

that amendment, and he has had that opportunity. But he doesn't choose to do that. He wants to be guaranteed he will win. There are no guarantees you can win.

There is a guarantee, because of his objection, that hundreds of thousands of unemployed Americans will lose. Come Sunday night, they will have their checks cut off. To be told people have a beating heart and care about unemployed people and to cut off their unemployment checks just doesn't track. I don't think it is any comfort to these families to believe you care, but you are going to cut off their checks anyway. What point are we making—how hard we can be, how tough we can be? At what expense? The most vulnerable families in America are going to suffer because of this political decision by one Senator. I think that is unfortunate. I am sorry he has objected.

I promised I would not renew the request this morning, but we will be back. We will try to get this done. I say those families, hang in there. After the politicians are finished with speeches and debates, America will not give up on you. It is going to be tough for a while, while we work out this political difference, but, unfortunately, that reflects the Senate and where it is today.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

Mr. BUNNING. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4691; that the amendment at the desk, which offers a full offset, be agreed to, the bill, as amended, be read a third time and passed, and the motion to reconsider be laid on the table.

Mr. DURBIN. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. BUNNING. We have tried to work this out with the majority, particularly after the pay-go vote last week. When 100 Senators are for a bill and we can't find \$10 billion to pay for it, there is something the matter, seriously the matter with this body. I said that last night. I don't wish to repeat myself. I have offered several ways to pay for it. If everybody in this Chamber—and there are no Senators except me here right now, but there are 100 Members of this body—believes, as the Senator from Illinois does, that this is essential and we should pass it, then we should pay for it. There are going to be other bills brought to the floor that are not going to be paid for, and I am going to object every time they do it. I don't much agree with the Chairman of the Federal Reserve, but it was striking yesterday when he said if the present level of debt and the present administration's budget is passed, the debt of the United States will be unsustainable. "Unsustainable" to me means there is a chance of one of the rating agencies downgrading the rating on our debt. We cannot allow that to

happen. I have too many young grandchildren who want America to be the same America I grew up in. I am worried to death that will not be the case.

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

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

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

EXECUTIVE SESSION

NOMINATION OF BARBARA MILANO KEENAN TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 527, the nomination of Barbara Milano Keenan, of Virginia, to be U.S. circuit judge for the Fourth Circuit.

The assistant legislative clerk read the nomination of Barbara Milano Keenan, of Virginia, to be United States Circuit Judge for the Fourth Circuit.

CLOTURE MOTION

Mr. REID. I have a cloture motion at the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Barbara Milano Keenan, of Virginia, to be a United States Circuit Judge for the Fourth Circuit.

Harry Reid, Herb Kohl, Sheldon Whitehouse, Richard J. Durbin, Benjamin L. Cardin, Patty Murray, Mark Begich, Kirsten E. Gillibrand, Mark R. Warner, Russell D. Feingold, Al Franken, Roland W. Burris, Dianne Feinstein, Patrick J. Leahy, Barbara Boxer, Charles E. Schumer, Edward E. Kaufman.

Mr. REID. Mr. President, I ask unanimous consent that on Tuesday, March 2, after a period of morning business, the Senate proceed to executive session to resume consideration of the Keenan nomination; that the time until 12:15 p.m. be for debate only on a vote on the motion to invoke cloture on the nomination, with the time equally divided and controlled between Senators Leahy and Sessions or their designees; that at 12:15 p.m., the Senate proceed to vote on the motion to invoke cloture with the mandatory quorum waived.

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

LEGISLATIVE SESSION

Mr. REID. I now ask unanimous consent that the Senate resume legislative session.

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

UNEMPLOYMENT COMPENSATION

Mr. REID. Mr. President, we talk a lot in the Senate about procedure. Our debates sometimes relate only to procedure, and often that is appropriate. As we know, sometimes these procedural rules we have in the Senate are complex. But the issue before us today is not something that is arcane, very ritualistic, or very complex. It is very simple. It is clear that it is going to be a lot more noticeable by people Monday morning because it is going to affect the lives of thousands of Americans and their livelihoods.

The issue before us is this: Our country is in a state of economic turmoil. Lots of people are out of work. Lots of people have been out of work for a long time. They are trying to make ends meet drawing unemployment compensation, which is something we have had in effect in this country for a long time. By Monday morning, tens of thousands of Nevadans and more than a million Americans who rely on unemployment insurance and health benefits will simply lose them.

We have traditionally, during times of stress, automatically given unemployment benefits, and we should do that. These people are getting poorer every day. They are out of work for long periods of time. Unemployment is rampant in every single State in the country, some worse than others. So many of those unemployed have lost their jobs through no fault of their own.

Those opposed to helping people who are down and out, at a time of their greatest need, should not have to talk about process. If you can't afford to feed your kids, process doesn't mean a thing. If you can't make your car payment, it doesn't mean one thing to talk about process. If you can't make your house payment, if you can't go to the drugstore and buy a prescription that needs to be filled, process doesn't matter.

If we do not act, these benefits will expire, but the need to buy groceries, medicine, make a car payment or house payment does not expire. Those benefits will expire but the need to heat their homes—it is wintertime—or put gas in their cars doesn't expire. They do not care about the procedure or process. Those benefits will expire. I repeat, the need to take their medicine does not or the need to take care of an aging parent or to take care of their children does not expire. They don't care a thing about process.

The catch here is that these benefits do not need to expire. We have the ability right now to extend them for just a

short time until we work out a longer term solution. We are going to start working on that on Monday. It is irresponsible and basically it is immoral.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I was not on the floor after the vote last night, but I did get a chance to read some of the transcript of the back-and-forth between Senator BUNNING and Senator DURBIN and others. I understand that Senator DURBIN retained the floor for the most part and yielded for questions, but basically the procedure denied Senator BUNNING and Senator CORKER, who I know also weighed in, an opportunity to explain precisely what was going on.

I have seen some news reports this morning that have suggested that because of the objection to more deficit spending in order to pay for this temporary extension of benefits—that this was an unreasonable thing to do, to actually insist that Congress pay for benefits it is providing.

I would like to put it in a little bit of context. I think if there are two things that are causing the lack of approval of the American people of Congress these days it boils down to two things. One is a lack of fiscal discipline, and the second is a complete lack of credibility whatsoever when it comes to fiscal matters.

Let me give one example. Pay-go, the so-called pay-as-you-go requirement that was passed about 2 weeks ago, in the jobs bill that was passed earlier this week, \$15 billion, the Senate voted to waive those pay-as-you-go rules that it passed 2 weeks ago and the President signed into law with great fanfare.

But the problem goes further than that. It is not just the Senate being unwilling to live by the very law that it passed 2 weeks earlier and was signed by the President. It is the illusion of fiscal responsibility.

Let me tell you what I mean by that. For example, within the pay-go requirement itself, I think most Americans would be surprised to learn that discretionary spending, which is about a third of the Federal budget, is exempted completely. In other words, the senior Senator from New Hampshire frequently calls this the Swiss cheese pay-go because it is so full of holes, it is not what it would otherwise appear to be, and you can see why, if it exempts discretionary spending. Nor does pay-go apply to current entitlement spending—baseline. For example, many of us talked about the \$38 trillion in unfunded liabilities for Medicare itself which is not fixed, which was actually made worse by the health care proposals which have been made by the President most recently and which passed the Senate on Christmas Eve. The pay-go rules don't even apply to current entitlement spending. So under the rules that give the illusion of fiscal responsibility but not the reality, entitlement spending can continue to grow 6 percent annually.

Suffice it to say as well that the problem the majority leader just got through talking about, which is the inability to pass these benefits because they are not paid for, is really a product of his own creation. You recall a couple of weeks ago Senator BAUCUS and Senator GRASSLEY were working on a large jobs bill, which was a bipartisan bill, which was rejected in its entirety by the majority leader in favor of a partisan bill. He did not allow any amendments, did not allow any other suggestions. That was the very jobs bill that was passed by waiving the pay-go requirement.

All the Senator from Kentucky has asked for is that we do what every American family has to do and what every small business has to do; that is, be honest in our accounting of the public's money and to not continue a sham, which is to pretend as if we are being fiscally responsible when, in fact, we are not—by waiving the requirements, by creating the perception or patina of fiscal responsibility with these pay-go rules but which are so fraught with exceptions that they really do not mean what they are sometimes represented to be.

We know there is broad bipartisan support for the legislation that is pending before this body. All the Senator from Kentucky has asked for is that it be paid for, that we not add \$10 billion more to the Federal deficit. That is on top of the roughly \$1.6 trillion that already exists. That is just the deficit. That is not dealing with the unfunded liabilities of the Federal Government.

I am advised that there is about \$100 billion left in discretionary spending from the stimulus bill that was passed the first part of last year—\$100 billion. Using those funds, using \$10 billion of that to pay for this extension of jobless and other benefits does not seem like an unreasonable request at all. It does raise the question, again, of whether Congress is continuing to say one thing and do another.

I remember when we talked about the stimulus funds that it was advertised as being targeted, timely, and temporary. We know it was none of those things because now there is still \$100 billion left in discretionary spending here a year later, along with the TARP which is used as sort of a revolving charge account by Congress—again, more deficit spending. This has been anything but fiscal responsibility when it comes to doing the people's business here in the Congress.

If there is one message I hear from my constituents in Texas and other people around the country it is this: Stop the spending and be responsible when it comes to these unmet liabilities, whether they be annual deficits or when it comes to unfunded Federal liabilities.

But while Congress purports to be fiscally responsible on a number of fronts, you see small bills such as this benefits extension, not paid for, \$10 billion a clip, which continue to add up, and

pass the burden of paying for that on to our children and grandchildren, because that is what they are going to inherit, huge deficits, huge unfunded Federal liabilities, that they are going to pay for, not the present generation. That is not right.

I want to say I admire the courage of the junior Senator from Kentucky, Mr. BUNNING. It is not fun to be accused of having no compassion for the people who are out of work, the people for whom these benefits should be forthcoming, and I believe will be forthcoming.

But somebody has to stand up finally and say enough is enough: No more intergenerational theft from our children and grandchildren by not meeting our responsibilities today. That is what I interpret him to have done. If the majority leader and the majority wanted to have this taken care of, they could have had it done in the Baucus-Grassley bipartisan bill that the majority leader shelved in favor of his partisan jobs bill.

I anticipate that next week when we do take up further legislation, we will take care of these requirements that are now being objected to because of deficit spending. That is appropriate. But I hope, unlike this current proposal, we will do the right thing by the American people and by our children and grandchildren and not borrow or, probably more correctly stated, steal from future generations. We will meet our responsibilities by making sure that any legislation we pass is paid for by an offset, unlike the current bill that has been objected to.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

TRIBUTE TO PETER H. FONTAINE AND THERESA A. GULLO

Mr. CONRAD. Mr. President, I rise to congratulate Peter H. Fontaine and Theresa A. Gullo for 25 years of outstanding service to the Congress as staff at the Congressional Budget Office. My colleagues understand the important work done by CBO, providing Congress with high-quality, objective, nonpartisan, and timely analyses. The success of CBO and the respect it has built up over the years is the result of the hard work and dedication of employees such as Mr. Fontaine and Ms. Gullo.

Mr. Fontaine started at CBO in February 1985 as an analyst for energy issues in the Natural and Physical Resources Cost Estimates Unit in the Budget Analysis Division. He was promoted to unit chief of the Natural and