SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. MCCASKILL (for herself and Mr. UDALL of Colorado):

S. Res. 63. A resolution to amend the Standing Rules of the Senate to ensure that all congressionally directed spending items in appropriations and authorization legislation fall under the oversight and transparency provisions of S. 1, the Honest Leadership and Open Government Act of 2007; to the Committee on Rules and Administration.

By Mrs. BOXER (for herself and Mr. CARPER):

S. Res. 64. A resolution recognizing the need for the Environmental Protection Agency to end decades of delay and utilize existing authority under the Resource Conservation and Recovery Act to comprehensively regulate coal combustion waste and the need for the Tennessee Valley Authority to be a national leader in technological innovation, low-cost power, and environmental stewardship; to the Committee on Environment and Public Works.

ADDITIONAL COSPONSORS

S. 144

At the request of Mr. KERRY, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 144, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 295

At the request of Mr. BINGAMAN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 295, a bill to amend title XVIII of the Social Security Act to improve the quality and efficiency of the Medicare program through measurement of readmission rates and resource use and to develop a pilot program to provide episodic payments to organized groups of multispecialty and multilevel providers of services and suppliers for hospitalization episodes associated with select, high cost diagnoses.

S. 330

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 330, a bill to amend title XVIII of the Social Security Act to deliver a meaningful benefit and lower prescription drug prices under the Medicare program.

S. 355

At the request of Mr. DURBIN, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 355, a bill to enhance the capacity of the United States to undertake global development activities, and for other purposes.

S. 388

At the request of Ms. MIKULSKI, the names of the Senator from Colorado (Mr. UDALL) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 388, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 405

At the request of Mr. LEAHY, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 405, a bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 422

At the request of Ms. STABENOW, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 422, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 473

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 473, a bill to establish the Senator Paul Simon Study Abroad Foundation.

S. 482

At the request of Mr. FEINGOLD, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 482, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 484

At the request of Mrs. FEINSTEIN, the names of the Senator from Maine (Ms. SNOWE) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 484, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 506

At the request of Mr. LEVIN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 506, a bill to restrict the use of offshore tax havens and abusive tax shelters to inappropriately avoid Federal taxation, and for other purposes.

S. 510

At the request of Mr. DURBIN, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 510, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply.

S. RES. 49

At the request of Mr. LUGAR, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. Res. 49, a resolution to express the sense of the Senate regarding the importance of public diplomacy.

AMENDMENT NO. 607

At the request of Mr. WICKER, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of amendment No. 607 proposed to H.R. 1105, a bill making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 615

At the request of Mr. ENSIGN, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of amendment No. 615 intended to be proposed to H.R. 1105, a bill making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 622

At the request of Mr. ENSIGN, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of amendment No. 622 intended to be proposed to H.R. 1105, a bill making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 638

At the request of Mr. CRAPO, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of amendment No. 638 proposed to H.R. 1105, a bill making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 522. A bill to resolve the claims of the Bering Straits Native Corporation and the State of Alaska to land adjacent to Salmon Lake in the State of Alaska and to provide for the conveyance to the Bering Straits Native Corporation of certain other public land in partial satisfaction of the land entitlement of the Corporation under the Alaska Native Claims Settlement Act; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, I rise to speak to a bill that I am introducing today to resolve a land conveyance dispute in Northwest Alaska, the Salmon Lake Land Selection Resolution Act.

Shortly after Alaska became a State in 1959, Alaska selected lands near Salmon Lake, a major fishery resource in the Bering Straits Region of Northwest Alaska. In 1971, Congress passed the Alaska Native Claims Settlement Act to resolve aboriginal land claims throughout the 49th State. In that act Congress created 12 regional Native corporations in state, providing the corporations with $966 million and the right to select 44 million acres of land in return for giving up claims to their traditional lands in Alaska. The land and money was to go to make the corporations profitable to provide benefits to their shareholders, the native inhabitants of Alaska. The Bering Straits Native Corporation, one of those 12 regional corporations, promptly selected lands in the Salmon Lake region overlapping state selections, because the lake and the waters upstream and downstream from the lake spawn and

contain fisheries resources of significance to Alaska Natives and also offer land suitable for a variety of recreational activities.

For the past 38 years there have been conflicts over the conveyances, delaying land from going to the corporation, harming the economic and cultural benefits of the corporation to Native shareholders, and complicating land and wildlife management issues between federal agencies and the State of Alaska. Starting in 1994, but accelerating in 1997, talks began among the State, Federal agencies and native corporations and towns in the region, located north of Nome—Salmon Lake itself is located 38 miles north of Nome—to reach a consensus on land uses in the region. Those talks reached agreement on June 1, 2007 with a resolution that satisfied all parties. This seemingly non-controversial legislation will implement the new land management regime in the area and finally complete the conveyance of ANCSA lands to the Bering Straits Native Corporation—giving the corporation title after surveys to the last of the 145,728 acres it was promised by Section 14 (h)(8) of ANCSA nearly four decades ago.

By this bill the Corporation will gain conveyance to 1,009 acres in the Salmon Lake area, 6,132 acres at Windy Cove, northwest of Salmon Lake, and 7,504 acres at Imuruk Basin, on the north shore of Imuruk Basin, a water body north of Windy Cove. In return the Corporation relinquishes rights to another 3,084 acres at Salmon Lake to the federal government, the government then giving part of the land to the State of Alaska for it to maintain a key airstrip in the area. The Federal Bureau of Land Management also retains ownership and administration of a 9–acre campground at the outlet of Salmon Lake, which provides road accessible public camping opportunities from the Nome-Teller Highway. The agreement also retains public access to BLM managed lands in the Kigluaik Mountain Range.

The bill fully protects recreation and subsistence uses in the area, while providing the Corporation with access to recreational-tourism sites of importance to its shareholders and which might some day produce revenues for the Corporation. The agreement has prompted no known environmental group concerns and seems to be the classic ''win-win-win'' solution that all sides should be congratulated for crafting. The key, however, is for Congress to ratify the land conveyance changes by 2011, when the agreement ratification window closes.

Passage of this act is certainly in keeping with the spirit of the Alaska Lands Conveyance Acceleration Act that this body passed 5 years ago that was intended to help settle all outstanding land conveyance issues by 2009—the 50th anniversary of Alaska statehood. In Alaska where controversy abounds over land use, this is a hard-fought compromise agreement that seemingly satisfies all parties and makes good sense for all concerned. I hope this body can ratify this bill swiftly and move it to the House of Representatives for its concurrence and eventual signing by the President. The bill is important for residents of Nome who utilize the area and for all Alaska Natives who live in the Bering Straits Region.

By Mr. FEINGOLD (for himself and Mr. MCCAIN):

S. 524. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority; to the Committee on the Budget.

Mr. FEINGOLD. Mr. President, I am pleased to once again offer this measure, the Congressional Accountability and Line-Item Veto Act of 2009 with my colleague from Wisconsin, the Ranking Member of the House Budget Committee, Congressman PAUL RYAN. I have worked with Congressman RYAN on this issue for the last two years. He and I belong to different political parties, and differ on many issues. But we do share at least two things in common—our hometown of Janesville, WI, and an abiding respect for Wisconsin's tradition of fiscal responsibility.

I am also delighted to be joined by my colleague, the senior Senator from Arizona, Mr. MCCAIN, in introducing the Congressional Accountability and Line-Item Veto Act of 2009. Senator MCCAIN has been one of the preeminent champions of earmark reform, and I have been pleased to work with him in fighting this abuse over the last two decades.

The measure we are each introducing today would grant the President specific authority to rescind or cancel congressional earmarks, including earmarked spending, tax breaks, and tariff benefits. This new authority would sunset at the end of 2014, ensuring that Congress will have a chance to review its use in two different presidential terms before considering whether or not to extend it. While not a true line-item veto bill, our measure provides for fast-track consideration of the President's proposed cancellation of earmarks. Thus, unlike current law, it ensures that for the specific category of congressional earmarks, the President will get an up or down vote on his proposed cancellations.

There have been a number of so-called line-item veto proposals offered in the past several years. But the measure we propose today is unique in that it specifically targets the very items that every line-item veto proponent cites when promoting a particular measure, namely earmarks. When President Bush asked for this kind of authority, the examples he gave when citing wasteful spending he wanted to target were congressional earmarks.

When Members of the House or Senate tout a new line-item veto authority to go after government waste, the examples they give are congressional earmarks. When editorial pages argue for a new line-item veto, they, too, cite congressional earmarks as the reason for granting the President this new authority.

That is exactly what our bill does. It provides the President with new expedited rescission authority—what has been commonly referred to as a line-item veto—to cancel congressional earmarks. The definitions of earmarks that we use are the very definitions upon which each house has agreed in passing the Honest Leadership and Open Government Act in the 110th Congress.

Unauthorized congressional earmarks are a serious problem. By one estimate, in 2004 alone more than $50 billion in earmarks were passed. While some in Congress may wish to dismiss this issue, this year a single bill, the omnibus appropriations bill we are considering in the Senate, has by one count over eight thousand earmarks that cost over $7 billion. That is just one bill. We haven't even begun the appropriations process for the coming i cal year.

There is no excuse for a system that allows that kind of wasteful spending year after year, and while I have opposed granting the President line-item veto authority to effectively reshape programs like Medicare and Medicaid, for this specific category, I support giving the President this additional tool.

Under our proposal, wasteful spending does not have anywhere to hide. It is out in the open, so that both Congress and the President have a chance to get rid of wasteful projects before they begin.

The taxpayers—who pay the price for these projects—deserve a process that shows some real fiscal discipline, and that's what we are trying to get at with this legislation.

President Obama recognizes the pernicious effect earmarks have on the entire process. When he asked Congress to take the extraordinary step of sending him a massive economic recovery package, he knew such a large package of spending and tax cuts would naturally attract earmarks. He also recognized that were earmarks to be added to the bill, it would undermine his ability to get it enacted, so he rightly insisted it be free of earmarks.

I was pleased to hear reports that President Obama looks forward to giving the line item veto a ''test drive.'' I very much hope that with this bill we can give him that opportunity.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 524

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Congressional Accountability and Line-Item Veto Act of 2009''.

SEC. 2. LEGISLATIVE LINE ITEM VETO.

(a) IN GENERAL.—Title X of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.) is amended by striking all of part B (except for sections 1016 and 1013, which are redesignated as sections 1019 and 1020, respectively) and part C and inserting the following:

''PART B—LEGISLATIVE LINE-ITEM VETO

''LINE ITEM VETO AUTHORITY

''SEC. 1011. (a) PROPOSED CANCELLATIONS.—Within 30 calendar days after the enactment of any bill or joint resolution containing any congressional earmark or providing any limited tariff benefit or targeted tax benefit, the President may propose, in the manner provided in subsection (b), the repeal of the congressional earmark or the cancellation of any limited tariff benefit or targeted tax benefit. If the 30 calendar-day period expires during a period where either House of Congress stands adjourned sine die at the end of Congress or for a period greater than 30 calendar days, the President may propose a cancellation under this section and transmit a special message under subsection (b) on the first calendar day of session following such a period of adjournment.

''(b) TRANSMITTAL OF SPECIAL MESSAGE.—

''(1) SPECIAL MESSAGE.—

''(A) IN GENERAL.—The President may transmit to the Congress a special message proposing to repeal any congressional earmarks or to cancel any limited tariff benefits or targeted tax benefits.

''(B) CONTENTS OF SPECIAL MESSAGE.—Each special message shall specify, with respect to the congressional earmarks, limited tariff benefits, or targeted tax benefits to be repealed or canceled—

''(i) the congressional earmark that the President proposes to repeal or the limited tariff benefit or the targeted tax benefit that the President proposes be canceled;

''(ii) the specific project or governmental functions involved;

''(iii) the reasons why such congressional earmark should be repealed or such limited tariff benefit or targeted tax benefit should be canceled;

''(iv) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect (including the effect on outlays and receipts in each fiscal year) of the proposed repeal or cancellation;

''(v) to the maximum extent practicable, all facts, circumstances, and considerations relating to or bearing upon the proposed repeal or cancellation and the decision to propose the repeal or cancellation, and the estimated effect of the proposed repeal or cancellation upon the objects, purposes, or programs for which the congressional earmark, limited tariff benefit, or the targeted tax benefit is provided;

''(vi) a numbered list of repeals and cancellations to be included in an approval bill that, if enacted, would repeal congressional earmarks and cancel limited tariff benefits or targeted tax benefits proposed in that special message; and

''(vii) if the special message is transmitted subsequent to or at the same time as another special message, a detailed explanation why the proposed repeals or cancellations are not substantially similar to any other proposed repeal or cancellation in such other message.

''(C) DUPLICATIVE PROPOSALS PROHIBITED.—The President may not propose to repeal or cancel the same or substantially similar congressional earmark, limited tariff benefit, or targeted tax benefit more than one time under this Act.

''(D) MAXIMUM NUMBER OF SPECIAL MESSAGES.—The President may not transmit to the Congress more than one special message under this subsection related to any bill or joint resolution described in subsection (a), but may transmit not more than 2 special messages for any omnibus budget reconciliation or appropriation measure.

''(2) ENACTMENT OF APPROVAL BILL.—

''(A) DEFICIT REDUCTION.—Congressional earmarks, limited tariff benefits, or targeted tax benefits which are repealed or canceled pursuant to enactment of a bill as provided under this section shall be dedicated only to reducing the deficit or increasing the surplus.

''(B) ADJUSTMENT OF LEVELS IN THE CONCURRENT RESOLUTION ON THE BUDGET.—Not later than 5 days after the date of enactment of an approval bill as provided under this section, the chairs of the Committees on the Budget of the Senate and the House of Representatives shall revise allocations and aggregates and other appropriate levels under the appropriate concurrent resolution on the budget to reflect the repeal or cancellation, and the applicable committees shall report revised suballocations pursuant to section 302(b), as appropriate.

''(C) ADJUSTMENTS TO STATUTORY LIMITS.—After enactment of an approval bill as provided under this section, the Office of Management and Budget shall revise applicable limits under the Balanced Budget and Emergency Deficit Control Act of 1985, as appropriate.

''(D) TRUST FUNDS AND SPECIAL FUNDS.—Notwithstanding subparagraph (A), nothing in this part shall be construed to require or allow the deposit of amounts derived from a trust fund or special fund which are canceled pursuant to enactment of a bill as provided under this section to any other fund.

''PROCEDURES FOR EXPEDITED CONSIDERATION

''SEC. 1012. (a) EXPEDITED CONSIDERATION.—

''(1) IN GENERAL.—The majority leader or minority leader of each House or his designee shall (by request) introduce an approval bill as defined in section 1017 not later than the third day of session of that House after the date of receipt of a special message transmitted to the Congress under section 1011(b). If the bill is not introduced as provided in the preceding sentence in either House, then, on the fourth day of session of that House after the date of receipt of the special message, any Member of that House may introduce the bill.

''(2) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

''(A) REFERRAL AND REPORTING.—Any committee of the House of Representatives to which an approval bill is referred shall report it to the House without amendment not later than the seventh legislative day after the date of its introduction. If a committee fails to report the bill within that period or the House has adopted a concurrent resolution providing for adjournment sine die at the end of a Congress, such committee shall be automatically discharged from further consideration of the bill and it shall be placed on the appropriate calendar.

''(B) PROCEEDING TO CONSIDERATION.—After an approval bill is reported by or discharged from committee or the House has adopted a concurrent resolution providing for adjournment sine die at the end of a Congress, it shall be in order to move to proceed to consider the approval bill in the House. Such a motion shall be in order only at a time designated by the Speaker in the legislative schedule within two legislative days after the day on which the proponent announces his intention to offer the motion. Such a motion shall not be in order after the House has disposed of a motion to proceed with respect to that special message. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

''(C) CONSIDERATION.—The approval bill shall be considered as read. All points of order against an approval bill and against its consideration are waived. The previous question shall be considered as ordered on an approval bill to its passage without intervening motion except five hours of debate equally divided and controlled by the proponent and an opponent and one motion to limit debate on the bill. A motion to reconsider the vote on passage of the bill shall not be in order.

''(D) SENATE BILL.—An approval bill received from the Senate shall not be referred to committee.

''(3) CONSIDERATION IN THE SENATE.—

''(A) REFERRAL AND REPORTING.—Any committee of the Senate to which an approval bill is referred shall report it to the Senate without amendment not later than the seventh legislative day after the date of its introduction. If a committee fails to report the bill within that period or the Senate has adopted a concurrent resolution providing for adjournment sine die at the end of a Congress, such committee shall be automatically discharged from further consideration of the bill and it shall be placed on the appropriate calendar.

''(B) MOTION TO PROCEED TO CONSIDERATION.—After an approval bill is reported by or discharged from committee or the Senate has adopted a concurrent resolution providing for adjournment sine die at the end of a Congress, it shall be in order to move to proceed to consider the approval bill in the Senate. A motion to proceed to the consideration of a bill under this subsection in the Senate shall not be debatable. It shall not be in order to move to reconsider the vote by which the motion to proceed is agreed to or disagreed to.

''(C) LIMITS ON DEBATE.—Debate in the Senate on a bill under this subsection, and all debatable motions and appeals in connection therewith (including debate pursuant to subparagraph (D)), shall not exceed 10 hours, equally divided and controlled in the usual form.

''(D) APPEALS.—Debate in the Senate on any debatable motion or appeal in connection with a bill under this subsection shall be limited to not more than 1 hour, to be equally divided and controlled in the usual form.

''(E) MOTION TO LIMIT DEBATE.—A motion in the Senate to further limit debate on a bill under this subsection is not debatable.

''(F) MOTION TO RECOMMIT.—A motion to recommit a bill under this subsection is not in order.

''(G) CONSIDERATION OF THE HOUSE BILL.—

''(i) IN GENERAL.—If the Senate has received the House companion bill to the bill introduced in the Senate prior to a vote under subparagraph (C), then the Senate may consider, and the vote under subparagraph (C) may occur on, the House companion bill.

''(ii) PROCEDURE AFTER VOTE ON SENATE BILL.—If the Senate votes, pursuant to subparagraph (C), on the bill introduced in the Senate, then immediately following that vote, or upon receipt of the House companion bill, the House bill shall be deemed to be considered, read the third time, and the vote on passage of the Senate bill shall be considered to be the vote on the bill received from the House.

''(b) AMENDMENTS PROHIBITED.—No amendment to, or motion to strike a provision from, a bill considered under this section

shall be in order in either the Senate or the House of Representatives.

''PRESIDENTIAL DEFERRAL AUTHORITY

''SEC. 1013. (a) TEMPORARY PRESIDENTIAL AUTHORITY TO WITHHOLD CONGRESSIONAL EARMARKS.—

''(1) IN GENERAL.—At the same time as the President transmits to the Congress a special message pursuant to section 1011(b), the President may direct that any congressional earmark to be repealed in that special message shall not be made available for obligation for a period of 45 calendar days of continuous session of the Congress after the date on which the President transmits the special message to the Congress.

''(2) EARLY AVAILABILITY.—The President shall make any congressional earmark deferred pursuant to paragraph (1) available at a time earlier than the time specified by the President if the President determines that continuation of the deferral would not further the purposes of this Act.

''(b) TEMPORARY PRESIDENTIAL AUTHORITY TO SUSPEND A LIMITED TARIFF BENEFIT.—

''(1) IN GENERAL.—At the same time as the President transmits to the Congress a special message pursuant to section 1011(b), the President may suspend the implementation of any limited tariff benefit proposed to be canceled in that special message for a period of 45 calendar days of continuous session of the Congress after the date on which the President transmits the special message to the Congress.

''(2) EARLY AVAILABILITY.—The President shall terminate the suspension of any limited tariff benefit at a time earlier than the time specified by the President if the President determines that continuation of the suspension would not further the purposes of this Act.

''(c) TEMPORARY PRESIDENTIAL AUTHORITY TO SUSPEND A TARGETED TAX BENEFIT.—

''(1) IN GENERAL.—At the same time as the President transmits to the Congress a special message pursuant to section 1011(b), the President may suspend the implementation of any targeted tax benefit proposed to be repealed in that special message for a period of 45 calendar days of continuous session of the Congress after the date on which the President transmits the special message to the Congress.

''(2) EARLY AVAILABILITY.—The President shall terminate the suspension of any targeted tax benefit at a time earlier than the time specified by the President if the President determines that continuation of the suspension would not further the purposes of this Act.

''IDENTIFICATION OF TARGETED TAX BENEFITS

''SEC. 1014. (a) STATEMENT.—The chairman of the Committee on Ways and Means of the House of Representatives and the chairman of the Committee on Finance of the Senate acting jointly (hereafter in this subsection referred to as the 'chairmen') shall review any revenue or reconciliation bill or joint resolution which includes any amendment to the Internal Revenue Code of 1986 that is being prepared for filing by a committee of conference of the two Houses, and shall identify whether such bill or joint resolution contains any targeted tax benefits. The chairmen shall provide to the committee of conference a statement identifying any such targeted tax benefits or declaring that the bill or joint resolution does not contain any targeted tax benefits. Any such statement shall be made available to any Member of Congress by the chairmen immediately upon request.

''(b) STATEMENT INCLUDED IN LEGISLATION.—

''(1) IN GENERAL.—Notwithstanding any other rule of the House of Representatives or any rule or precedent of the Senate, any revenue or reconciliation bill or joint resolution which includes any amendment to the Internal Revenue Code of 1986 reported by a committee of conference of the two Houses may include, as a separate section of such bill or joint resolution, the information contained in the statement of the chairmen, but only in the manner set forth in paragraph (2).

''(2) APPLICABILITY.—The separate section permitted under subparagraph (A) shall read as follows: 'Section 1021 of the Congressional Budget and Impoundment Control Act of 1974 shall _____ apply to _____.', with the blank spaces being filled in with—

''(A) in any case in which the chairmen identify targeted tax benefits in the statement required under subsection (a), the word 'only' in the first blank space and a list of all of the specific provisions of the bill or joint resolution in the second blank space; or

''(B) in any case in which the chairmen declare that there are no targeted tax benefits in the statement required under subsection (a), the word 'not' in the first blank space and the phrase 'any provision of this Act' in the second blank space.

''(c) IDENTIFICATION IN REVENUE ESTIMATE.—With respect to any revenue or reconciliation bill or joint resolution with respect to which the chairmen provide a statement under subsection (a), the Joint Committee on Taxation shall—

''(1) in the case of a statement described in subsection (b)(2)(A), list the targeted tax benefits in any revenue estimate prepared by the Joint Committee on Taxation for any conference report which accompanies such bill or joint resolution, or

''(2) in the case of a statement described in 13 subsection (b)(2)(B), indicate in such revenue estimate that no provision in such bill or joint resolution has been identified as a targeted tax benefit.

''(d) PRESIDENT'S AUTHORITY.—If any revenue or reconciliation bill or joint resolution is signed into law—

''(1) with a separate section described in subsection (b)(2), then the President may use the authority granted in this section only with respect to any targeted tax benefit in that law, if any, identified in such separate section; or

''(2) without a separate section described in subsection (b)(2), then the President may use the authority granted in this section with respect to any targeted tax benefit in that law.

''TREATMENT OF CANCELLATIONS

''SEC. 1015. The repeal of any congressional earmark or cancellation of any limited tariff benefit or targeted tax benefit shall take effect only upon enactment of the applicable approval bill. If an approval bill is not enacted into law before the end of the applicable period under section 1013, then all proposed repeals and cancellations contained in that bill shall be null and void and any such congressional earmark, limited tariff benefit, or targeted tax benefit shall be effective as of the original date provided in the law to which the proposed repeals or cancellations applied.

''REPORTS BY COMPTROLLER GENERAL

''SEC. 1016. With respect to each special message under this part, the Comptroller General shall issue to the Congress a report determining whether any congressional earmark is not repealed or limited tariff benefit or targeted tax benefit continues to be suspended after the deferral authority set forth in section 1013 of the President has expired.

''DEFINITIONS

''SEC. 1017. As used in this part:

''(1) APPROPRIATION LAW.—The term 'appropriation law' means an Act referred to in section 105 of title 1, United States Code, including any general or special appropriation Act, or any Act making supplemental, deficiency, or continuing appropriations, that has been signed into law pursuant to Article I, section 7, of the Constitution of the United States.

''(2) APPROVAL BILL.—The term 'approval bill' means a bill or joint resolution which only approves proposed repeals of congressional earmarks or cancellations of limited tariff benefits or targeted tax benefits in a special message transmitted by the President under this part and—

''(A) the title of which is as follows: 'A bill approving the proposed repeals and cancellations transmitted by the President on _____', the blank space being filled in with the date of transmission of the relevant special message and the public law number to which the message relates;

''(B) which does not have a preamble; and

''(C) which provides only the following after the enacting clause: 'That the Congress approves of proposed repeals and cancellations _____', the blank space being filled in with a list of the repeals and cancellations contained in the President's special message, 'as transmitted by the President in a special message on _____', the blank space being filled in with the appropriate date, 'regarding _____.', the blank space being filled in with the public law number to which the special message relates;

''(D) which only includes proposed repeals and cancellations that are estimated by CBO to meet the definition of congressional earmark or limited tariff benefits, or that are identified as targeted tax benefits pursuant to section 1014; and

''(E) if no CBO estimate is available, then the entire list of legislative provisions proposed by the President is inserted in the second blank space in subparagraph (C).

''(3) CALENDAR DAY.—The term 'calendar day' means a standard 24-hour period beginning at midnight.

''(4) CANCEL OR CANCELLATION.—The terms 'cancel' or 'cancellation' means to prevent—

''(A) a limited tariff benefit from having legal force or effect, and to make any necessary, conforming statutory change to ensure that such limited tariff benefit is not implemented; or

''(B) a targeted tax benefit from having legal force or effect, and to make any necessary, conforming statutory change to ensure that such targeted tax benefit is not implemented and that any budgetary resources are appropriately canceled.

''(5) CBO.—The term 'CBO' means the Director of the Congressional Budget Office.

''(6) CONGRESSIONAL EARMARK.—The term 'congressional earmark' means a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.

''(7) ENTITY.—As used in paragraph (6), the term 'entity' includes a private business, State, territory or locality, or Federal entity.

''(8) LIMITED TARIFF BENEFIT.—The term 'limited tariff benefit' means any provision of law that modifies the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities (as defined in paragraph (12)(B)).

''(9) OMB.—The term 'OMB' means the Director of the Office of Management and Budget.

''(10) OMNIBUS RECONCILIATION OR APPROPRIATION MEASURE.—The term 'omnibus reconciliation or appropriation measure' means—

''(A) in the case of a reconciliation bill, any such bill that is reported to its House by the Committee on the Budget; or

''(B) in the case of an appropriation measure, any such measure that provides appropriations for programs, projects, or activities falling within 2 or more section 302(b) suballocations.

''(11) TARGETED TAX BENEFIT.—The term 'targeted tax benefit' means—

''(A) any revenue provision that—

''(i) provides a Federal tax deduction, credit, exclusion, or preference to a particular beneficiary or limited group of beneficiaries under the Internal Revenue Code of 1986; and

''(ii) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision; or

''(B) any Federal tax provision which provides one beneficiary temporary or permanent transition relief from a change to the Internal Revenue Code of 1986.

''EXPIRATION

''SEC. 1018. This title shall have no force or effect on or after December 31, 2014''.

SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS.

(a) EXERCISE OF RULEMAKING POWERS.—Section 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 note) is amended—

(1) in subsection (a), by striking ''1017'' and inserting ''1012''; and

(2) in subsection (d), by striking ''section 1017'' and inserting ''section 1012''.

(b) ANALYSIS BY CONGRESSIONAL BUDGET OFFICE.—Section 402 of the Congressional Budget Act of 1974 is amended by inserting ''(a)'' after ''402.'' and by adding at the end the following new subsection:

''(b) Upon the receipt of a special message under section 1011 proposing to repeal any congressional earmark, the Director of the Congressional Budget Office shall prepare an estimate of the savings in budget authority or outlays resulting from such proposed repeal relative to the most recent levels calculated consistent with the methodology used to calculate a baseline under section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 and included with a budget submission under section 1105(a) of title 31, United States Code, and transmit such estimate to the chairmen of the Committees on the Budget of the House of Representatives and Senate.''.

(c) CLERICAL AMENDMENTS.—(1) Section 1(a) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking the last sentence.

(2) Section 1022(c) of such Act (as redesignated) is amended is amended by striking ''rescinded or that is to be reserved'' and insert ''canceled'' and by striking ''1012'' and inserting ''1011''.

(3) TABLE OF CONTENTS.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by deleting the contents for parts B and C of title X and inserting the following:

''PART B—LEGISLATIVE LINE-ITEM VETO

''Sec. 1011. Line item veto authority.
''Sec. 1012. Procedures for expedited consideration.
''Sec. 1013. Presidential deferral authority.
''Sec. 1014. Identification of targeted tax benefits.
''Sec. 1015. Treatment of cancellations.
''Sec. 1016. Reports by comptroller general.
''Sec. 1017. Definitions.
''Sec. 1018. Expiration.
''Sec. 1019. Suits by Comptroller General.
''Sec. 1020. Proposed Deferrals of budget authority.''.

(d) EFFECTIVE DATE.—The amendments made by this Act shall take effect on the date of its enactment and apply only to any congressional earmark, limited tariff benefit, or targeted tax benefit provided in an Act enacted on or after the date of enactment of this Act.

SEC. 4. SENSE OF CONGRESS ON ABUSE OF PROPOSED REPEALS AND CANCELLATIONS.

It is the sense of Congress no President or any executive branch official should condition the inclusion or exclusion or threaten to condition the inclusion or exclusion of any proposed repeal or cancellation in any special message under this section upon any vote cast or to be cast by any Member of either House of Congress.

Mr. MCCAIN. Mr. President, I am honored to once again be joining my friend, colleague, and partner in reform, Senator FEINGOLD, in introducing the Congressional Accountability and Line-Item Veto Act. Additionally, I would like to thank Republican PAUL RYAN from Wisconsin for introducing this legislation in the House of Representatives. I applaud my two colleagues from Wisconsin for their leadership on this important issue.

Our bill does a number of things. First, it provides the President with a constitutional line item veto authority. This legislation would ensure timely consideration of earmark rescission requests by the President, which must be submitted to Congress within 30 calendar days of signing a bill into law. It gives the House and Senate 12 legislative days to act after the President sends a rescission. It respects and preserves Congress's constitutional responsibilities, as it requires both the House and Senate to pass a rescission request before it can become law. This bill limits the number of rescission requests per bill to guard against gridlock in Congress due to multiple rescission proposals. Finally, it sunsets at the end of 2014 in order to review how the authority is working after the administration has had the opportunity to work with Congress to employ this tool to control spending and to determine if it should be renewed.

Why do we need to grant the President a line-item veto authority? Currently the Senate is debating a porkfilled $410 billion, 2,967 page Omnibus appropriations bill to fund the Federal Government through the second half of the fiscal year. Not surprising, the measure is chock full of over 9,000 unnecessary and wasteful earmarks. We need serious reform and we need it now—this Omnibus appropriations bill is a perfect example of what is wrong with this system.

Here are some examples of the earmarks contained in the omnibus legislation:

$1.7 million for pig odor research in Iowa; $2 million for the promotion of astronomy in Hawaii; $6.6 million for termite research in New Orleans; $2.1 million for the Center for Grape Genetics in New York; $650,000 for beaver management in North Carolina and Mississippi; $1 million for mormon cricket control in Utah; $332,000 for the design and construction of a school sidewalk in Franklin, Texas; $870,000 for a wolf breeding facilities in North Carolina and Washington, $300,000 for the Montana World Trade Center; $1.7M ''for a honey bee factory'' in Weslaco, TX; $951,500 for Sustainable Las Vegas; $143,000 for Nevada Humanities to develop and expand an online encyclopedia; $475,000 to build a parking garage in Provo City, Utah; $200,000 for a tattoo removal violence outreach program in the LA area; $238,000 for the Polynesian Voyaging Society in Honolulu, Hawaii; $100,000 for the regional robotics training center in Union, SC; $1,427,250 for genetic improvements of switchgrass; $167,000 for the Autry National Center for the American West in Los Angeles, CA; $143,000 to teach art energy; $100,000 for the Central Nebraska World Trade Center; $951,500 for the Oregon Solar Highway; $819,000 for catfish genetics research in Alabama; $190,000 for the Buffalo Bill Historical Center in Cody, WY; $209,000 to improve blueberry production and efficiency in GA; $400,000 for copper wire theft prevention efforts; $250,000 to enhance research on Ice Seal populations; $238,000 for the Alaska PTA; $150,000 for a rodeo museum in South Dakota; $47,500 to remodel and expand a playground in Ottawa, IL; $285,000 for the Discovery Center of Idaho in Boise, ID; $632,000 for the Hungry Horse Project; $380,000 for a recreation and fairground area in Kotzebue, AK; $118,750 for a building to house an aircraft display in Rantoul, IL; $380,000 to revitalize downtown Aliceville, AL; $380,000 for lighthouses in Maine; $190,000 to build a Living Science Museum in New Orleans, LA; $7,100,000 for the conservation and recovery of endangered Hawaiian sea turtle populations; $900,000 for fish management; $150,000 for lobster research; $381,000 for Jazz at Lincoln Center, New York; $1.9 million for the Pleasure Beach Water Taxi Service Project, CT; $238,000 for Pittsburgh Symphony Orchestra for curriculum development; $95,000 for Hawaii Public Radio; $95,000 for the state of New Mexico to find a dental school location; $143,000 for the Dayton Society of Natural History in Dayton, OH; $190,000 for the Guam Public Library; $143,000 for the Historic Jazz Foundation in Kansas City, MO; $3,806,000 for a Sun Grant Initiative in South Dakota; $59,000 for Dismal Swamp and Dismal Swamp Canal in Virginia; and $950,000 for a Convention Center in Myrtle Beach, SC;

This waste is outrageous, and the President should veto this omnibus spending bill. The process is clearly broken, and the American public deserves better.

We need to curtail earmarks, not just disclose them. Again, the examples I have just mentioned are earmarks that are among the over 9,000 contained in the omnibus legislation currently

being considered in the Senate—so it is clear that the lobbying and ethics reform bill that was enacted in August 2007 has done nothing to curb this process—even though it continues to be touted for its ''tough'' and ''historic'' earmark reform provisions.

Perhaps even more troubling than the number of earmarks is to whom and how some of this funding is being directed. Contained within the Omnibus appropriations legislation are 14 earmarks, totaling nearly $9.7 million, directed to clients of the PMA Group, a lobbying firm recently forced to close their doors after being raided last November by the FBI for suspicious campaign donation practices. That firm remains under investigation today. I have long spoken of a broken appropriations process, vulnerable to corruption and abuse, and the allegations against the PMA Group and some Members of Congress stand as a testament to the urgent need for reform. It is wholly inappropriate for Congress to allow these provisions to move forward while their principal sponsor is under Federal investigation. Together with my colleague from Oklahoma, Dr. COBURN, we offered an amendment to strip these earmarks from the omnibus. If our amendment fails we will effectively be giving our tacit approval to the abuses we have repeatedly declared our intention to eliminate.

Six months ago, in a debate in Oxford, MS, President Obama stated that ''We need earmark reform, and when I'm president, I will go line by line to make sure that we are not spending money unwisely.'' I fully agree. All one needs to do is read the Omnibus appropriations bill pending before the Senate to know that we need serious, comprehensive earmark reform and we need to grant the President a constitutional line-item veto authority so that he can go line by line through these bloated, earmark filled appropriations bills and send rescission requests to Congress.

Our current economic situation and our vital national security concerns require that now, more than ever, we prioritize our Federal spending. But our appropriations bills do not always put our national priorities first. The process is broken and it needs to be fixed. We have entered the second year of a recession. Record numbers of homeowners face foreclosure. The national unemployment rate stands at 7.2%—the highest in 16 years—with over 1.9 million people having lost their jobs in the last 4 months of 2008. Additionally, we learned just Friday that the GDP sank 6.2 percent in the last quarter of 2008—far worse even than what was expected—with the economy contracting by the fastest pace in a quarter century.

Even when faced with these tremendous difficulties, Congress's appetite for pork seems bigger than ever. When are people going to wake up and truly grasp the seriousness of the economic situation confronting us? We cannot afford, literally, to continue to operate under the same Washington status quo.

Let's consider some cold, hard facts: current national debt: $10.7 trillion; 2009 projected deficit: $1.2 trillion; total cost of the economic stimulus enacted two weeks ago: $1.124 trillion; ($789 billion plus interest; TARP I and II: $700 billion; TARP III: $250 billion–$750 billion, or more; President's Budget Request for 2010: $3.6 trillion.

I was encouraged in January 2007 when the Senate passed, by a vote of 96 to 2, an ethics and lobbying reform package which contained real, meaningful earmark reforms. I thought that, at last, we would finally enact some effective reforms. Unfortunately, that victory was short lived. In August 2007, we were presented with a bill containing very watered down earmark provisions and doing far too little to rein in wasteful earmarks and porkbarrel spending. We can change that and enact reforms that will help to restore the faith and confidence of the American people in their elected representatives—and passing this bill should be the first step we take.

Again, the bill we are introducing today will ensure timely congressional consideration of earmark rescission requests by the President. This will enable the President to propose the removal of wasteful earmarks from legislation that arrives on his desk for signature and send these earmarks back to Congress for expedited votes on whether or not to rescind funding; give the House and Senate 12 legislative days after the President sends a rescission request to Congress to bring a rescission bill to consideration on the floor of the full House and Senate; respect and preserve Congress's constitutional responsibilities, as it requires both the House and Senate to pass a rescission request before it can become law. If either the House or Senate votes against a rescission by a simple majority, it is not enacted; require the President to submit earmark rescission requests to Congress within 30 calendar days of signing a bill into law; limit the number of rescission requests per bill, to guard against gridlock in Congress due to multiple rescission proposals. Under this legislation, the President can propose one rescission package per ordinary bill, or two rescission packages for omnibus legislation. Each rescission package may include multiple earmarks; sunset at the end of 2014, providing a President this tool to control spending over the portions of two different Presidential terms. The sunset provision would give Congress the ability to review this legislation and decide whether to renew it.

As my colleagues are well aware, for years I have been coming to the Senate floor to read list after list of the ridiculous items we have spent money on—hoping enough embarrassment might spur some change. And year after year I would offer amendment after amendment to strip porkbarrel projects from spending bills—usually only getting a handful of votes each time. Earmarks are like a cancer. Left unchecked, they have grown out of control. And just as cancer destroys tissue and vital organs, the corruption associated with the process of earmarking is destroying what is vital to our strength as a Nation, that is, the faith and trust of the American people in their elected representatives and in the institutions of their Government.

We must keep in mind that even strong line-item veto authority will not solve all of our fiscal problems. We also desperately need to reform our earmarking process and our lobbying practices—and we must remember that it is ultimately Congress's responsibility to control spending. However, granting the President the authority to propose rescissions that then must be approved by the Congress would go a long way toward restoring credibility to a system ravaged by congressional waste and special interest pork. I look forward to the Senate's consideration of this legislation. It is abundantly clear that the time has come for us to eliminate the corrupt, wasteful practice of earmarking.

In his final State of the Union Address, President Reagan stood for the last time before both Houses of Congress and asked for line-item veto authority for future Presidents. On that evening, the President had with him three pieces of legislation: an appropriations bill that was 1,053 pages long and weighed 14 pounds; a budget reconciliation bill that was 1,186 pages long and weighed 15 pounds; and a continuing resolution that was 1,057 pages long and weighed 14 pounds. President Reagan slammed down on the lectern the 43 pounds of paper and ink, which represented $1 trillion worth of spending. He did so to emphasize the magnitude of wasteful spending in the bills—spending that the President could not stop unless he was willing to veto each piece of legislation in its entirety. In the case of the continuing resolution, that would have meant that the Federal government would shut down.

More than 20 years later we are in exactly the same situation we were in when President Reagan said to Congress, ''Let's help ensure our future of prosperity by giving the President a tool that, though I will not get to use it, is one I know future Presidents of either party must have. Give the President the same authority that 43 Governors use in their States: the right to reach into massive appropriation bills, pare away the waste, and enforce budget discipline. Let's approve the line-item veto.''

The time has come to heed Ronald Reagan's call for line-item veto authority.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 63—TO AMEND THE STANDING RULES OF THE SENATE TO ENSURE THAT ALL CONGRESSIONALLY DIRECTED SPENDING ITEMS IN APPROPRIATIONS AND AUTHORIZATION LEGISLATION FALL UNDER THE OVERSIGHT AND TRANSPARENCY PROVISIONS OF S. 1, THE HONEST LEADERSHIP AND OPEN GOVERNMENT ACT OF 2007

Mrs. MCCASKILL (for herself and Mr. UDALL of Colorado) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 63

Resolved,

SECTION 1. AMENDMENT TO THE STANDING RULES OF THE SENATE.

(a) FURTHER TRANSPARENCY.—Rule XLIV of the Standing Rules of the Senate is amended by adding at the end thereof the following:

''13.(a) All congressionally directed spending items shall be included in the text of an appropriations or authorization bill and any conference report related to that appropriations or authorization bill.

''(b) Not later than 48 hours after the request, each request for a congressionally directed spending item for an appropriations or authorization bill made by a Senator shall be posted on the Senator's web site. The posting of the request for a congressionally directed spending item shall include the name and location of the specifically intended recipient, the purpose of the congressionally directed spending item, and the dollar amount requested. If there is no specifically intended recipient, the posting shall include the intended location of the activity, the purpose of the congressionally directed spending item, and the dollar amount requested.

''(c) It shall not be in order to consider an appropriations or authorization bill, amendment, or conference report if it contains a congressionally directed spending item for a private for-profit or non profit entity.''.

(b) CLARIFYING APPLICATION TO CONFERENCE REPORTS.—Paragraph 8 of rule XLIV of the Standing Rules of the Senate is amended by—

(1) striking subparagraph (a) and inserting the following:

''(a) A Senator may raise a point of order against one or more provisions of a conference report if they constitute a congressionally directed spending item that was not included in the measure originally committed to the conferees by either House. The Presiding Officer may sustain the point of order as to some or all of the congressionally directed spending items against which the Senator raised the point of order.''; and

(2) striking subparagraph (e).

(c) REQUIRING FULL SEARCHABILITY.—Paragraph 3(a)(2) of rule XLIV of the Standing Rules of the Senate is amended by inserting ''in an searchable format'' after ''available''.

(d) SUPERMAJORITY REQUIREMENT.—Paragraph 10 of rule XLIV of the Standing Rules of the Senate is amended by striking ''or 3'' and inserting ''3, or 13''.

(e) AVAILABILITY BY THE COMMITTEE OF JURISDICTION.—Paragraph 6(b) of rule XLIV of the Standing Rules of the Senate is amended to read as follows:

''(b) With respect to each congressionally directed spending item requested by a Senator, each committee of jurisdiction shall make available for public inspection on the Internet the written statements and certifications under subparagraph (a) not later than 48 hours after receipt of such statements and certifications.''.

Mrs. MCCASKILL. Mr. President, I disagree with earmarks. I disagree with the process. Although we have made great strides in reforming earmarks, I do think there are further steps we need to take.

Today, I have introduced a resolution, a Senate resolution, with the senior Senator from Colorado, Mr. UDALL, to bring even more transparency to this process. Basically, this resolution requires all requests to be posted on committee Web sites and the Member's Web site within 48 hours of request. It requires all information in the request letter be listed online, including location, purpose, and cost. This is not presently required. It requires electronically searchable text of all bills and conference reports, and it strengthens the ability to remove earmarks by a point of order.

There are some loopholes that we, I think inadvertently, created when we did S. 1 early in my first year as a Senator.

This resolution will require earmarks to be in the bill text. I discovered that there were some airdropped earmarks in a bill. Because they were in a managers' statement, the point of order was not possible. So this requires all the earmarks to be in the bill text, which will subject them to the rules. It applies the airdrop point of order to the authorization bills in addition to the appropriations bills, and it further limits earmarks to public projects only.

In this time, I do not believe we can afford to be earmarking in the private sector or anywhere other than the public sector as we struggle with our deficits and our spending.

But I really rose today not to speak so much about the resolution I have introduced today but more to speak a little bit about how confused I have been over the last few weeks by many of my friends on the other side of the aisle. While we have a lot of work to do in regard to earmarks, I congratulate my party because we have created transparency. We now know who is earmarking, and because of that we now know that earmarking has nothing to do with party. Yes, there are thousands of earmarks in this bill by Democrats, but there are thousand of earmarks in this bill by Republicans.

Earmarking is not about party. Earmarking is about power. This is about whether you have the power to get an earmark, and power depends on various things when it comes to earmarking. It depends on what committee you are on. It depends on whether you are an appropriator. It depends on your seniority. It depends on whether you have a tough election fight. It depends, to some extent, on whether you are in the minority party or in the majority party because the split is 60–40 right now. Sixty percent of the earmarks—it is kind of an unwritten rule—go to the majority party and 40 percent go to the minority party. It was the other way around when the Democrats were not in power. That doesn't seem to me to be a very logical way to spend public money. It should be about the merit of the project. It should be about cost-benefit.

There are many people making the argument that we should not let bureaucrats decide. Congress has had the power of the purse for over 200 years. Congress has been directing spending in this country for over 200 years.

Earmarks are a new creation. The first earmarking started in the 1970s, that ability to make a solitary, lonely decision as to where money is going to be directed. In fact, in 1991, there were only 541 earmarks, and at the height of earmarking, under President Bush and under a Republican-controlled Congress, there was $27 billion in earmarks. In fact, the number of earmarks has been cut in half under the leadership of my party.

This notion that bureaucrats are doing the decisionmaking is wrong—we have the power to tell the bureaucrats how to spend the money. We can tell them it is formula grants. We can tell them it is competitive grants. In fact, that is what we do for 99 percent of the budget. We tell the executive branch how to spend the money. It is now only for 1 percent that we decided we cannot tell the bureaucrats how to spend the money, so this notion that somehow we need to do earmarks because the bureaucrats are going to run amok—I don't get it.

In fact, most earmarks skim money off other programs. You can look at the history of the Byrne grants. They have gone down over the last 8 or 9 years. Now we are increasing them—which is great. Byrne grants are competitive at the local level. But what happened while the Byrne grants were going down? In the same time, earmarks were going up. There is a connection.

When money is skimmed off the formula for highways, that is just more local projects that the local people want to build that are not built because a Senator or Congressman knows better.

Now, here is the weird part about this. This is what I want to focus on today: my friends on the other side of the aisle. I listened while podiums were pounded about wasteful spending during the debate on the stimulus bill, during the debate on the economic recovery bill. I watched as my friends across the aisle took to the airwaves and gave many different speeches about wasteful spending in the stimulus bill.

Let me quote some of the things they said:

Pet programs. Honey pot for whatever you need. A porkulus bill. Wasteful spending. Pet projects. Earmarks. Earmarks. Earmarks. An orgy of spending.