amount of money. I think it is stealing from future generations. If we are going to do it, the question is, should Washington spend it or should the American people? I took the total amount and divided it by every tax filer in the country—182 million people who file a tax return in this country—and we could have given a rebate of $5,403 to a single filer and to a couple filing jointly, $10,486—if we take the total amount of the bill and divide it among the taxpayers in this country. I would be willing to bet that the American people would much rather have that check than have money going to Washington, DC, to spend on these new programs, many of which will create obligations and liabilities for generations to come.

I think we have missed a golden opportunity here. I think we have created a whole new realm of spending that will go on for some time into the future. It is not fair to our children and grandchildren. The Federal Government needs to learn to live within its means. I can tell you as somebody who comes from the prairies, when the prairie pioneers settled South Dakota and places such as that, they understood a basic principle or ethic, which was that they were going to have to sacrifice so their children and grandchildren and future generations could have a better life.

What we have done with this bill is turn that very ethic entirely on its head. What we are asking future generations to do is sacrifice by handing them a trillion dollar debt so that we here and now can have a better life, and we cannot live up to the obligations we have to pay our bills on time.

It is a sad day; it is unfortunate. This could have been much different. There could have been more input from our side. It is a bill heavy on spending, not only temporary but spending that will continue to go on for some time into the future and create obligations down the road. If this is correct and the CBO response in this letter is accurate, if these programs continue to be funded and don't terminate at the end of the 2-year period, there will be $3.27 trillion in liabilities that we are creating today by voting for this legislation. It is not fair to our children and grandchildren and to the future generations who will bear the cost of the fact that we cannot live within our means and cannot come up with a way to fund an economic recovery plan that creates jobs and helps stimulate the economy and gets this recovery underway in a fashion that is fiscally responsible.

I regret that I will be voting no on this bill. I urge my colleagues in the Senate to do the same.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, this is the largest spending bill ever to be voted on. It will probably be passed by this body. It has been done in the most rushed fashion that we have ever done a spending bill. It is the least bipartisan ever. Not a single Republican in the House voted for this bill; nine Democrats voted against it.

Unfortunately, in conference, the bad parts of the bill got bigger and the good parts got smaller. We are left with a spending bill of gigantic proportions and a stimulus package that is small, by any measure.

I will point out a few historical numbers. We have had stimulus packages in the past, and we have needed them. We need one now. We have never, in the history of the Republic, had a stimulus package over the size of 1½ percent of GDP. That is the biggest we have ever done in the history of the Republic. This stimulus spending bill is 5.5 percent of the GDP of the entire country. It is huge—more than three times larger than any we have ever done.

To give perspective, we did a stimulus package in 2008 in the amount of $152 billion. This is $800 billion. In 2001, it was $38 billion. That seems small by today's standards. This one is 5½ percent of GDP. If you look at the actual tax cuts, there are things in the tax cuts I think are good. There are other things in spending I think are good, but they should not be in a stimulus bill. They should go through the regular order in a spending package.

We will have the omnibus spending bill after the break. That will be hundreds of billions of dollars, and people can measure that. But the tax cut piece of this bill that is probably going to be stimulative—and I would support as being stimulative—is a total of $76 billion, which is 9.6 percent of the bill. Many of the tax cuts in the bill are actually spending through the Tax Code or an AMT fix that will not be stimulative, which most people regarded as that will be fixed and they are not going to alter economic activity based on that. You are left with $76 billion in tax cuts that would be stimulative. As I said, there are things in there I like. I congratulate the majority on some of those tax cuts that are in it—the issue on first-time home buyers. We have done that in Washington, DC. It was helpful in stimulating the housing market here. I think it will stimulate the market across the country. Wind energy is in here that will help our Plains States—the Senator from South Dakota, myself, and many others. This will help in wind energy, a key growth area for us. I am supportive of that. I think that is important. We got a piece in here about deductibility of State taxes on purchases of new automobiles in 2009. That will have a stimulative effect. I think it will be small. There is bonus depreciation for a big industry in my State, aircraft, that will have a stimulative effect. It will be positive. All of those I support and I applaud the majority side for that.

The sum total of those altogether is less than 10 percent of the whole package. Instead, we are left with this gargantuan spending bill that is 5½ percent of the economy, which we cannot afford. It will not be stimulative. It will a be highly speculative Government bubble that we are creating.

At the end of the day, the last and biggest number in this whole bill is a number of $12 trillion. That is in the bill and that is what we are growing, what we are setting the debt limit of the country at in this bill. We are raising it to $12 trillion. That is in the bill. The reason we are raising that debt limit to $12 trillion—you guessed it—it is headed that way. We are getting closer with this bill.

We have come to a very big speculative bubble on housing and consumer credit and a number of other things as well. This speculative bubble led to a lot of housing being built, cars being purchased, and all was fine. But then the bubble burst. Now we are trying to substitute that with a Government speculative bubble. We are going to spend all this Government money and in a speculative, highly leveraged nature, because 100 percent of this is borrowed. That is somehow going to stimulate the economy. It is going to leave that big, massive hole in it.

I am deeply concerned about what this is going to do both in the present and in the near-term future. I hope we can do better. There is a great possibility that we can do better. I think we should.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009—CONFERENCE REPORT

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the conference report to accompany H.R. 1, the American Recovery and Reinvestment Act, with the time until 5:30 for debate, with the time divided as follows: the majority controlling 30 minutes and the remaining time under the control of the Republican leader or his designee; that a budget point of order be in order and if raised against the conference report, then a motion to waive the applicable point of order be considered made; that at 5:30 p.m. the Senate then vote on the motion to waive the point of order; further, that the vote on the waiver of the point of order count as a vote on adoption of the conference report, with a 60-vote threshold; that no further points of order be in order during the pendency of the conference report; and that upon adoption of the conference report, the motion to reconsider be laid on the table, with no further intervening action.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I wish to publicly express my appreciation for the thoughtful time certainty on this by the Republicans. As they know, we have a couple issues on our side, one is a death and one is the health of one of our Members. They have been very thoughtful and understanding of our situation. For that I will always be grateful.

The PRESIDING OFFICER. The Republican leader.

Mr. McCONNELL. Mr. President, I would like to propound a unanimous consent request for speakers on our side.

I ask unanimous consent that the following Republican speakers be recognized for up to 7 minutes each: CHAMBLISS, GRAHAM, ENSIGN, ALEXANDER, SHELBY, HATCH, McCAIN, SESSIONS, and that Senator COBURN be recognized for up to 30 minutes.

Mr. ENSIGN. Reserving the right to object, is it in that order——

Mr. McCONNELL. No.

Mr. ENSIGN: Or is it just total time?

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

The clerk will report the conference report.

The bill clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the 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, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. The Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings at pages H1307 through H1516 of the RECORD of February 12, 2009.)

The PRESIDING OFFICER. Who yields time on the conference report?

The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I ask that I be recognized for 7 minutes and be informed when I have used 6 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. GRAHAM. Mr. President, this debate is coming to an end, and it never really started. We are bringing a conclusion to a process that will spend $1.1 trillion over the next 10 years, and there has never been a thoughtful discussion between the parties to figure out how we can get there from here.

The Republican alternative was $440 billion, I believe. It had tax cuts. It had spending on unemployment benefits extension, food stamp extension. It had a $35 billion, $45 billion amount of spending for infrastructure, shovel-ready jobs. It was an alternative that also had a trigger that said that once the economy got back on its feet and we had two quarters of positive GDP growth, any unspent funds would be frozen, and we would look at trying to get back to a balanced budget situation. In other words, it had a slowdown provision. There is nothing in this bill that is going to slow down spending.

The compromise that has been reached—$440 billion was the Republican alternative—we are going to settle on a bill of about $787 billion-plus that received no Republican votes in the House. I think they lost seven or eight Democrats in the House. Apparently, they are going to pick up three Republicans in the Senate.

I would argue that if the shoe were on the other foot, if Republicans were in charge and we lost more Republicans than we picked up Democrats, that would be a lead story. So the idea that this is bipartisan does not meet any realistic test of bipartisanship, and that is a loss. Mr. President, $1.1 trillion unfocused over 10 years, in terms of job creation, is a huge loss to the next generation of Americans who are going to pay this bill.

We had a chance to start over early on in this administration. The attitude that started this process in the House, ‘‘We won, we write the bill,’’ never changed. It came to the Senate. We spent 1 hour 40 minutes marking up this bill. We have had a handful of Republican amendments accepted. I am not saying our version is the right way completely. I am saying the difference between $440 billion and $787 billion and $819 billion, the House version, is not $787 billion.

There has never been a real effort to try to find common ground. The percentage of this bill that is tax cuts is 27 percent of $787 billion; 27 percent of the amount is for tax relief. A $400 rebate check is a great part of the tax provision. Last year, we gave people $500 tax rebates. That did not stimulate the economy. The $400 will not.

What stimulates the economy is cutting taxes for consumers as well as business. As Senator THUNE from South Dakota said about 75 percent of the jobs in America are created by small business. If your goal is to stimulate the economy and create new jobs, one test of this bill would be how much did you do for small business.

Less than $3 billion in the entire package is directed to small business. I would argue that if 75 percent of the jobs come from the small business sector and only $3 billion of the money is allocated for small business relief, we missed this thing by a country mile.

This bill started out of the House as a ‘‘We won, we write the bill’’ spending package that never had a focus on job creation. There are so many things in this bill unrelated to creating a job in the next 18 months that it is, in my opinion, a failure as a stimulus package.

Of the $580 billion of this bill that is appropriated—about 53 percent of it is appropriated—only 11 percent of that money hits the economy in the first year. Fifty-three percent of the appropriated funds are not spent until after 2 years from now.

So the goal I had working with our Democratic colleagues and the White House was to try to create as many jobs as possible by stimulating the economy through a combination of tax cuts and spending that would create jobs in the near term and, yes, help people who have lost a job. We have failed miserably in that endeavor, in my opinion. We have run up the cost of this bill, and every dollar that is wasted in the stimulus package that does not create a job is one less dollar to jump-start housing and banking.

To my colleagues, you all know this one fact. We will never get out of this economic mess until we deal with the banking problem and the housing problem. We have wasted a lot of money in this bill that could have gone to banking and housing. There will be a request in the future, mark my words. The TARP funds left to deal with banking and housing of $315 billion are not nearly enough to deal with the toxic assets that cripple the ability to lend, not nearly enough, in my opinion, to deal with the foreclosures that are coming in waves in this country.

The stimulus package is important, but it was, in my opinion, the least-effective measure to jump-start the economy. We put all the money in the thing that works the least, and we designed it in a fashion where it will work hardly at all. This is a blown opportunity to come together in a bipartisan fashion to deal with banking and housing. We put all our resources upfront in a stimulus package that has very little to do with creating jobs and a lot to do with growing Government.

The PRESIDING OFFICER. The Senator has used 6 minutes.

Mr. GRAHAM. Mr. President, we have created more Government, new Government than we created jobs. We lost the spirit of bipartisanship we were yearning for. It is going to be hard for us to come back to the American people after this monstrosity of a bill is understood in the next couple weeks and ask for more money in housing and banking.

I am disappointed in the process. I am disappointed in the final substance of the bill. We spent $1 trillion in about 2 weeks, with very little discussion.

Finally, America wants this Congress and this new administration to be smart and work together. We are not being smart, and we sure as heck haven't worked together.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, I claim the 7 minutes that is part of the unanimous consent agreement.

The PRESIDING OFFICER. The Senator is recognized.

Mr. ENSIGN. Mr. President, the scope of this legislation is enormous and endangers our country's future economic health.

Currently, the U.S. debt burden is huge, but it is going to rise to 54 percent of the economy in just the next 2 years. That is before we take into account this omnibus spending bill that is still to come before the Congress, another round of TARP, and approximately $1 trillion that we have in the bill before us today. When we add the Children's Health Insurance Program that was passed, TARP, a supplemental, the omnibus bill, we will add an additional $2 trillion to our national debt. That means higher taxes for our children, our grandchildren, and actually just in a few years for almost all Americans.

We have been borrowing against future generations. Keep in mind that we have a $60 trillion debt out there in Social Security, Medicare, Medicaid, and other entitlement programs. That money has to be paid someday.

We have to ask ourselves: What will the credit markets around the world think? What will they think about the idea of the United States being actually solvent? The previous administration, as we heard from the other side, spent money like crazy. I am not going to defend them. I was one of the people fighting against a lot of that spending.

The spending that is before us today is unprecedented. Unfortunately, in the so-called stimulus bill, only about 25 percent of the bill is in true tax relief. A lot of it is disguised as tax relief, but it is just spending. Not all tax relief is equal when it comes to stimulating the economy. Unfortunately, some of the tax relief in this bill that was actually good was stripped out of the bill.

Today, as a percentage of GDP, Government spending last year was around 21 percent. This year, it is going to be close to 30 percent. The historical average over the last 40 years is around 20.6 percent. If we continue to add and add, in not too many years, it is heading toward 40 percent. This amounts to the Europeanization of the United States. Why is this? The government takes up a large percentage of the budgets of Europe's economies. These are more socialist-type economies, and that is the percentage of their gross domestic product they spend on government.

Let's consider the cost of this bill. If we count everything that is going to expire in the stimulus and say it is not going to expire over the next 10 years, the true cost of this bill is somewhere around $3 trillion. We have to ask ourselves: When was the last time a Federal program was cut or was discontinued? That does not happen around here. Once we put something in place, it seems to be in place forever.

The assumptions in the bill that the spending put in place is actually going to go away in 2 years seems a little ridiculous to me. That is why we actually should be honest about the true cost of this bill.

According to CBO, all the stimulus spending will do little to help our long-term economic growth. It will help some in the short term but not in the long term. We have to think about not just short term. Too many companies in America were thinking short term. We have to think long term as well for our, once again, children and grandchildren.

We did not even receive this 1,100-page bill until 11 p.m. last night. Thanks to all my staff, and the Republican Policy Committee staff. They spent most of the night and today going through this bill. There is no way everybody is going to know everything that is in this bill because of the difficulty of trying to go through an 1,100-page bill in less than 24 hours.

We need to look at history. Japan, in the 1990s, gave us valuable lessons about not what to do. They spent $6.3 trillion. Unfortunately, they spent it building a lot of bridges to nowhere, roads to nowhere.

We heard we need a lot of infrastructure spending in this country. If this bill had only answered that call. This bill has very little to do with infrastructure. Only a small percentage of this bill actually deals with infrastructure. That is unfortunate. Japan also failed to address the underlying problems in their banking system. Japan created zombie banks. These are banks that should have failed but were not allowed to. Japan also suffered from a bad course of monetary policy. While the parallels may not be exactly the same between Japan and the U.S., we may be headed in the same direction. That is why a lot of us are afraid that this stimulus bill before us today is actually not going to cure our economic woes.

The housing industry is what brought this whole economy down. We understand that. The American people in my State of Nevada know it was the housing crisis that brought the economy down. So if we don't fix housing, how are we going to fix the economy? The underlying problem with the patient here is the housing problem.

I had an amendment that actually would have gone a long way toward fixing housing. My amendment had three components. The first was that Americans would have been able to get a much lower interest rate—somewhere between 4 to 4.5 percent. About 40 million American households would have qualified for it. It would have given the average American household about $450 per month more for their budget. This was permanent, though, it wasn't just a one-time check. This was a 30-year fixed interest rate. That actually would have helped stimulate the economy.

The second part of the amendment was that we took a provision from Senator ISAKSON.

Mr. President, I ask unanimous consent for 1 additional minute.

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

Mr. ENSIGN. The second part of the amendment would have given a $15,000 tax credit to buy homes. That would have helped to stimulate the housing market. Unfortunately, in this bill, that was dramatically cut down. And the third part was to help those houses underwater.

This spending bill that is before us could have been made so much better if we had sat down in a bipartisan fashion—not as Republicans, not as Democrats, but as Americans. I hope we learn from the way this bill was done that it is not the way we need to fix some of the major problems the country will face in the future. I hope we can actually sit down in a bipartisan fashion.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, may I be informed when 6 minutes of my 7 minutes has expired?

The PRESIDING OFFICER. The Chair will notify the Senator.

Mr. ALEXANDER. I thank the Chair.

Mr. President, here is what we know of the so-called stimulus bill.

This bill will give American workers $8 a week in their paychecks in exchange for passing along a $1 trillion debt to our grandchildren. The entire New Deal, in today's dollars, cost only half of what this bill costs.

We know that if we were to spend $1 million a day, every day since Jesus Christ was born, we would still spend less money than the cost of this bill.

We know that if you were to add the cost of this bill to the national debt that we already have, it would cost each American household more than $100,000 to pay off our country's debt.

We know that in the bill there is $50 million that could be used to save red-bellied harvest mice in the San Francisco area, something that Speaker PELOSI has supported.

We know that in the bill there is $8 billion for a levitating train from Disneyland to Las Vegas that the majority leader is very interested in.

We also know that people are hurting. That we need to do something to help the economy. And that something includes a real stimulus bill. But we know this is not the right approach.

Mostly, this is spending, not stimulus. Most of the spending in the bill does not come soon enough to help create jobs quickly. Most of the tax cuts in the bill—such as the $8 per week for working families—are welcome but not stimulative.

We know this is a lot of money. An example of how much money is that it took us until about 1980, from the beginning of our Republic, to accumulate a debt that equals the amount of this bill. Or to look at it another way: The entire annual Federal budget in the early 1980s was about the amount we are spending in this bill.

We know this is not temporary. Even though stimulus bills, as defined by Speaker PELOSI, are to be timely, temporary, and targeted, this is not. We know that because of the mandatory spending it adds to the long-term budget. We know that because the Senate rejected Senator MCCAIN's amendment which said that after two consecutive quarters of economic growth above 2 percent, the new spending would stop. So this bill is not temporary.

We know we are bailing out States with much more money than they need. In my State of Tennessee, it had a $900 million dollar shortfall. That is a lot of money for our State. But our legislature and Governor are handling that, with some pain. Yet we are giving Tennessee almost $4 billion, as if we had the money to spend.

We know we are not seriously thinking about how much spending is too much spending in Washington, and how much debt is too much debt. We know that we establish policies in this bill—huge policies in education, energy, and health—in 2 weeks, without careful consideration that deserve enormous consideration.

I used to be Secretary of the U.S. Department of Education. Its budget today is about $68 billion. We are adding $40 billion a year to that Department for the next 2 years. Does that mean we are completely satisfied with what is happening in kindergarten through the 12th grade? If we are to add $40 billion a year, should we not be asking what can we do differently to reward outstanding teachers, to add charter schools, to offer parents more choices for afterschool programs for their children? Surely, we can have a debate about education, or energy, or health care if we are going to spend that much new money.

We know there has been a lack of bipartisanship. The refrain seems to be: We won the election; we'll write the bill. That was not the tone of the election. That was not what we looked forward to on the Republican side of the aisle.

We know what we should have done instead. We know we shouldn't have spent the whole piggy bank on a spending bill that doesn't include much stimulus. We know that we should have reserved as many of those scarce dollars as we could to focus on fixing housing first and making sure that we don't underestimate the difficulty we have in getting toxic assets out of the financial institutions in this country so they can start lending again and on Main Street we can start doing business again. We know those are the things we should have done instead.

This bill doesn't pass muster with truth in labeling. It claims not to have earmarks, although that levitating train from Las Vegas to Disneyland looks a lot like an earmark.

We know that the two provisions in the bill that seemed to do the most to help were cut by the conference report in substantial ways. I am speaking of Senator ISAKSON's $15,000 tax credit for home buyers who would buy homes in the next year, which was gutted. And Senator MIKULSKI's and Senator BROWNBACK's effort to give encouragement to automobile and truck buyers all over America to revive the automobile industry.

We know that if we are to add $87 billion over 2 years to Medicaid for the States that we may be making the program so rich that we will never be able to decide what to do about it when we have our national health care debate. We are preempting that discussion without very much debate.

I know what bipartisanship is. I have participated in it. When I was Governor of Tennessee, I worked with a Democratic legislature. We became the first State to pay teachers more for teaching well. I said what I thought we ought to do and the Democratic speaker said what he thought we ought to do. We sat down together.

The PRESIDING OFFICER. The Senator has spoken for 6 minutes.

Mr. ALEXANDER. I thank the Chair. We took some of Speaker McWherter's ideas and some of my ideas. We came to a conclusion and we together announced the result.

President Bush and the Congress did the same thing with No Child Left Behind when President Bush working with Senator KENNEDY and Representative MILLER. Senator BINGAMAN and Senator Domenici gave us a good example with the energy bill. Seventy of us cosponsored the America Competes Act. And the Gang of 14 helped keep the Senate functioning and produced good Supreme Court nominees.

I am disappointed that we have not risen to the occasion. This bill should have been easy to do in a bipartisan way. I hope that this is not a symbol of what is to come with more difficult pieces of legislation, like health care, climate change, and entitlements.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, during the last 18 months, our economy has been crippled by an unprecedented financial crisis. What began simply as rising defaults on subprime mortgages has rapidly evolved into the greatest economic storm since the Great Depression.

Shackled by mounting losses on mortgage-backed securities and falling home prices, our banking system has retracted from normal lending. Starved of financing, our economy is rapidly deteriorating, while millions of Americans face unemployment.

Unfortunately, we have watched two succeeding administrations—the Bush administration and now, I fear, the Obama administration—propose plans to revitalize our economy that have failed to live up to expectations.

We are now told that the solution to the current crisis lies in this stimulus bill before the Senate. Proponents claim that this bill will jump-start the economy and reinvigorate private commercial activity. I disagree.

This bill has been poorly conceived and hastily crafted. First, the immediate impact of this bill is far too small. According to the Congressional Budget Office, only 12 percent of the discretionary spending in this bill takes place in the year 2009. Secondly, this bill is not targeted to maximize its impact. It simply funds, I believe, a wish list of government programs rather than focusing on creating jobs and bolstering the incomes of all Americans.

Finally, I fear that the supporters of this bill have been resting far too heavily on their Keynesian ideological crutch rather than devising good policy here.

We are told that Professor Keynes said that government spending was the key to restoring long-term economic growth. We need to remember that Professor Keynes' views evolved a great deal over time. He was continually changing his opinions when confronted with new facts and circumstances. His famed ''general theory'' of employment, interest, and money was borne of his concern that the old policy prescriptions were not working.

Because his thinking was always changing, Keynes was often criticized for being inconsistent. He famously replied:

> When the facts change, I change my mind. What do you do?

I believe we need a solution that fits the facts and circumstances of our times, just as Keynes sought to provide a solution to address those of the United Kingdom at one time.

Our solution, I believe, needs to focus on restoring our banking system. Unless our banking system is nurtured back to health, our economy will remain crippled, and much of what is in this stimulus bill, I believe, will have been wasted.

It is worth remembering that the first thing Franklin Roosevelt did upon becoming President of the United States was address the Nation's banking crisis, long before he embarked on the New Deal spending programs. Another example I believe we should keep in mind is the experience of Japan during their so-called lost decade. You will recall that during the 1990s, the Japanese experienced a banking crisis as well. Rather than deal with their zombie banks, Japanese policymakers enacted numerous stimulus bills. And despite those spending sprees, the Japanese economy continued to stagnate as they increased Japan's debt-to-GDP ratio from 60 percent to a staggering 180 percent today.

Mr. President, I ask unanimous consent to have printed in the RECORD a list of economists, including several Nobel Prize winners.

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

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

Burton Abrams, Univ. of Delaware; Douglas Adie, Ohio University; Ryan Amacher, Univ. of Texas at Arlington; J.J. Arias, Georgia College & State University; Howard Baetjer, Jr., Towson University; Stacie Beck, Univ. of Delaware; Don Bellante, Univ. of South Florida; James Bennett, George Mason University; Bruce Benson, Florida State University; Sanjai Bhagat, Univ. of Colorado at Boulder; Mark Bils, Univ. of Rochester; Alberto Bisin, New York University; Walter Block, Loyola University New Orleans; Cecil Bohanon, Ball State University; Michele Boldrin, Washington University in St. Louis; Donald Booth, Chapman

University; Michael Bordo, Rutgers University; Samuel Bostaph, Univ. of Dallas; Scott Bradford, Brigham Young University; Genevieve Briand, Eastern Washington University.

George Brower, Moravian College; James Buchanan, Nobel laureate; Richard Burdekin, Claremont McKenna College; Henry Butler, Northwestern University; William Butos, Trinity College; Peter Calcagno, College of Charleston; Bryan Caplan, George Mason University; Art Carden, Rhodes College; James Cardon, Brigham Young University; Dustin Chambers, Salisbury University; Emily Chamlee-Wright, Beloit College; V.V. Chari, Univ. of Minnesota; Barry Chiswick, Univ. of Illinois at Chicago; Lawrence Cima, John Carroll University; J.R. Clark, Univ. of Tennessee at Chattanooga; Gian Luca Clementi, New York University; R. Morris Coats, Nicholls State University; John Cochran, Metropolitan State College; John Cochrane, Univ. of Chicago; John Cogan, Hoover Institution, Stanford University.

John Coleman, Duke University; Boyd Collier, Tarleton State University; Robert Collinge, Univ. of Texas at San Antonio; Lee Coppock, Univ. of Virginia; Mario Crucini, Vanderbilt University; Christopher Culp, Univ. of Chicago; Kirby Cundiff, Northeastern State University; Antony Davies, Duquesne University; John Dawson, Appalachian State University; Clarence Deitsch, Ball State University; Arthur Diamond, Jr., Univ. of Nebraska at Omaha; John Dobra, Univ. of Nevada, Reno; James Dorn, Towson University; Christopher Douglas, Univ. of Michigan, Flint; Floyd Duncan, Virginia Military Institute; Francis Egan, Trinity College; John Egger, Towson University; Kenneth Elzinga, Univ. of Virginia; Paul Evans, Ohio State University; Eugene Fama, Univ. of Chicago.

W. Ken Farr, Georgia College & State University; Hartmut Fischer, Univ. of San Francisco; Fred Foldvary, Santa Clara University; Murray Frank, Univ. of Minnesota; Peter Frank, Wingate University; Timothy Fuerst, Bowling Green State University; B. Delworth Gardner, Brigham Young University; John Garen, Univ. of Kentucky; Rick Geddes, Cornell University; Aaron Gellman, Northwestern University; William Gerdes, Clarke College; Michael Gibbs, Univ. of Chicago; Stephan Gohmann, Univ. of Louisville; Rodolfo Gonzalez, San Jose State University; Richard Gordon, Penn State University; Peter Gordon, Univ. of Southern California; Ernie Goss, Creighton University; Paul Gregory, Univ. of Houston; Earl Grinols, Baylor University; Daniel Gropper, Auburn University.

R.W. Hafer, Southern Illinois University, Edwardsville; Arthur Hall, Univ. of Kansas; Steve Hanke, Johns Hopkins; Stephen Happel, Arizona State University; Frank Hefner, College of Charleston; Ronald Heiner, George Mason University; David Henderson, Hoover Institution, Stanford University; Robert Herren, North Dakota State University; Gailen Hite, Columbia University; Steven Horwitz, St. Lawrence University; John Howe, Univ. of Missouri, Columbia; Jeffrey Hummel, San Jose State University; Bruce Hutchinson, Univ. of Tennessee at Chattanooga; Brian Jacobsen, Wisconsin Lutheran College; Jason Johnston, Univ. of Pennsylvania; Boyan Jovanovic, New York University; Jonathan Karpoff, Univ. of Washington; Barry Keating, Univ. of Notre Dame; Naveen Khanna, Michigan State University; Nicholas Kiefer, Cornell University.

Daniel Klein, George Mason University; Paul Koch, Univ. of Kansas; Narayana Kocherlakota, Univ. of Minnesota; Marek Kolar, Delta College; Roger Koppl, Fairleigh Dickinson University; Kishore Kulkarni, Metropolitan State College of Denver; Deepak Lal, UCLA; George Langelett, South Dakota State University; James Larriviere, Spring Hill College; Robert Lawson, Auburn University; John Levendis, Loyola University New Orleans; David Levine, Washington University in St. Louis; Peter Lewin, Univ. of Texas at Dallas; Dean Lillard, Cornell University; Zheng Liu, Emory University; Alan Lockard, Binghampton University; Edward Lopez, San Jose State University; John Lunn, Hope College; Glenn MacDonald, Washington University in St. Louis; Michael Marlow, California Polytechnic State University.

Deryl Martin, Tennessee Tech University; Dale Matcheck, Northwood University; Deirdre McCloskey, Univ. of Illinois, Chicago; John McDermott, Univ. of South Carolina; Joseph McGarrity, Univ. of Central Arkansas; Roger Meiners, Univ. of Texas at Arlington; Allan Meltzer, Carnegie Mellon University; John Merrifield, Univ. of Texas at San Antonio; James Miller III, George Mason University; Jeffrey Miron, Harvard University; Thomas Moeller, Texas Christian University; John Moorhouse, Wake Forest University; Andrea Moro, Vanderbilt University; Andrew Morriss, Univ. of Illinois at Urbana-Champaign; Michael Munger, Duke University; Kevin Murphy, Univ. of Southern California; Richard Muth, Emory University; Charles Nelson, Univ. of Washington; Seth Norton, Wheaton College; Lee Ohanian, Univ. of California, Los Angeles.

Lydia Ortega, San Jose State University; Evan Osborne, Wright State University; Randall Parker, East Carolina University; Donald Parsons, George Washington University; Sam Peltzman, Univ. of Chicago; Mark Perry, Univ. of Michigan, Flint; Christopher Phelan, Univ. of Minnesota; Gordon Phillips, Univ. of Maryland; Michael Pippenger, Univ. of Alaska, Fairbanks; Tomasz Piskorski, Columbia University; Brennan Platt, Brigham Young University; Joseph Pomykala, Towson University; William Poole, Univ. of Delaware; Barry Poulson, Univ. of Colorado at Boulder; Benjamin Powell, Suffolk University; Edward Prescott, Nobel laureate; Gary Quinlivan, Saint Vincent College; Reza Ramazani, Saint Michael's College; Adriano Rampini, Duke University; Eric Rasmusen, Indiana University.

Mario Rizzo, New York University; Richard Roll, Univ. of California, Los Angeles; Robert Rossana, Wayne State University; James Roumasset, Univ. of Hawaii at Manoa; John Rowe, Univ. of South Florida; Charles Rowley, George Mason University; Juan Rubio-Ramirez, Duke University; Roy Ruffin, Univ. of Houston; Kevin Salyer, Univ. of California, Davis; Pavel Savor, Univ. of Pennsylvania; Ronald Schmidt, Univ. of Rochester; Carlos Seiglie, Rutgers University; William Shughart II, Univ. of Mississippi; Charles Skipton, Univ. of Tampa; James Smith, Western Carolina University; Vernon Smith, Nobel laureate; Lawrence Southwick, Jr., Univ. at Buffalo; Dean Stansel, Florida Gulf Coast University; Houston Stokes, Univ. of Illinois at Chicago; Brian Strow, Western Kentucky University; Shirley Svorny, California State University, Northridge.

John Tatom, Indiana State University; Wade Thomas, State University of New York at Oneonta; Henry Thompson, Auburn University; Alex Tokarev, The King's College; Edward Tower, Duke University; Leo Troy, Rutgers University; David Tuerck, Suffolk University; Charlotte Twight, Boise State University; Kamal Upadhyaya, Univ. of New Haven; Charles Upton, Kent State University; T. Norman Van Cott, Ball State University; Richard Vedder, Ohio University; Richard Wagner, George Mason University; Douglas M. Walker, College of Charleston; Douglas O. Walker, Regent University; Christopher Westley, Jacksonville State University; Lawrence White, Univ. of Missouri at St. Louis; Walter Williams, George Mason University; Doug Wills, Univ. of Washington Tacoma; Dennis Wilson, Western Kentucky University; Gary Wolfram, Hillsdale College; Huizhong Zhou, Western Michigan University.

Mr. SHELBY. Mr. President, all these economists agree that government spending is not the way to improve economic performance.

Over the past year, I have repeatedly called for an extensive examination of the origins of this economic crisis and of the potential solutions. So far, the majority has refused. In the absence of any analysis or detailed information, they have chosen time and again to solve the crisis by throwing money at it. I believe this is laying the groundwork for a much greater economic catastrophe.

It took until 1982 for our publicly held debt to cross the $1 trillion mark. In the 27 short years since, we have amassed a debt 10 times that amount. Now we are about to vote on a measure that will, in a single year, add to the national debt what it took nearly 200 years to accumulate.

I fear this is a day we will come to regret, not only because I believe the stimulus bill will not work but because it will mark the day when our generation decided we were not capable of enduring the consequences of our own actions, and therefore future generations must shoulder the burden we could not find the courage to bear ourselves.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SCHUMER. 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. SCHUMER. Mr. President, I rise this afternoon to talk about the economic recovery package, a package that will create jobs, put money in the pockets of the middle class, and strengthen our investment—three extremely worthy and necessary goals. It is a package that will turn our economy around—and Lord knows we need it.

Let me say, I have heard much talk from the other side claiming they are against this package because it increases the budget deficit and the national debt too much. For instance, I heard my good friend from Arizona this morning talking about generational theft. There is one surprising thing: When we talked about $1 trillion for the war in Iraq, all told, we never heard about generational theft. When President Bush talked about $2 trillion of tax cuts, mainly for the wealthy, did we ever hear the words "generational theft"? Did we ever hear we should not do tax cuts for the wealthy or fund the war in Iraq because it was generational theft? Because it would increase the deficit? No, we didn't. I am not commenting on whether those two actions were worthy, but we certainly did not hear any qualms from the other side.

The GOP was a borrow-and-spend party for each of the 8 years President Bush was in office. They doubled the national debt in 8 years and by some estimates added $30 trillion to future liabilities over 8 years. Our friends on the other side of the aisle simply have no credibility when it comes to the issues of deficits and debt because, until 3 months ago, they didn't give a hoot about it. Only now, when there are Government programs for education and health care and transportation, do we hear about Government debt. But we never hear about it when it comes to funding wars overseas, like Iraq, or when it comes to tax cuts for the wealthy—that is perfectly OK. Where were our colleagues on the other side of the aisle for the last 8 years as the debt skyrocketed, as generational theft occurred? Where was my good friend from Arizona, who talked about this earlier today when I was on the floor?

Mr. COBURN. Will the Senator yield?

Mr. SCHUMER. I will only yield, since I have only 5 minutes, on the Senator's time.

Mr. COBURN. I will be happy to yield myself the time. The Senator paints with an awfully broad brush. I have been in this Senate for 4 years. He knows very well that I voted against most appropriations bills. I talked about the debt in almost every speech I have given. So I hope we would talk about individuals rather than a group because it is not necessarily representative of all on my side.

Mr. SCHUMER. Reclaiming my time, I think my colleague from Oklahoma makes a fair point. There have been occasional Members, such as the Senator from Oklahoma, the Senator from Ohio, the Senator from Maine, Ms. SNOWE, who have talked repeatedly about increasing the debt. But by and large, the speakers we have heard this morning and this afternoon and the votes we have seen from the other side of the aisle, both under George Bush and now—we didn't hear much talk about generational debt.

Mr. SANDERS. Will my colleague yield?

Mr. SCHUMER. I am happy to yield on my colleague's time since I only have 3 minute left.

Mr. SANDERS. Sure. Does my friend recall that for many years under President Bush, the Republican leadership told us how imperative it was to repeal the estate tax, which would cost this Nation $1 trillion over a 10-year period? Mr. President, $1 trillion—and who were the beneficiaries of that tax break? The top three-tenths of 1 percent.

We are spending $800 billion, including tax breaks for the middle class, rebuilding this country. What does my friend think about $1 trillion for the top three-tenths of 1 percent as opposed to putting money into the middle-class and working families?

Mr. SCHUMER. I thank my friend from Vermont, and, reclaiming my time, he is exactly right. Let's look at it this way: Does anyone really believe that if a Republican President had helped construct a stimulus package with $800 billion of tax cuts, that we would hear talk about generational debt and that we would hear talk about not voting for the bill because it increased the national debt? Obviously not.

Despite the claims to the contrary, the issue that most—not all—Republicans have with this package is not that it is too big. Oh, no; that is a Trojan horse. The issue is plain and simple that they did not like investments—they do not like the Government to spend money on education and schools, they don't like the Federal Government to spend money on helping people with their health care, they don't like the Government to spend money on transportation, helping rebuild our roads and bridges, or spending money on changing our energy policy so we are not dependent on foreign oil. Oh, no. It is OK to spend money on the military—something I usually support—it is OK to spend money on tax cuts for the very wealthy but not to help the middle class with health care and education and transportation.

That is why we took the majority. That is why we will stay in the majority, because the average middle-class person knows. They do not want a profligate government. They do not want a government that wastes money—absolutely not. But I think they want a government that is there for them and makes their lives a little better. They know that all the hue and cry of generational theft and increasing the national debt is only coming because this stimulus package helps the middle class with smart Government programs on education and health care and transportation. It is that simple.

My colleagues, this package is very much needed. Without it, we could end up in a Great Depression, as the deflationary spiral goes down. To talk just ''no,'' as so many on the other side do, is reminiscent of Herbert Hoover. Back in 1930, there was a recession about the level of this one, and Herbert Hoover said, ''Do nothing.'' The recession became a depression.

God forbid that happens now. President Obama is struggling mightily to prevent it from happening. He should have broad support from both sides of the aisle because, simply, this package is a mixture of spending and tax cuts—I think it is 56–44; because this package has accepted major amendments from the Republican side, the largest of all from the Senator from Iowa—a reduction in the alternative minimum tax, something I have long supported. So this is a balanced package.

The horror the other side shows when the Government will get itself involved to help the middle class results in only getting three Republican votes. What more do my colleagues want us to do? Do they want a package just of tax cuts only, no help for health care, no help for education, no help for transportation? Do they want a package that is aimed and skewed at the wealthiest among us who are those who least need the help? We have let them offer amendments. We have accepted a good number of those amendments. Yet we have three votes.

We want to be bipartisan, and we understand that each side mistrusts the other. But I say to my friends, we have reached out, we have accepted suggestions, we have put many tax cuts in this proposal that might not get a majority support on our side alone in an effort to reach out even though we think there are better ways to stimulate the economy.

When we meet you halfway, don't give us the back of your hand and say it is not bipartisan. Don't say: It has to be all our way or 90 percent our way before we will vote with you. Don't let the hard-right base of this Republican Party keep a stranglehold on you and prevent us from marching forward together, because the country needs better. The country needs more. The country does need bipartisanship, but more important even than bipartisanship, as very important as that is, it needs help. It needs help to get this economy out of the mess, to create and preserve 3 to 4 million jobs, to put money in the pockets of the middle class, and to rebuild an infrastructure that is aging and will hurt our economy long after, God willing, this recession is over.

To my colleagues, please, on the next bill—it is too late for this one—rethink the attitude. We are trying. You have had amendments and amendments. A good number have been accepted. Republican input, albeit from three, has been large in this package. Join us. We want you to. We are not going to insist on a bill that is 100 percent spending just as you should not insist on a bill that is 100 percent tax cuts. We are not going to insist on a bill that only invests in the things we care about. We will meet you part of the way. But don't give us the back of your hand because we have made real efforts and we know the arguments about debt and generational theft ring hollow because you didn't make those arguments once in the last 8 years when the deficit ballooned—a few did—when the deficit ballooned because of spending on the Iraq war and spending on tax cuts, largely for the highest income people in America.

I hope we pass this package. It is not perfect. I would draw it differently. My colleague from Vermont would draw it differently than I would. But it is a lot better than sitting here arguing and doing nothing. The country is in tough shape. We have had the most difficult economic time since the Great Depression. It requires concerted and smart action that President Obama has outlined. Please join us and help us move this country away from the difficult times we are now in.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, as I understand it, I have 7 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. HATCH. Mr. President, I enjoyed listening to my colleague from New York, as I always do. I was very interested in Senator SCHUMER saying that they have met us halfway. The first two bills out of this administration have been the C.H.I.P. bill—that was completely put together by Democrats without any input at all from Republicans and especially from people like me who wrote the original CHIP bill. The second bill was a stimulus package that was put together with no real impetus and no real help from the Republicans or any of us from this side. If you watched the process, it was basically we were told: Take it or leave it. When it finally passed by a narrow vote on this floor, by really 1, it immediately went into a conference where basically Republican ideas were not really considered. We were left out of negotiating this bill.

I cannot help but paraphrase one of the leaders of the White House who said: We Democrats love crises. Why? Because then we can pass legislation we would never otherwise get through the Congress of the United States or through the elected representatives of the people in the two bodies in the Congress.

I am outraged by the amount of government expansion that is contained in this bill. The Majority Democrats have seized this opportunity to put all kinds of programs in here that are not stimulus, some of which may be very valid in the regular appropriations process, but many of which are not stimulus, and are eating funds that should be going to help pull us out of these difficult times. The legislation clearly states that the funds appropriated in this bill should be for emergency uses, yet there is plenty in this legislation that is not imminent.

I have to say that when my friend from New York, Senator SCHUMER, talks about tax relief they put in this bill, it is not true tax relief. When you start calling it a ''Make Work Pay'' tax credit, where they give refundable tax credits to people who do not pay income taxes, that is not a tax cut. It is not even tax relief. It is a cost to everybody else who works and pays income taxes, and it is not going to produce any jobs.

Now, I am not against helping those who do not pay income taxes. I am not against helping people who are out of work. But, let's call it what it is—spending. And let us not put this in a stimulus bill, which is supposed to be effective immediately. Those provisions will not be effective for 2 or 3 years from now.

I have been in the Congress 33 years this year. There has not been one day in my 33 years in the Senate where the fiscal conservatives point of view has been in the majority, not one day. We have won some battles because of great Presidential leadership or just plain gutsy leadership by the conservative Republicans, fiscal conservative Republicans. But, the Congress has been run by the more liberal left Democrats and a few Republicans who will side with them on these issues. This has created too much spending.

One of the Senators on the floor yesterday said, how can we take advice from people who ran us into bankruptcy over the last 8 years?

Well, Congress has exceeded the President's budget 20 times in the past 28 years. And it has always been because of the liberal left along with a few liberal Republicans to make a majority in the Senate.

Since President Reagan, Congress has exceeded the President's budget every year except the years when President Clinton was in the White House. Now, why did we match President Clinton's budget when he was in the White House? It was the first time you had a Republican Congress, and a President who agreed to a lower budget.

Today, the government spending as a percentage of gross domestic product is moving towards 40 percent. That is government spending as a percentage of GDP that is more in line with Europe. 40 to 50 percent spending of GDP is where Europe is. We are going through the ''Europeanization'' of the United States of America.

We have always had to give in to the left, because they have always been too many liberal people and a few Republicans who support liberal spending. This has led to threats to our principles of freedom, self-reliance, and market-driven prosperity.

An example is how our government is taking over the financial sector. Why are managers and shareholders of failed financial institutions not first in line to bear the consequences of their mistaken actions? Why are we not following the principles of a free market society?

The economy has been stronger than the Democrats have been portraying it during those Republican years and during the Bush years, in particular. Democrats keep blaming the current economic decline on the failed economic policies of the past 8 years. But the economy grew each year over the past 8 years. We have only seen a decline in GDP over the past 6 months under which both Houses being controlled by Democrats. Do not miss the point. Over all of these years, we have had a liberal control of spending in the Congress, and you cannot blame President George W. Bush for that. He could have vetoed more, I have got to admit that, but the spending came from the left.

We are headed toward Government spending being 40 to 50 percent of our gross domestic product. And since the bailouts started last year, we have only added nearly $2 trillion to our national debt. That did not happen when Republicans were in control of the Congress. The financial rescue package with $700 billion and more for AIG and other banks, we are beginning to wonder when the spending will end.

I was amazed that in the last election, the Democrats, who had voted for the financial rescue legislation, went out and chewed up a few Republicans who also voted for that legislation. Even though most of the Democrats voted for it, they chewed Republicans up for voting for it and defeated them at the polls—talk about hypocrisy.

We have seen very little success for our money, but even worse, we have used it to save management and shareholders of big banks, even as homeowners were forced into default and Main Street businesses faced bankruptcy. Now we have a stimulus package of $787 billion.

While there is bipartisan concern over the economy, this is a partisan plan. This stimulus bill will explode the size of Government. Why? Because the more you explode it, the more you get people dependent upon the almighty Federal Government. The liberals who have been running us into bankruptcy over all of these years will put us even more into debt.

I think conservatives need to be more alert. If these provisions are made permanent, and there will be a massive attempt to make these permanent, the expansion of Government is going to be enormous. I do not know what you call it other than socialism.

Do not get me wrong. I am for a stimulus bill that would work, that would help homeowners, that would strengthen research and development, that would cut corporate and small business tax rates so that they can employ more people, that would move farther and farther toward creating jobs. That would be effective.

However, this bill does not do that. I hope our colleagues will vote against it. We have to stand up on something, and this is a bill we should stand up on.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. I wish to be recognized for a unanimous consent request. I understood under the current unanimous consent we are going back and forth. I would ask that Senator SANDERS be recognized up to 5 minutes, then Senator COBURN be recognized for up to 30 minutes, and then I be recognized for up to 7 minutes, and if a Democrat comes in and wants to speak between Senator COBURN and myself that they be allowed to do so.

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

The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, my sense of history is a little bit different than my good friend from Utah. I was under the recollection that George W.

Bush was President for the last 8 years. My recollection was that the Republicans controlled the House and the Senate for 6 of those 8 years. My recollection is that during the last 8 years, 6 million Americans slipped out of the middle class and went into poverty. My recollection is that median family income for middle-class working families declined by over $2,000. My recollection is that, yes, the wealthiest people in the country did very well under President Bush but that ordinary people struggled to keep their heads above water.

The bill we are addressing this evening is not perfect. I would have written it differently. I suspect everyone here would have written it differently. But what it does do is that in the midst of the greatest economic crisis this country has faced since the Great Depression, what we do is begin to address the unmet needs of the American people and we begin marching forward to create the millions of jobs this country desperately needs.

Most importantly, we begin the process of moving America in a very different direction so that, in fact, this country does not fall into a great depression from which it would take us years and years and tremendous human suffering to dig our way out.

What this legislation does is says that after years of neglect, let us create millions of good-paying jobs by rebuilding our crumbling infrastructure. In the State of Vermont, our bridges need work, our roads need work, our water systems need work. That is true all over this country.

Let us put people to work rebuilding our crumbling infrastructure. That is what this legislation does. For decades now, people have been saying what a terrible shame it is, how silly it is that we import every single year hundreds of billions of dollars of oil from foreign countries. How silly it is. Well, finally we are beginning to address that absurdity. We are saying now and we are investing in energy efficiency, we are investing in wind, solar, geothermal, biomass, sustainable energy.

Let's end the talk of moving us into a new energy direction. Let's invest in those areas so that America, in fact, can become energy independent. My Republican friends over the years have said what we need to do is give tax breaks to the wealthiest people in this country. In fact, right now, today, despite the fact that we have the most unequal distribution of wealth and income of any country, the Republican leadership today says, let's repeal the estate tax.

Do you know that if we did as the Republicans wanted and repealed the estate tax completely, we would provide $1 trillion in tax breaks to the wealthiest three-tenths of 1 percent, millionaires and billionaires all? Not one person in the middle class would gain one nickel from that effort. It is one trillion dollars for the three-tenths of 1 percent.

Then they come to the floor of the Senate and they say, what a terrible thing, you are investing $800 billion rebuilding America, creating 3.5 million jobs, giving millions of middle-class and working-class Americans tax breaks. What a bad idea that is. You should do not that. We should not invest $800 billion rebuilding America. We should give $1 trillion to the top three-tenths of 1 percent. That is the contrast in terms of how they want to go and how many of us want to go.

What this bill does is not only begin the process of rebuilding our infrastructure, not only begin the process of moving us away from fossil fuel and foreign oil, what we also understand is that middle-class families cannot afford to send their kids to college. So we are putting a significant sum of money in and expanding the Pell grant program.

This bill understands that in these hard economic times, when millions of our fellow Americans have lost their jobs, hunger in America is a real problem. So we are putting money in for food stamps. We are putting money into energy, homeless shelters so that those among us, those least able among us, are protected.

Working-class and middle-class families cannot afford childcare. We are putting billions into helping them get the childcare they need, the Head Start they need, and creating jobs in that area as well.

This is an 800-page bill. It is not perfect. Everyone knows that. But this bill begins the process——

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

Mr. SANDERS. Of moving the country in the right direction. It should be supported.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. I ask unanimous consent that the Senator from Nebraska be recognized next.

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

Mr. NELSON of Nebraska. Mr. President, I thank my friend from Oklahoma for the courtesy of extending 5 minutes of his time on the front end of his time, so I will not be going between Senator COBURN and Senator CHAMBLISS.

Our Nation's economy is in trouble. Over the course of America's history our economy has been in trouble before but rarely this much. Job losses in my State of Nebraska and across the Nation are climbing, and the recession that began some 13 months ago is accelerating.

Of the 3.6 million who have lost their jobs, nearly half received a pink slip in the last 3 months. Everyone in Congress knows we need to act, and to act soon, to try to stop our economy's downward slide, and to ease the increasing hardship felt by millions of American families, business owners, workers, students, and seniors.

The time is now to begin turning this recession toward recovery. Congress cannot wait another 3 or 6 months to see if economic conditions worsen. By then it could be too late and we could be in a depression which it could take years to overcome. Now is the time to provide the tools the American people will use, with creativity and drive, to rebuild the economy and return us to prosperity.

The $789 billion economic recovery plan before us providing jobs creation and tax cuts for millions of Americans has the best chance to do that, I believe. It is timely. This plan is a vast improvement over the first proposal considered several weeks ago.

In the Senate, we faced a reality that any economic recovery plan would require at least 60 votes to overrule a filibuster attempt and win passage. So I and a number of colleagues came together to work across the political aisle with a shared goal: Scrub as much pork, nonstimulative spending, and fat as possible from the bill to focus it sharply on saving and creating millions of jobs. The group I dubbed the ''jobs squad'' included my friend Senator SUSAN COLLINS of Maine and five other Republicans and some 15 Senators in my own party. I thank each of them for their contributions to making the bill better and for helping Congress respond to a national economy in crisis.

This legislation before us is also targeted. There has been a lot of criticism of the final bill before us, and I agree it is not perfect. One criticism I have heard is that it will leave just $13 to $15 in people's pockets per week. To many hard-working Americans, that is somewhere between $700 and $800 a year, money they can use to pay electric or gas bills, buy food or medicine, provide clothes for their children, take a bit of the stress out of their lives.

Let's look back a moment to recent history. In 2003, under the previous administration, Congress approved a major tax cut bill that included $20 billion in economic stimulus for States. Senator COLLINS and I coauthored the provision to help States cope with the loss of State revenues tied to the tax cuts. The $20 billion in State aid was a one-time boost designed to end when it would likely no longer be needed. Eighteen months after the tax cut bill passed, the aid to the States ceased. We have safeguards in the current economic recovery bill that will shut off spending in a similar timeframe. And 78 percent of the spending in this bill will be completed by the fall of 2010, overcoming the old wives' tale that this money will only be spent at the end of the legislation.

This legislation clearly is temporary. As I said, it is not perfect, but it has the support of such major organizations as the National Association of Manufacturers, the U.S. Chamber of Commerce, and, in my State, the Omaha Chamber of Commerce, and others. Members of these groups will be able to use money from this legislation quickly to hire new workers, tackle infrastructure needs nationwide, expand their businesses, and begin to get our economy moving again. The bill will have a major impact on States across the Nation as well. For example, my State of Nebraska stands to receive a total of $1 billion from the recovery plan. Nebraska's K–12 school districts will receive about $236 million to prevent cutbacks, teacher layoffs, to modernize schools, and for other purposes. For State flexibility money, Nebraska will receive about $52 million to help rebuild vital educational and other State infrastructure. It can also be used to help State government provide services and avoid layoffs of critical employees such as State troopers and public safety officers. Nebraska is estimated to receive another $310 million in additional Medicaid assistance, preserving needed health coverage for low-income Nebraskans who will feel the economic downturn more than many others.

The PRESIDING OFFICER. The Senator has used 5 minutes.

Mr. NELSON of Nebraska. I thank the Senator from Oklahoma for the time. I thank the Chair.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I have been sitting here for about an hour. I have to think the American people are pretty sick of what they have been hearing. We heard the Senator from New York talk about how bad the Republicans were. We heard the Senator from Utah talk in Hobson fashion. It doesn't come anywhere close to solving the problem. I think we ought to have a discussion about how we got here. How do we find ourselves in the mess we are in? I think we can look at history.

There was a great historian named Alexander Tytler. He looked at the ancient Greeks and looked at what happened to them as they fell. He said this about republics. He said: All republics fail. They fail as soon as the people figure out they can vote themselves money from the public treasury.

There is no question we are in hard times. There is no question we need to do a stimulus package. There is no question the Federal Government has the power to make a big difference in a lot of people's lives who are hurting right now. I don't think it would be fair to say that there is anybody in this Chamber who doesn't want to try to accomplish that. The difference is, how do you do it? In doing so, what kind of problems do you create?

The way we got here is abandoning this little booklet. If you read article I, section 8 of the Constitution and then read what the Founders had to say about article I, section 8, it is called the enumerated powers. They were very clear in the role of the Federal Government. We are in trouble today, this Nation is in trouble today—not something we can't get out of, we can; not something that the American spirit won't overcome—because we let the politicians abandon the very clear rules and wisdom that was given to us by a unique, almost ordained group of individuals over 200 years ago who saw a vision and said: How do we keep this?

When we abandon this book, as we have and as we did, and we get into trouble, it is important to recognize what we did wrong, if we are going to try to fix it.

The other thing I am tired of hearing about—and I think the American people are too—this isn't a Bush, Clinton, or Obama thing. This is a Congress thing. No President can spend money without us allowing it to happen. I almost laughed when I heard the claims on the Senate floor from both sides about the trouble we are in and how we got there and deficits and the Senator from Vermont and his claim of a trillion dollars.

I think the CBO cost on that was $60 billion on estate taxes. But the idea that we would put a blame on anybody other than ourselves, the truth of that is, go look at the votes on appropriations bills for the last 8 years. It is nearly 100 percent on one side and almost 95 percent on this side of people voting to spend money we didn't have for things we didn't need.

It is important the American people, as they see us trying to work through a process, No. 1, reject any partisanship they will hear. When somebody starts being partisan, turn the TV off because what it means is, they don't have anything substantive to talk about if they are pointing their finger at somebody else.

The second question we ought to ask is, is what we are doing going to fix the problem? Here is the problem. The problem goes back to this. We set up two agencies, Fannie Mae and Freddie Mac, to socialize the risk for homeownership, a total violation of what is in this book. It is a total violation. Then we said: Maybe we can help people a little more, so let's go to subprime mortgages and let's bonus the people who work at the GSEs, Fannie Mae and Freddie Mac. The more subprime mortgages they take, the more money they make.

If I remember, one former leader of Fannie Mae made $140 million because we bought mortgages he knew people weren't going to be able to pay for, but the incentive was there, in a quasi government-owned agency, to do something that is outside of the enumerated powers of the Constitution.

So as we abandon principles, the best way for us to solve the problems in front of us is to go back and look at the principles.

The other concern is, do we have the potential to make things worse? Nobody has talked about that today. Does what we are doing have a potential downside? You can't talk to one economist who doesn't say yes. As a matter of fact, by CBO's own score, 10 years from now this will either have zero effect or anywhere from a minus 2 to a plus three-tenths effect on the economy. The reason for that is we are going to borrow so much money, as we do in this bill, we are going to crowd out private investment. The Government is going to have all the money, and people will not be able to borrow money to invest in new ideas which create opportunity, which create jobs, which create increased standards of living.

So going back, how did we get here and what is the real problem for us to create a stimulus bill right now, before we have a way to solve the housing and mortgage crisis—because the bank problem wouldn't be there if the mortgage and housing crisis wasn't there, for us to fix those first before we do this and for us to have a plan to do that—as a physician, one of the things I notice is, if somebody comes into the emergency room with chest pain, it is one of three or four things. Either they have an esophageal spasm or their esophagus is irritated or they have terrible reflux where the fluid from the stomach acid is burning the esophagus or they are having angina, heart pain, due to lack of blood supply. If you treat the symptoms, you can make that angina go away, but they still have a vascular abnormality around the heart that could kill them.

My worry with this bill is that we are treating symptoms. We are not treating the disease. We are arguing, partisan arguing: Was this a bipartisan bill, wasn't it a bipartisan bill; you did this over the last 8 years, you did this. We need the country thinking forward, not backward. The guide for that has to be the Constitution, which every Member of this body is sworn to uphold but violates daily. We are in this trouble because the Congress put us in this trouble. The blame lies solely here.

Let me talk about the bill for a minute. This is the bill. I won't pick it up and wave it around for fear I would be called into account of using theatrics. But do the American people realize nobody who is going to vote on this bill has read it? There is $727 million worth of spending on every page of this bill. That is what it averages out. So not counting interest, we have a less than $800 billion bill that had 30 amendments in the Senate before it went to conference. We hear they are accepted. Some of them were accepted. We voted on one unanimously, and it got thrown out in conference, just a simple little thing like maybe we ought to make sure that contracting is competitively bid. Now the language reads we ought to try to do that, but we will not make sure that happens.

I brought along with me, thanks to somebody down in the Senate gift shop, this little green item. It is called a thimble. In Oklahoma, we have a statement for that kind of thinking. It is called ''there is not any more commonsense than what can fit in a thimble.'' So when we take out something that is agreed to unanimously in the Senate to mandate competitive bidding so even if we are wasting money, we waste it efficiently, you have to wonder what is going on.

Let me tell you what is going on. This is a massive bill. Supposedly, it doesn't have any earmarks, which is laughable, if you have been around here any period of time.

The conference did clean it up so you can't truly find out where the earmarking is. You could find it out a little bit before it went to conference. Now you can't pinpoint it all. But we are going to move from earmarking to a concept called ''phone marking.'' It is a new concept. It is more powerful than earmarking. Phone marking is this: This bill gets signed, $500 billion of it is going to be disbursed through the agencies. Guess what is the first thing that is going to happen after President Obama signs this bill. Members of Congress and Senators are going to be on the phone saying: I want this money spent here and here and here, and if you don't, in your appropriations next year, you are going to suffer.

That is exactly what will happen with the money in this bill. Everybody who works inside Washington knows exactly that will be what happens.

We have heard talk about the earmarks. I won't try to repeat some of the things that are in this bill. But I will talk about one. We have a private company that was developed. It has spent several million dollars developing a railroad from California to Las Vegas.

Do you know what this bill does? It wipes them out. They invested private capital to develop a railway. In excess of $10 million has already been invested in that, and with the wisp of one earmark, we are going to bankrupt people who invested their life savings to try to do something good because the Government is now going to do it through an earmark and going to try to accomplish something that has only been done in one country and not effectively. It costs $100 million a mile to build a maglev train, and we are not going to see any of that money spent for 4 or 5 years because the technology is not here.

That aside, there also was an amendment that truly would have done something to fix the real problem: housing—the Isakson amendment, with a $15,000 tax credit, if you are buying a primary residence, whether it is a foreclosed home or a new one. It would have done something magnificent in terms of lessening the crisis in housing.

What did we do? Out. It had an overwhelming vote in the Senate, but it is out. How do you explain that? What is going on here? What is going on here is the initiation of what Alexander Tytler talked about: the failure of a republic. And it is about short-term politically, expedient thinking to the benefit of politicians, instead of what is the best right thing we can do for our country.

The very claim that Senator MCCAIN did not offer a substantive bill that would have significantly increased the number of jobs created, at a significantly lower cost, as scored by CBO and as scored by outside economists, is a spurious claim.

Another thing that got added into the bill is the most dangerous precedent for health care in this country we have ever seen. We are now, with this bill, embracing Great Britain's health care system. What we are saying is that we are going to allow the Government in the future to decide what care you will get. It is called comparative effectiveness, and it is going to be based on cost, not clinical outcomes. We are going to abandon the knowledge of physicians, the experience they have with their patients, the 8 to 12 years of additional training they have and the lives that have been dedicated to improving the health of their patients. We are going to abandon that to a bureaucracy where the Government says: We know best.

We are going to do that because we cannot afford Medicare in the future, and we are going to say, just like England says, if you only get 1 more year of life, then the most we can spend on you is $49,000. If you are 75 years of age and you are a Medicare patient and you fall and break your hip, we are sorry, we are not going to do it because it is not cost-effective.

The first leg of you losing a doctor-patient relationship and the freedom to have health care decisions made by you and your caregiver is buried within this bill and will kill health care in America as far as its quality. You will get access—you will get to wait just like Canada and England do—but you will kill the quality and will kill medical innovation in this country. This country leads the world. Mr. President, 7 out of every 10 major breakthroughs in medicine occur in this country. And the reason? It does not mean we have a good system now. It needs to be improved.

Here is the theory as I have observed it in the 10 years I have been in Congress: Never do what is best when you can do what is safe. That is how it operates in Washington and throughout the Federal agencies. They are risk averse, just like the politicians are risk averse to challenging priorities in this bill, that we ought to have priorities to spend the money for what would get the most jobs, the most economic benefit.

I had an amendment that was adopted. It had 73 or 74 votes. It got watered down and divided in conference because a lot of special interest groups said: Oh, no. You can't do that. So what did we do? They are not a priority as far as what we should be doing right now. As a matter of fact, 80 percent of—most of the groups that were complaining about it get their funds from private sources. The best way to get them funded back up is getting private sources moving again in terms of the economy. But what did we do? We chose the politically expedient path. Again, it was not often thought of—political expediency—by the people who created this country who risked their lives and their fortunes to make sure we have the freedom we have today. But yet we are abandoning that.

It comes back to: What is our heritage as a nation? What is the heritage we as a nation have been brought forward with? I will tell you what I think it is. I think the heritage we have is that one generation was willing to make hard choices and hard sacrifices so the generation that followed would have greater opportunity—greater opportunity—a higher standard of living, more freedom, more liberty.

What have we done? We are going in reverse. What we have been doing for the last 10 to 15 years in this country, what we have been saying is we will take it now. Kids, you lump it. As an example of that, if you look at 2008, the Federal Government spent $25,000 per household of your money. A good portion of it—a third of it—was borrowed. But we spent $25,000 as a Federal government per household. With this bill, we are going to spend $38,000 per family—just with this one bill. And we are hurrying it up. We have to get it done right now because there are CODELs, trips, and junkets waiting for Members to go on, including the Speaker of the House.

So we have a bill that nobody has read, that has some real questions about whether it is going to be stimulative, that has taken out good financial controls such as competitive bidding, taken out listing priorities, and we are going to vote on it tonight, with nobody ever having read it. That is about as bad as the partisan bickering we have heard.

Does it serve us well to hurry and do something when we do not know what we are doing? Now, there are some staff members who know some of what is in here. But there is not one person who knows the full extent. Mark my words, within a month, we will be back in here passing a bill to do all the corrections to this bill that we do not have right and correct at this time. That is how sloppy we do our work. So it is not only sloppy in terms of our effort, it is sloppy in terms of our theory.

I would also add we are going to move from $2,000 per family in interest costs to $4,817 per family this next year. Now, in my State, the average family income is below what the Federal Government is going to spend with this bill. In my State, average family income is under $36,000. Yet we are going to spend $38,000 this next year per family in this country, and we are going to justify we had to do it to get us out of trouble. And we are going to do it because we did not fix the real problem, we are treating the symptoms. We are all going to feel good, and we are all going to take the invite of the Senator from New York to come on over and join us.

The fact is, my oath as a Senator should disallow me from ever voting for this bill. Anybody who votes for this bill will be violating their oath to this Constitution. America demands something be done. They are right. We need to do something. Should we do it sloppily? Should we do it without focus? Should we do it without temperance? And should we do it in a timely manner to make sure we are not treating the symptoms as reflux or esophageal spasm, but we actually go in and take the clot or the plaque out of the artery that surrounds the heart? Isn't that what we should be doing? Shouldn't we be fixing the real problem?

While we are at it, we ought to be fixing us because we are the cocommitters of the real problem. Shouldn't we all be thinking long-term rather than short-term political benefit? Shouldn't we be realizing what is expected of us?

I would hope Americans tonight, if they have children, will go and look into the eyes of their children. There is something you see in children in this country that is very different than when you look in the eyes of some starving African child or some Third World country child. What you see, when you look into those beautiful brown, blue, green or hazel eyes, is hope.

I think about my four grandkids and the one who is on the way. When I look in their eyes, I see hope. Then contrast that with the pictures you have seen of the despair and look of no hope of the kids around the world who have not had the opportunity of this country. What we are doing is we are stealing some of that hope tonight from our children.

If you do not have a young child but you have one who has grown up, think back to that picture you have on the wall and look into those eyes and say: Do you want to steal that hope? Because that is what we are doing. We are limiting their liberty economically. We are limiting their freedom to be the best and brightest and have the greatest potential that any society has ever offered their youngest citizens. That is what we are doing with this bill.

I will close with this and reserve the remainder of my time. There was a President we had who made a statement that was fairly popular, but it has great application right now. He said: Freedom is a precious thing. It is a precious thing. It is never guaranteed. It is not ours by inheritance. It has to be fought for and maintained and won by every generation.

As we embrace this bill, we are selling out the heritage of our country. We are denying the hope and joy in those young eyes and we are limiting the freedom our children will enjoy. We can do better. We must do better for this country. Our country needs statesmen who will sacrifice themselves for the best interests of the country rather than the best interests of their party or the best interests of their political career.

Freedom is precious. We are going to take a bit of it away tonight. It is going to go away, and you will see a little decrease in the glimmer of those children as they contemplate and we contemplate their future.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Who yields time?

The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I think I have 7 minutes under the consent. Will you let me know when I have a minute remaining, please.

The PRESIDING OFFICER. The Chair will notify the Senator.

Mr. CHAMBLISS. Mr. President, I rise to speak in opposition to this bill, and I do so somewhat reluctantly because I do not think there is an individual who is a Member of this Senate who does not agree that something needs to be done.

We are in a financial crisis in this country today. We are in not just a financial industry crisis but every household has their own financial crisis they are looking at. We have folks out of work. We have folks who are looking at their homes being foreclosed, some of whom are even still working. We have real issues that need to be dealt with. The question becomes: How do we solve this problem? How do we, as policymakers, act in a responsible way to address this crisis?

There are three real issues that need to be addressed, in my opinion. First of all, the issue that got us into the crisis mode we are in is the housing industry. The housing industry crisis started years and years ago. I could go all the way back to the Carter administration and talk about bills that were passed by this body that started the ball rolling. It steamrolled in subsequent administrations and came to a head last summer and last fall, when we saw foreclosures reach an alltime high, and they have gotten higher ever since. We saw the financial sector of our economy collapse. But that does not do us any good to talk about that.

We have to deal with the cards we have in our hand today, and we have to look forward. But let us make no mistake about it, if we do not fix the housing crisis this country is in, all the hundreds of billions of dollars and trillions of dollars we have obligated and are about to obligate are not going to be spent in the correct manner because we have to fix the housing market. We have too many households in America that are upside down. Upside down means the home they have now is worth less than what they owe on it. Those particular households all across America are struggling right now with the decision of whether they are going to continue to make their house payment or whether they are going to just let the foreclosure proceed so they don't have to make a payment on a house that is worth significantly less than what it was when they bought it.

There was a provision we debated on the floor of this body last week called the Isakson amendment. My colleague from Georgia introduced that amendment which would have allowed a $15,000 tax credit to anyone who buys a home in the next 12 months. That $15,000 tax credit would have gone a long way towards incentivizing individuals to buy homes and take these houses that have been foreclosed on out of the inventory of the financial institutions across this country and allowed our developers to get back to work. It would have taken those developers now in their own partially developed—or in some instances totally developed—subdivisions and given them the opportunity to get back into the marketplace with credit being freed up and continue to develop those subdivisions and build houses and put carpenters back to work and plumbers back to work and folks who lay carpet back to work. That is the kind of stimulus that needs to be done to get the housing industry back on track.

Unfortunately, during the conference that took place over the last several days, starting, I think, at midnight the other night, from what I hear, and concluding maybe at midnight the next night, that provision was taken out.

So with this bill, as we see it on the Senate floor today, the Isakson amendment has been so watered down that it is meaningless. It is not going to be an incentive on the part of anyone to buy a home.

Now, we don't have one single provision in this bill that is going to be voted on, on the floor of the Senate tonight, that is going to really stimulate and invigorate the housing sector of our economy.

Secondly, there was another amendment I thought was a pretty good amendment. I didn't know about it until we got the bill on the Senate floor, but it was a Democratic amendment by Senator MIKULSKI from Maryland. Her amendment basically said: Look, you are not going to stimulate the automobile industry by writing checks to Detroit. The way you stimulate the automobile industry is to put people in the showrooms around America. I am trying to buy a car right now, and I was particularly interested in what she had to say because what her amendment did was to allow an individual who bought a car and financed that car to deduct the interest paid on that loan at the end of the year off of their income taxes. Pretty good idea. For somebody who is in the market for an automobile, that may have been the final thing that put them over the top. Unfortunately, that particular amendment, too, has been so watered down that it is meaningless. It is not going to do one thing to incentivize or stimulate an individual to go out and buy a car today.

The next issue that needed to be addressed is job security and job creation. Are there provisions in this bill that seek to create jobs? You bet there are. Out of $789 billion, I would hope some of those billions of dollars would do that. Certainly, with respect to part of that money that is going to infrastructure projects, to build roads, to build highways, to do waterworks projects, there are going to be jobs created by that, and I have an appreciation for that fact. However, the fact is, it falls way short when it comes to looking at the percentage of spending that is allocated in this bill to infrastructure projects. It is minuscule—minuscule—compared to the total amount of $789 billion that has been allocated, and when you add the interest, the $1.2 trillion that we are going to obligate tonight if this bill does, in fact, pass.

There is a way we could have addressed job stabilization and job creation. In the McCain amendment that was on the Senate floor, there was a provision in that amendment that said we can incentivize the small business community—which is the heart and soul of the job creation sector of our economy—we can incentivize that small business community to grow their business.

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

Mr. CHAMBLISS. Do I not have a minute left?

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

Mr. CHAMBLISS. I am sorry, I thought you were going to let me know when I had 1 minute left.

I ask unanimous consent for 1 additional minute.

Mr. DURBIN. Mr. President, reserving the right to object, I ask unanimous consent for 1 additional minute to Senator INOUYE of Hawaii.

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

Mr. CHAMBLISS. Mr. President, the fact is, that amendment should have passed. It didn't pass. That would have gone a long way toward stabilizing and creating jobs in this market.

The third part of this is that we need to be compassionate. We need to extend unemployment benefits. That is an appropriate part of spending but, again, minuscule compared to what is being spent here.

This total amount of $789 billion which translates into $1.2 trillion has to be paid back. The Lord has blessed my wife and I with four grandchildren, two of whom we have had for about 10 and 12 years, and two of whom were just born about 60 hours ago. It is those grandchildren of mine and the children and grandchildren of everybody in this Senate and all across America who bear the responsibility of paying this money back. When we spend money, we are obligated to spend it judiciously and responsibly. This expenditure of $1.2 trillion is not going to stimulate this economy, and this bill ought to be defeated.

Mr. President, I yield the floor.

SOCIOECONOMIC PROCUREMENT PROGRAMS

Ms. MURKOWSKI. It is my understanding that the language in section 1610 that reads ''is otherwise authorized by statute to be entered into without regard to the above referenced statutes'' is intended to ensure that existing Federal procurement laws applicable to programs that allow for set-asides and direct-award procurements for service-disabled veteran-owned businesses, minority-owned businesses, tribal enterprises, women-owned businesses, HUB Zone qualified businesses and other entities covered through SBA programs, as well as, for example, the Javits-Wagner-O'Day Act Program, remain fully applicable to contracts initiated under this Act, is that correct?

Mr. INOUYE. The Senator is correct. Nothing in this act overturns or changes the existing procurement laws for the SBA or similar programs or the Javits-Wagner-O'Day Act. Since approximately 80 percent of the jobs in the United States are created by small businesses and since one of the main purposes of the American Recovery and Reinvestment Act of 2009 is to get people back to work as soon as possible, the intent of this stimulus package is that small businesses, including those participating in SBA programs, will be able to participate in spending programs contained in the bill so long as the contracts are awarded following existing Federal law for competitive and direct award procurements.

Ms. MURKOWSKI. I thank the Senator for this clarification.

SMALL FREIGHT RAILROAD PROJECTS

Mr. SPECTER. Mr. President, I seek recognition to clarify a provision in the American Recovery and Reinvestment Act. It is my view that our national transportation policy should promote a balance between the highway and rail freight shipment modes. In promoting this concept of modal balance, I have particular interest in the well-being of the 500 short lines and regional railroads of America. I am advised that these railroads operate 50,000 miles of line, nearly 20 percent of the entire system. They connect communities and entire rural regions of the country to the mainline rail network. These carriers provide essential economic and environmental benefits primarily in rural regions of the country, including those in my State.

Pennsylvania has 54 small railroads that operate over 3,000 miles of line. It is estimated that if these railroads are abandoned, Pennsylvania highway users would sustain additional pavement damage of $87 million annually. This alone, in addition to the documented environmental and congestion relief benefits of freight rail, is a notable public benefit to highway users. In 2007, Congress enacted Public Law 110–140, the Energy Act of 2007, and chapter 223 created a new program of capital grants to class II and III railroads to preserve this essential service. I believe that this provides an authorization and public interest justification for funding small rail projects with stimulus appropriations.

There are two programs within the American Recovery and Reinvestment Act that are of particular applicability. They are both adopted from the Senate version of the bill. First, the Senate bill included a $5.5 billion discretionary program that could be used for highway, transit, as well as freight and passenger rail projects. The conference report funds this at $1.5 billion. There is a threshold that the projects must be between $20 million and $500 million. I am informed that this is too high a threshold for most short line rail projects. Fortunately, the conference report stipulates that the Secretary may waive the requirement for smaller cities and regions. It is my understanding that these investments may include short-line railroad projects that meet public benefit tests such as those stipulated in the Energy Act of 2007 and provide a benefit to highway users. Second, the conference report includes $27.5 billion for highways and surface transportation infrastructure. The conference report explicitly states that grants may be for passenger and freight rail transportation projects. The flexibility criteria states that a project must be eligible under Section 133 of title 23 601(a)(8) which reads in part ''for a public freight rail facility or a private facility providing public benefit for highway users.'' My understanding is that short line rail projects that ''provide a benefit to highway users'' are be eligible for this funding.

I would ask the distinguished chair of the Transportation, Housing and Urban Development and Related Agencies Appropriations Subcommittee if I am correct in my understanding that the Secretary may waive the $20 million minimum requirement under the discretionary grant program and that short line and other freight rail projects that provide a benefit to highway users are eligible under the $27.5 billion highway infrastructure investment.

Mrs. MURRAY. Mr. President, yes, the Senator from Pennsylvania's understanding is correct. The conference report does give the Secretary of Transportation authority to waive the minimum grant size under the discretionary grant program for the purpose of funding significant projects in smaller cities, regions or States. Additionally, funds provided for investment in highway infrastructure maybe be used for passenger and freight rail transportation and port infrastructure projects.

Mr. SPECTER. I thank the Chairman.

ECONOMICALLY DISTRESSED COMMUNITIES

Mr. WARNER. Mr. President, I rise to engage my colleague, the chair of the Environment and Public Works Committee, in a colloquy. The Reinvestment Act we are passing today provides a unique opportunity for some of our most economically distressed communities to connect to our Nation's transportation network. We have ''shovel ready'' projects that are in need of funds. As the chair knows, these Federal funds have enormous potential to help complete work on projects and help bring jobs and economic development to our communities. I ask my colleague, in helping to draft this legislation, is it her intention to ensure that projects already under development in distressed communities receive full consideration under the law?

Mrs. BOXER. Projects in economically distressed communities are a high priority in this legislation and those projects should be addressed on an expeditious basis under applicable Federal requirements.

Mr. DURBIN. Mr. President, our Nation is in a serious recession. The American recovery and reinvestment conference report that we now have before us will help create or maintain 3.5 million jobs.

The question before my colleagues is this: Will we act together to reinvigorate our economy, turn the tide on this recession, and create those 3.5 million jobs, or will we say no?

When we cast our vote today, we are not choosing between the bill we personally would have written and the bill before us. The choice before us today is between the bill we have before us and doing nothing. And we simply cannot afford to do nothing.

The recession is the most pressing threat to our national security.

I have spoken often on the floor over the past several weeks about the alarming job losses that continue to escalate each day. That alone should be enough to convince my fellow Senators we must act.

Yesterday, we heard a new argument for action. President Obama's top intelligence advisor, Director of National Intelligence Dennis Blair, told us yesterday that the deteriorating global economy is now the greatest threat to America's national security—a security threat more grave even than terrorism.

He said:

> Roughly a quarter of the countries in the world have already experienced low-level instability such as government changes because of the current slowdown.

Director Blair said that the most immediate fallout from the worldwide economic decline for the United States will be ''allies and friends not being able to fully meet their defense and humanitarian obligations.''

We have a bill before us that is ready to be sent to the President's desk. What could any of us be waiting for? The global economy will only recover if the largest economy in the world—ours—begins to recover. That is what this bill is designed to do.

The bill provides a long list of critical investments. The powerful investments in America contained in this package are too numerous to list, but here are a few highlights:

On infrastructure, the conference report includes a critical $8 billion investment for our intercity passenger rail system. This funding will take us a long way toward the goal of transforming our national transportation system, including rail service for many people in my home State of Illinois who want to ride the trains today but simply can't find a seat on our overcrowded trains.

The conference report invests $4.7 billion in extending broadband access to underserved areas, so that all American families and businesses can benefit from the technology of the 21st century. These investments will create good-paying jobs here in America. And all Americans will benefit from stronger transportation and telecommunication systems in this country.

In the area of tax cuts, 95 percent of all working families in America will receive a tax cut of up to $800. Mr. President, 26 million families will be shielded from paying additional alternative minimum tax payments for 2009. Small businesses will benefit from new tax provisions related to expensing, net operating loss carrybacks, and capital gains. These tax cuts will help American families keep food on the table and will help many small businesses stay in business and weather the storm of this economic downturn.

On education, Pell Grants will be increased by up to $500 per student so that more students can stay in school even as the finances of their families deteriorate. Illinois students will receive over $650 million from this national investment in their future.

A new American Opportunity Tax Credit will provide eligible students with up to $2,500 to help with tuition and expenses. Over 150,000 students in Illinois will benefit.

Some argue that we shouldn't be investing in education because it isn't ''stimulative.'' I disagree. What is the impact on the economy if students all over the country have to drop out of school because their families can no longer afford the cost of higher education? How does that help turn around our economy and sustain our economic strength over time? An investment in those students pays off now, and it pays off again later, as they emerge from school better prepared to participate in a renewed economy.

On health care, out-of-work Americans trying desperately to maintain the health care coverage they received from their former employer will receive help from the Government with their COBRA payments. The Government will pay 65 percent of COBRA premiums for up to 9 months while these individuals look for work.

States will receive more Medicaid funds to help low-income children and their families keep their Medicaid coverage. My home State of Illinois, for example, will receive $2.9 billion over 2 years.

It is critical that families receive this modest but vital help as they try to stay afloat and desperately look for new jobs. Providing insurance against the costs of health emergencies is a fundamental way to help struggling families, and it produces an immediate, stimulative effect as the fund flows.

Voting no is the real generational theft. Now, some of my colleagues on the other side of the aisle have claimed that this bill amounts to ''generational theft.'' My answer is this: We are stealing from our children's future if we fail to act today. If we don't act, we are stealing from millions of children the one thing that is more important than anything else: hope.

We are trying to save or create 3.5 million jobs with this bill. Those jobs aren't just numbers on a page; they represent real lives—real fathers and mothers who either can or cannot make ends meet for their little ones.

Are we not stealing hope from our children if we tell millions of parents that they have to go home to their kids and explain that there is no more money coming in to put food on the table?

Are we not stealing hope from millions of children if we take away the security of being able to sleep in their own bedrooms each night, if we stand aside as they are thrown out on the street when the banks come to take away the keys to their homes?

Are we not stealing hope from our children if there is not enough money to allow them to go to college because all of the money that might have been saved needs to be used now to keep the family from going bankrupt?

This bill commits generational theft?

We have been told by economists across the political spectrum that today's economic malaise is greater than anything we have experienced since the Great Depression. We have been warned of the potential for a decade of more lost growth.

What is the cost to our children, if they inherit an economy from us that is stuck in reverse or neutral for years and years? If we have a way out of this crisis and we fail to act, isn't that the real generational theft?

Voting no today steals hope from our children. Voting no today steals economic growth from our children. Voting no today steals a more secure future from millions of children.

That is the theft we commit today if we fail to send this recovery bill to the President's desk.

Mr. GRASSLEY. Mr. President, I would like to speak on concerns I have with the Medicaid and welfare provisions in the conference agreement we will be voting on shortly.

This bill would provide an $87 billion slush fund for the States.

As I have said on the Senate floor numerous times during this debate, States don't need $87 billion for their Medicaid Programs.

The Congressional Budget Office analyzed an amendment I wrote to target funds just for enrollment-driven increases in Medicaid spending. The nonpartisan Congressional Budget Office gave us the answer for how much it would cost to provide federal funding for the additional Medicaid enrollment caused by the economic downturn. And that cost is not $87 billion; it is 1.8 billion.

The remaining $75 billion in this bill goes to helping States fill in their deficits. Giving States almost eight times what they need for enrollment-driven Medicaid does not meet the definition of targeted in my book.

Now, we will hear that this $87 billion Medicaid slush fund for States is necessary to avoid tax increases at the State and local level. We will also hear that vital State services will be cut unless the Federal Government cuts this big blank check to the States. But when asked to tie the taxpayer dollars to guarantees that the States will not raise taxes or cut services, we have been turned back by Members on the other side.

I heard some folks on the other side of the aisle claim the formula for distributing the funds better targets relief to the States that need it most by using unemployment rates in the formula.

Using unemployment makes sense to target—there is nothing wrong with that. But it doesn't work if you then funnel the money for the States through Medicaid.

Let me explain. Every State has a different sized Medicaid program—some States have bigger Medicaid Programs and some have smaller ones.

By using Medicaid to distribute the 87 billion, the formula in the bill necessarily biases the funds towards States with large Medicaid Programs, like California, Illinois, Massachusetts and New York.

Now we'll hear that those States need more because they have larger Medicaid Programs. But remember it only takes $10.8 billion to pay for enrollment-driven Medicaid spending increases.

So States like California, Illinois, Massachusetts and New York get favored treatment and everyone else gets short-changed.

Simply put, this way of targeting misses the target. The formula in this bill clearly fails the targeting test of the three Ts.

This bill also undermines key principles of welfare reform. While it makes sense to provide a safety net for families that have lost their jobs, this bill moves welfare policy in the wrong direction.

The historic Welfare Reform law signed by President Clinton already has a built-in mechanism to help states during an economic downturn. That law provides welfare contingency funds for States in economic need.

But rather than make the existing contingency fund more accessible to States, this bill creates a new fund that includes policies that are not consistent with the principles of meaningful welfare reform.

For the first times since the abolishment of the aid to families with dependent children program, this new fund gives States financial incentives for expanding their welfare caseloads. Rather than encourage States to reduce their welfare rolls, this provision rewards States for enrolling families on welfare.

This bill also relieves States of the responsibility to engage able-bodied adults on welfare in work training, work experience programs or education.

It makes no sense to promote policies that encourage States to expand their welfare rolls while loosening requirements on States to provide work training, work experience programs or education. At this critical time, these job training activities are even more important than ever.

These changes will not stimulate the economy nor will they lead to productive jobs. In fact, these policies could trap families in deep and persistent poverty.

Mr. President, that is clearly not what we should be doing in this bill and it is another reason why I am unable to support the legislation.

Mr. President, I am back again to speak about some provisions that are buried deep within this stimulus bill that was put together behind closed doors without input from the minority. I know this was done behind closed doors because I was a conferee to the negotiations and I wasn't even in the room.

Now, I have always been a strong advocate of opening up Government, making it more transparent, making it more accountable, and shedding some sunlight on how the Government works for the people. So, in that vain, I am here today to shed some light on provisions hidden away in the conference report that will actually hurt transparency and accountability of taxpayer dollars.

Inspectors general are the front line against fraud, waste, and abuse of taxpayer dollars at Federal agencies. They are independent from the Federal agencies they oversee and are independent from Congress. They are the watchdogs that are responsible for sifting through all the budgets and expenditures by conducting audits, performing program evaluations, investigating allegations of wrongdoing, and working closely with whistleblowers to uncover the truth. Inspectors general point out problems that need to be fixed and save taxpayers billions of dollars a year. They are integral to any effort to stamp out waste and deter fraud and abuse. So, I was pleased to see that they weren't forgotten in the bill and were given some more resources to oversee the billions in new spending. However, tucked away in this bill is a provision that threatens to micromanage these independent watchdogs in a manner that is contrary to not only the spirit and intent of the Inspectors General Act of 1978, but the 31 years of results these dedicated fraud fighters have worked to achieve.

I will point my colleagues to division A, page 465 of the conference report. There, section 1527 is, ironically titled, ''Independence of Inspectors General.'' Great title, something you would think you would like to support. If you keep reading, it states that ''nothing in this subtitle shall affect the independent authority of an inspector general to determine whether to conduct an audit or investigation of covered funds.'' Again, a nice statement that reinforces the fact that we want inspectors general to be independent, but, unfortunately, the provision doesn't stop there.

If you read a little further you will find that the bill gives a new entity, the ''Recovery Accountability and Transparency Board'' the authority to, request ''that an inspector general conduct or refrain from conducting an audit or investigation.'' It goes on further to say that if an IG objects to being told what to do and acts independently—as we expect them to—he or she must submit a report to that board, the agency they oversee, and to Congress within 30 days.

Now, I don't know about everyone else around here, but that sounds to me like a lot of redtape for an independent watchdog to go about doing their job. In fact, it is fitting that the acronym for this board is RAT, because that is what I smell here.

But, most importantly, this provision strikes right at the heart of any inspectors' general independence. It appears to me that the majority that crafted this bill, isn't all that interested in transparency and accountability. Let me say it loud and clear: I don't like this one bit and from the chatter I hear, the IGs don't like it either—especially if it involves a criminal investigation.

Now, some of my colleagues will say this isn't too burdensome and that it will help coordinate the work of inspectors general. Others say that the new board will contain IGs who will have input so it won't stifle investigations. Both of these arguments lack merit when you peel the onion back.

Any new limitation on the independence of inspectors general is dangerous. Here, even though an inspector general is allowed to buck the new board and continue an investigation they are told not to do, he or she must then put together a report for that board, the agency that is being investigated, and Congress, all within 30 days. This will take resources away from investigating and auditing fraud, and turn a truly independent IG into a report writer.

As to the argument about the makeup of the new board, it is true that inspectors general will make up the bulk of the board. However, it will be chaired by either: the Deputy Director of the Office of Management and Budget, a Presidential appointee confirmed by the Senate, or any other individual subject to Senate confirmation. So, based upon this model, you could have a situation where the President appoints a sitting Cabinet Secretary to oversee the board that oversees the inspectors general that oversee the agency run by the Secretary in charge of the board. I don't want to even try to imagine the scenario where the head of the board is a private sector corporate figurehead of a company that has a financial conflict stemming from the fact that the company receives stimulus money. The system this bill creates is not only unworkable; it is loaded with potential for conflicts of interest that are simply mind blowing.

I also question the need for yet another board full of Government officials. Why do we need yet another Government entity? The inspectors general have worked cooperatively for years via the President's Council for Integrity and Efficiency, PCIE, and the Executive Councils for Integrity and Efficiency, ECIE, which are made up of inspectors general. These entities were recently rolled into the Council of the Inspectors General on Integrity and Efficiency, CIGIE, by the Inspector General Reform Act of 2008. This new board created by the stimulus bill will simply duplicate already existing efforts in addition to hindering the independence of inspectors general.

We have repeatedly recognized the need for independent IGs and we unanimously passed the Inspector General Reform Act of 2008 that was signed into law by President Bush last October. That law was passed because Congress and the IGs recognized that changes were needed to strengthen the independence of inspectors general. It included simple, straightforward reforms such as ensuring each inspector general had access to independent legal advice free and clear of agency influence. It seems to me we all agreed independence was needed for IGs so long as it occurred when there was a Republican President. I hate to think that there is some conspiracy here, but when we have all backed the independence of IGs in the past, you have to question the change of direction buried deep within this bill.

This is a dangerous provision that will hamper oversight, restrict transparency, and damage the independence of inspectors general. It works against the pledge of transparency and accountability that President Obama has advocated for and puts another layer of bureaucracy between taxpayers and the truth about how the hundreds of billions of dollars are spent.

Mr. President, I would like to talk about an immigration provision that was included in the final conference report, as well as a couple that were not.

First, the good news. I was pleased to hear that the conference report retained the Sanders-Grassley amendment to ensure businesses that receive TARP funds go through a very rigorous hiring process before employing new H–1B visa holders. Hiring American workers for limited available jobs should be a top priority for businesses taking taxpayer money through the TARP program. With the unemployment rate at 7.2 percent, there is no need for companies to hire foreign workers through the H–1B program—particularly in the banking industry. According to an AP article, the banking industry requested more than 21,800 visas for foreign guest workers over the last 6 years. At least 100,000 workers were laid off in the banking industry in the past few months. Now that many qualified American bank employees are unemployed, banks who want to hire workers shouldn't have a hard time finding what they need from an American workforce.

The Sanders-Grassley language requires that a company receiving TARP funds and applying for workers under the H–1B process must operate as an ''H–1B dependent company.'' This means they will still be able to hire H–1B visa holders, but must comply with the H–1B dependent employer rules which include attesting to actively recruiting American workers; not displacing American workers with H–1B visa holders; and not replacing laid off American workers with foreign workers. This restriction would last for 2 years.

So this amendment would ensure that TARP recipients comply with strict hiring standards in order not to displace qualified American workers. The bottom line is that if banks are going to be getting TARP money—American taxpayer money then they need to be hiring American workers. While I support the H–1B program, it needs to be used in the way it was intended and not to replace qualified American workers. This amendment helps to ensure that taxpayer money going to assist companies get back on their feet also helps American workers keep and/or get jobs.

Now, the bad news. I am extremely disappointed that the final bill doesn't include some very important E-verify provisions. The House passed stimulus bill included language to extend the E-verify program, a program that allows employers to verify the social security numbers and legal status of newly hired employees. The E-verify process has been an extremely successful program for employers. In addition, the House passed stimulus bill included language that would have made it mandatory for companies receiving TARP funds to use the E-verify system when hiring new employees. These two provisions passed the House with broad bipartisan support.

Here on the Senate side, my friend Senator SESSIONS filed several amendments to extend E-verify and require TARP recipients to use E-verify. I fully supported those amendments. Unfortunately, the good Senator from Alabama was blocked from offering his amendments to the Senate bill—even though, if given the chance, I am sure that his amendments would have passed with the same overwhelming vote as the House amendments.

I was ready to support the House E-verify provisions in conference. As we all know, Republican conferees were shut out from any negotiation of this conference report. But we were extremely hopeful that the provisions were going to be retained, because of strong bipartisan support on both sides of Capitol Hill.

So I was really surprised to hear that House leadership stripped E-verify completely from the conference report. Many people supported these provisions and understood their importance. These E-verify provisions would have helped stimulate the economy by preserving jobs for a legal workforce, so it is outrageous that they were not included in the final conference agreement. The American taxpayer is spending nearly a trillion dollars to spur the economy. It's not much to ask that the companies receiving hard earned taxpayer dollars actually make sure they are employing legal workers. The exclusion of both the E-verify reauthorization and the requirement that companies getting TARP money have to use the E-verify program is truly a colossal failure on the part of our congressional leadership to stimulate the economy and ensure that jobs go to legal workers.

The fight is not over. I am a strong believer in the E-verify program. I will continue to work with my colleagues to make sure that this important program is reauthorized and utilized by as many employers as possible.

Mr. BINGAMAN. Mr. President, section 405 of division A of this conference report involves an amendment to section 1304 of the Energy Independence and Security Act of 2007, which is under the jurisdiction of the Committee on Energy and Natural Resources, of which I am the chair. It is a provision that deals with the standards and protocols that will be used in Smart Grid demonstration projects. With respect to these demonstration projects, the conference report states that the Secretary of Energy ''shall require as a condition of receiving funding under this subsection that demonstration projects utilize open protocols and standards (including Internet-based protocols and standards) if available and appropriate.'' This is a clarification of language originally passed by the House of Representatives on the subject. It makes clear that all protocols and standards used by Smart Grid demonstration projects must be open. Some of those open protocols and standards may involve sending information over the Internet. Others may use other means of data transfer. The parenthetical inclusion of Internet-based protocols and standards under the requirement for open standards means nothing more than that to the extent that an open standard uses the Internet, it is still an open standard, but (1) the universe of open standards and protocols is not considered to be limited to only those which use the Internet, and (2) the mere use of the Internet would not cause a standard to meet the criterion of being open if it were not otherwise an open standard. There is no intent in this language to discriminate for or against any given open protocol or standard, or to promote any one technology solution over another, so long as they are available and considered to be appropriate by the Secretary of Energy. The Senate expects the Secretary to conduct the process of making awards under this authority in a way that ensures there is no discrimination for or against any open protocol and standard that is otherwise available and appropriate.

Ms. CANTWELL. Mr. President, the Senate tonight will send to the President the American Recovery and Reinvestment Act. I think this legislation is a first step not only in turning the economy around in the short term, but also in laying the groundwork for rebuilding and growing it over the near and longterm. But we need to do much more.

I think it is important to lay down a marker right now that our job on rebuilding this economy is not finished. We must continue to focus on making the right kind of investments, ones that help us realize our maximum economic potential and ones that update our economic engines for the 21st century and beyond. To do this, we must make a commitment to invest in our capacity to innovate and in our capability to commercialize new technologies and discoveries.

I have worked with many of my colleagues, especially Chairman BAUCUS and Senator HATCH, on bolstering the incentives that support our country's research capabilities.

For example, I have long been a supporter of making the R&D tax credit permanent. I continue to believe that we have done ourselves a tragic disservice by failing to provide long-term predictability to the very businesses that are driving economic growth and are at the frontline of every innovation and discovery that moves us forward as a society.

We all know that if the high-wage jobs of the future are going to be created in the United States we have to make the necessary investments in intellectual infrastructure to keep American business competitive in the global economy.

Investing in America's intellectual infrastructure is key to economic growth and instrumental in spurring entrepreneurial innovation and job creation. It is just as important as our commitment to physical infrastructure.

Yet, thousands of companies employing U.S. workers in cutting-edge, research-oriented industries such as biotechnology, high technology, and clean technology are suffering from the same fate that has affected our U.S. manufacturing companies. Without credit markets properly functioning and with little to no investment from the equity markets or venture capital, this next generation of job creators will shrink and become less competitive in the global economy if we do not take action.

Economic analysis tells us that because R&D doesn't produce fast cash it is often a target when times are rough and companies need to reduce costs. It is in our collective interest as a country to help companies take a different path during this economic downturn and find ways to help innovative companies sustain and increase their R&D spending now so they are better positioned to succeed when economic conditions turn around.

I will ask to have printed in the RECORD a letter from 11 technology-oriented, R&D-dependent trade associations such as the Biotechnology Industry Organization, BIO, the Advanced Medical Technology Association, AdvaMed, and others—that represent companies employing hundreds of thousands of U.S. workers reliant on our commitment to intellectual infrastructure.

This letter was recently sent to all members of the Senate Finance Committee and outlines an approach that would allow small businesses to accelerate their use of accumulated net operating losses, NOLs, if they invest in U.S.-based research and development.

Expanding incentives to encourage more R&D activity in the United States will be essential to the American innovators who are developing the technologies of the future.

We must commit to considering new and thoughtful legislative approaches like this one that can truly move us forward in creating the high-quality, high-paying jobs of this century, and I look forward to working with my colleagues on these issues.

Mr. President, I ask unanimous consent that the letter to which I referred be printed in the RECORD.

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

JANUARY 15, 2009.

Hon. MAX BAUCUS,
Chairman, Senate Finance Committee, Washington, DC.

Hon. CHARLES B. RANGEL,
Chairman, House Ways and Means Committee, Washington, DC.

Hon. CHARLES E. GRASSLEY,
Ranking Member, Senate Finance Committee, Washington, DC.

Hon. DAVE CAMP,
Ranking Member, House Ways and Means Committee Washington, DC.

DEAR CHAIRMAN BAUCUS, RANKING MEMBER GRASSLEY, CHAIRMAN RANGEL, AND RANKING MEMBER CAMP: The thousands of companies represented by our organizations, and the U.S. workers they employ, are key drivers of the innovation that enables America to compete in today's global marketplace. As such, we respectfully request Congress take action in the upcoming economic recovery package to invest in America's intellectual infrastructure to support and create the high-quality, high-paying jobs of the 21st century.

Specifically, we ask that you support efforts to spur U.S.-based research and development (R&D) during the economic downturn by allowing small businesses to elect a one-time accelerated use, at a discount, of a portion of their accumulated net operating losses (NOLs) in exchange for giving up the future tax benefits associated with those losses. This proposal, if enacted, will help America's cutting-edge companies weather a difficult storm at a time when the U.S. capital markets are largely frozen to many of our nation's most innovative businesses. Further, this proposal will help to ensure that U.S.-based R&D by smaller firms does not drastically decline or disappear as America's capital markets recover from the current financial crisis. Failure by Congress to move quickly to enact this temporary proposal could result in a sharp decline in R&D on cutting-edge technologies (many of which are in fields where the U.S. is currently the global leader) and additional job losses.

Investing in America's intellectual infrastructure is key to economic growth and instrumental in spurring entrepreneurial innovation and job creation. Innovative, research-intensive industries enhance America's living standards while creating high-quality, high-paying jobs. American innovation is increasingly challenged by more rigorous global competition and the future of the American economy depends on critical investments today to lay the groundwork for the breakthroughs of tomorrow. Without investment in these fields, the U.S. will find it more difficult to compete in a 21st century global economy.

We respectfully urge you to invest in America's intellectual infrastructure by including a proposal to accelerate the utilization of NOLs in the upcoming economic recovery and reinvestment legislation. We thank you for your consideration of this request and we look forward to working with you to get our economy moving again in a way that protects and creates the high-paying jobs associated with America's innovation economy.

Sincerely,

James C. Greenwood, President and CEO. Biotechnology Industry Organization; Stephen J. Ubl, President and CEO, Advanced Medical Technology Association; Mark G. Heesen, President, National Venture Capital Association; Mark B. Leahey, President and CEO, Medical Device Manufacturers Association; Jonathan Zuck, President, Association for Competitive Technology.

Marianne Hudson, Executive Director, Angel Capital Association; Patricia Glaza, Executive Director and CEO, Clean Technology and Sustainable Industries Organization; Sean Murdock, Executive Director, NanoBusiness Alliance; Zack Lynch, Executive Director, Neurotechnology Industry Organization; Bretton Alexander, President, Personal Spaceflight Federation; F. Mark Modzelewski, Founder and President, Water Innovations Alliance.

Mr. LEAHY. Mr. President, today, the Congress considers critical legislation to renew America's promise of prosperity and security for all of its citizens. I am pleased that the greatly needed relief provided in the American Recovery And Reinvestment Act includes an investment in health information technology that takes meaningful steps to protect the privacy of all Americans.

I have long held the view that American innovation can—and should—play a vital role in revitalizing our economy and in improving our Nation's health care system. That is why I have worked so hard with the lead sponsors of this bill to makes sure that privacy was addressed at the outset, as our Nation moves towards a national health information technology system.

I commend the lead sponsors of this legislation in the House and Senate, Majority Leader REID, and Speaker

PELOSI for making sure that the economic recovery package includes meaningful privacy safeguards for electronic health records. I also commend the many stakeholders, including, the Center for Democracy & Technology, the Vermont Information Technology Leaders, Inc., Consumers Union, the American Civil Liberties Union and Microsoft, that have advocated tirelessly for meaningful health IT privacy protections in this legislation.

The privacy protections in this legislation are essential to a successful national health IT system. Without adequate safeguards to protect health privacy, many Americans would simply not seek the medical treatment that they need for fear that their sensitive health information will be disclosed without their consent. Likewise, health care providers who perceive the privacy risks associated with health IT systems as inconsistent with their professional obligations would avoid participating in a national health IT system.

The economic recovery package includes several of my recommendations to better protect Americans' health information privacy. First, the provisions give each and every American the right to access his or her own electronic health records, and the right to timely notice of data breaches involving their health information. The recovery package also imposes critical restrictions on the sale of sensitive health data and on the use of Americans' health data for marketing purposes. Lastly, the legislation makes sure that the Secretary of the Department of Health and Human Services receives input from individuals with specific expertise in health information privacy and security, as the Secretary develops a national health information technology system.

These and many other privacy safeguards in the bill will help tackle the difficult, but essential task of ensuring meaningful health information privacy for all Americans. But, we can—and should—do more. There is much more to be done to ensure that Americans have greater control over their own electronic health records. Another critical issue is the use of new technologies to better secure sensitive health records, so that data breaches involving health and other sensitive personal data do not occur in the first place.

Yesterday, we celebrated the bicentennial of the birth of our Nation's 16th President—Abraham Lincoln—who once remarked that ''you cannot escape the responsibility for tomorrow by evading it today.'' We all have a responsibility to ensure quality health care that is both efficient and respectful of all Americans' privacy rights. I am pleased that the Congress acted to address the issue of health information privacy at the outset of the ambitious effort to fully digitize America's health records during the next 5 years. During the months and years ahead, Congress must build upon this early privacy success with more work on health information privacy on behalf of all Americans.

Mr. LEVIN. Mr. President, the American people are counting on us to act to stabilize and revitalize the economy, and passage of the American Recovery and Reinvestment Act is an essential part of that effort. I am encouraged by how promptly the Senate and House have been able to reach a compromise on this critical legislation. I support final passage because it will create jobs and make investments to bolster our economy in both the short and long-term.

The Nation is in a deep recession and the situation is particularly dire in Michigan where the unemployment rate is the highest in the country. The Bush policy, still supported apparently by all but three Republicans, was a failure. It provided repeated tax cuts to the wealthy with the hope that some of it would trickle down to help those who really need it.

The legislation before us will provide tax breaks to our working families. It will provide a tax cut to 3.9 million Michigan workers, and allow over 120,000 Michigan families to benefit from a tax credit to make college more affordable. This legislation will also create or save 3.5 million jobs over the next 2 years, including jobs in health care, clean energy and construction. It will also strengthen the social safety net by increasing unemployment insurance benefits by $100 a month for over 1 million Michigan workers.

That is why it is so important that we take aggressive action now.

Job creation must be our No. 1 priority as we work to turn the economy around, and jobs are the focus of this conference report. Shovel-ready infrastructure projects are the most immediate way to create jobs and get the economy moving quickly. The recovery plan includes $48 billion in funding for ready-to-go road, bridge, rail and other projects to immediately and directly create jobs. This legislation is expected to provide Michigan with approximately $1 billion dollars in highway and transit formula funds, allowing for significant repairs to roads and bridges and purchases of buses for our public transit authorities. There is additional funding which will hopefully result in investments in the Midwest High-Speed Rail corridor, and improvements to Amtrak that can help bring commuter rail to Michigan.

I am hopeful the Army Corps will direct a significant portion of the $4 billion toward the Great Lakes to address the backlog of ready-to-go projects and maintain this vital maritime highway of the Midwest.

I am also hopeful that the EPA will direct a portion of its funds for cleaning up contaminated sediment under the Great Lakes Legacy Program. One report concluded that there is a 2½ to 1 ratio of return on a Federal investment on restoring the Great Lakes.

The recovery package also contains $6 billion in funding for water infrastructure. These projects immediately create jobs and play a critical role in protecting public health, improving the environment, and creating a sustainable and strong economic climate in which commerce can thrive. Specifically, Michigan is slated to receive more than $150 million to address wastewater projects, and $70 million to upgrade water mains, leaking pipes, and water treatment plants. These job-creating water infrastructure projects will address current needs in Michigan, while investing in upgrades that will prepare us for years to come. In addition, this legislation contains $200 million for environmental infrastructure that the Army Corps would manage. In Michigan, this funding could be used to address combined sewer overflows, which dump harmful pollutants into the Great Lakes.

Additionally, the conference committee legislation contains $750 million for the National Park Service, NPS. The NPS has a significant backlog of deferred maintenance projects that can be started within the next 18 months which will create jobs and help restore and enhance our national treasures. Michigan's four National Park units and the North Country National Scenic Trail have significant funding needs, and a number of projects have been delayed for years. I am hopeful that the NPS will direct a sizable portion of the $750 million included in the package to address the significant needs of Michigan's parks and trails.

I am pleased that the $100 million for brownfields competitive grants can be awarded for both cleanup and site assessment projects. I asked the conferees to expand the flexibility for these grants so that more Michigan communities could benefit from this funding, and I am pleased that the final bill contains this broader language.

The funding in the conference report will create jobs by making smart investments in technology and modernization efforts that will continue to pay dividends by helping us compete in the global economy. I am especially pleased the bill includes $2 billion in grants to encourage companies to invest in the development and production of advanced batteries and battery systems, which will fuel the energy-efficient vehicles of the future and make it more likely they will be produced in U.S. factories. In so doing, the conferees have adopted the Senate approach of focusing exclusively on grant funding rather than loan guarantees, which I believe will go much further in providing American manufacturers the resources and support they need to manufacture these batteries in U.S. facilities. This funding is critical because battery manufacturers and other manufacturers are deciding now where to locate their production facilities, and we cannot afford to lose those facilities and the associated jobs to other countries that are willing to offer greater financial incentives than we are.

I am also pleased that the conference report includes significant measures to expand the American market for advanced technology vehicles. It will make these vehicles more affordable for consumers by increasing the availability of consumer tax credits for plug-in hybrid vehicles. Instead of making the tax credit available only for a total of 250,000 vehicles as is in current law, the conference report will make these tax credits available to consumers who purchase the first 200,000 plug-in hybrid vehicles sold by each manufacturer. Taking this important step will help America get to the goal set forth by President Obama of putting 1 million plug-in hybrid vehicles on the road by 2015. I am pleased that the conference report also includes some funding for Federal agencies to aggressively lease alternative energy vehicles—such as hybrid vehicles—to support a wide variety of agency missions. Government leasing of these vehicles will help stimulate production of these vehicles. We cannot just preach about the need to produce these vehicles. We must lead the way in purchasing them, even though their up-front cost is greater.

The conference report also makes a clarification in the Tax Code to prevent an unintended tax consequence that would have hurt auto companies and others receiving TARP funds. This clarification will limit section 382 of the Tax Code in instances where a change in corporate control is the result of restructuring required by the Government pursuant to a TARP agreement. This maintains the clear intent of 382 while preventing unintended results that would have hurt these companies at the very time the Government is stepping in to help.

This legislation also helps those who have lost their jobs by including important measures that will help States modernize their current unemployment insurance programs and includes administrative dollars and funds to incentivize States to do this. For my home State of Michigan this means they will receive more than $90 million straight away. This plan will also provide a further extension of unemployment benefits which will help the more than 400,000 unemployed workers in Michigan who are unable to find a job in these hard economic times and the, on average, 13,000 individuals whose unemployment benefit will expire this month alone. Additionally, it will provide an additional $100 per month in unemployment benefits, pumping money directly into depressed economic areas and exempts the first $2,400 unemployment benefits from income tax, meaning more of these funds can go to recipients and help grow the economy.

The bill provides funding for important job training in new and expanding fields, as well as funding to enhance and expand education initiatives aimed at ensuring that our next generation of Americans is able to meet the challenges of a global economy. Specifically, it includes $53.6 billion for the State Fiscal Stabilization Fund, including $40.6 billion to local school districts using existing funding formulas, which can be used for preventing cutbacks, teacher layoffs, or other purposes; $5 billion to States as bonus grants for meeting key performance measures in education; and $8.8 billion to States for high-priority needs such as public safety and other critical services, which may include modernization, renovation and repairs of public school facilities and institutions of higher education facilities.

The bill includes $3.95 billion for job training including State formula grants for adult, dislocated worker, and youth programs, including $1.2 billion to create up to 1 million summer jobs for youth. The training and employment needs of workers will also be met through dislocated worker national emergency grants, new competitive grants for worker training in high growth and emergency industry sectors, with priority consideration to training for ‘‘green’’ jobs, including preparing workers for activities supported by other economic recovery funds, such as retrofitting of buildings, green construction, and the production of renewable electric power.

It includes $13 billion for title 1 to help close the achievement gap and enable disadvantaged students to reach their potential; $12.2 billion for special education/IDEA to improve educational outcomes for disabled children. This level of funding will increase the Federal share of special education services to its highest level since the inception of the program. Finally, the bill provides $15.6 billion to increase the maximum Pell grant by $500, which will help 7 million students pursue postsecondary education. Further, the bill includes $2.1 billion for the Head Start and Early Head Start to allow additional children to participate in this proven program, which provides development, educational, health, nutritional, social and other activities that prepare children to succeed in school.

The tax provisions in this legislation will create a refundable tax credit of $400 for working individuals and $800 for working families, covering 95 percent of working families. Taxpayers can receive this benefit through a reduction in the amount of tax that is withheld from their paychecks, or through claiming the credit on their tax returns. This will mean direct and immediate relief for nearly 4 million Michigan workers and their families. The legislation also expands the child tax credit and the earned-income tax credit to ensure that more low-income families get the full benefit. There is also a new, partially refundable $2,500 tax credit that will help make 4 years of college more affordable for an estimated 121,000 families in Michigan. For many struggling families, these targeted tax cuts will help them make ends meet in these tough times. Putting extra money in families' pockets will offer an immediate boost to the economy.

Together, the provisions in this bill offer significant hope for our Nation's economic future. Still, a comprehensive economic recovery effort is balanced on a three-legged stool consisting of creating jobs, unfreezing credit markets, and addressing the housing crisis, including reduction in the flood of foreclosures.

As the housing crisis worsens, I will continue to urge Treasury to move quickly to implement a loan modification program to help prevent avoidable foreclosures. While much still remains to be done with respect to ending the crisis in our financial sector, the financial stability outline put forth by Treasury Secretary Tim Geithner this week outlined some new approaches so that recipients of the so-called TARP funds will cooperate with mortgage foreclosure mitigation programs and provide reports of how the Federal loans are used and will expand their lending. This is a positive step in the right direction toward resuming the flow of credit, but Congress must continue to exercise stringent oversight of the TARP program and we must work to reform our financial system to restore commonsense regulation of this industry.

This legislation represents a significant and essential step in stabilizing our economy. The infrastructure projects will create Michigan jobs, the tax provisions will help Michigan families and the investments in technology and modernization will pay dividends for years to come. While there are major challenges before us that we must address in order to end this recession, passage of the Economic Recovery and Reinvestment Act will give us some urgently needed momentum.

Mr. AKAKA. Mr. President, I support the conference report for H.R. 1, the American Recovery and Reinvestment Act. This vital legislation will create jobs, ensure that States can continue to provide essential health and social services, improve education, and assist veterans.

This legislation will create jobs by encouraging innovation for the development of clean energy and strengthening our Nation's infrastructure. Additionally, the legislation includes funding for the Economic Development Administration to create additional economic opportunities.

Our States are confronted with declining revenue while citizens have increasing health care and social service needs. This bill will provide funding to States so that they can continue to provide health care coverage and essential social services that will help our constituents in this great time of need. States must be good stewards of these resources and utilize them for their intended purposes. This recovery bill will also provide relief to workers and families hardest hit by the economic recession.

In order to ensure that we have a well-educated workforce both now and in the future, I am pleased to support the provisions included in the American Recovery and Reinvestment Act designed to increase and support educational opportunities for our country's children as well as provide much needed resources and infrastructure improvements for educators nationwide. The establishment of a State Fiscal Stabilization Fund will help schools suffering during this difficult economic time to retain teachers and continue programs vital to helping students achieve their academic potential. I also applaud the inclusion of $100 million for impact aid. Due to the significant military presence in Hawaii, these funds are vitally important to Hawaii's public schools.

I have been working, along with other members of the Veterans' Affairs Committee, to advocate for the needs of veterans in the context of this recovery and reinvestment bill and am pleased that the conference report includes funding that will benefit VA and the veterans it serves.

Although I wanted the final agreement to include more of the Senate's shovel-ready projects to improve health care and other services veterans receive from VA, I am grateful the conference report includes more than a billion dollars in immediate funding that will create jobs while improving services for veterans.

The conference report also includes $50 million to make key improvements to Veterans Benefit Administration IT systems and $150 million to provide a temporary increase in claims processing staff.

In addition, there is $50 million included in the conference report that is intended for VA's National Cemetery Administration. This funding will be used to provide much needed cemetery infrastructure support and repair and investment in VA's National Shrine Initiative. I believe the funding will help meet our obligation to provide final resting places for veterans and honor their service.

As helpful as this infusion of funding will be, more resources are needed. I remind all of my colleagues that these funds only begin to address existing, unmet needs. When it is time to begin work on the new budget, we must provide a robust VA appropriation to meet the new fiscal year's costs.

I am glad that the conference report retains a provision to make sure that certain veterans facing financial hardship in this time of uncertainty receive an economic recovery payment. I will continue to work with my colleagues to secure additional resources for VA.

I commend my colleague, Senator INOUYE, for his ongoing advocacy on behalf of the Filipino veterans of World War II. This conference report contains an authorization for a lump sum payment for funds that were appropriated last session for these veterans.

I look forward to having the conference report signed into law quickly so that we can begin our economic recovery and assist our citizens in need.

Mrs. FEINSTEIN. Mr. President, I rise today to offer my support for the American Recovery and Reinvestment Act of 2009.

Our economy is in dire straits. And urgent action is required to get the economy moving and reverse the alarming trend of job loss that is currently plaguing our cities.

This Nation is in the grip of the most serious recession in more than seven decades. American families are increasingly facing tough choices as economic indicators tumble across the board.

Bad news has fallen like a row of dominoes. Our current economic situation is a result of many different problems, all developing at the same time. The major factors: The collapse of the subprime housing market sent shockwaves through the financial sector of the American economy. This was the direct result of a scheme in which poorly underwritten loans promoted by unregulated mortgage brokers and lenders were sliced, diced, securitized and spread all over, with severe consequences that are global in scope. Unregulated markets schemes like this were a fertile breeding ground for greed and fraud. The Enron scandal of the late 1990s was a smaller-scale precursor, costing taxpayers billions of dollars and ending in the collapse of the energy giant, as well as the loss of hundreds of millions of dollars in Enron investments held by more than 50 mutual funds and insurance companies.

Enormous State deficits have deepened with the combined effects of rampant foreclosures and plummeting property values which have significantly cut into revenues. And local governments, trying to maximize returns for taxpayers with investments in firms like Lehman Brothers, have lost their money. They are looking to the State for help, and the State is looking to the Federal Government for help.

The financial sector is currently held aloft by a lifeline from the federal government. Main Street is also looking to Washington to provide an injection of financial stability.

There are many different vectors of this economic crisis. But there is only one sure solution. And that is the infusion of large amounts of capital into the marketplace from the only place with the capacity to do so, which is the Federal Government.

It is time to give the American people some good news for a change. It is estimated that the bill could help sustain and create up to 3.5 million jobs over the next 2 years—with 396,000 in California alone.

The bill before us is far from perfect. But we need to give the President the flexibility and resources he needs to create jobs and revive our ailing economy.

This bill will not meet every need, and some difficult choices have been made in order to move it forward with the 60 votes it needed to secure passage in the Senate.

But faced with a choice of taking action to confront this crisis, or simply dithering away as families lose their jobs, their homes and their hope, I think the choice is clear: We must support this economic recovery package.

President Obama inherited an unprecedented fiscal mess when he took office last month: National debt: $10.7 trillion; this year's budget deficit: $1.2 trillion, projected; GDP: Fell by 3.8 percent last quarter 4th quarter 2008, the worst showing in 26 years; unemployment is skyrocketing: 7.6 percent nationwide. Since the recession started in December 2007, 3.6 million jobs have been lost. More than 598,000 jobs were lost in January. Economists say 3 million more could be lost by the end of this year.

In California we have a 9.3 percent unemployment rate, Dec. 2008. There are at least 1.7 million unemployed workers in California. We have the fourth highest foreclosure rate in the Nation. There were 837,665 foreclosures filed in 2008 up 110 percent from 2007. State budget deficit has reached $42 billion. This has real and serious implications.

The Governor has had to halt public infrastructure projects. Public employees are being furloughed and local governments are planning to slash the critical services upon which taxpayers depend.

The bill before us will not solve every problem, but it will provide funding for critical investments that will create jobs and get our economy moving again.

First, transportation: $29 billion for highways and bridges. California's share by formula will be at least $2.6 billion; $8.4 billion for public transit—i.e., subway, bus, and light rail projects. California's share by formula will be $1 billion; $1.3 billion for Airport capital improvements, funding allocated by competition; and $9.3 billion for intercity passenger rail, including $8 billion targeted at building high speed rail funding allocated by competition.

In total, the bill provides roughly $50 billion for transportation. These projects will not only modernize the corridors used to transport passengers and goods that move across America, they are also a critical part of the jobs creation goal of this package.

Experts estimate that between 27,000 to 37,000 jobs are created for every $1 billion invested in transportation projects. So an estimated 1.5 million jobs could be generated by transportation projects funded in this bill.

Second, water. We have a huge water infrastructure problem in this country. The Government Accountability Office and EPA report that the nation faces a $300–500 billion water and wastewater funding gap over the next 20 years. That is why it is so important that this bill includes a substantial investment in water infrastructure:

Army Corps of Engineers: $4.6 billion for construction, maintenance, etc., that will create 37,000 direct jobs and 102,000 indirect jobs; clean water and drinking water state revolving Funds: $6 billion. California would receive $444 million; Bureau of Reclamation: $1 billion, including $126 million for title XVI Water Recycling and Reuse Projects.

The U.S. Department of Commerce Bureau of Economic Analysis estimates that for each additional job created in the water and sewer industries, 3.68 jobs are created in all industries.

So, investing in these projects will help create millions of jobs here at home, and better protect human health and the environment. This is a vital investment.

Third, housing.

It is widely recognized that the roots of this economic recession were in the bursting of the housing bubble. Last year, there were more than 830,000 foreclosures filed in California alone, an increase of more than 100 percent over 2007.

So it is important that the bill makes a major commitment to stabilizing the housing market—and to helping hardworking Americans avoid the devastating loss of their homes through foreclosure.

The bill provides a public housing capital fund of $4 billion to help local public housing agencies address a $32 billion backlog in capital needs. California's share by formula will be $118.5 million; home investment: $2.25 billion for State and local governments to acquire, construct, and rehab affordable housing.

It is critical that Congress do whatever we can to help restore and foster the American dream of home ownership—and this bill is part of that effort.

Fourth, the bill also boosts funding for our Nation's health care and education systems and provides increases for other safety nets, including:

$87 billion for Medicaid. California will receive an estimated $10 billion; $13 billion for title I education; $12.2 billion for special education; $2.1 billion for Head Start and Early Head Start; $20 billion for additional food stamps benefits; and an additional $100 per month in unemployment insurance benefits.

Finally, Energy.

This legislation makes a serious down payment towards our permanent shift away from fossil fuels and towards a more sustainable energy system.

The bill invests in efficiency, providing $5 billion to weatherize the homes of low income individuals through the Weatherization Assistance Program.

It also establishes a tax credit for 30 percent of the cost to homeowners that weatherize their own homes, and provides cities with $3.2 billion in block grants to assist them with building codes, efficiency improvements to their own facilities, and renewable energy projects.

These efforts will help us realize the goal of weatherizing millions of homes.

It invests in a ''smart grid,'' putting $4.5 billion into an effort to improve electricity delivery through technology.

The legislation will allow WAPA to build new powerlines, to deliver renewable electricity to California consumers who would otherwise continue to depend on coal power.

And finally, this legislation establishes a grant program at DOE and expands a loan guarantee program.

These two steps will help capital intensive wind, solar, geothermal, and cellulosic biofuels projects move forward even at a time when financing capital projects has become all but impossible.

Bottom line: these are all investments that will either provide an immediate benefit to local economies by adding jobs or will help shore up the safety net for Americans who have been hit by the crisis.

This is a very welcome sum of investment in States that are facing grim scenarios today.

One headline in the Monterey Herald recently asked whether the ''Golden State is rusting.''

But the truth is, California is not alone in suffering these consequences. Every State in the Union is feeling the painful effects of this downturn, and every State needs this injection of investment at this critical time.

President Obama has stated clearly that this economic recovery package is the tool he needs to get our economy back on track and move this country forward.

The millions of people who are losing their jobs and their homes have no use for partisan bickering. Re-enacting Washington's usual ideological battles won't stop any companies from downsizing, free up any credit for businesses in need, or put food on the table of a family in need.

Candidly, I would have written a very different bill than the one before us. And there are some aspects of this bill that I would still like to change—I would have liked to see more job-creating infrastructure projects and fewer costly tax cuts.

But despite the imperfections in this bill, I believe we must recognize the enormous task at hand by providing the president with the resources he needs to get the job done.

This bill is a major part of that effort, and it should be approved.

Ms. SNOWE. Mr. President, I rise on this occasion to speak on the economic stimulus conference report that is before this chamber—at a time when we face the longest and deepest recession since World War II, and a moment of economic peril not seen since the days of the Great Depression almost 80 years ago.

There has been a great deal of healthy and vigorous debate about this stimulus package—here in the Congress and certainly throughout America—and rightfully so, given the magnitude of the legislation we have deliberated upon over the past few weeks. And let me say, I well recognize this process got off to a less than stellar start.

And yet, especially given that people look to the Senate to temper the passions of politics—to provide an institutional check that ensures all voices are heard and considered—should we have allowed that inauspicious beginning to establish a permanent detour from ultimately passing an economic stimulus package that economists from across the political spectrum have said is urgently required?

I believe the answer to that question is no. And in that light, I extend my gratitude to Majority Leader REID for bringing us together in forging the much improved package we consider today. I thank Chairman BAUCUS and Ranking Member GRASSLEY of the Senate Committee on Finance, Chairman INOUYE and Ranking Member COCHRAN of the Senate Committee on Appropriations, as well as Senators COLLINS, SPECTER, NELSON, and LIEBERMAN for their yeoman leadership in yielding this consensus-based solution. I also thank those who argued against this package—because, frankly, I agreed with a number of their arguments, and ultimately the concerns expressed have helped to improve this final product.

Indeed, we lost 3.6 million jobs since the onset of the recession, the most since 1945. The Department of Labor has reported the number of people receiving unemployment benefits has reached 4.8 million, an all-time high since record keeping began in 1967—and that doesn't include the nearly 1.7 million getting benefits through an extension last summer. At the end of January, we learned that the economy shrank at its fastest pace in nearly 27 years in the fourth quarter of 2008. Our gross national product dropped at a 3.8 percent annual rate, worst since 1982.

And with more than 11 million jobless Americans today, inaction has, frankly, never been a viable option. In fact, economist Mark Zandi of Moody's Economy.com—who advised both Presidential candidates McCain and Obama, I might add—projects an even higher unemployment rate of a remarkable 11.1 percent—should we fail to pass a vigorous economic stimulus package. That is 11.1 percent—and that is unacceptable. We cannot stand on the sidelines.

That is why I have said from the outset—as I stated on the Senate floor at the beginning of last week—that I wanted to support a stimulus package. But at the same time as I also said, I could not support just any package. The fact is, we are confronting a multidimensional crisis that requires a multidimensional approach, and we can ill afford to get it wrong.

Our approach must be successful, as it must also go hand-in-hand with monetary policy to ensure that vital credit—that is the lifeblood of our economy—is flowing to American individuals and businesses.

Already Congress passed a rescue plan for financial institutions, but the lending expected to free up our credit markets has yet to take effect. Already, the Treasury Department has issued a second component to the rescue plan, which I might add is regrettably long on aspirations and short on details. And already the Federal Reserve has essentially exhausted its options to improve the economy through monetary policy, having reduced interest rates to zero—something else that hasn't happened since the 1930s—and lent more than $1 trillion to stabilize the financial and credit markets. So, as I said during the mark-up in the Senate Finance Committee, we ought to remember that for us, in crafting fiscal policy to meet this historic challenge, there are no ''do-overs.''

That is why I have said repeatedly that this isn't about how much we label as ''tax relief' and how much we label as ''spending.'' Rather, in the final analysis, it's been about the merits of the individual measures in this legislation, and whether the totality of a package can deliver job creation and assistance to those who have been displaced—because both elements are essential to turning the economic tide and aligning our nation for a more prosperous future. In short, the challenge has been to fashion a measure that meets the ''what works'' test.

Critical to that test is whether a stimulus measure is timely, targeted, temporary, and achieves the critical equilibrium of creating jobs and assisting those displaced by this economic crisis through no fault of their own. There has been widespread agreement, even from the harshest critics of this bill, that economic stimulus must meet this standard. That is exactly what a Washington Post editorial called for when it advocated a focused stimulus as the most viable approach. And after a week of intense, bicameral negotiations and compromises, this economic stimulus package—while not what everyone may have wanted—while not everything I would have wanted—meets that threshold.

It has not been easy arriving at this point. At the beginning of deliberations on the floor and throughout the amendment process, I was deeply concerned this bill more closely resembled omnibus legislation rather than emergency stimulus legislation. Indeed, as the Senate considered and adopted amendments on the floor, this package had actually ballooned to $920 billion. Let me repeat that—$920 billion.

Let's look at the House-passed bill. The House bill was voted out at $819 billion. And then the Senate bill ultimately passed at $838 billion. But now, with our efforts over the past week, this package has emerged as a $787.2 billion conference report that is not only more narrowly tailored toward stimulus, but actually has a lower overall cost than either the House-passed bill at $819 billion or the Senate-passed bill at $838 billion. And that is no insignificant achievement.

At the same time, the package isn't only right—it is right sized. As the President has stated, we will lose $2 trillion in consumer demand this year and next—demand, I might add, that must be ''backfilled'' in our economy with a substantial investment in both tax relief and targeted, effective expenditures that will create jobs. The fact is, given the monumental level of this recession, we can't just be throwing pebbles in the pond. Rather, we require the ripple effect of a boulder—while at the same time ensuring that this is not an open-ended passport to spending in perpetuity.

I know that there are those who criticize the top-line number on this package. And given this legislation is deficit-financed, the cost and the stimulative affect of each of the elements of this bill should be of concern to all of us. I said on the floor at the beginning of this process that we cannot overload this bill with items that are not within the strictures of stimulus. We must ensure that programs that may well be worthwhile policy but not economic stimulus are not considered in this package, and instead are vetted through the budget and regular legislative process. We cannot, under the auspices of stimulus legislation—open the door to permanent spending that exceeds the life and purpose of what is before us today.

But in terms of the actual size of the package, let's consider for a moment the economic stimulus packages passed in 2001 and in 2003—and compare the cost of those measures with the cost of this package, and the economic conditions at those times, with the far worse economic conditions of now.

In June 2001, when the economy was in recession as well, we responded with a $1.35 trillion package. In the quarter when that bill passed, the economy grew by 1.2 percent, and unemployment was at 4.5 percent. In 2003, we passed a bill that was essentially a trillion dollar package masquerading as a $350 billion bill. During the spring of 2003, when that bill passed, the economy grew by 3.5 percent and unemployment was at 6.1 percent.

Fast forward to today with this $787 billion package on the floor. The economy shrank at an annual rate of 0.5 percent in the third quarter of 2008, and 3.8 percent in the fourth quarter of 2008. The unemployment rate is currently at 7.6 percent. Furthermore, over the past 13 months alone, as I mentioned earlier, the economy has lost 3.6 million jobs. By comparison, we lost a total of 2.7 million total jobs in the 2001 recession. The bottom line is this package is not by any means outsized for the times—it is right-sized.

When we began our deliberations in the Senate, the spending in the Senate package reached $366 billion. Fortunately, through our bipartisan efforts, we were able to trim that spending by an additional $55 billion in nonstimulative items. Today, this package contains a total of $286.5 billion in tax provisions, $311 billion in discretionary spending appropriations, and $192.4 billion in nondiscretionary spending items more narrowly focused on job creation and assistance to those displaced.

On the spending side of the ledger, we demonstrated our commitment to job creation by investing in infrastructure. For example, the compromise accelerated the timeline for spending out 50 percent of the money for roads and bridges from 180 days to 120 days—with the remaining 50 percent required to be obligated within one year—to further frontload the stimulative effect. Right now, the U.S. Conference of Mayors has a list of nearly 19,000 shovel-ready projects nationally, totaling almost $150 billion. Moreover, the Federal Highway Administration projects that for every one billion dollars spent, 28,500 jobs are created, and with the 7.5 billion contained in this Conference Report for highways alone. That is 783,750 jobs just for roads and bridges.

We included $40 billion for enhancing unemployment insurance as CBO said last year that the cost-effectiveness of such a policy for stimulative effect is ''large''. . . the length of time for impact is ''short''. . . and recently, Moody's Economy.com estimated that every dollar spent on unemployment benefits generates $1.63 in near term GDP. I thank Chairman BAUCUS for including in this conference report my provision to exclude the first $2,400 of unemployment benefits from taxation, to further maximize the provision's stimulative impact. And as increasing food stamps is also among the most immediate and effective stimulative steps we can take—we provided $19.9 billion to do just that.

I am also particularly pleased, as ranking member of the Small Business Committee, that we included such critical job-creation funding as $730 million for the Small Business Administration's lending programs. This spending is targeted toward increasing access to capital and lowering the cost of capital for our Nation's small businesses that have created fully two-thirds of America's net new jobs, that created or retained 770,000 jobs in FY 2008 alone, and will unquestionably be at the forefront of leading us out of this crisis. The bill contains many of Chair LANDRIEU's and my priorities, such as ones to slash fees for SBA borrowers and reduce them for lenders; increase funding for the microloan program; and a new program targeted toward small businesses struggling to make loan payments.

Additionally, on the spending side we provided vital Medicaid assistance to the states—and I have heard the arguments against it. But does anyone seriously believe that with 45 states currently experiencing a shortfall and a projected, combined budgetary gap of $350 billion over the next 2 years won't have a profound impact on our national economy, as States grapple with raising taxes or slashing spending to balance their budgets?

We also included $28 billion for adoption of Heath Information Technology by health care providers. This would not only actually result in an eventual $10 billion in savings, but also improvements in care and costs, while creating an additional 40,000 jobs that will endure. As we grapple with the gravity of our economic circumstances, doesn't it make sense to simultaneously create transformational, well-paying jobs that, rather than looking to the past, will endure and ensure that America is competitive in the global economy of the 21st century?

As I mentioned earlier, this package also contains more than $286 billion in tax relief—with many provisions I was proud to ensure were included as a member of the Senate Finance Committee—that will directly result in job creation and retention, and bolster our economy.

The President's signature making work pay tax credit, which the President agreed to trim in this conference report, will provide additional money in every paycheck to more than 95 percent of working families in the United States, which Mark Zandi has said will be ''particularly effective, as the benefit will go to lower income households . . . that are much more likely to spend any tax benefit they receive.''

I am pleased to have helped retain in this legislation relief from the alternative minimum tax as it will not only boost the value of the making work pay credit but will also ensure that around 30 million Americans won't be ensnared by this onerous levy. We increase eligibility for the extraordinarily successful refundable portion of the child tax credit that I originally spearheaded to reach low-income families earning between $3,000 and $9,667 a year. I have heard the arguments before against refundability, but this program reaches people who may not earn enough to have federal tax liability but who work and contribute local taxes and payroll taxes and will, therefore, get additional money into the pockets of those most likely to spend it.

When it comes to tax relief and America's greatest job generators, our Nation's 27.2 million small businesses, this package contains provisions I authored to help them sustain operations and employees. This includes enhanced section 179 expensing for 2009, allowing small businesses throughout the Nation to invest up to $250,000 in plant and equipment that they can deduct immediately, instead of depreciate over a period of 5, 7, or more years.

The conference report also contains a provision to extend to 5 years the carryback period of net operating losses for small businesses with up to $15 million in gross receipts which will help small businesses sustain operations with a cash infusion during these trying times. This modification was the result of a last-minute negotiation, and I very much appreciate the personal efforts of Chairman BAUCUS.

This agreed-upon measure makes a welcomed, commonsense change to reduce to 90 percent the requirement that small business owners prepay 110 percent of their previous year's tax liability. The purpose of quarterly prepayments is to ensure that the Government gets every penny owed. Because of the recession and the credit crunch, the overpayment of quarterly income taxes by America's small business owners is unnecessary, because few businesses are experiencing 10 percent growth, and harmful because it drains vital cash flow away from an ongoing business.

The conference report also retains a provision I joined Senators LINCOLN and HATCH in spearheading to lessen the impact of the built-in gains tax on small businesses. This change is absolutely essential at a time in which our Nation's credit markets remain frozen and small businesses are struggling to meet their financing requirements. This provision will benefit up to 900 small businesses in my home state of Maine and hundreds of thousands across the country.

We must not neglect our Nation's distressed and rural communities. This conference report rightly recognizes that imperative by including an additional $1.5 billion in each 2008 and 2009 allocation authority for the new markets tax credit. And my understanding is that the Community Development Financial Institutions Fund, which administers the incentive, can allocate the augmented 2008 credit authority within 90 days, which will create 11,000 permanent jobs and 35,000 construction jobs.

This agreement also contains tax credits for renewable energy that I have long fought for that will create more than 89,000 jobs. Frankly, if we had not dithered last year and opted to pass the extension of the renewable tax credits at the beginning of 2008, we would have already been on the road to creating 100,000 new jobs. I know in my home State, there are a number of wind farm projects, for example, that could be ready to move forward right now.

I am also pleased that the stimulus bill contains a provision I helped to draft that will allow base communities across the Nation that have been significantly affected by a closure or realignment to qualify for vital recovery zone economic development bonds.

Finally, I am pleased this bill includes a provision I wrote to expand the definition of ''manufacturing'' as it pertains to the small-issue Industrial Development bond, or IDB, program to include the creation of ''intangible'' property. For example, this would allow the bonds to be used to benefit companies that manufacture software and biotechnology products by helping them get the financing necessary to assist their operations in innovating and create new jobs. Knowledge-based businesses have been at the forefront of this innovation that has bolstered the economy over the long-term. For example, science parks have helped lead the technological revolution and have created more than 300,000 high-paying science and technology jobs, along with another 450,000 indirect jobs for a total of 750,000 jobs.

There will be those who say the cost of this package is too much, and others will say it is too little. Some will say it should have higher levels of tax relief, others that we should focus almost entirely on spending. There are 535 Members between the House and the Senate who all have their own legitimately held beliefs about this legislation. There are millions of Americans with their own, differing views, questions, concerns, and expectations.

At the end of the day, I must return to my own evaluation—again, shared by so many across the political spectrum—that inaction is not an option and, frankly, time is of the essence. I also return to my standard for evaluating a stimulus: Is it sufficiently focused on creating jobs and assisting those who have been displaced. In that light, this package deserves to be passed now and signed into law. It is supported by organizations such as the National Association of Manufacturers, the U.S. Chamber of Commerce, the National Institute of Building Sciences, because they also believe it will create jobs. On balance, this is the right approach at the right time that offers us the best course for economic recovery and, therefore, I will be supporting this conference report.

SALES TAX

Mr. CARPER. Mr. President, I rise for the purpose of entering into a colloquy with the senior senator from Montana regarding the car purchase tax credit introduced by Sen. MIKULSKI and included in this conference report.

Mr. Chairman, my home State of Delaware does not have a State sales tax, which this provision addresses. However, a ''document fee'' of 3.75 percent is collected when a new vehicle is sold in Delaware. This fee is the equivalent of a State sales tax, although it is not called that term.

Alaska, Montana, Hawaii, Oregon and New Hampshire lack State sales taxes. Instead, these States levy fees and/or taxes or allow local governments to levy fees or taxes on new vehicles. For example, in your home State of Montana, there is a county option tax on vehicles. In New Hampshire, towns and cities can collect fees on motor vehicles. Hawaii levies a four-percent excise tax on goods, which includes automobiles. This tax is passed along to Hawaiian new car purchasers.

As the purpose of the Mikulski amendment is to encourage Americans to purchase new automobiles, is it the chairman's understanding that it is the intent of Congress that the document fee in Delaware is the functional equivalent of a State sales tax?

Mr. BAUCUS. The Senator is correct. In fact, IRS currently counts vehicle registration fees based on a vehicle's value as a personal property tax, which is deductible. This is true even if the State calls the fee a ''registration fee'' or a ''vehicle use fee.'' In Montana, new passenger vehicles are subject to a $217 fee, as well as a county option tax-based on the value of the vehicle. The same standard should apply to Section 1008.

Mr. CARPER. I thank the Senator. Additionally, in lieu of paying States sales taxes or in the case of Delaware, a document fee, is it the intent of Congress that the motor vehicle registration fees on new vehicles collected by State or local governments in Alaska, New Hampshire, Oregon, Hawaii and Montana qualify for a deduction as defined under section 1008?

Mr. BAUCUS. Yes, that is correct.

Mr. CARPER. I thank the Senator and yield the floor.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, I wish to proceed on my leader time.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, across the country Americans are struggling with a very bad economy. Every day we hear more heartbreaking stories about foreclosures and lost jobs. The situation is serious. It appears to be getting worse. It was in the midst of this scenario that our new President took office. As did all of us, the President wanted to do all he could to help the economy. So he asked Congress to put together a stimulus bill aimed at preventing as much future damage as possible.

From the very start, Republicans supported the idea of a stimulus. All of us, Democrat and Republican, thought it was important and necessary. The question was, what kind of stimulus? What would it look like? What would it cost? Who would it help? Where would it go? Most importantly, would it work?

These are important questions, particularly when the economists tell us that a bad stimulus is worse than no stimulus at all. As the President's top economist, Larry Summers has written:

> Poorly provided fiscal stimulus can have worse side effects than the disease that is to be cured.

These questions naturally lead to another: How do we measure whether a stimulus will work? Well, according to Summers, it is a fairly simple three-point test. First, in order to be effective, a fiscal stimulus must be timely; second, it must be targeted; and, third, it must be clearly and credibly temporary. So using the standard outlined by the President's own top economist, Republicans have asked: Is this bill timely? Is it targeted? Is it temporary?

The answer, I have regretfully concluded, is a resounding no. This bill fails on all three points. This means, in my view, that congressional Democrats have put together a stimulus that by Democrats' own standards is likely to fail. Yet, with interest, this bill is expected to cost taxpayers $1.1 trillion.

So the question now is, what can the taxpayers expect for their money? Well, at a time when millions are struggling to hold on to their homes and jobs, Democrats in the name of stimulus want taxpayers to cover the cost of golf carts, electric motorcycles, and ATVs; $300 million for new government cars; $1 billion for ACORN-eligible block grants; $50 million for out-of-work artists; $165 million to maintain and build fish hatcheries—$165 million for fish hatcheries; $1 billion for the Census. I defy anyone to explain to me how $1 billion for the Census will stimulate the U.S. economy.

So a stimulus bill that was supposed to be timely, targeted, and temporary is none of the above. This means Congress is about to approve a stimulus that is unlikely to have much stimulative effect.

That is why an analysis by the Congressional Budget Office actually predicted a potential sustained economic decline—decline—as a direct result of this bill. That is why I can't support it.

This is one of the most expensive pieces of legislation Congress has ever approved. Including interest, as I have said, it is expected to cost $1.1 trillion. To put that figure in perspective, consider this: If you spent $1 million a day every day since Jesus was born, you still wouldn't have spent $1 trillion. This is an extraordinary sum of money. It deserves an extraordinary level of scrutiny.

Yet even based on the ordinary standards of evaluation, it easily fails the test. Even if the bill were timely, targeted, and temporary, we would still have to look at the pricetag in the context of all the other spending we are all soon going to be asked to consider. The American people need to remember this stimulus is just one piece of the Democrats' overall spending plan.

Soon we will be asked to consider $50 billion for housing and unspecified hundreds of billions of dollars—possibly even another trillion—for troubled banks. We will also soon be voting on a $400 billion Omnibus appropriations bill that will bring the total discretionary spending for this fiscal year to $1 trillion for the first time in American history.

This isn't Monopoly money. It is real. It adds up. It has to be paid back by our children and their children, and the American people still don't have the facts about the total cost.

We need to tell the American people the whole story. If Americans can't be assured these programs they are paying for will work, they should at least be told what they are going to cost.

Even the Democrats admit this bill is a $1 trillion risk. Today—this very day—the Democratic majority leader of the House asked his members to pray: ''Pray that this bill works.'' Why? Because, as he said, he is not sure that it will. I can't take that big of a risk on this big of a commitment of the American people's money.

I know everyone believes their efforts will help strengthen the economy and create jobs. No one should doubt that. Everyone is trying to do the right thing. My concern is not the motivation behind these efforts but the wisdom—the wisdom—of these efforts.

This bill has been roundly criticized for being loaded with wasteful spending and hundreds of billions of dollars in permanent—permanent—Government expansion. Our plan would have reduced monthly mortgage payments and made it easier to buy a home. Workers would have been able to keep more of what they earn. It is also about half the cost of the Democratic plan.

Every Member of Congress, Republican and Democrat, wants the economy to recover. The question is, which plan would work? In my view, it is highly unlikely this one will. I can't take that big of a risk with other people's money. I will vote against it, and I urge my colleagues to do the same.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, the American Recovery and Reinvestment Act, I believe, is a good bill. It is not perfect. It may have imperfections, but I believe it deserves our support.

Many compromises were made, and the final compromises that we made in conference were very difficult. There is no doubt those of us on this side of the aisle had to make some very difficult decisions and some painful cuts to programs that I personally believe would have been of great benefit to the American people. But in the end, I remain convinced we have gained far more than we have lost, and this bill is essential in beginning the task of turning our economy around.

The American Recovery and Reinvestment Act will create more than 3.5 million jobs. This is nothing to sniff at. It will provide tax cuts for working families, aid to our States, and will allow us to invest in our future by rebuilding our roads, schools, and mass transit systems.

As chairman of the Appropriations Committee, I know that the $311 billion in appropriated funds that are contained in this bill will make a difference as we confront the economic crisis. For example, the funds will prevent layoffs of State employees, will allow for increased funding for education, health care initiatives, improved energy efficiency, and many other vital investments.

With this large influx of Federal funding now headed to our States, including my home State of Hawaii, it is essential that each State has a plan of action in place to ensure that these resources are invested quickly and responsibly, and in the right places. In Hawaii, for example, we have established working groups of State and local officials and community leaders to identify priorities that will have the most effective and timely economic impact in local communities throughout the State.

Before concluding my remarks, I want to take a moment to thank the

Members and staff of the Appropriations Committee for all of their dedication and hard work in taking this bill from conception to completed legislation in a matter of a few months. On our committee, we have 12 subcommittees, each of which was involved in this bill. It is the subcommittees, the chairmen and ranking members who, along with their subcommittee clerks and staff, are the people who have carried the load on this bill. I believe that the Senate owes them its gratitude.

At this time, I wish to inform the Senate that division A of the conference report on H.R. 1 does not contain any congressionally directed spending items as defined in rule XLIV of the Standing Rules of the Senate.

There is no quick fix or easy answer to this grave economic crisis, but I am confident this plan will begin to put America on the road to recovery.

I believe the American Recovery and Reinvestment Act of 2009 is the right medicine for what ails our economy. It will not fix our problems overnight, but it will begin the process. We face some tough times in the coming year, but this legislation will have an impact. It will help millions of Americans, directly and indirectly and, most importantly, it will give America confidence that we can overcome this crisis.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I ask unanimous consent to be recognized for 2 minutes.

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

Mr. SESSIONS. Mr. President, I want to say something at the conclusion of the debate. I have spoken a number of times and have had my say, but this is not a normal bill. This is the largest expenditure in the history of this Republic, or of any nation in the history of the world. Some have said—and we heard this from the Administration—that they want to remake the economy. A press person asked me today: What do you think happened to bipartisanship?

I said, well, I don't know if I can hold hands and walk down the road to socialism. I don't want to walk down the road together to say our heritage of limited Government and lower taxes and individual freedom and responsibility ought to be altered.

What I am concerned about, at my deepest level, is that this step, as huge as it is, is only one of many that we are going to see. We had the Wall Street bailout of $700 billion. We hear there may be another $500 billion coming on housing and that kind of thing, because there's not much housing benefit in this.

This endangers our heritage. It is not a little bitty matter. I am proud of my colleagues who have said no. I believe it is the right vote and I hope and pray that yet it might fail.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Arizona is recognized.

Mr. MCCAIN. How much time remains on both sides?

The PRESIDING OFFICER. The proponents of the legislation have 3½ minutes, and the opponents have 8½ minutes.

Mr. MCCAIN. What is the disposition of the Senator from Illinois?

Mr. DURBIN. Mr. President, I believe we have 3 minutes and a few seconds and I will use that time.

Mr. MCCAIN. Would the Senator wish to go now or wait for me?

Mr. DURBIN. I defer to the Senator from Arizona.

Mr. MCCAIN. I thank the Senator.

Mr. President, we are, obviously, about to vote affirmatively on the legislation before us. I want to say that I think the debate has been good and respectful. I congratulate the Members on the other side of the aisle and the President for their success in achieving the timetable that they laid out for the passage of this legislation.

I point out that the allegation that this is a bipartisan piece of legislation is simply not accurate. A total of three Republican Members in the entire Congress will be voting for this bill—only three. That is not a bipartisan approach, by any measure.

I think there are some hard facts we should not ignore as we address and dispose of this issue and move on to others. I remind my colleagues that the current national debt is $10.7 trillion. The 2009 projected deficit is another $1.2 trillion. The cost of this legislation before us is $1.124 trillion; that is, $789 billion plus interest. The expected omnibus spending bill, which will be coming shortly, is roughly $400 billion. The expected supplemental request for Afghanistan and Iraq will be an additional $80 billion. We will be addressing appropriations bills for 2010 that will be over a trillion dollars. We are already spending $700 billion on TARP I and II. And estimates, according to the media, are that TARP III will be somewhere around $1.5 trillion.

We are on a spending spree of unprecedented and historic proportions. We are committing what some of us have called generational theft because we are laying this debt on our children and our grandchildren.

My colleagues—and the Senator from Illinois who has been here constantly and has argued his side effectively—will point out that Republicans did the same thing. I agree, and Republicans were punished in the last election for doing so.

What grieves me the most about this process we have been through is that it started out with a phrase by the Speaker of the House that "we won, we wrote the bill." I think I understand the lesson. That is the process that it has been through, without Republican involvement and without Republican negotiations, which I think are necessary to achieve the consensus that is necessary when we are addressing an issue of this magnitude.

This has not been a bipartisan effort. The other side will emerge victorious in a few minutes, but we have to face additional challenges. I mentioned TARP III—$1.5 trillion—and the expected war supplemental request. There are all of these new challenges—not to mention national security challenges and policy challenges.

I think I understand the message from the 2008 election. I think I understand it very well. That message is that the American people don't want business as usual. They do want us to sit down together. We want to be in on the takeoff, so that we can be in on the landing. We want to work together with the other side.

This is not the example that I think the American people want us to exercise as we address the enormous challenges. We need a stimulus package, we need to address the war in Afghanistan, and we need to provide for the much-needed services to Americans as revenues decline with a bad economy.

I end my remarks and yield back the balance of my time by saying again: Congratulations to those who will succeed in passing this legislation. The next time—and it will be soon, because I understand there will be an omnibus appropriations bill, TARP III and others—let us sit down and negotiate and work together. When we come out with a solution and legislation, we can tell the American people that we learned the lesson but, most importantly, we will reflect their wishes that we have worked together to address some of the most difficult challenges of anyone's lifetime.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I have listened to the critics of this legislation. What would they have us do? They would have us do nothing. What they offer is one-half of this bill, in the hopes that that might do it. We tried that. I say to the critics of the bill that we tried their tax cuts last year under President Bush, and they didn't work. We tried their TARP under President Bush, and it didn't work as well as we had hoped.

Now we are asking for a chance. This President, President Obama, inherited the worst economic crisis in 75 years. He is showing leadership, and he came with a solution and offered it to the Republicans and said sit down with us, work with us together. Only three Republicans out of all those elected on Capitol Hill would do so. This President made direct overtures to bring in Republicans, to try to find a solution to these problems, and they refused to do so. Many of the same Republicans—not the Senator from Arizona—who have spoken earlier supported amendments to this, adding to the cost of this package $70 billion in the Finance

Committee, up to $30 billion on the floor; and after their amendments were adopted, they said, of course, we cannot vote for the bill because it costs too much—after they added some $100 billion in costs to the bill.

They cannot have it both ways. They cannot ask us, as Democrats, to stand with President Bush when he tried to solve it and then walk out the door when we face this crisis under President Obama. We have invited the Republicans to join us, and three stepped forward. I salute them for their courage in doing so. I hope more will do that in the future.

A lot of the arguments are about the impact on the next generation. Consider the impact on the next generation of Americans if their parents lose a job. Consider the impact on kids in the next generation if their home is foreclosed upon. Consider the impact on the next generation if they are forced out of college because their parents cannot pay the bills. In this bill, we address each of those issues, providing tax relief to working families, creating up to 4 million jobs, giving people a chance to stay in their homes and trying to help them pay for a college education. Yes, we have our eye on the next generation.

What we are doing in the bill is trying to give a lifeline to our economy for those who are suffering in Arizona, Illinois, Colorado, and all across this country. This is a serious effort to find a solution. We have tried to work together. It is a transparent approach with full accountability, and we will do our best to pass it and turn this economy around and give America the new day it deserves.

I yield the floor.

The PRESIDING OFFICER. (Mrs. HAGAN). All time has expired.

Mr. McCAIN. Madam President, in keeping with the previous unanimous consent agreement, I believe this point of order and final passage are both combined in one vote.

The PRESIDING OFFICER. The Senator is correct.

Mr. McCAIN. Madam President, pursuant to section 294(a) of the 2008 budget resolution, S. Con. Res. 21, of the 110th Congress, I raise a point of order against the emergency designation in section 5(a) of the conference report.

The PRESIDING OFFICER. Under the previous order, a motion to waive the applicable point of order is considered made.

The question is agreeing to the motion.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) was absent.

The yeas and nays resulted—yeas 60, nays 38, as follows:

[Rollcall Vote Nos. 63, 64 Leg.]

YEAS—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	Specter
Carper	Leahy	Stabenow
Casey	Levin	Tester
Collins	Lieberman	Udall (CO)
Conrad	Lincoln	Udall (NM)
Dodd	McCaskill	Warner
Dorgan	Menendez	Webb
Durbin	Merkley	Whitehouse
Feingold	Mikulski	Wyden

NAYS—38

Alexander	DeMint	Martinez
Barrasso	Ensign	McCain
Bennett	Enzi	McConnell
Bond	Graham	Murkowski
Brownback	Grassley	Risch
Bunning	Gregg	Roberts
Burr	Hatch	Sessions
Chambliss	Hutchison	Shelby
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Corker	Johanns	Voinovich
Cornyn	Kyl	Wicker
Crapo	Lugar	

NOT VOTING—1

Kennedy

The PRESIDING OFFICER (Mr. DURBIN.) On this vote, the yeas are 60, the nays are 38. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion to waive section 204(a)(5)(A) of S. Con. Res. 21 regarding emergency legislation is agreed to. As a result, the point of order falls.

Pursuant to the previous order which imposed a 60-vote threshold for the adoption of this conference report, this vote also constitutes the vote on the adoption of the conference report.

Pursuant to that order, the conference report to accompany H.R. 1 is agreed to, and the motion to reconsider that vote is considered made and laid upon the table.

Mr. REID. Mr. President, 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. 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. GRASSLEY, Mr. President, yesterday I spoke about how the trade adjustment assistance provisions in the conference report represent the one shining example of bipartisanship in this mammoth legislation. It's unfortunate that the overall conference report wasn't the product of a similarly bipartisan process, but that missed opportunity should not detract from the tremendous bipartisan effort that my colleagues and our staffs undertook to bring about this significant achievement in reforming and reauthorizing our trade adjustment assistance programs. I want to take a moment to note for the record my appreciation to those who have worked so hard to produce this good compromise legislation on trade adjustment assistance.

I will begin by thanking my colleagues on the House Ways and Means Committee, Chairman RANGEL and Ranking Member CAMP. Our bicameral negotiations over the last 6 weeks have been intensive, and at times difficult but always professional and constructive. Chairman RANGEL was ably advised by Tim Reif and Viji Rangaswami, his respective staff director and deputy staff director on the trade subcommittee, as well as Alex Perkins, international trade counsel to the chairman, and Indivar Dutta-Gupta, adviser to the chairman on the professional staff of the subcommittee on income security and family support. Congressman CAMP was ably advised by his chief trade counsel, Angela Ellard, as well as David Thomas, international trade counsel to the ranking member.

Of course I must thank my partner on the Finance Committee, Chairman BAUCUS, with whom I have been actively overseeing the operation of our trade adjustment assistance programs since the last time we implemented reforms in 2002. We have been negotiating over this legislation since April of last year, so this is the culmination of a lot of effort by our two staffs. My thanks begin with his staff director, Russ Sullivan, and extend to Demetrios Marantis, his chief international trade counsel, and the rest of his trade team, particularly Hun Quach, Ayesha Khanna, and Darci Vetter, as well as Amber Cottle, Chelsea Thomas, and Janis Lazda. I would also like to thank Liz Fowler and Neleen Eisinger from his health staff, and Anya Landau French, formerly of his trade staff.

On my staff I want to thank first my staff director on the Finance Committee, Kolan Davis, and my deputy staff director and chief tax counsel, Mark Prater, for their wise counsel in managing the legislative processes that have led to today's achievement. I also want to thank my chief international trade counsel, Stephen Schaefer, who has spearheaded my oversight of trade adjustment assistance since 2003 and led my negotiating effort these many months, as well as David Ross, my international trade counsel, who played an integral role in the negotiations that produced today's compromise. In addition, I want to thank David Johanson, my international trade counsel and agricultural trade specialist, for his role in negotiating a reform of the trade adjustment assistance for farmers program, and Claudia Bridgeford Poteet, my international trade policy advisor, for her advice and support. Additional members of my staff that merit special recognition include Mark Hayes, my chief health counsel, and Andrew McKechnie, also on my health staff, as well as Kristin Bass and Colette Desmarais, formerly of my health staff. I also want to thank Chris Condeluci, my tax and benefits counsel, as well as Lacee Oliver, an intern on my Finance Committee staff, and John Kalitka, a former detail to my Finance Committee trade staff from the Department of Commerce, for their work on trade adjustment assistance.

Our work has been supported by the substantial efforts of dedicated professionals at the Department of Labor, and my appreciation there begins with Erin Fitzgerald in the Division of Trade Adjustment Assistance, as well as Mark Morin and Lois Zuckerman in the Office of the Solicitor, and Erica Cantor, the administrator of the Office of National Response. I also want to thank Mason Bishop, Blake Hanlon, and Geoffrey Burr, formerly of the Department of Labor, as well as Justin McCarthy and John Bailey, formerly on the White House staff of the previous administration.

I mentioned that Chairman BAUCUS and I have been engaged in joint oversight of the trade adjustment assistance programs since 2002, and our oversight has included requesting a series of reports from the Government Accountability Office to examine various aspects of the operation of these programs. Among current and former personnel at the Government Accountability Office who merit special recognition for their hard work are Sigurd Nilsen, Dianne Blank, Lorin Obler, and Wayne Sylvia.

Finally, I want to acknowledge the tremendous effort of our House and Senate legislative counsels to deliver timely drafts and constructive critiques of proposed legislative provisions. On the House side I want to thank Sandra Strokoff and Mark Synnes, and here in the Senate I want to thank our experts on customs and international trade law, Polly Craighill and Margaret Roth-Warren.

As you can see, today's achievement is the result of the dedication, hard work, and commitment of many individuals. It is the culmination of years of effort, and I am confident that the result will serve to benefit American workers in Iowa and across the United States for years to come.

Mr. COCHRAN. Mr. President, although I voted against the motion to waive the Congressional Budget Act on the conference report to accompany H.R. 1, the so-called stimulus bill, and on the adoption of the conference report to H.R. 1, I must acknowledge the courtesies and thoughtful leadership of the Appropriations Committee by the distinguished Senator from Hawaii, Mr. INOUYE.

He carried out his responsibilities as chairman of our committee in a fair minded way that reflected credit on the Senate.

This legislation was written by our committee, but in many respects it reflected the attitude and interests of the other body. The bill in my opinion creates too many new programs and policies that will have a major impact on the Federal budget for years to come.

Our Nation faces an economic emergency, but a health information program is not an emergency and should not have been included in this bill. Upgrading the elective grid is not an emergency and neither is improving our Nation's scientific capacity, but they should have been considered in the President's budget request and through a deliberative congressional process.

There are many things like this that should not have been included in this bill.

The process has been anything but deliberative.

MORNING BUSINESS

Mr. REID. Mr. President, I ask we now go to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

HONORING JOE BURKE

Mr. DURBIN. Mr. President, today I would like to recognize Mr. Joseph ''Joe'' Burke for his 33 years of service with the U.S. Capitol Police.

Joe was raised and educated in Pennsylvania and Virginia. He attended Moravia College in Pennsylvania and graduated with a degree in criminal justice. Joe's studies didn't occupy all his time while at Moravia; he was an extremely talented baseball player and tried out for the Pittsburgh Pirates.

After choosing a career in law enforcement, Joe joined the U.S. Capitol Police on December 8, 1975. He served in several positions within the department before finding his true calling— the Containment and Emergency Response Team, CERT, in 1981.

Joe was among the original members of CERT upon its inception in 1981. The tryouts for CERT were strenuous; held at the FBI Academy, they consisted of shooting drills, running an obstacle course and jumping into a pool with a rubber gun before swimming the length of the pool. The Unit started with three five-man teams that train twice a month. This modest beginning has grown into the CERT we see today—a highly trained, full-time tactical team.

Over the years, Joe has remained committed to serving the congressional community. He has served during several challenging periods for the Capitol Police including the tragic shooting at the Capitol, the attacks on September 11, 2001, and the anthrax mailings. Joe's experience was invaluable during big events, too—the state funerals of Presidents Reagan and Ford, demonstrations, eight Presidential Inaugurations and numerous State of the Union Addresses.

Joe Burke's experience and service have helped CERT become a SWAT team that ranks among the top teams in the country. He is responsible for many of the programs currently used by the Capitol Police to train CERT personnel.

Joe has been recognized for his leadership and efforts to develop an enhanced and professional tactical team and for his work with area teams to develop response and coverage capabilities across the region.

Mr. President, Joe Burke retired from the U.S. Capitol Police on January 3, 2009. I would like to thank him for his years of service to the congressional community and ask that my colleagues join me in wishing Joe well in his retirement.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP RULES OF PROCEDURE

Ms. LANDRIEU. Mr. President, Senate Standing Rule XXVI requires each committee to adopt rules to govern the procedures of the committee and to publish those rules in the CONGRESSIONAL RECORD not later than March 1 of the first year of each Congress. Today, February 12, 2009, the Committee on Small Business and Entrepreneurship held a business meeting during which the members of the committee unanimously adopted rules to govern the procedures of the committee. Consistent with Standing Rule XXVI, I am submitting for printing in the CONGRESSIONAL RECORD a copy of the rules of the Senate Committee on Small Business and Entrepreneurship for the 111th Congress.

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

RULES FOR THE COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP —111TH CONGRESS

GENERAL

All applicable provisions of the Standing Rules of the Senate, the Senate Resolutions, and the Legislative Reorganization Acts of 1946 and of 1970 (as amended), shall govern the Committee.

MEETINGS

(a) The regular meeting day of the Committee shall be the first Wednesday of each month unless otherwise directed by the Chair. All other meetings may be called by the Chair as he or she deems necessary, on 5 business days notice where practicable. If at least three Members of the Committee desire the Chair to call a special meeting, they may file in the office of the Committee a written request therefore, addressed to the Chair. Immediately thereafter, the Clerk of the Committee shall notify the Chair of such request. If, within 3 calendar days after the filing of such request, the Chair fails to call the requested special meeting, which is to be held within 7 calendar days after the filing of such request, a majority of the Committee Members may file in the Office of the Committee their written notice that a special Committee meeting will be held, specifying the date, hour and place thereof, and the Committee shall meet at that time and place. Immediately upon the filing of such notice, the Clerk of the Committee shall notify all Committee Members that such special meeting will be held and inform them of its date, hour and place. If the Chair is not present at any regular, additional or special meeting, such member of the Committee as the Chair shall designate shall preside.

(b) It shall not be in order for the Committee to consider any amendment in the