

## 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

side of the aisle. This sprung from a bipartisan effort of the Appropriations Committee, and every Member on that side of the aisle knows it. They know it. And they know the earmarks in there—there are almost \$700 million of earmarks in there from people who voted on a moratorium on earmarks. That is like being half-pregnant.

They should have said, before this bill ever came to the floor—and they were asked: Would you like your earmarks pulled out? No, no. They were perfectly willing to vote no and take those earmarks home.

So, on one hand, I would have voted no had we had the vote, and I said that from day one. I voted no on the omnibus last year. I voted no on another omnibus because I don't think it is the right way to appropriate. But this is an equal-opportunity sin. The problems with this process don't lie on one side of the aisle; they lie on both sides of the aisle. And the notion that the Republicans are trying to say this is just about the Democrats is the kind of hypocrisy that gives us the lowest ratings we have in terms of confidence of the American people.

We need to own up here. This is not about the Democrats. This is about both sides of the aisle and a flawed appropriations process that couldn't get to the floor because of a lot of obstructionism, and when it finally did get to the floor, it came in one package. But it is not fair for the Republicans to act as though all those pages came from the Democratic side of the aisle. They certainly did not.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Mr. President, I wish to thank the Senator from Missouri for her work in setting the ceiling that was adhered to. I don't support this bill, and I didn't ask for any earmarks, and I know the Senator from Missouri did not ask for any earmarks.

I think there have been a lot of frayed feelings, no question. I think we all know that even at the levels—and I would say that I think the appropriators did agree to a number that was passed out here on the floor. But I think we know that even at those levels, spending is higher than it should be.

What I would ask is that the Senator from Missouri and I continue to work together. I know we have an amendment that was going to be a part of whatever passed to really cap spending and drive it down to the appropriate level of spending relative to our gross domestic product. I know it is going to take both sides of the aisle to do that. I know we have had a deficit reduction commission that has just reported and has done some great work. The Senator from Illinois, to his credit, courageously supported that.

So there are a lot of frayed feelings right now. There is a lot that has been attempted to be done here at the end. I know that has created a lot of conflict.

The page is going to turn here soon. The year is going to end. The holidays will come, and we will be able to share a few moments with our families and then come back. What I hope is that in spite of all that has happened—and again, I did not support this piece of legislation for lots of reasons—many, many reasons. I do agree, though, there was a ceiling that was set. I agree this is going to cause some damage. But it was the right thing. It was the right thing for this bill not to go forward, and I hope what we will end up with and have is a continuing resolution that will take us for several months.

Then I would say to the Senator from Missouri that I look forward to working with her. I look forward to working with the Senator from Illinois so we can put in place a construct so that we know where it is we are going. Each year, it is not just that the appropriations bills don't necessarily come forward, and it happens—it has happened in years past. I understand that. They don't necessarily come forward in a way that allows us to spend time with them—one a week or maybe two a week or whatever. But it is also that we don't really know where it is we are going. We don't really have a construct that is taking us to a place over time. So it is my hope that we will either vote on something bold relating to deficit reduction and tax reform or that we will put in place a construct to take us where we need to go.

I don't think it does any good to cast blame, candidly. We are where we are. I think the Senate is taking actions that are appropriate and responsible by moving to a short-term CR. The thing I think is most beneficial to us about that is it allows us to very quickly, in February or March, start moving toward a downward trending line that I think is much better for our country.

I see the Senator from Missouri standing. I think there is a lot we as a body have to work on together. That, to me, is the most important thing before us, and I hope when we come back we will all work very hard to make that happen.

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. McCASKILL. Let me just say that had the tone of the minority leader's remarks been the same as the Senator from Tennessee, I probably wouldn't have felt as passionately as I did. I agree with the Senator from Tennessee about the vote on this bill. I have publicly said I wouldn't support it. I didn't support it for a number of reasons. But if we want to work together, then we have to quit trying to score cheap political points.

The notion that the minority floor leader tried to give to the American people that this bill was somehow concocted in some back room by Democrats—everybody knows that is not true. Everybody knows that until about 8 hours ago, there were a bunch of Republicans voting for this. Now, am I glad they are not voting for it? Can-

didly, I am. I am glad you guys managed to get everybody to not vote for it because I am opposed to it. But what I think was most offensive was trying to trot this bill out here and put a label on it and try to say to the American people that this was something that was done at the eleventh hour to be jammed down people's throats. This was something done in a bipartisan way. THAD COCHRAN had a huge role in that bill, as did every other ranking member on all of the subcommittees on appropriations. So it is offensive to me—it is not that we are defeating the omnibus. I like that. But what is offensive to me is that we have gotten into this bad habit of trying to score cheap political points. And for Senators to come to this floor and say "we won" and do this kind of stuff when you know how many Republicans worked hard on provisions in that bill—and, in fact, Republicans worked hard—frankly, harder than our side did on McCaskill-Sessions.

We had 17 Democrats supporting it. You had unanimous support. I was pleased that we came together in that bipartisan way to bring the number down. We won in bringing the number down to the level Republicans wanted, along with 17 Democrats. That is what Sessions-McCaskill was. I think if we can go forward in the manner the Senator from Tennessee has spoken of, then it is important that we quit trying to mislead somehow the American people that the bill we were going to consider was the product of the Democratic Party, because it wasn't. That is what causes frayed feelings.

You know, the Senator from Tennessee and I have had long discussions. He was surprised to hear about how angry we were on this side and some of the tactics that were being used. I was surprised to hear about how angry some of the Senators on the Republican side were at some of the tactics that were being used. If there is going to be a moment that we come together, then we need to work a little harder at not scoring cheap political points such as were scored a few minutes ago by the minority leader.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. BEGICH. Mr. President, I say to the Senator from Tennessee, I signed on to the Sessions-McCaskill bill because I think we need to get somewhere with the deficit. We signed a resolution letter to get it under control. I wasn't planning to speak. I was going to head home. But it triggered me when one of our colleagues on that side said, "who wins tonight?" That is not what this should be about. It is not who wins or loses. The American people are losing every day that we have this bickering that goes on. Honestly, I didn't see the pile of paper with the logo on it until I got to my seat. That is not necessary for us to get on with our business.

I was listening to the Senator from Tennessee, who was a former mayor,

and I was a former mayor. He was talking like a mayor. That is what we need here, people who think in the long term, how we get there. That is where we need to go. I didn't come here to hear the bickering that just went on a little bit ago and see the prop that was brought out. That is not why Alaska sent me here.

Who wins and loses? My State of Alaska is losing tonight, because we cannot get our work done after a year. Almost a quarter of the Senate sat and worked on this in multiple committees to get this bill to us. Here we are. We can argue the timing and all that, but the fact is, I look to both Democrats and Republicans on the Appropriations Committee. I listen to them, and my staff works with them to hear about the bill that is being put together. I am impressed all the time when I hear the votes that come out of there. They are almost unanimous. That is rare in this world we live in here. We cannot continue to bring props like that down and say who wins and loses, and then giggle about it as they leave the floor.

The public is fed up with that. If there is one thing they told us in November, it was to get busy and quit the gamesmanship. So I am looking forward to the Senator's comments. We had a very productive meeting talking about tax reform, deficit management, and how we need to control spending. That is the direction we have to go in. But we are not going to get there with these games. I know both sides—and you are right, we should not cast blame. We are all at fault here. This may be the moment that we finally say to ourselves, no more show and tell, no more gimmicks. Let's get serious, and the winners should be the American people. I sat here and listened to the Senator and I feel like the mayor was coming out of him. As a former mayor, he has had to reach across to both sides. Senator GREGG said in his farewell speech that we get work done between the 40 yard lines. He is right. We have to get back there and quit being on the fringes for the media that sits up here, and wherever else they watch us from.

I am looking forward to maybe going home and getting a good night's sleep and coming back with a fresh attitude tomorrow. I am controlling my emotions as best I can tonight. The words of the Senator from Tennessee—I wish those were the words that started the debate tonight. That is not what happened. I look forward to whatever we can do to get through this maze and get on with the show and get what the American people are looking for, and that is results from the Congress maybe will go from 13 percent popularity to 14 percent approval.

Thank you, Mr. President. I yield the floor.

Mr. DURBIN. Mr. President, I thank my colleague from Tennessee for the kind words about the deficit commission. It was a controversial vote. I think it was the right vote to deal with our deficit and the problems we face.

I want to put what happened tonight into some perspective in light of the deficit commission. First, the Omnibus appropriations bill. The total amount being spent there was \$1.108 trillion. The amount of that bill that was earmarked for specific projects was less than 1 percent of that—\$8 billion out of \$1.108 trillion. That is less than 1 percent. And that was within the total amount we were limited to spend. It wasn't as if we added it on. We were given a total amount, and less than 1 percent of it was earmarked as to where it was going, with complete transparency and disclosure. Again, it was \$8 billion.

It troubles me when I hear Members come to the floor, as some did a few minutes ago on the other side, saying we put an end to porkbarrel spending, and now we are dealing with our deficit. Well, \$8 billion is a lot of money to anybody, but in the context of the debt we face as a nation and the need to address it, it is not significant. It is not significant in that context.

I think about the fact that yesterday most of us voted—81 of us—for a tax bill, and included in that tax bill were tax cuts for people who were pretty well off in America; \$20 billion a year in tax cuts for the richest estates in America to escape Federal taxation—\$20 billion. We voted yesterday, and there weren't a lot of high-fives and glorious speeches given about the fact that we were adding \$20 billion to the deficit with that vote yesterday for the wealthiest people in America. And \$70 billion of it was for tax cuts for people making over a million dollars a year. Nobody came here and talked about deficits then. In fact, it was considered out of bounds.

We decided yesterday, on a bipartisan basis—and I joined in—that getting this economy moving again was critically important. That is why I voted for it—even though two of those provisions I particularly loathe. That is the nature of a compromise.

I want us to remember, as we talk about going to CRs and reducing spending, the tax bill we passed yesterday, which the House may pass today, is a stimulus to a weak economy, in an effort to help businesses, help individuals create more demands for goods and services, and create more jobs and reduce unemployment. That is what it is.

As we take spending out of the Federal side of this equation, we are removing money from the economy. The deficit commission was sensitive to this and said that before you start the cuts in spending for deficit reduction, get well, get the patient well first. Stop the bleeding before you address the fractured bone. Stop the bleeding of the recession. That is why the deficit commission did not call for significant spending cuts until January of 2013. We talked about it for a long time. If we let the deficit break—and that is what we are going to hear, I am afraid, for some time to come—too early, this economy is going to sputter and fail.

We cannot let that happen. It is not in the interest of either political party. We have to find the right combination that moves us toward long-term deficit reality but the short-term economic reality we face. I think the deficit commission got the right balance. I hope we can build on that. I say to Senator CORKER and Senator ALEXANDER, if at the end of the day those of us in the Senate who voted for the deficit commission—in this case, it would be Senator CONRAD, Senator CRAPO, Senator COBURN, and myself—if we could reach the point where we come together in a bipartisan budget resolution based on that deficit commission, if we have a Senate budget resolution—and take the word “bipartisan” out of it—that reflects the feelings of that deficit commission, then that commission will have been a success and put us on the right track, and we can stand strong together.

I hope you agree that would be the best thing for this country. I hope we can reach that point. I thank the Senator for his kind words.

The PRESIDING OFFICER. The Senator from Tennessee, Mr. ALEXANDER, is recognized.

Mr. ALEXANDER. Mr. President, I congratulate my colleague from Tennessee, Senator CORKER, for his usual common sense, as well as the assistant Democratic leader, Senator DURBIN, for his courage on the debt commission.

I believe that the decision made tonight about the omnibus bill is best for the country, but there could have been a better result. It would have been along the lines of what the Senator from Illinois described. If we had been able earlier in the year to agree on a budget in the Senate, which is how much are we going to spend, and if we could have gone committee by committee—and there are 13 subcommittees, and we both serve on the Appropriations Committee—and we could have brought those to the floor by August, voted on them, and got on with it so the government could run, that would by far be a better result.

There is no need to say why that didn't happen, whether it was a Democratic or Republican fault. It didn't happen. So that falls on all of us to look ahead and see if it can't happen in the future. I believe it can. In fact, I believe that it must. We have a time coming up next year when we will be asked to raise the debt ceiling. We will have before us a recommendation from the debt commission that five of the six Senators who served on it voted for. They stuck their necks way out to do that. The Senator from Illinois, the Senator from North Dakota, and three Republican Senators, as well. So I think it is incumbent upon all of us—we can find points of division fairly easily. That is not hard to do. Finding points of consensus is harder. Cutting taxes is easier. Reducing the debt is going to be harder.

So in the next 3 or 4 months, when we come back, I hope we will build on the

conversation that I heard earlier this week with Senators WARNER and CHAMBLISS, and a group of nearly 20 Senators on both sides, who committed themselves to work on the debt commission. I hope we can, in the Appropriations Committee, start out the year with some way of agreeing on a ceiling, and then work together to work within that ceiling so we can run the government.

A continuing resolution for a year is a lousy way to run a government. It wastes money, because you end up funding things that should be cut and not funding things that need increases. I think this was the right result for the American people of the choices we had tonight. But there could be a better choice. It is our responsibility to see next year if we can offer ourselves, and therefore the American people, that choice.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. CORKER. I also thank the Senator from Illinois. I thank the senior Senator from Tennessee, who is always doing and saying the right thing from the floor and leads us in such a great way.

I say to the Senator from Illinois, through the Chair, I hope there is some way that we don't let what happened over the course of the last 3 months on the deficit reduction commission go to waste. I fear that what is happening right now is that people are beginning to talk about some kind of situation where we then revisit all of these things for the next year or so. I know I am not privy to all the details that all of you worked on for so long, but I do think when this debt ceiling vote

comes up, which will be in April, May, or maybe the first week in June, it seems to me that is the next moment in the Senate.

I talked with some of the members of the deficit reduction commission on my side and certainly look forward to talking to the Senator from Illinois about the same thing. I hope there is a way that we actually vote on something that is real and not kick this down the road with some meaningless resolution that makes the American people think we have done something, when in actuality we have done nothing and just kicked it down the road.

I thank the Chair and I hope that is the case.

I yield the floor.

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MCCASKILL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### ORDERS FOR FRIDAY, DECEMBER 17, 2010

Mrs. MCCASKILL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Friday, December 17; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate proceed to execu-

tive session to resume consideration of the New START treaty.

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

#### PROGRAM

Mrs. MCCASKILL. Mr. President, the START treaty will be open to amendments tomorrow. Senators are encouraged to come to the floor to offer and debate their amendments. Rollcall votes are possible to occur throughout the day.

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mrs. MCCASKILL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 8:36 p.m., adjourned until Friday, December 17, 2010, at 9:30 a.m.

#### CONFIRMATIONS

Executive nominations confirmed by the Senate, Thursday, December 16, 2010:

##### THE JUDICIARY

CATHERINE C. EAGLES, OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF NORTH CAROLINA.

KIMBERLY J. MUELLER, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF CALIFORNIA.

JOHN A. GIBNEY, JR., OF VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF VIRGINIA.

JAMES KELLEHER BREDAR, OF MARYLAND, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MARYLAND.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.