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Congress a special message pursuant to section 1011(b), the President may direct that any congressional earmark to be repealed in that special message shall not be made available for obligation for a period of 45 calendar days of continuous session of the Congress after the date on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pursuant to section 1011(b), the President may suspend the implementation of any targeted tax benefit proposed to be repealed in that special message for a period of 45 calendar days of continuous session of the Congress after the date on which the President transmits the special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.

That was what they said about the stimulus bill, when, in reality, there were no earmarks in the stimulus bill. Everything that was spent in the stimulus bill was either competitive grants or formula funding.

Now, here is the weird part. They went on and on and on during the stimulus bill about earmarking. No fewer than 17 different Senators stood, and with absolute righteous indignation, talked about the pet projects in the stimulus bill. Guess what? Every single one of them has earmarks in this bill. One member of Republican leadership said:

> That is the problem with earmarks. All Senators are equal, except some Senators are more equal than others when it comes to slipping things in bills.

Every single member of the Republican leadership has earmarks in this bill. Every single one of them. Every single one of those people rejected the stimulus that was one of the largest tax cuts in American history, but had no earmarks, because supposedly they were so upset about wasteful spending.

Those very same Senators have earmarks in this bill, such as the Interstate Shellfish Sanitation Conference. The Interstate Shellfish Sanitation Conference, beaver management, parking lots, all brought to you by the very same people who called out wasteful spending in the President's economic recovery bill.

If you do not take my word for it, check out the Taxpayers For Common Sense Web site. According to their statistics, 6 of the top 10 earmarkers in this bill are my friends on the other side of the aisle. In fact, the Republican leader has twice as many solo earmark dollars in this bill than the Democratic leader.

America, do not be fooled. Earmarking is an equal opportunity activity. It is a bad habit. The minority party is taking full advantage of it. Do not take anyone seriously who says one thing and does another. That is the worst sin of all. Any parent knows one basic rule: The example you set is way more important than anything you say.

Mr. UDALL of Colorado. Mr. President, I rise in support of the McCaskill-Udall resolution on earmark reform, and I am proud to be an original cosponsor of this legislation so ably authored by my colleague, Senator MCCASKILL. I have appreciated the opportunity to work with her in developing this bill, which is designed to strengthen transparency and accountability in the way Congress authorizes and appropriates Federal dollars.

If there was ever a time in our history when we needed to reassure the American people that Congress understands the need for reform and integrity in the process of authorizing and appropriating Federal funds, it is now. It is today. As our economy continues a deep slide into recession, we have found it necessary to stimulate recovery with historic levels of public spending.

Now, the American people expect us to act with speed but not haste. They also expect Federal spending will reflect critical national priorities and broader public purpose. Most of all, they expect Congress to pass funding bills in ways that ensure wise use of taxpayer dollars.

Those are the purposes of this legislation. It is not just about preventing the abuse of so-called congressional earmarks, it is, rather, about reassuring the American people that their dollars and the debt future generations will incur as a result of our spending will be debated in the sunshine of public scrutiny.

In short, this bill is about restoring integrity to a legislative process that has, for a number of reasons, gone off track. It is about restoring public confidence in the legislative branch. Now, I say this without casting any aspersions on the motive of my colleagues in this institution or my former colleagues in the other body. Most of us have sought earmarks for our States and our districts because of a sincere desire to help our constituents and support worthy projects.

Along the way, however, the public has lost confidence in the integrity of this process. Although there have been too many ''bridges to nowhere,'' the problem is as much about the process that yields these earmarks. They are tucked into spending bills without an opportunity to debate or consider their merits or even their true authors.

This bill brings important reform to the earmark process. First, it requires that all earmarks be included in the text of bills rather than a separate ''statement of managers'' that is not technically part of the bill text. Previously legislation allows Senators to strip out earmarks from bill text only, not from the statement of managers.

This reform will result in greater transparency because it will make it possible for any earmark to be stripped out of the bill. Second, the bill requires that all earmarks requested by a Senator be posted on a Senator's Web site within 48 hours after the request. It also requires committees to post on their Web sites all information that Senators are required to submit about an earmark request, including the name of the proposed recipient, the location, purpose, and financial certification from Senators certifying they have no financial interest in that project and all within 48 hours of receiving that request.

This reform, in short, offers a check against the information that Senators post on their own Web sites and provides fuller transparency by requiring this information to be compiled in a central location. Citizens know how to use the Web, and it has increasingly become a watchdog tool for Government. Instead of shrinking from it, I believe we should embrace this technology to inform our constituents and, yes, invite their comment and even criticism.

Third, this bill prohibits earmarks from private or nonprofit entities. By limiting earmark requests to the public sector, we avoid the risk of inadvertently helping a campaign donor or mixing a private gain with a public purpose. An earmark to help our communities ought to be community based and community supported. There ought to be a public benefit that is recognized in a way that is accountable to public decisionmakers.

Fourth, this bill prevents earmarks from mysteriously surfacing in conference negotiations on authorization bills. Previous legislation already prohibits this air dropping of earmarks in conference negotiations on appropriations bills, but this reform would broaden that proposition to include authorization bills, which are often considered to be blueprints for the annual funding bills.

Let me be clear. I admire the hard work of our committee chairs and their staffs, and my experience in both Chambers has led me to the conclusion that great effort is made to ensure integrity and accountability in spending bills. Important, and often very complex bills, can be undermined in the public eye when individual earmarks are not carefully scrutinized. We can all agree that it often takes only one bad apple to spoil even the best barrel, and this provision is designed to keep out the bad apples.

Fifth, the bill requires that all appropriations and authorization conference reports be electronically searchable at least 48 hours before they can be considered by the full Senate. This reform will help the public and Congress identify earmarks that were added during the conference in appropriations bills that can be thousands of pages long.

In conclusion, I believe we can begin the important work of restoring public confidence in the way Congress legislates if we continue on the path we began in 2007, with earmark and ethics reform. This bill closes loopholes in the law we passed in 2007, and strengthens accountability, transparency, and integrity.

Now, there are some who would argue for abolishing all earmarks, including those supporting governmental entities. I have to tell you, I think that may be a case of throwing the baby out with the bathwater. At a time of economic crisis, I believe it is important for Senators to have the tools that can direct Federal funding to job-creating projects in their home States.

For those of us who are not fortunate enough to be appropriators, the opportunity to offer carefully considered earmarks is important. I have not come to the conclusion that all earmarks are bad; in fact, it is the process of their consideration and inclusion that needs reform.

Along with a constitutional line item veto and other reform measures, I believe that, in fact I know, we can construct a path of reform that is both fiscally responsible and in keeping with the highest ethical standards.

SENATE RESOLUTION 64—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

Mrs. BOXER (for herself and Mr. CARPER) submitted the following resolution; which was referred to the Committee on Environment and Public Works:

S. RES. 64

Whereas the burning of coal creates more than 130,000,000 tons of coal combustion waste a year;

Whereas coal combustion waste is made up of various types of waste, including fly ash, bottom ash, boiler slag, and flue gas emission control waste;

Whereas the National Academy of Sciences found that coal combustion waste ''often contain a mixture of metals [including arsenic, lead, selenium, mercury, cadmium, beryllium, chromium, thorium and uranium] and other constituents in sufficient quantities that they may pose public health and environmental concerns if improperly managed.'';

Whereas the 2 most common forms of disposal for coal combustion waste are landfills and surface impoundments, with impoundments generally holding a ''wet'' waste mixture of water and landfills holding a ''dry'' waste that does not include intentionally added water, although other forms of disposal also occur in other areas including mines;

Whereas a 1993 report prepared for the United States Department of Energy found that over the preceding 50 years, roughly 500,000,000 tons of coal combustion waste were disposed of at then-existing or operating waste management units, and that about 1,000,000,000 tons of coal combustion wastes had been disposed of at an estimated 759 closed units;

Whereas the United States Environmental Protection Agency reported to Congress in 1999 that there were roughly 600 fossil fuel combustion waste disposal units operating at approximately 450 coal-fired power plants;

Whereas the United States Department of Energy in 2006 found: ''The total number of [coal combustion waste] disposal units permitted, built, or laterally expanded between January 1, 1994 and December 31, 2004 ('new units') is not known, as no industry organization or government agency tracks this information,'';

Whereas on Monday, December 22, 2008 at 1:00 a.m. a wall constructed of coal combustion waste and dirt failed on a 84-acre surface impoundment holding coal combustion waste and water at the Kingston Fossil Plant in Harriman, Tennessee, 40 miles west of Knoxville;

Whereas the spill from this ''wet storage'' impoundment at the Kingston plant released 5,400,000 cubic yards of waste, equaling more than 1,000,000,000 gallons or an amount nearly 100 times greater than the amount of oil spilled in the Exxon Valdez disaster, into the Emory River and the surrounding valley and community;

Whereas the spill from the Kingston plant covered half of a square mile of land and water with waste up to 12 feet deep, destroying roads, waterways, wildlife, trees, railroad tracks, and impacting 42 properties, 40 homes, and sections and coves of the Emory River used by businesses, community members, families, and children;

Whereas the Kingston spill occurred around 1:00 a.m. in the morning in December, but if it had occurred at midday during the summer, when businesses, community members, families, and children regularly use the river and coves, the already-extensive property damage could have been far greater and the loss of life could have been catastrophic;

Whereas the United States Department of Energy has information demonstrating wet storage impoundments present risks to public safety, health, and the environment: ''[W]et impoundment systems require substantially greater disposal site volumes than dry systems... Also, the presence of free liquid increases the possibility of leachate (i.e., a combination of ash solids and water) creation and its potential for migration into underlying soils and groundwater'';

Whereas in 2006 the United States Department of Energy reported inconsistent coal combustion waste disposal standards, with some States weakening safeguards and others improving protections;

Whereas the United States Environmental Protection Agency in 2000 produced a draft regulatory determination that certain fossil fuel combustion wastes, including coal ash, should be regulated as a hazardous waste under the Resource Conservation and Recovery Act; and

Whereas the United States Environmental Protection Agency has continued to issue information on the adverse effects of coal combustion waste but the agency has so far not required any consistent Federal regulatory protections for coal combustion waste disposal practices despite their clear authority to do so: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the need for the United States Environmental Protection Agency to—

(A) immediately conduct and complete reviews, including onsite confirmatory examinations, of all coal combustion waste impoundments and landfills to ensure the safety of people and the environment located in any area that may be threatened by a spill or release from an impoundment or landfill;

(B) report to the Senate Committee on Environment and Public Works on the earliest date possible that the Agency can regulate coal combustion waste using their existing authority under the Resource Conservation and Recovery Act;

(C) propose rules as quickly as possible to regulate coal combustion waste under the Resource Conservation and Recovery Act using the substantial information currently available to the Agency; and

(D) issue final rules as quickly as possible on regulating coal combustion waste under the Resource Conservation and Recovery Act; and

(2) recognizes the need for the Tennessee Valley Authority to meet the intentions of Congress and be ''a national leader in technological innovation, low-cost power, and environmental stewardship''.

AMENDMENTS SUBMITTED AND PROPOSED

SA 640. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table.

SA 641. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 642. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 643. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 644. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 645. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 646. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 647. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 648. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 649. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 650. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 651. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 652. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 653. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 654. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 655. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 656. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 657. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 658. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 659. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 660. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 661. Mr. TESTER (for himself and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 662. Mr. THUNE (for himself, Mr. DEMINT, Mr. INHOFE, and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.