

small business to leave health care coverage from an insurance carrier, getting it through their employer, and instead they are forced to go to a government exchange where choice is limited and mandates are many.

I want to commend the distinguished chairman and ranking member of the Small Business Committee for the effort they are making on this bill, but also commend Senator HUTCHISON on the importance of considering the volume of these waivers being filed; why are they being filed, and are they an early warning for what will happen to us when this bill goes into effect if we don't take the ObamaCare legislation and commit drastic surgery or, better yet, start over and build a system that works, where we have the private delivery of health care and a minimum of government interference.

I thank very much the chairman for giving me the time to speak.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Louisiana.

Ms. LANDRIEU. I thank the Senator from Georgia for coming to the floor to participate in the debate. I have a different view on the amendment he spoke on, but we will continue that debate. In fact, we have been debating health care policy in this country for the last 2 years. While I appreciate his views, I am hoping we get to keep the debate very focused and specific, if possible. But I understand the amendment of Senator HUTCHISON, and the amendment Senator ISAKSON supports does affect small business, so we look forward to more comments as we go forward.

Madam President, as we wait to move to the CR—which under unanimous consent I think we are moving to in a few moments, so we will be off the debate on this bill—I want to submit for the RECORD some of the data associated with job creation.

I know Senator SNOWE is very sincere in her comments about the lack of job creation in the country, and I want to say I agree with everything she has said in terms of the rates of unemployment being very concerning. That is why she and I have spent so much time in the committee trying to look at the array of bills we have, at least in our jurisdiction, and see what we can do to help change the outlook. I am very proud to say we have, I think, in large measure contributed in a positive way.

But for the record, in terms of job numbers, because I don't think President Obama and his administration get the kind of credit I think they deserve, and frankly, the Democratic leadership doesn't get the credit it deserves for turning around a desperate situation, I am going to submit these numbers for the record, but I will also have a chart later because I think it is important for people to understand. I want to throw a few of these numbers out. I am sorry I do not have this chart clearly reproduced at this point, but I am going to give you a couple of numbers.

In January of 2009, this country lost 820,000 jobs, in that 1 month. In that 1

month, we lost more jobs, according to this document I am looking at, than any month probably in the last 10 or 15 years. I am going to go back and check.

I ask for 1 more minute? I do not see Senator INOUE. I am going to actually ask for 2 or 3 more minutes until he gets to the floor.

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

Ms. LANDRIEU. That is the highest number of jobs lost in years, and I will tell you exactly how many. The point is, President Obama was not the President in 2009, January of 2009; he was just sworn in in 2009. He was elected in 2008. So the job losses of a year before, which started February of 2008, which was the beginning of the recession, before President Obama was sworn in—we lost 83,000 jobs; in March, 72,000; in April, 185,000; in May, 233,000; in June, 178,000; in July, 231,000; in August, 267,000; in September, 434,000; in October, 509,000; in November, 802,000; in December, 619,000; and then in January, the month he got sworn in, we lost 820,000. I understand people have different views, but to blame a President who was not even in office for this recession is wrong and it is not fair. That often happens. It does not happen from my ranking member, but it does happen from others around here.

In addition, that terrible loss of jobs continued as Wall Street collapsed, fat cats ran off with the money, people's Social Security and 401(k)s—not Social Security, thank goodness, but 401(k)s tanked, public pension funds that people are screaming about, that something is wrong with them—yes, a lot is wrong with them. The Wall Street greed, unparalleled in the history of this Nation, sunk so many of our pension funds—not necessarily the fault of Governors or legislators or employees themselves—and there is some underfunding opportunity, I would say, there. I know something about this. But the big culprit was the collapse of the market which was started before this administration.

These numbers continue: 500; 300. What is happening this year, 2010? It is starting to reverse. Yes, ma'am, it is starting to reverse—in March, a plus of 192,000; in April, a plus of 277,000; in May, a plus of 458,000; in October, a plus of 171,000. I could go on.

The point is, it is not all gloom and doom. There are some things that are working. We need to keep working together. That is why Senator SNOWE and I are on the floor.

I see Senator INOUE coming. It is time to go to the CR. But we are working together the way our committee has had a tradition of working to try to take a bill here, a bill there, putting good programs in place, putting new ideas in, thinking outside of the box, because we all have to do the best we can to get this economy moving again.

I wanted to say that for the record, to submit this data.

I see the chairman of the Appropriations Committee, and I believe at this

time, Madam President, I will yield the floor and we can proceed to the next order of business.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2011

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.J. Res. 48, which the clerk will report.

The bill clerk read as follows:

A Joint Resolution (H.J. Res. 48) making further continuing appropriations for fiscal year 2011, and for other purposes.

The PRESIDING OFFICER. Under the previous order, there will be 3 hours of debate equally divided between the leaders or their designees.

The Senator from Hawaii.

Mr. INOUE. Madam President, I rise to discuss H.J. Res. 48, a short term continuing resolution designed to keep the Government open through April 8th. If the Senate passes this resolution it will be the sixth short term continuing resolution this year. With its passage we will be more than half way through the fiscal year and still operating without a budget.

H.J. Res. 48 would fund the Government for an additional 3 weeks and would reduce the rate of operations for the Federal Government by an additional \$6 billion. If adopted, we would be operating the government at a rate that is \$51 billion below the amount requested by the administration for fiscal year 2011.

At this level, our spending on security programs will be \$30 billion below the president's request and \$21 billion lower on domestic spending. I would also point out to my colleagues that this is \$31 billion below the so-called Sessions-MCCASKILL level which every member of the Republican caucus voted for last year.

The aggregate amount in this short term CR is the level proposed by the President as a compromise with the House Republicans and it is the same amount that was included in the amendment which I offered as an alternative to the House continuing resolution last week.

By agreeing to this level, the Senate will be \$6 billion lower than current spending levels, but no lower than the President has recommended.

While several of my colleagues have complained that we simply have not cut enough Government spending, most of our subcommittee chairmen, and many Members of the Democratic caucus are beginning to think that we have already cut too much.

I believe the disparity in views can be partially explained by the information described below.

Recently the Center on Budget and Policy Priorities released a report which notes that in comparing appropriations funding levels, the appropriate measurement should be expressed in inflation-adjusted dollars, normally referred to as real growth.

The Center's point is that the cost of Government operations increases each year by inflation. One cannot ignore the fact that if the price of goods and services rise by 1, 2 or 10 percent, the Federal Government's cost in providing those goods and services also increases by this rate.

When we fail to consider the effect of inflation on Federal discretionary programs in viewing spending rates, we are not accurately reflecting what it costs to run the Government. If utility prices are increasing by 5 percent, and if we don't budget the extra amount, we are forced to cut other programs to pay for the fact of life increase in our utility bills.

Longevity increases paid to civil servants and military pay raises are also fact of life increases that we cannot ignore. These bills have to be paid even if we aren't budgeting for their increased cost.

And, if we aren't basing our funding decisions on real costs, adjusted by inflation, we are in fact forcing Government to cut the services it provides even when it receives the same funding level as in the previous year. This isn't a political talking point; it is a mathematical fact.

The report from the Center on Budget and Policy Priorities measures the impact of inflation on the cost of Government. By its calculation using the CBO baseline, real spending approved for fiscal year 2011 to date is \$34 billion lower than what was provided in fiscal year 2010, a cut of \$18 billion in real security spending and \$16 billion in domestic spending.

With this amendment we will be cutting domestic spending by another \$6 billion in nominal terms, but more than that in inflation adjusted dollars.

Democrats have been chastised for only cutting \$10 billion from fiscal year 2010 levels.

I would note that even in that comparison, which fails to take into account many fact of life increases, we should all understand that domestic spending is being cut by more than \$14 billion, while security spending is slated to increase.

Furthermore we are now halfway through the fiscal year. Agencies have spent on average 50 percent of their funds. Each dollar we reduce at this time has the effect of doubling the cut made in programs for the rest of the year.

Our subcommittee chairmen recognize the difficulties that this level of spending will create for the programs they oversee. Accordingly, many of my colleagues on the Appropriations Committee are saying enough is enough, while those who are not as familiar with the details of budgeting complain that we should be able to cut spending more.

I ask the Senate to consider one more measurement. For domestic discretionary spending the total available for the whole year after the passage of this bill will be \$400 billion. In FY 2010

we had \$413.6 billion for these purposes. For nearly the entire first half of this year we were spending funds at a rate of nearly \$410 billion.

Since the year is halfway over, approximately half of the \$140 billion—or \$205 billion—has already been allocated. In general, that means we will only have approximately \$195 billion to cover the cost of operations for all of our domestic agencies for the rest of the year.

This rate of spending for the rest of this fiscal year is \$23.6 billion below the rate we spent last year. And when we compound this, recognizing that inflation has increased the cost of operations for domestic programs by \$16 billion a year according to the center on budget and policy priorities, we see that effectively for the remainder of the year we will be asking our agencies to operate at a rate which is \$39.6 billion below what we gave them for the same level of goods and services that we supported last year. In real terms even under this short term CR, we will be requiring our agencies to absorb more than a 9 percent reduction in spending compared to a year ago.

Agreeing to a cut of this size this late in the fiscal year will be challenging for our agencies to manage. I believe our subcommittee Chairmen recognize this reality and it is why most of them are concerned that the level of cut that we are agreeing to is already deeper than is prudent.

Finally, I want to point out to everyone who is listening exactly where we are, and what we are really talking about in trying to conclude our negotiations on spending for this fiscal year. Those who talk about \$3.7 trillion in spending and billions in unneeded funds are not dealing with the reality of this continuing resolution.

What the decision comes down to is this. After this resolution passes, our domestic agencies will have approximately \$195 billion to meet all their needs through the end of the year.

This covers the salaries of people who monitor our food supplies, of our air traffic controllers who keep U.S. airspace safe, of our customs officials and U.S. Marshalls who monitor our borders. It includes the cost of all of our programs to support education from kindergarten through college, of those who ensure that our social security benefits are paid, and of thousands of other activities.

We have reduced their funding effectively by 10 percent.

How much more of this \$195 billion which accounts for only about 5 percent of the \$3.7 trillion budget; how much more of this spending can we really afford to cut before we are required to lay off food inspectors and shut down meat plants?

How much more can we cut before we have no funds to pay employees to monitor our borders and ports? How much more before we have to cancel the construction of dams, bridges, highways, levees, sewers, and transit

projects and throw thousands of private sector workers onto the street?

It should not be forgotten that when we force either civil servants or private sector workers out of their jobs, they both add to the unemployment rolls. They will not be paying taxes any longer, but they will tax already stretched social services. Surely we can agree cutting jobs, whether public or private, is not the right approach to assist our slowly rebounding economy.

This is not a question of how much we can or should save from a \$3.7 trillion budget, but a question of how much more our colleagues think we should cut from the \$195 billion we have left to pay for our domestic agencies when we will be effectively asking the agencies to cut another 10 percent in spending over the next 6 months.

In the coming days as we try to resolve our differences on domestic spending for the rest of this fiscal year I hope my colleagues will keep these points in mind.

Having said that, I intend to support this CR because it will provide the funding level that the White House has endorsed, and because if it fails we would likely have to shut down the Government. That would be unacceptable.

I encourage all my colleagues, those who think we have cut too much and those who do not, to support this 3 week extension to allow our colleagues additional time to try and reach an overall compromise on discretionary spending for the rest of the fiscal year.

Madam President, I ask unanimous consent that the time in quorum calls be allocated on both sides.

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

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. NELSON of Florida. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. NELSON of Florida. Madam President, I ask unanimous consent to speak as in morning business.

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

HEALTH CARE

Mr. NELSON of Florida. Mr. President, you remember a year ago, before we passed the health care bill, everybody testified that Medicare was set to go into bankruptcy in 7 years? Do you remember back then, just a year ago, Medicare paid doctors when seniors got sick, and Medicare was focused on the quantity of care instead of the quality of care? Back then Medicare paid hospitals more if a patient got an infection that could have been avoided in the hospital, and they paid hospitals less if they avoided that infection in the first place because Medicare, whatever the cost was, paid it. And do you

remember back then that doctors would perform the same test over and over for the same patient because they had not been encouraged in a law to work together and to share results? That is why a year ago we passed the Health Care Reform Act. Now that act extends the life of Medicare by 12 more years until at least the year 2029.

Now, because of a change in that law, Medicare does not just care for people when they get sick, it is a more comprehensive health care system. Now the senior citizens receive an annual wellness visit. As part of the new Medicare law they can receive screenings and tips on how to manage or prevent conditions such as if they have diabetes or high blood pressure, and they do not have to wait until they get sick. In my State of Florida that is a lot of senior citizens. That is 3.2 million senior citizens.

Another thing this health reform law does is increase payments to hospitals for providing higher quality care. It gives hospitals the incentives to prevent avoidable illnesses, and the law improves the quality by increasing the number of primary care physicians.

In my opening statement I said hospitals were paid more if people got an infection in the hospital. We are now going to pay the hospital less. We are going to give the hospital an incentive not to have that kind of hospital that increases infections while the patient is there. Now doctors, under the new law, can track the patient care. They can make sure patients are seeing the right specialists, and they can help specialists avoid repeating the tests and the procedures.

There is a part that is just being implemented now in the health care bill called the accountable care organization. Combined with that will be electronic records. So, instead, the Medicare beneficiary, the senior citizen going to this specialist, this specialist, this specialist, and this specialist, and all of them getting Medicare fee for service, now they are going to be under the umbrella of an accountable care organization that may be in the private sector. It may be part of Medicare Advantage, in an insurance company that is managing the care for the Medicare recipient.

Whatever it is, it is going to integrate with electronic records, with the enhancement of primary care physicians, so that all of that duplication is not done and so that everybody is talking to everybody through the electronic records. So these doctors now are going to be able to keep track of patient care, to see the right specialists, and to help the specialists avoid repeating the tests.

Now, you remember a year ago when senior citizens had to pay a lot for their senior citizen prescriptions under Medicare? That meant that sometimes our seniors did not get the treatment they wanted because they could not afford it. Remember back then that Medicare covered the first \$2,800 worth

of prescription drugs, but then they did not get any Medicare coverage for drugs until they had exceeded \$6,300.

If they did not have the money and were a senior citizen, I will tell you what was happening in that \$3,000-to-\$4,000 gap. The senior citizens, as some of the senior citizens in my State and in your State, Madam President, were doing without, or they were cutting their prescription drugs in half, or they were, unfortunately, making the choice between food or their medicine, something that in America, in the 21st century, you cannot believe is going on. But, in fact, it was and, unfortunately, it still is.

It is about to go out because we are now covering that gap that is known as the doughnut hole in the new health care reform bill. So this bill that was passed a year ago is closing the gap in that coverage, and in my State alone, that means that 235,000 Florida seniors received a check this year of \$250 that helped cover the cost of those prescriptions in that last year of 2010. This year, in 2011, under the new law, the seniors who hit that gap called the doughnut hole are going to receive a discount of 50 percent off the cost of their prescriptions.

The gap under this new law is going to be entirely eliminated by the year 2020. It is going to be gradually phased in.

One year ago, a lot of folks talked about the effect of health reform on Medicare Advantage. Remember that? Remember all that criticism about how Medicare Advantage was going to go down and how it was going to get cut? When we started proposing some real improvements to Medicare Advantage, a lot of the opponents were saying it was going to kill the program. They said it was going to cut those benefits, and it scared a lot of our senior citizens.

The truth was, the insurance companies that provided Medicare called Medicare Advantage had a cushy extra 14 percent over Medicare prescription direct benefits. Medicare fee for service plus 14 percent is what the insurance companies were getting. Those insurance companies pocketed much of that government extra spending, and we were not, under the old law, holding those insurance companies accountable for enough on quality.

As a result of that health care reform bill, today that program is stronger than ever. Remember how they said it was going to get whacked and it was going to cause the seniors to go way down?

I can tell you, in my State, enrollment is up 6 percent in Medicare Advantage, and the premiums are down in Florida by 9.6 percent on Medicare Advantage. The new health care reform bill allows us to push back against the insurance companies that wanted to charge too much for Medicare Advantage. Just in my State, we were able to save Florida seniors \$4 million in the form of extra health benefits or re-

duced out-of-pocket costs for their Medicare coverage.

Under the new law, we are going to be able to reward Medicare Advantage plans: Medicare insurance companies—we are going to be able to reward those that provide the quality plans, the high-quality care.

Remember back 1 year ago what was happening on waste, fraud, and abuse in Medicare? The standards to prevent that waste, fraud, and abuse in Medicare were certainly not tough enough. How many times did we pick up the newspaper and we read about this guy had fleeced Medicare by opening a storefront that was a fake storefront and they started billing Medicare right and left and Medicare was paying it. As a result, the criminals were able to rip off Federal health care programs. A lot of that was because there was not an adequate enough review.

This new law has enforcement officials with new tools to prevent fraud before it occurs. This Senator had a part, a little bitty part, in that. The law gives States money to conduct background checks on long-term care providers and to educate seniors on fraud prevention, to educate them about those people who prey on our senior citizens and take advantage of them. My State has received in excess of \$3 million thus far in order to provide that education on fraud prevention.

Because of the changes in this health care reform bill, Medicare is now stronger than ever. As it is being implemented over the course of the next several years, it did not take effect all at once. There is a lot of implementation in each year over about the next 4 years. As it does, Medicare is going to be stronger than ever. We certainly need to continue to protect and strengthen Medicare for all of our seniors.

On the occasion of 1 year ago, when this new law on health care reform became law—it is so complicated and there are mistakes in it and we will correct those mistakes over time. That is the good part about this being implemented over the next several years; that where there is a mistake, it can be corrected. If this goes all the way up to the U.S. Supreme Court, which I expect it will, and if the Court declares a part of it as unconstitutional, that does not mean the Court is going to strike down the whole law. But there are plenty of opportunities, where there need to be corrections as it is being implemented, that we can do that.

But I wished to come to the floor and point out some of these reforms that have already strengthened the Medicare Program, as well as providing a more favorable environment in which to receive health care coverage, particularly for America's senior citizens.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BROWN of Ohio. Mr. President, I wish to speak for a moment on the continuing resolution and then speak on something else. It should not matter which political party we belong to. It is not right for any elected official to use the budget process to squander our economic potential and undermine our economic competitiveness. I see far too many people doing that in this debate.

I also see we are looking in a small window of the budget—something like one-sixth of the budget is where all the cuts are—confining the discussion to that, without looking at a millionaire's tax, without looking at closing loopholes.

We know, the Presiding Officer knows, if a company in Wheeling, WV, right across the river, or in St. Clairsville, OH, shuts down and moves to Mexico or China, they can actually deduct the cost of that move and that shutdown. That makes no sense. We need to close those tax loopholes. We need to look at the entire budget as we make these cuts.

Yesterday, I was on the phone with the majority leader talking to Ohio and Nevada media and also with John Paul Hill, an Ohio veteran who, after being discharged from the Army, was left homeless and turned to drug abuse.

With the help of a Housing-Urban Development-Veterans Affairs Supportive Housing—called HUD-VASH—Grant Program, he has an apartment. His life is on track. He is enrolled in college at Cuyahoga Community College in northern Ohio and he is on track to graduate and will be very employable.

Those are the kinds of cuts Republicans have made to maternal health care programs, to Head Start, to programs such as this for homeless vets. It is unconscionable that is the approach they have taken instead of much more serious long-term deficit reduction.

We also know from what JOHN MCCAIN's chief economic adviser said that the Republican budget that came out of the House would result in 700,000 lost jobs this year because of their approach, and that is clearly not good, as this economic recovery has begun—not fast enough in West Virginia or Ohio or anywhere else in this country, but it has begun. So we do not want to undercut that.

(The further remarks of Mr. BROWN of Ohio are printed in today's RECORD under "Morning Business.")

Mr. BROWN of Ohio. I yield the floor, and 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. ALEXANDER. 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. ALEXANDER. Mr. President, I ask unanimous consent that Senator BENNET and I have up to 10 minutes for a colloquy.

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

Mr. ALEXANDER. Mr. President, Senator BENNET and I have just announced an effort that I think most teachers, most principals, and many parents will want to be a part of. We are going to look at the education system in Tennessee and in Colorado—two of the more progressive States in education—to see if there are too many tests and too many regulations. We want to make sure the tests we have are good tests and the regulations we have are reasonable regulations, and any minute we can save from an unneeded test or an unnecessary regulation is a minute a teacher can spend devoted to teaching.

So we have done two things. First, we are introducing today legislation that we hope will be a part of the new Elementary and Secondary Education Act when it is passed that will have the Education Secretary set up a task force that will do something we don't usually do in government, which is subtract instead of add government—in other words, to continuously ask teachers, principals, and others what tests, what regulations are unnecessary so we can get rid of them.

Second, we are going to start right away to do this in Colorado and Tennessee. We have talked to our Governors—Governor Hickenlooper and Governor Hulsam—and we are going to put together a task force of educators in our State and ask them to say to us: What regulations are unnecessary? What tests are unnecessary?

When I was Governor, I used to say to the Education Secretary, who was then Bill Bennett: There are too many Federal regulations. He would say to me: I bet you have more State regulations than Federal regulations. And he was right.

When I was Education Secretary, I had many teachers and others say to me: We can't do this, we can't do that because of the Federal regulation, when, in fact, there was no such Federal regulation. What often happens is that the confusion between what the Federal Government requires and what the State government requires creates inordinate confusion in the classroom, and teachers feel all tied up.

So we are going to start right away to do this. We are both very excited about this. We think this should give teachers and others in the classroom an opportunity to do their jobs. One day less on an unneeded test might mean one more day teaching a child U.S. history, which would suit me fine.

I wish to congratulate Senator BENNET for his contribution to the debate, his ideas. His ideas come from his experience as an extraordinarily successful superintendent of the Denver Public School System. So we are taking his more recent experience and my own

background, putting them together with our teachers and principals, and we look forward to reporting to our colleagues what we find, as well as to Secretary Duncan, who will be a full partner with us in this. We hope this is part of the Elementary and Secondary Education Act when it is enacted in a bipartisan way.

Mr. BENNET. Mr. President, I thank Senator ALEXANDER for his leadership over so many years on education issues confronting this country and making sure every child in America has the opportunity to fulfill their full potential. I thank him also for his work on this bipartisan effort to do something very unusual for government and also for public education, which is actually to begin an inquiry about not what the next rule or regulation should be but whether there are rules and regulations that are now obsolete or whether our State regulations and Federal regulations are actually not accounting for each other in any way other than to overburden the people who are actually teaching our kids and our kids themselves.

I used to spend a lot of time when I was superintendent of Denver public schools wondering why everybody in Washington was so mean to our teachers and to our kids. Now that I have been here for a couple years, I know the people here are not mean. But this Senate floor is a very long way from the classrooms of this country—the classrooms in Tennessee and the classrooms in Colorado. We have to remember what the effects of everything we do are on that moment when a teacher is in her classroom with 20, 30 kids and trying to do her best to make sure they move forward.

This is an opportunity to not show up with the answers but to ask questions of our teachers and principals and moms and dads and see what we can take away. I have learned something since I have been here, which is that an awful lot of the burden we are placing on people in schools and classrooms and the way in which State and Federal regulations interact with each other—if we can reduce that burden while at the same time elevating our accountability system, improve our accountability system, make sure we are holding everybody accountable for delivering the outcomes from our kids, that not only will we get better results but we are going to find that there is a lot more time in the schoolday and the school year for kids to have well-rounded education all across America.

I thank our former Education Secretary for his work, and I thank our current Education Secretary, Arne Duncan, for working with us on this initiative. I am so looking forward to having a conversation with people, where we are saying: What can we take away, rather than: What are we going to impose on you now?

Mr. ALEXANDER. Mr. President, I ask unanimous consent to have printed in the RECORD a memorandum on the

Colorado-Tennessee working group on effective regulation and assessment systems for public education, which outlines the roles Senator BENNET, myself, Secretary Duncan, along with Governor Haslam of Tennessee and Governor Hickenlooper of Colorado, will have.

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

GO-TN WORKING GROUP ON EFFECTIVE REGULATION AND ASSESSMENT SYSTEMS FOR PUBLIC EDUCATION

The structure of the working group will be as follows:

Co-Chairs: Sen. Michael Bennet, Sen. Lamar Alexander, Secretary Arne Duncan, Governor Bill Haslam, Governor John Hickenlooper.

Charge:

(1) Examine Federal, State, and local regulations governing public schools in Colorado and Tennessee.

a. Differentiate between financial, programmatic, general education, special education, and civil rights requirements.

b. Identify which governmental entity requires each regulation.

c. Measure cost of compliance in terms of funds spent on compliance and time in hours and personnel.

d. Identify duplicative, redundant, or unnecessary regulations at each governmental level.

e. Investigate how Federal, State, and local interpretations of laws and regulations create additional or unnecessary burden and are used as rationale (or cover) for imposing requirements that are not actually mandated by law.

(2) Examine Federal, State, and local assessment systems for public elementary, middle, and high schools.

a. Determine purpose and intent and length of each assessment (e.g., measuring student achievement, teacher effectiveness, system accountability).

b. Determine frequency, length, and scheduling and measure impact on length of time in hours and days spent on testing.

c. Identify duplication in the current system and opportunities to streamline the accountability system.

d. Examine whether current assessments are returned with sufficient speed and quality to inform instruction, student grading, and teacher effectiveness.

e. Examine reporting practices of test results and the degree to which they are returned in a timely manner with sufficient quality to be useful to parents, teachers and principals, and students to inform and improve their work, including targeting instruction to student needs, grading student work, and evaluating teacher and principal effectiveness.

f. Analyze the ability of quality assessments to measure whether a student is prepared to graduate from high school and pursue college or a career without the need for academic remediation.

g. Examine what factors most contribute to quality assessments and the extent to which high-quality assessments can advance student learning.

h. Assess the technology infrastructure for next generation assessments.

i. Identify opportunities to improve assessment practices to better promote parent, teacher and principal, and student understanding of progress toward college and career readiness and public understanding of school performance and educational productivity.

(3) Prepare a report analyzing findings and make recommendations for local, State, and Federal policy makers including:

- a. State legislators
- b. Chief State School Officers
- c. State Federal Programs Director
- d. Superintendents
- e. Principals
- f. Teachers
- g. Assessment Experts
- h. Educator Effectiveness Experts

Mr. ALEXANDER. Mr. President, one more time, the bottom line of this proposal by Senator BENNET and myself is that every minute a teacher spends on an unneeded test or regulation is a minute the teacher cannot devote to teaching a child. What we are asking the teachers of Tennessee and Colorado to do for us is to identify the rules and regulations we need and the rules and regulations we can get rid of.

Mr. BENNET. Mr. President, I will add one more example to this from my experience in Denver. We complied with No Child Left Behind in the Denver public schools. But there was something that didn't make sense to me and to our teachers and our families, which is that we thought we were asking and answering a completely irrelevant question when it came to accountability, which was: How did this year's fourth graders do compared to last year's fourth graders?

The accountability system in the United States is based upon that. What our teachers told me is: Michael, it is irrelevant because they are not the same kids.

They are right. So we moved to a system that asked the question: How did this group of fifth graders do compared to when they were fourth graders and third graders, compared to what every other child in Colorado with a statistically similar test history did as well. All of a sudden, we began to see places that were driving growth for kids but that were completely unrecognized by the Federal law. We saw other places where kids were achieving at high levels but were falling behind during the course of the year.

There is a lot of wisdom in this country about how to move our kids forward. What we have to do is tear down some of the barriers that are in the way of those good ideas. It took me a long time to get that performance system signed off on both at the State and Federal levels. The State of Colorado has a growth model, and we are talking about growth models all over the country as a result of the work we did in Colorado and the good work that has been done in other States as well.

Sometimes people ask: Why is it so hard to scale quality in public education? If we can, in some small way, tear down some of the unintended barriers to that scaling of quality education, I think our kids will be better for it.

Again, I thank the Senator from Tennessee for signing up on this initiative. I look forward to learning what is working well and what is not working so well in our respective States and watching this spread across the United States. I thank the Chair.

Mr. ALEXANDER. I thank the Chair also.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

Mr. SESSIONS. Mr. President, we will soon be voting on a continuing resolution to continue funding the U.S. Government for 3 weeks. I believe that will reduce spending over that 3-week period by \$2 billion a week, which is far less than the debt we are incurring in each of those weeks, but it is significant progress. Add it to the \$4 billion we did in the previous 2-week CR.

I will support this continuing resolution. It keeps us on track to achieve a \$61-billion reduction in Federal spending this fiscal year, which ends September 30. It is important we take action. It is a matter that is important financially to American business interests and foreign business interests that may be thinking of investing in the United States and people who might buy our huge number of Treasury bills that we sell each week and are purchased by people all over the world. They want to know if we have our house in order, if this is a safe place to invest their money.

We need to do something now. When our majority leader, Senator REID, proposed not \$61 billion but that we reduce spending only \$4 billion throughout the rest of this fiscal year, I said then and believe now that is only a product of being in the Washington bubble. We are in denial of the reality of the crisis we face. I do not want to talk down the American economy. I believe the American worker is willing to work, is competitive, but we cannot burden that worker with excessive debt.

How does that happen? I am ranking Republican on the Budget Committee. We have heard testimony from Drs. Rogoff and Reinhart, who have written a book called "This Time is Different." Their study of nations that have gotten into trouble financially and have had debt crises over the last 20 years shows a consistent pattern of problems.

One of the things they concluded is that when a nation's debt reaches 90 percent GDP, the economic growth in that country slows down. The median was 1 percent, but the average was more than 1 percent. Some countries had more than a 1-percent drop in growth. Japan has a higher debt than we do, I think the highest in the world. They have an interesting way they have been able to finance it, but they have had no growth for quite a long time. It is consistent with the Rogoff-Reinhart study.

Does that apply to us? We are about 95 percent now. Our debt is surging. By the end of this fiscal year, the numbers are that our debt will be 100 percent of GDP, well above the figure. One might

ask: What does 1 percent growth mean? If we are looking for growth of 2 or 3 percent, 1 percent is half our growth.

What does it mean in other terms? Experts have said that a 1-percent reduction in growth amounts to 1 million jobs lost.

I believe we are beginning to feel a negative pull on our bounce back from this recession as a result of growing debt right now, not years down the road as some people have been saying and predicting; that we are going to have a debt crisis down the road. I hate to say it.

Erskine Bowles, President Clinton's Chief of Staff, was appointed by the President to cochair the debt commission with Senator Alan Simpson. They testified before our committee last week, and this is what they said about the nature of the crisis we face. They spent weeks studying the numbers, hearing from experts all over the world, about our debt situation. They reported that we have to take action now.

In a joint statement they presented to the committee, they said this is the most predictable financial crisis this Nation has ever faced. In other words, they said if we do not change course, it will be the most predictable crisis we have faced.

Senator CONRAD, our Democratic chairman, who is very concerned about these issues, asked them when. Mr. Bowles, who himself is a successful financial businessman and financier, said about 2 years. Senator Simpson contributed to the discussion and said: I think a year.

I hope we do not have some sort of debt crisis in a year. The fact that has even been discussed should be a cause for alarm. Let me say, in January, Alan Greenspan said we could have a debt crisis in 2 to 3 years. Moody's has discussed downgrading our debt. They have warned they might downgrade our debt in less than 2 years. We need to take action now. That is the deal. That is the matter.

We had some fine new Members elected to the House and the Senate last Fall. The American people believed those they elected would come to Washington and help us get off this course of wild spending. I believe the American people get it. They are not in a bubble. They know we cannot continue this way. They are prepared to take some action, and we need to do it. If we fail to take action that is noticeable and significant, it would send the wrong message around the world. They would say: Even with this election change that occurred in Washington, you are still not changing your course.

I urged the President before the State of the Union Address to talk straight to the American people about the threat we face, and he did not do so. The first 37 minutes of his speech was about new investments he called on us to make. Investments, of course, is new spending. He never once took a few moments to explain to us the kinds

of things Mr. Erskine Bowles said or Mr. Alan Greenspan said about how we are on an unsustainable course. He never even acknowledged we are on an unsustainable course. He never warned us that we are going to have to tighten our belts, just as Governors are doing, as mayors are doing all over America. When we do not have money, we do not have money. If we do not have money, we have to change course.

I was disappointed, as were some of our Democratic colleagues, that we have not had the kind of national dialog and ask the American people to receive somewhat less from the Federal Government than they have been.

Why do we have to do it? Because we are facing a crisis in good leadership, which means the leader has to tell the people what the threat is, what the danger is, and how we are going to get out of it.

I truly believe one of the highest duties of any Member of Congress or any leader in America is to protect the American people from foreseeable dangers. As Erskine Bowles said, this is the most predictable crisis we have ever faced. It is heading to a bad end—hopefully, not as soon as they warned us it could happen so we will have time to get off this course. That is important.

The President said in his State of the Union Address that we will be living within our means. He did a radio address after he submitted his budget, and he said: We are going to be living within our means. My budget puts us on a track to prosperity. We are going to continue to invest, and we will be living within our means and paying down the debt.

Mr. Jack Lew, the Director of the Office of Management and Budget, says we are going to be living within our means and paying down our debt. Basically, they are saying: Don't worry. You guys are getting all hyped up. We can still invest. We can still spend. Don't worry about it.

What do the facts say? We do not need political talk; we need a fact-based budget. We need fact-based discussions. The facts are we are not going to be paying down our debt in 10 years under the President's budget. We are not going to be living within our means.

What is the situation? His own budget is four volumes. In that plan it calls for spending levels that increase the total gross debt of the United States from \$13 trillion to \$26 trillion. Under that plan, the lowest single annual deficit that occurs is over \$600 billion. The highest deficit President Bush ever had was 450. That was too high. The lowest he is projecting in his own numbers is 600.

Even more troubling, in years 7, 8, 9 and 10 of his budget the deficits are going up. It is almost \$900 billion in the 10th year. How could they say that? How could the President look the American people in the eye and say my budget is going to cause us to live

within our means? How could Mr. Lew say that?

I examined Mr. Lew in the Budget Committee. I asked Mr. Lew, the lowest deficit you are going to have is \$600 billion. How is that living within our means? He said: Well, there is something called a primary deficit. I said: What? He said: The primary deficit. I asked: Well, what is that? He said: Well, you don't count interest.

You don't count interest. When a family living in tight times today is trying to squeeze their budget, do they not count their interest on their credit card or their mortgage payment? How can they say they are balancing the budget, living within our means and not count interest that we pay on the debt? All of the money we borrow we have to pay interest on. We pay interest on \$14 trillion. If it doubles to 26, we will pay interest on that. Last year, our interest payment for the United States of America was about \$208 billion in interest payments alone.

Under the President's budget, the interest payment in the 10th year is \$844 billion, according to his numbers. This is the fastest growing item in the entire budget. They assume an interest rate at 3.5 percent. I don't think and most experts do not believe that is going to remain so low. This is historically very low. Historically, we average about 6 percent on our debt. So if it went from 3 percent to 6 or 7 percent, instead of \$840 billion I guess it would be \$1.9 trillion in interest payments. And that could happen if we don't get off this unsustainable path we are on.

I am frustrated about this. People say: Well, this CR business is only discretionary spending. It is only a small part of the overall budget. You shouldn't even attempt to fool with it. You are wasting your time. No, no, no. We are going to have to take every part of the budget and see what we can do to contain the growth in spending, or even reduce spending, to eliminate some spending that is totally worthless because we get no real benefit from it. We need to make our government more productive, lean, and efficient. We can do that.

We cannot continue on this course. The House of Representatives has passed a proposal, a continuing resolution, that would reduce spending through the rest of the fiscal year a total of \$61 billion. We should accept that. That is not too much. It is probably not enough, but it is enough to count.

For example, it is a \$61 billion reduction in baseline U.S. spending. If you reduce the baseline, even if next year you start going up 1 percent, that 1 percent will be on a baseline that is \$61 billion lower. We have calculated the numbers, and over 10 years, that \$61 billion, plus the interest you don't have to pay, will save the United States Treasury \$860 billion. That is a good step. That does make a difference. People who deny it makes a difference are wrong. It is not going to savage

anybody, unless some of these programs aren't working, and then they ought to be zeroed out. So I want to make that point clear.

How much is the discretionary spending—the money we spend here on education, on highways, on things of that nature—defense? Discretionary non-defense is about 12 percent of the budget; 60 percent or so is in Social Security and Medicare, and they are growing at an unsustainable rate. We need to take steps now to save Social Security, to put Social Security on a path so our seniors can rely on it and our young people can have confidence that when they become senior citizens, they can rely on it also. It is not that difficult to do.

This has been talked about by editorial boards around the country, by experts and economists and professors and Congressmen and Senators for years. But the crisis is getting more real and acute now. Yet what did the President do? He said not one word about that in his State of the Union or his budget. His budget doesn't do anything about any of the entitlements. You can't cut discretionary spending and you can't cut entitlement spending. In effect, they are saying nothing is to be challenged. I know that is not a rational approach to the crisis we are in today.

We have to work together. We have Senators together right now—Democratic and Republican—who are trying to figure out a way to make some alterations in the trajectory of our debt in America and to put us on a sound path. Democrats and Republicans are meeting—Senator WARNER, Senator CHAMBLISS, I think Senator MANCHIN and others are talking. They want to see us do something historic. I think we need to. But on the Budget Committee, Budget Director Lew said the President wasn't for any change. He took the view that Social Security doesn't have a problem; nothing is going to happen until 2037. Well, what happens then? It falls off a cliff, and that is assuming you count this paper that is supposed to be backing it up. But the money has been spent. We need to get Social Security on a sound course, and we can do it.

We have to work on Medicare, which is even more problematic and more dangerous. We need to get it on a sound course. We need to get our heads together on discretionary spending and contain our growth in discretionary spending, all of which is possible to do. All of that is possible to do. We have the opportunity to put our country on a road to prosperity and growth. We will need to do some things such as reforming our tax laws to more fairly raise revenue in a way that allows more growth to occur, because we need to have growth. We have to create jobs. We need to redo our energy policy and produce more American energy and hold the cost of energy down, not drive up the cost of gasoline and electricity on the American people.

Momentum, I think, is on the side of this. When Majority Leader REID offered his pittance of a reduction—a \$4 billion reduction—10 Democratic Senators defected. They didn't vote for it because they didn't think it reduced spending enough. We had three Republicans who didn't support the \$61 billion. They thought it ought to go lower than that. So the momentum out there is to go further than we are going.

The American people get it. Our expert testimony from witnesses tells us that. We have seen Bill Gross, of the PIMCO Bond Fund, the largest fund in the world, say they are not buying any more U.S. Treasuries, basically calling on the United States to reduce our debt. He didn't have confidence in it. We need to get busy and do some things. It is going to have to be done in a bipartisan way, there is no doubt about it.

There are two choices, I believe, truly. One is a tougher road, but it is the road to prosperity. It can return us to the kind of leadership role in the world we need to be in. The other road is the road to decline. Nothing comes from nothing. Nothing ever could, Julie Andrews sang. There is no free lunch. Debts have to be paid. Interest has to be paid on debts. This is reality. We don't live in a fantasy world. The time to stand and be counted is now.

This \$61 billion reduction in spending through the last 6½ or so months of this fiscal year is a statement. It is actual, it is real, it will reduce the total indebtedness of the United States by \$860 billion over 10 years. We could do more, but Congress being what it is, slowly coming around to the challenge, we are not ready probably to do more. But we need to do \$61 billion. We do not need a compromise halfway, some \$30 billion reduction in spending. I do believe that would show weakness on our part—a lack of resolve—which would not be a good signal for our fragile economy today.

We need to meet the test, to face the defining challenge of our time, and that is spending. It is the dominant issue facing America today, no doubt about it. It dwarfs every other issue. I wish it weren't so. When I came, in 1997, I guess we were still fighting over spending then, trying to contain spending, but by 1998 and 1999 we were in surplus. We balanced the budget. They started in 1994 and made some tough decisions. It is going to be harder this time. The hole is deeper, the demographics and the systemic threats to our financial order are greater than it was, there is no doubt about it. But we can do it.

I think it is our time to fulfill our duty—our duty to our Nation and to the American people to preserve America's heritage. We are standing at a time in this country where we have to make a choice. Let's make this choice. Let's do this 3-week extension, take it down \$6 billion more over that 3 weeks, and then let's come back and do \$61 billion and celebrate the first real step in

decades to contain growth and spending. Let's promise this is the beginning. Let's promise that we are going to review all our spending, and we are going to do it in an honest, aboveboard way, fact based, not politics, not smoke and mirrors, or fantasy budgets, but real numbers facing real threats.

If we do that, I think the American people will be supportive. They were supportive in the last election. I believe they will be supportive again.

I thank the Chair for his leadership on these issues in the Senate. I think there is growing consensus here that progress must be made.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. KYL. Mr. President, I wanted to say a few words in support of the continuing resolution that the House of Representatives passed that we are going to be voting on here in another hour or so. It is H.J. Res. 48.

This is the second short-term funding extension to prevent a government shutdown while our congressional leaders are negotiating to try to reach an agreement on a long-term plan to keep our government working through the end of this fiscal year ending in September. The short- and long-term continuing resolutions under discussion are leftover work from 2010 to finish the job of funding the government, as I said, through the end of this fiscal year.

Notably, the spending cuts that have been achieved so far are really the first meaningful spending cuts the Congress has passed since the Deficit Reduction Act which was enacted in February 2006.

The House-passed 3-week CR or continuing resolution, which runs until April 8, includes \$6 billion in spending cuts, which will keep the Congress on track to implement the overall \$61 billion in spending reductions which are included in the long-term CR. Enactment of this short-term measure would mean that in just 5 weeks we will have cut \$10 billion from this year's spending, and because of the adjustment in the baseline, that means that over a 10-year period of time, we will have saved the taxpayers \$140 billion. Even in Washington, DC, that is real money.

The cuts in H.J. Res. 48 include funding rescissions, reductions, and program terminations. It also eliminates earmarked accounts within the Agriculture, Commerce-Justice-Science, Financial Services, General Government, and Interior Subcommittee jurisdictions. It reduces or terminates 25 programs, for a savings of \$3.5 billion, and

eliminates \$2.6 billion in earmarked account funding—all in all, a pretty good day's work. While we could argue the spending cuts are not large relative to the overall budget, as I said before, they will amount to \$140 billion in savings over 10 years.

I urge my colleagues to support this ability to cut funding—something we do not often have the opportunity to do. Why do we need to do this? Well, we all know that, first of all, we have a gross Federal debt exceeding \$14 trillion. In fact, we are piling up debt at such a fast rate, that soon, the administration says—and the administration has—the President has asked us to increase the debt ceiling of the United States because of the amount of debt we keep adding to that that exists.

Obviously, we are living beyond our means. We have to borrow \$4 billion a day. Another way to look at it is that for every dollar we spend here, we have to borrow 42 cents of that from somebody else. About half of that borrowing occurs from foreign nations. If you want to look at how the debt relates to the American citizens, it is equal to \$45,500 per American or, if you want to relate it just to those who pay taxes, it is \$127,000 for every taxpayer in the United States. That is how big our debt is.

That money has to be paid back. This is not something that just is out there in the ether somewhere; our creditors will want to be paid back when the bonds we have issued become due. It is either going to be us here in Congress and the President deciding how to reorder our priorities so we get our fiscal house in order or eventually the bondholders are going to do it for us by demanding far higher interest rates in order to buy our debt.

It is not just a fiscal problem, it is a national security problem. The Chairman of the Joint Chiefs of Staff, Mike Mullen, has made the point: "I believe that our debt is the greatest threat to our national security."

Now, why does he say that? Well, there are two basic reasons why. If we do not have the economic capability of funding all of the national security requirements we have, we no longer are the world's leading power, able to project our authority throughout the world, our ability to help others as well as defend ourselves.

Second, when we get into hock with other countries, become their debtors, our ability to influence their decisions in the world is diminished. It is very hard for us to go to the Chinese, who hold a couple trillion dollars of our debt—I think it is a figure roughly in that neighborhood—and say: We demand that you support us in the United Nations Security Council to impose sanctions on Iran. It is pretty easy for them to say: Oh, really? How about that debt you owe us? How about if you pay a little higher interest rate on that money?

Well, of course, paying a higher interest rate would devastate both our

Federal budget and our economy. So it impacts our ability to influence others around the world, thereby also influencing our national security.

Finally, there is the impact of the cuts we are making today, when we pass this legislation, on job creation in our country. There is a direct relationship between government spending on the one hand—going into debt—and job creation on the other. It is one of the reasons we have the high unemployment we have today. In fact, if you look at a chart, there is an absolute direct correlation between the unemployment in our country and the deficit spending and debt in our country. That is why we have to get that lower. When we reduce the amount of debt and we spend less, which is what this legislation will do, we can leave the money in the private sector, enabling private businesses to invest that money, including in jobs, thereby not only hiring more people but helping our economy to grow.

In his work, Stanford economist John Taylor has shown this direct correlation between these spending cuts and increased employment. He recently released an analysis, and it is titled "Why a Credible Budget Strategy Will Reduce Unemployment and Increase Economic Growth." That is the title. It concluded that the spending cuts in H.R. 1, which is the underlying continuing resolution in the House, "will increase economic growth and employment as the federal government begins to put its fiscal house in order and encourage job-producing private sector investment." He is, by the way, among 150 top economists in the United States who signed a statement arguing for a change in direction and immediate action "to begin to slow government spending, reduce uncertainty, and support the creation of new private sector jobs."

We can begin that process by adopting the legislation that is before us here in another hour or so. It will, as I said, cut an additional \$6 billion, so that the total in this last month and 1 week will be \$10 billion in spending cuts that will, over a 10-year period of time, save the taxpayers \$140 billion—all in all, a good day's work.

I urge my colleagues to support the legislation.

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

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

The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I rise to speak about the current debate over the current Federal budget. On Tuesday, a very telling and very troubling vote was held in the House of Representatives. In order to pass the 3-

week continuing resolution needed to avert a government shutdown, which we are considering here in the Senate today, Speaker BOEHNER was forced to rely on votes from House Democrats.

He had to do so because conservative Republicans abandoned their party leadership in droves. They fumed that the measure lacked special interest add-ons dealing with ideological issues such as abortion, net neutrality, and global warming.

In all, 54 conservative Republicans rejected the measure—even though it was necessary to avert a shutdown, even though their own leadership negotiated the proposal, and even though it included \$6 billion in additional cuts to domestic discretionary spending. This is a bad omen.

Last week, the Senate held two test votes: one on H.R. 1 and one on a Democratic alternative. We knew that neither proposal would have the votes to pass and, sure enough, both went down.

The purpose of those votes was to make it clear that both sides' opening bids in this debate were nonstarters and thus pave the way for a serious and good-faith compromise. But, unfortunately, an intense ideological tail continues to wag the dog over in the House of Representatives.

Speaker BOEHNER had hoped after H.R. 1 failed in the Senate, it would convince his conservatives of the need to compromise. Instead, those conservatives have only dug their heels in further, and that is no way to improve our Nation's fiscal footing.

Speaker BOEHNER has said in no uncertain terms that he wants to avoid a shutdown, and I believe him. He is a good, honest man. The problem is, a large percentage of those in his party think "compromise" is a four-letter word.

I do not envy the position the Speaker is in, but he is going to have to make a choice. This is not a yellow wood in Robert Frost's poem, but there are two divergent roads, and, sorry, Speaker BOEHNER cannot travel both. He can cater to the tea party element and, as Congressman MIKE PENCE has suggested, "pick a fight" that will inevitably cause a shutdown on April 8—that is one path—or he can abandon the tea party in these negotiations and forge a consensus among more moderate Republicans and a group of Democrats. I think we all know which road he should choose.

Speaker BOEHNER would not have been able to pass this short-term measure without Democratic votes, and he will not be able to pass a long-term one without Democratic votes either.

Throughout this debate, Democrats have repeatedly shown a willingness to negotiate, a willingness to meet Republicans somewhere in the middle, and yet the rank and file of the House GOP has been utterly unrelenting. They have wrapped their arms around the discredited, reckless approach advanced by H.R. 1, and they will not let

go. In fact, they just keep squeezing harder.

Worse, the last few days have taught us that spending cuts alone will not bring a compromise.

The new demand from the far right is that we go along with all their extraneous riders. These riders don't belong on a budget bill, but they were shoehorned into H.R. 1 anyway. Now the hard-liners want them in the final deal.

This is why a compromise has been so hard to come by in the budget. It is because Republicans want more than spending cuts; they want to impose their entire social agenda on the back of a must-pass budget.

Those on the right are entitled to their policy positions, but there is a time and a place to debate these issues, and this ain't it. If this debate were only about spending cuts we probably would come to an agreement before long, but we will have a hard time coming to an agreement if those on the hard right treat the budget as an opportunity to enact a far-ranging agenda.

Many Republicans in the House recognize the unreasonableness of the hard-liners, to their credit. STEVE LATOURETTE of Ohio said passing the 3-week stopgap was "exactly what people expect us to do—find cuts and continue to talk."

MICHAEL GRIMM, a very bright freshman from my home State of New York, said the tea party lawmakers were making "a big mistake."

This is proof positive there are reasonable Republicans in the House, including some reasonable freshmen such as Mr. GRIMM who, along with a group of Democrats, can provide Speaker BOEHNER with the way around the tea party. In order to avoid a dead end on these budget talks, Speaker BOEHNER should abandon the tea party and work to forge a bipartisan consensus. It is the only way out of this bind.

Thank you, Mr. President. I yield the floor.

Mr. LEVIN. Mr. President, on March 2, we voted on a short-term continuing resolution. We vote today on another. I opposed the earlier measure, and for the same reasons, I oppose this one as well.

First, this legislation makes unjustified cuts in important Federal programs. These cuts will affect the safety and well-being of Americans who already have suffered through the worst recession since the Great Depression, and who still are waiting for a robust economic recovery to lift their fortunes.

The cuts in this bill include a more than 15-percent reduction in important agricultural research programs that help our farmers fight threats such as plant diseases and invasive species. And they include a reduction of \$200 million—almost 25 percent—in funding for community-oriented policing grants that help local law enforcement agencies afford the equipment they need to keep our communities safe.

Second, while this legislation will do real damage to important programs, it will have little effect on its professed target: the Federal budget deficit. Focusing solely on cuts in nondefense discretionary spending, as this and previous continuing resolutions have done, cannot solve our budget problems, because those programs make up less than 15 percent of our budget.

Lastly, this legislation makes not even a gesture toward what must be an essential part of any deficit-reduction strategy: revenue improvements through the closing of tax loopholes and a rollback of the unjustified tax cuts for the wealthiest Americans that occurred under President Bush.

I will repeat what I have said before: We cannot seriously dent the Federal budget deficit unless we address revenues as well as spending. This is a matter of simple arithmetic. Hacking away at a narrow slice of the budget cannot significantly reduce our deficit. But it can do significant damage to our Nation's safety and security and to the welfare of American families. Passing legislation that does such damage is an error; passing it while failing to address unjustified tax cuts and loopholes that benefit the wealthy adds insult to injury.

Mr. HATCH. Mr. President, I want to take a few moments to discuss a pressing matter.

In a few hours, the Senate will take up another short-term continuing resolution to fund the government for fiscal year 2011. Earlier this month, I voted no on another short-term CR. From my perspective, the spending reductions provided in that bill were a start, but they sent a bad sign.

Washington needs to make clear, to citizens and to the markets, that it is serious about restoring the fiscal integrity of the United States. Don't get me wrong, any spending reductions are good spending reductions. But by getting into the habit of passing continuing resolutions rather than long-term funding bills with significant reductions in government spending, Congress and the White House send the signal that real spending restraint is impossible. The spending reductions in the last CR were a start, but they simply did not go far enough to bring fiscal sanity back to Washington. Unfortunately, in this opening volley in the debate over spending—to borrow from the former coach of the Arizona Cardinals, Denny Green—Democrats have shown that they are what we thought they were.

The rest of the world heard voters loud and clear last fall. Voters want spending restraint from Washington. Republicans told voters that Democrats could not be trusted on spending. And Democrats are still making our case.

One of my Democratic colleagues in the Senate has said that with respect to fiscal year 2011 spending reductions, I think we have pushed this to the limit. Last week, Democrats drew their

line in the sand, and according to the Congressional Budget Office, they refused to reduce spending by any more than \$4.7 billion. So in an appropriations bill that would spend over \$1 trillion, Democrats could not find any more than \$4.7 billion in reductions. The most they could come up with is a spending reduction of one-half of one percent? If Democrats consider these pathetic spending reductions pushing it to the limit, I would hate to see them really slacking off. In the Democrats' world, you are only truly stingy if you fail to increase spending. But failing to increase spending is not reducing spending, and we need to be reducing spending. American families are doing it at home, and we need to be doing it here. Pushed it to the limit? Give me a break.

There is no better time than right now to get serious about reducing spending. First, with each short-term CR that passes, it becomes less likely that we will get the full \$61 billion in spending reductions that Americans want to see Congress adopt. Second, I am not going to sign onto the Democrats' strategy of short-term CRs that will jeopardize our national defense. We cannot be funding national defense in little 2- and 3-week blips. And third, we need to make it clear that discretionary spending matters. Democrats are fond of saying that the problem with our budget deficits is not discretionary spending. Well, it might not be the entire problem but it is a big part of the problem.

Democrats suggest that discretionary spending is a sideshow. The real money is in entitlements. Let me make one point here. Democrats today say they want to focus on entitlements, but you can bet the farm that today's budget-minded Democrats will start bludgeoning Republicans for any effort, no matter how modest, to get entitlement spending under control. The writer Andrew Ferguson got it right when he called these Democrats tough-choosers. They always talk about making the tough choices to get our spending under control, but the minute Republicans attempt to address deficits and debt, these same Democrats hammer Republicans for the cold-heartedness.

Getting at entitlement spending requires bipartisan leadership and Presidential leadership. Yet the President, who has enough time to go on national television and fill out his NCAA bracket, is only committed to a serious conversation about entitlements. We need more than a conversation; we need leadership. But leadership on spending is wanting among Washington Democrats.

In the end, these Democratic tough-choosers won't stand strong on discretionary spending or entitlement spending. So let's focus on discretionary spending. It is a problem, and it is what the American people sent us here to address. Nondefense discretionary spending has grown by 24 percent over

the last couple of years. This needs to be rolled back significantly. People in Utah understand that returning us to 2008 spending levels is the responsible thing to do.

When Democrats tell you that discretionary spending does not matter, think of a person who needs to go on a diet. The person weighs 300 pounds and needs to radically change his lifestyle in order to get in shape. When a Democrat says that we don't need to worry about discretionary spending, it is like an overweight person saying there is no need to worry about the half-pint of cookie dough ice cream he eats every day because he has cut out his daily large pizza. If you want to lose weight, you can't have either. And if you want to reduce spending, you need to address all of it.

The fact is, we are up to our eyeballs in deficits and debt. For the third consecutive year, we will have a deficit of over \$1 trillion. We blew \$1 trillion on the stimulus and followed that up with a \$2.6 trillion health care bill that we could not afford.

I appreciate the efforts of my Republican colleagues, both in the House and the Senate, as they try to reach an agreement on a spending bill that should have become law last year. But Democrats, who controlled the White House and both Houses of Congress, shirked their responsibilities. And now they are digging in, trying their best to thwart the will of the American people and hold the line on the spending that Democratic special interests demand.

Here is a basic question that should inform this debate. What do you do when you are spending more money than you make? Even a second grade student could tell you that you stop spending money. Democrats' subservience to the spending status quo would not pass a second grade math class. But do they really mean to say that they can't find anything to cut? For some, every new crisis—real or imagined—seems to demand a solution that only government can provide. But how often do we really look back with a critical eye and evaluate the effectiveness of all of these new government programs? I am afraid not nearly enough.

Thanks to the work of my colleague from Oklahoma, Dr. COBURN, the GAO recently identified possibly hundreds of billions of wasteful and redundant government spending. Government is littered with programs that can be reduced or eliminated. To that end, along with my colleague from Colorado, Senator UDALL, I have introduced legislation that would create an anti-appropriations committee specifically designed to ferret out and cut government waste. And, of course, the ultimate fix for all of this spending is the balanced budget amendment, which I have introduced with my colleague Senator CORNYN, and is cosponsored by 31 of our colleagues. With a balanced budget amendment and with serious efforts by Congress, we can reduce spend-

ing in Washington, and we can restore constitutional limits on the size and reach of the Federal Government. This is no longer an ideological issue. Democrats might not know that yet. But spending is now an issue that transcends partisan allegiances.

Washington's reckless spending has now become a serious enough issue that financial markets are paying attention. Just last week, the world's largest bond investor divested all of its holdings in U.S. Treasuries. This is hardly a vote of confidence in the integrity of our Nation's finances. Yet what is the Democrats' solution? Let's reduce spending by \$4.5 billion. To borrow from my friend and colleague from Iowa, Senator GRASSLEY, this is a spit in the ocean.

Congress needs to send a signal to the world that it is serious about taking on government spending. Unfortunately, Democrats remain intent on being unserious. I will not play these games with our Nation's fiscal integrity. I look forward to a meaningful debate over a long-term fiscal year 2011 spending bill. In the meantime, I will not be supporting the CR when it comes up later today.

Mr. LEAHY. Mr. President, today the Senate will vote on the sixth continuing resolution of the fiscal year. While this is not a record for Congress, it is certainly a number far higher than is appropriate for responsibly funding the government. I want to take a minute to explain how we got to this point.

Last December the Senate Appropriations Committee prepared an omnibus spending bill to fund the government for fiscal year 2011. The omnibus was not a perfect bill, but it was based on hundreds of hours of hearings, committee meetings and bipartisan negotiations. Members of both parties had input into the process and content of the bill. So it was perplexing that in the waning hours of the 111th Congress our friends on the other side of the aisle walked away from this bill. Because any action in the Senate is now subject to the approval of a supermajority we were unable to pass the omnibus and instead passed a continuing resolution to fund the government through the beginning of March.

I fully understand concerns about using an omnibus as a method for budgeting; it is far from a perfect mechanism. But the alternative is to operate the way we have for the last 6 months, stringing along stop-gap measures that undermine Federal programs and agencies. The impact of uncertain budgeting is felt at the State and local levels as well. I hear on a daily basis from Vermonters about Head Start programs that are considering layoffs, college students concerned whether they will have to take out more loans if Pell grants are cut, and hundreds of others worried about the future of home heating, housing and basic safety net programs for many who are struggling mightily right now.

It is critical that rather than muddling along with more short-term continuing resolutions that we pass a responsible budget plan for the remainder of the year. The current 3-week CR under consideration is an example of how this process does not serve us well. Halfway through the fiscal year we are debating significant cuts to infrastructure funding like Save America's Treasures, the Public Television Facilities Program and to efforts that provide basic services such as rural housing assistance to Vermonters.

I am extremely disappointed with the elimination of the Save America's Treasures program. It has preserved hundreds of historic landmarks throughout the country, a number of which are iconic Vermont structures, valuable parts of my State's identity. Another cut that is disappointing is the elimination of funding in fiscal year 2011 for the International Fund for Ireland. It is an unfortunate twist that on St. Patrick's Day, Congress is poised to pull the plug on this program of assistance for the most economically depressed communities of Northern Ireland.

These are not abstract cuts. The elimination and reduction of this funding will have a measurable and negative impact on job creation and the daily lives of Americans. While I believe these cuts are misguided, I will reluctantly support the continuing resolution. I do not make this decision lightly or with any enthusiasm. Unfortunately this bill is the only option available to keep the government running and prevent a shutdown. A shutdown would cause severe hardship for countless people, and the President and Congress must use this time to find an acceptable compromise to fund the government through the remainder of the year.

Ms. MIKULSKI. Mr. President, I rise in reluctant support of another short-term CR because I am absolutely against a government shutdown.

But enough is enough. We are 6 months into the fiscal year and no closer to having a budget than the day we started. The American people want a budget that is frugal, on their side and brings stability to their lives. Both parties must come together and agree to sensible budget cuts for remainder of this year. But cuts are not a strategy to reduce the deficit. Cuts are a tool, not a strategy. We must also tackle the items that are responsible for adding to our deficit.

We cannot continue a cycle of cutting \$2 billion every 2 weeks. That is no way to govern. Even though many of the cuts in the new CR are cuts that I agree with, short-term CRs are a government shutdown by proxy. I don't want a government shutdown. I am fighting to prevent it. But we cannot fund the government with two to three week payments. It is bad for Federal workers, contractors, families and the economy.

Senate Democrats have initiated cuts. First we cut \$41 billion from the

President's budget request. Then we offered to cut another \$10 billion for a total of \$51 billion in cuts. But our offer was rejected. Republicans want to cut \$100 billion. We met them halfway. But that wasn't good enough. Whether we cut \$100 billion at once or several billion at a time in short term CRs, this is not a strategy to reduce the deficit and will hurt middle class families.

I am for cuts. The biggest cut I want to make is to the unemployment rate. Last week, I voted for Chairman INOUE's package with \$51 billion in cuts. And in my own CJS bill, I have agreed to cut agency overhead by 10 percent, and cut agency party funds by 25 percent.

I am for making cuts to programs that middle class families don't depend on for their survival. Let's end lavish subsidies for oil and gas companies to save \$4 billion each year before we cut Head Start and Child Care by \$1 billion. Let's stop the tax breaks for corporations that send jobs overseas to save \$5 billion before we cut afterschool programs by \$100 million. Let's stop subsidizing big agribusiness to save another \$5 billion a year before we cut Pell grants for middle class kids by more than \$600. And let's end the war and bring our troops home which costs \$1.1 billion a week in Iraq and \$2.5 billion a week in Afghanistan before we ask our military men and women and their families to sacrifice any more for our country.

The uncertainty of these short-term CRs is bad for workers and contractors. One-hundred thirty-thousand Federal employees and tens of thousands more contractors live and work in Maryland. These are some of the most dedicated, hardworking people in our Nation. They make sure the food we eat is safe, find cures for the most devastating diseases, and make sure seniors get their checks every month. At Goddard Space Flight Center in Prince George's County there are 9,100 employees 3,400 civil servants and 5,700 contractors leading the world in green science initiatives. Of these 9,100 workers, 65 percent are scientists, engineers and technicians taking us into the next century with research on the Earth and its climate and leading missions to learn about the Sun, Moon, Mercury and Saturn.

Maryland's Federal employees win Nobel Prizes. Dr. Bill Phillips of the National Institute of Standards and Technology in Gaithersburg shared the 1997 Physics Nobel Prize for development of methods to cool and trap atoms with laser light, making it possible for us to study atoms with unprecedented precision. Secretary of Energy Steven Chu was one of his co-winners. Dr. Martin Rodbell of NIH shared the 1994 Nobel Prize in Medicine for his discovery of G-proteins and the principles of signal transduction in cellular communication. Dr. John C. Mather of NASA Goddard shared the 2006 Nobel in Physics for a discovery that has enabled precise measurements of the first moments of the universe. Whether they

have won a Nobel Prize or provide the petri dishes or support services for this important work, these are hard working federal employees and contractors who are duty and mission driven.

In Prince George's County, I heard from a small business owner who does contract business with the government. Over the years she has grown her business with help from the Small Business Administration. Her company graduated from the SBA's 8(a) business development program, which was created to help small and disadvantaged companies compete. By taking advantage of the resources offered like mentoring, business counseling, training, financial assistance and technical assistance she grew to a \$43 million business based in Maryland with divisions in other states. She's a success story. She asked me, "What should we do if the government shuts down?" She's afraid that the gains she's made could all be lost in a shutdown. At a time when we are seeing signs of economic recovery Congress should be nurturing this trend with predictable, stable funding for small business owners, not destroying it.

I support Federal employees and contractors. I support the mission of our government agencies and I support providing the money needed to carry out their mandates. But I don't support a government shutdown.

I support cuts. But cuts are not a strategy to reduce the deficit. Cuts are a tool, but they are not the only tool. We need a more thoughtful approach. We need a real strategy.

I will vote for today's CR but we cannot continue to pass short-term spending bills. Both sides must come to agree on a long-term budget for remainder of fiscal year.

Mr. KERRY. Mr. President, today I will vote in favor of the continuing resolution to keep our government and all its essential services open and operating for the next 3 weeks. I am supporting another short-term extension for the last time. I am only supporting this legislation today because I have been guaranteed by the leadership on both sides of the aisle that this will be the last time we will be forced into adopting a short-term fix to our budget problems and because the only other option would be to shut down the operations of the government.

I believe a government shutdown is in no one's interests but I remain deeply disappointed in the political process that has put us in this untenable position. A 3-week extension that merely defers tough decisions on funding for the fiscal year that started almost 6 months ago is hardly progress. The American people deserve better than a stalled process which delays important decisions of how we can reduce our Federal budget deficit while maintaining our important investments in infrastructure, research, education, technology, and clean energy which will result in new jobs and will bolster our long-term competitiveness.

The American people deserve a serious dialogue within the Congress about our fiscal situation, discretionary spending, entitlements, and revenues. We need to work towards a long-term solution to reduce both our current budget deficit and our staggering debt. We will need to reduce federal spending and make appropriate changes to our entitlement programs to meet the fiscal challenges facing our country. To do this appropriately, everything—revenue, tax reform, spending and entitlements—needs to be on the table.

The question now is what are the tough decisions we are going to make today? What are the issues we are going to wrestle with together at a moment of enormous challenge? This process cannot be done in 3 weeks, but it should have already begun—and it needs to begin today. The American people deserve no less.

IMPACTS OF CUTS TO THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Mr. INOUE. Mr. President, at my request, the National Oceanic and Atmospheric Administration has provided information on the potential impact of a fiscal year 2011 continuing resolution on the agency's long-term ability to effectively carry out its mission. In particular, they highlight potential impacts to their ability to provide accurate and timely weather and hazard forecasts and what the economic impacts may be on a State-by-State basis. I ask unanimous consent that their response be printed in the RECORD so that we may have a more informed debate.

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

U.S. DEPARTMENT OF COMMERCE,
Washington, DC.

Hon. DANIEL K. INOUE,
Chairman, Senate Committee on Appropriations,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN INOUE: Thank you for meeting with me on Monday, March 7, 2011, and for your letter regarding the level of funding for National Oceanic and Atmospheric Administration included in the proposed FY 2011 Continuing Resolutions. Enclosed are answers to your questions on the Joint Polar Satellite System (JPSS) and state-by-state data on NOAA funding.

I appreciate your interest in our polar satellite system, which is of vital importance to the Nation. NOAA provided the best information possible in the rapid time frame that the current debate demands. If we may be of further assistance to focus on more specific information or examples, please do not hesitate to contact me.

Sincerely,
JANE LUBCHENCO, PH.D.,
Under Secretary of Commerce for
Oceans and Atmosphere.

What impacts would the CR have on NOAA's ability to continue development of the Joint Polar Satellite System (JPSS), and if it is not adequately funded this year, how would that affect funding needs in future years?

The FY 2011 President's Budget Request included \$1.06 billion to maintain continuity of

earth observations with the next generation of polar satellite, NOAA's JPSS. To ensure data continuity, the Administration had submitted an anomaly request for \$528 million.

Because of insufficient funding, and the uncertainty caused by the temporary continuing resolutions this year, the launch date for JPSS-1 has already slipped to March 2016, a delay of at least 14 months and the costs of the program have risen. Continued inadequate funding will cause further delays—on an approximate day-for-day slip—and further cost growth. Thus, if JPSS funding were kept at the CR level for the entire FY 2011, the launch date for JPSS-1 will slip to no earlier than September 2016.

An analysis done by the Aerospace Corporation demonstrates that even small slips to the launch schedule for JPSS-1 in 2016 yields large increases in the likelihood that a gap in satellite coverage will occur. This is because NASA's NPOESS Preparatory Project (NPP) that will launch later this year as a temporary replacement will have reached its end-of-life and the probability it will survive another day or month decreases dramatically. Thus, additional funding in FY 2011 of \$528 million will allow for a launch in the March 2016 timeframe vice September 2016 timeframe and decrease the probability of a gap in coverage from 90 percent to 35 percent. Additionally, in order to maintain a March 2016 launch date, full funding of JPSS will be required in FY 2012 of \$1.07 billion.

At the CR level, NOAA can only support about half the JPSS workforce planned. Funding uncertainty also precluded hiring the approximately 700 additional contractors, nationwide, required for the program. As a result, NOAA has focused its development efforts on the delivery of those program elements that will support the launch of the NPP satellite this fall, which will provide data for NOAA operational weather forecasts after the failure of NOAA's current operational polar-orbiting satellite. The inability to support the necessary workforce requires us to focus the resources we have on the NPP mission and forces us to delay work on the JPSS spacecraft and instruments resulting in a delay of at least 14 months to the date JPSS needs to be available to launch. The planned launch has now slipped from 2015 to 2016. Given this schedule slip and the amount of time needed to calibrate a new satellite before it can generate useful data for weather and climate needs, it is highly likely that JPSS will not be operational in time to ensure data continuity with NPP. We estimate a 90% likelihood of a "data gap" in 2017, which would result in a degradation of forecast accuracy that is further discussed in the next response. A lack of funding in FY 2011 will also increase the total life-cycle cost of the system as development efforts are stretched, opportunities to capture purchasing and production efficiencies are lost, contract management expenses increase, and the compounding impact of inflation as the program is delayed. Experience suggests that without additional funding in FY 2011 the total life-cycle cost of the program could grow by approximately \$1.6 to \$2.6 billion.

What kind of impacts do you foresee for weather forecasting capability if JPSS is not adequately funded, and what would be the effects on the safety of U.S. citizens?

What economic impacts would you expect if the U.S. were to lose the observations expected from the JPSS program?

During the gap period, NOAA will have to rely on international partners for non-optimal data to support our weather prediction models, resulting in a degradation of forecast accuracy by 1 to 2 days. Higher confidence forecasts would only extend out 5 days instead of 7 days as they do currently.

This degradation would cause the National Weather Service to suffer a loss of decades' worth of continual improvements in forecast ability. The economic and security consequences to the Nation would be severe:

\$100 to \$200 million per year to the aviation industry from reduced volcanic ash monitoring.

\$6–\$8 billion lost annually due to reduced accuracy of drought forecasts impacting the agriculture, transportation, recreation and tourism, forestry, and energy sectors.

Alaska, due to its high northern latitude and remoteness is only serviced by our polar satellites. During a gap the State would lose almost all of its weather forecasting for aviation as well as for the economically vital maritime, oil and gas industries. The estimated average expected annual losses to container shipping (lost containers and damage to vessels) in the absence of good information about extratropical storm conditions is on the order of \$250 million/year in the North Pacific.

Less accurate long range forecasts of severe weather will adversely impact emergency response and evacuation planning for major storms and events. Every excess mile unnecessarily evacuated during a coastal storm or hurricane costs an estimated \$1 million and disrupts thousands of lives.

The degradation of 2-10 day long-term forecasts, which are imperative for troop deployments and planning operations. Within the military, these data and products allow military planners and tactical users to focus on anticipating and exploiting atmospheric and space environmental conditions. For example, Air Force Weather Agency requires accurate wind and temperature forecasts for any decision to launch an aircraft that will need midflight refueling or for weapons deployment.

In 2010, 295 lives in the U.S. alone were saved thanks to the satellites picking up rescue beacons. NOAA's polar satellites carry the search and rescue antennas that receive these signals. During a gap in coverage the emergency response times would increase or rescue signals may be missed, significantly increasing the jeopardy of those in distress.

Recognizing the troubled history of the National Polar-orbiting Operational Environmental Satellite System (NPOESS), do NOAA and NASA now have the right acquisition and management mechanisms in place for the program to succeed?

The NPOESS Program attempted to reduce duplication of efforts and reduce costs by combining common requirements of the civil and defense satellite programs. However, after a decade of continued program cost growth and schedule delays, an Independent Review Team found that the tri-agency management structure was ineffective and there were divergent program priorities for civil and defense needs. In February 2010 the White House announced a restructuring of the program. The current JPSS program replicates the successful NOAA-NASA partnership with NOAA as the responsible agency for operating this critical national resource to support weather warnings and forecasts and monitor climate and NASA acting as NOAA's satellite acquisition agent. Over the last four decades, this partnership has successfully developed, built, launched and operated over 60 weather satellites.

Do you believe that NOAA's Earth Science mission can be completed by other Government agencies, like NASA? Is there duplication in the U.S. Government's Earth Science missions?

For over forty years, NOAA and NASA Earth observation missions have operated to complement and not duplicate each other's efforts. NASA and NOAA have fundamentally different missions, meeting the needs

of different user communities. NASA focuses on new science and discovery; NOAA focuses on reliable and stable long-term monitoring of the environment to protect life, property and commerce. Ensuring the continuity of weather data from our satellites is fundamental to NOAA's mission; it has historically not been fundamental to NASA's mission. The structure of the U.S. civil space programs results in complementary programs, located within the agencies that have clear authority, accountability, and responsibility for budgetary, policy, and user requirement decisions.

Time and again, Congress and Presidents (including the 2010 National Space Policy, http://www.whitehouse.gov/sites/default/files/national_space_policy_6-28-10.pdf) reaffirm the need to maintain funding of the civilian meteorological satellite program in a manner that extracts the core capabilities from NASA and NOAA to execute continued US advancement of space-based Earth observations that protect life, property and economic competitiveness. In a 2009 report, after an in-depth analysis of NASA's Earth Science projects related to climate and weather research, the Government Accountability Office (GAO) confirmed that there was no duplication of effort with other federal agencies.

Can you provide information on NOAA's economic impact on a state-by-state basis?

I have attached a breakdown of the amount of money NOAA provided to each state through grants and contracts in FY 2010 for your review.

I appreciate your interest in this issue of vital importance to the nation, and provided the best information we can in the rapid time frame that the current debate demands. If we may be of further assistance to focus on more specific information or examples, please do not hesitate to contact me.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I ask unanimous consent that the vote on the continuing resolution start at 2:45. The time will run as if it started at 3 o'clock. There are some problems with a few Senators, so I ask consent that the vote start at 2:45.

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

Mr. REID. Mr. President, I further ask that the time until 2:45 be divided equally between the Democrats and Republicans.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

Mr. INHOFE. Madam President, I suggest we proceed to the vote on the joint resolution.

The joint resolution (S.J. Res. 48) was ordered to a third reading and was read the third time.

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

Mr. INHOFE. Madam 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 result was announced—yeas 87, nays 13, as follows:

[Rollcall Vote No. 44 Leg.]

YEAS—87

Akaka	Enzi	Menendez
Alexander	Feinstein	Merkley
Ayotte	Franken	Mikulski
Barrasso	Gillibrand	Moran
Baucus	Graham	Murkowski
Begich	Grassley	Nelson (NE)
Bennet	Hagan	Nelson (FL)
Bingaman	Harkin	Portman
Blumenthal	Hoeben	Pryor
Blunt	Hutchison	Reed
Boozman	Inouye	Reid
Boxer	Isakson	Roberts
Brown (MA)	Johanns	Schumer
Brown (OH)	Johnson (SD)	Sessions
Burr	Johnson (WI)	Shaheen
Cantwell	Kerry	Shelby
Cardin	Kirk	Snowe
Carper	Klobuchar	Stabenow
Casey	Kohl	Tester
Chambliss	Kyl	Thune
Coats	Landrieu	Toomey
Coburn	Lautenberg	Udall (CO)
Cochran	Leahy	Udall (NM)
Collins	Lieberman	Vitter
Conrad	Lugar	Warner
Coons	Manchin	Webb
Corker	McCain	Whitehouse
Cornyn	McCasikill	Wicker
Durbin	McConnell	Wyden

NAYS—13

Crapo	Lee	Rockefeller
DeMint	Levin	Rubio
Ensign	Murray	Sanders
Hatch	Paul	
Inhofe	Risch	

The joint resolution (H.J. Res. 48) was passed.

The PRESIDING OFFICER. The motion to reconsider is considered made and laid upon the table.

EXECUTIVE SESSION

NOMINATION OF AMY BERMAN JACKSON TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The bill clerk read the nomination of Amy Berman Jackson, of the District of Columbia, to be United States District Judge for the District of Columbia.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, we yield back all time on this matter.

Mr. LEAHY. Will the leader withhold?

Mr. REID. The chairman is here.

Mr. LEAHY. Madam President, I thank the majority leader for scheduling this confirmation vote today. I have been talking about this nomination since last year. Amy Jackson is one of four nominees to the vacancies that have plagued the District Court for the District of Columbia, this Na-

tion's Capital, for some time. This is another of the nominations that could—and in my view should—have been considered and confirmed last year. Instead, it was one of two nominations to that court unnecessarily returned to the President without final Senate action, despite the nominee's qualifications and the needs of the American people to have judges available to hear cases in the Federal courts. The President has had to renominate Ms. Jackson, the Senate Judiciary Committee has had to reconsider her and now, finally, the Senate is being allowed to consider her.

I have spoken about the vacancies in the District of Columbia on numerous occasions, including during the last 2 weeks. I have noted the criticism from Chief Judge Lamberth of the U.S. District Court for the District of Columbia. Chief Judge Lamberth wrote to Senate leaders last November urging action by the Senate to fill the vacancies that exist on the District Court for the District of Columbia. We could and should have acted before adjourning last year in response to his request. All four nominations were reported unanimously by the Judiciary Committee last year. They were needlessly delayed.

When the Senate was allowed to consider and confirm Judge Boasberg on Monday, I, again, raised the question of the refusal on the other side of the aisle to proceed to consider the Jackson nomination. Ms. Jackson's nomination was reported without opposition by the Judiciary Committee last year and, again, earlier this year. Ms. Jackson is a former assistant U.S. attorney with outstanding credentials and experience who the Standing Committee on the Federal Judiciary of the American Bar Association gave its highest peer review rating of "well qualified." Representative NORTON has called her one of the top practitioners in one of the District's top law firms and given her a strong endorsement. I expect this will be another of the nominations that has been needlessly delayed and then confirmed unanimously or nearly so.

In addition to the Jackson nomination, there remain 10 additional judicial nominees awaiting final Senate consideration after having been reviewed by the Judiciary Committee. Also reported from the Judiciary Committee and before the Senate are nominees to fill two judicial emergency vacancies in New York, a judicial emergency vacancy on the Second Circuit, two judicial emergency vacancies in California and vacancies on the Federal and D.C. Circuit, in Oregon, and two vacancies in Virginia.

Federal judicial vacancies around the country still number too many and they have persisted for too long. That is why Chief Justice Roberts, Attorney General Holder, White House Counsel Bob Bauer and many others—including the President of the United States—have spoken out and urged the Senate to act.

Nearly one out of every nine Federal judgeships remains vacant. This puts at serious risk the ability of all Americans to have a fair hearing in court. The real price being paid for these unnecessary delays is that the judges that remain are overburdened and the American people who depend on them are being denied hearings and justice in a timely fashion.

When Chief Judge Lamberth wrote to Senator REID and Senator McCONNELL last November, he noted that Senate action to fill the vacancies in DC was needed so that "the citizens of the District of Columbia and the Federal Government and other litigants" who rely on the Court could receive "the high quality of justice they deserve." The Chief Judge wrote about the "severe impact" these judicial vacancies were having and observed that the "challenging caseload" of the Court "includes many involving national security issues, as well as other issues of national significance." I ask unanimous consent that a copy of the Chief Judge's letter be printed in the RECORD at the end of my statement.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1.)

Mr. LEAHY. Regrettably, the progress we made during the first 2 years of the Bush administration has not been duplicated, and the progress we made over the 8 years from 2001 to 2009 to reduce judicial vacancies from 110 to a low of 34 was reversed. The vacancy rate we reduced from 10 percent at the end of President Clinton's term to less than four percent in 2008 has now risen back to over 10 percent. In contrast to the sharp reduction in vacancies we made during President Bush's first 2 years when the Democratically controlled Senate confirmed 100 of his judicial nominations, only 60 of President Obama's judicial nominations were allowed to be considered and confirmed during his first 2 years. We have not kept up with the rate of attrition, let alone brought the vacancies down significantly.

By now, judicial vacancies should have been cut in half, but they have not been. Unlike in the first 2 years of President Bush's first term when with a Democratic majority the Senate reduced vacancies from 110 to 60, judicial vacancies topped 90 in August 2009 and have remained above that level ever since. After tonight's confirmation, they will still number 95, putting at risk the ability of Americans to have a fair hearing in Court.

The Senate must do better. The Nation cannot afford further delays by the Senate in taking action on the nominations pending before it. Judicial vacancies on courts throughout the country hinder the Federal judiciary's ability to fulfill its constitutional role. They create a backlog of cases that prevents people from having their day in court. This is unacceptable.

We can consider and confirm this President's nominations to the Federal