

Amend the title so as to read: "An Act to amend the Energy Policy Act of 2005 to reauthorize and modify provisions relating to the diesel emissions reduction program."

**SA 4820.** Mrs. HUTCHISON (for herself, Mr. WICKER, Mr. ENSIGN, Mr. ISAKSON, Mr. THUNE, Mr. DEMINT, Mr. CORNYN, and Mr. COBURN) submitted an amendment intended to be proposed by her to the bill H.R. 3082, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. \_\_\_\_\_. None of the funds appropriated by this Act may be used by the Federal Communications Commission to adopt or implement, or otherwise bring or litigate any claim or otherwise intervene in, join, participate, or support any claim in any Federal or State court relating to any—

(1) open Internet-based rules, protocols, or standards; or

(2) rules, protocols, or standards regulating the behavior of broadband Internet access service providers with respect to discrimination of broadband traffic, network management practices, managed services, specialized services, or paid prioritization.

**SA 4821.** Mr. ROCKEFELLER (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill H.R. 3082, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II of division G, insert the following:

#### SUSPENSION OF CERTAIN EPA ACTION

SEC. \_\_\_\_\_. (a) Except as provided in subsection (b), notwithstanding any provision of the Clean Air Act (42 U.S.C. 7401 et seq.), during the 2-year period beginning on the date of enactment of this Act, the Administrator of the Environmental Protection Agency may not take any action under the Clean Air Act (42 U.S.C. 7401 et seq.) with respect to any stationary source permitting requirement or any requirement under section 111 of that Act (42 U.S.C. 7411) relating to carbon dioxide or methane.

(b) Subsection (a) shall not apply to—

(1) any action under part A of title II of the Clean Air Act (42 U.S.C. 7521 et seq.) relating to the vehicle emissions standards contained in Docket No. EPA-HQ-OAR-2009-0171 or Docket No. EPA-HQ-OAR-2009-0472;

(2) any action relating to the preparation of a report or the enforcement of a reporting requirement; or

(3) any action relating to the provision of technical support at the request of a State.

(c) Notwithstanding any other provision of law, no action taken by the Administrator of the Environmental Protection Agency before the end of the 2-year period described in subsection (a) shall be considered to make carbon dioxide or methane a pollutant subject to regulation under the Clean Air Act (42 U.S.C. 7401 et seq.) for any source other than a new motor vehicle or new motor vehicle engine, as described in section 202(a) of that Act (42 U.S.C. 7521(a)).

**SA 4822.** Mr. REID proposed an amendment to the bill H.R. 5281, to

amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and for other purposes; as follows:

At the end, insert the following:  
The provisions of this Act shall become effective 6 days after enactment.

**SA 4823.** Mr. REID proposed an amendment to amendment SA 4822 proposed by Mr. REID to the bill H.R. 5281, to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and for other purposes; as follows:

In the amendment, strike "6" and insert "5".

**SA 4824.** Mr. REID proposed an amendment to the bill H.R. 5281, to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and for other purposes; as follows:

At the end, insert the following:  
The Senate Judiciary Committee is requested to conduct a study, nationwide, on the impact of any delay in implementing the provisions of this Act.

**SA 4825.** Mr. REID proposed an amendment to amendment SA 4824 proposed by Mr. REID to the bill H.R. 5281, to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and for other purposes; as follows:

At the end, insert the following:  
"and include specific data on the impact of families who would benefit from the Act, and submit the data within 5 days of enactment."

**SA 4826.** Mr. REID proposed an amendment to amendment SA 4825 proposed by Mr. REID to the amendment SA 4824 proposed by Mr. REID to the bill H.R. 5281, to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, and for other purposes; as follows:

In the amendment, strike "5" and insert "2".

**SA 4827.** Mr. REID proposed an amendment to the bill H.R. 2965, to amend the Small Business Act with respect to the Small Business Innovation Research Program and the Small Business Technology Transfer Program, and for other purposes; as follows:

At the end, insert the following:  
The provisions of this Act shall become effective immediately.

**SA 4828.** Mr. REID proposed an amendment to amendment SA 4827 proposed by Mr. REID to the bill H.R. 2965, to amend the Small Business Act with respect to the Small Business Innovation Research Program and the Small

Business Technology Transfer Program, and for other purposes; as follows:

In the amendment, strike "immediately" and insert 5 days.

**SA 4829.** Mr. REID proposed an amendment to the bill H.R. 2965, to amend the Small Business Act with respect to the Small Business Innovation Research Program and the Small Business Technology Transfer Program, and for other purposes; as follows:

At the end, insert the following:  
The Senate Armed Services Committee is requested to conduct a study on the impact of implementing these provisions on the family of military members.

**SA 4830.** Mr. REID proposed an amendment to amendment SA 4829 proposed by Mr. REID to the bill H.R. 2965, to amend the Small Business Act with respect to the Small Business Innovation Research Program and the Small Business Technology Transfer Program, and for other purposes; as follows:

At the end, add the following:  
"and that the study should focus attention on the dependent children".

**SA 4831.** Mr. REID proposed an amendment to amendment SA 4830 proposed by Mr. REID to the amendment SA 4829 proposed by Mr. REID to the bill H.R. 2965, to amend the Small Business Act with respect to the Small Business Innovation Research Program and the Small Business Technology Transfer Program, and for other purposes; as follows:

At the end, add the following:  
"include any data which might impact local communities".

**SA 4832.** Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 3082, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. \_\_\_\_\_. VEHICLE WEIGHT LIMITATIONS.

Section 194 of the Consolidated Appropriations Act, 2010 (Public Law 111-117) is amended—

(1) in subsection (b), by striking "be in effect during the 1-year period beginning" and inserting "take effect"; and

(2) by striking subsection (c).

#### AUTHORITY FOR COMMITTEES TO MEET

##### SELECT COMMITTEE ON INTELLIGENCE

Mr. KERRY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on December 16, 2010, at 2:30 p.m.

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

## PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, on behalf of Senator SHAHEEN, I ask unanimous consent that Roger Thoman, a legislative fellow in her office, be permitted floor privileges during the consideration of the START Treaty and any votes related to that matter.

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

Mr. SESSIONS. Mr. President, I ask unanimous consent that CDR Brent Breining, a defense legislative fellow assigned to my office, be granted floor privileges for the remainder of the debate on treaty No. 111-5, the New START Treaty.

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

Mr. CARDIN. Mr. President, I ask unanimous consent that floor privileges be granted to CDR Andre Coleman, a Department of Defense Fellow, who has been extremely helpful in my office, from the Department of the Navy, during the Senate's consideration in executive session of Treaty Document 111-5, the New START Treaty.

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

## CONTROLLING SPENDING

Mr. MCCAIN. Mr. President, I would like to note that we just saw a rather extraordinary event on the floor of the Senate. I first came to the U.S. Senate in 1987, and I saw the practice of earmarking and porkbarrel spending grow and grow and grow, to the point where last November 2 the American people overwhelmingly rejected this practice of out-of-control spending and debt that we have laid on our children and our grandchildren.

I also, along with the Republican leader, would like to thank our members of the Appropriations Committee, who clearly heard that message and heard the outcry when the American people began to become aware of what was contemplated to be done in the Congress of the United States. This outcry reverberated all over America, including the State of Arizona. And the outcry was finally heard by at least 42 Members on this side of the aisle.

So I appreciate the fact the majority leader has agreed to a continuing resolution. But have no doubt as to why it happened. It happened because the majority leader didn't have the votes. He didn't have 60 votes that would have then allowed for this monstrosity to be foisted off on the American people.

So I wish to thank Members here on this side of the aisle, and some on the other side, who also said they were ready to stand up against this. But most of all, I wish to thank the American people. I thank those who made the calls, those who sent the e-mails, those who stood up and called in to the talk shows all over America and said: We have had enough. Haven't they listened to the message we were trying to send on November 2?

So I think this is a great victory for the American people today because we would have spent \$1.1 trillion, at least \$8 billion of it, \$8.3 billion, in earmarks that had never had a hearing, that had never had any scrutiny, had never seen the light of day, but had been put in by very powerful Members of this body on the Appropriations Committee.

So I would like to extend my gratitude to the American people, the tea partiers, those who have aligned themselves with the cause to stop the spending and the mortgaging of our children's and grandchildren's future. We have amassed a \$40,000 debt for every man, woman, and child in America. The latest commission that reported out clearly indicated we are on a collision course that could bring down the very economy of this country.

So I am encouraged greatly by the action taken tonight to do away with this monstrosity and go back to maybe a one-page continuing resolution to keep the government in business until the new Members of Congress and the new Members of this body who were elected last November can have their voices heard in the deliberations of this body and how their tax dollars are dispensed with and how those that are borrowed are dispensed.

I see the Senator from Missouri is about to speak. I wish to thank her for her efforts in trying to bring about an end to this spending spree.

So I again wish to express my gratitude to all Members, including especially the tough decision made by the Republican members of the Appropriations Committee, to stand so we could stop this thing in its tracks. I want to thank the American people whose voices were heard in this body, and that forced the decision that was made today.

Mr. KIRK. Mr. President, will the Senator yield for a question?

Mr. MCCAIN. Yes.

Mr. KIRK. As the most junior people, for those who don't understand what just happened, did we just win?

Mr. MCCAIN. I think there is very little doubt. The majority leader of the U.S. Senate would not have taken the action he just took if he didn't have 41 votes to stop this monstrosity.

Mr. KIRK. So for economic conservatives, a 1,924-page bill just died?

Mr. MCCAIN. A 1,924-page bill just died.

Mr. KIRK. And 6,000 earmarks will not now move forward?

Mr. MCCAIN. Yes. I feel badly about some of those earmarks because I had so much fun with them.

Mr. KIRK. All of the GOP Senators just signed a letter to the leadership this morning saying we should not move forward with this as representatives of the new mandate. It seems that change has come to the Senate tonight with the death of this \$1.1 trillion bill.

Mr. MCCAIN. I have no doubt.

Mrs. MCCASKILL. Mr. President, I—

Mr. MCCAIN. I am not finished. Do I have the floor?

The PRESIDING OFFICER. Yes, the Senator from Arizona has the floor.

Mr. MCCAIN. I appreciate the regular order.

This may be a seminal moment in the recent history of the Senate. This may be a seminal moment that stops the practice which has moved power all to the appropriators in this body—a few—and taken it away from the rest of us and may return us to an authorizing and then appropriating process. But most importantly, I think it is a seminal moment because for the first time since I have been here, we stood up and said: Enough. Stop.

Mr. KIRK. I congratulate the Senator.

Mr. MCCAIN. Thank you.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. MCCASKILL. Mr. President, I agree with my colleague from Arizona on many things when it comes to appropriations, including that I have made a decision that earmarking is not a process that I think is the appropriate way to spend public money. But I am a little confused about some of the righteous indignation coming from the Republican side of the aisle about this bill.

The omnibus 2010 they have sitting out there—they are wanting the American people to think this document came from Democrats. They want the American people to think that omnibus 2010, all of those pages sitting there, were done by Democrats. They weren't done by Democrats. Those pages were done by Democrats and Republicans. Every bit of that document was drafted by Republicans and Democrats, right down to the earmarks. And for the minority leader to stand here and act as if this document is something that is the fault of the Democratic Party when he well knows he has been involved—I have been involved in terms of trying to get the number down, and I am glad we succeeded in getting the number down, as has been referenced, to the Sessions-McCaskill number, but this was a bipartisan effort to get the number down.

The irony is, guess who has earmarks in there. The minority leader, who just voted on a moratorium for earmarks 10 minutes ago. Did he pull his earmarks out? No. Did any of the Republicans who voted for a moratorium on earmarks pull their earmarks out before this bill came to the floor? We could have eliminated a few pages. So I just don't think the righteous indignation works.

This was a bipartisan effort, drafted by Republicans and Democrats. It came to the floor after months of work by Democrats and Republicans. It was presented to this body in a bipartisan way to vote on. I wasn't going to vote for it. I am against it. So I think I have a slight bit of credibility to call these guys on this notion that this is something that sprung from nowhere out of some back room on the Democratic