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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Great God, Eternal Lord, long ago You gave us this land as a home for free people. Show us that there is no law or liberty apart from You and lead our lawmakers to serve You with faithfulness and humility. Lord, use them to challenge the cruelty that divides and rules humanity. May they be Your instruments to draw people together in order to accomplish Your will. May these efforts enable America to be a light to nations, leading the way to Your promised kingdom. Throughout this day, may our Senators sense Your presence and engage in constant inner conversation with You.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

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

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 8, 2009.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, following leader remarks, there will be a period of morning business for 1 hour. The Republicans will control the first 30 minutes, the majority will control the second 30 minutes. Following morning business, the Senate will resume consideration of the Homeland Security Appropriations Act. There will be 5 minutes for debate prior to a vote in relation to the Sessions amendment, with time equally divided and controlled between Senators SCHUMER and SESSIONS.

Upon disposition of the Sessions amendment, there will be 2 minutes for debate prior to a vote on the DeMint amendment, with the time equally divided and controlled between Senators MURRAY and DEMINT. Senators should, therefore, expect a series of votes to begin probably about 20 to 11 today. Additional rollcall votes are expected throughout the day.

CIVILITY IN THE SENATE

Mr. REID. Mr. President, every Wednesday in a first floor office meeting room there is a Prayer Breakfast. Members of the Jewish faith and Christian faith appear there and talk about their life experiences. Today was a tremendously stimulating day. Senator TED KAUFMAN, from Delaware, made the presentation.

I bring that to the attention of the Senate for a number of reasons. One is that TED KAUFMAN has a stunning life story, not the least of which is starting in 1972, with a 29-year-old man named JOE BIDEN, who stood no chance of being elected in the State of Delaware, running against a man who had served in many different positions, including Member of the House of Representatives, Governor, and was a sitting Senator. But this young 29-year-old, with TED KAUFMAN helping run his campaign, was elected, surprising everyone.

As we know, Senator BIDEN, who had been recently elected—on top of the world, barely old enough to serve constitutionally—after having been in the Senate for a little over a month, his wife and daughter were killed and his two boys were badly injured. TED KAUFMAN served with him as a staffer until, I think, about 1995, when he went into the private sector and then came back as a Senator, appointed when Senator BIDEN was elevated to become Vice President.

But the most important part I wish to relate to the Senate is that he said, from the time he left here in 1995 until the day when he came back as a Senator, the civility that is now here was not in the Senate in 1995. He said the atmosphere here is so much better now than it was in 1995.

Everyone should appreciate what TED KAUFMAN said. We have tried—President Obama has tried, I have tried—and I hope that has helped civility here. We all have to understand, as Senator KAUFMAN indicated to the Members assembled there today, that there is a difference between Democrats and Republicans philosophically, but that doesn't mean they cannot work together as friends. He gave a couple examples of Senators on the floor debating and then walking off shaking hands.

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

HEALTH CARE

Mr. REID. Mr. President, last month, I stood here and told everyone about a young woman from Nevada named Alysia. She was born with a kidney disease, one she fought bravely her entire life. But lately things have gotten worse. Similar to far too many Americans in recent months, Alysia lost her job. That has happened to far too many Americans. When you lose your job, as we have learned, your health care often disappears also.

Alysia did what any of us would do in the same situation, she tried to get independent coverage so she could afford the surgery she needs to get better. Her doctors say surgery is imperative, but insurance companies say: No, you can't get insurance. They refused to cover her. They call her kidney disease a preexisting condition—everyone else, including Alysia, calls it a tragedy.

She is not the only Nevadan who has written me about injustice. Caleb Wolz is a high school student from Sparks, NV. Similar to so many kids, he used to play, when he was younger, all kinds of games. But now he just sticks to skiing and rock climbing. You can forgive him for not playing some of the games he doesn't play anymore. He was born without any legs. Caleb was born without legs.

As kids grow, they grow out of their shoes. A lot of kids probably get a new pair every year. But Caleb, who is now 17, has needed a new pair of prosthetic legs every year since he was 5 years old.

You can probably guess what the story is now, and you have it right. His insurance company has decided it knows better than his physicians and has decided that Caleb does not need legs that work and fit. Even after looking at pictures of the bruises and abrasions Caleb suffered from the prosthetics that didn't fit, his insurance company decided, once again, his preexisting condition is too expensive to deal with.

These stories are hard to hear, but they are not hard to come by. They are extraordinary, but they are not unique. This happens to women all over southern Nevada just like Alysia and boys across northern Nevada just like Caleb. It happens to people on the east coast and the west coast. It happens to Americans in small towns and big cities. Every day, insurance companies look at a patient's medical history and the prescriptions they have filled. Then they deny them coverage or charge them exorbitant rates because of the patient's age or a specific illness. For every 10 patients who try to get health care, 9 of them never buy a plan because insurance companies deny them or make it too expensive.

Most of us were not born with a kidney disease such as Alysia's or, unlike Caleb, we are born with both our legs. But unless you are in absolutely perfect health, without a history of anything from heart disease to high cholesterol or hay fever, in the insurance world you are out of luck. Some insurance companies even treat Caesarean sections as a preexisting condition, and some accuse women of scheduling unnecessary C-sections when they give birth. More than half of all Americans live with at least one chronic condition, and those conditions cause 70 percent of the deaths in America. Yet right now, insurance companies that care more about profits than about people are in complete control of their well-being. They are holding Americans hostage, and far too many of us cannot afford that ransom.

Reforming health care is a complex endeavor, but one part of the Democrats' vision for health care is simple. We are going to give people control over their own health. We are no longer going to let greedy insurance companies use a patient's preexisting condition as an excuse to deny them the care they need.

We will lower the high cost of health care. We will lower the cost of health care generally. We will make sure every American has access to that quality, affordable care, and we will do our very best to make sure people still have the power to choose their own doctors, hospitals, and health plans.

If we leave it to private insurance companies that are more interested in keeping their profits up than keeping us healthy, that will not happen, nor will it happen if our Republican colleagues continue to defend the status quo. A few weeks ago, the Republican leader in the House of Representatives said the following:

> I think we all understand that we have the best health care system in the world.

How can one defend a health care system that goes out of its way not to care for people's health? And how can anyone celebrate such a system with a straight face? That health care system told Alysia she can't get the kidney surgery she needs. That health care system told Caleb he can't get the legs he needs. I think they would respectfully disagree with the Republican leader.

Insurance companies and most of our Republican colleagues seem to share a common philosophy. They both reflexively and recklessly say no for no good reason. That is a philosophy we cannot afford in America. If you are fortunate enough to have coverage you like, you can keep it. But if you don't like the fact that the insurance company can deny you coverage when they feel like it, you will agree we need to change the way things are.

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for morning business for up to 1 hour, with time equally divided or controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half, with Senators permitted to speak for up to 10 minutes each.

The Senator from Tennessee is recognized.

ORDER OF PROCEDURE

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Senator from Arizona and I be permitted to engage in a colloquy for up to 20 minutes.

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

Mr. ALEXANDER. Will the Chair please let me know when 2 minutes remains.

The ACTING PRESIDENT pro tempore. The Chair will do so.

HEALTH CARE

Mr. ALEXANDER. Mr. President, I heard the majority leader talk about denying care, and that is the issue before us—one of the major issues. The vision of the Republicans is that there will not be someone in between a patient and a doctor who would get in the way of a treatment you need or the care you need or have you stand in line or wait too long. Our great fear is the Democratic proposal so far, in which we have not had a chance to participate, would put the government between you and the doctor and the government doing the rationing.

Republican proposals, such as those of Senator GREGG and Senator BURR and Senator COBURN and even the bipartisan proposal by Senator WYDEN, a Democrat, and Senator BENNETT, a Republican—of which I am a cosponsor of all—envision a system where those of us, the 250 million of us who already have health care insurance, would be permitted to keep it and that we would find a way to reform the Tax Code to give to individuals who do not have good health care the money they need to buy the health care and to choose it for themselves. Our concern is, the Government might become too much involved, and we might create a program that is filled with more debt, on top of the debt we already have, that our children and grandchildren simply couldn't afford it.

Mr. MCCAIN, the Senator from Arizona, has been, I guess, in more town meetings about health care than any other American, at least any other American who serves today in the Senate. He was in Texas last week and home last week in Phoenix, at some of our leading institutions, to hear what people had to say about it.

I wonder if I could ask the Senator from Arizona if he heard concern from those in his home State of Arizona, or those at M.D. Anderson in Texas, about

the government getting in between the patient and the doctor.

Mr. MCCAIN. Mr. President, if I could say, first of all, I would like to thank the Senator from Tennessee for his leadership on this issue. It is a privilege to serve on the HELP Committee with him, and his continued involvement in the ongoing discussion and debate about one-sixth of America's gross national product has been vital.

I thank my friend from Tennessee. Could I also pick up on what the Senator was just saying, that the majority leader criticized the Republican leader in the House who said America has the best health care system in the world. What the Republican leader in the House was saying was the obvious: America has the highest quality health care in the world. And as the Senator from Tennessee just mentioned, I was in Houston at M.D. Anderson with Republican leaders, the Senator from Kentucky and Senator CORNYN from Texas. There were people there from 90 countries around the world—90 countries, most of them wealthy people who could have gone anywhere in the world for health care.

But they went to the best place in the world, M.D. Anderson—one of the best, I would argue. We have some facilities in Arizona and probably in Tennessee that are of equal quality.

But is there any doubt, when people come from all over the world to the United States of America, that the highest quality health care is not in America? It is. The problem is, and I am afraid some of my colleagues do not get it, it is not the quality of health care, it is the affordability and the availability of health care.

Our effort has been to try to make health care affordable and available. The latest proposal of the Democrats is that it only covers 40 percent of the uninsured and costs trillions of dollars. So why not, I would ask my friend from Tennessee, why not let people go across State lines to get the insurance policy they want? Why could not a citizen of Arizona who does not like the insurance policies that are available there find one in Tennessee? Why not have meaningful malpractice reform? We all know where 10, 15, 20 percent, sometimes, of health care costs come from. They come from the practice of defensive medicine.

Everybody knows it. It is one of the elephants in the room. So, therefore, we do not have—and consistently in the HELP Committee, amendments that have been proposed by the Senator from Tennessee and me and others to reform medical malpractice have been voted down.

The State of California some years ago enacted meaningful and significant medical malpractice reform. Guess what. It has decreased health care costs. So we are not getting—and I say to my friend from Tennessee, I hope he agrees that we are going at the wrong problem. The problem is not the quality of health care. We want to keep the quality of health care. It is the cost and affordability of health care.

We have not gotten affordable and available health care for all Americans.

Mr. ALEXANDER. I agree with my friend from Arizona. I think of the pregnant women in rural counties in Tennessee who have to drive all the way to Memphis, or all the way to Nashville to get prenatal health care because there are no OB–GYN doctors after their medical malpractice cases have driven up their insurance. So there is no way for them to get health care.

If I am not mistaken, I listened to the majority leader talking about the tragic case in Nevada of someone unable to get health care because of a preexisting condition. The Senator from Arizona knows all of the proposals. I believe all of the Republican proposals would say, everyone would be covered, that preexisting conditions would not disqualify you.

The issue before us is whether we are going to address trillions to the debt or put the government in between the patient and the doctor.

Mr. MCCAIN. I totally agree. Could I mention, since the Senator from Tennessee and I are going up to another meeting in the HELP Committee, the Roll Call article this morning says:

> Senate Majority Leader Harry Reid on Tuesday strongly urged Finance Chairman Max Baucus to drop a proposal to tax health benefits and stop chasing Republican votes on a massive health care reform bill. Reid, whose leadership is considered crucial if President Barack Obama is to deliver on his promise of enacting health care reform this year, offered the directive to Baucus through an intermediary after consulting with Senate Democratic leaders during Tuesday morning's regularly scheduled leadership meeting.

In other words, according to this article, any shred or semblance of bipartisanship is now out the window. So I think the Senator from Tennessee would agree with me. One of the very disappointing aspects of this whole debate is we have not changed the climate in Washington. Has there ever been, to the Senator's knowledge, a call to sit down at a table in a room with leading Republicans and Democrats and say: Hey, can't we work this out? What is your proposal? Here is ours. Can't we sit down and agree to save health care in America and preserve its quality and make it affordable and available? Way back in the 1980s when Ronald Reagan and Tip O'Neill sat down together, they saved Social Security.

This is unfortunate that even the last shreds of attempts at bipartisanship are now gone. Now maybe it is because the 60th Democratic vote was sworn in yesterday. Maybe they figured they had the votes. Maybe they do. But anybody who alleges that this administration and the other side of the aisle are changing the climate in Washington, that is simply false.

Mr. ALEXANDER. There is probably no one in the Senate who has been in the midst of bipartisan negotiations more times than the Senator from Arizona. This is not just for the purpose of feeling good, it is the way to actually get a broad base of support for an energy bill or an immigration bill or a Supreme Court nominee. Usually it involves, if I am not mistaken, sitting down with several members of each side and coming to a consensus, sharing insurance ideas, fighting off the left and right and producing 60 or 70 votes. If I am not mistaken, that is the way we do bipartisan bills around here.

Mr. MCCAIN. I say to my friend, indeed. One of the issues I think we ought to continue to understand is one of the key elements of this debate is whether we will have the so-called government option. I know the Senator from Tennessee is going to talk about that. I think it is important for us to look overseas at other countries that are highly industrialized, highly sophisticated, strong economies, countries that have government-run health care.

To say the government option would be just another competitor clearly is not the case; otherwise, we would just have 1,501 new insurance companies in America. If you had the government option, it will lead to a government takeover of health care, and we ought to look at what other countries do.

I am sure the Senator from Tennessee knows this, but it is health care rationing and a level of health care that will not be acceptable in the United States of America. I say that with great respect to our friends in Canada, the British, and other countries that have government-run health care systems. I think that is going to be one of the two major issues: the government-run health care and the employee mandate. Those are what this health care debate will come down to.

It is of great concern, I know, to the Senator from Tennessee.

Mr. ALEXANDER. I thank the Senator from Arizona. I know he is on his way to work on the health care bill, to take the leadership, to the extent we can, in making it a better bill. I thank him for coming to the floor to discuss that today, and to help us reemphasize that we do not have any disagreement with our friends on the other side about the need to reform health care. I do not think we have any disagreement. At least we want to make sure our principal goal is to make health care affordable for every American. We want your family and you to be able to buy health insurance at a price you can afford and to take care of tragic cases such as the one the majority leader talked about. I think there is a consensus on both sides of the aisle to make sure if you have a preexisting condition you can be insured, and it will not matter where you live.

The Wyden-Bennett proposal, for example, and others, actually also say that you may carry your insurance from one job to the other, so that if you lose your job, or if you change

your job, you still have your insurance because it is your insurance, and it does not just depend upon your employer.

What we are concerned about is the fact that President Obama's administration has already proposed adding, over the next 10 years, more new debt, three times as much new debt actually as was spent in all of World War II in today's dollars. That is the first thing.

The second thing is this idea of the so-called government option. Someone says: What is so bad about that? Think of it this way. Let's say you put some elephants and some mice in one room. You say: OK, fellows, compete. What do you think will happen? Pretty soon there are no mice left; they are all squished. You have a big elephant left. That is your only choice.

We have an example of that in the current Medicaid Program, which is one of the worst government programs imaginable. There are 60 million Americans stuffed in it, primarily because they are low income or disabled. It is run jointly by the Federal Government and by the State government. Every Governor—and this has been true for 25 years, from the time I was Governor—has struggled with finding money to both fund the State's share of it and still have money for higher education and for other State needs.

It is filled with waste. The Congressional Budget Office says 1 out of every 10 taxpayer dollars that are spent for Medicaid is fraud, waste, or abuse. That is $32 billion a year. That is $320 billion over 10 years, enough to make a real dent in whatever we decide to do on health care.

Yet the Democratic proposals that we are seeing involve putting more people into that government program. The problem for the taxpayer is how expensive that is. I have a letter from the Congressional Budget Office dated July 7 to Senator GREGG, the ranking member of the Budget Committee, which I ask unanimous consent to have printed in the RECORD.

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 7, 2009.

HON. JUDD GREGG,
Ranking Member, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR SENATOR: In response to your request, the Congressional Budget Office (CBO) has considered the likely effects on federal spending and health insurance coverage of adding a substantial expansion of eligibility for Medicaid to the Affordable Health Choices Act, a draft of which was recently released by the Senate Committee on Health, Education, Labor, and Pensions (HELP). CBO's preliminary analysis of that draft legislation was provided to Senator Edward M. Kennedy on July 2, 2009; that analysis is available on CBO's web site, www.cbo.gov.

The draft legislation would make a number of changes regarding the financing and provision of health insurance, including establishing insurance exchanges through which coverage could be purchased and providing new federal subsidies to help individuals and families with income between 150 percent and 400 percent of the federal poverty level (FPL) pay for that coverage. Although the draft legislation envisions that Medicaid would be expanded to cover individuals and families with income below 150 percent of the FPL, it does not include provisions to accomplish that goal, and our preliminary analysis (conducted jointly with the staff of the Joint Committee on Taxation) did not reflect such an expansion.

The precise effects on federal costs and insurance coverage of adding an expansion of eligibility for Medicaid up to 150 percent of the FPL would depend importantly on the specific features of that expansion. For example, the effects would depend on how eligibility for the program was determined and on whether the expansion started immediately or only as the proposed insurance exchanges went into operation. The effects would also depend what share of the costs for newly eligible people was borne by the federal government and what share was borne by the states (which would be determined by the average FMAP, or Federal Medical Assistance Percentage). In addition, the effects would depend on whether states faced a maintenance-of-effort requirement regarding their current Medicaid programs.

CBO has not yet had time to produce a full estimate of the cost of incorporating any specific Medicaid expansion in the HELP committee's legislation. However, our preliminary analysis indicates that such an expansion could increase federal spending for Medicaid by an amount that could vary in a broad range around $500 billion over 10 years, Along with that increase in federal spending would come a substantial increase in Medicaid enrollment, amounting to perhaps 15 million to 20 million people. Such an expansion of Medicaid would also have some impact on the number of people who obtain coverage from other sources (including employers). All told, the number of non-elderly people who would remain uninsured would probably decline to somewhere between 15 million and 20 million. (For comparison, CBO's analysis of the draft legislation that was released by the HELP committee found that, absent any expansion of Medicaid or other change in the legislation, about 33 million people would ultimately remain uninsured if it were to be enacted.)

Such an expansion of Medicaid would have some impact on other aspects of the federal budget beyond Medicaid itself (including tax revenues and the proposed payments to the government by employers who do not offer coverage to their workers, which the legislation labels ''equity assessments''). Those additional effects might increase or decrease the effect of the proposal on the federal deficit by as much as $100 billion. It bears emphasizing that this analysis is preliminary and the figures cited are approximate because they do not reflect specific legislative language nor do they incorporate, in detail, a variety of interactions and other effects that changes in Medicaid would cause.

I hope this information is helpful to you. If you have any questions, please contact me or CBO's primary staff contacts for this analysis, Philip Ellis and Holly Harvey.

Yours truly,

DOUGLAS W. ELMENDORF,
Director.

Mr. ALEXANDER. That letter was from Douglas W. Elmendorf, the Director of the Congressional Budget Office, with whom I am about to meet, along with other members of the HELP Committee.

It says: The proposal envisions that Medicaid—that is the Democratic proposal—would be expanded to cover individuals and families with an income below 150 percent of the Federal poverty level.

That sounds good, but the draft legislation does not include provisions to accomplish the goal. About three-quarters of the people who would remain uninsured under this version of the legislation would have income—in other words, even though we are spending trillions more under this proposal, a lot of people are uninsured and three-quarters of them are going to be dumped into Medicaid. For the Federal Government, that is hundreds of billions of new dollars we would have to borrow, and the thought is over time it would be shifted to the States. In the State of Tennessee, based upon conversations we have had with the State Medicaid director, it might add an amount of money to the State's annual budget that would be equal to the amount that a new 10-percent State income tax would take.

That is not even the worst thing about it. The worst thing about it is what it would do to the low-income Americans who are stuffed into the proposal. Some 40 percent of doctors will not see Medicaid patients for all their services—40 percent of doctors. So we say: Congratulations, we are going to run up the Federal debt and add a big State tax, in order to stuff you into a proposal where 40 percent of the doctors today will not see you. It is like giving out a ticket to a bus system that does not have any buses.

What is the alternative? The Republican proposals are completely different. They focus first on the 250 million of us who already have health insurance to try to make sure it is affordable to us, that we can afford it. Then we say let's take the money that is available and give it to the low-income Americans and let them buy, choose, a private health insurance policy more like the policies most of us have. We offer this instead of stuffing them into the Medicaid proposals which are filled with inefficiencies, cannot be managed, and which many doctors will not work with.

That is a better course forward. But, unfortunately, our voices are not being heard on that subject. But we are going to continue to make our case. We have the Burr proposal, the Gregg proposal, the Coburn proposal, the Wyden-Bennett proposal. All are different from the government option, and all do not run up the debt.

In fact, the Wyden-Bennett proposal, which is the only bipartisan proposal before this body today, with several Republican Senators and several Democratic Senators, adds zero to the debt according to the Congressional Budget Office.

Maybe as we go through, if we were seriously considering it, we would find a need to add some costs. But at least we start with the idea that instead of adding $1, $2, or $3 trillion over the next 10 years to the Federal deficit and

dumping a new program onto the States after a few years, which the States in their bankrupt condition, in some cases, cannot afford, at least we would start out with an increased deficit of zero.

We are almost working at the wrong end. Our biggest problem facing the country is the cost of health insurance to every American, not just the uninsured Americans but the 250 million who already have insurance. The other big issue is the cost of government, caused by rising health care costs, and we have gotten away from thinking of ways to bring that under control. There are even proposals floating around to take savings, to cut Medicare and Medicaid and use those dollars to help pay for the Democratic plan.

If we reduce the growth of spending in Medicaid, we should spend it on Medicare, which is increasing at a rate that is going to cause our children and grandchildren never to be able to pay off the national debt.

Republicans stand ready to work with Democrats to produce health care reform this year, despite the majority leader's statement that it is time for Senator BAUCUS to stop chasing Republican votes. We are glad he is chasing Republican votes, and we hope he gets some. But the way we do things around here usually is a group of 15 or 20 Senators, such as Senator MCCAIN and others, sit around and say: OK, let's put our ideas together and come up with a consensus bill, not to operate from a procedure that we won the election, we have 60 votes, and we will write the bill. It is more complicated than that. It needs a broad base of support in the Senate to have a broad base of support in the country. Without that base of support, it will not be successful.

We have made our proposals—the Burr proposal, the Gregg proposal, the Coburn proposal, the Wyden-Bennett proposal. Senator HATCH and Senator CORNYN have a slightly different idea that would give the money to the Governors and let them find a way to cover low-income individuals. As a former Governor, I like that idea. We have an imaginative Democratic Governor in Tennessee who has brought the Medicaid Program there under some control and has come up with several innovative ideas. The difficulty he and other Governors have is that it takes them a year to get permission from Washington to try their innovative ideas to offer the kind of health care to low-income individuals they might need which could be different in Tennessee and different in California.

This is the biggest issue before our country today. It is certainly the biggest issue before Congress. Republicans have our proposals on the table. We are ready to go to work. We want to make sure there are no preexisting conditions left out that disqualify people. We want to make sure that everyone is covered and that we have access to health care at a cost the family budget can afford. We are resolute in our determination not to add trillions more to the national debt and not to dump new debt on the States. We are resolute in our determination not to dump low-income people into a failing government program called Medicaid when a much better alternative is to give them the credits and the vouchers and the cash so they can purchase private health insurance and have coverage more like the rest of Americans have.

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. VITTER. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. VITTER. I ask unanimous consent to speak in morning business for up to 15 minutes.

The ACTING PRESIDENT pro tempore. In my capacity as a Senator from New Mexico, I object.

The Senator from Illinois.

HEALTH CARE REFORM

Mr. DURBIN. Mr. President, the issues before the Senate are sometimes weighty and complex, historic. I don't think there is any greater challenge this Senate has faced in modern times than our current debate over health care. This is such a major part of not only the American economy but of our everyday lives that it is hard to think of another issue we have tackled which will be so far-reaching.

The American people understand the need for change when it comes to health care. Even if they have a health insurance policy today they value and trust, they are worried about tomorrow. The cost, the availability, being denied coverage for a preexisting condition, losing a job and losing health insurance, a child who turns age 23 and all of a sudden is on their own in the health insurance market—there is a lot of uncertainty we need to be serious about.

When we think about these issues, many times we put them in the context of Washington. In Washington, the issues are about the people one might see in the corridors. They are lobbyists representing special interest groups who can afford to send people to talk to Senators and Congressmen. They represent doctors and hospitals, health insurance companies, pharmaceutical companies, medical device companies. They all have an interest in this debate because, quite honestly, it goes to the bottom line—whether or not they will be profitable. They, of course, want to maximize their profits if they can.

But the people who are not in the corridors are the ones we ought to be thinking about as well. These are average Americans who got up this morning, and, if they were lucky enough, went to work. They will work hard all day, come home bone weary, trying to keep their family together, and get ready for another day tomorrow.

I think of a mother like Karen Gulva in my home State of Illinois. She is a single mom with a 12-year-old boy with asthma.

I visited, about 10 years ago, the University of Chicago Children's Hospital. The head physician there, the admitting physician at the hospital in the emergency room, said to me: Senator, what would you guess is the No. 1 diagnosis of kids going into emergency rooms in America? And I said: Trauma? They fall off their bicycles and things like that? He said: No. Asthma. Asthma is the No. 1 reason children are seen at emergency rooms across America.

Well, it surprised me because my family has been spared from that problem. I started thinking a lot more about it. I came to the Senate here and started talking to my colleagues. I went to TED KENNEDY—he sat back there in the back row—and I said: I am thinking about an asthma awareness effort. He said: Count me in. My son has asthma. Then I went across the aisle, at the time, and talked to Spencer Abraham, who was a Republican Senator from Michigan. I said: Spencer, I was surprised to learn about this asthma being the No. 1 reason kids go to emergency rooms. He said: I know all about it. I grew up with asthma. Pat Moynihan, who sat in the back row here: Same story.

It dawned on me, even though it had not touched my life personally, it touched the lives of many people in this Chamber and a lot of American families.

Karen Gulva has one of those families. The primary care physician for her 12-year-old son has prescribed daily doses of a lot of medications: Singulair, Allegra, and two different kinds of inhalers. Add these medications to the Strattera he is already taking to regulate his ADD, and you can see that access to medication is essential in the day-to-day life of this typical active 12-year-old boy in my home State of Illinois.

There is more to Karen's story. Karen has a stable full-time job earning a salary of $31,000 a year plus benefits. She falls right into the range of what we call middle-class working Americans. At first, Karen's health insurance premiums were affordable. They reduced her paycheck by $52.50 twice a month—$105 a month. However, costs for that health care have risen dramatically over the last few years. Karen is now paying over $300 a month for her premiums alone.

Remember, she makes $31,000 a year gross. This does not include the $500 deductible or her share of the cost for office visits and prescriptions. The yearly cost of health care for Karen and her son is now so great that it is hard for her to keep up with other payments she has to make—just the basic necessities: food, gas for the car, and car

payments. She is barely scraping by. She refinanced her condo twice this year to stay out of credit card debt.

She has tried everything to bring down her health care costs. She has looked for other health insurance options in the private market, but because her son has what we call a preexisting condition, in this case asthma, she has been denied coverage.

Karen Gulva is not looking for a handout from this government. She just wants some help from the country she supports as a loyal tax-paying American citizen. All she wants is affordable health insurance. All she wants is some peace of mind as a mom that her kid is going to have what he needs to lead a normal life.

That is what the debate is about. It is about the uninsured—50 million people who do not have insurance—but it is also about Karen, a hard-working mom who has watched the cost of health insurance triple in a short period of time and who worries about whether she can keep up with it.

I have listened to a lot of debate coming from the other side of the aisle, and I hope I am not misinterpreting it. But it seems for some on the other side of the aisle they do not view this as a matter of urgency. They do not see this as an issue that requires our immediate, full-scale attention.

I see it differently. I think this gets to the heart of why we are here in the Senate. We are not here to stand on the floor and make speeches. We are here to pass laws that make life better for America and give us a chance for a stronger Nation with stronger families in the years to come. Sometimes we have to tackle some of the issues that are the hardest.

President Obama has told many of us privately and said publicly many times: If health care reform were easy, they would have done it a long time ago. It is not easy. It is not easy because the current expensive system is rewarding people, unfortunately, for the wrong things.

I have referred on the floor before to an article in the New Yorker from June 1 by a doctor, Atul Gawande. It is titled ''The Cost Conundrum.'' Dr. Gawande went to McAllen, TX, to figure out why in the world in that small town the average spent on Medicare recipients was $15,000 a year—one of the highest in the Nation. He could not find a reason. This is not the situation where there is a disease there or elderly people are sicker.

What he found out was the doctors in that town were billing everything imaginable. They were throwing in tests and procedures, piling one on top of the other because they get paid more. The more they do, the more they bill, the more they get paid.

One of the doctors said: Well, you know, it is defensive medicine. We can get sued. And another doctor said: That is not the case at all. Texas has one of the tightest med mal laws in the Nation. It limits the amount anybody could recover for a medical malpractice lawsuit, and there are not many suits that are filed. No. The bottom line is, these doctors have an incentive to bill more to the Medicare system because they get paid more when that happens.

If you go to a place such as Rochester, MN, and the Mayo Clinic, where the doctors are on salary, and their goal is not to pile up the procedures but to get the patient well, you will find the cost of treating Medicare patients is dramatically less in Rochester, MN, than it is in McAllen, TX.

How do you create an incentive in our system for the right outcomes—healthy people with quality care available to them—and reduce the overall cost? Our health care system spends twice as much per person than any other nation on Earth. Our results do not show why that money is being spent. They do not prove that is working to make us a safer, healthier nation.

So now the argument on the other side is that we have to be careful because we might end up with a public option; that is, a health insurance plan as an option that Americans can choose that might be government sponsored. I do not think that is wrong. In fact, I think that is healthy. It is important the private health insurance companies who now rule the roost have competition—somebody keeping an eye on them to make sure they treat people fairly. I think a public plan that does not have a profit motive, that does not worry about marketing, and does not have high administrative costs could be that plan, that competitive option that keeps the private health insurance companies honest.

Many on the other side have stood up and said: Government health insurance plans are a bad idea. Really? Forty-five million Americans are under Medicare today—elderly, disabled Americans covered by Medicare. I have not heard a single person on the other side of the aisle say: Let's get rid of Medicare. It is a bad idea. And you will not hear that because it is a good idea, and it works. There are another 60 million who are covered by Medicaid, our health insurance for the poor. I have not heard any suggestions from the other side of the aisle of eliminating Medicaid.

So 105 million Americans, one-third of our population, are currently insured through a government plan. I think it is a healthy thing. As long as the government plan we are talking about is trying to bring costs down and expand coverage so everybody has the benefit of health insurance, then I think it is a good thing to build into this system.

So the debate will continue, as it should, at the highest levels now. But there is one option we cannot accept, and that is the option of stalemate and the option of failure. I do not know I will ever have another moment in time in my public career to seriously take on the health care reform issue. The last time was 15 years ago under President Clinton.

We have to seize this opportunity. We are lucky to have a President who has stated to many of us and many of the leaders in Congress that this is a priority he is willing to fight for. Even at the expense of his political popularity he wants to get this job done. That is the kind of leadership this country needs on an issue that is critically important to every single person, every family, every business, and, frankly, to the economic future of our Nation.

I encourage my colleagues: Try to find that common ground, try to bring together a bipartisan approach here, some compromise on both sides that comes up with the best approach. Let's bring in those medical professionals who can help us get to a good place. Let's give peace of mind to Karen Gulva and so many others around America who worry every single day about coverage for their kids and for the people they love.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

SOTOMAYOR NOMINATION

Mr. SPECTER. Mr. President, I have sought recognition to discuss, first of all, the pending nomination of Judge Sonia Sotomayor for the Supreme Court of the United States.

Judge Sotomayor comes to this nomination with impeccable credentials: summa cum laude at Princeton; Yale Law School; was on the Yale Law Journal; had a distinguished career in private practice; an assistant district attorney with DA Morgenthau in Manhattan; service on a U.S. District court, a trial court; and now serves on the Court of Appeals for the Second Circuit.

The conventional wisdom is that Judge Sotomayor will be confirmed. But notwithstanding the conventional wisdom, under the Constitution it is the responsibility of the Senate, on its advice and consent function, to question the nominee to determine how she would approach important issues. It also presents a good opportunity to shed some light on the operations of the Supreme Court of the United States in an effort to improve those operations.

It has been my practice recently to write letters to the nominees in advance, as I discussed it with Judge Sotomayor during the so-called courtesy visit I had with her, and she graciously consented to respond or to receive the letters and was appreciative of the opportunity to know in advance the issues which would be raised.

Sometimes if an issue comes up fresh, the nominee does not know the case or does not know the issue and may be compelled to say: Well, let me consider that, and I will get back to you. So this enables us at the hearings

to move right ahead into the substantive materials.

The first letter I wrote involved congressional power and the adoption by the Supreme Court of a test on congruence and proportionality, which Justice Scalia called the ''flabby test,'' which enables the Court to, in effect, legislate.

The second letter involved the prospect of televising the Supreme Court to grant greater access to the public to understand what the Supreme Court does.

And the third letter, which I sent to Judge Sotomayor yesterday, involves the issue of the Court's backlog and the opportunities for the Court to take on more work.

Chief Justice Roberts, in his confirmation hearings, noted that the Court ''could contribute more to the clarity and uniformity of the law by taking more cases.''

The number of cases the Supreme Court decided in the 19th century shows it is possible to take up more cases. In 1870, the Court had 636 cases on the docket, decided 280; in 1880, the Court had 1,202 cases on the docket, decided 365; in 1886, the Court had 1,396 cases on the docket, decided 451.

Notwithstanding what Chief Justice Roberts said in his confirmation hearing, during his tenure the number of cases has continued to decline. In the 1985 term, there were 161 signed opinions. In the 2007 term, with Chief Justice Roberts in charge, there were only 67 decided cases.

The Court has what is called a ''cert. pool,'' where seven of the nine Justices—excluding only Justice Stevens and Justice Alito—have their clerks do the work, suggesting that the Justices spend little time if any on the cert. petitions except to examine a memo in this sort of a pool, raising questions as to whether that is adequate on individualized justice with the individual Justices considering these issues. The Justices can't consider the thousands of cases which are filed, but there may be a better system, as Justice Stevens and Justice Alito have it, with their taking their own individual responsibility.

There is another major problem in the Court and that is its failure to take on cases where the courts of appeals for the circuits are split. There are many such cases. In my letter to Judge Sotomayor, I have identified some. Illustrative of the cases are important issues such as mandatory minimums for the use of a gun in drug trafficking or the propriety of a jury consulting the Bible during its deliberations. Justice Scalia, in dissenting on one of the refusals to take up a case with a circuit split, said this—dissenting, Justice Scalia wrote:

In light of the conflicts among the circuits, I would grant the petition for certiorari and squarely confront both the meaning and the constitutionality of the section involved.

He went on to say:

Indeed, it seems to me quite irresponsible to let the current chaos prevail.

Well, that is the kind of chaos which prevails when two circuits split. The case may come up in another circuit where the precedents are divided, and it seems to me that the Court ought to take up the issues. That could be ameliorated by a change in the rules. Four Justices must agree to hear a case, and I intend to ask Judge Sotomayor her views on this subject and on her willingness, perhaps, to be interested in taking cases with only three Justices or perhaps two Justices.

The refusal of the Court to take up these major cases is very serious, illustrated by its denial of consideration of perhaps the major—or at least a major—conflict between the power of Congress under article I of the Constitution to enact the Foreign Intelligence Surveillance Act, which provided for the exclusive means to have wiretap warrants issued, contrasted with President Bush's warrantless wiretap procedures under the terrorist surveillance program. The Detroit District Court found the terrorist surveillance program unconstitutional. The Sixth Circuit decided it would not decide the case by finding a lack of standing. In the letter to Judge Sotomayor, I cite the reasoning of the dissenting judge, showing the flexibility of the standing doctrine. Then the Supreme Court of the United States decides not to decide the case. It so happens, in so many matters, what the Court decides not to decide may well be more important than what the Court actually does decide.

These are issues which I intend to take up with Judge Sotomayor. I ask unanimous consent that the text of my letter to Judge Sotomayor be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, July 7, 2009.

Hon. SONIA SOTOMAYOR,
c/o The Department of Justice,
Washington, DC.

DEAR JUDGE SOTOMAYOR: As noted in my letters of June 15 and June 25, I am writing to alert you to subjects which I intend to cover at your hearing. During our courtesy meeting you noted your appreciation of this advance notice. This is the third and final letter in this series.

The decisions by the Supreme Court not to hear cases may be more important than the decisions actually deciding cases. There are certainly more of them. They are hidden in single sentence denials with no indication of what they involve or why they are rejected. In some high profile cases, it is apparent that there is good reason to challenge the Court's refusal to decide.

The rejection of significant cases occurs at the same time the Court's caseload has dramatically decreased, the number of law clerks has quadrupled, and justices are observed lecturing around the world during the traditional three-month break from the end of June until the first Monday in October while other Federal employees work 11 months a year.

During his Senate confirmation hearing, Chief Justice John G. Roberts, Jr. said the Court ''could contribute more to the clarity and uniformity of the law by taking more cases.''[i] The number of cases decided by the Supreme Court in the 19th century shows the capacity of the nine Justices to decide more cases. According to Professor Edward A. Hartnett: ''. . . in 1870, the Court had 636 cases on its docket and decided 280; in 1880, the Court had 1,202 cases on its docket and decided 365; and in 1886, the Court had 1,396 cases on its docket and decided 451.''[ii] The downward trend of decided case is noteworthy since 1985 and has continued under Chief Justice Roberts' leadership. The number of signed opinions decreased from 161 in the 1985 term to 67 in the 2007 term.[iii]

It has been reported that seven of the nine justices, excluding Justices Stevens and Alito, assign their clerks to what is called a ''cert. pool'' to review the thousands of petitions for certiorari. The clerk then writes and circulates a summary of the case and its issues suggesting justices' reading of cert. petitions is, at most, limited.

At a time of this declining caseload, the Supreme Court has left undecided circuit court splits of authority on many important cases such as: 1) The necessity for an agency head to personally assert the deliberative process privilege;[iv]

2) Mandatory minimums for use of a gun in drug trafficking;[v]

3) Equitable tolling of the Federal Tort Claims Act's statute of limitations period,[vi]

4) The standard for deciding whether a Chapter 11 bankruptcy may benefit from executory contracts;[vii]

5) Construing the honest services provisions of fraud law;[viii] and

6) The propriety of a jury consulting the Bible during deliberations.[ix]

One procedural change for the Court to take more of these cases would be to lower the number of justices required for cert. from four to three or perhaps even to two.

Of perhaps greater significance are the high-profile, major constitutional issues which the court refuses to decide involving executive authority, congressional authority and civil rights. A noteworthy denial of cert. occurred in the Court's refusal to decide the constitutionality of the Terrorist Surveillance Program which brought into sharp conflict Congress' authority under Article I to establish the exclusive basis for wiretaps under the Foreign Intelligence Surveillance Act with the President's authority under Article II as Commander in Chief to order warrantless wiretaps.

That program operated secretly from shortly after 9/11 until a New York Times article in December 2005. In August 2006, the United States District Court for the Eastern District of Michigan found the program unconstitutional.[x] In July 2007, the Sixth Circuit reversed 2–1, finding lack of standing.[xi] The Supreme Court then denied certiorari.[xii]

The dissenting opinion in the Sixth Circuit demonstrated the flexibility of the standing requirement to provide the basis for a decision on the merits. Judge Gilman noted, ''the attorney-plaintiffs in the present case allege that the government is listening in on private person-to-person communications that are not open to the public. These are communications that any reasonable person would understand to be private.''[xiii] After analyzing the standing inquiry under a recent Supreme Court decision, Judge Gilman would have held that, ''[t]he attorney-plaintiffs have thus identified concrete harms to themselves flowing from their reasonable fear that the TSP will intercept privileged communications between themselves and their clients.''[xiv] On a matter of such importance, the Supreme Court could at least have granted certiorari and decided that standing was a legitimate basis on which to reject the decision on the merits.

On June 29, 2009, the Supreme Court refused to consider the case captioned In re Terrorist Attacks on September 11, 2001,[xv] in which the families of the 9/11 victims sought damages from Saudi Arabian princes personally, not as government actors, for financing Muslim charities knowing those funds would be used to carry out Al Qaeda jihads against the United States.[xvi] The plaintiffs sought an exception to the sovereign immunity specified in the Foreign Sovereign Immunities Act of 1976. Plaintiffs' counsel had developed considerable evidence showing Saudi complicity. Had the case gone forward, discovery proceedings had the prospect of developing additional incriminating evidence.

My questions are:

1) Do you agree with the testimony of Chief Justice Roberts at his confirmation hearing that the Court ''could contribute more to clarity and uniformity of the law by taking more cases?''

2) If confirmed, would you favor reducing the number of justices required to grant petitions for certiorari in circuit split cases from four to three or even two?

3) If confirmed, would you join the cert. pool or follow the practice of Justices Stevens and Alito in reviewing petitions for cert. with the assistance of your clerks?

4) Would you have voted to grant certiorari in the case captioned In re Terrorist Attacks on September 11, 2001?

5) Would you have voted to grant certiorari in A.C.L.U. v. N.S.A.—the case challenging the constitutionality of the Terrorist Surveillance Program?

Sincerely,

ARLEN SPECTER.

ENDNOTES

[i] Confirmation Hearing on the Nomination of John G. Roberts, Jr. to Be Chief Justice of the United States: Hearing Before the S. Comm. on the Judiciary, 109th Cong. 337 (2005) (statement of John G. Roberts Jr.).

[ii] Edward A. Hartnett, ''Questioning Certiorari: Some Reflections Seventy-Five Years After the Judges' Bill,'' 100 Colum. L. Rev. 1643, 1650 (Nov. 2000).

[iii] *See* Kenneth W. Starr, The Supreme Court and Its Shrinking Docket: The Ghost of William Howard Taft, 90 Minn. L. Rev. 1363, 1368 (May 2006); Supreme Court of the United States, 2008 Year-End Report on the Federal Judiciary, Dec. 31, 2008, available at http://www.supremecourtus.gov/publicinfo/year-end/2008year-endreport.pdf.

[iv] *See Dep't of Energy* v. *Brett*, 659 F.2d 154, 156 (Temp. Emer. Ct. App. 1981) (holding that the trial court erred in ruling the deliberative process privilege could only be invoked by an Agency head); *Marriott Int'l Resorts, L.P.*, v. *United States*, 437 F.3d 1302, 1306–08 (Fed. Cir. 2006) (finding that it was proper for IRS Commissioner to delegate responsibility for invoking deliberative process privilege to Assistant Chief Counsel); *Landry* v. *Fed. Deposit Ins. Corp.*, 204 F.3d 1125, 1135–36 (D.C. Cir. 2000) (commenting that lesser officials can invoke the deliberative process and law enforcement privileges), *cert. denied*, 531 U.S. 924 (Oct. 10, 2000); *Branch* v. *Phillips Petroleum Co.*, 638 F.2d 873, 882–83 (5th Cir. 1981) (commenting that, while United States v. Reynolds, 345 U.S. 1 (1953), indicates that Agency head must invoke, the EEOC sufficiently complied when the director of its Houston office, a subordinate, invoked the privilege on the EEOC's behalf). *Contra United States* v. *O'Neill*, 619 F.2d 222, 225 (3d Cir. 1980) (rejecting invocation of executive privilege by an attorney rather than the department head).

[v] *See United States* v. *Brown*, 449 F.3d 154, 155 (D.C. Cir. 2006) (considering increasing progression of penalties in the statute to imply an intent requirement in provision penalizing discharge of a firearm during commission of a crime of violence); *United States* v. *Dare*, 425 F.3d 634, 641 n. 3 (9th Cir. 2005) (noting that '' 'discharge' requires only a general intent''). *Contra United States* v. *Dean*, 517 F.3d 1224, 1230 (11th Cir. 2008) (finding *Brown* reasoning unpersuasive ''because discharging a firearm, regardless of intent, presents a greater risk of harm than simply brandishing a weapon without discharging it''); *United States* v. *Nava-Sotelo*, 354 F.3d 1202, 1204–05 (10th Cir. 2003) (finding the plain language of the statute to require mandatory minimum sentence even if discharge was accidental or involuntary).

[vi] *Compare Gonzalez* v. *United States*, 284 F.3d 281, 288 (1st Cir. 2002) (noting that it ''has repeatedly held that compliance with this statutory requirement is a jurisdictional prerequisite to suit that cannot be waived'') (citations omitted) with *Valdez ex rel. Donely* v. *United States*, 518 F.3d 173, 185 (2d Cir. 2008) (declining to determine whether to apply equitable tolling to the FTCA statute of limitations); and *Hughes* v. *United States*, 263 F.3d 272, 277–78 (3d Cir. 2001) (holding that the FTCA's statute of limitations is non-jurisdictional and applying equitable tolling).

[vii] *Compare N.C.P. Marketing Group, Inc.* v. *BG Star Productions, Inc.*, 279 Fed.Appx. 561 (9th Cir. 2008), *cert. denied*, *N.C.P. Marketing Group, Inc.* v *BG Star Productions, Inc.*, 129 S.Ct. 1577 (Mar. 23, 2009) (affirming lower court decision, which used ''hypothetical test'' to ''examin[e] whether, hypothetically without looking to the individual facts of the case, any executory contracts could be assumed under applicable federal law,'' *N.C.P. Marketing Group, Inc.* v. *Blanks*, 337 B.R. 230, 234 (D. Nev. 2005)); *In re James Cable Partners, L. P.*, 27 F.3d 534, 537–38 (11th Cir. 1994) (using ''hypothetical test''); and *In re West Electronics, Inc.*, 852 F.2d 79, 83 (3rd Cir. 1988) (same); with *In re Sunterra Corp.*, 361 F.3d 257, 262 (4th Cir. 2004) (using ''actual test,'' under which ''a court must make a case-by-case inquiry into whether the non-debtor party would be compelled to accept performance from someone other than the party with whom it had originally contracted, and a debtor would not be precluded from assuming a contract unless it *actually* intended to assign the contract to a third party'' (emphasis in original)).

[viii] *Compare United States* v. *Sorich*, 523 F.3d 702, 707 (7th Cir. 2008), *cert denied Sorich* v. *United States*, 129 S.Ct. 1308 (Feb. 23, 2009) (''[m]isuse of office (more broadly, misuse of position) for private gain is the line that separates run-of-the-mill violations of state-law fiduciary duty . . . from federal crime'' (quoting *United States* v. *Bloom*, 459 F.3d 509, 520–21 (7th Cir. 1998); with *United States* v. *Brumley*, 116 F.3d 728, 735 (5th Cir. 1997) (concluding that the statute ''applies to deprivations of honest services by state employees and that such services must be owed under state law''); and *United States* v. *Panarella*, 277 F.3d 678, 692 (3rd Cir. 2002) (rejecting ''personal gain'' as a requisite motivation of the crime).

Dissenting in the *Sorich* cert. denial, Justice Scalia wrote, ''In light of the conflicts among the Circuits; the longstanding confusion over the scope of the statute; and the serious due process and federalism interests affected by the expansion of criminal liability that this case exemplifies, I would grant the petition for certiorari and squarely confront both the meaning and the constitutionality of §1346. Indeed, it seems to me quite irresponsible to let the current chaos prevail.'' 129 S.Ct. at 1311.

[ix] *Compare Oliver* v. *Quarterman*, 541 F.3d 329, 340 (5th Cir. 2008), *cert. denied, Oliver* v. *Quarterman*, 129 S.Ct. 1985 (Apr. 20, 2009) (holding that jury consultation of a Bible amounted to an unconstitutional outside influence on its deliberations); and *McNair* v. *Campbell*, 416 F.3d 1291, 1307–09 (11th Cir. 2005) (noting that the use of a Bible during jury deliberations was presumptively prejudicial but that the state had ''easily carried its burden of rebutting the presumption of prejudice.''); with *Robinson* v. *Polk*, 438 F.3d 350, 363–65 (4th Cir. 2006) (holding that the lower court did not act unreasonably when it denied a defendant's claim that he was prejudiced by the jury's reading of the Bible during its deliberations, noting, ''Unlike [private communications], which impose pressure upon a juror apart from the juror himself, the reading of Bible passages invites the listener to examine his or her own conscience from within.'').

[x] *American Civil Liberties Union* v. *National Security Agency* (''*A.C.L.U* v. *N.S.A.*''), 438 F.Supp.2d 754 (E.D.Mich. 2006) (Anna Diggs Taylor, J.).

[xi] *A.C.L.U.* v. *N.S.A.*, 493 F.3d 644 (6th Cir. 2007).

[xii] i 128 S.Ct. 1334 (2008).

[viii] 493 F.3d at 697.

[xiv] Id.

[xv] 538 F.3d 71 (2d Cir. 2008).

[xvi] *Federal Ins. Co.* v. *Kingdom of Saudi Arabia*, —S.Ct.—, 2009 WL 1835181 (Jun. 29, 2009).

HEALTH CARE

Mr. SPECTER. Mr. President, moving on to a second subject, The New York Times today has an analysis of health care which bears directly upon the legislation which will soon be considered by the Congress on comprehensive health care. The article focuses on prostate cancer, for illustrative purposes, to raise the issue that the key factor of holding down costs is not being attended to under the current system because there are no determinations as to what is affected.

The article points out that the obvious first step is figuring out what actually works. It cites a number of approaches for dealing with prostate cancer, varying from a few thousand dollars to $23,000, to $50,000 to $100,000. It notes that drug and device makers have no reason to finance such trials because insurers now pay for expensive treatments, even if they aren't effective. The article notes that the selection customarily made is the one which is the most effective.

I have talked to Senator BAUCUS and Senator DODD and have written to them concerning my suggestion in this field. I ask unanimous consent that the text of the New York Times article be printed in the RECORD, together with my letters to Senator BAUCUS, Senator DODD, and Senator KENNEDY.

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

[From the New York Times, July 8, 2009]

IN HEALTH REFORM, A CANCER OFFERS AN ACID TEST

(By David Leonhardt)

It's become popular to pick your own personal litmus test for health care reform.

For some liberals, reform will be a success only if it includes a new government-run insurance plan to compete with private insurers. For many conservatives, a bill must exclude such a public plan. For others, the crucial issue is how much money Congress spends covering the uninsured.

My litmus test is different. It's the prostate cancer test.

The prostate cancer test will determine whether President Obama and Congress put together a bill that begins to fix the fundamental problem with our medical system: the combination of soaring costs and mediocre results. If they don't, the medical system will remain deeply troubled, no matter what other improvements they make.

The legislative process is still in the early stages, and Washington is likely to squeeze some costs out of the medical system. But the signals coming from Capitol Hill are still worrisome, because Congress has not seemed willing to change the basic economics of health care.

So let's talk about prostate cancer. Right now, men with the most common form—slow-growing, early-stage prostate cancer—can choose from at least five different courses of treatment. The simplest is known as watchful waiting, which means doing nothing unless later tests show the cancer is worsening. More aggressive options include removing the prostate gland or receiving one of several forms of radiation. The latest treatment—proton radiation therapy—involves a proton accelerator that can be as big as a football field.

Some doctors swear by one treatment, others by another. But no one really knows which is best. Rigorous research has been scant. Above all, no serious study has found that the high-technology treatments do better at keeping men healthy and alive. Most die of something else before prostate cancer becomes a problem.

''No therapy has been shown superior to another,'' an analysis by the RAND Corporation found. Dr. Michael Rawlins, the chairman of a British medical research institute, told me, ''We're not sure how good any of these treatments are.'' When I asked Dr. Danielle Perlroth of Stanford University, who has studied the data, what she would recommend to a family member, she paused. Then she said, ''Watchful waiting.''

But if the treatments have roughly similar benefits, they have very different prices. Watchful waiting costs just a few thousand dollars, in follow-up doctor visits and tests. Surgery to remove the prostate gland costs about $23,000. A targeted form of radiation, known as I.M.R.T., runs $50,000. Proton radiation therapy often exceeds $100,000.

And in our current fee-for-service medical system—in which doctors and hospitals are paid for how much care they provide, rather than how well they care for their patients—you can probably guess which treatments are becoming more popular: the ones that cost a lot of money.

Use of I.M.R.T. rose tenfold from 2002 to 2006, according to unpublished RAND data. A new proton treatment center will open Wednesday in Oklahoma City, and others are being planned in Chicago, South Florida and elsewhere. The country is paying at least several billion more dollars for prostate treatment than is medically justified—and the bill is rising rapidly.

You may never see this bill, but you're paying it. It has raised your health insurance premiums and left your employer with less money to give you a decent raise. The cost of prostate cancer care is one small reason that some companies have stopped offering health insurance. It is also one reason that medical costs are on a pace to make the federal government insolvent.

These costs are the single most important thing to keep in mind during the health care debate. Making sure that everyone has insurance, important as that is, will not solve the cost problem. Neither will a new public insurance plan. We already have a big public plan, Medicare, and it has not altered the economics of prostate care.

The first step to passing the prostate cancer test is laying the groundwork to figure out what actually works. Incredibly, the only recent randomized trial comparing treatments is a 2005 study from Sweden. (It suggested that removing the prostate might benefit men under 65, which is consistent with the sensible notion that younger men are better candidates for some aggressive treatments.)

''There is no reason in the world we have to be this uncertain about the relative risks and benefits,'' says Dr. Sean Tunis, a former chief medical officer of Medicare.

Drug and device makers have no reason to finance such trials, because insurers now pay for expensive treatments even if they aren't more effective. So the job has to fall to the government—which, after all, is the country's largest health insurer.

Obama administration officials understand this, and the stimulus bill included money for such research. But stimulus is temporary. The current House version of the health bill does not provide enough long-term financing.

The next step involves giving more solid information to patients. A fascinating series of pilot programs, including for prostate cancer, has shown that when patients have clinical information about treatments, they often choose a less invasive one. Some come to see that the risks and side effects of more invasive care are not worth the small—or nonexistent—benefits. ''We want the thing that makes us better,'' says Dr. Peter B. Bach, a pulmonary specialist at Memorial Sloan-Kettering Cancer Center, ''not the thing that is niftier.''

The current Senate bill would encourage doctors to give patients more information. But that won't be nearly enough to begin solving the cost problem.

To do that, health care reform will have to start to change the incentives in the medical system. We'll have to start paying for quality, not volume.

On this score, health care economists tell me that they are troubled by Congress's early work. They are hoping that the Senate Finance Committee will soon release a bill that does better. But as Ron Wyden, an Oregon Democrat on the committee, says, ''There has not been adequate attention to changing the incentives that drive behavior.'' One big reason is that the health care industry is lobbying hard for the status quo.

Plenty of good alternatives exist. Hospitals can be financially punished for making costly errors. Consumers can be given more choice of insurers, creating an incentive for them to sign up for a plan that doesn't cover wasteful care. Doctors can be paid a set fee for some conditions, adequate to cover the least expensive most effective treatment. (This is similar to what happens in other countries, where doctors are on salary rather than paid piecemeal—and medical care is much less expensive.)

Even if Congress did all this, we would still face tough decisions. Imagine if further prostate research showed that a $50,000 dose of targeted radiation did not extend life but did bring fewer side effects, like diarrhea, than other forms of radiation. Should Medicare spend billions to pay for targeted radiation? Or should it help prostate patients manage their diarrhea and then spend the billions on other kinds of care?

The answer isn't obvious. But this much is: The current health care system is hard-wired to be bloated and inefficient. Doesn't that seem like a problem that a once-in-a-generation effort to reform health care should address?

U.S. SENATE,
Washington, DC, June 17, 2009.

Hon. MAX BAUCUS,
Chairman, Senate Finance Committee, Washington, DC.

DEAR MAX: I write to call to your personal attention provisions on bio-medical research which, in my judgment, are critical—arguably indispensable—for inclusion in comprehensive health care reform legislation.

I urge that authorization for the National Institutes of Health be set at a new baseline of $40 billion, reflecting the current $30 billion level plus the $10 billion from the stimulus package. The Administration's current request of $443 million is totally insufficient since at least $1 billion is necessary to keep up with inflation and additional funding is necessary to maintain an appropriate level for more innovative research grants.

When the appropriations for NIH, spearheaded by Senator Harkin and myself, were increased by $3 to $3.5 billion each year, there was a dramatic decrease in deaths attributable to many maladies. Since reform legislation has as two principal objectives, improving the quality of health care and reducing costs, the best way to reach those objectives is through increasing funding for bio-medical research at NIH.

The second item which I urge for inclusion in comprehensive health reform legislation is specified in S. 914, the Cures Acceleration Network Act which I introduced on April 28, 2009. That bill would help our nation's medical research community bridge what practitioners call the ''valley of death'' between discoveries in basic science and new effective treatments and cures for the diseases. This translational medical research will accelerate medical progress at the patient's bedside and maximize the return on the substantial investments being made on bio-medical research.

I look forward to working with you on these proposals as well as other facets of comprehensive health care reform.

I am sending an identical letter to Senator Kennedy.

Sincerely,

ARLEN SPECTER.

U.S. SENATE,
Washington, DC, July 8, 2009.

Hon. CHRISTOPHER J. DODD,
U.S. Senate,
Washington, DC.

DEAR CHRIS: Before the 4th of July recess, I mentioned to you on the Senate floor my strong interest in including a $40 billion annual base for NIH and my proposed Cures Accelerated Network Act (S.914) in the comprehensive health care reform legislation.

I am enclosing a copy of a letter which I sent to Chairman Kennedy on June 17, 2009 which spells out in some detail my proposals.

Thanks very much for your consideration of this request.

My best.

Sincerely,

ARLEN SPECTER.

U.S. SENATE,
Washington, DC, June 17, 2009.

Hon. EDWARD M. KENNEDY,
Chairman, Committee on Health, Education, Labor and Pension, Washington, DC.

DEAR TED: I write to call to your personal attention provisions on bio-medical research which, in my judgment, are critical—arguably indispensable—for inclusion in comprehensive health care reform legislation.

I urge that authorization for the National Institutes of Health be set at a new baseline of $40 billion, reflecting the current $30 billion level plus the $10 billion from the stimulus package. The Administration's current request of $443 million is totally insufficient

since at least $1 billion is necessary to keep up with inflation and additional funding is necessary to maintain an appropriate level for more innovative research grants.

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I look forward to working with you on these proposals as well as other facets of comprehensive health care reform.

I am sending an identical letter to Senator Baucus.

Sincerely,

ARLEN SPECTER.

Mr. SPECTER. Mr. President, it is my view that this is a critical and arguably indispensable item to be taken up in this comprehensive health care reform—and certainly weighs heavily on my mind—and that is to fund the National Institutes of Health at the $30 billion currently as the base, plus the $10 billion in the stimulus package, for a base of $40 billion. The results from medical research have been phenomenal, with decreases in fatality to stroke, breast cancer, and many other of the health maladies. Then, to combine that with legislation which I have introduced, S. 914, the Cures Acceleration Network, which addresses the issue taken up by The New York Times, and that is to make a determination of what actually works.

There has been identified a so-called ''valley of death'' between the bench and clinical research and the bedside and application of the research. The pharmaceutical companies do not take up this issue because of the cost. This is something which ought to be taken up by the Federal Government as the dominant funder for the National Institutes of Health. So should the comprehensive health care include this issue to address, in a meaningful way, the very high costs of medical care? Certainly, if the tests make a determination that the less-expensive items are the ones which ought to be followed, that could meet the Federal standard and that could prevail.

HOLOCAUST LOOTED ART RETRIEVAL

Mr. SPECTER. Mr. President, moving to yet another subject, there is a major miscarriage of justice currently being perpetrated on the victims of the Holocaust and their survivors. The Washington Post, 2 weeks ago Sunday, on June 28, pointed out that Holocaust survivors and their heirs are battling museums and governments for the return of thousands of pieces of looted art, despite pledges made by dozens of countries and Washington a decade ago to resolve the claims.

At a major conference underway in Prague, delegates from 49 countries acknowledged that Jews continue to be stymied in their efforts to reclaim art that was stolen by the Nazis and later transferred to museums and galleries around the world, especially in Europe. An estimated 100,000 artworks, from invaluable masterpieces to items of mostly sentimental value, remain lost or beyond legal research of their victimized owners and descendants.

Stuart Eizenstat, head of the U.S. delegation to the conference said:

This is one of our last chances to inject a new sense of justice into this issue before it's too late for Holocaust victims.

The article goes on to point out that:

In December 1998, after many world-famous museums were found to have Nazi-tainted art in their collections, representatives from 44 countries met in Washington and endorsed guidelines for investigating claims of stolen items and returning them to their rightful owners.

Notwithstanding that international determination, the program has not been carried out.

The article goes on to cite the case involving Mr. Michael Klepetar, a real estate project manager from Prague, who has been trying for 9 years to persuade the Czech National Gallery to relinquish 43 paintings that once belonged to his great uncle, Richard Popper, a prominent collector who was deported to Poland and perished in the Jewish ghetto in the city of Lodz. Popper's wife and daughter also died in the Nazi camps. The National Gallery in Czechoslovakia has refused to part with the paintings, citing a law adopted in 2000 by the Czech Government that entitles only Holocaust victims or their ''direct descendants'' to file claims for the property. The Ministry of Culture in Czechoslovakia has classified 13 of the looted artworks as ''cultural treasures,'' a designation that prevents them from being taken out of the country.

Mr. Klepetar went on to point out the salient underlying factor:

This country—

Referring to Czechoslovakia—

like most of the region, has always been anti-semitic through the centuries. The only difference now is that it's not politically correct. That's the root of the whole problem.

I am writing today to Secretary of State Clinton asking her to use the persuasive power of the Department of State to rectify this problem. I am also writing to the State Department legal counselor, inquiring about what enforcement action might be taken in international legal tribunals to rectify this situation.

I ask unanimous consent that a copy of the Post article, and the copies of my letters to Secretary Clinton and the State Department legal adviser be printed in the RECORD.

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

[From the Washington Post, June 28, 2009]

JEWS REMAIN STYMIED IN EFFORTS TO RECLAIM ART LOOTED BY NAZIS

(By Craig Whitlock)

Holocaust survivors and their heirs are still battling museums and governments for the return of thousands of pieces of looted art, despite pledges made by dozens of countries in Washington a decade ago to resolve the claims.

At a major conference underway here in Prague, delegates from 49 countries acknowledged that Jews continue to be stymied in their efforts to reclaim art that was stolen by the Nazis and later transferred to museums and galleries around the world, especially in Europe. An estimated 100,000 artworks, from invaluable masterpieces to items of mostly sentimental value, remain lost or beyond legal reach of their victimized owners and descendants.

''This is one of our last chances to inject a new sense of justice into this issue before it's too late for Holocaust victims,'' said Stuart Eizenstat, head of the U.S. delegation to the conference and a former ambassador and deputy Treasury secretary during the Clinton administration.

The Holocaust Era Assets Conference, hosted by the Czech Republic, is an attempt to revive a global campaign that began 11 years ago to track down long-lost art collections that were confiscated or acquired under dubious circumstances during the Holocaust.

In December 1998, after many world-famous museums were found to have Nazi-tainted art in their collections, representatives from 44 countries met in Washington and endorsed guidelines for investigating claims of stolen items and returning them to their rightful owners.

The guidelines, known in the art world as the Washington Principles, have eased the return of looted art in many cases. Despite their endorsement by most European countries and the United States, however, the guidelines are legally nonbinding. They are also often ignored in practice by museums and governments that profess in public to abide by them, according to art experts.

Michel Klepetar, a real-estate project manager from Prague, has been trying for nine years to persuade the Czech National Gallery to relinquish 43 paintings that once belonged to his great-uncle, Richard Popper, a prominent collector who was deported to Poland and perished in the Jewish ghetto in the city of Lodz.

Popper's wife and daughter also died in Nazi camps. Klepetar, 62, and his brother are their closest living relatives. But the National Gallery has refused to part with the paintings, citing a law adopted in 2000 by the Czech government that entitles only Holocaust victims or their ''direct descendants'' to file claims for stolen property.

In an interview, Klepetar argued that the Czech law was unconstitutional, unethical and particularly unfair to Jews. An estimated 6 million Jews were killed in the Holocaust; many families were survived only by distant relatives.

''This country, like most of the region, had always been anti-Semitic through the centuries,'' he said. ''The only difference now is that it's not politically correct. That's the root of the whole problem.''

Klepetar's great-uncle had amassed a collection of 127 artworks—mostly Flemish and

Dutch paintings from the 17th and 18th centuries—which vanished after the war. In 2000, however, Klepetar said someone leaked him part of a confidential Czech government report on looted art that indicated 43 of the paintings had been in the National Gallery's possession since the early 1950s.

The National Gallery later acknowledged it had the paintings but refused to divulge any details, such as how they were acquired, their condition or their precise location. Klepetar has pressed his claim in the Czech courts for several years but has lost repeatedly because he is not considered a direct descendant under the law.

Tomas Jelinek, vice president of the Czech Committee for Nazi Victims, said the government's decision to pass the 2000 law that limits who can file claims for Holocaust assets was designed to protect public galleries and government institutions.

''You have all these people in charge of the museums, and they don't want to lose their assets,'' he said. ''There are always people who say, 'Why should we give these valuable objects from our collections away?' ''

Tomas Wiesner, director of galleries and museums for the Czech Ministry of Culture, did not respond to requests for comment.

Art experts credited the Czech government with taking steps to make it easier to find and return looted art. In 2001, for instance, it established the Documentation Center for Property Transfers of Cultural Assets of World War II Victims, which maintains a public online database of artworks in Czech museums that once may have been owned by Holocaust victims.

The database, however, offers limited information and is hampered by spotty record-keeping. For example, it lists only eight of the 43 paintings in the National Gallery that were part of Klepetar's family collection, even though the museum has acknowledged it has the others as well.

The Documentation Center also does not publish statistics on how many claims have been filed on behalf of Holocaust victims, or how many artworks have been returned. Helena Krajcova, director of the center and co-chair of the looted-art panel for the Holocaust Era Assets Conference, did not respond to requests for an interview.

Czech officials have sometimes taken extraordinary legal measures to prevent the return of looted art.

In December, the American heirs of Emil Freund, a Prague lawyer and collector who was killed during the Holocaust, reacquired 32 paintings and drawings that had been in the custody of the National Gallery for decades. But the Ministry of Culture classified 13 of the looted artworks as cultural treasures, a designation that prevents them from being taken out of the country.

Michaela Sidenberg, curator for visual art at the Jewish Museum in Prague, a private institution, said Holocaust survivors and their families are repeatedly stonewalled in the Czech Republic, despite official policy to make it simple for them to file claims for artwork taken by the Nazis.

''It's like a hot potato being thrown around,'' she said. ''The claimants are kicked around from one bureaucracy to another. Everybody is just looking for some alibi and to avoid taking responsibility.''

Asked about such criticism, Stefan Fule, the Czech Republic's minister for European Union affairs, said his government's hosting of the conference on Holocaust-era assets demonstrates its dedication to resolving such claims fairly.

''These are serious questions that need to be seriously addressed,'' he said at a news briefing Friday. He declined to say, however, whether the Czech government would consider changing its laws so that distant relatives would be allowed to inherit property stolen by the Nazis.

In the meantime, Klepetar said he will keep pressing his case for the return of his great-uncle's collection, even though he predicted that there was ''almost zero'' chance that the Czech government would change its laws or policies.

''No, no, I'm not going to give up,'' he said. ''It's the principle. Like they say, a Jew should never let anyone [defecate] on his head. And you can quote that.''

U.S. SENATE,
Washington, DC, July 8, 2009.

Hon. HAROLD KOH
Legal Adviser, U.S. Department of State, Washington, DC.

DEAR DEAN KOH: With this letter, I am enclosing a copy of a letter I am sending today to Secretary of State Clinton.

I would appreciate it if you would review this situation to determine if there is any legal action which could be brought in international court to obtain the return of this artwork.

I am delighted to see you at work on your new job after a hard-fought confirmation battle.

My best.

Sincerely,

ARLENE SPECTER.

U.S. SENATE,
Washington, DC, July 8, 2009.

Hon. HILLARY RODHAM CLINTON,
Secretary of State, Department of State, Washington, DC.

DEAR HILLARY: I write to call to your personal attention a gross miscarriage of justice which is being perpetuated on victims and survivors of Holocaust victims who are being deprived of their rights to reacquire works of art illegally confiscated by the Nazis.

The situation is succinctly set forth in an article in the Washington Post on June 28, 2009:

''Holocaust survivors and their heirs are battling museums and governments for the return of thousands of pieces of looted art, despite pledges made by dozens of countries in Washington a decade ago to resolve the claims. At a major conference underway in Prague, delegates from 49 countries acknowledged that Jews continue to be stymied in their efforts to reclaim art that was stolen by the Nazis and later transferred to museums and galleries around the world, especially in Europe. An estimated 100,000 artworks from invaluable masterpieces to items of mostly sentimental value remain lost or beyond legal reach of their victimized owners and descendants.''

Ambassador Stuart Eizenstat, head of the U.S. delegation to the Conference, said:

''This is one of our last chances to inject a new sense of justice into this issue before it's too late for Holocaust victims.''

The article further specifies the unsuccessful efforts of individuals to reclaim these works of art. One of those individuals, Mr. Michael Klepetar, focuses on the underlying reason:

''This country, like most of the region, had always been anti-Semitic through the centuries. The only difference now is that it's not politically correct. That's the root of the whole problem.''

The Czech Ministry of Culture classified 13 of the looted artworks as cultural treasures, a designation that prevents them from being taken out of the country. The Czech National Gallery has refused to turn over these works of art citing a 2000 statute adopted by the Czech government which entitles only Holocaust victims or their ''direct descendants'' to file claims for the property.

I request that you review this situation with a view to bring whatever diplomatic pressure is possible in Czechoslovakia and elsewhere to see to it that these works of art are returned to the Holocaust victims or their survivors. I am writing to Secretary of State Legal Adviser Harold Koh asking him to determine if there is any way to initiate legal proceedings in an international court to reclaim these works of art in Czechoslovakia and elsewhere.

For your review, I am enclosing the full text of the Washington Post article.

My best.

Sincerely,

ARLEN SPECTER.

UNANIMOUS-CONSENT AGREEMENT—H.R. 2892

Mr. SPECTER. Mr. President, I have been asked by the leader to propound a unanimous consent request as follows: That the order of July 7 be modified to provide that after the Senate resumes H.R. 2892, the time until 10:55 a.m. be for debate with respect to the Sessions amendment No. 1371 and all other provisions of the July 7 order remain in effect.

The PRESIDING OFFICER (Mr. BENNET). Is there objection?

Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2010

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2892, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 2892) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes.

Pending:

Reid (for Byrd-Inouye) amendment No. 1373, in the nature of a substitute.

Sessions amendment No. 1371 (to amendment No. 1373), to make the pilot program for employment eligibility confirmation for aliens permanent and to improve verification of immigration status of employees.

DeMint amendment No. 1399 (to amendment No. 1373), to require the completion of at least 700 miles of reinforced fencing along the southwest border by December 31, 2010.

Feingold amendment No. 1402 (to amendment No. 1373), to require grants for Emergency Operations Centers and financial assistance for the predisaster mitigation program to be awarded without regard to earmarks.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

AMENDMENT NO. 1399

Mr. DEMINT. Mr. President, I wish to speak briefly about an amendment that will be up second, I believe, this morning. It is about our southern border in this United States.

I think we have made some propositions to the American people to secure our southern border. We have

passed laws that are currently not being followed, and I think we see the result of that in Mexico as well as in the United States. Our southern border has become a battleground. It is a place not only where illegal immigrants and workers come into our country, but drug trafficking and weapons trafficking are real security issues. We are destabilizing Mexico with all that is going on because we refuse to carry out our promise to the American people to secure that border. We cannot have security in the United States unless we have a secure border.

We passed a law that says we have to have 700 miles of reinforced, double-layer fencing along the southern border of the United States. Of the 700 miles, 370 miles were required to be built by December 31 of last year, and we have not met that requirement.

In fact, there are only 330 miles of the single-layered fencing and only 34 miles of the double-layered fencing that was required by law to be built.

So far they claim 661 miles of fencing are completed, but that includes both vehicle barriers and single-layered fencing.

They continue to speak of virtual fencing, which is basically just detectors if someone is going across. All the evidence is that doesn't work well, if at all.

The point of my amendment is to keep our promise to the American people. Let's move ahead with securing the border. I don't like a fence. I don't like the way a fence looks. But in this world today, where we are threatened in many ways, it is critically important that we are able to determine who comes and goes and what comes and goes on the borders of the United States.

My amendment does two things. It requires that 700 miles of physical pedestrian fencing be completed, and it sets a deadline of December 31, 2010. We can do this if we just make that commitment and fund it in this bill.

A physical fence is effective, compared to the untested hundreds of millions of dollars of virtual fencing they are trying to substitute, even though we passed a law that says we need to secure the borders.

I remind my colleagues we made a promise to the American people. We passed a law. This country is based on the rule of law, and we need to follow it in the Congress. We need to fund this and set a deadline so this promise will be fulfilled.

I encourage all my colleagues to vote for the DeMint amendment this morning. I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

AMENDMENT NO. 1371

Mr. SESSIONS. Mr. President, recently the Bureau of Labor Statistics reported that the unemployment rate in June of this year had jumped to 9.5 percent; 467,000 jobs were lost in June alone. This is the highest unemployment rate in 25 years.

The Congress passed, earlier this year, a stimulus bill. The purpose of it was to create jobs and reduce unemployment. We were told if we pass that bill, unemployment would top out at 8.4 percent. Well, it just hit 9.5 percent. A report released by the Heritage Foundation and the Center for Immigration studies has estimated that 15 percent of the construction jobs created by the Senate stimulus bill would go to illegal immigrants—about 300,000 jobs.

The question is, is there anything we can do about it? The answer is yes. We have an E-Verify system where employers voluntarily, all over the country, are using a computer verification system to determine whether the job applicant who appears before them is here legally and entitled to work. The Federal Government uses that same system for every employee it hires, but we did not require that for employers who get government contracts under the stimulus package. Contractors who get money under the stimulus package are not required to use E-Verify.

The system is pretty successful. It is not foolproof, but Secretary Napolitano of Homeland Security recently said:

> The administration strongly supports E-Verify as a cornerstone of worksite enforcement and will work to continually improve the program to ensure it is the best tool available to deter the hiring of persons not authorized to work in the United States.

That was a good statement from Homeland Security. But the reality is that President Bush's Executive order that was to take place in January, which would have required all government contractors to use E-Verify, has been pushed back four times. So that is why I offered this legislation.

It is perfectly appropriate for Congress to pass legislation to require this. I have been advised today, though, of some good news. Secretary Napolitano apparently will issue a statement later today saying that after three or four extensions and putting off the E-Verify mandate for government contractors she will issue that order. So that is good news.

What would my amendment do? No. 1, it would make that not just a Presidential policy subject to delay or implementation or withdrawal whenever they wanted; it would make it a permanent rule that people who have contracts with the government would have to use the E-Verify system. Instead of a 3-year extension of the E-Verify system, as provided for in this bill, it would go on and make it permanent. It is a cornerstone today of a system that will work to a considerable degree to reduce the number of illegal workers who are getting jobs—taking jobs from American workers at this particularly difficult time. I think it is a good step. I am glad the Secretary is moving forward finally on making that a reality.

I hope my colleagues will step forward now and let's make this a permanent system. It is certainly contemplated to be permanent. But for odd reasons, to me, there seems to be a reluctance to make it so. The system is up and running. It can handle millions more than the millions it is already handling today. It is designed for a much larger use. It will make a difference, and it will identify quite a number of people who are here illegally seeking to work. In fact, I think the system should be made to apply to all businesses in America. I believe we can do that and should move in that direction. But the first step, it seems to me, would be to say if we are going to create a stimulus package, if this government is going to give contracts to private contractors who do work for the government, they ought to at least ask them to verify whether the person is legally in the country.

Yes, there are some good things additionally that need to be done, such as a biometric identification system, which Senator SCHUMER referred to last night. I would heartily support that, but I believe this is the initial step that ought to be taken. The system should be made permanent and the requirement that contractors of the government should be a part of our law today.

I urge my colleagues to vote for it. I think it would be consistent with the stated policies of the Obama administration and consistent with what the Senate has been working on for some time. I am baffled that Members would not support it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

UNANIMOUS CONSENT REQUEST—S. RES. 175

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of S. Res. 175; that the Senate proceed to its immediate consideration; further, that an amendment to the resolution, which is at the desk, be agreed to; the resolution, as amended, be agreed to; that an amendment to the preamble, which is at the desk, be agreed to; the preamble, as amended, be agreed to; finally, that a title amendment, which is at the desk, be agreed to, and the motions to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. Mr. President, on behalf of several Senators, I object to the distinguished Senator's request. I respect him, but there is an objection on this side.

The PRESIDING OFFICER. Objection is heard.

Mr. NELSON of Nebraska. I thank the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, today, I rise asking my colleagues to table the pending amendment filed by my distinguished colleague from Alabama to the Department of Homeland Security appropriations bill.

His amendment would both make E-Verify permanent and would immediately mandate all Federal contractors and subcontractors to use E-Verify.

First, I have good news for my colleagues and good news for my colleague from Alabama. The Department of Homeland Security has just taken action—they were planning to do it before. It is coincidental but fortuitous that it occurs right now. It addresses a good part of the issue that my colleague from Alabama has raised.

Today, the Department of Homeland Security has issued a statement indicating ''the administration's support for a regulation that will award Federal contracts only to employers who use E-Verify to check employee work authorization.''

As we all know, E-Verify is a voluntary system, not a mandatory system. For Federal contractors, it will be mandatory, which is half and the most operative part of my colleagues' amendment.

The administration's Federal contractor rule extends use of the E-Verify system to covered Federal contractors and subcontractors, including those who receive American Recovery and Reinvestment Act funds. The administration will push ahead with full implementation of the rule, which will apply to Federal solicitation and contract awards starting on September 8, 2009—within a couple months.

Accordingly, I believe Senator SESSIONS' amendment is moot so far as it applies to Federal contractors and doesn't need to be approved by us in order for E-Verify to apply in this context.

He has another part of the amendment, which is to make E-Verify permanent. I remind my colleagues that E-Verify is in effect for the next 3 years. Making it permanent will extend to the outyears, but as chair of the immigration subcommittee, and with the support of Chairman LEAHY, I have been investigating this issue.

I say to my colleagues that I don't think we want to make E-Verify permanent because it is not tough enough or strong enough. There is a gaping loophole in E-Verify. It is the best we have now. We should use it for Federal contractors. I support that. But there is a big loophole.

Let's say an illegal immigrant wants to say they are John Jones from Syracuse, and they know John Jones's Social Security number. They can easily get a fake ID that has John Jones's address on it, and they can submit it into the system, and nothing in E-Verify will stop that illegal immigrant from getting a job. Once they are in the system, they are approved time after time.

What is more, nothing about E-Verify stops a citizen from loaning their identity to friends and family so they can get a job. We need a biometric system, with a picture and a biometric identifier. That is the only way we will stop illegal immigration. E-Verify doesn't do it.

I assure my colleagues on our subcommittee on immigration, under Chairman LEAHY's leadership as chairman of the full committee, we are investigating a biometric system which will once and for all stop future illegal immigration. To make this system permanent, when there is a better system in the offing, is premature.

I urge that the amendment be tabled. The first part has been adopted, and the second part to make it permanent, when we already have it for 3 years, is wrong when we can do better 3 years from now.

Mr. ALEXANDER. Mr. President, I ask unanimous consent if I might have 30 seconds before the vote to make a request?

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, first, if I may respond to Senator SCHUMER, it is my understanding that Secretary Napolitano's executive order will be different than the Executive order the Bush administration had, finally, after some delay, approved in that it would say that a government contractor would not have to check the employment history of employees working for them through the E-Verify system—their validity—but only new hires they bring on, which is quite a different thing.

I am aware of a businessman in Alabama who has had highway-type work with good employees for many years—decades. He told me he is not now able to compete and is losing contract after contract because his competitor is using illegal labor. This is not an iddy-biddy matter; it is real. I hope I am incorrect about what I understand the Secretary's decision to be. If I am correct, I don't think the proposal is what it should be, and it will still be insufficient.

Mr. SCHUMER. Mr. President, I ask unanimous consent to respond for 1 minute, with the permission of both sides.

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

The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, the Senator, my friend from Alabama, and I, in one sense, think alike on this issue—stopping future flow of illegal immigration. But he is right in that the order does not require them to check back with previous employers. That is not how E-verify works. They are not capable of doing it.

Obviously, we might want to set up 1,000, 5,000, 10,000 people and get them to start checking on previous employment, but that is not how E-verify works. It is one of the loopholes in the system. To say the administration is not doing it, that is true, but neither does E-verify require that. It probably should. But if we have a biometric, if we have a picture, it will be a lot better and we will not need it.

The Senator is sort of right and sort of wrong but always good-hearted.

The PRESIDING OFFICER. The Senator from Tennessee.

UNANIMOUS CONSENT REQUEST—S. 1198

Mr. ALEXANDER. Mr. President, I thank the Senator from Washington. I am here because the Senator from Nebraska made a request to bring up a resolution of his a little while ago and an objection was made on my behalf. Out of courtesy to him, I want to explain.

The reason is that Senator BENNETT and I, indeed, other Senators, have legislation that would give the government stock in General Motors and Chrysler back to the taxpayers who paid for it on April 15. We prefer that rather than do an expression, a sentiment, which is what the Senator from Nebraska offered.

We are prepared to bring our amendment up and to debate his and to vote on his. There are other Senators here with similar amendments. We simply want to make sure they are all considered at once.

So I ask unanimous consent that the Banking Committee be discharged from further consideration of S. 1198, the Auto Stock Every Taxpayer Act, which would give all the government stock in General Motors to the taxpayers who paid for it; that the Senate proceed to its immediate consideration, the bill be read for a third time and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. NELSON of Nebraska. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Nebraska.

Mr. NELSON of Nebraska. Mr. President, if I might have a second to respond, I think this is something the good Senator from Tennessee and I might be able to work out. But until we have the details worked out as to how this would be considered in both cases, I object.

The PRESIDING OFFICER. The Senator from New York.

AMENDMENT NO. 1371

Mr. SCHUMER. Mr. President, I move to table the amendment of the Senator from Alabama and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Iowa (Mr. HARKIN), and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 44, nays 53, as follows:

[Rollcall Vote No. 219 Leg.]

YEAS—44

Akaka	Feinstein	Nelson (FL)
Bayh	Franken	Reed
Begich	Gillibrand	Reid
Bennet	Inouye	Sanders
Bingaman	Johnson	Schumer
Boxer	Kaufman	Shaheen
Brown	Kerry	Specter
Burris	Kohl	Stabenow
Cantwell	Lautenberg	Udall (CO)
Cardin	Leahy	Udall (NM)
Carper	Levin	Warner
Casey	Menendez	Webb
Dodd	Merkley	Whitehouse
Durbin	Mikulski	Wyden
Feingold	Murray	

NAYS—53

Alexander	Ensign	McCain
Barrasso	Enzi	McCaskill
Baucus	Graham	McConnell
Bennett	Grassley	Murkowski
Bond	Gregg	Nelson (NE)
Brownback	Hagan	Pryor
Bunning	Hatch	Risch
Burr	Hutchison	Roberts
Chambliss	Inhofe	Rockefeller
Coburn	Isakson	Sessions
Cochran	Johanns	Shelby
Collins	Klobuchar	Snowe
Conrad	Kyl	Tester
Corker	Landrieu	Thune
Cornyn	Lieberman	Vitter
Crapo	Lincoln	Voinovich
DeMint	Lugar	Wicker
Dorgan	Martinez	

NOT VOTING—3

Byrd	Harkin	Kennedy

The motion was rejected.

AMENDMENT NO. 1407 TO AMENDMENT NO. 1371

Mr. LEAHY. Mr. President, I call up amendment No. 1407 as a second-degree amendment to the amendment that has been proposed by Mr. SESSIONS.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. Reserving the right to object, I am not familiar with the amendment.

Mr. LEAHY. Mr. President, I believe I have the right to offer the second degree; do I not?

While we are determining that, let me explain what this does. It would create a permanent EB–5 immigrant investor regional center program. This is a program that has generated billions of dollars of capital investment in American communities. It has created thousands of domestic jobs.

There are 24 of these centers now around the country. I mention to the Senator from Alabama that Alabama has a strong track record with it statewide. The problem we have had in the past is we keep reauthorizing for just a few months at a time, and people in this economy don't want to put a large investment in it because of that. So I would offer this as a second-degree amendment.

Mr. SESSIONS. Mr. President, I have no objection to the second-degree amendment offered by the chairman of the Judiciary Committee.

Mr. LEAHY. I ask for its acceptance.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Vermont [Mr. LEAHY] proposes an amendment numbered 1407 to amendment No. 1371.

Mr. LEAHY. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To permanently reauthorize the EB–5 Regional Center Program)

On page 3, after line 7, add the following:

SEC. 549. Section 610 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) is amended—

(1) by striking ''pilot'' each place it appears; and

(2) in subsection (b), by striking ''for 15 years''.

Mr. LEAHY. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1407) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. SESSIONS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Amendment No. 1371 is pending, as amended.

If there is no further debate on the amendment, the question is on agreeing to the amendment.

The amendment (No. 1371), as amended, was agreed to.

AMENDMENT NO. 1399

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate prior to a vote in relation to amendment No. 1399, with the time equally divided between the Senator from Washington, Mrs. MURRAY, and the Senator from South Carolina, Mr. DEMINT.

Who yields time? The Senator from South Carolina is recognized.

Mr. DEMINT. Mr. President, current law promises the American people that we will secure our southern borders with 700 miles of pedestrian fence. Obviously, we have seen violence increase and drug trafficking and weapons trafficking. We have destabilized the Mexican government because of our inability to carry out that promise. At this point there are only 34 miles of double-layered pedestrian fences as promised in our laws. We are supposed to have 700 miles. My amendment simply enforces current law and sets a deadline that we finish a pedestrian fence as required by law, finish the fence that is required by law by the end of next year. This is a promise we should keep to the American people.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. I yield my time to the Senator from Ohio, Senator VOINOVICH.

Mr. VOINOVICH. Mr. President, we oppose this amendment. The amendment would force the Department of Homeland Security to construct hundreds of additional miles of pedestrian fencing beyond that which is determined as necessary. The Department of Homeland Security has studied and analyzed the tactical infrastructure needs, including pedestrian fencing or vehicle fencing along that border. It has built or is in the process of constructing the miles of pedestrian fencing that are needed or that they believe is necessary.

The fact is, this body, when we changed the law not to be prospective, we did not detail the location and type of fencing. Instead, we left it to the discretion of the Secretary of Homeland Security. Not only is this amendment wrong because it overturns the U.S. Customs and Border Service determination of tactical infrastructure needs along the border, it would be incredibly costly. It would outstrip the funds provided for this purpose by requiring additional fencing. Some miles of fencing have an average cost of $5 billion per mile.

I urge we vote no on this amendment.

The PRESIDING OFFICER. The Senator from South Carolina has 9 seconds remaining.

Mr. DEMINT. Mr. President, what we are doing is not working. This amendment is designed to add some force and funding to current law. I encourage my colleagues to support it.

The PRESIDING OFFICER. All time has expired. If there is no further debate on the amendment, the question is on agreeing to the amendment.

Mr. DEMINT. 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 assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

The PRESIDING OFFICER (Mr. KAUFMAN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 44, as follows:

[Rollcall Vote No. 220 Leg.]

YEAS—54

Alexander	Enzi	Nelson (NE)
Barrasso	Feinstein	Nelson (FL)
Baucus	Graham	Pryor
Bayh	Grassley	Risch
Bennett	Gregg	Roberts
Bond	Hatch	Rockefeller
Boxer	Hutchison	Schumer
Brownback	Inhofe	Sessions
Bunning	Isakson	Shelby
Burr	Johanns	Snowe
Chambliss	Klobuchar	Specter
Coburn	Kyl	Stabenow
Conrad	Landrieu	Tester
Corker	Lincoln	Thune
Cornyn	McCain	Vitter
Crapo	McCaskill	Webb
DeMint	McConnell	Wicker
Dorgan	Merkley	Wyden

NAYS—44

Akaka	Cochran	Inouye
Begich	Collins	Johnson
Bennet	Dodd	Kaufman
Bingaman	Durbin	Kerry
Brown	Ensign	Kohl
Burris	Feingold	Lautenberg
Cantwell	Franken	Leahy
Cardin	Gillibrand	Levin
Carper	Hagan	Lieberman
Casey	Harkin	Lugar

Martinez	Reed	Udall (NM)
Menendez	Reid	Voinovich
Mikulski	Sanders	Warner
Murkowski	Shaheen	Whitehouse
Murray	Udall (CO)	

NOT VOTING—2

Byrd	Kennedy

The amendment (No. 1399) was agreed to.

Mrs. MURRAY. Mr. President, I move to reconsider the vote and to lay that motion upon the table.

The motion to lay upon the table was agreed to.

Mrs. MURRAY. 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. VITTER. I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 1375 TO AMENDMENT NO. 1373

Mr. VITTER. Mr. President, I call up Vitter amendment No. 1375.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 1375 to amendment No. 1373.

Mr. VITTER. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To prohibit amounts made available under this Act from being used to amend the final rule requiring Federal contractors to use the E-Verify system to prevent Federal contractors from hiring illegal aliens and to hold employers accountable if they hire illegal aliens, and for other purposes)

On page 77, between lines 16 and 17, insert the following:

SEC. 556. None of the amounts made available under this Act may be used to—

(1) amend, rewrite, or change the final rule requiring Federal Contractors to use E-Verify (promulgated on November 14, 2008);

(2) further delay the implementation of the rule described in paragraph (1) beyond September 8, 2009; or

(3) amend, rewrite, change, or delay the implementation of the final rule describing the process for employers to follow after receiving a ''no match'' letter in order to qualify for ''safe harbor'' status (promulgated on August 15, 2007).

AMENDMENT NO. 1375, AS MODIFIED

Mr. VITTER. Mr. President, I send a modification of the amendment to the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

(Purpose: To prohibit amounts made available under this Act from being used to amend the final rule to hold employers accountable if they hire illegal aliens, and for other purposes)

On page 77, between lines 16 and 17, insert the following:

SEC. 556. None of the amounts made available under this Act may be used to implement changes to the final rule describing the process for employers to follow after receiving a ''no match'' letter in order to qualify for ''safe harbor'' status (promulgated on August 15, 2007).

Mr. VITTER. Mr. President, originally my amendment dealt with two E-Verify issues: the no-match rule under Social Security, which I am about to talk about, and also ensuring that the E-Verify system is used for employers who operate under Federal contracts.

Just a few minutes ago, we passed the Sessions amendment which deals with the second of those issues, Federal contracts, so the modification of my amendment simply takes that part of my amendment out and leaves a correction of the remaining issue, the Social Security no-match rule. That is the only thing the modification did.

What is the no-match rule? In August 2007, the Department of Homeland Security introduced this no-match regulation which clarified the responsibility of employers who receive notice that their employees' names and Social Security numbers don't match the records of the Social Security Administration. Under the rule, employers receiving this sort of notice who did not take corrective action would be deemed to have constructive knowledge that they are employing unauthorized or illegal aliens. In other words, this rule provided clear guidance on the appropriate responsibility of the employer, the appropriate due diligence the employer should undertake if they receive a letter from the Social Security Administration informing them there is not a proper match under those records. DHS, GAO, and Social Security audits found that such discrepancies often arise when workers use false documents to illegally obtain employment in the United States.

Going after these no-matches is absolutely imperative to attack the issue of illegal aliens in this country. Employers who receive no-match letters know they have a problem and a responsibility to do something about it. Either their record keeping needs to be improved or they have hired undocumented workers. This no-match rule is reasonable in telling the employers: You have a problem, and you have a responsibility to do something about it in a circumstance where there is a no-match.

This no-match rule has been blocked by litigation filed by organized labor and business groups that have consistently opposed enforcement of many of our Federal immigration laws. But the administration has twice asked the court to delay ruling on the government's motion to throw out the lawsuit, thus voluntarily leaving the rule in legal limbo for more than 5 years.

My amendment, as modified, would simply prevent any more delays on the no-match rule. It would allow the Social Security Administration and DHS to provide employers with notices of the problem in their workforce payroll records. This is not only thoroughly reasonable, but it is absolutely necessary—one of many necessary steps we must take to move forward with regard to the illegal immigration problem and productive enforcement. If there are situations where there isn't a match under Social Security records, we need to do something about it. The employer needs to look into it and do something about it or else our illegal immigration laws are going to continue to be made a farce and continue to be flagrantly violated in many cases. This is a reasonable approach. It puts a reasonable but not undue burden on the employer to do some appropriate due diligence when they get a no-match notice from Social Security.

With that, I urge all of my colleagues to support this amendment. I hope we will have a vote on it, probably later today. I look forward to any continuing debate and urge a ''yes'' vote.

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. GRASSLEY. I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 1415 TO AMENDMENT NO. 1373

Mr. GRASSLEY. Mr. President, I ask unanimous consent to set aside the pending amendment so I may offer an amendment.

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

Mr. GRASSLEY. Mr. President, I call up amendment No. 1415.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 1415 to amendment No. 1373.

Mr. GRASSLEY. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To authorize employers to voluntarily verify the immigration status of existing employees)

At the appropriate place, insert the following:

SEC. ___. CHECKING THE IMMIGRATION STATUS OF EMPLOYEES.

Section 403(a)(3)(A) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 8 U.S.C. 1324a note) is amended—

(1) by striking ''The person'' and inserting the following:

''(i) UPON HIRING.—The person''; and

(2) by adding at the end the following:

''(ii) EXISTING EMPLOYEES.—An employer that elects to verify the employment eligibility of existing employees shall verify the employment eligibility of all such employees not later than 10 days after notifying the Secretary of Homeland Security of such election.''.

Mr. GRASSLEY. Mr. President, the amendment I offer to the Homeland Security appropriations bill deals with the E-Verify Program. This morning, we voted to make the program a permanent part of our immigration laws. This was a vote in favor of the program because it is a very valuable tool for businesses across the country that want to abide by the law.

My amendment makes the program an even better tool for businesses. It says that if an employer chooses to verify the status of all their workers, not just new hires, then they should be allowed to do so. Employers want to abide by the law and hire people who are legally in the country. Right now, E-Verify only allows the employer to check prospective employees, but we should be allowing them access to this free, online database system to check all of their workers.

I hope my colleagues will agree with this approach. I believe it would fit in closely with initiatives by our new President to change the emphasis upon enforcing the laws against employment of people who come here illegally, because the President is emphasizing going after employers who are not abiding by the law. And there are lots of investigations that are going on in that direction.

So we are now giving employers, through my amendment, the opportunity to check all their employees because that is very important. If a person is a businessperson, and there is a prospect that Federal people are going to come into the process and look at all their employment records, I would think an employer would want this tool to be able to use to see that everybody who has been hired—not just people recently hired—is legally able to be here.

I urge my colleagues to agree to this amendment and allow their businesses back home to take steps to be in compliance with their immigration laws.

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

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

Mr. DORGAN. I ask unanimous consent to speak as in morning business for 10 minutes.

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

THINNING ELK HERDS

Mr. DORGAN. Madam President, this morning the New York Times wrote an editorial I wanted to commend my colleagues' attention to and take some issue with. The editorial in the New York Times this morning is called ''Elk Hunting in the Badlands'' referring, of course, to the Badlands of North Dakota where Theodore Roosevelt went out and lived and ranched. The Badlands of North Dakota encompass, in large part, the Theodore Roosevelt National Park, a wonderful park, and the Badlands are about as beautiful as anything you will find in this country.

Theodore Roosevelt National Park has elk. In 1985, a number of elk were released in the Badlands in the southern section. There were, I think, around 50 head of elk that were released in the Badlands, and that has now grown to somewhere close to 900 elk, which is about 600 more than can reasonably be handled in that area. So they need to cull the elk herd. They need to thin out the elk herd because we can't allow it to grow so large that we don't have the carrying capacity on that land.

So as is the case with too many Federal agencies, once they started thinking about how we will cull the elk herd, how we will take care of this problem, they came up with an idea—actually, a number of ideas. Among them was an idea that they would go hire Federal sharpshooters and then cull the herd with Federal sharpshooters, and then have helicopters transport out the carcasses once the sharpshooters had done their job.

It seemed to me to be boneheaded to be thinking in those terms. Much better, it seemed to me, was to develop an approach that was used in the Grand Tetons, where they deputize hunters as volunteers, and each volunteer can take an elk from the park.

Now, we don't allow ''hunting'' in national parks. I understand that, and I am not proposing an open hunt. But in cases where you have to thin a herd, rather than have the Federal Treasury decide that we are going to hire Federal sharpshooters and then gas up the helicopters so you can transport the carcasses of the dead animals, a much better solution that you could find in almost any café in North Dakota, talking to three people over strong coffee, is what about finding qualified hunters, deputizing them, allowing each to take an elk and take the meat home; ergo, you haven't cost the Federal Government money. Under park supervision, you can have deputized, qualified hunters whom you could easily qualify, and you have solved the problem.

This is not rocket science or a big, significant, complicated issue. It is not a serious illness for which we don't know a cure. This is a very simple issue of culling an elk herd. So I proposed that. The Park Service said, well, there is a restriction here and there, so we are going to hold a series of meetings. They held a series of meetings in North Dakota. As is always the case with bureaucracy, they hold a lot of meetings and come up with multiple alternatives, and they study them to death until the alternatives are nothing but carcasses. This is an issue in North Dakota in the Theodore Roosevelt National Park that has gone on for some years. The Park Service had several different alternatives. We were waiting for a long while to see what they were going to announce. And it became clear to me that they weren't going to get to a common-sense decision.

So I included a provision in the Interior Appropriations bill in committee last week that is simple and it does as I have said: simply cull the elk herd by deputizing qualified hunters, under the supervision of the Park Service, who would be able to take the animals—the carcasses—and the meat out of the Badlands. So that is in the Interior Appropriations bill.

The New York Times today takes great issue with that. It says it is not the right proposal at all, it is a terrible idea, that it would legislate a management issue better left to the Secretary of the Interior and the National Park Service. Well, the Secretary of the Interior was in North Dakota with me about 5 weeks ago, and we had a long discussion about this issue. And I know our former colleague Ken Salazar, and I know he would want to come to a conclusion that represents a deep reservoir of common sense as well for the taxpayers.

I understand that we don't want to open hunting seasons in national parks. I propose only in a circumstance where, in this national park, just as we have done in the Grand Teton National Park, which is embedded in law, when you need to thin the herd, don't spend a pile of taxpayers' money, don't gas up helicopters to haul carcasses around. Deputize local qualified hunters and allow that. It is not a hunting season. In this case, you are thinning the herd by using qualified hunters, who could be deputized and operating under the supervision of the Park Service, to remove the meat from the park. It is very simple.

The New York Times is a fine paper, but I doubt that it has a lot of hunters on its staff. I know a bit about hunting, and I know a fair amount about Theodore Roosevelt National Park and the Badlands. I know the people I represent, who looked at this, and most North Dakotans said: Why don't you get real and use a deep reservoir of common sense and solve this problem the right way. Spare taxpayers the expense of spending a lot of money, and do what we have done in the Grand Teton National Parks.

That is the reason that last week I included the provision in the Interior Appropriations bill. I wanted to describe it to my colleagues. On behalf of the American taxpayer, let's do what is right and use some common sense. This is not that complicated.

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

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

AMENDMENT NO. 1402

Mr. LAUTENBERG. Madam President, I rise today because there is a reckless amendment on the floor of the Senate to strip this country of an important infrastructure element to protect us against terrorism. This amendment is intended to strip the State of New Jersey of critical antiterrorism programs.

In poll after poll, the people across our country are still deeply concerned about what might happen in the event of a terrorist attack. Everyone knows we have people fighting against terror in other countries, but we also have a huge assignment here. Just today, we saw that an attempt to smuggle bomb parts into some government buildings was successful. My God, what do we have to do to say to people in this place: Our primary function is to protect our citizens, and New Jersey is one of the 50 States in this country; that if it is a dangerous event that occurs, whether it is a natural disaster or whether it is a terrorist attack, we have an obligation to see that these States have the tools to protect themselves.

Eliminating funding for these programs will make families in New Jersey more vulnerable to terrorist attacks and natural disasters. I point out that this area we are particularly focused on—9/11, the largest catastrophe that happened on American soil—is one area, which I will describe in just a minute, that is one of the most densely populated in the country, and the risks are very high.

Eliminating funds for these programs makes families in New Jersey more vulnerable, and we are concerned about it. Without these investments, when a terrorist strikes or a hurricane hits, there is a good chance that emergency generators might not go on, firetrucks will not arrive on time, and medical crews might not know where to go.

Let's be absolutely clear. New Jersey is no stranger to terrorism. We lost 700 New Jersey residents on 9/11, and dozens more still retain illnesses that developed as a result of their attempt to protect the citizens who survived.

New Jersey is home to what has been labeled by the FBI as the most dangerous 2-mile stretch in America for terrorism—that 2-mile distance between the Port of Newark and Newark Airport. And New Jersey is the most densely populated State in the Nation. In the area around this 2-mile stretch terrorists could injure or kill almost 12 million people.

Because of the real possibility of an attack, cities and counties throughout New Jersey have created local emergency operations centers. What else could we ask for? What have the States where there are droughts or hurricanes or earthquakes or volcanic eruptions in this country had the right to ask for? They have a right to ask for help. But why only provide the help after something has happened if we can prevent things from taking place?

Because of the real possibility of an attack, we have these local emergency operations centers in New Jersey. These centers coordinate information during an attack and manage the immediate response to cataclysmic emergencies. Both the 9/11 Commission report and the Department of Homeland Security have identified these centers as imperative to people's safety and security when a community crisis occurs. In fact, according to the 9/11 Commission's senior counsel, if there had been a functional emergency operations center after the terrorist attack on the World Trade Center, lives would have been saved that day.

Here is what will happen if the amendment being offered by Senators MCCAIN and FEINGOLD is passed: The emergency operations center in Union County, in my State, will not have an interoperable communications network that connects fire, police, and medical officers. The emergency operations center in South Orange—one of our cities—will not have a working emergency generator.

We can't afford to be without this infrastructure of emergency equipment as well as services. And the emergency operations center in Hackensack will not be able to properly train police officers and firefighters. Make no mistake, emergency operations centers save lives. That is preventive. That is its purpose.

The amendment being offered by Senators MCCAIN and FEINGOLD defies common sense. By jeopardizing emergency operations centers in my State and other States across the country, this amendment would make us less secure, and I hope my colleagues will say: No, we can't permit that. We can't permit it in New Jersey and we can't permit it in other places in the country.

We have to, as the Boy Scouts say, be prepared. It is the simplest lesson we could learn. Prevention is far better than cure.

I thank the Chair for the opportunity to speak, and 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. REED. 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. REED. Madam President, I rise to oppose the amendment that is currently before us, which would eliminate funding for the emergency operations center projects throughout the country, including one in Providence, RI.

First, this issue hinges on several critical factors. One is, ultimately, public safety. We have experienced, over the last several years, a terrorist threat that could impair all kinds of communities around this country. In fact, on the Fourth of July, several aircraft in Istanbul were stopped and searched because there was intelligence developed by both the German Government and the United States indicating that there might be a threat to a commercial aircraft, as we witnessed on 9/11. The bottom line is, these emergency operations centers are critical.

There is another aspect, of course, too, and that is that we are in a terrible situation economically. In Rhode Island, we are just a tad behind Michigan in terms of unemployment, with 12.1 percent of our workforce out of work—nearly 3 points higher than the national average—and this funding not only will meet a critical need for public safety but also help a little bit in terms of getting our economy moving forward.

It will allow the city of Providence and the Providence Emergency Management Agency to move closer to completing needed improvements to its emergency operations center. This project will increase the space at the Providence EOC to ensure a ready 24-hour presence and accommodate a second complement of staff that will be required onsite, should an emergency incident occur. In undertaking this work, at least 20 construction jobs will be produced. In Rhode Island, that is a good project.

In 2004, the city of Providence designated a site within the city to serve as the headquarters for the Providence EMA and has worked since then to make improvements to the facility so it can serve the city during a disaster or attack. The Providence EMA completed the first phase of the work on the facility this year but must expand its existing building in order to make shortfalls that were identified in a 2007 Federal Emergency Management Agency Technical Assistance Team review. These shortfalls, as pointed out by the Federal Government, included inadequate space within the existing facility for administrative and emergency operations and a lack of adequate force protection, physical security, and survivability measures. According to Providence EMA, up to $3 million will be needed to complete this work. Again, this was the result of a study by the Federal authorities as to the adequacy of this facility. While FEMA has committed resources to this project, Providence EMA does not have the funding to carry out all the improvements that are required.

But beyond serving the needs of Providence, it plays a leading role in our overall State operations. The Greater Providence Metropolitan Medical Response System and the Providence Urban Area Security Initiative

regions include Providence and eight surrounding communities, representing 60 percent of the State's population. Let me say that again. This EOC, although it is placed in Providence, plays a critical role in coordinating the emergency response for 60 percent of the people of Rhode Island. This is an important facility not just for one community but for a significant number of areas. So this will be a facility that is not only necessary but extremely efficient and integral to the protection of a significant number of my constituents.

While I understand the administration believes that funding should be allocated through a risk management framework, I support the committee's decision to fund these projects. For my State, we know the facility is needed. We know the improvements are needed. The Federal authorities have pointed that out to us. It will not only protect a small portion of one city, but it will effectively protect a larger portion in terms of population to my State.

Madam President, I ask unanimous consent that letters from the Mayor of Providence and the Rhode Island Emergency Management Agency regarding the project be printed in the RECORD.

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

CITY OF PROVIDENCE,
Providence, RI, July 7, 2009.

Subject: Providence Emergency Operations Center (EOC) Phase II Funding Request.

Hon. JACK REED,
U.S. Federal Courthouse,
Providence, RI.

DEAR SENATOR REED, I write to express my strong support for federal funding necessary to upgrade the functionality of the City of Providence's Emergency Operations Center (EOC) and to ask for your assistance in securing this funding.

Following a 2007 on-site Federal Emergency Management Agency (FEMA) Technical Assistance Team's review of the EOC, two major shortfalls were identified: (1) inadequate space within the existing facility for administrative and emergency operations and (2) the lack of adequate force protection, physical security, and survivability measures. Federal funding for the facility expansion will allow the City to attain a resilient, modern, efficient and effective regional EOC, capable of coordinating *regional emergency response*, redundant interoperable communications and rapid public warning.

The Providence Emergency Management Agency is responsible for managing major emergencies in the City along with the added responsibility for the Greater Providence Metropolitan Medical Response System (GP–MMRS) and Providence Urban Area Security Initiative (PUASI) regions. With limited EOC interoperability in the eight surrounding communities associated with MMRS and UASI programs, the improved Providence EOC facility will be fully ready and equipped to handle incidents which bisect traditional political boundaries and provide needed incident support and coordination to neighboring communities within the region, thereby providing benefit to an estimated 60% of the State's total population.

On 8 April 2009, after competing nationally in the DHS FY09 Emergency Operations Centers Grant Program, Providence was one of the few cities that met and exceeded the strict federal criteria and was awarded the maximum amount of $1,000,000. We are requesting additional funding to fully complete the project.

This funding is crucial for improving emergency preparedness, response and recovery by ensuring the City has the most advanced facility and capabilities able to provide time critical flexibility, sustainability, security, survivability and interoperability should a catastrophe occur within or adjacent to our City.

I respectfully request your assistance in securing the additional funds necessary for this project. Should you have any questions, please feel free to contact me at (401) 421–7740.

Sincerely,

DAVID N. CICILLINE,
Mayor.

MILITARY STAFF,
EMERGENCY MANAGEMENT AGENCY,
Cranston, RI, July 7, 2009.

Subject: Providence Emergency Operations Center (EOC) Phase II Funding Request.

Hon. JACK REED,
U.S. Federal Courthouse,
Providence, RI.

DEAR SENATOR REED: I am writing in support of Mayor David N. Cicilline's request for federal funding necessary to upgrade the functionality of the City of Providence's Emergency Operations Center (EOC).

Two major shortfalls exist for all the Operations Centers in the State of Rhode Island: (1) inadequate space for administrative and emergency operations and (2) the lack of adequate force protection, physical security, and survivability measures. Federal funding for these shortfalls in Rhode Island are essential to ensuring efficient and effective capability for coordinating regional emergency response, redundant interoperable communications and rapid public warning by the state of Rhode Island Emergency Management Agency.

Local and Regional EOCs, like the one operated by the Providence Emergency Management Agency, provide a critical link to the Rhode Island Emergency Management Agency (RIEMA) and its EOC enhancing RIEMA's ability as the lead coordinating agency for the State.

The State of Rhode Island has recognized the need for regional capabilities and this funding proposal meets that standard. While the City of Providence has received the maximum amount of $1,000,000 from the DHS FY09 Emergency Operations Centers Grant Program and continues to receive Port Security and Urban Area Security Initiative (UASI) grant funding; the Rhode Island Emergency Management Agency (RIEMA) fully supports the Providence application.

This funding will improve emergency preparedness, response and recovery in Providence. Enhancing the EOC in Providence will ensure that Rhode Island continues to have the most advanced facilities and capabilities able to provide time critical flexibility, sustainability, security, survivability and interoperability should a catastrophe occur within the city.

Respectfully,

J. DAVID SMITH,
Executive Director.

Mr. REED. Madam President, I urge a ''no'' vote on this amendment.

I yield the floor, and 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. PRYOR. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. PRYOR. Madam President, I rise today to speak about the fiscal year 2010 Homeland Security Appropriations bill and a program within it which is very important to my home State and also to many other States here in this great Nation. First, I thank the chairman and the ranking member, and their staffs—the staffs, as we know, do so much great work around here—for their leadership and foresight in crafting such an important piece of legislation. I thank the chairman for taking my thoughts and considerations into mind when they drafted this legislation, as well as the thoughts and considerations of many of my colleagues. This has truly been a bipartisan effort and shows the Senate can get good results when we work together.

The funding in this bill covers a wide range of activities from protecting our Nation from terrorist events to strengthening our local preparedness and response activities. Today I rise in response to opposition to the Feingold-McCain amendment to strike funding for emergency operations centers. The most fundamental responsibility of government is protecting the lives and safety of the public. Arkansas finds itself as No. 10 on a list of the 59 States and territories and districts with the most presidentially declared major disasters. It is not a welcome ranking, but it is a measurement of the risks Arkansans face.

Since 9/11, State and local governments have faced increased emergency preparedness responsibilities and costs for public safety. Now, in the midst of continued all-hazard risks, State and local governments are cutting spending on many critical programs, but emergencies and disasters will not wait for our economy to improve. Reports following Hurricane Katrina's response found multiple flaws in situational awareness, command and control, logistical tracking, and communications. Fully capable emergency operational centers at the State and local level are essential to a comprehensive national emergency management system.

EOCs require basic resources to operate smoothly and effectively in a time of crisis. Some of the resources funded through EOCs include a hardened and safe location for emergency management staff, communications for reliable and accurate information gathering, and effective, usable technology for tracking all resources, including personnel and emergency supplies.

For example, the city of North Little Rock, AR's Office of Emergency Services will be a recipient of these funds. This office is one of the emergency operations centers tasked with providing disaster assistance and support to a population of over 500,000 people in the central Arkansas area—not just North Little Rock but the entire area. Although the office's current personnel work very hard and are very diligent

about providing meaningful services to the area, the age and size of its location limit its ability to house the needed technologies and staff to adequately serve central Arkansas in the event of emergency.

Again, we have lots of emergencies there, as we will talk about. These funds will be used to address these limitations and provide the needed safety assurances.

Recently it has become popular to attack so-called earmarks. I agree that congressionally directed spending needs to be transparent. I think the Senate has already taken care of that. Its Members should be accountable for the programs they support. I think the Senate has taken care of that as well.

I am proud to support funding for emergency operations centers. I also believe the Representatives of the States and the congressional districts have an in-depth understanding of the needs and priorities in their States, rather than employees serving in Federal executive departments and agencies.

There is now great accountability in the congressionally directed spending in appropriations bills. The public can easily review congressionally directed spending requests and funding on Web sites fully accessible to the public. In fact, the Constitution gives this authority to the Congress.

The Constitution, article I, section 9, says:

> No money shall be drawn from the Treasury, but in Consequence of Appropriations made by law.

That is what we are doing here today and that is what the appropriations process is about, this constitutionally required system we have, where Congress controls the purse strings.

For all these reasons, I voice my strong support for the funding in the underlying bill that supports emergency operations centers. I ask my colleagues, very respectfully, even though it is well intended, to oppose the Feingold-McCain amendment.

I yield the floor.

Mr. FEINGOLD. Madam President, we are going to vote, I understand, shortly. It is an important discussion. I am glad we had a little exchange about it.

I first want to respond about what the Senator from New Jersey, Mr. LAUTENBERG, had to say about this. He expressed concern that because of my amendment there would be no funding for emergency operations centers if this amendment passes. That is absolutely incorrect. It is the opposite.

To the contrary, there will be $20 million for emergency operations centers that will be awarded competitively to those most in need. Senator LAUTENBERG cited the 9/11 Commission endorsement for these centers. Yes, they did. What he failed to note is that those at the Commission recommended that the Homeland Security grants be awarded on the basis of risk, not earmarks such as the one requested by Senator LAUTENBERG.

Of course, there may well be a need in New Jersey, and I respect that. I am not saying that program would not qualify under a merit-based analysis. But it is not based on actual risk analysis and that is the problem. If there are worthy projects the Senator has requested, then I hope he would be confident that these communities in New Jersey will be able to compete successfully for the grants.

I am sure it was not intentional but it is misleading to make the Senate believe that these centers are being taken away by my amendment. It is the opposite. In fact, if you look at the way this currently operates, if we do not change this, currently the Senate bill directs that half of all these emergency operations center funds will go to only 10 States. The House earmarks all of these funds, and a fourth of the predisaster mitigation funds. Last year, FEMA only funded a tiny fraction of the emergency operations center applications it received because 64 percent of the funding went to earmarks.

On this program the Senator from New Jersey and the Senator from Arkansas were talking about, 10 States get 50 percent of it and 40 States have to share the other 50 percent. What are the odds that that comports with any kind of rational analysis of real risk? Very small. I guarantee, because they are earmarks, that analysis was not done. It is not possible, because they were not put in the context of the comparative risk that is involved.

To respond to some of the remarks of my good friend from Arkansas, I understand the Senate has not earmarked any of the predisaster mitigation funds. However, if my amendment is not agreed to, FEMA will have to deal with the earmarks in the House report. I do not question that some of these earmarked requests may be legitimate. But if they are legitimate, then they should have no trouble in a fair competition for the funds based on merit and risk.

I think this is the key, even for those who support earmarks in another context. The problem here is that these are highly technical projects. We are talking about communications equipment, flood prevention projects that require engineering studies and the like. We do not have the expertise in Congress to make an objective determination of which projects are the most worthwhile. So who gets the funding? Those who are somehow able to get an earmark without any real analysis, without any real consideration of the merit as to who is at the greatest risk, where in the country we need to think about these disasters more than others.

That is no way to think about potential earmarks. Earmarks are sent to small communities to set up operations centers that do not need them while State centers remain unfunded. During recent flooding in Wisconsin——

Mr. MCCAIN. Will the Senator yield for a question?

Mr. FEINGOLD. I am happy to.

Mr. MCCAIN. It is my understanding that the Senate bill the Senator has described directs half of the emergency operations funds to only 10 States, and there are 50 States in America. But half of these emergency operations center funds—it doesn't make much geographic sense, if you look. Funds are directed at Illinois, Iowa, New Jersey, New York, Montana, Washington, Rhode Island—East and West, all over the country. Maybe my friend from Wisconsin can describe what do they have in common, 9 of these 10 States have in common?

Mr. FEINGOLD. Madam President, I can tell you one thing they don't have in common is any analysis of the need or requirement they be done in their communities. What they have in common is somebody stuck an earmark in this bill.

It would be different, I say to my friend from Arizona, if these 10 States had shown on the merits they have the risk in their communities and they need to get ahead of these disaster situations. That would be great. In that case I could support that only 10 States get half the money. But when there is absolutely no analysis and where this actually undercuts the very integrity of the programs they are trying to protect, the lives of the American people, and leaves the other States to fend for themselves with regard to 40 States fighting for the other 50 percent—this is a terrible way to protect the American people from disaster.

As an answer to the Senator, I would say there is only one explanation. You and I know what it is. Somebody got an earmark and that is all.

Mr. MCCAIN. There is an additional question I have to my friend from Wisconsin. Isn't it true that the administration has requested that this entire program be canceled?

Mr. FEINGOLD. The entire program?

Mr. MCCAIN. Yes.

Mr. FEINGOLD. They want the program merit based. They want the program to be based on actual need for these emergency operating sectors.

Mr. MCCAIN. Isn't it true that the Office of Management and Budget recommended this as one of the programs to be eliminated, as the President announced?

Mr. FEINGOLD. They want it eliminated, Madam President, because of this practice my friend and I are discussing. Because of the use of earmarks, which undercuts the integrity of the program, they want to say this is not worth continuing. By this amendment we will have the effect of restoring its legitimacy.

Mr. MCCAIN. In other words, the administration believes we need emergency operations center funds because of the requirements of homeland security. But this process is so badly flawed that they want to go back to do away with this and go back to the merit and needs-based system, is that correct?

Mr. FEINGOLD. That is absolutely right, Madam President, I say to the

Senator from Arizona. The President of the United States has pressed to ensure these funds are awarded competitively and on the basis of risk. That failing, which is what will happen if we do not agree to this amendment, the recommendation is to not go forward.

I accept the premise that so many Members have identified here, that this is a worthwhile program, as long as it is based on merit and need. So the Senator from Arizona is correct in that. The President of the United States is clear on that. We have a chance here to fix this program, get away from the earmarks, and make sure it can continue; otherwise, there will be continuing efforts to say this is not what was intended.

Obviously, it was not what was intended. Yes, it is one thing to get an earmark for a museum somewhere in your State and that does take away from the general funds—and the Senator from Arizona and I have strong feelings about that—but it is another thing to use this in a situation where a program has specifically been set up to figure out where in the United States is the most important that people have money to be able to do what they need to do to protect the lives of the people in their communities because of a particular vulnerability to disaster.

Mr. MCCAIN. Will the Senator respond to one more question? So the Senator is not saying we do not need emergency operations centers in America? We would not be eliminating the need for emergency operations centers, let me be perfectly clear. But what he is saying is we need to eliminate them in this form, which does not give the highest and most needed priority to these emergency operations centers around the country?

In other words, we still have a threat to our Nation's security, but this is not the way to meet it. We can come up with a far better and more efficient way.

Mr. FEINGOLD. We do need a program for emergency operations centers. What we do not need is another earmark trough for people to feed at. If the program becomes just that, which I fear it is becoming, then it does not stand on its own merit. This is truly an opportunity to protect it.

I thank the Senator from Arizona for his questions.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mrs. MCCASKILL. I listened with interest to the questions and the conversations concerning Senator FEINGOLD's amendment. I rise to strongly support this amendment. You know, one of the fantasies around here—and I yield to the long experience of my two colleagues on fighting this battle on earmarks—is this fantasy that the money for earmarks is created out of nothing; that somehow the money for earmarks just lands on everyone's desk and no programs are hurt by the earmarking process; that no money is taken from worthy projects for earmarking.

Truth be known, I can give example after example in the budget that over the years good competitive programs have been cut while earmarking has skyrocketed. The Byrne grants are a good example. Byrne grants are a competitive process in every State where they can compete for law enforcement based on need, decided at the local basis.

What has happened to the funding for Byrne grants over the years? It has dwindled, while in that very same budget earmarks have steadily and continually grown over the last decade.

This is a perfect example of robbing Peter to pay Paul. This amendment will say: You must compete for these dollars based on need. Is that not how we should be spending the public money? Last year FEMA received a total of 675 individual emergency operations center project applications; 675 applications they received for this funding last year.

They were only able to select 22 of them for funding. You know why? Because 64 percent of the funding went to earmarks. So because of the earmarking, there was less money for worthy projects that, maybe on merit and need, were much more important to protect people than the earmarking process.

This is a textbook example of taking a pot of money and deciding through some waving of a magic wand that it goes individually to 10 States without any discussion as to whether those are the 10 most needy projects or 10 most needy States—no discussion whatsoever.

In my State there have been years where we have been under a constant emergency declaration: flooding, ice storms, tornados. We have floodplains. In fact, the National Association of Floodplain Managers supports Senator FEINGOLD's amendment. Do you know why they support Senator FEINGOLD's amendment? They say it is causing floodplain managers around the country to quit planning to mitigate because they can short-circuit the process and just go for an earmark.

Why do the work and plan and compete as 1 of 22 out of 675 if you know the easiest way and the best way to do it is to hope and pray your Member is on the right committee? Just say it like it is. Just hope and pray your Member is on the right committee.

So this is a great opportunity for everyone who believes we need to be careful with the way we spend our money to be counted. This is a great opportunity because this is very clear this money is being taken from projects and being earmarked for projects. As a result, 40 States are going to have less than a 50-percent chance to participate in this kind of emergency funding.

I strongly support Senator FEINGOLD's amendment. I urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I would like to thank the Senator from Missouri not only for her comments about this particular issue but her dedication to reform, transparency, and to making sure the American taxpayers' dollars are wisely and appropriately spent. It has been a pleasure working with her on various reform issues. I would argue this may not be the last time the three of us are on the floor of the Senate.

When you look at the approval ratings of Congress, not just now but for a long time, we are not held in the highest of esteem, and sometimes for good reason. Sometimes for good reason. We have ongoing scandals concerning the use of public funds for earmarking and porkbarrel projects and rewards to Members of Congress that have caused them to be in Federal court and, indeed, even Members of Congress residing in Federal prison.

This is an important amendment because as the votes line up I think we will see—on both sides of the aisle—we will see members of the Appropriations Committee probably voting on the theory that if they lose one they will lose a number of other efforts to eliminate earmarks and porkbarrel spending.

I hope that would not be the case because this is particularly egregious, particularly egregious. This legislation which Senator FEINGOLD's amendment is intended to cure is about homeland security, and to direct half of the emergency operations center funds to only 10 States obviously is a gross misuse of the taxpayers' dollars and could—and could—conceivably cause us not to fund emergency operations centers that are more badly needed and could then put our homeland security perhaps in some jeopardy, or certainly not ensuring our homeland security to the best and wisest expenditure of tax dollars.

Could I just remind my colleagues, last year's appropriators provided $35 million for the Emergency Operations Center Grant Program but earmarked $12.5 million of them. The Department of Homeland Security received 613 applications asking for $264 million for the purposes of the grant program to construct emergency operations centers.

There is clearly a need for this money in the States. It is unfortunate that many of the applicants were turned down by the Department because there was no money left because we had already spent half of it on earmarked projects which had no competition.

Again, I want to emphasize to my colleagues, this is not a matter of whether we need emergency operations centers. It is simply a matter of whether we are going to wisely and appropriately use the taxpayers' dollars where it is most needed. There has been no screening, no authorization, no hearing held on this issue, and it was put in, obviously, in an appropriations bill in an inappropriate fashion.

So I urge my colleagues to support the amendment by the Senator from Wisconsin. I congratulate him on proposing this amendment.

I yield the floor, and 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.

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

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

Mrs. GILLIBRAND. Mr. President, I rise today in defense of the $1 million that was allocated in this bill for an emergency operations center in Mount Vernon, NY. Mount Vernon is the eleventh most densely populated city in the United States of America, the eighth largest city in the State of New York, and is located on the immediate border of the largest city in this country, New York City.

Mount Vernon has three Metro-North train stations, which could provide a vital route for citizens exiting New York City in the event of an emergency. Thus, Mount Vernon is a first line of defense and a ''safe haven'' for millions who live and work in New York City.

In order to facilitate a proper and effective response to any emergency incident, Mount Vernon needs an emergency operations center. If, God forbid, another September 11 type incident occurs in New York City, which, as on September 11, compromised the communications system and emergency services in the city, it is imperative that we have a local emergency operations center nearby.

New York City is one of the largest terrorist targets in the country, and it does not make sense to be cutting emergency operations where we could be the most vulnerable. The threat of terrorism has not diminished, and our preparations should not either.

At present, the city of Mount Vernon does not have an emergency operations center for the managing and mitigation of a major incident. At best, the Mount Vernon Police Department's Field Command Center vehicle could coordinate an incident. However, this would greatly hamper police operations and the ability to manage a multiagency incident.

Utilizing an existing city facility would reduce costs associated with the project. This is an example of good government: repurposing an existing building to fulfill a new need and building important infrastructure to protect our citizens in an emergency.

However, if the Federal Government does not fund this emergency center, the local community will have to raise property taxes in order to make the upgrades necessary. Westchester County has some of the highest taxes in the country and should not be forced to pay more in order to provide a resource that benefits the entire region.

Terrorism is not a local problem, it is a national problem. So it is only right that the National Government makes the kinds of investments that can keep our communities safe.

I oppose this amendment. I encourage my colleagues to do the same.

In response to the arguments that were made on the Senate floor, in all due respect I think the judgment of a Senator knowing what is best for their State can usually overcome the judgment of any agency that makes that decision in a grant-making process because they know what are the most important investment needs for their communities, and our voices should be heard. That is why in this instance, it is very important that an earmark of this nature that is directed to protect us from terrorism and create a safe haven for citizens in the judgment and discretion of the Senator from New York is very much needed.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. COBURN. Mr. President, the problem with this is the earmarks. It is not that New York may not need this. It is that you have taken 50 percent of the money for 10 States. The other 40 States will have to divide the remaining portion of this money for those types of emergency centers and the calculation of risk. It ought to be true competition based on real risk. There is no question New York has greater risk than Oklahoma; that I do not deny. But the fact is, we have taken half the money away from 40 other States and said: You have to compete on the remaining portion, and you may have requirements greater than those earmarked in the bill.

I support this amendment. I wholeheartedly ask my colleagues to do the same.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mrs. GILLIBRAND. In response to my colleague, with regard to this particular earmark, New York has only received one earmark for $1 million. In relation to the amount of risk and the necessity for an emergency response center, the need is great. Our judgment, as Senators from New York, as to what is the best investment for all of New York in terms of an emergency response investment is helpful to this process. It should not necessarily be left only to a grant process. Much of the money is still available to a grant-making process which is a great process because it does have competition and we hopefully get the greatest good for the greatest need. There is a balance where the judgment of a Senator or a Congress Member is very important in that conversation. The agencies and the administration can make their own judgments. That is why a combination of targeted earmarks on the one hand and other investments through a grant process on the other hand is probably a better balance and approach, because we are getting the judgment of all parts of the three branches of government—at least two of them.

The ACTING PRESIDENT pro temproe. The Senator from Montana.

Mr. TESTER. Mr. President, I rise to speak in opposition to the Feingold-McCain amendment. I do not believe this amendment serves the country well as far as it applies to the reality of public safety in rural America and the northern border.

It is important to start by noting that this is about people, about public safety, about homeland security, about firefighters and other first responders in our frontier communities and across rural America. Specifically, it is about protecting folks in and around the greater Flathead Valley region of northwest Montana.

The city of Whitefish is 60 miles from the northern border, nearby to areas where smuggling and illegal crossings are known to occur. In places such as Whitefish, local law enforcement often ends up assisting Border Patrol in response to suspicious activity at or near the border. Local law enforcement also helps out with security around and awareness about wildfires during Montana's fire season. Many of the fires up in northwestern Montana occur on Federal lands. When the Feds need assistance, whether it is the Border Patrol or the Forest Service or ICE, they depend on resources of local communities such as the community of Whitefish. In Whitefish and similar communities, local law enforcement works closely not only with those Federal agencies, but interagency cooperation is a fact of life in northwest Montana. That costs local governments money which too often they do not have with an unfunded mandate.

Special interest groups located right here in Washington on Connecticut Avenue have called the Whitefish Emergency Operations Center a pork project. Unfortunately, I question whether they know where Montana is, much less northwest Montana or the city of Whitefish or the conditions that evolve around this project. I do, as a Senator from Montana. Unfortunately, they use a figure that is off by more than one-third. I suggest this is further evidence that the folks in Washington, DC, simply do not understand the State of Montana as well as its congressional delegation.

I wish to be clear about what this amendment does and does not do. This amendment would not save the Federal Government a single penny. It would simply give the money back to FEMA to spend as bureaucrats, as unelected officials here in Washington see fit.

Before 2007, there is no doubt that the Senate appropriations process was abused. Some lawmakers buried their special pet projects deep in large bills where they had little or no chance to be reviewed by Congress or withstand public scrutiny. That is how the taxpayers ended up footing a bill for the

infamous bridge to nowhere. The very first bill I voted for, back in 2007, as a Senator was legislation to clean up the system and restore transparency and accountability to the appropriations process. Now every project secured by a Member of Congress has his or her name attached to it—no more secret requests made in the dark of night.

I am glad my name is next to the Whitefish Emergency Operations Center project. All Senators are now required to post requests we make on behalf of constituents on our Web sites. Everyone can do it. I invite folks to go to my Web site, tester.senate.gov/appropriations.cfm, or they may want to see the distinguished Republican leader's request at mcconnell.senate.gov/approps.cfm.

The point is not that the Republican leader has asked for specific projects. The Democratic leader has also. The point is that no Senator is above the transparency requirements instituted in the last couple of years. That is a good thing. It is also a good thing that we can have this debate here today.

Why is this particular project needed, a project in Whitefish, MT? Over the last 10 years, the population of Whitefish has doubled. The fire department is transitioning from a volunteer department to a full-time professional department, as the call volume has increased, as has the population, over the last 7 years. The police department has seen call volume increase by over 200 percent in that same time. The current building is not big enough to house the growing needs of the city's first responders. The current building is in a 100-year flood plain and an earthquake zone. Why does that matter? It matters because Montana's Disaster and Emergency Services office has done a number of scenarios of massive disasters in Montana. Most of them revolve around a catastrophic earthquake that disables emergency operations in multiple cities. That is one of the most likely disaster scenarios in our State and this region of our State.

I will fight to make people around this body understand that not every disaster in this country happens in a major population center. Folks in rural America deserve to have effective and efficient emergency response also.

The new Emergency Operations Center in Whitefish will solve several deficiencies identified by a 2006 facility needs assessment. Interestingly enough, Whitefish used the Department of Homeland Security criteria for this study. The center will provide interoperability and improved efficiency for ICE, Border Patrol, FBI, Secret Service, DEA, Montana Highway Patrol, and several other regional law enforcement agencies.

The EOC Grant Program is intended to improve emergency management and preparedness capabilities by supporting flexible, sustainable, secure, and interoperable emergency operations centers with a focus on addressing identified deficiencies and needs. That is exactly what this project does.

I oppose this amendment for many of the same reasons as the senior Senator from Montana. As elected officials from our States, it is our obligation to know what the needs are out there much better, I believe, than an appointed bureaucrat.

Mr. WHITEHOUSE. Mr. President, I speak today about the importance of retaining funding for the Providence Emergency Operations Center in the fiscal year 2010 Department of Homeland Security Appropriations Act.

The Providence Emergency Operations Center coordinates emergency response for 60 percent of the population of Rhode Island. I visited this state-of-the-art facility earlier this year and was very impressed by the caliber of its technology, its seamless integration of many different local law enforcement and emergency response agencies, and those who stand at the ready to protect the people of our state against disaster, terrorism, and other threats.

This funding will help make necessary improvements to the facility, including expanding space and improving security and survivability, addressing shortfalls identified in a 2007 review by the Federal Emergency Management Agency. These funds are also expected to create approximately 20 new construction jobs, which are urgently needed in my State, where the unemployment rate has reached a staggering 12.1 percent.

I urge my colleagues to oppose the Feingold amendment so that we do not deprive Rhode Islanders of the resources needed to meet federal requirements for effective emergency response efforts.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. I ask unanimous consent that there be 10 minutes of debate prior to a vote in relation to the Feingold amendment No. 1402, that no amendment be in order to the amendment prior to a vote in relation thereto, with the time equally divided and controlled between Senators MURRAY and FEINGOLD or their designees.

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

Who yields time?

The Senator from Wisconsin.

Mr. FEINGOLD. Let's be clear. We just heard two good examples by the Senators from New York and Montana. These are not separate programs they have fought for. They are not even separate earmarks. These are earmarks carved out of a program for emergency operations centers that were supposed to be based on the merits, a comparative analysis that can be highly technical of where it is most needed and where it is less needed, so there is some kind of opportunity for all of us to compete openly for these dollars for our States to make sure the American people are protected to the maximum extent.

We have the Senator from New York talking about Mount Vernon being near New York City, where, of course, the 9/11 attacks were. That is understandable. But if it is that strong of a case, why can't it be made on the merits? Then we have a completely different kind of place—Montana. I will not say for a minute that the Senator from Montana doesn't have a case. He talks about the greater Flathead Valley. Yes, he would know more about that place than anybody else in the Senate, but does that mean his case for that particular location is so overwhelming that it should not be reviewed in comparison to those of us who have similar concerns?

A majority of my State was covered with flooding waters last June. We did not have an adequate emergency operations center. We would like to be able to compete for these dollars in an open and fair manner through a program that has been designated for that purpose on the merits, not because somebody happened to sit on a particular committee or was able to get an earmark. Whether it is a threat to human lives in New York or Montana, if these Senators are confident they can make the case, they should make the case on the merits.

I say to the Senator from New York, whom I am thrilled to have in this body, Senators should be able to exercise their judgment. The Senators of this body exercised their judgment to help create the Emergency Operations Center Program. That program, which Senators help create, is supposed to be based on merit. That was the judgment of the Senators, not that some individual Senator would say: Hey, I heard from somebody in my area that this is important, and that should override the will of the Senate and the government that this be done in this way.

I remind everybody, the President has suggested that this program should not even continue unless we can get to merit-based consideration because that is the whole idea behind it. When the lives of American people are threatened by disasters and terrorist threats, our decisions should have something to do with the comparative needs and risks to the American people, not whether somebody is able to get an earmark.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Mr. President, I rise in opposition to the amendment to eliminate congressionally directed allocations of emergency operations center construction funding. The committee bill before the Senate today contains emergency operations center funding of about $20 million. This emergency operations center construction program is an authorized activity under the Stafford Act. The 9/11 Act which was approved by the Senate on a vote of 85 to 8 in July of 2007 reaffirmed this program by approving an amendment to the Stafford Act to adjust the Federal cost share for these projects from 50 percent to 75 percent.

Emergency operations centers are critical to the effective coordination of emergency response, which we all know is necessary to save lives. The State of Texas, for example, has used these Federal funds to improve communications equipment and warning systems for its emergency operations center. The Texas EOC was used effectively in Presidentially declared disasters such as Hurricanes Katrina, Rita, Dean, and others; major flooding in El Paso and Wichita Falls; wildfires in 2006, 2008, and 2009; a tornado in Eagle Pass; and, of course, the recent H1N1 influenza outbreak. The EOC in each one of those cases was the critical node for communication between the layers of government.

The OMB assertion that the EOC program duplicates other programs is really without merit. While EOC construction is an allowable activity under several grant programs, State and local governments have not chosen to use that discretion for this purpose.

Since 2004, only $16.6 million out of the $11.5 billion of other DHS grant funds has been used by State and local governments for EOC construction, only one-tenth of 1 percent. The Emergency Management Performance Grants Program has provided a mere $755,000 to EOC construction. It is clear that the demands for the funds in these programs is great. In order to effectively administer emergency management programs and to equip and train first responders, there is not sufficient funding for EOC construction. In this committee bill, over half of the total amount made available for emergency operations center construction is available for competitive award.

I have listened to the Senator make some very persuasive arguments. I remind all of us that what we are providing is accountability and visibility for where those dollars are going. It is not being done in some bureaucracy where we cannot see it. It is laid out in this bill, and we have heard the arguments of many Senators here on why those funds are being appropriated to where they are. So I urge opposition to the amendment.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. FEINGOLD. Mr. President, I inquire of the Chair, how much time remains on each side?

The ACTING PRESIDENT pro tempore. There is 2 minutes 24 seconds to the Senator from Wisconsin and 1 minute 54 seconds to the Senator from Washington.

The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I appreciate the comments of the Senator from Washington. I want to be clear because it is very easy for people listening to this debate to think we are trying to eliminate the Emergency Operations Center Program. That is the opposite of the case. This cleans it up and makes sure every State can fairly compete for it. So the truth is, this earmarking is the opposite of the accountability the Senator from Washington refers to. It creates the absence of accountability. There is no real scientific or needs-based analysis. It is just which Senator can get an earmark. It not only harms the program, it is gutting the program when 10 States, without serious analysis, get 50 percent of the money, and 40 States have to compete for all the rest.

The Feingold-McCain amendment would prevent earmarking of FEMA predisaster mitigation and emergency operations center grants. It does not eliminate them. While we may not all agree on the appropriateness of earmarking in general, I hope we can agree that grants that are supposed to protect Americans from terrorist attacks and natural disasters should be awarded on the basis of merits, not politics.

Currently, the Senate bill directs half of the emergency operations center funds to only 10 States. The House earmarks all of these funds and a fourth of the predisaster mitigation funds. Last year, FEMA only funded a tiny fraction of the emergency operations center applications it received because 64 percent of the funding went to earmarks. That is not accountability. That is ruining a perfectly legitimate program the people set up to help people face the possibility of disaster.

Many past earmarks would not have even qualified for the grants under the established guidelines. Again, President Obama has pressed to ensure that these funds are awarded competitively and on the basis of risk; and he has said, if not, the program should be canceled. We can make sure this does not happen by adopting this amendment.

Mr. President, I reserve the remainder of my time.

Ms. LANDRIEU. Mr. President, I rise today to speak in opposition to the Feingold amendment, No. 1402, which the Senate will vote on shortly.

This amendment would restrict Congress's ability to direct spending to meritorious projects for emergency operations centers and predisaster mitigation projects.

The Senate bill includes funding for the North Louisiana Regional Emergency Operations Center in Lincoln Parish, which is a project that I supported, and I would like to say a few words about it.

This EOC will serve 29 parishes in Louisiana that represent 43 percent of the State's land mass and 27 percent of its total population.

It will provide north Louisiana with a command center for emergency response throughout the region and in bordering States. It will also serve as a staging area for emergency responders and resources and offer training opportunities for firefighting and public safety.

Louisiana conducted the largest evacuation in American history last year as Hurricane Gustav approached our shores, and north Louisiana sheltered a majority of those evacuees. When Hurricane Ike struck 12 days later, north Louisiana received thousands of additional evacuees from Texas who fled that storm's path.

Mr. President, I have received letters of support from four statewide agencies and seven sheriffs for this project, and I ask unanimous consent that those letters be printed in the RECORD.

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

STATE OF LOUISIANA, GOVERNOR'S OFFICE OF HOMELAND SECURITY AND EMERGENCY PREPAREDNESS,
Baton Rouge, LA, June 6, 2008.

Re Lincoln Parish Public Safety Complex

Sheriff MIKE STONE,
Lincoln Parish Sheriff's Office,
Ruston, LA.

DEAR SHERIFF STONE: On behalf of the Governor's Office of Homeland Security and Emergency Preparedness, I would like to extend to you my full endorsement and support of the proposed construct of the Lincoln Parish Public Safety Complex. It is my understanding that this complex will be available for regional training opportunities and could be used, upon request, by a number of public safety agencies in support of joint training throughout your region.

The concept of regional training is acutely in line with state and federal initiatives and readily supports all levels of regional training objectives. The purpose and goal of this project is an obvious testimony of your dedication towards the betterment of critically needed public safety skills. The construction of this collaborative agency project will obviously lend itself to the safety and well-being of all our citizens in the Northern Louisiana region.

In summary, this letter serves as my official endorsement of this project in addition to providing you with our continuing pledge of support and commitment towards endeavoring along side our dedicated public safety responder partners. I am pleased to support this initiative and look forward to working with our fellow public safety officers for the benefit of the entire North Louisiana region.

Yours truly,

MARK A. COOPER,
Director.

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS, PUBLIC SAFETY SERVICES,
Baton Rouge, LA, March 28, 2007.

TO WHOM IT MAY CONCERN: Our agency, Louisiana State Police, wishes to endorse the proposed Lincoln Parish Public Safety Complex which will house state and local agencies responsible for the safety and security of Lincoln Parish.

More than 20 acres of land has been allocated for this Complex by the Lincoln Parish Police Jury. This prime property is located adjacent to the Lincoln Parish Detention Center on Road Camp Road near Hwy 33, about one mile north of I–20.

This letter serves as our official endorsement of this project as well as notification that we would like to be allocated office space and use of the facilities for our organization.

We thank you for your consideration of this worthy endeavor and look forward to our working relationship with other public safety entities in Lincoln Parish.

Sincerely,

COLONEL L. WHITEHORN,
Superintendent, Louisiana State Police.

DEPARTMENT OF
PUBLIC SAFETY AND CORRECTIONS,
Monroe, LA, March 23, 2007.

TO WHOM IT MAY CONCERN: Our agency, Department of Public Safety & Corrections—Division of Probation & Parole/Adult, wishes to endorse the proposed Lincoln Parish Public Safety Complex which will house state and local agencies responsible for the safety and security of Lincoln Parish.

More than 20 acres of land has been allocated for this Complex by the Lincoln Parish Police Jury. This prime property is located adjacent to the Lincoln Parish Detention Center on Road Camp Road near Hwy 33, about one mile north of I–20.

This letter serves as our official endorsement of this project as well as notification that we would like to be allocated office space and use of the facilities for our organization.

We thank you for your consideration of this worthy endeavor and look forward to our working relationship with other public safety entities in Lincoln Parish.

Sincerely,

ARLENA ZEIGLER-MCDONALD,
District Administrator,
Division of Probation & Parole.

STATE OF LOUISIANA, DEPARTMENT OF WILDLIFE AND FISHERIES, OFFICE OF SECRETARY,
Baton Rouge, LA, May 2, 2007.

TO WHOM IT MAY CONCERN: Our agency, Louisiana Department of Wildlife and Fisheries, wishes to endorse the proposed Lincoln Parish Public Safety Complex which will house state and local agencies responsible for the safety and security of Lincoln Parish.

More than 20 acres of land has been allocated for this Complex by the Lincoln Parish Police Jury. This prime property is located adjacent to the Lincoln Parish Detention Center on Camp Road near Hwy 33, about one mile north of I–20.

This letter serves as our official endorsement of this project. We thank you for your consideration of this worthy endeavor and look forward to our working relationship with other public safety entities in Lincoln Parish.

Sincerely,

BRYANT O. HAMMETT, Jr.,
Secretary.

LOUISIANA DEPARTMENT OF
AGRICULTURE & FORESTRY,
Baton Rouge, LA, April 23, 2008.

TO WHOM IT MAY CONCERN: The Louisiana Department of Agriculture and Forestry wishes to support the proposed Lincoln Parish Public Safety Complex which will house state and local agencies responsible for the safety and security of Lincoln Parish.

More than 20 acres of land has been allocated for this Complex by the Lincoln Parish Police Jury. This prime property is located adjacent to the Lincoln Parish Detention Center on Road Camp Road near Highway 33, about one mile north of I–20.

We thank you for your consideration of this worthy endeavor and look forward to our working relationship with other public safety entities in Lincoln Parish. With kindest regards, I remain . . .

Sincerely,

MIKE STRAIN,
Commissioner.

BIENVILLE PARISH SHERIFF'S OFFICE,
Arcadia, LA, February 5, 2008.

Hon. MIKE STONE,
Sheriff, Lincoln Park
Ruston, Louisiana.

DEAR SHERIFF STONE: It has been brought to my attention that Lincoln Parish is currently seeking funds for a public safety complex that would be available for regional training opportunities. This regional training concept would be very advantageous to all surrounding public safety agencies which currently have no such facility available.

I wholeheartedly support your endeavors to see that Lincoln Parish, as well as the surrounding parishes, has a ''state of the art'' facility to provide much needed training on a regional basis. You have my commitment to be part of any training that would be beneficial to my department as well as others throughout North Louisiana.

Sincerely,

JOHN E. BALLANCE,
Sheriff.

CLAIBORNE PARISH SHERIFF,
Homer, LA, February 4, 2008.

Sheriff MIKE STONE,
Lincoln Parish Sheriff's Office
Ruston, LA.

DEAR SHERIFF STONE: I, Sheriff Ken Bailey, of the Claiborne Parish Sheriffs Office am in support of the proposed Lincoln Parish Public Safety Complex. I understand that this complex will be available for regional training opportunities and could be used, upon request, by our organization for joint training with other entities in our region.

This concept of regional training opportunities is very much in line with federal and state initiatives with regard to cooperative endeavors and regions working together for the safety and well-being of all our citizens.

Again, this letter serves as my official endorsement of this project as well as notification that we would participate in regional efforts that support public safety in our area. We ore pleased to support this endeavor and look forward to working with our fellow public safety officers for the benefit of this entire North Louisiana region.

Sincerely,

KEN BAILEY,
Claiborne Parish Sheriff.

JACKSON PARISH
SHERIFF'S DEPARTMENT,
Jonesboro, LA, February 4, 2008.

Sheriff MIKE STONE,
Lincoln Parish Sheriff's Office,
Ruston, LA.

DEAR SHEIFF STONE: Sheriff Andy Brown, of the Jackson Parish Sheriff's Office am in support of the proposed Lincoln Parish Public Safety Complex. I understand that this complex will be available for regional training opportunities and could be used, upon request, by our organization for joint training with other entities in our region.

This concept of regional training opportunities is very much in line with federal and state initiatives with regard to cooperative endeavors and regions working together for the safety and well-being of all our citizens.

Again, this letter serves as my official endorsement of this project as well as notification that we would participate in regional efforts that support public safety in our area. We are pleased to support this endeavor and look forward to working with our fellow public safety officers for the benefit of this entire North Louisiana region.

Sincerely,

ANDY BROWN,
Sheriff.

OUACHITA PARISH
SHERIFF'S DEPARTMENT,
Monroe, LA, February 1, 2008.

Sheriff MIKE STONE,
Lincoln Parish Sheriff's Office,
Ruston, LA.

DEAR SHERIFF STONE: Please allow this letter to serve as my official endorsement of the proposed Lincoln Parish Public Safety Complex. The Ouachita Parish Sheriff's Office supports this effort and all regional efforts to enhance public safety in our area.

It is my understanding that this facility will be available for regional training opportunities and by our organization for joint training with other Departments in our region. Regional training fits in well with current initiatives being promoted by State and Federal agencies.

It is my pleasure to support this project. The Ouachita Parish Sheriff's Office is looking forward to working with and supporting other agencies of this region in the interest of public safety.

Sincerely

RICHARD FEWELL,
Ouachita Parish Sheriff.

SHERIFF—UNION PARISH,
Farmerville, LA, January 30, 2008.

Sheriff MIKE STONE,
Lincoln Parish Sheriff's Office,
Ruston, LA.

DEAR SHERIFF STONE: I, Sheriff Robert G. ''Bob'' Buckley of the Union Parish Sheriff's Office, am in support of the proposed Lincoln Parish Public Safety Complex. I understand that this complex will be available for regional training opportunities and could be used, upon request, by our organization for joint training with other entities in our region.

This concept of regional training opportunities is very much in line with federal and state initiatives with regard to cooperative endeavors and regions working together for the safety and well-being of all our citizens.

Again, this letter serves as my official endorsement of this project as well as notification that we would participate in regional efforts that support public safety in our area. We are pleased to support this endeavor and look forward to working with our fellow public safety officers for the benefit of this entire North Louisiana region.

Sincerely,

ROBERT G. ''BOB'' BUCKLEY,
Sheriff—Union Parish.

SHERIFF—WEBSTER PARISH,
Minden, LA, February 1, 2008.

Sheriff MIKE STONE,
Lincoln Parish Sheriff's Office,
Ruston, LA.

DEAR SHERIFF STONE: I, Sheriff Gary Sexton of the Webster Parish Sheriff's Office am in support of the proposed Lincoln Parish Public Safety Complex. I understand that this complex will be available for regional training opportunities and could be used, upon request, by our organization for joint training with other entities in our region.

This concept of regional training opportunities is very much in line with federal and state initiatives with regard to cooperative endeavors and regions working together for the safety and well-being of all our citizens.

Again, this letter serves as my official endorsement of this project as well as notification that we would participate in regional efforts that support public safety in our area. We are pleased to support this endeavor and look forward to working with our fellow public safety officers for the benefit of this entire North Louisiana region.

Sincerely,

GARY SEXTON,
Sheriff.

LINCOLN PARISH POLICE JURY,
Ruston, LA, March 26, 2007.

Re Support for Lincoln Parish Public Safety Complex.

TO WHOM IT MAY CONCERN: The Lincoln Parish Office of Homeland Security and Emergency Preparedness fully supports the proposed Lincoln Parish Public Safety Complex. The Complex will be available to house

state and local agencies responsible for the security and safety of the citizens of Lincoln Parish. The Lincoln Parish Police Jury has agreed to provide twenty acres of land across from the Lincoln Parish Detention Center for this project. This property is located on the Road Camp Road near LA 33 approximately one mile north of Interstate 20. The Police Jury is willing to work to secure alternative sites if required.

The Lincoln Parish Office of Homeland Security and Emergency Preparedness would also be interested in receiving an allocation or use of space in the proposed facility. I look forward to working with the other Public Safety entities in Lincoln Parish to move this worthwhile project forward.

Thank you for your consideration of this important project. If you have any questions that I can answer please do not hesitate to call.

Sincerely,

DENNIS E. WOODWARD,
Lincoln Parish Director, Office of Homeland Security & Emergency Preparedness.

Ms. LANDRIEU. Supporters include the Louisiana Office of Homeland Security and Emergency Preparedness, Louisiana State Police, Louisiana State Police, Louisiana Department of Public Safety and Corrections, Louisiana Department of Wildlife and Fisheries, Louisiana Department of Agriculture and Forestry, and sheriffs from the parishes of Bienville, Claiborne, Jackson, Lincoln, Ouachita, Union, and Webster.

The State of Louisiana has already dedicated $144,000 to this project, and Lincoln Parish has donated land worth $400,000 to accommodate the proposed facility.

This funding represents a shared commitment on the part of State and local government that will ensure cost-efficiency and mission success.

The Constitution provides Members of Congress with the authority and responsibility to provide funding for national programs and priorities.

I support full transparency into the appropriations process, and stand by this funding request on behalf of the people of my State.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Mr. President, we have had a vigorous debate on the amendment, and I appreciate the passion of the Senator from Wisconsin on this issue. But I again remind my colleagues, what we have had is a very passioned debate, and we have had a thoughtful debate about where these funds are going to go, which, to me, means the Senate is thinking about where their Federal dollars they have out there are going to go and it brings visibility and light. We all have an opportunity now to have a vote on that.

I again urge a ''no'' vote on this amendment.

Mr. President, I believe the time of the Senator from Wisconsin is used up at this point.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin has 19 seconds.

Mr. FEINGOLD. Mr. President, I yield it back, and if it is appropriate, I ask for the yeas and nays.

Mrs. MURRAY. Mr. President, if the Senator from Wisconsin yields his time back, I will yield my time back.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

All time is yielded back.

The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 38, nays 60, as follows:

[Rollcall Vote No. 221 Leg.]

YEAS—38

Barrasso	Ensign	Lieberman
Bayh	Enzi	Lugar
Bingaman	Feingold	Martinez
Bunning	Feinstein	McCain
Burr	Franken	McCaskill
Carper	Graham	Risch
Chambliss	Gregg	Snowe
Coburn	Inhofe	Thune
Conrad	Isakson	Udall (NM)
Corker	Johanns	Vitter
Cornyn	Kaufman	Webb
Crapo	Klobuchar	Wicker
DeMint	Kyl	

NAYS—60

Akaka	Grassley	Nelson (NE)
Alexander	Hagan	Nelson (FL)
Baucus	Harkin	Pryor
Begich	Hatch	Reed
Bennet	Hutchison	Reid
Bennett	Inouye	Roberts
Bond	Johnson	Rockefeller
Boxer	Kerry	Sanders
Brown	Kohl	Schumer
Brownback	Landrieu	Sessions
Burris	Lautenberg	Shaheen
Cantwell	Leahy	Shelby
Cardin	Levin	Specter
Casey	Lincoln	Stabenow
Cochran	McConnell	Tester
Collins	Menendez	Udall (CO)
Dodd	Merkley	Voinovich
Dorgan	Mikulski	Warner
Durbin	Murkowski	Whitehouse
Gillibrand	Murray	Wyden

NOT VOTING—2

Byrd	Kennedy

The amendment (No. 1402) was rejected.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mr. DURBIN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

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

The bill clerk proceeded to call the roll.

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

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

Mr. KYL. Mr. President, I believe there is an amendment pending. If I am correct in that, I ask unanimous consent to lay that aside for the purpose of getting an amendment pending.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 1432 TO AMENDMENT NO. 1373

Mr. KYL. Mr. President, I send to the desk an amendment with an original cosponsor, Senator MCCAIN.

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. KYL], for himself and Mr. MCCAIN, proposes an amendment numbered 1432.

The amendment is as follows:

(Purpose: To strike the earmark for the City of Whitefish Emergency Operations Center)

On page 33, line 10, strike ''no less'' and all that follows through ''Montana;'' on line 12.

Mr. KYL. Mr. President, since this amendment deals with an earmark in the State of Montana, I will make my comments with respect to it at a time when Senator TESTER can be here. I know he wants to oppose the amendment. We can debate that at a time that is mutually convenient for the two of us.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah is recognized.

AMENDMENT NO. 1428 TO AMENDMENT NO. 1373

Mr. HATCH. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside, and I call up amendment No. 1428.

The ACTING PRESIDENT pro tempore. Is there objection to setting aside the amendment?

Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Utah [Mr. HATCH], for himself, Mr. MENENDEZ, Mr. NELSON of Florida, and Mrs. GILLIBRAND, proposes an amendment numbered 1428.

Mr. HATCH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. HATCH. Mr. President, I rise today to offer an amendment to the Homeland Security Appropriations bill that will extend, for 3 years, the Special Immigrant Non-Minister Religious Worker Visa Program and the Conrad 30 Program. In addition, my amendment addresses the immigration-related hardships caused by the death of a sponsoring relative.

Let me say a few words about the Special Immigrant Non-Minister Religious Worker Visa Program. The program provides for up to 5,000 special immigrant visas per year which religious denominations or organizations in the United States can use to sponsor foreign nationals to perform religious service in our country. To date, the Special Immigrant Non-Minister Religious Worker Visa Program has been extended six times. However, Congress has started a very poor practice of extending this program in 6-month

spurts—making it extremely difficult for agency officials to administer the program and for religious groups to make long-term plans for their critical staffing needs.

Lest some people think this is not an important program worthy of our attention, let me tell you about the services nonminister religious workers perform. These selfless workers provide human services to the most needy, including shelter and nutrition; caring for and ministering to the sick, aged, and dying; working with adolescents and young adults; assisting religious leaders as they lead their congregations and communities in worship; counseling those who have suffered severe trauma and/or hardship; supporting families, particularly when they are in crisis; offering religious instruction, especially to new members of the religious denomination; and helping refugees and immigrants in the United States adjust to a new way of life.

I am aware of the concerns that some of my colleagues have about fraud within this program, and I am equally concerned. Yet I want to make it clear. The figures used to taint this program are outdated and not reflective of where things stand currently. U.S. Citizenship and Immigration Services, USCIS, is in the process of completing the implementation of rules and procedures promulgated in November 2008 to eliminate fraud. This includes regular site visits. Additionally, an inspector general report, just issued a few weeks ago, confirms that USCIS has developed a credible process to deter and detect nonminister petition fraud.

To ensure that we continue to keep on top of this issue, I have insisted that language in the proposed amendment require a report from USCIS, within 90 days of enactment, to identify the risks of fraud and noncompliance by program participants. Additionally, USCIS will be required to provide a detailed plan that describes the actions taken by the agency against noncompliant program participants and future noncompliant program participants. Three months after providing this report to Congress, USCIS will be required to provide a report on the progress made in reducing the number of noncompliant participants of this program.

I want to assure my colleagues that fraud in any government program is totally unacceptable to me. And I believe the extra steps included in the legislation will further the progress USCIS has made in eliminating and preventing fraud in this important program.

Mr. President, please note that there are several religious organizations that support passage of the Special Immigrant Non-Minister Religious Worker Visa Program, including The Church of Jesus Christ of Latter-day Saints, the American Jewish Committee, the Agudath Israel of America, the Catholic Legal Immigration Network, Inc., the Church Communities International, the Conference of Major Superiors of Men, the Hebrew Immigrant Aid Society, the Lutheran Immigration and Refugee Service, the Mennonite Central Committee, the United States National Association of Evangelicals, the National Spiritual Assembly of the Bahai of the United States, The Church of Scientology International, The First Church of Christ, Scientist, Boston, MA, the United Methodist Church, the General Board of Church and Society, the World Relief, and the U.S. Conference of Catholic Bishops.

No doubt our country's religious organizations face sometimes insurmountable obstacles in using traditional employment immigration categories to fit their unique situations.

Fortunately, the Non-Minister Religious Worker Visa Program allows our country's religious denominations to continue uninterrupted in their call to serve and provide support to those who are in the greatest need. I commend their service and hope they know how much I respect their work.

Let me take a moment to say a few words about the Conrad 30 Program, which was created in 1994. The Conrad 30 Program allows foreign doctors, who are already in the United States, and who have been trained in the United States, to extend their stay in the country if they agree to practice in medically underserved communities in the U.S. for 3 years. The program, which is run at the State level, has brought over 8,500 doctors to underserved areas across the country, and to all 50 States. However, it expires in September. My amendment also will extend the Conrad 30 Program for 3 years.

The Immigration and Nationality Act, INA, imposes what has become known as the ''widow penalty,'' requiring the deportation of individuals whose pending applications for green cards are rejected because their citizen spouse died within the first 2 of marriage. This amendment remedies this unintended and unjustified administrative procedure.

Under current law, when a U.S. citizen marries a noncitizen, the noncitizen is eligible to become a legal permanent resident and receive a green card. During the first 2 years of marriage, the only way this can be accomplished is through a petition that the citizen files on the noncitizen spouse's behalf. The noncitizen cannot self-petition for legal permanent resident status until the marriage has lasted for 2 years.

If, however, the citizen spouse dies while the petition, through no fault of the couple, remains pending. This is often unfair; delays are often caused by agency workload or issues which are not the fault of the petitioners. The petition automatically is denied. The noncitizen is immediately deemed ineligible for legal permanent residence and therefore becomes deportable. This is the case even if ample evidence of a bona fide marriage, such as cohabitation, shared finances, exists. It is often the case even if a couple had a U.S. born child.

Because of the widow penalty, well-intentioned widows who have played by the rules face immediate deportation. During the 110th Congress, efforts to persuade the USCIS to address the issue administratively were unsuccessful. In the current administration, Secretary Napolitano has directed that the Department of Homeland Security to review a number of immigration issues, including the ''widow penalty,'' and has decided to defer action on deporting widows for up to 2 years to allow time for Congress to fix the problem.

There have been more than 200 ''widow penalty'' victims, including a woman whose husband died while serving overseas as a contractor in Iraq; a woman whose husband died trying to rescue people who were drowning in the San Francisco Bay; and a woman who was apprehended by Federal agents when she went to meet with immigration authorities to plead her case she was placed in shackles, and sent to a detention facility.

This amendment will end the harsh and unfair ''widow penalty'' by allowing the petition to be adjudicated even though the spouse has died. The proposed legislation affects only a small class of individuals who still would be required to demonstrate that they had a bona fide marriage before receiving a green card. Thus, USCIS would retain the discretion to deny petitions, but they would no longer deny them automatically in response to the death of the citizen spouse.

The amendment also includes provisions to clarify that the government should continue to process the immigration applications of immigrants who are already waiting to receive an immigrant or other visa under certain conditions.

Specifically, the bill would protect orphans, parents and spouses of United States citizens by allowing them to continue their applications through the family immigration system in cases where the citizen's or resident's relative died if the individual self-petitions within 2 years; allow the spouse and minor children of family-sponsored immigrants and derivative beneficiaries of employment-based visas to benefit from a filed visa petition after the death of a relative or adjust status on the basis of a petition filed before the death of the sponsoring relative if the application is filed within 2 years; allow the spouse and minor children of refugees and asylees to immigrate to the U.S. despite the death of the principal applicant and allow them to adjust their status to permanent residence; provide processes to reopen previously denied cases and allow individuals to be paroled into the U.S. in cases where the sponsoring relative died after submitting an immigration application, and promote efficient naturalization of widows and widowers by

allowing the surviving spouse to continue with a naturalization application as long as the deceased spouse was a citizen of the United States during the 3 years prior to filing.

The bill ensures that all widows and orphans would have to comply with affidavit of support requirements to ensure they do not become a public charge. The bill includes provisions to make sure that all widows and orphans who benefit under this act are subject to current numerical limitations on visa issuance. The bill also provides a limit on issuance of visas for widows where the spouse died over 10 years ago: only 100 visas would be available for individuals whose spouses died before 1999.

I urge my colleagues to support passage of this important legislation.

Mr. President, I yield the floor and suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1406 TO AMENDMENT NO. 1373

Mr. MCCAIN. Mr. President, I have an amendment at the desk. I see it as 1404, which is to strike the Loran-C Program. It is at the desk. It could be 1406.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Mrs. MURRAY. Reserving the right to object, can we get the correct number?

Mr. MCCAIN. Pending me finding the right number, 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. MCCAIN. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. MCCAIN. Thanks to my crack staff, that amendment number is 1406. I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 1406 to amendment No. 1373.

Mr. MCCAIN. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To strike the provision relating to the Loran-C signal, as recommended by the Administration)

On page 75, line 15, strike all through page 77, line 16.

Mr. MCCAIN. Mr. President, I would imagine that my colleagues remember that several months ago the President announced there would be a number of significant cuts in spending in order to try to bring unnecessary and wasteful programs under control. The President announced there would be some $41 billion saved over the next decade, and the administration, as part of its budget submission, recommended terminating or reducing 121 Federal programs that were estimated to save the taxpayers $41 billion over the next decade.

That announcement by the President was greeted with certainly applause and appreciation by most Americans since we are amassing multitrillion-dollar deficits. Unfortunately, it seems pretty clear these budget cuts the administration recommended terminating are not being terminated.

We have had votes already on at least two of them, and now we are about to talk about another one that would achieve a savings of some $36 million in 2010, and $190 million over 5 years, not a small amount of money, at least in the old days before we got into trillion-dollar and multitrillion-dollar deficits.

So what this amendment does is seek to strike the Loran-C Program. In the interest of full disclosure, Loran was around when I was in the Navy, so obviously it is a pretty old program. The President and the administration called it ''obsolete technology.'' I certainly agree.

The administration stated in its budget submission—and I have that somewhere—and I quote from it:

The Loran-C is a federally provided radio navigation system for civil marine use in U.S. coastal areas. The Nation no longer needs this system because the nationally supported civilian Global Positioning System [known to us as GPS] has replaced it with superior capabilities. As a result, Loran-C, including recently technological enhancements, serves only the remaining small group of longtime users. It no longer serves any governmental function, and it is not capable as a backup for GPS.

I want to point out again to my colleagues, that is not my view, and I will enumerate a number of governmental agencies that agree with that. But several Federal agencies, including the Departments of Defense, Transportation, and Homeland Security, already have backup systems for their critical GPS applications, and the termination of Loran-C does not foreclose future development of a national backup system. It nearly stops the outflow of taxpayers' dollars to sustain a system that does not now and will not in its current state serve as a backup to GPS. That is pretty strong and pretty direct and pretty clear language.

Obviously, the administration is proposing to terminate the terrestrial-based, long-range radio navigation system, Loran-C, operated by the Coast Guard because it is obsolete technology.

Accounting for inflation, this will achieve a savings of $36 million in 2010 and $190 million over 5 years. Again, I point out this is one of 121 terminations or cuts the President of the United States announced the administration wanted done and, of course, many Americans believed they would be achieved. So far we haven't done one. I am sure we may, but we have not done one.

In 2005 numerous Federal agencies called for the termination of this program, as I mentioned earlier, including the Coast Guard; the Secretary of Defense; Secretary of Transportation, representing the Federal Aviation Administration; and the Secretary of Homeland Security, representing the Coast Guard.

All signed, in October 2005, a report that stated the Department of Defense has determined that Loran is no longer needed as a positioning, navigational, or timing aid for military users, and ''with respect to aviation, the FAA has determined that sufficient alternative navigation aids exist in the event of a loss of GPS-based services, and, therefore, Loran is not needed as a back-up navigation aid for aviation users.'' And, ''with respect to maritime safety, the United States Coast Guard has determined that sufficient back-ups are in place to support safe maritime navigation in the event of a loss of GPS-based services, and, therefore, Loran is not needed as a back-up navigational aid for maritime safety.''

It is not a new debate. Once programs come into being, they are almost impossible to kill, and we may not be able to kill this one. The votes so far have indicated there certainly is not a harboring of success. This is a GAO report, the U.S. Government General Accounting Office, dated September 18, 1981. The report States:

DOT, [Department of Transportation] should terminate further Loran-C development and modernization exploit the potential of the Navstar global position system, [i.e. GPS.]

Remarkable. 1981. So the report goes on—and I will not waste too much time going into it—but the GAO obviously found that the Coast Guard—

We have completed a follow-up review on our March 21, 1978 report. The report concluded that the Department of Defense's DOD satellite-based Navstar GPS could be a national asset, could replace many existing navigation systems at substantial savings.

The report considered these systems, including the Department of Transportation's Loran-C system, to be unneeded by the early 1990s and cautioned against further investment in Loran-C. It also recommended that the Secretary of Transportation become more involved in the GPS program to ensure the timely availability of low-cost civil receivers. Obviously, we have low-cost civil receivers.

So beginning in 1981 and here we are 28 years later trying to terminate a program that literally every agency of government is trying to kill. But will we succeed? Again, the votes so far do not indicate that.

Yesterday there was an article by Mr. Walter Alarkon, which says.

Democrats ignore Obama's cuts. Congressional Democrats are largely ignoring President Obama's $19.8 billion in budget cuts. The President proposed axing dozens of programs that he said were inefficient or ineffective, but Members of the House Appropriations Committee are including the money for them.

Over here on this side of the Capitol we are doing the same thing. The Associated Press:

Congress largely is ignoring Obama budget cuts. Lawmakers have yet to deal with most controversial proposed cuts. Obama proposed the cuts last month after what he promised would be a line-by-line scrub of the Federal budget to counter Republican charges that he is spending the country into too much debt. The House has already rejected his effort to kill a $400 million program that helps States with the costs of incarcerating criminal illegal immigrants, and a homeland security spending bill up for a House vote this week keeps in place the World War II era Loran-C maritime navigation system that Obama wanted to ax even though it has been rendered obsolete by the modern global positioning system.

The homeland security measures also preserve $12 million for bus systems—

That is the one that died, the amendment we tried to kill yesterday that died 51 to 47—

and $40 million in grants to local governments for emergency operations centers.

That one was not approved today by a vote of 60 to 38.

All told, lawmakers in both parties—California Republicans were the driving force in preserving the State Criminal Alien Assistance Program—have combined to preserve more than $750 million worth of cuts suggested by Obama.

From Politico:

Democrats make show of budget cuts.

That was on June 23.

With growing public concern about the deficit and billions still backed up in President Obama's economic recovery program, just how do Democrats sell another 8 percent increase in discretionary spending this summer? Some of the terminations are less than advertised.

It goes on and on.

I applaud the President's commitment cutting some of these programs. I spoke out at the time when he said they would go line by line, when he said they would have budget cuts that were significant, that there would be billions of dollars saved in unwanted, unnecessary programs and spending. Why don't we in Congress get that message?

If we continue on this path—and we probably will; I have been around this body long enough to see where the votes are; the appropriators have the control here—I will strongly suggest that the President start vetoing some of these bills, something the previous administration should have done and the previous President should have done. I came to the floor and fought against these earmark pork-barrel projects in the last administration, just as I am with this one.

Yesterday I offered an amendment to strip funding for a program the administration had declared unnecessary and sought to terminate. The amendment was defeated, and only 12 Members of the President's party supported the amendment seeking to implement the administration's recommendation. When are we going to get serious about making tough choices around here?

I know there are other amendments in line. Let me sum up. This system is an aid to navigation for ships at sea and in rivers and lakes that long ago was replaced by something called GPS, the global positioning system. We have them in our cars. They are easily available to be bought at very low price at most any of our stores and outlets. I am sure one could draw a scenario where somehow all satellites fall from the sky and we are deprived of Loran-C, but that is sheer foolishness. If we don't kill this program, which was recommended to be terminated by GAO in September of 1981, it is pretty obvious we are not going to be able to reduce or terminate funding for any program, once it gets into production and once it gets its sponsors in the Congress.

I strongly recommend that my colleagues understand that we can't keep spending this kind of money. We just can't do it. We are laying a terrible burden on our children and grandchildren. This is some $36 million for next year, $190 million for the next 5 years. For anybody who has a rudimentary understanding of what GPS provides and how obsolete Loran-C is, it is willful ignorance.

I urge colleagues, let's, for a change, stand up for the American taxpayer. Let's stand up for the taxpayer and our children and grandchildren. In this era of $10 trillion debts and trillion-dollar-plus deficits, does $36 million in 2010 and $190 million over 5 years matter? I think it matters in that we ought to at least sometimes stop business as usual. People are not able to stay in their homes, not keeping jobs. Unemployment is at an all-time high. And we are going to waste another $36 million?

How many people could stay in their homes, how many people could we employ in small businesses, how many people could educate their kids with this $36 million for next year? There is something wrong here that we continue to spend like this, when America is going through the toughest recession in our history. Time after time we come to the floor and try to terminate obsolete programs. We try to stop the wasteful and unnecessary pork-barrel spending and earmarks. What do we get? We get majority votes against it.

Don't be surprised when the TEA parties get bigger around the country. Don't be surprised when more and more Americans register as Independents because they think both sides of the aisle are guilty. Don't be surprised when Americans in every way that they can express their extreme dissatisfaction with our spending habits and the corruption that exists as a result.

It is time we started standing up for the American people and not the special interests that are the sponsors of Loran-C and so many wasteful and unnecessary programs we continue to see increase in spending, when every other American family is having to tighten their belts and decrease spending, if they are able to spend at all.

I yield the floor.

The PRESIDING OFFICER (Mr. BURRIS). The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank the Senator from Arizona for offering this amendment. Indeed, Loran-C was established after World War II as a navigational tool for our mariners and aviators. The President has proposed to terminate Loran-C stations on October 1, 2009, with the justification that the federally supported civilian global positioning system is now the primary navigational tool and the Loran-C is no longer needed by the Armed Forces or by the transportation sector or by the Nation's security interests. The Office of Management and Budget has also told us that many agencies, including the Department of Homeland Security, the Department of Transportation, and the Department of Defense, do, as the Senator stated, already have backup systems for GPS.

I want to set the record straight about what this committee mark does have in it that is before us. It does provide for the orderly termination of Loran-C beginning January 4, 2010. So the underlying bill does terminate the Loran-C program, and it does so in a way that allows the Coast Guard the time to inform the public and provide for the orderly termination of that program. The committee bill continues operations of Loran-C until January 4, 2010. Then the program is terminated.

Contrary to the sponsor's statement yesterday, there is not $35 million in this bill for Loran-C. This bill does have $18 million. The President in his request did include no funding to pay for the cost to terminate these stations. According to the Coast Guard, which has provided us information, they do need this funding to remove the high-value equipment and electronics hazardous material. They need it to remediate the environmental concerns and to fund a variety of measures to secure the sites until they are fully decommissioned. This money is not to continue the operation of Loran-C. It is to terminate it in a way that is proper and makes sure that while we remove these stations, we are doing it in a responsible way.

What we do in the committee mark is to make sure that the Coast Guard doesn't have to take away money from critical missions—search and rescue or drug interdiction or marine safety or environmental compliance—to terminate this program. We did include funding so that the Loran-C stations could be shut down responsibly.

The administration has sent us a statement of administration policy. I ask unanimous consent that it be printed in the RECORD.

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

STATEMENT OF ADMINISTRATION POLICY

H.R. 2892—DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2010

(Senator Inouye, D–Hawaii, July 7, 2009)

The Administration strongly supports Senate passage of H.R. 2892, with the committee-reported text of S. 1298, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010.

As we face difficult economic and fiscal decisions, it is important to make efficient and effective investments. The Department of Homeland Security Appropriations Act, 2010, as considered by the Senate Committee, makes important investments in transportation systems, cyber security, innovation and job creation, security for our borders, and emergency response. This legislation serves as an important piece of the Nation's economic recovery.

The Administration would like to take this opportunity to share additional views regarding the Committee's version of the bill.

FEDERAL PROTECTION SERVICE (FPS)

The Administration is pleased that the Committee supports the transfer of FPS to the National Protection and Programs Directorate (NPPD). This transfer will properly align the activities of FPS and NPPD, while allowing Immigration and Customs Enforcement to focus on its key immigration enforcement mission. The Administration plans to provide additional details to the Congress in support of the FPS transition and realignment of these responsibilities in the next few weeks.

E-VERIFY EXTENSION

The Administration appreciates the Committee's support for E-Verify by fully funding the request and including a three-year reauthorization to continue operations. This critical program supports immigration enforcement and promotes compliance with immigration laws.

FEDERAL EMERGENCY MANAGEMENT AGENCY'S (FEMA'S) DISASTER RELIEF FUND

The Committee significantly underfunds the Disaster Relief Fund (DRF). In an effort to implement a more transparent funding process for DRF, the Administration's $2 billion request is based on a methodology that incorporates historical costs associated with FEMA's response for non-catastrophic incidents.

LORAN-C TERMINATION

The Administration appreciates the Committee's support for termination of the Loran-C radio navigation system. The Administration supports the Committee's aim to achieve an orderly termination through a phased decommissioning beginning in January 2010, and the requirement that certifications be provided to document that the Loran-C termination will not impair maritime safety or the development of possible GPS backup capabilities or needs.

IMMIGRATION SERVICES

The Congress is urged to provide the requested funding to reform immigration fees. Eliminating the practice of passing on costs for refugees and asylees to other applicants for immigration benefits is an important first step to improve the accuracy, transparency, and fairness of immigration fees.

The Administration strongly urges the Congress to provide additional resources to support and expand successful immigrant integration programs across the country.

Mrs. MURRAY. It says:

The Administration appreciates the committee's support for termination of the Loran-C radio navigation system. The administration supports the committee's aim to achieve an orderly termination through a phased decommissioning, beginning in January 2010, and the requirement that certifications be provided to document that the Loran-C termination will not impair maritime safety or the development of possible GPS back-up capabilities or needs.

So the administration has said that the committee is complying with what they have asked us to do which is to terminate the Loran-C program.

The aim of the amendment is unclear to me. What it actually does is strip the Coast Guard of the authority we have provided in the underlying bill to terminate a program that will indeed save taxpayers $36 million a year.

The way the amendment is written, I oppose it because it will take away what the committee has written in here to terminate the Loran-C program, as the President has requested, in a responsible way, to do it in a way that we deal with the mitigation that needs to be done when we remove equipment such as this. The amendment that has been offered will actually strip the Coast Guard of the authority to do just that.

The committee bill does what the Senator is asking us to do. It does it in a timely and responsible way and does terminate the Loran-C program.

I urge colleagues to support the committee amendment that does it in a responsible way.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, the distinguished chairman left out a couple of items. One, it will still cost an additional $18 million, if the program is terminated by January 4, 2010.

The interesting thing, when we read the bill on pages 75, 76, and 77, there is a list of caveats that have to be achieved in order for that to happen. How many times have I seen around here a determination made that they will terminate a program if the following criteria are met? The limitations in the bill are that termination will not adversely impact the safety of maritime navigation, the system is not needed as a backup to the GPS or any other Federal navigation, if the Commandant makes a certification. The Commandant doesn't have to make a certification. The Coast Guard has already said they don't want it. It needs no certification.

From the language of the bill:

Not later than 30 days after such certification pursuant to subsection (b), the Commandant shall submit to the Committee on Appropriations of the Senate and House of Representatives a report setting forth a proposed schedule for the phased decommissioning of the Loran-C system infrastructure in the event of the decommissioning of such infrastructure in accordance with subsection (c).

If the Commandant makes the certification described in subsection (b), the Secretary of Homeland Security, acting through the Commandant of the Coast Guard, may, notwithstanding any other provision of law, sell any real or personal property under the administrative control of the Coast Guard and used for the Loran system, by directing the Administrator of General Services to sell such real and personal property . . .

So after the completion of such activities, the unexpended balance shall be available for any other environmental compliance and restoration. Why not stop it now? Why not stop it now? Why spend an additional $18 million? Why open this? Since 1981, we have been trying to kill it. Why open it for an additional period of time when clearly this system needs to stop?

With all due respect to the Senator from Washington, let's stop it now. We can stop it now. We know it can be stopped now. We don't have to spend an additional $18 million on the program.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, the Senator and I are on the same page. We want to terminate this program. But we have a responsibility, as oversight, to make sure that we do it in a way that mitigates any problems that are out there.

We have high-value equipment. We have electronic hazardous materials that are out there. The Coast Guard—whoever is responsible—has to remediate the environmental concerns. They need to secure these sites where the Loran-Cs are. That is what this funding is for, to make sure it is done responsibly.

If we do not provide the funds in this amendment, the Coast Guard will be required to take the money to do that out of other very important missions that many of us care about, whether it is search and rescue or drug interdiction or marine safety or threats of terrorism. We do not want the Coast Guard to have to take away that money to do that.

I want to specifically say again, the amendment before us, the way it is written, strikes the language that the President requested to provide for the orderly termination by providing authority to sell the Loran-C assets. If this amendment is adopted, they will not be able to sell the Loran-C assets and thereby save taxpayer dollars.

I understand where the Senator is coming from. I know his past concerns about this program. We are going to shut it down. That is what this amendment does. The commandant, who is, in our language, being asked to certify, goes at the behest of the President. As the Senator from Arizona well knows, the President has said he wants the program shut down, and that is what this committee is trying to do, in a responsible way, to save taxpayer dollars in the long run and specifically to be able to sell the Loran-C assets so the taxpayers can regain their money at the end of the day.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, in 2007 I offered this direct amendment. We spent 3 hours on it on the Senate floor. Everybody agreed we needed to get rid of this program then. We had some concerns. The thing I do not understand is why we are waiting the extra 5 months to shut down a program. There is nobody who needs this program. That 5 months—just that 5 months of continuing the program—costs the American taxpayers $18 million.

So if, in fact, we are going to shut down the program, I would like to understand the logic of turning it down in January instead of October 1.

First of all, nobody is using this system now. Nobody is using it. Why can't they notify in 3 months all the people—which is zero—who are using this today? The other question is, why does it take $35 million? Where is the backup detail that shows what the costs will be? Maybe it is $18 million.

Mrs. MURRAY. It is $18 million.

Mr. COBURN. So why does it take $18 million? There are only seven stations left, and we are talking about facilities that are smaller than these four desks. Tell me how it takes $2.5 million per buoy to shut them down. Only from Washington would it take that much money. Where is the basis for the knowledge that it takes $18 million?

Mr. MCCAIN. Mr. President, will the Senator yield for a question?

Mr. COBURN. Mr. President, I am happy to yield for a question.

Mr. MCCAIN. Mr. President, I am sure the Senator understands from the budget of the U.S. Government for fiscal year 2010 that the Office of Management and Budget submitted to the Congress, it says the administration is proposing to terminate and achieve a savings of $36 million in 2010, and now the Senator from Washington is obviously contradicting what we were told by the administration, which is what we wanted.

How it could cost $18 million, as you say, to shut down seven sites, and not be allowed to sell off valuable assets, of course, is foolishness. Of course the government sells off assets that are extraneous assets all the time without the permission or the need to have legislation.

Is the Senator aware of that?

Mr. COBURN. Mr. President, I would tell the Senator from Washington, first of all, I do appreciate that the Senator is attempting to shut this down, and I thank the Senator for that. It has been long overdue. But I do question the amount of money it takes to shut this down. We know the bureaucracies always want more money than what is necessary. You have allowed in this bill that whatever is not used they can plow back into anything they want to use it for.

Why would we not terminate it at the end of the fiscal year? Every month we are running it, it costs $3 to $4 million—$3 to $4 million. I know it does not seem like a lot when we are going to have a $1.8 trillion budget deficit this year, but I do not understand why we would not do it.

I say to the Senator, I appreciate the fact that he is doing it. I think it can be done for a lot cheaper, and I think it could be done sooner, and I would hope the committee would consider that.

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

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

At this moment there is not a sufficient second.

Mr. COBURN. There is not?

The PRESIDING OFFICER. There is now a sufficient second.

The yeas and nays were ordered.

Mr. MCCAIN. Mr. President, I yield the floor.

Mr. COBURN. Mr. President, 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. MERKLEY. 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. MERKLEY. Mr. President, I ask unanimous consent to speak as in morning business.

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

CONSUMER FINANCIAL PROTECTION AGENCY

Mr. MERKLEY. Mr. President, today, colleagues, I rise to give voice to my strong support for President Obama's proposal to create a consumer financial protection agency separate from our prudential banking regulators. I believe establishing this new independent agency is critical to protecting the economic security of the American middle class and ensuring the stability of our financial system and the banks within it.

Let me share with you a story about Ira Cheatham. Ira is a 73-year-old retired veteran of the Korean war. I think his story helps explain why we need to do more to protect middle-class economic security. Ira and his wife lived in Portland, OR, for 21 years. By 2002, this couple had nearly paid off their mortgage. But a few years ago, in the midst of the subprime boom, the family received what looked like a check from their bank, their mortgage company, a check for $1,000. Ira cashed in the check. Ira did not realize that the check actually represented a high-interest loan.

Within a week or two after cashing the check, the family received a call from their mortgage company urging the couple to consolidate this $1,000 loan with their credit card debt into a single mortgage. This family had excellent credit, and the mortgage company promised the couple they would receive an interest rate between 5 and 6 percent, which would have reduced monthly payments.

Based on this promise, the couple agreed. But what they soon discovered was they had been assigned an interest rate of 11.8 percent. Moreover, the loan contained discount points financed into the loan, inflating the loan amount and stripping away equity in the house. Under this new subprime loan, the mortgage payments swelled to $1,655—nearly 60 percent of the family's monthly income.

Having discovered this, it would have been great if this family could have simply refinanced. But in the loan was a $7,500 prepayment penalty; in other words, stripping them of another $7,500. Once they discovered what they had been trapped into—what they had been tricked into—they were then locked into this prepayment penalty that would further decimate their equity.

They did not have many good options—an unsustainable interest rate, an outrageous prepayment penalty—but, finally, they took and did what they had to do, which was to pay that prepayment penalty in order to refinance their mortgage with another lender.

Our financial marketplace has become infested with these kinds of predatory lending products and practices that exploited this elderly couple and millions of other families across this Nation. Now these practices are commonplace because they are not regulated. They are commonplace because they are highly profitable. They are embedded in documents inches thick in a home loan. They are written in light gray ink on the back of a check. When deposited, you have actually signed a financial document.

Well, these types of tricks and traps are unacceptable. Mr. President, $2.7 trillion in losses to subprime writedowns only scratches the surface of the total cost of this economic catastrophe—a catastrophe that would have been avoided if banks had sold stable prime loans instead of tricking and trapping families into volatile subprime loans.

In short, we need to reestablish strong consumer protection in our financial markets. The solution is simple and should have been adopted a long time ago: centralizing financial consumer protection regulation in a single agency, an agency that is not compromised by having another mission, another mission of regulating monetary policy or another mission of overseeing the stock market or another mission here or there; no, a mission responsible to the consumers of this Nation of financial products that says our transactions are going to be transparent, the terms are going to be clear, we are going to get rid of the tricks and traps.

Many of you know we recently passed a bill in this Chamber on credit cards to get rid of the tricks and traps we know of in the credit card industry. That is a tremendous step forward. But who would doubt—who in this Chamber would doubt; who in America would

doubt—that within 12 months we will have a new set of tricks and traps?

You cannot simply legislate every time one of these is created. You need a consumer financial products agency to oversee this process, to make sure we protect the consumer from new, clever ways of stripping Americans' wealth. Establishing a strong consumer financial protection agency would be a major step forward in protecting the economic security of working Americans. There are folks who say: You know what, we are making a lot of money. We don't want this type of regulation.

Let's draw a parallel here to consumer products in other areas. How about toys for our children. There are folks who would say: No, we shouldn't regulate the quality of toys, we shouldn't regulate whether there are small parts that will choke our child, we shouldn't regulate whether there are exploding parts that might take out an eye, we shouldn't regulate the lead in the paint, because this reduces choice. But we have recognized that when it comes to consumer products appearing in our homes, we need to have ongoing oversight to make sure products are fair and safe, and we need to do the same thing in the financial world.

The failure to regulate has had an enormous toll: $700 billion in taxpayer money spent to bail out our banks, $12.2 trillion in household wealth lost in America since 2007, and the tragedy of millions of Americans losing their homes and their jobs. Those are the real costs of failing to regulate financial consumer protection.

Let's look at a few things such an agency would do.

First, it would mean less bureaucracy and less cost. Each of our banking regulators already has a consumer protection obligation, a consumer protection division. Three of four Federal banking agencies have separate consumer protection functions from the rest of the agency. Now, that mission is often set aside, that mission is often ignored, in light of the other missions of the agency, but it is far more effective, cost-effective, to have these missions combined into a single entity with the responsibility directly to consumers.

A second concern has been that it would be a mistake to have folks who offer financial products provide a simple, plain-vanilla product as a comparison to give them a framework for the contract being put before them. But these types of straightforward, plain-vanilla comparisons are very useful to consumers to allow them to make an informed choice. In the long term, a smarter consumer produces better competition between those who provide these products because now they are forced to compete not on tricks and traps but on transparency, on consumer service—customer service—and that is a positive thing. It means real competition in terms of price. I think our community financial institutions in particular would have a stronger claim in such new business because who provides better consumer service than our local community bankers?

Third, a consumer protection agency would clear the field of unregulated bad actors whose competition lowers standards across financial products. Well, I wish to draw a bit of an analogy here to a football game. Imagine a football game where only one side gets called for penalties. That is what happens when you have one responsible financial player and another that isn't abiding by any sort of fairness or transparency. That does not produce good competition. If only your opponent can jump the line or face mask or get away with just about anything without penalty flags being thrown, how is your team going to compete? That is the challenge the responsible players have in the marketplace today. Well, let's not put them in such a difficult position. Let's make sure all of the players are acting responsibly, and that is the role such an agency would carry on.

We need a consumer financial protection agency to protect the hard-earned wealth of hard-working Americans—Americans like the elderly couple I told the story about earlier, Americans like Maggie from Salem, OR. Maggie paid her credit card bill on time, and then what happened? She was charged a late fee.

So she called up and said: Why is that?

The credit card company said: Well, you know what, we get to sit on your payment for 10 days before we post it, so technically you are late even though you paid us early.

Maggie said: Where is the fairness in that?

Folks like Maggie across this country are asking that simple question: Where is the fairness in that?

Our consumers deserve fairness. Let's not try to have short-term profits that undermine the success of our families by stripping wealth through tricks and traps. Let's have our consumers say: Isn't it great that here in America we make sure there is fairness in our financial products, that we don't try to depend on tricks and traps that strip wealth from elderly couples, strip wealth from young families trying to raise children, that take away the opportunities of those families to provide for their children. Let's put a referee into the game again. We need this agency.

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

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 1406

Mrs. MURRAY. Mr. President, my understanding is the Senator from Maine would like 10 minutes to speak on the McCain amendment. I ask unanimous consent that following the remarks of the Senator from Maine, the Senate vote in relation to the McCain amendment, with no other amendments in order prior to the vote on the McCain amendment, in relation to the amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I rise in opposition to the amendment offered by the Senator from Arizona.

Let me start with some background on the Loran system since it may not be familiar to many of our colleagues. This is a radio navigation system with 24 land-based transmitters which are operated by the Coast Guard that can be used to determine the location and speed of the receiver. Some mariners and aviators use the current system, which is known as Loran-C, for navigation, while others have switched to the GPS system. An upgraded Loran system, which is known as eLoran, would use Loran-C transmitting stations as its foundation and it would serve as a backup to GPS as well as a primary navigational tool.

This infrastructure would provide the foundation that is necessary to have a backup for the GPS. If we abandon the Loran-C system, as Senator MCCAIN has advocated, we would lose the considerable investment of $160 million we have already made to deploy the eLoran system, and this system is one that a joint Department of Homeland Security and Department of Transportation assessment team has recommended as the backup for GPS.

Why do we need a backup for GPS? The fact is GPS is vulnerable to atmospheric interference and jamming. A loss of the GPS signal for even a short duration and in an isolated region would adversely affect cell phone coverage, the national power grid, and air traffic.

Our Nation needs a reliable backup. This isn't just my opinion. This is the considered opinion of an independent assessment team that just filed its final report in January of this year. One of the previous speakers referred to a GAO report that is over 25 years old. I am talking about an assessment that was just completed in January of this year. DHS and the Department of Transportation jointly commissioned an assessment team that included a diverse group of senior decisionmakers and experts from government, academia, and industry. This team reviewed 40 previous reports, interviewed the key stakeholders, industry representatives, and other experts, and received 980 comments on what should be done, and 93 percent of those comments were in favor of maintaining the Loran system—93 percent.

Listen to who some of the commentators were. Sprint Nextel, which is the supplier of critical communications capabilities, and the Department of Energy's National Nuclear Security Administration both stated that they currently use the Loran system and that

they support upgrading to eLoran as a backup and complement to the GPS system. The Department of Energy moves controlled nuclear material around the country and uses Loran-C as ''an active and robust supplement to GPS.'' This is the Department of Energy's Nuclear Security Administration telling us it needs and relies on the Loran-C system. They describe it as an active and robust supplement to GPS. The Department of Energy uses Loran-C to provide location information on nuclear material in the event of blocked visibility, solar storms, and intentional jamming of the GPS system.

In January of this year, when the team released its report, it unanimously concluded that the eLoran should serve as the national backup system for GPS and that the Loran-C infrastructure should be maintained until we have full deployment of the eLoran.

Think what we are doing if this amendment passes. What we are proposing is to discontinue a system that is being relied upon by the Department of Energy and countless other users. That is why this independent assessment team—this isn't my opinion, this is the independent assessment team's conclusion—says we must maintain the current system until we have fully transitioned to the eLoran system, which will be the backup for GPS. What is being proposed by this amendment is to discontinue the Loran-C system prior to having a backup in place. That makes no sense whatsoever.

Again, I would emphasize that this was a unanimous conclusion of the Department of Homeland Security and the Department of Transportation's independent assessment team as of January of this year. It is the newest assessment we have. It is the most complete review that has ever been done.

The fact is, the weaknesses in the GPS system are well known. A GAO report published in May raised serious concerns regarding the near- and long-term health and reliability of the GPS network, noting that there is a high risk—that is GAO's assessment—that the Air Force will not be able to meet its schedule for the deployment of GPS satellites. The Department of Defense predicts that over the next several years, many of the older satellites will reach the end of their operational life faster than they will be able to be replaced.

A Wall Street Journal article in June concluded that the GPS satellite system—the article cited new interference problems with the signals being transmitted by recently launched GPS satellites, raising additional serious concerns about the timeline for the deployment of the next generation of GPS satellites.

The assessment team reported on a GPS interference incident in San Diego that lasted 3 hours. The GPS system is not failproof. It can be intentionally interfered with or it can stop operating due to atmospheric conditions.

The eLoran would fulfill the requirement established in National Security Presidential Directive 39 for a backup to GPS. This is a modest investment of funds to make sure we do not experience a dangerous gap.

Another myth we keep hearing is that there hasn't been sufficient study into the issue of whether a backup is needed for the GPS system. In fact, as I have indicated, eLoran has been exhaustively studied. The result of these successive scientific and budgetary analyses is that eLoran represents the most cost-effective backup to GPS.

Again, that is not just my opinion. That is the unanimous conclusion of the independent assessment team that was established by the Department of Homeland Security and the Department of Transportation.

I urge the defeat of the amendment.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to amendment No. 1406, offered by the Senator from Arizona, Mr. MCCAIN.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 37, nays 61, as follows:

[Rollcall Vote No. 222 Leg.]

YEAS—37

Barrasso	Ensign	Martinez
Bayh	Enzi	McCain
Bennet	Feingold	McCaskill
Bunning	Graham	McConnell
Burr	Grassley	Risch
Chambliss	Gregg	Roberts
Coburn	Hatch	Sessions
Cochran	Hutchison	Thune
Conrad	Inhofe	Udall (CO)
Corker	Isakson	Vitter
Cornyn	Johanns	Wicker
Crapo	Kyl	
DeMint	Lugar	

NAYS—61

Akaka	Gillibrand	Nelson (FL)
Alexander	Hagan	Pryor
Baucus	Harkin	Reed
Begich	Inouye	Reid
Bennett	Johnson	Rockefeller
Bingaman	Kaufman	Sanders
Bond	Kerry	Schumer
Boxer	Klobuchar	Shaheen
Brown	Kohl	Shelby
Brownback	Landrieu	Snowe
Burris	Lautenberg	Specter
Cantwell	Leahy	Stabenow
Cardin	Levin	Tester
Carper	Lieberman	Udall (NM)
Casey	Lincoln	Voinovich
Collins	Menendez	Warner
Dodd	Merkley	Webb
Dorgan	Mikulski	Whitehouse
Durbin	Murkowski	Wyden
Feinstein	Murray	
Franken	Nelson (NE)	

NOT VOTING—2

Byrd	Kennedy

The amendment (No. 1406) was rejected.

Mrs. MURRAY. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mrs. MURRAY. Mr. President, we have made great progress over the last day on the Homeland Security Appropriations bill. This is a very important bill that provides for the security of this country.

We have made good progress with a number of amendments that we have worked our way through today. We intend to finish this bill tomorrow. We ask Senators from either side of the aisle to notify either myself or the Senator from Ohio, who is managing for the Republicans on this bill, to let us know this evening if they have any amendments they want to be considered; otherwise they may find themselves not able to offer their amendment.

So we ask all Members to please let us know, the managers of this bill, this evening if there are any amendments you will require a vote on tomorrow. We do intend to finish this bill tomorrow.

I also notify Members that the majority leader intends to file cloture on this bill tonight. If we cannot work our way through it tomorrow, we will be here Friday voting on cloture. So I again ask Members to work with us to finish this bill in a very timely manner.

We have got a lot of work done. We expect that we can finish it tomorrow in a timely fashion if we get the cooperation of all Members. I urge Members to get their amendments in to either myself or the Republican manager of this bill by this evening so we can move forward tomorrow.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 1432

Mr. KYL. Mr. President, taking the chairman up on her offer, let me speak on an amendment I got pending earlier today. It is amendment No. 1432. This is an amendment to strike an earmark in the bill. It is a $900,000 earmark for the city of Whitefish emergency operations center in Montana. That is all the amendment does. The amendment does the same thing the administration did in that it terminates a program that the Obama administration terminated in its budget. It is one of several projects that was terminated in the budget submission.

I do not strike the program because I agree or disagree with it. I think you could make an argument that it is a reasonable thing to do. I suspect my colleague from Montana will make that argument. That is not the point. As the administration pointed out, the point is there is a way to do these

projects and then there is a way not to do them. The way not to do them is through earmarks.

The Whitefish emergency operations center has not been subject to a congressional hearing, nor has it been authorized by Congress. Moreover, not only did the administration not request funding for the project, they specifically zeroed out the funding.

On the floor the day before yesterday—or maybe it was yesterday; I have forgotten now—my colleague Senator MCCAIN described several projects, including this project, and noted why it and other earmarks in the bill should not proceed.

He said: The earmarks are in the bill for one reason and one reason only, because of the selective prerogatives of a few Members of the Senate. Sadly, these Members chose to serve their own interests over those of the American taxpayers.

His point also was not that the project is either good or bad, but as the administration noted, there is a way to do it and a way not to do it that is fair to all of the States and to all of the Members, and that way is to have those subject to authorization and then appropriated.

Senator FEINGOLD also on the floor yesterday noted:

> While we all may not agree on the appropriateness of earmarking in general, I certainly hope we can agree that certain things should not be earmarked, including FEMA grant programs such as those that protect Americans from terrorist attack.

I think he is absolutely right, which is why I voted for his amendment earlier this afternoon. These are important projects. These are FEMA projects to protect the American people. Why should they be subject to the earmarking process rather than regular order? Again, that is exactly what the administration had earlier concluded.

I think it is wrong when we are funding projects with very scarce Federal dollars in the name of homeland security and the decision on what to fund is based on the influence of a Senator or a House Member rather than the security risk to Americans.

Especially at a time when unemployment has reached nearly 10 percent and many Americans are obviously hurting a great deal, is it appropriate for Congress to make funding decisions in this manner? Is this the message we want to be sending to our constituents: If you have political power, you can get money earmarked. If you do not, then your community is going to suffer. We are already spending $44.3 billion on this bill. That is $96 million above the President's request and 7 percent above last year's level. Those amounts are significant. And that increase does not include nearly $2.8 billion in stimulus funding.

Current budget projections indicate that we will add, on average, nearly $1 trillion a year to the public debt level from the $7 trillion to date, to $17 trillion in 2019. We have all heard the statistic before that the President's budget doubles the debt in 5 years, triples it in 10 years.

The President's administration said there are some things we should not fund in the way they are funded in this bill. All I am doing is agreeing with the administration not to add more debt on top of what has already been accumulated.

The path forward is not sustainable. I think the head of the OMB has made that point. So I think we need to start making tough decisions around here and we need to respect the congressional budget process. It seems to me the easiest way to make a tough budget decision is when, on a matter of process, we can all agree it is not the right way to proceed.

That is why I think this particular project, though the amount of money is relatively small, is still a good candidate to show we can make those tough decisions as a way of demonstrating to the American public that at least we are willing to start somewhere.

Finally, I will reiterate, I am not here to argue the merits of this project. I am sure my colleague from Montana will describe its merits in glowing terms. To me, that is not the point. The point is that the administration has said this emergency operations grant program should be terminated, it should not exist, we should not spend money on it because this is the wrong way to spend money.

In the document entitled ''Terminations, Reductions and Savings,'' in that volume of the President's fiscal year 2010 budget, the administration states:

> The Administration is proposing to eliminate the Emergency Operations Center (EOC) Grant Program in the 2010 Budget because the program's award allocations are not based on a risk assessment. Also, other Department of Homeland Security grant programs can provide funding for the same purpose more effectively.

I think that rationale demonstrates why we need to support my amendment to eliminate this part. This is only one part of that grant program. But it is a part that I think would at least illustrate to the American people that we want to begin the process and spend this money in the right way.

I ask unanimous consent that the part of the budget designated ''Termination: Emergency Operations Center Grant Program,'' which describes what the administration has said, be printed at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. KYL. I understand that a little bit later we will be able to reach an agreement on voting on several of the amendments. This amendment presumably will be voted on sometime tomorrow. I would hope the proponents and opponents would have a minute each prior to the vote to reiterate their arguments and would hope my colleagues would support amendment No. 1432.

EXHIBIT 1

TERMINATION: EMERGENCY OPERATIONS CENTER GRANT PROGRAM

DEPARTMENT OF HOMELAND SECURITY

The Administration is proposing to eliminate the Emergency Operations Center (EOC) Grant Program in the 2010 Budget because the program's award allocations are not based on risk assessment. Also, other Department of Homeland Security grant programs can provide funding for the same purpose more effectively.

FUNDING SUMMARY

[In millions of dollars]

	2009 Enacted	2010 Request	2010 Change from 2009
Budget Authority	35	0	−35

JUSTIFICATION

The 2008 EOC Grant Program was established to improve emergency management and preparedness capabilities for State and local communities by supporting flexible, sustainable, secure, and interoperable EOCs with a focus on addressing identified deficiencies and needs. However, this focus was compromised, and by 2009, 60 percent of the EOC grant funds were congressional earmarks not allocated by merit-based criteria.

The EOC Grant Program uses award criteria that are not risk-based, and the Administration supports a risk-based approach to homeland security grant awards. This is the best way to allocate resources in order to maximize security gains for the Nation.

In addition, in 2009, EOC construction and renovation was approved as an allowable expense under the Emergency Management Performance Grant Program, thus providing a more effective funding mechanism through which potential grantees prioritize expenditures on EOCs against other emergency management initiatives.

Mrs. MURRAY. Mr. President, I assure the Senator that we do intend to vote on this amendment tomorrow morning. There will be time prior to the vote. We will work out an agreement with the Senator on how much time.

The Senator from Montana is on his way to the floor right now to debate this amendment. I think the Senate has a right to listen to him.

I will say this, having been in the Senate for a long time, we respect other Senators and the knowledge they have about their States. And when they come and talk to one of our committees about a specific need, we listen to them and respect what they know.

I certainly know the Senator from Montana knows this area very well. He has visited it numerous times. He understands the deep concerns that face this region and knows exactly why they need an emergency operations center there. He made a very good argument to the subcommittee, and the subcommittee included it in our mark that is before the Senate today.

The Senator was out on the floor earlier today talking about the importance of having an emergency center located at Whitefish. I will tell all of my colleagues that it is easy to pick out one earmark because it is in someone else's State or region. I am not

from Montana, but I certainly respect the Senator from Montana when he tells me that Montana has suffered numerous natural disasters in recent years, including, I remember, a devastating fire at Glacier National Park.

I do not know all of the geography of this region, but do know that this emergency center in Whitefish, as the Senator from Montana talked to us about it, supports Glacier National Park. That is a national park that all of us have a responsibility for. It is next to an Indian reservation, and Federal land with Federal responsibility. When we talk about an emergency center that assures that we protect the assets of this Nation, I think the Senator from Montana is right in telling our subcommittee that an emergency center is needed there.

The EOCs respond to a lot more than terrorist threats. I remind all of my colleagues of fires, floods, earthquakes, tornados, hurricanes, and countless other disasters.

I notice that the Senator from Montana is on the floor and he can describe to all of us the importance of this EOC in his region.

Disasters happen anywhere in this country at any time, and our local communities have got to have the tools they need to be able to respond effectively, especially when they are next to national assets such as Glacier National Park and an Indian reservation that the Senator will describe to us. But I want to remind all of our colleagues that these so-called earmarks, congressional mandates that we put into these bills, are here because the Senator has come to the subcommittee, described it to us in detail, put them up on their Web sites, and everyone has an opportunity to look at them.

This subcommittee marked up in subcommittee and full committee and had an opportunity to listen to the Senator from Montana describe the need. We respected the wishes of an individual Senator and his understanding of why this emergency operations center was so badly needed in his State. In having the respect of other Senators, this Senate can do the will of the people.

The interesting thing I think all of us should recognize, in writing out where these are going to be, we actually have them in the light of day. They are held accountable. We do have votes on them. People are able to see them. If we just pass funds over to an agency, these decisions are made without any input from people who live in those States, who know the regions and who know the needs of their communities.

I respect the Senator from Montana when he comes to this subcommittee—and I know Senator BYRD, who chairs this subcommittee—when he goes to Senator BYRD and makes a case for what he has. Senator BYRD listens to everybody's requests and puts them into these bills. It is done so out of respect for that Senator and the knowledge of his State. I certainly believe the Senator from Montana has made the case. I urge our colleagues to reject this single-minded amendment that simply picks out one Senator's State and says we will not fund an EOC in their State.

I will oppose this amendment tomorrow when we vote on it.

I yield the floor.

The PRESIDING OFFICER (Mr. BENNET). The Senator from Montana.

Mr. TESTER. Mr. President, I thank the Senator from Washington for her remarks. They were spot on. I had the opportunity to see part of Senator KYL's comments on TV, and I have a few responses. Then I wish to talk about the project.

First, Senator KYL said the EOC program was a target of the administration. His amendment is not taking away the program and zeroing it out. If that is his concern, that is what he should have done. It takes away this specific project.

The second point was about security. The fact is, the EOC program is to respond not only to terrorist activities, which I will get into in a minute, but to all hazards as they apply, natural and manmade.

Finally, fiscal responsibility was the third point. He said we can't afford this earmark. This amendment doesn't save one red cent. It moves it back to FEMA.

I spoke earlier today on the floor about this emergency operations center in Whitefish. I will reiterate some of those points. It is in the northwest part of the State, about 60 miles south of the Canadian border. People who deal with this Nation's security tell us the main threat on the northern border is terrorism. Immigration is the main threat on the southern border. This EOC facility will be located 60 miles south of the border, just west of Glacier National Park, which sits beside the Blackfeet Indian Reservation. To the north, to the west, and to the south of Whitefish are literally millions of acres of forested ground. Whether it is the potential—and I mean potential—that something may happen on the Canadian border that is bad, this center is there. Whether it is the potential of forest fires on Forest Service ground or in the park, this emergency operations center is there. It also houses police, fire, provides for interoperability for radios. It is very much needed.

Their current facility is in the basement. It is about a third the size they need. It is built on a fault line and a flood plain. The fact is, if we want to talk about the need for an emergency operations center in this country, there is no doubt the need is here.

I wish to talk about one other thing. The EOC program is just not for manmade disasters. It is for all disasters. We all know what beetle kill and disease and global warming has done to the forests, and the northwest of Montana is no exception.

This amendment picks on one specific area in one specific State. This picks on an area I happen to know very well. I have been up there several times. I was there last weekend, one of the many weekends I go home, which is every weekend. I was in Whitefish. This area is a good place for an emergency operations center. I am an elected official from the State. I have seen it with my own two eyes. I know what is necessary. We are going to take this away and give this money back to FEMA, to an appointed bureaucrat who probably maybe has been in the State of Montana, maybe not. Chances they have been in Whitefish are doubtful.

This is a good project. I am all for fighting waste. I am all for fighting pork. The fact that we are having this debate speaks to the fact that we have moved a long way in this body, as far as earmarks in the middle of the night plugged in and not having the opportunity to debate them. I will tell my colleagues this: This is a good project. It is a project that spends our taxpayer dollars wisely, and it will benefit the entire country when it is done. It is a project that is very much needed. There is no pork in this. This is about our country's security.

It is unfortunate I didn't have the opportunity to visit with the good Senator from Arizona while he was on the floor because, quite frankly, it may have changed his opinion. Maybe not. I don't know why he singled this project out for his amendment. He brought up the point that the administration took the EOC program, and it was a target of the administration. Then put up an amendment to zero it out. That is not what his amendment does. He talked about fiscal responsibility. This doesn't save a penny. The fact is, if we are talking about security, it is just not manmade terrorism, it is emergency hazards caused by Mother Nature. This facility will help address all those issues.

I appreciate the opportunity to speak to this issue. This is an unfortunate amendment, but we will vote on it and see what happens.

I thank the Senator from Washington for her leadership and support.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. We will be voting on this amendment tomorrow morning. There will be time for debate on this amendment as well.

Mr. CONRAD. Mr. President, I rise to offer for the record, the Budget Committee's official scoring of S. 1298, the Department of Homeland Security Appropriations Act for fiscal year 2010.

The bill, as reported by the Senate Committee on Appropriations, provides $42.9 billion in discretionary budget authority for fiscal year 2010, which will result in new outlays of $25.5 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the bill will total $46.7 billion.

The bill includes $242 million in budget authority designated as being for overseas deployment and other activities for the Coast Guard. Pursuant to section 401(c)(4) of S. Con. Res. 13, the 2010, budget resolution, an adjustment to the 2010 discretionary spending limits and the Appropriations Committee's 302(a) allocation has been made for this amount in budget authority and for the outlays flowing therefrom.

The Senate-reported bill matches its section 302(b) allocation for budget authority and is $1 million below its allocation for outlays. No points of order lie against the committee-reported bill.

I ask unanimous consent that the table displaying the Budget Committee scoring of the bill be printed in the RECORD.

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

S. 1298, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2010

[Spending Comparisons—Senate-reported Bill (in millions of dollars)]

	Defense	General purpose	Total
Senate-Reported Bill:			
Budget Authority	1,582	41,345	42,927
Outlays	1,404	45,298	46,702
Senate 302(b) Allocation:			
Budget Authority	– – –	– – –	42,927
Outlays	– – –	– – –	46,703
House-Passed Bill:			
Budget Authority	1,553	41,064	42,617
Outlays	1,390	44,931	46,321
President's Request:			
Budget Authority	1,365	41,473	42,838
Outlays	1,219	45,079	46,298
SENATE-REPORTED BILL COMPARED TO:			
Senate 302(b) allocation:			
Budget Authority	– – –	– – –	0
Outlays	– – –	– – –	–1
House-Passed Bill:			
Budget Authority	29	281	310
Outlays	14	367	381
President's Request:			
Budget Authority	217	–128	89
Outlays	185	219	404

Note: Both House and Senate bills include $242 million in budget authority designated as being for overseas deployment and other activities for the Coast Guard.

MORNING BUSINESS

Mrs. MURRAY. I ask unanimous consent that the Senate proceed to morning business, with Senators allowed to speak for up to 10 minutes each.

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

The Senator from Iowa.

REMEMBERING ED THOMAS

Mr. GRASSLEY. Mr. President, I think I can be done in 10 minutes, but if I can't be, I would like to have a little bit longer because I am going to talk about a very good Iowan who was murdered 2 weeks ago today. This is the purpose for which I rise. This is coach Ed Thomas. I will get to that in a minute. But before I leave that up there for Senators to view, I wish to tell them, this is not any ordinary high school football coach. This is obviously an old picture because it only goes to 1998. He coached 37 years at this high school. It says here ''championship.'' I know he had a recent State championship as well. He is no ordinary high school football coach. Because in this small town of Parkersburg, IA, the high school is in two towns, Aplington-Parkersburg, IA. It only has 2,000 people in it. But this football coach has taken four of his former players now presently playing in the NFL. At least three and maybe all four of these returned to be pallbearers at his funeral.

We can see this record of the previous decade, and that record would be as good for the last decade. I am only sorry I don't have a more recent picture showing Ed Thomas.

Two weeks ago today, at 10:30 in the morning, a former student, a former football player and the brother of a football player who would have been playing this fall at this high school, came into the weight room at Parkersburg High School. This coach was always there because he wanted to encourage his players to work out and to be healthy. He was there with them. This former student came in and killed him with a gun. Didn't bother anybody else. That was it. He was rushed to the hospital but probably dead on arrival.

I say how outstanding he was and how well liked he was. About 12 months before that, a tornado went through Parkersburg destroying about a third of the town. This is a town of only 2,000. This coach had his house blown away, but he didn't worry about himself. He headed for his high school, which was also destroyed, to do immediately what he could to help turn things around.

I have prepared remarks where I will refer to this so colleagues will be hearing it twice. His goal from that Memorial Day weekend to the opening of the football season, the first Friday night in August, was to have that football field ready to go so they could play football as they have. They had a very outstanding season.

This is a person who led a community. He was not just a football coach. My home of 75 years is 10 miles from that high school. They were our competitors. There is very fierce competition between football teams in these small towns of the Midwest. I went Sunday afternoon. The viewing of the body was from 3 to 8. The next day the funeral had 2,500 people at it. But at the time—I get there at 3 o'clock—the line was 3 blocks long. I stood in line 3 hours to get to say my condolences to the family and to view. This family was so strong that they probably gave more comfort to the people who were there to view than each of us gave to the family.

Three hours, and I thought: How long is the line? By 6:30, the line was 4 blocks long. That family stood there until 11 o'clock that night to greet all the friends of this beloved Iowa coach.

With that as background, I came to the floor to give this statement. I thought I ought to put it in some context.

I come before the Senate with the heavy heart of an entire community and in humble recognition of a man who, by all accounts, was a servant of God in every sense, a person who put his faith to work by mentoring the young people of his community as a teacher and a football coach, a person who put his faith to work by providing a guiding hand as the community recovered from the tragedy of a tornado just a little over a year ago, a person who put his faith to work as a father, a husband, and an elder in the church.

Parenthetically, I wish to say this about the close-knit families we have in the small communities of Iowa. It happens that Coach Thomas and the family of the murderer go to the same church. The person who did the murdering had, I assume from the newspaper, a drug problem. The Sunday before the murder, so the newspapers tell me, the family of the person with the drug problem who did the murder asked in the church, would they pray for their son. Coach Ed Thomas led the prayer for that son, as it was reported in the newspaper.

It was barely a year ago when news reports came across the wires about a small Iowa farming town that was devastated by an F–5 tornado that tore across the community and leveled hundreds of homes and businesses—with eight people dying—the school and what locals call the Sacred Acre or, to the rest of us the famous Parkersburg Falcon football field.

Just last week, this same town was hit with possibly a more crushing blow than a tornado could ever take from a town. The caretaker of the Sacred Acre, the beloved football coach and town leader, Coach Ed Thomas, was senselessly murdered in front of his very own students.

In our area of the State, it is not hard to know Coach Thomas. He was a pillar of the community. His success on the football field made him an icon in his profession—two State championships and four players currently in the NFL. But the people who knew him will remember him most for his leadership off the field.

It was his leadership that helped pull up the community that was knocked off its feet by the F–5 tornado. His declaration in the aftermath of the tornado that the Aplington-Parkersburg boys would play football on their home field in just a couple months gave the town of Parkersburg, IA, purpose in the most difficult of times.

It was the Sacred Acre that brought everyone in town together, and it was the whole town that put the Sacred Acre back together so they could start the football season on time in that home game, the last Friday of August.

Coach Thomas and his Sacred Acre brought out the best in the community, just as he brought out the best in his team with what Coach Thomas called, ''strength in togetherness.''

His impact reached the people of this community long before that fateful day in May 2008. For nearly four decades, Coach Thomas led young men in more than just the game of football. He led

them in the lessons of life. His current and former players have been seen and heard everywhere—each of them now sharing lessons that will be passed on yet to another generation.

Most of us can remember that one coach or that one teacher who had the greatest impact on each of us. For many in the Parkersburg community, that one person was Coach Thomas.

He was well known for getting the best out of his players and students. He was always providing motivation to his kids. But those who knew Coach Thomas best say his No. 1 talent was friendship. His friend, Al Kerns, said:

He only saw the best in others, and I guess that's why he got all this back.

''This'' being the outpouring of compassion from people across Iowa. It may be best demonstrated by the scene in Parkersburg last week at the funeral. As the hearse traveled from the funeral to the nearby cemetery, the streets were lined four or five deep with myriads of color. It has been a true testament to the reach of this icon, not only because of the sheer numbers of people but the myriad of colors that came from high school football teams from all across Iowa that came in their game jerseys to honor a selfless man who shared his playbook as well as his heart.

The tributes made since that tragic morning show that even after his death, Ed Thomas is teaching us to be better people by the way he lived his life.

It has been obvious that his two sons have taken his life lessons to heart, just like many others. I continue to be struck by the poise of his sons who have performed the most monumental task by asking us to pray for the family of the man who killed their father. I cannot think of a greater tribute to their dad than the actions they have performed and the words they have spoken over the last 10 days. There is no question in my mind that these two young men possess the same qualities as their father and that these two boys will continue his legacy.

Aaron Thomas, the oldest of Ed and Jan's two boys, said this at the funeral. He actually said more than I am going to quote, but this is a very important part:

You can be sad the rest of the day, but come tomorrow, once you wake up, it's time to get going . . . there's a lot of work to be done in this town.

While this community's heart is heavy, they will move forward to see the brightness of another day and of another game, just as Coach Thomas would have wanted.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, before I make my remarks, I want to express my appreciation to Senator GRASSLEY for his obviously passionate and compassionate remarks about a story and a man who has captured America. As Senator GRASSLEY knows, I have the privilege of visiting Iowa once or twice a year and have dear friends there, and I know how strong the people of Iowa are.

I want to tell Senator GRASSLEY, his remarks, his compassion, and his passion are appreciated, I am sure, not only by the family and all Iowans but all of us in America, as we share in the tragedy and loss of a great man. I commend him on his remarks.

TRIBUTE TO NEAL BOORTZ

Mr. ISAKSON. Mr. President, I rise for just a minute to talk about a gentleman who resides in my State, a man I have known for 40 years, and a man I, never in a million years, thought I would stand on the floor of the Senate and brag about. But today I did something I have never done. I voted on the Internet in relation to the National Radio Hall of Fame nominees for 2009 for a gentleman by the name of Neal Boortz.

Neal Boortz is a daytime talk show host in the city of Atlanta. He started in radio with Ring Radio in 1969, a little old 1,000-watt station in Brookhaven, GA. Now he is one of the leading talk show hosts in terms of audience in the United States of America.

He is syndicated on 230 different stations, has an audience of 5 million people, and calls himself the High Priest of the Church of the Painful Truth. I have to rise and tell you as a politician who has been both the victim and the beneficiary of any number of Neal's diatribes, he is exactly that. He is a man of the painful truth. He can find the facts on any issue. He can get to the core of the issue, and he can move communities to do good things and do the right thing.

I was delighted to hear that the National Radio Foundation has nominated him for this award, and I want to say today I voted for him because I sincerely hope he gets the recognition for three reasons: One is, while he is not always right, he is seldom in doubt. His passion for what he believes rubs off, and I think that is important.

Secondly, he loves to be challenged. Unlike so many you hear on the radio who want you to believe it is their way or the highway, he loves to share his own ideas. He has published three books. The first one, ''The Terrible Truth About Liberals,'' is on its sixth publishing. ''The FairTax Book,'' which he cowrote with a Georgia Congressman, JOHN LINDER, has been on the New York Times Best Seller list for a long period of time.

Right now, his most recent book—and that is, ''Somebody's Got to Say It,'' which he oftentimes does—is in its second printing and No. 2 on the New York Times Best Seller list.

But the best part of Neal Boortz is not the thousands he has influenced in over 40 years on the radio, his humor and his passion. It is not his longevity. It is the fact that he always gives back to his community and his State.

Just one shining example is his wife Donna, who, by the way, prides herself in saying she has never listened to 1 minute of Neal's radio show. But Neal donated the proceeds of his book sales to Donna for the establishment of a foundation, which she uses that money to help those less fortunate, those in need, and those on the cusp of doing great things who need a little encouragement and a little capitalization.

So as all of us have our opinions from time to time about talk radio or journalism or commentaries or those who may sometimes accuse us and sometimes praise us as politicians, I am delighted to stand on the floor of the Senate and praise a man from my State who for 40 years has given the best he has, who has fought for what he believed in but accepted being challenged, and who always tried to say and do the right thing for America and the right thing for our community.

It is my sincere hope when the voting ends on October 1, that millions of Americans will have gone to the poll on the Internet, radiohof.org, and cast their vote for Neal Boortz.

Mr. President, I yield back.

The PRESIDING OFFICER. The Senator from Illinois.

HEALTH CARE REFORM

Mr. BURRIS. Mr. President, we have all heard that America's health care system is in crisis. But all too often, Washington loses sight of what is truly at stake. Some talk constantly about how much reform will cost, but without action more and more hard-working Americans will lose coverage.

Soaring health care costs are increasing the burdens on the American people, American businesses, and our government. Today, our health care system stands on the brink of collapse.

Over the past 2 years, 3.5 million Illinois residents, nearly 31 percent of the under-65 population, have been without health care insurance at one time or another. How can we allow American citizens to live in fear that the next cough or fever would put them in the poorhouse? There is a better way.

Even for those who manage to stay insured amid the current climate of rapid increasing costs, the economic toll of paying for insurance can be crippling to middle-class families.

Over the past 9 years, insurance premiums have more than doubled. By 2016 the projected cost of insurance for a family of four in Illinois will top $25,000 a year, meaning for a median income family in my State, nearly half of their earnings would be spent for health insurance. Obviously, this would prove disastrous to people in Illinois and across the Nation.

The pressure of increasing premiums is hurting our economy from the business side as well. Small businesses in particular often cannot afford to provide care for their workers. In 2006 only 41 percent of Illinois businesses with less than 50 employees were able to

offer coverage. Over the next few years, an additional 19 percent of American small businesses may be forced to eliminate their coverage as well. But there is a better way.

From a government standpoint, we are currently spending 4 percent of the GDP on Medicare and Medicaid. By 2040, that number could reach 15 percent. This level of government spending would be unsustainable. There is a better way.

Meaningful reform could cut costs for families, save small businesses, and even help pay down the budget deficit.

Some still say the cost of reform is too high. But the choice is clear: We can invest in the right reform now, ensuring quality health care in the future and sustained cost reductions in the long term, or we can do nothing and watch as the cost of health care steadily increases until it drives our families—and our country—to financial ruin.

My colleagues and I have real solutions. We can ensure that every single American has access to quality, affordable health care. We can save money on administrative costs and put an end to coverage denials due to preexisting conditions. With a shift in our focus from what we refer to as ''sick care'' and toward preventive medicine, we can keep people healthier, bolster our economy, and we can save money. This is the better way.

I urge my colleagues to leave partisanship at the door and do what is right for the American people. We cannot afford to do any less.

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

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

Mr. REID. Mr. President, I also understand we are in morning business.

The PRESIDING OFFICER. The Senator is correct.

UNANIMOUS CONSENT AGREEMENT—S. 1390

Mr. REID. I ask unanimous consent that on Monday, July 13, after the pledge, prayer, and any leader remarks, the Senate proceed to the consideration of Calendar No. 89, S. 1390, the Department of Defense Authorization bill.

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

CONCLUSION OF MORNING BUSINESS

Mr. REID. I ask unanimous consent that morning business be closed.

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

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2010—Continued

Mr. REID. Mr. President, I appreciate everyone's cooperation. As I have said on a number of occasions, it may not appear that a lot of work is being done, but we have committee action taking place, we have had a lot of work on health care today, and we have had energy meetings today involving six committee chairs.

We are trying to figure out how we can proceed in the next week. I appreciate everyone's patience.

What is the pending business?

The PRESIDING OFFICER. H.R. 2892.

Mr. REID. Is that the Homeland Security appropriations bill?

The PRESIDING OFFICER. Yes.

CLOTURE MOTION

Mr. REID. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Byrd substitute amendment No. 1373 to H.R. 2892, the Homeland Security Appropriations Act for Fiscal Year 2010.

Harry Reid, Patty Murray, Jon Tester, Daniel K. Inouye, Kay R. Hagan, Tom Harkin, Bill Nelson, Mark R. Warner, Sheldon Whitehouse, Mark Begich, Frank R. Lautenberg, Ron Wyden, Barbara A. Mikulski, Barbara Boxer, Patrick J. Leahy, John D. Rockefeller, IV, Jack Reed.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.R. 2892, the Homeland Security Appropriations Act for Fiscal Year 2010.

Harry Reid, Barbara Boxer, Mark Udall, Jack Reed, Jon Tester, Jeanne Shaheen, Al Franken, Evan Bayh, Patrick J. Leahy, Richard J. Durbin, Carl Levin, Byron L. Dorgan, Daniel K. Inouye, Blanche L. Lincoln, Joseph I. Lieberman, Ron Wyden, Mary L. Landrieu.

Mr. REID. I ask unanimous consent that the mandatory quorum with respect to those cloture motions be waived.

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

Mr. REID. I ask unanimous consent that on Thursday, July 9, when the Senate resumes consideration of H.R. 2892, there be 10 minutes of debate prior to a vote in relation to the Kyl amendment No. 1432, with the time equally divided and controlled between Senators TESTER and KYL or their designees; that no amendment be in order to the amendment prior to a vote in relation thereto; that upon the use or yielding back of the time, the Senate proceed to vote in relation to amendment No. 1432.

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

MORNING BUSINESS

Mr. REID. I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators allowed to speak therein for up to 10 minutes each.

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

The Senator from Delaware.

CLASHES IN CHINA

Mr. KAUFMAN. Mr. President, this week, bloody clashes have erupted between the minority Uighur community and the majority Han ethnic group in the Xinjiang region of western China. Reports indicate that the Chinese Government has responded with a heavy hand—deploying police and paramilitary troops, establishing a curfew, closing mosques, cutting off Internet and mobile phone access, and rounding up and arresting innocent civilians.

The state-controlled media reported that at least 156 Chinese citizens have been killed, more than 1,000 have been injured, and approximately 1,400 have been arrested since the clashes began earlier this week.

I am deeply concerned about ongoing tension in Xinjiang and believe the senseless loss of life, suppression of press freedom, and violations of basic human rights is unconscionable in China, and anywhere else in the world.

Today, I call on all parties to demonstrate restraint, end the violence, cease persecution of minorities, and protect fundamental human rights. I also call on the Chinese Government to open Internet and mobile phone access, end jamming of international broadcasting, and lift the grave and growing restrictions on the press.

We all know independent journalists have been censored for decades in China—a fact that is painfully evident as we try to understand how recent demonstrations metastasized into violence in western China.

According to the State Department Report on Human Rights for 2009, the Chinese Government has increased cultural and religious repression of ethnic minorities, including on the Muslim Uighurs. It appears that as ethnic tensions rose, members of the Uighur community took to the streets, resulting in an aggressive crackdown by the Chinese security forces on Sunday.

The exact circumstances by which violence transpired remains unclear, largely because the government censors information including the official number of casualties.

In what can only be described as questionable, these numbers have remained stagnant in the past two days

despite ongoing violence and civil unrest.

In recent years, the Chinese Government has demonstrated great efficiency in monitoring the Internet and restricting Web sites such as Facebook, My Space, Twitter, YouTube, blogs, and other outlets of information to monitor the free exchange of ideas among its people and the press.

It has also used advanced technology to jam international satellite and radio broadcasting including the U.S.-funded Voice of America and Radio Free Asia.

In Xinjiang specifically, it has shut down more than 50 Uighur language Internet forums, jammed Radio Free Asia's Uighur-language service, and cut off Internet and mobile phone access in the past week.

In fact, Li Zhi, a top Communist Party official in Urumqi, the capital of Xinjiang, Province, confirmed yesterday that the government cut off Internet access to the region.

Because of such limitations, the Han population now believes that the Uighurs are solely responsible for ongoing unrest, and such misperceptions have elevated the level of ethnic tension. By creating a vacuum of information in and out of Xinjiang, the Chinese Government has exacerbated the crisis.

While the casualty numbers remain uncertain, it is clear that recent developments have incurred an immeasurable human toll, including—but not limited to—the loss of innocent lives.

There have been pictures of children in hospitals, who have been forced to witness violence perpetrated against their parents. The Washington Post today reported emotional stories of women demanding the return of their missing husbands.

And the UK's Guardian reveals an image of an elderly woman on crutches standing defiantly in front of a police riot bus, an image which is eerily reminiscent of the bravery and defiance demonstrated 20 years ago in Tiananmen.

These glimpses of ongoing developments stir great empathy and anger, and it is essential that the whole story be told, among the international community and also within China. This is why I call on the Chinese Government to provide unimpeded press coverage and Internet access, allow journalists to report without restrictions. I condemn the continued repression of Uighurs and violence perpetrated against all innocent civilians in China and hope the ongoing unrest will soon be brought to an end.

BRITISH HEALTH CARE

Mr. KYL. Mr. President, a July 7, 2009, Wall Street Journal editorial ''Of NICE and Men'' describes the denial and delay of health care in Britain as a result of decisions by the British government's health care cost-containment board, the National Institute for Health and Clinical Excellence, NICE.

The article quotes the Guardian, which in 1998 reported, ''Health ministers are setting up [NICE], designed to ensure that every treatment, operation, or medicine used is the proven best. It will root out under-performing doctors and useless treatments, spreading best practices everywhere.''

Yet NICE routinely denies patients the very treatments and medications they need.

For example, according to the editorial, ''NICE ruled against the use of two drugs, Lapatinib and Sutent, that prolong the life of those with certain forms of breast and stomach cancer.''

Explaining the ruling against the use of a drug that would help terminally ill kidney-cancer patients, Peter Littlejohns, NICE's clinical public health director, said there is ''a limited pot of money.''

The editorial provides numerous other examples of drugs and treatments that are either denied or restricted in order to reduce costs.

And it explains how NICE has even assigned a mathematical formula for determining the maximum amount the government will spend to extend a life for 6 months.

President Obama has praised countries that spend less than the U.S. on health care, while saying we can spend less here too, even while adding tens of millions to a government-run health care program and improving the quality of care.

This editorial clearly and concisely outlines why this cannot be achieved and why, if President Obama's health care plan passes, the administration's new Council for Comparative Effectiveness Research could eventually gain the same authority to deny or delay treatments and care as Britain's NICE.

I ask unanimous consent that this article be printed in the RECORD, and urge my colleagues to consider the facts and arguments contained in this editorial.

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

[From the Wall Street Journal, July 7, 2009]

OF NICE AND MEN

Speaking to the American Medical Association last month, President Obama waxed enthusiastic about countries that ''spend less'' than the U.S. on health care. He's right that many countries do, but what he doesn't want to explain is how they ration care to do it.

Take the United Kingdom, which is often praised for spending as little as half as much per capita on health care as the U.S. Credit for this cost containment goes in large part to the National Institute for Health and Clinical Excellence, or NICE. Americans should understand how NICE works because under ObamaCare it will eventually be coming to a hospital near you.

* * *

The British officials who established NICE in the late 1990s pitched it as a body that would ensure that the government-run National Health System used ''best practices'' in medicine. As the Guardian reported in 1998: ''Health ministers are setting up [NICE], designed to ensure that every treatment, operation, or medicine used is the proven best. It will root out under-performing doctors and useless treatments, spreading best practices everywhere.''

What NICE has become in practice is a rationing board. As health costs have exploded in Britain as in most developed countries, NICE has become the heavy that reduces spending by limiting the treatments that 61 million citizens are allowed to receive through the NHS. For example:

In March, NICE ruled against the use of two drugs, Lapatinib and Sutent, that prolong the life of those with certain forms of breast and stomach cancer. This followed on a 2008 ruling against drugs—including Sutent, which costs about $50,000—that would help terminally ill kidney-cancer patients. After last year's ruling, Peter Littlejohns, NICE's clinical and public health director, noted that ''there is a limited pot of money,'' that the drugs were of ''marginal benefit at quite often an extreme cost,'' and the money might be better spent elsewhere.

In 2007, the board restricted access to two drugs for macular degeneration, a cause of blindness. The drug Macugen was blocked outright. The other, Lucentis, was limited to a particular category of individuals with the disease, restricting it to about one in five sufferers. Even then, the drug was only approved for use in one eye, meaning those lucky enough to get it would still go blind in the other. As Andrew Dillon, the chief executive of NICE, explained at the time: ''When treatments are very expensive, we have to use them where they give the most benefit to patients.''

NICE has limited the use of Alzheimer's drugs, including Aricept, for patients in the early stages of the disease. Doctors in the U.K. argued vociferously that the most effective way to slow the progress of the disease is to give drugs at the first sign of dementia. NICE ruled the drugs were not ''cost effective'' in early stages.

Other NICE rulings include the rejection of Kineret, a drug for rheumatoid arthritis; Avonex, which reduces the relapse rate in patients with multiple sclerosis; and lenalidomide, which fights multiple myeloma. Private U.S. insurers often cover all, or at least portions, of the cost of many of these NICE-denied drugs.

NICE has also produced guidance that restrains certain surgical operations and treatments. NICE has restrictions on fertility treatments, as well as on procedures for back pain, including surgeries and steroid injections. The U.K. has recently been absorbed by the cases of several young women who developed cervical cancer after being denied pap smears by a related health authority, the Cervical Screening Programme, which in order to reduce government healthcare spending has refused the screens to women under age 25.

We could go on. NICE is the target of frequent protests and lawsuits, and at times under political pressure has reversed or watered-down its rulings. But it has by now established the principle that the only way to control health-care costs is for this panel of medical high priests to dictate limits on certain kinds of care to certain classes of patients.

The NICE board even has a mathematical formula for doing so, based on a ''quality adjusted life year.'' While the guidelines are complex, NICE currently holds that, except in unusual cases, Britain cannot afford to spend more than about $22,000 to extend a life by six months. Why $22,000? It seems to be arbitrary, calculated mainly based on how much the government wants to spend on health care. That figure has remained fairly constant since NICE was established and doesn't adjust for either overall or medical inflation.

Proponents argue that such cost-benefit analysis has to figure into health-care decisions, and that any medical system rations care in some way. And it is true that U.S. private insurers also deny reimbursement for some kinds of care. The core issue is whether those decisions are going to be dictated by the brute force of politics (NICE) or by prices (a private insurance system).

The last six months of life are a particularly difficult moral issue because that is when most health-care spending occurs. But who would you rather have making decisions about whether a treatment is worth the price—the combination of you, your doctor and a private insurer, or a government board that cuts everyone off at $22,000?

One virtue of a private system is that competition allows choice and experimentation. To take an example from one of our recent editorials, Medicare today refuses to reimburse for the new, less invasive preventive treatment known as a virtual colonoscopy, but such private insurers as Cigna and United Healthcare do. As clinical evidence accumulates on the virtual colonoscopy, doctors and insurers will be able to adjust their practices accordingly. NICE merely issues orders, and patients have little recourse.

This has medical consequences. The Concord study published in 2008 showed that cancer survival rates in Britain are among the worst in Europe. Five-year survival rates among U.S. cancer patients are also significantly higher than in Europe: 84% vs. 73% for breast cancer, 92% vs. 57% for prostate cancer. While there is more than one reason for this difference, surely one is medical innovation and the greater U.S. willingness to reimburse for it.

* * *

The NICE precedent also undercuts the Obama Administration's argument that vast health savings can be gleaned simply by automating health records or squeezing out ''waste.'' Britain has tried all of that but ultimately has concluded that it can only rein in costs by limiting care. The logic of a health-care system dominated by government is that it always ends up with some version of a NICE board that makes these life-or-death treatment decisions. The Administration's new Council for Comparative Effectiveness Research currently lacks the authority of NICE. But over time, if the Obama plan passes and taxpayer costs inevitably soar, it could quickly gain it.

Mr. Obama and Democrats claim they can expand subsidies for tens of millions of Americans, while saving money and improving the quality of care. It can't possibly be done. The inevitable result of their plan will be some version of a NICE board that will tell millions of Americans that they are too young, or too old, or too sick to be worth paying to care for.

CRISIS IN HONDURAS

Mr. LEAHY. Mr. President, I want to speak briefly about the current political crisis in Honduras. Vermont and Honduras have had a long, close relationship through the Partners of the Americas, and many Vermonters regularly travel to Honduras to engage in health care and other humanitarian and development work in rural communities.

Last week a lawfully elected President—Manuel Zelaya—was forcibly removed from office and flown to a neighboring country by the Honduran military. The military and the Supreme Court apparently believed that President Zelaya was acting in a manner that was contrary to the Honduran Constitution. While such an accusation is troubling, military coups cannot be condoned, particularly when Honduras' Constitution contains provisions to handle such concerns—impeachment, for one.

The sooner the Honduran military reverses course and allows President Zelaya to return the better it will be for Honduras and all of Central America. He has pledged to leave office at the end of his term, unlike other Latin American leaders who seem to believe constitutions are to be amended with the stroke of a pen so they can remain in office. When President Zelaya returns, if there is credible evidence that he broke laws, he should be held accountable in accordance with the laws of the country.

While I condemn the actions of the Honduran military, I applaud the efforts of the Organization of American States, with the support of the Obama administration, to defuse this situation diplomatically. Removing Honduras' membership and beginning to impose sanctions in concert with widespread international condemnation is the appropriate response.

We should also recognize that the people of Honduras appear to be deeply divided over President Zelaya. Rural Hondurans in particular have been dissatisfied with his performance as President. When he returns to office I hope he reconsiders his priorities and focuses his efforts on improving the lives of the people of Honduras who are most in need of the government's assistance.

HOSPITAL QUALITY REPORT CARD ACT

Mr. JOHANNS. Mr. President, I wish to speak to the Department of Veterans Affairs Hospital Quality Report Card Act of 2009.

One of my proudest jobs in the Senate is serving on the Senate Committee on Veterans' Affairs. Among its other roles, this committee provides oversight of VA health facilities, working with information from the VA, its Inspector General, Veterans Service Organizations, and the general public. We work with a lot of information—it is, after all, our committee's job. But sifting through a pile of reports to find the best hospitals should not be a full time job for those who need health care. This bill will help ensure that it is not.

Not later than 18 months after the date of enactment of this bill, the VA would be mandated to establish a Hospital Quality Report Card Initiative. Under the Initiative, the Secretary would be required to publish reports on the VA's hospitals which assess health care effectiveness, safety, timeliness, efficiency, patient-centeredness, satisfaction of patients and health professionals, and care equity. These factors would be assessed as letter grades, to ensure that the results of these reports are not swabbed over with bureaucratic jargon.

In collecting and reporting this data, the Secretary would have to include extensive and detailed patient-centered information such as staffing levels of nurses, rates of infections contracted at VA hospitals, volume of various procedures performed, hospital sanctions and other violations, the availability of emergency rooms, the quality of care in various hospital settings, and additional measures determined appropriate by the VA Secretary. Each report submitted under the Initiative would have to be available in electronic and hard copy formats, in an understandable manner, and allow for a comparison of the individual VA hospital quality with local or regional hospitals.

The bill would further mandate that the Secretary institute quality control measures to identify potential data irregularities that would lead to artificial improvements in the hospital's quality measurements. In addition, the Secretary would need to evaluate and periodically report to Congress—and the public—on the effectiveness of this Initiative.

I believe that our veterans should easily be able to identify the best hospitals around them. It is unconscionable to make often elderly and disabled veterans wade through pages of statistical data in order to assure themselves that their local VA health facility is providing the best care possible. Often, the factors veterans care about such as the wait times for appointments and medical attention—are not measured reliably or presented to veterans in an accessible or usable fashion. I want to change that. Information on health facilities should not be a privilege; it should be an obligation for the Department of Veterans Affairs. This legislation is a positive step in the right direction.

I encourage my colleagues to cosponsor this commonsense legislation.

COMMENDING ARNOLD PALMER

Mr. CASEY. Mr. President, today, I honor one of the great sports legends of all time, Arnold Palmer. Not only is Arnold Palmer a world-class athlete, he is a generous philanthropist and devoted husband, father, and grandfather. This son of Latrobe, PA, changed the game of golf, both how it is played and how it is appreciated, forever.

Mr. Palmer learned how to play golf when he was merely 4 years old, playing with clubs his father had cut down for him at Latrobe Country Club. His talent emerged visibly at an early age, and he was soon able to outplay children far older than him. He began to caddy when he was 11 years old and later held almost every job at the country club. In his late teens, he also served as a member of the U.S. Coast Guard.

His seven major career victories make Mr. Palmer one of the greatest golfers of all time. He won the Masters Tournament four times in 1958, 1960,

1962, and 1964; the U.S. Open in 1960 and the British Open in 1961 and 1962. He twice represented the United States in the Ryder Cup Match, including serving as captain of the victorious American team in 1963.

In 1997, he successfully battled prostate cancer and is a champion of programs supporting cancer research and early detection. In addition to the numerous charities he supports, Mr. Palmer led a fundraising drive creating the Arnold Palmer Hospital for Children in Orlando and the Latrobe Area Hospital Charitable Foundation.

Mr. Palmer has led by example in kindness, good sportsmanship, and generosity. Today, along with my colleagues, I ask Congress to award Mr. Palmer a gold medal in recognition of his service to the Nation in promoting excellence and good sportsmanship in golf.

ADDITIONAL STATEMENTS

REMEMBERING JOHANNA JUSTIN-JINICH

● Mr. BENNET. Mr. President, on Wednesday, May 6, 2009, Johanna Justin-Jinich, a resident of Timnath, CO, was senselessly murdered in Middletown, CT. Johanna was a member of the Class of 2010 at Wesleyan University—my alma mater. Faculty and students alike describe a vibrant, intelligent, creative, and compassionate young woman. A young woman whose short life was full of exuberance and study—and public service. Johanna's friends note that her warmth, passion, and dedication to those she loved that defined her life to the very end. And these qualities are what they will miss the most.

Johanna's family and her friends have suffered an unspeakable loss and will no doubt continue to grieve for the loss of someone so compassionate, so dedicated, and so giving. Wesleyan University and the town of Timnath have witnessed the passing of one too young and with so much potential to serve the public good. She was particularly committed to helping women gain access to proper health care and resources, regardless of their means. Johanna's concern for public health can be traced back to her family. Her maternal grandmother, a Holocaust survivor, was a doctor, as are both of her parents.

As Wesleyan's president, Michael Roth, said ''We return to the rhythms of our campus lives with the memory of our loss still very fresh. We turn again, and we remember. May Johanna's memory be a blessing to us all.''●

COMMENDING CUSTOM CORDAGE, LLC

● Ms. SNOWE. Mr. President, today I recognize the contributions of a tremendously innovative small business from my home State of Maine—Custom Cordage, LLC—that has taken on the mission of helping lobstermen dispose of their old, unusable rope by transforming it into charming gifts.

When Maine lobstermen went to set their traps this spring, they first had to replace the rope they used to connect one lobster trap to another as the result of a new regulation banning the use of traditional floating rope. It requires lobster pots to be linked with sink-rope, the goal being to reduce the risk of entangling whales. Regrettably, Maine's lobstermen face a financial burden as the new sink-rope can cost twice as much as float-rope and is far more expensive to maintain. Additionally, the new regulation threatened to result in hundreds of thousands of pounds of unusable rope clogging local landfills.

Aware of this mounting problem for Maine's lobstermen, David Bird, owner of Custom Cordage, a Waldoboro company that manufactures a variety of rope, cord, and similar products, decided last summer to begin making doormats out of retired float-rope. This colorful float-rope is uniquely weathered by seasons of use and exposure to salt water, producing a distinctive and lasting gift. Previously, the repurchased float-rope was melted and reformed as cheap plastic pots for plants. Now, the float-rope is beginning to grace the front doors of houses across the country in the form of high-quality, handwoven doormats.

Mr. Bird's creative and novel idea has caught the Nation's attention quickly. His company produces roughly 40 mats each day, and customers from across the Nation purchase over a thousand mats per month! An exceptional product, these vivid doormats were recently acknowledged as the ''Best New Product'' at this year's New England Products Trade Show in Portland.

Maine's lobster industry, comprised of more than 7,000 owner-operated small businesses, is a pillar of Maine's fishing industry and of our State's economy. Thanks to the forward-looking actions of Mr. Bird, lobstermen can more effectively offset the cost of upgrading to sink-rope, and the old float-rope can be kept out of local landfills. My sincerest thanks to Mr. Bird and everyone at Custom Cordage for their devotion to building forward-thinking small businesses that help our environment, our lobstermen, and our local economy. I wish them all success with this and future endeavors.●

COMMENDING MAINE FLOAT-ROPE COMPANY

● Ms. SNOWE. Mr. President, today I recognize the contributions of a tremendously innovative small business from my home State of Maine—the Maine Float-Rope Company—that has taken on the mission of helping lobstermen dispose of their old, unusable rope by transforming it into charming gifts.

When Maine lobstermen went to set their traps this spring, they first had to replace the rope they used to connect one lobster trap to another as the result of a new regulation banning the use of traditional floating rope. It requires lobster pots to be linked with sink-rope, the goal being to reduce the risk of entangling whales. Regrettably, Maine's lobstermen face a financial burden as the new sink-rope can cost twice as much as float-rope and is far more expensive to maintain. Additionally, the new regulation threatened to result in hundreds of thousands of pounds of unusable rope clogging local landfills.

Seeking to keep the old rope out of landfills, Penny Johnston, a sales and marketing specialist, established the Waldoboro-based Maine Float-Rope Company in April of this year. Her goal was to ramp up sale of the resourceful doormats that a local company, Custom Cordage, began creating last summer out of retired float-rope. Specifically, her company sells the attractive and durable Down East Doormats that are constructed using the colorful float-rope that is uniquely weathered by seasons of use and exposure to salt water. Previously, the repurchased float-rope was melted and reformed as cheap plastic pots for plants. Now, the float-rope is beginning to grace the front doors of houses across the country in the form of high-quality, handwoven doormats. In fact, since Ms. Johnston's involvement, sales have skyrocketed, with Maine Float-Rope selling over a thousand mats per month!

In addition, Maine Float-Rope donates a percentage of its profits to organizations that support the vitality of lobstermen, the protection of North Atlantic right whales, and a host of groups that advocate for environmentally sound practices. An exceptional product, the vivid Down East Doormat was recently acknowledged as the ''Best New Product'' at this year's New England Products Trade Show in Portland.

Ms. Johnston, who calls herself a ''green entrepreneur,'' has a successful record of starting businesses based on creative uses of old and recycled material. Prior to founding the Maine Float-Rope Company, Ms. Johnston started The Maine Barn Furniture Company, which took wood from old, dilapidated barns and used it to make handsome tables. She also started Historic Hardscapes, a unique business that reclaims and reuses old hand-cut granite from abandoned farmlands and quarries across the State. Down East Doormats are one more example of how Ms. Johnston finds innovative ways to turn what others would simply discard into high-quality products.

Maine's lobster industry, comprised of more than 7,000 owner-operated small businesses, is a pillar of Maine's fishing industry and of our State's economy. Thanks to the actions of Ms. Johnston, lobstermen can more effectively offset the cost of upgrading to

sink-rope, and the old float-rope can be kept out of local landfills. My sincerest thanks to Ms. Johnston and everyone at the Maine Float-Rope Company for their devotion to building forward-thinking small businesses that help our environment, our lobstermen, and our local economy. I wish them all success with this and future ''green entrepreneurial'' endeavors.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 11:32 a.m., a message from the House of Representatives, delivered by Mrs. Cole, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1129. An act to authorize the Secretary of the Interior to provide an annual grant to facilitate an iron working training program for Native Americans.

H.R. 3114. An act to authorize the Director of the United States Patent and Trademark Office to use funds made available under the Trademark Act of 1946 for patent operations in order to avoid furloughs and reductions-in-force, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 135. Concurrent resolution directing the Architect of the Capitol to place a marker in Emancipation Hall in the Capitol Visitor Center which acknowledges the role that slave labor played in the construction of the United States Capitol, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1129. An act to authorize the Secretary of the Interior to provide an annual grant to facilitate an iron working training program for Native Americans; to the Committee on Indian Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2241. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, status reports relative to Iraq for the period of April 15, 2009, through June 15, 2009; to the Committee on Armed Services.

EC–2242. A communication from the Secretary of the Army, transmitting, pursuant to law, a report relative to recruitment incentives; to the Committee on Armed Services.

EC–2243. A communication from the Acting Deputy Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the Department's purchases from foreign entities in Fiscal Year 2008; to the Committee on Armed Services.

EC–2244. A communication from the Chief Operating Officer, Community Development Financial Institutions Fund, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Bank Enterprise Award Program: Interim Rule with Request for Comment'' (RIN1505–AA91) as received during adjournment of the Senate in the Office of the President of the Senate on June 26, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–2245. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled ''Prior Approval for Enterprise Products; Interim Final Rule'' (RIN2590–AA17) as received during adjournment of the Senate in the Office of the President of the Senate on June 26, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–2246. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Assessment of Fees'' (RIN1557–AD06) as received during adjournment of the Senate in the Office of the President of the Senate on June 26, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–2247. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Risk-Based Capital Guidelines—Money Market Mutual Funds'' (RIN1557–AD15) as received during adjournment of the Senate in the Office of the President of the Senate on June 26, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–2248. A communication from the President of the United States, transmitting, pursuant to law, notification of an Executive order waiving the application of subsections (a) and (b) of section 402 of the Trade Act of 1974 with respect to Belarus; to the Committee on Banking, Housing, and Urban Affairs.

EC–2249. A communication from the Secretary of Commerce, transmitting, pursuant to law, an annual report relative to the Emergency Steel Loan Guarantee Program; to the Committee on Banking, Housing, and Urban Affairs.

EC–2250. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, notification of an Executive order waiving the application of subsections (a) and (b) of section 402 of the Trade Act of 1974 with respect to Belarus; to the Committee on Banking, Housing, and Urban Affairs.

EC–2251. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, the semiannual report on the continued compliance of Azerbaijan, Kazakhstan, Moldova, the Russian Federation, Tajikistan, and Uzbekistan with the 1974 Trade Act's freedom of emigration provisions, as required under the Jackson-Vanik Amendment; to the Committee on Banking, Housing, and Urban Affairs.

EC–2252. A communication from the Senior Vice President and Chief Financial Officer, Federal Home Loan Bank of New York, transmitting, pursuant to law, the Bank's 2008 Management Report; to the Committee on Banking, Housing, and Urban Affairs.

EC–2253. A communication from the Vice President and Controller, Federal Home Loan Bank of Des Moines, transmitting, pursuant to law, the Bank's 2008 Management Report; to the Committee on Banking, Housing, and Urban Affairs.

EC–2254. A communication from the President, Federal Home Loan Bank of Cincinnati, transmitting, pursuant to law, the Bank's 2008 Management Report; to the Committee on Banking, Housing, and Urban Affairs.

EC–2255. A communication from the President and Chief Executive Officer, Federal Home Loan Bank of Indianapolis, transmitting, pursuant to law, the Bank's 2008 Management Report; to the Committee on Banking, Housing, and Urban Affairs.

EC–2256. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13348 relative to the former Liberian regime of Charles Taylor; to the Committee on Foreign Relations.

EC–2257. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2009–0082—2009–0087); to the Committee on Foreign Relations.

EC–2258. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from October 1, 2008 through March 31, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–2259. A communication from the General Counsel, Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the report of a rule entitled ''Employee Contribution Elections and Contribution Allocations'' (5 CFR Part 1600) received in the Office of the President of the Senate on July 8, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–2260. A communication from the Program Manager, Information Sharing Environment, Office of the Director of National Intelligence, transmitting, pursuant to law, a report entitled, ''Annual Report to the Congress on the Information Sharing Environment''; to the Select Committee on Intelligence.

EC–2261. A communication from the Director, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, a report relative to designating new High Intensity Drug Trafficking Areas in thirteen counties in eight states; to the Committee on the Judiciary.

EC–2262. A communication from the Director, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, the 2009 annual report on the Technology Transfer Program; to the Committee on the Judiciary.

EC–2263. A communication from the Acting Under Secretary and Acting Director, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''July 2009 Revision of Patent Cooperation Treaty Procedures''

(RIN0651–AC34) as received during adjournment of the Senate in the Office of the President of the Senate on June 29, 2009; to the Committee on the Judiciary.

EC–2264. A communication from the Deputy General Counsel, Office of Capital Access, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''American Recovery and Reinvestment Act: America's Recovery Capital (Business Stabilization) Loan Program'' (RIN3245–AF93) as received during adjournment of the Senate in the Office of the President of the Senate on June 30, 2009; to the Committee on Small Business and Entrepreneurship.

EC–2265. A communication from the Deputy General Counsel, Office of Capital Access, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Small Business Size Standards; Temporary Alternative Size Standards for 7(a) Business Loan Program'' (RIN3245–AF96) as received during adjournment of the Senate in the Office of the President of the Senate on July 1, 2009; to the Committee on Small Business and Entrepreneurship.

EC–2266. A communication from the Attorney, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Naval Training, San Clemente Island, California'' ((RIN1625–AA00)(Docket No. USG–2009–0455)) as received during adjournment of the Senate in the Office of the President of the Senate on June 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2267. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Target Fireworks, Detroit River, Detroit, Michigan'' ((RIN1625–AA00)(Docket No. USG–2009–0483)) as received during adjournment of the Senate in the Office of the President of the Senate on June 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2268. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; Harborfest 2009, Parade of Sail, Elizabeth River, Norfolk, Virginia'' ((RIN1625–AA00)(Docket No. USG–2009–0405)) as received during adjournment of the Senate in the Office of the President of the Senate on June 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2269. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone; San Diego Symphony, San Diego, California'' ((RIN1625–AA00)(Docket No. USG–2009–0345)) as received during adjournment of the Senate in the Office of the President of the Senate on June 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2270. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Special Local Regulations for Marine Events; Recurring Marine Events in the Fifth Coast Guard District'' ((RIN1625–AA08)(Docket No. USG–2009–0430)) as received during adjournment of the Senate in the Office of the President of the Senate on June 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2271. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Regulated Navigation Area: Chesapeake and Delaware Canal, Chesapeake City Anchorage Basin, Maryland'' ((RIN1625–AA11)(Docket No. USG–2008–1119)) as received during adjournment of the Senate in the Office of the President of the Senate on June 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2272. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulations; Connection Slough, Bacon Island, California'' ((RIN1625–AA09)(Docket No. USG–2008–1141)) as received during adjournment of the Senate in the Office of the President of the Senate on June 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2273. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulation: Pamunkey River, West Point, Virginia'' ((RIN1625–AA09)(Docket No. USG–2008–1175)) as received during adjournment of the Senate in the Office of the President of the Senate on June 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2274. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operation Regulations: Raritan River, Arthur Kill and their tributaries, Staten Island, New York and Elizabeth, New Jersey'' ((RIN1625–AA09)(Docket No. USG–2009–0202)) as received during adjournment of the Senate in the Office of the President of the Senate on June 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2275. A communication from the Regulatory Specialist, Legislative and Regulatory, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Procedures to Enhance the Accuracy and Integrity of Information Furnished to Consumer Reporting Agencies under Section 312 of the Fair and Accurate Credit Transactions Act'' (RIN1557–AC89) received in the Office of the President of the Senate on July 2, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2276. A communication from the Deputy Director, National Institute of Standards and Technology, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Recovery Act National Institute of Standards and Technology Construction Grant Program'' (RIN0693–ZA88) as received during adjournment of the Senate in the Office of the President of the Senate on June 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2277. A communication from the Deputy Director, National Institute of Standards and Technology, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Recovery Act Measurement Science and Engineering Research Grant Program'' (RIN0693–ZA86) as received during adjournment of the Senate in the Office of the President of the Senate on June 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2278. A communication from the Deputy Director, National Institute of Standards and Technology, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Recovery Act Measurement Science and Engineering Research Fellowship'' (RIN0693–ZA87) as received during adjournment of the Senate in the Office of the President of the Senate on June 29, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2279. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Buffalo, Iola, Normangee, and Madisonville, Texas)'' (MB Docket No. 07–279, RM–11411, 1142, 1143) received in the Office of the President of the Senate on July 6, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2280. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Mount Enterprise, Texas)'' (MB Docket No. 08–226) received in the Office of the President of the Senate on Jul 6, 2009; to the Committee on Commerce, Science, and Transportation.

EC–2281. A communication from the Deputy Director, National Institute of Standards and Technology, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Professional Research Experience Program; Availability of Funds'' (RIN0693–ZA90) as received during adjournment of the Senate in the Office of the President of the Senate on June 29, 2009; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. AKAKA, from the Committee on Veterans' Affairs, without amendment:

S. 423. A bill to amend title 38, United States Code, to authorize advance appropriations for certain medical care accounts of the Department of Veterans Affairs by providing two-fiscal year budget authority, and for other purposes (Rept. No. 111–41).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

Mr. KERRY for the Committee on Foreign Relations.

*Capricia Penavic Marshall, of the District of Columbia, to be Chief of Protocol, and to have the rank of Ambassador during her tenure of service.

*Philip L. Verveer, of the District of Columbia, for the rank of Ambassador during his tenure of service as Deputy Assistant Secretary of State for International Communications and Information Policy in the Bureau of Economic, Energy, and Business Affairs and U. S. Coordinator for International Communications and Information Policy.

*Nancy J. Powell, of Iowa, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Director General of the Foreign Service.

*Maria Otero, of the District of Columbia, to be an Under Secretary of State (Democracy and Global Affairs).

*Christopher William Dell, of New Jersey, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kosovo.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Christopher William Dell.

Post: Kosovo.

Contributions, amount, date, and donee:
1. Self: None.
2. Spouse: None.
3. Children and Spouses: Christiana Dell, none; Boyan Levchev, none.
4. Parents: William R. Dell—deceased; Ruth W. Dell, none.
5. Grandparents: All deceased at least 10 years; William H. and Frieda Dell, Martin and Mary Weidemann.
6. Brothers and Spouses: Tracey and Kathleen Dell, $100 2008 Barack Obama; Kenneth Dell, $100, 2008 Hillary Clinton PAC, $300, 2008 Barack Obama; Scott and Annie Dell, none.
7. Sisters and Spouses: none.

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*Charles H. Rivkin, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to France, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Monaco.

Nominee: Charles H. Rivkin

Post: U.S. Ambassador to France and Monaco

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Charles Rivkin: Feinstein for Senate, $1,000, 02/23/2005, Diane Feinstein; Matt Brown for U.S. Senate, $1,000, 03/31/2005, Mathew A. Brown; Campaign for Our Country, $5,000, 05/12/2005; Matt Brown for U.S. Senate, $500, 03/08/2006, Mathew A. Brown; Dan Seals for Congress, $800, 09/12/2006, Daniel Joseph Seals; John Kerry for Senate, $1,542, 09/18/2006, John F. Kerry; DNC Services Corp, $1,000, 10/24/2006, DNC; Obama for America, $2,100, 02/23/2007, Barack Obama; Friends of Dick Durbin, $2,300, 05/25/2007, Richard J. Durbin; John Kerry for Senate, $757, 06/05/2007, John F. Kerry; John Kerry for Senate, $1,542, 06/05/2007, John F. Kerry; L.A. PAC $5,000, 08/23/2007; Obama for America, $200, 08/31/2007, Barack Obama; Tom Allen for Senate, $500, 10/01/2007, Thomas H. Allen; Jeff Merkley for Oregon, $2,000, 10/29/2007, Jeffrey Merkley; Iowa Democractic Party, $2,500, 10/31/2007; New Hampshire Dem. Party, $1,000, 12/19/2007; Al Franken for Senate, $2,300, 04/30/2008, Al Franken; Udall for Colorado $2,300, 06/24/2008, Mark E. Udall; Reed Committee, $2,300, 06/30/2008, Jack Reed; Hilary Clinton for President, $2,300, 07/14/2008, Hillary Clinton; Obama Victory Fund, $2,300, 07/30/2008, Barack Obama; Committee for Change, $5,000, 10/21/2008; Michigan Dem. State Comm, $489, 10/21/2008; Missouri Dem. State Comm, $329, 10/21/2008; Georgia Federal Elections Comm, 347, 12/31/2008; Indiana Dem. Victory Com, $323, 12/31/2008.

2. Spouse: Susan Tolson: Obama for America, $2,300, 03/31/2007, Barack Obama; Rudy Giuliani Presidential Committee, $2,300, 05/21/2007, Rudy Giuliani; John Kerry for Senate, $2,300, 06/05/2007, John F. Kerry; Hillary Clinton for President, $2,300, 07/14/2008, Hillary Clinton.

3. Children: William Elias Rivkin, None; Lily Alexandra Rivkin, none.

4. Parents: William Robert Rivkin, deceased; Enid Hammerman Long, deceased.

Step Parents: Dr. John S. Long, none found; Barbara Vanton Long, Obama for America, $2,300, 09/05/2007, Barack Obama.

5. Grandparents: Sol Hammerman, Deceased; Celia Hammerman, Deceased; Sam Rivkin, Deceased; Florence Rivkin, Deceased.

6. Brothers and Spouses: Brother: Robert S. Rivkin, Obama for Illinois, Inc., $1,000, 05/17/2005, Barack Obama; AON Corporation PAC, $480, 06/30/2006; AON Corporation PAC, $480, 09/30/2006; Friends of Dick Durbin Comm., $500, 10/19/2006, Richard J. Durbin; Obama for America, $2,100, 01/16/2007, Barack Obama; Obama for America, $200, 02/09/2007, Barack Obama; AON Corporation PAC, $480, 03/31/2007; AON Corporation PAC, $480, 06/30/2007; Melissa Bean for Congress, $500, 09/28/2007, Melissa L. Bean; AON Corporation PAC, $480, 09/30/2007; AON Corporation PAC, $480, 12/31/2007; Obama for America, $2,300, 09/25/2008, Barack Obama; Friends of Scott Harper, $250, 10/29/2008, Scott Harper.

Sister-in-law: Cindy Moelis, Hopefund, Inc., $1,000, 02/07/2006; Friends of Tammy Duckworth, $250, 10/20/2006; Obama for America, $2,100, 01/16/2007; Obama for America, $200, 02/09/2007; Obama for America, $351, 12/31/2007; Obama for America, $(351), 12/31/2007; Obama for America, $351, 12/31/2007; Obama for America, $1,800, 07/31/2008; Obama for America, $(1,800), 07/31/2008; Obama for America, $1,800, 07/31/2008; Obama for America, $(45), 09/30/2008.

7. Sisters and Spouses: Sister: Julie Wheeler, none; Brother-in-law: Daniel Wheeler, Obama for America, $500, 02/23/2007.

Sister: Laurie Ledford, none.

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*Louis B. Susman, of Illinois, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Kingdom of Great Britain and Northern Ireland.

Nominee: Louis Susman.

POST: Ambassador to the United Kingdom and Northern Ireland.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: $250, 2/16/2009, Mike Quigley; $500, 10/15/2008, William G. Foster; $5,000, 09/29/2008, TOM PAC, $5,000, 09/14/2008, Obama Transition Project (section 501(c)(4) organization); $30,800, 07/25/2008, Obama Victory Fund (joint fundraising committee) Proceeds allocated as follows: 2,200, 07/31/2008, Obama for America; 28,600, 07/25/2008, DNC*; $2,000, 07/17/2008, John Yarmuth; $28,500, 3/25/2008, Senate Victory 2008 (joint fundraising committee) Proceeds allocated as follows: $1,300, 6/30/2008, Jeanne Shaheen, $2,300, 6/30/2008, Jeanne Shaheen, $2,300, 6/27/2008, Mark Udall, $2,300, 6/27/2008, Mark Udhall, $20,030, 3/25/2008, DSCC; $1,000, 6/06/2008, Patrick Murphy; $300, 06/02/2008, Joseph R. Biden (Senate); $700, 06/02/2008, Joseph R. Biden (Senate); $1,000, 03/31/2008, Dan Seals; $2,300, 03/31/2008, Thomas R. Harkin*; $1,000, 03/31/2008, Deborah Halvorson; $1,000, 03/31/2008, Dan Maffei; $1,000, 03/18/2007, Mary Landrieu; $250, 01/22/2008, Kay Barnes; $1,000, 12/31/2007, Jeanne Shaheen; $2,300, 12/26/2007, Tom Udall; $2,300, 12/26/2007, Tom Udall; $1,000, 12/19/2007, Tim Johnson; $2,000, 12/12/2007, Mark Warner; $2,300, 10/22/2007, John F. Kerry; $1,000, 09/29/2007, Nicola Tsongas; $1,000, 08/14/2007, Joseph R. Biden (President); $2,300, 06/27/2007, Richard J. Durbin*; $1,000, 05/30/2007, Jay Rockefeller; $1,000, 05/04/2007, Carl Levin; $2,300, 05/02/2007, Richard J. Durbin*; $2,300, 04/27/2007, Thomas R. Harkin; $300, 04/25/2007, Obama for America*; $2,000 04/19/2007, Hillary Clinton (President); $5,000, 03/27/2007, DSCC; $10,000, 03/23/2007, DCCC; $2,000, 03/23/2007, Jack F. Reed; $2,100, 03/23/2007, Obama for America; $2,100, 01/16/2007, Hopefund, Inc.*; $2,100, 12/01/2006, Thomas J. Vilsack; $1,000, 11/09/2006, Tammy Duckworth, $1,000, 11/08/2006, Christopher J. Dodd; $1,000, 11/08/2006, Christopher J. Dodd; $1,000, 10/23/2006, Amy Klobuchar; $1,000, 10/16/2006, Debbie Stabenow; $1,000, 09/29/2006, John Tester; $1,000, 08/21/2006, Sheldon Whitehouse; $500, 07/13/2006, John Yarmuth; $1,000, 06/30/2006, Dan Seals; $1,000, 06/30/2006, Amy Klobuchar; $2,000, 06/11/2006, Harold Ford Jr.; $2,000, 06/11/2006, Harold Ford Jr.; $1,000, 01/06/2006, Tammy Duckworth; $1,900, 06/09/2005, Kent Conrad; $5,000, 05/27/2005, CHRIS PAC, $2,000, 04/29/2005, Kent Conrad; $1,000, 04/25/2006, Tammy Duckworth; $25,000, 03/31/2006, DSCC; $2,000, 11/18/2005, Joseph R. Biden; $2,100, 09/30/2005, Claire McCaskill; $2,100 09/30/2005, Claire McCaskill; $2,000, 08/16/2005, Hillary Clinton; $5,000, 06/21/2005, Campaign for our Country; $1,900, 03/28/2005, Edward M. Kennedy; $2,100, 03/28/2005, Edward M. Kennedy; $10,000, 3/17/2005, DCCC; $10,000, 03/08/2005, DSCC; $10,000, –02/28/2005, DCCC; $1,000, 01/20/2005, Maria Cantwell.

2. *Louis Susman Refunds: $3,030, 5/7/2009, DNC; $4,600, 5/6/2009, Richard J. Durbin; $2,000, 5/6/2009, Thomas R. Harkin; $100, 11/21/2008, DNC; $363, 8/1/2007, Obama for America; $2,100, 1/23/2007, Hopefund, Inc.

3. Spouse: Marjorie Susman: $10,000, 10/24/2008, Committee for Change; $2,000, 10/24/2008, Barack Obama; $2,000, 10/16/2008, Obama Victory Fund; $2,300, 9/26/2008, Jeanne Shaheen; $2,300, 07/23/2008, Mark E. Udall; $2,300, 07/23/2008, Mark E. Udall; $2,300, 03/31/2008, Thomas R. Harkin; $200, 12/15/2007, Barack Obama; $2,300, 12/26/2007, Tom Udall; $2,300, 12/26/2007, Tom Udall; $2,300, 10/22/2007, John F. Kerry; $2,300, 06/27/2007, Richard J. Durbin; $2,300, 4/30/2007, Richard J. Durbin; $2,300, 04/23/2007, Thomas R. Harkin; $300, 4/09/2007, Barack Obama; $2,000, 03/23/2007, Jack F. Reed; $2,100, 01/19/2007, Barack Obama; $2,100, 01/16/2007, Hopefund, Inc.; $2,100, 12/05/2006, Thomas J. Vilsack; $2,000, 10/23/2006, Amy J. Klobuchar; $2,100, 11/14/2005, Robert P. Casey Jr.; $2,100, 01/11/2006, Claire McCaskill; $2,100, 01/11/2006, Claire McCaskill; $2,100, 11/14/2005, Robert P. Casey Jr.; $500, 11/07/2005, Dianne Feinstein; $1,900, 03/28/2005, Edward M. Kennedy; $2,100, 03/28/2005, Edward M. Kennedy.

4. Daughter: Sally Susman: $1,000, 01/13/2009, Presidential Inaugural Committee; $5,000, 2009 Year, Pfizer PAC (Committed); $1,000, 09/26/2008, Jeanne Shaheen; $3,744, 2008 Year, Pfizer PAC; $1,300, 10/24/2008, Barack Obama; $2,300, 08/19/2008, Barack Obama; $1,000, 05/15/2008, Prairie PAC; $2,300, 04/17/2008, Tom Udall; $1,000, 11/20/2007, DSCC; $1,000, 07/31/2007, Barack Obama; $2,300, –06/27/2007, Richard J. Durbin; $2,300, 06/27/2007, Dick Durbin Cmte; $2,300, 06/20/2007, Hillary Clinton; $250, 05/07/2007, Richard Wager; $2,300, 04/27/2007, Thomas R. Harkin; $2,000, 03/23/2007, Jack Reed; $2,300, 01/29/2007, Hillary Clinton, $2,100, 12/05/2006, Thomas J. Vilsack; $2,000, 10/23/2006, Amy Klobuchar; $250, 10/22/2006, John Yarmuth; $250, 09/03/2006, Ron Klein; $1,000, 07/18/2006, Robert P. Casey Jr.; $250, 05/19/2006, Sheldon Whitehouse; $250, 03/28/2006, Ford Bell; $2,000, 12/06/2005, Robert P. Casey Jr.; $250, 11/28/2005, Ford Bell; $1,000, 10/21/2005, Dianne Feinstein.

5. Son: William Susman: $2,300, 08/27/2008, Barack Obama; $2,300, 04/17/2008, Tom Udall; $250, 03/18/2008, Fox; $2,300, 06/27/2007, Richard J. Durbin; $2,300, 06/27/2007, Richard J. Durbin; $2,300, 05/03/2007, Thomas R. Harkin; $2,300, 5/03/2007, Thomas R. Harkin; $2,300, 03/30/2007, Barack Obama; $2,000, 03/23/2007, Jack F. Reed; $2,100, 02/22/2007, Hillary Clinton; $2,100, 12/05/2006, Thomas J. Vilsack; $1,000, 10/18/2006, Amy Klobuchar; $1,000, 03/31/2006, Roth; $2,000, 12/06/2005, Robert P. Casey Jr.; $2,000, 03/28/2005, Edward M. Kennedy.

6. Daughter-in-Law: Emily Glasser: $2,300, 06/27/2007, Dick Durbin; $2,300, 06/27/2007, Dick Durbin; $100, 03/28/2007, Tom Perriello; $2,300, 03/30/2007, Obama for America; $2,000, 03/23/2007, Jack F. Reed; $2,100, 02/22/2007, Hillary Clinton.

7. Mother: Selma Susman: $2,300, 03/30/2007, Obama for America.

8. Mother-in-law: Birdie Sachs: $2,300, 02/12/2007, Obama for America.

9. Sister: Elaine Tucker: $2,300, 07/25/2008; Obama Victory Fund.

10. Brother-in-law: Tom Tucker: $2,300, 07/28/2008, Obama Victory Fund; $2,300, 07/02/2007, Obama Victory Fund.

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*Laurie Susan Fulton, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Denmark.

Nominee: Laurie S. Fulton.

Post: Ambassador to Denmark.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, donee:

1. Self: $500, 03/12/05, Friends of Hillary; $500, 09/26/05, Stabenow for Senate; $250, 09/28/05, Hurst for Congress; $500, 10/03/05, EMILY's List; $500, 11/01/05, Friends of Hillary; $500, 11/01/05, DSCC; $250, 12/22/05, Schwartz for Congress; $1500, 03/30/06, EMILY's List; $250, 04/10/06, Hope Fund; $250, 04/21/06, Miller for Senate; $250, 05/22/06, Akaka for Senate; $1000, 06/19/06, McCaskill for Missouri; $500, 06/20/06, DSCC; $750, 09/06/06, DSCC; $250, 09/20/06, Judy Feder—Congress; $1000, 09/29/06, Herseth for Congress; $250, 10/07/06, Webb for Senate; $500, 01/19/07, Obama (Exploratory Cte); $1800, 03/02/07, Obama for America; $250, 06/18/07, Obama for America; $2050, 06/30/07, Obama for America; $1000, 11/05/07, DSCC; $500, 12/02/07, DSCC; $250, 12/21/07, Byrne for Congress; $2300, 01/22/08, Friends of Mark Warner; $1000, 03/05/08, Al Franken for Senate; $1000, 05/02/08, Herseth for Congress; $250, 05/03/08, Judy Feder—Congress; $250, 05/05/08, Byrne for Congress; $500, 05/12/08, Tim Johnson for Senate; $500, 05/13/08, Matsui for Congress; $795.94, 05/13/08, Matsui for Congress; $2300, 07/24/08, Obama Victory Fund; $500, 07/24/08, EMILY's List; $250, 07/29/08, Tim Johnson—Senate; $500, 07/29/08, Judy Feder—Congress; $2300, 07/31/08, DNC; $500, 08/05/08, EMILY's List; $500, 09/24/08, Herseth for Congress; $500, 09/29/08, Tim Johnson—Senate; $500, 10/06/08, Judy Feder—Congress; $500, 10/16/08, Kay Hagan—Senate; $1000, 10/17/08, Hillary Clinton Cte; $250, 10/18/08, Kay Hagan—Senate; $250, 10/28/08, Kay Hagan—Senate; $1000, 10/29/08, Hillary Clinton Cte; $250, 12/18/08, EMILY's List; $1000, 03/16/09, DNC.

2. Spouse: N/A.

3. Children and Spouses: Kelly Daschle, None.

Spouse: Eric Chader: $500, 03/21/07, Obama for America; $500, 11/30/07, Obama for America; $1300, 01/27/2008, Obama for America.

Nathan T. Daschle & Jill Daschle (spouse): $100, 08/31/05, Friends of Jeff Smith; $1000, 11/30/05, Ted Kennedy—Senate; $500, 05/31/06, Whitehouse for Senate; $2300, 02/07/07, Obama for America; $1000, 02/07/07, Richardson for President; $2300, 04/24/07, Edwards for President; $1000, 05/15/07, Richardson for President; $150, 09/13/07, Shafroth for Congress; $1000, 09/28/08, Al Franken for Senate; $1000, 10/01/07, Richardson for President; $2300, 12/06/07, Richardson for President; $500, 10/08/07, Obama for America; $59.78, 01/15/08, Obama for America; $2300, 03/05/08, Obama for America; $59.84, 04/14/08, Obama; $1000, 06/05/08, Anne Barth for Congress; $250, 07/01/08, Shafroth for Congress; $250, 07/23/08, DNC; $2300, 09/12/08, Obama Victory Fund; $1000, 02/02/09, Friends of Chris Dodd.

Lindsay Daschle, $250, 06/16/07, Obama for America; $1000, 01/31/08, Obama for America; $250, 02/07/08, Obama for America.

Tommy Ross (spouse) $250, 06/22/07, Obama for America; $1000, 01/27/08, Obama for America.

4. Parents: Vernon Arthur Klinkel—deceased (1968).

Norma Lucille Jensen Klinkel—deceased (2000).

5. Grandparents: Edward A. Klinkel—deceased (1970).

Dora M. Klinkel—deceased (1968).

Jens A. Jensen—deceased (1969).

Olga Jensen—deceased (1982?).

6. Brothers and Spouses: Thomas E. Klinkel: $100, 2006, Giffords for Congress; $250, 01/27/08, Obama for America; $500, 06/20/08, Obama for America; $250, 08/26/08, Obama Victory Fund; $1,000, 09/12/08, Obama Victory Fund; $250, 10/08/08, Obama Victory Fund; $250, 10/16/08, Obama Victory Fund; $250, 10/30/08, Obama Victory Fund.

Gregory D. Klinkel & Suzanne Klinkel: $50, 09/07/06, DNC; $25, 09/24/07, Udall for Colorado; $50, 04/06/08, DNC; $25, 04/25/08 Obama for America; $25, 06/10/08, Udall for Colorado; $10, 07/26/08, DNC; $50, 11/03/08, Obama for America.

7. Sisters and Spouses:

Linda K. Hawkins: none.

Ronnie J. Hawkins (spouse): none.

Lisa K. Wolf Johnson: $250, 06/30/07, Obama for America; $30, 03/30/08, ActBlue (DSCC?); $500, 09/09/08, Obama Victory Fund; $500, 09/19/08, Obama for America; $20, 09/30/08, DSCC; $500, 10/17/08, Obama Victory Fund; $500, 10/24/08, Obama for America; $250, 10/24/08, Obama for America; $250, 10/30/08, Obama Victory Fund.

Craig Johnson (spouse): none.

Mary Klinkel: $20, 08/20/05, Friends of Hillary; $50, 09/14/05, DSCC; $25, 09/27/05, Friends of Robert Byrd; $50, 04/06/06, DSCC; $10, 06/26/06, Bob Casey for PA; $10, 06/26/06, Whitehouse '06; $35, 06/26/06, DCCC; $25, 06/26/06, EMILY's List; $20, 08/25/06, Bob Casey for PA; $20, 09/29/06, DCCC; $20, 09/29/06, DSCC; $10, 01/23/07, DSCC; $250, 02/17/07, Obama for America; $350, 06/13/07, Obama for America; $100, 02/05/08, Obama for America; $50, 05/17/08, Obama for America; $50, 06/09/08, Obama for America; $50, 06/20/08, Obama for America; $25, 07/10/08, Obama; $200, 09/30/08, Obama Victory Fund; $35, 10/07/08, DCCC; $250, 10/22/08, Obama Victory Fund; $100, 11/03/08, Obama Victory Fund; $50, 11/19/08, DSCC; $50, 11/23/08, ActBlue; $20, 03/30/09, DCCC; $20, 03/30/09, DSCC.

Darcy Anderson: $250, 06/30/07, Obama for America; $200, 02/08/08, Obama for America; $1,000, 05/02/08, Obama for America; $850, 05/28/08, Obama for America; $1,000, 07/31/08, Obama for America; $1,000, 09/10/08, Obama Victory Fund; $1,000, 09/19/08, Obama for America; $300, 10/24/08, Obama for America; $500, 10/30/08, Obama Victory Fund.

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*Timothy J. Roemer, of Indiana, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to India.

Nominee: Timothy J. Roemer.

Post: U.S. Ambassador to India.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: Sarah J. Roemer: None.

3. Children: Patrick H. Roemer: Child. Matthew B. Roemer: Child. Sarah K. Roemer: Child. Grace E. Roemer: Child.

4. Parents: James A. and Mary Ann Roemer: $200, 2008, Barack Obama; $100, 2008, Joe Donnelly; $100, 2007, Joe Donnelly; $100, 2006, Joe Donnelly.

5. Grandparents: deceased.

6. Brothers and Spouses: Mike and Julie Roemer: None. Patrick and Margaret Roemer: None. Dan Roemer and Eve Cominos: $1962, 2008, Barack Obama; $100, 2008, Al Franken; $50, 2008, Jeanne Shaheen; $500, 2008, DCCC.

7. Sister: Kathryn Roemer: $100, 2008, DNC.

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*Gordon Gray, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Tunisia.

Nominee: Gordon Gray III.

Post: Tunisia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.

2. Spouse: Connie B. Gray: None.

3. Children and Spouses: Alexander Gray (single): None. Angela S. Gray (single): None. Christopher G. Gray (single): None.

4. Parents: Gordon Gray, Jr.: Deceased. Virginia Garbers: $50, 9/29/2008, Obama/Biden campaign; $50, 6/21/2008, Democratic National Committee.

5. Grandparents: Gordon Gray, Sr.—deceased; Eula Gray—deceased; M.D. Schlesinger—deceased; Mable Schlesinger—deceased.

6. Brothers and Spouses: None.

7. Sisters and Spouses: Alexander Pruner [sister]: None. avid Pruner [brother-in-law]: None. Maria Gray [sister; single]: None. Samantha Garbers [sister]: $826 at various dates in 2008 to the Obama primary and general election campaigns (the largest single contribution was $250 on 1/8/2008). Scott Adams [brother-in-law]: $2,500, 4/30/2009, Chicago Mercantile Exchange Group PAC; $2,315, 1/27/2008, Obama primary Campaign; $2,000, 6/6/2007, Democratic Senatorial Campaign Committee.

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*Richard J. Schmierer, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Sultanate of Oman.

Nominee: Richard J. Schmierer.

Post: Muscat, Sultanate of Oman

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, donee:

1. Self, none.

2. Spouse, none.

3. Children and Spouses, none.

4. Parents, none.

5. Grandparents, none.

6. Brothers and Spouses: John Schmierer, $300, 7/07–7/08, Barack Obama ($25 per month).

7. Sisters and Spouses: none.

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*Mark Henry Gitenstein, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Romania.

Nominee: Mark Gitenstein.

Post: U.S. Ambassador to the Republic of Romania.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, donee:

1. Self: 2/9/2005, $1,000, Kennedy for Senate 2012; 2/11/2005, $5,000, Next Generation; 4/6/2005, $2,500, Democratic Senatorial Campaign

Committee; 5/5/2005, $2,000, Citizens for Hope, Responsibility, Independence & Service PAC (CHRIS PAC) (Sen. Chris Dodd, D–CT; 11/18/2005, $500, Feinstein for Senate; 12/12/2005, $1,000, Carper for Senate; 3/8/2006, $1,000, Friends of Hillary; 4/27/2006, $1,000, Feinstein for Senate; 5/17/2006, $1,000, Friends of Mary Landrieu Inc; 6/5/2006, $1,000, Democratic Senatorial Campaign Committee; 6/26/2006, $500, Green Mountain PAC (Sen. Patrick Leahy, D–VT); 9/20/2006, $1,000, Friends of Rosa DeLauro; 9/29/2006, $1,000, Democratic Senatorial Campaign Committee; 10/7/2006, $500, Adam Smith for Congress Committee; 10/8/2006, $1,000 Green Mountain PAC (Sen. Patrick Leahy, D–VT); 10/27/2006, $500, Friends of Dan Maffei; 3/12/2007, $1,000, Democratic Senatorial Campaign Committee; 5/16/2007, $1,000, Green Mountain PAC (Sen. Patrick Leahy, D–VT); 8/16/2007, $1,000, Friends of Rosa DeLauro; 12/21/2007, $200, Friends of Mary Landrieu Inc; 12/21/2007, $300, Friends of Mary Landrieu Inc; 12/31/2007, $500, Tim Johnson for South Dakota Inc; 12/28/2008, $1,000, Hillary Clinton for President; 2/15/2008, $500, Hillary Clinton for President; 2/20/2008, $500, Friends of Dan Maffei; 3/12/2008, $500, Committee to Reelect Henry Hank Johnson; 3/23/2008, $1,000, Nels Ackerson for Congress; 5/13/2008, $1,000, Friends of Mary Landrieu Inc.; 6/9/2008, $346, Conyers for Congress; 6/13/2008, $1,000, Conyers for Congress; 6/17/2008, $250, Friends of Mary Landrieu Inc.; 6/30/2008, $500, Nels Ackerson for Congress; 8/20/2008, $500, Kennedy for Senate 2012; 5/19/2005, $1,000, Friends of Max Baucus; 7/12/2006, $2,000, Unite Our States (Sen. Joe Biden,–DE); 12/20/2006, $1,000, Citizens for Biden; 1/31/2007, $300, Friends of Max Baucus; 1/31/2007, $1,700, Friends of Max Baucus; 3/13/2007, $1,000, Friends of Rahm Emanuel; 3/9/2008, $1,000, Citizens for Biden; 3/20/2008, $400, Citizens for Biden; 3/20/2008, $400, Citizens for Biden; 8/8/2005, $1,000, Cantwell 2012; 12/20/2006, $1,000, Biden for President, Inc.; 3/30/2007, $1,000, Biden for President, Inc.; 6/21/2007, $300, Biden for President, Inc.; 6/21/2007, $700, Biden for President, Inc.; 3/26/2008, $1,000, Nels Ackerson for Congress; 4/9/2008, $1,000, Biden for President, Inc.; 4/18/2008, $1,000, Chris Dodd for President, Inc.; 6/30/2009, $1,700, Biden for President, Inc.;

2. Spouse: Elizabeth Gitenstein: 7/20/2005, $500, Friends of Rosa DeLauro; 7/25/2005, $1,000, Stabenow for U.S. Senate; 8/4/2005, $2,500, Unite Our States (Sen. Joe Biden, D–DE); 10/17/2005, $500, Friends of Mary Landrieu Inc.; 3/23/2006, $1,000, Friends of Rosa DeLauro; 6/9/2006, $1,000, Friends of Rosa DeLauro; 9/26/2006, $500, Searchlight Leadership Fund (Sen Harry Reid, D–NV); 10/13/2006, $500, Friends of Mary Landrieu Inc.; 11/18/2007, $2,000, Biden for President, Inc.; 4/9/2008, $300, Biden for President, Inc.; 9/30/2007, $250, Cantwell 2012.

3. Children and Spouses: Rebecca Gitenstein Bierlink (daughter) & Bruce Bierlink, $75, 2008, Opposition to Cal Prop 8. Benjamin Brown Gitenstein (son) & Emily Cherkin, $200, 2007, Gregoire for Governor; $100, 2006, WA House Dem. Caucus; $100, 2007, James Dow Constantine; $50, 2006, Richard Kelley; $50, 2006, Sally Clark; $190.80, 2006, Voters for Affordable Housing. Sarah Brown Gitenstein (daughter), $10, 2008, Voters for Affordable Housing.

4. Parents: $10, 2008, Obama for America. Seymour Gitenstein, $0.

5. Grandparents: Sam & Pauline Green (deceased). Israel & Rose Gitenstein (deceased).

6. Brothers and Spouses: None.

7. Sisters and Spouses: Barbara Gitenstein (sister) & Don Hart, $0. Susan Assadi (sister) and Sammi Assadi, $500, 2009, Obama for America.

By Mr. DODD for Mr. KENNEDY for the Committee on Health, Education, Labor, and Pensions.

*Phyllis Corrine Borzi, of Maryland, to be an Assistant Secretary of Labor.

*Nicole Lurie, of Maryland, to be Medical Director in the Regular Corps of the Public Health Service, subject to qualifications therefor as provided by law and regulations, and to be Assistant Secretary for Preparedness and Response, Department of Health and Human Services.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MENENDEZ (for himself, Mr. REID, and Mr. HATCH):

S. 1408. A bill to amend the Internal Revenue Code of 1986 to encourage alternative energy investments and job creation; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. HATCH):

S. 1409. A bill to expedite the adjudication of employer petitions for aliens with extraordinary artistic ability; to the Committee on the Judiciary.

By Mr. REID (for Mr. KENNEDY (for himself, Mr. BINGAMAN, Mr. SANDERS, Mr. HARKIN, and Mr. BROWN)):

S. 1410. A bill to establish expanded learning time initiatives, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID (for Mr. KENNEDY (for himself, Mr. KERRY, Mrs. MURRAY, Mr. BINGAMAN, and Mr. BROWN)):

S. 1411. A bill to amend title V of the Elementary and Secondary Education Act of 1965 to encourage and support parent, family, and community involvement in schools, to provide needed integrated services and comprehensive supports to children, and to ensure that schools are centers of communities, for the ultimate goal of assisting students to stay in school, become successful learners, and improve academic achievement; to the Committee on Health, Education, Labor, and Pensions.

By Ms. COLLINS:

S. 1412. A bill to amend the Commodity Exchange Act to clarify the treatment of purchases of certain commodity futures contracts and financial instruments with respect to limits established by the Commodity Futures Trading Commission relating to excessive speculation, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 1413. A bill to amend the Adams National Historical Park Act of 1998 to include the Quincy Homestead within the boundary of the Adams National Historical Park, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. McCASKILL:

S. 1414. A bill to confer upon the United States Court of Federal Claims jurisdiction to hear, determine, and render final judgment on any legal or equitable claim against the United States to receive just compensation for the taking of certain lands in the State of Missouri, and for other purposes; to the Committee on the Judiciary.

By Mr. SCHUMER (for himself, Mr. CHAMBLISS, and Mr. NELSON of Nebraska):

S. 1415. A bill to amend the Uniformed and Overseas Citizens Absentee Voting Act to ensure that absent uniformed services voters and overseas voters are aware of their voting rights and have a genuine opportunity to register to vote and have their absentee ballots cast and counted, and for other purposes; to the Committee on Rules and Administration.

By Mr. BROWNBACK (for himself, Mr. KYL, and Mr. GREGG):

S. 1416. A bill to require the redesignation of North Korea as a state sponsor of terrorism, to impose sanctions with respect to North Korea, to require reports on the status of North Korea's nuclear weapons program and counterproliferation efforts, and for other purposes; to the Committee on Foreign Relations.

By Mr. UDALL of Colorado:

S. 1417. A bill to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to require the Secretary of the Interior, acting through the Bureau of Reclamation, to remedy problems caused by a collapsed drainage tunnel in Leadville, Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. UDALL of Colorado (for himself and Mr. BENNET):

S. 1418. A bill to direct the Secretary of the Interior to carry out a study to determine the suitability and feasibility of establishing Camp Hale as a unit of the National Park System; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. LINCOLN (for herself and Mr. COCHRAN):

S. Res. 210. A resolution designating the week beginning on November 9, 2009, as National School Psychology Week; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 144

At the request of Mr. KERRY, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 144, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 405

At the request of Mr. LEAHY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 405, a bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 451

At the request of Ms. COLLINS, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 451, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of the Girl Scouts of the United States of America.

S. 461

At the request of Mr. CRAPO, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 461, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 475

At the request of Mr. BURR, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 475, a bill to amend the Servicemembers Civil Relief Act to guarantee the equity of spouses of military personnel with regard to matters of residency, and for other purposes.

S. 519

At the request of Mr. HARKIN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 519, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to implement pesticide-related obligations of the United States under the international conventions or protocols known as the PIC Convention, the POPs Convention and the LRTAP POPs Protocol.

S. 588

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 588, a bill to amend title 46, United States Code, to establish requirements to ensure the security and safety of passengers and crew on cruise vessels, and for other purposes.

S. 604

At the request of Mr. SANDERS, the names of the Senator from Georgia (Mr. ISAKSON), the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 604, a bill to amend title 31, United States Code, to reform the manner in which the Board of Governors of the Federal Reserve System is audited by the Comptroller General of the United States and the manner in which such audits are reported, and for other purposes.

S. 624

At the request of Mr. DURBIN, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 624, a bill to provide 100,000,000 people with first-time access to safe drinking water and sanitation on a sustainable basis by 2015 by improving the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005.

S. 649

At the request of Mr. KERRY, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 649, a bill to require an inventory of radio spectrum bands managed by the National Telecommunications and Information Administration and the Federal Communications Commission.

S. 653

At the request of Mr. CARDIN, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 653, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner, and for other purposes.

S. 663

At the request of Mr. NELSON of Nebraska, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 663, a bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish the Merchant Mariner Equity Compensation Fund to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 733

At the request of Mrs. MURRAY, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 733, a bill to ensure the continued and future availability of lifesaving trauma health care in the United States and to prevent further trauma center closures and downgrades by assisting trauma centers with uncompensated care costs, core mission services, and emergency needs.

S. 775

At the request of Mr. VOINOVICH, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 775, a bill to amend title 10, United States Code, to authorize the availability of appropriated funds for international partnership contact activities conducted by the National Guard, and for other purposes.

S. 790

At the request of Mr. BINGAMAN, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 790, a bill to improve access to health care services in rural, frontier, and urban underserved areas in the United States by addressing the supply of health professionals and the distribution of health professionals to areas of need.

S. 841

At the request of Mr. KERRY, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 841, a bill to direct the Secretary of Transportation to study and establish a motor vehicle safety standard that provides for a means of alerting blind and other pedestrians of motor vehicle operation.

S. 941

At the request of Mr. CRAPO, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 941, a bill to reform the Bureau of Alcohol, Tobacco, Firearms, and Explosives, modernize firearm laws and regulations, protect the community from criminals, and for other purposes.

S. 994

At the request of Ms. KLOBUCHAR, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 994, a bill to amend the Public Health Service Act to increase awareness of the risks of breast cancer in young women and provide support for young women diagnosed with breast cancer.

S. 1157

At the request of Mr. CONRAD, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 1157, a bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

S. 1210

At the request of Mr. KAUFMAN, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 1210, a bill to establish a committee under the National Science and Technology Council with the responsibility to coordinate science, technology, engineering, and mathematics education activities and programs of all Federal agencies, and for other purposes.

S. 1257

At the request of Ms. CANTWELL, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 1257, a bill to amend the Social Security Act to build on the aging network to establish long-term services and supports through single-entry point systems, evidence based disease prevention and health promotion programs, and enhanced nursing home diversion programs.

S. 1273

At the request of Mr. DORGAN, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 1273, a bill to amend the Public Health Service Act to provide for the establishment of permanent national surveillance systems for multiple sclerosis, Parkinson's disease, and other neurological diseases and disorders.

S. 1281

At the request of Mrs. LINCOLN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1281, a bill to enhance after-school programs in rural areas of the United States by establishing a pilot program to help communities establish and improve rural after-school programs.

S. 1308

At the request of Mr. LAUTENBERG, the names of the Senator from Mississippi (Mr. WICKER) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 1308, a bill to reauthorize the Maritime Administration, and for other purposes.

S. 1375

At the request of Mr. ROBERTS, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1375, a bill to amend the

Agricultural Credit Act of 1987 to reauthorize State mediation programs.

S. 1382

At the request of Mr. DODD, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1382, a bill to improve and expand the Peace Corps for the 21st century, and for other purposes.

S.J. RES. 17

At the request of Mr. MCCONNELL, the names of the Senator from Utah (Mr. HATCH) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S.J. Res. 17, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

S. CON. RES. 25

At the request of Mr. MENENDEZ, the names of the Senator from California (Mrs. BOXER) and the Senator from Illinois (Mr. BURRIS) were added as cosponsors of S. Con. Res. 25, a concurrent resolution recognizing the value and benefits that community health centers provide as health care homes for over 18,000,000 individuals, and the importance of enabling health centers and other safety net providers to continue to offer accessible, affordable, and continuous care to their current patients and to every American who lacks access to preventive and primary care services.

S. RES. 71

At the request of Mr. WYDEN, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. Res. 71, a resolution condemning the Government of Iran for its state-sponsored persecution of the Baha'i minority in Iran and its continued violation of the International Covenants on Human Rights.

AMENDMENT NO. 1408

At the request of Mr. CORNYN, the names of the Senator from Oregon (Mr. MERKLEY), the Senator from Kansas (Mr. ROBERTS), the Senator from South Dakota (Mr. THUNE), the Senator from Oklahoma (Mr. COBURN), the Senator from Wyoming (Mr. BARRASSO) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of amendment No. 1408 intended to be proposed to H.R. 2892, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY (for himself and Mr. HATCH):

S. 1409. A bill to expedite the adjudication of employer petitions for aliens with extraordinary artistic ability; to the Committee on the Judiciary.

Mr. KERRY. Mr. President, one of the best ways that the U.S. can gain understanding and appreciation of other cultures is through the arts. Exposing children and adults alike to the creativity of other countries enriches our own artistic talents and helps bridge the gap between nations. It is for those reasons my colleague Senator HATCH and I have introduced the Arts Require Timely Service, ARTS, Act.

This legislation helps streamline the visa process and waive fees so that foreign artists and musicians can share their talents in the U.S. Currently, the visa process for visiting artists is slow and costly, often times prohibiting artists from coming to the U.S. to share their talents. Breaking down these barriers is important and we shouldn't let the politics of immigration interfere with expanding our cultural horizons.

I am proud to stand with Senator HATCH and the Performing Arts Visa Task Force to try and help artists visit our country and inspire our communities. I hope our colleagues will join us and pass this sensible reform to expedite cultural exchanges and artistic expression.

Mr. HATCH. Mr. President, I rise to introduce with my colleague, Senator JOHN KERRY, the Arts Require Timely Services, ARTS, Act.

For some time, I have been working to improve the processing of visa petitions filed by nonprofit arts organizations. Unfortunately, years of delays, errors, and unpredictability have forced some U.S.-based nonprofit arts organizations from even trying to bring international artists into the United States. We must eliminate some of the bureaucratic barriers that have been negatively affecting performing artists.

There is no doubt that nonprofit arts organizations across the country engage foreign guest artists in their orchestras, theatres, and dance and opera companies. In my home state of Utah, I am aware that many organizations that will benefit from passage of the ARTS Act, including Brigham Young University, Cache Valley Center for the Arts, The Orchestra of Southern Utah, University of Utah, Murray Symphony Orchestra, Salt Lake Symphony, and the Utah Shakespeare Festival, to name a few.

The ARTS Act would apply only to temporary, nonimmigrant visas for foreign artists visiting the United States. The legislation would require U.S. Citizenship and Immigration Services to treat as a Premium Processing case, or a 15–day turn-around, free of additional charge, any nonprofit arts-related O- and P-visa petition that it fails to adjudicate within 30 days. In November 2007, the Congressional Budget Office issued a cost estimate for the ARTS Act, stating that the bill would have no significant cost to the Federal Government.

It is my hope that my colleagues will support passage of this legislation in the near future.

By Mr. REID (for Mr. KENNEDY (for himself, Mr. BINGAMAN, Mr. SANDERS, Mr. HARKIN, and Mr. BROWN):

S. 1410.—A bill to establish expanded learning time initiatives, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, it is a privilege today to be introducing two bills to improve our schools and bring them into the 21st century. The Time for Innovation Matters in Education Act, S. 1410, or TIME Act, seeks to expand our 19th century school calendar to provide more time for learning across the curriculum. The Keeping Parents and Communities Engaged Act, S. 1411, or Keeping PACE Act, will encourage greater involvement of parents in their children's education, and engage community partners in supporting the comprehensive learning needs of students in school.

These bills take different approaches, but both address critical challenges for our Nation's schools. By providing the time and resources for students to succeed, we can ensure that all students are equipped with the tools needed to be successful in the 21st century economy.

As a result of the current 6 hours a day, 180 days a year schedule, American students spend about 30 percent less time in school than students in other leading nations. This gap hinders the ability of our students to compete with their peers around the globe who derive a significant advantage by having more time to learn what they need to know. About 1,000 U.S. schools are already tackling this problem on their own, and now it's time for the Federal Government to step up and help more students obtain the time in school they need.

The TIME Act authorizes $350 million next year, increasing to up to $500 million in 2014, to support schools in expanding learning time by 300 hours a year and redesigning their school day to meet the needs of students and teachers. The act promotes partnerships between schools and community-based organizations in expanding and redesigning the school schedule to give students a broader learning experience and encourage innovation. The goal of the act is not merely to encourage schools to add more time at the end of the day, but to take a close look at how they use their time and redesign the entire school schedule for the benefit of students' learning experiences.

Studies document the difference an extra hour of school each day, a few more weeks of school each year, or additional time after or before school for tutoring can make to all students. According to these studies, the students for whom this time is most important for are the students we need to be focusing on—our neediest students. Students in disadvantaged families show a drop-off in learning over long summer recesses compared to their better-off classmates, and they fall farther behind each year. A 2007 study found that ⅔ of the reading achievement gap between 9th graders of low and high socioeconomic standing in Baltimore public schools can be traced to what they learned, or failed to learn, during their summers.

These students also are less likely to have parents with the time to help them with their school work. Expanded learning time can help these needy students catch up by shortening their summer recesses, providing more time for educators to support student learning, and giving schools the opportunity to provide these students with additional nutritious meals.

In addition to those at risk of falling behind, more time for learning helps students who are on grade level get ahead, by providing greater time for enrichment and a broader curriculum. Additional time also enables more students to participate in experiential and interactive learning, in service learning opportunities in their schools and communities, and in internships, all of which help keep students engaged in school and make school more relevant.

For additional time to be used most effectively, it must also work for teachers. The act encourages the use of this time for greater teacher planning and collaboration across grades and subjects, so that teachers can work together to help their students. Today's elementary school teachers spend less than 10 percent of their time planning lessons and preparing for classes—compared to over 40 percent for their Asian counterparts. Just as it does for students, time matters for teachers, by helping them to help their students more effectively.

To assess the difference these programs will make, the TIME Act calls for a comprehensive evaluation of the programs it supports. We're still in the learning stages of expanded learning time. It is intuitive that time matters, but we're still learning what practices work best—for teachers, for students, and for schools. This evaluation will ensure that we will learn as much as possible about what works, and that the Department of Education will be able to do a better job of sharing best practices nationwide in supporting these initiatives.

Expanded learning is an idea whose time has come, thanks in large part to the leadership of Massachusetts. As John Adams wrote in the Massachusetts Constitution in 1780, the education of the people is ''necessary for the preservation of their rights and liberties.'' Ever since, Massachusetts has been ahead of the curve in education reform. In recent years, the Commonwealth has developed a significant expanded learning time initiative that enables schools to offer 300 additional hours of instruction during the school year, allocated as each school chooses. The initiative began with 10 schools in 2006. Twenty-six schools are now participating, and more than 40 are now planning to participate.

At the Edwards Middle School in Boston's Charlestown neighborhood, additional time has made a difference. The percentage of students scoring ''proficient'' on math tests rose almost thirteen points during its first year with expanded school hours, and the school is also offering a wide array of extracurricular activities, including Latin American Dance, Musical Theater, and valuable apprenticeship opportunities.

We know that many schools and districts around the country are seeking better ways to strengthen the support they offer parents and to deepen their connection with their communities. The No Child Left Behind Law includes requirements to develop parent-involvement policies and programs, release school report cards, and engage parents and community representatives to construct plans to improve struggling schools. The Keeping PACE Act builds on these activities to support schools in making parents and the community full partners in the education of their children.

Parents are their children's first teachers, and they have immense influence over their children's attitudes, focus, priorities and goals. Well-informed parents are more likely to be involved, to ask questions, to suggest constructive changes and to make a difference in their child's education. They deserve to know what their children are learning and being tested on, what their children's grades and assessment scores mean, and how assessment data can be used to improve learning. Informed and engaged parents can help turn around struggling schools.

Educators have long recognized this fact, based on their own experience and abundant research. Unfortunately, a series of reports by Appleseed make clear schools and districts continue to face too many challenges that undermine the effort to achieve parental involvement. Parents may feel intimidated by language or cultural barriers, or have difficulty understanding their role as an advocate for their children. Parents too often find that the information provided by schools and districts is not released in a timely manner, is not clear and student-specific, and uses technical terms that are unfamiliar. Poor communication also often obscures the school-choice and supplemental-services options for parents under the No Child Left Behind Act.

Heather Weiss, the director of the Harvard Family Research Project, emphasizes that with the conclusive evidence now available, the time has come for action. As she states, ''The question we must ask is, in addition to quality schools, what non-school learning resources should we invest in and scale up to improve educational outcomes, narrow achievement gaps, and equip our children with the knowledge and skills needed to succeed in the complex and global 21st century?''

To encourage greater parent involvement, this bill amends the Elementary and Secondary Education Act to enable States to award grants to local education agencies to assist schools in hiring and maintaining Parent and Community Outreach Coordinators. These coordinators will build vital partnerships among families, schools, and the community. They'll work with school principals, teachers, and staff to encourage parents to become more involved in their child's education and give them the tools necessary to become successful advocates for their children. Instead of giving teachers, counselors, and principals more to do, every school should have a resource they can turn to for help with identifying student needs and using community resources to help all students succeed.

Educational research also shows that students flourish in environments in which learning is a community value and in which schools have the ability to address a broad range of student needs. Many school districts have established full-service community schools that directly involve parents, families, and the entire community in education. These schools use integrated services to students to help meet multiple local needs in areas such as education, health, social services, and recreation. President Obama has recognized the power of these schools, by often citing the extraordinary success of the Harlem Children's Zone and using it as a model for his Promise Neighborhoods proposal.

Responding to this research and to success stories from around the nation, the Keeping PACE Act will help school districts do more to increase community involvement in schools, provide a wide range of support and services to children, and make schools the center of their neighborhood. The Keeping PACE Act supports incentives for local education agencies to coordinate with mayors, community-based organizations, for-profit entities, and other local partners to re-design and modernize their current school plans and facilities to link students more effectively with existing resources.

Improved coordination among parents, schools, and their communities can create networks that enable and empower students to take advantage of many more opportunities to learn, and by doing so, we will uncover innovations to help all schools.

As with the TIME Act, establishing this network will benefit not only students who need the greatest help with their learning, or who are at risk of dropping out, but also those who need more challenging schoolwork to keep them engaged and making progress.

Yet again, Massachusetts is leading the way. A current Massachusetts pilot initiative has placed 32 full-time family and community outreach coordinators in Boston public schools. These coordinators are responsible for supporting families, teachers, and the community in a common effort to help students academically and socially, and their efforts have been successful.

For example, the Family and Community Outreach Coordinator at the Condon School in Boston has offered workshops for parents on middle school transition and math curriculum and coordinated parent participation on an

anti-bullying initiative at the school, called the School Climate Committee. The Coordinator has helped teachers and parents make connections for parent-teacher conferences, bringing in over 200 parents to participate in a fall open house, in which some of the teachers have reported contact with over 80 percent of their students' families. The Coordinator has also inspired donations to the school through the generosity of local businesses.

Now is the time for the nation as a whole to make a greater effort on expanded learning and parent and community involvement. These two bills constitute a strong commitment to meet the comprehensive learning needs of children and families, guarantee a role for parents and families in local schools, and provide real hope to students most at-risk of dropping out. Addressing these challenges is essential to the future and prosperity of our nation as a whole.

We know the dimensions of the problem we face. Today, 65 percent of 12th graders do not read on grade level, and 1.2 million students who enter the ninth grade fail to receive a high school diploma four years later. We can no longer afford to pay this high price, either in terms of lost human potential or national productivity. These bills will help millions of young people reach their potential, and help make our education system the best in the world once again.

The Keeping PACE Act is supported by 40 organizations representing education communities. Mr. President, I ask unanimous consent that their joint letter of support be printed in the RECORD.

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

JUNE 19, 2009.

DEAR SENATOR KENNEDY: The 40 undersigned organizations support the Keeping Parents and Communities Engaged (PACE) Act. We commend you for your sponsorship and look forward to working together to include Keeping PACE in the reauthorization of the Elementary and Secondary Education Act.

The Keeping PACE Act creates incentives and structure for schools and communities to work together to support students through coordinated, comprehensive, and targeted approaches to meet the needs of students in school and outside school. We're confident that this approach, supported by extensive research, will lead to greater academic improvement and future success for our young people.

The legislation achieves these goals through a series of voluntary programs that will be supported by federal grants. Resources will be available to support parent and community outreach coordinators to assist schools in engaging with the community and achieving greater parental involvement. The bill also will connect students to community resources and comprehensive support services, so that effective community organizations and others can provide students with support outside the classroom to promote academic achievement. In addition, resources will be provided to schools as centers of communities, in order to expand the community school movement.

Extensive research and experience support the implementation of each of these three approaches. Through this approach, we believe that schools and communities will be able to provide the services needed by students, particularly those who are disadvantaged. We commend you for introducing this legislation and we look forward to working together to enact it.

Sincerely,

Communities In Schools; American Association of School Administrators; American Association of University Women; American Federation of Teachers; American Humane Association; America's Promise Alliance; Association for Supervision and Curriculum Development; Boys & Girls Clubs of America; Big Brothers Big Sisters of America; Center for American Progress.

Center for Parent Leadership/Commonwealth Institute for Parent Leadership; Chicago Public Schools; Children's Aid Society; Citizen Schools; City Year; Coalition for Community Schools; Family Connection of Easton; First Focus; I Have A Dream Foundation; Massachusetts Parent Information & Resource Center.

Mentor; National Alliance of Black School Educators; National Association of Elementary School Principals; National Association of School Psychologists; National Association of Secondary School Principals; National Association of State Boards of Education; National Association of State Directors of Special Education; National Collaboration for Youth; National Coalition for Parent Involvement in Education.

National Education Association; National Youth Leadership Council; PACER; Parent Teacher Association; Parent Institute for Quality Education; Public Education Network; The Forum for Youth Investment; The National Coalition of ESEA Title I Parents—Region VII; Save the Children; United Way; Youth Service America.

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 1413. A bill to amend the Adams National Historical Park Act of 1998 to include the Quincy Homestead within the boundary of the Adams National Historical Park, and for other purposes, to the Committee on Energy and Natural Resources.

Mr. KERRY. Mr. President, today I am introducing legislation that will designate Quincy Homestead, a local and national treasure, within the boundary of the Adams National Historic Park. The Quincy Homestead, located in Quincy, MA, was constructed in 1686 by Edmund Quincy II and was called home by five generations of Quincys and is an important historical site for Massachusetts and the nation. It housed great Americans such as President John Quincy Adams, Oliver Wendell Holmes, and Dorothy Quincy Hancock, the first First Lady of Massachusetts. In the years leading up to the American Revolution, it also served as a meeting place for renowned American patriots including President John Adams, Josiah Quincy, and John Hancock.

In addition to its historical significance the Homestead is also a pristine example of American architecture and represents its evolution over three hundred years. The Quincy Homestead was designated a National Historic Landmark in 2005.

While a lot of passion and hard work has gone into the preservation and operation of this property, there is more to be done to enhance these efforts and to realize the full potential of this property. Adding Quincy Homestead to the Adams National Park will advance opportunities for educational and recreational activities at the Homestead and allow greater public access to its rich historic and architectural traditions. I believe this piece of legislation will help the citizens of Massachusetts and the American people to take much fuller advantage of this stunning, national landmark. I ask all my colleagues to support this legislation.

By Mrs. MCCASKILL:

S. 1414. A bill to confer upon the United States Court of Federal Claims jurisdiction to hear, determine, and render final judgment on any legal or equitable claim against the United States to receive just compensation for the taking of certain lands in the State of Missouri, and for other purposes; to the Committee on the Judiciary.

Mrs. MCCASKILL. Mr. President, today I am here to talk about a simple bill that would correct a serious injustice.

In 1992, land belonging to over 100 south St. Louis County homeowners was converted into a recreational trail under the National Trails System Act, which allows rights-of-way abandoned by railroads to be made into trails. I have nothing against the National Trails System Act. It is a good program; it improves communities and preserves rights-of-way. In 1990, the Supreme Court upheld the program as a rightful use of eminent domain, but made it absolutely clear that, in accordance with the Fifth Amendment, property owners must be justly compensated for their losses. Only this did not happen in the case of my constituents back in Missouri. These homeowners—modest, hardworking people—were never compensated for the loss of their land.

These Missouri homeowners did everything right. First, in December 1998, they filed their claim. Federal Judge Bruggink ruled the claim to be filed in timely manner, and the Department of Justice later agreed. Then, on two separate occasions, Judge Bruggink ruled that the federal government was liable for taking the Missouri homeowners' land. After 6 years of litigation, the Department of Justice finally agreed on the amount of just compensation owed to each homeowner. On December 17, 2004, Judge Bruggink found the settlement to be fair and prepared to enter a final order. However, just days before Judge Bruggink was to issue the final order, a separate court—considering an unrelated case—changed the rule on how to calculate the 6-year

statute of limitations in which property owners have to file a claim for compensation.

This new rule determined that the clock on the statute of limitations starts to run at the time negotiations for a possible trail begin, instead of when a trail is actually established. Frankly, this is a little ridiculous because the negotiations are between the railroad company and the trail operator, not the actual property owners who must file the claim. Frequently property owners are not even notified of the negotiations until a trail is established! In the Missouri homeowners' case, negotiations began in March 1992, 6 years and 9 months before they filed their claim. Under the new rule, they filed their claim 9 months too late. As a result, the Court of Claims no longer had jurisdiction to approve the settlement and Judge Bruggink was forced to dismiss the case. To this day the government is still using these citizens' land for a recreational trail, the Grant's Trail, but the citizens have never been extended their constitutional right to just compensation.

Today, along with my distinguished colleague from Missouri, Senator BOND, I am introducing legislation to correct this injustice. The Fair Compensation Act of 2009 would simply confer jurisdiction upon the U.S. Court of Federal Claims to hear the Missouri homeowners' claim. We are doing this for people like Gale and Sarah Illig, a retired couple who had a 50-foot wide strip of land taken from their yard. Then there is Betty Mea Steinhans, who lived in her home for 51 years. The recreational trail took out a sizable chunk of Betty's prized garden. A government appraiser and the DOJ determined that the Federal Government owed Betty $31,000. That is almost 25 percent of the value of her home! These Missourians, and dozens like them, have worked hard to purchase their homes, and they will likely rely on their home's value to provide for them into retirement. They deserve their day in court.

Let me make this clear: our legislation does not award a monetary amount to Missouri landowners. While I certainly think the homeowners are entitled to just compensation, that is not Congress' decision. It is the Court of Federal Claim's job to make that decision. This legislation would only allow the Court the opportunity to hear this case on its merits and would not require any additional appropriations from Congress.

Congress has the authority to enact special jurisdiction legislation; we have exercised it multiple times and the Supreme Court has upheld this right. In the late 1800s, Congress used it to give the Court of Federal Claims jurisdiction to hear the case of a businessman who had several hundred bales of cotton captured by General Sherman during the Civil War. More recently, Congress used it to give the Court jurisdiction to hear the case of the Pueblo of Isleta Indian Tribe, who had a sizable portion of their land taken by the Federal Government.

I want to thank Senator WHITEHOUSE and his staff for working with us to draft this legislation. I will continue to work with the Judiciary Committee on this issue, and I urge them to give this important legislation the consideration it deserves. I am confident that Congress will do what is right, and allow these hardworking Missouri homeowners their day in court.

By Mr. UDALL of Colorado:

S. 1417. A bill to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to require the Secretary of the Interior, acting through the Bureau of Reclamation, to remedy problems caused by a collapsed drainage tunnel in Leadville, Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. UDALL of Colorado. Mr. President, today I am introducing the Leadville Mine Drainage Tunnel Remediation Act of 2009. This bill is the same as a bill introduced in the last Congress by my colleague Representative DOUG LAMBORN. I was proud to cosponsor that bill in the last Congress, which passed the House of Representative but was not taken up in the Senate, and I am pleased to introduce it today.

The Leadville Mine Drainage Tunnel Remediation Act addresses concerns regarding a mine tunnel in Leadville, Colorado. In 2008, a blockage formed in the tunnel that backed up a large volume of water, thereby creating a potential safety hazard to the community in the event of a catastrophic failure. While taking actions to address the immediate threat, questions arose as to whether the Bureau of Reclamation, which owns the tunnel, has the authority to help implement a number of remedies to reduce this threat and clean up additional contaminated water from the tunnel. My bill would clarify that the Bureau of Reclamation has the authority to treat water in the tunnel and is responsible for maintaining it in order to reduce future threats to the community.

The Leadville Mine Drainage Tunnel was originally constructed by the federal Bureau of Mines in the 1940s and 1950s to facilitate the extraction of lead and zinc ore for World War II and Korean War efforts. The Bureau of Reclamation acquired the tunnel in 1959, hoping to use it as a source of water for the Fryingpan-Arkansas Project, a water diversion project in the Fryingpan and Arkansas River Basins. Although the tunnel was never used for the Fryingpan-Arkansas Project, water that flows out of the tunnel is considered part of the natural flow of the Arkansas River. With the passage and subsequent signing into law of H.R. 429 during the 102nd Congress, the Bureau of Reclamation constructed and continues to operate a water treatment plant at the mouth of the tunnel.

Groundwater levels at the tunnel have fluctuated in recent years. The 2008 collapse in the tunnel increased the tunnel's mine pool significantly, leading to new seeps and springs in the area. Estimates suggest that up to 1 billion gallons of water may have built up behind the blockage within the mine pool.

In November 2007, the U.S. Environmental Protection Agency, EPA, sent a letter to the Bureau of Reclamation expressing concerns over a catastrophic blowout as a result of the built up water, and, in February 2008, the Lake County Commissioners declared a state of emergency. The Bureau of Reclamation developed a risk assessment in the area, and the EPA and the Bureau of Reclamation performed some emergency measures to relieve water pressure in the area.

While this emergency work was important, the long-term need to rehabilitate and maintain the tunnel remains an open question. There has been general agreement on what needs to be done; namely, plugging the tunnel, drilling a well behind the plug, and then pumping the water out so it can be piped to the Bureau of Reclamation's existing treatment plant. However, it remains unclear as to whether the Bureau of Reclamation has the authority to help solve the problem by treating the water that the EPA plans to pump from behind the blockage.

In short, we found there is not only a physical blockage, but also a legal blockage that has prevented the Bureau of Reclamation, the EPA and the State of Colorado from reaching an agreement on a long-term solution. This legislation will clear out the legal blockage by allowing the Bureau of Reclamation and the EPA to collaboratively implement the proposed remedy and address the unsafe mine pool in the tunnel.

Specifically, the bill does three things:

First, it clarifies that the Bureau of Reclamation has the authority to treat water pooling up behind the blockage. Currently, the Bureau has authority to treat ''historic releases,'' which could include water behind the tunnel blockage, but Bureau of Reclamation officials are uncertain. In response, this bill eliminates the ''historic release'' language and clarifies that the Bureau of Reclamation can treat the blocked water in the tunnel.

Second, the bill authorizes and directs the Bureau of Reclamation to participate with the EPA on the remedy established under Superfund for the tunnel. The bill also maintains that the Bureau of Reclamation is not liable for the Superfund site cleanup in Leadville. Nevertheless, since remediation activities will occur within the Superfund site, the Bureau of Reclamation has been reluctant to implement this remedy. The Bureau of Reclamation does not want to assume any Superfund liability and does not read current law as allowing participation

with the EPA on the long-term remedy. The bill clarifies that the Bureau of Reclamation not only has the authority to implement the long-term solution at the Superfund site, but that it will be required to join the EPA in implementing it.

Third, the bill clarifies that the Bureau of Reclamation is required to maintain the structural integrity of the tunnel to minimize the chance of another blockage within the tunnel.

The bill also authorizes any funding that might be necessary for the Bureau of Reclamation to perform its clarified responsibilities under this bill.

By clearing up the legal blockage, the bill will help create a collaborative working relationship between the Bureau of Reclamation, the EPA and the State of Colorado to solve this problem for the long-term benefit of Colorado.

I look forward to working with the rest of the Colorado Congressional delegation on this legislation and on moving quickly to address concerns with the Leadville Mine Drainage Tunnel.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1417

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Leadville Mine Drainage Tunnel Remediation Act of 2009''.

SEC. 2. TUNNEL MAINTENANCE.

Section 705 of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4656) is amended to read as follows:

''SEC. 705. TUNNEL MAINTENANCE.

''The Secretary shall take such steps to repair or maintain the structural integrity of the Leadville Mine Drainage Tunnel as are necessary to prevent Tunnel failure and to preclude uncontrolled release of water from any portion of the Tunnel.''.

SEC. 3. WATER QUALITY RESTORATION.

(a) IN GENERAL.—Section 708(a) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4657) is amended—

(1) by striking ''(a) The Secretary'' and inserting the following:

''(a) IN GENERAL.—

''(1) AUTHORIZATION.—The Secretary'';.

(2) by striking ''Neither'' and inserting the following:

''(2) LIABILITY.—Neither'';

(3) by striking ''The Secretary shall have'' and inserting the following:

''(3) FACILITIES COVERED UNDER OTHER LAWS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall have'';

(4) by inserting after ''Recovery Act.'' the following:

''(B) CALIFORNIA GULCH SUPERFUND SITE OPERABLE UNIT 6 REMEDY.—The Secretary shall participate in the implementation of the operable unit 6 remedy for the California Gulch Superfund Site, as the remedy is described in the Record of Decision of the Environmental Protection Agency for the operable unit (2003), by—

''(i) treating water behind any blockage or bulkhead in the Leadville Mine Drainage Tunnel, including surface water diverted into the Tunnel workings as part of the remedy; and

''(ii) managing and maintaining the mine pool behind the blockage or bulkhead at a level that precludes surface runoff and releases and minimizes the potential for Tunnel failure due to excessive water pressure in the Tunnel.''; and

(5) by striking ''For the purpose of'' and inserting the following:

''(4) DEFINITION OF UPPER ARKANSAS RIVER BASIN.—In''.

(b) AUTHORIZATION OF APPROPRATIONS.—Section 708(f) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4657) is amended by striking ''sections 707 and 708'' and inserting ''this section and sections 705 and 707''.

By Mr. UDALL of Colorado (for himself and Mr. BENNET):

S. 1418. A bill to direct the Secretary of the Interior to carry out a study to determine the suitability and feasibility of establishing Camp Hale as a unit of the National Park System; to the Committee on Energy and Natural Resources.

Mr. UDALL of Colorado. Mr. President, today I am introducing the Camp Hale Study Act of 2009. This is a companion bill to the one my Colorado colleague, Rep. DOUG LAMBORN, has introduced in the House of Representatives, H.R. 2330.

This bill was first introduced by Rep. LAMBORN in the last Congress and I was proud to cosponsor that bill. The bill passed the House of Representatives last session, but was not taken up by the Senate. H.R. 2330 has passed the House of Representatives in this Congress and I hope that the Senate can do the same.

I am again pleased to join my colleague Representative LAMBORN in reintroducing this bill. It concerns an important military legacy from the WWII era. Camp Hale, located in the mountains of central Colorado, was a facility that trained a number of soldiers for combat in high alpine and mountainous conditions. Principally, it was a training venue for the Army's 10th Mountain Division and other elements of the U.S. Armed Forces. The geography of the area was ideal for winter and high-altitude training, with steep mountains surrounding a level valley suitable for housing and other facilities. The camp itself was located in Eagle County along the Eagle River, and its training boundary included lands in Eagle, Summit, Lake, and Pitkin Counties.

In addition to the 10th Mountain Division, the 38th Regimental Combat Team, 99th Infantry Battalion, and soldiers from Fort Carson were trained at Camp Hale from 1942 to 1965. Throughout this time, the Army tested a variety of weapons and equipment at Camp Hale.

Between 1956 and 1965, the camp was also used by the Central Intelligence Agency as a secret center for training Tibetan refugees in guerilla warfare to resist the Chinese occupation of their mountainous country.

In July 1965, Camp Hale was deactivated and control of the lands was returned to the Forest Service in 1966. Today the camp is part of the White River and San Isabel National Forests. The U.S. Army Corps of Engineers is working to clean up potentially hazardous munitions left over from weapons testing at the camp, particularly in the East Fork.

Camp Hale was placed on the National Register of Historic Places in 1992. The bill I am introducing today would direct the Secretary of the Interior to study the feasibility and suitability of establishing Camp Hale, near Leadville, CO, as a national historic district.

Specifically, the bill directs the Secretary of the Interior, acting through the Director of the National Park Service, to complete a special resource study of Camp Hale to determine the suitability and feasibility of designating Camp Hale as a separate unit of the National Park System, and also to consider other Federal, State, local, private or nonprofit means of protecting and interpreting the site. That would include an analysis of the significance of Camp Hale in relation to the defense of our Nation during World War II and the Cold War, including the use of Camp Hale for training of the 10th Mountain Division and other elements of the United States Armed Forces; and use of Camp Hale for training by the Central Intelligence Agency of Tibetan refugees seeking to resist the Chinese occupation of Tibet.

The study would also examine the opportunities for public enjoyment of the site, any operational, management, and private property issues that need to be considered if Camp Hale were to be added to the National Park System, the feasibility of administering Camp Hale as a unit of the National Park System considering its size, configuration, ownership, costs, and other factors, and the adequacy of other alternatives for management and resource protection of Camp Hale and for appropriately commemorating the role of Camp Hale in connection with training of United States troops and assistance to Tibetans opposed to the occupation of Tibet.

The bill also contains language ensuring that existing private property rights are not affected by this study, including water rights. The bill in this Congress contains a small change from the last bill in that it makes clear that the bill does not affect the ability to construct needed water infrastructure in the area subject to the study.

Camp Hale is an important part of our nation's proud national defense legacy and it deserves to be recognized and protected. The people who trained there are proud of their accomplishments and I am proud to join Representative LAMBORN in supporting this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1418

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Camp Hale Study Act''.

SEC. 2. SPECIAL RESOURCE STUDY OF THE SUITABILITY AND FEASIBILITY OF ESTABLISHING CAMP HALE AS A UNIT OF THE NATIONAL PARK SYSTEM.

(a) IN GENERAL.—The Secretary of the Interior, acting through the Director of the National Park Service, (hereinafter referred to as the ''Secretary'') shall complete a special resource study of Camp Hale to determine—

(1) the suitability and feasibility of designating Camp Hale as a separate unit of the National Park System; and

(2) the methods and means for the protection and interpretation of Camp Hale by the National Park Service, other Federal, State, or local government entities or private or nonprofit organizations.

(b) STUDY REQUIREMENTS.—The Secretary shall conduct the study in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)).

(c) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study; and

(2) any recommendations of the Secretary.

SEC. 3. EFFECT OF STUDY.

Nothing in this Act shall affect valid existing rights or the exercise of such rights, including—

(1) all interstate water compacts in existence on the date of the enactment of this Act (including full development of any apportionment made in accordance with the compacts);

(2) water rights decreed at the Camp Hale site or flowing within, below, or through the Camp Hale site;

(3) water rights in the State of Colorado;

(4) water rights held by the United States;

(5) the management and operation of any reservoir, including the storage, management, release, or transportation of water; and

(6) the ability, subject to compliance with lawful existing local, State, and Federal regulatory requirements, to construct and operate that infrastructure determined necessary by those with decreed water rights to develop and place to beneficial use such rights.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 210—DESIGNATING THE WEEK BEGINNING ON NOVEMBER 9, 2009, AS NATIONAL SCHOOL PSYCHOLOGY WEEK

Mrs. LINCOLN (for herself and Mr. COCHRAN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 210

Whereas all children and youth learn best when they are healthy, supported, and receive an education that meets their individual needs;

Whereas schools can more effectively ensure that all students are ready and able to learn if schools meet all the needs of each student;

Whereas learning and development are directly linked to the mental health of children, and a supportive learning environment is an optimal place to promote mental health;

Whereas sound psychological principles are critical to proper instruction and learning, social and emotional development, prevention and early intervention, and support for a culturally diverse student population;

Whereas school psychologists are specially trained to deliver mental health services and academic support that lower barriers to learning and allow teachers to teach more effectively;

Whereas school psychologists facilitate collaboration that helps parents and educators identify and reduce risk factors, promote protective factors, create safe schools, and access community resources;

Whereas school psychologists are trained to assess barriers to learning, utilize data-based decisionmaking, implement research-driven prevention and intervention strategies, evaluate outcomes, and improve accountability;

Whereas State educational agencies and other State entitities credential more than 35,000 school psychologists who practice in schools in the United States as key professionals that promote the learning and mental health of all children;

Whereas the National Association of School Psychologists establishes and maintains high standards for training, practice, and school psychologist credentialing, in collaboration with organizations such as the American Psychological Association, that promote effective and ethical services by school psychologists to children, families, and schools; and

Whereas the people of the United States should recognize the vital role school psychologists play in the personal and academic development of the Nation's children: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning on November 9, 2009, as National School Psychology Week;

(2) honors and recognizes the contributions of school psychologists to the success of students in schools across the United States; and

(3) encourages the people of the United States to observe the week with appropriate ceremonies and activities that promote awareness of the vital role school psychologists play in schools, in the community, and in helping students develop into successful and productive members of society.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1412. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 1413. Mr. SHELBY (for himself, Mr. DODD, and Mr. REED) submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1414. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1415. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra.

SA 1416. Mr. PRYOR (for himself, Mr. HATCH, Mr. COBURN, and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1417. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1418. Mr. NELSON, of Nebraska (for himself, Ms. COLLINS, Ms. LANDRIEU, Mr. LIEBERMAN, Ms. KLOBUCHAR, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the resolution S. Res. 175, expressing the sense of the Senate that the Federal Government is a reluctant shareholder in the ownership of General Motors and Chrysler; which was referred to the Committee on Banking, Housing, and Urban Affairs.

SA 1419. Mr. NELSON, of Nebraska (for himself, Ms. COLLINS, Ms. LANDRIEU, Mr. LIEBERMAN, Ms. KLOBUCHAR, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the resolution S. Res. 175, supra; which was referred to the Committee on Banking, Housing, and Urban Affairs.

SA 1420. Mr. NELSON, of Nebraska (for himself, Ms. COLLINS, Ms. LANDRIEU, Mr. LIEBERMAN, Ms. KLOBUCHAR, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the resolution S. Res. 175, supra; which was referred to the Committee on Banking, Housing, and Urban Affairs.

SA 1421. Mr. KYL submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table.

SA 1422. Mr. KYL submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1423. Mr. KYL submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1424. Mr. KYL submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1425. Mr. KYL submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1426. Mr. KYL submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1427. Mr. KYL submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY))

to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1428. Mr. HATCH (for himself, Mr. MENENDEZ, Mr. NELSON, of Florida, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra.

SA 1429. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1430. Mr. SANDERS (for himself, Mr. CASEY, and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1431. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1432. Mr. KYL (for himself and Mr. MCCAIN) proposed an amendment to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra.

SA 1433. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1434. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1435. Mr. PRYOR (for himself, Mr. HATCH, and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1436. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1437. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1438. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1439. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1440. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1441. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1442. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1443. Mr. DODD (for himself, Mr. LIEBERMAN, and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1444. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1445. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1446. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

SA 1447. Mr. CORNYN (for himself, Mr. PRYOR, Mr. HATCH, Mr. VITTER, Mr. RISCH, Mr. CHAMBLISS, Mr. CORKER, Mr. ENZI, Mr. BARRASSO, Mr. GRAHAM, Mr. ROBERTS, Mr. WYDEN, and Mr. CRAPO) submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1412. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, between lines 16 and 17, insert the following:

SEC. 556. GOVERNMENT NEUTRALITY IN CONTRACTING.

(a) PURPOSES.—It is the purpose of this section to—

(1) promote and ensure open competition on Federal and federally funded or assisted construction projects;

(2) maintain Federal Government neutrality towards the labor relations of Federal Government contractors on Federal and federally funded or assisted construction projects;

(3) reduce construction costs to the Federal Government and to the taxpayers;

(4) expand job opportunities, especially for small and disadvantaged businesses; and

(5) prevent discrimination against Federal Government contractors or their employees based upon labor affiliation or the lack thereof, thereby promoting the economical, nondiscriminatory, and efficient administration and completion of Federal and federally funded or assisted construction projects.

(b) PRESERVATION OF OPEN COMPETITION AND FEDERAL GOVERNMENT NEUTRALITY.—

(1) PROHIBITION.—

(A) GENERAL RULE.—The head of each executive agency that awards any construction contract after the date of enactment of this Act, or that obligates funds pursuant to such a contract, shall ensure that the agency, and any construction manager acting on behalf of the Federal Government with respect to such contract, in its bid specifications, project agreements, or other controlling documents does not—

(i) require or prohibit a bidder, offeror, contractor, or subcontractor from entering into, or adhering to, agreements with 1 or more labor organization, with respect to that construction project or another related construction project; or

(ii) otherwise discriminate against a bidder, offeror, contractor, or subcontractor because such bidder, offeror, contractor, or subcontractor—

(I) became a signatory, or otherwise adhered to, an agreement with 1 or more labor organization with respect to that construction project or another related construction project; or

(II) refused to become a signatory, or otherwise adhere to, an agreement with 1 or more labor organization with respect to that construction project or another related construction project.

(B) APPLICATION OF PROHIBITION.—The provisions of this subsection shall not apply to contracts awarded prior to the date of enactment of this Act, and subcontracts awarded pursuant to such contracts regardless of the date of such subcontracts.

(C) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) shall be construed to prohibit a contractor or subcontractor from voluntarily entering into an agreement described in such subparagraph.

(2) RECIPIENTS OF GRANTS AND OTHER ASSISTANCE.—The head of each executive agency that awards grants, provides financial assistance, or enters into cooperative agreements for construction projects after the date of enactment of this Act, shall ensure that—

(A) the bid specifications, project agreements, or other controlling documents for such construction projects of a recipient of a grant or financial assistance, or by the parties to a cooperative agreement, do not contain any of the requirements or prohibitions described in clause (i) or (ii) of paragraph (1)(A); or

(B) the bid specifications, project agreements, or other controlling documents for such construction projects of a construction manager acting on behalf of a recipient or party described in subparagraph (A), do not contain any of the requirements or prohibitions described in clause (i) or (ii) of paragraph (1)(A).

(3) FAILURE TO COMPLY.—If an executive agency, a recipient of a grant or financial assistance from an executive agency, a party to a cooperative agreement with an executive agency, or a construction manager acting on behalf of such an agency, recipient or party, fails to comply with paragraph (1) or (2), the head of the executive agency awarding the contract, grant, or assistance, or entering into the agreement, involved shall take such action, consistent with law, as the head of the agency determines to be appropriate.

(4) EXEMPTIONS.—

(A) IN GENERAL.—The head of an executive agency may exempt a particular project, contract, subcontract, grant, or cooperative agreement from the requirements of 1 or more of the provisions of paragraphs (1) and (2) if the head of such agency determines that special circumstances exist that require an exemption in order to avert an imminent threat to public health or safety or to serve the national security.

(B) SPECIAL CIRCUMSTANCES.—For purposes of subparagraph (A), a finding of ''special circumstances'' may not be based on the possibility or existence of a labor dispute concerning contractors or subcontractors that are nonsignatories to, or that otherwise do not adhere to, agreements with 1 or more labor organization, or labor disputes concerning employees on the project who are not members of, or affiliated with, a labor organization.

(C) ADDITIONAL EXEMPTION FOR CERTAIN PROJECTS.—The head of an executive agency, upon application of an awarding authority, a recipient of grants or financial assistance, a party to a cooperative agreement, or a construction manager acting on behalf of any of such entities, may exempt a particular project from the requirements of any or all

of the provisions of paragraphs (1) or (3), if the agency head finds—

(i) that the awarding authority, recipient of grants or financial assistance, party to a cooperative agreement, or construction manager acting on behalf of any of such entities had issued or was a party to, as of the date of the enactment of this Act, bid specifications, project agreements, agreements with one or more labor organizations, or other controlling documents with respect to that particular project, which contained any of the requirements or prohibitions set forth in paragraph (1)(A); and

(ii) that one or more construction contracts subject to such requirements or prohibitions had been awarded as of the date of the enactment of this Act.

(5) FEDERAL ACQUISITION REGULATORY COUNCIL.—With respect to Federal contracts to which this section applies, not later than 60 days after the date of enactment of this Act, the Federal Acquisition Regulatory Council shall take appropriate action to amend the Federal Acquisition Regulation to implement the provisions of this subsection.

(6) DEFINITIONS.—In this subsection:

(A) CONSTRUCTION CONTRACT.—The term ''construction contract'' means any contract for the construction, rehabilitation, alteration, conversion, extension, or repair of buildings, highways, or other improvements to real property.

(B) EXECUTIVE AGENCY.—The term ''executive agency'' has the meaning given such term in section 105 of title 5, United States Code, except that such term shall not include the Government Accountability Office.

(C) LABOR ORGANIZATION.—The term ''labor organization'' has the meaning given such term in section 701(d) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(d)).

SA 1413. Mr. SHELBY (for himself, Mr. DODD, and Mr. REED) submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, after line 18, insert the following:

SEC. _____. None of the funds in this Act provided for public transportation security assistance under section 1406 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110-53) shall require a cost share. Such public transportation security assistance shall be provided directly to public transportation agencies.

SA 1414. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. LABOR CONDITION APPLICATION.

Section 424(a)(1) of the Consolidated Appropriations Act, 2005 (Public Law 108–447), which amends 212(n)(2)(G) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)), is amended—

(1) in clause (i) of the quoted material, by striking ''if the Secretary of Labor has reasonable cause to believe'' and all that follows and inserting ''with regard to the employer's compliance with the requirements under this subsection.'';

(2) in clause (ii), by striking ''and whose identity is known'' and all that follows through ''failures.'' and inserting ''the Secretary of Labor may conduct an investigation into the employer's compliance with the requirements under this subsection.'';

(3) in clause (iii), by striking the last sentence;

(4) by striking clauses (iv) and (v);

(5) by redesignating clauses (vi), (vii), and (viii) as clauses (iv), (v), and (vi), respectively;

(6) in clause (iv), as redesignated, by striking ''meet a condition described in clause (ii), unless the Secretary of Labor receives the information not later than 12 months'' and inserting ''comply with the requirements under this subsection, unless the Secretary of Labor receives the information not later than 24 months'';

(7) by amending clause (v), as redesignated, to read as follows:

''(v) The Secretary of Labor shall provide notice to an employer of the intent to conduct an investigation. The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that such compliance would interfere with an effort by the Secretary to investigate or secure the compliance of the employer with the requirements under this subsection. A determination by the Secretary under this clause shall not be subject to judicial review.'';

(8) in clause (vi), as redesignated, by striking ''An investigation'' and all that follows through ''the determination.'' and inserting ''If the Secretary of Labor, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, not later than 120 days after the date of such determination.''; and

(9) by inserting before the end quote the following:

''(vii) If the Secretary of Labor, after a hearing, finds a reasonable basis to believe that the employer has violated the requirements under this subsection, the Secretary shall impose a penalty under subparagraph (C).

SA 1415. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. CHECKING THE IMMIGRATION STATUS OF EMPLOYEES.

Section 403(a)(3)(A) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 8 U.S.C. 1324a note) is amended—

(1) by striking ''The person'' and inserting the following:

''(i) UPON HIRING.—The person''; and

(2) by adding at the end the following:

''(ii) EXISTING EMPLOYEES.—An employer that elects to verify the employment eligibility of existing employees shall verify the employment eligibility of all such employees not later than 10 days after notifying the Secretary of Homeland Security of such election.''.

SA 1416. Mr. PRYOR (for himself, Mr. HATCH, Mr. COBURN, and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, between lines 16 and 17, insert the following:

SEC. 556. DEFINITION OF SWITCHBLADE.

Subsection (b) of the first section of the Act entitled ''An Act to prohibit the introduction, or manufacture for introduction, into interstate commerce of switchblade knives, and for other purposes'' (commonly known as the Federal Switchblade Act) (15 U.S.C. 1241(b)) is amended to read as follows:

''(b) The term 'switchblade knife' means any knife having a blade which opens automatically by hand pressure applied to a button or other device in the handle of the knife.''.

SA 1417. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. The Secretary of Homeland Security shall promulgate regulations that amend section 235.1(f)(v) of title 8, Code of Federal Regulations, as in effect on the date of the enactment of this Act, to permit Mexican nonimmigrant aliens admitted into the United States to visit within the State of New Mexico (within 100 miles of the international border between the United States and Mexico border) for a period not to exceed 30 days without filling out an Arrival-Departure Record (I–94 Form) if the alien—

(1) is not required to present a visa and a passport under section 212.1(c)(1); and

(2) is admitted at the Columbus, Santa Teresa, or the Antelope Wells ports-of-entry in the State of New Mexico.

SA 1418. Mr. NELSON of Nebraska (for himself, Ms. COLLINS, Ms. LANDRIEU, Mr. LIEBERMAN, Ms. KLOBUCHAR, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the resolution S. Res. 175, expressing the sense of the Senate that the Federal Government is a reluctant shareholder in the ownership of General Motors and Chrysler; which was referred to the Committee on Banking, Housing, and Urban Affairs; as follows:

Strike all after the resolving clause and insert the following:

That it is the sense of the Senate that—

(1) the Federal Government is only a temporary stakeholder in the American automotive industry and should take all possible steps to protect American taxpayer dollars and divest its ownership interests in such companies as expeditiously as possible; and

(2) the Comptroller General of the United States, the Congressional Oversight Panel, and the Special Inspector General for the Troubled Assets Relief Program will continue to oversee and report to Congress on automotive companies receiving financial assistance so that the Federal Government may complete divestiture without delay.

SA 1419. Mr. NELSON of Nebraska (for himself, Ms. COLLINS, Ms. LANDRIEU, Mr. LIEBERMAN, Ms. KLOBUCHAR, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the resolution S. Res. 175, expressing the sense of the Senate that the Federal Government is a reluctant shareholder in the ownership of General Motors and Chrysler; which was referred to the Committee on Banking, Housing, and Urban Affairs; as follows:

Strike the preamble and insert the following:

Whereas the United States is facing a deep economic crisis that has caused millions of American workers to lose their jobs;

Whereas the collapse of the American automotive industry would have dealt a devastating blow to an already perilous economy;

Whereas on December 19, 2008, President George W. Bush stated: ''The actions I'm announcing today represent a step that we wish were not necessary. But given the situation, it is the most effective and responsible way to address this challenge facing our Nation. By giving the auto companies a chance to restructure, we will shield the American people from a harsh economic blow at a vulnerable time and we will give American workers an opportunity to show the world, once again, they can meet challenges with ingenuity and determination, and bounce back from tough times and emerge stronger than before.'';

Whereas on March 30, 2009, President Barack Obama stated: ''We cannot, and must not, and we will not let our auto industry simply vanish. This industry is like no other—it's an emblem of the American spirit; a once and future symbol of America's success. It's what helped build the middle class and sustained it throughout the 20th century. It's a source of deep pride for the generations of American workers whose hard work and imagination led to some of the finest cars the world has ever known. It's a pillar of our economy that has held up the dreams of millions of our people . . . . These companies—and this industry—must ultimately stand on their own, not as wards of the state.'';

Whereas the Federal Government is a reluctant shareholder in General Motors Corporation and Chrysler Motors LLC in order to provide economic stability to the Nation;

Whereas the Federal Government will work to protect the investment of the American taxpayers;

Whereas the Federal Government will not intervene in the day-to-day management of General Motors or Chrysler; and

Whereas the Federal Government shall closely monitor General Motors and Chrysler to ensure that they are responsible stewards of taxpayer dollars and take all possible steps to expeditiously return to viability: Now, therefore, be it

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SA 1420. Mr. NELSON of Nebraska (for himself, Ms. COLLINS, Ms. LANDRIEU, Mr. LIEBERMAN, Ms. KLOBUCHAR, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the resolution S. Res. 175, expressing the sense of the Senate that the Federal Government is a reluctant shareholder in the ownership of General Motors and Chrysler; which was referred to the Committee on Banking, Housing, and Urban Affairs; as follows:

Amend the title so as to read: ''A resolution expressing the sense of the Senate that the investment by the Federal Government in the American automotive industry is temporary.''.

SA 1421. Mr. KYL submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, between lines 16 and 17, insert the following:

SEC. 556. None of the funds made available in this Act may be used by United States Citizenship and Immigration Services to grant any immigration benefit unless—

(1) a background check is completed on the alien who requests the immigration benefit;

(2) all the results of such background check have been received and reviewed by United States Citizenship and Immigration Services; and

(3) the results of such background check do not preclude the granting of such immigration benefit.

SA 1422. Mr. KYL submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. (a) Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a report to the congressional committees set forth in subsection (b) that provides details about—

(1) additional Border Patrol sectors that should be utilizing Operation Streamline programs; and

(2) resources needed from the Department of Homeland Security and the Department of Justice to increase the effectiveness of Operation Streamline programs at some Border Patrol sectors and to utilize such programs at additional sectors.

(b) The congressional committees set forth in this subsection are—

(1) the Committee on Appropriations of the Senate;

(2) the Committee on the Judiciary of the Senate;

(3) the Committee on Appropriations of the House of Representatives;

(4) the Committee on the Judiciary of the House of Representatives;

(5) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(6) the Committee on Homeland Security of the House of Representatives.

SA 1423. Mr. KYL submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 8, line 10, insert '': *Provided further*, That amounts provided under this heading shall be used to complete not fewer than 330 miles of at least double-layer fencing along the southwest border'' before the period at the end.

SA 1424. Mr. KYL submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 30, strike lines 20 through 25, and insert the following:

(1) $970,000,000 shall be for the State Homeland Security Grant Program under section 2004 of the Homeland Security Act of 2002 (6 U.S.C. 605): *Provided*, That of the amount made available under this paragraph, $80,000,000 shall be for Operation Stonegarden: *Provided further*, That the amount appropriated under title I for departmental management and operations is hereby reduced by $20,000,000.

SA 1425. Mr. KYL submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, between lines 16 and 17, insert the following:

SEC. 556. GRANTS FOR INDIAN TRIBES.

(a) GRANTS AUTHORIZED.—The Secretary of Homeland Security may award grants to eligible Indian tribes with lands adjacent to an international border of the United States that have been adversely affected by illegal immigration, smuggling, and drug trafficking.

(b) ELIGIBILITY.—An Indian tribe is eligible to receive a grant under this section if the Indian tribe provides officials of the Department of Homeland Security with—

(1) access to independent districts within an Indian tribe with land adjacent to an international border of the United States for placement of equipment;

(2) authority to construct adequate patrol roads on tribal lands; and

(3) authority to install necessary physical barriers on tribal lands.

(c) USE OF GRANT FUNDS.—Grants awarded under this section shall be used in areas in which the recipient tribe is cooperating with the Department of Homeland to support—

(1) law enforcement;

(2) border security; and

(3) environmental and tribal preservation efforts, if necessary.

(d) APPROPRIATION.—There is appropriated $5,000,000 for grants under this section.

(e) OFFSET.—The amount appropriated under title I for departmental management and operations is hereby reduced by $5,000,000.

SA 1426. Mr. KYL submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 10, strike line 6 and all that follows through page 11, line 22 and insert the following:

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For necessary expenses for enforcement of immigration and customs laws, detention and removals, and investigations; and purchase and lease of up to 3,790 (2,350 for replacement only) police-type vehicles; $5,390,100,000, of which not to exceed $7,500,000 shall be available until expended for conducting special operations under section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081); of which not to exceed $15,000 shall be for official reception and representation expenses; of which not to exceed $1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security; of which not less than $305,000 shall be for promotion of public awareness of the child pornography tipline and anti-child exploitation activities; of which not less than $5,400,000 shall be used to facilitate agreements consistent with section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)); and of which not to exceed $11,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled aliens unlawfully present in the United States: *Provided*, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of $35,000, except that the Secretary, or the designee of the Secretary, may waive that amount as necessary for national security purposes and in cases of immigration emergencies: *Provided further*, That of the total amount provided, $15,770,000 shall be for activities in fiscal year 2010 to enforce laws against forced child labor, of which not to exceed $6,000,000 shall remain available until expended: *Provided further*, That of the total amount available, not less than $1,000,000,000 shall be available to identify aliens convicted of a crime, and who may be deportable, and to remove them from the United States once they are judged deportable: *Provided further*, That the Secretary, or the designee of the Secretary, shall report to the Committees on Appropriations of the Senate and the House of Representatives, at least quarterly, on progress implementing the preceding proviso, and the funds obligated during that quarter to make that progress: *Provided further*, That funding made available under this heading shall maintain a level of not less than 34,400 detention beds through September 30, 2010: *Provided further*, That of the total amount provided, not less than $2,569,180,000 is for detention and removal operations, including transportation of unaccompanied minor aliens: *Provided further*, That of the total amount provided, $6,800,000 shall remain available until September 30, 2011, for the Visa Security Program: *Provided further*, That nothing under this heading shall prevent U.S. Immigration and Customs Enforcement from exercising those authorities provided under immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))) during priority operations pertaining to aliens convicted of a crime: *Provided further*, That the amount appropriated under title I for departmental management and operations is hereby reduced by $30,000,000.

SA 1427. Mr. KYL submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 30, strike line 15 and all that follows through page 32, line 11, and insert the following:

STATE AND LOCAL PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For grants, contracts, cooperative agreements, and other activities, $3,097,200,000 shall be allocated as follows:

(1) $950,000,000 shall be for the State Homeland Security Grant Program under section 2004 of the Homeland Security Act of 2002 (6 U.S.C. 605): *Provided*, That of the amount provided by this paragraph, $60,000,000 shall be for Operation Stonegarden.

(2) $887,000,000 shall be for the Urban Area Security Initiative under section 2003 of the Homeland Security Act of 2002 (6 U.S.C. 604), of which, notwithstanding subsection (c)(1) of such section, $20,000,000 shall be for grants to organizations (as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax section 501(a) of such code) determined by the Secretary of Homeland Security to be at high risk of a terrorist attack.

(3) $35,000,000 shall be for Regional Catastrophic Preparedness Grants.

(4) $40,000,000 shall be for the Metropolitan Medical Response System under section 635 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 723).

(5) $15,000,000 shall be for the Citizen Corps Program.

(6) $356,000,000 shall be for Public Transportation Security Assistance, Railroad Security Assistance, and Over-the-Road Bus Security Assistance under sections 1406, 1513, and 1532 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53; 6 U.S.C. 1135, 1163, and 1182), of which not less than $25,000,000 shall be for Amtrak security, and not less than $6,000,000 shall be for Over-the-Road Bus Security Assistance.

(7) $350,000,000 shall be for Port Security Grants in accordance with 46 U.S.C. 70107.

(8) $50,000,000 shall be for Buffer Zone Protection Program Grants.

(9) $50,000,000 shall be allocated for grants, contracts, cooperative agreements and other such activities under the Driver's License Security Grants Program, pursuant to section 204(a) of the REAL ID Act of 2005 (division B of Public Law 109–13) or 232(b)(15) of the Homeland Security Act of 2002 (6 U.S.C. 162(b)(15)).

(10) $30,000,000 shall be allocated for the establishment of cooperative exchange of electronic vital event verification information among the State Motor Vehicle Administrators and carried out by the Secretary of Homeland Security, with the concurrence of the Secretary of Health and Human Services, and in consultation with State vital statistics offices and appropriate Federal agencies: Provided, That the amount appropriated under title I for departmental management and operations is hereby reduced by $30,000,000.

SA 1428. Mr. HATCH (for himself, Mr. MENENDEZ, Mr. NELSON of Florida, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 77, between lines 16 and 17, insert the following:

SEC. 556. IMMIGRATION PROVISIONS.

(a) SPECIAL IMMIGRANT NONMINISTER RELIGIOUS WORKER PROGRAM.—

(1) EXTENSION.—Section 101(a)(27)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101 (a)(27)(C)(ii)), as amended by section 2(a) of the Special Immigrant Nonminister Religious Worker Program Act (Public Law 110–391), is amended by striking ''September 30, 2009'' each place such term appears and inserting ''September 30, 2012''.

(2) STUDY AND PLAN.—Not later than the earlier of 90 days after the date of the enactment of this Act or March 30, 2010, the Director of United States Citizenship and Immigration Services shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that includes—

(A) the results of a study conducted under the supervision of the Director to evaluate the Special Immigrant Nonminister Religious Worker Program to identify the risks of fraud and noncompliance by program participants; and

(B) a detailed plan that describes the actions to be taken by the Department of Homeland Security against noncompliant program participants and future noncompliant program participants.

(3) PROGRESS REPORT.—Not later than the earlier of 90 days after the submission of the report under subsection (b) or June 30, 2010, the Director of United States Citizenship and Immigration Services shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that describes the progress made in reducing the number of noncompliant participants of the Special Immigrant Nonminister Religious Worker Program.

(b) CONRAD STATE 30 J–1 VISA WAIVER PROGRAM.—Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1182 note) is amended by striking ''September 30, 2009'' and inserting ''September 30, 2012''.

(c) RELIEF FOR ORPHANS AND SPOUSES OF UNITED STATES CITIZENS.—

(1) AMENDMENT.—Section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)) is amended—

(A) by inserting ''or, if married to such citizen for less than 2 years at the time of the citizen's death, an alien who proves by a preponderance of the evidence that the marriage was entered into in good faith and not solely for the purpose of obtaining an immigration benefit'' after ''for at least 2 years at the time of the citizen's death''; and

(B) by adding at the end the following: ''For purposes of this subsection, an alien who was the child or parent of a citizen of the United States on the date of the citizen's death shall be considered to remain an immediate relative after such date if the alien parent files a petition under section 204(a)(1)(A)(ii) not later than 2 years after such date or the alien child files such a petition before reaching 21 years of age.''.

(2) PROCEDURE FOR GRANTING IMMIGRANT STATUS.—Section 204(a)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)(ii)) is amended by adding at the end of the following: ''An alien parent or child described in the fourth sentence of section 201(b)(2)(A)(i) also may file a petition with the Attorney General under this subparagraph for classification of the alien under such section.''.

(3) SPECIAL RULE FOR ORPHANS AND SPOUSES.—In applying section 201(b)(2)(A)(i) of the Immigration and Nationality Act, as amended by paragraph (1), to an alien whose citizen relative died before the date of the enactment of this Act, the alien relative may file the classification petition under section 204(a)(1)(A)(ii) of such Act not later than 2 years after the date of the enactment of this Act.

(4) ELIGIBILITY FOR PAROLE.—If an alien was excluded, deported, removed, or departed voluntarily before the date of the enactment of this Act based solely upon the alien's lack of classification as an immediate relative (as defined in section 201(b)(2)(A)(i) of the Immigration and Nationality Act) due to the death of the alien's citizen relative—

(A) such alien shall be eligible for parole into the United States pursuant to the Attorney General's discretionary authority under section 212(d)(5) of such Act (8 U.S.C. 1182(d)(5)); and

(B) such alien's application for adjustment of status shall be considered notwithstanding section 212(a)(9) of such Act (8 U.S.C. 1182(a)(9)).

(d) ADJUSTMENT OF STATUS.—

(1) SURVIVING SPOUSES, PARENTS, AND CHILDREN.—Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended by adding at the end the following:

''(n) APPLICATION FOR ADJUSTMENT OF STATUS BY SURVIVING SPOUSES, PARENTS, AND CHILDREN.—

''(1) IN GENERAL.—An alien described in paragraph (2) who applies for adjustment of status before the death of the qualifying relative may have such application adjudicated as if such death had not occurred.

''(2) ALIEN DESCRIBED.—An alien described in this paragraph is an alien who—

''(A) is an immediate relative (as described in section 201(b)(2)(A));

''(B) is a family-sponsored immigrant (as described in subsection (a) or (d) of section 203); or

''(C) is a derivative beneficiary of an employment-based immigrant under section 203(b) (as described in section 203(d)).''.

(2) REFUGEES.—Section 209(b) of the Immigration and Nationality Act (8 U.S.C. 1259(b)) is amended by adding at the end the following ''An alien who is the spouse or child of a refugee (as described in section 207(c)(2)) or an asylee (as described in section 208(b)(3) who applies for adjustment of status before the death of a qualifying relative may have such application adjudicated as if such death had not occurred.''.

(3) AFFIDAVIT OF SUPPORT BY JOINT SPONSOR.—Section 212(a)(4)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)(C)(ii)) is amended by inserting '', or if the petitioning relative has died, a joint sponsor (as described in section 213A(f)(2)) has executed an affidavit of support with respect to such alien, in accordance with section 213A'' before the period at the end.

(e) TRANSITION PERIOD.—

(1) IN GENERAL.—Notwithstanding a denial of an application for adjustment of status for an alien whose qualifying relative died before the date of the enactment of this Act, such application may be renewed by the alien through a motion to reopen, without fee, if such motion is filed not later than 2 years after such date of enactment.

(2) ELIGIBILITY FOR PAROLE.—If an alien described in section 245(n)(2) of the Immigration and Nationality Act (8 U.S.C. 1255(n)(2)) was excluded, deported, removed, or departed voluntarily before the date of the enactment of this Act based solely upon the alien's lack of classification as a relative or beneficiary due to the death of the alien's relative—

(A) such alien shall be eligible for parole into the United States pursuant to the Attorney General's discretionary authority under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)); and

(B) such alien's application for adjustment of status shall be considered notwithstanding section 212(a)(9) of such Act (8 U.S.C. 1182(a)(9)).

(f) PROCESSING OF IMMIGRANT VISAS AND DERIVATIVE PETITIONS.—

(1) IN GENERAL.—Section 204(b) of the Immigration and Nationality Act (8 U.S.C. 1154(b)) is amended—

(A) by striking ''After an investigation'' and inserting the following:

''(1) IN GENERAL.—After an investigation''; and

(B) by adding at the end the following:

''(2) DEATH OF QUALIFYING RELATIVE.—

''(A) PENDING PETITIONS.—Any alien described in subparagraph (C) whose qualifying relative died after filing a petition (or, in the case of a refugee or asylee, after filing a relative petition), may have such petition or immigrant visa application adjudicated as if such death had not occurred.

''(B) APPROVED PETITIONS WHERE AN IMMIGRANT VISA HAS BEEN ISSUED.—An immigrant visa or relative petition shall remain valid notwithstanding the death of the qualifying relative.

''(C) ALIEN DESCRIBED.—An alien described in this subparagraph is an alien who is—

''(i) an immediate relative (as described in section 201(b)(2)(A));

''(ii) a family-sponsored immigrant (as described in subsection (a) or (d) of section 203);

''(iii) a derivative beneficiary of an employment-based immigrant under section 203(b) (as described in section 203(d)); or

''(iv) the spouse or child of a refugee (as described in section 207(c)(2)) or an asylee (as described in section 208(b)(3)).''.

(2) APPROVED PETITIONS.—Section 205 of the Immigration and Nationality Act (8 U.S.C. 1155) is amended by adding at the end the following: ''The death of a petitioner or primary beneficiary shall not constitute good and sufficient cause to revoke the approval of any petition.''.

(3) TRANSITION PERIOD.—

(A) IN GENERAL.—Notwithstanding a denial or revocation of an application for an immigrant visa for an alien whose qualifying relative died before the date of the enactment of this Act, such application may be renewed by the alien through a motion to reopen, without fee, if such motion is filed not later than 2 years after such date of enactment.

(B) INAPPLICABILITY OF BARS TO ENTRY.—Notwithstanding section 212(a)(9) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)), an alien's application for an immigrant visa shall be considered if the alien was excluded, deported, removed, or departed voluntarily before the date of the enactment of this Act.

(g) NATURALIZATION.—Section 319(a) of the Immigration and Nationality Act (8 U.S.C. 1430(a)) is amended by inserting ''(or, if the spouse is deceased, the spouse was a citizen of the United States)'' after ''citizen of the United States''.

(h) REDUCTION OF IMMIGRANT VISA NUMBERS.—For purposes of applying the numerical limitations in sections 201 and 203 of the Immigration and Nationality Act (8 U.S.C. 1151 and 1153), aliens granted adjustment of status or immigrant visas under this section, or the amendments made by this section, shall be subject to the numerical limitations contained in such sections 201 and 203, except that—

(1) the total number of visas made available for aliens whose qualifying relative died more than 10 years before the date of the enactment of this Act shall not exceed 100; and

(2) aliens described in the amendment made by subsection (c)(1)(A) shall be given priority for receiving such visas.

(i) EFFECTIVE DATE.—The amendments made by this section shall apply to all petitions or applications described in such amendments that—

(1) are pending as of the date of the enactment of this Act; or

(2) have been denied, but would have been approved if such amendments had been in effect at the time of adjudication of the petition or application.

SA 1429. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 67, beginning on line 4, strike all through line 14 and insert the following:

SEC. 534. None of the funds made available in this Act or any other Act for U.S. Customs and Border Protection or any other agency may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act) from importing a prescription drug from Canada that complies with the Federal Food, Drug, and Cosmetic Act: *Provided*, That the prescription drug may not be—

SA 1430. Mr. SANDERS (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. FIREFIGHTER ASSISTANCE GRANTS AND RECRUITMENT AND RETENTION GRANTS.

For an additional amount for programs authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) under the heading ''FIREFIGHTER ASSISTANCE GRANTS'' under the heading ''FEDERAL EMERGENCY AND MANAGEMENT AGENCY'' under title III there are appropriated $100,000,000, of which $50,000,000 shall be available to carry out section 33 of that Act (15 U.S.C. 2229) and $50,000,000 shall be available to carry out section 34 of that Act (15 U.S.C. 2229a) : *Provided,* That of the $50,000,000 made available under this section to carry out section 34 of that Act (15 U.S.C. 2229a), $20,000,000 shall be available for recruitment and retention grants under that section. The total amount of appropriations under the heading ''RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS'' under the heading ''SCIENCE AND TECHNOLOGY'' under title IV of this Act is reduced by $100,000,000.

SA 1431. Mr. BENNET submitted an amendment intended to be proposed to

amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, line 13, insert ": *Provided*, That of the total amount appropriated under this heading not more than $55,235,000 may be expended or obligated, unless not later than 180 days after the date of enactment of this Act the Department of Homeland Security implements the recommendations outlined in the Independent Auditor's Report contained within the Department of Homeland Security's Office of Inspector General's report # OIG-09-72, dated May 2009'' before the period.

SA 1432. Mr. KYL (for himself and Mr. MCCAIN) proposed an amendment to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; as follows:

On page 33, line 10, strike ''no less'' and all that follows through ''Montana;'' on line 12.

SA 1433. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

PROPER AWARDING OF INCENTIVE FEES FOR CONTRACT PERFORMANCE

SEC. ____. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to pay award or incentive fees for contractor performance that has been judged to be below satisfactory performance or performance that does not meet the basic requirements of a contract.

SA 1434. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

COMPETITIVE BIDDING

SEC. ____. (a) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to make any payment in connection with a contract unless the contract is awarded using competitive procedures in accordance with the requirements of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), section 2304 of title 10, United States Code, and the Federal Acquisition Regulation.

(b) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be awarded by grant unless the process used to award such grant uses competitive procedures to select the grantee or award recipient.

SA 1435. Mr. PRYOR (for himself, Mr. HATCH, and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 1373 by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, between lines 16 and 17, insert the following:

SEC. 556. None of the funds appropriated by this Act may be used by U.S. Customs and Border Protection to prohibit the importation of certain knives with spring-assisted opening mechanisms.

SA 1436. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, between lines 16 and 17, insert the following:

SEC. 556. IMPLEMENTATION OF THE POST-KATRINA EMERGENCY MANAGEMENT REFORM ACT OF 2006.

For an additional amount under the heading ''MANAGEMENT AND ADMINISTRATION'' under the heading ''FEDERAL EMERGENCY MANAGEMENT AGENCY'' under title III of this Act, there is appropriated $35,000,000 for implementation of the requirements of the Post-Katrina Emergency Management Reform Act of 2006 (Public Law 109–295; 120 Stat. 1395), and the amendments made by that Act. The total amount of appropriations under the heading ''DISASTER RELIEF'' under the heading ''FEDERAL EMERGENCY MANAGEMENT AGENCY'' under title III of this Act is reduced by $35,000,000.

SA 1437. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 4, line 15, insert ": *Provided further*, That of the total amount appropriated under this heading, $22,100,000 shall be available to ensure the capability of the United States Secret Service to communicate securely with the White House Communications Agency'' before the period.

SA 1438. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall implement a demonstration program that is consistent with the technology acquisition and dissemination plan submitted under section 7201(c) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3810) to test the feasibility of using existing automated document authentication technology at select immigration benefit offices, and ports of entry to determine the effectiveness of such technology in detecting fraudulent travel documents and reducing the ability of terrorists to enter the United States.

(b) From amounts appropriated under the heading ''U.S. CUSTOMS AND BORDER PROTECTION'' and under the subheading ''SALARIES AND EXPENSES'', not more than $1,000,000 may be expended to carry out the demonstration program described in subsection (a).

(c) Not later than 90 days after the date on which the demonstration program under subsection (a) is completed, the Secretary of Homeland Security shall submit to the appropriate congressional committees (as defined in section 2(2) of the Homeland Security Act of 2002 (6 U.S.C. 101(2))) a report on the results of the demonstration program.

SA 1439. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. FLORIDA LONG-TERM RECOVERY OFFICE.

None of the funds made available under this Act may be used to close the long-term recovery office of the Federal Emergency Management Agency located in Florida until 60 days after the date on which the Administrator of the Federal Emergency Management Agency—

(1) determines that there are insufficient recovery activities to be performed at the office relating to the hurricanes that affected Florida during 2004 and 2005; and

(2) notifies the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives regarding the closure of the office.

SA 1440. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. INVESTIGATIONS INVOLVING FEDERAL ASSISTANCE PROGRAMS AND FINANCIAL INSTITUTIONS.

For an additional amount under the heading ''SALARIES AND EXPENSES'' under the heading ''UNITED STATES SECRET SERVICE'' under title II there is appropriated $10,000,000 for investigations involving Federal assistance programs and financial institutions, including the enforcement of laws relating to mortgage fraud, as authorized under section 3(d) of the Fraud Enforcement Recovery Act of 2009 (Public Law 111–21; 123 Stat. 1620). The total amount of appropriations under the heading ''OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT'' under title I of this Act is reduced by $10,000,000.

SA 1441. Mr. MENENDEZ submitted an amendment intended to be proposed

to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 40, line 3, insert ": *Provided further*, That none of the funds made available under the preceding proviso may be expended, unless the Administrator of the Federal Emergency Management Agency designates New Jersey Task Force 1 as part of the National Urban Search and Rescue Response System'' before the period.

SA 1442. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. FLOOD MAP AND FLOOD RISK PROJECTS.

(a) FINDINGS.—Congress finds that—

(1) Risk MAP products are very important on many fronts because the products are used by insurance companies, State and local governments, and the Federal Government, to develop improved understandings of flood risk and other hazard information to mitigate loss;

(2) local regions have unique characteristics and flooding issues that are best understood by local companies who have worked on flood maps in the region;

(3) the intimate understanding of a region helps local companies produce a superior product;

(4) small and medium-sized businesses form the backbone of the economy, providing more net new jobs than large companies; and

(5) current unemployment rates combined with a severe economic slowdown make it even more important to foster small and medium-sized businesses.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Federal Emergency Management Agency should ensure that small and medium-sized businesses with local expertise be allowed to continue flood map and flood risk projects within the region small businesses currently hold Indefinite Delivery/Indefinite Quantity contracts.

SA 1443. Mr. DODD (for himself, Mr. LIEBERMAN, and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, between lines 16 and 17, insert the following:

SEC. 556. FIRE GRANTS.

For an additional amount under the heading ''FIREFIGHTER ASSISTANCE GRANTS'' under the heading ''FEDERAL EMERGENCY MANAGEMENT AGENCY'' under title III of this Act, there is appropriated $10,000,000 for grants under section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229). The total amount of appropriations under the heading ''AVIATION SECURITY'' under the heading ''TRANSPORTATION SECURITY ADMINISTRATION'' under title II of this Act, the amount for screening operations and the amount for explosives detection systems under the first proviso under that heading, and the amount for the purchase and installation of explosives detection systems under the second proviso under that heading are reduced by $10,000,000.

SA 1444. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, between lines 16 and 17, insert the following:

SEC. 556. None of the funds appropriated or otherwise made available to the Department of Homeland Security for fiscal year 2010 may be used to enforce Coast Guard or other regulations with respect to fishing guides and other operations of uninspected vessels on Lake Texoma.

SA 1445. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. NONNAVIGABILITY OF LAKE TEXOMA.

For purposes of the jurisdiction of the Coast Guard, Lake Texoma, in the States of Texas and Oklahoma, is declared not to be navigable waters of the United States.

SA 1446. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. (a) EXEMPTION OF FISHING GUIDES AND OTHER OPERATORS OF UNINSPECTED VESSELS ON LAKE TEXOMA FROM COT GUARD AND OTHER REGULATIONS.—

(1) EXEMPTION OF STATE LICENSEES FROM COAST GUARD REGULATION.—Residents or nonresidents who assist, accompany, transport, guide, or aid persons in the taking of fish for monetary compensation or other consideration on Lake Texoma who are licensed by the State in which they are operating shall not be subject to any requirement established or administered by the Coast Guard with respect to that operation.

(2) EXEMPTION OF COAST GUARD LICENSEES FROM STATE REGULATION.—Residents or nonresidents who assist, accompany, transport, guide, or aid persons in the taking of fish for monetary compensation or other consideration on Lake Texoma who are currently licensed by the Coast Guard to conduct such activities shall not be subject to State regulation for as long as the Coast Guard license for such activities remains valid.

(b) STATE REQUIREMENTS NOT AFFECTED.—Except as provided in subsection (a)(2), this section does not affect any requirement under State law or under any license issued under State law.

SEC. ___. Section 70105(b)(2)(B) of title 46, United States Code, is amended by inserting ''and serving under the authority of such license, certificate of registry, or merchant mariners document on a vessel for which the owner or operator of such vessel is required to submit a vessel security plan under section 70103(c) of this title'' before the semicolon.

SA 1447. Mr. CORNYN (for himself, Mr. PRYOR, Mr. HATCH, Mr. VITTER, Mr. RISCH, Mr. CHAMBLISS, Mr. CORKER, Mr. ENZI, Mr. BARRASSO, Mr. GRAHAM, Mr. ROBERTS, Mr. WYDEN, and Mr. CRAPO) submitted an amendment intended to be proposed to amendment SA 1373 proposed by Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, and Mrs. MURRAY)) to the bill H.R. 2892, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, between lines 16 and 17, add the following:

SEC. 556. DEFINITION OF SWITCHBLADE KNIVES.

Section 4 of the Act entitled ''An Act to prohibit the introduction, or manufacture for introduction, into interstate commerce of switchblade knives, and for other purposes'' (commonly known as the Federal Switchblade Act) (15 U.S.C. 1244) is amended—

(1) by striking ''or'' at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting ''; or'' and

(3) by adding at the end the following:

''(5) a knife that contains a spring, detent, or other mechanism designed to create a bias toward closure of the blade and that requires exertion applied to the blade by hand, wrist, or arm to overcome the bias toward closure to assist in opening the knife.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 8, 2009 at 2 p.m., to conduct a hearing entitled ''The Effects of the Economic Crisis on Community Banks and Credit Unions in Rural Communities.''

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on July 8, 2009, in room 253 of the Russell Senate Office Building.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and

Transportation be authorized to meet during the session of the Senate on Wednesday, July 8, 2009, at 2:30 p.m. in room 253 of the Russell Senate Office Building.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, July 8, 2009, at 2:30 p.m. in room 406 of the Dirksen Office Building.

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

COMMITTEE ON FINANCE

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, July 8, 2009, at 10 a.m. in room 215 of the Dirksen Senate Office Building to conduct a hearing entitled ''Climate Change Legislation: International Trade considerations.''.

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

COMMITTEE ON FOREIGN RELATIONS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 8, 2009.

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

COMMITTEE ON FOREIGN RELATIONS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 8, 2009, at 9 a.m.

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

COMMITTEE ON FOREIGN RELATIONS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 8, 2009, at 2:30 p.m.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on Wednesday, July 8, 2009, at 10 a.m. in room 562 of the Dirksen Senate Office Building.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, July 8, 2009, at 10 a.m. to conduct a hearing titled ''The Federal Protective Service: Time for Reform.''

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

SELECT COMMITTEE ON INTELLIGENCE

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 8, 2009, at 2:30 p.m.

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

SUBCOMMITTEE ON WATER AND WILDLIFE AND SUBCOMMITTEE ON OVERSIGHT

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Subcommittee on Water and Wildlife and the Subcommittee on Oversight of the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, July 8, 2009 to hold a joint hearing at 10 a.m. in room 406 of the Dirksen Senate Office Building.

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

ORDERS FOR THURSDAY, JULY 9, 2009

Mr. KAUFMAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Thursday, July 9; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business for 95 minutes, with Senator DURBIN controlling the first 5 minutes, the Republicans controlling the next 60 minutes, and the majority controlling the final 30 minutes, and with Senators permitted to speak for up to 10 minutes each; further, I ask unanimous consent that following morning business, the Senate resume consideration of H.R. 2892, the Homeland Security Appropriations Act, as provided for under the previous order.

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

PROGRAM

Mr. KAUFMAN. Mr. President, under the previous order, shortly after 11 a.m., the Senate will proceed to vote in relation to the Kyl amendment No. 1432. Additional rollcall votes are expected to occur throughout the day as we work toward completion of the bill.

Earlier tonight, the majority leader filed cloture on the Homeland Security appropriations bill and the substitute amendment. As a result, rule XXII requires that all germane first-degree amendments be filed at the desk prior to 1 p.m. tomorrow. The majority leader hopes that cloture will not be necessary and that we will be able to complete action on the bill tomorrow evening.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. KAUFMAN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:39 p.m., adjourned until Thursday, July 9, 2009, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

IRENE CORNELIA BERGER, OF WEST VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA, VICE DAVID A. FABER, RETIRED.

ROBERTO A. LANGE, OF SOUTH DAKOTA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF SOUTH DAKOTA, VICE CHARLES B. KORNMANN, RETIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. FRANK GORENC

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. GARY L. NORTH

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. ROBERT P. LENNOX

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. KENNETH W. HUNZEKER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. LLOYD J. AUSTIN III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. PURL K. KEEN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN E. STERLING, JR.

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12211:

To be brigadier general

COL. CHARLOTTE L. MILLER

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12211:

To be major general

BRIG. GEN. JOSEPH B. DIBARTOLOMEO

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. WILLIE J. WILLIAMS