

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

#### AMENDING THE OMNIBUS INDIAN ADVANCEMENT ACT

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be discharged from further consideration of S. 338 and that the Senate proceed to its immediate consideration.

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

The clerk will report the title of the bill.

The legislative clerk read as follows:

A bill (S. 338) to amend the Omnibus Indian Advancement Act to modify the date as of which certain tribal land of the Lytton Rancheria of California is deemed to be held in trust and to provide for the conduct of certain activities on the land.

There being no objection, the Senate proceeded to consider the bill.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

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

The bill (S. 338) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 338

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

#### SECTION 1. LYTTON RANCHERIA OF CALIFORNIA.

Section 819 of the Omnibus Indian Advancement Act (Public Law 106-568; 114 Stat. 2919) is amended—

(1) in the first sentence, by striking “Notwithstanding” and inserting the following:

“(a) ACCEPTANCE OF LAND.—Notwithstanding”;

(2) in the second sentence, by striking “The Secretary” and inserting the following:

“(b) DECLARATION.—The Secretary”;

(3) by striking the third sentence and inserting the following:

“(c) TREATMENT OF LAND FOR PURPOSES OF CLASS II GAMING.—

“(1) IN GENERAL.—Subject to paragraph (2), notwithstanding any other provision of law, the Lytton Rancheria of California may conduct activities for class II gaming (as defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)) on the land taken into trust under this section.

“(2) REQUIREMENT.—The Lytton Rancheria of California shall not expand the exterior physical measurements of any facility on the Lytton Rancheria in use for class II gaming activities on the date of enactment of this paragraph.

“(d) TREATMENT OF LAND FOR PURPOSES OF CLASS III GAMING.—Notwithstanding subsection (a), for purposes of class III gaming (as defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)), the land taken into trust under this section shall be treated, for purposes of section 20 of the Indian Gaming Regulatory Act (25 U.S.C. 2719), as if the land was acquired on October 9, 2003, the date on which the Secretary took the land into trust.”.

#### REPEAL OF THE BENNETT FREEZE

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be discharged from further consideration of S. 39 and that the Senate proceed to its immediate consideration.

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

The clerk will report the title of the bill.

The legislative clerk read as follows:

A bill (S. 39) to repeal section 10(f) of Public Law 93-531, commonly known as the Bennett Freeze.

There being no objection, the Senate proceeded to consider the bill.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements related to the bill be printed in the RECORD.

The bill (S. 39) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 39

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

#### SECTION 1. REPEAL OF THE BENNETT FREEZE.

Section 10(f) of Public Law 93-531 (25 U.S.C. 640d-9(f)) is repealed.

#### COMMEMORATING 10-YEAR ANNI- VERSARY OF CZECH REPUBLIC, REPUBLIC OF HUNGARY, AND REPUBLIC OF POLAND AS MEM- BERS OF NATO

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of Senate Resolution 60, and that the Senate proceed to its immediate consideration.

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

The clerk will report the title of the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 60) commemorating the 10-year anniversary of the accession of the Czech Republic, the Republic of Hungary, and the Republic of Poland as members of the North Atlantic Treaty Organization.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

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

The resolution (S. Res. 60) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 60

Whereas, on March 12, 1999, the Czech Republic, the Republic of Hungary, and the Re-

public of Poland formally joined the North Atlantic Treaty Organization (NATO);

Whereas, in March 2009, NATO will celebrate the 10-year anniversary of the accession of the Czech Republic, Hungary, and Poland as members of the alliance;

Whereas representatives of the governments of the Czech Republic, Hungary, and Poland will be in attendance as NATO celebrates its 60th anniversary at a summit to be held on April 4, 2009, in Germany and France;

Whereas the security of the United States and its NATO allies have been enhanced by the integration of the Czech Republic, Hungary, and Poland into the NATO alliance;

Whereas the Czech Republic, Hungary, and Poland have been integral to the NATO mission of promoting a Europe that is whole, undivided, free, and at peace;

Whereas the membership of the Czech Republic, Hungary, and Poland has strengthened the ability of NATO to perform a full range of missions throughout the world;

Whereas the Czech Republic, Hungary, and Poland continue to provide crucial support and participation in the NATO International Security Assistance Force in Afghanistan, as NATO struggles to help the people of Afghanistan create the conditions necessary for security and successful development and reconstruction;

Whereas the Czech Republic, Hungary, and Poland helped support NATO efforts to stabilize and secure the Balkans region by contributing to the NATO-led Kosovo Force;

Whereas the Czech Republic, Hungary, Poland, and all NATO members share a strong mutual commitment to defense, regional security, development, and human rights, throughout Europe and beyond; and

Whereas the Czech Republic, Hungary, and Poland have done much to help NATO meet the global challenges of the 21st century, including the threat of terrorism, the spread of weapons of mass destruction, instability caused by failed states, and threats to global energy security: Now, therefore, be it

*Resolved*, That the Senate—

(1) celebrates the 10th anniversary of the accession of the Czech Republic, the Republic of Hungary, and the Republic of Poland as members of the North Atlantic Treaty Organization (NATO);

(2) congratulates the people of the Czech Republic, Hungary, and Poland on their accomplishments as members of free democracies and partners in European stability and security;

(3) expresses appreciation for the continuing and close partnership between the United States Government and the Governments of the Czech Republic, Hungary, and Poland; and

(4) urges the United States Government to continue to seek new ways to deepen and expand its important relationships with the Governments of the Czech Republic, Hungary, and Poland.

#### COMMEMORATING THE FOUNDING OF THE PHILADELPHIA ZOO

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 75, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows: A resolution (S. Res. 75) commemorating the 150th anniversary of the founding of the Philadelphia Zoo: America's first zoo.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 75) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 75

Whereas Dr. William Camac, a legendary Philadelphia physician, led a concerned community of citizens, educators, and scientists to charter the Zoological Society of Philadelphia—America's First Zoo—on March 21, 1859, housed on a bucolic, 44-acre property in Fairmount Park along the West Bank of the Schuylkill River;

Whereas the Philadelphia Zoo has emerged over the past century as a national and global treasure and as one of Philadelphia's most cherished, enduring, and significant educational, scientific, and conservation institutions and cultural attractions;

Whereas the Philadelphia Zoo was the site for breakthrough research that led to the award of the 1976 Nobel Prize for Medicine;

Whereas since its inception, the Philadelphia Zoo, through its myriad research and curatorial activities, has consistently and successfully protected, promoted, and preserved numerous rare and endangered wild-life species around the world;

Whereas since its landmark gates opened to the general public, the Philadelphia Zoo has welcomed more than 100,000,000 visitors, including millions of school children from the greater Philadelphia community over generations; and

Whereas the Philadelphia Zoo's sesquicentennial on March 21, 2009 is an achievement of historic proportions for Philadelphia, the Commonwealth of Pennsylvania, the United States, and the world conservation community: Now, therefore, be it

*Resolved*, That the Senate recognizes the 150th anniversary of the founding of the Philadelphia Zoo on March 21, 2009.

GREATER WASHINGTON SOAP BOX DERBY RACES

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of H. Con. Res. 37, which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 37) authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

There being no objection, the Senate proceeded to consideration of the concurrent resolution.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The concurrent resolution (H. Con. Res. 37) was agreed to.

The preamble was agreed to.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to provisions of Public Law 106-79, appoints the following Senator to the Dwight D. Eisenhower Memorial Commission: The Senator from Utah, Mr. BENNETT.

The Chair, on behalf of the majority leader, pursuant to the provisions of Public Law 99-93, as amended by Public Law 99-151, appoints the following Senators as members of the United States Senate Caucus on International Narcotics Control: the Honorable CHARLES E. SCHUMER, of New York, and the Honorable SHELDON WHITEHOUSE, of Rhode Island.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that I be allowed to speak for up to 30 minutes.

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

ENTITLEMENT AND TAX CODE REFORM

Mr. VOINOVICH. Mr. President, I rise today to call attention to what I refer to as the irresponsible and reckless fiscal path we find ourselves on as a nation and to urge my colleagues to act now to take the first step toward meaningful, comprehensive tax and entitlement reform.

On Tuesday night, we gathered here to cast our votes on the Omnibus Appropriations Act of 2009. I could not vote for this bill because it ignores the fiscal realities we find ourselves in today. This omnibus bill, which includes \$408 billion in nonemergency spending, is 8 percent larger than it should be. Some agencies in the bill are set to get a 40-percent increase in funding. From my experience as a former Governor of Ohio and the mayor of the city of Cleveland, I do not believe those agencies have the capacity to spend that kind of money. This adds to the \$787 billion stimulus bill that was passed last month. It increases the already staggering \$10.9 trillion national debt and continues to expand the size of the Government at what has become an alarming rate.

As you can see from this chart, Federal spending as a percentage of GDP averaged just under 20 percent under President Bush. This year, under President Obama, it will reach almost 28 percent, and his administration projects that it will average out to over 23 percent across two terms. In other words, I came to the Senate in 1999, and this is what we were spending, totally, on Medicare, Medicaid, all the other appropriations. Then, as you see, it started to go up. We have to be honest, that is where we started to borrow money because we were not taking in enough money to pay for it, so we started to have deficits. Then, under Bush, it started to go up some more.

Here we are in 2009. You can see that the size of the Government is up to 27.7

percent. That is what we are spending on everything. We have gone from 8 percent to 27.7 percent. That is going to start to slide down. In 2012, the President says to us, don't worry, we are going to reduce the deficit spending by 50 percent. Look at this, it continues to spend out at this point, and by 2016—I have not shown it on the chart, but it just keeps going. We just cannot keep going that way. That is over half a trillion dollars a year we are borrowing to run the Government.

To complete what I call the triple whammy to our national debt, the administration adds to the stimulus and omnibus a new 10-year budget where the lowest deficit for a single year is larger than any annual deficit from the end of World War II.

In fact, President Obama's smallest deficit is larger than President Bush's largest deficit. And that is true despite proposing the largest tax increase in American history, including a new energy tax that will expose the false claim that we will not raise taxes on the middle class. This \$646 billion tax increases will affect rich, poor and middle class alike. Yet future generations will still be burdened with higher debt. So we have gone from—and I am not proud of some Republican years, what we did. As I used to say, the Democrats tax and spend; the Republicans spent and borrowed. Now we have gone to spend, borrow, and tax.

In spite of all of that, we are going to have these gigantic deficits as far as we can see in this country. Simply put, our spending is out of control. We are spending and funding more money at a time when we should be finding ways to work harder and smarter and do more with less. I know a little bit about this, because I took over Cleveland, the first city to go into default in the depression of 1979. We were in deep trouble. I took over the State of Ohio. We were \$1.5 billion in debt at that time. We had to cut the budget four times, and ultimately had to increase taxes in the margin. I know what this is about.

But nobody is talking about "working harder and smarter" or "doing more with less." If you look at the stimulus, we spent \$787 billion, and now some congressional leaders are talking about putting together a second package. I cannot believe it. We cannot continue down this path.

It is our responsibility to make budgeting decisions based on our Nation's fiscal situation and to take into consideration the impact it is having on others but, more importantly, on our children and grandchildren. Over the past year, we have been hit by an economic avalanche that started in housing, quickly spread to the financial and credit markets, then continued onward to every corner of the economy and across the world.

We have taken steps over the past months to dig out of the avalanche. But we have not reinforced our tax and entitlement system's crumbling foundation. In other words,—I have been