

10 years in prison for violating the travel ban. We need to change all that.

In the meantime, I believe this government needs to provide a license, and they can do it under existing circumstances without changing the policy at all. They need to provide that license to allow the New York Philharmonic to be able to perform in Havana, Cuba. I am talking to the Treasury Secretary and the Secretary of State and asking for their cooperation. This is not something that is difficult. This can be allowed under existing rules. Members of the New York Philharmonic, and those who work with them and those who sponsor them, who would participate fully in the youth programs in Havana, Cuba, can be, in my judgment, approved with a license from the Treasury Department. I hope Secretary Geithner understands that and will take appropriate action. I know the Secretary of State wishes to see this happen. I believe the Treasury Secretary would as well. I hope within days they will make it happen.

I intend to work next week with all of those principals to see if at last, at long last, we might be able to resolve this issue. This makes no sense to me, to decide that the way we are going to conduct diplomacy is to prevent our Philharmonic Orchestra from playing in Havana, Cuba, given the fact they have played in the capital of North Korea, in Russia, in Vietnam, and more.

Mr. President, I was going to talk a little about energy and my profound disappointment that we are going to end this session without having done something in energy, and how some of us are trying very hard between now and the lameduck session to at least get what is called a renewable electricity standard or at least perhaps get that plus the Electric Vehicle Deployment Act moving so we can advance our country's energy interests. I will find another time to talk about that issue.

I do want to finally say, in addition, before this Congress adjourns sine die at the end of the year, there must—there must—be a solution to two things. One is the Cobell settlement, because American Indians deserve that settlement. It has been negotiated, is done, is ready. This is an abuse of 120 and 150 years. It must be corrected, and that settlement needs to be done. No. 2, what is called the Carcieri fix needs to be resolved.

My colleague, the chairman of the Appropriations Committee, well understands this. Every Indian tribe that was recognized after 1934 has every parcel of land they took into trust since that time now in legal question. The Congress cannot possibly leave this session without addressing that issue. The issue arises from a court decision that in my judgment was wrong, but it places in jeopardy a wide range of facilities on Indian reservations with respect to the status of their property ownership and their lease. I hope and I

know Senator INOUE shares my feelings that we must, before the end of this year, address both of these issues.

Mr. President, I yield the floor.

Mr. INOUE. Mr. President, I wish the RECORD to show that I concur fully with my colleague and that I will do my absolute best to see that his views are carried out.

#### DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2010

The PRESIDING OFFICER. Under the previous order, the motion to proceed is agreed to and the clerk will report the bill.

The legislative clerk read as follows:

A bill (H.R. 3081) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2010, and for other purposes.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, today is September 29, which means that fiscal year 2010 will come to an end tomorrow at midnight. We should all keep that in mind because in order to avoid a government shutdown, the Senate must act now to send this essential legislation to the House of Representatives.

I do not believe any of my colleagues wish the Government of the United States to be shut down on Friday, so I am hopeful we can avoid unnecessary amendments and work in a bipartisan fashion to pass this CR and send it to the House.

This is a clean continuing resolution that includes only those exceptions that are critical to allow the government to carry out its responsibilities. I would note that according to the CBO scoring of this bill, this resolution will fund the government through December 3, 2010, at a rate that is approximately \$8.2 billion below fiscal year 2010 enacted levels.

Vice Chairman COCHRAN and I have done our best to ensure that this CR includes only the bare minimum of what is necessary to continue government operations until Members on both sides of the aisle are able to work out their differences and complete action on this year's appropriations bills.

In addition, the CR extends the temporary assistance for the Needy Families block grant program, which provides necessities such as food and clothing for those hardest hit by the struggling economy. This resolution also extends the current GSE loan limits, to prevent a disruption of the home mortgage market. Finally, this measure will fund current military operations for the next 2 months, ensuring that our soldiers, sailors, airmen, and marines will have what they need to carry out their missions.

While I know there are many additional matters which the administration and other Members of the Senate wish to have included, we have been

unable to reach a bipartisan agreement to do so. But I can assure my colleagues that everything essential to continue government services has been included.

Time is short, and we have before us a clean CR that has the bare minimum of exceptions necessary to avoid disruptions to government services that is approximately \$8.2 billion below fiscal year 2010 levels, and that has the approval of both the majority and minority leaders.

I urge my colleagues to vote to support this CR and to send it to the House as quickly as possible.

I reserve the remainder of my time, 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. INOUE. 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. INOUE. Mr. President, I ask unanimous consent that the time expended during the quorum call be equally divided on both sides.

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

Mr. INOUE. 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. CORKER. 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. CORKER. Mr. President, I want to speak for a few minutes. My understanding is that Senator THUNE is coming to the floor in a moment to offer an amendment to the continuing resolution that would reduce spending in the continuing resolution by 5 percent on discretionary items that are non-defense oriented.

I want to say that I just came from a meeting with Chairman Bernanke talking about our debt situation. I know we have a Deficit Reduction Commission right now that is working on that and will have a report due on December 1. But I think everyone in this body understands it is a huge issue for our country and that right now the markets have allowed us to have lower interest rates because we are considered to be a safe haven. But the fact is, at some point in time we all understand this is going to disconnect and, in fact, we will pay higher interest rates because of our lack of ability to control our spending.

I think a great first step for us to be able to walk into—hopefully, something constructed by the Deficit Reduction Commission and, if not, by our own actions this next year, where we know the No. 1 issue that threatens our economic security in this country—and

by virtue of threatening our economic security, it threatens our national security—is the huge amount of spending that is taking place. I think we have all seen throughout the country what I would say is a very centered and deep concern about the amount of money we spend here in Washington.

I want to say, anybody who thought last year's appropriations bills were far higher than they should have been should support the Thune amendment. The fact is, what we are actually doing by virtue of the CR that has been offered is we are actually continuing spending at 25 percent of our gross domestic product, which is a full 5 percentage points above our historic 50-year average of 20.3 percent.

I think the Thune amendment is an appropriate first step. I think all of us in this body know that over the course of the next couple years we are going to have to take Draconian steps to rein in spending, which has been out of control. We are operating this year without even a budget.

I do not cast blame. I just want to focus on solutions. The very best way we can start walking toward a solution that ensures continued economic security in this country is to support the Thune amendment.

I am here to talk for a few minutes. I know the Senator from Arizona has just stepped on the floor. I think the Thune amendment is thoughtful. I hope all of us on both sides of the aisle will consider it thoughtful, and that we will get behind it.

I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, obviously we are 1 day away from the end of the fiscal year. We have before us a continuing resolution, better known as a CR. It totals over \$1.1 trillion to fund the operations of the Federal Government through December 3, after the elections.

In addition to continuing appropriations, this measure also includes numerous authorizing provisions from the fiscal year 2011 Defense authorization bill. We shouldn't have to selectively tack important, defense-related provisions on to appropriations bills in order to meet the pressing needs of the Armed Forces.

The majority has decided to wait until the very last minute to bring this stopgap measure to the floor with the hope that Members will simply vote yes so that we can all go home and focus on the upcoming elections. I will not be voting yes. I will be voting no. If we pass this resolution, we can be assured that we will be considering yet another massive omnibus spending bill in December. The simple fact that we are considering this continuing resolution is evidence of the majority's inability to lead effectively and do the people's business.

As I said, we are 1 day from the end of the fiscal year. This body has not considered a single one of the annual

appropriations bills on the floor. We have a \$13.5 trillion debt and a deficit of nearly \$1.4 trillion. Yet we have not debated a single spending bill or considered any amendments that would cut costs or get our debt under control.

Furthermore, the majority decided they just didn't feel like doing a budget this year, so we didn't do a budget this year.

On top of all of this, the majorities in both Houses have decided there will be no debate, no vote on extending the tax cuts that are due to expire at the end of this year. On Monday of this week, the New York Times published an editorial called "Profiles in Timidity." The editorial stated, in part:

We are starting to wonder whether Congressional Democrats lack the courage of their convictions, or simply lack convictions.

Last week, Senate Democrats did not even bother to schedule a debate, let alone a vote, on the expiring Bush tax cuts. This week, House Democrats appeared poised to follow suit.

The New York Times goes on to say:

This particular failure to act was not about Republican obstructionism . . . This was about Democrats failing to seize an opportunity to do the right thing and at the same time draw a sharp distinction between themselves and the Republicans.

Those are not my words; those are the words of the New York Times.

Anyone who converses with people in the business community around this country, whether it be small businesspeople or whether it be the largest, all of them will say the same thing: We have no certainty about what the financial future will hold, whether we will see tax increases or whether we will see tax cuts. What about the estate tax? What about all of these other "tax cuts" that will or will not be extended?

So rather than act one way or the other, we have now punted the ball down the field until after the election. At least we should have taken it up and debated and voted. I will stand by my vote to extend all the tax cuts because I don't believe we should increase anybody's taxes in tough economic times. But instead we will punt, go home, campaign, and then sometimes be curious why the approval rating of Congress is somewhere in the teens.

We have no business at the eleventh hour considering a continuing resolution so we can pack up and go home. We should stay here, in session, and consider each and every appropriations bill in regular order and give Members ample opportunity to offer amendments. Following that, we should debate the Defense authorization bill and consider all amendments by Members, not just those the majority deems necessary to please their base.

When the authorization bill was proposed to be brought up on the floor of the Senate, on this side, we said: Let's have 10 amendments on either side—10 amendments on each side—and we will move forward with regular debate and votes. The majority leader didn't want

that to happen. The majority leader only wanted to consider don't ask, don't tell, secret holds, and the DREAM Act, and then take the bill off the floor and wait until—guess what—after the elections. That is not how this body should operate. We should consider all amendments. We would agree to time agreements. And if there are tough votes to be taken, that is why we are sent here—to take tough votes.

We should debate and vote on whether to extend the tax cuts, as I said. Each day this issue is left unresolved, millions of American taxpayers and small business owners are left without the ability to properly budget for the next year.

At a townhall meeting, a guy stands up and says: I am a CPA. I make a living advising people how they should adjust their estates and their expenses and their investments based on, at least in part, what kinds of tax liabilities they will be facing. I can't do my job because we don't know.

The environment of uncertainty is holding back investment and job creation in this country, and at least the people of this country should have the right to know what their taxes are going to be next year. That won't be the case.

Let me return for a minute to the continuing resolution and the very serious concerns I have about one of its provisions. According to the Appropriations Committee and press reports, section 146 of this bill would authorize Fannie Mae and Freddie Mac to continue buying and guaranteeing mortgages up to \$730,000 in expensive housing markets through September of next year. Under current law, that amount was scheduled to drop to \$625,000 at the end of this year. One would think that by now we would all be sensitive to the disastrous fiscal implications of Fannie's and Freddie's performance and find ways to rein them in rather than maintain or expand their operations. Fannie and Freddie are synonymous with mismanagement and waste and have become the face of too big to fail.

Congress had the responsibility to ensure that Fannie and Freddie were properly supervised and adequately regulated. Congress failed, and the devastation caused by that failure continues to reverberate across the Nation every day.

A recent editorial in the Dallas Morning News said:

They—Fannie and Freddie—had long ago evolved from the modest backer of loans that met high underwriting standards into full-scale casino players in high-risk mortgages. By purchasing or backing the loans of mortgage companies and banks, Fannie and Freddie made it possible for lenders to create more money for new loans to new homeowners.

But Fannie and Freddie also conveniently benefited from their hybrid status: They could make loans at advantageous rates and run to Washington at the first sign of trouble. As a major political donor, they seldom

heard the word “no” anywhere inside the Beltway.

That is right. They seldom heard the word “no” anywhere inside the beltway. Some suggest that because of their deep pockets and generous campaign contributions, Congress routinely overlooked the growing problems at Fannie and Freddie and allowed them to continue operating in the most obscene, corrupt fashion.

So where are we now? To date, the American taxpayer has spent \$160 billion to bail out Fannie Mae and Freddie Mac, and experts estimate those costs could rise to over \$1 trillion. Isn't it time we phase them out of being a government-supported enterprise? So why in the world would we provide these failing institutions with authority to continue to buy these high-dollar mortgages? It makes no sense.

My colleagues might recall that in May I offered an amendment to the financial regulatory reform bill to address the serious problems surrounding Fannie Mae and Freddie Mac. The amendment was designed to end the taxpayer-backed conservatorship of Fannie Mae and Freddie Mac by putting in place an orderly transition period and eventually require them to operate without government subsidies on a level playing field with their private sector competitors. Unfortunately, but not surprisingly, that amendment failed.

The time has come to end Fannie Mae and Freddie Mac's taxpayer-backed free ride and require them to operate on a level playing field. Fannie and Freddie continue to post loss after loss and are failing right in front of our eyes. For Congress to yet again allow them to continue business as usual is the height of irresponsibility.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, a cursory review of the record will indicate that the Appropriations Committee has 12 subcommittees. Eleven of these subcommittees have reported their bills to the full committee, and they have all passed. They are on the desk, ready to go. But something has happened in the interim.

I ask my colleagues to keep in mind that the bulk of them—by that, I mean nine of the subcommittee bills—were passed by the middle of July. That is a long time ago. We have had hearings with not one or two witnesses but hundreds of witnesses. We have discussed and debated all of the items in the measure, and we present that to the floor and we try to schedule them, but there are holds and threats of filibuster and such. Therefore, I want the Senate to know that the Appropriations Committee has done its utmost to make certain that these measures are passed in the regular order.

One subcommittee has not been able to conclude its resolution because a new budget agreement just came in—a

budget amendment which the committee has to consider, and therefore they have to look it over. We are not just cursorily rubberstamping every budget amendment.

AMENDMENT NO. 4674

(Purpose: In the nature of a substitute)

Mr. President, I have a substitute amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUE] proposes an amendment numbered 4674.

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

The PRESIDING OFFICER. Will the Senator withhold his suggestion for a quorum call.

Mr. INOUE. I will. I did not see the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I wish to spend a few minutes talking about where we are. There is no question the chairman of the Appropriations Committee has finished his bills, and they have not come up. But the quality of the work doesn't meet with the depth of the problem we have today, No. 1; No. 2, it doesn't address the concerns of the American public.

So we are going to have a continuing resolution that we are going to pass through this body tonight, probably by a vote of about 80 to 20 or 75 to 25. But the signal we are sending is based on our tin ear. We are going to continue spending at the same rate we have been spending. We are borrowing \$4.2 billion a day under this continuing resolution. The government now is twice as big, in terms of expenditures, not including the war, as it was in 1999. We are not addressing what the American people want us to address; that is, that we ought to start living within our means.

I will not offer an amendment to the bill. There are several amendments. My colleague from South Dakota offered one that will bring us back to 2008 levels, but that is not enough. The fact is, we have to engage the American public in what is rightfully a cogent criticism of the Congress; that is, that we are allowing wasteful Washington spending to go on, not by intent—and I am not questioning anybody's motives—but the fact is, we have not done our job in terms of oversight.

We heard Senator MCCAIN talk about the tax cuts and raising taxes during a very soft economic time. The vast majority of the Americans don't want us to do that. I don't know why we are not discussing it, and I don't know why we

are leaving town before we send that signal, but that is way above my pay grade.

What I will tell you is, I can take any group of Americans and sit down and go through this with them and show them, without question, \$350 billion worth of waste every year in the Federal Government. The amendment of my colleague from South Dakota is cutting less than \$50 billion from what we are going to spend—in fact, we did it in 2008, other than for homeland security, defense, and veterans. So even though I love what my colleague is doing, it doesn't go nearly far enough compared to what the real need is for us.

There are two real needs. One, if we are going to finance the debt we have today, we have to send a message and signal to the world that we are interested in getting our house back in order, that we are interested in becoming efficient, and interested in becoming austere with our taxpayers' money. The second message we need to send is to those who have capital in this country; that they, in fact, can have confidence that we are going to right this ship, and we will start seeing them deploy some of those assets to create the very jobs we so desperately want for the American people who do not have them today.

I have been here long enough to know what is going to happen. But what I wish to do is register my dissatisfaction that we are not addressing the real problems in front of our country today. Instead, we are ducking out on tough decisions so we can go home—and I am up for reelection as well—and get to the voters. My question is a much more powerful message than going to the voters; it is us making hard choices that the American people want us to make.

This week, the 2010 fiscal year is coming to a close. On October 1, 2010, it will become the new budget year. Here is what we failed to do as a body—our fault just as much as yours. We didn't pass a budget. We didn't set priorities. We didn't decide where to spend and where to save. We didn't pay for new spending—\$266 billion in the last 6 months in this Congress on new spending that we waived pay-go on and borrowed it against our children. We didn't pass any appropriations bills. We didn't make any tough choices. We didn't conduct any significant oversight on the waste, fraud, and abuse in the Federal Government or the duplication in the Federal Government. We didn't eliminate any duplicative or ineffective programs—not one. We didn't do our job. No wonder America is disgusted with us.

What did we do? We increased the debt limit to more than \$14 trillion. We added more than \$1.4 trillion to the deficit and charged it to our grandchildren. We ignored the Constitution and expanded Washington's reach into our private lives, shrinking freedom

and growing government. We put ourselves first and the country second. Despite promises from us that government programs can solve every challenge, taxpayers are getting ripped off. We sent \$1 trillion of their income to the Treasury this year just to watch it waste \$350 billion. At the same time, we created a lot of new programs, and some people are very proud of them. I am very worried about them. But I give you the credit that you went down the road you thought was right and did it.

The real problem is, we are continuing the same old habits. The real issue is, until we truly understand the severity of the difficulty we are in and start acting like we understand it, this ship is going to continue to sink. We are not going to create the confidence in the American public or the \$2 trillion that is sitting on the sidelines right now if, in fact, they had a clear signal it would start flowing into investment and capital that would create jobs.

Last December, my office spent 3 weeks just looking at duplicative programs. When we passed the debt limit, we agreed with an amendment I inserted that the GAO would give us a list of those. They are starting that work, and this February we will see the first large tranche of that. It is going to take 3 years to compile that because the government is so big.

We ought to have a little taste, and the American people ought to have a little taste, of what we didn't get rid of and didn't fix. We have 1,399 Federal programs that serve rural America; 337 of them are considered key. One thousand of them aren't considered key. They are not considered substantive. That is before you even take the test of saying whether they are authorized by the U.S. Constitution.

The Federal Government operates 70 programs costing tens of billions of dollars that provide domestic food assistance—70 different programs—and many of them overlap or are inefficient. Most of them cannot demonstrate they are effective. That is according to a recent review by the Government Accounting Office. We didn't fix it. We could have saved taxpayers some of that money. There are 14 programs administered by the U.S. Department of Education related to foreign exchanges and designed to increase opportunities for students to study abroad. Why do we have 14 programs? Why not have one good one that meets the needs of Americans?

We fund 44 job training programs, administered by 9 Federal agencies across the bureaucracy. The cost is \$30 billion a year, and we don't know what the overhead is because we have 44 programs instead of 2 or 3. We didn't address any of that. There are 17 offender reentry programs across 5 Federal agencies, costing  $\frac{3}{4}$  billion. There has been no oversight. In other words, we have not looked where the problems are. We have not looked to say: How do we make this government more efficient?

What we have done is to say we are going to raise taxes—or at least we are not going to vote on raising taxes until after the election. No matter whether you are middle income, lower income, or upper income, it makes no sense for us to say we need more money here, when we will not do the very simple job of eliminating the waste.

I don't question the motivation for job training programs; I think they are necessary. I don't question the motivation for food programs; I think they are necessary. But 44 and 70 different programs, with 70 sets of bureaucracies and 44 sets of bureaucracies? Then we are going to tell Americans they should pay more tax, when we will not even do the simple thing to save \$100 million here or there. With a \$30 billion program, if you save 10 percent, that is \$3 billion. So all you have to save is one-tenth of 1 percent or three-tenths of 1 percent. We will not even do that.

I have a book full of duplicative programs. It is available to anybody who wants it. We ought to ask what kind of rating or grade would the American people give us—Republicans and Democrats alike—in terms of running the government, funding the government, and working to make the government efficient and effective. I don't think we have any good defense. I think people's intentions around here are excellent, but we never get around to the hard work of holding the bureaucracies accountable.

Senator CARPER had a great hearing today on the Defense Department and the fact that the Defense Department is trying to get where they can manage what they are doing by measuring it with a significant system, in terms of IT. It is just \$6.9 billion over budget. Where is the oversight on that procurement? What the GAO said is the following: The management was ineffective at looking at those programs. The management was ineffective in the testing of those programs during their development. The management was ineffective in terms of the procurement of those programs. When I asked the heads of every branch in the military whether they agreed with that, they said, yes, they agreed they were ineffective.

We don't have anything in the appropriations bills to change that effectiveness. We didn't have anything in the Defense authorization bill to change that effectiveness. We are just going to let it go on, and next year it will be \$7.9 billion or \$8.9 billion over. So we are not doing our job.

That is not to question my colleagues' motive; it is to raise the awareness that the jig is up. The American people know we are not doing our job. They want us to start doing our job—both Republicans and Democrats.

We have several colleagues on the floor. Rather than take more time, I just note that I am consistent in terms of coming down here and worrying about our future. I have done so for 5½ years—much to the chagrin of a lot of

my colleagues. I wish to leave you with one statement.

Our children deserve to have the same opportunities in this country that we have experienced. By us failing to do the very duties that are called upon us in a rational, straightforward basis, of doing oversight of the Federal Government and making the hard choices, we abandon our oath, but, more importantly, we steal the heritage that was given to us.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

AMENDMENT NO. 4676 TO AMENDMENT NO. 4674

Mr. THUNE. Mr. President, I ask unanimous consent to call up my amendment No. 4676 and ask that it be made pending.

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

The clerk will report.

The assistant editor of the Daily Digest read as follows:

The Senator from South Dakota [Mr. THUNE] proposes an amendment numbered 4676 to amendment No. 4674.

Mr. THUNE. 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 as follows:

(Purpose: To reduce spending other than national security spending by 5 percent)

Strike section 101 and insert the following:

SEC. 101. (a) Such amounts as may be necessary, at a rate for operations as provided in the applicable appropriations Acts for fiscal year 2010 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this Act, that were conducted in fiscal year 2010, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) Division A of the Department of Defense Appropriations Act, 2010 (division A of Public Law 111-118).

(2) The Department of Homeland Security Appropriations Act, 2010 (Public Law 111-83) and section 601 of the Supplemental Appropriations Act, 2010 (Public Law 111-212).

(3) The Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2010, division E of the Consolidated Appropriations Act, 2010 (Public Law 111-117).

(4) Chapter 3 of title I of the Supplemental Appropriations Act, 2010 (Public Law 111-212), except for appropriations under the heading "Operation and Maintenance" relating to Haiti following the earthquake of January 12, 2010, or the Port of Guam: *Provided*, That the amount provided for the Department of Defense pursuant to this paragraph shall not exceed a rate for operations of \$29,387,401,000: *Provided further*, That the Secretary of Defense shall allocate such amount to each appropriation account, budget activity, activity group, and subactivity group, and to each program, project, and activity within each appropriation account, in the same proportions as such appropriations for fiscal year 2010.

(5) Section 102(c) of chapter 1 of title I of the Supplemental Appropriations Act, 2010 (Public Law 111-212) that addresses guaranteed loans in the rural housing insurance fund.

(6) The appropriation under the heading "Department of Commerce—United States

Patent and Trademark Office" in the United States Patent and Trademark Office Supplemental Appropriations Act, 2010 (Public Law 111-224).

(b) Such amounts as may be necessary, at a rate for operations 5 percent less than the applicable appropriations Acts for fiscal year 2010 and under the authority and conditions provided in such Acts, for continuing projects or activities (including the costs of direct loans and loan guarantees) that are not otherwise specifically provided for in this Act, that were conducted in fiscal year 2010, and for which appropriations, funds, or other authority were made available in the following appropriations Acts:

(1) The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010 (Public Law 111-80).

(2) The Energy and Water Development and Related Agencies Appropriations Act, 2010 (Public Law 111-85).

(3) The Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010 (division A of Public Law 111-88).

(4) The Legislative Branch Appropriations Act, 2010 (division A of Public Law 111-68).

(5) The Consolidated Appropriations Act, 2010 (Public Law 111-117), except for division E.

Mr. THUNE. Mr. President, as you know, the budget-appropriations process has broken down. Neither the House nor the Senate passed a budget resolution which provides a basic roadmap for our spending decisions for the next fiscal year.

As a result of not having a budget, not a single appropriations bill has been signed into law for the new fiscal year that starts tomorrow at midnight. The House has passed only 2 of its 12 appropriations bills. Unfortunately, this 17-percent batting average, 17-percent success rate surpasses the Senate which has failed to pass any of the 12 appropriations bills.

Because of this, we find ourselves considering a measure to provide stop-gap funding through December 3 to provide more time for completion of our annual appropriations bills.

This delay and lack of floor debate on any of the annual appropriations bills has prevented us from having a much needed debate on the size of government and the amount of money we should be spending.

Keep in mind, the overall growth in nondefense spending since 2008 has amounted to roughly 21 percent at a time when inflation has amounted to only 3.5 percent. This excludes any mention of the \$814 billion stimulus bill.

The continuing resolution before us today seeks to provide funding at the same rate as fiscal year 2010. I will say that I am somewhat pleased to see that my colleagues on the other side of the aisle have not attempted to add other funding measures to this measure. That is commendable that we at least are going to do a continuing resolution that is relatively speaking clean. It would be my preference to dial back the overall spending level to the fiscal year 2008 levels.

I have introduced legislation that will do just that, as have some of my

colleagues. Senator INHOFE from Oklahoma has a bill that will do that. Some of my House colleagues have come up with a similar proposal that will do that. I guess I would say to my colleague from Oklahoma who just got up and spoke and mentioned this amendment probably does not go far enough that I do not disagree. Frankly, I would like to see us go back to the 2008 levels.

What I am trying to do today is seek the support of my colleagues to at least take a measured step in reducing discretionary spending. My amendment simply seeks to reduce by 5 percent accounts not related to defense, homeland security, or veterans. This would not affect funding for the START treaty or any of the other new provisions in this continuing resolution.

On an annualized rate, it would, however, save us about \$22 billion compared to the \$1.25 trillion score that CBO has provided for the proposed continuing resolution before us today.

While this is a modest number and it is not going to solve our debt problems overnight, it is a necessary first step to reduce spending. Since nondefense discretionary spending has grown over 21 percent in the last 2 years—again, at a time when inflation was only 3.5 percent—I think the least we can do is support this reasonable reduction until we return after the election to decide what the remaining funding level should be for the fiscal year 2011 spending bills.

To put things into context as my colleague from Oklahoma, who just finished speaking, has done, we are looking at a \$13.4 trillion debt. Our deficit for 2010 is estimated to be \$1.3 trillion. About 40 cents out of every dollar that is spent in Washington, DC, by the Federal Government now is borrowed.

If we look at the last 34 years, there have only been four times—4 years—where all the appropriations bills have been passed on schedule.

If we actually did go to a freeze at 2008 spending levels and index it for inflation, it would save \$450 billion over 10 years. That makes a lot of sense.

As I said, that is legislation I introduced earlier. At a minimum, what we ought to be able to do is say to the American people, at a time when many of their family budgets are shrinking, at a time when they are trying to make ends meet, that we get it. In Washington, DC, we understand: You want our Federal Government to do with a little bit less.

What I am proposing is a 5-percent haircut; that is all, 5 percent. That is the least we can do for the American people at a time when, as I said, we are running these \$1.3 trillion deficits and have future generations of Americans faced with a massive amount of debt that will be on their backs for generations to come.

I hope today we can find the political will in the Senate to take what I think is a very modest, a very measured approach to reduce spending in this con-

tinuing resolution by 5 percent. When we come back in December, we can have a full-blown debate about what the size of government should be, which we should be having now and should have been having throughout the course of these last few months when these appropriations bills should have been debated and should have passed a budget.

That being said, we do not have a budget. We have not passed appropriations bills. We are where we are. The least we can do, in fairness to the American people, the taxpayers of this country, is send a clear message to them that we are going to do a modest amount, at least a 5-percent reduction over last year's level in this continuing resolution and try in a very small way to get some of the overspending that is occurring in Washington, DC, under control.

Mr. President, 21 percent over the past 2 years at a time when the inflation rate was 3.5 percent, meaning that we are spending at the Federal level five to six times the rate of inflation, what the rate of price increases are across this country for most Americans. That is not fair to the American taxpayers. I hope my colleagues will support this amendment.

The Senator from Massachusetts is here. I believe he wants to speak as well to this issue and to this amendment. I yield as much time to him as he may consume.

THE PRESIDING OFFICER. The Senator from Massachusetts.

Mr. BROWN of Massachusetts. Mr. President, I thank the Senator for yielding. I stand here in support of the Thune amendment and thank him for his leadership on this good first step.

To me, it is pure common sense. I agree with everything he has said in terms of we have overspent. It is time to draw a line in the sand, lead by example, and show the American people that they are doing without, and we can do without.

We are only talking about 5 percent. It is \$22 billion. I remember—it seems like 10 years ago I got here. I remember being in the Massachusetts Legislature, and we were throwing around millions. Here they throw around trillions like it is nothing. I know it is only \$22 billion we can save, which is still real money where I come from, and so over \$300 billion potentially over a 10-year period.

It is time. It is time to start leading by example. It is time to show we can also make some cuts. Quite frankly, I do not think they will hurt. We need to send a signal to our constituents and to the rest of the world that we are trying to finally get our fiscal house in order.

I just met with representatives from Great Britain. They are doing across the board a 25-percent cut. They recognize they do not want to be in a similar financial predicament as other countries in that part of the world. They are sending a very powerful bipartisan message to the people in that country

that they have to get their fiscal house in order. We need to start sending that very same powerful fiscal message to do the same thing.

I remember when I got here back in the beginning of January, the national debt was about \$11.95 trillion. As Senator THUNE just pointed out, it is almost \$13.3 trillion or \$13.4 trillion right now. That is less than 7 months. Our deficit is over \$1 trillion.

At what point do we eliminate the inefficiencies and duplications throughout our Federal Government, as Senator COBURN has identified cuts in many wasteful programs? I agree with him. We have to start somewhere. Can we not do just one thing—just one, that is it—to show the American people that, yes, we get it, we feel your pain, we get it. It is time. They are sending a very powerful message. They sent it in January and they are sending it again that they are tired of overspending, they are tired of deficit spending, they are tired of overtaxing. We have to get our fiscal house in order.

I thank Senator THUNE for his leadership and Senator COBURN for taking the time to find all these duplicate programs.

Mr. THUNE. Mr. President, before the Senator from Massachusetts yields the floor, will he yield for a question?

Mr. BROWN of Massachusetts. Yes.

Mr. THUNE. I ask the Senator from Massachusetts if he is hearing from his constituents back in his State the same message I hear from my constituents in South Dakota; that is, we are experiencing economic difficulties. In this economic downturn, many people lost jobs, many had a loss of income, many family budgets are being squeezed.

Does not the Senator from Massachusetts hear the same thing from his constituents I hear from South Dakotans; that is, we want the Federal Government to lead by example, and rather than growing at four, five, six times the rate of inflation, actually take some steps to get its spending under control in the same fashion, the same way we are having to do it?

That is what I hear from people in South Dakota. They are tired. They think the Federal Government is growing too fast, has gotten too big. They think it is a runaway train, especially when it is running \$1.3 trillion annual deficits.

I think 5 percent on this particular continuing resolution, this funding bill is a modest amount that at least most of my constituents would think is reasonable.

I ask the Senator from Massachusetts if he thinks his constituents believe this Federal Government could live with 5 percent less at a time when they are living with a lot less in many circumstances?

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. BROWN of Massachusetts. Mr. President, I thank the Senator for his

question. I commend his constituents on having the foresight to instruct him and let him know they are hurting. The people in my State are hurting also. They are absolutely concerned about the disconnect between Washington and the State I represent.

What I notice not only in Massachusetts but my travels throughout the country is that they believe the people in Washington go around saying: You are great, you are great, everything is wonderful, there is no recession in Washington. All the restaurants are full. The housing market is great. Everything is great around here. But outside that, they say: He doesn't get it; she doesn't get it; we are going to make a statement pretty darn soon.

They are absolutely looking for fiscal leadership. Listen, there is absolutely a role for government. Government needs to know when to get out of the way also. It needs to know when to get out of the way and let free enterprise and the free market take shape and let us get the economy going through something besides government-created jobs.

I thank the Senator for his question. I agree wholeheartedly, yes, there is a great concern that we are overspending, we are overtaxing, we are overregulating, and we need to make sure this gesture, this 5 percent—I do not want to throw billions around like it is not money, but compared to the trillions we are all used to dealing with here, it is not big money. But I tell you what, it is a very good start. It sends a very powerful message to the people in Massachusetts and throughout the rest of this country and the world that a group of Senators have finally gotten together and have sent a message to the rest of the administration and to the folks that we are going to start to do one thing—just one thing: to start to get our fiscal house in order.

Mr. THUNE. Mr. President, if I might just say to the Senator from Massachusetts, again, I appreciate his willingness to come down here and express his support for this amendment. The Senator from South Carolina is here. I expect he will speak too. He has an amendment he would like to offer as well.

Most Americans believe government spends too much, especially at a time when their budgets, as I said, have been shrinking.

This is the kind of amendment that ought to attract broad bipartisan support. We are going to fund the government with this continuing resolution until December 3 because, again, we have not passed any appropriations bills or a budget—which, by the way is a discussion, perhaps, for another day but one that I think needs to be joined, a debate that needs to be joined, and that is, what are we going to do to fix this broken-down budget process that year after year puts us in a position where, at the very end of the fiscal year, we have to pass a continuing resolution because we have not gotten our work done? That is an incredibly

strange way to run a \$3.5 trillion enterprise like the Federal Government.

I think the American people deserve better. They need a budget process that has some teeth in it, that is binding, that makes sense, where there is an appropriate role for oversight, as the Senator from Oklahoma pointed out—all the agencies where there is duplication and redundancy where we can find savings. We don't do a lot of that around here because we have a budget process that has broken down.

I have a bill to reform the budget process which, again, I hope is something we can undertake. It is not going to happen now because we are going to wrap things up here this week, it seems. I would be happy to stay around and talk about budget reform, but I think a lot of my colleagues have other things and other places they want to go.

In the meantime, let's at least do something here that will rein in Federal spending and send a very important message and signal to the American people, who have been hurting: The Federal Government here in Washington doesn't live in a bubble, we actually get it, we are listening to the voices of the American people, and we can find a mere 5 percent in our Federal budget, this massive Federal budget, and demonstrate we are willing to tighten our belt a little bit, consistent with what is happening to the American people and the experience they are having in this economic downturn.

I reserve the remainder of my time. I do not know how much time I have left, but I reserve the remainder of my time on this amendment.

The PRESIDING OFFICER. The Senator has consumed all of his time on the amendment.

The Senator from South Carolina.

Mr. DEMINT. Mr. President, I commend Senator THUNE for, again, a very small request of the Senate to continue to fund the government at a 5-percent reduction. It is hardly a radical idea—except in Washington. I hope my colleagues will support that.

I would like to talk about another amendment for a minute, but first I think we need to address what I think has been the most irresponsible Congress I have seen in my time here.

Over the last 4 years, the majority has almost doubled the national debt of all previous Presidents in 4 years. We are on that track to do it. This year, things are so bad that we didn't even bother to do a budget. We are not going to show the American people what we plan to spend, what things are costing.

We are trying to get out of town today without passing funding bills to keep the government operating. We have to do a little makeshift continuing resolution. But we are getting out of town without addressing the fact that we are getting ready to stick the American people with one of the largest tax increases in history. By not doing anything, we are voting with our feet to raise taxes on everyone from



the lowest income to the largest corporation, to tax dividends at a higher level, to tax death at a higher level. We are just leaving town.

In the meantime, as people are getting ready to leave town, there are 20 or 30 bills that folks here would like to pass in secret, by unanimous consent, without a vote, without any debate. Some of them have some pretty big price tags. And they are squealing like someone is doing them wrong if we ask for a day or two to read these bills, to see what they cost, to see what they would do to our country.

There is a sense of entitlement here that we have to pass their bill; it is some kind of emergency. But their bills have been hanging around here for months. One of them I just saw was from December of 2009. They are not emergencies, but we have to pass them but we are not going to do the business of the American people. We are not going to carry out our constitutional responsibility to set a budget, to appropriate money for the operation of our government, but we want to get our bills passed and we want to go home.

What we are doing is we are going to pass a continuing resolution tonight to fund the government until December. But the only reason to fund it until December is so we have to come back after the election in a lame duck Congress and pass another spending bill to keep our government going until the new Congress comes in. I think the only reason to do that is so Senators who are not coming back can come here and pass an omnibus spending bill with thousands of earmarks that people have come to expect, so they can take home the bacon to their States one last time.

There is no reason for us to have a continuing resolution that ends in December. We are going to have to come back and use the threat of a government shutdown to force through a bigger spending bill. We should not do that in the chaos after the election.

My amendment would take the exact same continuing resolution that everyone is going to agree on tonight and have it expire on February 4, after we have sworn in a new Congress, after the dust has settled. Then we can make a good decision with people who maybe represent the voices of the American people a little better because they have just come in off of the campaign trail. Instead of passing something in the chaos of November and December, let's do something that is more responsible and more focused.

My amendment is the exact same as the amendment tonight. The only thing it does is it strikes December 3, 2010, and inserts February 4, 2011, so it does not end, there is no emergency, there is no crisis, and there is no threat of a government shutdown. We come back in November and hopefully stop the tax increases and then go home and start over with the new Congress, with folks who are representing the voices of the American people.

My hope is that my colleagues will support this amendment. There is no reason not to support it unless you want to come back here in November and increase spending, pass an omnibus and pass all of these porkbarrel earmarks to take home one last time.

I encourage my colleagues to support the amendment. I understand we will have a vote on it later this evening, and I will reserve the remainder of my time.

AMENDMENT NO. 4677 TO AMENDMENT NO. 4674

Mr. President, I understand I need to offer the amendment.

The PRESIDING OFFICER. Without objection, the clerk will report the Senator's amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 4677 to amendment No. 4674: Section 106(3) of the bill is amended by striking "December 3, 2010" and inserting "February 4, 2011".

Mr. DEMINT. Thank you. I didn't think it would be too painful to read that whole thing at this time. This is one I can guarantee I read.

Do I need to ask for a recorded vote at this time?

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, if I may again repeat, in June of this year, 9 of the 11 subcommittees of the Appropriations Committee passed their bills in the full committee and reported to the desk. They are all at the desk. But somebody held it up, and I can assure you none of us held it up.

I rise to speak against the amendment just submitted by Senator DEMINT, which would extend the CR from the current expiration date of December 3 to February 4 of next year.

I am certain most of my colleagues are aware that the government frequently operates under a short-term continuing resolution, not because they like to do it but because it takes time. It is not the most efficient way to operate. I agree with that. But it is frequently necessary as we resolve the differences over spending levels.

While our agencies decry living under the CR—and I have said many times that this is not the way to run our government—I believe these agencies have learned to operate in the short term, and I emphasize the two words "short term." This CR was crafted with a very narrow focus in the expectation that it would only last 2 months. It was agreed upon by both leaders, the majority and minority leaders.

The minimal authorization extensions were included in a bipartisan attempt to keep this bill as clean as possible. Many requested anomalies were excluded because it was clear the CR would expire on December 3. Hopefully, the Congress will have concluded its work by that date. If not, a new CR will be required, and I can assure my colleagues that it will be significantly

longer than this bill, with many more anomalies to cover exceptions that must be continued if this CR is extended.

A short-term CR is not efficient, as I have said before, but it is manageable. However, each week we go beyond that period, we further damage the ability of the government to function effectively. For example, contract awards can be delayed a month or two but not for 4 months.

The Appropriations Committee has worked very hard. We have held many hearings, heard from hundreds of witnesses—not just the administration but opposition witnesses—and in a truly bipartisan fashion come to an agreement on the CR we have before us. A large part of that effort was based on the good-faith assumption that once we agreed on an end date—in this case, December 3—Members and staff would use that date to properly identify programs that needed adjustments in order to function as they were intended.

If we accept this amendment and arbitrarily change the end date to February 4 of next year, we will ensure that the exact opposite will happen: The Government will not function as it should. Let me offer a few specific examples.

As chairman of the Defense Subcommittee, I know there are programs essential to the wars in Iraq and Afghanistan that would be disrupted if the Senate were to arbitrarily change the end date of the CR. To say that our troops deserve better is an understatement of the highest order. As a specific example, the Defense Subcommittee carefully reviewed the plans of the Department of Defense and the Department of State for the authorities under the Pakistan counterinsurgency fund. This authority allows the Secretary of Defense, with the concurrence of the Secretary of State, to provide funding for initiatives to reduce the terrorist presence in Pakistan. The subcommittee concluded that a 2-month delay would have minimal negative impact. However, stretching beyond 2 months could seriously erode our counterinsurgency efforts in Pakistan.

As my colleagues know, new starts are prohibited under CRs, so a CR through February 4 would restrict the DOD from proceeding with any new military construction projects during the first third of the fiscal year. Losing 4 months of the year before DOD can begin to implement its 2011 construction program puts the timely execution of the entire program at risk. Fifty percent of the requested funding is anticipated to be awarded by the end of February 2011.

A longer term CR would result in untimely delays for implementing certain farm bill programs, as requested by the Office of Management and Budget. The delay would present shortfalls in funding for food and drug safety approval programs at the Food Safety and Inspection Service and the Food and Drug Administration due to a shortfall in the budget authority.

A longer term CR would result in untimely delays for implementing certain farm bill programs, as requested by OMB. The delay would present shortfalls in funding for food and drug safety and approval programs at the Food Safety and Inspection Service and Food and Drug Administration due to a shortfall in new budget authority. In addition, if the child nutrition reauthorization is not approved, a further delayed CR will result in reduced food services for children.

As another example, the administration sought to extend a highway provision of interest to Maine and Vermont but since it does not expire until December 17, it was not necessary to include in this CR. But if the CR does not expire until February, that provision is needed.

A final example. The delays that would result from this amendment would stall the implementation of all planned new law enforcement initiatives at the Justice Department, including \$366 million in new national security spending intended to improve the FBI's cyber security, WMD and counterterrorism capabilities and to assist in the litigation of intelligence and terrorism cases.

This CR was negotiated in good faith, it has bipartisan support, and it ensures the government will continue to operate in good order until December 3. This amendment violates all three of those tenets. Arbitrarily changing the end date violates our good faith, is highly partisan, and ensures that the government will not function as it should.

For all of these reasons I urge my colleagues to vote "no".

Mr. President, I suggest the absence of a quorum and ask that the time be divided equally.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

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

(The remarks of Mr. FRANKEN pertaining to the introduction of S. 3888 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. FRANKEN. Mr. President, I yield the floor and suggest the absence of a quorum and ask that the time be divided equally between both sides.

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. LEMIEUX. Mr. President, in a moment I will request unanimous consent to address an issue important to the people of Florida having to do with the EPA and a mandate set to go into effect next month. The timing of this effort is critical. That is why I take the extraordinary measure of bringing it to the Senate floor today. I wish to make it clear that this effort is bipartisan. I am joined by the senior Senator from my State, Mr. NELSON, in this request. If we don't act, something is going to happen to Florida that will have a grave impact upon our economy. Although this is a Florida-specific issue now, it will have an impact on other States and set a precedent as time goes by.

Let me describe my amendment. Then I will talk about the issue. The amendment would prohibit the EPA from using any of the funds in the continuing resolution to implement or enforce the water standard rules that it is working on for Florida. Due to a consent decree between a group in the EPA which is part of a lawsuit, the rule setting water quality standards for inland waters in Florida is set to be finalized on October 15. It singles out Florida and only Florida for these new water standards. However, how this rule is promulgated will serve as a template for how rules are promulgated against other States. For example, EPA is already looking into an effort to promulgate these standards for the Chesapeake Bay area.

We are not against clean water. In fact, Florida has been working on clean water issues for some time and has made remarkable progress. However, this proposal is going to have a dramatic impact on the State of Florida without peer-reviewed science as the basis of this rule.

I ask unanimous consent to have printed in the RECORD an Article from the Jacksonville Business Journal.

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

[From the Business Journal, Sept. 24, 2010]

#### JACKSONVILLE SEWER CHARGES COULD DOUBLE

JEA CEO Jim Dickenson said the utility's sewer rates could nearly double by 2014 if new federal regulations require JEA to spend \$1.3 billion to remove more nitrogen from its sewage plant discharges.

Companies and hospitals—including Anheuser-Busch InBev, Southeast Atlantic Beverage Co., St. Vincent's Medical Center and Mayo Clinic Florida—are expected to be hit the hardest if the U.S. Environmental Protection Agency toughens its pollution standards in 2012. The new rules, which will also make new development projects costlier, make Florida less competitive with its less regulated Southeast competitors, said Keyna Corey, spokeswoman for Associated Industries of Florida, a business lobbying group with about 8,000 members.

"We're not against keeping the water clean," she said. "I can't recruit a company to a dirty state, but we are going to lose jobs because Florida is the only one doing it."

The EPA's nutrient-criteria mandate is expected to deal an annual \$1.1 billion blow to the state's agriculture industry, costing about 14,500 jobs, Corey said. The new rules are expected to cost the pulp and paper industry more than \$169 million annually. The EPA's push for more stringent water pollution rules came after environmental groups, including the St. Johns Riverkeeper and the Sierra Club, sued the agency in 2008, alleging the agency wasn't enforcing the federal Clean Water Act strongly enough in Florida. Under the settlement, tougher criteria will come in mid-October regarding nutrient levels in the state's rivers, streams, springs and lakes.

Nitrogen is the main type of nutrient the EPA wants to reduce in water bodies, because in high concentrations, it can create algae blooms, which can cause fish kills, a localized die-off of the fish population. The St. Johns River was plagued by algae blooms and fish kills this summer.

Dickenson is worried that the \$400 million the utility has already spent to reduce nutrient discharges won't satisfy the EPA when it applies the new criteria to the state's estuaries, canals and coastal waters in 2012. If these past projects—aimed at meeting the federal total maximum daily limits rule—don't meet EPA's new mandate, JEA would have to spend \$1.3 billion or more to meet the higher standards, since the majority of its wastewater discharges are in the coastal region. The utility has 44 sewage plants.

To pay for the required upgrades, sewer rates would nearly double, causing the average residential sewer rate to increase annually to about \$1,400, Dickenson said. The average sewer rate for commercial and industrial JEA customers isn't known, but the rates are expected to be affected similarly.

If the EPA mandate "would actually help the environment, there would be no objection," said Paul Steinbrecher, JEA's director of environmental services, permitting and assessments.

He said JEA's past work to accommodate the TMDL limits brings nutrient levels to the natural level and he is unsure how levels could be further reduced under the new criteria.

The amount of nitrogen discharged annually by the average JEA residential user has decreased from 13 pounds in 1975 to about 2.2 pounds, Dickenson said.

"If we'd known the EPA would change the rules midstream, we'd have done our TMDL projects differently," Dickenson said.

The EPA projects the annual cost of meeting the new criteria to be \$130 million for all utilities in Florida. Darryl Joyner, chief of the Florida Department of Environmental Protection's bureau of assessment and restoration support, said that's not nearly enough. He projected the actual cost at between \$5 billion and \$8 billion. The EPA was not available for comment.

Joyner said JEA's \$1.3 billion estimate on how much it would have to pay to meet the criteria is correct. He is optimistic that the DEP will be able to make the case to the EPA that improvement gained through meeting the less-stringent TMDL requirements will satisfy the new criteria.

Steinbrecher said he hopes Joyner is right, but the EPA's decision to allow it to enter a "legal no-man's-land law" doesn't instill him with confidence.

Mr. LEMIEUX. This rule is going to deal a \$1.1 billion blow to the State's agricultural industry. A joint study by the Florida Department of Agriculture and Consumer Services in the University of Florida projects that it could cost in total up to \$1.6 billion a year and eliminate 14,500 jobs. The Environmental Protection Agency estimates it



to cost more than between \$5 and \$8 billion. Water utilities in Florida have estimated that sewer rates would increase by \$62 per month or more than \$700 per year.

This article from the Jacksonville Business Journal talks about sewer charges doubling in Jacksonville because of the water standard that has not been peer reviewed and does not have the scientific basis it should.

Today, because I was coming to offer this unanimous consent proposal, the EPA has issued a 30-day stay of execution on the implementation of this rule. It was supposed to be October 15. Now it will be November 14. Conveniently, that is the day before we are likely to come back in November and bring Congress back into session. So we will be unable to continue this during our recess. This will most likely go into effect and do damage to Florida.

This is a bipartisan effort. In fact, on the House side, members of our delegation, some 20 of the 25—I believe it is 21, actually—have come together to support not letting this rule go into effect. Senator NELSON and I make this request.

I ask unanimous consent that the LeMieux-Nelson amendment be considered and agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection.

Mr. INOUE. Mr. President, on behalf of Senator CARDIN, chairman of the subcommittee that has jurisdiction over this measure, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LEMIEUX. If I may, that is unfortunate. It is unfortunate because this is a bipartisan agreement. This damage is going to be done to Florida, a State that is suffering from the worst unemployment that anyone can remember, nearly 12 percent, and the worst economy that anyone can remember. Now these ill-conceived rules that don't have a peer-reviewed scientific basis will go into effect and impact our economy to the tune of billions of dollars, hurting our workforce and doubling people's sewer rates at a time when they least can afford it. It is unfortunate we have an objection when we have both Senators from Florida, Democratic and Republican, supporting this; when we have the vast majority of the Florida delegation in the House asking for this measure to be stated. It is not saying it would not go into effect. It is asking for more time so there would not be a rush to judgment and it would not be brought into effect in a hurried manner.

It is unfortunate we have an objection when we have such bipartisan support.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, I am concerned about the problem in Florida. I am well aware there may be some consternation. But I must once again remind the Senate that we are now

considering the continuing resolution as a result of a bipartisan agreement reached by the majority leader and the minority leader. That agreement calls for a clean CR. There are many amendments that my colleagues would like to submit, but we have had to say, reluctantly, no. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. INOUE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. INOUE. 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. INOUE. Mr. President, I rise to speak against the Thune amendment. There are a number of reasons the Thune amendment is a bad idea. A 5-percent cut across the board may seem reasonable, small, and not a big cut. But it is a devastating cut when Members understand the specific programmatic impact. A 5-percent cut against non-national security accounts would be about \$20 billion below the current fiscal year spending level. This cut would be in addition to the current CR level which is \$18 billion below the Sessions amendments offered earlier this year.

I remind my colleagues that we have a \$5 billion problem outside of all this cutting in terms of addressing the Pell grants shortfall. I believe the vast majority of my colleagues are in favor of the Pell grants. I can assure them that the Pell grant problem is not going to magically cure itself.

Members may try and hide from taking responsibility for the devastating impacts of a generic across-the-board cut of this magnitude, but I am standing before my colleagues now and putting everyone in this Chamber on notice for what the actual impact of passing this amendment will be.

For starters, let me discuss America's security outside of the Department of Homeland Security and outside of the department that handles the southwest border. Cutting funding by 5 percent would mean a loss of \$1.5 billion for the Department of Justice. It is not part of Homeland Security and not part of the Defense Department. The FBI's uniform crime report that was just released tells us that violent crime is down 5.3 percent, a decrease for the third year in a row, and a total 9 percent drop since 2006. Now is not the time to cut resources for Federal, State, and local law enforcement partners. We depend on Federal law enforcement to protect Americans from terrorism and violent crime and uphold the rule of law.

Cutting Federal law enforcement by 5 percent across the board would mean 1,650 fewer FBI agents to combat terrorist threats, 420 fewer DEA agents to reduce the flow of drugs across the

U.S.-Mexican border, and over 2,000 fewer Federal correctional officers to safeguard our prisons.

In addition to the cuts to the Department of Justice, this amendment would reduce funding for the Treasury Department's Office of Terrorism and Financial Intelligence and Financial Crimes Enforcement Network by \$3.8 billion. Cuts of this magnitude would cripple the Treasury Department's unique efforts to keep our country safe.

Specifically, the Office of Foreign Assets Control would be forced to cut staff who enforce the Iran and North Korea sanctions programs and sanctions efforts aimed at al-Qaida and its affiliates, terrorist groups in Afghanistan, international drug traffickers, and other national security threats.

The Treasury Department's Office of Intelligence and Analysis would be forced to cut staff who work to locate hidden funding sources of terrorist networks. Finally, the Financial Crimes Enforcement Network would significantly reduce overseas staff who work with foreign government counterparts in support of law enforcement efforts, investigations that protect Americans.

In terms of our consumers and our small business owners, cutting the budget of the CFTC and the SEC by 5 percent would erode their ability to conduct necessary oversight of the futures and securities markets, respectively, at a time when such scrutiny is paramount. Such a move is simply irresponsible, given the Wall Street scandals that led to the financial meltdown and economic strife plaguing so many American households.

My colleagues on the other side of the aisle objected to funding any anomalies that would have allowed these agencies to increase staffing during the pendency of the continuing resolution to implement the Dodd-Frank requirements. To insist on a further cut in light of these new requirements is not responsible. For the CFTC, a rollback would diminish aggressive efforts in the past 18 months to enhance previously decimated staffing levels which would not have been adequate to keep pace with the growing markets the agency oversees.

The SEC would suffer similar erosion of critical seasoned professionals. During the past 2 years, efforts have been made to restore staffing shortages. This amendment will force these staff to be furloughed, which would undermine the significant strides to become a more aggressive and vigilant protector of American investors.

Funding for the Small Business Administration would be cut at a critical point in the Nation's economic recovery, severely diminishing the agency's ability to implement the Small Business Jobs and Credit Act recently signed into law. Such a cut would hamper the ability of the Small Business Administration to provide counseling services to small businesses at a time when they need it most.

Cuts to Small Business Development Centers, microloan technical assistance, SCORE, and the Women's Business Centers would be a blow to SBA's ability to assist citizens trying to start, sustain, or grow their small businesses.

In terms of public safety, the FAA faces challenges in maintaining an adequate workforce of trained air traffic controllers. Funding the FAA at 5 percent below the fiscal year 2010 level would force it to absorb almost \$500 million in cost-of-living and inflation expenses. Since 75 percent of the FAA's operation budget is payroll, the FAA would need to implement a hiring freeze, thereby reducing its air traffic controller and inspector workforces, increasing flight delays, and curbing air travel at many airports.

When it comes to NASA, this amendment would require \$936 million less in funding. I have heard from many Members concerned about job losses at NASA facilities in their States. I can assure you, the level of funding that will result from this amendment will only expedite these losses.

Specifically, this random across-the-board cut will jeopardize scientific discovery as well as the development of a new heavy-lift launch vehicle and space capsule, costing thousands of high-tech, high-skill jobs in States such as Alabama, Florida, Texas, and Colorado. The United States would abandon the high ground of space to Russia, China, and Europe, sacrificing our leadership.

In terms of environmental funding, this amendment would require a \$174 million cut to EPA's Clean Water and Drinking Water State Revolving Funds. That means 58 fewer sewer and water projects in our communities to ensure clean and safe water.

It would also require a \$302 million cut to the basic operating accounts at the National Park Service, the Forest Service, the Fish & Wildlife Service, and the Bureau of Land Management. That means approximately 2,000 fewer Park Rangers, Forest Rangers, refuge managers, and BLM managers.

The 5-percent cut proposed in this amendment would require the National Park Service to furlough virtually all of the seasonal employees that would result in the closing of many National Park facilities. Further, it would cut energy efficiency and renewable energy programs by over \$145 million, stopping in its tracks evolving R&D on solar energy and electric vehicles. That is what we have been talking about here: alternative energy sources. It would cut the nuclear energy R&D program by \$51 million, hampering the nuclear renaissance, and simultaneously it would hamper the cleanup of our nuclear weapon and civilian nuclear sites by cutting \$366 million from those programs. This action calls into question our ability to undertake new weapon and civilian nuclear activities if we cannot deal with the back end of the programs.

In terms of our senior citizens, the most vulnerable in our society, this amendment requires a cut of \$40 million to senior nutrition services at the Administration on Aging, which translates into a reduction of 13 million senior meals.

It also requires a cut of \$922 million from the fiscal year 2010 operating level for the Social Security Administration. This would force the Social Security Administration to furlough employees and severely increase the waiting times for everyone with a disability claim, retirement claim, or disability appeal.

In the last 3 years, the number of disability claims SSA has received has increased 30 percent, the number of disability hearings has increased 20 percent, and the number of retirement claims has increased 13 percent. By the end of the year, this cut would leave 900,000 more Americans waiting on a determination of their disability claim, almost doubling the current backlog, and 150,000 more waiting on an appeal of their disability case. This would also drastically limit program integrity efforts that save \$7 for every \$1 spent.

Section 8 tenant-based rental assistance, which helps the Nation's most vulnerable individuals and families find and maintain safe and affordable housing in the private market, would be cut by \$816 million, which would put as many as 85,000 of our country's low-income families, elderly, and disabled at risk of losing their housing.

Mr. President, I would like to submit for the RECORD a more comprehensive list of programs that will be severely impacted by this amendment. There are too many important programs being impacted by this amendment and not enough time to discuss them all.

I ask unanimous consent that list be printed in the RECORD.

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

LIST OF PROGRAMS IMPACTED BY THE THUNE AMENDMENT AND LEVEL OF IMPACT

The Thune amendment would require:

A \$148 million cut to the clinical health services provided by the Indian Health Service. For some of our most vulnerable citizens, that means at least 1,000 fewer inpatient admissions; approximately 200 fewer direct outpatient visits; and 200 fewer doctors and nurses that are required to staff the 4 new health care facilities scheduled to open next year.

A \$169 million cut to the Forest Service and Interior Department wildland fire accounts. That could mean as many as 2,560 fewer firefighters next year.

A \$22 million cut to the Interior Department's Outer Continental Shelf oil and gas leasing and inspection programs. That means a halt to many ongoing reform efforts, increasing the likelihood of environmental disasters like the BP Deepwater Horizon oil spill, and delaying the timeline for resumption of drilling in Gulf of Mexico deep water.

A \$38 million cut to the Smithsonian Institution. That means rolling closures of museums on the Mall and stopping construction of the African American Museum of History and Culture.

The Thune amendment would cut \$1.16 billion in discretionary spending for agricul-

tural programs which will result in cuts to nutrition programs, food safety, rural housing, conservation, drug inspection, and farm service programs among others.

Specifically, cuts to the Food Safety program would reduce current levels for meat and poultry inspections, and cuts to FDA would reduce current levels for drug and food safety inspections (including imports) and drug approvals.

Both the Bush and Obama administrations have pushed the goal to double funding for science programs over 10 years—this amendment would put that initiative in reverse by cutting over \$300 million from DOE's Office of Science program. This will severely impact the United States ability to compete internationally.

The nuclear non-proliferation program would lose \$139 million. This would be lunacy in the face of bi-partisan acknowledgement of the threat posed to the United States by unsecured nuclear material in the world.

The Naval Reactors program, which must design a new reactor core for the new Ohio class submarine and refuel its test reactor, would be cut by \$61 million.

Finally, the Corps would be cut by \$270 million and the Bureau of Reclamation by \$56 million. As we struggle to maintain and build our infrastructure in this country these cuts would have significant implications to on-going projects.

Internationally, the Thune amendment will require a cut of \$388 million for global health programs to combat HIV/AIDS, malaria, Swine Flu, and many other deadly diseases that claim millions of lives annually.

The amendment will require an additional cut of \$87 million beyond the \$165 million supplemental funding not counted as part of the CR for aid for refugees. This translates into millions of lives lost.

The amendment will require a cut of \$42 million for international disaster relief. This cut along with the reduction of \$460 million that was included in the FY 10 Supplemental that is not counted in the CR would severely limit our ability to aid victims of earthquakes, floods, hurricanes, tsunamis, and other natural disasters.

\$16.5 million reduction to U.S. Capitol Police would result in the loss of approximately 90 officers. Capitol Police are already dealing with a \$10 million shortfall going into FY11. This would further decrease their mission of protecting the Capitol Complex.

The GAO would be reduced by \$28 million, which would be devastating to GAO's operations, staff, and ability to provide timely service to the Congress. To absorb a reduction of this magnitude in a labor intensive budget would require a reduction of almost 200 employees.

A cut of \$18 million to the Mine Safety and Health Administration. The tragic loss of 29 lives at the Upper Big Branch mine and other mine accidents this year were tragic reminders of what can happen when workplaces are not safe. This funding level will prevent MSHA from adequately enforcing the law which protects mineworkers.

This amendment would reduce funding for lifesaving medications by \$43 million, including the \$25 million recently allocated to 11 States to get 2,100 people off the waiting lists in Florida, Hawaii, Idaho, Iowa, Kentucky, Louisiana, Montana, North Carolina, South Carolina, South Dakota and Utah. The drugs cost an average of \$12,000 a year a person, meaning that this cut would eliminate access to care for over 3,500 people.

This amendment would reduce funding for health professions training by \$35.5 million.

A reduction of five percent below the FY 2010 funding level would cut approximately \$163 million that is necessary for States to administer unemployment benefits. Under

current economic conditions, an estimated 14 million unemployed individuals will be served in FY 2011, an increase of approximately 60 percent, or 5.2 million individuals, since 2008. The proposed cut in funding would result in long wait times for claimants, increased erroneous payments, and continued neglect of aging infrastructure.

A reduction of 5 percent below the FY 2010 funding level for NIH would result in a cut of \$1.6 billion. This reduction is roughly equivalent to the total cost of all FY 2010 NIH funded research on asthma, Parkinson's disease, lung cancer, ovarian cancer, childhood leukemia, infant mortality, lymphoma, multiple sclerosis and sickle cell disease combined.

A cut of \$30 million for purchasing the medications and supplies needed in case of a bioterrorism attack or a pandemic illness.

This cut would prevent the implementation of all planned new law enforcement initiatives at DOJ, including \$366 million in new national security spending intended to improve the FBI's cyber security, WMD and counterterrorism capabilities and to assist in the litigation of intelligence and terrorism cases; \$153 million in new funding intended to strengthen DEA and ATF investigative activity focused on the activities of Mexican drug cartels; \$97 million intended to increase the number of FBI agents and US Attorneys working corporate, mortgage and government fraud cases.

For the U.S. Marshals Service, \$1.3 million would be cut from its construction resources bringing to a complete halt the Marshals' courthouse security improvement program, which funds the installation of security equipment in Federal courthouses and the construction of secure space for holding and processing Federal prisoners in courthouse facilities. Currently, less than a third of Federal courthouses meet established security standards; this percentage will further decrease if the Marshals do not continue to make necessary upgrades and improvements.

Without these funds, the Bureau of Prisons (BOP) would have to reduce staff by over 2,000, leaving prison staffing at less than 89 percent of the level identified by BOP as necessary to ensure prison security.

Grants to state and local law enforcement and community safety groups would be decimated by nearly \$200 million. We would be taking resources from law enforcement to fight violent crime, drug trafficking, terrorism and child predators. This cut would slash funding for the State Criminal Alien Assistance Program (SCAAP). We need to make sure police have every tool available to fight violent crime and drug trafficking, and keep our families and communities safe.

Further, NIST is responsible for creating standards that keep consumers safe and test new technology to advance America innovation. Cutting NIST's research funding by 5 percent would end the multi-year effort to double funding for investments in scientific research through the agency. Hardest hit would be American manufacturers who would lose over \$10 million in competitive grants that are designed to send new technology out to the workplace, improving efficiency and making American business more globally competitive.

This amendment would also put communities at risk for pipeline explosions. The Pipeline and Hazardous Materials Administration (PHMSA) ensures the safety of the interstate pipeline system and monitors State oversight of intrastate pipelines. In the wake of the San Bruno, California, pipeline explosion that killed 8 people and destroyed more than 50 homes, it is not the time to be cutting funding for pipeline safety. Rather, Congress needs to ensure PHMSA is adequately staffed to ensure companies

are maintaining their pipelines to prevent senseless tragedies such as San Bruno from reoccurring. This reduction would do the opposite, curtailing safety oversight of the nation's 2.5 million miles of pipeline.

An across the board cut would impact NOAA and the National Weather Service which is standing watch over our communities to keep us safe. NOAA has made improvements to better warn American's about dangerous tornadoes, hurricanes, and other storms, but a spending cut would send NOAA's forecasting capabilities backwards and eliminate 40 forecasting jobs. Further, a 5 percent cut would harm NOAA weather satellite program resulting in gaps in weather data, forcing the United States to rely on foreign countries to supply weather data, or worse, leaving Americas completely blind to severe weather events.

Mr. INOUE. In closing, I would like to note that the CR that is being considered by the Senate this afternoon is at a rate that is \$18 billion below the Sessions amendment. The amendment being proposed by the Senator from South Dakota proposes a rate that is an additional \$23 billion below the Sessions amendment.

To ask our agencies to continue to operate for the next 2 months at a rate that is \$41 billion below the Sessions amendment will be devastating and is simply unacceptable. Under this scenario, every single program gets cut.

I believe what I have provided my colleagues is a thorough analysis of exactly what you are cutting. Make no mistake, a vote for this amendment is a vote for cutting these programs. It is that simple. I, for one, do not believe this is the way Congress should be doing business, and I will oppose this amendment. I encourage my colleagues to do the same.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, it is my understanding the time on our side is controlled by the chairman of the Appropriations Committee.

The PRESIDING OFFICER. That is right.

Mr. DURBIN. Can I ask, Mr. President, how much time is remaining?

The PRESIDING OFFICER. For the majority, there is 40 minutes remaining for general debate.

Mr. DURBIN. If I could have the chairman's consent to speak for 5 minutes?

Mr. INOUE. Absolutely.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the chairman for that time.

One of the first amendments we will consider is a 5-percent across-the-board cut. There is some surface appeal to this because it is almost like taking money and not leaving any fingerprints because you do not have to pick the different agencies that are going to be reduced in spending. You just say generically cut 5 percent and call us back when it is all over. It sounds like an easy assignment, but it overlooks the obvious.

Senator INOUE, as chairman of the Appropriations Committee, is already

preparing for next year's spending by reducing the spending level suggested by the President of the United States—if I am not mistaken, some \$16 billion below President Obama's budget request.

So the Senator, as chairman of this important committee, is acting in good faith to bring down spending. It is my understanding this continuing resolution, at least for the next few months, cuts even more deeply in terms of the money that will be allowed.

So if there is some argument being made on the Senate floor that we are not sensitive to the deficit needs of America and we have not already accepted responsibility to cut spending, they are ignoring Senator INOUE's leadership on the Senate Appropriations Committee and the fact that this bipartisan compromise cuts even more deeply.

Now comes the Senator from South Dakota who says: Well, let's cut some more. Let's cut 5 percent across the board. Then you take a look at the various programs, and you say to the Senator from South Dakota: Well, let's get down to specifics. Do you think we should cut 5 percent of the spending at the National Institutes of Health where they are engaged in medical research to find cures for the diseases which are afflicting and threatening people across America? Well, I bet he would say: No, we don't want to cut there. Yet when you do an across-the-board cut and you are not specific, unfortunately, you run the risk of cutting a critical program like that.

Would you go to northern California and say to the people living there: Now is the time to cut the inspections of natural gas pipelines in the United States of America, after the terrible tragedy which occurred there just a few weeks ago, claiming innocent lives? No. Would you argue that now is the time to take away inspections for oil rigs across America? I think we are trying to move to the point where we resume drilling but with some confidence that we have inspected all these rigs and they are safe and we can move forward. Senator THUNE is saying, Well, let's cut across the board. That is going to take money away from that timely inspection which we want to get completed so we can put people back to work in that region of the country and around the United States.

How about the Centers for Disease Control? Do we take money out of the Centers for Disease Control at this moment in history? I think not. They are doing important work to try to protect us against the next influenza epidemic and whatever else might challenge us. Do we want to take money away from food safety and inspection? How many of us read newspaper stories on a daily basis about innocent people who ate spinach or peppers or peanut butter and ended up with salmonella or E. coli, in the hospital, and their health compromised for months, if not years?

So do we want to reduce the inspections on food? How about the inspections on imported food? Does the Senator from South Dakota believe we should cut back on inspecting the food coming into our markets, being served on the tables of families across America? I think not.

Does he want to cut back on the COPS Program at a time when States and local cities are running out of money and laying off policemen? Do we want to cut back on the Federal funds we are sending so that there are cops on the beat to keep our neighborhoods safe?

Does he want to cut back on education? Does he believe that now is the time, when we are seeing layoffs of teachers, even though we have made some efforts here to try to reduce that? Does he want to cut more money from education when school districts across America are suffering? That is what he is proposing.

If he were standing here with the only proposals or cuts that the Congress is considering, we might say, Well, we have to face up to it, but he comes late to the party. The chairman of this committee has already taken this through the exercise of bringing down the spending for next year that starts on October 1, and this continuing resolution cuts even more deeply.

I am going to urge my colleagues to vote against this 5-percent across-the-board cut. The Senator from South Dakota has exempted a few agencies, but there are a lot that he hasn't. As a consequence, we are in a position where many of these agencies and the critical programs that are important for the health and safety of Americans are literally at risk because of this amendment.

Let's do this in a sensible, honest way. Let's not send a general letter. Let's use the appropriations process to bring down spending. The Congress cannot and should not abdicate its responsibility to review individual programs and make individual spending recommendations based on that review. The desire to hold spending in check should be based on congressional oversight of specific programs. We shouldn't take a meat ax, across-the-board, call-me-when-you-are-done approach. We should not yield our power to the President. We have our own special responsibility here on Capitol Hill.

Senator COBURN has been a strong proponent of oversight of spending. I support that oversight. He has come to this floor and advocated for the committees to look closely at spending and authorizations for scores of Federal programs. I think they should; I agree with him. This is exactly what the Appropriations Committee did last year in crafting bipartisan bills that garnered vast majorities of congressional support. The continuing resolution before us continues those levels for a short time at last year's spending levels while we work at crafting a respon-

sible spending bill for the remainder of this fiscal year. I am committed as a member of that committee, working with Chairman INOUE, to meeting that challenge to reduce our deficit, but I am just as committed to doing it in an appropriate, responsible, and effective way. This amendment that is being offered for a 5-percent, across-the-board cut is not such an amendment.

I urge my colleagues to oppose that amendment. I urge them to support the passage of this continuing resolution so that the important business of our Federal Government and keeping American families safe and healthy can continue and not be interrupted.

Mr. LEAHY. Mr. President, the chairman of the Appropriations Committee has described in detail the severe consequences for domestic programs and personnel of the amendment offered by Senator THUNE. I want to mention three examples of what the Thune amendment would do to critical international programs that mean the difference between life and death for the world's poorest people.

It would cut \$388 million for global health programs to combat HIV/AIDS, malaria, Swine Flu, and many other deadly diseases that claim millions of lives annually.

It would cut \$87 million for aid for refugees, the world's most vulnerable people.

Funding for refugees will already be well below the amount provided in fiscal year 2010 because an additional \$165 million was included in the fiscal year 2010 Supplemental that is not counted in the CR, so the actual cut for refugee aid including this amendment would be \$252 million below the fiscal year 2010 total level. This translates into millions of lives lost.

It would cut \$42 million for international disaster relief. Funding for this account will already be reduced by \$460 million that was included in the fiscal year 2010 supplemental that is not counted in the CR.

The total amount under this amendment for disaster relief would therefore be \$502 million below the fiscal year 2010 total level. This would severely limit our ability to aid victims of earthquakes, floods, hurricanes, tsunamis, and other natural disasters.

These are not theoretical examples. They are real. This amendment is not just about dollars and cents. It is about human lives. It is a moral issue. A 5-percent cut may not sound like a lot. The sponsor of the amendment says it is only 5 percent. What he does not say is that the consequences of this amendment would be devastating for millions of people around the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, I ask that the time be divided equally between both sides.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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.

Mr. REID. Mr. President, I ask unanimous consent that upon disposition of H.R. 3081, as amended, the Senate then proceed to the consideration of H. Con. Res. 321 and the Senate then proceed to vote on adoption of the concurrent resolution.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. All time has been yielded back, Senator INOUE and Senator COCHRAN so advise me.

The PRESIDING OFFICER. All time has been yielded back.

The question is on agreeing to the Thune amendment.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Alaska (Ms. MURKOWSKI).

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

The result was announced—yeas 48, nays 51, as follows:

[Rollcall Vote No. 245 Leg.]

#### YEAS—48

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

#### NAYS—51

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

#### NOT VOTING—1

Murkowski

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is withdrawn.

## AMENDMENT NO. 4677

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided on the DeMint amendment.

The Senator from South Carolina.

Mr. DEMINT. Mr. President, my amendment only makes one change to the underlying continuing resolution. It changes the date from January 3 to February 4. There is no reason we should fund the government only to the lameduck. We need to wait until we have a new Congress and the dust settles after the election. We don't need to be passing another continuing resolution or an omnibus spending bill with the pressure of a government shutdown before Christmas. So the amendment is just a couple of lines that change the date. Everything else in the continuing resolution is the same. Let's push the operation of the government all the way through January to a new Congress.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, the Appropriations Committee worked in a bipartisan fashion on this bill. It was crafted with a very narrow focus and the expectation that it will last only 2 months. As we all know, the short-term CR is not efficient, but it is manageable. For the many reasons I enumerated earlier, we know that if we accept this amendment, the government will not be able to function as it should. I urge that we vote no.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4677.

Mr. DEMINT. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Alaska (Ms. MURKOWSKI).

The result was announced—yeas 39, nays 60, as follows:

## [Rollcall Vote No. 246 Leg.]

## YEAS—39

Alexander	DeMint	Lugar
Barrasso	Ensign	McCain
Bayh	Enzi	McCaskill
Bennet	Graham	McConnell
Brown (MA)	Grassley	Risch
Brownback	Gregg	Roberts
Bunning	Hatch	Sessions
Burr	Hutchison	Shelby
Chambliss	Inhofe	Snowe
Coburn	Isakson	Thune
Corker	Johanns	Udall (CO)
Cornyn	Kyl	Vitter
Crapo	LeMieux	Wicker

## NAYS—60

Akaka	Cardin	Feinstein
Baucus	Carper	Franken
Begich	Casey	Gillibrand
Bennett	Cochran	Goodwin
Bingaman	Collins	Hagan
Bond	Conrad	Harkin
Boxer	Dodd	Inouye
Brown (OH)	Dorgan	Johnson
Burris	Durbin	Kaufman
Cantwell	Feingold	Kerry

Klobuchar	Mikulski	Shaheen
Kohl	Murray	Specter
Landrieu	Nelson (NE)	Stabenow
Lautenberg	Nelson (FL)	Tester
Leahy	Pryor	Udall (NM)
Levin	Reed	Voinovich
Lieberman	Reid	Warner
Lincoln	Rockefeller	Webb
Menendez	Sanders	Whitehouse
Merkley	Schumer	Wyden

## NOT VOTING—1

Murkowski

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of the amendment, the amendment is withdrawn.

The substitute amendment (No. 4674) is agreed to.

The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. KYL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Alaska (Ms. MURKOWSKI).

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

The result was announced—yeas 69, nays 30, as follows:

## [Rollcall Vote No. 247 Leg.]

## YEAS—69

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

## NAYS—30

Barrasso	DeMint	McCain
Brown (MA)	Ensign	McConnell
Brownback	Enzi	Risch
Bunning	Feingold	Roberts
Burr	Graham	Sessions
Chambliss	Hatch	Shelby
Coburn	Hutchison	Snowe
Corker	Inhofe	Thune
Cornyn	Isakson	Vitter
Crapo	LeMieux	Wicker

## NOT VOTING—1

Murkowski

The bill (H.R. 3081), as amended, was passed.

The amendment (No. 4682) was agreed to, as follows:

Amend the title so as to read: "Making continuing appropriations for fiscal year 2011, and for other purposes".

# PROVIDING FOR A RECESS AND/OR ADJOURNMENT OF THE HOUSE AND SENATE

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H. Con. Res. 321, which the clerk will report by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 321) providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

Mr. MCCONNELL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. CARPER), the Senator from Connecticut (Mr. DODD), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Vermont (Mr. SANDERS) are necessarily absent.

Mr. MCCONNELL. The following Senators are necessarily absent: the Senator from Alaska (Ms. MURKOWSKI), the Senator from Arizona (Mr. KYL), and the Senator from Missouri (Mr. BOND).

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

The result was announced—yeas 54, nays 39, as follows:

## [Rollcall Vote No. 248 Leg.]

## YEAS—54

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

## NAYS—39

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