

Competing Priorities of the Senate

The Senate Majority Leader has made the decision that he would like to prioritize five bills, though well-intentioned, that have nothing to do with our current economic situation, the expiring tax cuts that will affect our entire economy, federal regulations that strangle growth and prosperity, or even legislation to increase the transparency of how Washington is spending taxpayer funds.

Instead, he has prioritized a packet of election-year goodies for special interest groups related to the conservation of animals in foreign countries and in America. All of these bills cost money, but none of them have any offsets. Several of these bills create new grants programs or impose additional private sector mandates.

This is an example of why Americans don't trust our government right now. We are willing to leave the pending tax cuts expiration issue unaddressed before the election, but want to make sure we pass legislation endorsed by special interest groups and the certain select constituencies they represent.

While I will object to these bills, I hope the Majority Leader will consider nine other bills that will help our economy, decrease our national debt, and protect the constitutional rights of Americans.

Bills Prioritized by the Majority Leader

The Crane Conservation Act of 2009 (H.R. 388)

H.R. 388 would require the U.S. Fish and Wildlife Service (FWS) to establish and administer a new grant program to protect and conserve wild cranes at an estimated cost of \$25 million.¹

Federal grants would be awarded to international non-profits and governments for foreign conservation efforts.

¹ CBO cost estimate, May 19, 2009, <http://www.cbo.gov/ftpdocs/102xx/doc10237/hr388.pdf>.

This bill also encourages species specific funding, instead of allowing Fish and Wildlife Service to appropriate funds where they are most needed.

This bill is not a national priority and will only add to the national debt as it includes no offsets.

The Great Cats and Rare Canids Act (S. 529)

S. 529 would require the U.S. Fish and Wildlife Service (FWS) to establish and administer a new grant program to protect and conserve rare species of cats and canids and a study of species that might be eligible for assistance at an estimated cost of \$26 million.²

Federal grants would be awarded to international non-profits and governments for foreign conservation efforts.

This bill also encourages species specific funding, instead of allowing Fish and Wildlife Service to appropriate funds where they are most needed.

This bill is not a national priority and will only add to the national debt as it includes no offsets.

The Shark Conservation Act of 2009 (S. 850)

S. 850 would prohibit fishing vessels from possessing shark fins that are not naturally attached to a carcass. The bill also would require NOAA to identify any nation that permits fishing vessels to catch sharks without also having adopted a conservation program for sharks that is similar to that of the United States.

This bill is estimated to cost \$5 million over the next five years, yet, does not include any offsets even though our debt is greater than \$13.5 trillion.

Current law already prohibits the possession of a shark fin on a fishing vessel and the landing of a shark fin at a U.S. port without the corresponding carcass. This bill would require the carcass to be attached.

This bill is not a national priority and will only add to the national debt as it includes no offsets.

² CBO cost estimate, May 19, 2009, <http://www.cbo.gov/ftpdocs/102xx/doc10239/s529.pdf>.

Marine Mammal Rescue Assistance Amendments of 2009 (S. 859)

S. 859 would reauthorize and newly authorize funding for programs to protect and rescue marine mammals such as whales that become stranded or entangled. CBO estimates that implementing S. 859 would increase spending by \$43 million over the next five years.³

The bill would add authorization for entanglement response agreements and require the Secretary of Commerce to update existing practices and procedures for rescuing and rehabilitating entangled marine mammals. This bill would also establish in the Treasury an interest bearing fund for marine mammal stranding and entanglement responses.

While this may be a noble venture, its costs are not offset and it was hotlined yesterday for the first time. It is not a pressing national priority.

The Southern Sea Otter Recovery and Research Act (S. 1748)

S. 1748 would authorize the Fish and Wildlife Service and the United States Geological Survey to conduct research and recovery programs affecting southern sea otters along the coast of California. It would also set up a new grant program for research on Southern Sea Otter populations without deauthorizing an existing grant program.

CBO estimates a \$30 million cost for this bill (over six years), without any offsets.⁴

This bill was just hotlined yesterday and is a state specific wildlife bill. It is not a national priority.

Bills that Should be Prioritized

Balanced Budget Amendment to the Constitution (S. J. Res. 38)

This legislation would bar the federal government from spending more than it collects in revenues each year. The measure would also require a two-thirds majority vote in each chamber to raise taxes to encourage Members

³ <http://www.cbo.gov/ftpdocs/105xx/doc10509/s859.pdf>

⁴ <http://www.cbo.gov/ftpdocs/116xx/doc11614/S1748.pdf>

of Congress to prioritize federal appropriations first, instead of increasing our national debt or taxes.

Today, the national debt is \$13.50 trillion, more than \$45,000 per citizen. At the beginning of the current Administration, the national debt was \$10.6 trillion. In one year and eight months, Washington, D.C., has increased the debt by more than **27 percent**. In other words, at this rate, the national debt would double in less than five years.

By cutting federal spending and our national debt, Congress will ensure greater trust in both Americans and foreigners to invest in our country and encourage private spending.

Senator DeMint is the sponsor of the legislation.

Tax Hike Prevention Act of 2010 (S. 3773)

This bill will permanently preserve the 10%, 15%, 25%, 28%, 33%, and 35% income tax brackets and other tax rates in effect since tax reform in 2001 and 2003. It will also provide for relief from the Alternative Minimum Tax and from a massive increase in the death tax.

This bill, in addition to providing much needed tax relief to all Americans, would also help end much of the uncertainty of the tax environment for individual investors and businesses. This will enable Americans to move their capital from the sidelines into the playing field, spurring the economy and allow them to compete globally.

This bill has 27 sponsors.

Bills to Make Federal Employees (S. 3790) and Members of Congress (S. 3791) Pay Back Taxes

While millions of Americans continue to send back portions of their hard earned wages to Washington, many federal employees are failing to contribute their share.

In 2008, the Internal Revenue Service (IRS) found nearly 100,000 civilian federal employees were delinquent on their federal income taxes, owing a total of \$962 million in unpaid federal income taxes. When considering retirees and military, more than 276,000 people owed \$3 billion.

These bills (S. 3790 and S. 3791) would require the Internal Revenue Service (IRS) to collect any unpaid taxes from federal employees and Members of Congress, which could generate \$3 billion in savings. It only applies to federal workers who have willfully neglected to pay their incomes taxes and excludes federal employees from termination if there is a good faith effort on their part to pay up.

It is unacceptable that those employed with taxpayer funds would refuse to pay their own taxes – especially at a time when federal employees fare better than private-sector workers in almost every aspect, including average pay, benefits, time off, and job security.

Federal salaries have increased on average of 4% since 1999 while inflation has increased on average of 2.4%, including 3% from 2008 to 2009 (while inflation increased by 1.6 percent). Additionally, since 1999 federal employment has increased by 18 percent, resulting in more than 2 million federal employees.

The Internal Revenue Code of 1986 allows the IRS to “garnish” the wages (pay or other income) of federal employees who are delinquent on their federal income taxes. A “garnishment” is the process by which the federal government collects a tax liability from the pay of an employee.

These bills would save appropriate \$3 billion by requiring the Internal Revenue Service (IRS) to collect any unpaid taxes from federal employees and Members of Congress, and end taxpayer subsidies of tax cheats.

The Earmark Transparency Act (S. 3335)

This legislation would set up a user-friendly, online database taxpayers can use to sort, search and download earmark data, and answers President

Obama's call for Congress to create a single, searchable database of all congressional earmark requests.⁵

Taxpayer dollars do not belong to earmark lobbyists, committees or politicians but to the American people, and the American people have a right to know how Congress might spend their money. While Congress has taken some steps to make the earmark process more transparent, some prefer to keep the process cloaked in secrecy. This legislation will help Congress earn back the confidence of the American people.

Today one would have to access 550 websites to review all the earmarks proposed by Members of Congress. This bill would do exactly what the President suggested – place all proposed earmarks on *one* website thereby providing greater transparency to the American people who deserve to know how their hard earned tax dollars are being spent.

The Earmark Transparency Act of 2010 would do the following:

- Create a user-friendly, online database – the first ever database where citizens can sort, search and download earmark requests and final approved projects.
- Provide details that currently available to the public: including the amount of initial request, amount approved by the committee, amount approved in final legislation, sponsor name, sponsor state or district, project name, and other relevant information;
- Allow the public to see what Congress sees – The bill would require the website to include the earmark request letter written by a member of Congress and any documents supporting the request that is sent to a congressional committee; and
- Make information available quicker – it would, consistent with the President's speech, require all requested earmarks that are approved to be made public before a vote.

⁵ In his January 27, 2010 State of the Union address President Obama said, "Tonight, I'm calling on Congress to publish all earmark requests on a single Web site before there's a vote, so that the American people can see how their money is being spent."

This bill was passed out of the Homeland Security and Government Affairs Committee on July 28, 2010, and is co-sponsored by 27 Senators, including Senators Boxer, Gillibrand, and Tester. Its costs are entirely offset with other funds, including office funds I return each year to the Treasury.

The Stop Secret Spending Resolution (S.Res.622)

This bipartisan bill would prohibit legislation from passing through the “hotline” process until members have been given 72 hours to review the bill and its costs. According to the Congressional Research Service, fully 93 percent of all legislation passes by unanimous consent and without debate, amendments, or even a roll call vote.

If a Senator is going to faithfully execute his or her duties, enough time must be available to review the legislation as well as a score of the bill’s costs. Billions of dollars of secret spending are authorized every year using the “hotline” process. Unless taxpayers and Senators are given at least 72 hours for review it is not possible to fully understand a bill’s implications.

This bill does not cost any money and is a good government measure that will help ensure passed legislation is appropriate and effective.

Excluding Abortion Coverage from Health Reform Act of 2010 (S.3723)

This bill ensures that federal taxpayers are not forced to subsidize abortions through the health reform law. The President promised that under the law “No federal funds will be used to fund abortions,” and this legislation delivers on that promise.

The Patient Protection and Affordable Care Act (PPACA) does *not* prohibit taxpayer dollars from funding elective abortions or subsidizing coverage for such abortions. Unfortunately, President Obama’s Executive Order 13535 regarding abortion funding *merely restates accounting loopholes in the legislation*, but fails to restrict abortion coverage in the newly-created health insurance Exchanges or protect against other federal subsidies for abortion.

Numerous recent polls have demonstrated a majority of American taxpayers do not want their tax dollars to subsidize abortion coverage. Taxpayers should be able to be confident their tax dollars under health reform will never subsidize elective abortions or pay for insurance coverage of abortions.

This legislation is necessary to ensure that the longstanding federal policy prohibiting federal taxpayer dollars from funding abortions applies to the many programs and mandates created in the new health care law. The bill does not cost any money.

The Firearms Fairness and Affordability Act (S. 632)

This bill would allow firearms and ammunition manufacturers to pay excise taxes quarterly like other manufacturers (such as fishing rod manufacturers) paying this excise tax, instead of every two weeks as is currently required.

This will enable manufacturers to increase investment and inventory and help create more jobs. This bill has been introduced in the Senate Finance Committee and is sponsored by Senator Baucus. It has 17 co-sponsors, including Senators Cantwell, Klobuchar, Lincoln, Stabenow, and Tester. Senator Reid tried to offer this bill as an amendment to the recent Small Business bill.

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It does not cost any money, but changes the timing of payments.

Veterans 2nd Amendment Protection Act (S. 669)

This bill requires no veterans be denied their Second Amendment rights without due process. Specifically, veterans who are considered mentally incompetent for purposes of assigning benefit payments, may not be considered “adjudicated as a mental defective” unless they have been found by a judicial authority to be a danger to themselves or to others.

Currently, these veterans are immediately considered “adjudicated as a mental defective” and lose their rights to possess and purchase firearms even though they are no danger to themselves or others. According to CRS, Over 140,000 veterans have been added to a national database of those prohibited from owning or purchasing a firearm.

This bill is endorsed by the American Legion, the Veterans of Foreign Wars of the United States, AMVETS, the Military Order of the Purple Heart, Gun Owners of America, the NRA, and the National Alliance on Mental Illness.

It has been passed twice by the Senate Committee on Veteran Affairs and does not have a cost, according to the Congressional Budget Office.⁶

Congress Has a Choice

Congress has the opportunity to agree to lasting reforms that will help balance our budget, spur a strong economic recovery, increase the accountability of federal employees and Members of Congress, and protect our Constitutional rights.

Or Congress can continue to peddle nationally irrelevant, special interest provisions that are unhelpful, inappropriate, and unconstitutional while our economy continues to struggle and our national debt has reached record levels.

While Members of Congress will make a decision today on what priorities they favor, they should know that Americans will have the opportunity to make a similar decision in one month at the polls.

⁶ <http://www.cbo.gov/ftpdocs/103xx/doc10321/s669revised.pdf>