(ii) Section 24(d)(1) of such Code is amended—

(I) by striking ''section 26(a)(2) or subsection (b)(3), as the case may be,'' each place it appears in subparagraphs (A) and (B) and inserting ''section 26(a)'', and

(II) by striking ''section 26(a)(2) or subsection (b)(3), as the case may be'' in the second last sentence and inserting ''section 26(a)''.

(C) CREDIT FOR INTEREST ON CERTAIN HOME MORTGAGES.—Section 25(e)(1)(C) of such Code is amended to read as follows:

''(C) APPLICABLE TAX LIMIT.—For purposes of this paragraph, the term 'applicable tax limit' means the limitation imposed by section 26(a) for the taxable year reduced by the sum of the credits allowable under this subpart (other than this section and sections 23, 25D, and 1400C).''.

(D) SAVERS' CREDIT.—Section 25B of such Code is amended by striking subsection (g).

(E) RESIDENTIAL ENERGY EFFICIENT PROPERTY.—Section 25D(c) of such Code is amended to read as follows:

''(c) CARRYFORWARD OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.''.

(F) CERTAIN PLUG-IN ELECTRIC VEHICLES.—Section 30(c)(2) of such Code is amended to read as follows:

''(2) PERSONAL CREDIT.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.''.

(G) ALTERNATIVE MOTOR VEHICLE CREDIT.—Section 30B(g)(2) of such Code is amended to read as follows:

''(2) PERSONAL CREDIT.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.''.

(H) NEW QUALIFIED PLUG-IN ELECTRIC VEHICLE CREDIT.—Section 30D(c)(2) of such Code is amended to read as follows:

''(2) PERSONAL CREDIT.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.''.

(I) CROSS REFERENCES.—Section 55(c)(3) of such Code is amended by striking ''26(a), 30C(d)(2),'' and inserting ''30C(d)(2)''.

(J) FOREIGN TAX CREDIT.—Section 904 of such Code is amended by striking subsection (i) and by redesignating subsections (j) , (k), and (l) as subsections (i), (j), and (k), respectively.

(K) FIRST-TIME HOME BUYER CREDIT FOR THE DISTRICT OF COLUMBIA.—Section 1400C(d) of such Code is amended to read as follows:

''(d) CARRYFORWARD OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a) for such taxable year reduced by the sum of the credits allowable under subpart A of part IV of subchapter A (other than this section and section 25D), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

UNSUSTAINABLE FISCAL PATH

Mr. VOINOVICH. Madam President, since I joined the Senate almost 12 years ago, I have worked to ensure that Congress deals with our country's unsustainable national debt and budgets that are not balanced as far as the eye can see; to do this, we must undertake tax, entitlement and spending reform. As most of my colleagues know, since 2006, I worked conscientiously to create a commission that would undertake this task. My partner in the House was Congressman FRANK WOLF, and we introduced legislation we called Saving America's Future Economy, SAFE, which got 118 House co-sponsors. In the 111th Congress, JOE LIEBERMAN and I introduced the Senate bill and were gathering co-sponsors, then later combined our efforts with Senators CONRAD and GREGG, chair and ranking member of the Senate Budget Committee, to introduce a similar debt and deficit commission bill, which eventually did receive a vote in the Senate.

The Conrad-Gregg bill stipulated that if its commission's recommendations were supported by 14 of its 18 members, it would be fast-tracked for an up-or-down vote in both the House and Senate. One of my biggest disappointments in the Senate is that the Conrad-Gregg bill failed. I believe the reasons for that failure are already known by my colleagues, so I won't revisit that vote. And in any event, as I look back, even if it had passed the Senate, I am not so sure it would have passed the House because many in the Democratic leadership opposed it. Thankfully, sometimes there is good that blows in an ill-wind, and the President created his own debt commission by Executive Order with promises from Speaker PELOSI and Majority Leader REID that they would allow a vote in Congress if 14 of the 18 commissioners supported this commission's recommendations.

As you know, the President's commission, chaired by Alan Simpson and Erskine Bowles, recently released its final report. I am supportive of the commission's proposal, understanding that there would have been a tremendous amount of negotiation if the report they released had been adopted and sent to Congress.

I am encouraged by the fact that 11 of 18 panelists endorsed the report, including my Senate colleagues TOM COBURN, MIKE CRAPO, JUDD GREGG, KENT CONRAD and DICK DURBIN. As far as I am concerned, they and the other commission members who voted in favor of the proposal are true patriots who had the courage to do what is right for our country, and for the future of our children and grandchildren.

As my colleague TOM COBURN said just before the commission's vote, ''The time for action is now. We can't afford to wait until the next election to begin this process. Long before the skyrocketing cost of entitlements cause our national debt to triple and tax rates to double, our economy may collapse under the weight of this burden. We are already near a precipice. In the near future, we could experience a collapse in the value of the dollar, hyperinflation or other consequences that would force Congress to face a set of choices far more painful than those proposed in this plan.'' Fast-tracking the commission's proposal for a vote during this lame-duck session would have shown Americans and the world that the Federal Government is, in fact, deeply concerned about the direction we are headed and is not oblivious.

The thing that is of grave concern to me is that in spite of the commission's hard work, it may be for naught. I think back to the Mack-Breaux Tax Overhaul Commission that President Bush created at my urging. I was pleased to see that many of their recommendations were incorporated by the President's current commission, and I urge my colleagues to look at the executive summary of the Mack-Breaux commission that was given to President Bush in 2005.

Frankly, I thought President Bush would review, tweak, and then send the Mack-Breaux recommendations to Congress. Unfortunately—and I have a great deal of respect for our former President—Congress never received a Presidential tax reform package for its consideration. I am anxious to read his book to see if he explains why he didn't do so. It was a missed opportunity for his administration, but more importantly it was a missed opportunity for the country. In my opinion, we would not be in the predicament we find ourselves in now had we addressed these issues in 2005 or 2006.

And so, here we are in a situation where we are on an unsustainable fiscal course caused by explosive and unchecked growth in spending and entitlement obligations without adequate funding. We have got an outdated tax code that does not sufficiently encourage saving and economic growth, and a skyrocketing national debt that puts our credit-rating in serious jeopardy and should give all of us great pause.

I believe that the American people get it. They recognize that our fiscal situation is in the intensive care unit—on life support.

When speaking, I always ask the audience two questions: First, ''Is your standard of living better than that of your parents?'' They answer yes. The second is, ''Do you believe your children's standard of living will be better than yours?'' The overwhelming answer is no. Sometimes, I also ask whether they think they will see their Social Security when they retire. Almost no one raises their hand, unless they have grey hair like me.

In all of my 74 years I have never seen such fear, uncertainty, and concern about the future. I would also point out that it is not only the American people who think we are oblivious to the looming fiscal crisis; just ask the Europeans, the Chinese, and others around the globe who fund our spending addiction. Many Americans don't realize that foreign governments hold nearly 50 percent of our public debt, and we are going to ask them to keep on purchasing more. Moreover, many have failed to realize just how bad this spending addiction has gotten. I remember speaking at the Brussels Forum last year, and the Europeans were asking us for more money for NATO. When I pointed out to them that we were borrowing 41 cents for every dollar we spend, a hush fell over the room.

It is time for us to do what needs to be done to fix our country's looming fiscal crisis. So I would like to say to my colleagues that when we vote on the Obama bipartisan tax fix, my vote will be NO. I'm not for any of the compromises. I am not for borrowing another $800 billion dollars from China, Saudi Arabia, and other countries. To the contrary, I agree with David Walker, former Comptroller of the GAO and former President and CEO of the Peter G. Peterson Foundation, who said, ''This 'deal' is not reasonable from an economic, fiscal and social equity perspective. The compromise evidently was 'you give me my tax-cut extensions and more tax cuts, and I'll give you your spending increases.' The result is a bigger bill for our kids, grandkids and future generations of Americans. It's time for Washington to wake up and start dealing with our structural deficits.'' Maya MacGuineas, president of the Committee for a Responsible Federal Budget, had even stronger words: ''This feels more than a bit surreal. On the heels of the work of the White House Fiscal Commission last week on how to get control of the national debt, the White House and Members of Congress choose to engage in a negotiation that involves adding increasingly larger amounts to the debt? It's utterly exasperating.''

Madam President, I feel the exact same way. It's time to stop kicking the can down the road and let these tax provisions expire and, as a result, force Congress and the President to make the tough choices about not only these taxes, but the entire tax and entitlement crisis facing our country. Perhaps then we would have enough anger from our constituents that we would act to reform a tax system that is far too complicated and does not encourage the growth we need. I would like to remind my colleagues that since 1986, there have been over 15,000 changes to the Internal Revenue Code and it costs all of us $240 billion each year to prepare our tax returns. Think of it. If we could simplify the code and make it cheaper to comply even by 50 percent each year, we would save the American taxpayers $120 billion.

If these expiring cuts are not extended, you can count on it that everyone will take an interest in seeing that we finally deal with a broken tax and entitlement system. Then, perhaps, we will finally get the reforms that will get the floundering ship that is our country back on even keel. It will restore people's faith in the future of America as well as give comfort to the rest of the world—especially our creditors—that we are on the path to fiscal responsibility. It's time for us to face up to what needs to be done.

I will not, after working my butt off from the day I got here to address a broken tax and entitlement system, have one of my final votes as a U.S. Senator be to kick the can down the road by extending these tax provisions and assuming that our fiscal ills will be taken care of next year. Because, you know what, if the history of our recent Congress is any indication of what will happen, nothing will get done.

Just a few weeks ago, when the President's commission released its report, we started to gain momentum towards these long-overdue reforms. We need to take advantage of that momentum. I feel like we are coming to the last mile in a marathon, and rather than push through to the end, we are about to turn around and go back.

My 45-year experience in government has been that in the absence of a crisis, the tough, but necessary, measures that need to be taken are not taken. If the tax cuts and other provisions expire, you can count on it that everyone will take an interest in seeing that we finally all come to the table to work to address these fundamental issues. It will restore people's faith in the future of America as well as give comfort that we, our country's leaders, understand the need to put our country on a path to fiscal responsibility.

I have a modest proposal. The President should reconvene the same group of individuals that worked on the Bowles-Simpson commission and insist that they continue their dialogue and put a package together that the President can submit to the 112th Congress as soon as possible.

By the way, where is the President's leadership? The New York Times reported that the Obama administration is considering comprehensive reforms, but other reports indicate that, once again, it's more talk without action because no working groups are in the works, no Executive-Congressional meetings have been scheduled. The President needs to get his key folks back to the table with Congress to see if they can't come up with some sort of compromise based on the best commonsense, reasonable, and fiscally responsible proposals that we've heard from his Commission.

And so, to my friends that will remain in the Senate for the 112th Congress, and to those that will be new to this body, God bless you. You have the future of our Nation and the future of my children and grandchildren in your hands.

During my time in office, I have tried my best. I have tried my very best. I am pleased with some of the progress that we've made, but believe-you-me, for someone who's been in government service for 45 years, as I have already said, nothing happens unless you have a crisis. So that's what we need. A crisis that says now is the time to deal with tax and entitlement reform; now is the time to deal with budget reform; now is the time to curb our spending addiction and growing national debt; now is the time to balance our budgets.

Madam President, I pray that the Holy Spirit will inspire my colleagues to make the right decisions for our country's future. I pray that the results between now and the end of the year will not be another ''kick the can down the road-we'll take care of it later,'' scenario. Madam President, my time in public office has run out, and from my perspective, so has the country's. Our national debt is one of the most important problems we face. Our failure to begin to address this fiscal crisis now will damage our economy, our national and domestic security, and the kind of future we leave to our children and grandchildren.

NOMINATION OF DARRELL BELL

Mr. BAUCUS. Madam President, I rise today in strong support of President Obama's nominee Darrell Bell for U.S. Marshal for the District of Montana, and I call on my colleagues to support his confirmation. As the former police chief for the City of Billings—Montana's largest community—Darrell possesses the qualities necessary to lead Montana's U.S Marshal's Office. For the last 3½ decades, Darrell has served Montana's law enforcement community with passion and expertise. Since 2006, Darrell has served as a criminal investigator for the Montana Department of Justice, Gambling Control Division.

Darrell served over 30 years with the Billings Police Department, including 5 as the Deputy Chief of Police. Originally from Joliet, Darrell graduated from the Montana Law Enforcement Academy and began his career with the Billings Police Department as a patrolman in 1974. Working his way up the ranks, Darrell has served as a sergeant and then lieutenant of Operations Division as well as captain for the Investigations, Training, and Support Services Division. Upon the request of Billings city administrator in 2005, then-Deputy Chief of Police Bell stepped in to become the Interim Chief of Police. Darrell has served Montana and his community on the executive boards for high-intensity drug trafficking areas and the Montana chiefs of police.

Darrell has a proven track record of bringing folks together, working with local, State, and Federal law enforcement officials to provide a safe environment for Montana's communities. Darrell's experience and leadership in law enforcement will truly be an asset for Montana's U.S. Marshal's Office. Mr. President, I congratulate Darrell on his nomination, in recognition of his continued service to the State of Montana, and I urge the Senate to confirm Darrell Bell's nomination.