Americans are trying to help in lots of ways. Some are taking orphans into their homes.

I have worked, as an example, in the last several days with many churches and organizations, including especially the Catholic Relief Society, to just help in any way we possibly can. But there are other Americans who just want to help with financial contributions. So this bill enables many people—in my home State of Montana. many people have contacted me to say: MAX, what can we do to help? And this is essentially an effort to help people who want to help, so they can get a deduction on their 2009 tax returns if that deduction is made between basically the date of the earthquake, January 11, and March 1. So any contributions made during this period will be tax-deductible on 2009 income tax returns.

I am happy to work on a bipartisan basis with Senator Grassley, my counterpart on the Finance Committee, and he and I worked to get this put together, as well as the two Senators from Florida—both political parties. They very much care about this, and I know all Senators do. But I give particular thanks to those Senators who have been very helpful to get this put together and get it passed without any rancor.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

INCREASING THE STATUTORY LIMIT ON THE PUBLIC DEBT— Continued

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 Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 3302

Mr. KYL. Madam President, I wish to talk a little bit this afternoon about the amendment which Senators Conrad and Greege have proposed and which we will be voting on next week. Both of these Senators are very well versed, as the chairman and ranking member of the Budget Committee, in fiscal policy and in the types of reforms everyone is looking for to get a handle on the deficit and the debt this country is facing. So it is with some trepidation that I oppose an amendment the two of them would offer.

I hasten to say that both are respected Members of this body who approach problems with principle in mind, and in this particular case, having talked to Senator Greeg, I know the idea that only by working across the aisle with each other and compromising can we hope to deal with the most vexing problem that seems to face this body; that is, how to deal with the problem of deficit and debt.

Having acknowledged their good will, however, I have to respectfully disagree with the approach they take in their commission. I do it for basically three reasons.

First, I have never found either the House or the Senate in a position where they were anxious to cut spending and thereby save taxpayer money. I have, on the other hand, seen an effort to raise taxes every time we seem to get into a deficit situation. It seems it is always easier to gather in more taxpaver money than it is to stop spending money they have already sent us. The problem with that is, it is no longer money they have sent us, it is money we have borrowed from other people such as China, for example, That borrowing has costs, foreign policy costs as well as interest costs. We eventually have to pay it back. Because we have borrowed so much, the Chinese are saying we better be careful about how much we have borrowed, and they will have to increase interest rates. There is a point at which you cannot be a great nation by being in debt to all the folks around the world.

It is not as if we haven't collected enough taxes. We are now at something akin to 23 or 24 percent of our gross domestic product on Federal spending. It used to be 18.5 percent or so. It is clear, therefore, it is not tax revenues that are the problem. It is spending that has gotten out of control. We know that from all these statistics a lot of us have been talking about relative to the budget last year and the debt ceiling that needs to be raised presumably next week. We wouldn't have to raise the debt ceiling by almost \$2 trillion if we had been more restrained in our spending.

To put it in perspective, before I move on to the next point, the President's budget last year called for more debt in the 5-year period of that budget than all the debt that had been accumulated by every President of the United States from George Washington through George Bush. Think about that for a moment. In 220 years of history, take all the debt, including World War I, World War II, the Civil War, pile it all up, and this one budget included more debt than that. We double the debt in 5 years, triple it in 10 years. That is not responsible. And it is not for a lack of Federal revenues. It is not because we are not taxing the American people enough. It is because we are spending too much. The American people believe that. They understand it. I think it is one of the messages from the Massachusetts election.

When you have a commission that can make recommendations to the Congress that we have to, in effect, abide by, that permit either an increase in taxes or a reduction in spending to solve the problem, it is pretty clear to me which direction we will end up going. We don't have the courage to reduce spending so we increase taxes.

Second, our rules are premised on a fallacy. Unfortunately, I believe it will drive the commission because of this fallacy. The fallacy is, all the money in

the country belongs to the U.S. Government and, therefore, if we reduce taxes somewhere, we have to make up that reduction in tax revenues somewhere else, either by raising taxes somewhere else or cutting spending. Of course, we never cut spending. So the idea is you have to raise taxes somewhere. If I want to give the American people a tax break by reducing their taxes, I should have the right to do that. Congress should be making the rules. We should have the right to say: We are going to reduce your tax burden. But under existing rules, unless you have 60 votes for a permanent change such as that—and even then it is difficult because of our scoring rules—any revenue that is lost because of an action we take in reducing taxes has to be made up somewhere else in some other way. It has to be offset.

What that generally means is, since we don't find ways to cut spending around here very often, you raise taxes over here to make up for the tax revenue lost over here. If I want to reduce the capital gains tax by 5 percent, for example, or to give a real-life example, I want to reduce the estate tax—and Senator LINCOLN and I want to do that—I can't do that without "paying for it." We just want to reduce the estate tax so that people when they die, their heirs will not have to pay as much estate tax. No, you can't do it. You have to make up the revenue that you would lose. It is one of the reasons why we don't cut taxes around here very much. Because it is hard to find offsetting revenue that is acceptable to people.

To carry this a little further, Senator LINCOLN and I would simply like to repeal the estate tax. That is not going to happen. So we have agreed to a compromise in which we would have a \$5 million unified credit; that is to say, that is the amount that is exempt from the tax and that is per spouse in a family. It would be indexed for inflation and then anything that remains above that in the estate would be taxed at the rate of 35 percent. That costs a certain amount of money, according to the budget scorers. I am not sure how much. Let's say \$80 billion. We have to figure out a way to pay for that. So the question is, Is there some other place where we can raise revenue? Ordinarily, raising revenue means raising taxes. We don't want to do that. So we are relegated to the kind of political games, such as maybe phasing it in over time, because it doesn't cost as much if you bring the rates down over time, where you gradually increase the unified credit over time. That is how we got to the crazy situation we are at today, where we had the rate go down over a period of 9 years and then this year it went to zero. But next year it goes right back up to 55 percent. So the rules we have around here create crazy policy. Yet we are stuck with it.

I am afraid a commission that has the ability to both make tax revenue increase recommendations as well as spending reductions will not only focus a lot on the taxing side, because it is very hard for Congress to reduce spending, but also will be bound by the same rules so we will never get tax cuts anymore. Because every time you want to decrease a particular tax over here, you will have to raise taxes over here.

you will have to raise taxes over here. I think we should start from the premise that the money in the country belongs to the people. It is their property. The government should not take it unless it needs to and unless the people acquiesce through their representatives. If Congress decides it wants to take less money from the people, for example, so they will have more money to invest in small businesses to create jobs and put America back to work again, we ought to be able to do that without saying: We are going to give you a tax break here, but we are going to have to raise your taxes over here by an equivalent amount. If the money belongs to the people, we wouldn't have a rule such as that. I think it is very elitist and very wrong to essentially start with the proposition that the money belongs to Washington so you can never give it back to the people without recouping it in some other way. That is the second reason why I think this is not a good idea.

Third, we should be focusing on spending reductions. Everyone talks about not spending as much. Yet we have increased spending dramatically over the years. One of the reasons why is because our constituents want lots of things. If a particular special interest asks for some spending, there tends to be political support for that. The opposition to it being spread over all the people, in effect being everyone's problem, is no one's problem. So you have in spending bills here Members who put earmarks in bills or request certain spending, and there is a constituency for that. By the way, when I talk about special interests, I am not necessarily talking about bad people. Every family in America is represented by some special interest. You have veterans in the family, and you have the veterans groups supporting them. Does anybody think those are bad special interests? If you have farmers, they belong to the Farm Bureau. That is not a bad special interest, but they may be coming to Washington asking for something specific.

I was visited today by the head of the police department and fire department in my city of Phoenix. Both of them are represented by groups in Washington. They are not bad special interests. There are a lot of special interests in the country. Because the government is so big and so powerful, a lot of what they do consists of persuading Washington it should engage in one policy or another because that is where all the power is, that is where the money is, and so they have to hire lobbyists to come back here. We listen to those special interests. Who pays the bill? Our constituents, the taxpayers, who don't have many representatives back here.

There are groups, such as the National Taxpayers Union, for example, that keep track of how much money we spend around here. They rate Senators based on how much they spend.

Citizens Against Government Waste is another one. But they are pretty general, and they are not specific such as a lot of the special interests. What you end up with is a big push to spend money and not much of a push to save it

When colleagues of mine, such as my friend Tom Coburn or my colleague from Arizona, JOHN McCAIN, come to the floor and criticize earmarks in bills, spending they don't think is necessary, they are criticized. Why don't you play the game? Why are you creating such a stir? Senator COBURN has an amendment we will be taking up next week that says let's at least get rid of a whole group of programs that a commission in the United States has decided are duplicative and not necessary. I have forgotten how many child nutrition programs we have or special education programs or job training programs. Probably many more than can efficiently spend taxpayer money to do the good things they are set up to do. But we never seem to get around to putting more efficiency into the system.

I think it was Ronald Reagan who said the closest thing to immortality in the United States is a government program. They are easy to create but hard to get rid of.

When you make deals that if you will just sav we will solve the deficit problem, we will save money over here if you will raise taxes over here-I mentioned Ronald Reagan; I will mention him again. That was the deal he cut with Tip O'Neill and the Congress at the time. We got the tax increases, but we didn't get the savings. One of the things Ronald Reagan always said he regretted was being so naive as to make a deal assuming that if he agreed to raise taxes over here, Congress would agree to make savings over here. It is hard to do. Congress very rarely does it.

Another problem is, raising taxes for the purpose of raising revenue has two problems with it. No. 1, we don't end up saving money. We just end up spending it on new things. No. 2, it affects behavior from taxpayers in a negative way. If you raise taxes on businesses, for example, they will not hire as many people. They will not be able to invest as much money in their business. They will probably not make as much money. If they don't make as much money, what happens to their tax liability to the government? It goes down, not up.

On the other hand, frequently—and this has been demonstrated especially with taxes that have a direct relationship to revenues such as the capital gains tax—if you reduce the tax, business activity increases, producing more revenue for the government to tax, and Federal revenues actually go up. This

is not true with all taxes, but it is true with some taxes. I mentioned capital gains.

If you have a high capital gains rate today and businesses are told the rate is going to go down next year, do you think you are going to see a lot of assets sold this year? You will have hardly any economic activity unless it is absolutely necessary. But on January 1 of next year, when the rate goes down, you will see all kinds of activity because the rate at which that activity is taxed is reduced. By the same token, if you have a rate that is low today and you say it is going to go up tomorrow, you will see a lot of activity today but not much tomorrow. That economic activity is what produces revenue, which is what the government taxes. As I said, ironically or paradoxically, a lower rate generates more revenue to the Treasury.

That is what happens when you reduce the capital gains rate.

I believe if the President were to announce tomorrow he is asking Congress to pass legislation to send to him that would fix the marginal income tax rates, the dividends rate, the capital gains rate at exactly where they are right now, for, let's say, a period of 5 vears, the certainty that would create—even though some of those rates are too high, in my opinion; let that go—the certainty that would create because the rates would be known for a period of 5 years—and these, by the way, would be the so-called Bush tax cut rates so they would be much lower than they would be if they were allowed to go back up again—if the President were to do that, I think he would see the stock market skyrocket the next day. He would see job creation that would be incredible because businesses would know their taxes are not going up, that they could afford to hire people, and they would do so.

On the other hand, when you leave the tax rates in question or hint they are going to go up or, in fact, ensure they are going to go up—as they did under the health care bill, for example—it is no wonder businesses do not create jobs. In the health care bill, we actually have a couple payroll tax increases. All tax increases hurt business and hurt their ability to invest more and to hire more people, but a payroll tax is a direct tax on jobs. It says: The more people you hire, the more taxes you are going to pay; the more people you keep on your payroll, the higher your tax liability is going to be.

There is one provision that says, if one of your employees leaves and gets a subsidy for the insurance exchange, you have to pay an 8- to 10-percent payroll tax on all the rest of your employees. That is a job killer. Another tax raises, by just under 1 percent, the Medicare payroll tax. That is a job killer.

So there is a relationship between job creation and taxes, economic activity and, therefore, revenues to the Federal Treasury and tax rates. Tax rates and

taxes are not the same thing. You can reduce tax rates and actually collect more taxes. Again, it sounds paradoxical, but it is true. Think of this analogy: When you go to the store just before Christmas and they slash their prices by 40 percent, they are not doing that to go out of business. They are still making money. They make more money on the volume that increases because a lot more people come into the store—even though they have reduced the cost of each of the itemsthan they would if they increased the cost of the items. I guarantee you, if they raised their prices just before Christmas, their competitors would be reducing their prices, not so they would make less money but so they would get more people in, they would have more volume, and they would end up making more. That is what happens when you reduce certain tax rates when you are the Federal Government. You actually increase your revenue.

So I am very reluctant to support a commission which I believe will undertake to reduce our deficit by raising tax rates. It is not good for job creation. It is not good for the economy. It is not good for families, of course. Ironically, I do not even think it is good for the Federal Government, but I mostly do not think it is because, at the end of the day, we always have the courage to talk big about cutting spending but we do not do it

spending, but we do not do it.

I will close with this. The last budget increased the funding for the departments of government dramatically at a time when we are in a deep recession. Families are having to cut their budgets. Yet you go to the Department of Agriculture, and I think it was a 23-percent increase or 26-percent increase, about the same for the Department of State and so on. I think the average was over 12 percent. Only the Defense Department took a hit.

I think that says something else we need to be very careful of. It is one thing for a commission that is not elected by the people to have the specific goal of reducing the deficit. It is quite another to have the perspective of all the matters Members of Congress have to pay attention to in making decisions that offset each other or that take into account the needs across the entire spectrum of government.

It would be very bad, indeed, if we were not able to factor into our decisions, for example, the need to increase Defense spending next year. Because it got hit last year, it is going to have to be increased. I daresay, I hope and I almost predict the administration will find a way to increase in its budget this year Defense spending because it cannot be sustained at the level it is. Yet if we were having to cut spending across the board, that would be difficult to do.

That is what we are elected to do as Members of the House and the Senate. As hard as that job is, we should be doing it to adequately represent our constituents. I understand the argu-

ment we need some help sometimes, and, frankly, I support some alternatives to what I am talking about. Senator Sessions and Senator McCaskill, for example, have an amendment which I support because it focuses on spending. It starts with the 2010 budget, which is more than I would like to start with, but at least it says spending has to be constrained relative to that budget.

I think there will be another amendment that relates to spending which focuses on other ways to save money. Senator Brownback, for example, similar to Senator Coburn, has talked about trying to end duplicate programs or Departments or agencies or programs or commissions whose job is finished and we do not need them anymore, for example. Those are the kinds of things I think we need to look at, and we can save big money if we do.

The final point I wish to make is, some say: Well, isn't this a little bit like the health care commission that would reduce Medicare spending? The answer is, there is a similarity at least in concept. The idea in the health care commission, though, is to reduce spending primarily by reducing what we pay doctors and hospitals and other health care providers. That is a tough way to reduce Medicare spending and still provide the services our senor citizens deserve.

The way it should be done is to find the so-called waste, fraud, and abuse—and that is easier said than done. No one denies it is there. But we have had decades to get to the problem, and if we could, we would be doing it right now. I have no doubt if President Obama knew he could save \$100 billion by eliminating waste, fraud, and abuse, he would have gotten about the job by now, and he would not be waiting to see what kind of provisions we put in a health care bill before starting the job.

The private sector cannot afford to waste that much money. Federal bureaucrats, as hard as they work, do not have the responsibility. It is somebody else's money. It is everybody else's problem. It is not my problem. In the private sector, they cannot afford to do that. It is one reason the insurance companies get criticized, because they have people making sure they do not pay claims that should not be paid, and sometimes they are criticized for that kind of activity. Their administrative costs are a little bit higher than the government's because of that. They hire people to make sure they do not have a lot of waste, fraud, and abuse. So the amount of waste, fraud, and abuse against the insurance companies is pretty low, and they are able to stay in business as a result.

With the Federal Government, you have the sort of "Did you ever wash a rental car?" syndrome, where it is somebody else's money, you do not have to be as careful about protecting it, and, as a result, there is a huge amount of money lost in government programs, such as the Medicare Program, for example.

The amendments Senators Sessions and McCaskill are presenting and, I believe, Senator Brownback and some others will be presenting are going to focus on how we can actually save money in the way I am talking about, rather than cutting services, because that is the wrong way to save money, if they are essential services, as the Medicare services are. That is the distinction between those two items that I think is important to draw.

So the bottom line: The people who are proposing this commission idea are very well motivated and I respect their position. Reasonable people can differ about the wisdom of what they are proposing. I would prefer to, first, focus on whether we could actually reduce spending with a little help from a commission or some other kind of group, depending upon which of the amendments you want to adopt that actually identifies where we can save the money and force us to act upon that. I would rather do that first than to start out with the proposition that we can do it through tax increases because that is a sure way to hurt economic recovery, prevent job creation, take more property and freedom from the American people and, potentially, in the long run, provide for less revenue to the Federal Government.

A friend of mine always likes to say: There is a rate. Well, there are two rates, he says, at which the government collects exactly no revenue: zero and 100. It is true. If you set a very high tax rate, you are going to get very little of whatever it is you are taxing. If you want economic activity that represents economic growth in this country and a high standard of living and a lot of job creation, you cannot achieve that by imposing a lot of taxes, even if you were not worried about the deficit. The way to solve that problem is to stop spending money rather than trying to take more money from the American people.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

TODAY'S CITIZEN UNITED DECISION

Mr. SESSIONS. Madam President, I want to share a few thoughts at this time about the Supreme Court's decision in Citizens United v. Federal Election Commission, which was announced today. Some comments were made about the decision in the Judiciary Committee earlier today, and some of those comments were critical of the decision. I just want to say that I think it is a sound decision, a decision that is consistent with our Constitution and the first amendment.

I know sometimes people are irritated by seeing ads on television. I

know politicians are not happy when people run ads against them. But this is a free country. We are not immune to criticism and people seeking to promote their point of view throughout our Nation. I think the Supreme Court's opinion today deals with the reality of free speech that simply is not going away.

In Citizens United, the Court overruled two recent precedents that had themselves undermined and were inconsistent with this Nation's long tradition of protecting political speech. In doing so, the Court recognized that political speech is protected by the first amendment regardless of whether the speaker is an individual or is acting in corporate form. Over the years, there have been some dubious arguments made under the first amendment, such as arguments that pornography, and even child pornography, are protected under the free speech clause; however, there can be no doubt that the Founding Fathers, when they wrote the Constitution, contemplated the protection of people's right to have robust a political debate. There can also be no doubt that robust political debate includes criticizing political candidates when they are running for office.

The decision today was an interesting matter. It shows how far some congressionally passed laws reach. The decision may indicate that sometimes these bills reach farther than we intended for them to reach when we wrote them. For example, the Citizens United case revolved around a film that was critical of one of the main candidates in the 2008 Presidential election. A group called Citizens United produced the film, and they wanted to broadcast it; however, under the recent so-called bipartisan Campaign Reform Act, it was illegal for Citizens United to broadcast the film during the 30 days before the election because the group had received money from U.S. corporations. Citizens United became the plaintiffs in a lawsuit and. eventually, the question of whether Congress could constitutionally prohibit them from broadcasting the film wound up before the Supreme Court.

I think Chief Justice Roberts, correctly summed up the holding of today's opinion in his concurrence. We will probably talk more about it in detail as we go forward and have a little more time to examine it, but he says:

Congress violates the First Amendment when it decrees that some speakers may not engage in political speech at election time, when it matters most.

Or, as Justice Scalia characterized today's holding in his concurring opin-

A documentary film, critical of a potential presidential candidate is core political speech, and its nature as such does not change simply because it was funded by a corporation.

We hear speech that irritates and frustrates us a lot of times, but we have to put up with it because it is a free country in which we live. I would

not want anyone putting a film like the one at issue in Citizens United out against me, but it is a free country, and I don't think it is justified to say that Americans who come together in some corporate body can no longer speak.

I will just add that the current administration has been a bit insensitive about this matter. We had the incidents earlier in the year when an insurance company published material to people they insured that pointed out criticisms of the health care bill. The administration tried to get a federal agency to threaten them with a loss of business if they didn't stop expressing an opinion. The insurance company was engaged in a business impacted by the bill. The people they were communicating with bought this kind of insurance coverage. I think they had every right as free Americans to send out a notice that said: This is not good for our company or for you, we think.

They are not allowed to do this? They are going to be threatened by the White House with punishment if they communicate to the people with whom they do business? That is no little matter. We have to get our heads straight. The first amendment protects speech—real substantive speech—about important issues, issues like health insurance and who is going to be elected President. And it protects them regardless of whether the speaker is an individual or whether the speaker is acting in corporate form.

Justice Scalia dissented in McConnell v. FEC, a 2005 case that was reversed by the court's opinion today, and Justice Scalia has a knack for going straight to the heart of the matter. In that dissent he wrote:

In the modern world, giving the government power to exclude corporations from the political debate enables it effectively to muffle the voices that best represent the most significant segments of the economy and the most passionately held social and political views.

He goes on to say:

People who associate—who pool their financial resources—for purposes of economic enterprise overwhelmingly do so in the corporate form; and with increasing frequency, incorporation is chosen by those who associate to defend and promote particular ideas—such as the American Civil Liberties Union and the National Rifle Association, parties to these cases.

I agree with Justice Scalia. We cannot allow the government to suppress speech simply because it is near an election time and corporations have given some money to put it on. I think that is not healthy. In fact, I think our whole approach to constricting and limiting people in pooling their money and running ads is clearly in conflict with the first amendment.

I would just say this: The Supreme Court made it clear that all the limits we have placed on corporations giving to political campaigns were not struck down. That is a separate issue, I suppose, but the issue the Supreme Court decided in its opinion today is a very

important one. We have had a debate on this issue for a long time. We have roared about it in this Senate for many years, and people have passionately argued about the first amendment and whether some of our laws mean an evisceration of it.

I used to say in my speeches that I just don't think it is right to tell an American, or even a group of Americans who come together in corporate form, that they can't buy an ad, even on the eve of an election, and say that JEFF SESSIONS is bad for our business, bad for our State, bad for our Nation, and ought to be thrown out of office. It can, perhaps, be a problem sometimes if someone took out an ad like I just described I might think it is a problem—but the balancing test we use is the plain language of the first amendment, and it says that the right to free speech shall not be abridged. That right is important. We incur great danger when we say: Well, you can talk, but we are not going to let you make a political message 30 days before the campaign. You can contribute but only under our rules. A clear case can be made that the law at issue in Citizens United favored political incumbents. It gave an advantage to politicians already in office, who have an edge in obtaining individual, "hard money" contributions. I myself am an incumbent— I myself have been fortunate enough to receive many such contributions—but that does not change the clear mandate of our Constitution. I think the Supreme Court's opinion should be respected for the fact that it takes the text of the first amendment very seriously. The opinion addresses very fundamental questions about what power politicians in Washington have to constrict the right of Americans, either individually or corporately, to defend their interest and speak out. That freedom is fundamental to the preservation of our Constitution.

Think about it. The New York Times. What is the New York Times? Is it a corporation? Yes, it is. Can the New York Times run an editorial every day saying they don't like this party or they don't like this Senator and criticize them repeatedly? Why, sure they can. But can Ford Motor Company defend its interests? Can it run an ad and say: We are getting a little bit tired of the Federal Government giving another \$3 billion to General Motors Acceptance Corporation and we don't get any money from the Federal Government to help Ford Motor Credit, Under the law the Supreme Court was dealing with in Citizens United the answer was no. That was wrong, and it threatened our Constitution. Under our constitution people ought to be free to push back and defend their interests, whether they do it individually or through a corporation. Otherwise, I think it allows us in Washington to appropriate power to ourselves—the power to benefit one another and avoid being criticized for it. I think that is the exact opposite of the robust political debate the Founding Fathers intended.

That is my two cents' worth. I think the case is one of significance. It is one we have debated here for so long. I know Senator McConnell, the Republican leader, has been so eloquent and consistent for probably 15 years in debating this issue. In many ways, this opinion validates some of the principal constitutional arguments he made.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. BURRIS. Madam President, for the past few days I have heard a number of my colleagues come to the floor discuss whether this Congress should vote to raise the limit on the national debt. As this debate has unfolded, I am beginning to hear a familiar refrain from my friends on the other side of the aisle. Instead of offering constructive criticism or original ideas of their own, my Republican colleagues keep returning to the same irresponsible politics and empty rhetoric that got us into this mess in the first place. They seek to shift the blame and hold Democrats responsible for the failed policies that led us to this point.

The American people remember who really is responsible. In 2001, at the end of the last Democratic administration, our country enjoyed a \$236 billion budget surplus with a projected surplus of \$5.6 trillion over the next decade. But then Republicans took control of the Congress and the White House. Were they good stewards of the surplus left to us by the Clinton administration? Were they? Did they spend only what America could afford? Were they responsible with our pocketbook? After all, the decade is over. I ask, so where is the \$5.6 trillion surplus?

It is nowhere to be found. Republicans squandered our surplus by spending wildly on massive tax breaks for the wealthy and the special interests. They tried to place the blame on President Obama, but the reality is that this President inherited a massive deficit of \$1.3 trillion on the day he took office last year. Now, as we try to clean up the mess we have inherited, our Republican friends are trying to pass the buck. They seem to be more interested in scoring political points than making sound policy.

Who is going to be hurt if we don't extend this debt? We are all going to be hurt. It is not going to be Democrats who are hurt. It is not going to be Republicans. Every American is going to be hurt.

We need to raise the debt limit so that America can avoid the economic catastrophe that would be created if the United States defaulted on its debt. If we fail to take action now, our Nation's credit would be undermined, our economy would be further weakened, and important programs, such as Social Security and veterans' benefits, would be at grave risk. Raising the debt limit is the only responsible course of action at this time. It would not authorize one penny of new spending, but it would allow us to pay the

bills we have already incurred. We ate the meal. We had the dinner. Now we have to pay the check.

I am asking my Republican friends to join us on this measure. I am asking them to take responsibility for the mess they helped create and to be a part of the solution, rather than leaving other people to clean up their mistakes.

During the years when they were in control, Senate Republicans voted seven times to increase the debt limit. They refused to pay for major initiatives. They cut revenues and increased spending. It did not take a financial expert to recognize that this was just plain irresponsible. So when our Republican colleagues talk about fiscal responsibility, they are talking about an issue on which they have absolutely no credibility. Their record simply does not match their rhetoric. This demonstrates yet again that they do not have a plan to solve the economic challenges they helped create.

I believe it is time to move forward. Let's be honest with the American people. Let's work together to solve this problem rather than hiding behind the same irresponsible policies that got us here in the first place.

I call on my friends across the aisle to join us in passing this measure. This should not be a partisan issue. We all have a responsibility to keep this Nation on the road to economic recovery. and if we do not extend this debt ceiling, what will the consequences to the American people be? It is essential that we get an extension of this debt ceiling and that we pass this legislation and that we be responsible as we go forward in our programs and policies of spending so that we will not have to be back here time and time again talking about raising the debt ceiling. We must get it under control at this time because if we do not, a catastrophe could be overwhelming and we may not even recover from it.

Madam President, I yield the floor, and I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the

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

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

## GLOBAL WAR ON TERROR

Mr. McConnell. Mr. President, as the Senate reconvenes in a new calendar year, it is hard not to notice that many of the toughest challenges we face in 2010 have been with us for a long time. Among the toughest and most persistent of these is the ongoing global war on terror. More than 8 years have now passed since September 11, 2001. Yet we are reminded every day of the need to remain as vigilant now as we were in the weeks and months after that terrible day.

This fact was recently brought home to us in a vivid way when a Nigerianborn terrorist attempted to kill nearly 300 innocent people in the skies over Detroit on Christmas Day. What could have been a terrible tragedy became instead an urgent reminder to remain focused—a wake-up call, if you will.

But even before Abdulmutallab boarded the plane, many Americans had already begun to wonder whether we had become too slack over the past year in the fight against terrorism.

And who could blame them? Time and again, the administration has made decisions that suggest a pre-9/11 mindset of prosecution over prevention-decisions which have left most Americans scratching their heads and concluding that some of the administration's priorities are dangerously out of whack. Most Americans did not understand why the administration was in such a rush to close Guantanamo, for example, before it had a plan for dealing with the dangerous detainees who were held there. Most did not see why classified memos detailing interrogation techniques that had saved American lives were made public and thus available to the very people we are trying to keep from harming us. And most recently, most people were shocked again when we treated the Christmas Day bomber not as a potentially rich source of intelligence for stopping future attacks but as a common criminal who needed a lawyer. We should have gotten every bit of information we could have about this man's plans, his connections, and his cronies in al-Qaida on the Arabian Peninsula. Instead, the administration placed a higher priority on reading him his Miranda rights and on getting him a lawver.

Even more outrageous is the administration's plan for getting information out of the Christmas Day bomber, offering him a plea bargain and a hope he will talk. These are just some of the signs that when it comes to prosecuting the war on terror, the administration has caused the pendulum to swing too far in the wrong direction.

No one denies a balance must be struck between preserving civil liberties and protecting the homeland. No one wants to sacrifice one for the other. But in many cases, all that is involved is a simple question of judgment. When a judgment call has to be made, our priorities should be clear: Keeping Americans safe should always—always—win out.

Over the past year, the administration has grappled with these questions. It sought to find the right balance. In some cases, it has gotten it wrong. In others, it has been quite sensible. The President was clear and convincing, for example, when he explained our goals in Afghanistan last December—to deny al-Qaida a safe haven, to reverse the Taliban's momentum and deny it the ability to control population centers, and to strengthen the capacity of Afghanistan's security forces and government so that they can take the lead

and take responsibility for Afghanistan's future. The President had it exactly right. But Americans know that in this fight, in the global war on terror, getting the strategy partly right will only lead to partial success. As the attempted Christmas Day bombing showed all too plainly, partial success isn't good enough.

So today I would like to discuss some of my own impressions of how our mission is going in the place where the attacks of September 11, 2001, were launched, and to describe the mission within the broader context of the global war that extends to places such as Yemen and to our own borders because success in one place overseas could easily be undermined by neglect in another, and success in both could still be undermined by neglect at home. We simply cannot prevail in this fight if we treat the various elements of it as separate events or if we fail to restore the proper balance between safety and civil liberties.

As the years wear on, it is easy for some to forget why we are still committing young men and women to fight in far off places such as Afghanistan or why our national security interests demand that we prevail. That is why it is important for us to recall that al-Qaida and other extremists were at war with the United States long before the attacks of 9/11.

The World Trade Center had been attacked 8 full years before the 19 hijackers destroyed it on September 11, 2001. The Khobar Towers bombing in 1996 killed 19 U.S. military personnel and injured hundreds more. Thousands were injured and hundreds were killed. including a dozen Americans, in the East Africa Embassy bombings in Nairobi and Dar es Salaam in 1998. That same year, Osama bin Laden declared that "the judgment to kill and fight Americans and their allies, whether civilian or military, is an obligation for every Muslim who is able to do so in any country." A year before 9/11. al-Qaida attacked the USS Cole. killing 17 sailors and injuring dozens more.

So 9/11 may have been the day we realized the consequences of inaction, but the pattern of attacks leading up to that day is undeniably clear. From the first days after 9/11, our strategy has been the same: to deny al-Qaida and its affiliates sanctuary and to deny them a staging ground from which they could plan or launch another attack on U.S. soil. This is why we resolved shortly after 9/11 to rid Afghanistan of the Taliban which had harbored al-Qaida and its leader Osama bin Laden.

We had early successes in that effort. By November 2001, the Taliban had been driven from Kabul. Soon after that, an international body met to name an interim government in Afghanistan to be led by its current president, Hamid Karzai.

But despite that early success, al-Qaida's senior leadership was able to find a safe haven in Pakistan's tribal areas, and a few years later it had regained enough strength to once again pose a serious threat to the United States. Meanwhile, the Taliban had reestablished its headquarters in Pakistan and gained enough strength as a result of inadequate Afghan security forces and poor governance to return to Afghanistan and to risk success to our mission there.

By last year, the situation had grown so perilous that our then recently appointed top general in Afghanistan, GEN Stanley McChrystal, issued a report stating that our failure to gain the initiative and reverse the momentum of the Taliban within 12 months could make defeating the insurgency impossible. It was largely as a result of that assessment that the President agreed last year to send 30,000 more troops to Afghanistan.

Earlier this month, I and some of my colleagues had the opportunity to visit Afghanistan and Pakistan to assess the situation on the ground firsthand. Among other things, we saw progress in the crucial southern provinces of Helmand and Kandahar. Although still in the early phases, General McChrystal's plan to clear these areas of Taliban, hold terrain, control the population, build Afghan security forces, and establish a viable government for future and long-term stability shows early signs of success, not unlike the kind of success during the surge in Iraq.

The Taliban continues to put up a fight. As recently as last week, Taliban leaders accused NATO forces of defiling the Koran, a charge that led to major protests in Garmsir. This Monday, the Taliban demonstrated its lethality when it launched an attack against the heart of the government in Kabul. But the bottom line is this: Our commitment and that of our partners has given Afghanistan and its government a chance to succeed. While ultimate success is far from certain, every member of our delegation was impressed with the quality of the people we have sent to Afghanistan and with the strategy that General McChrystal has put in place.

Pakistan must do its part. The ultimate success of our mission in Afghanistan depends upon the continued efforts of the Government of Pakistan to fight extremist networks in the tribal areas. Over the last year, Pakistan has waged aggressive campaigns in the Swat Valley and in South Waziristan. After meeting with the Pakistani Army's chief of staff and with Prime Minister Gilani, we concluded they genuinely believe their national interests will be served in defeating the Pakistani Taliban. Still, action against the Quetta Shura, the leadership of the Afghan Taliban harbored just across the border in neighboring Pakistan, isn't likely to occur until the Pakistanis are convinced—convinced—that the United States has the endurance to remain committed in both Pakistan and Afghanistan and to defeat the Taliban in Afghanistan as well. In this regard, the leaders we spoke to in both countries were clearly troubled by the Obama administration's announced deadline of July 2011 for the withdrawal of U.S. forces.

We saw firsthand on our trip that the fight in Afghanistan and Pakistan is difficult, and the situation is fragile. But complicating matters even further is the resilience and determination of al-Qaida and its affiliates, and we must not fail to appreciate all the implications of this. In this regard, the administration showed a shocking lack of common sense when it failed to treat the Christmas Day bomber as an enemy combatant, instead reading him his Miranda rights and giving him a lawyer.

As I said earlier, in my view, the administration has on a number of instances struck the wrong balance over the past year between safety and civil liberties. Its preference for prosecuting a terrorist like the Christmas Day bomber in civilian courts shows a dangerous preoccupation with prosecution over prevention, just as its hasty decision to close Guantanamo showed a preoccupation with symbolism over security.

But whether it is Guantanamo, interrogation memos, or prosecuting terrorists in civilian courts, many of the administration's priorities in this fight appear to be dangerously misplaced. Take the case of Khalid Shaikh Mohammed. Here is the man who admits to planning the most catastrophic terrorist attack in U.S. history—nearly 3,000 people dead on our own soil in a single day. Yet once in court, he will enjoy all the rights and privileges of an American citizen. Classified information may be compromised, as it has been many times before in such cases. The consequences are easy to imagine.

Trying KSM in a civilian court makes even less sense in light of the fact the administration has decided to prosecute other foreign terrorists in a military commission, creating a baffling scenario in which those who target innocent people in the homeland are treated better than those who attack a military target overseas.

The administration also needs to ensure that our intelligence professionals and men and women in uniform are free to gather intelligence from detainees wherever they are captured. A U.S. marine assigned to a NATO-led security and development mission in Afghanistan shouldn't have to release or turn over a captured terrorist within 96 hours, as is now the case, nor should the Christmas Day bomber be treated as a common criminal at home when the nation where he met his al-Qaida handlers, Yemen, is actively pursuing al-Qaida in the Arabian Peninsula.

The intelligence community must be able to gather information from detainees in a way that is lawful and which protects American lives. Equilibrium between safety and civil liberties must be restored, and currently

it is not, in my view. A plea bargain for a terrorist who tried to blow a plane out of the sky on Christmas Day? It is wrong to think that al-Qaida would not use a civilian courtroom in New York or a long-term detention facility inside the United States for the same recruiting and propaganda purposes for which they have used other courts and Guantanamo in the past. This fact alone eliminates the administration's only justification for closing Guantanamo—that it was some kind of recruitment tool

We need a place to send terrorists like the Christmas Day bomber—and that place is not a civilian courtroom or a prison in the Midwest. Once here, these terrorists will enjoy new legal rights, including, quite possibly, the right to be released into our country, as one Federal judge previously ordered with respect to a group of detainees from GTMO.

The war on al-Qaida will continue for years to come. In order to prevail, we must not only remain focused on the threat but also reliant on the reasonable tools that have served us well in the past. For example, now is not the time to experiment with the PATRIOT Act. We should clearly reauthorize its expiring provisions rather than eliminate one of them, sunset another, and tinker with those that remain, as the administration or some of its congressional allies propose.

As we continue to pursue this global network, we will rely more heavily on intelligence personnel, a point that was recently underscored by the December 30 suicide attack that killed seven CIA employees in Afghanistan. We mourn the loss of these brave Americans. Their sacrifice, along with the attempted Christmas Day bombing and the recent plot to attack the New York subway system, reminds us that the threat from al-Qaida and other extremists to our homeland has not—I repeat, not—diminished.

But in its eagerness to distinguish its own policies from those of the past, the administration has gone way too far. The reaction to the attempted Christmas Day bombing offered conclusive proof. Hoping that terrorists are incompetent is not enough to defeat them; and showing more concern about their Miranda rights than the right of Americans to be safe suggests a fundamental and dangerous shift in the priorities since 9/11.

The good news is this: The administration is doing the right thing in Afghanistan. If it recognizes some of its errors in the broader fight, there is good reason to hope historians will look back on 2010 as the turning point not only in our fight with the Taliban but also as the year in which America achieved a balance in the war against al-Qaida.

Soon we will have an opportunity to make a good first step in the direction of bipartisan balance. Once the Congress receives the war funding request from the Defense Department and the administration, the Senate can demonstrate a new unity of purpose by quickly considering this legislation. This would signal our resolve not only to Americans but to our allies and to our forces in the field. This is not too much to hope for, and it is not too much to expect. Bipartisanship is not always easy to come by in Washington, but in the war on terror it is necessary, and in my view it is achievable.

I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

## THE ECONOMY

Mr. CASEY. Mr. President, I rise tonight for two purposes. One is to talk about the state of our economy, the challenges we face but also the obligations we have to address those challenges, and, secondly, to speak for a couple minutes tonight about our brothers and sisters in Haiti and, in particular, children in Haiti.

Let me start with our economy here at home. We got word today in Pennsylvania—this is a newspaper story, an AP story, 3:52 p.m. The headline on this very brief story from the wire services is as follows. I know it cannot be read from that distance. But the headline is: "Pa. Jobless Rate Up, Jobs at Most Scarce in Decade."

It says:

A new report says that jobs in Pennsylvania were harder to find in December than they have been in more than a decade.

It goes on to talk about the unemployment rate jumping up four-tenths of a percent, to 8.9 percent. That is disturbing in a lot of ways. First of all, not just the rate, because sometimes when we look at the unemployment rate, it does not tell the whole story. Sometimes it undercounts the people who are not looking for work, and sometimes the numbers do not make sense.

What it means in real terms, in numerical terms, I should say, real people, it means that in Pennsylvania, there are well more than half a million people out of work. I cannot even imagine what those numbers look like proportionally, when you have States where the unemployment rate is 10 percent, 11 percent, 12 percent, and even higher in some States.

So it is bad enough in a State such as ours when you have 8.9 percent, what that translates into in terms of real life, real families, and the horrific impact of this recession. I cite that number, several of those numbers for a very basic reason. A lot of folks around here are looking for messages from the recent election in Massachusetts or they are looking for messages from the election of this past November.

I do not think you need to go very far or do a lot of election analysis to know one of the central and overarching messages I have heard in Pennsylvania—and I am sure others have as well—and that message is this: The American people want us to focus on job creation right now. They do not want to hear about some long-term plan, a multiyear plan to create jobs. They want us to put on the table, to enact into law, strategic, short-term, effective job creation strategies that will have the effect of incentivizing small businesses to hire more employees.

The idea that I and others in the Senate have is a job creation tax credit. If you are a small business—in this case we drew the line at 100 or less; I know that is not often the dividing line—if they qualify, they get a 20-percent tax credit; higher than 100 employees, a 15-percent tax credit.

That kind of targeted and specific strategy for 1 year—this is a 1-year bill we are about to introduce—will have that effect. It is one of several things we have to do on job creation.

We have to have strategies, for example, that have as their intended target the positive impact on small business. All across Pennsylvania—and I think this is true across the country—it is not just the question of the unemployment rate going up and joblessness increasing, it is small business owners— I do not care where they are from coming to us and telling us: Please help us with obtaining access to credit. There is no way a small business can grow if they cannot borrow. Our whole system is predicated on borrowing money so you can invest in a new plant and equipment, borrow money so you can hire another employee or two or three or more.

If they do not have access to credit, this economy cannot create jobs and grow jobs at a fast enough pace. So that has to be our focus. We also have to understand, as best we can from the distance of Washington and the security we feel here, most people in the Federal Government and certainly individual Members of the Senate do not have to worry about health care. They have it. They do not have to worry about a paycheck. They are getting that.

But even in those secure circumstances, we have to do everything we can to understand what real people are up against, what they are up against every day when they wake up in the morning. Even if they have a job, sometimes the costs that are impacting their budget, the costs of paying for health care, the costs of higher education, the costs just to make ends meet in their daily lives have never been more tested, never been more of a severe challenge.

So part of it is enacting job creation strategies, but that is not enough. Part of it is also speaking directly to the needs and the concerns and the anxiety and the sense of insecurity a lot of Americans feel. That is our No. 1 obligation.

I think, in addition to that, we should pass health care legislation. We do not know how that will happen in light of the new political realities here in Washington. But I think we need to do that as well.

But no matter what happened in the elections, no matter what happens on the issue of health care, job creation has to be the No. 1 priority, second to none, in terms of the work we do here in Washington.

I ask unanimous consent to have printed in the RECORD this very brief wire service story about the unemployment situation in Pennsylvania.

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

PA JOBLESS RATE UP, JOBS AT MOST SCARCE IN DECADE

[From the Associated Press, Jan. 2010]

HARRISBURG, PA. (AP)—A new report says jobs in Pennsylvania were—harder to find in December than they have been in more than a decade.

The state Department of Labor and Industry said Thursday that statewide unemployment jumped to 8.9 percent last month.

The October rate also was 8.9 percent, the highest level in 25 years, before dipping to 8.5 percent in November.

The department says employers eliminated about 8,100 jobs in December, leaving Pennsylvania with fewer than 5.6 million jobs—the lowest level since September 1999.

The state's unemployment rate is below the national average of 10 percent. Among the 10 most populous states, only Texas' rate is lower

Mr. CASEY. Let me conclude this part of my remarks by speaking for a couple minutes about what we have done in this past year: The Recovery and Reinvestment Act, known by—as many things are here—the acronym AARA, the American Recovery and Reinvestment Act. Those two words in the middle are very important, the word "recovery" and the word "reinvestment" because that is the intended effect of that legislation. It was the right legislation—not perfect but the right legislation—at the right time at the beginning or the early months of 2009.

But there are a lot of Americans who believe it is not being implemented fast enough. The jump-starting effect of the spending, whether it is on infrastructure or energy efficiency or investments in education, investments in health care, tax cuts for 95 percent of the American people, which was in the recovery bill, that all of that is not moving fast enough.

So one of the jobs we have, in addition to new strategies on job creation, is to implement, at a faster pace, at a faster rate, the recovery bill. I also believe we should remind ourselves that the recovery bill was not a 10-month bill. We are in about the 10th month right now.

But the spending that will create the jump-start of a positive economic effect is supposed to take place over 2 and 3 years, depending on the program, depending upon the initiative. So one

of the things we have to do is push the recovery bill aggressively to make sure those investments, whether they are recovery, getting our economy out of the ditch, so to speak, and moving down the road or whether they are expenditures that relate to reinvestment. reinvestment in people skills, reinvestment in their opportunities to have higher education, reinvestment or investment, in some cases, in people's ability to recover from this recession, unemployment insurance, COBRA health insurance extensions, food stamps. All those are critically important to our recovery.

For those who say: Well, I do not like when we spend money on unemployment insurance or food stamps—we get that criticism from folks once in a while—they should understand there is no comparison, at least according to the economist Mark Zandi, there is no comparison between tax cuts for wealthy folks versus unemployment insurance, food stamps, and other strategies in terms of their positive impact on the economy.

By one measurement that Mark Zandi pointed to, bang for the buck, if you spend a buck on unemployment insurance or spend a buck on food stamps, you get a return above \$1.50, you get as high as \$1.60 to \$1.70 in return. You cannot say that, according to his analysis, with regard to some of the tax cut policies we have seen here.

So investments in vulnerable Americans who are trying to recover from the recession—food stamps and unemployment insurance being the two best examples—those investments actually have a return to the taxpayer as well.

So what do we need to do? We have to focus on job creation. When we focus on that legislation, it should have a couple component parts or elements. First of all, stabilizing that safety net for vulnerable Americans which I just spoke of. Secondly, supporting small business in a very direct and targeted way. Investing and investing more in infrastructure, including broadband infrastructure, which is another kind of knowledge infrastructure and, finally, building a clean energy economy. If we continue to do that, we will create jobs, we will keep our environment clean, we will reduce our dependance on foreign oil and literally make us more secure from a national security standpoint.

I think a major part of job creation, in the short term, has to be a job creation tax credit.

## HAITIAN ORPHANS

Mr. CASEY. Mr. President, over the past week, we have witnessed the immense destruction that the earthquake in Haiti and its subsequent aftershocks have wrought on the Haitian people. Old and young, rich and poor, weak and strong, no matter who you are, this earthquake has brought heartache and sadness to numerous lives.

First, I want to send my condolences to the people of Haiti and their family and friends around the world who lost loved ones in this tragedy. I also want to send my condolences to our brave men and women in the U.S. Embassy who also have lost loved ones, but who are continuing to help the people of Haiti and Americans in Haiti in the midst of this natural disaster. These individuals represent the very best of what America encompasses.

I am proud that as soon as this earthquake struck our southern neighbor, the U.S. Government as well as the American people galvanized their resources to ensure that resources were delivered for people who have lost everything.

Today, I come to the floor to speak about a specific population that has been and will continue to be affected by this disaster, the most vulnerable population of all, Haitian orphans. Before the earthquake, these children were looking for families, for people to love them and for people to love. This quest has not changed; however, their tenuous situation in life only further deteriorated after the earthquake. While I know that everyone has suffered so much, these children are without the natural protection that parents provide. Therefore, it is our duty to be their voice and to make sure that if they survived the earthquake that they also survive this critical period of time while resources are trying to be delivered and a sense or order is trying to be restored

This weekend several of my constituents have contacted me about their concern for this most vulnerable population. One constituent wrote:

Senator Casey:

I am writing on behalf of our friends, Michael and Monica Simonsen who have been in the process of adopting their son, Stanley Hermane (DOB: 4/9/2008), from Haiti since August 2008. Stanley was brought to Petit Anges de Chantal orphanage when he was only two months old. He was severely malnourished and covered in scabies. They have visited him in Haiti three times, each time bringing supplies and donations to the orphanage. The resources are scarce under normal circumstances and with the current crisis, there is a genuine concern that the children will not survive.

I am writing to request that you support initiatives created to help expedite the adoption process for children who already have completely committed U.S. approved families waiting at home. Expediting the process will not only secure their safety but will free up already scarce resources for children orphaned by this disaster.

Senator Casey:

After years of personal investment there, Jamie and Ali McMutrie, of Pittsburgh, Pennsylvania, have brought 30 children almost through the entire adoption process to anxiously waiting families here in America. Almost.

The recent earthquake of January 12th has destroyed their orphanage leaving Jamie and Ali to sleep outside on the lawn with all their children. With food and water in short supply and rioters all around, the clock is ticking for you to do something.

I am happy to report that Jamie and Ali McMutrie, who help run the BRESMA orphanage in Haiti, were able to evacuate 53 of their orphans and