

local government as well as private interests, further protecting the quality of life in the United States;

Whereas the White Mountain National Forest continues to draw millions of visitors annually who gain a renewed appreciation of the inherent value of the outdoors;

Whereas the multiple values and uses supported by the White Mountain National Forest today are a tribute to the collaboration of 100 years ago, an inspiration for the next 100 years, and an opportunity to remind the people of the United States to work together toward common goals on a common landscape; and

Whereas President Theodore Roosevelt stated "We want the active and zealous help of every man far-sighted enough to realize the importance from the standpoint of the nation's welfare in the future of preserving the forests": Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the significance of the 100th anniversary of the Act of March 1, 1911 (commonly known as the "Weeks Law") (16 U.S.C. 552 et seq.), to the history of conservation and the power of cooperation among unlikely allies;

(2) encourages efforts to celebrate the centennial in the White Mountain National Forest with a focus on the future as well as to commemorate the past; and

(3) encourages continued collaboration and cooperation among Federal, State, and local governments, as well as business, tourism, and conservation interests, to ensure that the many values and benefits flowing from the White Mountain National Forest today to the citizens of New Hampshire, and the rest of the United States, are recognized and supported in perpetuity.

MEASURE READ THE FIRST TIME—S. 3985

Mr. LAUTENBERG. I understand that S. 3985 introduced earlier by Senator SANDERS is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3985) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

Mr. LAUTENBERG. I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will be read the second time the next legislative day.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 107-12, appoints the following individual as a member of the Public Safety Officer Medal of Valor Review Board: Albert H. Gillespie of Nevada vice Thomas J. Scotto of New York.

ORDERS FOR TUESDAY, NOVEMBER 30, 2010

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9 a.m. on Tuesday, No-

vember 30; that following the prayer and pledge, the Journal of Proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate resume consideration of S. 510, the FDA Food Safety Modernization Act, as provided for under the previous order; that upon disposition of S. 510, the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each; further, that the Senate recess from 12:30 until 4 p.m. to allow for the party caucus meetings; and finally, I ask that Senator DODD be recognized to speak at 4 p.m.

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

PROGRAM

Mr. LAUTENBERG. Mr. President, Senators should expect a series of up to three rollcall votes beginning at approximately 9:15 tomorrow. The votes will be in relation to two Coburn motions to suspend the rules and on the passage of the FDA Food Safety Modernization Act.

ORDER FOR ADJOURNMENT

Mr. LAUTENBERG. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order following the remarks of the Senator from Oklahoma.

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

The Senator from Oklahoma.

EARMARKS

Mr. INHOFE. Mr. President, first of all, I appreciate the fact no one objected to my unanimous consent request that I will be taking my 15 minutes from this side and 15 minutes from the other side and run them together. I appreciate that very much.

Let me say, before getting into this subject, something really great happened today in a bipartisan nature. We have a new Governor who will be coming in to Oklahoma, MARY FALLIN, who used to serve over in the House. In fact, I flew her around in my airplane and helped her campaign, and she won handily.

She made her first—she is still Governor-elect, but she made her first commitment today, and I was very excited about it. We have a guy in Oklahoma named Gary Ridley who has been the highway director and then the secretary of transportation in the State now for years and years and years. I was so proud that today she said she was going to reappoint him.

I can remember 8 years ago when Governor Brad Henry, who is a Democrat, was elected. I called him up and I said: I only have one request, and that

is you keep Gary Ridley because he's the best there is in the Nation, and I really believe that. Now, 8 years later, she has done this.

I remember when I was critical of President Clinton in 1998 when he took \$8 billion out of the highway trust fund and put it into deficit reduction. It was something that was the wrong thing to do, and Gary Ridley stood by my side for 8 years before we were able to correct that. So we are going to have a great road program and hopefully we will be able to get into some of these things. After all, that is what we are supposed to be doing.

In a minute I am going to kind of identify myself as a different type of person than you have been hearing from on the floor. I happen to have the distinction of being the only Republican who objected in our conference a couple weeks ago to the ban on earmarks, as they define it. I just had no problem doing that at all. But it is something that is not a fun thing to do.

Something happened tonight that went completely by everybody. It was a total change in the Republican position, and it is a good change when Senator MCCAIN and Senator COBURN both talked about authorization. I have often said that authorization is the only discipline on appropriations, and I believe that, and that is true. So we have a situation where I have been saying—not for months but for years—that if you will just define an earmark as an appropriations that has not been authorized, I am with you. I heard them tonight say that. Unfortunately, that is not what the bill that we are going to have before us says.

I would just like to do away with the whole word "earmarks" or else define it in such a way as I just described it. Now it seems as if everybody would be in agreement with it, and maybe that is going to be the road we will be taking.

Let me, first of all, before I surprise a lot of people, give my conservative credentials. I have always been ranked as one of the most conservative or the most conservative Member of the U.S. Senate, the National Journal's most conservative Senator for 2009. That is the last one they gave out: "The only Senator with a perfect score on 99 key votes." I have also been voted the "most outstanding U.S. Senator" by Human Events.

So I am a conservative. I am a conservative but a conservative who loves the Constitution. I have also been waiting for a long time. I love these guys. Certainly the author of this, Senator COBURN, is a brother and I love him. And brothers do fight sometimes. This fight is going to be over with and we are going to have a happy ending.

I have been waiting for years for this Tea Party thing to happen, for conservatives, anti-establishment people to come in, and I just get very excited when I see what we are looking at. Yet we have an administration with a majority in both Houses that we have had

now for quite some time: spend, spend, spend. When they talk about George W. Bush, look, it is this administration with the increase in the debt to the amount it is now, which is a greater increase in debt than we have had collectively with every President, every administration from George Washington to George W. Bush.

All the time, they have been talking about earmarks that totally distract people from the real problem. That is not the problem. I have been listening on the floor now for the last 2 years. Every night we go through the same thing. They talk about earmarks, earmarks, earmarks. What they do not do is pay attention to the fact that during that discussion this President, with his majority in both Houses, was able to give my 20 kids and grandkids a \$3 trillion deficit in 1 year. It is mind-boggling that this could happen. But we hear the President say: Spend, spend, spend. And he has used the words quite often: We need to give the people what they desire. It reminds me of the story of the guy who went in the department store and there was a beautiful, young, voluptuous saleslady who came up and said: Sir, what is your desire? He said: Well, my desire is to pick you up after work and go to a fine restaurant, have dinner, and buy a bottle of champagne, go to my place, and make mad passionate love. But I need a pair of socks.

Now, what we are going to have to understand is, there is a difference between desire and need. That is what I am here to try to do. To think we could actually have said today—now, the bill does not do this, but it was said that authorizing is kind of a lost art. Senator McCAIN said that. Frankly, I do not quite agree with that because we have an authorization committee in Armed Services of which he is the ranking member, and I am the second ranking member, and it is something on which we have done a pretty good job. But in other areas we have not. Keep in mind, authorizing is the only discipline that there is to appropriating.

Now, I have a family picture I show you in the Chamber. These are my 20 kids and grandkids. I have to tell the occupier of the chair that I was so proud to have all of them at one table on Thanksgiving. How many people are blessed that way? Not many. But this little guy here—where is Jase Rapert. Here he is down there on the picture, the football guy.

He came up to me one time—this is some time ago—and he said: PopI—“I” is for “Inhofe.” So MomI and PopI. He said: PopI, why is it you do things no one else will? I said: That’s the reason, because no one else will.

I am reminded of 9 years ago when everybody—I am talking about Democrats and Republicans—all said global warming is coming. The world is coming to an end. It is manmade gases that cause global warming. I looked into the science. At that time Republicans were in the majority. I was the chairman of

the Environment and Public Works Committee that has that jurisdiction. I looked at that and I found out they were cooking the science, that it was not true.

Then we had the McCain-Lieberman bill and all these things that would pass a cap and trade which would constitute the largest tax increase in the history of this country. We beat them one at a time. The last one was Waxman-Markey. But, again, this has been something that has finally evolved, that that one, my voice in the wilderness 10 years ago, is now the prevailing thought. That is why I said to my little grandson, Jase Rapert, that I do it because no one else will.

So let me just say this. How much more fun it would be to come down here and do the politically correct thing and say: yes, earmarks are bad, earmarks are bad, earmarks are bad. We are going to do away with earmarks, and let everyone applaud before they realize what it really is.

I hear the staffers right now telling their Members: You know, you have the greatest opportunity. You can vote for this amendment to ban these earmarks and you can make people think you are conservative. No. 1. No. 2, you can make President Obama happy because he is publicly supporting this. This is what he wants because this means, as has been said by Senator LAUTENBERG, Senator HARKIN, and several others, if we do not do it, that goes to the President. I want to explain how that works in just a minute.

We could also be politically correct, so there would be a lot of them thinking: What an opportunity this is. People will think, if I vote for this amendment, I am a conservative. Obviously, I can make our President happy. That will do me no harm, and I can be politically correct.

Well, it has been demagoging now for so many years. Let me define what Webster’s Third New International Dictionary says about demagoguery. The definition of demagoguery: “Political leaders who seek to gain personal or partisan advantage through specious, extravagant claims, promises and charges.” That is what we have been listening to now for at least the last 2 years, on a regular basis.

The big problem I have with all the demagoging that has been going on every night for the last 2 years is that people are just not paying attention to the real problem. The real problem is not earmarks. The real problem is that during that 2-year period—when everyone is concerned about a few dollars—we found out we have increased the debt more than it has been increased in the history of this country, and we have given my 20 kids and grandkids a \$3 trillion deficit in just 2 years. I thought that was not possible. I never believed that could happen. But that is what has happened here. They have distracted people. Get this thing behind us so we can start working on this and not make people think we are doing

something great for them when we really are not. It would be nothing short of criminal to go through all the trouble of electing great, new anti-establishment conservatives, only to be politically correct and have them cede to Obama their constitutional power of the purse. That is exactly what would happen.

I want these new people coming in to tackle the three issues to really save America, in my opinion the deficit, the debt, and Obamacare, and not be distracted by the bogus issue of earmarks. I say “bogus.” It is kind of a strong word. Why is it bogus? It is bogus and unconstitutional, but the bogus part shows the definition of what we are saying. The House of Representatives Republicans—not the Democrats, the Republicans—took a moratorium, a 1-year moratorium banning earmarks in that period of time. How did they define it? They said:

Resolved, that it is the policy of the Republican Conference that no Member shall request a congressional earmark, limited tax benefit, or limited tariff benefit, as such terms are used in clause 9 of rule XXI of the Rules of the House. . . .

What is clause 9 of rule XXI? It applies to every appropriation or authorization. In other words, they have said: we will neither appropriate nor authorize for a whole year. Now, the Democrats are going to do it. The President is going to do it. But they say they are not going to do it.

Of course, the authors of this amendment, they all agreed with and praised the House for doing this. But let’s go ahead and see what the Constitution says, article I, section 9. Several people here have talked about the Constitution. It is times like this that I miss Bob Byrd. Senator Byrd, talking about the Constitution right now, would be really outraged. It is so plain what we are supposed to be doing here. But article 1, section 9 says:

No money shall be drawn from the Treasury but in consequence of appropriations made by law.

Law, that is us. Article I, section 9 of the Constitution. That is not the President.

I would just say if you are looking at the Senate language, it says the term “congressionally directed spending” means a provision primarily at the request of a Senator providing expenditures, and so forth, to an entity targeted to a specific State or with any—everything is with or to an entity. In other words, they say—again, they are talking about all appropriations, all authorizations. We are not going to do that anymore. We are going to let the President do that. That is what this whole thing is about.

I was so excited when I heard for the first time them agreeing with me. By the way, it is not appropriate for me to tell this group or to say publicly what goes on inside a conference. In a Republican conference, I can say what I said, and I said to my colleagues when they were trying to get us, and they

did, I went up in 2008 and I went ahead and voted for a ban because I was told they would define it as an appropriation that has not been authorized. Now, all of a sudden—they didn't do it then, and all of a sudden they are talking about doing it, and I think I know why and I will tell you in a minute why I think it is.

So we are having this situation now where we are saying we are not going to authorize, we are not going to appropriate. There are two reasons to ban Senate spending by either definition. It cedes constitutional authority to the President and also gives cover to big spenders.

Let's go back to that article I, section 9 chart. The Constitution restricts spending only to the legislative branch and specifically denies that honor to the President. We take an oath to uphold article 1, section 9 of the Constitution. Now, maybe there is some doubt about this. If you think there is some doubt, let's go back and see what the Founders of this country said. Let's see what the authors of the Constitution said. Let's look at James Madison. He said:

The power over the purse may, in fact, be regarded as the most complete and effectual weapon with which any Constitution can arm the immediate representatives of the people for obtaining redress of every grievance.

The two reasons he did, if you studied the Federalist Papers, they said they wanted Congress to do the spending because if they do it wrong—first of all, they know the needs of the people of their State or their—whatever the unit was at that time. If they do it wrong, they can fire them. Look what happened on November 2. That is exactly what happened. Alexander Hamilton said:

The legislature not only commands the purse but prescribes the rules by which the duties and rights of every citizen should be regulated.

That is what we are supposed to be doing.

Mr. President, I have talked about Alexander Hamilton and James Madison. Probably the guy who was most knowledgeable on the Constitution was Justice Joseph Story, back in the early 1800s, when he actually said in his commentary:

It is highly proper that Congress should possess the power to decide how and when any money should be applied. If it were otherwise, the executive would possess an unbounded power. Congress is made the guardian of the Treasury.

I say all this to impress upon any impartial patriot that the legislative branch—which is us—has the power to spend money. How does a ban on earmarks cede our authority to the President? This is something that is heavy lifting, but I think it is very important people understand why and how this happened. This is how it works. This is the way things work here and have for many years. The Constitution is very clear.

The President submits a budget to the House and Senate—us. There is an overall budget, but within the budget he says how much is going to be spent to defend America, for roads and highways, for water and infrastructure, all these things. We have these top lines under which we are operating. So let's take this as an example. I happen to be the second ranking member on the Armed Services Committee. In his budget last year, he had, I think, \$330 million set aside for a launching system called a box of rockets. It is a good program, something we need. But with limited funding, we on the Armed Services Committee—and Senator MCCAIN talked about this—have experts who look at our missile defense system and say: How can we best defend America? The President doesn't know this. They can say that comes from the Pentagon, but that is not so. That is the reality. Instead of this launching system for \$330 million, we decide to spend that same amount of money and buy six new, shiny FA-18 fighters or things that we knew we needed at this time. It didn't cost any more money. We are taking that money he wanted to spend on something else and we are exercising our constitutional prerogative. If we substitute our appropriation for his budget item, it would be an earmark by any definition. If we pass this, that means we have to take whatever the President wants to spend on America, and we would not do anything we wanted to. So we said six new FA-18s were what we needed, and it didn't cost 1 cent more.

In other words, we would be letting the President do what James Madison wanted us to do. If you look at this in the Armed Services Committee, the unmanned aerial vehicles, right now we have 36 of them flying around Southwest Asia over areas where there is combat, feeding information to our kids in the field there. We would not have unmanned aerial vehicles if it weren't for earmarks. We took something the President wanted and put that same amount of money into these unmanned aerial vehicles. Also, we would not have our improved armored vehicles and add-on armor. Why do you think we on the committee spent so much time on Iraq, Afghanistan, and around the world on that? We do it to find out our needs. Then we know more than the President knows about the needs.

We are doing what Hamilton, Madison, and Story wanted us to do. That is what we are supposed to do. I don't know how many of our young men and women in uniform would be dead today if it hadn't been for that. We wouldn't have Mine Resistant Ambush Protected vehicles. That was a congressional earmark. We wouldn't have had \$14.2 million for the detection of landmines and suspected bombmakers and IEDs in Iraq and Afghanistan. That was my earmark on the Armed Services Committee. It didn't cost another cent. We merely canceled an equal amount of

money that the President wanted to spend on something else and we exercised our Constitutional right. It didn't cost anything additional.

Eliminating earmarks wouldn't allow us to change anything in the Obama budget and would allow President Obama to perform our constitutional duties. As I said, constitutionally that is where we are and that money would be transferred, for all practical purposes, to President Obama. Second, it gives cover to big spenders. Under the current definition, let's look at two of the four largest earmarks in 2008. Using the Senate definition "expenditures with or to an entity," the following qualified as earmarks. But rather than arguing as to whether they are earmarks, I will put them up to get a perspective. These are two of them in 2008. The TARP is one that I think—I know people get upset when I say this, but 10, 15, 20 years from now, historians will say the most egregious vote ever cast by the Senate was on the \$700 billion bailout. You know where that went—AIG, Chrysler, and the General Motors bailout. That \$700 billion was given to an unelected bureaucrat to do what he preferred.

Next was the PEPFAR bill, \$50 billion. The author of this amendment, Senator COBURN, voted for both of these. I voted against them. This is something I wish all Members would do. This is called the Inhofe factor. I know I am not as smart as a lot of guys around here. When I see billions and trillions of dollars, I have to put it somehow into a perspective that I know what this costs my people in Oklahoma.

In 2009, \$2 trillion in taxes was paid by individuals across the country, and \$18 billion came from Oklahomans, which is about 1 percent of the Federal total. The average Oklahoma individual's tax return was \$11,100 that year. Therefore, the average Oklahoma taxpayer is responsible for providing the percentage shown here of the total Federal revenue. For every \$10 million in spending, Oklahomans pay about a nickel—not all the State but each taxpayer who files a tax return in Oklahoma. So that is what we have.

Put the next chart up. We see how that works in reality. If you take the amount and use the same factor to those two bills, the TARP bill, the \$700 billion bailout, and the \$50 billion PEPFAR bill, that is \$750 billion, and you apply that factor, each of my tax-paying families in Oklahoma would have to have an obligation of \$3,500 that year. That is what it would cost. Someone might argue that they didn't spend the whole \$700 billion, that some of that came back in. That is true. But they authorized it and said you can do it. They were willing to have each taxpayer in Oklahoma spend \$3,552 in taxes. The total amount of requests that I had—in other words, earmarks—were some \$80 million, and that was mostly in the area of defense. Using the same factor for each family in

Oklahoma to get to the \$80 million, because we are trying to defend America, it would cost them 40 cents. Those are earmarks—40 cents versus \$3,552 that the author of this amendment we are talking about would have to spend. You know, I think at some point you have to look and see what this cost is.

If you go back to the chart No. 4 there, several things have been said today that were not true. I am not saying they intentionally misrepresented the truth, but they did it inadvertently while being caught up in this thing. The statement was made by a Senator—it might have been the occupant of the chair. The statement was made that, as earmarks are going up, this is causing spending to go up. That is not what is happening. If you take the total amount of earmarks in 2010, according to OMB, that would have been \$11 billion. If you look and see what happened each year, it goes down in the amount. It started at \$18 billion 5 years ago and went down to \$15 billion and then to \$12 billion and now to \$11 billion. So it is coming down. That is why we have to look at this in reality.

I notice my good friend, Senator DEMINT, from South Carolina, has been active in this, and the last time I spoke on the floor I pointed out that Senator DEMINT had all these different earmarks that he has been able to get for his State, and I don't know how you can talk about eliminating earmarks and yet do that.

The platitudes that are used—it is interesting when you don't have the facts on your side, you don't have logic on your side, but you have a population who has been led to believe earmarks are bad—that means appropriations are bad, authorizations are bad unless they are done by the President; those individuals say earmarks are a gateway drug that needs to be eliminated in order to demonstrate that we are serious about fiscal restraint. There is only one problem with that. It is not true.

According to the Office of Management and Budget, again, and the Federal spending watchdog groups such as Citizens Against Government Waste, earmarks have dramatically decreased over the last several years. I mentioned 2005, \$19 billion; 2008, \$16 billion; 2009, \$15 billion; 2010, \$11 billion. So while the total number of earmarks and all dollars of earmarks have declined, the Obama deficit has ballooned to \$3 trillion in 2 years. So obviously they are not a gateway drug, but it sounds good. But these are the platitudes.

When they say it is symptomatic of all this garbage, we are talking about real dollars here. And we can't get down to doing something about real spending until we quit demagoguing this issue.

I am going to give an easy way to correct this problem in just a minute, but if you need further proof, in 2009 the Senate performed a rare action of considering many appropriations bills individually rather than doing the irre-

sponsible thing we are talking about doing now and lumping them all into one bill to consider at the end of the year. The value of considering these bills individually is that it gives Senators the opportunity to exercise some oversight in government.

In 2009, Senators could offer amendments to both cut spending and strike particular earmarks if they desired, and they did desire. Between the months of July and November of 2009, there were 18 votes specifically targeting earmarks. Now, they failed, but if they had passed, it wouldn't have saved one penny. Instead of putting the money back into the pockets of the American people by reducing spending or shrinking the deficit, these efforts to eliminate earmarks would have put the money into the hands of President Obama by allowing his administration to spend the money as it saw fit. At the end of the day, none of the money would have been saved. President Obama wins, the American people lose.

In another case, Members offered an amendment to strike funding out of a program called Save America's Treasures, for specific art centers throughout the United States, but the money was simply shifted to allow the Obama administration to do it. The same thing happened with the transportation projects. Several Members offered amendments to strike a variety of transportation projects in many States, and they were unsuccessful. So what happened? That money went back to the bureaucracy controlled by President Obama. Not one of these actions saved a dime, but it made President Obama happy because it went back to his coffers.

We have clearly demonstrated two points. First of all, spending is the exclusive obligation of the Senate and, secondly, killing an earmark doesn't save a dime; it merely gives money to President Obama.

It reminds me of what I went through 10 years ago when I couldn't get anyone to understand how they were cooking the science and why we should not pass a cap and trade. Everybody thought the world was coming to an end, and I was that one person. Granted, that was 10 years ago, but now it is the prevailing thought here in Congress. In fact, the United Nations, which started the whole concept of global warming, is having their big annual party next week and not even one—none—of the media is going to show up. Hardly anyone is going to show up to the thing because people realize it was a phony issue. It was, in fact, the greatest hoax ever perpetrated on the American people. I said it, and everyone got mad at me and even hated me. So I do not mind being the only one, and I am the only one on this.

A couple of good things have happened, though. It has been mentioned by several of those who were the most adamant in opposition to earmarks. In the case of Rand Paul, from Kentucky,

our new Senator—whom I am so happy to have with us—has said he would argue for things for the State of Kentucky. And Senator Mike Lee said:

I wouldn't say there's a mandate to stop spending for roads or any other general purpose like that.

Another House Member, MICHELE BACHMANN, said—and I think this has already been stated by one of the other Senators:

I don't believe that building roads and bridges and interchanges should be considered an earmark.

Great. I agree. That is my whole point. So we are seeing these people now coming around and saying: Well, we do have a job to do.

Senator CHAMBLISS said:

There are times when crises arise or issues come forth of such importance to Georgia, such as the Port of Savannah, that I reserve the right to ask Congress and the President to approve funding.

Well, there it is. So I would say those individuals who are on the other side realize that is the wrong side. But let me say something else. I am very proud of some of the talk shows. I am on quite a few talk shows. And when you get a chance to talk, the way I am now, and explain to people what the situation is—I am looking now at I think 12 major talk show hosts in America who now pretty much agree with what I am saying tonight: Mike Gallagher, Mark Levin, Dennis Prager, Scott Hennen, Janet Parshall, Hugh Hewitt, Michael Savage, Crane Durham, Lars Larson, Jason Lewis, Rusty Humphries, Jerry Doyle, and quite a few others. And it was not easy for them to say: Maybe INHOFE has a point, so let's look at this a little closer.

So let me just say there is a solution. And I have to give credit where credit is due. These are not my thoughts. This is what I did. We have eight great Americans and the conservative groups they head up, and I am talking about Tom Schatz, president of Citizens Against Government Waste; Melanie Sloan, director of Citizens for Responsibility and Ethics in Washington; Steve Ellis, Taxpayers for Common Sense; Craig Holman, Public Citizen; Jim Walsh, Rich Gold, Manny Rouvelas, and Dave Wenhold. Thanks to them, we can put this whole earmark issue to rest because they authored "The 5 Principles of Earmark Reform." There they are, the five principles of earmark reform. These are all the conservatives who said we really need to do something about this and at the same time preserve our constitution. So I introduced, a couple of weeks ago, S. 3939, and what I did is I took everything they had and I put that into a bill. And there it is. So take it a section at a time.

No. 1 of the five principles: To cut the cord between earmarks and campaign contributions, Congress should limit earmarks directed to campaign contributors—exactly what S. 3939 does.

Section 2:

No earmark beneficiary shall make contributions aggregating more than \$5,000.

The second principle: to eliminate any connection between legislation and campaign contributions. That is the second. The third principle: To increase transparency, Congress should create a new database of all congressional earmarks. And it goes on, and they elaborate and say this is all something you can find, but you can't get your hands on it. It is too complicated. So consequently we put in our bill, in section 4, the following:

The Secretary of the Senate and the Clerk of the House shall post on a public Web site of their respective houses, a link to the earmark database maintained by the Office of Management and Budget.

Every one of these things—and I could go through each and every one—is answered in S. 3939. So if you really want to do something about it, pass that bill and you will have solved the problem and you will have kept our constitutional duties intact.

We did one more thing because it goes one more step. This is very important. There was an oversight, but they all agree with this now. This goes a step further. It says that the administration—President Obama, the bureaucracies—will have the same transparency as senatorial earmarks. So Senator MCCAIN talked about lobbying these bureaucracies. Sure, they are doing it, because if we don't do the spending or the appropriating and authorizing, then the President does it. So the bureaucracy is doing that. So we have a section in this bill that subjects them to the same thing.

Do you remember when Sean Hannity came up with the 102 most egregious earmarks? This is just some of them. There were 102, and I read them all on the floor from this podium, and I did it to make sure people understood what he had found out. I said at

the end of reading all of these earmarks—look at some of these: \$300,000 for helicopter equipment to detect radioactive rabbit droppings—that all 102 have something in common: not one of them was a congressional earmark. They were all bureaucratic Obama earmarks. So that is the reason for that. And if you want reform, that is how to get it.

I know there will be some Members who will not be able to resist the fact that they can have a great opportunity with one vote. They can make people think they are conservative and give President Obama what he wants, and they can be politically correct. But, again, we have a solution to the problem. That solution will come.

Mr. President, in that conference I mentioned about 30 minutes ago, I said that if you want to do something to do away with the earmark and all this, all you have to do is define an earmark as an appropriation that has not been authorized. Authorizing committees are the discipline for appropriations. A lot of our appropriating friends won't like this idea, but that would do it. We heard several of the Senators, including my junior Senator, the author of this amendment, and Senator MCCAIN, saying this is good, we have done away with authorizing. We need to authorize these things.

In the Armed Services Committee, we have experts in every field. One of the experts is a group of people who look at our missile defense system. Right now, we are in very serious problems in this country by taking down the site in Poland that would stop the ground-based interceptor site. That is something we should be doing. We need to have redundancy. We know we can hit a bullet with a bullet, and we should do that. We have the experts who know how to do that.

So I would say we have an opportunity. We can reform this. We can subject the bureaucracy to the same transparency to which we are subjected. We should do away completely with terms such as "earmarks" as people are thinking of them in their minds and go to having them redefined as appropriations that have not been authorized. I know it is a hard concept and one that not many people want to believe, but it is much easier to oversimplify it and say that all earmarks are bad. Well, if you define them properly, I agree they would all be bad. Anything that is appropriated that is not authorized, in my opinion, is bad and should be done away with.

So with that, this one voice in the wilderness, one conservative is saying this is the true story. If you really do want to cede our constitutional authority to President Obama, you can do it by passing this amendment. This allows them to get the authority we have. And if you really believe that is the thing to do, after looking at the Constitution and what Justice Joseph Story and Hamilton and Madison all said we are supposed to be doing here, let's seriously consider that and resolve this problem, put it behind us so we can quit distracting from the big spending going on today that has given us a \$3 trillion deficit in 2 years.

With that, Mr. President, I yield the floor.

ADJOURNMENT UNTIL 9 A.M.
TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9 a.m. tomorrow.

Thereupon, the Senate, at 10:01 p.m.; adjourned until Tuesday, November 30, 2010, at 9 a.m.