

What President Obama brings us today is an opportunity to step forward, to work together and do something about this economic crisis. This bill not only provides a helping hand to the unemployed, giving them additional money each week, it provides an opportunity for many of them to have health insurance which they have lost when they lost their jobs. It provides a helping hand for the poorest among us who are struggling to get by in areas such as food stamps. It provides a safety net for the most unfortunate circumstances facing Americans. But it invests in good-paying jobs, too, building roads and bridges and highways, the infrastructure that builds the economy of the 21st century, making certain we invest billions of dollars into health care technology so we can computerize medical records so that we have better outcomes in medical care and so that it is a safer experience for

most Americans. There is more money as well in education. If we don't put money into education, how can we ever believe we are going to have the leaders we need tomorrow? There is more money for 21st-century libraries and laboratories and classrooms. Isn't that what we want for our children and grandchildren? There is money for energy research and energy efficiency so we can lessen our dependence on foreign oil and build this economy with homegrown energy. These are the things included in the Obama plan.

This plan will fail without the help of Republican Senators. At some point, I am hoping that at least a handful of Republican Senators will say: We are willing to step forward and help.

They have 1 page of grievances out of a bill of more than 900 pages. They should remember what one of the patriarchs and saints of the Republican Party, Ronald Reagan, used to say. Ronald Reagan used to say: If I can go into a negotiation and end up with 80 percent of what I wanted, it is a successful negotiation. Now we have Republicans, who say kind words about the Gipper, the former President, saying that 80 percent isn't enough; 99 percent isn't enough. It has to be 100 percent. If we can find one page of grievances in this bill, it is good enough for us to walk away from it.

We cannot walk away from this crisis. We cannot walk away from this challenge. If there was ever a time for us to come together with a solution—not just a debate, bold action instead of tentative action which will accomplish half the job when we need to do the whole job, to bring about real change and reform—this is the day to do it.

I encourage colleagues on the other side of the aisle, please don't let the perfect be the enemy of the good. Let's work together as the American people asked us to on November 4 and do something about this crisis. Let's not leave this effort on the floor of the Senate at the end of the day undone. Too many Americans are counting on us.

I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Montana.

Mr. BAUCUS. Mr. President, in an effort to get some order and move things along, I would like to lock in the order of speakers, continuing our practice of alternating back and forth. I ask unanimous consent that the next speakers recognized be the following Senators in the following order: Senator KYL, Senator SANDERS, Senator THUNE, Senator BAUCUS, then Senator GRAHAM—actually, Senator GRASSLEY.

Mr. GRASSLEY. I am here to speak in favor of the Sanders amendment. I would like to speak right after him for a couple minutes.

Mr. MCCAIN. Mr. President, reserving the right to object, with all due respect to the Senator from Vermont, we should stay on this amendment and have the speakers on this amendment, then move to the Sanders amendment. The pending business is my amendment before the Senate.

Mr. SANDERS. If I may ask the Senator from Arizona, Senator GRASSLEY and I will be pretty brief. I don't think we need more than 10 minutes.

Mr. MCCAIN. I am sorry, but I will object. We are on this amendment, and the regular order of the Senate is this amendment at this time.

Mr. SANDERS. We would like some definitive time.

Mr. BAUCUS. Mr. President, I will withdraw the request, and we will work that out while Senator KYL is speaking.

Mr. MCCAIN. For the information of the Senator from Vermont, we have a number of speakers over here, so I am not prepared to enter into a time agreement on the debate on this amendment at this time.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, if the Chair would please notify me when I have spoken 4 minutes, I will be, in fact, that brief.

The Senator from Illinois quoted the Gipper, Ronald Reagan. That always gets Republicans' ears perked up. When he said: I am always happy to take 80 percent; I don't need 100 percent—Republicans would be happy to take 80 percent. We would be happy to take 50 percent. In fact, probably most of us would be happy to take 30 percent. But so far, virtually every Republican amendment has been defeated.

So when there is talk about the President ushering in an era of good feeling by having us down to the White House and talking to us and listening to us, that is great. We have all commented on our appreciation for the President's efforts. At some point, however, since Republicans do have some good ideas, that has to be translated into some of our ideas being a part of this bill.

I think the American people agree with us. A Gallup poll, a week ago, said 38 percent of the people would pass the bill; 54 percent would either reject it or require major changes in the bill. We are reflecting the mood of the Republic.

According to a Rasmussen survey, a poll from February 4: Support for the stimulus has fallen now to 37 percent; 43 percent oppose. Two weeks ago, 45 percent supported it. Last week, 42 percent supported it. Now it is down to 37 percent, and 43 percent oppose it.

So that is the reason Republicans are standing before this body asking that—because the American people want major changes in it, because a majority now oppose it—we should not have to take 100 percent or even 98 percent of the bill and then be accused of partisanship.

Republicans have good ideas, and one of them is the amendment pending by my colleague from Arizona. Without going through all of the elements, since I am very limited in my time, let me just note one of the most important.

The Democratic Speaker of the House has said over and over, this bill needs to be timely, targeted, and temporary. The Senator from Arizona is focusing on temporary. What he says, very briefly, is, when the economy begins to recover, then all of this spending that otherwise would be permanent should cease. So the amendment he has pending would require that once we have had two consecutive quarters of economic growth greater than 2 percent of inflation-adjusted GDP, then all of the stimulus spending would cease and the unobligated funds would return to the taxpayer. At that point, then we would need to reduce spending to accommodate the huge cost of this legislation.

Now, that is a real test of where we are in this legislation. Is this a question of getting all of this spending we wanted for the last 8 years and we are going to spend out the majority of that spending after the year 2011 or is this truly a stimulus bill that is targeted at getting the economy moving again, and once that happens, then the spending for the future under this legislation ceases?

There are 34 new programs in this bill, new Government programs. There is $180 billion-plus on mandatory—in other words, permanent—spending. That is not temporary. One of the things Senator MCCAIN's amendment stresses is, let's focus on the temporary. Once we begin recovering, then stop spending all of this stimulus money.

Mr. President, there is a reason Republicans want an opportunity to have our amendments debated and, hopefully, accepted, and that is because the American people have told us they want this legislation fixed. That is why I support the amendment of my colleague from Arizona, which will go a long way toward that end.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, later today I will be offering an amendment with Senator GRASSLEY, which I think is an extremely important amendment, which, in fact, deals very fundamentally with the unemployment and job crisis facing this country. There is no debate the American people are furious at what happened on Wall Street, where a small number of executives have acted in an incredibly greedy manner, with extreme recklessness, and perhaps illegal behavior, in plunging our country into a major and very deep recession.

As every American knows, we are losing huge numbers of jobs. What we are trying to do now on the floor of the Senate is do everything we can to prevent this country from falling into a deep depression. In the middle of all of this, in the middle of the greed and recklessness being shown by the major financial institutions of our country,

at a time when the taxpayers of this country are spending $700 billion on a bailout, when the Fed is lending out trillions of dollars, what we see is many of those bankers are providing huge bonuses to themselves. They are furnishing their offices in lavish ways. They are buying jet planes. They are doing all of these things which suggest to me they do not know what world they are living in; they do not know what is going on in America.

I want to point out today, with Senator GRASSLEY, another part of this terribly destructive behavior on the part of these financial institutions. During the last 3 months of 2008, the largest banks in this country—because of the economic downturn especially on Wall Street—have announced 100,000 job cuts within the financial industry itself. So 100,000 Americans are out on the street. What has been the response of Wall Street to the loss of 100,000 of their own workers? Do you know what they have done? What these banks have announced is they are requesting 21,000 foreign workers over the next 6 years through the H–1B program to fill those jobs.

So let me repeat, Wall Street causes a crisis, causing millions of people to lose their jobs, including 100,000 in financial institutions as well, 100,000 people who on average were making quite good wages with decent-paying jobs. So what they are now trying to do is bring in foreign workers through the H–1B program, and they have requested 21,000 H–1B visas over the next 6 years. Talk about adding insult to injury.

The amendment Senator GRASSLEY and I are offering is pretty simple. It is essentially saying there will be a suspension of the H–1B program for any institution that is receiving TARP funds for just 1 year. I would have gone further, but we are just going to make it for 1 year.

Let me finish my remarks by quoting from a recent AP article just published on Monday. This is what the AP writes:

> Even as the economy collapsed last year and many financial workers found themselves unemployed, the dozen U.S. banks now receiving the biggest rescue packages requested visas for tens of thousands of foreign workers to fill high-paying jobs. . . . The major banks, which have received $150 billion in bailout funds, requested visas for more than 21,800 foreign workers over the past six years for senior vice presidents, corporate lawyers, junior investment analysts and human resources specialists.

Presumably Americans are unable to do these jobs.

The article continues:

> The average annual salary for those jobs was $90,721, nearly twice the median income for all American households. During the last three months of 2008, the largest banks that received taxpayer loans announced more than 100,000 layoffs.

The amendment is pretty simple. I hope we will have bipartisan support.

Mr. President, I see Senator GRASSLEY standing, and I would be happy to yield for him.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I support the amendment that has just been described by the Senator from Vermont prohibiting banks which get TARP funds from hiring H–1B guest workers for this year. I support the amendment because these companies should be hiring American workers during these tough economic times, particularly when there are so many qualified Americans on the streets looking for jobs. The American taxpayers who will be footing the bill on the stimulus money would agree with me. Banks that are getting taxpayer funds need to hire qualified Americans first before hiring foreign guest workers.

Many banks participate in the H–1B visa program. Over 6 years, the banking industry has requested visas for over 21,000 foreign guest workers. The purpose of the H–1B visa program is to assist companies in their employment needs where there is not a sufficient American workforce to meet their technology and expertise requirements.

I am very OK with an H–1B program if American companies cannot find enough qualified Americans to do certain jobs that need that particular expertise. Then we need to help those companies with those resources. However, H–1B and other worker visa programs were never intended to replace qualified American workers. We do not want to put Americans at a disadvantage. And now that many qualified, hard-working American bank workers are unemployed, banks that want to hire workers will not have a hard time finding what they need from the American workforce.

I am concerned companies going through layoffs that currently employ H–1B workers will be retaining those guest workers rather than similarly qualified American employees. We hear announcements every day about companies cutting large numbers of jobs. Yet many of these companies continue to advocate for H–1B visas and apply for them.

I am pretty sure these work visa programs were never intended to allow companies going through layoffs to retain foreign guest workers rather than similarly qualified American workers. I think in implementing layoff plans, companies should ensure that American workers have priority in keeping their jobs over foreign guest workers on visa programs. I recently sent a letter to Microsoft asking a series of questions about the makeup of their layoff plan and encouraging the company to ensure that Americans are given priority in job retention.

Our immigration policy is not intended to harm the American workforce. I firmly believe companies going through layoffs that employ H–1B visas have a moral obligation to protect American workers by putting them first during these difficult economic times. So I plan on looking into this issue further and exploring whether legislation is necessary there.

Again, I support the amendment Senator SANDERS and I have put in. The bottom line is, employers should recruit qualified American workers first before hiring foreign guest workers. If banks are going to be getting TARP money from the American taxpayers, then they should be hiring American workers. I want to emphasize, once again, I am not against the H–1B program. I think when we do not have workers in this country, we need to keep it going, but it is how it operates. That is also why Senator——

Mr. SANDERS. Mr. President, will the Senator yield for one moment?

Mr. GRASSLEY. After one sentence. That is why I also support Senator DURBIN and I working together on a reform of the H–1B program.

Mr. President, I will yield the floor for a question or whatever the Senator might want.

Mr. SANDERS. Mr. President, I ask unanimous consent that when the debate has concluded on the McCain amendment I be allowed to set aside the McCain amendment so I can call up the Sanders-Grassley amendment No. 306.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Mr. President, I feel constrained to object because there was an understanding, an agreement, that the Ensign amendment would be the amendment that would come up after the McCain amendment.

Mr. SANDERS. Can we come up after the Ensign amendment?

Mr. BAUCUS. I say to the Senator, let me work this out with you privately. I will find a way to accommodate the Senator.

Mr. SANDERS. I yield the floor.

The PRESIDING OFFICER. Objection is heard.

The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, I rise in support of the McCain amendment. Before I speak a little bit to the amendment itself, I want to remind my colleagues why this debate is so important and why the McCain amendment is so important to this debate.

Again, we are talking about a $1 trillion bill—$800 billion, up now into $900 billion. When you add in interest, it is $1.2 trillion and change. It seems as if every amendment that has been offered—we have had a lot of Republican amendments that have attempted to cut out some of the wasteful spending, eliminate some of what I think is probably most egregious about the bill, none of which has been accepted, ironically. Ironically, the only amendments that have been accepted so far have not decreased the size of the bill. They have added to the size of the bill. This bill has gotten bigger.

I remind my colleagues—and I think it is important for the American people to tune in because we throw numbers around here in Washington in an abstract way: millions, billions, trillions of dollars—exactly what the dimensions are of what we are talking about.

A trillion dollars: If you took one-hundred-dollar bills and lined them end to end, you could literally go around the Equator almost 39 times; 969,000 miles of one-hundred-dollar bills lined end to end, going around the entire Earth right at the Equator almost 39 times. That is what we are talking about when we talk about the dimensions of $1 trillion. I might also add that if we look at where this is coming from, we are borrowing. Let's be honest with the American people. We are borrowing this money from future generations. A lot has been said on the floor about who is going to get hurt if we don't do this, and I agree there are a lot of people hurting. Unemployment is high. Frankly, let's think about the people who are going to be hurting the most, and that is the next generation of Americans who are going to inherit this enormous debt we are passing on to them.

To put it into perspective, between the Revolutionary War and Jimmy Carter's Presidency, the United States of America borrowed $800 billion. From the entire time of the Revolutionary War to the Carter Presidency, there was $800 billion worth of borrowing. We are borrowing more than $800 billion for this one piece of legislation, not to mention what comes next. We know we have a $1 trillion catchall spending bill coming at us which is the first time that the discretionary appropriations bill is going to exceed $1 trillion. We know we are going to have a request for additional moneys coming from Secretary Geithner to stabilize the financial markets to the tune of several hundred billion dollars. We know there is going to be a supplemental spending bill request for the ongoing conflicts in Iraq and Afghanistan. Ironically, according to CBO, the bill that was passed previously on SCHIP actually leads to $41 billion of deficit spending.

So all this spending we are doing, all this borrowing we are doing is being passed on to the next generation, and they are the people who are going to feel the brunt and the impact and hurt the most if we don't do the responsible thing here today.

I think it is important that this particular amendment Senator MCCAIN has put forward and a number of us are cosponsoring be heard and fair consideration be given because I think there are several things about it that differentiate and distinguish it from the bill we are debating, the Democratic proposal that is on the floor.

One of the most important distinctions—and Senator MCCAIN already mentioned it—is it comes in at less than half the cost: $421 billion. So we are talking about borrowing over $800 billion—all the time from the Revolutionary War to the Carter Presidency is the equivalent of what we are doing here—versus a much smaller approach and, in my view, much more fiscally responsible approach and, frankly, much more targeted. Because the criteria that has been laid out at the beginning of this debate for what makes sense in terms of a stimulus is it should be targeted, temporary, and timely. What we have before us is none of the above. It is slow, it is unfocused, and it is unending. Mr. President, $140 billion of this bill is going to be very difficult to shut off because it adds to the baseline as a lot of mandatory spending is included.

I wish to also show my colleagues what the President's chief economic adviser, Larry Summers, said. He said this in the Financial Times on January 6 of this year: ''Poorly provided fiscal stimulus can have worse side effects than the disease that is to be cured.''

Now, we have all talked about what is in this bill, and all the spending in it, including the $600 million for cars for Federal employees, the money that goes into the seven-point-whatever-billion-dollars it is here that goes into Federal buildings—all good things. Senator MCCAIN talked about smoking cessation. That is something we all support and believe in. But that ought to be handled in regular order. Those are not stimulus. Those are things that do nothing to contribute in the short term to creating jobs and helping get our economy back on track. In fact, the CBO said that 12 percent of the total amount in the bill we have before us would be spent in this year—2009—and less than half in 2009 and 2010, so much of what we are talking about is going to be pushed off into the future when it is not going to do anything to stimulate the economy.

It does create some jobs—most of them are jobs here in Washington, DC—at great cost. For example, there are some jobs created at the State Department. The average cost per job created at the State Department according to this is over $1 million. On average, you take $900 billion and you divide it by about 3 million jobs, which is the estimate of what this would create, and we are talking about $300,000 per job.

Now, I might add that the average annual salary in my State of South Dakota is under $30,000. Imagine how difficult it is to explain to my constituents that we are going to borrow $1 trillion from their children and grandchildren to create jobs at a cost of $300,000 per job. That is an awfully difficult sell, particularly when they look at how a lot of this money is spent. We have some requests from mayors and city officials around the country, and these are all good things. I am not downplaying at all the importance of many of these projects, but there are requests here for 42 swimming pools, water slides, golf courses, all sorts of things that you can't argue we ought to be borrowing $1 trillion from our children and grandchildren to fund and to support. So it is important we have something we can be for and that does, in fact, create jobs; that does, in fact, add to the economic recovery, and that is fiscally responsible.

I wish to point out, as Senator MCCAIN mentioned in his opening remarks, some of the things that are in his bill. It is appropriately focused on housing because we believe—and I think rightly so—that housing got us into this recession and housing is going to lead us out of this recession. It is focused on getting dollars into the hands of the American taxpayers. The debate about whether you want to have government spend the money or the American people spend the money is a very simple one. I happen to believe if you allow the American people to spend the money, you get a much better return. When we get money back into the hands of Americans, they will help grow the economy. Two-thirds of our gross domestic product is in the form of consumer spending. You provide incentives for small businesses which create two-thirds or three-fourths of the jobs in our economy and that helps get the economy back on track. That is in this bill.

Reducing marginal income tax rates from 15 down to 10, 10 down to 5, cutting the payroll tax in half for a year for employees gets money back into the hands of the American people so they can go out and help stimulate the economy and create jobs.

It also, as was noted earlier, makes some changes with regard to the underlying bill where defense is concerned. We have some very serious needs. Senator MCCAIN mentioned this in his remarks and he talked about the defense spending in his bill. There is some, frankly, defense money in the Democratic proposal—about $10 billion—mostly for military construction projects, but there is no money for reset. We have serious needs out there. Senator MCCAIN's amendment adds $7 billion for reset, to repair military equipment and replace direct battle losses, including $6.5 billion for the Army, $600 million for the Marines, $62 million for the Navy, and $83 million for the Air Force, which adds money for direct repair of military infrastructure and facilities. These are things that need to be done and can be done quickly that will put money to good use, that do create jobs and serve an important national purpose.

Now, the other thing his bill does is it puts money in for infrastructure. Infrastructure arguably is something that does create jobs out there, if they are shovel-ready projects that you can actually get going quickly. I think that is a good use in a reasonable way, not adding all kinds of projects that you are not going to do for many years to come. But if you are getting money out there that actually can help fund projects that can get done in the short term, that is a good thing.

Unfortunately, much of the money in the Democratic proposal, as I said earlier, isn't going to get spent out for years. I offered an amendment last night not to fund new programs, assuming it was going to take new programs a long time to get implemented and up and running. That amendment was defeated. The point of all this is to

do things that in the short term create jobs. So there is $45 billion in the McCain proposal for infrastructure.

The other thing I will say, which I think is critical—critical—in this debate, because I said earlier that if we don't put some restraints or some safeguards in here, this is going to get—the spending is going to go on forever. Senator MCCAIN's proposal includes a hard trigger so that when we recognize two consecutive quarters of economic growth, positive GDP, this funding terminates. It is a fiscally responsible approach. He offered a freestanding amendment last night that received 44 votes. I haven't seen any evidence in this Chamber yet that anybody here is serious about adding any measure of fiscal responsibility or sanity to spending $1 trillion of our children's and grandchildren's money.

I think it is important that this amendment get a vote. I urge my colleagues on both sides to support this amendment, to try and do something that is fiscally responsible, that reduces the overall size of this, that addresses substantively the things in the bill—the shortcomings in the Democratic proposal—and do some things that actually will help stimulate the economy and create jobs. Senator MCCAIN's proposal represents a much better direction in which to head. It costs a lot less, it does a lot more, so I hope my colleagues will be able to support it.

One of my colleagues on the Democratic side got up a little earlier and said, Well, if it costs a little bit of money this year to do this or that, there isn't anything in this bill that costs a little bit of money. Everything in this bill costs a lot of money, and the people who are going to get hurt the most are the next generation who are going to be handed the bill.

I hope my colleagues will, in fact, support the McCain amendment, and I yield the floor.

Mr. REED. Mr. President, I rise in support of the bill that is before us, the American Recovery and Reinvestment Act. It is designed to save jobs, create jobs, and restore a sense of confidence and hope to the people of this country.

We have seen extraordinary deterioration of the economy in this country. This morning, job figures released revealed an additional—over 600,000 jobless claims. In the last two months, we have lost 500,000 jobs in each of the two preceding months. We have to act decisively, dramatically, and with a scale that will have an effect on the overall economy. That is I think inherent in the proposal President Obama has sent us.

I salute Senator INOUYE, the Appropriations Committee chair, and the subcommittee chairmen and Chairman BAUCUS for their work in bringing this bill to the floor. We have to not only revitalize our economy but restore hope to the American people.

President Obama has set out a very ambitious goal. He wants to weatherize 2 million homes. It is not only to put people to work in America with the skills of craftsmen and craftswomen, but in the future it is going to save us money. So this is not only an immediate response to a problem, but it is a long-term increase in our productivity and our ability to be competitive in a very difficult world economy.

I have also introduced an amendment which I will not call up, but it would increase the weatherization funds and the LIHEAP funds and other funds, but I hope in conference we can raise those totals.

We need these investments. This is the most perilous economic situation a President has ever faced since the 1930s. This is the inheritance of 8 years of poor policy. This is the inheritance of a huge increase in our national debt in the last 8 years. Under President Bush we have seen our national debt explode. That is the legacy that is facing the next generation of Americans today, and unless we revive this economy, this situation will deteriorate, it will not stabilize, and it will not grow. That is our challenge. It is a more difficult challenge today than it has been at any time in the last several decades.

This is not a cyclical downturn. This is not an imbalance of supply and demand. This is not a situation where it will work itself out. We have to take decisive action, and that is a big part of President Obama's plan. Our crisis today has its roots in the last 8 years of mismanagement: an economic doctrine of tax cuts funded by deficit spending, skewed toward the rich, not toward working Americans; inadequate supervision of our financial markets; a lack of adequate risk assessment by financial institutions throughout not only the United States but the world; and the very difficult and costly and unfunded war in Iraq and operations in Afghanistan.

We have to focus our attention on the present, but it is important to understand how we got here. President Bush inherited a $236 billion Federal budget surplus. His first order of business was to cut taxes which benefitted proportionately the wealthiest Americans, enacting three major tax cuts between 2001 and 2003. These tax cuts added to the national deficit, reduced our capacity to make much needed investments in infrastructure, education, and health care, and exacerbated income inequality. The median family income actually fell $2,000 between the year 2000 and the year 2007. Families lost $2,000 of their income, despite strong productivity and growth. Americans were working harder, being more innovative, more creative, and yet average families were losing income.

In terms of jobs creation, the 2003 tax cut actually reduced job growth below the estimates the President was using to justify his tax proposals. As the wealthy thrived and corporate earnings skyrocketed, capital investments did not keep pace. Instead, many corporations decided to dole out handsome salaries and use their profits to buy back stock in pursuit of short-term boosts to share prices. This made the options these executives enjoyed that much more valuable.

Corporate profits grew by 66 percent between 2000 to 2006, despite the fact that annual national investment in nonresidential structures—largely commercial structures such as factories and office buildings—fell by $130 billion or more than 30 percent. Overall investment in buildings, equipment, and software grew by less than 6 percent.

Not only is there a fiscal deficit, there has been an investment deficit in the United States in the last 8 years.

Over the past year, we have witnessed the long-term consequences of these failed economic policies. Since the start of the recession, in December 2007, the number of unemployed individuals has grown by 3.6 million, and the national unemployment rate has risen to 7.2 percent.

In Rhode Island, it is particularly difficult. We have an unemployment rate of 10 percent, second only to Michigan. We have lost a huge number of jobs. In fact, we have also seen a complementary increase in foreclosures; as people lose their jobs, their ability to pay their mortgages declines.

The lack of oversight in the financial markets in many ways fueled the subprime mortgage crisis and led to the failings of Wall Street. We saw rating agencies deficient and negligent in judgment and lacking independence, which in turn led to a poor assessment of bond rating risk. Investment banks took advantage of this system reaping windfall profits through the creation of complex financial instruments, such as collateralized debt obligations, which hid underlying risk. All of this financial engineering did not provide opportunities and hope for working Americans.

Throughout this process, where were the principal regulatory agencies, such as the Securities and Exchange Commission? Simply put, they were asleep at the wheel.

The environment of lax oversight and poor lending practices created a bubble in housing prices. The collapse of that bubble resulted in home loan defaults and falling housing values. The companies that owned these assets saw their value plummet. All of this is contributing to the dilemma and the crisis we see today. We are in a very dangerous situation, with weak housing markets, stagnant wages, impaired consumer spending, which leads to further erosion of housing prices and further erosion of the economy. It is a vicious cycle and we have to break that cycle. We have to do it with this legislation.

We have seen a situation where Americans have to put off essential and important purchases, such as medicine, and they may have to defer education for their children. They have to make these very difficult choices. We have to make difficult choices. Spending on durable items, such as cars, appliances,

and furniture has plunged at a rate of 22.4 percent last quarter.

We have to get the economy moving again. We are in a situation where this is not only our problem, it is an international problem. The global economy is in uncharted waters. According to the IMF, in 2009, economic growth across the world will fall to 0.5 percent from 3.4 percent in 2008—the lowest rate since World War II. It is a worldwide phenomenon.

In response, we have to act quickly and decisively to pass this legislation. It is estimated that with the plan President Obama has suggested, we can provide 13,000 additional jobs in Rhode Island. That will be good news.

With banks failing, automakers on the verge of bankruptcy, and pervasive unemployment, the American people are rightfully asking us to respond, and do so quickly and decisively. We have to also recognize that this action is integrally related to the financial markets, the banking system, the financial system, and without increased consumer demand and increased consumer confidence they will fall further and require additional help. In order to provide support to financial institutions, in addition to the TARP funds, we have to pass this legislation to get people back into the marketplace. We also have to recognize that as we get the economy moving, we have to modernize our regulatory system. Our regulators need to have the tools and resources to get the job done. We have seen the problems with the unregulated hedge funds, private equity concerns, and the lack of enforcement by the Securities and Exchange Commission. That has to be changed. The American people will not tolerate business as usual. The first act is to get our economy moving forward. This legislation proposed by the President will begin to do that.

The Congressional Budget Office estimates that 78 percent of the funding in this bill could be spent in the next 18 months. This is timely; it is responsive.

According to JPMorgan Chase economist Michael Feroli, the Recovery Act would add about 4 percentage points to the second and third quarter GDP growth. He recognizes that a lot of infrastructure projects we are proposing will take some months to get off the ground. The first major input will be the tax breaks, transfer payments, and State and local government aid. We will see a growth in terms of the GDP. We will also see the effect of this program taking hold in our economy. It is necessary to pursue this approach.

This bill gets the most ''bang for the buck,'' with funding to modernize unemployment insurance, increase unemployment insurance benefits, and extend the existing Federal unemployment insurance extensions on the books to cover those recently laid off. It will provide immediate help to unemployed Americans and provide an immediate boost to consumer spending.

Tax cuts comprise about one-third of this legislation. But unlike the Bush tax cuts, this legislation provides targeted relief to 95 percent of working Americans. An estimated 470,000 Rhode Islanders alone would receive tax relief. This is all extremely important.

We also are going to make improvements to a whole range of infrastructure—roads, bridges, highways, public housing. All of these programs will receive additional attention. We are going to bolster State and local governments, because if we don't provide them additional resources, they will begin to cut back vital programs and it will be contradicting what we are trying to do at the Federal level. If they cut back, that won't help us move the economy forward. This assistance to State and local governments is important.

Rhode Island is prepared to receive, under this legislation, $220 million to help local school systems and communities pay for critical services, $46 million to improve local drinking water and sewer systems, and $132 million for road and bridge repairs. Right now, regarding the major interstate highways through Rhode Island all tractor-trailers are required to detour, get off the road, and drive miles out of the way through local streets and then get back on the highway; and at the same time it is required that the State provide State police officers in both directions 24 hours a day to ensure that they do that. That is inefficient. That is a waste of resources. If we can fix those roads and bridges, we can provide for a more efficient use of our highways and put the money more appropriately to generate jobs and productivity. That is one example.

Also, there is going to be strict accountability and transparency in this proposal. Part of this legislation will provide for hiring additional auditors to track where the funds are going. There will be public acknowledgment of what projects are funded and the process of the projects.

This legislation is absolutely essential. We have to do it. We have to move decisively, quickly, and I hope we can do that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, while we are debating this trillion dollar bill, we need to keep our eye on the ball. We have a preliminary study that I have referred to a couple times in previous debates by the Congressional Budget Office, which shows that jobs created by the economic stimulus legislation being debated in the Senate would cost the taxpayers between $100,000 and $300,000 apiece.

These numbers should be contrasted to those under the January baseline of the Congressional Budget Office, in which there is no stimulus, that shows that the gross domestic product per worker is about $100,000. In other words, without the bill, the new analysis indicates that the cost of each stimulus job to be as much as three times more than jobs created without the stimulus bill.

There has been a lot of talk about getting the most ''bang for the buck,'' but there is no talk about actually making sure it happens so that Americans get the help they need. Before Congress spends another trillion dollars, we ought to make sure we are getting our money's worth. I will reiterate a caution that I gave the other day. Before this bill passes the Senate, we ought to have the full analysis of the Congressional Budget Office that they said would take a few days to get done. We need to know what these jobs are going to cost so we get our money's worth. We are the caretakers of the taxpayers' dollars—tossing money at a program, when you figure that our gross domestic product would produce about $100,000 per worker—and we have in this bill these jobs costing up to $300,000 apiece.

I yield the floor.

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

Mr. BURR. Mr. President, I rise today to enthusiastically support the bill of my good friend and colleague Senator JOHN MCCAIN. Let me address one thing that was said. My good friend Senator JACK REED said we are in this deficit problem because of the way George Bush spent money. I happened to look back at the last two Congresses. There was not an appropriation bill that Senator REED voted against.

The President cannot spend money; only the Congress can spend money. That is one of the reasons we are here today having alternatives presented; it is because Congress is in charge of the purse. There are objections and disagreements and different ways of looking at everything. I think most Members want to look at this legislation called a ''stimulus''—I call it a ''spending'' bill—and try to get it back to something that is targeted, timely and, more important, temporary. That is what Senator MCCAIN's substitute proposal does.

As a matter of fact, the differences we have today are over economic recovery. The question that Americans should ask is: Is economic recovery the result of how much Congress spends or is economic recovery about how targeted our spending is and how we use those dollars to leverage job creation and investments in job creation? I believe it is the latter. I believe we have to encourage investment.

Senator THUNE did a great job of talking about the trillion dollar-plus on this bill—$900 billion plus in spending, at a very crucial time, plus interest, comes to about $1.2 trillion. I point out to my colleagues that several weeks ago, we appropriated $350 billion to the TARP. This week, I am convinced that this Senate and this Congress will hand to the President that $1.2 trillion spending bill. It is my understanding that appropriators plan to

come to the floor in the next couple weeks with an omnibus spending bill of a trillion dollars. It is also my understanding that the Secretary of the Treasury will suggest to the President that the administration come back to the Congress in the very near future to ask for at least a half trillion dollars in additional TARP money, meaning that over a 60-day period this Congress could spend almost $3 trillion.

Let me put that in perspective. If you extrapolate that almost $300 billion is the interest on this bill alone, that means that the commitment, the obligation, the debt to the next generation that we will do in this Congress over the next 60 days is almost a trillion dollars in interest. Ask yourself, can your children retire that debt over their lifetime, much less pay back the money we have spent?

It is clear that the McCain proposal will fail. I hate to start a debate with an admission that that is going to happen. But when one of the key elements of this bill is rejected, with only 44 members supporting it, I think the die is pretty well cast.

What was that key point of the McCain proposal? It simply said this: After two quarters of positive growth over 2 percent, adjusted for inflation against GDP, that an amazing thing would happen in Washington: we would stop spending money. If for some reason we still had money left out of the $1.2 trillion commitment, it would stop; that there is no longer a reason to fuel growth if, in fact, we have growth that is happening and that we would do a rescission on the rest of the money. In other words, we would pull back the commitment we made, and we would reserve that money for reduction of our debt.

In addition to that, he said we will automatically go in and make sure that every new program that was created, 30-plus programs, were no longer there, they would be eliminated. For the people who follow inside-the-park way we do things in Washington, we would go to the baseline of spending and we would take all of that new spending out of the baseline so we did not automatically start next year's appropriations at a higher point, reflective of what is supposed to be targeted, timely, and temporary. It did not pass.

More Members said: We understand we said we want it targeted, timely, and temporary, but we really didn't mean it on the temporary part; we want to expand permanently the size of spending for the Federal Government. When we do that in a deficit situation, we have compound interest. Just as many of us as we grew up understood and learned, compound interest was something we gained on deposits. This is compound expenses, obligations to future generations.

What Senator MCCAIN's substitute does is it focuses how much we spend and where we spend it.

We have been criticized because Senator MCCAIN's substitute proposal only spends a little over $400 billion. You have to ask yourself: Who came up with $900 billion? I haven't heard an economist saying: If you spend $900 billion, you will solve the economic crisis in America. This is a number that has been pulled out of the sky. It was constructed based on where people wanted to spend money.

I compliment the chairman because last night he accepted—this body accepted by voice vote an amendment in Senator MCCAIN's substitute which jump-starts housing again, and this bill was deficient on jump-starting housing. I think this is a good amendment they accepted. It is part of the core of the McCain substitute.

Part of the core of the McCain substitute, though, is also making sure we leave money in the pockets of the American people—$275 billion that has been proven over time to stimulate growth, to go into the economy, not targeted at rich people. We have had that debate way too much. It is targeted at individuals by eliminating the payroll tax for 1 year going away. It is targeted at people at the 15-percent tax rate going to 10 and the people at the 10-percent tax rate going to 5. It is targeted at the individuals who have an income, who are likely to spend.

I agree with my colleagues on both sides of the aisle. What we have to do, in addition to stabilizing the financial markets, is get us participating in the U.S. economy again. This alternative proposal is targeted to leave that $275 billion in the pockets of the American people. It is targeted to put $50 billion into programs that help those who have been most affected by job loss, by the need to feed their families. It has targeted $32 billion to restart this housing market, and it has targeted $64 billion in a combination of infrastructure in communities across this country and our military installations and the reset of programs that are absolutely vital.

Let me end where I started by saying that the single most important thing the McCain substitute does is it has a 3-year sunset. It says that in 3 years, everything goes away. If, in fact, this bill accomplishes what its author says it will, then we will not wait 3 years, if you accept this spending proposal, because after two consecutive quarters of economic growth, everything would stop.

I believe the American people deserve sunsets such as this. They deserve triggers in bills that say once we accomplish what we set out to accomplish and we all agree we need, let's stop it there. Let's not just consider because we authorized it to be spent that we are going to continue to open the spigot and the next generation suffers. We will not be here. I don't think there is a parent in America or a grandparent in America who is not willing to make sure the next generation and the next generation and the next generation has as good an opportunity as we had.

I am going to tell you, Mr. President, over the next 60 days, we will spend, we will appropriate, we will authorize over $3 trillion. If we look at the portraits that are around the Senate and the Capitol, our forefathers would be turning in their graves today if they could. They did not even envision what a trillion dollars was, much less that Congress would talk about spending over $1 trillion in one bill or $3 trillion in 60 days, almost a trillion dollars' worth of interest obligation to the next generation. But we are doing it like routine business. We are going to rush through this in less than a week.

I remember when there was an energy bill in the Senate. We spent 3 weeks, not stalling but debating different types of solutions to the problem. That is what we are doing today, offering substitutes, offering amendments. But the die is cast. They are not going to be accepted. As NANCY PELOSI, the Speaker of the House, said, and I think her remarks are embraced over here: We won; therefore, we have a right to do it exactly like we want to do it.

It is time for bipartisanship. It is a time for compromise. Compromise is not ''take ours and not have yours heard.'' Compromise is also not ''you can offer all of yours, and we will just routinely object to them, vote them down.'' Who loses then? It is not me. It is not the minority. It is the American people. This is a debate that is worth having. It is a debate for the American people and for the next generation. So understand, if changes are not made, it is not that the minority lost, it is that the American people lost. What we are trying to do is targeted, it is temporary, and it hopefully is timely.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following speakers be recognized in the following order, honoring our time-honored tradition of going back and forth: first, the chairman of the Appropriations Committee, Senator INOUYE; second, Senator GRAHAM; third, myself; fourth, Senator ALEXANDER; fifth, Senator SCHUMER; next is Senator COBURN; next is Senator CANTWELL; next is Senator INHOFE; followed by a Democratic Senator; followed by Senator HUTCHISON from Texas.

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

The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, in the presentation of the bill before us, the Senator from Arizona singled out one group—Filipino war veterans—and suggested that these were men from foreign countries and that we are providing funds for them. If I may, I would like to spend a few moments discussing this matter.

On January 26, 1941, the President of the United States, Mr. Roosevelt, issued a military order through General MacArthur calling upon Filipinos to volunteer to serve in the Army, to

serve in the Navy, to serve in the Air Force, because the President sensed, correctly, that there was much instability and much violence in Asia. He felt the time had come for the United States to be prepared for any eventuality. As a result of that call, 470,000 Filipinos stepped forward and volunteered to serve in the military, under the command of General MacArthur.

As we all know, on December 7, 1941, war came to our shores, to my State of Hawaii. Pearl Harbor was bombed, and then the forces of Japan began advancing toward the Philippines. The first major target was the Bataan Peninsula. The 14th Japanese Army surrounded the peninsula. That peninsula contained at that moment 80,000 troops. We all assumed that the 80,000 were American troops. No. About 18,000 were American troops; the rest were Filipinos. Yes, the majority of the troops in Bataan were Filipinos, but somehow, if you look at Hollywood on the Bataan death march, you hardly see a Filipino marching. Of the survivors of the Bataan, 15,000 were Americans, 60,000 were Filipinos. The march took a little over a month. They were not given medicine or water. By the time it ended, 54,000 survived. Very few Filipinos survived.

Then we had Corregidor. The same thing.

So in March 1942, the Congress of the United States—the Senate and the House—passed a measure thanking the Filipinos for their gallantry, for their heroism, and said: If you wish, you may become a citizen of the United States and get all the benefits of a U.S. veteran.

The war ended, and in February of 1946, this Congress passed a bill rescinding, repealing that act of 1942. Believe it or not, it declared that the service the Filipinos had rendered was not Active Duty. I don't know what it meant by that. It was not Active service.

The Filipinos have been waiting all this time. We have had measure after measure presented. We did so in the proper fashion, and we got filibustered, we got ruled out, and everything else.

At this moment, out of the 470,000 who volunteered, 18,000 are still alive—18,000. The average age is 90. At this moment, while I am speaking, hundreds lie in hospitals on their death beds. And I am certain, while I am speaking, some are dying. Two weeks from now, we will have 17,000 surviving.

I agree with the Senator from Arizona. This is not a stimulus proposal. It does not create jobs. But the honor of the United States is what is involved.

It is about time we close this dark chapter. I love America. I love serving America. I am proud of this country, but this is a black chapter. It has to be cleansed, and I hope my colleagues will join me in finally recognizing that these men served us well. They died for us. They got wounded for us. And they deserve recognition.

Incidentally, this bill doesn't contain a penny for the Filipinos. It recognizes them. And we will provide the money later.

I yield the floor.

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

Mr. GRAHAM. I thank the Chair.

Mr. MCCAIN. Will the Senator yield for a question?

Mr. GRAHAM. Absolutely.

Mr. MCCAIN. Is the Senator aware of my strong support for the compensation that our great Filipino allies in World War II rendered to this Nation and to the country?

Mr. GRAHAM. Yes.

Mr. MCCAIN. And is it also clear that there are many wrongs that need to be righted through funding, including our own veterans, including hospitals, including medical care, including PTSD?

Mr. GRAHAM. A long list.

Mr. MCCAIN. So does the Senator believe that compensation for that which is not under the label of stimulus to our economy and restoring our economy or creating jobs is not what is needed to be addressed in this bill?

Mr. GRAHAM. I could not agree with the Senator from Arizona more.

Mr. MCCAIN. So could I finally ask the Senator, is there any question of anybody's patriotism or love of country or the outstanding and magnificent service rendered in World War II by our brave Filipino allies?

Mr. GRAHAM. No.

Mr. MCCAIN. I thank the Senator for answering my questions.

Mr. GRAHAM. Now, Mr. President, if I may ask the Chair to let me know when I have used 15 minutes.

The PRESIDING OFFICER. The Chair will do so.

Mr. GRAHAM. Mr. President, this is one of the most important decisions the Congress is going to make and that the new administration is going to make in the first 4 years of the Obama administration and the Democratic-controlled Congress.

My good friend Senator DURBIN, from Illinois, whom I look forward to working with in solving hard problems, came to the floor and said some things to which I would like to respond. Knowing that we are going to get this behind us one day and go on to other hard subjects, such as Social Security and Guantanamo Bay, and try to find some bipartisanship there, I would say that to talk about inheriting Bush's problems is relevant to a certain extent. But this is America's problem. And you can blame George Bush all you want, but he didn't write this bill. You all did. This is your bill, and it needs to be America's bill.

Now, you may get three or four Republicans to vote with you, but let me tell you what the country is going to inherit if we pass this bill in terms of substance and process. We are going to lose the ability as Members of Congress to go to the public and ask for more money—let us borrow more of your money to fix housing—because this bill stinks. The process that has led to this bill stinks.

The House did not get one Republican vote. Maybe every Republican is just crazy, but I don't think so. I think there are some Republicans in the House who understand we need a stimulus package and believe we have to do more than cut taxes. I believe we have to do more than cut taxes. But the reason you didn't get a Republican vote in the House is because NANCY PELOSI's attitude is: We won, we write the bill. Well, let me tell you, this ain't about one party winning, this is about America. And America needs the Congress and the new President to be smart and work together. We are not being smart. We are spending money on things that have nothing to do with creating a job in the near term, and the spending will go on long after this economic crisis is solved. It is not smart to say no to an amendment that would stop the spending when the economy gets back on its feet.

I want the American people to know there was an amendment offered yesterday that said when the economy starts to grow again—2 percent over inflation for two quarters in a row—we are going to stop any spending that is left to be done in this bill and reevaluate where we go. If we don't have a trigger or some brakes, we will keep spending the money no matter what the economy is doing because there are some people in this body who cannot spend enough. Now, if you feel Republicans spent too much of your money, guilty as charged. But this is not the solution. This makes us look like misers.

America believes—75 percent of the American people—that we need a stimulus. Almost 60 percent of the people believe this bill needs to be changed. Count me in that group. We need to be smart and we need to work together. We are doing neither. We are not working together.

There are 16 of my colleagues in a room somewhere in the Capitol—5 Republicans and the rest Democrats—trying to find a compromise. God bless them, but that is not the way you spend $800 billion. You don't get 16 people in a room trying to find a compromise to get to 60 votes and say that is good government.

Ronald Reagan had a saying: If I get 80 percent of what I want, then I should be satisfied.

LINDSEY GRAHAM is an 80 percent guy. I hope you believe that because I have tried to show you that I am an 80 percent guy, when you negotiate. There is no negotiation going on here. Nobody is negotiating. We are making it up as we go. The polling numbers are scaring the hell out of everybody and they are in a panic. They are running from one corner of the Capitol to the other trying to cobble votes together to lower the cost of the bill in order to say we solved the problem.

This is not the way to spend $1 trillion. This will come back to bite everybody in this body because when we go

to the public and say: We need money to get rid of toxic assets that are clogging up the banking system, they are going to say: Why should I give you a penny more; look what happened with TARP and look what happened in this monstrosity of a bill. And I think, quite frankly, we are going to need to go back.

But this $800 billion, $900 billion process has done little for housing and nothing for banking. So we are destroying the one thing I hoped we could regain: credibility, confidence, and trust.

As to President Obama—nice man, great potential—he really has a big plate of problems. And I wanted to help him. I want him to succeed, where we can find common ground to make America succeed. I am begging him to get involved. Doing news shows and coming to lunch is not what Ronald Reagan and Tip O'Neill did to solve the Social Security problem. I know we have to act urgently, but I also know the public is not going to let us do this over and over and over.

We need a timeout—not months; days, hopefully; not weeks—where we can get in a room, and not with 16 people but with the leadership of the House, the Senate, Republicans and Democrats, and the White House, to find a way to spend less and do more because this will not be the end of the spending required to get this economy back on its feet.

There is so much in this bill—not 1 percent. There is $75 billion in this bill earmarked to the States that has no strings attached, and what has that to do with stimulating the economy? I know my State has a budget shortfall, but if we are going to take a bankrupt Congress and borrow money to give to States and take care of their economic problems, that is one politician helping another with their political problems, but it is not creating a job for you and your family.

We are not being smart, we are not working together, we are making this up as we go, and we are losing the good will and the trust of the American people.

Mr. DURBIN. Will the Senator yield for a question?

Mr. GRAHAM. Yes.

Mr. DURBIN. I wish to call to the Senator's attention two amendments that have been adopted, both of them initiated by Republican Senators and both of them now in the bill, the first by Senator GRASSLEY and Senator MENENDEZ in committee that added about $70 billion in cost to the bill—the alternative minimum tax relief. It is something we both support, but it clearly was an effort to engage Republican Senators in changing the bill in a positive way. The second amendment adopted yesterday was by Senator ISAKSON of Georgia relative to a tax credit for home purchases, and I believe the cost of that is $19 billion. Those two amendments account for $89 billion out of the $900 billion in the bill. So about 10 percent of the bill comes from Republican amendments.

To suggest that we are not open to amendments from the Republican side, I would say to my colleague, I think we are trying. We could do more and we want to do more, but we don't want to lose what we hope President Obama is asking for here—something that will have a substantial and dramatic impact on the economy.

Mr. GRAHAM. I thank the Senator for his comments. If you believe this is a good process, to spend $800 billion, we are on different planets. We are literally making this up as we go. If this is such a good process, why are 16 Senators meeting in a corner trying to figure out how to keep this from stinking up with the public? The idea that the markup lasted 1 hour 40 minutes and one amendment is accepted—is this the way we are going to solve Social Security?

Look at this bill. This bill has to be done by tonight, and we are figuring out as we go what is in it. There is a COBRA provision in this bill. What is COBRA? Well, if you lose your job, there is an ability to maintain health care insurance through a program called COBRA. People are losing their jobs, and they may need COBRA benefits. The bill says we will pay 65 percent of the COBRA premium for anybody who loses their job. That makes sense to some extent, but what if you are the CEO who has been fired from one of these banks and you are worth $20 million? Should we pay 65 percent of your premium? That is not smart.

Mrs. BOXER. Would the Senator yield for a question?

Mr. GRAHAM. Yes.

Mrs. BOXER. Mr. President, I think it is amazing that the Senator is holding up a bill—holding up a bill. Very theatrical. Did you ever do that when George Bush was President and he sent down a bill twice as big as that? Did the Senator ever do that? Because you can do that. That is theatrical. You can do that.

Mr. GRAHAM. Mr. President, I will put my ability to speak my mind to my party up against anybody, including you, Senator. I have been on this floor many times arguing with the past administration about policies I disagreed with. I don't recall you doing that a lot, but I don't question your motives as to why you are doing what you are doing.

I am here today——

Mrs. BOXER. Will the Senator yield?

Mr. GRAHAM. No, it is my time.

I am here today to point out the fact that this is not bipartisanship. This process we are engaging in is not smart. We are not working together. We are about to spend $800 billion or $900 billion and nobody has a clue where we are going to land, and we have to do it by tonight.

So I am telling you right now that if this is the solution to George Bush's problems, the country is going to get worse. If this is the new way of doing business, if this is the change we can all believe in, America's best days are behind her.

I want to meet you in the middle. I want to find a way to spend money beyond cutting taxes that will help people who have lost their jobs. But I don't want to throw a bunch of money into a system that is not going to create a job in the near term, knowing that I have to work with you and the Senator from Illinois to put money into the housing market because people are losing their houses; knowing that I have to come back and ask for more money from the American people to fix the banking system when we have done nothing with banking.

There is plenty of blame to go around here. There is plenty of blame. If you want to look back and say this is all George W. Bush's fault, you can do that. I am choosing not to do that. I am urging this body to sit down in some methodical way, with a sense of urgency, to come up with a product better than this. I am urging a rejection of the mentality ''we won, we write the bill.''

Now, if you want to do it this way, we are going to lose the ability to go back to the American people. The American people understand this bill is not working for them. The process we are creating is not working for them. I want to work with you to work for them. I feel shut out. Maybe it is just me. Maybe I am the problem. But I don't think so. I think people are figuring out pretty quickly that this Congress, the old one and the new one, is making this up as we go, and we are running out of good will. We are running out of capital. We don't need any more news conferences. What we need is getting more than 16 people in a room. We need to slow down, take a timeout, and get it right.

I support the McCain amendment, but I am willing to do more. I am willing to spend more if it makes sense. I am willing to cut taxes more if it makes sense. But I know this: What we are doing in this bill does not make sense and we are not doing it together. We are going to miss a chance to start over again, I say to my good friend from California, to wipe out the past, and to start with a new way of doing business. What we are engaging in, in my opinion, is all of the wrong things of the past. There is nothing new about this bill or this process. Finally, America wants something more. America deserves something new. This is not it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized, under the previous order.

Mr. BAUCUS. Mr. President, first I want to correct—I know it is a very minor mistake the Senator made—the markup of the Finance Committee took over 11½ hours, not 1½ hours, as the Senator represented.

But, frankly, the main question is, how do we get people back to work?

How do we get our economy moving? That is the question.

There are lots of ideas. A lot of people have spent a lot of time working, trying to find the best solutions—a lot of economists, a lot of experts. It is true we are in, probably, the deepest recession this country has faced since the Great Depression. That is true. It is also true the economy is much different now than it was back in the 1930s. That is also true. The banking system is different. We now have an international dimension. It is greater today than was the case back in the Great Depression. So, therefore, it is true to some degree we are kind of learning as we are doing. Nobody has all the answers—nobody does. Most of us working on this recognize that. All of us are doing the best we can, on both sides of the aisle. We are trying to figure this out and do the best we can with the resources we have and with the Government we have.

Different people, of course, have different estimates. Let me tell you what the basic estimates are from the people I have talked to. They say there is about a $1 trillion gap between the potential American economy and the actual economy—about a $1 trillion gap. The real question is, how do we fill in that gap? What do we do to make sure the real economy matches up to the potential economy?

There are three basic components, most people agree: One is to do what we can to unfreeze the credit markets. Banks are not loaning. It is an issue that has been discussed at length in the last many months. The question is, what do we do to unfreeze the credit markets in this country so banks start to loan money, start to loan money to creditworthy borrowers? That is one challenge, and that is the reason for all these programs, such as TARP.

We can debate whether they are perfect. They are probably not perfect. But that is a part of the solution, do what we can to get banks to unfreeze the credit markets.

Another component is housing. What do we do about all these houses where the mortgage is much greater than the actual market value of the house? The common term, it is called ''underwater.'' Estimates are between one in four, maybe one in five American houses is underwater. What do we do to help address housing? We are working on that.

There are many features in this bill that address housing. For example, the $15,000 tax credit offered by the Senator from Georgia, Mr. ISAKSON, and the Senator from Connecticut, Mr. LIEBERMAN, adopted by the Senate—that is going to help. It is a $15,000 tax credit for the purchase of a home. There are many other housing provisions enacted by the Banking Committee. Some are in this bill. Others are in other bills. Of course we have to go further.

The third component is consumer demand. What can we do in this country to help people feel a little better about things so they can start spending—people can start spending some money? First, they have to have money, and that gets to jobs. We also want to encourage people to spend money so the economy starts to loosen up, and that also creates jobs. That is the problem to which the bill is addressed. That is the third component, which is basically on the demand side, to help people spend money.

How do we do that? One way is to get measures passed to create jobs. It is bridges, it is roads and infrastructure, and so forth.

Without being too simplistic, what has happened in this country in the last several years is, we have become way over leveraged. Banks have borrowed way too much. Hedge funds, private equity funds have borrowed way too much—leveraged maybe 30, 40 times. American credit card debt has gone up. Individuals have become overleveraged. Businesses have become overleveraged. When you borrow much more than your assets, clearly when times start to constrict a little, it is a huge problem to pay off your loans, to pay off your debt, especially when you are leveraged in an amount that is 40 times your assets. That is really a problem.

That is what has happened in this country. So in a certain sense, while the private sector is deleveraging, the public sector is starting to leverage to fill the gap, to keep things going. That is the reason for the borrowing.

We are all concerned about how far this is going to go, how much debt it will be. Will we be able to pay off the debt? Is it going to work or is it not going to work? The answer to that is, first, we have to spend to make things happen. I do believe, frankly, it is better to spend more than less because if we spend more, there is a psychology, in addition to an actual multiplier dollar effect, that there is light at the end of the tunnel, and we are going to find a solution—compared with being tepid, being timid, just putting our toe in the water a little bit. I think that is not a good idea.

So the $800 billion—this bill is close to $900 billion right now. Some suggest maybe $800 billion is where we should end up. I think that would be fine. But will this help create jobs, this $800 billion? That is the basic question. And how do we fill the $1 trillion gap between the potential economy and the real economy? Most people I think, and most economists who are reputable, I think, will say that if we do nothing, that $1 trillion gap will double to about $2 trillion. These are rightwing economists, leftwing economists—there is a basic agreement among almost all economists that we have to spend some money to get things back on track again.

I have a summary of a letter from the Congressional Budget Office—released yesterday—trying to determine the effects of this bill on jobs. What is the effect of the bill we are considering on gross domestic product? Let me just give you some highlights. This is a letter from the Congressional Budget Office. It is a nonpartisan organization.

Let me say, a lot of economists have their incomes paid for by people on one side of an issue or the other. That is one reason things get slanted sometimes. But this is the Congressional Budget Office. They don't make a lot of money, but these guys and women are very good, and they are public servants. They want to do this job. What do they say?

They say between now and the fourth quarter of 2010, the number of jobs created under the underlying bill, plus the number of jobs saved, is in a range between 1.3 to 3.9; basically between 1.3 million to 4 million jobs created and saved between now and the fourth quarter of 2010. That is CBO's best estimate. Granted, there is a range. We don't have a precise number, but it is a range.

The amendment offered by the Senator from Arizona cuts that in half. So let's cut it in half; the resulting range is 0.6 million jobs to about 2 million jobs, roughly. That is not close to beginning to fill the $1 to $2 trillion gap between the real economy and the potential economy.

CBO also says that under the Senate bill, GDP would increase by 1.2 percent to 3.6 percent by the end of 2010. The unemployment rate will decline between 0.7 percentage points and 2.1 percentage points. Let's take a midpoint. That is roughly a 1.5-percentage point reduction in the unemployment rate. The midpoint for the increase in GDP is about 2.4 percent. And the midpoint for the number of jobs created or saved is about 2.6 million. It is 2.6 million jobs created or saved under this bill.

Let me just read a sentence from the letter. The letter says:

> For all of the categories [of spending or taxes] that would be affected by the Senate legislation, resulting budgetary changes are estimated to raise output in the short run, albeit by different amounts.

That gets to my next point. Different dollars spent differently have different effects. They all are stimulative, some more stimulative than others. The letter goes on to say:

> . . . direct purchases of goods and services [by Uncle Sam] tend to have large effects on GDP.

The letter then lists the numerical stimulative effect of each category of new spending and tax cuts. For purchases of goods and services by the Federal Government, the multiplier effect is between $1 and $2.50. The midpoint is $1.75. For transfers to State and local government used for infrastructure, the effect is about the same: between $1.00 and $2.50. For transfers to State and local governments for programs other than infrastructure, it is less, from 70 cents to $1.90 on the dollar.

For transfers to persons who are receiving unemployment benefits the return on a dollar is higher. Transfers to

people who are unemployed are most likely to be spent, not saved. The return on a dollar is between 80 cents and $2.20.

For Making Work Pay—that tax cut is a key feature of this bill—the multiplier effect is between 50 cents and $1.70 on the dollar. The midpoint of the return on the dollar is $1.10

I might say, the effect for the 1-year patch to the AMT, the return on a dollar is between 10 cents and 50 cents. There is not a lot of multiplier effect for the AMT. And for the loss carryback business provisions, the multiplier effect is between zero and 40 cents.

Basically, what CBO is saying is what a lot of us intuitively believe: a dollar spent on roads and bridges and infrastructure will have a pretty high effect. Dollars transferred to low-income people, such as dollars for unemployment benefits, also have a very large effect.

Why do I say all this? I say this in part because I think it is helpful for us to know what the Congressional Budget Office believes. There are so many opinions here in Washington, it is just up to us to separate the wheat from the chaff, to listen to the music as well as the words, to try to read between the lines, to try to figure out what is really going on, and I think the Congressional Budget Office's estimates are a pretty good indicator.

We are concerned about the long-term debt—clearly, we are. There is not a Senator here who is not concerned about the long-term budget effects of what we do. We don't know exactly what the long-term effects are going to be, but we are concerned about them.

The President is going to have a fiscal summit on this very issue. He is inviting a good number of people; it will probably last 3 or 4 or 5 weeks. It is obviously a concern to the President, and it is obviously a concern to all of us.

Let's also remember the President is going to submit a budget sometime this month. It is going to be a blueprint for the President's programs and plans. Clearly, he is going to have to be thinking about the long-term debt too. Obviously, I think it will be very important for us to see what the President's budget is, and then to work with the Budget Committees, in this body and in the other body, to put together a blueprint and to try to get a handle on long-term debt.

This amendment offered by the Senator from Arizona, Mr. MCCAIN, tries to get at this long-run debt problem by setting up two entitlement commissions. One is to address Social Security and the other is to address Medicare and Medicaid. I think on the surface that is interesting, but let's look at the facts. These entitlement commissions could make recommendations which Congress could amend but on which debate could be limited. The limit on debate greatly concerns me.

And let's look at the basic entitlements people talk about. What are they?

One is Social Security. Back in 1983, I think it was, the Social Security trust fund was about to go belly up. It was going kaput. I think there were enough funds in the Trust Fund that when added to new taxes coming in, full benefits could be paid for only 6 months. There was that little in the Social Security trust fund. The idea of a commission was raised. President Reagan called it together, it had both Republicans and Democrats on it. At the end, they agreed to do about the only thing they could do, and that was to cut benefits and raise taxes. That was put together based on a handshake between Tip O'Neill and Jim Baker.

There was a famous telephone conversation—hey, Mr. Speaker, if you agree to lower benefits, we will agree to raise taxes. We will greet each other, shake hands on it, and neither will attack each other. That was the deal. They didn't attack each other. That is what happened: benefits were cut a little and taxes were raised a little. Again, there was the gun at the head of everybody, especially seniors, because Social Security was about to go belly up in 6 months.

What is the situation today? Is the Social Security Trust Fund in dire jeopardy? No.

The Social Security trust fund is solvent, all of the actuaries say, to the year—I do not know the exact date—2041, 2042, something like that. So I wonder. Sure, we should start early on things. But there are only two ways to make the Trust Fund solvent beyond 2041, to say 2090 or 2100, and that is by cutting benefits and raising taxes.

Now, when times are tough—we are in a recession right now—I do not know how wise it is to talk about raising taxes and cutting benefits for a problem that is not real, not now. Maybe in a couple of 3 years when the economy is doing better, then we could tackle the Social Security trust fund. I do not think it is wise to have an entitlements commission tackling Social Security at this point.

What is the bigger problem? Medicare. That is the big problem. The Medicare trust fund is not going to last much longer, 6, 8, 9, 10 years, something like that. And what is causing such a problem? We have such a problem because health care costs in this country are rising at such a rapid rate, close to two times the rate of inflation. And, as you know, we spend about twice as much per capita in health care in America than do people in other countries.

So does an entitlements commission cutting Medicare make a lot of sense? Well, on the surface, yes. The costs have gone up, so the commission would cut Medicare. But the only way to cut Medicare is to cut benefits. I do not know if that is wise because health care costs are already such a problem for seniors and others today. Similarly, I don't know if it is wise to do a myriad of other things to the Medicare program that one might be able to do.

My point is, an entitlement commission is not qualified to address health care reform. Health care reform is an incredibly important, incredibly complicated matter. If we get health care reform on track, that is, legislation to start to reform our health care system, that will include getting significant reductions in cost. That is the way to address Medicare. Health care reform includes coverage of 46 million Americans who do not have health insurance, it includes health care delivery reform, it includes a lot of reimbursement reform. There are lots and lots of ways we should embark upon to address health care reform.

In fact, I asked the President yesterday about his agenda. After, this bill before us, we will probably get involved in some financial regulatory reform. The health care reform is one of his top priorities. He wants it done this year. And it has to be done this year, because part of economic recovery is health reform.

Look how much in costs this health system is adding to the problems of individuals in our economy, because their costs are going up. And there are costs to companies that have to lay off people, not hiring people, to some degree because of health care costs, and certainly not increasing health benefits for employees. There also are costs to budgets for the States, localities, and the Federal Government.

I suggest it is not wise, the provision in the McCain amendment, to set up a Medicare commission but, rather to tackle head-on health care reform. I do believe the President is going to announce a health care summit in the not too distant future as a way to get this going. Senator Daschle is all lined up and keyed up to get health care reform going. He wrote a book on it. I know the administration is dedicated to making sure that health care reform does not slip, that it is very much front and center.

Another provision I want to touch upon in the McCain amendment which I think Senators should know about, because it has a real effect, is this provision: essentially, the McCain amendment lowers the tax in the 10- and 15-percent brackets. So as a consequence of this McCain amendment, were it to be enacted, then people who pay income taxes today would pay less in incomes taxes. All Americans would—all Americans who pay income taxes, that is. Americans who pay income taxes would not necessarily in all brackets pay less because of the way our system is set up. Well, that sounds good. But what is of concern here?

The concern here is about 49 million Americans who would get no reduction in their taxes, none. Who are they? Well, they are people who do not pay income taxes, who tend to be low-income people. The underlying bill before us reduces taxes for those people who

work. It is payroll tax related. If you work, under the underlying bill, you are going to get a reduction in your taxes, your income taxes. You will get a check basically, if you do not pay income taxes. And if you work, you get a reduction in your income taxes.

There are 49 million Americans who will not receive a tax break under the McCain amendment but who do receive a tax break in the underlying bill. And those 49 million Americans are lower income people basically, because they are not earning enough to pay income taxes. They pay payroll taxes, because they are working, but they do not pay income taxes.

I do not think that is fair. CBO and others point out lower income people, middle-income people who get a rebate or break will spend the money to stimulate the economy. Again, we are trying to address the demand side here in this bill, getting people to spend the money.

Credit markets are one issue; housing is another issue. But this bill basically addresses the demand side. I think we do not want to shift dollars away from those 49 million people over to the higher income people as is accomplished in this amendment.

The underlying bill has what is called an alternative minimum tax patch; that is, your alternative minimum taxes will not increase in 2009 compared with what they may have been earlier. Basically it is a deflationary factor so you do not pay more.

The underlying McCain amendment does not have that. In the McCain amendment, millions of people are going to end up paying more taxes because he does not have the so-called AMT patch or fix in it.

My main point is this bill, according to economists, will help. We are, down the road, going to find ways—in the President's budget, fiscal summit, et cetera—to address the long-term debt questions. So we can only do things one step at a time. We cannot solve all of the world's problems in one bill. But we can take one bite of the elephant here, a pretty good bite, a good bite of the elephant here, that is going to help stimulate demand and help create jobs as we work our way through the economic recovery.

Madam President, the Senator from New York was called away. I ask unanimous consent that after Senator ALEXANDER speaks, the next Senator to speak will be Senator CANTWELL.

The PRESIDING OFFICER (Mrs. HAGAN.) Without objection, it is so ordered.

The Senator from Tennessee is recognized.

Mr. ALEXANDER. Madam President, this morning a number of us went to the National Prayer Breakfast—I saw the Senator from North Carolina there—which is always a wonderful event. It was especially a good event today because our new President was there for the first time. I think we would agree that he got a tremendous reception. We prayed for him, we cheered him. We recognize he has become President at a difficult time in our Nation's history. And we want him to succeed. Because if he succeeds, our country succeeds, which is why this debate on this bill is so disappointing. This is the first big proposal by the new administration.

One New York Times columnist said, it is the first test. And what is this about? We all know what is it about, the economy is in tough shape. Many people have lost their jobs. Homes are being repossessed. IRA accounts are lower. People are worried.

So we are hoping that in this first test we—the President and the Congress—will get an A-plus, flying colors. What are we seeking to do? We are seeking to get the economy moving again. Is that not right? Is that not what this is about? Is that not what a stimulus bill is?

We have got a bad economy. We have housing foreclosures. Whatever action we take, we want to get the economy moving again. And we want to keep in mind while we are doing this that we have a big debt in this country. I do not mean just the Federal Government has a debt, because it is a Government debt owed by the people of this country.

USA Today the other day did an estimate that showed each of our American families has a share of about $500,000 of that debt and future obligations based on promises the government has already made. So the Alexander family has got a $500,000 share of that debt and future obligations. The Grassley family does. The Hagan family does. The Baucus family does. We each have that. So we have to keep that in mind.

What shall we do? The Senator from Montana said, everyone seems to agree, we need to spend some money. And the proposal that has come toward us certainly does meet that test. It would spend $900 billion. And if you add the interest to that over 10 years, which is the way we usually think about things, that is $1.2 or $1.3 trillion.

How much money is this we are talking about spending? Well, the former chairman of the Budget Committee, the Senator from New Mexico, Mr. Domenici, called me yesterday. He has been doing some figuring, and he figured it took from the beginning of the Republic when George Washington was the President until the early 1980s for the United States of America to pile up a cumulative debt of $850 billion.

What we are proposing to do is to spend in this one bill, by the end of this week or next week, as much money as the debt this country piled up between George Washington's Presidency and Ronald Reagan's Presidency. That is a lot of money. According to the newspaper Politico, it is more than we have spent in Iraq and Afghanistan. It is more money than we have spent, in today's dollars, going to the Moon. It is more money than the Government spent on the New Deal in today's dollars. It is almost as much money as NASA has spent in its entire existence. We are proposing to spend that in this one bill, nearly $1 trillion.

The Senator from Montana said, well, we are all concerned about the debt. I wonder if we are if the first thing we are going to do is borrow $1 trillion. This is not money we have in the drawer here. It is not over here in the Senate cloakroom. It is out in the future somewhere. We are going to borrow half of it from the Chinese and other people around the world, and then somebody—us, our children, and our grandchildren—is going to have to pay it back.

So what standards should we use if we are going to borrow some money to get the economy started, money that we are going to have to pay back, a lot of money? Well, the Speaker of the House, Ms. PELOSI, gave us a standard for what a real stimulus package is. Last year, when we saw the beginnings of this downturn and we acted in a bipartisan way to swiftly try to spend some money to be of some help, she said: It must be timely, targeted, and temporary.

This is timely. But it is not targeted. It is not temporary, which is what I wish to talk about. Last night we had a chance to help make it more targeted and more temporary. Senator MCCAIN offered an amendment to the Senate that said, we are for a stimulus package. We believe it ought to be targeted, for example, on housing and letting people keep more of their own money, and on plans and programs that will create jobs in the first year. That would be what we are for in terms of stimulus.

But he said, let me make one other suggestion, and he offered an amendment to us which would say this: When the economy recovers, the stimulus spending stops. That was the McCain amendment. When the economy recovers, the stimulus spending stops. Because if what we are doing here is borrowing money from every American family and spending it with a hope that it helps the economy get going this year, once the economy gets going, has not the rationale disappeared for spending that money?

We spend a lot of other money around here. We know that we have annual appropriations bills. We have got banks in trouble. We have got housing in trouble. So the McCain amendment said: After two quarters of a 2-percent increase in the gross domestic product, the money that we have borrowed to spend to get the economy going again stops.

That got 44 votes. So this body has already decided that this is not a temporary stimulus bill.

It is ongoing. So let no one think the trillion dollars proposed to be spent is temporary. Let no one think it is about stimulus. I guess every time you spend a government dollar, there is a little bit of stimulus, I suppose. But I asked

my staff working on appropriations to go over the $900 billion. Here is what they found. They said there is approximately $135 billion of spending that will directly create jobs, including building construction, road construction, locks and dams, environmental cleanup, and national cemetery repair. And only $53 billion of the $135 billion is spent in the next 18 months. If this is a bill about creating jobs this year, if that is the reason we are taking this extravagant debt and adding more to it than we spent in the entire New Deal in today's dollars, that is not very targeted. The bill is neither temporary nor targeted.

What is our responsibility on the Republican side to deal with this? Our responsibility is to offer a better idea.

Our President has said—and we agree—that one way we need to change Washington is that we need to work across the aisle to get results on big issues, results that work. That is why I am in government. I did that when I was a Republican Governor in Tennessee with a Democratic legislature. I believe I have a good record of bipartisan cooperation in the Senate, whether it is President Bush or President Obama. I worked with Senator LIEBERMAN and now with Senator BARRASSO and Senator PRYOR to create a bipartisan breakfast every Tuesday morning. The Senator from North Carolina came to the breakfast the last 2 weeks. We have talked about the debt and how the entitlement programs—Social Security, Medicare, and Medicaid—are creating a crisis in that debt. Social Security is a part of the problem. Medicaid and Medicare is a bigger part. Almost 70 percent of all the money we spend in the Federal Government within about 7 or 8 years will go to Social Security, Medicaid, and Medicare. That leaves only 30 percent for everything else. It also suggests that by the year 2015, we will be spending 100 percent of our annual gross domestic product; it would take that much money to pay off our debt.

Let me remind colleagues that the United States produces year in and year out about 25 or 28 percent of all the money in the world. So we are headed toward a situation where, in a few years, it would take 25 percent to 28 percent of all the money produced in the world in 1 year to pay off the national debt of the United States.

In a budget hearing the other day with Senators CONRAD and GREGG, we asked the witnesses: What is the problem? How much debt can you have? They said: That is kind of general, but 40 percent is where the United States is, 40 percent of GDP. All of this we are talking about in the next few weeks may take us up to 60 percent. That is getting close to trouble. Eighty percent is trouble, and 100 percent is a big problem.

Unlike the 1960s or the 1970s, when we owed our debt to ourselves, when it was much smaller, now we owe half of it to people around the world who may or may not want to continue buying our debt.

Our debt has to be in our minds when we think about borrowing money. We need to apply the Pelosi principle to the stimulus. Temporary? No, it is not. Yesterday, 44 votes said yes. The rest said no, we would like for it to go on a long time. Targeted? No, it is not. Only $135 billion out of $900 billion is aimed toward creating jobs. Only $53 billion of that is spent in the next 18 months.

So what can we do to improve this? On our side, we have a number of proposals to do that. The pending amendment of Senator MCCAIN is one. The amendment by Senator ENSIGN, which will be voted on today, is another. The amendment by Senator ISAKSON that was agreed to yesterday is the third.

Here is basically what we think we should be doing with this borrowed money: No. 1, we would fix housing first. We would reorient the stimulus bill away from spending money indefinitely, mostly on programs that do not create jobs in the first year, and spend it instead to restart housing because housing is what got us into this problem. Housing will help get us out of the problem. We have some specific ideas about doing that.

Second, we would let the American people keep more of the money they have. That is stimulative. Letting them keep it permanently is the most stimulative thing we could do. Senator MCCAIN proposes reducing the payroll tax and reducing the lowest level of income tax rates. Those are for working people, people who make less—not more—money.

The third thing we would do is cut the size of the bill and focus it on those projects that create jobs now.

When we say fix housing first, we mean, to begin with, the $15,000 housing credit. If you want to buy a house during the year 2009, you get a $15,000 tax credit. That is real money. You can put it in your pocket this year, if you buy a house.

The second thing we would propose is the Ensign amendment, which would lower mortgage interest rates for all creditworthy Americans. Forty million Americans could take advantage of a rate that would be between 4 and 4.5 percent. We would put a cap on it, so it would not cost taxpayers more than about $300 billion, but most economists with whom we have talked say it is more like $30 billion.

What would be the value of a lower interest rate backed by the Treasury? It would mean, all across the country, instant jobs. People could borrow money. They would have incentive to do so because the average savings of someone who refinanced their home and got a 4- to 4.5-percent interest rate would be approximately $400 a month for 30 years, over the 30-year term of the rate. That is like a permanent tax cut. That money would be in their pockets. It could be spent. It would help stabilize the value of that home. That would help stabilize the value of homes on that block. That would put to work builders and contractors and plumbers and brokers and bankers. That would give banks origination fees so they could have income. And having income, they might have enough money and confidence to start lending. Then this economy could keep moving at a relatively small cost. That is what we mean by fixing housing first.

Senator MCCAIN and Senator GRAHAM have in their proposals legislation to help those individuals whose homes are being foreclosed.

If we could sit down in a bipartisan way and agree that we want to follow the Pelosi principle and make this temporary and targeted and that we should start by fixing housing first, I believe we could agree across the aisle to deal with housing and create instant jobs. We might have less debate about tax cuts, although the President has suggested that we reduce some middle-income taxes. We have suggested the same.

The third thing would be, as Alice Rivlin, former Budget Director for a Democratic President, said: We really ought to have two bills. One would be a bill for long-term investments, many of which I fought for for years in terms of American competitiveness. They are good for the country but don't take effect right away. The other bill, which we need to move on quickly, would be those programs, such as road construction, building construction, locks and dams, and national park maintenance, that would create jobs today. Then we could come to the American people and say: Mr. and Mrs. America, you have a big debt, $500,000 per family, but we, across party lines, have looked at the situation. We need a stimulus. Perhaps it should be $400 billion or $500 billion at the start. But we will not start with how much we are going to spend; we are going to start with what can we do that would work.

Fix housing first, lower interest rate mortgages, a $15,000 tax credit for home buyers, help for those in foreclosures. Next, keep more of your own money in your pockets. That is the payroll tax and cutting rates. Finally, we might spend $100 billion or $150 billion by accelerating Government programs we will have to do anyway and get those jobs coming this year. That would be a responsible, bipartisan way to go about this.

This bill, as it is presently headed toward passage, is a colossal mistake. It is not temporary. It is not targeted. It is not primarily creating jobs. It is not a stimulus bill. It is mostly a spending bill. It is not money we have; it is money we are borrowing. It is a huge amount of money, more money in today's dollars than the Government spent on the New Deal, on the wars in Iraq and Afghanistan, on the war in Vietnam, almost as much as we have spent on NASA over its life, a huge amount of borrowed money not targeted. Although it is timely, we are rushing it through.

I am disappointed. I had expected better. I have heard the President say he wants to work on entitlements. We take him at his word. We have had two straight Tuesday morning breakfasts where we have sat around the table and said: This is going to be hard to do. We trust the President to get in here with us, and we will figure this out. But this is a bill written in the House. It looks as if they just got down in the drawer, and every spending program they could think of for the last 40 years that didn't pass, they stuck it in. It might be good 20 years from now. It might be good tomorrow. But it is in there.

We won the election. We will write the bill. ''We won the election, we write the bill'' may technically work on a few pieces of legislation. But it will not help move our country forward. It will not be the basis for a successful Presidency. We won the election. We write the bill. This is easy, spending a trillion dollars. The majority just says: Hey, we have some money to spend. Let's grab all the programs we can think of and off we go. But what is coming is really hard.

Next week, the Secretary of the Treasury is likely to tell us we need several hundred billion to deal with toxic assets in banks. I am one of six Republican Senators who voted to give the new President the second amount of $350 billion so he could have that in his pocket to deal with this crisis. But it doesn't increase my appetite to help with the next $400 or $500 billion if we are going to start out by wasting nearly a trillion on programs not needed to fix the economy today.

And probably, since we are not dealing with housing in any significant way in this bill, the new administration may say: We decided we need to get housing going again. I think I would be inclined to say: Mr. Democratic Leader, Mr. President, that is what we said last week. But you said we had to pass a bill in a week. Why didn't we wait a week and see what the Treasury Secretary had to say about banking credits or about housing?

Then the next week we have $900 billion on an appropriations bill. And then, as Senator BAUCUS has said—and he is exactly right—health care is coming down the pike. I can't figure out a way that the health care bill, even the one I cosponsored with Senators WYDEN and BENNETT, is not going to cost us a lot more.

So why don't we put this all on the table and work across party lines? Technically, you don't have to do it. Technically, President Bush didn't have to have congressional approval to wage a war in Iraq. But he found and our Nation found that he would have a much more successful Presidency and we would have probably had a much easier war if we could have found some way to work together.

I am disappointed with this, beginning on a stimulus bill that does not meet the Pelosi principle of timely, targeted, and temporary. It is a colossal mistake in the way it is headed. We should fix housing first. Let people keep more of their own money. Strip out the spending programs that don't create jobs now. Deal with them separately, and get in the habit of accepting each other's best ideas on dealing with the biggest problems. We stand ready to do that.

We admire the new President and the tone he has set. We want him to succeed. This bill will not help our country succeed unless it is drastically amended this week.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Ms. CANTWELL. Madam President, I am on the floor to speak about the Cantwell-Hatch amendment. I would call it up, but I know there will be objection on the other side. I want to say that we will be asking for a vote on this amendment at some point in time. So for my colleagues to know, we will be demanding a vote on this issue.

I ask unanimous consent to add Senators LEVIN, BROWN, ALEXANDER, CARPER, MENENDEZ, and UDALL of Colorado as cosponsors of amendment No. 274.

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

Ms. CANTWELL. Madam President, we are here today to find ways to inject capital, confidence, and construction into our economy. That is why I have worked so hard collaborating with Senator HATCH and Senator STABENOW who is now on the floor now and I think Senator HATCH may come at some point later today—and with Senator KERRY and many stakeholders across the country to develop what is an economic recovery and reinvestment opportunity that leverages the incredible potential of plug-in electric vehicles.

I would like to thank my colleague from Utah for his willingness to work across the aisle on what we think is one of the biggest economic opportunities for our country in manufacturing.

If this stimulus bill is about figuring out ways to create tens of thousands of jobs and economic growth in the short term, and millions of sustainable jobs in the long term, then plug-ins are a big winner for the United States economy.

According to a recent report by McKinsey & Company, the opportunity for electric vehicles could be a very attractive U.S. investment. They note that the total market for electric vehicles in North America, Europe, and Asia could be as much as $120 billion by 2030.

I know President Obama recognizes this opportunity, that is not a surprise since he sat down with Senator HATCH and I in 2007 to actually write the original plug-in vehicle incentives bill.

The President understands that plug-in vehicles are a game-changing technology. They can change the way we consume energy for our transportation needs. Instead of paying the exorbitant prices we were paying for gasoline, over four dollars a gallon just last summer, plug-in vehicles will allow us to transform the electricity grid into a fuel source and be paying about a dollar a gallon for our fuel costs. That alone is probably the most effective way to help our Nation get off our overdependence on foreign oil.

That is why President Obama, in his goals for his administration, has said he wants to put 1 million plug-in electric cars on the road by 2015. This amendment helps make that a reality.

Within a 3-year stimulus window, our amendment would allow people manufacturing plug-ins or their component technologies, such as batteries, to expense that capital investment. What we are doing is allowing that taxpayer to cover its cost, not by depreciating it over a long period of time, but rather to make its investment work faster in a short period of time. In other words battery technology and components become a more attractive investment in the United States.

Our provision is very similar to what we are doing in the underlying bill with small business equipment and expensing. We are trying to say those investments will help create economic opportunity and stimulus right in the United States for small business. Well, here is a large-scale opportunity as it relates to battery technology and components and we need to grab it before our international competitors do.

As President Obama said of the stimulus bill:

> That's why this is not just a short-term program to boost employment. It's one that will invest in our most important priorities like energy and education, health care and a new infrastructure that are necessary to keep us strong and competitive in the 21st century.

I could not agree with the President more, as I look at my State, the priorities of my constituents, to make sure we are creating stimulative activity, but we are also looking to those areas of our long-term future where our country can benefit the most.

Manufacturing battery technology and components is game-changing technology. If we can create that kind of opportunity here at home, it will create tens of thousands of construction jobs, engineering jobs, manufacturing jobs, and not only in the near term, but lead to millions of jobs in the future. This is the type of investment we need to be putting in a stimulus package.

Now, I know my colleague from Michigan is on the floor and that she is very interested in making sure the battery technology gets built in the United States.

Ford, for example, announced that the cells for the battery system in its first series of plug-in hybrid production vehicles are going to be manufactured in Nersac. Now, Nersac is not some upper Midwest town. It is a city in France. I think they being manufactured in Nersac highlights the fact that if we do not act, our competitors will.

In fact, if we look at this issue, in the United States we are already pretty far behind. The United States does lead in the research and development of lithium-ion battery technology over countries such as China, Korea, and Japan, but they are the countries that are actually commercializing and producing the product using this technology.

In fact, China has over 120 companies involved in the production of lithium-ion battery technology, and their battery manufacturing industry supports over 250,000 jobs already in this area.

We, in the United States, have no comparable lithium-ion facility in our country—none. U.S. auto executives have taken a look at this situation and have said without homegrown suppliers here in the United States, the United States could become as dependent on Asian-made batteries as we currently are on Middle East oil. Now, if we are doing the R&D, why aren't we also advancing the opportunity to be a player in manufacturing?

It is not only batteries. Asia has the engineers and manufacturing expertise and capacity to make many of these component parts. In fact, South Korea is a great example of seizing on this opportunity. A few weeks ago, their Prime Minister announced that South Korea will invest $38 billion over the next 4 years on environmental projects related to energy and the economy to create a million jobs.

Now, we think of $38 billion compared to the package we have on the floor today. But $38 billion—for a country whose GDP is one-tenth the size of ours—that would be like the United States putting $400 billion to match South Korea's downpayment on a clean energy future.

Ms. STABENOW. Madam President, will my friend be willing to yield for a question?

Ms. CANTWELL. Yes, I will.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Thank you.

Madam President, I want to ask a question of the Senator from Washington State. But I first want to thank her for her vision. She has been the person who has understood this is more than just about research and development, that this is about actually putting assets in America, in jobs here in America through manufacturing. I thank her for her vision. It has been my honor and pleasure to work with you on this issue.

But I am wondering if the Senator is aware, in fact, of other countries such as South Korea which certainly has been investing in this. But Germany, last summer, developed what they call the Great Battery Alliance. Japan created the first batteries. Ford Motor Company, in doing their first Ford Escape Hybrid, their first Escape HUV, while we are proud that was done in America, in fact, the battery came from Japan. So China, Japan, South Korea, Germany—India now has announced a manufacturing strategy.

So I ask, as you look at this, if she has looked at those other countries as well?

Ms. CANTWELL. Madam President, I thank the Senator from Michigan, and I thank her for her leadership on this issue as well, because she has been vocal in saying the United States needs to create manufacturing incentives in the plug-in area and to lead the future of the automobile industry here in the United States. So I thank her for her question. She is absolutely right.

The United States has fallen behind. We have no battery production facilities in the United States. So we can pat ourselves on the back all we want about how we are leading in R&D in battery technology, but that is not translating into manufacturing leadership and homegrown jobs. The time has come when Americans and people around the globe believe we have to get off of fossil fuel and that the electricity grid holds great promise. The advent of these new battery technologies is allowing consumers to go an average of 100 miles per gallon. As my colleague mentioned, Europeans are already boost to their economies by promoting that kind of manufacturing. And I want to emphasize that our amendment does not say which companies would produce this battery technology. We are simply saying we should have some of this manufacturing in the United States.

Ms. STABENOW. Madam President, I wonder if my colleague will yield for one more question.

Ms. CANTWELL. Yes.

Ms. STABENOW. I just came from a very large conference called the Blue Green Conference with about 2,500 people who are in town from environmental groups, labor organizations, business organizations, focused on exactly what the Senator is talking about. I wonder if the Senator is aware we have had people on the Hill actually supporting this wonderful amendment and arguing that, in fact, there are jobs, good-paying jobs, available from doing exactly what she is talking about? I wonder if my colleague is aware of the extent to which there is such a broad coalition of people across this country now supporting exactly what she is talking about?

Ms. CANTWELL. I think the electrification of automobiles as an energy source is gaining a lot of attention. There is a growing understanding that building a smart grid and allowing plug-ins to fill up when electricity prices are cheapest and when there is a lot of unused electricity capacity, turning our cars into additional storage capacity makes a lot of sense. People believe we could create hundreds of thousands of jobs in the near future and that we would be able to benefit from that as a basis of an infrastructure.

I look at China and think of the 250,000 jobs they have already created just in battery manufacturing. And that 120 companies are focusing just on manufacturing lithium-ion batteries. They have already created an economic opportunity, an edge for Asia in this marketplace that will continue to sustain them for the future in the automobile manufacturing industry.

We are at a totally new day, where we should pause and reassess all new opportunities to strengthen our country, and yet we are not capitalizing on the economic opportunity that is going to fundamentally reshape automobile transportation for the better.

I thank my colleague from Michigan for pointing those facts out and raising those questions because, again, she has been steadfast in this and understands this is about a manufacturing opportunity for the future of the United States as a manufacturing base. Whether those are foreign competitors, whether those are new domestic companies that have never been on the radar screen, whether they are the domestic manufacturers that are working hard to make the transition to this new opportunity, this amendment would address all of those.

In conclusion, today the United States is home to about 35,000 less factories than in the year 2000. In that short period of time we have lost around 4 million manufacturing jobs. Clean energy technologies, and particularly electric vehicle manufacturing, is a keystone strategic opportunity that could help change that around. That is why I am offering this amendment with my colleague, Senator HATCH, and others, because it can be effective stimulus today, but pay long-term dividends for the future of the U.S. economy.

I thank the Presiding Officer and yield the floor.

Mr. HATCH. Madam President, at the center of our Nation's current financial crisis are our Nation's automakers and our homeowners. These are our two areas that we cannot afford to ignore, if we are to have any hope of an economic recovery.

I would like to focus on our automakers. Some economists have remarked that as our automakers go, so goes our Nation. Other economists have complained that the auto industry has been too slow to modernize and too slow to prepare for the future.

We all know that 97 percent of our vehicles run on gasoline and diesel. But what you don't hear often enough is that American automakers are actually poised to lead the world into the next era of vehicle technology. They are prepared to produce flexible, affordable, attractive, and long-range vehicles that run on an alternative fuel that is much cheaper, much cleaner, more abundant, and completely domestic. That alternative fuel is electricity from our electric grid. Other than natural gas, there is no other alternative fuel that comes close to having so many of these qualities.

Last Congress, Senator CANTWELL and I came together to introduce the Freedom Act, and with the assistance of Chairman BAUCUS and Senator GRASSLEY, the committee's Republican ranking member, we were able to get major provisions of that bill passed into law, including tax credits for consumers who purchase the plug-in electric and plug-in hybrid vehicles.

I was the author of the CLEAR ACT, which promoted hybrid and alternative vehicles and which passed in the Energy Policy Act of 2005. It was pretty clear at the time that the Japanese automakers had the jump on this technology. However, I was pleased to see that it didn't take too long for our American automakers to respond and to produce very good and very efficient hybrid electric vehicles.

The next step of using electrons off the grid is a more revolutionary shift, because it will have a more dramatic impact on our Nation's dependency on oil.

Many of my colleagues may not be aware that American automakers and American technology companies are poised to lead the world in plug-in electric and plug-in hybrid vehicles. In the next 2 years, General Motors will be offering two new plug-in vehicles for commercial sale. These will be vehicles developed and manufactured right here in America. American lithium ion battery makers lead the world in technological advances, and are also ready to set up major manufacturing operations here on our shores. American companies also lead the world in electric motor technologies, ultra-capacitors, and other important electronic controller technologies.

Senator CANTWELL and I are offering an amendment that would ensure that this manufacturing stays here at home. In most cases, these American companies are prepared to begin manufacturing immediately. So this amendment is timely and goes to the heart and soul of the stimulus bill we are now considering.

I personally do not believe our auto industry will survive on old ideas and past technologies. What could be more important in this stimulus bill than to assist the auto industry as it attempts to lead the world in a new era of vehicle technologies. I am very grateful to Senator CANTWELL, and Chairman BAUCUS and Senator GRASSLEY for making this proposal a priority.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Madam President, I ask unanimous consent that after the order we have set up that following Senator HUTCHISON, the majority have time, then Senator WICKER have time, then the majority have time, and then Senator HATCH.

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

Mr. COBURN. I thank the Chair.

Madam President, I have been listening to the debate this morning. I want to make one point. How did we get where we are? We have seen all this finger pointing. We have said that President Bush got us where we are, that we do not want to take responsibility for the fact he could not spend a penny we did not give him, and the vast majority—97 percent of the majority—voted for every appropriations bill that came through this place.

So when we point to other people, where we need to be pointing is to us. The vast majority of the majority party voted against every amendment. I offered over $10 billion per appropriations cycle on the bills. The vast majority voted against the cut. So I think if we are going to point to a pox on a house, it ought to come right here—the lack of responsibility, where we demonstrate with our actions every day we are much more interested in the next election than we are in the next generation.

We heard Senator ALEXANDER today talking about that it is not our money, it is the taxpayers' money, and we are going to have to pay it back. Nobody alive in this room today will pay back any of this money. Their children and their grandchildren will pay back this money.

This bill is doing exactly the same thing we did to get into this mess. We are about to spend $1 trillion of money we don't have for the vast majority of the things in this bill that we don't need.

Let me explain to the American people a little bit of the workings in the Senate. There is about $300 billion worth of spending in the bill we have on the floor that has been put in there so we won't have to make hard choices when it comes to the appropriations bills that come through this body this year. So we take $300 billion that we know should be in the regular appropriations bills and we put it in this bill so we don't have to use regular order. That gives us more room to do more Government spending, more interference in the lives of Americans without being responsible for it. When I say $300 billion, the real cost is $600 billion.

It strikes me that if you were going to ask the American people how best to stimulate the economy and you are going to spend $1 trillion to do it, the best and smartest allocation of those resources would be to give the money back to the American people. In our wisdom, we think we know better than they do how to spend money. The thing that made this the greatest country in the world is this wonderful market capitalism that said people will serve their own best interests. We have the very ego to think we can decide for them.

I think we need some stimulus—I don't disagree with that—but I don't think we need to do it right now. I think we need to fix the mortgage market and the housing market and the credit market before we touch any kind of stimulus. If we do a stimulus, the best stimulus we could do would be to give the money back to the American people and let them allocate it in ways they know are best for them individually. That proposal was rejected out of hand. Now, why would that be rejected? Because we have this false sense that Washington knows better. Well, I will tell my colleagues the predicament we are in proves we don't. We don't know better, we don't have a clue, when we bring a $900 billion spending bill to the floor and we have accepted one amendment to cut $246 million out of it and we have had votes—both voice votes and recorded votes—on less than 20 amendments, and we are told by the majority leader we have to finish so we can get to conference. This bill ought to have 1,000 amendments on it, if we are truly going to do the work of the American people. We ought to debate this bill line by line. I will not agree to any unanimous consent until the next 15 amendments I have, have a scheduled time to be brought up so the American people can hear about all the stinky stuff that is in this bill.

The biggest earmark in history is in this bill: $2 billion. There are tons of things that need to come out of this bill. As the American people have learned what is in this bill, their common sense—which is on a one-for-one basis a thousandfold greater than our common sense as Senators—is being totally ignored. That is why the people in this country routinely are rejecting this bill now. You can do all the promotion of it you want; you can use all the moveon.org; you can do all the Web sites you want, but when they smell a skunk—their olfactory senses are quite acute—this is a skunk. This bill stinks. This bill is the biggest generational theft bill that has ever come through this body. What I mean by that is we have a standard of living in this country that is 30 percent greater than anywhere else in the world, and it will guarantee, this bill will guarantee your children and grandchildren will lose every bit of that edge, every bit of it.

So how did we get here? We got here by us thinking we knew better, by us ignoring the very principles that created this great country. Then we refused to admit it. We created Fannie Mae and Freddie Mac. Then we blamed an administration when we tied their hands to fix it, and we say it is an administration's fault when it is our fault. We tried to socialize the risk so everybody in this country, even if they couldn't afford it, could have a home. Now what we are doing is we are going to charge our grandchildren to get us out of it when we were in a business where we never had any business. If you look at the enumerated powers of the Constitution, it gives us no authority whatsoever to do what we have done. So when we abandon the principles we were founded upon, we get in tremendously tall, deep weeds. That is where we find ourselves now.

The idea that we can borrow more money we don't have to spend on more things we don't need and ignore the wisdom of the average American citizen on how best to spend their money is insane. Yet we have spent 2½ days—that is all we have spent so far on a $1 trillion bill, 2½ days—and have had 20 votes, and now we are told by the majority leader we need to hurry up. ''Hurry up'' is what got us in this trouble. We need a methodical explanation to the American people for every line that is in this bill—every line item. We need an explanation of why we are putting in Medicaid funds to bail out the

States at twice the level of what the Governors actually asked for. Why would we do that? Because we know better. In our ultimate wisdom, we know better? And while we are talking about the States, the worst thing we can do is bail out the States because we will be transferring our wonderful illogic to the States and saying you don't have to be fiscally responsible. That is what we are going to be telling them, so that in the future, they won't put in a rainy day fund, as Oklahoma has, and plan for the future and control their spending increases. No, they will say: Don't worry about it; the Federal Government will come bail us out.

I am adamantly opposed to us transferring the absolute economic chaos we have created to the States. The States need to make hard choices now. We need to do what we need to do, which is fix housing, fix mortgages, fix the banking system. Then, when we have done that, which will fix all these other problems, then come with a real stimulus that allows the American people—the American people—much like what the majority of the McCain bill does—to decide how they are going to spend the money.

Since we are so down on the business sector in this country that creates all the jobs, small business and large business alike, why don't we think about maybe having a competitive tax on our corporations that is competitive with the rest of the world. No. What do we do? We have one 10 percent higher than anybody else in the world. Yet it is business's fault we are in this mess. Nothing could be further from the truth. We are in this mess because Congress put us in this mess; not any President, not Bill Clinton, not George Bush, and certainly not Barack Obama.

Let's be honest with the American people. Let's fess up: We don't know what we are doing. A $1 trillion bill was cobbled together in 4 weeks with earmarks like crazy through it for every special interest group that is out there so we can look good to certain of our buddies and especially the ones who give us campaign contributions. That is what describes this bill, not an ethical, methodical, ''how do we fix the problem we have'' kind of scrutiny that is required. You cannot fix a problem until you know what the problem is, and the problem is us. We created this mess, and our actions created this mess.

The President signed the children's health program. I am not opposed to a children's health program. I am not opposed to helping children get the health care they need. But this body rejected a way to do that which wouldn't have increased taxes $71 billion and would have covered every child. But, no, we are smarter than that because we want to tell people where they are going to get their health care and how they are going to get it. And then, when we can't afford it, do you know what we are going to do? We are going to ration it, just like every other country that has centralized control over their health care. Then what is going to happen to our cancer cure rates which are 50 percent higher than anywhere else in the world? They are going to be the same as the rest of the world: They are going to go down. Now we have comparative effectiveness that we want to put through that says the Government—some Government bureaucrat is going to tell doctors how to practice medicine. That is in this too. We are going to have them tell us how to practice medicine. We forgot one thing on the way to the barn, and that is the practice of medicine is 40 percent art and 60 percent science and everywhere in the world, where they have a centralized government health care system, they have thrown out the art of medicine, which tends to deal with the whole person and how that interacts with the physical aspects of that person.

To me, it is deeply disappointing that we find ourselves where we are today. I don't think pointing fingers anywhere except back at ourselves accomplishes anything. Yet I have heard that three or four times this morning on the floor: It is somebody else's fault. No, it is not; it is our fault.

The first thing to getting healthy as addicts is to admit we have a problem. We need to be in a 10-step program. That is what we need, a 10-step program that will put us back on the board to where our Founding Fathers thought we ought to be and where the average American wants us to be. We are addicted to the ego of trying to run other people's lives. We are addicted to the ego of spending money, thinking we know best how to spend it. We are addicted to the ego that when somebody else has problems, we can always fix it. We can't always fix it. We can't fix all the problems that are in front of us today. The American people, through their own ingenuity and their own sacrifice, are going to have to make some hard choices. When we don't make hard choices, we are doubly guilty because what we have done is we have made the choices harder for them that they are going to have to make.

My prayer—and it is a prayer—is that we would, as a body, drop the words ''Democrat'' and ''Republican,'' drop the words ''conservative'' and ''liberal,'' and that our goal would be what is in the most efficient, long-term, best interests of those of us who are here today and those who are coming.

I ran a campaign to become Senator and the focus of my campaign, unfortunately, was we were about to find ourselves where we are today. I am so sorry I was right. I am so sorry I was right, but it doesn't take a lot of vision to see where we were going. Nobody has voted against President Bush and nobody has voted against more appropriations bills than me. It didn't have anything to do with party politics; it had everything to do with the future. Yet we find ourselves bogged down in debate.

I wish to add one other thing. One of the reasons we have to get out of here is because we have Members who have booked hotels this weekend. Tell me how many people in America think that is an important reason for us to hurry up and finish this bill. There is no reason for us to hurry up, No. 1. There is no reason for us not to look at every area of this bill and make sure the American people know about it. There is no reason for us not to do what the average man would do, and that is make priorities.

The other problem with this bill, which is extremely disappointing—and I know it has to be to President Obama because he campaigned on a line-by-line look at the Federal Government to get rid of some of the $300 billion every year in waste, fraud, and abuse. That was one of his campaign issues. One of his campaign promises was to do competitive bidding on every contract over $25,000. There is not one mandate in this bill to force competitive bidding. That is one of the amendments I wish to offer, to force us to do competitive bidding. If we are going to pass this stinky bill, at least if we waste $1 trillion, we will waste it efficiently.

When I look at my grandkids, as does everybody else in this country, we wish for the best for our grandchildren. I have to tell my colleagues this body has put the first shackle already on their future. When we pass this bill, we are going to put that lock around their other leg and we are going to put a padlock on it and we are going to throw away the key and we are going to hobble them away from the American dream.

We are going to take it away. We are going to take away the very bright light shining on a hill. America, if you are listening, don't let this body do what it is about to do. It will ruin your children's future in the name of us knowing best rather than you knowing best.

Mr. MCCAIN. If the Senator will yield, did the Senator see the AP News release this morning at 11:30 that the chairwoman of the congressional oversight panel for the bailout funds told the Senate Banking Committee that the Treasury, in 2008, paid $254 billion and received assets worth about $176 billion? I think everybody knows we passed TARP in a big hurry, just as this legislation has not gone through the hearings and the normal process. So, apparently, according to the chairperson of the congressional oversight panel for bailout funds, in 2008, our Treasury paid $254 billion and received assets worth $176 billion. It seems to me that is about $80 billion that the taxpayers lost.

Mr. COBURN. Yes, the taxpayers lost $80 billion. I voted for the original TARP money because we were told that money was going to address the toxic assets, which is the problem we need to solve first.

I spoke on the floor two nights ago using the corollary of treating symptoms versus treating disease. This bill

treats symptoms; it doesn't treat disease. I know several colleagues are waiting to talk.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. LIEBERMAN). The Senator from Illinois is recognized.

Mr. DURBIN. I have two colleagues waiting to speak. Whoever goes first, I will ask for 2 minutes.

Mr. COBURN. Mr. President, isn't there a unanimous consent agreement that Senator SCHUMER goes next, then Senator INHOFE, and then somebody from the majority side, and then Senator HUTCHISON, and then somebody from the majority side, and then Senator WICKER, and then somebody from the majority side, and then Senator HATCH?

The PRESIDING OFFICER. The Senator from Oklahoma is correct.

Pursuant to that order, the Chair recognizes the Senator from New York.

Mr. SCHUMER. Mr. President, I yield to the Senator from Illinois for a question.

Mr. DURBIN. I thank my colleague from New York. I would like to engage him. I listened carefully to Senator COBURN, my friend, a conservative Republican. I think that perhaps some elements of history have been forgotten. We don't want to dwell on the past, but those who don't learn the past are usually destined to repeat the mistakes of the past. When President Clinton left office, he left President Bush a surplus and he left him with a national debt, accumulated since the time of George Washington, of $5 trillion. Eight years later, when President Bush left office, he left President Obama—who has been President for 2 weeks and 2 days—with the biggest deficit in recent memory, $1 trillion, and a national debt that had doubled under the Bush administration.

I ask the Senator from New York if he is familiar with the fact that the debt incurred under the Bush administration comes down to $17,000 for every man, woman, and child in America, for the 8-year period of that administration? Is the Senator familiar with that fact?

Mr. SCHUMER. I thank my colleague for the question. I am indeed familiar with that. I have to tell my colleague it sort of astounds me how there is sort of a role reversal. In the past, the Republican Party has been known as the fiscal-and-austere party, and we have been labeled—or accused of being—the tax-and-spend party. When President Clinton left office, there was a significant surplus, I believe close to $300 billion a year. When George Bush took office, he ruined that rather quickly. We now have the deep deficit he left President Obama. President Obama has agreed to deal with that deficit once we get through the economic crisis.

Mr. DURBIN. The second question is this: There are complaints about this recovery reinvestment bill, which is currently at about $900 billion over a several-year period of time. Isn't the Senator aware, and haven't we recently been briefed that we expect in the next 2 calendar years $1 trillion less in spending by the American economy, and the amount we are talking about to try to put back into that accounts for less than half of what we know is lying ahead?

If we are going to invigorate the economy, create jobs, and give businesses a chance and give struggling families a chance, $900 billion, though it seems huge on its face, in comparison to the economic crisis we face, is at least proportional to the challenge.

Mr. SCHUMER. I think my colleague answers the question right. A $2 trillion shortfall in the economy is not just a number; it is millions of people out of work and tens of millions of families whose paychecks are squeezed, people not being able to go to college who deserve a college education by their grades, and it is small businesses going under. I say to my colleagues, there is a lot of talk about little items in the bill that are called ''pork.'' Take them out. Don't use it as an excuse not to vote for this bill. I daresay if we took every single one of those items out, we still would not get any more votes. It is nothing more than an excuse. We ought not to forget that.

I was going to speak for 15 or 20 minutes. My colleague from West Virginia has been waiting. Is it possible for me to yield 5 minutes to him by unanimous consent and then return to me?

The PRESIDING OFFICER. Is there objection?

Mr. WICKER. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. SCHUMER. Mr. President, then I will speak myself, even though I am not as articulate and intelligent as my friend from West Virginia.

I wish to address a few topics. First, yesterday, the President correctly put some limits on excessive compensation payments being paid out by financial firms that received taxpayer funds. To me, it is plainly unacceptable, at a time when the American public is being asked to spend hundreds of billions of dollars to bail out major institutions and trillions more to stabilize the financial system, that these institutions would turn around and reward the very same executives, many of whom created the current crisis.

Let me tell you how the average American feels and why this issue generates such fervor. Very simply, the average American goes to work, works on the factory line, or sits at his or her desk, does nothing wrong, and all of a sudden they might be laid off or have their paycheck squeezed or their health benefits cut. They are saying: We did nothing wrong and we are suffering.

Where is the shared sacrifice? Some of these top executives are continuing to be paid record amounts of money. Nothing bothers the American people more than when someone does something wrong and doesn't have to suffer for that, when they are doing nothing wrong and do have to suffer. So there is real anger out there. The people in the financial institutions ought to understand that. Some of the things they are doing, such as the junkets and the jet planes, show a tin ear. So President Obama did the right thing yesterday. Some people said that is Government interference. Hello. What about giving these institutions money? That is Government interference too.

The President is not saying there should be limits on compensation for those who don't take the Government funds. He is simply saying if you are going to take Government funds, use them to get the economy going again by pumping money into the economy, lending to small businesses, individuals, and others rather than for jets or excessive salaries. So I salute the President, and I support what he did.

I think, again, the people in the financial sector have to get with it. They have made big mistakes, the people at the top. Everybody is being hurt by those mistakes and the sacrifice ought to be, at the very least, shared.

Second, I want to talk about something in this bill, which is tuition tax credits for college for families up to $160,000. I thank Chairman BAUCUS, Senator GRASSLEY, President Obama, and many on both sides of the aisle who supported this provision. I have worked long and hard to make college affordable, particularly for middle-class families. It is not because they deserve it more than others. If you are wealthy, you don't need the help. If you are poor, the Government gives help. I would be very much against cutting the Pell grants in this package. But the families in New York—remember, New York salaries, at least in some parts of our State, downstate, are high. The family making $60,000 or $70,000, when they get hit with a $20,000 tuition bill, they are like poor because they are paying the mortgage, the taxes, and the other expenses, and all of a sudden this bill hits.

During this recession, the most severe recession we have had since the Great Depression, there are literally hundreds of thousands of college students who deserve to stay in college, and hundreds of thousands more who deserve to get into college who will not go because their families don't have the money. When they don't go to college, or when they drop out of college, or they don't go to the college that best suits them because of financial reasons, not because of academic reasons, they lose, their family loses, and America loses as well. That is why I worked so hard to get this provision. It is a $2,500 tax credit, partially refundable, so it helps people making $40,000 and people making $80,000, as it should. It will help keep our human capital. This is very important. And I think President Obama showed wisdom in making sure there is a power grid that is more efficient that will help us in the future, and wisdom in making sure our health care has IT, which will help us.

When you read the polls, the American people, once again showing their wisdom, are saying we would like to have longer term projects in here because when, God willing, we get out of the recession, we would like to have something to show for it, whether it is traditional infrastructure or new infrastructure, including IT and power grid. There is human capital as well. If somebody drops out of college because they cannot afford it, the statistics show they often never go back and we lose as a country. So preserving human capital during these difficult times is important.

Again, this proposal has broad bipartisan support. It is not terribly expensive in the scheme of a $900 billion package. I hope we will move forward with it.

Finally, the last thing I will talk about to my colleagues on the other side of the aisle is this: I am utterly amazed at the lack of cooperation we are getting from so many, the lack of reaching out and trying to meet us part of the way. The bottom line is, we are in the most severe recession since the Great Depression.

The great worry is that we go into what the economists call a deflationary spiral. It means prices go downward. Businesses put off any expenditures because they think the price is going to get lower and lower. The Depression was a deflationary spiral, plain and simple. Japan's 10 years of stagnation was a deflationary spiral, less severe as a depression but spiral down nonetheless. Unfortunately, the sad fact is that economists don't know how to deal with a deflationary spiral. If we get into one—which is not likely but possible—we don't know how to get out.

So wise, sound economic policy would have us make sure this package is strong and gets money into the economy immediately. The kinds of tax cuts proposed by my colleagues on the other side of the aisle do not do that by the admission not of CHUCK SCHUMER but of a conservative economist such as Martin Feldstein. It takes longer for a tax cut to get into the economy, and particularly during difficult times people save a lot of the money. I am not saying we should have no tax cuts; 36 percent of this package is tax cuts. Yet we hear from our colleagues on the other side of the aisle that it is not enough. A, it works less well than the spending; B, you need a mix; and C, yes, we did win the election, and the American people are overwhelmingly for this.

Frankly, I had expected, given that Senator REID says we are allowed to have amendments and given that he has agreed with Senator MCCONNELL that we should have an old-fashioned conference where amendments are offered by people on both sides of the aisle, we would get real support and cooperation.

This bill has gotten more expensive. The two most expensive amendments were tax cuts proposed by Republicans, Senator GRASSLEY along with Senator MENENDEZ—GRASSLEY was the lead here—proposed adding the AMT, $75 billion; Senator ISAKSON from Georgia, something I supported although I would like to see it narrowed and more focused, $19 billion. If you add those in, the tax cuts are rising, rising, and rising in terms of proportion, and still we do not see cooperation from the other side of the aisle.

I would like to say to President Obama: Sir, you have bent over backward to listen to suggestions. We have tried as well. But it takes two to tango. Bipartisanship means two people tangoing. It does not mean you should get your way on everything or even half. A third, 40 percent is pretty generous.

I believe this package will pass because I don't believe the other side will want it on its doorstep that it failed. My Republican colleagues in the Senate do not have the luxury of their House colleagues of voting no and the bill would still pass.

I am rueful and regretful that we have not seen more real bipartisan cooperation at a time when the American people want it, at a time when we need to act quickly, at a time when spending programs—anathema as they may be to some on the other side of the aisle—are the best way to get this economy going.

I will say—and I am speaking for myself—that the real test here is not how many votes we get, as long as we pass it. That will long be forgotten. The real test is whether this proposal puts Americans to work and gets us out of the economic morass we are in—at least begins to get us out of the economic morass we are in. I, for one, would say do not decimate this package and make it ineffective to win over enough people so we have 80 votes. That is a distant memory, 80 votes. I know it was a hope of the President. Clearly, it is a distant memory. To get no votes in the House and to have as little support thus far as we are getting from the Republican side of the aisle shows how out of touch, frankly, my colleagues are with the economy and with the new world in which we live.

I know what it is like. I came to Congress in 1980 when Ronald Reagan was elected to be President. Crime was ripping apart my working-class and middle-class district. I got on the Judiciary Committee and the Crime Committee. Do you know what I found when I got there? That the ACLU, an organization I generally support, was writing the crime legislation. They had a view. I respected that. I disagreed with it. I thought it was so wrong for the time, that you should lean so far over on one side that you might let hundreds of guilty people go free lest you convict one innocent person. When I saw that happen, I knew why Democrats had lost. I said the Reagan era was going to be dominant because we were out of touch.

Mr. President, I say to my colleagues on the other side of the aisle, they are just as out of touch today as we were then. The American people want action. They don't want an ideological adherence to no Government programs, no Government spending, tax cuts, particularly for the wealthy only. They want help with health care, they want help with education, they want help with energy independence. And while they certainly don't want a government to waste money and they certainly don't want the little porky things in this bill, the few—less than half of 1 percent—that should come out, they want the basis of this bill.

I make a final plea to my colleagues on the other side of the aisle: Get with it and help us. Don't stick to your narrow ideological philosophy that served you well in 1981 but doesn't work for the greatest recession we have had since the Great Depression. Maybe in the course of today, as we work through the amendment process, for the good of America and, frankly, for the good of your own party, others on the other side of the aisle will come over and truly work with us to get a stronger package that will create jobs and get us out of the recession.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Chair recognizes the Senator from Oklahoma.

Mr. INHOFE. Mr. President, I have several comments to make on two different subjects, one of which was broached by the Senator from New York. Before doing that, I would like to yield to my friend from Mississippi for no more than 2 minutes and then regain the floor.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Mr. President, I was distracted. Is the Senator making a request?

Mr. INHOFE. I was making a request to yield 2 minutes to my friend from Mississippi without giving up the floor.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. I object.

Mr. WICKER. Will the Senator yield for a question?

Mr. INHOFE. Yes.

Mr. WICKER. Mr. President, I assure my colleagues that I will not take long to ask this question. I had hoped my friend from New York and my friend from Illinois would engage in a colloquy and not have left the Chamber.

Much was made in the discussion between the two Senators about the debt President Bush ran up during his administration. I don't know that it serves the debate very well to point fingers, but we might as well set the record straight for those of us who are paying attention.

Congress spends the money, will my friend acknowledge? It is Congress that spends the discretionary funds around here, and it is Congress that sets the spending on autopilot in terms of the mandatory spending. The President

does not spend a penny without the consent of this Congress.

I hope my friend will also acknowledge that there was not one time during the 8 years of the Bush administration when our friends from the Democratic side of the aisle came forward with their budget proposal and proposed a budget that would spend less than was spent by the United States of America. In fact, in every instance, our friends on the other side of the aisle proposed budgets that spent even more than we actually spent in the end.

I just wanted to see if my friend agreed with that point. I thank him for allowing me to make that point.

Mr. INHOFE. Mr. President, the answer to the question of the Senator from Mississippi is yes.

Let me make a couple comments.

The Senator from New York talked quite a bit about this stimulus bill. I contend it is not a stimulus bill, and I will touch on that point in a moment. He was talking about coming here in 1980. I remind him that there are ways you can stimulate this economy. This bill does not do it. This bill spends money, astronomical amounts of money. It is just inconceivable that we could be thinking about it. Certainly, if you wind the clock back to 1980, no one ever talked in terms of the hundreds of billions of dollars we talk about today.

I remind the Senator from New York that back in 1980, the timeframe he was talking about, we had a President who came in 1980 by the name of Ronald Reagan. He repeated something that was said by another great President, who was John Kennedy. Back during the time John Kennedy was President, they were getting involved in the New Frontier programs. They had a great need for increased revenue. This is a quote from John Kennedy. He said: We need to increase our revenue, and the best way to increase our revenue is to reduce marginal rates. And he reduced marginal rates, he reduced capital gains rates, and he reduced inheritance rates. That resulted in a massive increase in revenue.

If you take the decade that is called the Reagan decade of the eighties, look at 1980, the total amount of money that came in. Revenue generated from marginal rates was $244 billion. In 1990, it was $466 billion. The revenue that was generated almost doubled in a decade. We had the largest tax reductions, I believe, in the history of this Nation.

Now we are looking at a bill that does not have that. It has two little, small things that might stimulate the economy in terms of depreciation in small business. The total amount does not even exceed 3 percent of the bill.

The area where I felt—and I know a lot of people disagree—we could do something to provide jobs for Americans, what should have a greater part of this, is road construction and infrastructure. But that did not happen.

We are looking at something that right now has a total of $27 billion in highways, roads, and bridges. Certainly the occupant of the chair understands, having served for many years on the Environment and Public Works Committee, the great needs in this country. We have had several statements made by economists who have said that if there is a way we can provide jobs, do something that is going to have to be done for America, this is the time to do it. If you look at the total amount in this bill, out of some $900 billion, we are talking about $27 billion is all there is in that area.

I say in responding to the comments of the Senator from New York, if he is talking about 1980 and what happened after that time, it is very clear that precipitated a decade in the history of this country where we had more revenue generated as a result of taxes being reduced than any other time in the history of the country.

When we look at what is in this bill that would really stimulate, all the rest of it is spending. I am not going to start reading the list of the $650 million to have people change their TVs and all these things.

There are two areas that would stimulate. One would be in the area of hiring people—road construction, providing jobs. In my State of Oklahoma, we happen to have a highway director who I think is the best one in the Nation. His name is Gary Ridley. He has identified just in my State some $1.1 billion of shovel-ready jobs. They already have the environmental impact statements. They are projects to get people to work tomorrow. Yet we cannot do that in this bill, and that is the type of thing we should be doing.

If you add together the tax stimulus and the amount of work that is being done in terms of roadwork and providing jobs, that comes to somewhere around 7 percent of the total amount. What about the other $900 billion? I think it is absurd.

The Senator from New York was talking about how Republicans did not respond favorably to the Pelosi bill on the other side. No wonder. It is the same type of bill we are looking at here. It actually had $3 billion more for construction than this bill. I think they acted responsibly.

I wish Republicans—and I hope this will be the case—would be willing to stand up and jointly, all of us, agree that this is not going to work and that there is a choice now. We do have a substitute that Senator MCCAIN put forth. It resolves these problems. It has items in it that will actually stimulate the economy. I am hoping we will all be able to stick together. I would be very proud if the Republicans are able to do that.

Now, that is not the reason I wanted to get the floor. I want to mention an amendment I have that has not been cleared yet. I compliment Senator INOUYE. I visited with him, and even though it is something he said he wouldn't vote for, he would still not object to having it considered because he thinks it is very important. It has to do with Guantanamo Bay.

On Monday, I was at Guantanamo Bay, and that was my third trip there. The first was right after 9/11. At that time I realized the statements that were being made about the treatment of detainees were not true; that a lot of the media had misrepresented it. Nonetheless, it is something that was out there and people felt this was something bad that was taking place in GTMO—Guantanamo Bay.

I might mention that we have had that resource since 1903, and it has served us very well. Ironically, our annual lease is $4,000 a year, and we are getting all this for that amount. But I want to share with my colleagues here what we witnessed this past Monday—a few days ago.

At this time, we are down now to 245 detainees. Of the 245 detainees, there are 170 of them where their countries will not take them back. In other words, what are we going to do with these guys? And by the way, even though President Obama came out in his first or second day in office and said two things about Guantanamo Bay—No. 1, we should cease all legal proceedings down there; and No. 2, close it within 12 months—there is a very courageous judge down there who, I guess, felt the separation of powers in the Constitution meant something, so he said, no, we are not going to do this; we are going to continue with our trials for now. He is trying such people as Khalid Shaikh Mohammad, the brainpower behind 9/11, and four of his coconspirators; and Ali al-Shihri, who is the person who was involved in the USS *Cole* tragedy that killed many people, including 17 of our brave soldiers. These are the types of hard-core people who are being tried there. These are military tribunals, and they need to continue. That is what the judge said, and he is continuing to this day.

By the way, if we ended up starting to try those in our Federal court system, because of the rules of evidence and because of the nature of the terrorists and the testimony that would come up, they are estimating it would take about 12 months to build a courtroom—as it did down there—at a cost of about $10 million.

So my concern is this: In the event we were forced to close Guantanamo, it would not work to do it at the present time until some solution comes up as to what we are going to do with all these detainees. Some of the detainees are clean, ready to go back, and will be transferred back. But we have about 170 where there is no place for them to go, even if we tried them and turned them loose.

There has been a suggestion that if we close Guantanamo, there are some 17 military installations in the continental United States that would be able to accept some of these detainees and so that is where they would end up going. The problem with that is, I don't know of one Senator serving in here

who wishes to say it is all right to go ahead and put them in Mississippi or put them in Iowa or put them, in my case, in Oklahoma. One of the 17 installations happens to be Fort Sill, located in Oklahoma. We don't want that. You don't want them in West Virginia. So there is no reason for us unnecessarily to target ourselves in this case.

I have to also say that anyone who believes people have been abused down there, all you have to do is go down. I have done tours of prisons all over the United States, as well as military prisons elsewhere. I can say without any doubt in my mind that I have never seen a prison where people are cared for better than they are there. There is one medical practitioner for every two detainees who are down there. The medical facilities even do colonoscopies for anyone over 50, if they want them. None of these detainees would ever have treatment like that back in their country of origin. The food they are getting is better than they have ever had before. So it is not true they are being abused.

In fact, they have six camps, numbered from one to six, starting with those who have the least problems, to those who are ready to be returned someplace, and getting up to the real hard-core terrorists. Even in camp six, which is supposed to house the toughest guys, they are outside having recreation 3 hours a day. So people are not being abused there, and I think it is important that people understand that.

That is not, however, where I am coming from on this amendment. I know for a fact, if we can get this voted on, it would pass. Those individuals who believe we should close GTMO are always very careful to say we have to figure out what we are going to do with the hard-core detainees down there, because we can't turn them loose. You can't bring them back and try them in our court system because the rules of evidence in a tribunal are different. You can't read them their rights when you are apprehending them—apprehending a terrorist. It doesn't work. In a tribunal, hearsay evidence is admissible, but it is not in our court system. So that is something that wouldn't work.

So even though I think we should not close GTMO, now or ever—because I think it is a resource and an asset that we have in this country that we can use—for those individuals who feel we should at some point close it, I agree—and I can't find anyone who disagrees—that we should not close it until we determine what is going to happen to those 110 to 170 detainees where they do not have anyplace to go.

Let me explain my amendment, and it is No. 198, which I have not been able to bring up for consideration yet. It would prohibit the use of any of the funds that are in this stimulus bill—and the stimulus bill does have money that goes into modernizing and doing things for various penal institutions—toward preparing our institutions in the continental United States to accept these terrorist detainees and housing them in the continental United States instead of at GTMO.

I think if you look very carefully at how simple this legislation is, it says:

None of the funds appropriated or otherwise being made available to any department or agencies of the United States Government by this Act may be obligated to expend it for the following purposes. To transfer any detainee of the United States housed at the Naval Station Guantanamo Bay to any facility in the United States or its territories.

Who is going to oppose that? Is there one person who would vote against that?

Or to construct, improve, modify, or otherwise enhance any facility in the United States or its territories for the purpose of housing any detainee described in paragraph 1.

Those are the guys who are down there—the bad guys; the terrorists. And thirdly:

To house or otherwise incarcerate any detainee described.

I know the Senator from Iowa doesn't want the detainees coming to Iowa; the Senator from West Virginia doesn't want them coming to West Virginia; I seriously question whether they want them in Ohio; and I certainly don't want them in Oklahoma. So that is all this is. It is an amendment that, should this bill pass—and of course if it goes to conference, I don't have any way of knowing what will stay in and what will come out—and I hope it does not pass when we vote on it tonight or tomorrow, or whenever that time is—but if it does pass, I want an amendment in it so that no one will try to transfer those detainees now down in Guantanamo Bay to any of the prisons in the continental United States.

Mr. President, I yield the floor.

Mr. LEVIN. Mr. President, the Inhofe amendment would, in effect, prevent implementing the President's decision to close Guantanamo and undo the benefits to America's standing that have resulted from President Obama's decision.

The Executive order signed by President Obama last month requires Guantanamo be closed within 1 year.

The goal of closing Guantanamo has broad support. In this last presidential election, both candidates, then-Senator Obama and Senator MCCAIN, supported closing Guantanamo.

Last year, five former Secretaries of State, including Colin Powell, Henry Kissinger, and James Baker, called for closing Guantanamo. President Bush has said he would support closing Guantanamo, as did his Secretary of State, Condoleezza Rice, and Secretary of Defense Robert Gates.

No one says that closing Guantanamo will be easy. To achieve this, the Executive order signed by President Obama sets up a Special Task Force to review the status of the approximately 250 detainees still held at Guantanamo and make recommendations on what to do with these individuals.

Currently about one-third of the Guantanamo detainees have been cleared for release or transfer to a third country. The State Department is in the process of trying to find countries willing to take these detainees, where they will not be subjected to torture or persecution.

For about another third of the Guantanamo detainees, the Defense Department has declared its intention to bring criminal charges and try these individuals. The military commission process is now under review, so it is not clear when these trials will resume or be completed.

But we know, right now, that for a certain number of detainees currently at Guantanamo, we will need to continue to hold these individuals beyond the 1-year deadline for closing Guantanamo. These detainees are too dangerous to be released, and yet the Government is not able to charge them criminally.

In some of these cases, the Government cannot bring charges because the evidence we have against these detainees is insufficient for purposes of a criminal prosecution. Or, we now know, in some cases the evidence may be inadmissible because it was obtained through torture or coercion. The policies of abuse approved by the Bush administration have damaged our ability to bring these individuals to justice.

Those detainees too dangerous to release but unable to be tried, will continue to be held. We will need a place to house these individuals. The Defense Department has already reportedly begun reviewing facilities at military bases in the United States for that purpose. We should await the recommendations of the Special Task Force established by President Obama's Executive order on how to handle these difficult detainees.

This amendment would undo the benefits of President Obama's action to close Guantanamo. It would harm America's standing and leave our troops less safe.

It prejudges the review of the task force. It doesn't belong in a stimulus package.

For these reasons, I urge my colleagues to oppose the Inhofe amendment.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The distinguished Senator from the State of West Virginia.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Senator from Michigan, Ms. STABENOW, be the next Democratic speaker after the Senator from West Virginia.

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

Mr. BAUCUS. I might say there is already an order. It is all worked out, but I appreciate the Senator's statement. My understanding is that was the case. That was already agreed to.

Mr. ROCKEFELLER. So I am reinforcing the truth?

Mr. BAUCUS. That is correct.

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

Mr. ROCKEFELLER. Mr. President, I will say very briefly that I am stunned by the speech from the Senator from Oklahoma. What he is basically saying—and I don't know whether he has ever been on the Intelligence Committee, but some of us have and have watched and studied interrogation and detention at Guantanamo, and a lot of other things for a very long time, and watched what happened under the Bush administration, and I choose not to get into that right now.

Mr. INHOFE. Will the Senator yield?

Mr. ROCKEFELLER. No.

Mr. INHOFE. I ask the Chair, since I was directly referred to, am I not entitled to ask a question?

The PRESIDING OFFICER. The Senator from West Virginia has the floor, and he has declined to yield.

Mr. ROCKEFELLER. What he is basically saying, in an extraordinary statement, is that there shall be no closing of Guantanamo. But then he is saying that if Guantanamo is closed, that there shall be no taking of prisoners from Guantanamo and putting them anywhere within the United States of America, thereby, No. 1, casting extraordinary criticism on some of the toughest, finest and, when necessary, very tough prisons in the United States, including in his State, my State, and many other States.

But what he is really saying is he wants Guantanamo to stay open. And by saying that, what he is saying is he wants to create more people who hate the United States and more people who go to the cause of al-Qaida, and I find that an extraordinary statement, which he has every right to make and every right to believe with a full heart. I just don't run into a whole lot of people who know the situation who think like that.

Mr. INHOFE. Will the Senator yield?

Mr. ROCKEFELLER. I will not.

Mr. President, I rise today in strong support of the $87 billion in temporary, targeted Medicaid relief in this recovery bill. There is an undeniable link between health care and our economy, and that is obvious. The Federal investment of health care now a part of this economic recovery bill will go a long way to stabilize our economy. Health and economic stabilization, stimulus, or whatever you want to call it, are intertwined. Actually, leading economists have found that targeted aid of this sort—Medicaid—will generate increased economic activity of $1.36 for every dollar that is spent.

But there are a lot more important things than that. Our economy is worse than it has been certainly in my memory. The tragedies being played out in West Virginia and other parts of the country are almost beyond belief. We sit here in constant session in the Senate and keep in touch with our States. We had another huge business close in West Virginia yesterday. The tragedies pile up, one after the other. People don't know where they are going to get their next meal. The human psychology begins to work and people begin to spiral downward, just as banks spiral downward. They begin to fold in on themselves. And when they fold in on themselves, they lose their confidence and then they aren't willing to try things, accept things, to take new steps. So the Medicaid money is incredibly important.

It is getting very hard for people to put food on their table, and I think it is very easy for people to understand that Medicaid is part of the fabric of America. Hard-working families depend on Medicaid. Our families in West Virginia are hard working. Fifty percent of all the babies born in West Virginia are born under Medicaid. That is not the fault of the State of West Virginia, that is not the fault of the people of West Virginia, it is simply a reflection of the economic travails that face our State and that we have to deal with. We want to help them get back on their feet.

So we have this $87 billion—and there are going to be attempts to lessen it—in FMAP. Estimates from the Government Accountability Office say local and State governments are facing $31 billion in deficits over the course of the next 2 years. I think, personally, that is modest, it is underestimated. I was a Governor. I went through the 1982–1983 recession in West Virginia, where interest rates went up to 19 percent. It was a horrible time. We survived it. But State revenues often evaporate very rapidly during an economic downturn. One of the first things Governors sometimes do is to cut Medicaid. They sort of cut Medicaid because sometimes they think Medicaid is for people who are poorer than they are, and therefore somehow it isn't important, it is saying that some people are not as important, which is akin to saying some people are more important than others, depending on their income—which is a philosophy sometimes that divides the two sides of this body.

So I say this is important. There will be a variety of amendments brought up to cut it. They will cloak themselves in other words, which will be good, but their purpose will be to cut Medicaid, and when you are cutting Medicaid, you are cutting health insurance and all sorts of things that people need in times of tragedy. We are surely in a time of tragedy.

Having said that, I simply note to the President, with his permission, that later in the day—I do have on file at the desk two amendments, one that would jump start something which is incredibly important in this country and that is having a GPS digitalized air traffic control system. We are the only country in the modern world—in fact we are behind Mongolia in this case—that does not have a digitalized GPS system, where you can downgrade inefficiency in landings and distances of planes apart from each other because of the precision.

Our present system is an x ray, an analog. This system is an MRI. That is what we need. We don't have one. We have to start one. It is a job creator. I have discussed with my ranking member, KAY BAILEY HUTCHISON, who has a different way of funding it, $550 million. We have to do that. We have to do that for safety in the skies. It is a job creator. We have thousands of airports in this country.

I put my colleagues on notice that I plan to go to that. Also, we have to extend the FAA itself. Its authorization is going to run out. We need to extend it for a variety of reasons. I will not go into those at the present time. But the extension of FAA reauthorization is in the interests of every Republican and every Democrat in this body. I will be making a case for that, if given the chance, later in the day.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I know the distinguished chairman of the Commerce Committee has spoken, and we are working very hard on an amendment that would be an infrastructure amendment. It would be money that we want to spend now, but it will be spent in the future. I think if we have infrastructure requirements that we know we are going to need in the future and we can push them up for 2 years, that is a policy all of us can agree to. That is exactly what the distinguished chairman and I are working on.

Senator ROCKEFELLER and I know that modernization of our air traffic control system is certainly something we would like to be ahead of Mongolia in doing. But in addition to that, we want to make sure we have the efficiencies in the system. Not only will it create jobs in the next 2 years, but it will streamline the system, it will make it more efficient. Prices can come down for consumers and that will also help jump start our economy.

I thank the chairman and I wish to talk now about the McCain amendment.

I am so pleased Senator MCCAIN has come up with an alternative. It will be a substitute for the bill before us. It strikes the balance. It is tax relief and increased Government investment in our economy so we will be able to jump start our economy in a fiscally responsible way.

The bill before us is not the right approach. I could not possibly support the underlying bill. I do hope we can come together, though. Having the debate and hearing what people are saying on the outside, I think has made people realize, when we are talking about $1 trillion, we are not talking about a vacuum. We are talking about $1 trillion on this bill, we are talking about another $1 trillion of deficit this year, not counting the bill we are discussing today. The U.S. debt is $10.6 trillion already.

We are approaching a tipping point whereby creditors are going to be increasingly unwilling to lend to our Government because they are going to be concerned about our ability to pay them back. Much of our debt, 25 percent of our U.S. national debt, is held by foreigners. The Chinese Government, in particular, owns over $500 billion.

We must consider having this much of our debt in foreign hands and whether borrowers will continue to buy our debt. What happens to our economy if they do not? What happens if they do? What would the interest rate be if all of a sudden they decide it is going to be more risky? Interest rates go up. What would inflation do to the economy we are in right now?

If we are going to do this, we must spend every dollar so carefully. We must make sure every dollar we spend is stimulative. In fact, the bill before us, the underlying bill, one-third of it that is supposed to be stimulative is not going to be spent in the next 2 years. That means we would be spending money down the road to solve a problem that may not even exist down the road, and we will be increasing the size of debt without the stimulative effect.

I refer to Alice Rivlin, who was the Budget Director in President Clinton's White House. She recommended we split the plan. She said implement the immediate stimulus now. As she acknowledged, we talk about the plans which may or may not have value at a later time. It doesn't have to happen right now. The McCain alternative has a better way to stimulate the economy, put money into the economy immediately, and it is a balanced approach. The McCain proposal will lower the 10-percent bracket to 5 percent for 1 year; lower the 15-percent bracket to 10 percent for 1 year; eliminate the payroll tax for all employees for 1 year. It would lower the corporate tax rate from 35 to 25 percent for 1 year. Recognizing that we have the second highest corporate tax rate in the entire industrialized world, we want to encourage our corporations to hire people in America today.

We need to look at tax cuts and the history we have had with tax cuts. Every time we have had big tax cuts in a depressed situation, they have stimulated the economy. They have worked. President Kennedy, President Reagan, and President Bush.

Assisting Americans in need—the McCain alternative extends unemployment insurance benefits, extension of food stamps, extension of unemployment insurance benefits that are tax free until 12–31–2009; training services for dislocated workers. Certainly, we all will agree that is important.

The McCain alternative goes to the heart of the problem, which is housing. The underlying bill doesn't address what caused this in the first place and that is the problem in the housing market. The McCain alternative provides a loan modification program, tax incentives for home purchases of up to $15,000, making the GSA-conforming loan limits extended at the higher levels to get more help for people who are struggling to make loans. This is a very important component.

Last but not least, the spending part goes to infrastructure. It does not have all the programs in it that the underlying bill does, that we will be able to debate in the future. They may be good programs, but they are not going to create jobs.

The McCain spending portion is on infrastructure and defense. I am the ranking member on the military construction subcommittee of Appropriations. We have a 5-year plan for the Department of Defense. They know what they are going to spend and what they are going to need. We have just had a ramp-up of troop strength to 90,000 more in our armed services, the Army and the Marines. We have to accommodate them. We have to build the housing, we have to build the training facilities. All those things are in a 5-year plan that normally we would take 1 year at a time to build out.

Why not take the 5-year plan and move it up to 2 years or 3 years? I have an amendment that will do that. But the McCain alternative puts $9 billion into those exact types of military construction projects. That is a very important component because it will be jobs in America, it will be jobs that will benefit Americans, and of course it will be for the training and care of our military who are out there on the frontlines, protecting our freedom. What better kind of infrastructure building would we want?

The McCain substitute has transportation infrastructure. We all know there are shovel-ready transportation projects ready to go all over our country—bridges, roads, public transit—something I certainly support, airport infrastructure improvements. Senator ROCKEFELLER and I are going to try to increase that in amendments later on. These are the components of the McCain substitute I hope our colleagues will consider.

The tax cuts have a history—if they are big enough and they can be felt—of stimulating our economy through the worst of times. All through history, they have done this. I hope we can support the McCain substitute. Or I will look down the road, and I will say, if the McCain substitute is not accepted by the majority of our colleagues, let's let that be the benchmark from which we will go. I do not think the majority of America believes that what is in the underlying bill is good for the short term nor is it good for the long term. I cannot even imagine putting so much debt into our system without the underlying stimulative effect that would bring in revenue to pay for that debt and thereby, perhaps, cause a much worse problem in our financial markets than we see today.

I hope, during this debate we have had this week, we now will be able to see what the good parts of all the different plans are. I hope we can adopt the McCain substitute. If we do not, I hope it will be one of the components of a bill that will be written, that will have the support of many Republicans and many Democrats. It will be the best thing that could happen in our country if this bill passed on a true bipartisan basis. It does not give the confidence to our country, to have a plan that is passed just by the Democratic side of the aisle.

Yes, Democrats won the election. No one argues with that. But 46 percent of the people of our country did vote for Republicans, so if we have a balance here and America sees we are working together, I think that would be a good thing for the overall spirit in our country that is searching for bipartisanship. If we can come to a bill that would have tax cuts for every individual and businesses to be able to hire people, if we can fix the housing market by encouraging people to buy, if we can give spending plans for our infrastructure to the States so they would be able to hire people for bridges and roads and mass transit, if we can put our money into the Department of Defense, I know we could spend $75 billion in 3 years instead of 5 years, and I know the jobs would be in America and they would be for Americans.

I think we have an opportunity. I hope we can come to some agreement that we can all be proud would be the best for our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I ask unanimous consent to engage in a colloquy with the Senator from Montana for a brief period of time to talk about the disposition of this amendment.

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

Mr. MCCAIN. Mr. President, I would say to my friend from Montana, we have two additional speakers on this side. If others desire to speak on the amendment, I ask them to come down or notify us right away.

Then I understand there are amendments—there is a tentative proposal to have votes at 3:30. So other Members should come down and talk about their amendments that are pending.

Mr. BAUCUS. Mr. President, I deeply appreciate the demeanor and the manner and the cooperation of the Senator from Arizona. He has an amendment he believes in strongly. Many Senators have spoken on behalf of his amendment; many have spoken in opposition to his amendment.

But he has been very helpful in trying to work out a manner and a way and a time agreement where we can deal very expeditiously and fairly with the Senator from Arizona. My intent is to get a vote on the McCain amendment as soon as we possibly can. The Senator said there are a couple more speakers on his side who wish to speak. I imagine there are a couple on this side too.

I cannot tell the Senator we will definitely have a vote as soon as those four speakers speak. It is my intention to have that vote. I do not know if I can arrange that at this point yet. But plan B would be a series of amendments beginning a little later in the day—not much later, approximately 3:30. And the amendment offered by the Senator from Arizona will be the first amendment. His amendment would come up first. Then votes on other amendments would come up later.

My first preference is to vote earlier. If we cannot do that, then the whole package begins at 3:30 with the Senator first.

Mr. MCCAIN. I would like for my colleagues to conclude the debate, since we have been on it since 9:30 this morning. I understand the vote may be set for this and other amendments at 3:30. But unless there is someone who wants to speak on this amendment, the Senator from Mississippi and the Senator from Utah, Mr. HATCH, are the only ones additionally who want to speak on it.

I would encourage my colleagues who want to speak on other amendments to come to the floor because there will apparently very likely be a vote on at 3:30.

Mr. BAUCUS. Mr. President, I do not see the Democratic Senator. She is not here to speak. I will go down the list. I think the Senator from Mississippi should be recognized.

The PRESIDING OFFICER (Mr. LEAHY.) Under the previous order, the Senator from Mississippi is recognized.

Mr. WICKER. Mr. President, I do want to speak on behalf of the McCain amendment and, regrettably, against the underlying legislation. We all understand the reason we are having this debate. Without exception every person in this Chamber is convinced we need to act to jumpstart our economy.

People across the country are facing hardship. More than 860,000 properties were repossessed by lenders in 2008, more than double the figure for 2007. American manufacturing is at a 28-year low. Mr. President, 1.9 million jobs were lost during the last 4 months of 2008. The economy shrank at a 3.8-percent pace at the end of the last calendar year, the worst showing in a quarter century. The unemployment rate now stands at 7.2 percent, 7.6 percent in my home State of Mississippi, with many States even less fortunate than mine.

These figures are a sobering reminder of how much we have at stake. But that is also why we need to ensure that we get this right. Part of the reason I voted against the bailout last September was that I thought it was rushed.

The Senator from Arizona acknowledged it was done in a hurry. We were told if we did not act in a matter of days, the world, as we knew it, might come to an end. I think there are many Members of this body who now wish we had taken more time to ensure that the TARP legislation was done right.

Let's learn from that experience. The bill we are debating this week is an unprecedented bill. Its magnitude is a staggering $1.2 trillion over 10 years. As a matter of fact, when I came over here to wait my turn, I was handed a legislative notice. Actually the bill now has a net impact on the deficit of $1.273 trillion, including $389 billion in debt service. That means the interest on this bill is almost four-tenths of $1 trillion.

I want to take a moment to put into perspective that amount of money. Many of us in the Chamber have heard these examples over the last few days, but they are worth repeating to the American people. I can assure my colleagues that the American people are beginning more and more to listen to this debate.

The entire Vietnam war had an inflation-adjusted cost of $698 billion. This bill is 1.2 trillion. Our involvement in Iraq has cost $597 billion. This one piece of legislation is over $1.2 trillion. FDR's New Deal, which many have tried to compare to this plan, pales in comparison, with an estimated 2009 inflation-adjusted cost of $500 billion, less than half the amount of this one piece of legislation in current dollars.

On top of this massive spending request, let's also remember we are being told, should this legislation pass, the President will then send to the Hill another $500 billion package to prop up the financial sector.

For those of us keeping score, that would be close to $2 trillion in spending when we factor in the cost of the interest. All of that is in addition to the $700 billion bailout bill passed last fall. It is hard to get a firm grasp of the magnitude of this spending.

I will say what other colleagues have said: If you began spending $1 million per day on the day Jesus was born, and you spent $1 million per day every day since that time until today, you would still not have spent anywhere near $1 trillion or, to put it another way, if you have $1 trillion in one-hundred-dollar bills, if you connected all of those one-hundred-dollar bills end to end, they would encircle the earth 40 times to get to $1 trillion.

Back in my home State of Mississippi, it has been reported that this package could mean $1 to $2 billion in projects for our State. What that means, though, when compared to the magnitude of the bill, is that as little as one-tenth of 1 percent of this spending would make it back to my State in projects.

One-tenth of 1 percent return is not a good investment for Mississippi taxpayers, and it is not a good investment for American taxpayers, essentially when, as the Senator from Texas pointed out, this money will have to be borrowed from China or other foreign governments, if we can persuade them to continue lending us the money.

It will need to be paid back by future generations. The Congressional Budget Office reported this week that the per-job cost of this plan, even if the jobs created are what we are being promised, the per-job cost of this plan is from $100,000 per job to $300,000 per job.

Now, when you take into consideration the fact that the average Mississippian earns $31,000 per year, it is hard for me to stand here and tell hard-working people back in my State that the most efficient use of their tax dollars is to spend up to $300,000 to create one additional job for Americans.

But that is what our own budget office tells us this bill will do. That is not the best use of American taxpayer dollars. We need to get this right. The American people deserve a maturely considered plan. As Thomas Jefferson reminded Americans in his day: Delay is preferable to error. Let's not rush into doing this the wrong way because generations of Americans, Republicans, Democrats, and Independents, will pay for our mistake.

It has been pointed out on this floor today, and it is worth mentioning again, that we Republicans are not alone in expressing grave, profound concerns about the enormity of this spending plan and the effect that it will have on the United States.

President Clinton's former Budget Director, Alice Rivlin, agrees. She recently testified we should not rush to spend the amount of money this bill will spend on projects with slow spend-out rates.

She said:

> Such a long-term investment program should not be put together hastily and lumped in with the anti-recession package.

And hastily put together is what this program is.

Alice Rivlin, President Clinton's Budget Director, went on to say:

> The risk is that the money will be wasted because the investment elements were not carefully crafted.

These are the words of the Budget Director under President Bill Clinton.

Now, $1 trillion is a terrible thing to waste; $1.273 trillion is a terrible thing to waste. Members of the news media understand this too. The Washington Post's David Broder, who has covered Congress for more than 40 years, a respected journalist, wrote on Sunday regarding this plan:

> So much is uncertain, and so much is riding on it that it is worth taking time to get it right.

Yet we are told we need to vote this evening. We need to try to vote today or tomorrow on this, the largest spending bill ever in the history of the United States. In order to get it right, this package needs to be laser focused on getting workers back to work, getting our housing market out of the gutter, and doing so in a way that does not waste taxpayer dollars.

The Democratic leadership in this Congress said only recently that this package should be targeted, temporary, and timely. I could not agree more. Unfortunately, as this package stands today, it could more accurately be described as slow, unfocused, and

unending. Americans have real concerns over some of the spending contained in this package: $20 million for the removal of fish barriers; $70 million to support supercomputing activities for climate research; tens of millions to spruce up Government buildings in Washington, DC; $25 million to rehabilitate off-road ATV trails; $600 million for new Government vehicles; $150 million for honey bee insurance. The list goes on and on.

My friend from New York said, a few speakers back: If you want to take this pork out, take it out. We can take it out with his vote and with the votes of his colleagues, but we cannot do it alone. If he says take it out, and he will join us in doing that, then we are getting somewhere.

These projects may have merit, but what do they have to do with creating jobs immediately? There is a process for considering those types of projects, and this emergency stimulus package is not that vehicle.

I was pleased to hear the President speak recently acknowledging the good ideas Republicans have and saying he wants to make sure Republican ideas are incorporated in this package. So what are those ideas and why do I support the McCain substitute?

First, we need to trim the unnecessary spending that doesn't immediately put people back to work. Second, this package needs to get right to the housing problem because housing is what caused the situation we are currently in. Then let's focus more on targeted tax breaks for the working class and for the job creators, the small businesses. The President initially said 40 percent of this package should be made up of tax cuts. Regrettably, we are no longer close to that goal.

Senator MCCAIN has proposed an alternative plan that does all of these. His substitute plan costs half as much, thankfully, and offers focused spending and effective tax cuts. It eliminates the 3.1-percent payroll tax for all American employees for 1 year. It lowers the two lowest marginal tax rates for 1 year.

We also need to accelerate depreciation for capital investments made by small businesses for 1 year. We need to improve tax incentives for home purchases. We need to improve early investment in national defense and military infrastructure priorities, jumpstarting the economy while making Americans safe, and mandatory deficit reduction after two consecutive quarters of economic growth greater than 2 percent.

If the stimulus package works and the economy begins to grow for 6 months in a row, then we need to rein in this unbelievably large spending bill, declare victory, and then start working on a plan to pay for it. We also need to establish an entitlement commission to review Social Security and Medicare.

I was delighted yesterday when the Isakson amendment was agreed to, doubling the current first-time home buyer tax credit to $15,000 and expanding it to cover all properties and home buyers. It is a small start—it is nowhere near the place we need to be—but I congratulate the Senate for taking that step.

This is an important debate, perhaps the most important debate we will have this year. The President was right when he said that Republicans have good ideas. I hope, as the President said, we can incorporate those ideas into this legislation. I hope we can make this package much smaller and much more targeted to jobs and housing. That is what more American people are beginning to say as they are becoming familiar with the details of this plan.

If we pass anything close to the current proposal and go to conference with the House, does anyone really believe the final product will be less expensive? If we pass the McCain proposal and cut in half the price tag of this bill and go to conference with the House, it is my hope and prayer that conference committee can report a package we can support in an overwhelmingly bipartisan manner, that can bring about confidence in the American people and make us all proud.

It is time to redirect this package. We need to make it targeted, timely, and temporary. We need to do it today. We have an opportunity to strengthen this legislation so that it doesn't waste taxpayer money, so that it actually puts people back to work quickly and puts families back into homes and Americans back to work. The American people deserve to have us do this right.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, before talking about a very important amendment introduced by Senators CANTWELL and HATCH—and I commend them for their leadership on this very important amendment about jobs in the future—I believe we are at a critical point. We have seen job loss within the last 8 years like we have never seen before. In fact, in the last year, we lost 2.589 million jobs. It is accelerating every month—500,000 last month, 500,000 the month before. We are seeing new numbers that show acceleration of job loss. Unfortunately, that has come as a result of action and inaction in the last 8 years.

We are at a pivotal point. Do we use the same policies of the last 8 years or similar ones or do we do something new? Do we focus on a different strategy of investment, focusing on the demand side of supply and demand, creating jobs, putting money in people's pockets to pay the bills, and grow the middle class of this country? That is what this package is about. It is a change.

I understand there is a disagreement and an honest debate of philosophies that occurs in the Senate. I totally understand that colleagues who have been promoting an approach for 8 years with President Bush would come forward with the same kinds of proposals on tax cuts and other approaches, most of those around tax cuts that are very supply-side oriented. I understand that is their philosophy, that is their approach. They believe that is what should happen. With all due respect, that has not worked. We are talking about over 2.5 million jobs lost last year. Critically important to me in Michigan, we have lost over 4.1 million manufacturing jobs in the last 8 years. We have had no manufacturing strategy, no focus on good-paying middle-class manufacturing jobs.

In this package, we are going to change that. One of the important ways—and there are multiple items in the bill I will mention—relates to an amendment that will be coming before the body, hopefully today. It was offered by Senators CANTWELL and HATCH, and it speaks to the future. I am proud to be a cosponsor. It focuses on manufacturing the vehicles, the plug-in electric vehicles that we know we need to get us off our dependence on foreign oil, to address global warming, and to create jobs.

We have done a great job on R&D. We are investing in this package as it relates to battery development and research and development. We are doing a better job all the time on demonstration projects. We have passed tax incentives for consumers. The question is, Where will the vehicles be made? Where will the battery technology be made? That is the piece that has not been happening.

I am proud that the first hybrid SUV was made by an American company, Ford Motor Company. They made the Ford Escape hybrid. But they had to buy the battery from Japan. Now we see batteries coming from Korea. We want the jobs making those batteries in America. That is what this amendment is about.

A123, which is a leading battery company, asserts that an investment of $4.6 billion over the next 5 years in batteries and electric vehicles will create 29,000 direct jobs and 14 million square feet of new U.S. plant capacity. Of the newly created jobs, it is estimated that about 80 percent would be in the advanced battery industry or in the supply chain.

I am extremely supportive and pleased to be involved in this particular amendment. I also appreciate the fact that it does something incredibly important. In this horrible economy we find ourselves, where capital is not available for startups or for mature manufacturing companies that are turning to a green economy, this makes sure that companies in a loss position, that we need to grow the economy and create jobs, will also participate in creating the new electric vehicles. This is the future. Shame on us if we do not make these investments

now and we go from dependence on foreign oil to dependence on foreign technology, which is, frankly, where we have been headed in the last 8 years. This recovery package changes that. The Cantwell-Hatch-Stabenow amendment is a very important addition to it.

More broadly, let me say that we know we need a change, and we need action now from the policies that have put us where we are. We have over 11 million people who want to work and who are out of work. Right now, we have more people out of work than there are jobs available. We are in a situation where we have to focus on creating jobs. That is what this recovery package does.

What we are talking about is making sure we are rebuilding the middle class. That is not a slogan; that is a reality. We have been losing the middle class because we have been losing good-paying jobs. Too many families find themselves in the middle of this economic tsunami, and they are asking us to focus on jobs and those things that will allow them to pick themselves up, to work, pay the mortgage, put food on the table, send the kids to college, and have the American dream we all want for ourselves and our children. That is what this is about.

This package is about jobs rebuilding America, jobs that leave something behind for the taxpayer—a safer bridge, better roads, better water and sewer systems, the ability for small businesses to connect with high-speed Internet so they can sell their products around the world, the ability for hospitals to cut the cost of health care by new technology and to move ahead for the future. Jobs rebuilding America are essential to this package.

Secondly, it is jobs and a new green economy. We know that one of the next things we will have to tackle is what we do about the incredibly serious threat of global warming. There is a way to do that that creates good-paying jobs in America by focusing on the new green economy. That is the new green revolution.

It was 101 years ago when the Model T Ford rolled off the line. At that time, we created a revolution, people being able to move, to be more mobile with vehicles. We started a revolution that created the middle class. This is now a time for that next revolution.

When Henry Ford created the Model T, he also started another revolution, which was paying his workers enough so they could buy the vehicle. He knew that good-paying jobs were part of the equation. You could build automobiles, but if nobody could buy them, it wouldn't matter. He understood the demand side of supply and demand. He doubled wages to $5 a day so his workers could buy the vehicles.

This package focuses on workers having money in their pockets so they can buy things to get this economy going again.

In the green economy, it is exciting to see what we have been able to do. Last year on the floor we passed in our budget resolution a green-collar jobs initiative which I was proud to author. Other than the retooling loans, we were not able to fund the rest of it. This package funds the green-collar jobs initiative with $2 billion for grants for advanced batteries. It focuses on green-collar job training.

It focuses on weatherization and energy efficiency for buildings, which we know create 40 percent of energy usage.

It focuses on creating a smart grid to improve the security and reliability of the electricity grid. If everybody in the United States had an electric vehicle made in America and they plugged it in, we would totally destroy the electric grid. We don't have the capacity. In this bill, we look to the future and say: We want the vehicles. We want the fuel efficiency. We want to stop those carbon emissions. And we better make sure we have a grid that allows that to work. So that is in here as well. So it is about right now, and it is about where we want to go in terms of jobs in so many different areas.

We are talking about loan guarantees and grant programs and tax incentives that combine to create a picture of a future that is based on a green economy and is based on good-paying jobs in America.

I wish to make sure the 8,000 component parts that go into a wind turbine—somebody told me it was 1,200 parts, and then somebody said, no, it is 8,000 actually—8,000 different parts in one wind turbine. I wish to make sure those are manufactured in this country, not just that we use the wind energy, which is important, but 70 percent of the economic activity in using wind energy comes from manufacturing the parts. We do that pretty well in Michigan, as well as, I know, around the country. But we are pretty proud of our skilled workforce which knows how to make things, manufacture things, develop things, engineer things. The green economy and the incentives in this recovery bill focus on creating those kinds of jobs, and it is very exciting to see where we can go.

We also know there are people who right now we need to be focusing on to make sure we have support for our States and communities so they can keep police officers on the beat, schoolteachers in the classroom, and keep jobs—very important jobs—in public service we all benefit from every day. That is in this package.

There are a tremendous number of people who are hurt, and certainly I speak for people in our great State who work hard every day and have been caught in the middle of this economic crisis. We have not seen much in the last 8 years to recognize the hurt families are going through and to help them through what we hope will be a temporary situation.

Unemployment compensation benefits are increasing as well. Help for families to be able to keep their health insurance is in this bill. Job training and help for people who have lost their jobs because of unfair trade practices is in this bill. Help to put food on the table for families is in this bill.

This is a very important economic recovery package that focuses ultimately on making sure we are creating jobs in America. That is what this is about. It is all kinds of jobs, that is for sure. There is not one silver bullet. It is all kinds of jobs. But it is about creating jobs, creating opportunities, looking to the future, disregarding the policies that have not worked, saying: Do you know what. We are not going to do that anymore. The same things that have been proposed that relate to what has happened in the last 8 years, we are not going to do that anymore. We cannot afford to do that.

We are in a crisis. We need to act boldly, smartly, and now. This bill does that. This is about creating jobs in America. I hope we will join together in a strong bipartisan vote to get it done.

I thank the Chair.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from Utah.

AMENDMENT NO. 364

Mr. HATCH. Mr. President, I appreciate the remarks of the distinguished Senator from Michigan.

I rise in support of the substitute offered by the distinguished Senator from Arizona. As usual, JOHN MCCAIN does not mince any words. He says what he believes, and in this particular case, what he is trying to do is make this bill better and also to make it bipartisan so it would have an overwhelming vote, including mine. But I cannot help but express concern about the misguided direction we are headed toward in stimulating our economy if we go with the bill the majority has come up with, even as amended.

Our new President recently told the Washington Post:

> The tone I set is that we bring as much intellectual firepower to a problem, that people act respectfully towards each other, that disagreements are fully aired, and that we make decisions based on facts and evidence as opposed to ideology, that people will adapt to that culture and we'll be able to move together effectively as a team.

Now, I make decisions based on ''facts and evidence as opposed to ideology.'' That is what our President said.

To me, that means we must do what is necessary and what will be effective, and I could not agree more with President Obama's statement. Unfortunately, in this bill, my friends on the other side of the aisle have not followed the President's leadership and at a time when such leadership is critical.

There is no doubt we are in a serious recession. There is widespread agreement that quick action is necessary to stop our economy's downward spiral. The facts are conclusive and Democrats and Republicans all agree economic conditions are severe. Both commonly accepted definitions of ''recession'' have clearly been met, and we

have seen a constant decline for all economic indicators.

Our current economic condition: GDP has declined at 3.8 percent, unemployment at 7.2 percent. Manufacturing is at a 28-year low. We had the worst January in over a quarter of a century. These are very important indicators. I could go on, but we are here today to look toward the future, to look toward recovery and reinvestment.

Moreover, I am not here to cast blame as to how we got here. Both sides are guilty of making poor decisions on shaping our economy. But today is critical. We need, as the President has stated, to put aside our ideological differences, focus on our economic condition, and make decisions based on what the facts and the evidence indicate will be effective.

We cannot afford to waste more American taxpayer dollars. We cannot afford to advance political dogma at the expense of doing what is right. We cannot afford to make a trillion-dollar mistake.

If we are going to spend billions to stimulate the economy, we had better get it right. The central question is whether this enormous spending-and-tax bill would be effective, or will be effective, in turning around the economy, preventing further layoffs, and creating new jobs. If it will do what is needed, it is worth the money, and we must pass it immediately.

While both sides of the aisle agree about what we want to achieve, we disagree about the means and how to achieve them. Despite popular Democratic belief, Republicans are not trying to block the stimulus package. We are trying to improve it, and the distinguished Senator from Arizona has some great ideas and has improved it considerably. While Senate Republicans have tried to offer our ideas to the American Recovery and Reinvestment Act, we have largely been excluded from helping formulate this bill.

The February 2 Los Angeles Times editorial, titled ''The Nation Needs Jobs, Not a Political Agenda,'' correctly points out this stimulus package—the largest stimulus since World War II—could and should have been crafted to garner extensive Republican support.

Instead, the stimulus is a hodgepodge of liberal-targeted spending projects with a few decent ideas thrown in to try to appease Republicans. The majority of the bill is aimed at promoting mostly public-sector jobs for short-term projects, such as building roads and infrastructure.

A large fraction of the proposed stimulus package is devoted to infrastructure projects that would spend out very slowly, not with the speed needed to put the economy on the path to recovery in 2009 and 2010. While some of these public jobs are necessary, we also must provide incentives for private sector jobs. Furthermore, the stimulus needs to take effect immediately and not continue to provide a stimulus once the economy has turned around.

While President Obama has said he believes Government spending provides the most ''bang for the buck'' and that there is ''near unanimity'' among economists that Government spending will help restore jobs in the short term, I must respectfully disagree. I believe, as do many economists, that our problems cut much deeper than what temporary Government spending will be able to cure.

Harvard economics professor Martin Feldstein, president emeritus of the National Bureau of Economic Research, wrote in a recent Washington Post article:

> The fiscal package now before Congress needs to be thoroughly revised. In its current form, it does too little to raise national spending and employment.

Gregory Mankiw, another Harvard economics professor and the former chairman of the President's Council of Economic Advisors, notes in a New York Times op-ed that each dollar of Government spending increases the gross domestic product by only $1.40, while a dollar of tax cuts—or tax relief, I would prefer to say—raises the gross domestic product by about $3.

This is based on a study conducted by Christina and David Romer, then economists at the University of California, Berkeley. Christina Romer will now serve as the chair of President Obama's Council of Economic Advisers. President Obama, there is not ''near unanimity'' among economists that Government spending delivers the most ''bang for the buck''—indeed, not even among your own top economic advisers.

Democrats have stressed they believe we need solutions that are temporary, targeted, and timely. Beyond spending for expanding Government projects, there is serious wasteful spending in this bill. The current bill provides up to $500 for individuals and up to $1,000 for families in the so-called Make Work Pay tax credit, which would encourage work at the margin only for people who produce and earn less than $8,100 per year.

Studies show that in the past, these rebate checks do not stimulate the economy. For instance, studies of the 1975 rebate—and earlier tax changes—suggested that only 12 percent to 24 percent of the rebate was consumed in the quarter it was received. Moreover, it is estimated that only 15 percent of last year's rebate checks was put back into the economy. Based on these estimates, of the $142 billion that would be allocated through the ''Making Work Pay'' tax credit—through that tax credit—the average of only $24 billion would find its way back into our economy. That is after an expenditure of $142 billion.

Now, this is what it says: The Democrats' Stimulus Plan. Make Work Pay tax credit. Make Work Pay—the cost is $145 billion. Only $24 billion will be put back into the economy. These are important estimates.

Well, is this the most effective way to spend taxpayer money? The Make Work Pay credit is a refundable credit. Anyone who works would be eligible to receive up to $500, even if that person never paid income taxes. There are other refundable credits in this bill as well, including a provision increasing the refundable portion of the child tax credit.

But the bill also creates a new category of tax credit bonds called ''Build America Bonds,'' in which a State or a local government could elect to receive a direct payment from the Federal Government equal to the subsidy that would otherwise have been delivered through the tax credit. Whom are we kidding? This is nothing more than an innovative way of delivering more spending through the Tax Code. The majority wants to claim these are tax cuts, but these are not tax cuts. This is spending. I ask my colleagues: What is wrong with using the appropriations process for spending? Some of these projects may fit the appropriations process well, but they do not fit in a stimulus bill such as this and especially one where the American taxpayers are called upon to spend so much.

Beyond these so-called ''tax cuts,'' we see even more spending for State and local governments. Until recently, my friends on the other side of the aisle have promoted their ideology to the extent that House Speaker PELOSI suggested that contraception will stimulate the economy because it is a cost-saving measure for the State and Federal governments. Even though this measure has been taken out, the bill includes plenty of other Government-expanding and ideology-promoting projects. State aid will only fund temporary projects that would need to be funded later down the road. Conversely, spending in the private sector would create permanent jobs that would give people more to spend and would lead to even more permanent job creation.

Look, it is not just Republicans sounding the alarm over this bill. Even the very liberal San Francisco Chronicle has characterized the bill as a wasteful grab bag of spending. For example, this bill could make available billions of taxpayer dollars to leftwing groups, such as the Association of Community Organizations for Reform Now, commonly known as ACORN. The plan further establishes 32 Government programs at a cost of well over $136 billion.

There is a difference between permanent tax cuts and short-term stimulative spending. If we base this bill on measures we know will work, it should include a proper balance of both permanent tax cuts and short-term spending. Instead, this bill is tilted toward government spending either through appropriations or tax expenditures. Less than 3 percent of this bill contains business tax relief. How do we expect to create jobs in the private sector when you spend that little on the people who can create the jobs?

I wish to turn my attention to the health care provisions contained in this package. As I have said before, health care reform is not a Republican or Democratic issue; it is an American issue. When we are dealing with 17 percent of our economy—and that is what the health care economy is—it is imperative that we address solutions in an open and honest, bipartisan process. Although the congressional Democrats and the administration have given a great deal of lip service to bringing change and bipartisanship to Washington, let us all remember that actions speak louder than words.

I am mostly disappointed the Democrats have decided to use the stimulus legislation to address health care reform in a partisan and piecemeal fashion. Health information technology is a perfect example. It is an area of consensus that should have been part of the comprehensive and bipartisan health care reform dialog.

Last Congress, Senator MIKE ENZI and I worked very closely with Senators TED KENNEDY and Hillary Clinton on the Wired For Health Care Technology Act which resulted in a bipartisan bill that was unanimously approved and reported by the Senate Health, Education, Labor and Pensions, or HELP, Committee. While the stimulus package before the Senate contains provisions on health information technology—that is health IT—it does not resemble that bipartisan bill we introduced and passed unanimously out of the committee last Congress. The most important difference is that these provisions do not represent a bipartisan agreement because Members on both sides of the aisle were not involved in the discussions.

Secondly, the stimulus bill undermines the work of former Health and Human Services Secretary Mike Leavitt and the Bush administration by federalizing the National eHealth Collaborative. While I believe the Federal Government should play a role in this area, it should not take over such an initiative. The intent of our legislation, and the intent of Secretary Leavitt, was to encourage a partnership between the private sector and the Federal Government to improve the quality and efficiency of health care. The stimulus legislation dissolves this public-private partnership.

Finally, the stimulus bill provides $1.1 billion for clinical comparative effectiveness, including a $400 million slush fund to be used by the Secretary at his discretion. Once again, this is a topic of bipartisan interest and concern that should have been discussed in the context of comprehensive reform.

We have not even discussed the overall cost of this bill. When interest is included, the almost $900 billion Senate version reaches close to $1.3 trillion. That is enough to give every man, woman, and child in America $4,000, or every person in my home State of Utah $480,000. Indeed, $1.2 trillion is more than the cost of the New Deal and the Iraq war combined in today's dollars. The interest alone would be costlier than the Louisiana Purchase or going to the Moon adjusted for inflation—in fact, four times the cost adjusted for inflation and time—than the Louisiana Purchase.

The bill is estimated to cost $1.3 trillion with interest. The congressional budget authority has estimated that the stimulus bill will produce between 600,000 and 1.9 million new jobs by 2011. That means it would cost anywhere from $700,000 to $2.1 million to create one job. That is absurd.

To make this bill economically stimulative, we must make decisions that will be effective. Our economy began this downturn when our housing market collapsed. No stimulus will work unless we address the root of the problem. Some of my Republican colleagues are proposing to add the Fix Housing First Act which would refinance and lower fixed rate, 30-year mortgages for primary residences and provide a $15,000 tax credit for all homebuyers. I support this idea because it would encourage people to buy houses and would help homebuilders, and it would put a lot of people to work. In addition, we have offered a proposal to permanently lower the corporate income tax rate which again would give the corporations in this country the ability to hire a lot more people, expand their businesses, and do what should be done. We need to enact tax relief that will help save and create jobs now.

I believe one way to truly stimulate the economy is by making the research tax credit permanent. If we lifted the quota on H2B people—these are generally highly educated people, educated in our country, who are forced out of our country to go home and compete with us, where otherwise they would stay here and help us be more competitive than we are. For too long, companies have been waiting on a short-term basis to see whether this vital tax credit will be extended for yet another year or two. When 80 percent of the research credit is based on salaries and wages, I doubt that anyone in this Chamber could honestly say that making the research tax credit permanent would not provide a great deal of bang for the buck.

We should also look at middle-class tax relief by lowering the 15-percent bracket to 10 percent and the 10-percent bracket to 5 percent, increasing the capital loss deduction and lowering the capital gains rate to encourage investment which would lead to job creation. I think I have the right to say these things because I was one of the original supply siders in the Reagan administration. Not only did we have the arguments that if we reduced taxes, we will have less revenues, not only did that turn around, but we had many more revenues that were planned or contemplated because we did reduce those taxes.

The fact that 11 Democrats and every Republican voted against this bill in the House is evidence that bipartisanship did not prevail. The reason it did not prevail is that there was too much spending in the legislation and not enough incentives to spur job growth and economic development. For this stimulus package to be effective, it should incorporate ideas from both sides of the aisle. We should be focusing on incentives that are permanent and broad, not temporary and targeted. We owe this not only to taxpayers today, but also to future generations of taxpayers who will be saddled with this trillion dollar spending bill—$1.3 trillion. In short, we owe it to every American to craft a bipartisan stimulus package that will rouse the economy instead of coming up with a partisan bill that produces little and provokes American anger.

Again, as I said at the beginning of my remarks, I wish to thank the distinguished Senator from Arizona for the work he has done in trying to come up with a reasonable compromise on this approach that will create many more jobs at much less cost, and for his willingness to stand on this floor and the guts he has to be able to take on all of us as colleagues in the Senate to try and do what is right.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. CASEY. Mr. President, I wish to speak as well on the bill we are debating from a couple of different vantage points. One is on the bill itself and what is confronting the American people and our economy. Secondly is an amendment I will speak of briefly.

I think in a broad sense we are at a point now where we are getting close to the point at which we will vote on the bill itself—the recovery bill—the Recovery and Reinvestment Act. We have heard a lot of debate and discussion about parts of this bill that people don't like—and there is no reason why we shouldn't debate those points of contention—but I think we should also step back and look at what is going to work from this bill and why this bill is so essential to our economy.

The bad news is that this bill is not being debated and these amendments are not being voted on in a vacuum. The reason why we are debating this bill is because we have about the worst economy that we have seen since the 1930s, at least the worst economy in more than a generation. That is without question. I know the Presiding Officer as well as others know how bad this is in our own States. I know from the people in Pennsylvania whom I talk to and the stories and accounts that I read about our economy, it is graphic. I won't go through all of it, obviously, but if you look at it from the unemployment rate, it is more than 7 percent nationally. Some projections are that if we don't take strong decisive action very soon, that number could go up to 10 percent—numbers we never would have imagined even 6 months ago. In Pennsylvania, our unemployment rate is a little less than

that. As of December—the State numbers tend to lag by a month or so—we were about 6.7 percent, but a month earlier it was 6.2. In our State in November we lost more than 27,000 jobs. In December we lost another 27,000 jobs. We saw the numbers today on claims for unemployment, help for unemployment claims. The number is going way up: well over 650,000 people in this week's tally.

We can also look at it from the vantage point of a budget. Pennsylvania has a budget where they have to balance it every year, as virtually every other State. Governor Rendell has worked very hard over the 5 years he has been in office to target investments in priorities such as education and health care and job creation and creating new sources of energy, but at the same time he has done that, he has also made sure that he has tried to hold the line on spending. Despite all of that effort, revenues are collapsing. In a State such as ours we are facing almost a $2.5 billion shortfall. The rainy day fund, which has been built up to three-quarters of a billion dollars, has been decimated or will be in the next year.

So we need action, and we need it very soon. We should vote on this bill this week, I believe. We can't wait any longer. We shouldn't wait another month or two to continue to debate strategies that we know will work, even with a bill that is imperfect.

But what are we talking about in this bill? We are talking about helping people get through this recession with unemployment insurance, which also has a jump-starting effect on spending and job creation. We are talking about health care for people who have lost their jobs so they can take care of their families. We are talking about assistance to States so that States don't have to jack up State taxes and so that local school districts and local communities don't have to increase their taxes exponentially because we won't help them.

Some people want us to do nothing, and doing nothing right now I know means one thing: It means much higher local and State taxes over the next couple of months. We can't allow that to happen. People are paying too much already across the country. It has tax cuts that are prudent and targeted. It has investments in health care IT which will pay dividends short term with jobs and long term with better health care outcomes and better quality. It invests in science and technology. It invests in clean drinking water and better ports and rails, better energy strategies, housing, school modernization—the whole range of strategies that we know will create jobs in the short run, but will also have a strong impact on our economy.

So we should move forward and we should make sure we do the right thing now, and the right thing is to act and to pass a piece of legislation which may be imperfect, but we should emphasize what is working.

One note about two amendments, and then I will conclude. Senators SPECTER, LEAHY, DODD, SCHUMER, KERRY, and I have an amendment which is a smart idea for housing. We know that with the leadership of Chairman DODD, the chairman of the Banking Committee, last year we passed very good legislation to deal with our housing and economic recovery, the so-called HERA Act, which helped to allocate dollars—$4 billion—last summer in emergency assistance to State and local governments to use for the rehabilitation of abandoned and foreclosed properties across the country. What we are asking for in this amendment—the amendment to the recovery bill—is to say that an additional $2.25 billion which is already in the bill for the neighborhood stabilization program will allow some flexibility in how those dollars are spent so that under our amendment, it permits up to 10 percent of the funds to be used for foreclosure prevention, which we are not doing enough on right now. It also allows States that are receiving the minimum allocation under the stabilization program to use their funds to address Statewide concerns. Finally, it sets aside $30 million for legal assistance for low and moderate income homeowners and tenants related to home ownership, preservation, home foreclosure prevention, as well as tenancy associated with home foreclosures. So it is a prudent amendment to this important legislation.

But when we step back from the bill overall—and I have amendments as well on stronger oversight—there are lots of ways we can improve it today and tomorrow, as we did over the last couple of days. But in the end, we need to vote, we need to pass this bill and make it as strong as we can. The worst thing we could do in a terrible economy right now is to say, Well, it is not a perfect bill, and we are going to hope that things work out. If we don't pass a bill, State and local taxes are going to go through the roof, our economy will fall further into the ditch. We have to get this economy out of the ditch, create jobs, and begin to grow our economy once again.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, through the Chair, I ask the chairman of the Finance Committee if I would be allowed to ask unanimous consent, not for a time agreement, but for an agreement on the order of speakers on our side, going back and forth with the majority, so that they would have an idea of the order.

Mr. BAUCUS. If Senators wish to speak, they can come to me and we will set up an order. The Senator from Nevada is next, then Senator KOHL, then Senator CHAMBLISS, then Senator DODD. We are down that far already. Hopefully, we can get an agreement to start voting very quickly.

Mr. ENSIGN. Mr. President, without a doubt, the collapse of the housing market is at the root of the economic crisis we are facing in our country. Every single American is being affected by this.

A few short years ago in Nevada, housing prices were through the roof. If you were in the market for a home, you had to act quickly and you had to plan on being in a bidding war. For a while, it seemed there were more realtors and mortgage brokers than blackjack dealers in Las Vegas.

The housing storm blew through many communities in our country at high force, and the aftermath has been brutal. If you do not live in an area with a lot of foreclosures, let me describe the situation. You drive home from work to find one home—or maybe several homes—in your neighborhood with a dead lawn. That is the first sign. Then the ''For Sale, Bank Owned'' sign pops up on the lawn. But the most painful part is when you find out how much the foreclosed home down the street from yours is going for. It is part of the reason consumer confidence is at such an all-time low. When you find out that the biggest investment you personally have, the property that gives you leverage in this economy, is worth less than what you bought it for, it creates a sense of panic.

Much worse off are the people who have lost jobs, have been unable to pay their mortgages, and soon found themselves losing their homes. Nevada leads the Nation in foreclosure rates, so these stories are reality for too many of my constituents and too many other families across the United States.

If we don't figure out a way to get this housing market back on track, nothing we do in the name of economic stimulus will matter. It has to be our number one priority. If we can fix the problem—and the problem is housing—then we have a chance to fix our economy.

To do that, we absolutely must increase home sales and decrease foreclosures. It sounds like an impossible task in light of the current economic climate, but if we do not succeed, our economy will continue to crumble under the weight of the failed housing market. We really do not have a choice.

I have a plan that will jump-start the housing market and breathe life back into our economy. It is very simple. A lower mortgage rate will provide more than 40 million households in the United States who are creditworthy or who have a Fannie Mae- or Freddie Mac-backed loan with what amounts to a $400-a-month tax cut for the next 30 years.

Here is how it works. American homeowners would be able to refinance their current mortgages or finance the purchase of a home for somewhere between 4 and 4.5 percent. Homeowners who hear about this proposal immediately begin to do the math. You can literally see their eyes light up as they realize how this will benefit them. Imagine saving $400 per month on a

fixed-rate, 30-year mortgage. This will save $150,000 over the total term of their mortgage. That $400 a month will make a huge difference in the budgets of most families.

By the way, think of the stimulus effect. If you send a one-time check of $500 to somebody, they will be unsure whether that is going to be there in the future. Remember, we did this last year and found out what happened: people spent only 12 cents out of every dollar. It did not help the economy that much. It just added to the deficit. Instead, people saved the money because they saw tougher economic times ahead. They paid down some of their credit card debt, but they didn't go out there and spend it in the economy to generate economic activity. So just think of what a family could do with the kind of savings my amendment would provide. That is almost $5,000 per year that you could count on for the next 30 years. You could build that into your budget and you could increase your economic activity with that.

Now, banks would issue these Government-backed lower fixed-rate mortgages on primary residences, and they would be available between now and the end of 2010. This new lower rate would be based on the historic spread between the rates of the 10-year Treasury bill and the 30-year fixed-rate mortgage. We have limited the cost of the program to $300 billion. But the economists who have looked at this think the cost will be dramatically less. If you multiply this out across the country, it is over $6 trillion in savings for the American people over the next 30 years. So the Government invests $300 billion, and Americans save, over the next 30 years, $6 trillion. That is a pretty good return on our investment, I would say.

It is also time to expand the current tax credit for first-time home buyers. We need to encourage every potential creditworthy homebuyer to jump into the market. We should expand the existing credit to cover all homebuyers and cover all properties, not just vacant or foreclosed properties. That is why I strongly supported Senator ISAKSON's proposal to increase the credit to $15,000. Well, since our proposal is a substitute, we have actually incorporated the Isakson proposal for up to $15,000 for those who will buy a home. They will be able to claim that against their taxes either in one year or take 50 percent each year for the next 2 years.

We need to have people staying in their homes. The onslaught of foreclosed properties in Nevada and across the country is a significant hurdle to economic recovery. They bring down property values and drag down consumer confidence.

Privately securitized mortgages are at the core of the problem. These are mortgages that were originated without a guarantee from one of the government-sponsored enterprises. They account for more than 50 percent of the foreclosure starts despite accounting for only about 15 percent of all the outstanding mortgages. So my bill, the Fix Housing First Act, includes temporary incentives for privately held, securitized mortgages to be modified. That would allow homeowners facing foreclosure to pay lower monthly payments and to stay in their homes. It also provides temporary legal protection for those who do loan workouts in good faith. These two steps eliminate the economic and legal barriers that are currently preventing many homeowners from modifying their loans. This will have a huge impact on families who may be slightly underwater on their loans but who are anxious to stay in their homes.

Unfortunately, more than 860,000 properties were repossessed last year alone. That means that nearly 1 million families lost their homes. It was easy for a while to blame irresponsible homeowners for taking out risky loans and gaming the system, but the cancer caused by the housing crisis has spread to every aspect of our economy—the financial markets, employment, the auto industry, retailers, State budgets, and local budgets. The list goes on and on.

If we want to heal our economy, we have to start first with housing. My proposal—by the way, I call it ''my'' proposal just because I happen to be the lead author. Many people have worked to put this proposal together. Our proposal will fix housing. It is the most comprehensive of any of the pieces of legislation out here. It is the most comprehensive piece of legislation to fix the housing crisis in the United States. But along with addressing the housing market, we also need to do properly targeted tax relief for families and small businesses.

The underlying bill has some good proposals in it. They are, unfortunately, a small part of the package. But we have incorporated some of those good ideas into our amendment. If there is a good idea out there, let's do it in a bipartisan fashion. That is the way we should have done this bill in the first place. That is what the President called on us to do. Unfortunately, the Democrats in the House of Representatives decided to cut Republicans out of the process, and the Democrats in the Senate decided to cut Republicans out when we were crafting this bill. It is unfortunate, but that is what happened. It is not too late, though. We can sit down and take good Republican ideas and take good Democratic ideas and help the American people out of this terrible economic morass we are in.

I believe American taxpayers deserve a break. American families, especially working-class families, need a tax break. So what we have done in our bill is taken the two lowest marginal rates and we have cut them. The 10-percent bracket would be cut to 5 percent, and the 15-percent bracket would be cut to 10 percent. The average combined benefit of these cuts for middle-class families would be about $3,200 per year for each of the next 2 years.

As I mentioned before, we also need to give small business a major boost. Small business creates 80 percent of the jobs. We need to encourage small businesses. It is not Government that grows us out of every recession, it is small business. That is why this engine of our economy needs some fuel.

Extending bonus depreciation, eliminating capital gains taxes for startups and certain small businesses, and investing in broadband access are all measures that will spur job creation and help get this country back on its feet.

Finally, the Fix Housing First Act eliminates the laundry list of wasteful spending items in the current stimulus bill. There is also a large list of spending items that some of us may support. Many are new spending programs. But at a time when our country is facing a fiscal as well as a financial crisis, if we are going to have new programs, we ought to eliminate old, wasteful programs. The underlying bill does none of that.

Mr. President, Americans are hurting right now. So many have lost their jobs, lost their homes, and they need help. They need us. We have a role to play here. We need to put confidence back into consumers across America so they can start getting back involved in the economy. They understand that a $1.2 trillion spending bill is not the answer. That is why we are seeing support of this bill go down in the polls each day.

By the way, the bill is not getting smaller. Each day we vote on amendments, it gets larger and larger and the interest on the bill gets larger too.

So I challenge my colleagues, if you do not like the approach we have taken, let us sit down and do it right. Consider the TARP funds that were spent. We were told if we didn't do it that week, the whole economy was going to collapse. When we rush things through, we make mistakes. And we have seen the mistakes with the TARP fund. You see the headlines all the time: $20 billion in bonuses for executives who took money from TARP. And there are all kinds of newspaper stories here and there about the abuses committed with TARP funds. Let's not make the same mistake by rushing through this bill. There is an artificial deadline that has been set on this bill—and that is exactly what it is. Should we act quickly? Yes. But doing something wrong quickly does not make it right. Yet that is what some people seem to be saying.

I urge us to do what is right for the American people, and let us join together as Americans and figure out what we need to do. Let us take good ideas from both sides and let us help fix the American economy.

I yield the floor.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Wisconsin.

Mr. KOHL. Mr. President, for months, news about our sinking economy has dominated. The facts are staggering. We now have a 7.2-percent unemployment rate. Upwards of 1 million good-paying manufacturing jobs were lost last year, and consumer confidence is at or near an all-time low. Last week brought more bad news. In the last quarter of 2008, the economy shrank by the most in 26 years.

At the same time, we now well know about the irresponsibility of some financial executives who helped to create this crisis and who are now benefiting from Government assistance. While countless families struggle to make ends meet, some Wall Street executives rewarded themselves with bonuses totaling more than $18 billion last year. Such outrageous rewards during an economic downturn are without justification, and they draw a harsh contrast with the rest of America.

Each week without a response from our Government will make that contrast more pronounced—more jobs lost and more families hurting across the country. This is not a partisan issue. Economists agree that Government needs to act and act now.

I support the package before us, but I do have some reservations. The pricetag on this bill is enormous, and it is true some of the cost is in long-term investments such as in education, health care, and energy efficiency and independence, which some argue is not immediately stimulative. This is a case, however, where the sum is greater than the parts. Ultimately, this legislation contains what our economy needs to get back on track.

The legislation before us combines tax relief, investments in infrastructure, and assistance to State and local governments, all aimed at putting people back to work and jump-starting our stalled economy. With $342 billion in targeted tax relief, the bill will help middle-class families. Families in Wisconsin, for example, will get on average a tax cut of $900 just this year. And the bill provides important tax incentives and benefits for businesses to save jobs and stimulate growth.

The bill before us also includes funding to get people back to work while rebuilding our Nation's crumbling infrastructure. For Wisconsin, the bill funds more than $537 million in highway improvements and includes more than $218 million for school modernization.

The bill also takes into account the needs of agricultural and rural communities, funding rural water and waste disposal and farm operating loans.

Also, the bill provides for our neediest citizens, those who are hit hardest by this downturn, through increased funding for Food Stamps, WIC, as well as food banks.

I am pleased the bill includes funding for two of my priorities—job training and the COPS Program. Job training is at the core of what this legislation is about: putting people back to work. The $1 billion of funding in the bill will retrain countless workers and prepare people for new job opportunities.

In addition, the bill includes nearly $4 billion for Federal and State law enforcement programs. These programs have a track record of reducing crime, and the additional funding will create jobs quickly.

In some ways, this bill is tough to swallow. I understand why there are those who may well vote against this bill who argue that it is too much money. And I understand there are 100 Senators here and each one of us would craft this bill differently. But even those voting against the measure would certainly agree that during this time of enormous stress on our economy and throughout our land, we cannot afford to do nothing. We are in an economic crisis and doing nothing is not an option. Indeed, before the final vote, there may well be some modifications to this bill. But we need to vote for a recovery package similar to the one before us today.

I wish to talk briefly about an amendment I have filed that would provide $30 million to the Manufacturing Extension Partnership Program. The amendment is offset. I am hopeful this amendment can be included in a managers' package. The amendment has the support of Senators SNOWE, STABENOW, BROWN, WHITEHOUSE, LEVIN, SANDERS, SCHUMER, and WYDEN. MEP makes small- and medium-sized manufacturers more competitive by helping them implement the latest technologies. In 2007, MEP business clients reported over 52,000 new or retrained workers, increased sales of $6.8 billion, and over $1 billion in cost savings. As a longtime supporter of the MEP Program, I believe this would be a critical addition to the bill. A healthy manufacturing sector, as we all know, is the key to better jobs, increased productivity, and higher standards of living.

Mr. President, I yield the floor.

Ms. SNOWE. Mr. President, I rise today to speak on behalf of an amendment to the stimulus bill that Senators KOHL, BROWN, LEVIN, SANDERS, STABENOW, WHITEHOUSE, and I are introducing. The amendment will restore funding for the Manufacturing Extension Partnership, MEP, to the level included in the House-passed bill. It ensures that $30 million currently contained in the bill for the National Institute of Standards and Technology, NIST, go specifically to the MEP to continue its critical operations on behalf of small and medium-sized manufacturers nationwide. This would not increase the size of the stimulus bill; rather, it would simply reallocate funding to the MEP.

If our goal in this stimulus is to create and retain jobs, then there is no better program to fund than the MEP. Administered by NIST and with centers in every State, the MEP provides our Nation's nearly 350,000 small manufacturers with services and access to resources that enhance growth, improve productivity, and expand capacity. At a time when our economy is suffering its worst downturn since the Great Depression, the MEP's work is crucial to helping those manufacturers be stronger long-term competitors both domestically and internationally. This will, in turn, allow them to create good-paying high-skill jobs.

As co-chair of the Senate Task Force on Manufacturing, I have seen firsthand the effect our country's manufacturing industry has on the vitality of our economy. By directing $30 million to the MEP, we will be sending a clear signal to small manufacturers that they will continue to play a vital role in reinvigorating our economy. I urge my colleagues to adopt this amendment.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 189

Mr. DEMINT. Mr. President, I wish to speak on my amendment that protects religious freedom on college campuses. I start by asking unanimous consent to add Senator MIKE ENZI of Wyoming and Senator JIM BUNNING of Kentucky as cosponsors of amendment No. 189.

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

Mr. DEMINT. Mr. President, for 2 or 3 weeks now, we have been told time and time again by colleagues and the President that we need to move our country forward, set aside our differences, our ideology, remember what unites us, and come together. But the people who are writing our legislation today have not gotten that same message. I will talk about it in just a moment.

This morning, I had the pleasure of sitting with a number of my House and Senate colleagues, along with about 3,000 other people from all over the world, people of faith, and heard President Barack Obama address the National Prayer Breakfast. The President said many great things, but one of them was this:

> The particular faith that motivates each of us can promote a greater good for all of us . . . I don't expect divisions to disappear overnight . . . but I do believe that if we can talk to one another openly and honestly, then perhaps all rifts will start to mend and new partnerships will begin to emerge.

We heard President Obama, as well as the former Prime Minister of Great Britain, Tony Blair, say faith gave us tools to solve problems that could not be solved without faith. This is a beautiful message, and I think we all know it is true.

Then we come here and find a provision in this massive spending bill that would make sure that students could never talk openly and honestly about their faith. The fact is, any university or college that takes any of the money in this bill to renovate an auditorium, a dorm, or student center could not hold a National Prayer Breakfast there any longer because of what is written in this bill.

This bill provides funds to modernize, renovate, repair facilities on college and university campuses, both private and public. But there is a phrase in there, a couple of lines that says the facilities that accept these funds cannot be ''used for sectarian instruction, religious worship, or a school or department of divinity; or in which a substantial portion of the functions of the facilities are subsumed in a religious mission.''

Keep in mind that a prayer has been called by our courts to be religious worship. What this means is students cannot meet together in their dorms, if that dorm has been repaired with this Federal money, and have a prayer group or a Bible study. They cannot get together in their student centers. They cannot have a commencement service where a speaker talks about their personal faith.

What this means to universities is legal risk, threats of lawsuits from the ACLU if they allow any religious activity on a campus that has taken any of this money. It is not just the particular facilities. This money can be used for electrical wiring, plumbing, and sewer systems that affect every building on campus.

This language has been written by very smart lawyers to do what they try to do, and that is intimidate the free speech of traditional freedom-loving Americans. My amendment would just simply strike this language and affect no other parts of the bill.

The National Prayer Breakfast could not be held in a building renovated with funds from this bill. The Campus Crusade, a fellowship of Christian athletes, Intervarsity Christian Fellowship, Catholic and Jewish student groups who are meeting on campuses all over the country today could no longer meet in buildings that use funds from the bill we are talking about today. Classes on world religions or religious history, academic studies of religious texts could be banned by facilities that are renovated by this bill.

What about a group of teachers or professors who want to start a meeting with a prayer? What about chaplains on campus? What about private Bible study in a student's dorm room? What about a campus that wants to bring a Billy Graham or Rick Warren to speak? Would they be barred from campus? Would the college be sued by the ACLU? What if one of us, a Member of Congress, went to speak at a college graduation and shared a little bit about the faith in our life, would that college be sued?

The people who wrote this bill want to create risk and liability and put a chilling effect on religious freedom in our country. The most important thing for us to consider is what is this nonsense doing in this bill in the first place? The courts have decided this issue. Religious groups have the same freedom as nonreligious groups. This has nothing to do with the economy and even less to do with stimulus.

Keep in mind, this bill did not write itself. Someone around here thinks it is a good idea to discriminate against people of faith, to deny them educational opportunities and access to public facilities. Someone is so hostile to religion that they are willing to stand in the schoolhouse door, like the infamous George Wallace, to deny people of faith from entering any campus building renovated by this bill.

This cannot stand. It is in hard times that our society most needs faith. It provides the light that no darkness can overcome. This provision is an attempt to extinguish that light from college campuses, from the lives of our youth.

In the words of the President today:

> Faith . . . can promote a greater good for all of us. Our varied beliefs can bring us together to . . . rebuild what is broken [and] to lift those who have fallen on hard times.

Our culture cannot survive without faith, and our Nation cannot survive without freedom. This provision is an assault against both. It is un-American, and it is unconstitutional, intolerant, and it is intolerable. It must be struck from the underlying bill.

I urge my colleagues to support my very simple amendment, a few lines that just strike this provision that has already been decided by the courts that has no place in this bill. I urge my colleagues to support it.

I reserve the remainder of my time. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. There is no time allocation.

Mr. BAUCUS. There is no time.

Mr. DEMINT. I yield all of it then.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. MCCAIN. Mr. President, can we propound the unanimous consent request? It has not been cleared.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, first, I commend our good friend and colleague from Montana. He has been on the Senate floor it seems endlessly over the last several weeks with a number of bills—SCHIP and now this stimulus package and others. I commend him and his staff for the tremendous job they have been doing. It is a lot of hard work. They have been very patient with all of us. Senator INOUYE as well, and his staff on the Appropriations Committee. They have done a good job as well.

I have two amendments that will be offered at some point later today. I wish to take a couple minutes to describe each of them since we will have limited time during the series of votes that will occur to describe them in detail.

The first amendment I will be offering, along with Senator JOHN KERRY who offered to be a cosponsor of this amendment, involves the mitigation on foreclosure issue.

It was exactly 2 years ago the day after tomorrow that I held my first hearing as Chairman of the Banking Committee on the foreclosure issue. At that time we had a hearing on this issue. I warned at the time, as did several of my colleagues on the Committee, about the serious mounting problems with the threats to the residential mortgage market in the country and what this could likely do to our economy if we didn't put a tourniquet on this beginning hemorrhage in the residential mortgage market.

At that time, Martin Eakes, who is President and CEO of the Self-Help Credit Union and the Center for Responsible Lending, predicted at that hearing there would be over 2 million foreclosures in the United States. This was in February of 2007. The reaction from the Mortgage Bankers Association and other industry groups was immediate and definitive that day. No way, they said. They accused Mr. Eakes of crying wolf and exaggerating the problem.

Well, the industry was half right. Mr. Eakes and the consumer advocates were very wrong. We weren't facing 2 million foreclosures. We now know we are facing 8 million foreclosures 2 years later. And of course we are all painfully aware of the condition of our economy today, the worst since the Great Depression, going back 80 years; and, unfortunately, getting worse every day, with 20,000 jobs a day being lost in our country, and somewhere between 9,000 and 10,000 homes being foreclosed.

When we wrote the TARP program in the fall of last year, one of the major provisions was to mitigate foreclosures. Regretfully, very little has been done on that issue, and today we still see the mounting foreclosures in our country. In fact, last summer, we passed the Hope for Homeowners legislation. This amendment I am offering today does two things: one, it makes it possible for the Hope for Homeowners bill to work better than we intended it would back in July by eliminating several provisions in that bill, or at least modifying, including lowering the future equity that homeowners must share from 50 percent to 25 percent of the original price; reduce the upfront and annual premiums charged to borrowers under that program; provide incentive payments to servicers who participate in the program; and allow for bulk sale of mortgages at discounts to promote a higher volume of loan modifications. Now, these ideas will increase participation, which has been almost nonexistent. With these modifications, there are many who believe we will see a substantial increase in people taking advantage of that program.

The second part of the amendment is one that would require within 15 days of the enactment of this legislation to develop a program in consultation with the Chair of the Federal Deposit Insurance Corporation, the Chair of the Federal Reserve Board, and the Secretary of HUD to develop a program to mitigate additional foreclosures. We would require and devote no less than $50 billion of the TARP fund—not of the

stimulus package, of the TARP funding—to go to a loan modification program. And the program, I would point out, is expected to prevent at least 2 million foreclosures in the country.

The amendment does not dictate any particular loan modification plan. I think we owe the administration, which has committed to moving on this matter, the ability to develop the best plan they are able to. So I leave it up to them to decide how this can be done. I am particularly attracted to the plan Sheila Bair at FDIC has promoted, but I know there are other ideas. But at least here we would commit $50 billion of that $350 billion to do something that will require and mandate that we begin to deal with this problem.

I don't know of anyone who believes today that if we don't deal with the foreclosure problem we will not get to the bottom of our economic crisis. I have been saying it for 2 years. We had 30 hearings in the Banking Committee, of the 80 we held in meetings on this subject matter, and witness after witness, regardless of ideology or political stripe all said the same thing: We have to deal with the foreclosure issue.

Today, with 8 million homes in jeopardy, 9,000 a day being lost, we finally I think have to say with some certainty that if we are going to be using this next tranche of $350 billion, we have to dedicate $50 billion of it to foreclosure mitigation. So in addition to the modifications to the Hope for Homeowners, the amendment would also require that $50 billion be spent of the TARP program on this issue.

The second amendment I will be offering deals with executive compensation. Now, let me say right at the outset, this issue can be trivialized, if we are not careful. I think a lot of attention has been paid to this issue because, obviously, it is infuriating to people when they watch taxpayer money go into an institution and then they read where top executives walk away with multimillion dollar bonuses or contracts. It absolutely is more than infuriating to people when they read about it and hear about it. The problem is, if you don't do something about this, we are never going to be able to build the confidence and optimism people need to feel about the larger part of this program. So a tremendous amount of heat and understandable anger is focused on executive compensation.

Again, I emphasize that I think there are other issues we need to deal with, but in order to deal with and build some support for them, we have to deal with the executive compensation issues. This amendment does so. I realize this is painful for some, and I am not suggesting everyone who has been receiving bonuses or excessive compensation is necessarily an evil person at all. Quite the contrary, in many cases they are good people. But there needs to be a sense of reality that if you are literally dumping billions of dollars into these institutions to try to save them, when in many cases the very people who mismanaged these operations are walking away with millions of dollars in compensation. You can begin to understand why people in this country are so angry.

Let me describe a few of the major provisions regarding this. The amendment would ban bonuses, retention bonuses, and incentive compensation for some of the most senior employees at TARP recipient firms. It would authorize the Secretary of the Treasury to increase the number of executives ineligible for such compensation if he deems it to be in the public interest.

Secondly, this amendment is not only about the prospective TARP recipients, it also requires the Secretary of the Treasury to conduct a retroactive review of past bonus awards, retention awards, and other compensation that TARP recipients paid to employees. If the Secretary determines any payments were excessive and inconsistent with the purposes of TARP or otherwise contrary to public interest, the amendment directs the Treasury to seek to negotiate a reimbursement to the American taxpayer.

Currently, shareholders of public companies may offer proposals on executive compensation, but it takes an initiative by the shareholders. We apply that provision now to TARP recipients. Under this amendment, it would require the TARP recipient of the company to automatically put a proposal on these cash bonuses and compensation on its annual proxy statement to shareholders without requiring shareholders to make a prior request or formulate the proposal. Such proposals would call for an advisory shareholder vote on the company's executive cash compensation program. This ''say on pay'' vote would enable shareholders of TARP recipients to voice their views. And as the owners of the companies, I think they ought to be heard on these matters.

Thirdly, under the Emergency Economic Stabilization Act, we included a clawback requirement, which allows the TARP to recover any bonuses or incentive compensation paid to an executive based on reported earnings or other criteria later found to be materially inaccurate. This amendment expands the number of senior employees who would be subject to this clawback as well.

As former SEC Chairman Bill Donaldson wrote not that long ago, and I quote him:

> People with targets, and jobs dependent on meeting them, will probably meet their targets—even if they have to destroy the enterprise to do it.

This amendment ensures that isn't the case for companies receiving TARP funds. First, it would prohibit any compensation plan that would encourage the manipulation of reported earnings. It would also create a compensation committee composed entirely of independent directors—not only monitoring the objectivity of compensation awards but evaluating compensation plans and their potential risk to the financial health of the company. Finally, the amendment would require the chief executive officer of the TARP-receiving company and the chief financial officer of the company to certify compliance with these requirements. We have required that under Sarbanes-Oxley, and I think in this area we ought to do it as well.

There will be those who think these are excessive, but unfortunately, what we have seen is excessive. If we are going to convince the American public that what we are trying to do is in their interest, then we have to be certain when it comes to these matters.

Again, I urge my colleagues to be supportive of this. It is broad, it is far reaching, it gives the Secretary additional powers, but it allows us to deal with these issues in a comprehensive fashion.

Unless we do this, I will tell you that I think it will become virtually impossible to get this Congress, either body, to support any additional funds of this nature that may very well be needed. Unless we start to calm the anger of the American public over how some of these dollars are being used, we are never going to succeed in that effort.

So while it is not a significant portion of the money overall, it is a significant cause of the lack of confidence, and therefore I urge my colleagues to support the amendment when it is offered. The first amendment is on housing, and this one is on executive compensation.

I apologize for taking a little longer. I know other Members wish to be heard.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I was going to respond to Senator DEMINT's amendment, but I see Senator THUNE on the floor, and we are trying to alternate from side to side. It will take me about 10 minutes, but I yield to him.

Mr. MCCAIN. If the Senator will yield to me for one comment. We are still working on a UC for setting up votes, and for the benefit of my colleagues, we think it is roughly sometime shortly after 4 p.m., but we haven't completed the unanimous consent agreement as yet. But for the information of colleagues, we are working on a series of 13 votes at least.

Thanks.

Mr. DURBIN. Mr. President, I ask Senator THUNE if he wants to proceed first.

Mr. THUNE. Mr. President, I guess my understanding is—and it wasn't locked in, in the form of a unanimous consent request—that we were going to ping-pong back and forth with speakers. I have an amendment I wish to speak to, if that is okay with the Senator from Illinois.

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

Mr. CHAMBLISS. Mr. President, does the Senator from Illinois wish to speak after Senator THUNE?

Mr. SCHUMER. No, I do.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that I be allowed to speak after whoever speaks on that side, after the next Democrat speaks.

Mr. BAUCUS. Frankly, Mr. President, I think the next speaker should be you.

Mr. CHAMBLISS. I will go with that.

Mr. BAUCUS. You are on. The Senator from Georgia.

Mr. CHAMBLISS. Well, no, Mr. President. First up is Senator THUNE.

Mr. President, if the Chair could tell us—I believe Senator THUNE is going now, then a speaker on the other side, and then I will go after that speaker.

Mr. BAUCUS. That will be fine.

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

AMENDMENT NO. 197

Mr. THUNE. Mr. President, I rise to speak today in support of my substitute amendment, which is No. 197. This amendment has been modeled after the substitute amendment that was offered by the Republicans in the House of Representatives.

I think the big question we have to ask, and the question before the House is, if we are serious about doing something for this economy to recover and to create jobs, what is the best and most effective way to do that? We have in front of us a proposal that emphasizes more heavily government spending and doing it through government programs. What I have chosen to offer to my colleagues here in the Senate is an opportunity to vote on something that does it in a different way. It allows the American people to spend the money that we use to infuse the economy with dollars that hopefully will grow the economy and create jobs.

Our Nation has lost millions of jobs over the last several months. Families are hurting and businesses are struggling to survive. As our Nation weathers this turbulent economic time, we do have this decision to make: Should the Congress take hundreds of billions of tax dollars and invest them in an expanded Federal Government or, on the other hand, should Congress return tax dollars directly into the economy in the form of tax relief, which will create jobs and economic opportunity?

The response the Democratic majority has put in front of us is to put more money into Federal agencies, to renovate Federal buildings, and buy new cars for Federal employees. I believe we ought to follow a different path and let the people of this country keep more of their hard-earned dollars and let them decide how best to spend, save, invest, and to turn this economy around.

People know better how to spend their money than unelected bureaucrats here in Washington, DC. And tax relief, not government spending—reductions in taxes for the American people—will create jobs and get us out of this recession. This is what President Kennedy knew, this is what President Reagan knew, this is what I believe the American public, with their lackluster response to the $1 trillion spending program in front of us, knows as well.

This substitute amendment does several things. It shifts, as I said, the focus from government spending to meaningful tax relief in four ways: First, it provides tax relief for individuals and families; second, tax relief for small businesses—the job creators in our economy; thirdly, it provides housing assistance; and, finally, it provides temporary assistance to those who are dealing with the current recession.

Now, first, the bill provides meaningful tax relief for working taxpaying families. Under the ''Making Work Pay Credit,'' the tax provision in the bill—the majority bill—7 million households are going to receive a check from the government that is larger than both their payroll tax and their income tax liability. In other words, rather than a one-time credit, what my amendment would do is reduce the lowest two marginal income tax rates for years 2009 and 2010. Essentially, the 10-percent rate would go down to 5 percent and the 5 percent rate will go down to 10 percent. This is a real tax reduction and will benefit all income taxpayers in this country.

In total, there are 100 million taxpayers who would receive, on average, tax relief of $1,250 per filer each year. Married couples could receive up to $3,400 in lower taxes each year.

Consumer spending accounts for 70 percent of our gross domestic product. As consumer spending declined for a record 6 months in 2008, it is no surprise that our economy contracted over the same period of time. If we want to spur consumer spending, we should not implement single shot policies like a one-time credit, and we certainly should not pour hundreds of billions of dollars into Government programs. Instead, the best way to stimulate consumer spending is an immediate meaningful reduction of marginal income tax rates.

With respect to small businesses, the second part of this bill focuses on small business tax relief. Small businesses, as I said, create up to 80 percent of all new jobs and represent 99 percent of the 27 million businesses in the United States. If we want to create new jobs, we should start with helping small business, not expanding Federal bureaucracies. This amendment expands small business bonus depreciation and expensing to encourage investment in this current year, which is when we need it the most. The amendment expands the net operating loss carryback period, permitting businesses to carry back their operating loss deductions for 5 years rather than 2.

Several of these provisions, granted, are included in the underlying bill. This amendment, however, provides an additional $47 billion of small business tax relief. My amendment includes a new provision that would allow small businesses to deduct 20 percent of their business income. This provision significantly reduces the tax burden on small businesses which would allow them to continue to hire and retain hard-working Americans. This provision would also allow small businesses to maximize their earnings and increase in value, which will also give them better access to credit markets and another critical component to a recovery.

Small businesses are the backbone of our economy and, unbelievably, only 2 percent of the total in this bill, the underlying bill, the majority bill, is dedicated to tax relief for small businesses. The lack of small business incentives in this bill, in my judgment, is a serious flaw, and my amendment seeks to improve it substantially.

I also understand people are hurting on account of the economic downturn. Across America we have hard-working men and women who are being layed off because of no fault of their own. Today they are sitting at the kitchen table wondering how to make ends meet.

Earlier this year, Congress acted to extend unemployment insurance to provide a safety net for those who are in need. My amendment would extend the expanded unemployment insurance provisions through the end of this year. Additionally, the amendment would eliminate the income tax on unemployment insurance. This is an automatic increase in the real benefit of unemployment insurance to those who derive it. It never made sense to me that individuals would pay taxes to the Government to fund unemployment insurance and, once they are unemployed, receive the benefits and then have to pay taxes on the benefit as well. This amendment would correct that. It would also make health care more affordable for the self-employed and other families without employer-provided health insurance because, for the first time, this amendment would provide an above-the-line deduction for health insurance costs.

Finally, with respect to the housing market, this amendment addresses our housing market prices. The housing market is what led us into this recession. In fixing the housing market, we will help lead us out. My amendment would extend the $7,500 home buyer tax credit through December 31, 2009, while expanding the benefit to all primary residences. This amendment would eliminate the complicated recapture rules which currently require home buyers to pay the Government back if they claim this credit. In the end, this provision would help stimulate the faltering housing market and encourage responsible home ownership.

According to the Congressional Budget Office, there are some real issues associated with the decision we make about whether to stimulate the economy with Federal spending, with Government spending or with tax relief. I wish to read for you a couple things the CBO has said:

Reductions in Federal taxes [would] have most of their effects . . . in 2009 and 2010.

That is the very period we are targeting to provide the greatest economic stimulus and hope of job creation.

They also stated: ''Purchases of goods and services, either directly or in the form of grants to States and local government, would take years to complete.''

They go on, it will be ''difficult to properly manage and oversee a rapid expansion of existing programs.''

Finally, they say: ''[M]any of the larger projects initiated would take up to 5 to 7 years to complete.''

If we want to approach this problem with a solution that delivers assistance quickly, that is quick hitting, that gets money into the economy quickly, that creates jobs quickly, the way to go about doing that is not to have the Government spend the money, to have it come out of Washington, send our money to Washington, have the Government take more money out of the economy, and then decide how to spend it here. It is to get money into the hands of hard-working Americans and small businesses, where the real power for job creation exists.

Interestingly enough, this legislation, the amendment I offer, was run through an analysis that was used—it is a methodology that was developed by the President's chair of the Counsel of Economic Advisers. Her name is Dr. Christina Romer and Dr. Jared Bernstein, the adviser to the Vice President. This was a methodology they used back in 2007, that considers the multiplier effect of various policy decisions and fiscal decisions that are made by the Congress. What they suggested in that analysis is, if you reduce taxes on the American public, you get a 2.2 multiplier in terms of GDP. My amendment reduces taxes as a percentage of our gross domestic product by 2.8 percent. If you take that by their multiplier 2.2, you get 6.1 percent in GDP growth as a result of cutting taxes.

If you go on further, they suggest that for every 1 percent increase in GDP, you get three-quarters of a percentage change in jobs. So if you take the 6.1-percent growth in GDP and multiply it by .75 you get a 4.6-percent increase in the number of jobs. You take the full size of our workforce today, about 133,876,000 employees, and you plug in that 4.6-percent increase and you get a job growth increase—a job increase over the course of the next 2 years, as a result of making these changes in tax policy, of almost a 6.2-percent increase in jobs.

The proposal we have before us suggests they could get up to another 3 million jobs, perhaps, from this. But I suggest, if we can create double that amount, 6 million jobs, as a result of reducing taxes, it is a much better solution for our country to get our economy back on track and is also done at a lot less cost. The overall cost, according to CBO, of my amendment, is about $440 billion, compared to the $900 billion it will cost for the proposal the Democratic majority has in front of us; twice the jobs at half the cost. That sounds like a solution that makes a lot of sense. It makes a lot of sense to the American people, who understand clearly you do not send your money to Washington and hope the Government can spend it to create jobs. The way to create jobs is to get money back in the hands of the American people, back in the hands of small businesses. That is what will lead us to that growth in gross domestic product, the expanding economy and the job creation associated with that. Twice the jobs for half the cost. I hope my colleagues will support this amendment. It is a much better approach to dealing with what is a very serious economic crisis for this country. I think the American people believe that. I hope my colleagues in the Senate will support it as well.

Let me say, the cosponsors on this amendment are Senators KYL, DEMINT, JOHANNS, and HATCH. I yield the floor.

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

Mr. SCHUMER. Mr. President, I rise to discuss the stimulus proposal advanced by my friend and Republican colleague from Nevada, Senator ENSIGN. His plan is to have the Government provide fixed mortgages at 4 percent to all creditworthy Americans.

Senator ENSIGN has stated publicly he believes the Government should seek to help stabilize the housing market during these tumultuous times and, as my colleagues all know because I have been speaking about it for months and months, I completely agree 100 percent that we have to stabilize the housing market.

I have been told the Treasury, under the leadership of Secretary Geithner, is working on a plan to get mortgage rates down. It is a good idea. But the plan of Secretary Geithner is completely different from the plan offered by Senator ENSIGN and others. Geithner's plan is a plan—I haven't seen the details. I look forward to supporting it. But it is different from this plan which I must oppose in a very serious way.

Let's start from the beginning. We in Washington sometimes seem to forget that the root cause of the financial and economic turmoil we are now experiencing, and that is the worst most of us have ever seen, except those who lived during the Great Depression, is the inability of homeowners to make their mortgage payments on time. Whether it is because they lost their jobs or suffered unexpected medical costs or, as was too often the case in recent years, because they were targeted by predatory mortgage lenders and given a loan they couldn't afford or because they reached too far on their own, there are a large number of homeowners who are staring into the abyss of foreclosure. Of course, all Americans know we are now facing potentially the worst economic crisis since Herbert Hoover was in office.

On the positive side, I wish to applaud my Republican colleagues, both for embracing the idea of a big stimulus proposal—this is certainly big—and for recognizing the critical importance of helping at-risk homeowners. Those are good. But when you look at the specifics of this plan, you know it is one you cannot support. I don't care whether your ideology is Republican or Democratic, liberal or conservative. Unfortunately, the proposal offered fails miserably at either stabilizing the housing market or at providing an effective stimulus. It does so at an unthinkably large cost and risk to the American economy.

The cost of this program is, to put it succinctly, through the roof. For fiscal conservatives to advocate it, I am quite surprised.

The Republican proposal is light on details, but it appears to offer all Americans who qualify for Fannie Mae and Freddie Mac conforming loans, an interest rate of 4 percent. This is very important. This is not just for new home purchases but also for refinancings as well. So anyone who owns a home can refinance at 4 percent, Freddie or Fannie-supported loans.

The bottom line is, this idea will be prohibitively expensive and may jeopardize the credit rating of the United States of America. It is that serious. The Republicans themselves say they will cap the program's cost at $300 billion—$300 billion for this one program. What does this even mean? Do they mean the total size is $300 billion? If that is so, it works out to about 2.5 percent of mortgages in America, giving only a tiny handful of Americans an enormous windfall. Mr. President, 2.5 percent get this break, 97.5 percent do not.

More likely the Republicans mean that the program's total losses will be $300 billion, a figure which can only be gotten by using the same Enron-style accounting that got us into this mess. This is not a realistic or even possible figure, when you consider how much risk the Government will end up shouldering. Currently, Fannie and Freddie have more than $5 trillion in outstanding conforming loans, all of which would qualify for refinancing under the Senator ENSIGN-Senator MCCONNELL plan. You can bet that most Americans who qualify will take this offer. Who wouldn't? After all, what homeowner out there would not refinance into a 4-percent mortgage?

So the Government would be the owner of over $5 trillion in mortgages. You are telling me anyone can guarantee that the Government would lose only $300 billion on this plan? If you believe that, I have a hedge fund I would like you to invest in called Madoff Securities, LLC.

Even if the Republican plan costs $300 billion, it recklessly exposes the country to enormous financial risk. No matter how rosy the estimates may be of how much this program will cost in the long run, the fact remains, in the short run, we have to come up with the

money to finance these new mortgages, potentially more than $5 trillion. Where will the new money come from? From issuing new debt. Does anyone believe the United States, for this one program, can issue $5 trillion of new debt and not jeopardize the dollar, in the midst of the worst crisis in our lifetimes?

I believe as much as anyone in the strong creditworthiness of our country. We can and will repay all of our debts, and investors around the world know this. That is why U.S. debt is sold at a low rate. But add $5 trillion to the debt in a short period of time and see what happens. After 8 years of tax cuts, wars, adding another $5 trillion could break the back of the U.S. dollar. The odds are all too high that could happen. Do you know what then will happen? We will all be in a world depression immediately. This program cannot work.

If the Republican plan were able to reverse our housing slide, then it might make sense. But even at its goal, it fails. Why? It does not correctly identify the problem, which is that there is an oversupply of housing right now that is made worse each month by the glut of foreclosures occurring driving down home prices.

Now, you tell me, you are in your home, you pay your mortgage, you now have an absolute right to refinance at 4 percent, and you are staying in the same home. How does that reduce the glut of housing on the market? How?

Furthermore, it does not address the vast majority of homes at risk for foreclosure, the 70 percent that are underwater, where the amount owed on the mortgage exceeds the value. Underwater mortgages are high foreclosure risks no matter what the mortgage rate is. You can have a 4-percent rate, a 1-percent rate, an 8-percent rate, and if you do not have enough income to pay your mortgage, you are not going to pay it.

So the second problem or the third problem with this is it does not make it any better. If you owe $400,000 on a $300,000 home, as millions of American homeowners across the country do, you will not even qualify for this plan, you are not even eligible for refinancing. So it does not get at the problem. Not only does it cost a fortune, but it does not get at the problem because the proposal is vastly skewed toward refinancing rather than toward the purchase of new homes. It will not stimulate housing demand much at all. If you are a new homeowner, you may take advantage of the 4-percent rate or you may continue to wait and see if home prices bottom out. But if you are a current homeowner, you are going to refinance no matter what. Now, what about it has a stimulus?

Clearly, this is not a housing plan. It is a way to put money into people's pockets—something I am not against—through the refinancing of mortgages. But will this provide the economic shot in the arm we need to get our economy back on track? Unfortunately, there again, the answer is no. We know that most people, when given tax cuts during a downturn such as this, do not respond by spending money but by saving it and paying down their debt. The poor and the working class spend more of the tax cuts they receive; they are less likely to be able to use this program. The program targets its largesse at homeowners who hold mortgages of up to a value of $625,000, and the more expensive your home, up to that limit, the more money you get back. So, ironically, the people getting the most money back are the people less likely to spend and stimulate the economy. It is highly inefficient.

Furthermore, guess who is going to take a big slice of this money—the bank that would do the refinancing. Everyone knows points. We all, when we have gone for a mortgage, hate points. Points mean you have to pay $5,000, $10,000, whatever. So the final point is, while we are putting money in people's pockets, which is an admirable goal, we are letting every bank doing the refinancing take a big cut on points. If you have a $150,000 mortgage you are going to refinance, about $1,000, $2,000, $3,000, depending on the bank, will go to them. So even if this is not a housing stimulus, which we know it is not, even if it is a way to get money into people's pockets at a cost of at least $300 trillion and an immediate outlay of $5 trillion, why are we giving every bank in America that does the refinancing a cut? That makes no sense. It is done willy-nilly.

With all due respect, I wonder at the depth of the thinking that went into putting this proposal together. Perhaps if it were limited to first-time home buyers, perhaps if the bank's points were limited, perhaps if we would say there would be an income limitation because another problem with this is multimillionaires—this is another point: If you make $5 million a year, you get the reduced rate and the Federal Government pays for it. Do we want to give multimillionaires the ability to refinance? So perhaps if there were income limitations. So the nub of this idea might be supportable. The way it is put together here on paper, because it costs so much, because it is not going to stimulate housing, because it is a very inefficient way to get money into the economy and get the economy going, because the banks take a cut, and because very wealthy people can apply for this, who do not need any help, it makes no sense to enact it now.

What I would suggest to my good friend from Nevada is this: Take the nub of this proposal and go back to the drawing board and refine it. The administration is coming up with a housing proposal next week. We will work on housing. We have to. And then you can have your proposal, we will see what their proposal is—which I believe is significantly different, although the intention, at least for home buyers, is to bring mortgage rates down—and maybe we can come up with an agreement or a compromise. But to vote for this plan now with its high cost, lack of an income limitation, money that goes to the banks right off the top, and lack of ability to move the housing market—this amendment should not and cannot pass.

So I would urge my Republican colleagues to come up with a new, better plan that gets to the root of the housing crisis, and then we can begin to work on solutions. We certainly need to tackle the problem. We need to tackle it on the demand and the supply side. But the demand side needs to be targeted at ways to boost new home purchases only, not extend refinancing to all of them. On the supply side, we need to adopt measures that will efficiently prevent foreclosures and reduce the excess supply of homes, enhance FHA-insured lending, bankruptcy reform, and the extension of FDIC loss mitigation.

I am confident we can come up with a good plan that is more targeted, less costly, and that will begin to get us out of the housing morass. I would hope that my colleagues again scrap this proposal, go back to the drawing board, and, after we finish the stimulus, work with us in a bipartisan way to produce that result.

I yield my remaining time back to my colleague from Montana, the chairman of the committee.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I ask unanimous consent that at 4:30 this afternoon the Senate proceed to vote in relation to the amendments listed in this agreement and in the order listed; that no amendment be in order to any of the amendments covered under the agreement prior to a vote in relation thereto; that prior to each vote, there be 2 minutes of debate equally divided and controlled in the usual form; that after the first vote in the sequence, the succeeding votes be limited to 10 minutes each: McCain amendment No. 364, and that the amendment be modified with the change at the desk; Dorgan amendment No. 200; Feingold-McCain amendment No. 140; Dodd amendment No. 354; DeMint amendment No. 189; Harkin amendment No. 338; Dodd amendment No. 145; McCaskill amendment No. 125; Ensign amendment No. 353; McCaskill amendment No. 236, as modified, and that a further modification be in order if cleared by the managers; Thune amendment No. 197; Boxer amendment No. 363, as amended; and Barrasso amendment No. 326.

The PRESIDING OFFICER. Is there objection?

Mr. WYDEN. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, it is not my intention to object. I simply wanted to engage in a brief colloquy with the leader.

It is my understanding, Mr. Leader, that it is your desire to move to a vote on those particular amendments you have outlined here this afternoon and this would not cut off the opportunity for Senators to continue to offer amendments. Myself and Senator SNOWE—we have developed, for example, a bipartisan proposal.

Mr. REID. Mr. President, there will be ample opportunity to offer amendments.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, reserving the right to object, I would propose to modify the unanimous consent agreement by noting that the time between now and 4:30 be equally divided.

The PRESIDING OFFICER. Does the Senator accept the modification?

Mr. REID. Yes.

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

The modification to amendment No. 364 and amendment No. 363, as modified, are as follows:

MODIFICATION TO AMENDMENT NO. 364

DIVISION C—OTHER PROVISIONS

TITLE I—TAX PROVISIONS

SEC. 10001. REDUCTION IN SOCIAL SECURITY PAYROLL TAXES.

(a) IN GENERAL.—

(1) EMPLOYEE TAXES.—The table in section 3101(a) of the Internal Revenue Code of 1986 is amended to read as follows:

''In the case of wages received during:	The rate shall be:
2009	3.1 percent
2010 or thereafter	6.2 percent''.

(2) SELF-EMPLOYMENT TAXES.—

(A) IN GENERAL.—The table in section 1401(a) of the Internal Revenue Code of 1986 is amended to read as follows:

''In the case of a taxable beginning after:	And before:	Percent
December 31, 2008	January 1, 2010	9.3
December 31, 2009		12.40''.

(B) CONFORMING AMENDMENTS.—

(i) Section 164(f) of such Code is amended adding at the end the following new paragraph:

''(3) SPECIAL RULE FOR 2009.—In the case of taxable years beginning after December 31, 2008, and before January 1, 2010, the deduction allowed

AMENDMENT NO. 363, AS MODIFIED

Insert at the appropriate place:

FINDINGS

The National Environmental Policy Act protects public health, safety and environmental quality;

When President Nixon signed the National Environmental Policy Act into law on January 1, 1970, he said that the Act provided the ''direction'' for the country to ''regain a productive harmony between man and nature'';

The National Environmental Policy Act helps to provide an orderly process for considering federal actions and funding decisions and prevents ligation and delay that would otherwise be inevitable and existed prior to the establishment of the National Environmental Policy Act.

SECTION 1

I. Adequate resources within this bill must be devoted to ensuring that applicable environmental reviews under the National Environmental. Policy Act are completed on an expeditious basis and that the shortest existing applicable process under the National Environmental Policy Act is utilized,

The PRESIDING OFFICER (Mrs. GILLIBRAND.) The Senator from Arizona is recognized.

Mr. MCCAIN. I will speak for a couple of minutes about what the Senator from Montana talked about, the Congressional Budget Office report today. Basically, it says that this present legislation before us, the stimulus package, would increase employment at that point in time by 1.3 million to 3.9 million jobs. I did the math on that, and 1.3 million jobs by the end of 2010 comes to $680,769 per job. If the most optimistic estimate of 3.9 million new jobs created between now and the last quarter of 2010, it is only $226,923 per job.

Interesting comments by the Congressional Budget Office, which says on page 5:

In principle, the legislation's long-run impact on output also would depend on whether it permanently changed incentives to work or save. However, according to CBO's estimates, the legislation would not have any significant permanent effects on these incentives.

They go on to say:

CBO estimates that by 2019 the Senate legislation would reduce GDP by 0.1 percent to 0.3 percent on net.

That is easy to understand because we will be paying interest on a huge debt of multitrillions of dollars as a result of this legislation.

As the CBO says:

To the extent that people hold their wealth as government bonds rather than in a form that can be used to finance private investment, the increased debt would tend to reduce the stock of productive capital. In economic parlance, the debt would crowd out private investment.

Again, what we are doing is mortgaging our children's and our grandchildren's futures.

The President today said:

They [talking about those of us who support my amendment] are rooted in the idea that tax cuts alone can solve all of our problems.

They are rooted in the idea that tax cuts alone can solve our problems. I urge someone to tell the President of the United States that we have $421 billion of tax cuts and spending in this proposal, and spending that is meaningful and creates jobs, not loaded down with porkbarrel projects and certainly not one that approaches over $1 trillion on future generations of Americans.

We ought to change Washington. We ought to change the way we are conducting this legislation, especially in partisan, nonconsultative fashion. If the leadership can peal off two or three Republicans, that is an accomplishment they will make, but it is not bipartisanship.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I yield 6 minutes to the chairman of the Appropriations Committee, the Senator from Hawaii.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Madam President, when we began this process in November, the Appropriations Committee worked with the incoming administration and our partners in the House to identify the primary goals for legislation that would help America regain its financial footing.

Based on those discussions, we identified one overwhelming priority—putting as many Americans as possible back to work as quickly as possible. We also identified two further fundamental priorities: assisting the States so they would not face insurmountable budget crises that would in turn force significant layoffs at a time when they are facing unprecedented demand for services; and making the right investments that will not simply create temporary jobs, but will repair and strengthen our physical and cyber infrastructure, so that this Nation has the foundation it needs to enable strong economic growth for years to come.

I have listened to the debate over the past 2 days, and I fear that we are losing sight of the key goal.

Several of my Republican colleagues have suggested that the measure pending before us will spend $888 billion and produce 3.5 million jobs, so that each job created costs $255,000.

However, they don't take into consideration how investments in roads, bridges, railroads and other mass transit systems will actually cut back on one of the most wasteful expenses that Americans deal with each and every day—traffic congestion.

According to the Texas Transportation Institute:

Gridlock costs the average peak period traveler almost 40 hours a year in travel delay, and costs the United States more than $78 billion each year. At a time when fuel is increasingly costly, traffic jams are wasting 2.9 billion gallons of gas every year.

Also, it is important to remember that the cost of labor when it comes to construction projects like roads and bridges is, I believe, around 15 percent. The rest of the budget goes for supplies like steel and concrete, the costs of acquiring rights-of-way, the drafting of plans and, of course, the costs of necessary planning and environmental impact studies.

Another form of construction contained in this bill is sewer repairs. Let me give a specific example. This bill recommends $125 million, to be matched at 100 percent with local funds from ratepayers, to continue implementation of the District of Columbia Water and Sewer Authority Long-term Control Plan.

The Water and Sewer Authority has identified up to 40 specific near-term activities that would create more than 250 jobs. Under the logic that is being used by some of the opponents of this bill, this would equate to some $500,000 per job. This is terribly misleading. What about the costs of tunneling, the cost of the pipes, the cost for all of the heavy equipment, insurance costs, and many more, I am sure.

With due respect to those who oppose this bill, the cost of a construction job is not the cost of labor. If we are to have an open and honest debate on the merits of this legislation, let us at least start with the facts.

Our objective here is not to create make-work jobs for 1 year having people count paperclips. Our goal is to create real jobs that will last for many years and that will in turn create more jobs. Our goal is to ensure that America will remain the strongest economy in the world for many years to come.

While our short-term tactic is to pass a bill that will have an immediate stimulative impact and help us through the current crisis, we must not lose sight of the fact that our short-term tactics can have a long term impact—rebuilding our infrastructure and adapting to new technologies today that put us back on track to being competitive in the global economy for generations to come.

Reinvesting in the infrastructure that underlies our Nation—roads, mass transportation, sewers and sidewalks—is not glamorous, but this investment puts Americans to work building for the future.

I stand by the original vision of this bill—create jobs, support State and local governments, and invest in our basic infrastructure. These are the priorities that will ensure that America emerges from this crisis stronger and better able to compete in the global economy.

During the past 2 days opponents of this bill have spoken about the primacy of tax cuts over all other policies. They have spoken of the need to cut spending on programs that create jobs now, good jobs, real jobs, jobs that preserve the environment, improve education, and lead us toward true energy independence.

And opponents of this bill have spoken about cutting programs that provide a lifeline to those who have been hit the hardest by this crisis.

One thought comes to my mind. This bill is about change, and their opposition is about simply responding to the biggest crisis since the Great Depression with more of the same.

More of the same hasn't worked for the past several years. It is time to act, and to pass this measure.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Madam President, I remind my colleagues to support the McCain amendment on which I spoke earlier. I also rise to say a word about the Thune amendment which deserves our support. According to the economic models developed by the President's economic advisers, this proposal would create twice as many jobs for half the cost, about 6.2 million new jobs for $480 billion, as opposed to the alleged 3 to 4 million jobs for $888 billion under the Democratic proposal. One of the best parts is a 7-percentage-point rate cut for small businesses done exactly the way we did for corporations under the FSC/ETI bill. This would apply to businesses with fewer than 500 employees, precisely the kind of businesses that create jobs.

Finally, it contains a provision that expresses our policy that the United States should not increase its marginal income tax rates while the unemployment rate is above the level of 2008, and taxes should not be increased to pay for the impact this stimulus will have on the deficit which we know is large. That is precisely what caused the second half of the Great Depression and slowed down the economic recovery in Japan.

I urge colleagues to support the McCain amendment and the Thune amendment.

The PRESIDING OFFICER. Who yields time?

Mr. CHAMBLISS. May I ask how much time remains?

The PRESIDING OFFICER. There is 6 minutes 4 seconds and 24 seconds.

The Senator from Georgia.

Mr. CHAMBLISS. Madam President, I rise in support of the McCain amendment and in opposition to the underlying bill. I was listening to my friend from New York talk about the housing amendment that Senator ENSIGN has offered, and he now speaks in opposition to that, but he supports a proposal that is coming from the administration next week that aims to try and fix the housing issue. I ask my friend from New York, where was he last week when, as a member of the Finance Committee, he voted out the underlying bill that does absolutely nothing to fix the housing issue? What got us into the economic downturn we are in today is the housing crisis that got worse and worse and continues to get worse every day.

What they are now talking about doing from the Democratic side is proposing a housing fix next week, and the details of which are not known by anybody. They are also saying that we need to spend $800 billion, $900 billion, whatever the size of this bill is now, and we need to spend the $500 or so billion dollars that Secretary Geithner is going to come for relative to TARP III, plus whatever hundreds of billions of dollars are relative to the housing fix, plus the trillion dollars in the omnibus bill, which is laying out there, that we understand has already been approved and is going to be coming forward.

The American people ask one simple question: When is all of this spending going to stop? We have had many worthy amendments to this underlying bill. I commend the majority leader for allowing both sides to bring forward amendments. The problem is, as these amendments have come forward, the size of the bill has grown. That is the problem. The problem is, we are now seeing both sides of the aisle come forward with amendments that operate on a top-down basis, where we have the base bill that spent some $919 or $920 billion. The numbers are so astronomical we tend to forget, but it is right at $1 trillion. The amendments are seeking to reduce that number. Rather than doing that, which is a poor way to do business, the McCain amendment is a substitute for that base bill. It is a bottom-up approach to try to fix the crisis.

It does so with three simple components. First, the housing issue is what got us into this crisis. Unless we fix the housing issue, all of this $1 trillion the folks on the other side of the aisle are proposing to spend will be spent for naught. In the McCain amendment, we directly address the housing issue. The Isakson amendment is in there. There are other provisions relative to housing that are going to allow this market to turn itself around and the free market to operate. If we clear out this inventory of foreclosed homes as well as incentivize the purchase of other new homes, housing construction can begin once again.

Second, the McCain amendment is going to increase jobs. It is going to do so in a direct way. It will increase jobs by reducing the corporate tax rate from 35 percent to 25 percent. There will be more money in the pockets of corporations so they can expand their businesses, which will automatically create jobs. Again, there is nothing in the underlying bill that directly focuses on increasing jobs. The other thing from a tax standpoint in the McCain amendment, which is going to go toward stimulating the confidence of people as well as the market itself, is the temporary elimination of payroll taxes so that when every hard-working American gets their paycheck—whether it is weekly, biweekly, or monthly—it will be bigger. They will have more money in their pockets, which we know that they so desperately need.

Thirdly, there is a compassionate part to this bill. There is a large number of Americans out there today who have lost their jobs through no fault of their own. They are hard-working men and women who were doing a good job but, because of this crisis, they have lost their jobs. They need help, and they are looking to the Federal Government. There is an extension of unemployment benefits in the McCain

amendment. That is the right thing to do.

Lastly, as we have talked about this bill, there is one issue that has not been talked about, one issue that has not been mentioned by the folks on the other side, and that is, here we are, once again, after raising the debt ceiling in recent months, once again we are seeing the debt ceiling raised by almost a $1 trillion. What are we going to do next week when the Treasury Secretary's proposal comes down on TARP III and on housing which the Senator from New York mentioned? What are we going to do when the Omnibus appropriations bill comes down, either before the break for President's Day or afterwards? Will we have to raise the debt ceiling once again?

I go back to the question I asked at the start, which I hear time and time again from people in Georgia: Senator, when is the spending going to stop and there be some focus on trying to make sure we grow jobs as well as fix the housing issue?

I urge passage of the McCain amendment and opposition to the underlying bill.

I yield the floor.

The PRESIDING OFFICER. The majority has 24 seconds remaining.

Mr. BAUCUS. Madam President, I yield to the Senator from Michigan.

Mr. LEVIN. Madam President, I thank the Senator from Montana.

AMENDMENT NO. 140

Madam President, I oppose the Feingold amendment which would require that any allocation of funds in an appropriations bill have a prior authorization. There is only one authorization bill that passes here, and that is the Defense authorization bill. There are no other authorization bills that pass.

This amendment represents a massive shift of power to the executive branch. It is not a transparency amendment. We did that last year. This is a shift-of-power amendment which should be defeated.

Under this amendment, while all earmarks identified in the President's budget could be funded in our appropriations bills without authorization and not be subject to the proposed point of order, congressional projects that are not authorized would require a supermajority vote in order to be included in the legislation. This becomes more extreme because that disparate treatment of Presidential and congressional projects even applies when a Senator seeks to offer an amendment subject to a rollcall vote during debate on the Senate floor.

The President's budget each year includes many earmarks to direct spending for targeted projects. The President uses his budget to target Federal expenditures to local areas for projects he supports, most of which are not specifically authorized. Under this amendment, Congress would have to meet a higher standard, a super majority in the Senate, in order to do the same thing.

This amendment clearly weakens Congress's power of the purse. The vast amount of funding levels for programs in appropriations bills are the same as those in the President's budget. However, this amendment provides that if an allocation of some of the program funding is rejected on point of order, the overall program funding amount will be reduced, although it is just as likely, and probably more likely, that Congress merely intended to have the relevant agency allocate that funding, thereby keeping the overall funding amount the same instead of allocating it by congressional earmark. The amendment states over and over again that if the point of order is sustained, the unauthorized appropriations shall be stricken from the bill or amendment; and ''any modification of total amounts appropriated necessary to reflect the deletion of the matter struck from the bill or amendment shall be made.''

For example, assume that $100 million is allocated in the President's budget for a State assistance grant program, and an appropriations bill includes a provision to direct that $2 million of this funding go to a specific city or project. If the $2 million allocation is stricken, only $98 million would remain, so even if it were the intent of Congress to provide $100 million for these grants, the funding would be decreased.

The requirement for prior authorization means that Congress could only allocate funds for projects if Congress were to take up every Congress authorization bills covering all Federal agencies and programs. In the absence of such authorization bills, all appropriations initiated in Congress would be ''unauthorized appropriations'' subject to a point of order. Congress would be able to appropriate funding for programs and priorities proposed by the President, but Congress would not be able to fund congressional programs or priorities that are not included in the President's budget, or even to shift funding between programs in the President's budget, because all such appropriations would be ''unauthorized.'' The result would be a serious weakening of Congress's power of the purse.

At present, the only Senate committee that enacts an authorization bill every Congress is the Armed Services Committee, which I am privileged to chair. So under this amendment, Congress would essentially severely weaken its power of the purse over all Federal agencies other than the Department of Defense.

It may be the intent of this amendment to force other Senate committees to go through the same process that the Armed Services Committee goes through to enact an authorization bill every Congress. But I want to warn my colleagues: this is not an easy process. The Armed Services Committee spends most of every year reviewing hundreds of programs and activities in the Defense budget on a line-by-line basis. Subcommittee and full committee hearings and markups take weeks. Our bill then generally consumes about 2 weeks of Senate floor time. There is nowhere near enough floor time available to enact every Congress the dozens of authorization bills that would be necessary to replicate this authorization process for all of the civilian agencies.

Moreover, as currently written, this amendment would very likely create a point of order against congressionally initiated Defense appropriations, even if those appropriations are specifically authorized in our bill. The reason is that the amendment provides that an appropriation is not considered to be authorized unless the authorization has already been enacted into law or passed by the Senate. There has not been a case in recent memory in which our Defense authorization bill has been enacted into law before the Senate took up the Defense appropriations bill.

While the amendment makes an exception for authorizations that have already passed the Senate, it makes no exception for authorizations that have already passed the House. That means that a point of order would lie against all House-initiated items, but none of the Senate funding items, in a Defense appropriations bill. If the Senate were to sustain the point of order, we would be in the position of sending a bill back to the House which funded all of our priorities and none of theirs—a bill that could not possibly be approved in the House.

The bottom line is that this amendment, if enacted, would make it difficult for Congress not only to establish its own spending priorities with regard to the civilian agencies and programs that are not subject to an annual authorization process, but even with regard to the Defense agencies and programs that are subject to such a process. This would include items on the unfunded priorities list submitted to Congress by the Joint Chiefs of Staff each year. This list, which in the past has included items like MRAPs and body armor, reflects the highest priorities of our uniformed military. Congress would place a major obstacle on itself from exercising the power of the purse, placing itself in the position of approving or disapproving programs in the President's budget without the power to establish its own priorities without a super majority.

In 2007, Congress passed meaningful ethics and lobbying reform which included strong earmark reform to ensure transparency in the process by providing greater disclosure and requiring information on earmarks to be available to the public online. These disclosures allow the public the opportunity to know where their tax dollars are being spent and will help ensure the quality of the projects which are funded.

The sponsors of this amendment have asserted that this amendment would

build on and strengthen those reforms. But this amendment goes way beyond that and places extensive hurdles for congressionally directed spending. I don't believe that the executive branch has a monopoly on the wisdom of spending Federal dollars. I believe that the elected representatives of the people in Congress are often in a better position to decide where the people's money is spent than the administration's political appointees in Washington.

This is not a transparency amendment. We brought all earmarks into the full light of day in 2007. This amendment attacks the very heart of Congress's constitutional power of the purse. I urge my colleagues to vote against this extreme and unworkable measure that would enhance the spending power of the President and weaken the congressional power of the purse. It is not a transparency measure. It is an extreme power-shifting amendment.

AMENDMENT NO. 364

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes equally divided prior to a vote in relation to amendment No. 364 offered by the Senator from Arizona, Mr. MCCAIN.

Who yields time?

The Senator from Arizona.

Mr. MCCAIN. Madam President, the stimulus package would be a disaster for our children and our grandchildren. According to CBO, it would create 1.3 million to 3.9 million jobs between now and the end of the year 2010. That is a huge expenditure. It has fundamental policy changes, and it is the biggest spending bill probably in the history of this country.

We have legislation which creates jobs, which cuts taxes and spends on infrastructure, more on Defense and the reset, and I believe that is the best for this country.

Madam President, we all know we have to stimulate this economy and create jobs. The question is how you do it: profligacy versus, I believe, a mature and responsible approach to reversing and saving our economy.

I urge my colleagues to support the amendment.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, it goes without saying we are now living in extraordinary times. This country has not seen a recession as bad as this—there are many people who have lost their jobs, as we have seen—since the Great Depression. Extraordinary times require extraordinary actions.

It is true no one knows exactly the precise prescription, how to get the economy back going again. But this underlying bill is certainly the best efforts of some of the brightest people to try to find that solution. Economists all say—all say—we need to do something like this to get us going.

With the gap between the real economy and the potential economy always about $1 trillion, if we do not pass this legislation, we will probably lose another $1 trillion. The underlying bill is much better than the alternative. The alternative is basically: Don't do it. If we do not do it, gosh, the jobs lost—what you see now, as bad as it is, is just going to pale in comparison to what otherwise is going to happen.

So I urge us to stick with the underlying bill, not adopt a substitute which has not been thought through, not aired, but, rather, let's stick with the program we think is going to work.

Madam President, I raise a point of order that the pending amendment violates section 306 of the Congressional Budget Act.

Mr. MCCAIN. Madam President, I move to waive the applicable portion of the Budget Act and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

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

Mr. KYL. The following Senator is necessarily absent: the Senator from New Hampshire (Mr. GREGG).

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

The yeas and nays resulted—yeas 40, nays 57, as follows:

[Rollcall Vote No. 45 Leg.]

YEAS—40

Alexander	DeMint	McConnell
Barrasso	Ensign	Murkowski
Bennett	Enzi	Risch
Bond	Graham	Roberts
Brownback	Grassley	Sessions
Bunning	Hatch	Shelby
Burr	Hutchison	Snowe
Chambliss	Inhofe	Specter
Coburn	Isakson	Thune
Cochran	Johanns	Vitter
Collins	Kyl	Voinovich
Corker	Lugar	Wicker
Cornyn	Martinez	
Crapo	McCain	

NAYS—57

Akaka	Feinstein	Mikulski
Baucus	Gillibrand	Murray
Bayh	Hagan	Nelson (FL)
Begich	Harkin	Nelson (NE)
Bennet	Inouye	Pryor
Bingaman	Johnson	Reed
Boxer	Kaufman	Reid
Brown	Kerry	Rockefeller
Burris	Klobuchar	Sanders
Byrd	Kohl	Schumer
Cantwell	Landrieu	Shaheen
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Dodd	Lincoln	Warner
Dorgan	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feingold	Merkley	Wyden

NOT VOTING—2

Gregg	Kennedy

The PRESIDING OFFICER. On this vote, the yeas are 40 and the nays are 57. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected, the point of order is sustained, and the amendment falls.

AMENDMENT NO. 200

Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote on amendment No. 200 offered by the Senator from North Dakota.

The Senator from Montana is recognized.

Mr. BAUCUS. Madam President, I ask unanimous consent that the Dorgan amendment be temporarily set aside so the next vote will be on the Feingold-McCain amendment and Dorgan will be following that amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 140

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided. Who yields time?

The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Madam President, this amendment establishes a new 60-vote point of order against unauthorized earmarks on appropriations bills and requires recipients of Federal funds to disclose their lobbying expenses. Opponents argue this point of order does nothing about so-called Presidential earmarks or earmarks on authorizing bills. I am happy to consider a proposal targeting those things, but taxpayers aren't going to buy the excuse that I voted against it because it wasn't tough enough.

Last year, President Obama said:

> We can no longer accept the process that doles out earmarks based on a Member of Congress's seniority rather than the merit of the project. We can no longer accept an earmarks process that has become so complicated to navigate the municipality or nonprofit group has to hire high-priced D.C. lobbyists.

My colleagues, if we want to do something about earmarks, vote for this amendment.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator's time has expired. Who yields time in opposition?

Mr. BAUCUS. Mr. President, I yield the remaining time to the Senator from Hawaii.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, we should keep in mind that there are no earmarks in this bill before the Senate. Therefore, this amendment is not relevant.

No. 2, we should keep in mind the Constitution gives the power of the purse to the Congress, and it is our job to use this power responsibly. We have already put procedures in place to make the process transparent and to hold Members accountable for their spending decisions.

But most importantly, we should keep in mind that if an item has not been authorized by September 1, 2009, and it is moneys that had been appropriated, that money is taken out. Keep in mind that, as of this moment, the Intelligence Committee has not had authorization bills for the last 3 years.

The same goes for many other committees.

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

Mr. BAUCUS. Mr. President, I understand all time has expired.

The PRESIDING OFFICER. Yes.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

Mr. KYL. The following Senator is necessarily absent: the Senator from New Hampshire (Mr. GREGG).

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

The result was announced—yeas 32, nays 65, as follows:

[Rollcall Vote No. 46 Leg.]

YEAS—32

Barrasso	Enzi	Lieberman
Bayh	Feingold	Martinez
Burr	Graham	McCain
Cantwell	Grassley	McCaskill
Chambliss	Hatch	Risch
Coburn	Hutchison	Sessions
Corker	Inhofe	Snowe
Cornyn	Isakson	Thune
Crapo	Johanns	Vitter
DeMint	Kaufman	Voinovich
Ensign	Kyl	

NAYS—65

Akaka	Durbin	Nelson (FL)
Alexander	Feinstein	Nelson (NE)
Baucus	Gillibrand	Pryor
Begich	Hagan	Reed
Bennet	Harkin	Reid
Bennett	Inouye	Roberts
Bingaman	Johnson	Rockefeller
Bond	Kerry	Sanders
Boxer	Klobuchar	Schumer
Brown	Kohl	Shaheen
Brownback	Landrieu	Shelby
Bunning	Lautenberg	Specter
Burris	Leahy	Stabenow
Byrd	Levin	Tester
Cardin	Lincoln	Udall (CO)
Carper	Lugar	Udall (NM)
Casey	McConnell	Warner
Cochran	Menendez	Webb
Collins	Merkley	Whitehouse
Conrad	Mikulski	Wicker
Dodd	Murkowski	Wyden
Dorgan	Murray	

NOT VOTING—2

Gregg	Kennedy

The amendment (No. 140) was rejected.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 200

Mr. BAUCUS. I believe under the previous order the Dorgan amendment recurs.

The PRESIDING OFFICER. That is correct. There is now 2 minutes equally divided prior to a vote in relation to amendment No. 200 offered by the Senator from North Dakota.

Mr. DORGAN. Mr. President, we have cleared this amendment on both sides. I ask unanimous consent that I be allowed to substitute amendment No. 138, as modified, requiring economic impact reports for my amendment No. 200 for purposes of the previous order.

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

AMENDMENT NO. 138, AS MODIFIED, TO AMENDMENT NO. 98

Mr. DORGAN. Mr. President, I ask that amendment No. 138, as modified, be called up.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 138, as modified, to amendment No. 98.

The amendment is as follows:

(Purpose: To provide for reports on the use of funds made available under this Act and the economic impact made by the expending or obligation of such funds, and for other purposes)

Strike subtitle C of title XV of division A, and insert the following:

Subtitle C—Reports of the Council of Economic Advisers

SEC. 1541. REPORTS OF THE COUNCIL OF ECONOMIC ADVISERS.

(a) IN GENERAL.—In consultation with the Director of the Office of Management and Budget and the Secretary of the Treasury, the Chairperson of the Council of Economic Advisers shall submit to the Committees on Appropriations of the Senate and House of Representatives quarterly reports based on the reports required under section 1551 that detail the impact of programs funded through covered funds on employment, estimated economic growth, and other key economic indicators.

(b) SUBMISSION OF REPORTS.—

(1) FIRST REPORT.—The first report submitted under subsection (a) shall be submitted not later than 45 days after the end of the first full quarter following the date of enactment of this Act.

(2) LAST REPORT.—The last report required to be submitted under subsection (a) shall apply to the quarter in which the Board terminates under section 1521.

Subtitle D—Reports on Use of Funds

SEC. 1551. REPORTS ON USE OF FUNDS.

(a) SHORT TITLE.—This section may be cited as the ''Jobs Accountability Act''.

(b) DEFINITIONS.—In this section:

(1) AGENCY.—The term ''agency'' has the meaning given under section 551 of title 5, United States Code.

(2) RECIPIENT.—The term ''recipient''—

(A) means any entity that receives recovery funds (including recovery funds received through grant, loan, or contract) other than an individual; and

(B) includes a State that receives recovery funds.

(3) RECOVERY FUNDS.—The term ''recovery funds'' means any funds that are made available—

(A) from appropriations made under this Act; and

(B) under any other authorities provided under this Act.

(c) RECIPIENT REPORTS.—Not later than 10 days after the end of each calendar quarter, each recipient that received recovery funds from an agency shall submit a report to that agency that contains—

(1) the total amount of recovery funds received from that agency;

(2) the amount of recovery funds received that were expended or obligated to projects or activities; and

(3) a detailed list of all projects or activities for which recovery funds were expended or obligated, including—

(A) the name of the project or activity;

(B) a description of the project or activity;

(C) an evaluation of the completion status of the project or activity; and

(D) an analysis of the number of jobs created and the number of jobs retained by the project or activity.

(d) AGENCY REPORTS.—Not later than 30 days after the end of each calendar quarter, each agency that made recovery funds available to any recipient shall make the information in reports submitted under subsection (c) publicly available by posting the information on a website.

(e) OTHER REPORTS.—the Congressional Budget Office and the Government Accountability Office shall comment on the information described in subsection (c)(3)(D) for any reports submitted under subsection (c). Such comments shall be due within 7 days after such reports are submitted.

Mr. DORGAN. Mr. President, this amendment is cosponsored by Senator INOUYE and Senator COCHRAN. It is a simple amendment. A voice vote will be satisfactory. I think it has been cleared on both sides.

It simply asks for reports about who is receiving this money we put out in an economic recovery program. Did you receive the money? How did you use the money? And how many jobs do you believe were created with the money? I hope the full Senate will agree with those objectives.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, the Senator is correct. We accept this amendment.

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

Mr. DORGAN. Mr. President, has amendment No. 200 been withdrawn?

The PRESIDING OFFICER. It has not.

AMENDMENT NO. 200 WITHDRAWN

Mr. DORGAN. I ask that amendment No. 200 be withdrawn.

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

VOTE ON AMENDMENT NO. 138, AS MODIFIED

Mr. DORGAN. Mr. President, I ask for a vote on amendment No. 138, as modified.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 138, as modified.

The amendment (No. 138), as modified, was agreed to.

AMENDMENT NO. 354

The PRESIDING OFFICER. Under the previous order, there is now 2 minutes of debate equally divided on Dodd amendment No. 354.

The Senator from Connecticut.

Mr. DODD. Mr. President, I may not need the full minute. This is the amendment dealing with executive compensation. There are a number of proposals. This is one that would set some limits, basically allowing for some reaching back if, in fact, TARP businesses are found to have violated

various provisions of law. It would allow the Secretary to negotiate resources to come back if there has been excessive compensation.

I say to my colleagues, our colleague Senator VITTER in the Banking Committee made a point I wish to repeat. This is not the single most important issue. In fact, it could be trivialized. We all appreciate when we talk to our constituents about the TARP program, many of our constituents are so angry with what they see in executive compensation, it is difficult to have a conversation about the larger questions. We are trying to deal with this issue in a thoughtful way that does not impinge upon their ability to compensate people, but simultaneously we are not reading about compensation going to executives where billions of dollars have gone to those companies abusively.

This amendment is to deal with that particular problem. I urge my colleagues to support it.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. BAUCUS. Mr. President, I have no opposition to the amendment and again recommend its adoption.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 354.

The amendment (No. 354) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 189

The PRESIDING OFFICER. Pursuant to the previous order, the next amendment is DeMint amendment No. 189.

Who yields time?

The Senator from South Carolina.

Mr. DEMINT. Mr. President, are we considering the DeMint amendment?

The PRESIDING OFFICER. We are.

Mr. DEMINT. Mr. President, I encourage all my colleagues to listen for a moment. This is a very simple amendment that strikes some language that should not be in this massive spending bill. It is language that discriminates against religious freedom on college campuses.

Right now in the bill, any college campus that uses these funds to renovate a student center, a dorm, an auditorium, cannot allow prayer, any religious activity, or worship. This is not language that should be in this bill. This is an issue that has been decided by the courts.

Arbitrary language is going to create doubt and risk and liability which will put a chilling effect on religious freedom on campuses.

The only thing most of us need to know is that the ACLU opposes this amendment. Any freedom-loving American should know they should vote for this amendment if it is opposed by the ACLU.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, the provision in the bill states that Federal funds cannot be used to support facilities in which a substantial portion of the functions of the building are involved in a religious mission.

I say to the Senator from South Carolina, this language has been in the law for 40 years. It is the result of three Supreme Court decisions.

Mr. DEMINT. Will the Senator yield?

Mr. DURBIN. No, I won't. It was signed into law in the Higher Education Reauthorization Act signed by President Ronald Reagan, President George Herbert Walker Bush, and President George W. Bush.

The DeMint amendment is opposed by the Jesuit universities. We have struck a balance here helping religious schools on buildings that are not primarily for religious functions. We will continue doing that and continue honoring our Constitution's establishment clause.

I hope everyone will support me in opposing the DeMint amendment and stand by the language that has been time tested and approved by the Supreme Court in three separate decisions.

Mr. DEMINT. May I correct a mischaracterization?

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to amendment No. 189.

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

The PRESIDING OFFICER. Is there a sufficient second?

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

The assistant legislative clerk called the roll.

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

Mr. KYL. The following Senator is necessarily absent: the Senator from New Hampshire (Mr. GREGG).

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

The result was announced—yeas 43, nays 54, as follows:

[Rollcall Vote No. 47 Leg.]

YEAS—43

Alexander	DeMint	McCain
Barrasso	Dorgan	McConnell
Bayh	Ensign	Murkowski
Bennett	Enzi	Nelson (NE)
Bond	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Hatch	Sessions
Burr	Hutchison	Shelby
Chambliss	Inhofe	Specter
Coburn	Isakson	Thune
Cochran	Johanns	Vitter
Conrad	Kyl	Voinovich
Corker	Lieberman	Wicker
Cornyn	Lugar	
Crapo	Martinez	

NAYS—54

Akaka	Bingaman	Byrd
Baucus	Boxer	Cantwell
Begich	Brown	Cardin
Bennet	Burris	Carper
Casey	Kohl	Reid
Collins	Landrieu	Rockefeller
Dodd	Lautenberg	Sanders
Durbin	Leahy	Schumer
Feingold	Levin	Shaheen
Feinstein	Lincoln	Snowe
Gillibrand	McCaskill	Stabenow
Hagan	Menendez	Tester
Harkin	Merkley	Udall (CO)
Inouye	Mikulski	Udall (NM)
Johnson	Murray	Warner
Kaufman	Nelson (FL)	Webb
Kerry	Pryor	Whitehouse
Klobuchar	Reed	Wyden

NOT VOTING—2

Gregg Kennedy

The amendment (No. 189) was rejected.

The PRESIDING OFFICER. The majority leader is recognized.

AMENDMENT NO. 145

Mr. REID. Mr. President, I ask unanimous consent that Dodd amendment No. 145 be taken out of this tranche. We will arrange another time, with the assistance of the Republicans, to determine when to vote on this. What we are trying to do, Senator CONRAD wants to have another amendment go before this one, and Senator DODD has consented to do that.

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

Mr. BAUCUS. Mr. President, it is my understanding that Senator DODD wants his amendment to go in the next group of amendments.

Mr. REID. That is right.

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

Mr. REID. I thank the Chair.

AMENDMENT NO. 338—WITHDRAWN

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes equally divided prior to a vote in relation to amendment No. 338, offered by the Senator from Iowa, Mr. HARKIN.

The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I still believe we need a strong auto industry in this country. I think the best way to do that is to get people to buy cars. The best way to do that is to give low-income and moderate-income individuals and families the wherewithal to buy those cars. That is what this amendment was about.

However, I must say, in the current desire to reduce the size of the bill, I am going to ask unanimous consent to withdraw the amendment, but it will come back at some time in the future.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The amendment is withdrawn.

AMENDMENT NO. 125

Under the previous order, there will now be 2 minutes equally divided prior to a vote in relation to amendment No. 125, offered by the Senator from Missouri, Mrs. MCCASKILL.

The Senator from Montana.

Mr. BAUCUS. Mr. President, we are prepared to accept the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 125) was agreed to.

AMENDMENT NO. 353

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes equally divided prior to a vote in relation to amendment No. 353, offered by Senator ENSIGN.

Mr. ENSIGN. Will the chairman of the Finance Committee mind if I go second so I can answer any of the charges that may come out?

Mr. BAUCUS. I would rather the proponent go first.

Mr. ENSIGN. I would rather the chairman of the Finance Committee go first.

The PRESIDING OFFICER. Who yields time?

Mr. BAUCUS. I yield my time to the Senator from New York.

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

Mr. SCHUMER. My colleagues, it is a great idea to help with housing. Listen to what the amendment of my friend from Nevada does. It costs between $300 billion and $1 trillion. Second, it applies to people of any income. Do you want to have the Federal Government spend its money to give a multimillionaire a break on their mortgage? Third, the banks take a cut. Every time there is a refinancing, there are points. If we want to give people money, don't let the banks take a cut. Fourth, it does nothing about the housing market because, A, most of it will go to refinancing—people who are in a home stay in the home—B, the people who really need help do not qualify because they do not get Fannie, Freddie, or FHA.

It doesn't help housing, it costs a fortune, it helps the banks, and it is one of the most expensive things before us. If you are a fiscal conservative, there is no way you can vote for this.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, that is absolutely incorrect. The mortgage interest we target is between 4 and 4.5 percent. Right now in the market, it would be between 4 and 4.5 percent. We capped the program at $300 billion. It is impossible to do what the Senator from New York said because we put a cap on it. It could cost no more than that. The Treasury cannot authorize any more than that.

Regarding the second untruth he just spoke—this amendment is not just for millionaires. These are for homes that are not above the conforming loan limit, so it is no home over $729,000. Only homes under that would qualify for it.

We have over 600 organizations that build homes in this country—plumbers, cabinetmakers, homebuilders, and everything else—that support this amendment. This amendment will get the housing industry going in the country.

And it is not just about lowering interest rates—another untruth said by the Senator from New York. We also do foreclosure mitigation because we help modify loans for those homes that are underwater right now. There are tax credits for businesses to get the economy going. We fix housing first, and then we get the economy going.

I urge a ''yea'' vote on this amendment.

Mr. GRASSLEY. Mr. President, if Senator ENSIGN prevails on his amendment, I will seek to further amend his amendment. I would offer the Grassley amendment patch amendment. The amendment would be in identical form to my amendment adopted in the Finance Committee markup.

The PRESIDING OFFICER. The time of the Senator from Nevada has expired.

Mr. BAUCUS. Mr. President, I make a point of order that the pending amendment violates section 302(f) of the Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. I move to waive the applicable provisions with respect to my amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second. The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

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

Mr. KYL. The following Senator is necessarily absent: the Senator from New Hampshire (Mr. GREGG).

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

The yeas and nays resulted—yeas 35, nays 62, as follows:

[Rollcall Vote No. 48 Leg.]

YEAS—35

Alexander	Ensign	McCain
Barrasso	Enzi	McConnell
Bennett	Graham	Murkowski
Bond	Grassley	Risch
Brownback	Hatch	Roberts
Burr	Hutchison	Sessions
Chambliss	Inhofe	Shelby
Coburn	Isakson	Specter
Cochran	Johanns	Thune
Corker	Kyl	Vitter
Cornyn	Lugar	Wicker
Crapo	Martinez	

NAYS—62

Akaka	Feingold	Murray
Baucus	Feinstein	Nelson (FL)
Bayh	Gillibrand	Nelson (NE)
Begich	Hagan	Pryor
Bennet	Harkin	Reed
Bingaman	Inouye	Reid
Boxer	Johnson	Rockefeller
Brown	Kaufman	Sanders
Bunning	Kerry	Schumer
Burris	Klobuchar	Shaheen
Byrd	Kohl	Snowe
Cantwell	Landrieu	Stabenow
Cardin	Lautenberg	Tester
Carper	Leahy	Udall (CO)
Casey	Levin	Udall (NM)
Collins	Lieberman	Voinovich
Conrad	Lincoln	Warner
DeMint	McCaskill	Webb
Dodd	Menendez	Whitehouse
Dorgan	Merkley	Wyden
Durbin	Mikulski	

NOT VOTING—2

Gregg	Kennedy

The PRESIDING OFFICER. On this vote, the yeas are 35, the nays are 62. Three-fifths of the Senators duly chosen and sworn having not voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The majority leader is recognized.

Mr. REID. Mr. President, the vote has been reported?

The PRESIDING OFFICER. It has.

Mr. REID. Mr. President, for all Members, everyone should be advised we are going to be working late tonight. We have a lot of work to do. We are going to work to get a solution. We are going to work within the broad outline that President Obama has given us, a program that has the wide support of the American people.

If necessary, we are going to work through the night. I repeat, we are going to work until we get it done. There are a number of Senators working in good faith to try to come up with a proposal that will pick up a number of Republican votes. There are a number of Republicans working in that group—I do not know how many but as many as eight Republican Senators—trying to come up with a proposal they believe would improve this legislation.

As I have indicated to each of those Senators individually, we would be happy to take a look at this. If it is in keeping with what I believe everyone is trying to do; that is, to improve this legislation, of course we will take a look at it, and we will take a good positive look at it.

This legislation is very important. The reason we need to work through the night is, I cannot imagine what would happen to the financial markets tomorrow if it was reported that this bill would go down. This bill is not only important to our great country, it is important to the world. We are the largest economic machine in the world by far.

People a lot of times refer to Japan and the trouble they had in the 1990s. But, remember, their economy, even though theirs is the second largest economy in the world, it is a very small economy relatively speaking compared to ours. So around the world, everyone is looking at what we are going to do tonight.

I want to make sure everyone understands that everyone is working in good faith. This is a very large piece of legislation. I understand why people would want to change it, and certainly we are in the process of trying to do that with these multitude of amendments that have been offered.

We will finish this. We have about four votes left in this tranche. Then we will move on to others. On the Democratic side, we have more amendments lined up. I am sure the Republicans have more lined up on their side. But I would hope everyone would work in good faith to move forward on this legislation.

If at the end of the day people cannot vote for it, that is a decision people will have to make. But I want everyone

within the sound of my voice to understand that what we do here is extremely important not only to the people in Las Vegas, Reno, and Nevada but all over this country and the financial capitals of the world.

The small towns all around the world are looking to see what we do. It is not a pleasant picture to think what would happen if this legislation, which was put together—I have used the term before—in good faith by President Obama and his people, is, in effect, turned down.

Now, we have never said you have to rubberstamp what we have done. That is why we started on Monday a process of amending this legislation. A lot of amendments have been offered. A lot of them have not been accepted or approved, but a number of them have. A couple of them that were approved I really did not like very much. But this is what the legislative process is about. Legislation is the art of compromise, consensus building. That is where we are. So it is 6:15 tonight. I would hope in the next 12 hours we can have a piece of legislation that we can feel good about after having worked on it for these many hours that we have.

I failed to say one thing. I extend my apologies to my friend. One of the things I wanted to say is, Senator MCCONNELL, the Republican leader, has been very open with me. We have had a number of meetings during today. He has been very understanding of some of the problems I have. I am understanding of some of the problems he has.

I want the RECORD to reflect he has been very cooperative. I appreciate that very much.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, let me add briefly, it strikes me that one of the core problems in spite of the new President's popularity with Americans is, there is a growing discontent among the public, as illustrated by the Gallup poll, which 4 or 5 days ago indicated roughly 53 percent of Americans thought this particular proposal was a good idea, and it is now down to 38 percent a mere 5 or 6 days later.

The American people have serious questions about the composition of this package. I think virtually everybody on our side of the aisle believes that some action by the Government is necessary. We have heard from a lot of economists who are thought of as conservative economists who think that action is necessary.

The question is not doing nothing versus doing something. The question is the appropriateness of an almost trillion dollar spending bill to address the problem. I agree with the majority leader. We ought to continue talking. Hopefully, there is a way to restart the process in a way that would be more fundamentally bipartisan in nature. We hope that conclusion can be reached in a positive way for the American people sometime in the near future.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I am probably different than most every Senator. I wish we could outlaw polls. I think they are one of the things that hurt the body politic. I don't believe in them. I don't watch what they say. I don't care about them. But I can read them. We were all present at a meeting yesterday where in-depth polling has been done on this. The polling for President Obama's package, as of yesterday, was approved by nearly 70 percent of the American people. I don't know what the Gallup poll is, but it should underscore what I said about polls. Everybody forget about the polls. Forget about them. Do what we think is good for the American people based on what we are hearing from constituents, constituents rich and poor, big businesses and small businesses. If we listen to them, we have to come forward with a robust package in keeping with the needs of the country.

I appreciate the comments of my friend, the Republican leader. We are all working to do the best we can. We have some disagreement as to what the right thing to do is. I hope we will not be determining what we do based on a poll.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. I know we would all rather be voting than talking. Republicans are no less interested in doing the right thing for the country than Democrats are. I don't question the motives of our friends on the other side of the aisle, and I know they don't question ours. We have some serious differences about what we ought to do. Those discussions have been ongoing, and we will continue them throughout the evening and maybe well into the weekend until we get some kind of consensus about what is the most appropriate thing to do to help jump-start our ailing economy.

Mr. REID. I have stated clearly and unequivocally that I believe those eight Republicans who are—I think that is the number; I haven't been in on the meetings—working very hard to try to come up with an alternate proposal, I appreciate that. Does that mean the other 33 Republican Senators aren't working in good faith? Of course they are. But I very much appreciate those Republicans who are openly trying to come up with something different. All of us are trying to do the right thing for the American people. There isn't a single Senator who has come to this floor who hasn't said that this economy is in deep trouble and we have to do something to fix it. My comment was, I hope we can do that. That is the reason I have said we have to work through the night. Because if we don't and the Friday financial markets look at us not having been able to accomplish anything, it is a bad day not only for America but the rest of the world.

AMENDMENT NO. 236, AS FURTHER MODIFIED

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes equally divided prior to a vote in relation to amendment No. 236, as modified, offered by the Senator from Missouri, Mrs. MCCASKILL.

The Senator from Montana.

Mr. BAUCUS. Mr. President, we are prepared to accept the amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. BAUCUS. Mr. President, I understand there is a further modification at the desk.

The PRESIDING OFFICER. Without objection, the amendment is further modified.

The amendment (No. 236), as further modified, is as follows:

On page 3, line 22, strike ''2010'' and insert ''2011''.

On page 3, line 23, insert before the period ''and an additional $17,500,000 for such purposes, to remain available until September 30, 2011''.

On page 41, line 4, strike ''2010.'' and insert ''2012.''

On page 41, line 21, strike ''2010'' and insert ''2011''.

On page 47, line 8, strike ''2010'' and insert ''2011''.

On page 47, line 26, strike ''2010'' and insert ''2011''.

On page 60, line 4, strike ''2010.'' and insert ''2011, and an additional $3,000,000 for such purposes, to remain available until September 30, 2011.''.

On page 77, line 19, strike ''expended.'' and insert ''September 30, 2012, and an additional $10,000,000 for such purposes, to remain available until September 30, 2012.''.

On page 95, line 12, insert before the period ''and an additional $5,000,000 for such purposes, to remain available until September 30, 2012''.

On page 105, line 4, insert ''SEC. 505 OFFICE OF INSPECTOR GENERAL. For an additional amount for ''Treasury Office of Inspector General for Tax Administration'', $7,000,000 to remain available until September 30, 2012, for oversight and audit of programs, grants and activities funded under this title.''

On page 105, line 24, strike ''2010'' and insert ''2012''.

On page 116, line 21, strike ''2010.'' and insert ''2011, and an additional $7,400,000 for such purposes, to remain available until September 30, 2011.''.

On page 127, line 14, strike ''2010'' and insert ''2011''.

On page 137, line 8, strike ''2011.'' and insert ''2012, and an additional $15,000,000 for such purposes, to remain available until September 30, 2012.''.

On page 146, line 12, insert before the period ''and an additional $10,000,000 for such purposes, to remain available until September 30, 2012''.

On page 149, between lines 5 and 6, insert the following:

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for the Office of the Inspector General, $1,000,000, which shall remain available until September 30, 2011.

On page 214, line 19, strike ''2010'' and insert ''2011''.

On page 225, line 6, strike ''2010'' and insert ''2011''.

On page 226, line 23, strike ''2010'' and insert ''2011''.

On page 243, line 6 insert '', and an additional $12,250,000 for such purposes, to remain

available until September 30, 2012'' before the colon.

On page 263, line 7, insert '', and an additional $12,250,000 for such purposes, to remain available until September 30, 2012'' before the colon.

On page 733, line 2, strike ''expended'' and insert ''September 30, 2012,''.

Mr. BUNNING. May we understand what the modification is?

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. MCCASKILL. Mr. President, there was an omission of money for the inspector general at the IRS. The modification adds the money for the inspector general at the IRS.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 236, as further modified.

The amendment (No. 236), as further modified, was agreed to.

AMENDMENT NO. 197

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 197 offered by the Senator from South Dakota, Mr. THUNE.

Mr. THUNE. Mr. President, with my amendment we get more with less, more job creation at less cost. What this amendment would do is substitute the underlying bill with an amendment that consists primarily of tax relief for families and small businesses. Specifically the legislation would provide $444 billion of tax relief, more than the tax relief contained in the Senate stimulus bill. It provides $34 billion in spending which is $598 billion less than the underlying bill. According to the economic models developed by the President's economic advisers, this proposal would create twice as many jobs for half the cost. It would create 6.2 million new jobs at $480 billion, compared to the 3 million or so which, with the latest from CBO, may be a lot less than that under the Democratic proposal. I urge support for the amendment.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, the Senator is correct. It is more for less—more tax breaks for upper income Americans, less tax breaks, in fact, no tax breaks for low-income Americans; 49 million Americans will get no tax benefit under this amendment, and 49 million Americans do get some tax benefits from the underlying bill. It eliminates the rest of the substitute—nothing for energy, nothing for education and the other parts of the bill. I urge rejection of the amendment.

I raise a point of order that the pending amendment violates section 311(a)(2)(b) of the Congressional Budget Act of 1974.

Mr. THUNE. Mr. President, I move to waive the applicable provisions under the Budget Act with respect to my amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

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

The assistant legislative clerk called the roll.

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

Mr. KYL. The following Senator is necessarily absent: the Senator from New Hampshire (Mr. GREGG).

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

The yeas and nays resulted—yeas 37, nays 60, as follows:

[Rollcall Vote No. 49 Leg.]

YEAS—37

Alexander	DeMint	McCain
Barrasso	Ensign	McConnell
Bennett	Enzi	Murkowski
Bond	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Hatch	Sessions
Burr	Hutchison	Shelby
Chambliss	Inhofe	Specter
Coburn	Isakson	Thune
Cochran	Johanns	Vitter
Corker	Kyl	Wicker
Cornyn	Lugar	
Crapo	Martinez	

NAYS—60

Akaka	Feinstein	Murray
Baucus	Gillibrand	Nelson (FL)
Bayh	Hagan	Nelson (NE)
Begich	Harkin	Pryor
Bennet	Inouye	Reed
Bingaman	Johnson	Reid
Boxer	Kaufman	Rockefeller
Brown	Kerry	Sanders
Burris	Klobuchar	Schumer
Byrd	Kohl	Shaheen
Cantwell	Landrieu	Snowe
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Collins	Lieberman	Udall (NM)
Conrad	Lincoln	Voinovich
Dodd	McCaskill	Warner
Dorgan	Menendez	Webb
Durbin	Merkley	Whitehouse
Feingold	Mikulski	Wyden

NOT VOTING—2

Gregg	Kennedy

The PRESIDING OFFICER. On this vote, the yeas are 37, the nays are 60. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

Mrs. BOXER. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 363, AS FURTHER MODIFIED

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes equally divided prior to a vote in relation to amendment No. 363, as modified, offered by the Senator from California, Mrs. BOXER.

The Senator from Montana.

Mr. BAUCUS. Mr. President, just for the information of all Senators, these are two amendments that are paired: the Boxer amendment, which the Chair just stated, and also the Barrasso amendment No. 326. It is our understanding those two amendments will both be voice-voted. Senator BOXER will speak about her amendment, and Senator BARRASSO will speak about his. But the thought is, these are two paired amendments on roughly the same subject. We hope to have a voice vote on each.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Thank you very much.

Mr. President, I thank my colleagues. I think I can explain this amendment in 2 minutes, and then we can take a voice vote.

I thank Senator BARRASSO. He and I have a little different view on the importance of the National Environmental Policy Act in relation to this bill. Late last night he offered an amendment to essentially pretty much waive the protections of that act from this bill. Needless to say, as the chairman of the Environment and Public Works Committee, I was concerned about the amendment. He and I have had extensive discussions, along with our staff, and we have reached an agreement on the way to proceed tonight.

So, Mr. President, I am going to begin by carrying that out by sending a modification of my amendment to the desk that Senator BARRASSO has approved. So if I might do that.

The PRESIDING OFFICER. Is there objection to the modification?

Without objection, the amendment is so modified.

The amendment (No. 363), as further modified, is as follows:

Insert at the appropriate place:

FINDINGS

1. The National Environmental Policy Act protects public health, safety and environmental quality: by ensuring transparency, accountability and public involvement in federal actions and in the use of public funds;

2. When President Nixon signed the National Environmental Policy Act into law on January 1, 1970, he said that the Act provided the ''direction'' for the country to ''regain a productive harmony between man and nature'';

3. The National Environmental Policy Act helps to provide an orderly process for considering federal actions and funding decisions and prevents ligation and delay that would otherwise be inevitable and existed prior to the establishment of the National Environmental Policy Act.

SECTION 1

1. Adequate resources within this bill must be devoted to ensuring that applicable environmental reviews under the National Environmental Policy Act are completed on an expeditious basis and that the shortest existing applicable process under the National Environmental Policy Act shall be utilized.

2. The President shall report to the Senate Environment and Public Works Committee and the House Natural Resources Committee every 90 days until September 30, 2011, following the date of enactment on the status and progress of projects and activities funded by this act with respect to compliance with National Environmental Policy Act requirements and documentation.

Mrs. BOXER. OK. I also thank—in addition to Senator BARRASSO for working with me on drawing this up, I

would say, perfecting this amendment—a lot of the groups out there who have been very worried and working and calling all my colleagues.

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

Mrs. BOXER. Mr. President, I ask unanimous consent for an additional minute, if I might.

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

Mrs. BOXER. Mr. President, I ask unanimous consent to have printed in the RECORD the list of these organizations, from the League of Conservation Voters to the American Lands Alliance; and there is even a group from Alaska that got involved.

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

Tiernan Sittenfeld; Legislative Director; League of Conservation Voters; tiernan_sittenfeld@lcv. org.

Marty Hayden; Vice President, Policy and Legislation Earthjustice; mhayden@earthjustice.org.

Pamela A. Miller; Arctic Program Director; Northern Alaska Environmental Center; Pam@northern.org.

Anna Aurilio; Director, Washington DC Office; Environment America; asquared@environmentamerica.org.

Randi Spivak; Executive Director; American Lands Alliance; randispivak@americanlands.org.

Mike Daulton; Legislative Director; National Audubon Society; MDaulton@audubon.org.

Emily Wadhams; Vice President for Public Policy; National Trust for Historic Preservation; emily_wadhams@nthp.org.

Will Callaway; Legislative Director; Physicians for Social Responsibility; wcallaway@PSR.ORG.

Colin Peppard; Federal Transportation Program Manager; Friends of the Earth; CPeppard@foe.org.

Sandra Schubert; Director of Government Affairs; Environmental Working Group; sschubert@ewg.org.

Sharon Buccino; Director, Land Program; Natural Resources Defense Council; sbuccino@nrdc.org.

Leslie Jones; General Counsel; The Wilderness Society; leslie_jones@tws.org.

Sara Kendall; DC Office Director; Western Organization of Resource Councils; sara@worc.org.

Mary Beth Beetham; Director of Legislative Affairs; Defenders of Wildlife; MBeetham@defenders.org.

Adam Kolton; Sr. Director, Congressional and Federal Affairs; National Wildlife Federation; Kolton@nwf.org.

Eli Weissman; Director of Government Relations; American Rivers; EWeissman@americanrivers.org.

Nat Mund; Legislative Director; Southern Environmental Law Center; nmund@selcdc.org.

Elizabeth Thompson; Legislative Director; Environmental Defense Fund; EThompson@edf.org.

Ann Mesnikoff; Washington Representative; Sierra Club; Ann.Mesnikoff@sierraclub.org.

Mike Clark; Interim Executive Director; Greenpeace; mike.clark@greenpeace.org.

Mrs. BOXER. I conclude by saying what I do in this amendment is to say that adequate resources within this bill must be devoted to ensuring that the applicable environmental reviews under NEPA are completed on an expeditious basis, and that we require a report every 90 days just to make sure these projects are moving forward with the protections of NEPA but no undue delays.

So with that, I would ask for a voice vote, if I might.

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

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

The amendment (No. 363), as further modified, was agreed to.

AMENDMENT NO. 326

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 326, offered by the Senator from Wyoming, Mr. BARRASSO.

The Senator from Wyoming is recognized.

Mr. BARRASSO. Mr. President, I appreciate the modifications of the amendment by Senator BOXER. The Boxer amendment rightly states that we should try to expedite NEPA. I appreciate the improvements she has made to that.

My amendment, which I urge Members to support, is amendment No. 326, offered by Senators ENZI and VITTER and CRAPO and RISCH and BENNETT and ROBERTS as well as myself. The amendment is a practical, moderate solution to a real problem, as every school, road, bridge or dam funded under this bill will require compliance with the National Environmental Policy Act.

The Congressional Budget Office and countless business leaders agree we must address NEPA in this legislation. My amendment would not waive NEPA, it would only require that it be completed in 9 months. I appreciate Senator BOXER's efforts to do this in an expeditious way. This amendment goes further and says 9 months. If projects are truly shovel ready, this should be no problem.

This amendment prevents bureaucratic delays and will put people to work. I am asking my colleagues to vote in favor of amendment No. 326 and I would appreciate a voice vote.

The PRESIDING OFFICER. Is there any further debate?

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

The amendment (No. 326) was rejected.

The PRESIDING OFFICER. As clarification, the Boxer amendment that was agreed to was as further modified.

The Senator from Oklahoma is recognized.

AMENDMENT NO. 176 TO AMENDMENT NO. 98

Mr. COBURN. Mr. President, I ask unanimous consent that the pending amendments be set aside to call up amendment No. 176.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 176.

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

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

The amendment is as follows:

(Purpose: To require the use of competitive procedures to award contracts, grants, and cooperative agreements funded under this Act)

On page 431, between lines 8 and 9, insert the following:

PROHIBITION ON NO-BID CONTRACTS AND EARMARKS

SEC. 1607. (a) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to make any payment in connection with a contract unless the contract is awarded using competitive procedures in accordance with the requirements of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), section 2304 of title 10, United States Code, and the Federal Acquisition Regulation.

(b) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be awarded by grant or cooperative agreement unless the process used to award such grant or cooperative agreement uses competitive procedures to select the grantee or award recipient.

Mr. COBURN. Mr. President, this is a straightforward amendment. What this amendment says is that all the money we are going to spend in this bill, the American taxpayers are going to get value.

I am not going to win the debate on this bill. We are going to spend somewhere between $750 billion and $1 trillion, but the one thing we ought to be able to assure the American people is that when we go to spend the money, they are going to get value for it. This is an amendment that says there will be competitive bidding on all the contracts, all the agreements so we get real value. As malodorous as this bill is in terms of the spending that is not going to produce the first job, the one thing we ought to make sure of is that the American taxpayer is protected.

What we know from 40 hearings in the Federal Financial Management Subcommittee is the biggest problem we have in the Government today, besides waste, fraud, and abuse, is the fact that many of the Government contracts, in violation of Federal law, are never competitively bid. That does a couple things. One is it puts people who are connected to the Government in line to get a contract that is not necessarily the best value for our country. Whether that is lobbying here or lobbying at the executive branch, what we know is that at least $50 billion a year right now is wasted because we don't do competitive bidding.

All this amendment says is that if you are going to spend the money, if it is greater than $25,000—which is what President Obama has asked us to do—you competitively bid it. You don't play favorites; you make sure we get great value.

So my hope is nobody can find a fault with this agreement and this amendment that would say in common sense:

Everybody out there who is in business who is going to do something such as that, spend any significant amount of money, is going to get value for what they pay on their money. Every household is going to try to do that as they try to make decisions on how they spend money. So as we spend $900 billion on the items that can be let for contract, we ought to insist that there is competitive bidding.

What do we know right now in the Federal Government as far as waste where we have not competitively bid? Here is what we know. We spend as a government $64 billion a year on IT contracts—on IT contracts. The vast majority are not competitively bid. Some people may say: Well, that is no problem. Well, when you hear that 40 billion of them are in trouble, way outside the cost that we thought things were going to cost, what we see is the American taxpayer doesn't get any value when it comes to IT purchasing in the Federal Government. Whether that is the Pentagon, whether it is Homeland Security, whether it is the Small Business Administration, whether it is the Department of Energy, we get no value because 50 percent of the money we spend on IT ultimately gets wasted because we don't competitively contract it and competitively bid it.

Out of this $900 billion, there is somewhere around $400 billion of that which can, at one point or another, be competitively bid. To not competitively bid it says, first of all, we are not going to be able to spend it to create as many jobs as we would like if, in fact, we don't get value when we competitively bid it. So my hope is the chairman will consider this amendment take it under advisement. I would also relate that even in spite of the fact that sections 303 of the Federal Property and Administrative Act, 10 U.S. Code 2304 all require it, the Federal Government doesn't do it. Last year, in the Consolidated Federal Funds Report, the Federal agencies issued $1.2 trillion in financial assistance in 2008.

Mr. President, $400 billion of that was in grants, so that means grants need to be competitively bid; $453 billion in contracts and $22 billion in direct loans. A large portion of that was never competitively bid.

I will shorten the time I spend on this amendment. I ask for its consideration, and I reserve the balance of my time.

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

AMENDMENT NO. 359

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that the pending amendment be set aside so that I may call up amendment No. 359.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. UDALL] proposes an amendment numbered 359.

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

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

The amendment is as follows:

(Purpose: To expand the number of veterans eligible for the employment tax credit for unemployed veterans)

On page 485, strike lines 23 through 26, and insert the following:

(I) having been discharged or released from active duty in the Armed Forces during the period beginning on September 1, 2001, and ending on December 31, 2010, and

Mr. UDALL of New Mexico. Mr. President, as I rise today, our Nation is in the midst of a deep recession. Families across America are losing their homes and business owners are being forced to close doors. In my home State of New Mexico, local workforce solutions offices are besieged with calls from people who need help. Customer service centers are cutting jobs and parents can't pay for their kids' school lunches.

Our responsibility is to act, and we must do so with the accountability and oversight the American taxpayers deserve.

For months, I have been advocating for an economic recovery package that puts the American people first, one that is carefully targeted to create jobs and stabilize our economy by making the long-term investments economists have said we need now. For years we have neglected to make the needed investments in energy and in conservation, infrastructure, health care, and so much more. Today we have the opportunity to change course. We have the opportunity to make these necessary investments and help shore up our economy at the same time.

I wish to thank Chairman INOUYE and Chairman BAUCUS for their hard work in bringing this bill before us.

Make no mistake, the package we have before us is not perfect. There are many improvements that, after all the hours of work and all the hours of debate, could make it better. I rise to bring forth one more improvement we can make now.

Today I am offering an amendment which both helps address our current economic crisis and takes care of the very individuals who have been fighting for us: our veterans. My amendment, which I am proud to be joined in offering by the distinguished Senator from Louisiana, Ms. LANDRIEU, will help ensure that our veterans returning from Iraq and Afghanistan are remembered as we push for job creation in our country.

The current language in the substitute amendment provides a tax incentive to employers hiring veterans who have been discharged from the armed services in 2008, 2009, and 2010. I strongly applaud this amendment and thank Chairman BAUCUS for his leadership on this issue. However, the numbers show veterans discharged before the years included in the underlying language are also struggling to find employment. In fact, in September 2007, the Bureau of Labor Statistics reports that of those veterans who served in our military since September 2001, 6.1 percent were unemployed. As we know too well, since the study was completed in September of 2007, the economy has only worsened.

Therefore, I offer this amendment to expand the tax incentive to employers to include veterans discharged from the armed services between September 2001 and December 2010, including veterans of Operation Enduring Freedom and Operation Iraqi Freedom. Those soldiers leaving the military after serving in Iraq and Afghanistan, serving with great distinction and honor, are finding themselves back in a shrinking workforce. Yet we know from study after study that these men and women have substantial capabilities in technology, mathematics, management, crisis response, and so many other areas that are critical to employers. Expanding the tax incentive to cover employers who hire any veteran who has served since September 11 will help ensure that we do not leave these veterans out of our recovery package. It ensures that employers are encouraged to hire these men and women and put them back to work for our Nation.

The Iraq and Afghanistan Veterans of America are strongly supportive of this expansion. I urge my colleagues to join me in adopting it today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. It is Senator COBURN's time or another Republican amendment. Senator COBURN should be recognized; then Senator SANDERS after that.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

AMENDMENT NO. 309

Mr. COBURN. Mr. President, first of all, let me thank the chairman for his kindness. I agree we should be going back and forth.

Whatever we do with this bill, we ought to determine what is most important and what is least important. When we take $900 billion and are about to spend it, we ought to do that in a way that again promotes value. We as a body oftentimes are resistant to make hard choices; I know that, but every family out there in our country today is making hard choices.

I found it peculiar, when this bill came to the floor, that it didn't include a prohibition that was in the House bill. Somewhat strange. What was in the House bill, which was passed by the House and agreed to by the House, was a prohibition on any funding to pay for aquariums, zoos, golf courses, swimming pools, stadiums, parks, theaters,

art centers or highway beautification projects. Somehow, strangely, it was left out of the Senate bill.

So I ask unanimous consent that the pending amendment be set aside to call up my amendment No. 309.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 309.

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

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

The amendment is as follows:

(Purpose: To ensure that taxpayer money is not lost on wasteful and non-stimulative projects)

At the appropriate place, insert the following:

SEC. ___. LIMIT ON FUNDS.

None of the amounts appropriated or otherwise made available by this Act may be used for any casino or other gambling establishment, aquarium, zoo, golf course, swimming pool, stadium, community park, museum, theater, art center, and highway beautification project.

Mr. COBURN. What this amendment does is it prohibits stimulus funding to pay for casinos, museums, aquariums, zoos, golf courses, swimming pools, stadiums, parks, theaters, art centers or highway beautification projects. I am not necessarily against those, but if we are going to spend money, we ought to spend money on the highest priority things first, not the finer things that we can't afford.

We cannot afford to spend a penny on a museum right now with the trouble we are in. We cannot afford to spend a penny on a golf course with the trouble we are in. We cannot afford to spend a penny on theaters or art centers or highway beautification. Those are not a priority. Plus, most of those won't generate near the jobs as if we were spending it on something more substantive. There are billions of dollars in this bill for various grant programs for State and local governments, for supposedly local shovel-ready projects. How do we know that? Because the U.S. Conference of Mayors has a wish list of shovel-ready spending projects entitled Main Street Recovery Ready-to-Go Infrastructure Report. It includes billions in questionable and wasteful projects that should never be funded by the taxpayers, even if we had extra money—which we don't—and certainly should not be funded at this time, with the limited dollars we have and the way we are funding. We are not borrowing—no, we are stealing this money from our grandkids.

Mr. ROBERTS. Mr. President, will the Senator yield for a question?

Mr COBURN. I will.

Mr. ROBERTS. Mr. President, let me ask my distinguished friend and colleague from Oklahoma this. We all know we have to address the problems we face in our economy. It is becoming a crisis. The majority leader said that, the minority leader said that, and everybody who has offered an amendment has said that. But it seems to me we have fundamental differences with the President of the United States, who called some of our concerns picayunish in an op-ed in the Washington Post, and with our colleagues across the aisle, as to what constitutes an effective stimulus. The Senator from Oklahoma is introducing an amendment that I wish more Members could listen to—and they should because it would be in their best interest.

The Senator from Oklahoma is offering an amendment that introduces an overdue criteria not only regarding whether the mayors' wishlist, and the programs he is going to enunciate, fit the role of a stimulus, but public outrage? These are the kinds of things that become fodder on late night talk shows, and we could do that—we could sort of do a late night talk show. We could go back and forth and he would mention a project and I would say: Do you mean there is money going for that? But I will skip all that and congratulate the Senator regarding his amendment.

Can the economy be best revitalized through a massive and unprecedented increase in Government spending? Or is it better to pursue progrowth policies that put money more directly into the pockets of families and businesses?

There is no question, I can answer that. Putting money back in the pockets of American families and businesses stimulates the economy. When they have additional money in their pockets, they can use that money as they see fit—to save, to purchase a home or a car, to make an investment or hire workers. So I think what the Senator from Oklahoma is trying to do—I know what he is trying to do and what I am trying to do in asking him to yield, which is to urge my colleagues to take a hard look, please, at the spending in this bill. We have already asked you to do that. There have been many amendments to do that. Ask yourselves: Is this stimulative? Do the programs in this bill truly promote economic stimulus? Do they create jobs? Do they put meaningful dollars directly in the pockets of families and businesses to encourage the economic growth of our country, or does the bill simply spread the money around to many Federal programs, or Members' requests, in the hope that such spending will solve our economic problems?

If we cannot honestly demonstrate the stimulative effect of the programs in the bill, then it is clear to me that taxpayer dollars would be best spent elsewhere or, better yet, returned to the taxpayers.

With all due respect to President Obama, in the article he wrote for the Washington Post, the op-ed, these matters are not picayunish—they are not.

The economic stimulus mantra from last year—targeted, temporary, and timely—which should also apply to this year's effort, seems no longer to be the drumbeat of the majority. I don't know if the Senator is aware, but one estimate is that this bill would cost $2,700 for every man, woman, and child in the United States. While this bill is touted as creating or conserving jobs, some of the costs of the proposed job creation in the bill are truly astounding, not picayunish.

A program at the State Department would create 388 jobs at a cost of $524 million. There are others that create jobs that would cost $480,000 per job and $333,000 per job. I know the Senator from Oklahoma is interested in that because that is the very kind of thing he likes to bring up to make us adhere to our job responsibilities.

I know Oklahomans are outraged, and I know Kansans are outraged at this reckless spending, when the vast majority of them live within their means, pay their bills, and make their mortgage payments on time. Where is their benefit under this bill? Where is their $333,000 or $480,000 job?

Many constituents who have contacted me have said, ''Just send me a check.'' They are very concerned that their tax dollars are not being used wisely here and that this bill won't get the job done. That is what the Senator from Oklahoma is trying to accomplish.

The bill is not targeted. The appropriation portion of the bill spends taxpayer dollars on everything from smoking cessation programs, all-terrain vehicle trails, and $600 million to buy new cars for new Government employees.

Again, these matters are not picayunish. As the spending in this bill grows, it has become a honey pot for every conceivable special interest group in this unprecedented environment of national crisis. I am concerned that we are well on our way to federalizing State and local governments, as many elected officials are setting up what I call ''bucket commissions.'' Our Governor in Kansas is doing that, and others are as well. I know we have problems in Kansas, and I know they have problems in Ohio, and I know they have problems in Oklahoma. But they are coming to Washington to fill these buckets. People have actually lobbied for and want the projects the Senator from Oklahoma is talking about. If you want a new county jail, don't pass a bond issue; ask for it in the stimulus. If you want a Frisbee park—I am not making that up—don't ask local taxpayers to foot the bill; ask for it in the stimulus.

With this Federal honey pot and the lure that is now out there to come to Washington and make funding requests—and some requests do have merit; I won't quarrel with that. But this is not the right time or place for them. Another danger here is that Federal money too often becomes Federal control—Federal intervention further into the daily lives of Americans. You hear a lot about that back home.

To all of those who hear the siren song lure of coming to Washington and obtaining free stimulus money, with apologies to Homer:

Circe warned all those lured by the siren songs and to too many who ignored the warning and ended up on rocky shoals:
Once he hears to his heart's content, sails on a wiser man.
Like as Vlisses wandering men,
In red seas [or in the case of this stimulus, red ink] as they pass along.
Did stoppe their ears with wax as then,
Against the suttle Mermayds [or shall we say Senator's stimulus song.]
So shall their crafty filled talk,
Here after find no listing ear.
Like Circe, I byde them go back and walk,
And spend their words some other where.

Again, with apologies to Homer, with this siren stimulus song that we sing, those attracted by the lure will bring themselves and all taxpayers to rocky shoals.

We are currently in the throes of February cold, with only Valentine's Day as a respite. This bill will have its first effect amidst the winds of March. Those projects that my distinguished friend from Oklahoma is trying to bring to the attention of the Senate will come true in the winds of March. My colleagues and taxpayers all, beware of the Ides of March. Under this massive spending bill, the taxpayer will become Caesar and the Government will become Brutus. ''Et tu, Senator Brutus''—a role no Senator should wish to play.

While some funding requests may be worthy of Federal dollars, such decisions should be made as part of the annual appropriations debate, rather than circumventing that important process by adding funding to a bill that is intended to provide short-term stimulus to the economy.

This bill is not timely, I say to my friend from Oklahoma. CBO estimates that only 15 percent of this stimulus package will be spent in 2009, and only another 37 percent spent in 2010. The remaining part will be spent in 2011 and beyond. That means that less than half of the money will be spent by the end of next year. This is not the immediate relief families and businesses desperately need now to help get the economy back on track. Rather than looking at more Federal spending and programs to fix our economy, we have tried to redirect this spending to tax relief. We need to return to families more of their hard-earned dollars and allow businesses to keep more of the money they earn, so they can reinvest and grow their businesses. This is particularly true of small business. Unfortunately, only $21 billion, or 3 percent of this bill, goes to small business. I know the Senator from Oklahoma certainly cares about small businesses. They are the Nation's job creators. How can we call this an economic stimulus bill, when only a fraction of this bill is going to help small businesses?

Mr. BAUCUS. Mr. President, I forgot what the question was.

Mr. ROBERTS. We had seven questions, and I am going to have one, and then I will cease and desist.

The PRESIDING OFFICER. The Senator from Oklahoma has the floor. He yielded for a question.

Mr. BAUCUS. Mr. President, I am trying to find a fair way to go back and forth here.

Mr. COBURN. Does the Senator have another question?

Mr. ROBERTS. Yes, I do. We have had before us—and more to come, I think—well-thought-out alternatives to meet the commonsense test. As I said before, we have had amendments to strip out billions in spending in the bill that will not stimulate the economy. It is my understanding that the Senator's amendment deals with smaller programs and, as I have indicated, the public reaction to these programs and these relative to the stimulus package are unbelievable, is that not true?

Mr. COBURN. That is true.

Mr. ROBERTS. We have and will have amendments to provide permanent tax relief for middle-income taxpayers. Is anything in there having to do with that?

Mr. COBURN. No.

Mr. ROBERTS. Basically, we have considered amendments to address the problems in the housing market, to fix housing first. Does anything on that list have anything to do with fixing the housing market?

Mr. COBURN. No.

Mr. ROBERTS. These suggestions would improve this bill. Can we improve it, I ask the Senator from Oklahoma, to provide the right incentives to stimulate the economy and create private sector jobs?

Mr. COBURN. Yes.

Mr. ROBERTS. Let us beware of the Ides of March and the siren songs of the stimulus, I say to the Senator from Oklahoma. I thank him for doing an outstanding job to warn the majority of the sand trap they are getting into with these projects. Would the Senator not agree?

Mr. COBURN. Yes.

The PRESIDING OFFICER. The Senator yielded for a question. The Senator from Oklahoma has the floor.

Mr. COBURN. Mr. President, I thank my fine friend from Kansas for those questions.

As I was saying before I was interrupted for a question, the U.S. Conference of Mayors has a wish list. I would do the same thing. But I want my colleagues to hear what is going across the legislatures of all the States right now: How much of this money can we get so we don't have to do the hard job in our legislature right now to make cuts we need to make? How much of this money can we get?

They just happened to have 31,000 requests totaling $73.2 billion. I thought the American people would like to hear what some of them are because I guarantee you, we will fund them. We are going to fund them. If this bill passes, we are going to fund them unless we accept this amendment.

How about $192.6 million for 12 projects directed to stadiums, including $150 million for a Metromover extension to Marlin Stadium in Miami, FL, where their average attendance is less than 45 percent, less than 16,000 fans? Is that a priority for the country right now? It is not a priority. Unless we agree to this amendment, that kind of stuff is going to get funded.

How about $87 million for 56 projects on paths? Right now, when we are stealing $1 trillion from our grandchildren, is it a priority for this country to build bicycle paths? Tell me that is a priority. Tell the American people that is a priority.

How about $700,000 to plant 1,600 trees along the sidewalks in Providence, RI? Is that a priority? Because once this bill moves out of here, it is out of your control, and the bureaucrats are going to grant it based on the pressure you put on them, not on a competitive basis but based on what greases the skids the most.

How about $500,000 for eco-friendly golf course improvements in Dayton, OH? We like that one?

How about $8.4 million for a brandnew polar bear exhibit at the zoo in Providence, RI? Is that really a priority? When we are in this kind of trouble, we are going to be building zoos? That is what the Senate says we should do with this money, allow zoos to be built?

I like this one: $6.1 million for corporate jet hangars in Fayetteville, AR. Those are the kinds of jobs we want to create? We want to create that kind of program?

How about $100,000 to rehabilitate a skateboard park in Alameda, CA? We are going to take $100,000 from our kids to rehabilitate a skateboard park. That is what the American people want us to do with this money to put people to work?

How about the Sunset View Dog Park in Chula Vista, CA? Just half a million dollars. That is on this list.

If we do not accept this amendment, then tons of this stuff is going to go through—low priority, not high priority job creating but everybody's wish list in the country. When they heard this bill was first coming, every city across this country said: Well, what can we get? When you run a country that way, you can expect to get these kinds of requests.

In this request is a new museum for Las Vegas, a mob museum. We will spend $50 million on a mob museum? That is really a priority right now for American citizens, especially their grandchildren who are still in the womb who are going to come out owing $500,000 as soon as they hit the ground? If we do not add this amendment to this bill, tons of stuff just like this is going to be included.

Let me tell you the other justification for this. One of the best functioning things we have is a library and

museum grant-seeking body. They have done a wonderful job through the last few years, except when we earmark around them, which we do routinely every year. But they go through an ordered process.

What is going to happen is this is going to go around the ordered process again, and we are going to take away competitive grants. They are the only agency in the Federal Government that 100 percent follows up on every grant. They know the quality of the grants they give, and they never give another one if it was not quality. They make people pay back if it was not quality. There is nothing in this bill that will require us to get back the money from people who abuse the process.

In the next appropriations bill—probably the one that is coming in the next week or so—we are going to have well over $100 million for museums. I guarantee you, it is probably in the omnibus that is coming. I bet you we have $100 million in there in spite of this $900 billion bill. I guarantee you we have $100 million in it. Maybe by me mentioning it we will not have it when it comes to the floor. I don't know.

There is nothing in here that would say, if you are a highly endowed museum, you cannot get this money. Are we going to give the same amount of money to any museum, even when several have $1 billion or $2 billion in endowment? There is no direction in this bill. None.

The golf course industry in the United States boasts approximately 12,000 golf courses. There is no prohibition in this bill that any of this money will not be spent building golf courses. Again, if you don't believe me, ask your 6-year-old grandchild: Do you think we ought to borrow your future to pay for a golf course in this country right now? There is no prohibition on that. It is going to happen. We all know it is going to happen.

To go back to the mayors' wish list: $5 million for golf course renovations in Shreveport, LA; $1.2 million for a new golf park restoration in Brockton, MA; $1.5 million to replace the golf clubhouse in Roseville, MN; $2.1 million for Forest Park and urban golf renovation in St. Louis; $3 million for golf clubhouse replacement in Lincoln, NE; $500,000 for an environmentally friendly golf course in Dayton, OH; and $3 million for renovation of a golf course building in Hawaii.

I know it is hard to put a bill such as this together, and I am not meaning to be overly critical, but I believe that unless we put a prohibition on what the money can go for, the money is going to go for low-priority items. I think it is reprehensible that we would not put a limit on the worst tendencies of local governments, the worst tendencies of State governments, and our own worst tendencies to spend money, especially when it is 100 percent borrowed; that we would not limit ourselves, that we would not put a choke chain on us to make sure we don't allow projects to go this way.

I have talked about this long enough. I appreciate the indulgence of the chairman.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

AMENDMENT NO. 306, AS MODIFIED

Mr. SANDERS. Mr. President, I thank Senator GRASSLEY for his cosponsorship of this amendment. I ask unanimous consent to set aside the pending amendment so I may call up the Sanders-Grassley amendment No. 306 with the modification that I send to the desk.

The PRESIDING OFFICER. Is there objection? Does the Senator from North Dakota have an objection?

Mr. CONRAD. Reserving the right to object, is there an order that has been entered with respect to the offering of amendments?

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. There has been a general understanding, after Senator COBURN spoke on his amendment, Senator SANDERS would be able to call up his amendment. After Senator SANDERS, Senator CORNYN will call up his amendment. Then Senator FEINGOLD is after that, and then a Republican amendment after that.

I would like to, frankly, get a consent agreement fairly soon to at least vote on a small number of amendments—say, four, five amendments—get that out of the way, and while we are voting on those, we can figure out how we get the rest of the amendments processed.

Mr. CONRAD. Is it possible to get on this amendment train? Senator GRAHAM and I have an amendment. He is the lead, so it would be a Republican amendment.

Mr. GRASSLEY. I want to be right after the end of the list you just gave.

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

The PRESIDING OFFICER. The Senator from Vermont still has the floor. The Senator from Vermont has the floor.

Mr. CONRAD. I reserved the right to object. I will not object.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. SANDERS], for himself, and Mr. GRASSLEY, proposes an amendment numbered 306, as modified, to amendment No. 98.

The amendment is as follows:

(Purpose: To require recipients of TARP funding to meet strict H–1B worker hiring standard to ensure non-displacement of U.S. workers)

At the appropriate place, insert the following:

SEC. ___. HIRING AMERICAN WORKERS IN COMPANIES RECEIVING TARP FUNDING.

(a) SHORT TITLE.—This section may be cited as the ''Employ American Workers Act''.

(b) PROHIBITION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, it shall be unlawful for any recipient of funding under title I of the Emergency Economic Stabilization Act of 2008 (Public Law 110–343) or section 13 of the Federal Reserve Act (12 U.S.C. 342 et seq.) to hire any nonimmigrant described in section 101(a)(15)(h)(i)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(h)(i)(b)) unless the recipient is in compliance with the requirements for an H–1B dependent employer (as defined in section 212(n)(3) of such Act (8 U.S.C. 1182(n)(3))), except that the second sentence of section 212(n)(1)(E)(ii) of such Act shall not apply.

(2) DEFINED TERM.—In this subsection, the term ''hire'' means to permit a new employee to commence a period of employment.

(c) SUNSET PROVISION.—This section shall be effective during the 2-year period beginning on the date of the enactment of this Act.

Mr. SANDERS. Mr. President, I thank Chairman BAUCUS and his staff for working with us on what I believe are significant improvements to the original amendment Senator GRASSLEY and I offered. This amendment has been cleared by both sides with a modification. This amendment, as modified, would simply require recipients of TARP funding to meet strict hiring standards to ensure nondisplacement of U.S. workers.

I thank Senator GRASSLEY for working with me on this amendment. I yield to him. If not, Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second. The yeas and nays have not been ordered.

The Senator from Vermont still has the floor.

Mr. BAUCUS. I was wondering if we could voice vote this amendment.

Mr. SANDERS. Yes, that will be fine.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following amendments be called up for consideration: Coburn No. 176 and 309; Sanders No. 306, as modified; Cornyn No. 268; Feingold No. 486; Baucus-Grassley 404; Grassley 297; and Harkin 397; that no amendments be in order to the amendments prior to a vote in relation thereto; that the time until 8 p.m. be for debate with respect to these amendments; that at 8 p.m. the Senate proceed to a vote in relation to the amendments in the order listed, with 2 minutes equally divided for each side.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BAUCUS. Mr. President, that is very unfortunate. The reason for the objection is unfortunate because of the amendment Senator GRASSLEY and I

are offering. We are going to have to work this out because I am not going to allow the quorum call to be called off until it is worked out.

This is about the Trade Adjustment Assistance benefits. Basically, at this time in our history, with a recession going on, with unemployment, it is extremely important that American workers who lose jobs on account of trade be given a break and they get some benefits, including health benefits.

The objection, I have been told, is basically because there are some Senators who want to tie this amendment—the Trade Adjustment Assistance amendment—to either passage of or a date certain on which we would take up the Colombia Free Trade Agreement. I think that is not a good thing to do, and the reason is, the more the Colombia Free Trade Agreement is tied to Trade Adjustment Assistance, the more it will engender opposition to the Colombia Free Trade Agreement.

I personally favor the Colombia Free Trade Agreement, and I also very respectfully suggest that the circumstances under which that agreement could be brought up are a lot better if Trade Adjustment Assistance is already passed and into law because that will enable more people in the country, particularly folks who are concerned about being potentially laid off, to have some comfort here with the Trade Adjustment Assistance. Then it is easier for this Congress to bring up the Colombia Free Trade Agreement. I suspect the President is going to be bringing up free trade agreements. I respectfully say that he almost has to. Perhaps some of these may need to be negotiated, but clearly the United States of America is going to enter into free trade agreements, and the Colombia Free Trade Agreement, in my judgment, is one that should be agreed to and adopted.

So I say to my very good friend from Arizona, who I think is the one primarily objecting to this provision, that if he would withdraw his objection so we could at least get the Trade Adjustment Assistance passed, then I will work with him to find a way at an appropriate time, when the time is right, to bring up the Colombia Free Trade Agreement. But to tie it to a date or to make a connection is going to, with all due respect, make it more difficult for the Senator to accomplish his objectives.

Mr. President, without losing my right to the floor, I ask if the Senator from Arizona has a question—but without losing my right to the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I wish to respond to Senator BAUCUS.

First, I think the staff on the majority and minority side are attempting to put together a tranche right now of perhaps six—four amendments, two on both sides?

Mr. BAUCUS. Eight amendments, including this one.

Mr. KYL. Well, I will complete my thought. They are trying to put together a list of at least four amendments that would be equally divided.

Mr. BAUCUS. Right, four and four.

Mr. KYL. And what I suggest is that we proceed on this basis and not try to interject the TAA process, because I think that will cause this to grind to a halt here. We can discuss, as I told you, the appropriate proceeding on TAA. I am certainly not trying to tie proceeding to TAA to a date certain to vote on Colombia, but I do think it is appropriate that a plan be worked out, with the President, as you have noted, and the Members of Congress who are concerned about this to try to find a way to go forward, as we originally did, so everyone can be assured that both Trade Adjustment Assistance and the Colombia Free Trade Agreement can proceed to a successful conclusion.

Now is not the time to negotiate that, and that is why I object to the idea of going forward with this at this time. In order to keep this process moving forward tonight, and get as many of the Democratic and Republican amendments up and voted on, I suggest we keep proceeding as we have been, in good faith, and not confuse it with this extraneous issue.

The PRESIDING OFFICER. The Senator from Montana.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 176

Mr. BAUCUS. Mr. President, I move to table Coburn amendment, No. 176. I ask that be the pending amendment, and I move to table that amendment, the Coburn amendment, No. 176.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

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

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

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

The legislative clerk called the roll.

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

Mr. KYL. The following Senator is necessarily absent: the Senator from New Hampshire (Mr. GREGG).

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

The result was announced—yeas 1, nays 96, as follows:

[Rollcall Vote No. 50 Leg.]

YEAS—1

Voinovich

NAYS—96

Akaka	Durbin	McConnell
Alexander	Ensign	Menendez
Barrasso	Enzi	Merkley
Baucus	Feingold	Mikulski
Bayh	Feinstein	Murkowski
Begich	Gillibrand	Murray
Bennet	Graham	Nelson (FL)
Bennett	Grassley	Nelson (NE)
Bingaman	Hagan	Pryor
Bond	Harkin	Reed
Boxer	Hatch	Reid
Brown	Hutchison	Risch
Brownback	Inhofe	Roberts
Bunning	Inouye	Rockefeller
Burr	Isakson	Sanders
Burris	Johanns	Schumer
Byrd	Johnson	Sessions
Cantwell	Kaufman	Shaheen
Cardin	Kerry	Shelby
Carper	Klobuchar	Snowe
Casey	Kohl	Specter
Chambliss	Kyl	Stabenow
Coburn	Landrieu	Tester
Cochran	Lautenberg	Thune
Collins	Leahy	Udall (CO)
Conrad	Levin	Udall (NM)
Corker	Lieberman	Vitter
Cornyn	Lincoln	Warner
Crapo	Lugar	Webb
DeMint	Martinez	Whitehouse
Dodd	McCain	Wicker
Dorgan	McCaskill	Wyden

NOT VOTING—2

Gregg Kennedy

The motion was rejected.

FMAP INCREASE

Mr. REED. Mr. President, I thank the chairman of the Finance Committee, Senator BAUCUS, for his inclusion of an important provision regarding State eligibility for the FMAP increase in this bill. If it were not for this provision, my State of Rhode Island may not have been eligible for the relief because a State law effective on July 1, 2008 changed eligibility, but the change was not implemented until the Centers for Medicare and Medicaid Services, CMS, approved a waiver on October 1, 2008. The timing of the State's decision, not the approval date by CMS, should be the controlling factor.

I ask the chairman, does section 5001(f)(1)(C)(ii) of the bill specifically address this situation?

Mr. BAUCUS. Yes. That provision specifically addresses the unique circumstances of Rhode Island. It should not matter when CMS is able to make a change in a waiver. What matters here is that Rhode Island had clearly determined that it would make the eligibility change on July 1, 2008. The decision to do so was made well in advance of congressional consideration of an FMAP increase, so Rhode Island has not been trying to game the system. Under this provision, Rhode Island will certainly be eligible for the FMAP increase.

Mr. REED. I agree and again thank the chairman.

EMR TECHNOLOGY

Ms. STABENOW. Mr. President, as you know, H.R. 1 provides critical incentives for the adoption of meaningful EMR technology. Adoption of this technology is essential to improving care and reducing costs.

Michigan hospitals have been at the forefront of critical advances in health information technology such as e-prescribing and developing an Electronic Medical Record. In fact, its ambulatory sites have been paperless for almost 5 years. Many of my hospitals are spending significant resources in this difficult economic environment to convert their hospital records to electronic format and upgrade EMRs to contain Clinical Practice Guidelines.

Section 4201 (a)(1)(C) of the bill seeks to prevent double payments by excluding certain physicians who practice substantially in hospital settings and use hospital-owned EMR equipment. To clarify the intent of this section, the bill lists specific examples of hospital-based professionals to be excluded. This makes sense.

But I am concerned that this language may also inadvertently exclude many physician group practices associated with hospitals may not qualify for EMR incentives under H.R. 1. The way the provision is drafted may many outstanding medical groups such as the Billings Clinic in your great state from receiving incentive payments because they are classified as ''provider-based'' entities. Because of this designation, I am concerned that HHS may consider such professionals as ''Hospital-Based Eligible Professionals'' who are prohibited from receiving incentive payments under this section of the bill.

I am sure it is not our intent to exclude such physician group practices from incentives. I hope the Chairman will work with me and my staff to ensure that Congressional intent will be carried out and early champions of HIT are eligible for EMR incentives in the H.R. 1.

Mr. BAUCUS. Mr. President, I thank Senator STABENOW for raising this issue with me. It is not our intent to exclude those early EMR champions from HIT incentives in the Stimulus bill. My staff and I will work with you to clarify our intent, which is to reward early adopters of HIT like integrated health systems.

Ms. STABENOW. I thank the Chairman and look forward to working with him on this important issue.

INVESTING IN HOME AND COMMUNITY-BASED SERVICES

Mr. KOHL. Mr. President, I would like to briefly discuss the important subject of home- and community-based services for older adults and individuals with disabilities with my distinguished colleague Senator BAUCUS, who—along with Senator INOUYE—is doing a commendable job of leading the Senate's discourse on the American Recovery and Reinvestment Act.

Mr. BAUCUS. I thank the Senator. I would be pleased to enter into a colloquy with the Senator from Wisconsin on this subject.

Mr. KOHL. As you and many other Senators are aware, home- and community-based services, or HCBS, are critically important to millions of older and disabled Americans who rely on Medicaid, which today is our country's most important publicly financed system for nursing home care and home- and community-based services. But there is a critical difference in the legal status of these services. Under Federal law, nursing home services are a mandatory benefit that must be offered by all States to all individuals who meet stipulated eligibility criteria. In contrast, HCBS services are not a mandatory benefit. Rather, they are offered by States under waiver programs granted by the U.S. Department of Health and Human Services for limited time periods and for limited numbers of individuals.

States across the country have obtained multiple HCBS waivers over the last 20 or so years. These HCBS programs tend to be extremely popular, often because they provide a considerably wider array of nonmedical support services than are otherwise offered under the Medicaid statute.

The State of Wisconsin has invested a great deal of time and effort in their waiver programs, many of which have been very successful. Nevertheless, because waiver programs are capped in terms of the number of beneficiaries who can be enrolled, there has been substantial growth in the size of waiver waiting lists, which in Wisconsin reached an unacceptably high level of more than 11,000 people. Many other States also have large waiver waiting lists.

Concerned about the State's high level of unmet need, Wisconsin has embarked on a program to try to eliminate waiver waiting lists and also absorb the projected increase in demand for services during the next decade. This program is called Family Care, and it is a good example of how a State can take on the challenge of organizing long-term care services more cost-effectively. Other States are undertaking planning efforts as well. I am pleased to say that recent research has found that States that began expanding their HCBS programs in the mid-1990s experienced initial upfront costs as their level of services expanded, followed by a leveling off of costs—with the result that aggregate spending was controlled.

We have reached a critical juncture with regard to the development of HCBS services. In the context of the stimulus package we are now considering—which provides States with an additional $87 billion in Medicaid funding—I believe we should urge States not to reduce these popular and needed services but, rather, to maintain and strengthen them. Does the Senator from Montana concur?

Mr. BAUCUS. I thank the Senator for the question. My State is making an investment in home- and community-based services for individuals 60 years and older, and I applaud these efforts. In 2007, the legislature established the Older Montanans Trust Fund that will enable more individuals to access these services in the long run. As the population ages, there will be greater pressure on the long term care system, and States like Montana face additional challenges responding to the needs of seniors and individuals with disabilities in rural and frontier areas. I join the senior Senator from Wisconsin in urging my colleagues, along with State programs, to carefully monitor HCBS services and spending, not to reduce the commitment to these very valuable and needed services.

Mr. REID. Mr. President, I rise to discuss an amendment that I have filed to address some important renewable energy issues that should be resolved before the Congress sends the final economic recovery plan to the President.

I do not plan to force it to a vote because I have great confidence that we will be able to work out most, if not all, of these issues satisfactorily in conference and with the new administration. That is provided we can get enough votes to move this critical bill through the Senate.

As my colleagues know, the recession has hit every sector of the economy hard. The growing renewable energy industry is no exception. One recent headline was ''Dark Days for Green Energy.''

Solar, wind and even geothermal businesses are caught in the credit crunch. Installations have slowed, despite the extensions of important production and investment tax credits that we included in the Troubled Asset Relief Program and the promise of the new renewable and energy efficiency incentives and loan guarantee programs that we have included in the economic recovery legislation the Senate is debating now.

The number of investors for new renewable projects, like other industries, has dwindled due to the disruption in tax equity markets. So, to keep making progress toward a clean energy revolution, making our Nation and my home State of Nevada more energy independent and creating thousands of new jobs and sustainable economic growth, we need a temporary substitute for those tax credits and incentives.

My amendment is similar to the temporary DOE grant program included in the House-passed bill, which works in lieu of the investment tax credit. However, I have modified it to be certain that it also works for utility-scale solar and geothermal projects which take slightly longer than wind or other renewable energy production facilities to commence operation.

Clearly, this grant program will not and should not remove the strong preference of most project sponsors to use the traditional tax equity markets once those markets are reestablished and functioning. The grant option is less valuable to these investors than the investment or production tax credit because it does not fully replace other tax benefits such as accelerated depreciation. But the grant program is a necessity in today's troubled market

that will get renewable project developers through these difficult times, creating thousands of jobs in the course of months instead of years.

The amendment does a number of other things, including pushing and funding the Departments of Energy, Interior and other agencies to work together more constructively and more quickly to process renewable energy projects and related transmission permits on public lands. It also raises the cap to $2.5 billion on third-party financing for transmission capacity developments that the Western Area Power Administration and the Southwestern Power Administration are allowed to accept.

Lastly, the amendment includes a nod toward the problems faced by solar and other renewable technologies that might not easily fall into the two categories of guaranteed loan eligibility in the substitute, commercial vs. noncommercial. My amendment would add a new category of ''new or significantly improved'' technologies that would be eligible for the new loan guarantee program created in the underlying bill. This definition was part of the final rule for the title XVII loan guarantee program published in October 2007.

Nevadans and all Americans are eager to get back to work and clean energy investments are one of the best ways to ensure they can get back to work and prosper.

Nevadans pay billions of dollars every year in energy bills. Much of that money goes to other States or other countries in fuel costs and enriches them, but does not add equivalent and long-lasting value for Nevada or provide much help to diversify our economy or prepare for a safer and more affordable future.

Fortunately, this economic recovery plan, with the help of the new administration, is going to start the transformation of our national energy policy that Nevada needs to become a net exporter of clean renewable energy.

This bill will stimulate the economy in the short-term, but its energy spending will have long-term benefits for Nevada and the Nation.

The entire list of potential benefits to Nevada are too numerous to list, but at my and the President's strong urging, the economic recovery bill will, for example: accelerate renewable energy project and transmission line development; stimulate the growth of businesses making energy efficient and renewable energy products and services; improve energy efficiency of schools, hospitals, public buildings and low-income housing; maintain, repair and improve critical water supply and quality projects in urban and rural areas; promote conversion of vehicle fleets to clean and efficient alternative fuels to reduce oil consumption; and, enhance energy security at military installations through renewable energy and energy efficiency investments.

Some of the specific items currently in the bill and their benefits for Nevada:

A 3 year extension of the renewable energy production tax credit. The long-term extension of this tax credit are critical to ensure investment in Nevada's geothermal and wind energy potential. $3.25 billion in new borrowing authority for the Western Area Power Administration to finance and facilitate development of renewable energy transmission capacity. The new borrowing authority should facilitate access to Nevada's vast solar and geothermal resources. $22.1 million through the Weatherization Assistance Program, with changes to the income level percentage formula for determining the eligibility, an increase in the assistance level per dwelling unit, and an increase in the funding ceiling for worker training. $5.4 million through the State Energy Program for energy efficiency, conservation and renewable energy projects. A new Advanced Energy Investment Credit for facilities that manufacture advanced energy property like solar cells or mirrors, wind turbines, technology that can access geothermal deposits, or energy storage systems for electric and hybrid-electric vehicles. $1.6 billion in Clean Renewable Energy Bonds that Nevada's cities, counties, and electric cooperatives will be able to compete for to finance renewable energy and energy efficiency projects. A 2 year extension and expansion of the 10 percent energy efficiency tax credit for existing homes to 30 percent. Approximately $20 million for energy efficiency and conservation block grants for Nevada's communities. Hundreds of millions of dollars that will make military installations more energy efficient and more energy secure through greater use of renewable power and alternative fuel vehicles. $2 billion that Nevada's public housing agencies will be able to compete for so that they can invest in energy conservation. $1.6 billion that Nevada's hospitals and schools will be able to compete for so that they can invest in energy efficiency

I should note that nothing is final until the Senate has had a chance to pass and conference this bill with the House and President Obama has signed it. Many Senators have filed or are considering amendments to cut some of these important energy programs. So we will have to see what happens.

But I am committed to making sure that the renewable energy business in Nevada and elsewhere continues to grow through this legislative package, the next energy bill and beyond. The economic, energy, environmental and national security benefits are just too important to my State, to the Nation and the world.

Mr. GRASSLEY. Mr. President, my friend from Montana referred to the CBO analysis of this bill. He rightly pointed to some proposals in the bill that will have some stimulative effect. The Chairman also talked about CBO's analysis of years 1 through 3—all relevant data. But we need to know what happens in years 4, 5, and years 6 through 10. I have asked that question because there is a reasonable fear that the spending might have a negative effect on the economy from years 4, 5 and so forth.

The spending might ''crowd out'' investment and that crowding out could adversely affect economic growth later.

It is kind of like the difference between a carbohydrate diet and a protein diet. Under this bill, there is a lot of carbohydrate-spending. The spending is like eating a sugary doughnut. It tastes good going down, but shortly thereafter the effect wears off and you are hungry again. In this case, we have a spending surge, but we might face the effects of too much spending with crowdout.

On our side, we would prefer a protein-type of stimulus. We want investment nourishment up front. Like protein, the economic body will become stronger after the investment stimulus is digested.

Now, I am not saying there shouldn't be any spending stimulus. What we need is a balanced stimulative diet. This bill's stimulus diet is too carb-oriented. It needs more protein investment stimulus.

I am afraid the detailed CBO analysis of years 4, 5 and 6 through 10 may confirm that this bill will show that we pay the price for a stimulus package that is too far tilted towards spending.

On the AMT patch point made by Senator DURBIN, I agree the AMT patch is not in the McCain admendment. As one who pushed for it in the Finance Committee, I agree the patch would be a good addition.

Senator MCCAIN would be glad to add the AMT patch. But I would ask my friends in the Democratic leadership a question. If the patch were added, would they support the bill?

They were supporters of the House bill and the Chairman's mark. Both documents did not contain the AMT patch. If we add the patch here, will they support Senator MCCAIN's amendment?

If Senator MCCAIN's amendment passes, I will seek to add the AMT patch in conference so that 24 million American families do not get hit with this stealth tax.

Mr. REID. Mr. President, although the housing crisis has devastated cities and towns across America, nowhere has been hit harder than Nevada.

Nearly 1 in 20 households has been affected by foreclosure, and that number goes up every single day.

Every time a home is lost, a family loses not just a place to live but a sense of security, financial stability and the promise of a brighter future.

Last evening, the Senate passed an amendment to the American recovery and reinvestment plan that doubles the tax credit for home buyers to $15,000. This legislation will also expand the credit to all purchasers, not just first-time buyers.

In Nevada, this incentive will help encourage those who continue to sit on the fence, hoping for further price declines, to jump into the market and buy a home. Despite the current uncertainty, many experts agree that for the long term, now is an excellent time to become a homeowner.

Nevadans know that this amendment will not solve our housing crisis, but it will help. If Democrats and Republicans keep working together with President Obama, putting partisanship aside to find commonsense solutions, we can stabilize our housing market and begin the long road to economic recovery.

Mr. INOUYE. Mr. President, I rise to bring to the Senate's attention a compelling new report by the nonpartisan Congressional Budget Office, CBO,

The February 4, 2009, report, which was requested by President Obama's nominee for Secretary of Commerce, Senator JUDD GREGG of New Hampshire, confirms what supporters of the Senate economic recovery package have said from the very beginning. The CBO has concluded that the American Recovery and Reinvestment Act would have an immediate and substantial impact on the U.S. economy, most notably in terms of job growth and GDP growth.

In crafting this legislation, our No. 1 priority has been putting the American people back to work. This report estimates that the recovery package, as reported out of the Senate Appropriations and Finance Committees, would create between 900,000 and 2.4 million new jobs in 2009, between 1.3 and 3.9 million jobs in 2010, and between 600,000 and 1.9 million jobs in 2011. These numbers would correspond to an unemployment rate reduction of 0.5 to 1.3 percent in 2009, 0.6 to 2.0 percent in 2010, and 0.3 to 1.0 percent in 2011.

Additionally, the report estimates that the legislation would grow the U.S. gross domestic product by 1.4 to 4.1 percent in 2009, 1.2 to 3.6 percent in 2010, and 0.4 to 1.2 percent in 2011.

I welcome this new data as further evidence of the job-creating potential of this economic recovery package. I believe this new analysis strongly reinforces the need for swift action by the Senate on the American Recovery and Reinvestment Act. This legislation will alleviate the painful effects of the current economic crisis by spurring real economic growth and putting millions of Americans back to work. I am confident that this body will respond with the urgency that this crisis demands of us.

Mr. CONRAD. Mr. President, during debate on H.R. 1, the Economic Recovery and Reinvestment Act of 2009, Senator CORNYN of Texas offered Senate amendment 277 to Senate amendment 98, an amendment in the nature of a substitute. Pursuant to section 312 of the Congressional Budget Act of 1974, Senate Budget Committee majority staff determined and advised the Senate Parliamentarian that the amendment violated the Senate pay-go rule, section 201 of S. Con. Res. 21, the concurrent resolution on the budget for fiscal year 2008. Consequently, a point of order was raised against the Cornyn amendment, and a motion to waive the point of order failed by a vote of 37 to 60.

Upon further review, committee staff concluded that the determination of a pay-go point of order was made in error—in fact, the amendment did not violate section 201. As chairman of the Committee, I regret the point of order was inadvertently raised in error.

HOSPICE

Mr. SPECTER. Mr. President, I seek recognition to support an amendment being offered by Senator SCHUMER to reverse a recent Centers for Medicare and Medicaid Services, CMS, regulation reducing payments to hospice service providers. This amendment is also cosponsored by Senators ROCKEFELLER, STABENOW, WYDEN and ROBERTS.

In October 2008, CMS finalized a rule that cut hospice reimbursement under Medicare. This reduction limits the ability of hospice providers to provide comprehensive, high quality end-of-life care to Medicare beneficiaries and their families. In 2008, an independent study from Duke University, clearly demonstrating the cost savings associated with hospice care, noted, ''Given that hospice has been widely demonstrated to improve quality of life of patients and family members . . . the Medicare program appears to have a rare situation whereby something that improves quality of life also appears to reduce costs.''

During the 110th Congress, in response this regulation, I introduced S.3484, the Hospice Protection Act, to reverse the CMS regulation. The bill received bipartisan support and garnered thirty five cosponsors however we were not able to move the legislation forward. The economic stimulus legislation offers an opportunity to correct a misguided regulation that has put an estimate 3,000 individuals out of work. During these economic times the Federal Government should not be putting forth regulations that not only hurt beneficiaries but harm the workforce.

While this amendment provides a number of jobs, I am concerned that the amendment is not offset and the cost of the bill may increase the cost of the overall bill. As a cosponsor of this legislation, I will work to ensure that the cost of this amendment is paid for without increasing the cost of the bill. I encourage my colleagues to support this amendment and to work with the sponsor and cosponsors of this amendment to ensure its inclusion in the economic stimulus package.

ARMY CORPS OF ENGINEERS

Mr. President, I seek recognition to comment on my cosponsorship of an amendment to H.R. 1, the Economic Recovery Act, which would increase funding in the bill for the U.S. Army Corps of Engineers by $4.6 billion. I am cosponsoring this amendment, offered by Senator LANDRIEU, because the funding will support construction of critical infrastructure projects across the Nation. At the Port of Pittsburgh alone, there is over $580 million worth of shovel-ready lock and dam work that could be started in 6 months. These structures support the transportation of bulk commodities to industries that depend on them. Failure at any of these locks and dams would have dramatic economic consequences, as the Port of Pittsburgh generates over $13 billion in economic activity and supports over 200,000 jobs. Not only does the long-term modernization of these structures increase the economic competitiveness of domestic manufacturing industries, but they create immediate jobs in the construction industry. This is just one example of the type of economic stimulus that funding for the U.S. Army Corps of Engineers can provide. There are more examples across Pennsylvania and the Nation.

However, despite my cosponsorship of this amendment due to its potential for stimulus, I am not committed to voting for it without an offset. Since adopting this amendment would add $4.6 billion to the size of the bill and increase the national deficit, an offset to reduce spending elsewhere in the bill by an equal amount would be preferable. We should make every effort to identify offsets to reduce the total size of the economic recovery bill.

RESCISSION OF HIGHWAY FUNDS

Mr. President, I seek recognition to comment on my cosponsorship of an amendment to prevent Federal highway funds from being rescinded. SAFETEA-LU requires that $8.7 billion in unobligated contract authority balances held by States be rescinded on September 30, 2009. This rescission will cut Pennsylvania's road and bridge program by $380 million in fiscal year 2010. That is why I am cosponsoring an amendment offered by Senators BAUCUS and BOND to prevent this rescission from happening.

However, I am not committed to voting for this amendment if it does not contain an offset. Since preventing this rescission will add $8.7 billion in new budget authority, an offset is needed to make its budgetary impact neutral. We should make every effort to identify offsets to reduce the total size of the economic recovery bill.

BROWNFIELDS

Mr. President, I seek recognition to speak on an amendment I am offering to the American Recovery and Reinvestment Act of 2009. This amendment would provide $3 billion for the purpose of redeveloping Brownfields and neglected urban properties. The $3 billion would be equally divided between the EPA Brownfields Program, the Brownfields Economic Development Initiative at the Department of Housing and Urban Development and the Urban Development Action Grant Program, also at HUD.

In 2001, I cosponsored the Brownfield's Revitalization and Environmental Restoration Act. This legislation led to the creation of the EPA Brownfields Program, and a similar program at the Department of Housing and Urban Development.

Abandoned industrial sites are common blight on the landscape in many towns and cities across Pennsylvania and the nation. Turning these industrial sites into developments, either for residential or commercial use, provides an obvious benefit: an eyesore is replaced by a new community, and economic growth is generated.

Traditional lenders are reluctant to lend initial money to brownfield development projects for a number of reasons. Liability concerns, and the fact that the cleanup costs may exceed the property's actual value, are among them. By providing seed money that redevelopers are often unable to obtain from traditional sources, the Brownfield Program spurs development and economic growth in struggling regions throughout the country.

It is estimated that every $1 invested in brownfield redevelopment leads to $15 to $20 in economic activity. I am told an investment in traditional infrastructure yields about $1.56 for every $1 invested. The proposed economic stimulus legislation provides $100 million for Brownfield redevelopment. Of that amount, the Congressional Budget Office projects that 85% could be spent within the two year time frame.

This number is insufficient. I recently met with a Pennsylvania company specializing in brownfields redevelopment. This company alone has fifteen projects that could break ground within 120 days if granted approximately $280 million in support. These projects alone could create tens of thousands of jobs and billions of dollars in economic activity.

The Congressional Budget Office has estimated that 85 percent of the funding provided by the stimulus could be spent within the 2-year window. They base their figure off the historic spending patterns at the program.

In light of the economic benefit of these projects, I recommend that we provide $3 billion to these programs.

PROMPT PAY

Mr. President, I seek recognition on my amendment to remove the prompt pay provision from the calculation of Medicare Part B drug pricing.

The prompt pay discount is a discount from the pharmaceutical manufacturer to the wholesaler for prompt payment on prescription drugs. The current Medicare payment calculation requires that this prompt pay discount be included in the calculation of average sales price, which forms the basis for the Medicare drug reimbursement provided by the manufacturer. This effectively lowers the average sales price thus artificially lowering drug reimbursement to physicians. This amendment would remove the prompt pay discount from ASP, requiring CMS to reimburse physicians based on the price they actually pay for drugs without the inclusion of discounts.

The reduced payment for Medicare Part B drugs has adversely affected physicians since its implementation. This compounded with the current economic downturn. is resulting in cancer clinic closings and staff layoffs. It is estimated that in medical specialties that have the highest usage of Medicare Part B drugs, over 12,000 individuals are at risk of losing their jobs. This not only harms the economy, it hurts cancer care.

I am very concerned that the cost of the economic stimulus bill is growing too large. To ensure that this does not contribute to that growth I am offsetting the cost of this bill by reducing funds to the Office of the Secretary of Health and Human Services. After the estimated cost of this bill of $400 million, the Office of the Secretary will still receive $700 million to examine comparative clinical effectiveness. I encourage my colleagues to support this amendment.

Mr. KERRY. Mr. President, we all know how important this legislation is to the health of our Nation's economy. I commend the managers of this bill for focusing on job creation and projects that are focused on America's future. Large-scale infrastructure projects such as new schools and better roads and bridges will benefit all of us, but when it comes to the men and women tasked with building them, I believe we have a responsibility to ensure that those most in need of work are put at the front of the line.

That is why I introduced an amendment to express the sense of the Senate that, to the extent possible, contractors using funds made available through this act should hire individuals from vulnerable and underserved populations. By focusing on helping veterans, at-risk youth, low-income people, and those trying to start a new life for themselves through a reentry or career training program, we can not only help build the future economy, but we can help these individuals become sustainable and productive members of that economy. These populations have been most affected by the downturn in the economy the most—many have lost their homes in the housing crisis or have been laid off.

My amendment also encourages the State and local agencies that receive stimulus funds to look to local organizations such as labor unions, community groups, and faith—based organizations to help them find workers. These groups can serve as an invaluable partner in our effort to stimulate the economy. So I ask my colleagues as we debate this bill that they stay mindful of the people who need our help the most and support my amendment to ensure that we put America back to work.

AMENDMENT NO. 248

Mr. UDALL of Colorado. Mr. President, as part of the debate on the the American Economic Recovery Act, I filed amendment No. 248, which addresses development and management concerns for the Republican River, a river that runs through Colorado, Kansas, and Nebraska and is part of the South Platte River Basin. This bipartisan amendment is cosponsored by Senator BENNET.

This amendment was filed to address an issue in Colorado under the purview of the U.S. Bureau of Reclamation, BOR, in the same way that the drafters of the bill permitted funding for Arizona and California. If funding under the bill to the BOR can be directed to address concerns in California and Arizona and not be considered an earmark, then similarly, this direction to benefit the South Platte River Basin should not be considered an earmark.

As you know, the language of the bill suggests that $50 million of the funds provided in the bill may be transferred to the U.S. Department of the Interior for programs, projects and activities authorized by the Central Utah Project Completion Act—titles II–V of Public Law 102–575; $50 million of the funds provided under this heading may be used for programs, projects, and activities authorized by the California Bay-Delta Restoration Act, Public Law 108–361.

In this case, I feel it is important as the senior Senator for Colorado to insist that additional funding for the Bureau of Reclamation for important job-creating projects in the West ought to be handled in an evenhanded way.

Ms. SNOWE. Mr. President, I rise to speak to an amendment to the stimulus proposal with Senator FEINSTEIN and Senator KERRY that would increase tax incentives for energy efficiency and ensure that we invest in the area that can transform our energy policy. Given the state of our country, I believe that we must be resolute and visionary in our commitment to energy efficiency, an investment that provides both short-term benefits and long-term dividends. As a result, today I am offering an amendment that will facilitate a revolution toward energy-efficient buildings.

One inexcusable legacy of this housing crisis for our future generations will be that the vast majority of homes constructed over the last 10 years during the housing boom have been inefficient. While an inefficient vehicle purchased today may guzzle gasoline for an average of 10 years, an inefficient building will require elevated levels of energy for as long as 50 years. Therefore, whenever we create inefficient buildings, generations to come will be saddled with our wasteful energy decisions.

My amendment today would create and expand tax incentives for efficient buildings to levels that would equal the additional construction costs for the higher efficient buildings. The amendment would raise the tax credit for the construction of a new home from $2,000 to $5,000, a provision that the National Association of Home Builders estimates could provide 100,000 jobs. In

fact, the association has written the Finance Committee stating that this amendment would ''provide much needed and meaningful expansions to two existing tax incentive programs that are helping to improve residential energy efficiency in both new and existing homes.''

This amendment would build on Congress's landmark energy efficiency tax credits established in the 2005 Energy Policy Act and continue to foster the burgeoning energy efficiency industry to work for homeowners who are struggling with energy bills. Specifically this amendment would provide a $500 tax credit for individuals to become professional energy auditors, experts that can reduce our country's demand for oil, reduce carbon emissions, and save our struggling families money on their energy bills. In addition, a $200 tax credit is established for homeowners to hire these professional energy auditors and analyze the deficiencies of an existing home and propose investments that will save the taxpayer money. As we move forward with dedicating significant resources to energy efficiency in this legislation it is critical that we ensure that this funding is utilized effectively by a professional energy efficiency industry, and this amendment will accomplish this critical goal.

Finally, the amendment increases the tax credit for energy efficient commercial buildings by increasing the deduction from $1.80 per square foot to $3.00 per square foot. The original version of the commercial buildings tax deduction as passed by the Senate set the deduction to $2.25 per square foot, with the critical support of the current Finance chairman and ranking member. Adjusting for inflation, this corresponds to $3.00 per square foot today with partial compliance increased to $1.00 per square foot. These changes would return the deduction to viability as it was originally designed and ensure that commercial building developers are provided an adequate incentive to pursue energy efficiency.

We must not overlook that an exacerbating factor in the collapse of our economy was our exposure to the historic price of foreign oil. With estimates that every 1 percent increase in energy prices results in a .15 percent drop in aggregate consumer spending, clearly, the United States must address this situation with boldness, clarity, and foresight and invest in energy efficiency—the low-hanging fruit of a new energy era. We must seize this historic opportunity.

Two weeks ago, a New York Times editorial pointed out that we are an extremely energy inefficient economy—the 76th best country in the world. This must change if we are to retain our leadership in this world. It is a burden to our citizens as well as our small business, and unsurprisingly, the Chamber of Commerce wrote to Congress on January 14 indicating that energy efficiency should be our first priority. We have an opportunity to do that today, and I believe it is a serious absence in this recovery package.

ENERGY EFFICIENCY

Mr. President, I rise to speak to an amendment with Senators Feinstein, Bingaman, and Kerry to improve upon the efficiency standards of residential tax credits. As a leader on energy efficiency tax credits, I am encouraged to see roughly $4.3 billion in incentives for the residential home energy efficient purchases through the 25C tax credit. As a longtime leader on efficiency, and as the one who spearheaded this landmark energy efficiency tax credits with Senator FEINSTEIN, I have strong concerns about the stimulus proposal, which must be overhauled to ensure that only the most efficient products qualify for this tax credit.

Of primary concern, the mark extends the 25C tax credit for residential property for an additional year through end of 2010 and raises the individual cap from $500 to $1500. However, the mark critically fails to overhaul the tax credits to reflect technological developments that have occurred since we passed this into law four years ago. Quite simply, during this period, products have become more energy efficient, yet the proposal fails to reflect this indisputable point. For example, as a result of technological change nearly all new windows, roughly 87 percent, now qualify for this credit. As a result, all of these windows will continue to receive a tax credit if this mark becomes law.

My amendment is very simple in that it raises efficiency levels to reduce the types of products to only the efficient residential property that is available today. I am pleased that Senator BINGAMAN, the chairman of the Energy Committee, as well as Senator FEINSTEIN, a longtime leader on transforming our energy policy, will make the tax credit more functional and reduce the overall score of the tax provision. As the sponsor of this provision in 2005, I can say that I believe this amendment returns the tax credit to the original intent of this committee when we enacted this credit into law in 2005. Without this amendment, I am concerned this tax credit will fail to facilitate a transformation to more energy efficient products that will cut energy demand and reduce carbon emissions.

I look forward to working with Chairman BAUCUS and Ranking Member GRASSLEY on this issue and appreciate their continued efforts to work with me on energy efficiency tax incentives.

Mr. BEGICH. Mr. President, America's fisheries are as important to our coastal communities as agriculture is to the Nation's breadbasket. From New England and the mid-Atlantic to the gulf coast and vast Pacific, America's fisheries contribute $185 billion to our Nation's wealth, help drive the economy of coastal communities, create jobs for harvesters and processing workers, and provides the Nation a source of healthy, sustainable—and tasty—seafood.

That is especially true in my home State, Alaska, which accounts for over 55 percent of the Nation's seafood landings, boasts 5 of the top 10 fishing ports in the Nation, and is the State's largest private sector employer, creating jobs that are spread from the largest cities to the smallest rural villages.

Alaska seafood can be found from the Nation's finest white tablecloth restaurants to your neighborhood fast food outlet. And Alaska has harvested this resource in a sustainable manner. Alaska stocks are managed under strict scientific guidelines. None of these species is considered overfished.

Fisheries elsewhere across our Nation face serious challenges from overfishing, habitat loss, climate change, and other factors, which is why Congress recently strengthened the conservation and management provisions in reauthorizing the Magnuson-Stevens Fisheries Conservation Act to end overfishing, reduce bycatch and improve science-based management of our fisheries.

Unfortunately, many of these provisions have not been implemented due to a lack of funding. Only a quarter of the species managed by the National Marine Fisheries Service have been fully assessed and provisions for the monitoring and enforcement of regulations are seriously lacking.

The amendment I propose today would provide and help fulfill the intent of Congress, the recommendations of the U.S. Commission on Ocean Policy, Pew Oceans Commission and others who called for action to protect our oceans and the bounty it provides our Nation.

It provides $39.8 million to help rebuild our Nation's fish stocks. Rebuilding the Nation's fisheries would generate approximately $19 billion in sales and create 27,600 jobs in the harvest sector and 295,000 jobs in the overall economy.

It would provide funding for bycatch monitoring, habitat assessment and other research relevant to climate change.

This amendment would provide an effective stimulus to our Nation's fishing industry and boost the economy of coastal communities from Maine to Alaska. I urge your support of this vital proposition.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, we have a lot of amendments still pending. I have made a decision in conjunction and in cooperation with the Republican leader

that we are going to stop legislating tonight and come back tomorrow, come in at 10 o'clock. We will go immediately to the bill. There are a number of amendments pending. Other Senators want to offer amendments.

The main reason I look forward to tomorrow is there are a number of Republican Senators working with Democratic Senators trying to come up with an alternative proposal. Now, I hope something works out. I know everyone is trying in good faith to move this ball down the court. But I think we need the night and some time tomorrow to see if we can do that. There is paper floating back and forth that is becoming filled with numbers, and we all need to take a look at this.

The work done by the negotiators, as I indicated earlier—about eight Republicans, about the same number of Democrats, trying to work toward making this a better piece of legislation—is ongoing. If, in fact, we find tomorrow that we are spinning our wheels, cannot get something done, then we will file cloture and have a Sunday cloture vote.

Now, Mr. President, I am optimistic we can get something done, and I hope that, in fact, is the case. Everyone is going to have to give a little and understand that this is a process where we have to move this ball down the court. The Republican leader has indicated to me that if we get this out of here, we should go to conference. I agree with him. That takes a little bit of time, and I would hope we could complete this legislation tomorrow. I have hopes, and I am cautiously optimistic we can do that.

So I wish I had all the answers, but the answers are not here tonight. I think the answers have been coming forth more rapidly in the last few days. I think staying here later tonight would not benefit us. We have a number of amendments we could dispose of, but I think we are waiting for the big amendment that has been worked on now for all this week.

Mr. MCCONNELL. Mr. President, will the majority leader yield for an inquiry?

Mr. REID. I will be happy to.

Mr. MCCONNELL. Then am I correct in assuming we would continue to process other amendments tomorrow——

Mr. REID. Absolutely.

Mr. MCCONNELL. Because there are a number over here, and I understand you have some as well—while these discussions are going on?

Mr. REID. Yes. We will come in at 10 o'clock. The managers of the bill should be here. We will go directly to the legislation. There will be votes. We could have votes early in the morning because there are amendments right now pending that the manager on this side could move to table, setting up a string of votes. But the answer to the Republican leader is, yes, we will process amendments.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

HEALTHY AMERICANS ACT

Mr. ALEXANDER. Mr. President, I cosponsored Senator WYDEN and Senator BENNETT Healthy Americans Act last year to support a legitimate bipartisan effort that combines ''private markets'' and ''universal access.'' I am willing to do so again this year, because health care reform is too big of an issue for one party to tackle on its own. Our only chance of achieving true, meaningful reform is if both parties work together.

However, I do have reservations about this legislation—I see it as a work in progress and would not vote for it in its current form. For example, the current budget figures are unrealistic. In order to maintain budget neutrality, as drafted, the bill would shift a new burden on middle-income Americans. We have not yet discovered a way to solve this problem without increasing the cost of the bill.

Another problem I have with the bill is that the mandated level of standard benefits is too high. As drafted, typically young, healthy Americans would be forced to pay for a richer level of coverage than they might now choose or possibly be able to afford.

I commend the efforts of Senators WYDEN and BENNETT to reach across party lines on this important issue, and look forward to working with both of them to further improve this proposal.

TRIBUTE TO JAMES PITCHFORD

Mr. BOND. Mr. President, today I would like to pay tribute to a staff member who left over the recess to pursue new opportunities.

James Pitchford—known to all of us as Pitch, is a hard-charging marine who will never cease and desist until told to do so when he is on a mission. And his mission is and always has been to serve his country, the men and women in the military, and his family.

As a former Wisconsin Air National Guardsmen, naval aviator, marine aviator, and current naval reservist, I am still trying to figure out when he's going to sign up for the Army and put a check in the final square.

Pitch served on my staff for 10 years. In that time, he was a tireless, and I do want to stress tireless, advocate for the men and women in uniform and the retirees and veterans that have served this Nation so valiantly.

He helped me establish a counter-improvised explosive device center at Fort Leonard Wood. This facility has saved lives and will continue to do so by providing critical training to Army personnel for countering explosives hazards and providing countermine working dogs that were not previously available.

He was a lead staffer on the National Guard Empowerment Act, a top priority for Senator LEAHY and me as co-chairs of the Senate National Guard Caucus. Provisions were enacted that strengthen the Guard's position within the Pentagon and its decisionmaking power.

He worked to improve health care for the Nation's service members and veterans, particularly those suffering from ''invisible injuries'' such as post-traumatic stress disorder and traumatic brain injury.

He worked to keep the F–15 and F/A–18 lines in operation, for the benefit of the Air Force, Navy, and St. Louis workers.

He was a strong advocate for military families, our heroes here at home, and particularly the Heroes at Home Program.

There is much more to Pitch's credit legislatively and in fighting or prodding the bureaucracy, depending on which was appropriate at the time.

In addition to Pitch's innumerable legislative endeavors, he was also a leader on the staff.

He took an interest in each and every staff member and mentored all of the young staff with whom he came into contact.

He actively recruited people to work in the office, and once here, actively recruited them to be members of the Armed Forces.

He took an interest in the personal lives of staff members and volunteered his time as office liaison to the Senate Chaplain's Office.

We are also grateful to Pitch's children, his son Benjamin and fraternal twin daughters, Olivia and Kate, of Wisconsin, who endured long separations from their father while he worked to serve the State of Missouri and the Nation as well as U.S. forces and military veterans.

Pitch feels strongly, and I agree, that small business owners should be encouraged to bring their innovative technologies to our Nation's service men and women to reduce their risk of injury or death as they carry the fight to America's enemies. In his new life, he will continue to pursue this high priority in the private sector.

We are sorry to see Pitch go, but we thank him for his many years of service and wish him all the best in his many endeavors.