

with his own compromise—changing rule XXII to reduce the required vote for cloture to “two-thirds of Senators present and voting.” And to appease a small group of Senators, Johnson also included new language that stated that the rules continued from one Congress to the next unless they were changed under the rules. It was a move that would effectively bind all future Senators.

Throughout his career, Clinton Anderson relied on the constitutional option as the basis to ease or at least reconsider the cloture requirements laid out in rule XXII. As he said in 1959:

My motion does not prejudice the nature of the rules which the Senate in its wisdom may adopt, but it does declare in effect that the Senate of the 85th Congress is responsible for and must bear the responsibility for the rules under which the Senate will operate. That responsibility cannot be shifted back upon the Senate of past Congresses.

In 1975, 2 years after Anderson left office, the Senate adopted the rule we operate under today: It takes the vote of “three-fifths of all Senators duly chosen and sworn” to cut off debate or the threat of unlimited debate.

As the junior Senator from New Mexico, I have the honor of serving in Senator Clinton Anderson’s former seat, and I have the desire to take up his commitment to the Senate and his dedication to the principle that in each new Congress, the Senate should exercise its constitutional power to determine its own rules. Let me be very clear. I am not arguing for or against any specific changes to the rules, but I do believe each Senate has the right, according to the Constitution, to determine all of its rules by a simple majority vote.

As my distinguished colleague Senator BYRD, the longest serving Member in the history of Congress, once said:

The Constitution in article 1, section 5, says that each House shall determine the rules of its proceedings. Now we are at the beginning of Congress. This Congress is not obliged to be bound by the dead hand of the past.

It is time for reform. There are many great traditions in this body that should be kept and respected, but stubbornly clinging to ineffective and unproductive procedures should not be one of them. There is another way.

The resolution I am introducing today is simple. It would enable the 112th Congress to carry out its responsibility to determine the rules of its proceedings in accordance with the Constitution. This is not to say that between now and the beginning of the 112th Congress we cannot use our political will to find a way to avoid the gridlock of 2009. It is to say that at the beginning of the 112th Congress, the Senate can exercise its constitutional right to adopt its rules of procedure by a simple majority vote. The Senate may choose to adopt new rules or it may choose to continue with some or

all of the rules of the previous Congress. The point is, it is our choice. It is our responsibility.

As Clinton Anderson said:

It is a responsibility that cannot be shifted back upon the Senate of past Congresses.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 3306. Mr. BAUCUS proposed an amendment to amendment SA 3299 proposed by Mr. BAUCUS (for Mr. REID) to the joint resolution H.J. Res. 45, increasing the statutory limit on the public debt.

SA 3307. Mr. SPECTER (for Mr. CRAPO) proposed an amendment to the resolution S. Res. 373, designating the month of February 2010 as “National Teen Dating Violence Awareness and Prevention Month”.

#### TEXT OF AMENDMENTS

**SA 3306.** Mr. BAUCUS proposed an amendment to amendment SA 3299 proposed by Mr. BAUCUS (for Mr. REID) to the joint resolution H.J. Res. 45, increasing the statutory limit on the public debt; as follows:

At the appropriate place, insert the following:

SEC. 1. SHORT TITLE.—This Act may be cited as the “Bipartisan Task Force for Responsible Fiscal Action Act of 2009.”

SEC. 2. ESTABLISHMENT OF TASK FORCE.—Title III of the Congressional Budget Act of 1974 (2 U.S.C. 631 et seq.) is amended by adding at the end the following new section:

##### “ESTABLISHMENT OF TASK FORCE FOR RESPONSIBLE FISCAL ACTION

“SEC. 316. (a) DEFINITIONS.—In this section:

“(1) TASK FORCE.—The term “Task Force” means the Bipartisan Task Force for Responsible Fiscal Action established under subsection (b)(1).

“(2) TASK FORCE BILL.—The term “Task Force bill” means a bill consisting of the proposed legislative language of the Task Force recommended under subsection (b)(3)(B) and introduced under subsection (e)(1).

“(3) FISCAL IMBALANCE.—The term “fiscal imbalance” means the gap between the projected revenues and expenditures of the Federal Government.

“(b) ESTABLISHMENT OF TASK FORCE.—

“(1) ESTABLISHMENT.—There is established in the legislative branch a task force to be known as the “Bipartisan Task Force for Responsible Fiscal Action”.

“(2) PURPOSES.—

“(A) REVIEW.—The Task Force shall review the fiscal imbalance of the Federal Government, including—

“(i) analyses of projected Federal expenditures;

“(ii) analyses of projected Federal revenues; and

“(iii) analyses of the current and long-term actuarial financial condition of the Federal Government.

“(B) IDENTIFY FACTORS.—The Task Force shall identify factors that affect the long-term fiscal imbalance of the Federal Government.

“(C) ANALYZE POTENTIAL COURSES OF ACTION.—The Task Force shall analyze potential courses of action to address factors that affect the long-term fiscal imbalance of the Federal Government.

“(D) PROVIDE RECOMMENDATIONS AND LEGISLATIVE LANGUAGE.—The Task Force shall provide recommendations and legislative language that will significantly improve the

long-term fiscal imbalance of the Federal Government, including recommendations addressing—

“(i) Federal expenditures;

“(ii) Federal revenues; and

“(iii) the current and long-term actuarial financial condition of the Federal Government.

“(E) PRIORITY TO ELIMINATING WASTE.—The Task Force shall give priority to reducing or eliminating waste, fraud, abuse, and the non-payment of taxes already owed.

“(3) DUTIES.—

“(A) IN GENERAL.—The Task Force shall address the Nation’s long-term fiscal imbalances, consistent with the purposes described in paragraph (2), and shall submit the report and recommendations required under subparagraph (B).

“(B) REPORT, RECOMMENDATIONS, AND LEGISLATIVE LANGUAGE.—

“(i) IN GENERAL.—Not earlier than November 3, 2010, and not later than November 9, 2010, the Task Force shall vote on a report that contains—

“(I) a detailed statement of the findings, conclusions, and recommendations of the Task Force;

“(II) the assumptions, scenarios, and alternatives considered in reaching such findings, conclusions, and recommendations; and

“(III) proposed legislative language to carry out such recommendations as described in paragraph (2)(D).

“(ii) APPROVAL OF REPORT.—The report of the Task Force submitted under clause (i) shall require the approval of not fewer than 14 of the 18 members of the Task Force.

“(iii) ADDITIONAL VIEWS.—A member of the Task Force who gives notice of an intention to file supplemental, minority, or additional views at the time of final Task Force approval of the report under clause (ii), shall be entitled to not less than 3 calendar days in which to file such views in writing with the staff director of the Task Force. Such views shall then be included in the Task Force report and printed in the same volume, or part thereof, and their inclusion shall be noted on the cover of the report. In the absence of timely notice, the Task Force report may be printed and transmitted immediately without such views.

“(iv) TRANSMISSION OF REPORT.—No later than November 15, 2010, the Task Force shall submit the Task Force bill and final report to the President, the Vice President, the Speaker of the House, and the majority and minority leaders of both Houses.

(v) REPORT TO BE MADE PUBLIC.—Upon the approval or disapproval of the Task Force report pursuant to clause (ii), the Task Force shall promptly make the full report, and a record of the vote, available to the public.

“(4) MEMBERSHIP.—

“(A) IN GENERAL.—The Task Force shall be composed of 18 members designated pursuant to subparagraph (B).

“(B) DESIGNATION.—Members of the Task Force shall be designated as follows:

“(i) The President shall designate 2 members, one of whom shall be the Secretary of the Treasury, and the other of whom shall be an officer of the executive branch.

“(ii) The majority leader of the Senate shall designate 4 members from among Members of the Senate.

“(iii) The minority leader of the Senate shall designate 4 members from among Members of the Senate.

“(iv) The Speaker of the House of Representatives shall designate 4 members from among Members of the House of Representatives.

“(v) The minority leader of the House of Representatives shall designate 4 members from among Members of the House of Representatives.

“(C) CO-CHAIRS.—

“(i) IN GENERAL.—There shall be 2 Co-Chairs of the Task Force. The President, majority leader of the Senate, and Speaker of the House shall designate one Co-Chair among the members of the Task Force. The minority leader of the Senate and minority leader of the House shall designate the second Co-Chair among the members of the Task Force. The Co-Chairs shall be appointed not later than 14 days after the date of enactment of this section.

“(ii) STAFF DIRECTOR.—The Co-Chairs, acting jointly, shall hire the staff director of the Task Force.

“(D) DATE.—Members of the Task Force shall be designated by not later than 14 days after the date of enactment of this section.

“(E) PERIOD OF DESIGNATION.—Members shall be designated for the life of the Task Force. Any vacancy in the Task Force shall not affect its powers, but shall be filled not later than 14 days after the date on which the vacancy occurs in the same manner as the original designation.

“(F) COMPENSATION.—Members of the Task Force shall serve without any additional compensation for their work on the Task Force. However, members may be allowed travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code, while away from their homes or regular places of business in performance of services for the Task Force.

“(5) ADMINISTRATION.—

“(A) AUTHORITY TO ESTABLISH RULES AND REGULATIONS.—The Co-Chairs, in consultation with the other members of the Task Force, may establish rules and regulations for the conduct of Task Force business, if such rules and regulations are not inconsistent with this section or other applicable law.

“(B) QUORUM.—Fourteen members of the Task Force shall constitute a quorum for purposes of voting, meeting, and holding hearings.

(C) VOTING.—

(i) PROXY VOTING.—No proxy voting shall be allowed on behalf of the members of the Task Force.

“(ii) REPORT, RECOMMENDATIONS AND LEGISLATIVE LANGUAGE.—

“(I) DATES.—The Task Force may not vote on any version of the report, recommendations, or legislative language before the timing provided for in paragraph (3)(B)(i).

“(II) CONGRESSIONAL BUDGET OFFICE AND JOINT COMMITTEE ON TAXATION ESTIMATES.—The Congressional Budget Office and Joint Committee on Taxation shall provide estimates of the Task Force report and recommendations (as described in subsection (b)(2)(D)) in accordance with section 308(a) and 201(f) of the Congressional Budget Act of 1974. The Task Force may not vote on any version of the report, recommendations, or legislative language unless a final estimate is available for consideration by all the members at least 72 hours prior to the vote.

“(D) MEETINGS.—

“(i) INITIAL MEETING.—Not later than 45 days after the date of enactment of this section, the Task Force shall hold its first meeting.

“(ii) MEETINGS.—The Task Force shall meet at the call of the Co-Chairs or at least 10 of its members.

“(iii) AGENDA.—An agenda shall be provided to the Task Force members at least 1 week in advance of any meeting. Task Force members who want to have items placed on the agenda for consideration shall notify the staff director as early as possible, but not less than 48 hours in advance of a scheduled meeting.

“(E) HEARINGS.—

“(i) IN GENERAL.—Subject to subparagraph (G), the Task Force may, for the purpose of carrying out this section, hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths the Task Force considers advisable.

“(ii) HEARING PROCEDURES AND RESPONSIBILITIES OF CO-CHAIRS.—

“(I) ANNOUNCEMENT.—The Task Force Co-Chairs shall make public announcement of the date, place, time, and subject matter of any hearing to be conducted at least 1 week in advance of such hearing, unless the Co-Chairs determine that there is good cause to begin such hearing at an earlier date.

“(II) WRITTEN STATEMENT.—A witness appearing before the Task Force shall file a written statement of proposed testimony at least 2 days prior to appearance, unless the requirement is waived by the Co-Chairs, following their determination that there is good cause for failure of compliance.

“(F) TECHNICAL ASSISTANCE.—Upon written request of the Co-Chairs, a Federal agency shall provide technical assistance to the Task Force in order for the Task Force to carry out its duties.

“(G) INFORMATION.—

“(i) RESOURCES.—

“(I) IN GENERAL.—Notwithstanding section 1108 of title 31, United States Code, the Task Force shall have authority to access assistance, materials, resources, statistical data, and other information the Task Force determines to be necessary to carry out its duties directly from an officer or employee of any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, including the Library of Congress, the Chief Actuary of the Social Security Administration, the Chief Actuary of the Centers for Medicare & Medicaid Services, the Congressional Budget Office, the Department of the Treasury, the Department of Health and Human Services, the Office of Management and Budget, the Government Accountability Office, and the Joint Committee on Taxation. Each agency or instrumentality shall, to the extent permitted by law, furnish such information to the Task Force upon written request of the Co-Chairs.

“(II) COPIES SUPPLIED.—Copies of written requests and all written or electronic responses provided under this clause shall be provided to the staff director and shall be made available for review by all members of the Task Force upon request.

“(ii) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION OF INFORMATION.—Information shall only be received, handled, stored, and disseminated by members of the Task Force and its staff consistent with all applicable statutes, regulations, and Executive orders.

“(iii) LIMITATION OF ACCESS TO TAX INFORMATION.—Information accessed under this subparagraph shall not include tax data from the United States Internal Revenue Service, the release of which would otherwise be in violation of law.

“(H) POSTAL SERVICES.—The Task Force may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

“(I) ASSISTANCE FROM FEDERAL AGENCIES.—

“(i) GENERAL SERVICES ADMINISTRATION.—Upon the request of the Co-Chairs of the Task Force, the Administrator of General Services shall provide to the Task Force, on a reimbursable basis, the administrative support services necessary for the Task Force to carry out its responsibilities under this section. These administrative services may include human resources management, budget, leasing, accounting, and payroll services.

“(ii) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in

clause (i), departments and agencies of the United States may provide to the Task Force such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

“(J) CONTRACT AUTHORITY.—The Task Force is authorized to enter into contracts with Federal and State agencies, private firms, institutions, and individuals for the conduct of activity necessary to the discharge of its duties and responsibilities. A contract, lease, or other legal agreement entered into by the Task Force may not extend beyond the date of the termination of the Task Force.

“(c) STAFF OF TASK FORCE.—

“(1) APPOINTMENT AND COMPENSATION OF SHARED STAFF.—The Co-Chairs may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Task Force to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, but at rates not to exceed the daily rate paid a person occupying a position at level III of the Executive Schedule under section 5314 of title 5, United States Code.

“(2) ADDITIONAL STAFF FOR TASK FORCE MEMBERS.—Each member of the Task Force may appoint up to 2 additional dedicated staff and fix the compensation of such dedicated personnel without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, but at rates not to exceed the daily rate paid a person occupying a position at level III of the Executive Schedule under section 5314 of title 5, United States Code. Dedicated staff shall report to each appointing member.

“(3) PERSONNEL AS FEDERAL EMPLOYEES.—

“(A) IN GENERAL.—The staff director and any personnel of the Task Force who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

“(B) MEMBERS OF TASK FORCE.—Subparagraph (A) shall not be construed to apply to members of the Task Force.

“(4) OUTSIDE CONSULTANTS.—No outside consultants or other personnel, either by contract, detail, volunteer, or through a remunerative agreement, may be hired without the approval of the Co-Chairs.

“(5) DETAILEES.—With the approval of the Co-Chairs any Federal Government employee may be detailed to the Task Force with or without reimbursement from the Task Force, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption. Reimbursable amounts may include the fair value of equipment and supplies used by the detailee in support of the Task Force's activities. For the purpose of this paragraph, Federal Government employees shall include employees of the legislative branch.

“(6) CONSULTANT SERVICES.—The Co-Chairs of the Task Force are authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level III of the Executive Schedule under section 5316 of title 5, United States Code.

“(7) TEMPORARY AND INTERMITTENT SERVICES.—The Co-Chairs of the Task Force may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level III of the Executive Schedule under section 5316 of such title.

“(8) VOLUNTEER SERVICES.—

“(A) IN GENERAL.—Notwithstanding the provisions of section 1342 of title 31, United States Code, the Co-Chairs of the Task Force are authorized to accept and utilize the services of volunteers serving without compensation. The Task Force may reimburse such volunteers for local travel and office supplies, and for other travel expenses, including per diem in lieu of substance, as authorized by section 5703 of title 5, United States Code.

“(B) EMPLOYEE STATUS.—A person providing volunteer services to the Task Force shall be considered an employee of the Federal Government in the performance of those services for the purposes of Chapter 81 of title 5, United States Code, relating to compensation for work-related injuries, chapter 171 of title 28, United States Code, relating to tort claims and chapter 11 of title 18, United States Code, relating to conflicts of interests.

“(C) ETHICAL GUIDELINES FOR STAFF.—In the absence of statutorily defined coverage, the staff, including staff director, shall follow the ethical rules and guidelines of the Senate. Staff coming from the private sector or outside public government may petition the Co-Chairs for a waiver from provisions of Senate Ethics rules.

“(9) ADVISORY PANEL.—The Task Force may establish an advisory panel consisting of volunteers with knowledge and expertise relevant to the Task Force's purpose. Membership of the Advisory Panel, and the scope of the Panel's activities, shall be decided by the Co-Chairs in consultation with the other members of the Task Force.

“(d) TERMINATION.—

“(1) IN GENERAL.—The Task Force shall terminate on the date that is 90 days after the Task Force submits the report required under paragraph (b)(3)(B).

“(2) CONCLUDING ACTIVITIES.—The Task Force may use the 90-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its report and disseminating the final report.

“(e) CONSIDERATION OF TASK FORCE RECOMMENDATIONS.—

“(1) INTRODUCTION OF TASK FORCE BILL.—The proposed legislative language contained in the report submitted pursuant to subsection (b)(3)(B), upon receipt by the Congress, shall be introduced in the Senate and in the House of Representatives by the majority leader of each House of Congress (by request), or by any member or members of that House designated by the majority leader. If the Task Force bill is not introduced in accordance with the preceding sentence in either House of Congress within 5 days on which that House is in session after receipt, then any member of that House may introduce the Task Force bill on any day thereafter. Upon introduction, the Task Force bill shall be referred to the appropriate committees under paragraph (2).

“(2) COMMITTEE CONSIDERATION.—A Task Force bill introduced in either House of Congress shall be referred to the appropriate committee or committees of jurisdiction under the rules of that House.

“(3) PROCEDURES.—

“(A) CONSIDERATION IN HOUSE OF REPRESENTATIVES.—Notwithstanding any other provision of law, consideration of a Task Force bill shall be governed by the Rules of the House of Representatives, and no expedited procedures shall apply.

“(B) CONSIDERATION IN SENATE.—Notwithstanding any other provision of law, consideration of a Task Force bill shall be governed by the Standing Rules of the Senate, and no expedited procedures shall apply.”

### SEC. 3. FUNDING.

From the amounts appropriated or made available and remaining unobligated under

division A (other than under title X of division A) of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), there is rescinded pro rata an aggregate amount equal to \$9,000,000, which amount shall be made available without need for further appropriation to the Bipartisan Task Force for Responsible Fiscal Action to carry out the purposes of the Bipartisan Task Force for Responsible Fiscal Action, and which shall remain available through fiscal year 2011. Not later than 14 days after the date of enactment of this section, the Director of the Office of Management and Budget shall administer the rescission and make available such amount to the Bipartisan Task Force for Responsible Fiscal Action.

**SA 3307.** Mr. SPECTER (for Mr. CRAPO) proposed an amendment to the resolution S. Res. 373, designating the month of February 2010 as “National Teen Dating Violence Awareness and Prevention Month”, as follows:

In the sixteenth whereas clause of the preamble, strike “haven” and insert “have”.

### EMERGENCY AID TO AMERICAN SURVIVORS OF THE HAITI EARTHQUAKE ACT

Mr. SPECTER. Mr. President, on behalf of the leader, I ask unanimous consent that the Senate proceed to the consideration of S. 2949, which was introduced earlier today.

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

The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2949) to amend section 1113 of the Social Security Act to provide authority for increased fiscal year 2010 payments for temporary assistance to United States citizens returned from foreign countries, to provide necessary funding to avoid shortfalls in the Medicare cost-sharing program for low-income qualifying individuals, and for other purposes.

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

Mr. BAUCUS. Mr. President, I join in today with my colleagues Senators BILL NELSON, BOB MENENDEZ, GEORGE LEMIEUX, and CHUCK GRASSLEY in support of the Emergency Aid to American Survivors of the Haiti Earthquake Act. This bill will provide much-needed resources to the United States Repatriation Program, which is currently assisting U.S. citizens who are returning home from Haiti.

The United States Repatriation Program was established by title XI, section 1113 of the Social Security Act to provide temporary assistance to U.S. citizens and their dependents who have been identified by the Department of State as having returned, or been brought from a foreign country to the U.S. because of destitution, illness, war, threat of war, or a similar crisis.

The Department of Health and Human Services works with State and local governments to administer the Repatriation Program and provide vital services such as immediate medical care, temporary lodging and travel, and food assistance to returning

Americans in need. The Federal Government reimburses States for the full cost of providing these services and individuals who receive aid are expected to repay it except in the case of extreme hardship.

The Repatriation Program is currently being used by the Department of Health and Human Services to provide assistance to citizens returning from Haiti as a result of last week's devastating earthquake.

But, funding for this important program is capped at \$1 million per year, which will not cover the cost states have already incurred to provide support for the more than 14,000 Americans who have already returned from Haiti. And the State Department expects between 600 and 2,000 more Americans will continue to return from Haiti each day in the coming months. They too will need the vital services this program provides.

As a result, we have been asked by the Department of Health and Human Services to increase the cap for this fiscal year so that the program can continue to provide these vital services to Americans returning home from Haiti.

This bill will answer the Department's call for help by raising the cap for fiscal year 2010 to \$25 million.

In the past Congress has passed similar measures to aid Americans returning home from abroad during times of crisis. In 2006, for example, Congress raised the \$1 million annual limit to accommodate Americans returning home from the devastation in Lebanon. During the gulf war, the annual limit was waived entirely. These measures proved to be simple and successful solutions to help bring Americans home safely and give them the support they need to get back on their feet.

This bill is modeled closely off those measures and we have worked with the Department of Health and Human Services and other government agencies in creating this bill.

Additionally, this legislation will provide additional funding for the Qualified Individual Program, which pays the Medicare Part B premium costs for low-income seniors here at home.

Like the Repatriation Program, the Qualified Individual Program is also subject to annual spending caps. Without additional funding for 2010, this program will see shortfalls in approximately two dozen States.

This legislation will provide \$65 million in additional funding for the Qualified Individual Program to ensure all States are able to provide this critical assistance to seniors this year.

The entire cost of this legislation, \$60 million, is fully paid for through the Medicaid improvement fund.

This legislation is a reasonable and fiscally responsible solution that will allow these programs to meet their obligations to Americans in need. We urge the Senate to pass this bill and send it to the House for immediate consideration.