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House of Representatives

The House was not in session today. Its next meeting will be held on Monday, May 23, 2011, at 2 p.m.

Senate

THURSDAY, MAY 19, 2011

The Senate met at 10 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by Rev. Dr. Robert K. Schomp, transitional pastor of Bethany Christian Church in Tulsa, OK.

The guest Chaplain offered the following prayer:

Let us pray.

God of many names and faiths, we praise You for the freedom of religious expression which allows us to worship You in the temples, mosques, synagogues, and churches of our Nation. To You belong all realms, all power, and all glory. Yet in this Nation of immigrants, the United States of America, You have given us the freedom to establish our own government in order to defend and oversee the rights and welfare of our citizens.

Today, we pray for this august body, the U.S. Senate, whom we the people have chosen to share in the leadership of our country. We pray for Your assistance for these privileged women and men. Bless them with the stamina, the toughness, and the integrity to fight for what is right and honorable in Your sight. Instill in them the desire for unity within diversity, the will to overcome racism and bigotry, the courage to break down dividing walls of hostility, the ability to hear and respect the voices of those who disagree with them, and the determination to work with each other for justice, freedom, and peace. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 19, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

WELCOMING THE GUEST CHAPLAIN

Mr. REID. Mr. President, I see our esteemed Chaplain in the Chamber. We

appreciate very much, every day, his prayer and the prayer this morning by our guest Chaplain, which was a very nice prayer, very thoughtful, and outlines what our country is all about. I appreciate that very much.

SCHEDULE

Mr. REID. Mr. President, following any leader remarks, the Senate will be in morning business until 11 a.m., with the majority controlling the first half and the Republicans controlling the final half. At 11 a.m., the Senate will be in executive session to consider the nomination of Goodwin Liu to be a U.S. circuit judge for the Ninth Circuit, with the time until 2 p.m. equally divided and controlled. At about 2 p.m., there will be a rollcall vote on the motion to invoke cloture on the Liu nomination.

MEASURE PLACED ON THE CALENDAR—S. 1022

Mr. REID. Mr. President, S. 1022 is at the desk and is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the title of the bill for the second time.

The legislative clerk read as follows:

A bill (S. 1022) to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and the Intelligence Reform and Terrorism Prevention

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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S3119

Act of 2004 until December 31, 2014, and for other purposes.

Mr. REID. Mr. President, I object to any further proceedings with respect to this bill.

The ACTING PRESIDENT pro tempore. Objection is heard.

The bill will be placed on the calendar.

Mr. REID. Mr. President, will the Chair announce morning business, please.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 11 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

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

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

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. 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.

Mr. SESSIONS. Mr. President, I ask unanimous consent that Senator HATCH and I be able to speak in a colloquy.

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

THE BUDGET

Mr. SESSIONS. Mr. President, the Congressional Budget Act requires that Congress pass a budget by April 15. The Republican House has passed its budget. They stated their financial vision for the future in America. The Democratic Senate, however, has not passed a budget in 750 days. It has been 750 days since we have had a budget that passed the Senate. This year they haven't even brought a budget forward to committee to begin to mark up a budget as specifically required by the same statute. They have not even put forward a plan.

The Democrats control the Senate. They campaigned for the majority and, as my wife says to me when I complain: You asked for the job. So we have the largest economy on Earth, and we are in the middle of a fiscal crisis. For the majority party to skip work on the Nation's budget is not something to be taken lightly.

I ask my good friend, the Senator from Utah, the ranking Republican on the Finance Committee, my former chairman in the Judiciary Committee, if the American people were polled, how many does the Senator think would say the Senate should not pass a budget?

Mr. HATCH. That is a good question. The distinguished ranking member of the Budget Committee has asked a fundamental question. The answer, to me, and I think everybody else, is as clear as a bell: The American people overwhelmingly expect the Senate to do the people's business. First, we have to get our fiscal house in order. The House has taken the first step. The folks in Utah have dealt with their family budgets, business budgets, and government budgets, and they rightly ask that the Senate do exactly the same.

Mr. SESSIONS. One reason it is so important to have an honest, open budget process is that budgets are so easy to manipulate and spend. The President, in proposing a budget some time ago, said his budget called on America to live within its means and "not add more to the debt." That was the President's own statement. In fact, his budget doubles the debt in 10 years, producing annual deficits each year, the lowest of which never once fell below \$748 billion. In fact, that would average almost \$1 trillion a year and nowhere close to balancing.

The CBO found numerous gimmicks when they analyzed the President's plan. They found that it contained another \$2.3 trillion in deficits. It increased the deficit. The President delivered a speech promising \$4 trillion in savings over 12 years. After his budget was ill-received by objective commentators all over the country, editorial boards, and in Congress, he made a speech and he promised \$4 trillion in savings over 12 years. But the committee analysts on our staff revealed that this so-called framework actually worsens the budget in relation to the CBO baseline.

Does the Senator from Utah believe the White House and the Democratic leaders in the Senate should produce an honest, concrete, fact-based budget on which we can rely?

Mr. HATCH. I sure do. They actually worsen the deficit by \$2.2 trillion in relation to the CBO baseline.

Until one sees the numbers in black and white, the budget is just talk. Democrats and Republicans have an obligation to produce fiscal blueprints in an intellectually honest, complete, and transparent fashion. The majority, the Democrats, have the responsibility to take the first step, and the Republicans have a responsibility to convey our fiscal blueprint through debate and amendments. That is the way this traditionally has always been done. As the distinguished ranking member indicated, our side is ready to engage in this important debate and process, but it is hard to do it when they would not

even put up a budget. They have not done that in the last couple of years. Without a budget, we don't have anything to debate and analyze.

Mr. SESSIONS. I ask Senator HATCH, for the people who may not understand, it is the chairman's responsibility to call a hearing and to begin a markup, and the minority is not able to call the committee into effect. So we do have to look to the chairman, and probably the chairman would operate in relation to the majority leader to call the committee into session; is that right?

Mr. HATCH. There is no question about it. The chairman has the responsibility for holding hearings that lead up to a budget resolution, the structure of the budget resolution, in accordance with his party's belief, it seems to me, and then bringing it up in committee where both sides can argue about it and both sides have the right to amend and improve it. Then they can bring it to the Senate floor. But they don't do that. Then they wonder why we are in such fiscal difficulties.

I know the distinguished Senator from Alabama understands this fully as the ranking member on the Budget Committee. Having also been chairman of the Judiciary Committee, frankly, I am concerned about it—and I think everybody is concerned—because they don't want to come up with a budget, and there may be invalid reasons for that.

Mr. SESSIONS. The budget is fundamentally a plan, a vision for the financial future of America. It is astounding that the party in the majority is not even prepared to say to the American people—

Mr. HATCH. Will the Senator yield?

Mr. SESSIONS. Yes.

Mr. HATCH. There is nothing more important in our lives now than coming up with a budget that would put us on a downward trend for spending. We are spending around 69 percent of the GDP. Our national debt of \$14.3 trillion is 90 percent of the GDP. We are headed toward 90 percent of GDP of spending. If we get there, this country will have difficulties that will be difficult to overcome. That is where we are headed, especially if we don't have a budget to debate on the floor of the Senate.

Mr. SESSIONS. I couldn't agree more. When the President submitted his budget, Mr. Erskine Bowles, whom the President asked to chair the fiscal commission that was supposed to come up with a plan to help us get out of this fix, said the President's budget is nowhere close to what is necessary to avoid our fiscal nightmare. That is what the co-chair of the President's commission said.

So now we are looking to Congress. That is the President's proposal, but the Senate has to move forward a proposal. We cannot even go to conference and begin to work out a budget that both Houses can agree on until the Senate moves a budget forward.

Mr. HATCH. That is right. I think the distinguished chairman of the