

morning business for no more than 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### TRIBUTE TO TOMASZ MERTA

Mr. BROWN of Ohio. Mr. President, I rise as a result of the resolution offered earlier today commemorating the tragic deaths of so many Polish leaders, especially the death of Tomasz Merta, who is the Minister of Culture in Poland.

I worked with Tomasz Merta a couple times over the last 25 years. In the early 1990s, he was a very young man, was still in his twenties, and he worked with Ohio State's Mershon Center, where I worked, helping his country's government transition from communism to democracy. We worked on everything from curricula writing to training teachers.

I worked with him again when I was a Member of Congress. This time I went to Ukraine, and he helped us train Ukrainian teachers, helped write curriculum, and help those Ukrainian teachers teach government courses on civic education in Kiev.

So Tomasz Merta, born in 1965, graduate of Warsaw University, got a Ph.D. His whole career was all about love of country, all about democracy, all about doing the right thing. He, in the nineties and since, was a prolific writer. He wrote articles about democracy, articles about teaching democracy, articles about building democracy. He was so important to this country. He was one of the youngest leaders who was killed on this terrible, tragic flight.

He had a terrific future. He was the Secretary of State and the Minister of Culture and National Heritage. We will all miss him. Tomasz, as his nickname was—Tomek is his real name. Tomasz is like Thomas and Tommy. Tomasz was a devoted husband, the father of three daughters.

I last saw him several years ago in Kiev. I so appreciate what he did. As I will say now in Polish: I offer my deep condolences to the people of Poland for this tragic loss.

Tomasz and some of his friends taught me some Polish. I must admit I read it, but the pronunciation he helped me with—he and Alicija and others in Poland. I am so sad about his loss. I am so sad for his country. I am so sad for his wife and his three beautiful daughters. I know that country will mourn his loss as it mourns the loss of so many other Polish patriots.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, morning business is closed.

#### CONTINUING EXTENSION ACT OF 2010—Continued

The ACTING PRESIDENT pro tempore. The Senate will resume consideration of H.R. 4851.

The Senator from Oklahoma is recognized.

#### AMENDMENT NO. 3723

Mr. COBURN. Mr. President, if anybody has been watching the Senate today, there was a point of order made that the spending we are going to pass to pay for unemployment insurance extension benefits and benefits for health insurance for those people, in terms of buying through their former employers, as well as the sustainable growth rate formula, failed to be overridden.

We will have another vote on that because the majority side was missing one Member, and they will eventually win on that. What that says is, we are once again back to the point where we refuse to make the hard choices to pay for things we need to do today by eliminating things that are not as important.

The point of order was on the fact that it is an emergency so, therefore, we can say: Time out. But those who voted to override it fail to recognize the other major emergency that is happening in our country. We have \$12.8 trillion worth of debt as of today. We are going to add another \$1.4 to \$1.5 trillion this year, this calendar year; that the increase in the cost of that debt over the last 12 months will require an additional, next year, \$125 billion worth of expenditures.

There has to come a point in time when we grow to the responsibility that has been given to us; that is, make hard choices. It is very easy to pass an unemployment insurance bill by charging it to our children. The majority leader has graciously agreed to give me an opportunity to offer three different ways to pay for that. I am going to put those out today. One amendment now, which we will vote on, another amendment later, and then a third amendment later.

Most of the ideas for cutting spending, quite frankly, have come from my colleagues on the other side, and many of them you have already voted for. So it is going to be an interesting exercise today. The majority leader also spoke to me before lunch saying it did not matter because I was going to lose anyway.

That sends a signal. The leadership of our Senate today says: We do not have to pay for things.

Prior to leaving here, we agreed on a compromise of tax loophole closures that would have paid for this for a period of 30 days. The bill we voted on back then was for 30 days. We have now

before us an identical bill before us for 60 days. It is going to cost \$18.2 billion. That is what CBO says. The question I have to ask is, is it morally right for us to steal that money from our children's future or make hard choices about wasteful spending today? The choices are not hard other than in our stubbornness that we don't want to agree.

When businesses are taken over, when a larger business buys a smaller business, the first thing they do is become great cash managers of the business. In other words, they make sure the money in the business is always working for the business. So if there is excess cash lying around in accounts, they take that money and reduce whatever outstanding debts they have or forgo borrowing money and use that cash in a more efficacious and serious manner. The first amendment I will offer is asking us to do nothing but the same.

At the end of last year, the Federal Government had on its books money it borrowed but had not spent of \$676 billion. That is what is sitting in accounts, money we have borrowed that is not being utilized efficiently. At the end of next year, at the end of fiscal 2011, according to the OMB, it will be \$614 billion. That is almost half of the debt we will borrow this year. This first amendment simply says: Let the administration utilize its executive prerogatives and instead of us borrowing \$18.2 billion from our children and then paying interest on that—and, by the way, the interest on that \$18.2 billion that will go on in perpetuity, because we are not retiring any debt, is about \$900 million, almost \$1 billion a year. Why would we borrow money when we have money sitting there that is not being utilized effectively and pay almost \$900 million every year? Why would we borrow again next year an extra billion to pay for the money we are going to borrow to fund this program?

Let me give an example of where this money lies. In our own accounts to run the legislature, we have \$1.450 billion sitting there. In other words, it has not been promised to do anything. It is sitting there. It was sitting at \$1.876 billion at the end of last fiscal year. It is projected to be \$1.481 billion next year. We are keeping that money in the bank and not using it.

The Department of Agriculture has \$20 billion and is estimated in 2011 to have still \$12 billion sitting in an account that we are paying interest on that is not being utilized, not obligated for anything at the time, unobligated.

What all these figures show when you total them up is that we are sending money so fast to agencies, they can't spend it. In other words, we are throwing money at the agencies far faster than they can spend it, and it would be wise and prudent of us to send less money—still with the same rules, still with the same instruction, to utilize their money better.

The chairman of the House Appropriations Committee, Congressman

OBEY, has already agreed to do that on the summer jobs program in certain accounts.

The idea behind this amendment is to take some of the \$1 trillion that is sitting in accounts that is not obligated—in other words, it will not be utilized this year; it won't be utilized for at least 2 years—and utilize that rather than charge our children.

I have used Madeline's picture a lot, but I don't think you can overutilize this picture. This little girl was caught on the street outside of Washington protesting. Obviously, her parents put her up to it. At the time she was wearing a sign that says: I am already \$38,375 in debt and I only own a dollhouse. At the end of this fiscal year, she will be \$45,000 more in debt, and she will still only own a dollhouse. Why would we want to do that?

This bill adds \$500 for every man, woman, and child in this country. Why wouldn't we want to not charge it to them and utilize what we have in excess now, the inefficient use of the cash balances we have, to pay for something we all agree we want to pay for but the disagreement is over whether we should steal it from our children or actually make hard choices? These are not even hard choices. These are easy choices. We were told, when we came to an agreement prior to the April recess, that the reason this wasn't acceptable in the House is they didn't want to set the precedent of starting to pay for things when we are spending money. I would put forth that the American people are ready for us to start doing that. They are ready for us to start making tough choices. They think we need to make tough choices.

Out of every dollar we spend, we are borrowing 43 cents against the future. That is what happened last year. It will actually be probably higher this year. Maybe not. But somewhere about 43 cents out of every dollar the Federal Government spends is borrowed. Is there a time that we should stop and pause and say: Maybe a review is in order of our priorities, looking at the priorities of the Federal Government? I know that builds a lot of resistance in this body. But what I would like somebody to tell me is, when is that time? Is it when the Chinese won't buy our bonds anymore? Do we wait for the firestorm to come where we are at critical mass and then the choices are limited and few? Or do we start making the proper decisions now and live up to the authority and responsibility given to us?

There is a saying that the easiest thing in the world is to spend somebody else's money. I also think it is the most addictive thing in the world. We can see that. It doesn't matter whether it is Republicans in charge or Democrats. We have not seen the kind of behavior in Congress that will get our Congress out of the financial problems we face.

In terms of an almost \$4 trillion budget, \$18 billion doesn't seem like a

lot, but if you keep doing that every 60 days, in a year you have done over \$120 billion that you will add to the debt. Our kids will get to pay it back, but they will get to pay it back on compounded interest.

The interesting thing is what the OMB and CBO agree to. Actually, CBO came out with the latest numbers. We are going to borrow \$9.8 trillion if we don't change things over the next 9 years, and fully 50 percent of that will be borrowed money to pay interest on the money we have already borrowed. Should we not do what is right for the unemployed but also what is right for the Madelines of this world in terms of protecting their future?

I call up amendment No. 3723 and ask for its consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment No. 3723.

Mr. COBURN. I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To pay for the full cost of extending additional unemployment insurance and other Federal programs by rescinding unspent federal funds not obligated for any purpose)

At the end of the amendment, insert the following:

**SEC. \_\_\_\_ . RESCISSION OF UNSPENT AND UNCOMMITTED FEDERAL FUNDS.**

(a) IN GENERAL.—Notwithstanding any other provision of law, of all available unobligated Federal funds, the greater of \$20,000,000,000 and the amount determined necessary under the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 124 Stat. 8) to offset the budgetary effect of this Act, excluding this section, in appropriated discretionary unexpired funds are rescinded.

(b) IMPLEMENTATION.—Not later than 60 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall—

(1) identify the accounts and amounts rescinded to implement subsection (a); and

(2) submit a report to the Secretary of the Treasury and Congress of the accounts and amounts identified under paragraph (1) for rescission.

Mr. COBURN. Here is a fairly painless way—just more efficient management of the money we have—of paying for this needed program without charging it to the children. We don't have to go to the bond market to borrow more. We don't have to incur an additional \$900 million a year of debt, a tremendous benefit to those who follow us. The question is, when will we decide to start being responsible?

I am going to be offering two other amendments, if this one is not agreed to, that will give specific choices. Wait to hear the howling. In other words, nothing is less important than unemployment insurance. Said the other way, everything is more important. In other words, we can't cut anything to pay for unemployment insurance.

Let's talk about that for a minute. Just through competitive bidding, if we had mandatory competitive bidding in the Federal Government—in other words, we will not buy things that are not competitively bid—we would save \$62 billion a year. But we have sweetheart deals out the kazoo. We have earmarks that have noncompetitive bidding. We have contracts that the government does without competitive bidding. We could save \$62 billion a year by instituting competitive bidding.

Here are examples. It was recently reported that the Defense Department rewards no-bid work to small contracts for repairs at military bases costing taxpayers \$148 million more than they were competed for. This is in 1 year on repair contracts. That is just on the repair of small items on military bases. We could save \$148 million a year. Federal funds were spent by the State of Wisconsin, \$47.5 million, on two Spanish-made passenger trains, no competitive bid. The Legal Services Corporation, 37 out of 38 consultant contracts had not been competitively bid. The Department of Interior inspector general issued a report on sole-source contracting within the Department of Interior total savings; \$44.5 million, had they used competitive bidding.

If we go through all of the agencies, what we come up with is a potential savings of billions and billions of dollars; as a matter of fact, enough to extend this same bill for 7 months, if we use competitive bidding. But that will not be considered important. It is going to be too important to do that so we will borrow the money from our children.

Let's look at ourselves. In 2010, the legislative branch received \$4.7 billion in discretionary funding, a 6-percent increase over last year. Do we know of any other people who got those kinds of increases who work in small business or private enterprise in a down economy? Last year and this year alone, every day without this bill we are adding \$4.3 billion to our debt a day. Is that an emergency? I think that is the real emergency, that we are absolutely stealing opportunity from our children and grandchildren.

When Members of the Senate or the House don't utilize all their funds—and I average turning back about \$600,000 a year—that money does not go back to the Treasury. It is consumed in other areas of the legislative branch. There is a disincentive for Members to be efficient with the dollars they are allotted as they represent their individual States. We ought to change that. There ought to be an incentive to be efficient. We ought to change it to where whatever we turn back goes to retire the debt, not goes back to spend on something that is not a priority.

If you look at the Department of Agriculture, for which one of my amendments will have some recommended eliminations, there are hundreds of millions of dollars that are wasted every year. But when we offer an

amendment that is going to have a program that both the Bush administration and the Obama administration have recommended be removed, we are going to have people say: Oh, no, you can't do that because maybe 1,000 people or 1,500 people want that gravy train, when we have 10 million people unemployed. So we are going to keep the gravy train for the small numbers and borrow the money from our children and grandchildren to take care of unemployment benefits.

In 2009, the Department of Agriculture made errors in payments and overpaid by \$4.2 billion in that year alone. Think about that. That is just the Department of Agriculture. Should we not eliminate that to pay for unemployment insurance or should we borrow from our children? Which is it we should do? Should we make the hard choice and force the Department of Agriculture to clean up its act or should we borrow the money from our kids? It is a lot easier to just borrow it from our kids. Then we do not have to work. Oh, by the way, we do not get any of the complaints from the administration that: You are making our job too hard—let alone the fact that they are not efficient and oftentimes not effective.

In 2008, the Agriculture Department had 7,000 different employees attend conferences around this country. There was \$22 million of expenditures in 2005 alone. The USDA is ranked among the four worst Federal agencies in paying its travel credit bills on time. As a matter of fact, they get charged interest because they cannot even pay their bills on time. Ten percent of their travel cards are in delinquent status. They have embezzlement cases on their credit cards. But have we done the work to clean that up? No. Have we gone after the \$4.5 billion in overpayments? No. Mr. President, \$4.5 billion a year for 10 years is \$45 billion. Just cleaning up one aspect of improper payments at only the Department of Agriculture will pay for this bill for 4 months. But we will not do the hard work. We do the easy work. And the easy work is to put the credit card into the machine and not think about how that is going to steal opportunity and potential from those who follow us.

The Department of Defense—everybody says: Well, you can't go after the Department of Defense. My question is, Why not? It is the only Federal Government agency that cannot even come close to an audit anywhere. We cannot even audit their books they are in such a mess. But what we do know is we can save at least \$36.5 billion from the Department of Defense by putting in competitive bidding, by making cogent management changes that every small business in this country runs on in the practices that are there. But it has not been changed. We have not insisted it be changed. We have not limited funding in areas that are noncritical to our troops to force the Department of Defense to come up and save this \$36.5 billion.

Mr. President, 10 to 15 percent of everything that is spent in the Pentagon is wasted. Why wouldn't we go after that? Because somebody will accuse us of not supporting our troops? Well, what are our troops fighting for? They are fighting for the future of their kids and our country. Yet we refuse to look where the payments can be made in a way that is more efficient in the elimination of waste and fraud, with the institution of competitive bidding so we are not borrowing \$18.2 billion against our kids and grandkids. Why do we refuse to do that? Is it too hard? Do we love our jobs so much that we love our jobs more than our children and our grandchildren? I do not think that is the case. I think the case is that we are focusing on the wrong emergency.

The emergency in front of us is that in 2020 we are going to have a debt-to-GDP ratio of 90 to 100 percent. Every economist in the world will agree that will suppress our potential growth by at least 2 percent a year. So we will go in a downward spiral. When you have that kind of a debt-to-GDP ratio, what happens is the debt service—the money that pays the interest—is not available to invest in capital and equipment to grow jobs, to improve efficiencies, to expand our Nation's economic base. We are adding to that problem by being irresponsible in terms of paying for an \$18.2 billion program.

Over the past 4 years, I have identified in the Federal Government waste, fraud, abuse, and duplication in excess of \$350 billion a year. When I bring those amendments to the floor, they get voted down—not because they disagree with them but because we do not have the political will to make the hard choices.

The Congress, in a historic move, passed the health care bill that is going to continue to allow \$150 billion of fraud a year to come out of Medicare and Medicaid. We did not do anything to fix it. There are no significant changes in the health care bill that will address a source of \$150 billion in losses. Why? Because it is too hard? Kids are not important?

We are at a turning point in our country like we have never been before. We have never been walking into a financial situation that will totally limit our ability to get out of a situation. We can come out of this recession. But if we do not change the trajectory of the way we spend money and put the government back within the limited role the Constitution says it is to have, then the future will not only be economically not bright but not bright from a standpoint of liberty.

I have told my colleagues—and we are going to have this on every bill that comes before the Senate—it does not matter if it is a supplemental spending bill for the war, we ought to be paying for it. Rather than borrowing it from our kids, we ought to be paying for it. We ought to be making the hard choices about what is not as important as supporting our troops rather than

charging the extra funding to our grandkids. So we are going to go through at least three cycles of votes on every bill that comes to the floor that is not paid for, that will add to the debt. I am not going to serve my last year in the Senate and say I did not do everything I could to try to put us back on track. So when we vote that this is an emergency and we do not have to pay for it, we are not hurting us. You are not hurting TOM COBURN. You are hurting the generations that follow us.

It would be different if we had an efficient, effective, well-run Federal Government that was within the bounds of what the Constitution said we were supposed to be doing. But we are not anywhere close to that. There is so much fraud, so much waste, so many well-connected goodies going to the well-endowed and well-heeled in this country because they have a connection politically, and we need to clean it out.

Everything ought to be competitively bid. There is no reason for it not to be competitively bid. To pass up that \$65 billion a year because we do not do it—there is another thing we do. We spend \$8 billion a year maintaining properties the Federal Government does not want. Think about that. For 3 years, I have tried to get through real property reform and cannot get it through. We either need to tear these structures down so we quit spending money on them or sell them, but we should not continue to spend \$8 billion a year on buildings and properties we do not need. We have not done a thing to solve that problem in the last 3 years.

I have a book full of further examples. Just think about this: We want people to go into math, engineering, science, and technology. Everybody agrees with that. We know if we can get our younger students going into those areas, that is where they are going to have their greatest benefits of having a wonderful living in utilizing those skills.

The Federal Government has 105 different programs through six different agencies to incentivize math, engineering, science, and technology. The administrative cost for 105 different programs is ridiculous, and not 1 of them has a metric on it of whether it is working. So every time somebody raises the issue, some Senator comes and creates another new program, and we pass it, and we never look at what we are doing already. We do not eliminate things that are not effective. We do not put metrics on it to say we are going to look at this every year, and if it is not working we are going to get rid of it or we are going to fix it, and we are not going to create another program. Yet we have 105 different programs.

In the month of December, my staff found 640 separate instances just like that where we have duplication of programs across government agencies. In

the last debt limit extension, we passed one of my amendments that said the GAO must report to us a government-wide assessment of all the duplications in all the programs because Congress does not know it. We do not know what is out there. So we see another problem. It does not matter that we may have 105 programs working on it; we go create another one. That is called incompetence. It is also called laziness.

Just inside the Department of Education are 230 duplicative programs and \$10 billion in waste, fraud, and mismanagement—230. Why? Because we refuse to do the hard work of oversight.

So when we vote on this amendment, what we are going to be voting on is whether we have the courage to start making choices. If you vote to defeat this amendment, what you are saying is you lack the courage to do the hard work to pay for something out of waste today and mismanagement of Federal funds and you think the Madelines of this world ought to pay for that lack of integrity and lack of hard work. And there is not another reason for it.

We are going to hear why you should not vote for this. We are going to hear why it is going to be hard if we take \$18.2 billion out of the management accounts of all these agencies. It is just going to be, out of what is there, about 3 percent of the cash that is sitting idle—about 3 percent of what will be idle in 2011. What is idle this year, it will be less than 3 percent; it will be about 2.5 percent. Yet we are going to vote it down. We are going to vote it down because we care more about making a political point than doing the hard work of getting our country back on track.

We do not have forever to get our country back on track. If we get to 90 to 100 percent of our GDP, the job of making these decisions becomes 3 and 4 and 5 and 6 and 7 times more difficult because we will have less growth. We have a precarious economy right now. It is coming out of a recession. We want that growth to boom. We want those jobs to be created. When we borrow more money, we are putting a brake on that.

So if we can utilize the money we already have, we get the stimulatory effect of getting people unemployment insurance that buys the necessities of life, but we are not adding to the debt, which depresses the economy.

I will close for right now on this amendment. I will ask for the yeas and nays at a time that is agreeable to the majority leader.

I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

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

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

Mr. SESSIONS. Mr. President, we seem to be muddling along here with

short-term extensions and incremental stimulus bills to deal with a failure as this Congress decides what we are going to do about unemployment insurance and physicians' pay and things of that matter that are in the bill.

I believe this is an important discussion, I do, and I am worried about where we are. This legislation before us would add another \$18.1 billion to the national debt. Just like that, another \$18 billion. Oddly, that is almost the same amount of money that was tacked on to the Defense bill last year, and I produced a chart about it and demonstrated what happens when we get into that mode of appropriating, when we forget what our budget is and we treat everything as an emergency and just ignore our budget and spend. The truth is, this cannot continue.

Every witness we have had before the Budget Committee—every one—two-thirds of which are usually called by our Democratic leader, and usually about one-third are Republican witnesses—have all said our spending and our debt is at an unsustainable rate. They didn't say that lightly. What they meant was it is unsustainable. We cannot continue to spend like this and to borrow this amount of money on top of the \$800 billion that is now being spent that we appropriated last year—\$800 billion. Every penny of that \$800 billion is borrowed because we don't have the money. We are already in debt to fund another \$800 billion in stimulus, and we will have to, of course, borrow that.

I think a lot of people haven't understood that. People tell me, when I am in my State, that they are shocked, stunned, and worried about our spending. They know we are spending too much, but I don't think they know how much we actually are spending and how much we are adding to our debt and that it can threaten the future viability of the American economy for a short-term benefit.

I will just remind my colleagues that the history of stimulating an economy with borrowed money has not been too good. If it was, Japan would have a booming economy today. They have been trying this year after year and it has not worked for them.

We were told we would have an unemployment rate that would stop at 8 percent if we would just pass this \$800 billion and borrow the money and spend it today to stimulate the economy. It sounds so good. It sounds so tempting. But I didn't believe it was an appropriate allocation of that much money, No. 1; and No. 2, that the money we were being asked to spend was going to be spent in ways that would stimulate the economy and create jobs.

I cited here before the vote an op-ed in the Wall Street Journal by Gary Becker, the Nobel Prize winner from the University of Chicago. Mr. Becker said that, in his opinion, the bill fell far short of being the kind of stimulative spending that would create jobs and help this economy bounce back

and, therefore, he had to oppose it. Mr. Becker is in his seventies and he was just sharing his experience. He had another person participate with him in the research that led them to that recommendation. Was Mr. Becker proven right or not?

The great tragedy—the biggest tragedy with the stimulus package—was what little stimulus we got. If you spend \$800 billion, it is breathtaking how much that can be done with it. The Alabama general fund budget for the entire State, including State government and State troopers and all of that is less than \$2 billion. But \$800 billion? That is huge. So I am worried about what we are doing.

At the time the legislation passed—this stimulus package that added so much to our debt—the Congressional Budget Office, whose Director is hired by our Democratic majority, had good people working in that office. They try to do a good job. They have some economists who I think have been successful in years past at predicting things. They said: Yes, if you spend \$800 billion in the next 2 to 3 years, you will have an economic benefit during that period, there is no doubt. They didn't predict a lot—not nearly as much as a lot of people said it would do—but they predicted some benefit. But do you know what they said? They said over 10 years that this economic spending, this borrowing to spend, would actually weaken the economy and the total growth over 10 years would be less than if we did not pass the stimulus package at all. It does appear if they were in error, their error was that we did not get as much growth as they predicted in the short run. But when you spend \$800 billion, surely you are going to get some benefit—some, economically. But we have not gotten what we need. It was not crafted in that way.

It was a bill that said it was going to fix crumbling infrastructure, and what happened? We spent less than 4 percent of this money on bridges and roads. We spent it mostly on social spending, we spent it on State aid, we spent it on a lot of different things. But at least when you build a road you have a highway that is there and it will be there for another 50 or 100 years, making the Nation more productive and efficient. But this other kind of spending has produced so little for us. I express my concern about that.

All of this is where we are. The point is simply this. The spending track we are on is unsustainable because in 2008 our total public debt was \$5.8 trillion. It is more than that if you consider the gross debt, the internal debt, but this is what is held by private investors from around the world and in the United States—\$5.8 trillion. By 2013 it will double to \$11.8 trillion; by 2019 it will be \$17.3 trillion, and there is no plan to pay it down. But in 2019, 2020, we are talking about deficits of almost another \$1 trillion a year. So we are not even close to moving to a balanced

budget, much less paying down this debt.

Where does the money come from? As I said, we borrow that. This chart shows what the borrowing costs are. When you borrow money, people pay interest, you pay them interest on the money they give you. They loan you money, you pay them rent on the money. They do not give you money for no good reason.

In 2009 we paid \$187 billion in interest that 1 year. Remember, Alabama's general fund budget is \$2 billion; the Federal highway bill a year or so ago was \$40 billion. We spent \$187 billion, almost five times the highway bill. But look what happens in 2020 after we spent all this money and run up our debt—\$840 billion in interest payments in 1 year. That exceeds the Defense bill, it exceeds any other bill in our budget. It is a stunning number. These are Congressional Budget Office numbers based on the President's budget. Surely something will intervene. We will elect somebody, somewhere—in this Senate, probably—who is going to say no to this because the American people are getting hot about it. Some people are going to be wondering why they are no longer here, if they keep up with this kind of stuff.

They say don't worry about this, it is just \$18 billion, and after the \$800 billion, \$18 billion may look small. But let me show you what I demonstrated previously with \$18 billion when you cheat, or you add it and bust the budget by one \$18 billion expenditure.

In 2010 we slipped another \$18 billion on the Defense appropriations bill, and added it to the debt. People said don't worry, it is just \$18 billion. But it goes into the baseline. It goes into your basic funding of the government. So what happens next year when you say OK, we are not going to spend this \$18 billion. They say: You are cutting spending. We cannot do that. You can't cut spending. Besides, we need an increase in spending—inflation was 2 percent. We need at least 2 percent.

The State Department got a 30-percent increase in funding this past year. The Environmental Protection Agency got a 30-percent increase in funding.

Look at that. What if you do it another year? You come up with another \$18 billion. You got around the budget, you declared it an emergency event and you spent another \$18 billion. It is not just \$18 billion because you have \$18 billion in the first baseline, you add another to it and that year it has cost the taxpayers \$36 billion. Let's say the next year, 2013, now you are adding \$18 billion to \$36 billion and it is \$54 billion in your baseline. You have another budget gimmick to add \$18 billion and you end up with \$72 billion that year.

This is how we get out of control. And you end up, that \$18 billion, when it goes into the baseline and we do not understand how it occurred, increases our spending to a degree that we should not do. So that ends up, if you add it up, to \$990 billion from an \$18-

billion-a-year gimmick, manipulation, violation of the budget.

What I want to say is this bill before us today violates the budget. It is for unemployment compensation, it is for other things that are not emergencies. They are part of our governmental operation that needs to be paid for. Luckily, we have some money to pay for it. We have it in an unspent stimulus package. We have some opportunities that our Democratic colleagues have said they could take money from in the past. If we put all those together we could pay for this, fund this bill without having to borrow it all.

I am at a point where I am not inclined to go along with this anymore. I think the American people are of the same mind. What we have to do is we have to lead and we have to be responsible like our Governors. They are having to face challenges. Our mayors are having to face challenges. They are making tough decisions. But not us. We spend more, not less. We are spending more. I believe we have done enough. We have gone beyond what is logical and reasonable. We are in the realm of reckless and dangerous and it is time for us to begin having a national discussion in this country and in this Congress about how much we can borrow to spend today to make our life better today and then shift that debt to the future.

The reason CBO said that the \$800 billion would not advance the economy over 10 years, it actually would hurt the economy over 10 years, is that you crowd out investment. If the government borrows \$800 billion, it is not available for private people who need to go out and borrow money. It has already been loaned to the government. It crowds out, the economists said, private borrowing.

Also, we have an interest on it that we have to carry and pay every year that is a burden on every generation. Every young person after us will carry that interest burden. It hurts them and makes them less able to prosper and to have economic growth. So it is a moral question: How much can we afford to benefit ourselves this very day and shift it to our children and to what extent do we need to be responsible? I think it is time to get responsible, so reluctantly I feel an obligation to vote no to this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I stand in strong support of the comments of my distinguished colleague from Alabama. Of course I agree with virtually every single Member of the Senate that these programs need to be extended. But I also agree with many Members here, and the huge majority of the American people, that we need to pay for it. We cannot keep running up the deficit as though it had no consequence to us and our economy and our children and grandchildren. The American people get it. Certainly my constitu-

ents in Louisiana get it. They say of course you need to extend necessary programs and of course you cannot run up the deficit to do it every 2 months.

Mr. President, \$18 billion—the distinguished Senator from Alabama has used the figure over and over, and he is right, \$18 billion, but it is \$18 billion for 2 months of extension. So we are supposed to come back every 2 months and put another \$18 billion on our kids' and grandkids' tab? It is \$108 billion over a year of increasing deficit and debt that is already at historic levels. That is crazy.

We can do better. We can meet both of those commonsense objectives of the American people. We can extend necessary programs and we can do it in a way that does not add to deficit and debt. We have several ways to do that. We have a menu of proposals. We will have votes a little later on about doing that. In fact, before the recess we had discussions on the floor of the Senate and we had come to agreement here in the Senate about an extension without increasing the deficit and debt. Unfortunately it was rejected by the Speaker of the House. So it is not as though this goal of achieving both of those important objectives is impossible. It is absolutely possible and many different Members have laid out how to get there.

Let's follow the common sense of the American people. Let's follow the common sense of folks all across Louisiana who say of course you need to extend necessary programs and of course you cannot add to the deficit and debt every month, every 2 months that you need to do this, \$18 billion a pop, \$108 billion. That is a good part of \$1 trillion over 1 year.

I want to focus on a particular part of this package that is particularly galling, quite frankly, for someone such as me from Louisiana. A tiny part of this overall bill is extending the National Flood Insurance Program. Again, I hope everyone agrees we need to extend the National Flood Insurance Program. I certainly agree with that. I have certainly fought for that. It is about 1 percent of this bill.

Do you know what percent it is of the debt increase, the deficit increase? It is zero percent of that because that extension does not even increase the deficit or debt in any way. So it should not be held up by this debate in any way, shape, or form—a necessary program, 1 percent of the bill in terms of dollar figures, zero deficit and debt increase, zero impact on that central issue. Why can't we at least come together and extend that necessary program immediately and not have that held up at all? It never should have been held up before the recess. It should not be held up now. There is a simple way to fix that and the simple way is to take that portion of the bill out; to extend it immediately. I do not think there is any opposition to the underlying extension of the program. It has zero impact on the deficit and debt

so there is no reason for it to be caught up in this other debate.

With that in mind, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3203. That is a bill I have introduced that extends the National Flood Insurance Program for the same amount of time as this underlying bill but does it separately. I ask that the bill be read a third time and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER (Mr. FRANKEN.) Is there objection?

Mr. BAUCUS. Mr. President, reserving the right to object, I might note that the Senator seeks to take up and pass one of the specific provisions in the underlying bill, section 7 in the underlying bill. Since the Senator seems to be endorsing a part of the underlying bill, and the pending Baucus amendment, I might ask the Senator to amend his request to provide for the passage of all of the underlying bill and pending Baucus amendment.

Mr. VITTER. I will be happy to do that in a version that is paid for, incorporating the very sensible, common-sense objections that have been offered to pay for all of this extension. So I would be happy to amend my request in that manner if the Senator would agree to it.

Mr. BAUCUS. So the Senator is not willing to amend his request for passage of all of the underlying bill containing the section 7?

Mr. VITTER. Not if it increases the deficit and debt \$108 billion a year. No, sir, I am not. And the American people are not. And the American people are getting fed up with it.

Mr. BAUCUS. Mr. President, I am constrained to object.

The PRESIDING OFFICER. Objection is heard.

Mr. VITTER. Reclaiming my time, the suggestion was pretty simple. There is the one element of this bill which is a necessary program for all of the United States, particularly for flood-prone areas. It is 1 percent of the overall bill, but it is zero percent of the deficit and debt increase. It has no impact on deficit and debt. So the suggestion was pretty simple: Why don't we take that out? Why have that stalled because of this broader debate? Let's take that out and pass it. There should be no objection to that. Everybody is for the program. It does not increase the deficit and debt. Unfortunately, there is objection from the Democratic chairman.

I hope we have given the chairman and other Members of the majority the detailed proposal. It is, as the chairman said, taking section 7 out and passing it separately because it has no deficit and debt impact. I would urge the chairman and others to look at that and to hopefully agree to that because—I heard the objection. I don't understand the basis for the objection, and I would be happy to hear the basis for the objection because I just don't understand it.

Mr. BAUCUS. Mr. President, the Senator from Louisiana supports part of the bill. I would just ask the Senator to broaden his mind to support all of the bill. That way, we can get this done.

Mr. VITTER. Sort of like the "Louisiana purchase" with health care reform. Let's put one sweetener in the bill to pass something really bad—a \$108 billion debt increase over a year. Let's take one hostage, including folks who are held hostage who need this insurance, to pass a debt increase that big because otherwise that is a stinker.

I get it. I have seen that deal played out over and over, including with the "Louisiana purchase" for health care reform. I am not taking that offer, no offense. I hope the Senator will reconsider my very reasonable proposal.

I yield the floor.

Mr. BAUCUS. Mr. President, there are a number of reasons to oppose the amendment offered by the Senator from Oklahoma. First, it would reverse the considered judgment of the Congress as expressed through the annual appropriations process. Congress has spoken on appropriations that are authorized and obligated, and his amendment defers that considered judgment. I will defer, frankly, to the chairman of the Appropriations Committee to address these concerns in greater detail when he arrives on the floor.

Second, the House of Representatives has made it clear that it views unemployment insurance and the other provisions in this bill as emergency provisions. The House has made clear that it would send the bill back to us again if we adopted the amendment by the Senator from Oklahoma. That is clear. I have had conversations with the House. It is clear that it would be sent back, and that would needlessly delay much needed aid to the people receiving unemployment insurance benefits. Let's not forget that there are so many people—200,000 people, in fact—who are not receiving benefits because we let the legislation expire. It has expired. So 200,000 people today who are entitled to unemployment insurance payments are not getting them, and if we send the bill back to the House again, that is further delay. It will not be long before that number of 200,000 is going to double to 400,000. That is just playing games with the lives of unemployed Americans.

Third, and perhaps most dramatically, the amendment would delegate powers to rescind \$20 billion to the unelected Director of the Office of Management and Budget. This would be a breathtaking abdication of Congress's power of the purse. In the Federalist Papers, the power of the purse is described as the most singular power to protect the rights of the free people. We should not quickly surrender that power, and the Senator's amendment would surrender that power to the tune of \$20 billion. The Senator's amendment would give the Director of the Office of Management

and Budget a blank check. It would give him the power to cut whatever unobligated balances he should choose. This is truly a sweeping grant of power, and it is truly a dramatic surrender of that power.

The Senator from Oklahoma talked about budget deficits. He and I agree. We do, as a nation, need to address the budget deficits. As a rhetorical question, he asked: When is the time to make the changes to balance the budget? The Senator asked the question as if the answer were self-evident, but the answer is not self-evident.

A wise person once said: For every difficult question, there is usually a very simple answer and it is usually not true. This is an example of that maxim at work.

The simple answer in this case would be to require the government to balance the budget every year, year-in and year-out. That is pretty simple. That answer, even though it sounds nice, would be wrong. The Nation should balance the budget over the course of a business cycle. We should spend in a recession and exercise more discipline when the country is very prosperous to get the budget under control.

But the Nation should not attempt to balance the budget in the grips of a recession. Why is that? That is because in a recession, business slows down. People actually pay less tax revenue to the government. In a recession, spending on automatic stabilizer programs automatically increases, like unemployment benefits, food stamps, and many others. That is what should happen during a recession. To do otherwise would be economically disastrous.

To try to balance the budget in the grips of a recession would mean raising taxes or cutting spending even more than is automatically occurring. That would reduce the amount of demand in the economy, and that would further slow economic growth and put even more people out of work. So most reputable economists would say you should not try to balance the budget in a recession. There is pretty broad agreement on that point among reputable economists.

So that is why it does not make sense to try to balance the budget this year. Yes, we should balance the budget over the business cycle, but we should not try to raise taxes and cut spending even more to balance the budget right now. And that is why it does make sense to spend money on unemployment insurance benefits as an emergency matter.

As the nonpartisan Congressional Budget Office has said, spending on unemployment insurance benefits is one of the most effective things Congress can do to increase economic growth. It is one of the most effective things we can do to save and create jobs. For every dollar we spend on unemployment insurance benefits, the Congressional Budget Office says economic growth is increased by up to \$1.90; it is

almost a 2-to-1 return on our investment. That is a pretty sound investment.

That is the economic reason why it makes sense to spend now on unemployment insurance benefits and to balance the budget over a longer period, but even more compelling is the human reason. The human reason is people such as the single dad in Missoula, MT, who depends on the extra unemployment insurance benefits to support his daughters and put food on the table. He called the Montana unemployment office, and we learned that this fellow said he honestly did not know how he was going to make ends meet without these benefits. The Senate should not be playing games with the lives of people like this man and his daughter in Missoula and all of the other men and women around the country who desperately depend on unemployment payments to make ends meet. Congress should not balance the budget on the backs of the unemployed.

Last of all, we must reject amendments like these. That is why we should pass the underlying bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUE. Mr. President, this is the third time we find ourselves debating the same rescission amendment that sounds like good policy on first blush but in fact is not.

Members need to understand that this amendment is irresponsible governing, and causes harm to our national and international security, and to our economy.

Members on the other side of the aisle have frequently criticized the majority party for asking them to vote on measures that they have not had a chance to thoroughly read or comprehend.

But that is certainly what Members are being asked to do today.

It is irresponsible to vote in support of this amendment that indiscriminately cuts \$20 billion from discretionary projects and services given that we do not know what programs are impacted by such significant cuts.

On January 27 of this year I spoke at some length about an almost identical amendment offered by the junior Senator from Oklahoma, and again on March 3 about an almost identical amendment offered by the junior Senator from Kentucky. Today it is the junior Senator from Oklahoma's turn to offer the amendment again.

I would like to take just a few moments to remind my colleagues of why they voted against this amendment twice already, and why I hope they will again choose to vote against this financially irresponsible and harmful amendment.

The majority of unobligated balances are not eligible for rescission under this amendment because they are, in fact, mandatory funds.

Second, because of the small amount of unobligated funding eligible for re-

scission, this amendment indiscriminately rescinds prior year unobligated funding from certain critical programs, jeopardizing our national defense, and our homeland security.

I have mentioned this before, but need to mention it again because nothing has changed between January, March and today.

While we cannot say with certainty which programs are impacted by this amendment, here are some of the expected impacts based on current discretionary unobligated balances available.

We require the Department of Defense to budget up front for all the costs required to procure military equipment such as ships or aircraft. But it takes several years to complete construction.

For shipbuilding specifically, funds provided to the Department of Defense are available for obligation for 5 years.

Rescinding unobligated funds now could require the Navy to cancel contracts for ships under construction and layoff thousands of workers across our Nation's shipyards.

In terms of our veterans who have returned from war or have fought bravely in past wars, this amendment could impact the construction of new hospitals by the Veterans Administration. It takes a few years to build a hospital. The Veterans Administration requests full funding for a construction project in the first year. As a result, the VA has 43 active major construction projects at various stages of completion totaling over \$1.6 billion in unobligated balances. This could be wiped out. Over 49,000 construction jobs would be terminated with the loss of that funding, further delaying critical services to our brave men and women who have served. We made a solemn promise to them.

Rescinding unobligated balances in the Department of Homeland Security could stop the construction of the Coast Guard national security cutter and would rescind funding for the purchase of explosive detection systems. Rescinding unobligated balances in NOAA could create a minimum 6-month gap in coverage for the geostationary weather satellite system which focuses directly over the United States and constantly and accurately monitors storm conditions. Over 200 employees would lose their jobs.

The Senator from Oklahoma argues that if funding is not spent immediately, then it is not necessary. This reasoning is irresponsible when it comes to overseeing taxpayers' dollars and the capitalization of large projects such as ships, hospitals, and satellites. I am certain everyone in this Chamber knows that a ship is not built in a year. I hope everyone knows that a hospital is not built and equipped in a year. I hope everyone knows that satellites are not built and launched every year.

In addition to the potential impact on large procurements, this amendment could impact the funding of programs the Congress voted on and

agreed to provide only a few months ago. The impact of these cuts could have significant consequences for many critical services such as HUD programs providing affordable housing to our Nation's low-income citizens—we had a great debate on that here—or funding for climate change research or funding to purchase explosive detection equipment for airports.

This is a bad amendment with bad consequences. It is time for us, the Members of the Senate, to act responsibly. We have a well established process for funding the Federal Government. It involves the Budget Committee that sets our allocations. It involves the consideration and approval by the Senate of every appropriations bill. I can assure my colleagues in this Chamber that the Appropriations Committee takes this responsibility seriously. Every agency budget is reviewed and oversight provided throughout the year. Each year the Appropriations Committee recommends rescissions of funds that are not needed, but those rescissions are based on detailed oversight and understanding of the programs, not indiscriminate action such as this amendment.

This amendment is not based on careful review, would harm many worthwhile programs, and fails to meet the test of proper oversight.

Therefore, I urge my colleagues to oppose the amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. COBURN. I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 3723, AS MODIFIED

Mr. COBURN. I send to the desk a modification of the pending amendment.

The PRESIDING OFFICER. The Senator has the right to modify his amendment at this time.

The amendment is so modified.

The amendment, as modified, is as follows:

At the end of the amendment, insert the following:

**SEC. \_\_\_\_ . RESCISSION OF UNSPENT AND UNCOMMITTED FEDERAL FUNDS.**

(a) IN GENERAL.—Notwithstanding any other provision of law, of all available unobligated Federal funds, the greater of \$40,000,000,000 the amount determined necessary under the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 124 Stat. 8) to offset the budgetary effect of this Act, excluding this section, in appropriated discretionary unexpired funds are rescinded.

(b) IMPLEMENTATION.—Not later than 60 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall—

(1) identify the accounts and amounts rescinded to implement subsection (a); and

(2) submit a report to the Secretary of the Treasury and Congress of the accounts and amounts identified under paragraph (1) for rescission.

Mr. COBURN. Mr. President, I am prepared for the vote anytime the chairman of the Finance Committee is ready to proceed.

Mr. BAUCUS. Mr. President, I move to table the Coburn amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Vermont (Mr. LEAHY), and the Senator from Rhode Island (Mr. WHITEHOUSE) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 46, as follows:

[Rollcall Vote No. 111 Leg.]

#### YEAS—51

Akaka	Franken	Murray
Baucus	Gillibrand	Nelson (FL)
Begich	Hagan	Pryor
Bennet	Harkin	Reed
Bingaman	Inouye	Reid
Boxer	Johnson	Rockefeller
Brown (OH)	Kaufman	Sanders
Burris	Kerry	Schumer
Cantwell	Kohl	Shaheen
Cardin	Landrieu	Specter
Carper	Lautenberg	Stabenow
Casey	Levin	Tester
Conrad	Lieberman	Udall (CO)
Dodd	McCaskill	Udall (NM)
Dorgan	Menendez	Warner
Durbin	Merkley	Webb
Feinstein	Mikulski	Wyden

#### NAYS—46

Alexander	DeMint	Lugar
Barrasso	Ensign	McCain
Bayh	Enzi	McConnell
Bennett	Feingold	Murkowski
Bond	Graham	Nelson (NE)
Brown (MA)	Grassley	Risch
Brownback	Gregg	Roberts
Bunning	Hatch	Sessions
Burr	Hutchison	Shelby
Chambliss	Inhofe	Snowe
Coburn	Isakson	Thune
Cochran	Johanns	Vitter
Collins	Klobuchar	Voinovich
Corker	Kyl	Wicker
Cornyn	LeMieux	
Crapo	Lincoln	

#### NOT VOTING—3

Byrd	Leahy	Whitehouse
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The motion was agreed to.

Mr. BAUCUS. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

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

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, we are not in a quorum call; is that right?

The PRESIDING OFFICER. That is correct.

Mr. REID. Mr. President, the Republican leader and I have discussed this vote that will take place at 5:45, if the unanimous consent request is granted, and we are going to keep the vote open for a while. There are a number of things people have to do this evening,

and there is one Senator, because of the funeral of his best friend, who is going to be getting here late, so we will keep the vote open until he returns from the funeral. Everyone knows that. I have spoken to the Republican leader and he is fine with that.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that at 5:45 p.m. today the motion to proceed to the motion to reconsider the vote by which the Budget Act was not waived be agreed to, the motion to reconsider be agreed to, and the Senate then proceed to a vote on the Baucus motion to waive all applicable Budget Act points of order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### COBELL V. SALAZAR SETTLEMENT

Mr. DORGAN. Mr. President, while we are waiting, I want to speak about two issues. First is something called the Cobell settlement, which perhaps many will not know about. It is the settlement of a class action lawsuit against the federal government for mismanaging the trust accounts of American Indians for well over a century.

The trust accounts for American Indians come from property that belonged to the Indians that the federal government holds in trust. The trust was managed by the U.S. Interior Department and many accounts over a long period of time were mismanaged. Revenue from oil wells, from extraction of minerals, and revenue from leasing lands for cattle never showed up in the accounts or mailboxes of the Indians who owned the property. Many of these Indians and members of the class action have long since passed away, not having survived the 14 years of this lawsuit. The lawsuit has been ongoing for some 14 years now, and the Federal court has become very impatient while waiting for Congressional approval.

At long last, the Interior Secretary, Secretary Salazar, negotiated an agreement to settle the Cobell suit. Friday, April 16th, is the third date which the court set for Congress to act on this settlement. We will miss this date just as we missed the first two dates. The court has just now indicated that it will approve a fourth date by which the Congress must act to approve this settlement of Indian claims. The judge has also indicated that if Congress does not act, he will invite some Members of the Congress to his court to talk about

why action was not taken. That would probably be an interesting constitutional issue.

In any event, the judge in this case is very impatient and wants to see the settlement approved by Congress.

The first Americans, Indians who are owed this money and for whom the settlement was acceptable and, the Interior Secretary, who has called me many times urging approval of the settlement, are also very impatient. I hope we will not miss a fourth deadline established by the Federal court.

Republicans and Democrats in this Chamber and in the House of Representatives have an obligation. Literally, money was stolen from American Indians, from property they owned and the income from that property that was supposed to go for their assistance and living conditions because it was owned by them, and in many cases these accounts were mismanaged, and in some cases the money was stolen.

This settlement, which will be paid from the United States Judgement Fund, is fair and is long overdue. It will settle a lawsuit that has languished for about 14 years. I hope, in working with the House of Representatives, we will not miss another deadline. Perhaps if we do, the judge will ask some Members of Congress to visit with him. We will see what happens as a result of that.

Mr. President, on another matter, I ask unanimous consent to speak for 5 more minutes as in morning business.

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

#### BRIGADIER GENERAL MICHAEL J. WALSH

Mr. DORGAN. Mr. President, I would not criticize another Member of the Senate on the floor of the Senate—certainly not by name—unless I first had told the Senator I was intending to do so. I have done that, and I will shortly explain why.

There is a man named GEN Michael Walsh, a commander in the Corps of Engineers. He is an extraordinary general. He is a one-star general, a brigadier general, and he has been recommended for the rank of major general. That recommendation was made nearly 6 months ago.

Six months ago, the Armed Services Committee, with the support of Senator LEVIN, the chairman, and Senator JOHN MCCAIN, the ranking member, unanimously approved the promotion to major general for Michael Walsh. Six months ago that action was taken in the committee. There has been no major general rank for General Walsh because it has been held up on the Senate floor, with what is called a hold, by a Member of the Senate, Senator VITTER from Louisiana.

The fact is, this is an extraordinary general, a general who has been to war. This is a general who went to Iraq to fight for this country. This general has 30 years of distinguished service to America, a patriot. He doesn't make the policy at the Corps of Engineers. This is a commander who executes the policy at the Corps of Engineers.

My colleague, in letters to the Corps of Engineers, is upset with the Corps of Engineers and is demanding they do certain things that the Corps in some cases cannot and in other cases will not do because it is unwise. Some of the demands have been met where the Corps believed it was appropriate, although it has not been funded yet because that has to be done by the Appropriations Committee. The Corps cannot meet other demands. I opposed one of the significant ones brought to the Appropriations Committee, and upon my opposition, the full Appropriations Committee voted against it. So it is not going to happen.

But to hold up a general's rank to major general, hold up his promotion and have him now 6 months behind other generals both in pay and promotion and opportunity is just unfair. It is just not fair. This is not someone who can fix the aches and pains and ills and concerns of my colleague from Louisiana.

This is a general who is a patriot and has served this country for 30 years. I don't think he ought to be used as a pawn in some concerns about water policy or concerns about issues in New Orleans or Louisiana dealing with flood control and responding to the needs of that city and that State. As chairman of the committee that funds energy and water programs, I can tell you that we have sent billions and billions of dollars down to Louisiana and to New Orleans—I am proud to have done it—in order to say, after Hurricane Katrina and during the rebuilding, to the people of Louisiana: You are not alone, we are with you. We have spent a lot of money doing that. I am proud to have been a part of that.

But the demands that are required now by Senator VITTER in order for him to lift a hold on the move to the rank of major general for a one-star general who has served this country for 30 years and fought in Iraq, in my judgment, are unfair. We should not hold a general's promotion and career hostage to the demands of one Member of the Senate. That is exactly what has happened for 6 months.

I ask unanimous consent to have printed in the RECORD a January 13 letter from my colleague to the Corps of Engineers. It is a letter from my colleague, Senator VITTER; a March 12 letter in response to that letter by the Corps of Engineers to Senator VITTER; a March 16 letter to the Corps of Engineers from Senator VITTER; and, finally, a March 19 letter back to Senator VITTER from the Corps of Engineers.

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

U.S. SENATE,

Washington, DC, January 13, 2010.

Brigadier General MICHAEL J. WALSH,  
Commander, Mississippi Valley Division, United States Army Corps of Engineers, Vicksburg, MS.

DEAR GENERAL WALSH: Here is a detailed brief of the issues I would like you to address

for me to release my current nomination hold. This list was also hand delivered to you and your staff in our meeting November 5, 2009.

Issues for Resolution:

#### OUTFALL CANALS/PUMP TO THE RIVER

Request: Corps provide a formal commitment to complete a comprehensive risk analysis associated with the three options laid out in the Corps pumping station report within 18 months, suspend any activity unless the activity is consistent with options 2 and 2a described in the Corps report, and conduct a feasibility level of analysis (including a cost estimate) for the project.

#### OUACHITA LEVEES

Request: Corps performs bank stabilization or levee setbacks as needed to stabilize the flood control structures.

Cite past practice by the Corps in performing levee setbacks under FCA of 1928 and the MR&T Program, or,

Raise the issue that much of the bank caving has been caused by barge wakes, which are the result of the federal navigation channel project, or,

Use P.L. 84-99, 33 USC 701, Flood Emergencies.

AGMAC

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DEPARTMENT OF THE ARMY, OFFICE  
OF THE ASSISTANT SECRETARY,  
CIVIL WORKS,

Washington, DC, March 12, 2010.

Hon. DAVID VITTER,

U.S. Senate, Hart Senate Office Building,  
Washington, DC.

DEAR SENATOR VITTER: This letter is in response to your letter of January 13, 2010, and follow up to meetings held on November 19, 2009 and March 2, 2010, regarding issues that you would like the Army Corps Engineers to address in order for you to release your current nomination hold on Brigadier General (P) Michael J. Walsh. We have thoroughly analyzed all nine issues. Our response to each issue raised in your January 13, 2010 letter follows below. We have made every effort to provide you the best way forward within the limits of existing law, funding and policy for each of the nine issues.

#### ISSUE 1: OUTFALL CANALS/PUMP TO THE RIVER

REQUEST: Corps provide a formal commitment to complete a comprehensive risk analysis associated with the three options laid out in the Corps pumping station report within 18 months, suspend any activity unless the activity is consistent with options 2 and 2a described in the Corps report, and conduct a feasibility level of analysis (including a cost estimate) for the period.

In fulfillment of the requests of the Louisiana Coastal Protection and Restoration Authority (CPRA), the Southeast Louisiana Flood Protection Authority-East, Jefferson Parish, and the Sewerage and Water Board of New Orleans, which you have supported, the Corps previously agreed to construct the permanent structures and pump stations with adaptability measures that will facilitate addition of Options 2 or 2a features should either option be authorized and funded by Congress for construction or undertaken and funded by non-Federal interests in the future. In light of the limited service life of the existing temporary pumps (estimated to expire in 2011-2013), it is vitally important for the protection of the citizens of New Orleans that a permanent pumping solution be implemented as quickly as possible, and suspension of any activity not consistent with Options 2 and 2a would create an unacceptable risk to the citizens. The Corps will conduct a supplementary risk reduction analysis as part of the detailed engineering feasi-

bility study, including the National Environmental Policy Act (NEPA) compliance documentation, for Options 2 and 2a, if Congress appropriates funds for the study. When completed we would transmit the study to the Office of Management and Budget for consideration of submission to Congress for appropriate action. This study would provide the information necessary to allow the Congress to make an informed decision on authorization of Option 2 or 2a. As we discussed, we estimate that it will cost \$15.6 million and take approximately 36 months to complete this study (including NEPA compliance).

#### ISSUE 2: OUACHITA RIVER LEVEES

REQUEST: Corps performs bank stabilization or levee setbacks as needed to stabilize the flood control structures.

At you urging, the Corps is using Public Law (PL) 84-99 to address bank caving associated with recent flood events. We have identified 8 to 9 discrete sites, addressing bank caving along approximately one percent of the Ouachita River and Tributaries project, where it appears that damages have occurred as a result of flood events during the period of October 2009 to January 2010. We anticipate that the cost of pursuing the repair work at these sites will cost approximately \$10-\$20 million.

The Corps' assessment indicates that the bank caving along the Ouachita River is not attributable to vessel wash. In addition, the bank caving is not associated with features of the Mississippi Rivers and Tributaries (MR&T) project. The authorization for the Ouachita River and Tributaries projects specifies that levee maintenance is a non-Federal responsibility. Congress has not enacted a general provision of law that would supplant this non-Federal responsibility or that would allow the Corps to correct levee damages that are not associated with flood events.

#### ISSUE 3: ACADIA GULF OF MEXICO ACCESS CHANNEL (AGMAC)

REQUEST: Corps work with the state (CPRA) using existing CWPRA projects along Freshwater Bayou to develop a plan to build significant bank stabilization and spoils build-up within the 902 limit before January 1, 2010.

The AGMAC request envisions the placement of dredged material along the Freshwater Bayou and refers, directly or indirectly, to two distinct authorities: 1) the Port of Iberia navigation project authorized in Water Resources Development Act (WRDA) of 2007 at a total cost of \$131,250,000; and 2) the CWPRA authorization that provides for the creation, protection, restoration, and/or enhancement of wetlands to provide for the long-term conservation of such wetlands and dependent fish and wildlife populations. The Port of Iberia authorization directs the Corps to "use available dredged material . . . [on] the west bank of the Freshwater Bayou to provide incidental storm surge protection . . ." This authorization would allow the Corps to place available dredged material from the Port of Iberia navigation project along the west bank of the Freshwater Bayou provided this work provides incidental storm surge protection and is within the applicable section 902 cost limitation. You are correct that CWPRA provides independent authority to create wetlands along the Freshwater Bayou. The Corps will work with the State and others to explore use of CWPRA authority to implement a project along the Freshwater Bayou. The CWPRA Task Force identifies and selects which projects will be pursued under this authority. If the project is selected as a nominee, then the CWPRA Technical Committee will consider it at an April 4, 2010 public meeting for further evaluation as a Priority Project List 20 Candidate Project.

## ISSUE 4: MORGANZA TO THE GULF

REQUEST: Corps restart the lock design on the Houma Navigation Canal, provide separate authority for the Houma Navigation Lock project or the next WRDA bill, and help expedite the 404 permitting process on existing projects.

The Houma Lock is part of the Morganza to the Gulf hurricane and storm damage risk reduction project, which was authorized in WRDA 2007 at a total cost of \$886,700,000. Following Hurricanes Katrina and Rita, the levee design criteria for this project changed and, as a result, the project can no longer be built for the amount envisioned by the Congressional authorization. Some design work on the Houma Lock had been completed based on the design criteria used in the original project plan, but because this criteria had changed, the Corps halted further design work on the Lock pending the redesign of the overall project plan that takes the new criteria into account. The Corps is not authorized to construct the Houma Lock as an independent, freestanding project or as a separable element of the Morganza to the Gulf project, and additional authorization will be required to construct the Morganza to the Gulf project in accordance with the new design criteria. The Post Authorization Change report required to support the request for additional authorization is scheduled to be completed by December 2012. The Corps is willing to resume design of the Houma Lock using the new criteria, but has insufficient funds to resume this effort and complete the overall project plan. The Corps will work with others to expedite the Section 404 permitting process. Additionally, enclosed, as a legislative drafting service, is draft legislation for separate authority for the Houma Navigation Lock.

## ISSUE 5: WEST BANK AND VICINITY

REQUEST: Corps provide for O&M costs associated with proposed navigation project on the Algiers Canal. Corps policy states: (1) "If the waterway users are subject to fuel taxes paid into the IWTF, there are not any non-Federal cost sharing requirements in connection with the Federal project improvements to the waterway (not for LERRD, construction, or OMR&R)"; (2) Section 206 of the Inland Waters Revenue Act of 1978, as amended, (33 U.S.C. Section 1804) contains the listing of inland waterways subject to fuel taxes paid in to the IWTF. The Gulf Intracoastal Waterway, from St. Mark's River, Florida, to Brownsville, Texas, is included on that list; and (3) The Corps' decision to provide, in lieu of raising the Algiers Canal Levees to 100-year level of protection, works along the Algiers Canal and the construction of a navigation closure structure complex on the GIWW does not preclude this according to its internal policy associated with navigation and section 206 of the Inland Waters Revenue Act of 1978.

The Gulf Intracoastal Waterway (GIWW) closure structure across the Algiers Canal is part of the West Bank and Vicinity project. Its purpose is to provide hurricane and storm damage risk reduction. The GIWW closure structure will only be operated when needed to prevent damages from storm surge, or during maintenance exercises of the structure and pumps. When Congress authorized this project, it specified that the non-Federal Sponsor is responsible for the costs of operation and maintenance. Additional authority and funding would be required for the Corps to operate and maintain the hurricane and storm damage reduction closure structure across the Algiers canal.

## ISSUE 6: NEW ORLEANS TO VENICE, JESUIT BEND 100-YEAR PROTECTION

REQUEST: Formal commitment to Local Preferred Plan (LPP), with milestone sched-

ule, and a minimally visible closure at Oakville.

The Corps is receptive to implementing a LPP for Jesuit Bend as part of the incorporation of non-Federal levees into the Federal New Orleans to Venice project. To date, the State and Plaquemines Parish have not identified a specific LPP that they are certain they want to pursue. They have asked the Corps to assist them in the analytical effort necessary to determine the cost of the plan and whether or not it should be pursued at non-Federal expense. The State and Parish must enter into a written agreement with the Corps in which the State and Parish agree to pay for this analysis. Once the agreement is executed, the Corps will complete the analysis within four months. If the State and the Parish determine that they want to pursue a LPP, the LPP must be approved by the ASA(CW). Our offices will work expeditiously to approve an LPP when presented. The Corps plans to construct a swing gate for closure at Oakville for the West Bank and Vicinity project. This closure option was considered along with several other closure options, including a minimally visible closure option. The Corps has determined that the swing gate option was a superior closure option from a risk, reliability, and operation and maintenance standpoint.

## ISSUE 7: LOWER ATCHAFALAYA BASIN BACKWATER FLOOD PROTECTION

REQUEST: Corps produce the study on the backwater flood issue, as committed in writing to Mayor Matte on Nov 2007 and Dec 2008. Because the issue pertains to the Atchafalaya River and the Floodway Basin, such a study clearly should be covered under MR&T. Furthermore, the original solution to the backwater flooding, the Avoca Island Levee Extension, was deemed to be under MR&T; so should any other solution to be studied or proposed.

The Corps has the authority to conduct a study addressing this backwater flooding issue and is working with the local representatives on scope and schedule. The study would determine if there is Federal interest and would determine if the recommended solution can be implemented within existing MR&T project authority or if additional authority would be required. The Corps is willing to pursue this study effort. However, since this study is a new activity, an appropriation is required to initiate this effort.

## ISSUE 8: LOUISIANA HIGHWAY 3241

REQUEST: Corps create a significantly accelerated Environmental Impact Statement (EIS) or other timetable compared to the current timetable.

Similar EIS's typically take two to three years to complete. The Corps is working with the Louisiana Department of Transportation and Development to streamline this process and to expedite completion of the Louisiana Highway 3241 EIS. Significant progress has been made on this front and the current schedule for completing this effort already has been reduced to 18 months. The Corps will adopt other streamlining proposals provided they are acceptable under applicable law and regulation. The Corps will provide your office with monthly reports advising you of further schedule adjustments.

## ISSUE 9: LOUISIANA WATER RESOURCES COUNCIL

REQUEST: Corps create and fund the Louisiana Water Resources Council, as mandated in WRDA 2007.

The Corps previously planned to establish the Louisiana Water Resources Council with appropriations specifically made available for this purpose. The Corps will now use existing appropriations. The Corps has developed a proposed draft charter that was for-

warded to the State of Louisiana on February, 26, 2010, and has received initial comments that are under consideration.

We trust that it is evident the Corps and the Army have listened to you carefully and are providing the answers in this letter as our best attempt to address your concerns. We both look forward to resolving the nomination hold on a very able and deserving General Officer in the very near future.

Very truly yours,

JO-ELLEN DARCY,  
Assistant Secretary of the Army (Civil Works).

R. L. VAN ANTWERP,  
Lieutenant General, US Army,  
Chief of Engineers.

U.S. SENATE,  
Washington, DC, March 16, 2010.

Hon. JO-ELLEN DARCY,  
Assistant Secretary of the Army (Civil Works),  
Washington, DC.

Lieutenant General ROBERT VAN ANTWERP,  
Commander, U.S. Army Corps of Engineers,  
Washington, DC.

Re Brigadier General Walsh Issues.

DEAR SECRETARY DARCY AND LIEUTENANT GENERAL VAN ANTWERP: Thank you for our most recent meeting two weeks ago and the commitments you made, including to have the Louisiana Water Resources Council operating within four months of that meeting.

I identified a finite number of follow-up questions/requests at that meeting. Although you always underscore how time-sensitive Brigadier General Walsh's promotion is, you still have not responded to those questions/requests, including in your letter of March 12, 2010.

In one final effort to resolve this impasse, I offer the following very short list of three items, some of the details of which are different from our last discussion. Please indicate in writing if the Corps can honor all of these requests.

## 1. OUTFALL CAUALS/PUMP TO THE RIVER

Request: Corps conduct within 18 months a formal cost/benefit analysis, using existing Corps' authority and money, of previously cited project options 1, 2, 2a, and any other options the Corps deems advisable to consider. This cost/benefit analysis to be peer reviewed by the soon-to-be operational Louisiana Water Resources Council. The Corps clearly has the authority for this study under previous language and can find the money for it if it wants to. Regarding Lieutenant General Van Antwerp's suggestion at our last meeting that this must be a full feasibility-level analysis, the Corps was given broad authority to do post-Katrina work without full feasibility studies and in an expedited manner, and has not even performed feasibility-level analysis on Option 1.

## 2. AGMAC

Request:

Option A—Corps provide containment areas for the deposition of spoil material using O&M funds which should be constructed to provide embankment stabilization and reestablish the berm that historically provided storm surge attenuation benefits to Vermilion Parish. Thus, Corps O&M authority can be used to help solve the 902b cost issue. This would be directly analogous to O&M work done on the MRGO. If O&M funds are not available, the Corps/Administration would proactively request and support the appropriation of such O&M funds as are necessary.

Option B—Corps successfully obtain final approval at the state level of a CWPPRA program which, when combined with the Corps' WRDA authority, accomplishes the bank build-up as authorized and intended in WRDA. This will require some type of special/emergency CWPPRA meeting.

## 3. MORGANZA TO THE GULF

## Request:

Option A—Corps restart the lock design on the Houma Navigation Canal using existing authority and move the lock forward as an independent project. In 1998, a Chief's Report established authority to move the lock forward outside of the overall Morganza Project in response to a WRDA 1996-directed study. The Corps would either use this existing authority to move the lock forward independently or proactively support language in the next WRDA to do so. (The reason I am not pursuing Lieutenant General Van Antwerp's suggestion at our most recent meeting that we work on full project authorization language for a 2011 WRDA subject to a Chief's Report, is because the re-study of the project is not due until December 2012, and contingent authorizations for projects have only been granted up to December 31 of the year of a WRDA's passage.)

Option B—Corps outline any other way the entire Morganza to the Gulf project or a significant portion of it is authorized and moves forward under the new WRDA, assuming a new WRDA is passed in 2011. If Corps cannot do this, then you are admitting that you plan on our missing the next WRDA train yet again regarding this vital and long-suffering project, which is completely unacceptable.

These three goals can clearly be met under the Corps' significant existing authority and flexibility. If you truly want to do so but need to explore the above methods more fully before transmitting a written response, please have your staff contact Glen MacDonald of my office and Garrett Graves of the State of Louisiana. If, on the other hand, these three goals are not going to be met by the Corps, I look forward to moving on with an existing Major General for the position in question.

Sincerely,

DAVID VITTER,  
U.S. Senator.

DEPARTMENT OF THE ARMY, OFFICE  
OF THE ASSISTANT SECRETARY,  
CIVIL WORKS,

Washington DC, March 19, 2010.

Hon. DAVID VITTER,  
U.S. Senate, Hart Senate Office Building,  
Washington, DC.

DEAR SENATOR VITTER: This letter is in response to your letter of March 16, 2010. On March 12, 2010, we responded to your previous letter and to questions raised in several meetings addressing nine specific issues. In your letter of March 16, you posed three follow-on questions, which are addressed below. In summary, the responses we provided on March 12, 2010 represent the best way forward within the existing law, funding and policy. The new requests in your most recent letter either require changes to law or changes to policy which, given current legal and fiscal constraints, we regretfully cannot support.

## 1: OUTFALL CANALS/PUMP TO THE RIVER

REQUEST: Corps conduct within 18 months a formal cost/benefit analysis using existing Corps' authority and money, of previously cited project options 1, 2, 2a, and any other options the Corps deems advisable to consider. This cost/benefit analysis to be peer reviewed by the soon-to-be operational Louisiana Water Resources Council. The Corps clearly has the authority for this study under previous language and can find the money for it if it wants to. Regarding Lieutenant General Van Antwerp's suggestion at our last meeting that this must be a full feasibility-level analysis, the Corps was given broad authority to do post-Katrina work without full feasibility studies and in

an expedited manner, and has not even performed feasibility-level analysis on Option 1.

Following Hurricane Katrina, the Administration requested authorization and funding for the work referred to as Option 1 for the purpose of reducing exposure of the interior of the City of New Orleans to surge from Lake Pontchartrain. Congress authorized and funded Option 1 in the 4th Supplemental, P.L. 109-234 and the 6th Supplemental, P.L. 110-252. This construction work is being completed under a design/build contract, which incorporates ongoing planning and design while the project is being built.

Your new request is that the Corps complete a formal cost/benefit analysis of Options 1, 2, 2a, and other possible appropriate options, within 18 months. Determining whether and how the City's interior drainage facilities could be improved is a complex and extensive undertaking. As we have stated previously, the Corps is willing to proceed with such a study; however, we estimate that it will take approximately 36 months to produce a cost/benefit analysis that would provide Congress with adequate information to make an informed decision on whether to authorize construction of Option 2, 2a, or some other option.

You also suggested that we complete the study with existing appropriations. The appropriations provided by Congress were for the purpose of hurricane and storm damage risk reduction. Options 2 and 2a would address interior drainage issues without providing additional storm surge protection. The Administration's focus is on providing the storm surge protection for the City of New Orleans that Congress expected us to provide on a priority basis. It would not be appropriate to divert existing appropriations away from this high priority objective.

## 2: AGMAC

## REQUEST:

Option A—Corps provide containment areas for the deposition of spoil material using O&M funds which should be constructed to provide embankment stabilization and reestablish the berm that historically provided storm surge attenuation benefits to Vermilion Parish. Thus, Corps O&M authority can be used to help solve the 902b cost issue. This would be directly analogous to O&M work done on the MRGO. If O&M funds are not available, the Corps/Administration would proactively request and support the appropriation of such O&M funds as are necessary.

Option B—Corps successfully obtain final approval at the state level of a CWPPRA program which, when combined with the Corps' WRDA authority, accomplishes the bank build-up as authorized and intended in WRDA. This will require some type of special/emergency CWPPRA meeting.

Your new AGMAC request envisions using Operation and Maintenance (O&M) funds to construct containment areas for the deposition of spoil materials to provide embankment stabilization and reestablishment of the berm that historically provided storm surge attenuation benefits to Vermilion Parish. You believe that this would help to solve the section 902 of WRDA 86 cost issue related to the Port of Iberia navigation project authorized in Water Resources Development Act (WRDA) of 2007 at a total cost of \$131,250,000. The Corps does not have authority to use O&M funds to construct projects or separable elements of projects, nor does the Army have authority to reprogram O&M or any other Civil Works funds to initiate a previously unfunded project. This is not analogous to O&M work done on the MRGO. In that case, Congress specified that the Corps undertake certain enumerated activities with appropriations made available for O&M.

There is an established nomination process under the CWPPRA program, as outlined in the CWPPRA project standard operating procedure manual dated June 3, 2009, whereby agencies, parishes, landowners, and other individuals may confer to further develop projects. The guidelines suggest that nominated projects should be developed to support one or more "Coast 2050" strategies to create, restore, protect or enhance coastal wetlands. Should this project make it through the CWPPRA nomination process, the Corps, as a member of the Task Force, will support its inclusion in the CWPPRA program.

## 3: MORGANZA TO THE GULF

## REQUEST:

Option A—Corps restart the lock design on the Houma Navigation Canal using existing authority and move the lock forward as an independent project. In 1998, a Chief's Report established authority to move the lock forward outside of the overall Morganza Project in response to a WRDA 1996-directed study. The Corps would either use this existing authority to move the lock forward independently or proactively support language in the next WRDA to do so. (The reason I am not pursuing Lieutenant General Van Antwerp's suggestion at our most recent meeting that we work on full project authorization language for a 2011 WRDA subject to a Chief's Report, is because the re-study of the project is not due until December 2012, and contingent authorization for projects have only been granted up to December 31 of the year of a WRDA's passage.)

Option B—Corps outline any other way the entire Morganza to the Gulf project or a significant portion of it is authorized and moves forward under the new WRDA, assuming a new WRDA is passed in 2011. If Corps cannot do this, then you are admitting that you plan on our missing the next WRDA train yet again regarding this vital and long-suffering project, which is completely unacceptable.

The Corps does not have authority to implement the Houma Navigation Lock as an independent project. Section 425 of WRDA 1996 authorized a study of an independent lock, but did not authorize construction. Section 425 in part reads . . . "The Secretary shall conduct a study of environmental, flood control, and navigation impacts associated with the construction of a lock structure in the Houma Navigation Canal as an independent feature of the overall damage prevention study being conducted under the Morganza, Louisiana, to the Gulf of Mexico feasibility study." The Corps conducted a study in response to Section 425, but that study did not recommend construction of an independent Houma Navigation Lock feature due to uncertainties of benefits and concerns over justification of an independent lock structure. As a result, a Chief's Report was not completed for the Houma Navigation Lock project.

The Army understands the importance of completing the Morganza to the Gulf project reanalysis, and will continue to look for ways to move forward as expeditiously as possible on the Post Authorization Change report required to support a request for additional authorization. As noted previously, our best estimate is this report will be completed by December 2012. You have our commitment that we will continue to seek ways to accelerate this schedule.

Very truly yours,

JO-ELLEN DARCY,  
Assistant Secretary of the Army (Civil Works).

R. L. VAN ANTWERP,  
Lieutenant General, US Army,  
Chief of Engineers.

Mr. DORGAN. Simply, GEN Michael Walsh is someone I have known for a

long time. He is an extraordinary soldier and a patriotic American who doesn't deserve, and never deserved, to have his promotion derailed for 6 months by one Member of the Senate. That is not fair. That is using this person, this patriot, as a pawn in trying to extract from the Corps of Engineers something the Appropriations Committee has already voted against, in one case.

In other cases, it is something that the Corps of Engineers cannot legally do without authorization from Congress. We cannot do that to soldiers who have served their country. That is not fair.

I am not going to ask consent today because my colleague, Senator LEVIN, previously asked consent, and Senator COBURN from Oklahoma, on behalf of Senator VITTER, the other day objected to this promotion. But I will ask my colleague from Louisiana to stand down on this and give this soldier the respect and honor and the due that is owed him by the Congress.

The Armed Services Committee, with its chairman and ranking Republican member, unanimously decided that this good soldier should be promoted to the rank of a two-star general. That was 6 months ago. Six months later, he is a pawn on the floor of the Senate held by one person trying to extract from the Corps of Engineers some things that the Corps cannot possibly do, and some things that are not wise to do, and I would not support in any event.

As I said when I started, I would not come to the floor of the Senate and criticize a colleague without first informing him of that criticism. I did that. I don't take any measure of satisfaction in criticizing a colleague. But I will tell you this: What happened to this general is just flat wrong. There is no way for anybody in this Congress to justify holding this general hostage for 6 months in his promotion to major general.

I ask my colleague from Louisiana to end this hold, to give this soldier his due. This soldier has earned his second star, and 6 months ago this Congress should have voted in response to the unanimous vote by the Armed Services Committee to give this soldier his second star. I hope that soon my colleague will delete that hold so my colleague from Michigan can seek unanimous consent to do right by GEN Michael Walsh.

I yield the floor and 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. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DORGAN. Mr. President, my colleague wishes to offer an amendment. I want to make sure there is time available to him.

Mr. COBURN. I am only going to take 5 minutes.

Mr. DORGAN. 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. COBURN. Mr. 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. 3726 TO AMENDMENT NO. 3721  
(Purpose: To pay for the full cost of extending additional unemployment insurance and other Federal programs)

Mr. COBURN. Mr. President, I thank my colleague for giving me a short time to deal with these two amendments. I have an amendment at the desk that I call up.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 3726 to amendment No. 3721.

Mr. COBURN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under "Text of Amendments.")

AMENDMENT NO. 3727 TO AMENDMENT NO. 3721  
(Purpose: To pay for the full cost of extending additional unemployment insurance and other Federal programs)

Mr. COBURN. Mr. President, I ask unanimous consent that the pending amendment be set aside and my next amendment be called up.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 3727 to amendment No. 3721.

Mr. COBURN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. COBURN. Mr. President, I yield the floor to my colleague from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I again ask unanimous consent to speak as in morning business for 5 minutes.

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

#### THE INTERNET

Mr. DORGAN. Mr. President, we just completed a hearing moments ago in the Senate Commerce Committee on something that has received some headlines recently, although in the scheme of things, it is not ranking with health care or energy or edu-

cation reform. It is the issue of a circuit court decision a week ago in the Comcast case dealing with the Federal Communications Commission and its ability or inability to be a referee with respect to the free market system and the Internet.

The Internet is an extraordinary innovation in our lives. We tend to take it for granted, I suppose, because it is so normal for all of us every day to use the Internet, whether it is a wireless device or a laptop computer, or whatever. We use the Internet in so many different ways.

The question is: What is the regulatory approach to the Internet? We know what we have done for telephones over the many years, the many decades of regulatory capability. What is it for the Internet?

What we have always had for the Internet from its origin is what is called a free and open Internet, the open architecture. Anybody can get on the Internet with their Web site, and anybody from the rest of the world who has broadband capability or Internet capability can access that site.

A man named Larry and a man named Sergey in a dorm room in California conceived of something which 10 years later we know as Google. What if somebody had said to Larry and Sergey: You know what, you are in a dorm room, you are not much of a business; you only have two employees. We want to charge you for being able to get on our system so others can see you. There would not have been Google, would there?

Free and open architecture of the Internet means anybody, anyplace, any time can access anything. I told a story in the Commerce Committee about going to the home I grew up in in a town of slightly less than 300 people. I had not been back to my boyhood home since I was a teenager. I knocked on the door in my hometown and asked the woman if I could see the home I grew up in. She said: Of course.

In the shed where you walk in first, there was cardboard and tape. And in the kitchen just off the shed, the woman had a camera and a little arm that stuck out of a little appendage she had by the kitchen counter. She was taking a picture of a bracelet that was hanging from this arm. I said: What are you photographing?

She said: I am photographing a bracelet because I sell jewelry on the Internet.

From a town of 250 or 300 people in my little two-bedroom white house in that small town, this woman has an Internet business. Her Web site can be accessed by anybody in the world. She is not a big business person. She makes some money. It could not have happened years ago but can happen now in that small town. It can happen in any town. Anybody around the world can access her Web site. But what if somebody said: We are going to decide which Web sites are going to get on our system. That is a gatekeeper, a provider

that is deciding we are going to pick winners and losers.

We do not do that. We let the marketplace pick winners and losers on the Internet. That is why the Internet grew. Its origin and growth was under something called a nondiscrimination rule. You cannot discriminate. Just like telephone service, you cannot discriminate.

The FCC, under former Chairman Powell, moved the Internet from a telephone service to an information service, and that is what the lawsuit was about. Comcast brought a lawsuit and said under Title I of the Communications Act, as an information service, the FCC does not have the authority with respect to Internet freedom as I call it, to impose net neutrality rules. The circuit court said the FCC does not have that authority under Title I. That gets very technical and very legal.

The question is: What does the FCC do now? The question is what should we aspire to achieve for the Internet in the long term? Some say hands off, let's have what is called in the hearing today a light touch. I said: I am not interested in a light touch; I am interested in the right touch by regulators. I have just seen a decade in which regulators at the SEC and the CFTC and others who engaged in financial regulations said: We are engaged in light touch. In fact, we are engaged in no touch. We will be blind for 8 years. We will not even look. We are regulators, but we intend to get paid. We do not even care what you do. That is the ultimate light touch, but I have had a bellyful of that. I want regulators to regulate effectively to make sure the market remains open and free and fair. That is the job of a regulator. That is the job of the FCC.

We are going to have a big debate about this in the Congress. But first and foremost, I hope the Federal Communications Commission takes action under its own authority because it has plenty of authority to respond to this decision. It has authority under Title II of the Communications Act, and it has other authorities it can use. I encourage it to proceed. I hope that is the case.

Second, Senator SNOWE and I and others on a bipartisan basis will continue to press the Congress to enact net neutrality, what I call Internet freedom, legislation, because if the FCC does not do it, let's make sure we do it in law.

This is a very important issue. The issue of the Internet and the question of who controls the Internet, if anybody, is very important.

At town meetings when somebody says, The Federal Government cannot do anything right, I say there are a number of things it cannot do right, but answer the question, Who invented the Internet? Who created the Internet? The Federal Government did that. It started here. It is a wonderful innovation that has changed our lives in so many wonderful ways. I just described

one with the woman living in my former boyhood home. It changed her life. But that is multiplied a billion times around this world.

We need to make certain the Internet remains open and free. The free market system is the best system I know with which to allocate goods and services. I know none better. But I also understand that the free market system needs referees to make sure it remains free and open, to call the fouls, to wear the striped shirt with the whistle and call the fouls when necessary. It did not happen in the financial area. It did not happen at all. When people traded things that did not exist, buying things from people who did not have them, making money on both sides, all of a sudden there should have been regulators saying: Wait, this is gambling. You can't do that. You are putting the American people at risk. On the telecommunications side, we need effective regulatory capability, not to stifle or injure the free market but to protect it.

This is a very important issue in the wake of the circuit court decision. I believe Chairman Genachowski has the capability and authority to move forward in the Federal Communications Commission to do the right thing, and I encourage him to do that.

I know as well going forward that legislation, perhaps not this year but legislation in future Congresses will reaffirm the opportunity for the FCC to protect and nurture a free and open architecture of the Internet. I believe it is critically important.

Mr. BAUCUS. Mr. President, before the Senator yields, in the form of a question, I deeply appreciate the Senator's statement. He is on the right track. I believe the Internet should be free and open, too. I was stunned by the circuit court decision.

I ask the Senator if he could tell us how he thinks the FCC can remedy the situation now without legislation, and if the FCC cannot, we need legislation. But I am asking for the Senator's view again. He already stated it once. Maybe he can expand on it further.

Mr. DORGAN. Mr. President, I thank the Senator from Montana. Let me state the reason for the urgency. I described it today, but it has been said in other venues. Mr. Whitacre from AT&T most famously said it: These are my pipes. I want Google to pay for the use of my pipes. That was a famous statement by Mr. Whitacre. Yes, those pipes belong to the providers, but there is a requirement there be a nondiscrimination approach to the use of those pipes. We do not want providers to set up tollbooths or gates to say: OK, you are a big site out there. We are going to charge you to use this. Maybe that person cannot pay the charge. The billions of people who would access that site now will not have access because there is a gatekeeper who said: We are only going to allow these folks to be on our site. That is the point of it.

There is, it seems to me, a potential problem that could not have existed

previously when the nondiscrimination rules existed. But now that the nondiscrimination rules were obliterated, we need to restore them.

The Senator from Montana asked the question how can the Federal Communications Commission do this. I believe there are general powers in the Federal Communications Commission Act, and I believe the Commission itself has general powers that will allow it to act in a manner that the court would view to be in compliance with the law.

The FCC is not interested in doing something that it does not have the legal authority to do. I believe they have the capability. They certainly have the capability to determine that the Internet is regulated under Title II in which they would have the capability to enforce the nondiscrimination rule.

Again, this is not going to be one of those headline issues, but nonetheless it is a very important issue and one we need to get right. The last time we had a discussion about this issue in the Commerce Committee, it was a very contentious discussion. Senator SNOWE and I offered an amendment that lost on an 11-to-11 tie. This is not an easy issue. There are a lot of people who feel strongly on both sides, but I come down on the side of saying the way the Internet was conceived and the way it grew and the way it flourished was with nondiscrimination rules that say anybody—it is the ultimate democracy—anybody anywhere can set up a site and anyone in the world can access that site. That is the genius of this great innovation in our lives.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Mr. BAUCUS. Mr. President, the Senate just rejected the previous Coburn amendment by a vote of 51 to 46. The Senate, I might say, rejected an attempt by the Senator from Oklahoma to give the Director of the Office of Management and Budget sweeping powers to cut unobligated balances by billions of dollars.

The Senator from Hawaii, Mr. INOUE, chairman of the Appropriations Committee, explained why that would be unwise. Essentially, there are many contracts which take more than 1 year to be fulfilled—building ships, for example, aircraft carriers, and so on. It takes a good number of years to build them, and it would make no sense to rescind all those unobligated balances.

The Senator from Oklahoma has two more amendments. One in particular is virtually the same amendment. It gives the Director of OMB powers to cut unobligated balances by billions of dollars, so the arguments of the Senator

from Hawaii would apply there as well. So the same reasons given for opposing the Coburn amendment just a short while ago—and the one that was defeated—should be the same reasons that would apply with respect to this next Coburn amendment that we will be voting on in the not-too-distant future.

The Senator from Oklahoma has another amendment which would reverse decisions of the Congress through the appropriations process, and it also would, I might say, affect some tax provisions that would be inappropriate if we were to pass them now.

I would remind my colleagues if the Coburn amendment were to be adopted, there is another problem with it; that is, the delay of the extension of unemployment benefits. Because if it were to pass, it would have to go over to the House, and I am not quite sure how quickly the House would accept the Coburn amendment. They have said many times they would not accept it; that they would send it back, probably as is, without the pay-fors on the extension of unemployment benefits. So we would just be delaying unemployment benefits to people who were cut off a few days ago because of the failure of Congress to act on the extension.

So I would suggest to my colleagues that the other two amendments the Senator from Oklahoma has offered are very similar to the first amendment he offered. The Senate defeated that first amendment by a vote of 51 to 46, and I suggest that these other two amendments be defeated when they are brought up because then we can give needed unemployment benefits to people who need it during this time of recession.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Mr. BAUCUS. Mr. President, not to belabor the point, but at a hearing I held in the Finance Committee this morning, we heard from Mark Zandi, who is the chief economist and co-founder of Moody's Analytics, and he was talking about unemployment benefits.

In fact, part of the hearing was to determine ways to improve the efficiency and effectiveness of unemployment benefits. Actually, the panel came up with a lot of very interesting ideas. Different States are, frankly, using the unemployment program to help create jobs as well as make payments.

Anyway, at this hearing, Mr. Zandi volunteered, frankly, that now is not the time for extension of unemployment benefits to be paid for. He said that is self-defeating. It is unproductive. He said, now that we are in a recession, frankly, unemployment com-

pensation benefits should not be paid for.

Who is Mark Zandi? Mark Zandi is a moderate economist, very well respected by Senators on both sides of the aisle. He also was the adviser for Presidential candidate JOHN MCCAIN—Mark Zandi was. The point is, clearly, he is not a liberal, leftwing economist. I don't know even now if he is a moderate economist. But whatever he is—moderate, leftwing or liberal—he is an economist, and he has worked for Presidential candidate JOHN MCCAIN. He volunteered today on the record at the Finance Committee hearing that it would not be wise to pay for unemployment benefits at this time because that would be self-defeating.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

#### CLOTURE MOTION

Mr. REID. Mr. President, I have at the desk two cloture motions.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Baucus substitute amendment No. 3721 to H.R. 4851, a bill to provide a temporary extension of certain programs, and for other purposes.

John D. Rockefeller, IV, Benjamin L. Cardin, Jeanne Shaheen, Al Franken, Daniel K. Akaka, Kent Conrad, Sheldon Whitehouse, Patty Murray, Tom Udall, Bernard Sanders, Richard J. Durbin, Ron Wyden, Robert P. Casey, Jr., Edward E. Kaufman, Patrick J. Leahy, Mark L. Pryor, Byron L. Dorgan.

#### CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the second motion.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.R. 4851, a bill to provide a temporary extension of certain programs, and for other purposes.

John D. Rockefeller, IV, Benjamin L. Cardin, Jeanne Shaheen, Al Franken, Daniel K. Akaka, Kent Conrad, Sheldon Whitehouse, Patty Murray, Tom Udall, Bernard Sanders, Richard J. Durbin, Ron Wyden, Robert P. Casey, Jr., Edward E. Kaufman, Patrick J. Leahy, Mark L. Pryor, Byron L. Dorgan.

The PRESIDING OFFICER. Under the previous order, the motion to pro-

ceed to the motion to reconsider the vote by which the Budget Act was not waived was agreed to, and the motion to reconsider was agreed to. The question on reconsideration is on the Baucus motion to waive all applicable budget discipline for the consideration of amendment No. 3721, as modified, and the underlying bill.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 60, nays 40, as follows:

[Rollcall Vote No. 112 Leg.]

#### YEAS—60

Akaka	Franken	Murray
Baucus	Gillibrand	Nelson (NE)
Bayh	Hagan	Nelson (FL)
Begich	Harkin	Pryor
Bennet	Inouye	Reed
Bingaman	Johnson	Reid
Boxer	Kaufman	Rockefeller
Brown (OH)	Kerry	Sanders
Burris	Klobuchar	Schumer
Byrd	Kohl	Shaheen
Cantwell	Landrieu	Specter
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Dodd	Lincoln	Voinovich
Dorgan	McCaskill	Warner
Durbin	Menendez	Webb
Feingold	Merkley	Whitehouse
Feinstein	Mikulski	Wyden

#### NAYS—40

Alexander	Crapo	Lugar
Barrasso	DeMint	McCain
Bennett	Ensign	McConnell
Bond	Enzi	Murkowski
Brown (MA)	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Gregg	Sessions
Burr	Hatch	Shelby
Chambliss	Hutchison	Snowe
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Collins	Johanns	Wicker
Corker	Kyl	
Cornyn	LeMieux	

The PRESIDING OFFICER (Mr. UDALL of Colorado). On this vote the yeas are 60, the nays are 40. Upon reconsideration, three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The motion to waive the point of order made pursuant to section 4(g) of the Pay-As-You-Go Act having been reconsidered and agreed to, the Chair's previous action sustaining the point of order is annulled and the language previously stricken by the Chair is now restored to the amendment.

Mr. CASEY. Mr. President, I ask unanimous consent that the mandatory quorums, as required under rule XXII, be waived.

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

#### VOTE EXPLANATION

Mr. MENENDEZ. Mr. President, due to an official event in New Jersey, I was necessarily absent for rollcall vote No. 109. Had I been present, I would have voted "yea" on the motion to invoke cloture on the motion to proceed to H.R. 4851, the Continuing Extension Act of 2010.

Mr. CASEY. Mr. President, I ask consent to speak as in morning business.

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

#### HONORING BILL GEORGE

Mr. CASEY. Mr. President, I rise tonight for a very specific purpose. It is to speak about a person I have known a long time—25 years or more—who is currently the President of the Pennsylvania State AFL/CIO, a great labor leader in the Commonwealth of Pennsylvania. I will submit a longer statement for the RECORD due to the late hour, but I did wish to say a few words about him. His name is Bill George, and anyone who knows anything about organized labor in Pennsylvania, anyone who knows anything about the topic of battling on behalf of working men and women, knows the name Bill George. He has been the President of our State AFL/CIO since 1990, 20 years in that position. Prior to that, he was a great leader with the United Steelworkers of America and someone I came to know long before I was a candidate for public office, and certainly in the 15 years or so that I have been either a candidate or a public official he has been a source of great inspiration and a great friend.

Even beyond the work he has done for candidates and for causes, this is someone who understood, at a very young age, what it means to battle—to fight the battles for working men and women, to work together with people to collectively bargain for wages and benefits, making sure that working men and women have a voice, and someone who understood what an election means. At the end of the process of conducting an election, you elect someone to public office—or a group of candidates—and their votes and their actions have an impact on working men and women. Bill George has always understood that. He has always understood that those in our society who do not have a voice need people like him to stand and fight battles.

I know the Presiding Officer is well aware that organized labor—and I think Bill George has been a great example of this—often has been battling the hardest on issues from which they do not necessarily benefit directly. The case in point, the minimum wage. We know that those who are represented by unions in almost every circumstance have a pretty solid wage compared to those who may be making a minimum wage or less. We know organized labor, thankfully over many generations now, has been able to bargain collectively for health care benefits. But even despite that, they have battled for those who do not have health insurance. Bill George has been one of the leaders in Pennsylvania for 20 years, making sure the voice of working men and women have been heard but also making sure the poor had a voice, the vulnerable, the forgotten, the people who have been left out. To use a line from Scriptures, “The least, the last and the lost” have been

beneficiaries of his great voice and his strength of personality, his commitment to fighting for justice and especially fighting for economic and social justice.

Tonight, as we are here in Washington and voting, there is a huge crowd of Pennsylvanians at the David L. Lawrence Convention Center, a convention center named in honor of one of our greater Governors, a native of Pittsburgh. The AFL/CIO tonight is paying tribute to Bill George and also Dan Rooney, the great owner of the six-time Super Bowl Pittsburgh Steelers and now the Ambassador to Ireland. So I wish to compliment both Dan Rooney and Bill George on their award tonight at the AFL/CIO dinner in Pittsburgh.

But in a very particular way, I wish to commend and salute the work Bill George has done over so many years in our Commonwealth of Pennsylvania, culminating in the last 20 years as President of the Pennsylvania AFL/CIO. Congratulations to Bill George. I know he will stay active in Pennsylvania and beyond, but we want to commend him especially tonight.

I yield the floor and 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. UDALL of Colorado. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. UDALL of Colorado. Mr. President, I listened intently to the Presiding Officer's remarks just before I took the floor, and I, too, wanted to add my congratulations to Bill George and associate myself with his remarks.

I was particularly moved by the comments the Senator made about often organized labor in this country works on behalf of all Americans, all working Americans, and organized labor often does not receive acknowledgment. Sometimes it receives absolutely the opposite, slings and arrows that are often sent toward organized labor.

There is much that organized labor has done over the years that we take for granted in the workplace, everything from workplace safety to pension protection to the 40-hour workweek. Children do not work in our factories anymore because of what organized labor did for many decades.

So, again, that was very moving for me to hear. I salute Mr. George. I also took note of the mention of the six-time world champion Pittsburgh Steelers. In my State we have a two-time world champion football team, the Denver Broncos. It always seemed, though, we had to go through Pittsburgh. Often we fell short, but on two occasions we were able to make it to the Super Bowl itself. We also had to pass the test that the Steelers presented.

(The remarks of Mr. UDALL of Colorado pertaining to the introduction of S. 3201 are printed in today's RECORD under “Statements on Introduced Bills and Joint Resolutions.”)

#### HONORING OUR ARMED FORCES

SERGEANT SEAN DURKIN

Mr. UDALL of Colorado. I want to close and take advantage of another minute or two to speak on a separate note but a related note.

I wish to talk about Sean Durkin. He was a soldier from Fort Carson whom we just lost from wounds that he suffered in Afghanistan in a roadside bomb attack. Those are the most casualty-ridden attacks that our forces have faced over and over, not only in Afghanistan but in Iraq.

Last week, Army SGT Sean Durkin died at Walter Reed because of his wounds. He had been one of three Fort Carson soldiers who were presented a Purple Heart from President Obama when he visited Kabul and went to the military hospital when he was there.

On his Facebook page, he included a quotation from an unnamed marine. This quotation said:

This is my charge to you. Tell everyone of the heroism of the soldiers who lost their lives and of the soldiers who are fighting to recover what they have lost.

I wanted to tell everyone here, everyone listening, everyone watching of Sergeant Durkin's heroism and ask that we keep in our prayers and our thoughts all of our service men and women and their families as they serve us all over the world.

I yield the floor and 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. CASEY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. CASEY. I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

#### SEXUAL ASSAULT AWARENESS MONTH

Mr. REID. Mr. President, I rise today in recognition of Sexual Assault Awareness Month. During the month of April, I urge my colleagues and Americans around the country to reflect on the effects of sexual assault and domestic violence in their communities and to join me in making a commitment to end this stain on our society. In conjunction with Sexual Assault Awareness Month, our country will observe