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Senate

The Senate met at 9:31 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

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

Most merciful and gracious God, who has led this Nation through turbulent times in the past, keep us this day confident in the movements of Your loving providence. Ignite in our hearts the hope that out of the world's challenges and tragedies, Your spirit can guide us to a desired destination.

Today, give our lawmakers a clear sense of duty and honor in every decision. May they live and work not alone or by their own efforts but in Your strength and by Your wisdom. May Your justice, purity, and peace guide them to develop plans and make policies that will enable Your will to be done on Earth as it is done in Heaven.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, 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 9, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. GILLIBRAND 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. Madam President, following leader remarks, there will be a period for morning business for 95 minutes. Senator DURBIN will control the first 5 minutes, the Republicans will control the next 60 minutes, and the majority will control the next 30 minutes. Following morning business, the Senate will resume consideration of H.R. 2892, the Homeland Security Appropriations bill. There will then be 10 minutes for debate prior to a vote in relation to a Kyl amendment, No. 1432. Additional rollcall votes are expected to occur throughout the day as we work toward completion of the appropriations bill.

I filed cloture last night on the substitute amendment and the underlying bill. As a result, germane first-degree amendments must be filed by 1 p.m. today.

There is a strong possibility—and I hope, on my behalf—that cloture will not be necessary and we will be able to complete action on the bill today. If we are unable to finish that bill, we will have cloture tomorrow morning, maybe into the weekend.

I acknowledge the cooperation and support of the Republicans in allowing us to move to the Defense bill, a very important bill. We are doing our best to accomplish what we set out to do this week and not have to be in this weekend. That would be better for everyone. We all have a lot of things to do. This weekend, if we have to be here, will be a series of cloture votes and we hope that is unnecessary.

RECOGNITION OF THE MINORITY LEADER

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

SOTOMAYOR NOMINATION

Mr. MCCONNELL. Madam President, over the past several weeks, my colleagues and I have raised a number of serious questions about the judicial record and public statements of Judge Sonia Sotomayor in connection with her nomination and upcoming confirmation hearings to the U.S. Supreme Court. These questions are driven by a growing sense, based strictly on the record, that Judge Sotomayor has allowed her personal and political views to cloud her judgment in the courtroom, leading her to favor some groups over others.

All of us are impressed by Judge Sotomayor's remarkable life story. It reaffirms not only to Americans but to people around the world that ours is a country in which one's willingness to dream and to work hard remain the only requirements for success.

And yet it is precisely this truth about America that makes it so important that our judges apply the law the same way to one individual or group as to every other.

This is why we have raised the questions we have. And this is why we will continue to raise them as the confirmation hearings for Judge Sotomayor proceed. This morning I would like to discuss an area of Judge Sotomayor's record that hasn't been touched upon yet, and that is her record on the fundamental right of free speech.

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

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This right to free speech was considered so important by our Founders that they included it as the first amendment in the Bill of Rights, along with the freedom of the press and religion, and the right to assemble and petition the government. It is one of the bedrocks of our government and our culture. And it is one of the primary defenses the Founders established against the perennial threat of government intrusion.

So it is essential that we know what someone who has been nominated for a life-tenure on the Nation's highest court thinks about this issue. And when it comes to Judge Sotomayor, her record raises serious questions about her views on free speech.

Let's start with a law review article that Judge Sotomayor co-wrote in 1996 on one particular kind of speech, political speech. In the article, Judge Sotomayor makes a number of startling assertions which offer us a glimpse of her thoughts on the issue.

First, and perhaps most concerning, she equates campaign contributions to bribery, going so far as to assume that a ''quid pro quo'' relationship is at play every time anyone makes a contribution to a political campaign. She goes on to say that:

> We would never condone private gifts to judges about to decide a case implicating the gift-givers' interests. Yet our system of election financing permits extensive private, including corporate, financing of candidates' campaigns, raising again and again the question of what the difference is between contributions and bribes and how legislators or other officials can operate objectively on behalf of the electorate.

In the same law review article, Judge Sotomayor calls into question the integrity of every elected official, Democrat and Republican alike, based solely on the fact that they collect contributions to run their political campaigns. She writes:

> Can elected officials say with credibility that they are carrying out the mandate of a ''democratic'' society, representing only the general public good, when private money plays such a large role in their campaigns?

In my view, the suggestion that such contributions are tantamount to bribery should offend anyone who has ever contributed to a political campaign—including the millions of Americans who donated money in small and large amounts to the Presidential campaign of the man who nominated Judge Sotomayor to the Supreme Court.

Judge Sotomayor's views on free speech would be important in any case. They are particularly important at the moment, however, since several related cases are now working their way through the judicial system—cases that could ultimately end up in front of the Supreme Court. One particularly important case on the issue, Citizens United v. FEC, will be reargued before the Supreme Court at the end of September.

Coincidentally, the most recent Supreme Court decision on the topic actually passed through the court on which Judge Sotomayor currently sits, presenting us with yet another avenue for evaluating her approach to questions of free speech—with one important difference: in the Law Review article I have already discussed, we got Judge Sotomayor's opinion about campaign contributions. In the court case in question, Randall v. Sorrell, we get a glimpse of her actual application of the law.

Here is the background on the case. In 1997, the State of Vermont enacted a law which brought about stringent restrictions on the amount of money candidates could raise and spend. The law also limited party expenditures. Viewing these limits as violating their first amendment rights, a group of candidates, voters, and political action committees brought suit. The district court agreed with the plaintiffs in the case on two of the three points, finding only the contribution limits constitutional.

The case was then appealed to the Second Circuit, where a three-judge panel reversed the lower court and reinstated all limits in direct contradiction of nearly 20 years of precedents dating all the way back to the case of Buckley v. Valeo. It was in Buckley that the Supreme Court held that Congress overstepped its bounds in trying to restrict the amount of money that could be spent—so-called expenditure limits—but upheld the amount that could be raised—so-called contribution limits.

At that point, the petitioners in the Vermont case sought a rehearing by the entire Second Circuit, arguing that the blatant disregard of a precedent as well-settled as Buckley was grounds for review. Oddly enough, the judges on the Second Circuit, including Judge Sotomayor, took a pass. They decided to let the Supreme Court clean up the confusion created when the three-judge panel decided to ignore Buckley.

Traditionally, errors like these are precisely the reason that motions for a rehearing of an entire circuit are designed. In fact, according to the Federal Rules of Appellate Procedure, a review by the full court, what is commonly referred to as an en banc rehearing, is specifically called for in cases where ''the proceeding involves a question of exceptional importance.'' And what could be more important for a lower court judge than following Supreme Court precedent and protecting and preserving the first amendment? But the Second Circuit declined.

In the end, the Supreme Court corrected the errors of the Second Circuit in a 6–3 opinion drafted by none other than Justice Breyer. Here is what Breyer wrote:

> We hold that both sets of limitations [on contributions and expenditures] are inconsistent with the First Amendment. Well-established precedent—and here Justice Breyer was citing Buckley—makes clear that the expenditure limits violate the First Amendment.

One of the principal requirements for a nominee to the courts is a respect for the rule of law. In this instance, according to Justice Breyer, that respect for the law was sorely lacking.

More than two centuries ago, the States ratified the first amendment to the U.S. Constitution to protect the right of every American from that moment and for all time to express themselves freely. ''Congress shall make no law,'' it said, ''respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for redress of grievances.''

You could say, as I have said many times, that with the first amendment, our forefathers adopted the ultimate campaign finance regulation. And yet this issue continues to come before the courts, and will continue to come up before the courts. It is an issue of fundamental importance, touching on one of our most basic rights. And based on the writings and decisions of Judge Sotomayor, I have strong reservations about whether this nominee will choose to follow the first amendment or attempt to steer the Court to a result grounded in the kind of personal ideology that she so clearly and troublingly expressed in the law review article I have described.

It is not just this issue about which those concerns arise. Over the past several weeks, we have heard about a number of instances in which Judge Sotomayor's personal views seem to call into question her evenhanded application of the law.

Just last week, the Supreme Court reversed her decision to throw out a discrimination suit filed by a group of mostly White firefighters who had clearly earned a promotion. Notably, this was the ninth time out of ten that the high court has rejected her handling of a case.

We have heard her call into question, repeatedly over the years, whether judges could even be impartial in most cases. And she has even said that her experience ''will affect the facts that [she] chooses to see as a judge''.

Americans have a right to expect that judges will apply the law evenhandedly—that everyone in this country will get a fair shake, whether they are in small claims court or the Supreme Court, and whether the matter at hand is the right to be treated equally or the right to speak freely. Americans have a right to expect that the men and women who sit on our courts will respect the rule of law above their own personal or political views—and nowhere more so than on the Nation's highest court.

COMMENDING NORM COLEMAN

Mr. McCONNELL. Madam President, it was a politician from Kentucky who introduced the expression ''self-made man'' into the lexicon. But even Henry Clay didn't follow as unlikely a path as Norm Coleman did to the U.S. Senate.

As Norm puts it, he never even knew a Republican or a Lutheran before he left home for college.

Yet this middle-class son of Brooklyn became one of the best senators the people of Minnesota have ever known. And he has always made sure to give them all the credit, even when the voters would have excused him for taking a little credit of his own.

Another great American politician said the U.S. Constitution was ''the work of many heads and many hands.'' Norm's always had the same attitude about his own career. He is grateful for the opportunities he has had. He gives it everything he has. Then he is grateful when his efforts on behalf of others succeed, which is more often than not.

The day he got here he was asked how it felt. He had a simple response. He said he was humbled by the opportunity. ''I believe that what I can do well, my gift,'' he said, ''is to serve people, and now I have this incredible opportunity to serve as a United States Senator.'' Six years later, on the day he conceded defeat, his first impulse was again to thank others. He thanked his staff for the long hours and hard work they had put in on his behalf. And he said he would always be grateful to and humbled by the people had of Minnesota who had given him the honor to serve, and even more grateful for the patience and understanding they showed over these last several months.

It wasn't the outcome he wanted. It wasn't the outcome that his Republican friends and colleagues in the Senate wanted. But we couldn't have expected anything less from Norm Coleman than the class and graciousness he showed in the closing act of this phase in his career as a public servant.

As I said, Norm came to be a Republican Senator from Minnesota by a rather unusual route. He was a campus activist in the 1960s, and a rather prominent one at that. After college, Norm earned a scholarship to the University of Iowa Law School and came to love the people and the place.

From there, he went on to Minnesota to serve in the Minnesota Attorney General's Office. Later, he would use his talents as chief prosecutor for the state of Minnesota, and then as mayor of St. Paul, first as a Democrat and then as a Republican. In what has to go down as one of the more remarkable feats of bipartisanship in American politics, Norm has the distinction of serving as the 1996 cochairman of the committee to reelect Bill Clinton and 2000 State chairman for George W. Bush's campaign.

As a big-city mayor, Norm didn't disappoint. He showed a real knack for bringing business and government together. He led a downtown revitalization effort, created thousands of jobs, brought the National Hockey League to St. Paul and fought to keep taxes low. He left office with a 74 percent approval rating, after two terms that a local magazine called ''by almost any measure . . . an unqualified success.''

In 2002, Norm was still thinking about how he could serve on the State level when he got a call from the President asking him if he would run for the Senate. He accepted the challenge and then he fought a tough and principled campaign against our late beloved colleague Paul Wellstone before Paul's tragic death shortly before the end of that tumultuous campaign. Norm grieved with the rest of Minnesota at Paul's passing, defeated his replacement in the race, and was sworn in 2 months later as Laurie, their children, Jake and Sarah, and Norm's parents, Beverly and Norman, looked on. Laurie summed up the day like this: ''It's incredible to think that he has this opportunity.''

Norm didn't waste a day. An instant hit at Republican events across the country, he kept up the same torrid pace in the Senate he had set in his come-from-behind win the previous November. He pushed legislation that benefited Minnesotans and all Americans, and he never let up.

Norm spoke the other day about some of his accomplishments here. He mentioned a few areas in particular, including U.N. oversight, working with Minnesota farmers, and his work on energy independence. But he said his best ideas came from the people of Minnesota.

He was being humble. In a single term, Norm put together a remarkable record of results. On energy and conservation, he played a key role in establishing the renewable fuels standard. He helped pass an extension of the tax credits for wind, biomass, and other renewable fuels. He secured loan guarantees and tax incentives for clean coal power; protected fish populations; and supported conservation programs to protect Minnesota's lakes, rivers, and woodlands.

He led major anticorruption efforts, including a groundbreaking exposure of fraud at the U.N. He exposed more than a billion dollars in wasteful Medicare spending and uncovered serial tax evasion by defense contractors. Norm was also instrumental in passing the Conquer Childhood Cancer Act which increased funding for childhood cancer research.

The proud son of a World War II veteran, Norm has been a true friend to all veterans. The first piece of legislation he introduced was a bill requiring the Pentagon to cover the travel expenses of troops heading home from service abroad. Norm worked on a bipartisan basis to establish the first-ever national reintegration program for returning troops. And he worked hard, in the early years after 9/11, to strengthen homeland security.

Norm Coleman's service in the Senate has been marked by the same high level of distinction that has marked everything else he has done in three decades of public service. Today we honor our colleague and friend for that long career that we hope is far from over. And we punctuate an incredibly hard fought campaign that some people thought might never end.

In the end, it didn't turn out the way many of us had hoped it would. But none of us were surprised by the graciousness with which Norm Coleman accepted the verdict, and all of us can celebrate the 6 years of dedicated service he gave to the people of Minnesota.

After another setback some years back, Norm Coleman said that real defeat isn't getting knocked down. It is not getting back up. And I have no doubt that this is not the last we will hear from Norm Coleman. He already has a legacy to be proud of. But it is a legacy that is still very much in the works. More chapters will be written. And they will bear the same strong hand and commitment to people and principle that he has shown in every other endeavor of a long and distinguished career.

In private conversation Senator Coleman often talks about resting on the truths of his faith. It is an untold Washington story—the glue of faith that holds this city together. So as I say goodbye to Senator Coleman, I would like to do so with words from the Torah that he knows well:

> The Lord bless you. and keep you; The Lord make His face shine on you, And be gracious to you; The Lord lift up His countenance upon you, And give you peace.

And on behalf of the entire Senate family, I want to thank Norm for his service. We will miss him.

I yield the floor.

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 of morning business for 95 minutes, with the Senator from Illinois, Mr. DURBIN, controlling the first 5 minutes, the Republicans controlling the next 60 minutes, and the majority controlling the final 30 minutes, with Senators permitted to speak for up to 10 minutes each.

The Senator from Illinois.

NORM COLEMAN

Mr. DURBIN. Madam President, first let me associate myself with the remarks of the Republican leader, Senator MCCONNELL, relative to our colleague Norm Coleman. I enjoyed serving with Norm. We worked together on a number of issues during our service in the Senate. I was actively supporting his opponent AL FRANKEN in the Minnesota race. I thought, as Senator MCCONNELL noted, that Senator Coleman showed extraordinary grace in conceding after the latest Minnesota Supreme Court decision. It was a relief to all involved and to the people of

Minnesota to have two Senators representing them here in this Chamber. I wish Senator Coleman the very best in his future endeavors and again thank Senator MCCONNELL for his remarks which I know speak on behalf of all Senators from both sides of the aisle.

SOTOMAYOR NOMINATION

Mr. DURBIN. Madam President, Senator MCCONNELL spoke previously about the nomination of Judge Sotomayor to the Supreme Court. This is a rare, historic opportunity for the Senate to consider a nomination sent to us by the President. It doesn't happen very often. In my career, my 13th year in the Senate, this will be my third opportunity in the Judiciary Committee to actually ask questions of someone who aspires to serve on the highest Court of the land, a lifetime appointment and a very important appointment in terms of our Nation's history.

The question raised by Senator MCCONNELL is entirely appropriate. I commend him because his statement really goes to the heart of what this process should be about. It wasn't about the personality of the judge or any personal trait, it was about her beliefs and whether they are the kinds of beliefs we would like to see enshrined in her service as a Supreme Court Justice.

Particularly, Senator MCCONNELL raised an issue which is very important to him. It is the issue of free speech in relation to political campaigns. I know this is important because Senator MCCONNELL took an exceptional position in being in opposition to McCain-Feingold campaign finance reform. This was a reform which these two Senators—one Republican and the other Democrat—brought to the Senate in an effort to reduce the impact of corporate contributions and large contributions in our political campaigns. It was their belief that the so-called soft money which avoided some of the restrictions that are applied to other contributions had gone too far in the extreme. Senator MCCONNELL was not alone, but he really was in the minority in opposing the McCain-Feingold position. He even went so far as to file documents before the courts arguing that this was a violation of free speech. The courts did not find in his favor and ruled that McCain-Feingold was, in fact, permissible and constitutional.

Now Senator MCCONNELL comes to the floor and argues that Judge Sotomayor apparently doesn't agree with his point of view either. That is certainly Senator MCCONNELL's right to do. But to question whether she should be allowed to serve on the Supreme Court because she disagrees with Senator MCCONNELL's minority views on McCain-Feingold and the use of money in political campaigns is an unfair characterization of her position. Keep in mind that Judge Sotomayor comes to this nomination with an extraordinary background. She brings more Federal judicial experience to the Supreme Court, if approved, than any Justice nominated in over 100 years and more overall judicial experience than anyone confirmed to the Court in the past 70 years.

She was first nominated by a Republican President to serve on the Federal court, President George Herbert Walker Bush. Then she was promoted to the next level court, the circuit court, by President Clinton, a Democratic President—bipartisan support, approval of the Senate both times, and no one suggested her views were radical or not in the mainstream of judicial thinking in America.

So when Senator MCCONNELL raises this point, it reflects the fact that his view of campaign finance, his view of restrictions on contributions is, in fact, a minority position, one that the court has not approved of and most Americans may not agree with. Most Americans believe we should keep a close eye on political contributions to make sure they don't corrupt our political process. We want to honor free speech. Some of us believe the Court decision in Buckley v. Valeo went to an extreme and basically argued that the expenditure of money in a political campaign was an exercise of free speech. That argument leads to the conclusion that a millionaire is entitled to more free speech than the common person who couldn't spend that kind of money on a political campaign.

I might also add, we have been trying to move forward a piece of legislation that will give even more disclosure on political campaign financing. It would require the electronic filing of campaign finance reports. We have been trying to move this forward. There has been resistance on the other side of the aisle.

I think it is bipartisan and consistent with the goals of this Congress for us to have this kind of disclosure, for us to recognize that freedom of speech brings with it certain obligations, and that Judge Sotomayor's rulings in cases relating to free speech have been entirely consistent with the values of our country and in the mainstream of this Nation.

Next Monday, her nomination comes before the Senate Judiciary Committee.

The ACTING PRESIDENT pro tempore. The Senator has used his 5 minutes.

Mr. DURBIN. Madam President, it will go on for several days, and I will have a chance to speak then. I will yield the floor now. Thank you.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Thank you, Madam President.

COMMENDING COLEMAN

Mr. ALEXANDER. Madam President, in 1998, Norm Coleman ran for Governor of Minnesota against the son of one of the most revered Members of this body, Hubert Humphrey, who was also a former Vice President of the United States, and a noted wrestler, Jesse Ventura, who was elected Governor.

In 2002, Norm Coleman ran a campaign against Paul Wellstone, a beloved Member of this body who was tragically killed in an airplane crash a week or so before the election, bringing into the race a former Vice President of the United States, a former U.S. Senator and Ambassador, Walter Mondale. The whole country watched and was riveted by that race during that last week. Norm Coleman won that race.

This past year, Norm Coleman was a participant in a race that also riveted the Nation. He was opposed by a well-known television personality, AL FRANKEN, now a Member of this body. The race went on for 2 years, with much publicity. Then it went on for another 8 months after election day.

If Norm Coleman could have found some way to make the 2000 Presidential election Bush v. Gore v. Coleman, Norm would have been a participant in every single one of the most spectacular political races of the last decade.

Norm and I arrived in the Senate on the same day in 2003. We not only were Members of the Senate family, which we often talk about here and which extends to both sides of the aisle, we were Members of the same class, and are good friends.

My wife, Honey, and I got to know Norm and his wife, Laurie, the mother of their two children. We know of his love for his family and of his deep religious faith. Each of us in the Senate has enjoyed the good humor and cheer and civil relationship that Norm has had with his colleagues, both Democrats and Republicans.

But most memorable—and the Republican leader spoke of some of this—is Norm Coleman's record of service to our country: Chief prosecutor for the State of Minnesota, mayor of St. Paul, Senator.

He has been a strong, eloquent, effective voice for the center of this country—an independent voice of the kind our country and the Republican Party needs to attract and represent and continue to bring into our party and into our political process the center.

The political campaigns of Norm Coleman have been more spectacular than those of any of us in the Senate. But the public service chapters of his life have been equally impressive. As this door closes, I am confident new ones will open.

When I was Governor of Tennessee, my chief of staff, a former Marine, came in and said to me during my last years: Governor, I would like to say to you that people remember the last thing you do. And I had no idea why he said that to me, but I never could get it out of my mind, and I think it is pretty good advice.

People will remember the last thing Norm Coleman did in this campaign. He proved to be determined and courageous and, in the Minnesota tradition, a happy warrior in attempting to make sure that every Minnesota vote counted in the race, which was decided by just a few votes.

But then, when the Minnesota Supreme Court made its decision, he immediately was gracious about accepting the rule of law and the court's decision and stepping aside and congratulating AL FRANKEN.

That is the picture of Norm Coleman that most Minnesotans and most Americans will remember. That may have been the last thing that Norm did in this race, but I am sure it is far from the last thing he is likely to do in public life.

Norm Coleman, after those three spectacular races, deserves an easy, humdrum, conventional political race someday. And Minnesota and the Nation can hope we will deserve and have many more years of Norm Coleman's public service.

Madam President, I thank the Chair and yield the floor.

I see my colleague from Florida.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. MARTINEZ. Thank you, Madam President.

Madam President, I am here this morning to speak about my good friend and former colleague, Norm Coleman.

Norm and I first met when I was Secretary of Housing and Urban Development and Norm had been the mayor of St. Paul—I had been the mayor of Orange County, FL—and immediately we established a bond. We kind of spoke the same language, if you will. We understood each other. We had both been involved in the milieu of urban politics as well as the challenges and responsibilities of being a big city urban center mayor.

I remember our discussions about the problems of the cities and about the opportunities. Norm had been very successful in creating a new arena for the hockey team in St. Paul, and this was, I know, a tremendously proud thing for him, an accomplishment he had.

Little did I know our paths would again cross here in the Senate. I remember being in Miami at a radio station and there was a TV monitor on the screen during the election of 2002, and I remember it was a debate between Norm Coleman and former Vice President and Senator Walter Mondale. I remember being detained there watching him and thinking what a tough spot he landed in, what a complicated race it had been through the tragic death of Senator Wellstone, and how proud I was of him, of this fellow whom I did not know that well but whom I had met on a couple of occasions, and he was handling himself quite well. It turned out he was successful in that race.

Then, only a couple years later, we were reunited here in the Senate as colleagues. We both immediately found one another on the Foreign Relations Committee of the Senate. Norm, at that time, was the chair of the Western Hemisphere Subcommittee. I found in Norm someone who was uncommonly knowledgeable about the Western Hemisphere and carried out those responsibilities with a great sense of urgency.

Norm and I traveled in Latin America together. We traveled to Chile and to Colombia and perhaps a couple of other places where we conducted meetings trying to advance the United States agenda, promoting the rule of law, fighting against narcotrafficking that is such a blight upon our cities and our communities, and trying to improve the conditions of democratic rule in the region.

I have no doubt that if Norm Coleman were in the Senate this week, he would have been side by side with us as we have watched closely the events in Honduras and have tried to promote a reasonable, fair, and democratic outcome to that country's troubled current moments of their living.

He was the original sponsor of efforts to build stronger relations with our neighbors to the south. I had the opportunity, as I said, to travel with him. Part of our traveling took us to Colombia where a tremendous challenge lies ahead for the people of Colombia as they fight for the rule of law and against the narcoterrorists in that country. I remember our meeting with President Uribe that he and I had.

Norm was also very committed and concerned about a stable Middle East, about advancing the peace process in the Middle East, but also about the security of Israel. He was a very strong voice for a strong United States-Israel relationship. He was a clear voice on the need for us to stop and not allow Iran to develop a capability that is nuclear and that would invite the opportunity for Iran to carry out the stated wishes of destroying the state of Israel. He was a friend of Israel.

He was also a friend of Cuban freedom. I remember when Norm was first in the Senate. He came to the Senate 2 years before I did. During that time, I was still Secretary of Housing and Urban Development. I heard that Norm Coleman was traveling to Cuba. I said to Norm: As you travel to Cuba, as a now sitting Senator, I hope you will remember there is a large and growing dissident movement on that island and they deserve the same recognition you would have given to Lech Walesa or Vaclav Havel had you been traveling to Eastern Europe in the 1980s.

Norm heard my voice and sought the opportunity to meet with the Cuban dissidents while he was on the island. This came as a great surprise to his host because the Cuban Government frowns upon visiting dignitaries meeting with anyone who would present the potential for a democratic opposition to a country that has not known democracy now for half a century.

But, in any event, Norm Coleman met with them, and not only met with them but while in Cuba made some very strong statements about the need for a democratic solution to the Cuban situation, about the need for the people of Cuba to have an opportunity to live in freedom, and he spoke highly about the dissidents. Needless to say, that is the last time Norm Coleman has been invited to visit Cuba by the Cuban Government. But I knew then I had found a friend who clearly understood the difference between freedom and oppression and who would clearly stand on the side of freedom.

Norm, as has been expressed here this morning, with great grace and courage, fought through a very difficult election, and that is in addition to the ups and downs of all that went on in the recount and the legal challenges that followed.

Norm, with great grace, moved aside. When the time was right, and when the legal challenges had been exhausted, he did so with the grace and dignity that is the hallmark of Norm Coleman.

Norm and Laurie are my friends. I wish them the very best as they go forward in their lives. I know they will find other opportunities to be of service to the people of Minnesota and to the people of the United States, and I might daresay also to the people of Florida because Norm has a great affection for my State, where he has spent a lot of his time—I would daresay particularly in the cold and bitter months when maybe it is a little more pleasant around my neck of the woods than it would be in Minnesota.

But we always welcome Norm to Florida. We hope he will continue to visit us frequently, where he has a multitude of friends and a multitude of people who love him, who appreciate him, and who thank him for his great service to our Nation and our State, and who thank him for the great concern he has demonstrated about people who are oppressed, as well as those who seek to live in freedom and peace without threat from their neighbors.

Madam President, I thank you and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. BENNETT. Madam President, I am pleased to join with my colleagues in making some comments about our former colleague, Norm Coleman. I welcome Senator FRANKEN to the Senate. I welcome him to his service here and congratulate him on his victory. But it would come as no surprise that Senator Coleman will be sadly missed.

I had the experience of serving with him on the Homeland Security and Governmental Affairs Committee where he served as the chairman of the Permanent Subcommittee on Investigation. This is a subcommittee that has an interesting history. It has the history of some demagoguery if you go back into the past. It also has a history of some accomplishment of the various Senators who have served there. I

think it unusual that a freshman Senator would serve in that capacity and serve as if he were not a freshman but a seasoned veteran. He took over that assignment and went after a number of areas of controversy, and with a persistence that served him and the Senate very well, pursued a number of difficulties.

So with all of the things we have heard about Norm Coleman—his intelligence, his grace, his willingness to work hard and at the same time do so with a sense of class about him—I add my tribute to his ability to take on a difficult assignment and follow it through.

I wish him and his wife and his family well in their activities now. I will not go through the resume the Republican leader has established for us. I simply add my voice of gratitude for the opportunity of serving with Norm Coleman and my best wishes for him in his future activities. He is a young and vigorous enough man that I think we will hear far more from him in the years ahead.

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 called the roll.

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

Mr. CHAMBLISS. Madam 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. CHAMBLISS. Madam President, I rise to speak this morning for a few minutes about my dear friend, now former Senator, Norm Coleman, from the great State of Minnesota. Norm was a very unique individual in the Senate. He grew up in New York, was educated in Iowa, and wound up living in Minnesota. He was a student leader in undergraduate school as well as in law school, so his leadership qualities were certainly recognized early on.

Norm grew up in an era right behind me, which was the era of big rock bands, and Norm was right in with the majority of the crowd of young folks back then and, in fact, was a roadie with a rock band for a while. He spent his 20th birthday at Woodstock. We used to joke about that a lot in some of our conversations.

After law school, Norm obviously settled down in the State of Minnesota where he joined the Office of the Attorney General and eventually became the State solicitor general. He prosecuted any number of cases in both of those offices. He became the mayor of St. Paul, MN, in 1993, and, boy, did he ever take over a town that was headed south and bring it back to be a totally revitalized community in a way in which, frankly, I have never seen.

When you talk to the people of St. Paul today and you ask them about what Norm Coleman did for the downtown area of St. Paul, a smile immediately comes to the faces of those residents of St. Paul. He created thousands of new jobs and brought in more than $3 billion of new development to the city. The one thing St. Paul residents, as well as Minneapolis residents, will tell you today about Norm Coleman from the standpoint of his legacy as mayor is that he brought the hockey team back to Minneapolis-St. Paul, and that has had a tremendous economic influence on that community.

I think it is a real tribute to Norm and his leadership that after being elected as a Democrat in 1993, he became a Republican in 1996, and then ran for reelection as mayor in 1997 as a Republican, and was again elected mayor of St. Paul. Norm ran for Governor of Minnesota in 1998, and as a testament to the character, the integrity, and the dedication as a public servant of Norm Coleman, when he lost that race for Governor, he was still mayor of St. Paul, and the day after that election, he was back in his mayoral office at 8 o'clock in the morning taking care of the business of the people of St. Paul.

I was very privileged to know Norm in a way other than just being a colleague. We were very close personal friends. Having been elected together, individuals within classes tend to hang together from time to time, and Norm and I enjoyed many social moments outside of this Chamber, as well as many strong professional moments inside this Chamber. I will have to say that as chairman of the Committee on Agriculture, of which Norm was a member, there was no harder working member of that committee for his constituents, no more dedicated individual to agricultural interests in his State than was Norm Coleman. In fact, during the farm bill debate last year, Norm pounded on me every single day during the course of that farm bill debate about some issue that was of particular interest to his State. It may have been talking about some issue relative to ethanol, some issue relative to the issues surrounding corn, wheat, or sugar beets, but whatever it was, Norm was just a hard-working, dedicated man when it came to making sure his constituents' interests were protected in that piece of legislation which was so vitally important to the State he represented.

I had the opportunity to travel with Norm many times in the State of Minnesota, and he likewise traveled in my State. I remember very well going to the Minnesota State fair with Norm. While we were there, we visited with some of his corn growers whom I have gotten to know on a personal basis as a result of my relationship with Norm.

I will never forget that because coming from a cotton-growing State where we produce a fiber that is used in the manufacture of clothing, the folks in Minnesota have developed a way to produce a piece of cloth from by-products of corn and ethanol production. They gave me a shirt that day. It was a red shirt. They hadn't quite perfected this procedure at that point in time. I had a T-shirt on underneath the shirt I had on, and I immediately took my shirt off and put that red shirt on. It was hot as it could be that day. When we got back to the hotel that night, I took that shirt off, and I had this pink undershirt on as a result of having that shirt on. The corn growers have reminded me of that. We have had a good laugh about that ever since.

Norm is just one of those guys who not only was a dedicated professional Member of this body, but he is a good guy. He is one of those individuals who folks on both sides of the aisle had, first of all, respect for as a Member of this body, but also from a personal standpoint Norm was easy to get along with, easy to work with, and he wanted to do what was in the best interests of Americans.

I think his work on the Foreign Relations Committee, particularly with respect to his investigation of the fraudulent activities ongoing at the United Nations, is unparalleled with respect to any investigation I have seen take place during my years in the Senate. He uncovered an awful lot of fraud and abuse.

As a result of Norm's dedicated work and his dogged determination, some changes have been made. Were Norm to have come back to the Senate, there is no question he would have continued to pursue that issue, and we will continue to receive benefits from Norm's investigative measures that were undertaken at the United Nations.

I think Norm's reputation as a fighter and as a strong advocate for Minnesotans is reflective in the way he handled his election. He fought hard in his election. It was very much an uphill battle. A lot of us had tough elections last year, but nobody had a tougher one than Norm on a day-to-day basis. But he wanted to make sure the people who voted for him, the people who supported him and worked hard in his election all across the State of Minnesota had their just due, and he wanted to make sure he could look every Minnesotan in the eye and say: I did everything I could do to make sure this election was fairly conducted and to make sure that every single vote I could possibly get was counted.

At the end of the day, when the election was finally decided, once again, in his very professional way, he conceded and decided, as some of us have to do in politics from time to time, that it is time to move on.

We are going to miss Norm Coleman in this body. We are going to miss his family. Laurie and my wife are very dear friends. They communicated from time to time both while the two of them were in Washington as well as being in communication back and forth while they were in their respective States. We will miss that personal relationship. His daughter Sarah and his son Jacob are two very fine young people and certainly are reflective of the

fact that they have been raised by two very good parents.

So to Norm Coleman I simply say we will miss you in the Senate. We are not going to let him go away, though. I still talk to him on a regular basis and will continue to do so and will seek his advice, his counsel on any number of issues because this is a man who has served the public just about all of his adult life. He has done so in a professional way and in a way that all of us wish to emulate.

Congratulations to Norm, and good luck on whatever road life now takes him.

With that, I yield the floor.

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

Ms. COLLINS. Madam President, I enjoyed hearing my colleague's comments about our friend Senator Norm Coleman because I share the same sentiments. I rise today to speak about the extraordinary service of this extraordinary individual.

When I became the chairman of the Governmental Affairs Committee in 2003, a freshman Senator took over the position that I had held as the chairman of the Permanent Subcommittee on Investigations. During the next 6 years, I came to know Senator Norm Coleman as an energetic, farsighted, and committed public servant, but most of all I came to know Norm as a dear friend.

As chairman, and later ranking member, of PSI, Norm demonstrated unfailing leadership and extraordinary dedication. Working with his colleague from across the aisle, Senator CARL LEVIN, Norm enhanced PSI's reputation as the Senate's premier investigative subcommittee. He undertook many complex and important investigations.

Under this team's leadership, the subcommittee was successful in ferreting out waste, fraud, and abuse to the tune of $14 billion. I remember particularly well an investigation that exposed tax cheats in Medicare and in defense contracting.

Another success resulting from Norm's leadership was his highly successful and courageous ''oil for food'' investigation. Norm's investigation uncovered billions of dollars of fraud in this program operated by the United Nations. Norm was focused, determined, and undeterred in his pursuit of the facts, in his pursuit of the truth.

Norm's abiding concern for upholding the public trust is rooted in his background. As a former prosecutor, he is a champion of the rule of law. As a former mayor, he understands the concerns of State and local government. As a Senator, he always worked hard for the people he represented and for the people of this entire country.

These traits were evident in his service as a member of the Homeland Security and Governmental Affairs Committee. Norm's hard work ensured that the Special Inspector General for Iraq Reconstruction had the resources and the authority necessary to do his work effectively. Norm's keen insight into local government was invaluable during our extensive investigation into the failed response to Hurricane Katrina. His insight—critical insight—helped to shape reform in so many areas, ranging from our intelligence agencies, the postal service, and government contracting.

Norm was also a passionate advocate for educational opportunity. His support for strengthening the Pell Grant Program demonstrated his belief that the benefits of higher education should be available to everyone with the determination and the desire to pursue more education.

In fact, the only quibble I have with Norm's public service dates back to his tenure as mayor of St. Paul. His success in bringing professional hockey back to Minnesota was certainly commendable, but it was based, as I understand it, on the flawed premise that Minnesota is the hockey capital of the United States. The people of Maine know better, of course, but this was typical of Norm's pride in his State.

The past election brought great disappointment, but it also revealed character. Norm ran a vigorous, honorable campaign, under very difficult circumstances. He never betrayed his constituents, nor compromised his principles. When the final court decision went against him, he graciously conceded defeat. In fact, I had the opportunity to talk with Norm right after the supreme court in Minnesota ruled against him. I was struck, once again, by his determination to do what he felt was best for his State, even though it was not best for him. I was also touched by his commitment, once again, to his constituents and to moving on and ensuring that they had two Senators representing them. He was not bitter. He was not hurt. He was at peace. He was at peace because he knew he had served the people of his State to the best of his ability and with all his heart and tremendous intellect.

It has been a true honor to serve with Norm Coleman in the Senate, and the American people—not just the people of Minnesota—are better off for his service. It has been a joy to develop our friendship—a friendship I will always cherish and always continue. I will miss serving with Norm day to day, but I know I will see him many times.

I wish Norm and his wonderful family all the best in the years to come.

Mr. KYL. Madam President, I join my Republican colleagues in thanking Senator Norm Coleman for his service in the Senate.

As a valued member of my whip team, Senator Coleman was devoted to solving problems in a practical and nonpartisan way. I could always expect from him a serious and interesting view of an issue and could count on him for good advice. His thoughtful and unique perspective, as well as his talent and high energy, will be missed.

Senator Coleman ran a fine campaign and was a consummate gentleman throughout the long process of determining the winner of his seat.

I join my colleagues in wishing him all the best in his future endeavors, and know that he will remain an important voice in our party.

Mr. COCHRAN. Madam President, the Senate will continue to benefit in the years ahead from the service and example of Norm Coleman as a U.S. Senator.

He brought to the Senate a seriousness of purpose and a high level of energy which he used to help shape national policies and successfully address many important challenges faced by our country.

I enjoyed working with him and playing tennis with him. He brought to his service in the Senate a strong and determined commitment to solve the problems facing our country, especially as they affected farmers and workers in his State of Minnesota.

Norm Coleman's leadership will be missed in the Senate, but we will continue to benefit from his example and his contributions to this body for many years to come.

Mr. LUGAR. Madam President, I am pleased to join with other Senate colleagues in honoring a loyal and talented friend, Norm Coleman. For the past 6 years, it has been my privilege to serve with him in the Senate. During that time, we have worked together on many issues, and I have witnessed with admiration his character and his dedication to the United States and to the people of Minnesota.

As a former mayor of Indianapolis, I was very pleased to welcome another former mayor to the Senate in 2003 when Norm took his seat after an election that was decided by fewer than 50,000 votes. We talked frequently about our experiences in Indianapolis and St. Paul, and we shared many perspectives on domestic policy because of this common bond. He was devoted to principles of good government that deeply informed his service in the Senate. It also was clear to me that Senator Coleman had an extremely strong commitment to constituent service that was stimulated by his service as a mayor. He understood that serving his constituents was a 24 hour-a-day job, and he threw himself into the task of serving all Minnesotans.

I am especially sad to see Norm leave the Senate because he has been an outstanding partner in the work of the Foreign Relations Committee. I encouraged him to join our committee in 2003, and he played a prominent role in our work from the day he arrived. For 6 years, I sat with Norm through hundreds of Foreign Relations Committee hearings and meetings. He was one of the most active members of the committee, and he could be counted on to bolster our debates and our efforts to achieve quorums. I greatly benefitted from the opportunity to exchange ideas with him, to compare perspectives on

our witnesses, and to develop common approaches to problems.

His impact was especially profound as chairman of the Western Hemisphere Subcommittee from 2003 until 2006. He traveled frequently to Latin America and quickly developed an expertise in the region. He was an effective advocate for Plan Colombia, and he was one of our first leaders to recognize how important it was to ensure that Colombians had alternatives to economic and energy dependence on Venezuela. He performed important oversight of the Western Hemisphere Travel Initiative, the Peace Corps, and U.S. policy toward Haiti. Senator Coleman was the lead organizer of the U.S. -Chile Caucus, a group that allowed Senators to engage with Chileans to discuss issues of mutual interest.

Senator Coleman developed expertise that went well beyond Latin America. In April 2004, I chaired the Senate's first hearing that looked into the troubled Iraq Oil for Food Program. Senator Coleman took the lead from there, and as chairman of the Permanent Subcommittee on Investigations, he conducted an extensive, 2-year investigation into corruption and mismanagement related to the Oil for Food Program. Many of his conclusions were the basis of legislation that he and I introduced in 2005—the United Nations Management, Personnel, and Policy Reform Act. Senator Coleman also was a passionate and informed advocate for U.S. programs to combat HIV/AIDS and a careful student of Middle East politics.

I know how much Norm was stimulated by the daily opportunities of the Senate Foreign Relation Committee, and he made the most of them. Had he prevailed in his 2008 reelection bid, he would have been the second ranking Republican on the committee.

Senator Coleman leaves the Senate after 6 years, having established lifetime friendships. It was a special pleasure for Char and me to spend time with Norm and his wife Laurie at Aspen Institute events, giving us the opportunity to know much more about their family and life outside the Senate.

I will miss his good humor, his hard work, and his personal friendship. I have no doubts that he will continue to serve the United States and his fellow Americans in new ways, and I look forward to witnessing all that he will achieve in the future. I join the Senate in wishing him the best as he and his family move on to new adventures.

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. REID. Madam 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. REID. Madam President, I don't know much about the State of New York or the city of New York. I do know there is a high school there called James Madison High School, which has some pretty prominent graduates: Senator BERNIE SANDERS from Vermont, Senator CHUCK SCHUMER of New York, and Senator NORM COLEMAN from Minnesota was a graduate of that school. I believe Ruth Bader Ginsburg, a member of the Supreme Court, also graduated from that high school. I am sure there are others.

My message to Norm Coleman is that I have been involved in close elections. I lost an election for the Senate many years ago by 524 votes. I won one not too many years ago by 428 votes. So I have some appreciation for what Norm Coleman and his opponent, AL FRANKEN, went through.

My thoughts during the past 8 months have been directly toward the difficulty they have had in their lives as a result of that close election. One of my elections—the one I won by 428 votes—took 6 weeks. I cannot imagine one taking 8 months. It was a hard-fought campaign. Almost 3 million people voted, and it was decided by 312 votes.

I appreciate, as I think do the people of Minnesota, the Senate, and the country, Norm Coleman not taking this to the Supreme Court or a higher court. He could have done that. That speaks well of him.

Norm has a lot of fans, of course, in the State of Minnesota, but he is also a friend of a close personal friend of mine from the State of Nevada, Sig Rogich. Sig Rogich and I have been very close personal friends for a long time. He is a man of accomplishment. Having been born in Iceland, he came to America and was raised in Henderson, where I was raised. Actually, he is a wealthy man now, a very prominent businessman. One of Norm's biggest supporters around the country is Sig Rogich; he has a great pedigree. He was part of the Tuesday team of famous media developed for Ronald Reagan. He worked in the White House for the first President Bush. He is a very personal friend of the first President Bush and also is well known and was part of the second Bush team and knows him very well. My understanding of Sig Rogich's relationship with Norm Coleman is that they are friends. That speaks well of both of them, that they have such high-quality friends.

Norm Coleman's relationship with me—myself being a Democrat and he being a Republican—was always very good. We spoke to each other often. He was always very courteous and always a gentleman with me. I never heard him say a negative word about me. I cannot ever recall saying anything negative about him. To show that he did do some legislation that I watched very closely, one piece of legislation he did was one that would allow people, when filing their income tax return, to designate part of their return to go to the National Guardsmen or Reservists, those who lose their jobs as a result of going into combat and their families are having trouble making the grade. The few dollars they get from the military doesn't make up for what their house payment is and everything. This would allow money to be put into a fund to be administered and allow this money to go toward the families of these people fighting overseas. I thought so much of that legislation that I have sponsored it. It is working its way through the Senate, and it is a fine piece of legislation. I acknowledge that I plagiarized this from Norm Coleman. It came from his friend and my friend, Sig Rogich.

I wish Norm and his family the very best. Recognizing that these campaigns come to an end, he is a relatively young man, and I am sure with his educational background and his notoriety in Minnesota, he will have a bright future.

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.

Ms. KLOBUCHAR. Madam 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.

COMMENDING NORM COLEMAN

Ms. KLOBUCHAR. Madam President, I am here today to speak about Senator Coleman, who was my colleague for my first 2 years in the Senate. As everyone knows, last week the Minnesota Supreme Court issued its ruling on the outcome of last November's Senate election. As I did this week, I congratulate AL FRANKEN for his hard-earned and long-awaited election victory. He has had a good first week in the Senate, and we all welcome him. But I do wish to take this time to talk about Norm Coleman.

First of all, after 6 months without having a second Senator, Senator Coleman made a very difficult decision, and he did it with such grace. He could have appealed that decision. He could have gone to Federal court. It was his right. But he made a decision which he felt was best for the State of Minnesota, and the State.

I wish to talk a little bit about what Norm Coleman meant to me to have him as a colleague in the Senate.

When I first came to the Senate, Norm had been a Senator for many years, and he was very gracious to me. He reached out with his staff. We basically got along from the moment I started to the end of his term as a Senator. We worked very hard at that. When we had disagreements, we talked them out and our staffs would talk them out because we felt the most important thing was that we represent the State of Minnesota.

Each one of us knows Norm in our own way, but I think all of us agree this is someone who cares so much

about his family, his wife Laurie, and their two children, Jacob and Sarah. Theirs is a family that has known tremendous tragedy. Two of their children died in early infancy from a rare genetic disease. While Norm doesn't talk about this much, his reverence to life and his devotion to family are very clear.

Second only to his family has been his dedication to public service. It has literally defined his adult life. Maybe it was sheer destiny that he found his way to the Senate. After all, he is a graduate of James Madison High School in Brooklyn, which is also the alma mater of two of our Senate colleagues—CHUCK SCHUMER and BERNIE SANDERS.

Norm hit the ground running in politics, and he has not stopped. In college, he was a student activist, and in law school, he served as the president of his class. Immediately after getting his law degree, he joined the Minnesota Attorney General's Office, recruited by my good friend, legendary attorney general Warren Spannaus. Norm was in the Attorney General's Office 17 years, most of that time doing criminal prosecutions, ultimately rising to the position of solicitor general for the State of Minnesota.

In 1993, Norm was elected the mayor of St. Paul at a time when the city, especially its downtown, was suffering economically. During his 8 years as mayor, he worked to turn St. Paul around. Building public-private partnerships, he redeveloped the industrial riverfront into a recreational greenspace. A new Minnesota science museum was built overlooking the Mississippi River. Most famously, he brought hockey back to Minnesota, securing a new National Hockey League franchise that moved into the new arena. Hockey is very important in Minnesota.

In 1998, Norm was narrowly defeated in a three-way race for Minnesota Governor. The winner, of course, was Jesse Ventura—something not many people across the United States expected to happen. I think Norm once said that not everyone can say they lost to a candidate whose previous career highlight was being killed by an alien creature in the movie ''Predator.'' But he took it in stride.

In 2002, Norm was elected to the Senate under tragic circumstances. Just days before the election, my good friends Paul Wellstone and his wife Sheila and their daughter Marcia and members of their staff were killed in a tragic plane crash in northern Minnesota. Norm became the Senator. Like Paul, Norm took his duties very seriously, and I could see that in my 2 years in the Senate. He cared deeply about the work he did in foreign relations, some of which people never really talked about, never made the front page of the newspaper, but it was something he cared deeply about.

Together, we worked on several issues in our State which were of key importance, legislation to benefit our State. The most dramatic example of this spirit of cooperation was our response to the sudden collapse of the Interstate 35W bridge into the Mississippi River on August 1, 2007. Thirteen people were killed and 150 were injured, many with severe and permanent injuries. Literally our cities came to a stop. For our State, out of this unprecedented disaster, this public trauma was something to which they immediately responded.

I still remember when Senator Coleman and I came in the very next morning—we flew in with the Secretary of Transportation, Mary Peters—and there were already billboards up, literally 12 hours later, directing people where to go with the traffic and how to get buses to get to where they had to go. As I said that day, a bridge in America should not just fall down, but when one does fall down, we rebuild it. In the 72 hours immediately following the bridge collapse, Norm and I worked together to secure $250 million in emergency bridge construction funding. Representative JIM OBERSTAR led the way in the House. Approval of this funding came with remarkable speed and bipartisanship. Capitol Hill veterans tell me it was a rare feat, aided by unity among Minnesota's elected leaders across the aisle, across the political spectrum. I am pleased to report that just 13 months after that collapse, Minnesota drivers were able to drive over a safe new 35W bridge and eight-lane highway. That is just 13 months after the collapse.

While the bridge is the most visible example, Norm and I had many other opportunities to work together on issues that mattered to the people in our State.

There was another Minnesota disaster in August 2007 when severe flooding hit the southeastern corner of our State. We worked on this together, along with Congressman WALZ, to ensure a rapid, effective response by Federal agencies to help communities, businesses, and families in need.

We worked together on the Agriculture Committee. We both served on that committee. We succeeded in passing a new farm bill that was very important to our State.

We worked together with a bipartisan group of Senators on energy legislation, to move forward in unity.

We worked together in securing Federal funds for the security costs of the Democratic and Republican National Conventions, along with our colleagues in Colorado. I still remember standing before this Chamber saying that I stood tall to obtain the funding to protect the security of the Republican leadership from across this country. We did that together.

We joined to secure educational benefits owed to our National Guard and Reserve troops returning from Active Duty overseas. We are so proud of our National Guard in Minnesota. The Red Bulls have served longer in Iraq than any other National Guard unit in the country. And Norm and I worked together to make sure we expanded the Beyond the Yellow Ribbon Program to help those Guard and Reserve who really have no base to go home to but go home to little towns across our State. We worked on that together.

Our State has a proud tradition of electing both Democrats and Republicans to office. They expect us to work together. From the very beginning, Norm and I knew that was part of our duty to the people of our State, that was part of our obligation, no matter if we disagreed on issues, that we were going to work together.

So today I acknowledge my former colleague, Norm Coleman, for the strength he has shown during this long campaign, for the grace he showed last week when he made that difficult decision, and for the fine work he did for the people of Minnesota.

Madam President, I yield the floor. 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.

Ms. KLOBUCHAR. Madam 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.

FOOD SAFETY SYSTEM REFORM

Ms. KLOBUCHAR. Madam President, I am here to talk briefly today about food safety, something about which I care deeply. As you probably know, the last few food epidemics, from the jalapeno peppers to peanut butter, would not have been solved except for the hard work of the University of Minnesota and the Minnesota Department of Health, which is a model for how we can solve these epidemics. Thirteen people died with the last peanut butter one. It was only when someone died and was sick in Minnesota that it got solved.

Clearly, while we are proud of the work we do, we have to bring out this model nationally. I am proud to be doing a bill with Senator CHAMBLISS to try to bring out this model for the rest of the country.

I do note today that the Washington Post has a strong editorial recommending we do something to improve the food safety of this Nation. I think it is worth reading that editorial. They are talking about the need to get something done. Just this week, the White House came out with its food safety recommendations which include, as I said, building a new national traceback and response system, including clear industry guidance, a new unified incidence command system, and improved use of technology to deliver individual food safety alerts to consumers. We can truly do better.

There is also a bill—the bill Senator CHAMBLISS and I have sponsored focuses on the end of this problem when

a foodborne illness is out there—there is also a bill to prevent it in the first place, a bipartisan bill in the Senate. Senator DICK DURBIN is heading up that bill, along with JUDD GREGG, TED KENNEDY, RICHARD BURR, CHRIS DODD, and LAMAR ALEXANDER, and Senator CHAMBLISS and I are also sponsors of that legislation. The idea of that legislation is to beef up the FDA to improve our capacity to prevent food safety problems.

As we all know, the tragedy that happened in Georgia where the information did not get to the right people, where inspectors had come in or not enough inspections had come in—the information did not get up the food chain, so to say. No one knew what was going on, that there were violations at this plant, and 13 people died. That has to change.

We also have to improve our capacity to detect and respond with inspections, surveillance, and traceability. We also have in this bill ways to enhance U.S. food defense capabilities and to increase FDA resources. We have seen just recently the problem with the refrigerator cookie dough manufactured by Nestle. So we know this problem has not ended and it continues.

I am urging the Senate to take action, first of all, on the Food Safety Modernization Act of 2009, the bipartisan bill, to give the FDA more tools to do what it does. We have already seen the good work the Agriculture Department does with certain fields, and we need to build on this work and make sure we are able to catch these things before they get out into the food stream and the people of our country. Secondly, when it does happen, when salmonella or something does get out there, we have to respond quickly.

I also urge the Senate, as part of these FDA measures, to pass the Food Safety Rapid Response Act, a bill I have with Senator CHAMBLISS. This is a smart bill. It uses these models of epidemiology tools that should be used all over the country.

It should not have to be the case that people have to get sick in Minnesota before we solve this problem. According to the Centers for Disease Control, foodborne disease causes about 76 million illnesses, 325,000 hospitalizations, and 5,000 deaths in the United States every year.

We should not wait. We should be acting on these two bills. We have a full agenda, but we have before us two bills that have bipartisan support. We have not heard people attacking them. They are the way to go. We have food industry people involved in both of these bills who also want to get them passed. Obviously, they do not want to keep losing profits because of food scares across this country. Let's get these bills done and improve our food safety system in the United States of America.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota.

COMMENDING NORM COLEMAN

Mr. THUNE. Madam President, I would like to join some of my colleagues today who have spoken previously in reflecting upon the service of our colleague, Norm Coleman. As we all know, the election process in Minnesota has come to a conclusion. We have welcomed his successor to the U.S. Senate. But I also want to just make some remarks about Senator Coleman's service in the Senate and sort of my recollections of that.

Obviously, all of us come here motivated to do different things. We all have reasons we want to be in public service, things we want to accomplish. Senator Coleman, obviously, came from the State of Minnesota, having been in an executive position where he served as mayor of St. Paul. He accomplished some wonderful things for the State, not the least of which was bringing hockey to Minnesota. That is something that any of us from that region of the country know was greatly appreciated by the citizens of his city and his State.

Norm and I came to the Senate under different circumstances. I recall having traveled around the country with Senator Coleman as we were campaigning together in 2002 trying to come to the Senate and having that opportunity to get to know him. When you travel with somebody on an ongoing basis, you get to know them not on a superficial basis—the way many of us here get to know people, sort of on a thin level—but you get a chance to really get a glimpse into the soul of people when you are in certain circumstances, when you are in tough campaigns. Certainly, Norm was no stranger to tough campaigns.

As it turned out, that 2002 election Norm was elected to the Senate. I lost my election in 2002 and didn't come here until a couple of years later. But during the course of the campaigns, and then having served with Norm Coleman—representing a neighbor State in South Dakota—we shared a lot of common interests. Whether it was agriculture or renewable energy or the economy in our States and trying to create jobs in the upper Midwest of this country, Norm Coleman was somebody who, more than anything else, cared about results.

There are so many instances here where we get drawn into debates in the Senate and the partisan lines get drawn and a lot of ideology comes into play. Obviously, that is part of the process as well. But the bottom line was that Norm Coleman cared about getting things done for the people of Minnesota. I think that was the kind of can-do attitude he brought to his job as mayor and to all the other areas of public service in which he was engaged during the course of his career in public life.

But coming to the Senate, I am sure, had to have been frustrating because this is a place where sometimes it is very difficult to see the result and the outcome of your efforts. Norm was someone who was focused. He was intent upon getting things done, getting things accomplished, and I think during his service here he did some great things for the people of Minnesota and for the people of this country.

If he were here, I think he would tell you that in coming to the Senate—and I would tell you the same thing—he can now look back on some of the things he was involved in getting done, such as being involved in the big debates over the confirmation of Chief Justice John Roberts or Justice Sam Alito—these were big debates in which we were all involved in seeing good people put on the Supreme Court of this country. We worked in areas that were specific to our States—again, agriculture, renewable energy, putting energy policies in place that I think will drive America's future in terms of trying to lessen our dependence upon foreign sources of energy and, obviously, trying to bring more economic opportunity to this country by promoting the energy sources we have right here, particularly in places such as the Midwest where we can produce biofuels and wind and all those sorts of things.

Those are the kinds of issues Norm Coleman was committed to because he understood the profound impact they had on the citizens of his State of Minnesota. I also think sometimes around here people tend to—as we all do because we all are elected to represent constituencies—sometimes feel pressured to make votes that might be more political. But I have seen Norm Coleman time and again come in here and make votes—sometimes tough votes—that he thought were the right ones for the future of this country. That, too, is a quality that sometimes is lacking and can be rare in public life.

So I just wanted to express my appreciation for having had the opportunity to serve with Norm Coleman in the Senate. He is someone who I think was a tremendous reflection upon the State of Minnesota, the people of his State; someone who was intent upon doing the right thing for the future of this country; and, frankly, someone who, in my view, brought an authenticity and a genuineness to this body and to this world of politics in Washington, DC, which sometimes is lacking in those qualities. He was sincere, he was genuine, and you knew exactly where he was coming from. With Norm Coleman, what you saw was what you got.

I was pleased to have had the opportunity not only to serve with him in the Senate and to call him a colleague, but more importantly than that to call he and Laurie and their family friends because that is something that is also rare in Washington, DC. Sometimes the Senate can be a lonely place, and when you develop a friendship of the type and depth that I have with Norm Coleman, I find that to be very rare around here and something I will treasure and remember for some time to come.

I also know Norm Coleman will continue in whatever he chooses to do next to serve the people of Minnesota and the people of his country because for him it wasn't about the position or the title, it was about the difference he made, and he is making, and I know he will continue to do great things for this country. Whatever he chooses to do next, it will be with an eye toward how he can make a difference and contribute in a positive way to furthering and improving the quality of life for the people of the State and the people of this country.

If he were here today, Madam President, I think he would probably also enter into some of the great debates that we are having. Norm Coleman was someone who cared about fiscal responsibility, he cared about future generations, and he cared about making sure we secured a better and brighter future for those who will come after us. I think he would be very troubled by many of the things we see happening in the country, and certainly things we see happening with legislation that is moving in the Senate.

As we look at the big debates, whether it is dealing with the issue of the reform of health care in this country—which is one-sixth of the American economy—or whether it deals with the new national energy tax, recently passed in the House of Representatives—which is going to impose a crushing burden on all families across this country and families in Minnesota and families in South Dakota—those are issues where I think we need to be careful. We need to be thoughtful and we need to scrutinize them as they come through the Congress.

We saw the House move very quickly the week before last on a 1,200-page bill that imposes a brandnew national energy tax on the American people. We can all debate about how much that tax is going to be, but one thing we know is that everybody in this country is going to pay higher energy taxes. Whether that is electricity, whether that is fuels, whether it is natural gas, or whether that is home heating oil, every American consumer—every American family, every American small business—is going to see their energy costs go up because of the legislation that was passed in the House last week, and if it is successful in passing in the Senate.

It is my hope we can put the brakes on that because it is not fair to the American people. At a time when many of them are losing their jobs, at a time when many of them are struggling to make ends meet, we should not be imposing a brandnew, top-down, bureaucratic, heavy-handed mandate that will have a crushing effect and crushing impact on the economy of this country and increase the bills and the taxes that American consumers are going to pay.

So I hope we will bring some reason to this debate; that the Senate will not act in the hasty way the House of Representatives did in throwing a 1,200-page bill on the floor, and then adopting a 309-page amendment in a minimum amount of time. We all know people didn't have an opportunity to read that bill. This is something that is a major consequence to this country and to our economy and we ought to do it with great regard for the American people and we should make sure they are engaged.

In travelling around my own State last week, I can tell you that at all the public events I attended it was loud and clear, people were unanimously opposed to this cap-and-trade—national energy tax—bill that is currently moving through the Congress.

I have described that and other things that are happening here. Whether it is the government ownership of the automobile industry or the financial system—banks—or insurance companies, that is a trend we don't want to see continued on a long-term basis. That is why I have introduced legislation called the Government Ownership Exit Plan, which would require the government to divest itself and to wind down its interest in these private companies in the next year. It gives an additional year, if necessary, if the Treasury determines that it is in the best interest of the taxpayers to do that. But we should put an end date out there so we don't continue with this indefinite, long-term permanent ownership of the American economy by the Federal Government.

That, Madam President, is not consistent with the American way of doing things. It is not consistent with free enterprise and free markets and the freedoms we enjoy in this country and which have served as the foundation and made this American economy the strongest in the world. We need to get the Federal Government out of that type of ownership so it is not controlling the day-to-day decisions made by these businesses and creating all the inherent conflicts of interest that come with government ownership of a private economy.

So I hope we will move away from that ownership and that we will not use that as the precursor to a takeover of one-sixth of the American economy by having the government take over the American health care system. We all know we have issues with our health care system in this country—that we need to get costs under control, that we need to reform our system and make it more affordable to more people in this country. But the one thing we don't need is to have the government take over the American health care system—one-sixth of our entire economy. The cost for that, Madam President, we know, will be at least—at a minimum—$1 trillion. Some of the estimates go up to $2.5 trillion as the cost to have the government take over the American health care system.

These are the big debates that are before the Senate, Madam President, whether it is the cap-and-trade energy tax, whether it is the government takeover of our health care system, whether it is government ownership of auto manufacturers and insurance companies and banks, these are things I think make most Americans very uncomfortable. I believe it is the role of the Senate to put the brakes on things and make sure we are looking long and hard at what we are doing.

Frankly, my view is this is the wrong direction, the wrong path to pursue for this country. But at a minimum, we need to make sure as this legislation moves through here it is not hastily done, that it is not hurried, that it isn't rushed or jammed through here because somebody has a political agenda they want to get accomplished, and they want to do it without allowing the American people to hear about it or have the opportunity to read the fine print.

I think when the American people start reading the fine print, as they have with the cap-and-trade legislation, they will act in a very vigorous way and resist the notion of having the government take over one-sixth of the American economy by taking over the American health care system.

So, yes, we can do things better. We can all improve upon the health care system we have today in terms of affordability. But the one thing I don't think the American people want to see is the Federal Government imposing itself in the middle of decisions that ought to be made by doctors and patients, by physicians and hospitals and consumers of health care—not by the Federal Government or that which is being talked about in the Congress and in the Senate.

I hope we will be able to put the brakes on, to slow this process down so the American people can engage in this debate in a way that will allow their voices to be heard and make sure that politicians in Washington aren't going down a pathway that could lead toward rationed care, that could lead to fewer choices, that could lead to bigger bills for the American taxpayers, and that could lead to more borrowing for future generations and depriving them and robbing them of a better and brighter future because we have handed them a crushing burden of debt.

When you look at trillion-dollar deficits as far as the eye can see and the notion of the government taking over health care and the notion of a new energy tax that will drive up the costs of energy for every American, I think these are policies that put the future of the American people in great peril. They need to be engaged in it, and we need to make sure we are not rushing these things through the Senate.

I am going to do everything I can to make sure there is a full and fair debate and that we don't go down the path that allows the government to take over one-sixth of the American economy and allows the government to make decisions that ought to rightfully be made by doctors and patients

and we don't allow a new national energy tax to be imposed on the American people. These things are all going to cost average Americans and families enormous amounts of money at a time when they are trying to keep their jobs and trying to make ends meet and trying to balance their own budgets at home.

The American government—their government—ought to be doing what it can to balance its own budget and not spending like drunken sailors and borrowing from future generations in a way that will put the future of many Americans—many American families—at risk.

Madam President, I yield the floor and the remainder of my time.

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

Mrs. MURRAY. Madam President, I will yield back the remaining time on the Democratic side.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2892, which the clerk will report.

The assistant legislative 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.

Vitter modified amendment No. 1375 (to amendment No. 1373) 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.

Grassley amendment No. 1415 (to amendment No. 1373), to authorize employers to voluntarily verify the immigration status of existing employees.

Kyl/McCain amendment No. 1432 (to amendment No. 1373), to strike the earmark for the City of Whitefish Emergency Operations Center.

Hatch amendment No. 1428 (to amendment No. 1373), to amend the Immigration and Nationality Act to extend the religious workers and Conrad-30 visa programs, to protect orphans and widows with pending or approved visa petitions.

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

Mrs. MURRAY. I ask unanimous consent the vote in relation to the Kyl amendment No. 1432 occur at 11:30 a.m., with the provisions of the previous order governing consideration of this amendment remaining in effect.

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

AMENDMENT NO. 1375, AS MODIFIED

Mrs. MURRAY. Madam President, I ask unanimous consent the Vitter amendment No. 1375 now be the pending business.

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

Mr. DURBIN. Madam President, I rise to voice my reservations with Vitter amendment No. 1375.

The Vitter amendment would prohibit any funds in the Homeland Security Appropriations bill from being used to change the Bush administration's ''no-match'' letter regulation. This controversial regulation deals with the obligations of employers who receive what are known as no-match letters from the Social Security Administration.

The Social Security Administration sends no-match letters to employers when a Social Security number or other information provided by an employee does not match the agency's records. This is part of the Social Security Administration's efforts to improve the accuracy of their records, but the Bush administration wanted to use no-match letters to get the Social Security Administration involved with enforcing our immigration laws. The theory was that an employee whose information doesn't match the Social Security Administration's database is probably an illegal immigrant. However, the reality is that the vast majority of people whose data does not match the Social Security Administration's information are U.S. citizens who changed their name when they married or whose information is wrong due to typographical or other clerical errors.

The Bush administration's no-match rule would make employers liable if they fail to take action on a no-match notice, even though no-matches are often caused by database errors. A small business owner that receives a no-match letter would be faced with the choice of firing the employee or following costly and burdensome requirements for resolving the no-match. The U.S. Chamber of Commerce estimates that the cost of the no-match rule would be at least $1 billion annually. This is not a price we can afford, especially given the current condition of the American economy.

The no-match rule would also have a dramatic and harmful impact on millions of hard-working U.S. citizens who have done nothing wrong. Experts estimate that as many as 3.9 million authorized workers will be the subject of a no-match letter. And the U.S. Chamber of Commerce estimates that as many as 165,000 legal workers will be wrongfully fired if the no-match rule goes forward.

In addition to all these problems, the no-match rule would not actually improve the enforcement of our immigration laws. The Social Security Administration has repeatedly said that a no-match letter makes no statement about a worker's immigration status. And the Social Security Administration's databases do not have complete or accurate information about workers' immigration status. In fact, according to the Social Security Administration's inspector general, at least 3.3 million records in the administration's database have incorrect citizenship information.

The no-match regulation is opposed by a broad coalition of business, labor, civil rights, and religious groups, from the Chamber of Commerce to the AFL–CIO.

The no-match rule would turn the Social Security Administration into an immigration enforcement agency. This would detract from its primary mission of administering retirement benefits for tens of millions of Americans.

The no-match rule was blocked by a court order shortly after it was issued and two years later the rule still hasn't taken effect. The court found that the rule would ''result in irreparable harm to innocent workers and employers.''

Yesterday, DHS Secretary Janet Napolitano announced that she plans to rescind the no-match rule. She believes that using the Social Security Administration to enforce our immigration laws is ineffective and will harm millions of innocent small business owners and employees.

Instead, Secretary Napolitano plans to use electronic verification so that employers can determine whether their employees are legally authorized to work. There is work to be done to improve the current electronic verification system but this is a much more efficient approach than dragging the Social Security Administration into immigration enforcement.

At the same time, Secretary Napolitano is taking a different approach from the previous administration when it comes to worksite enforcement. Secretary Napolitano has launched a new effort to crack down on employers who knowingly hire illegal immigrants.

This is the right approach and I commend Secretary Napolitano for seeking to rescind the no-match rule and refocus DHS on unscrupulous employers who knowingly hire illegal immigrants.

The Vitter amendment would prevent DHS from going forward with its plan to rescind the no-match rule. Congress should not micromanage DHS's efforts to enforce our immigration laws.

For these reasons, I have serious reservations about the Vitter amendment and I will urge the conferees not to include it in the conference report.

Mrs. MURRAY. Madam President, I understand this amendment is acceptable to both sides.

The ACTING PRESIDENT pro tempore. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1375), as modified, was agreed to.

Mrs. MURRAY. I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1378 TO AMENDMENT NO. 1373

Mr. MCCAIN. I call up amendment No. 1378 and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 1378 to amendment No. 1373 .

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

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

The amendment is as follows:

(Purpose: To strike the appropriation for the Advanced Training Center)

On page 9, lines 15 and 16, strike ''., of which $39,700,000 shall be for the Advanced Training Center''.

Mr. MCCAIN. I yield the floor.

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

AMENDMENT NO. 1432

Mr. KYL. Madam President, I believe there is now 5 minutes per side to debate the amendment I have offered, which is cosponsored by Senator MCCAIN. I would appreciate it if the Chair will advise me when I have consumed 2 minutes. Senator MCCAIN will talk for about 2 minutes, and I wish to reserve the last minute following Senator TESTER.

The amendment is very simple. It strikes $900,000 for an earmark for the city of Whitefish Emergency Operations Center in Montana. The administration terminated funding for these types of projects in its 2010 budget submission. This operations center has not been subject to a congressional hearing nor has it been authorized by Congress. It is a pure earmark. Not only did the administration not request funding for the project, it specifically zeroed out funding.

Senator FEINGOLD had an amendment that would have subsumed this project along with several others. That amendment failed. But he noted in regard to his amendment that while we may not all agree on the appropriateness of earmarks in general, I certainly hope we can agree certain things ought not be earmarked, including FEMA grant programs such as those protecting Americans from terrorist attacks. I quote Senator FEINGOLD, because this is precisely the view of the 9/11 Commission. From page 396 of that report it included this recommendation:

Homeland security assistance should be based strictly on an assessment of risks and vulnerabilities . . . Congress should not use this money as a pork barrel.

The report goes on to state:

In a free-for-all over money, it is understandable that representatives will work to protect the interests of their home states or districts, but this issue is too important for politics as usual to prevail. Resources must be allocated according to vulnerabilities.

That is why in its budget submission the administration said this:

The administration is proposing to eliminate the Emergency Operations Center 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 purposes more effectively.

So you have the 9/11 Commission saying these programs should be eliminated; you have the administration saying, in its budget submission, they should be eliminated from the budget submission, that they should not be subject to earmarks. That is why our amendment is being offered.

The ACTING PRESIDENT pro tempore. The Senator has consumed his 2 minutes.

The Senator from Arizona is recognized.

Mr. MCCAIN. Madam President, I thank my friend and colleague from Arizona for this amendment.

Look, it is all about the fact that there has been no analysis, no assessment, no debate on the merits of using Federal funds for a municipal improvement project. I am sure Whitefish needs municipal improvement. So do cities and towns all over America. Why was Whitefish picked?

By the way, it might be of interest to taxpayers, Whitefish, according to my information, has a population of 5,849 people. This earmark equals $153.87 per inhabitant.

Cities all across America are operating out of inadequate facilities, including those in my own State. All we have asked for is to have these prioritized according to competition, assessment, and recommendations by agencies of government rather than inserted in the bill as an earmark and without any of that.

From the previous votes, we will probably lose on this one, but I want to tell my friend from Montana, sooner or later the American people are going to reject this kind of pork-barrel earmarking, $153.87 for every resident in Whitefish, which may be warranted—it may be warranted—but there is no assessment, there is no study, there is no rationale besides the fact that this was inserted in this bill without any scrutiny or authorization.

We should reject this kind of practice. This is an egregious example of it.

I yield the floor.

Mr. TESTER. Madam President, I ask you inform me when I have 3 minutes left.

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

Mr. TESTER. Madam President, I thank the two Senators from Arizona for the debate we have been having on this expenditure. This is not an egregious expenditure. The senior Senator from Arizona talked about 5,849 people living in Whitefish. In the 2000 census figures it is up to 8,500 now, but that is not the issue. The issue is Whitefish is here. This is it up here. We have a Canadian border 60 miles north. We have a park to the east of it. We have millions—millions of acres of Forest Service land all around it, north, south and to the west.

When we have emergencies, it is not necessarily just terrorism. They will tell you on the northern border, terrorism is the biggest threat. On the southern border, next to Arizona, it is illegal immigration. Not only do we have for this emergency operations center the potential—and let's hope it never happens—of terrorist threats coming down, whether it is in the park or north, along in Forest Service lands, we also have a very real threat again of forest fires occurring. They have happened with regularity.

The current building is one-third of the size needed. It is 100 years old. It is in a seismic zone. The truth of the matter is, we have Border Patrol, Forest Service, DEA—all rely on local law enforcement to assist them. We have radio interoperability between Federal, State, and county government that this will address. The truth is, this is for the region.

This money also leverages almost 9 to 1 in local grants—$8 million, this $900,000 leverages. So the local community is stepping up and they are picking up their fair share.

We don't want unfunded mandates put on local governments because we have potential national terrorist problems throughout this region.

The ACTING PRESIDENT pro tempore. There is 3 minutes remaining.

Mr. TESTER. The truth is that you can come up and look at a title and you can talk about it being egregious, but the truth is, millions of acres of forests, a national park, a border 60 miles away—we are talking about emergency services. The local community is supposed to pick up the entire tab for that? I don't think so and I don't think that is fair. That is why we have a $900,000 expenditure in this bill to help local governments meet the needs of this country.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time? If neither side yields time, time will be charged equally on both sides.

The Senator from Arizona is recognized.

Mr. KYL. Madam President, it is appropriate for the sponsor of the amendment to have the final word. I wish to reserve my final minute to have the last response.

Mr. TESTER. Can I ask what the sponsor of the amendment has left for time?

The ACTING PRESIDENT pro tempore. The sponsor has 53 seconds and the Senator has 2 minutes 29 seconds.

Mr. TESTER. We have two Senators for every State in this country. Our forefathers drafted that out. The reason was we don't dictate on population, we don't dictate on landmass, we dictate on need.

The fact is, there are millions of acres of Forest Service grounds; a national park—one of the jewels of this country—to the east; a border to the north where there are real threats that we need to make secure and work with our neighborhoods to the north to make sure we do not have terrorist activity come across the border.

The truth is, the sponsor of this amendment talked about the President zeroing out this program. Why doesn't the amendment zero out the program? It doesn't. The sponsor cherry-picked one expenditure in the bill and said this isn't the way we should be spending money. I appreciate that. We are having a debate here on that. But this is much needed for the security of this country and for the security of the region.

Mrs. MURRAY. Will the Senator from Montana yield?

Mr. TESTER. Yes, I would.

Mrs. MURRAY. My understanding is over the last decade there have been 28 Presidential disasters which occurred in that region.

Mr. TESTER. I believe that is correct.

Mrs. MURRAY. So 28 times in the last 10 years there has been a major disaster that has been responded to, whether it is a fire in the park, on the Federal land, or a border issue or whatever, so this is not just about Whitefish, am I correct?

Mr. TESTER. It is not about Whitefish at all.

Mrs. MURRAY. It is about the entire region and the ability for all the different agencies to respond, is that correct?

Mr. TESTER. That is correct.

Mr. MURRAY. That clarifies the importance for this emergency center. I thank the Senator.

Mr. TESTER. The Senator is spot on right. That is exactly right. It is not about Whitefish at all, it is about the region, it is about the location, and it is critically important we get this money for this project. I appreciate the sponsor bringing the amendment up but, truthfully, this is not pork. This is something that will help the country being secure.

I yield the floor.

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

Mr. KYL. Madam President, I certainly accept the argument of my friend from Montana that this could be put to good purpose in Whitefish, MT. It could be put to good use in Yuma or Nogales or anywhere else in the country. That is why the 9/11 Commission said, and I quote again:

> Homeland Security assistance should be based strictly on an assessment of risks and vulnerabilities . . . The Congress should not use this money as a pork barrel.

All we ask is, as the administration did, that the money be allocated based on the risk assessment from the Department of Homeland Security, not on the ability of a particular Congressman or Senator to get the money earmarked in a bill.

I ask unanimous consent that page 396 of the 9/11 Commission report be printed in the RECORD at the conclusion of my remarks, and again urge my colleagues to support this amendment, as at least one small step we can take to demonstrate that we agree with the 9/11 Commission and we agree with the administration that these grants should be based on risk, rather than earmarks.

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

THE 9/11 COMMISSION REPORT, P. 396

Recommendation: Now, in 2004, Washington, D.C., and New York City are certainly at the top of any such list. We understand the contention that every state and city needs to have some minimum infrastructure for emergency response. But federal homeland security assistance should not remain a program for general revenue sharing. It should supplement state and local resources based on the risks or vulnerabilities that merit additional support.

The second question is, Can useful criteria to measure risk and vulnerability be developed that assess all the many variables? That assessment should consider such factors as population, population density, vulnerability, and the presence of critical infrastructure within each state. In addition, the federal government should require each state receiving federal emergency preparedness funds to provide an analysis based on the same criteria to justify the distribution of funds in that state.

We recommend that a panel of security experts be convened to develop written benchmarks for evaluating community needs. We further recommend that federal homeland security funds be allocated in accordance with those benchmarks, and that states be required to abide by those benchmarks in disbursing the federal funds. The benchmarks will be imperfect and subjective; they will continually evolve. But hard choices must be made. Those who would allocate money on a different basis should then defend their view of the national interest.

COMMAND, CONTROL, AND COMMUNICATIONS

The attacks on 9/11 demonstrated that even the most robust emergency response capabilities can be overwhelmed if an attack is large enough. Teamwork, collaboration, and cooperation at an incident site are critical to a successful response. Key decisionmakers who are represented at the incident command level help to ensure an effective response, the efficient use of resources, and responder safety. Regular joint training at all levels is, moreover, essential to ensuring close coordination during an actual incident.

Mr. KYL. I believe we need to ask for the yeas and nays, and I do at this time.

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

There is a sufficient second.

Mrs. MURRAY. Has all the time been used on this amendment?

The ACTING PRESIDENT pro tempore. Yes, it has.

The question is on agreeing to the amendment.

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), the Senator from Washington (Ms. CANTWELL), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

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

The result was announced—yeas 36, nays 59, as follows:

[Rollcall Vote No. 223 Leg.]

YEAS—36

Barrasso	Ensign	Lugar
Bennett	Enzi	Martinez
Brownback	Feingold	McCain
Bunning	Graham	McCaskill
Burr	Grassley	McConnell
Chambliss	Gregg	Murkowski
Coburn	Hatch	Risch
Collins	Hutchison	Roberts
Corker	Inhofe	Sessions
Cornyn	Isakson	Thune
Crapo	Johanns	Vitter
DeMint	Kyl	Wicker

NAYS—59

Akaka	Gillibrand	Nelson (FL)
Alexander	Hagan	Pryor
Baucus	Harkin	Reed
Bayh	Inouye	Reid
Begich	Johnson	Sanders
Bennet	Kaufman	Schumer
Bingaman	Kerry	Shaheen
Bond	Klobuchar	Shelby
Boxer	Kohl	Snowe
Brown	Landrieu	Specter
Burris	Lautenberg	Stabenow
Cardin	Leahy	Tester
Carper	Levin	Udall (CO)
Casey	Lieberman	Udall (NM)
Cochran	Lincoln	Voinovich
Conrad	Menendez	Warner
Dorgan	Merkley	Webb
Durbin	Mikulski	Whitehouse
Feinstein	Murray	Wyden
Franken	Nelson (NE)	

NOT VOTING—5

Byrd	Dodd	Rockefeller
Cantwell	Kennedy	

The amendment (No. 1432) was rejected.

Mr. DURBIN. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Madam President, Senator MCCAIN has an amendment that he will speak to in a moment. I wish to let all Senators know I appreciate their cooperation. We are working through a number of amendments on both sides that I am hoping we can get through this afternoon. Senator MCCAIN will speak to his amendment now, and we are hoping to have a vote around 2 to settle that and several others. If Members have an amendment they are working on and have some last-minute language to work on, please get it done because we would like to finish this bill today.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

AMENDMENT NO. 1378

Mr. MCCAIN. Madam President, I ask for the immediate consideration of amendment No. 1378.

The PRESIDING OFFICER. The amendment is pending.

Mr. MCCAIN. I thank the Chair.

Madam President, this amendment strikes an earmark of $39.7 million for an advanced training center in West Virginia, a training facility for U.S. Customs and border protection agents. The center features a range of training environments, facilities, et cetera. The administration requested and the committee approved $30.3 million to operate and equip the facility. While I have a problem with that, I do not intend for the amendment to affect the $30 million the administration requested to operate and equip the facility. This amendment is not about that.

The committee earmarked an additional $39.7 million to equip, furnish, and expand the Leadership Academy at the Center.

Let me be clear what the amendment does and does not do. It does not strike the requested funding for the training facility. It does strike an unrequested, unauthorized, unnecessary earmark of nearly $40 million that was added to this bill at the direction of a senior Member of this body. I wish to make that perfectly clear. I am sure there will be opponents of this amendment but have no doubt: It does not affect the $30 million the administration requested. This is an additional $39.7 million to equip, furnish, and expand the Leadership Academy.

It might be of interest to our colleagues that today, at 9:23 a.m., the CBO is reporting that the year-to-date budget deficit tops a trillion dollars. We are considering a provision that adds an additional $39.7 million in light of the Congressional Budget Office monthly budget review. Its key points are, the Federal budget deficit is $1.1 trillion for the first 9 months of fiscal year 2009. Here we are with a bill loaded down with earmarks worth tens of millions of dollars on the very day that the deficit tops $1 trillion; in fact, it is $1.1 trillion. That is more than $800 billion greater than the deficit recorded through June 2008. Outlays are 21 percent or $457 billion higher than they were in the 9 months of 2008. Revenues have fallen by 18 percent, by some $346 billion. Outlays for unemployment benefits so far this year are more than 2.5 times what they were at this point last year. About half this increase is driven by a higher unemployment rate and half is driven by legislation expanding unemployment.

The estimated deficit reflects outlays of $147 billion for the Troubled Asset Relief Program, known as TARP, recorded on a net present value basis, and spending of $83 billion in support of Fannie Mae and Freddie Mac. Interest payments have declined 25.5 percent as a result of lower short-term interest rates.

So here we are looking at business as usual on the earmarks and appropriations bills. Meanwhile, the year-to-date budget deficit tops $1 trillion. Maybe it is approaching $2 trillion by the end of the year—an incredible burden to lay on future generations of Americans.

I am sure—I am sure—this amendment will probably lose. I am sure proponents of the Advanced Training Center's Leadership Academy in West Virginia will stoutly defend it, and its essential functions will be graphically described by the opponents of this amendment.

It is time we stopped. Isn't a $1.1 trillion deficit for the first 9 months of this year enough of a signal that maybe we ought to tighten our belts, that maybe we ought to stop adding $39.7 million to an already requested $30 million to operate and equip an advanced training center—a training facility that is located in the State of West Virginia? I understand that. Our thoughts and prayers go out for the senior Senator from West Virginia. We hope he regains his health soon. We hope he continues in his very effective membership and service in this body.

But the fact is, the committee—the committee—earmarked an additional $39.7 million to equip, furnish, and expand the Leadership Academy at the Center. Can't we delay expanding, equipping, and furnishing a leadership academy? Can't we do that? Probably not. Probably not. Probably not.

But as long as Americans are bearing this incredible burden—a burgeoning deficit we are laying on our children and our grandchildren—I and some others will be coming to this floor to try to point out it is time we got rid of things that are maybe even necessary but not vital to our Nation's future.

Madam President, I ask for the yeas and nays on the amendment.

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

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. MCCAIN. Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

Mr. VOINOVICH. Madam President, I do not think there is a Senator in this body who has talked more about deficits or our national debt than the senior Senator from Ohio.

Senator LIEBERMAN and I have a bill in to create a commission to deal with tax reform and entitlements. I have had a bill in called the SAFE Commission for the last 4 years: Saving America's Future Economy. There is no one more aware of where we are. We will have a deficit this year, I believe, of over $2 trillion when you take into consideration the amount of money we are borrowing from our governmental trust funds.

That being said, I respectfully oppose the amendment offered by my good friend, the Senator from Arizona. This amendment seeks to strike the requirement in the bill for $39.7 million for the Advanced Training Center.

This Advanced Training Center is designed to serve the specialized needs of U.S. Customs and Border Protection. It officially opened in August of 2005. There may be some people who object to the fact that it is in West Virginia, but the fact is it is in West Virginia.

This year alone, the Center will provide advanced training to over 3,200 U.S. Customs and Border Protection employees.

We have already mentioned we have increased the number of these employees substantially to do what most people want us to do; that is, to protect the border and to go after those individuals who are illegal immigrants. There is no question about that. But I also know from my work on the Governmental Affairs Committee and my Subcommittee on Oversight of Government Management, in the Federal workforce, the people we hire have to be trained. You just cannot bring them on. You have to train them.

So this is a critical training facility for frontline employees. In fact, the Department of Homeland Security and the Office of Management and Budget have endorsed the expansion of this facility as well when they approved and sent forward to Congress their 5-year master facility plan.

This is not a boondoggle. This is not a waste of money. This is something to support a facility that is there and needs to be expanded because we have decided we want to hire a lot more employees. When you hire employees, you have to provide them the training. And that is exactly what this is doing.

Again, I wish to emphasize, if we are going to secure the border, it is going to cost a lot of money, including training the people we are going to hire.

So we should oppose this amendment.

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

Mrs. MURRAY. Madam President, I thank my colleague from Ohio for his statement in opposition to the McCain amendment.

I rise as well to speak on behalf of Senator BYRD who, as we all know, is home recovering from a serious illness. The committee bill does include $39.7 million for the continued expansion of the U.S. Customs and Border Protection, CBP, Advanced Training Center. The ATC, which opened back in 2005, provides advanced firearms and tactical training to CBP law enforcement personnel and personnel of other Federal agencies.

The center is expanding in phases. It is consistent with this master plan I hold in my hand. This plan actually was transmitted to Congress back in 2007 and was approved then by the Office of Management and Budget and the Department of Homeland Security.

This master plan accommodates advanced training consistent with the mission of securing our borders. CBP employees are stationed throughout the Nation at land and border crossings, at airports, at seaports, and other urban environments with a need for practical, unique, progressive, and flexible training.

There is no other training of this kind, I want my colleagues to know, and there has never been a time that it has been needed more.

Senator BYRD strongly—he wants us to know—supports the Advanced Training Center and its mission and is going to continue to fight hard for the security of this great country. Customs and Border Protection needs and deserves the advanced training facility to assure that the more than 50,000 Customs and Border Protection agents, officers, and other personnel have the training they require when they are sent in harm's way.

This facility is expected to train over 3,200 law enforcement and other employees in fiscal year 2009, and that is expected to grow to more than 5,000 each year.

I urge our colleagues to vote against that plan.

I, again, would like everyone to know we are hoping Senator ROCKEFELLER will be back shortly. He will speak on this amendment. We are hoping to set up this amendment for a vote around 2 o'clock.

Madam President, with that, I rise to offer the Dodd-Lieberman amendment No. 1458, which I understand is at the desk.

Mr. VITTER. Madam President, I reserve the right to object.

The PRESIDING OFFICER. Does the Senator object?

Mr. VITTER. Yes, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Utah.

AMENDMENT NO. 1428, AS MODIFIED

Mr. HATCH. Madam President, I ask for the regular order.

The PRESIDING OFFICER. The Senator is asking for the regular order with respect to the Senator's pending amendment?

Mr. HATCH. With respect to a modification to amendment No. 1428. I send the modification to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The Senator has the right to modify his amendment. The amendment is so modified.

The amendment (No. 1428), as modified, is 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 SURVIVING SPOUSES.—

(1) IN GENERAL.—The second sentence of section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)) is amended by striking ''for at least 2 years at the time of the citizen's death''.

(2) APPLICABILITY.—

(A) IN GENERAL.—The amendment made by paragraph (1) shall apply to all applications and petitions relating to immediate relative status under section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)) pending on or after the date of the enactment of this Act.

(B) TRANSITION CASES.—

(i) IN GENERAL.—Notwithstanding any other provision of law, an alien described in clause (ii) who seeks immediate relative status pursuant to the amendment made by paragraph (1) shall file a petition under section 204(a)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(A)(ii)) not later than the date that is 2 years after the date of the enactment of this Act.

(ii) ALIENS DESCRIBED.—An alien is described in this clause if—

(I) the alien's United States citizen spouse died before the date of the enactment of this Act;

(II) the alien and the citizen spouse were married for less than 2 years at the time of the citizen spouse's death; and

(III) the alien has not remarried.

(d) HUMANITARIAN CONSIDERATION FOR PENDING PETITIONS AND APPLICATIONS.—

(1) AMENDMENT.—Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended by adding at the end the following:

''(l) HUMANITARIAN CONSIDERATION FOR PENDING PETITIONS AND APPLICATIONS.—

''(1) IN GENERAL.—An alien described in paragraph (2) who was the beneficiary or derivative beneficiary of a petition (as defined in section 204, 207, or 208) filed on behalf of the alien or principal beneficiary before the death of the qualifying relative and who continues to reside in the United States shall have such petition and any related or subsequent applications for adjustment of status to that of a person admitted for lawful permanent residence adjudicated as if the death had not occurred, unless the Secretary of Homeland Security determines, in the unreviewable discretion of the Secretary, that approval would not be in the public interest.

''(2) ALIEN DESCRIBED.—An alien described in this paragraph is an alien who, immediately prior to the death of his or her qualifying relative, was—

''(A) an immediate relative (as described in section 201(b)(2)(A)(i));

''(B) a family-sponsored immigrant (as described in subsection (a) or (d) of section 203);

''(C) a derivative beneficiary of an employment-based immigrant under section 203(b) (as described in section 203(d));

''(D) a spouse or child of a refugee (as described in section 207(c)(2)); or

''(E) an asylee (as described in section 208(b)(3)).''.

(2) CONSTRUCTION.—Nothing in the amendment made by paragraph (1) may be construed to limit or waive any ground of removal, basis for denial of petition or application, or other criteria for adjudicating petitions or applications as otherwise provided under the immigration laws of the United States other than ineligibility based solely on the lack of a qualifying family relationship as specifically provided by such amendment.

Mr. HATCH. Madam President, I thank the Chair.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Nebraska is recognized.

Mr. JOHANNS. Madam President, I ask unanimous consent to speak as in morning business for up to 7 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

THE ECONOMY

Mr. JOHANNS. Madam President, I rise, I think, at a very appropriate time, while we are talking about the budget and deficits and numbers, to say that rarely has a crystal ball proved so regrettably accurate.

Many warned, as did I, that the stimulus would amount to a mountain of wasted money. It produced record deficits, and thus far it has produced little beyond that.

But I am not here to ask the Senate to take my word for this. You can read it in black and white in two reports that were released yesterday: a CBO report and a GAO report.

According to the nonpartisan Congressional Budget Office, the Federal budget deficit for the first 9 months, as Senator MCCAIN mentioned, was a whopping $1.1 trillion. This is the first time in our Nation's history that the annual deficit has been this high.

If that ''Guinness Book'' record-sized debt was not astonishing enough, we would all be floored that this debt is from only the first three-quarters of the year. It is mystifying to me, horrifying to the American taxpayers and their children who eventually will have to pay the bill. It represents a dangerous reality for our future. Only 4 percent of the first stimulus funding has been spent, yet we are shattering national deficit records already.

This was easily predicted. Look back a few short months to February when we were debating the stimulus, a bill we were told we had to do right away.

On February 4, 2009, I delivered my first speech as a Senator. I made some simple predictions based upon my experience as a city council member, a mayor, and as a Governor. Serving in those rolls, I learned a few things about how money is spent at the local level, especially the hidden costs of money from the Federal Government that seemingly comes with no strings attached. In that speech I warned what would happen with the so-called stimulus legislation. I predicted that State governments would use the funds to replace State dollars and shore up their budget problems. Well, sure enough, the Government Accountability Office, known as the GAO, reported this:

States reported using Recovery Act funds to stabilize State budgets and to cope with fiscal distress.

The report states that 90 percent of the money distributed has come in the form of increased Federal education and health care grants to State governments. This money has helped many State governments to partially offset what they are facing, which is budget shortfalls.

I also warned that the result of replacing State funds with Federal funds would lead to an enormous funding cliff for State budgets when that temporary stimulus money ran out. The GAO report sends up a warning flare, because States have not addressed the situation they will be in when the stimulus funding runs out or how they will come up with the funding to cushion the fall.

I wish I had been wrong in February—in fact, I think I said that at the time. I wish I had been wrong when I said that the transportation sector jobs estimated to be created by the major infrastructure projects wouldn't materialize because the funding would instead go to repaving. I urged my colleagues to reconsider because repaving projects would not lead to long-term economic growth or good jobs. So what is the consensus since the stimulus bill went into law? The GAO report states that nearly 50 percent of all transportation projects are for resurfacing and another 18 percent of the funds are being used to widen already existing roads. That adds up to nearly 70 percent on temporary road improvement projects.

Even though President Obama said there is nothing he would have done differently, I find that hard to believe considering his earlier remarks that predicted a much different result. In a speech on February 10, soon after becoming President, he said:

We can use a crisis and turn it into an opportunity. Because if we use this moment to address some things that we probably should have been doing over the last 10, 15, 20 years, then when we emerge from the crisis, the economy is going to be that much stronger.

I doubt he had repaving projects in mind.

As evidenced by the GAO report, the stimulus bill is not laying down the essential groundwork for sustained economic growth, long-term initiatives, or jobs. In fact, unemployment reached 9.5 percent, the highest rate in 26 years. This means that since the stimulus was signed into law, 2,964 jobs have been lost every hour of every workday. Clearly, the stimulus bill was sold to the American people as a quick fix to solve our economic woes, but it is failing.

The Obama administration and his supporters in Congress want to quickly tack on to the $1 trillion stimulus a litany of big spending initiatives: health care reform, cap and tax, an overhaul of the financial system. The recklessness of proposed spending, new government programs, and increased deficits is sobering. What does all this proposed spending add up to? A huge train wreck with stacks of IOUs all the way to China as far as the eye can see. Yet some have the audacity to raise the possibility of a second stimulus. It defies logic.

I will conclude by saying that the last thing the Federal Government should do, directly or indirectly, is stifle American businesses and hard-working families just as they are trying their best to crawl out from the economic yoke of debt, taxes, and a stagnant economy. Before we drive the Federal budget off another cliff—and take State budgets down with us—we need to put our foot on the brakes, slow down, and correct our course.

With that, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll.

Mr. WHITEHOUSE. 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. WHITEHOUSE. Madam President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

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

SOTOMAYOR NOMINATION

Mr. WHITEHOUSE. Madam President, I am here to talk about Judge Sotomayor. I am looking forward to her confirmation hearing, which begins next Monday. I continue to review her record, and I will not make my ultimate judgment until after the hearing. But I must say I am very impressed with Judge Sotomayor's qualifications, including her restrained and fact-based approach to deciding cases. I'm also impressed, as a former prosecutor myself, by her experience as a practicing attorney and as a line prosecutor. I think we are all impressed by her educational achievements.

Like millions of Americans, I have been inspired by her personal story. Frankly, it gives me goosebumps to think of that little girl growing up in the projects in the Bronx and growing into the woman we see before us now at the top of the legal profession, with a career of exemplary conduct, exemplary academic achievement, exemplary judicial experience behind her. It is really a great story of American discipline and achievement.

Unfortunately, critics of Judge Sotomayor's confirmation have unleashed an avalanche of innuendo meant to weaken the case for her confirmation. These criticisms began among the right-wing talking heads, but unfortunately, some of them are now voiced by my Republican colleagues here on the floor. Indeed, rather than waiting for the hearing to ask her about her record and her judicial philosophy, a number of my colleagues have come to the floor to attack her and her nomination.

Today, I would like to briefly address two particular and—frankly, very surprising—attacks on Judge Sotomayor: first, the suggestion that her judicial philosophy is somehow outside of the mainstream; and, second, the suggestion that her life experience is somehow unhelpful to the judgment she would bring to the Supreme Court.

First, Judge Sotomayor's judicial philosophy. My Republican colleagues like to suggest that judges appointed by Republican Presidents are neutral ''umpires'' and that judges appointed by Democratic Presidents are judicial ''activists.'' But Chief Justice Roberts himself, who, indeed, raised the ''umpire'' metaphor at his own confirmation hearing, reveals the falsity of that comparison. Jeffrey Toobin, a well-respected legal commentator, recently described a pronounced ideological predisposition in Chief Justice Roberts.

In every major case since he became the Nation's seventeenth Chief Justice, Roberts has sided with the prosecution over the defendant, the state over the condemned, the executive branch over the legislative, and the corporate defendant over the individual plaintiff.

Let me say that again:

In every major case since he became the Nation's seventeenth Chief Justice, Roberts has sided with the prosecution over the defendant, the state over the condemned, the executive branch over the legislative, and the corporate defendant over the individual plaintiff.

Maybe this is a pure coincidence, and maybe it is a further coincidence, to again quote Toobin, that this record ''has served the interests, and reflected the values, of the contemporary Republican Party.'' Maybe it is also a coincidence that in the Heller decision, the DC gun law case, the Roberts-led conservative block of the Court discovered a new constitutional right that had previously gone unnoticed through 220 years of the United States Supreme Court's history, and which just happens to appeal to the NRA and the Republican base. Perhaps that is all a coincidence. But I will confess to you, I doubt it. I think this record goes a long way towards disproving the metaphor of the Republican judge as neutral umpire.

So let's put aside the notion that conservative men from the Federalist Society have no predispositions in legal matters but that anyone who differs from their views is the activist.

That is just rhetoric, and what it's seeking to do is to normalize the right-wing activism that the Republican Party has calculatedly and over many years moved onto our Court.

If you want to decide whether Judge Sotomayor has an appropriate judicial philosophy, look at her full record. Throughout her long career as a Federal judge, longer than any Supreme Court nominee since the 19th century, Judge Sotomayor, has on every major issue, shown that the facts and the law drive her determination of cases. On the Second Circuit, Judge Sotomayor agreed with her more conservative colleagues far more frequently than she disagreed with them. In 434 published panel decisions where the panel included at least one judge appointed by a Republican President, she agreed with the result favored by the Republican appointee in 413 cases—413 out of 434. That is 95 percent of the time, and it is no record of extremism. Indeed, it would seem to put her on the conservative side of the mainstream. And consider what she told Chairman LEAHY:

> Ultimately and completely, as a judge, you follow the law. There is not one law for one race or another. There is not one law for one color or another. There is not one law for rich and a different one for poor. There is only one law.

Furthermore, the idea that because the Supreme Court disagreed with Judge Sotomayor's Second Circuit panel decision in Ricci v. DeStefano, she is somehow outside the mainstream is patently absurd. First, four Justices of the Supreme Court agreed with the Second Circuit's interpretation of the law. Are Justices Stevens, Souter, Ginsburg, and Breyer outside of the mainstream? Hardly.

Second, Judge Sotomayor and her panel were faithfully applying the settled precedent of the Second Circuit when they rendered their decision—just what a circuit court judge of the United States is supposed to do. The five Justices on the Supreme Court in the Ricci majority, in deciding the case, invented an entirely new test for resolving Title VII claims that, according to legal experts reported in the New York Times, ''will change the landscape of civil rights law.'' It is hardly fair to criticize Judge Sotomayor for not applying a test that did not even exist when she decided the case. Nor for failing to venture into landscape changes of civil rights law.

In the Ricci decision and others, Judge Sotomayor's record demonstrates a long career of faithfully applying the law to the facts of the case before her—and the careful exercise of judicial discretion.

That brings me to my second point. Wise exercise of judicial discretion is the longstanding tradition underlying the American system of law. It is harsh, narrow-minded, and ahistoric to contend that a rich life experience and natural empathy are at odds with that judicial tradition.

Any lawyer knows the importance of judicial discretion, both in our common law system and to the interpretation of the Constitution. As Justice John Paul Stevens has explained:

> the work of federal judges from the days of John Marshall to the present . . . requires the exercise of judgment—a faculty that inevitably calls into play notions of justice, fairness, and concern about the future impact of a decision. . . .

That faculty has served the Nation well for over two centuries. Indeed, discretion is at the heart of the judicial role. Our legal system bears the imprint of the experience and wisdom of generations of judges. As Justice Holmes famously explained, ''[t]he life of the law has not been logic: it has been experience.'' Indeed, as Holmes continued,

> [t]he law embodies the story of a nation's development through many centuries, and it cannot be dealt with as if it contained only the axioms and corollaries of a book of mathematics.

This discretion, of course, does not mean that judges are without bounds. But there exists a broad and lively discretion that falls far short of ''judicial activism.'' Justice Benjamin Cardozo put it this way:

> The judge . . . is not to innovate at pleasure. He is not a knight-errant, roaming at will in pursuit of his own ideal of beauty or of goodness. He is to draw his inspiration from consecrated principles. . . .He is to exercise a discretion informed by tradition, methodized by analogy, disciplined by system, and subordinated to ''the primordial necessity of order in the social life.'' Wide enough in all conscience is the field of discretion that remains.

Madam President, within this wide field of discretion, judges do not, cannot, and should not close their minds to their experience of the world, nor to what their experience teaches them about the effects of their decisions on the world.

There has been plenty of empathy at the Supreme Court recently for the rich and powerful, resulting in decisions that frustrate congressional intent and deprive Americans of crucial statutory and constitutional protections. There has been plenty of empathy for right-wing ideology and plenty of empathy for big corporations. Should we not also admit to the Court a nominee who has common sense, who can appreciate how American laws affect different citizens, and who can also empathize with the poor and the weak, as well as the more fortunate?

If reaching correct outcomes were as simple as plugging a few factors and elements into a computer, we would not need nine Supreme Court Justices. Quite simply, a broadened range of perspectives and experiences will make for better judgment by our Court.

One final thing is worth noting about the judicial branch of government. It is designed to be a check and balance to the elected branches. The Founders were keenly aware of the corruption and passing passions to which those elected branches are vulnerable, and they established the judiciary as a place where all were equal before the law, and where power, money, and influence were intended to hold no sway. The courtroom can be the only sanctuary for the little guy when the forces of society are arrayed against him, when proper opinion and elected officialdom will lend him no ear. This is a correct, a fitting, and an intended function of our judiciary, and the empathy President Obama saw in Judge Sotomayor has a constitutionally proper place in that structure.

If everyone on the Court always voted for the prosecution against the defendant, for the corporation against the plaintiff, and for the government against the condemned, a vital spark of American democracy would be extinguished. A courtroom is supposed to be a place where the status quo can be disrupted, where the comfortable can be afflicted, and the afflicted find some comfort when no one else will listen. A judge of the United States is not an orderly, neutered little functionary of the power structure. Judge Sotomayor's broad background and empathy prepare her better for that proper judicial role than would grooming in corporate boardrooms, scrubbing by the Federalist Society, and fealty to party ideology.

I am looking forward to Judge Sotomayor's hearing as an opportunity for her to finally reply to her right-wing detractors, to demonstrate her intellect and qualifications, and to explain her judicial philosophy. My preliminary review of her record suggests that she understands the importance of judicial restraint and modesty, of adherence to precedent, of respect for the legislative branch, and of the timeless values enshrined in the Constitution. And she has articulated a desire to be scrupulously fair by keeping sight of—not denying—the lessons she has learned during her extraordinary life.

Judge Sotomayor appears, more than anything else, to be a careful and conscientious judge. So let us not throw care and conscience to the wind by hurling unjustified, unhelpful, and tired labels at her; let us be proud to have a Justice of the Supreme Court with the type of broad life experience that will inform her good and proper judgment.

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

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

NASA NOMINATIONS

Mr. NELSON of Florida. Mr. President, yesterday the Commerce Committee had its hearing for the NASA

Administrator and Deputy Administrator nominees. Charlie Bolden and Lori Garver respectively are the nominees for these two positions.

I have had the privilege of knowing Charlie Bolden for the better part of a quarter of a century. In addition to all of the numerous accolades that were heaped upon him yesterday by Members of the House and Senate, it came to the Commerce Committee to say a word on his behalf. Many talked about his distinguished career as a graduate of Annapolis, a marine test pilot, an astronaut, then back into the marines—after four times flying in space on the space shuttle, twice as pilot and twice as commander—and then in his various positions in the active-duty marines, retiring at the rank of major general. Those accolades were extensive and they were accurate.

I would merely add to those attributes describing him—all of which were very laudatory—the attribute, the characteristic, that Americans have come to honor, and that is that Charlie Bolden is an overcomer.

One of the first instances of this characteristic occurred in Charlie's native Columbia, SC, in 1964. He could not get an appointment to Annapolis from his congressional delegation because they were still embroiled with the fact that he was an African American. The administration, at that time—the Johnson administration—had appointed a retired judge with the specific purpose of going around the country and finding qualified minorities so they could go into the academies. This gentleman found Charlie and arranged for a Congressman from Chicago to appoint him to Annapolis. When Charlie arrived, he was promptly elected president of the freshman class.

Today, ADM Dennis Blair—now the Director of National Intelligence, and interestingly in the same class—alternated all 4 years at Annapolis being president of the class with Charlie Bolden. Therein is a story in and of itself where Charlie was an overcomer. But let tell you of another part of Charlie's life where he represented an overcomer.

Charlie went back into the Marine Corps after four space shuttle flights, and he came back in as a full bird colonel. The Marine Corps wasn't keen on promoting marine astronauts to general officer, and so the first time that Charlie was in the zone of consideration, they passed him over. Charlie said, instead of retiring, I want to go back to Annapolis and I want to give back to the institution that gave me so much, including an education. He did so as the deputy superintendent, which is a marine slot. His superiors were so impressed by his attitude and his service that the next time he was up for consideration as general officer, they promoted him. A second instance in Charlie's life.

I will mention one other instance of Charlie's being an overcomer. He was so well prepared and so expert at his task, that of a naval aviator and of a pilot astronaut, that 23½ years ago, after having the most delayed space flight in our country's history—that 24th flight of the space shuttle having been scrubbed four times in the course of a month—on the fifth try, the space shuttle lifted off. Charlie was the pilot sitting in the right seat. The commander sits in the left seat. The pilot, in NASA jargon, has all of the systems to monitor. As the shuttle had just cleared the launch tower on liftoff, on the intercom I could hear Charlie's voice: We have a problem. We have a helium leak.

Had that not been a faulty sensor—which ultimately we discovered, but at the time none of us knew that was a faulty sensor—a real helium leak would have caused a serious problem to the mission. But Charlie was all over those switches and those systems. He got it under control and we went on to have an almost flawless 6-day mission in space, only to return to Earth and, 10 days later, Challenger launches and blows up.

That was another instance of Charlie being an overcomer, being presented with an almost insurmountable problem which he overcame.

So with this little aspect of the life of GEN Charlie Bolden, is it any wonder there were so many people who came in front of the Senate Commerce Committee yesterday to say a word on his behalf? And now, as we will consider his nomination first in the Commerce Committee—which ought to happen very shortly—and then in front of the Senate, I don't think there is any expectation of any opposition. I believe that Charlie, as the newly installed NASA Administrator, is going to take on this task where he is going to have to be an overcomer again, because NASA is at a crossroads. America's space program is at a crossroads, and it needs a vigorous leader. But NASA not only needs an administrator who will lead it, it needs to be led by the President of the United States, who is the only one who can be the leader of America's ventures into space. I am hoping the combination of the two of them will put us on a path of reliving a lot of the excitement and the magic this country lived several decades ago when we were achieving extraordinary achievements. It gave a whole new perspective to the human race when astronauts outside the bounds of Earth could look back at this extraordinary planet suspended in the middle of a void and recognize that is our home—planet Earth.

When astronaut John Glenn lifted off on the first American successful orbital flight: ''Godspeed, John Glenn,'' said Scott Carpenter on that immortal day.

I think we in the Senate will unite in saying: Godspeed, Charlie Bolden, in your new assignment.

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.

Mrs. MURRAY. 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, for the information of all Senators, we are hoping to get a vote in the next 15 minutes, about 2 o'clock, so we can continue to move this bill forward.

I note that there is a Senator here who wishes to speak in morning business. I am happy to accommodate him, but hopefully we will have this agreement and be able to move forward on that very shortly.

I wanted to advise all Senators.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. I ask unanimous consent to speak as in morning business.

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

NEW STEM CELL RESEARCH POLICY

Mr. CARDIN. Mr. President, I rise today to applaud the administration for promptly issuing guidelines implementing President Obama's March 2009 Executive Order on stem cell research. This week, the administration removed the barriers to responsible scientific research involving embryonic stem cells that had been imposed by the previous administration in 2001. The new guidelines establish sound policy and procedures under which the Federal Government will fund such research and help ensure that the research is ethically responsible, scientifically worthy, and conducted in accordance with applicable laws.

President Obama's action will have a profound impact on the long-term health and well-being of millions of Americans. More than 100 million Americans have chronic, debilitating diseases such as Parkinson's, Alzheimer's, diabetes, and ALS. In addition, many Americans have serious spinal cord injuries. Embryonic stem cell research offers hope for advancements in treatment that will improve the quality of life for countless numbers of Americans.

For the past 8 years, American scientists have received limited Federal funding for stem cell research. In 2001, soon after taking office, President Bush issued his stem cell policy. It permitted the use of Federal funds to support research only on the stem cell lines that were in existence as of the date of his Executive order, August 9, 2001.

The Bush compromise seemed reasonable to many in the scientific community at the time, as researchers at NIH believed between 60 and 78 stem cell lines would be available for use. In fact, only 22 lines were available and some of these were found to have been contaminated. In addition, the 22 available lines were developed using science that has since seen significant improvements. Scientists have testified that these lines lack the genetic diversity necessary to perform research for

several diseases that disproportionately affect minority populations. In short, there were real deficiencies in the former administration's policy. It reduced the opportunities available to our scientists, undermined progress, and it discouraged scientific exploration.

Perhaps the best case for stem cell research comes from the patients in the communities we represent here in Congress. I have learned first hand of the importance of moving forward on groundbreaking scientific research through my friendships with three individuals.

A few years ago, my closest friend in law school, Larry Katz, was diagnosed with ALS. Once an active attorney in Baltimore, Larry's body experienced a rapid decline from the symptoms of this debilitating disease, and he died soon after his diagnosis.

Later, I was privileged to meet a young man named Josh Basile, who served as an intern in my House office. Three years before he came to Capitol Hill, he was a healthy young man, leading an active life. But while wading in the Atlantic Ocean, a wave caught him, and he became a quadriplegic overnight. Josh is determined to walk again, and he is making substantial progress. He is also dedicated to helping others make similar strides, and he has established a foundation called ''Determined-2-Heal.'' Through hard work and rehabilitation, Josh has regained movement that many doctors thought was impossible. Josh is also asking the Federal Government to do its part, by funding research and allowing scientists access to the tools they need to make medical advances possible.

Later, in 2006, I came to know Michael J. Fox, a brilliant and talented actor with a remarkable spirit. In 1991, Michael was diagnosed with Parkinson's disease. He has used his prominence as a tireless advocate for stem cell research.

The time I have spent with these three people has taught me much about the burden of debilitating diseases. Those of us who have loved ones experiencing these and similar circumstances share a responsibility to do everything we can to promote medical research. Our scientists need the tools to discover cures and treatments, and stem cell research holds hope for dramatic progress.

There is an added benefit for our Nation beyond improving the health and lives of patients. We are also talking about maintaining the international preeminence of the United States in the field of medical research. My State of Maryland is home to some of the world's leading research institutions, including Johns Hopkins University and the University of Maryland Medical Centers. These institutions have cutting-edge research technology and freeing up these important stem cell lines would jumpstart the numerous promising research tracks in this area.

I meet regularly with scientists like Dr. John Gearhart and Dr. Douglas Kerr to try to get a better understanding about this issue. I am not a scientist nor do I know all the technicalities, but I have had a chance to meet with these scientists to see what they are doing. They have been able to implant embryonic stem cell growth in mice and see movement where there had been paralysis. This research is extremely promising and is happening right now in my State.

The new National Institutes of Health funding guidelines for human embryonic stem cell research are the next important step to expand this research even further. It will result in the availability of approximately 700 lines for research, a dramatic increase over the number of currently available lines.

The new guidelines are based on solid principles. First, that Federal funding for responsible research with human embryonic stem cells has the potential to improve our understanding of human health and illness and discover new ways to prevent and treat illness. Second, individuals donating embryos for research purposes must do so freely, with voluntary and informed consent. They must be derived from embryos that were created for in vitro fertilization and not for research purposes, and they must be excess embryos. To be eligible for NIH funding the embryonic stem cells cannot be obtained through monetary payments or other inducements.

Additionally, human embryonic stem cells eligible for testing must have originated from facilities with proper documentation that the embryos were obtained in a voluntary and legitimate manner. Finally, the guidelines prohibit Federal funding of research that would introduce human embryonic stem cells into breeding animals or into nonhuman primate blastocysts. These guidelines are responsible, have stringent safeguards, and they are ethically sound.

As the new NIH guidelines are implemented, America's knowledge of the potential of stem cell research will continue to broaden. President Obama's courageous actions will accelerate this process. The guidelines send a clear message to scientists across the United States that their important work is now backed by the confidence and resources of the Federal Government.

I commend the administration for this decisive action which will strengthen America's position as the global leader in medical research and for the tremendous hope and promise that its new policy is bringing to millions of Americans.

I yield the floor.

ADMENDMENT NO. 1378

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I ask unanimous consent that at 2 p.m., the Senate proceed to vote in relation to the McCain amendment No. 1378, with the time between now and then equally divided and controlled in the usual form, with no amendment in order to the amendment prior to a vote in relation thereto.

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

The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I rise in clear, strong opposition to this amendment. Let me just say that the fact that this is located in West Virginia is not part of my consideration. I am thinking about national security, Border Patrol. I served as chairman of the Intelligence Committee. I know something about these things. What the Senator from Arizona wants to do doesn't make any sense at all.

What we are talking about is a one-of-a-kind. It is the only one in the country that trains senior officers as well as others in border protection, customs, and other things regarding homeland security. There is no other place in the country that does this. There are 3,300 students there now. They are planning on 5,000 next year. There is no other place where this can be done. If we cut this, there is no substitute. We talk about border control. We talk about all those things. Particularly senior officers side, this is where people are trained. There is a huge master plan which I will not hold up. It has been approved by the Office of Management and Budget, by the homeland security folks, and was submitted to Congress in 2007. The facility is used to train officers on waterborne tactics and operating ports of entry, things which are obscure but essential to national security. It includes a firing range which is not only used by CPB officers but local law enforcement, DEA, Fish and Wildlife personnel, as well as the Capitol Police. It is the only facility of its kind in the Nation. These are crucial jobs. There is no place to take its place. If we cut it, there is no way to make it up and carry out our responsibilities for homeland security.

It is a very grievously formulated amendment. I strongly urge my colleagues to vote against it.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. I thank the Senator from West Virginia for his remarks. I would remind him that this amendment strikes $39.7 million which has been added to the $30 million that is already there for the center. The $39.7 million is described to equip, furnish, and expand a leadership academy at the center. So all the missions the Senator just described don't have anything to do with the additional $39.7 million. It does strike an unrequested, unauthorized, unnecessary earmark. The administration didn't ask for the additional $39.7 million, nearly $40 million. No Member of Congress, regardless of position or seniority, should be able to spend $40 million on a pet project with no scrutiny, no hearing, and no competitive bidding process.

I will take the word of the Senator from West Virginia. This is important. If it is important, why didn't we have a hearing on it before the Homeland Security Committee? Why didn't we have some competition from other parts of America? Why didn't we have a request for it from the administration?

This is just another one of these egregious earmarks that may or may not have merit. We may actually need a leadership academy that needs to be equipped, furnished, and expanded in some place in West Virginia, but no one will ever know that because we have never undergone the scrutiny that should be required before we spend $40 million of the taxpayers' money.

I probably talked enough about this, and I would imagine that we will lose this amendment again. This is in the backdrop of a Federal budget which for the first 9 months of the fiscal year 2009—3 more months to go—is $1.1 trillion. It is estimated to be as high as $1.8 trillion. The last budget deficit that was anywhere near this in recent history was about $450 billion. We are looking at a deficit of massive proportions, and yet we have to pile on additional millions, tens of millions and even billions of dollars in projects that are of questionable value. They may even be valuable, but there has been no authorization, no request, no scrutiny, no competition. It is simply put into a bill in a process we call earmarking. That is not fair to the American taxpayers.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The time of the Senator has expired.

Mrs. MURRAY. I yield back the time on this side.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the amendment No. 1378.

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 Connecticut (Mr. DODD), and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Missouri (Mr. BOND).

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

The result was announced—yeas 35, nays 61, as follows:

[Rollcall Vote No. 224 Leg.]

YEAS—35

Barrasso	Crapo	Isakson
Bayh	DeMint	Johanns
Bennett	Ensign	Kyl
Brownback	Enzi	Lugar
Bunning	Feingold	Martinez
Burr	Graham	McCain
Chambliss	Grassley	McCaskill
Coburn	Hatch	McConnell
Corker	Hutchison	Risch
Cornyn	Inhofe	
Roberts	Snowe	Vitter
Sessions	Thune	Wicker

NAYS—61

Akaka	Gregg	Nelson (FL)
Alexander	Hagan	Pryor
Baucus	Harkin	Reed
Begich	Inouye	Reid
Bennet	Johnson	Rockefeller
Bingaman	Kaufman	Sanders
Boxer	Kerry	Schumer
Brown	Klobuchar	Shaheen
Burris	Kohl	Shelby
Cantwell	Landrieu	Specter
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Cochran	Lieberman	Udall (NM)
Collins	Lincoln	Voinovich
Conrad	Menendez	Warner
Dorgan	Merkley	Webb
Durbin	Mikulski	Whitehouse
Feinstein	Murkowski	Wyden
Franken	Murray	
Gillibrand	Nelson (NE)	

NOT VOTING—4

Bond	Dodd
Byrd	Kennedy

The amendment (No. 1378) was rejected.

Mrs. MURRAY. Mr. President, 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, we are working with the Republicans at this time to come up with a list of remaining amendments this afternoon so we can make progress. We hope to be able to move forward shortly on a number of amendments that will be pending that we have agreed on.

While we are doing that, the Senator from Illinois would like to speak as in morning business. How much time does the Senator need?

Mr. BURRIS. I need 3 or 4 minutes.

Mrs. MURRAY. Mr. President, I yield 4 minutes to the Senator from Illinois for morning business.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. BURRIS. Mr. President, I ask unanimous consent to speak as in morning business.

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

GENERAL JAMES E. CARTWRIGHT

Mr. BURRIS. Mr. President, as a member of the Senate Armed Services Committee, I often have the opportunity to meet with the fine men and women who serve this country in uniform. Every day we demand the very best from each of them—and in return, we owe them the best we have to offer. That means keeping our commitment to this Nation's veterans. But it also means supporting our troops in the field—with resources, equipment, and—perhaps most importantly—sound leadership at the very highest levels.

No one understands this better than GEN James Cartwright, the current Vice Chairman of the Joint Chiefs of Staff.

Our committee met with General Cartwright just this morning. The Senate has been asked to confirm his nomination for a second term as Vice Chairman. And I rise today to offer him my strongest support.

After speaking with General Cartwright, I am convinced that his long record of loyal service, impeccable judgment, and bold leadership make him the very best choice to continue in this important post. Up to this point, his tenure as a member of the Joint Chiefs has been marked by innovative thinking.

Along with Admiral Mullen, General Cartwright has helped to shape the modern American military as we confront a range of new threats from across the globe.

A native of my home State, General Cartwright was born in Rockford, IL, and began his service as a marine fighter pilot more than 30 years ago. He is a distinguished graduate of the Air Command and Staff College at Maxwell Air Force Base, and has served all over the world. As an aviator, he put his extensive training to good use on the front lines of our global defense network.

As a U.S. marine, he has never wavered in his commitment to the country we all love. And as a former head of the U.S. Strategic Command, General Cartwright has demonstrated his leadership skills and his deep understanding of the threats we face.

He has led the fight for cyber security technology at the Department of Defense, helping to protect America from the evolving threats of the 21st century.

He is a credit to the fighting men and women of our Armed Forces, and an asset to the elected leaders who depend on him every day. Time and again, he has answered the call.

When Secretary Gates first recommended him for nomination 2 years ago, he understood that James Cartwright was someone we can rely upon. Today, as we consider whether he should remain Vice Chairman of the Joint Chiefs, I believe his record speaks for itself.

I urge my colleagues to join me in supporting a speedy confirmation of General Cartwright.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

HEALTH CARE REFORM

Mr. WICKER. Mr. President, we need serious, substantive health care reform. The reasons for reform are well known, and they have led to overwhelming consensus in Congress that something needs to be done to make health care more affordable and more accessible.

The desire for action extends beyond the walls of this great building. The American people also want us to act. But this desire for action should not

give way to legislative haste. Americans do not want us to rush at the expense of getting it right. They have questions, and they deserve answers.

There are two very basic and important questions with regard to health care reform. No. 1, how much is it going to cost? And No. 2, how will we pay for it? First let's look at the question of cost.

The American public is alarmed about the massive debt we are accumulating. They realize that in the past year, on top of the almost $1 trillion stimulus bill, the Federal Government has also purchased banks, an insurance company, and an auto company, all using borrowed money that we, as taxpayers, will need to pay back. All this massive borrowing and spending was done quickly and with little debate. This was done, the public was told, in order to save the economy. How has that turned out?

At the beginning of the year, the Obama administration told the American people massive stimulus spending, if done quickly, would create 3 to 4 million jobs and would keep the country's unemployment rate at 8 percent. Today, sadly, unemployment is at 9.5 percent, the highest level since 1983. The jobs that were promised have not materialized. In fact, 467,000 additional jobs were lost last month alone.

The administration now says they misread the economy. Our government rushed to borrow and spend $1 trillion, but now we are basically being told they were wrong. Vice President BIDEN said as much only a few days ago.

Unfortunately, the American taxpayers are not going to get a do-over on this spending. They are still on the hook for the almost $1 trillion we borrowed, plus interest. Now there is talk of yet another expensive stimulus package to make up for the one that did not work.

So considering this, it is no surprise the American public is skeptical about the rush to spend yet another $1 trillion or more to create a Washington-run health care scheme.

We have a number of proposals in Congress that attempt to fix health care. There are workable reform proposals that go at the problem in a way that does not incur such prohibitive costs for taxpayers. Unfortunately, however, our Democratic colleagues have plans accompanied by astronomical costs to taxpayers. The Finance Committee is struggling to keep its bill at $1 trillion over 10 years. We are told that just a portion of the Health, Education, Labor, and Pensions Committee bill will cost over $1 trillion. That is just a portion of their bill. Some have estimated the total cost for that bill will be over $3 trillion. These are not scare tactics. These are Congressional Budget Office estimates.

On the other side of the Capitol, the House Democrats' bill is expected to cost closer to $2 trillion. Over and above these Federal costs, there are frightening costs to the States. If the HELP Committee proposal to expand Medicaid is enacted, we can expect a wholesale collapse of State budgets and, of course, we are already seeing the collapse of some State budgets. They are already struggling under the unsustainable costs of the current program.

These spending figures are startling by themselves and even more troubling taken on top of the massive amount of debt we have already acquired.

Even more troubling is the expectation that costs of the Democratic proposals will continue to rise year after year, well beyond the 10-year budget window used to figure the pricetag of these proposals.

The Congressional Budget Office estimated the annual cost of the insurance subsidy program contained in an earlier version of the HELP bill would rise 6.7 percent per year until it is fully phased in. This potential spending explosion should not come as a surprise. Medicare and Medicaid, two programs we need to strengthen, help, and sustain, are both already on unsustainable paths with enormous unfunded liabilities.

This daunting amount of spending has taxpayers worried, and they are beginning to speak up. One of my Democratic colleagues acknowledged this recently saying: ''The big challenge—and I actually heard this at home during the recess—is the sticker shock.''

Other supporters of the President are also warning him and his Democratic colleagues in Congress to slow down and be more careful with taxpayer dollars.

On Sunday, former Secretary of State Colin Powell, an Obama supporter last year, warned the President about the ongoing spending spree, saying:

> You can't have so many things on the table that you can't absorb it all.

To quote Secretary Powell:

> And we can't pay for it all.

In addition to the massive costs associated with these proposals, no one can yet tell us where the money will come from to pay for it. All the proposals we have seen are creative in the way they spend tax dollars but very short on specifics on how to fund them.

Our colleagues on the other side of the aisle have vaguely outlined some ways they may pay for their plan, including a series of cuts to Medicare and Medicaid—I repeat, cuts to Medicare and Medicaid—along with new taxes. But they have not been as forthcoming and specific as they need to be with the American taxpayers.

There is a reason why more details have yet to be released. Since we do not have the money to pay for a government takeover of health care, there will need to be massive tax increases or more borrowing or a combination of the two. In fact, one leading Senate Democrat was quoted in Wednesday's Wall Street Journal as saying they were ''broadening the search for revenue''—broadening the search for revenue—to pay for this massive plan. What that means, of course, is they are intensifying their search for ways to raise taxes on the American people, whether it be taxes on small business, which we have been hearing about lately, or on health insurance plans or surtaxes on soft drinks or anything else they can think of—massive tax increases for the American people for plans which admittedly will only cover one-third of the uninsured persons in the United States of America. All the while, this is being done quickly and without time needed to provide the scrutiny the American public expects and deserves.

All Americans—Republicans, Democrats, and Independents—want health care reform, but they do not want a government-run health care plan. They do not want to pay for it with Medicare and Medicaid cuts. They do not want to drive up the debt. Getting it right is more important than getting it done quickly.

Let's learn from the mistakes that were made in hastily passing the stimulus bill. Massive new amounts of borrowing, spending, and taxes are not the way to successful health care reform.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Mr. INHOFE. Madam President, I wish to speak as in morning business. However, if anybody comes to the Chamber with an amendment or anything, I will immediately stop. I want to make that clear.

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

CAP AND TRADE LEGISLATION

Mr. INHOFE. Madam President, I only rise on the floor for one reason; and that is, it is my intention next week—probably Tuesday or Wednesday, whenever I get the floor time—to give a rather long history of the whole issue of the cap and trade. What I intend to do is start from the very beginning.

While the Presiding Officer was not presiding over the Senate back during the Kyoto Treaty some 11 years ago, I was. At that time, the Republicans were the majority, and I happened to be the chairman of the committee that had jurisdiction.

I have to tell you, at that time, I was a believer that manmade gas, anthropogenic gases, CO_2, methane were the cause of global warming. The reason is because everybody said that. Nobody had a dissenting view. It was not until the Wharton School came out with the Wharton Econometrics Survey and said if we were to ratify the Kyoto Treaty and live by its emissions requirements,

it would cost somewhere between $300 billion and $330 billion a year that I started thinking about that. I remember a tax increase that was enacted in 1993. That was the Clinton-Gore tax increase that at that time was the largest one in a long period of time. This would have been 10 times greater than that.

So I thought: Let's be sure the science is there. That is when I discovered there were many scientists who had been intimidated through the use of manipulation in the awarding of grants from the Federal Government or from the Heinz Foundation or from many of these organizations. They had been suppressed very much like the man in the EPA was suppressed last week. In looking at that, we started examining it and finding out that many scientists around said: No, that is not the case.

I will be specific because this was back when President Clinton was in office and Al Gore was the Vice President. At that time, he wanted to determine how much we could accomplish if the developed nations ratified and lived by the Kyoto Treaty.

He went to Thomas Wigley, who was one of the top scientists at that time. He was chosen by the then-Vice President of the United States, Al Gore, who said: We want a study. Over a 50-year period, if all developed nations would ratify and live by the emissions standards of this treaty, how much would it reduce the temperature over a 50-year period?

When the results came out, it was seven one-hundredths of 1 degree Celsius; in other words, not even measurable. That is what began to catch on, and people realized it was a lot of pain, a lot of punishment, a lot of heavy taxes—like the current cap-and-trade proposal is, or like the one that passed the House—yet there is not any gain. Even if you were to believe—as I do not—that a major cause of global warming is CO_2, then what good would it do for us unilaterally to do it if the developing nations are not doing it?

We discovered something yesterday in a hearing. I have a great deal of respect for Lisa Jackson, who is the new Administrator of the EPA. Her honesty was incredible yesterday. Showing her a chart, I asked her a question, stating: This is what we used during the consideration, 13 months ago, of the Warner-Lieberman bill. The chart shows the numbers as to living within or without the limits of the CO_2 emissions. If we only did it in the United States, would it make any difference at all in the world amount of CO_2? She said: No, it would not.

I think that is the most significant thing. Because individuals, and well-meaning individuals who believe man-made gases are causing global warming, should realize that does not do it, even if you believed it. In fact, the reverse would be true. There is no doubt—and we have all kinds of studies to show it—if we had passed any of the last three cap-and-trade bills we considered on the floor of this Senate, that would have had the effect of pushing the manufacturing jobs out of America into countries where they have no emissions requirements, such as China, and that would have caused a net increase—a net increase—of CO_2.

So I think that was a major thing yesterday that took place. It is my intention next week to go back through the history of this issue, to bring us up to the present time, and then to look into the future as to what we might be doing with this legislation.

I was very happy to hear, a few minutes ago, that Chairman BARBARA BOXER has decided not to come out of the committee with a bill until after the August recess. Quite frankly, I think it works in my favor. The longer we have to inform people as to some of the misinformation, the better I think it is going to be in terms of a vote that would take place. I cannot imagine that if there are only some 35, 36 votes that would have been there to pass the Warner-Lieberman bill 13 months ago, that there would be any way today to get up to 60 votes.

So, quite frankly, I do not think it is going to pass anyway. But I do think during the recess we are going to have an opportunity to talk about this issue.

Today, I visited with a national farm group, and we were talking about how it would disproportionately hurt the farmers. The fact is, 70 percent of their wheat cost is in fertilizer and energy. Fertilizer and energy are where the costs would be increased dramatically if we were to pass some kind of a cap-and-trade bill.

Then, of course, there is the regressive feature. The fact is, poor people in America have to have gasoline in their cars. They have to heat their homes. They spend a lot larger percentage of their disposable income on heating and in using energy than wealthy people do.

So I think, with all these things working right now, we are in a position to stand back and say, cap and trade is not going to work. It is going to be history. And we can start approaching this in ways, perhaps somewhat like President Bush tried to do with the Clear Skies Act, where he talked about real pollutants, such as SO_X, NO_X, and mercury, and have meaningful reductions in those to protect our environment.

That is what our plans are for next week, and I look forward to sharing these thoughts with anyone who is willing to listen.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. VITTER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded, just that I may speak for up to 5 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. VITTER. Madam President, as the manager of this bill, who has been very cooperative, and others on the floor know, I have been working hard to get a vote on my reimportation amendment. It is a very simple, straightforward amendment. It is a limitation amendment—at least it will be once it is perfected and modified. In fact, it is an amendment that has passed the Senate before, in 2006. So it is not new. It has actually passed the Senate before.

Unfortunately, because of the nature of the issue and, in fact, because of the powerful nature of the pharmaceutical interests who oppose this amendment, this is being blocked using every procedural tool in the book. That is unfortunate, but it seems as if that is going to be the case.

If I cannot get a fair hearing and a fair vote on this amendment, I am going to use the procedural tools available to me to block votes on other nongermane amendments, on other amendments that are subject to points of order—which I think are most, if not all, of the other pending amendments.

At this point, given the fairly certain nature of certain Members' fierce opposition to this reimportation provision, I simply suggest we move forward and not waste folks' time. I am certainly amenable to moving to dispense with any pending amendment which is germane, which does not have a point of order against it, move through those and then move to final passage of the bill as quickly as possible. I am certainly open to that and would encourage that and would like to move forward in that vein.

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

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

LONG TERM CARE REFORM

Mr. FEINGOLD. Madam President, I recently spoke to my colleagues about the urgent need to pass health care reform, and in particular about the importance of ensuring that reform includes a strong public option. Today, I want to discuss another one of my priorities for health care reform, and that is long-term care.

I have been working to reform long-term care since I began my career in public service. In 1982, during my first term as a Wisconsin State Senator, I became Chair of the State Senate Aging Committee. I was not yet 30 years old, so you can imagine that I was not the obvious candidate to chair a committee on aging. It was through my work on this committee that I was first exposed to the fractured system of supports and services available to those needing long-term care, and learned about the efforts to reform

that system which were just beginning in Wisconsin. Over the next 10 years, made long-term care reform a priority, authoring the State's Alzheimer's program and drawing attention and resources to the management of this devastating disease. I helped expand Wisconsin's Community Options Program, known as COP, which provided flexible, consumer-oriented and consumer-directed long-term care services in community-based settings, enabling thousands of people needing long-term care to remain in their own homes rather than going to a nursing home.

I have continued to fight for long-term care reform in the U.S. Senate. I served as Chair of the Long-Term Care Working Group at the request of then-Majority Leader George Mitchell during the 1994 attempt at health reform. The recommendations of our working group proved to be one of the least controversial aspects of health reform legislation. Our recommendations drew from the lessons and experiences of states on the cutting edge of long-term care, such as Wisconsin. But when overall reform efforts failed, our recommendations went nowhere.

Now, 15 years later, Congress is debating health reform legislation once again. And reform is even more necessary than it was in 1994. More and more families are struggling to provide care for loved ones who are disabled, ill, and aged. More and more families face the difficult decision of moving a loved one into a nursing facility because no other options exist. These families are stuck in an impossible situation—limited by financial resources and community programs, but dedicated to securing the best care for their family member. We can and must do better.

Long-term care reform is not a luxury, or a minor part of health care reform—it is needed in order to help achieve the goals of health care reform. Federal, State, local, and individual expenditures on health care, including long-term care, are unsustainable. In 2007, the Federal and State governments spent $311 billion on long-term care, or just under 3 percent of the United States' gross domestic product.

Approximately three-quarters of this amount represents government spending on Medicaid and Medicare. Long-term care reform could be one of the most effective tools to ensure solvency for our entitlement programs, reducing the Medicaid burden on State budgets, and getting health care spending under control.

I have worked on these issues for the better part of three decades. And after devoting so much time to long-term care, a number of things are clear. First, we must have a cohesive strategy to care for those needing long-term supports and services. Modern medicine has turned fatal diseases into chronic diseases, and enabled individuals to live much longer. These are tremendous accomplishments. But the reality is that these individuals need even more assistance because of medical advancements from their families, communities, and government.

Long-term care assistance is not something that most people can plan for or save for. This is a very important point. Of the 10 million Americans needing long-term care, 40 percent were working-age adults or children who have become disabled, or too ill, to live independently. This is something that the Trifunovich family in Cudahy, WI, knows all too well. At 33, Aleksandar Trifunovich suddenly suffered a deadly brain stem stroke, cruelly leaving him ''locked in.'' His brain function, eyesight, and hearing remained normal, but his entire body was paralyzed. Against all odds, Aleksandar survived surgery and has made miraculous development through rehabilitation. Today, Aleksandar is no longer ''locked in,'' but fights every day to preserve the progress he has made and regain even more of his mobility. Along the way, his sisters Vera and Andjelija have stepped in, as so many family members do, to support and care for their brother. The family is acutely aware of the current fractured long-term care system. Calling it ''unnavigable,'' they say that it is a daily battle to ensure Aleksandar has access to the care, supports, and services he needs to continue regaining his mobility and independence.

As for the 60 percent of older Americans and senior citizens needing long-term care, who theoretically might have had time to save for these medical needs, financing long-term care on their own is simply too expensive. Not only is the cost of long-term care growing at twice the rate of inflation, seniors are using long-term care supports and services earlier and more often. And families are feeling the strain. Studies estimate that over 85 percent of long-term care is provided by family and friends, but the cost of providing care and forgoing earnings elsewhere is not included in projections on long-term care spending. Long-term care reform is not an issue of making people be more responsible, save earlier, or save more. It is needed because the system, on a fundamental level, is strained to the breaking point.

Second, we do not necessarily need to spend more, but we must spend more wisely. This means establishing consumer-oriented and consumer-directed flexible benefits as well as making fundamental reforms to the linkages between the long-term care and acute care systems. For too long, long-term care has been synonymous with institutional care. Congress has a rare opportunity to redefine long-term care, and put real weight and spending power behind home- and community-based long-term care options.

Central to this effort is creating a system of home- and community-based flexible services that respond to individual consumer choice and preference from the initial assessment right on through to ongoing services, with case managers and others regularly consulting with the consumer and family members to be sure their needs are met in a satisfying manner. I have been working with my colleagues on the Senate Finance Committee and Senate Health, Education, Labor and Pensions Committee for months now, to draw attention to the excellent programs we have in my home State of Wisconsin as we begin to fill the gaps in long-term care supports and services. Wisconsin's progress in long-term care should be used as a template for national reform, and I was pleased that Chairman BAUCUS included new incentives for home and community-based care programs like those Wisconsin uses today in the policy proposals he put forward earlier this year.

Wisconsin's progressive tradition is the driving force behind Family Care, our State entitlement program for low-income and disabled adults to receive necessary care, supports, and services in their homes and communities. Family Care currently operates in almost every county in the State, and provides a flexible benefit for beneficiaries to receive long-term care supports and services in the comfort of their own homes. Family Care has demonstrated two important things: First, it showed that you can establish a long-term care program that is flexible and able to respond to the needs of individual consumers; second, it showed that kind of flexible program could be a cost-effective alternative to nursing homes.

Family Care coordinates consumers with social workers, registered nurses, and local Aging and Disability Resource Centers to identify what each consumer needs to remain a productive and independent citizen. Entitlement benefits can be used for such purposes as hiring help with basic daily tasks like bathing, dressing, or shopping, or with challenges like shoveling snow, which in Wisconsin is not a trivial task.

Because of this benefit, long-term care consumers in the State are choosing to stay in their own homes and saving the State money in the process. One independent assessment of Family Care estimates that the program saves the State $1.2 million each month by allowing long-term care consumers to arrange for the care they need to remain independent, and out of the nursing home. If overwhelming popularity and savings were not enough, counties with Family Care have seen decreases in nursing home admissions, emergency room use, and hospital readmittance. Instead, long-term care consumers are seeing their primary care physicians more to maintain and manage their health.

How we care for those who need it most—seniors, people with disabilities and other who need long term care—is a key part of any effort to change our health care system. I have thought often of my work as Chair of the long-term care working group over the last

15 years. If just those recommendations we put together back then had been enacted, we might not be spending the trillions on health care that we are today. We can not continue to make the mistake of overlooking long-term care in the broader debate. Congress must place this critical issue front and center in the health care debate. It is time to put long-term care in the spotlight and use Family Care, Wisconsin's outstanding example of flexible and cost-effective care, as a model for broader reform.

Madam President, 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. SANDERS. 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. SANDERS. Madam President, as soon as this amendment logjam is broken, it is my intention to offer an amendment which is cosponsored by Senators CARPER, CASEY, and KERRY. This amendment deals with an issue of significance to all 50 States in our country and maybe especially rural America.

In the midst of the financial crisis we are facing, our capabilities to support fire departments—both professional and volunteer—and the EMS services they provide is under great stress.

What my amendment would do is add $100 million for the Assistance to Firefighters Grant Program as well as for another important program for fire departments, the Staffing for Adequate Fire and Emergency Response, or SAFER, Grant Program—$50 million for each program. In the $50 million for the SAFER Grant Program would be included $30 million that would go for addressing the real crisis rural volunteer fire departments are facing.

I say to the Presiding Officer, I do not know what the situation is in New Hampshire, but in Vermont—and I think in many parts of the country—we are seeing a real problem with recruitment and retention. Many people in urban areas may not understand that. But in rural America, most folks get their fire service and most folks get their EMS, their first responder service, from volunteers. If there are not volunteers available for one or another reason—and we have seen both recruitment and retention problems in volunteer fire departments—if those volunteers are not there, what is going to happen is, when fires happen, those fires are not going to be able to be contained. When somebody has a heart attack and dials 911, they are not going to get the kind of speedy ambulance service they need.

In the midst of this recession, what we are seeing is not only a reduction and a real stress on volunteer firefighting departments all over this country, and their EMS services, we are also seeing, in terms of professional firefighters, reductions in one part of the country after another part of the country, after another part of the country. Cities and towns under stress are cutting back, and they are doing it in ways which are certainly endangering the well-being and the health of the people in their communities.

Surveys by the International Association of Fire Fighters say that up to 5,000 firefighting jobs are in jeopardy. In Prince George's County, MD—not far from here—there is a new phenomenon called ''brownouts.'' This is where fire stations are closed, five at a time, to save money. In Atlanta, GA, the economic crisis has resulted in the shutting of five firehouses. In Flint, MI, 22 firefighters were laid off. Proposals in Columbus, OH, include laying off 238 firefighters. In Warren, OH, 17 firefighters received layoff notices. Orlando, FL, plans on laying off 46 firefighters. In Spokane, WA, up to 15 firefighting positions could be eliminated. There is also a serious problem about funding the equipment our firefighters need.

So we have a real problem. It seems to me at this moment this is a priority for this Nation, and it is something we should be addressing.

This amendment is supported by the volunteer firefighters of America.

Madam President, I ask unanimous consent to have printed in the RECORD a letter from the National Volunteer Fire Council. The National Volunteer Fire Council is strongly supporting this amendment, and they represent thousands of volunteer firefighters throughout this country.

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

NATIONAL VOLUNTEER FIRE COUNCIL,
Greenbelt, MD, July 9, 2009.

Hon. BERNIE SANDERS,
U.S. Senate,
Washington, DC.

Hon. ROBERT CASEY,
U.S. Senate,
Washington, DC.

DEAR SENATOR SANDERS: I am writing to express the full support of the National Volunteer Fire Council (NVFC) for your amendment to increase funding for the Assistance to Firefighters Grant (AFG) program and the Staffing for Adequate Fire and Emergency Response (SAFER) grant program by $50 million each in the FY 2010 Department of Homeland Security Appropriations Act. The NVFC represents the interests of the more than one million volunteer firefighters and EMS personnel in the United States.

AFG helps fire departments and EMS agencies purchase desperately needed equipment, apparatus and training. Nearly 20,000 fire departments applied for more than $3.1 billion in funding through AFG in FY 2009—more than five times the $565 million appropriated for this year. The $380 million allocation in the Committee-passed version of the FY 2010 DHS Appropriations Act represents a reduction of 33 percent from last year and is $10 million below the House-passed companion bill.

AFG is a highly successful program that relies on input from the fire service and a direct grant process to ensure that funding quickly reaches the agencies that need it most. An FY 2007 review of AFG by DHS found the program to be 95 percent effective, the second highest rating of any program at DHS.

A needs assessment survey conducted by the Fireman's Fund Insurance Company recently found that 60 percent of respondents report that their fire department has delayed equipment replacement purchases due to the economic downturn. Fifty percent of respondents reported that if economic conditions do not improve within the next 12 months that it could affect their ability to provide service to their communities. Local fire and EMS agencies need AFG funding now more than ever.

SAFER funds assist fire departments to build staffing capacity through hiring of career firefighters and recruitment and retention of volunteers. There is no single more significant challenge facing the volunteer fire service than recruitment and retention. Since 1987, the percentage of volunteer firefighters under the age of 40 has shrunk from 65 percent to approximately 50 percent today. As this trend suggests, fire departments are increasingly having difficulty recruiting and retaining the next generation of volunteer firefighters. Volunteer fire departments can use recruitment and retention funds for a variety of activities from marketing campaigns to establishing modest incentive programs.

Your amendment would provide critical additional funding to assist first responders and signal to local fire and EMS agencies that they remain an important national priority even in these difficult budgetary times. Thank you again for offering this amendment.

Sincerely,

HEATHER SCHAFER,
Executive Director.

Mr. SANDERS. Madam President, I will be speaking about this amendment at a later time, but I wanted to let my colleagues know this issue is of great concern all over this country. It is a concern to the firefighting community, it is a concern to the EMS community, and it is certainly a concern to rural America.

I look forward to my colleagues supporting this amendment.

Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENTS NOS. 1459 AND 1455, AS MODIFIED, TO AMENDMENT NO. 1373

Mrs. MURRAY. Madam President, I ask unanimous consent that the pending amendments be set aside and that it be in order for me to call up the following two amendments en bloc: amendment No. 1459 and amendment No. 1455, as modified.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. TESTER, proposes an amendment numbered 1459 to amendment No. 1373.

The Senator from Washington [Mrs. MURRAY], for Mr. KYL, for himself, and Mr. MCCAIN, proposes an amendment numbered 1455, as modified, to amendment No. 1373.

The amendments are as follows:

AMENDMENT NO. 1459

(Purpose: To condition funding for the National Bio and Agro-defense Facility)

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

SEC. 5____. None of the funds made available under this Act may be obligated for the construction of the National Bio and Agro-defense Facility on the United States mainland until 90 days after the later of—

(1) the date on which the Secretary of Homeland Security completes a site-specific bio-safety and bio-security mitigation assessment to determine the requirements necessary to ensure safe operation of the National Bio and Agro-defense Facility at the preferred site identified in the January 16, 2009, record of decision published in Federal Register Vol. 74, Number 111;

(2) the date on which the Secretary of Homeland Security, in coordination with the Secretary of Agriculture, submits to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a report that—

(A) describes the procedure that will be used to issue the permit to conduct foot-and-mouth disease live virus research under section 7524 of the Food, Conservation, and Energy Act of 2008 (21 U.S.C. 113a note; Public Law 110–246); and

(B) includes plans to establish an emergency response plan with city, regional, and State officials in the event of an accidental release of foot-and-mouth disease or another hazardous pathogen.

AMENDMENT NO. 1455, AS MODIFIED

(Purpose: To require the Secretary of Homeland Security to submit a detailed report to Congress regarding the utilization and potential expansion of Operation Streamline programs)

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, in consultation with the Attorney General and the Administrative Office of the United States Courts, 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, the Department of Justice, and the Judiciary, 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, and

(5) the Committee on Homeland Security and Governmental Affairs of the Senate.

Mrs. MURRAY. Madam President, I ask unanimous consent that the amendments be agreed to en bloc and the motions to reconsider be laid upon the table en bloc.

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

The amendments (No. 1459) and (No. 1455), as modified, were agreed to en bloc.

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

The PRESIDING OFFICER (Mr. BEGICH). The clerk will call the roll.

The bill 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.

AMENDMENT NO. 1458 TO AMENDMENT NO. 1373

Mrs. MURRAY. Mr. President, I ask unanimous consent that the pending amendments be set aside and that amendment No. 1458 be the pending amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. DODD, for himself, Mr. LIEBERMAN and Mr. CARPER, proposes an amendment numbered 1458 to amendment No. 1373.

The amendment is as follows:

(Purpose: To provide additional funds for FIRE grants under section 33 of the Federal Fire Prevention and Control Act of 1974)

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

SEC. __ (a) The amount appropriated under the heading ''firefighter assistance grants'' under the heading ''Federal Emergency Management Agency'' under by title III for necessary expenses for programs authorized by the Federal Fire Prevention and Control Act of 1974 is increased by $10,000,000 for necessary expenses to carry out the programs authorized under section 33 of that Act (15 U.S.C. 2229).

(b) The total amount of appropriations under the heading ''Aviation Security'' under the heading ''Transportation Security Administration'' under title II, 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 $4,500,000.

(c) From the unobligated balances of amounts appropriated before the date of enactment of this Act for the appropriations account under the heading ''state and local programs'' under the heading ''Federal Emergency Management Agency'' for ''Trucking Industry Security Grants'', $5,500,000 are rescinded.

Mrs. MURRAY. Mr. President, the amendment that is now pending is an amendment that increases fire grant programs by $10 million. It is fully offset. The fire grant programs provide funds to equip, train, and hire our firefighters. The committee provided an increase in the bill because in 2007 there were over 20,731 applications, totaling $3.1 billion, and FEMA could only approve 5,132 of those applications due to limited funds.

I hope we can move quickly to a vote on this amendment. We wish to move forward. I know several Senators have amendments they wish to offer, and if we can move to a vote on this fairly quickly, I think everybody would be amenable to that.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 1467 TO AMENDMENT NO. 1458

Mr. VITTER. Mr. President, I certainly share the desire to move forward and resolve these issues and go through these votes. In that vein, I send to the desk a second-degree amendment to the Dodd amendment.

This is a straight limitation amendment. It is a germane amendment with no points of order against it, which would simply enact legislation that the Senate enacted in 2006 with regard to reimportation.

I would be happy to explain the amendment more fully if it is appropriate to have a debate either now or in the near future on it. But again, it enacts language that was previously enacted by the Senate in 2006. It is a straight limitation amendment, which is germane, and does not have points of order against it.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 1467 to amendment No. 1458.

Mr. VITTER. Mr. President, 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 prevent funds from being used to prevent individuals from importing prescription drugs under certain circumstances)

At the end add the following:

SEC. None of the funds made available in this Act for U.S. Customs and Border Protection 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—

Mr. VITTER. 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, I ask unanimous consent that it be in order to consider a managers' package.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, in a moment I will send a managers' package to the desk. We are waiting for one quick decision. Hopefully, in a moment, I will be sending a managers' package to the desk with a number of

amendments that have been worked out on both sides. We hope to adopt that package.

I know Members have been waiting to get to votes. We have several Senators who require votes on their amendments. We hope to start that fairly shortly, as soon as this package is adopted.

AMENDMENTS NOS. 1401; 1447; 1457; 1463, AS MODIFIED; 1456; 1454, AS MODIFIED; 1466, AS MODIFIED; 1465; AND 1464, AS MODIFIED, TO AMENDMENT NO. 1373

So, Mr. President, I send to the desk a managers' package, and I ask unanimous consent that the amendments be considered, and modified, as indicated, where indicated, and agreed to en bloc; and the motions to reconsider be laid upon the table en bloc; that the consideration of these amendments appear separately in the RECORD, and any statements relating to their consideration be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 1401

(Purpose: To amend title 46, United States Code, to ensure that the prohibition on disclosure of maritime transportation security information is not used inappropriately to shield certain other information from public disclosure, and for other purposes)

SECTION ———. MARITIME TRANSPORTATION SECURITY INFORMATION.

(a) SHORT TITLE.—This section may be cited as the ''American Communities' Right to Public Information Act''.

(b) IN GENERAL.—Section 70103(d) of title 46, United States Code, is amended to read as follows:

''(d) NONDISCLOSURE OF INFORMATION.—

''(1) IN GENERAL.—Information developed under this chapter is not required to be disclosed to the public, including—

''(A) facility security plans, vessel security plans, and port vulnerability assessments; and

''(B) other information related to security plans, procedures, or programs for vessels or facilities authorized under this chapter.

''(2) LIMITATIONS.—Nothing in paragraph (1) shall be construed to authorize the designation of information as sensitive security information (as defined in section 1520.5 of title 49, Code of Federal Regulations)—

''(A) to conceal a violation of law, inefficiency, or administrative error;

''(B) to prevent embarrassment to a person, organization, or agency;

''(C) to restrain competition; or

''(D) to prevent or delay the release of information that does not require protection in the interest of transportation security, including basic scientific research information not clearly related to transportation security.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 114(r) of title 49, United States Code, is amended by adding at the end thereof the following:

''(4) LIMITATIONS.—Nothing in this subsection, or any other provision of law, shall be construed to authorize the designation of information as sensitive security information (as defined in section 1520.5 of title 49, Code of Federal Regulations)—

''(A) to conceal a violation of law, inefficiency, or administrative error;

''(B) to prevent embarrassment to a person, organization, or agency;

''(C) to restrain competition; or

''(D) to prevent or delay the release of information that does not require protection in the interest of transportation security, including basic scientific research information not clearly related to transportation security.''.

(2) Section 40119(b) of title 49, United States Code, is amended by adding at the end thereof the following:

''(3) Nothing in paragraph (1) shall be construed to authorize the designation of information as sensitive security information (as defined in section 15.5 of title 49, Code of Federal Regulations)—

''(A) to conceal a violation of law, inefficiency, or administrative error;

''(B) to prevent embarrassment to a person, organization, or agency;

''(C) to restrain competition; or

''(D) to prevent or delay the release of information that does not require protection in the interest of transportation security, including basic scientific research information not clearly related to transportation security.''.

AMENDMENT NO. 1447

(Purpose: To clarify the definition of switchblade knives)

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.''.

AMENDMENT NO. 1457

(Purpose: To protect taxpayers by improving financial accountability at the Department of Homeland Security)

On page 3, line 13, insert '': *Provided*, That of the total amount made available under this heading, $5,000,000 shall not be obligated until the Chief Financial Officer or an individual acting in such capacity submits a financial management improvement plan that addresses the recommendations outlined in the Department of Homeland Security Office of Inspector General report # OIG-09-72, including yearly measurable milestones, to the Committees on Appropriations of the Senate and the House of Representatives: *Provided further*, That the plan described in the preceding proviso shall be submitted not later than January 4, 2010'' before the period.

AMENDMENT NO. 1463, AS MODIFIED

(Purpose: To make a technical correction to the Federal Deposit Insurance Act)

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

SEC. 556. FEDERAL DEPOSIT INSURANCE ACT TECHNICAL CORRECTION.

(a) APPLICABLE ANNUAL PERCENTAGE RATE OF INTEREST.—Section 44(f)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1831u(f)(1)) is amended—

(1) in the matter preceding subparagraph (A), by inserting ''(or in the case of a governmental entity located in such State, paid)'' after ''received, or reserved''; and

(2) in subparagraph (B)—

(A) in the matter preceding clause (i), by striking ''nondepository institution operating in such State'' and inserting ''governmental entity located in such State or any person that is not a depository institution described in subparagraph (A) doing business in such State'';

(B) by redesignating clause (ii) as clause (iii);

(C) in clause (i)—

(i) in subclause (III)—

(I) in item (aa), by adding ''and'' at the end;

(II) in item (bb), by striking '', to facilitate'' and all that follows through ''2009''; and

(III) by striking item (cc); and

(ii) by adding after subclause (III) the following:

''(IV) the uniform accessibility of bonds and obligations issued under the American Recovery and Reinvestment Act of 2009;''; and

(D) by inserting after clause (i) the following:

''(ii) to facilitate interstate commerce through the issuance of bonds and obligations under any provision of State law, including bonds and obligations for the purpose of economic development, education, and improvements to infrastructure; and''.

(b) EFFECTIVE PERIOD.—The amendments made by this section shall apply with respect to contracts consummated during the period beginning on the date of enactment of this Act and ending on December 31, 2010.

AMENDMENT NO. 1456

(Purpose: To provide that certain photographic records relating to the treatment of any individual engaged, captured, or detained after September 11, 2001, by the Armed Forces of the United States in operations outside the United States shall not be subject to disclosure under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), to amend section 552(b)(3) of title 5, United States Code (commonly referred to as the Freedom of Information Act) to provide that statutory exemptions to the disclosure requirements of that Act shall specifically cite to the provision of that Act authorizing such exemptions, to ensure an open and deliberative process in Congress by providing for related legislative proposals to explicitly state such required citations, and for other purposes)

At the appropriate place, insert the following:

SEC. _____. DETAINEE PHOTOGRAPHIC RECORDS PROTECTION AND OPEN FREEDOM OF INFORMATION ACT.

(a) DETAINEE PHOTOGRAPHIC RECORDS PROTECTION.—

(1) SHORT TITLE.—This subsection may be cited as the ''Detainee Photographic Records Protection Act of 2009''.

(2) DEFINITIONS.—In this subsection:

(A) COVERED RECORD.—The term ''covered record'' means any record—

(i) that is a photograph that—

(I) was taken during the period beginning on September 11, 2001, through January 22, 2009; and

(II) relates to the treatment of individuals engaged, captured, or detained after September 11, 2001, by the Armed Forces of the United States in operations outside of the United States; and

(ii) for which a certification by the Secretary of Defense under paragraph (3) is in effect.

(B) PHOTOGRAPH.—The term ''photograph'' encompasses all photographic images, whether originals or copies, including still photographs, negatives, digital images, films, video tapes, and motion pictures.

(3) CERTIFICATION.—

(A) IN GENERAL.—For any photograph described under paragraph (2)(A)(i), the Secretary of Defense shall issue a certification, if the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, determines that the disclosure of that photograph would endanger —

(i) citizens of the United States; or

(ii) members of the Armed Forces or employees of the United States Government deployed outside the United States.

(B) CERTIFICATION EXPIRATION.—A certification under subparagraph (A) and a renewal of a certification under subparagraph (C) shall expire 3 years after the date on which the certification or renewal, as the case may be, is made.

(C) CERTIFICATION RENEWAL.—The Secretary of Defense may issue—

(i) a renewal of a certification in accordance with subparagraph (A) at any time; and

(ii) more than 1 renewal of a certification.

(D) NOTICE TO CONGRESS.—A timely notice of the Secretary's certification shall be submitted to Congress.

(4) NONDISCLOSURE OF DETAINEE RECORDS.—A covered record shall not be subject to—

(A) disclosure under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act); or

(B) disclosure under any proceeding under that section.

(5) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to preclude the voluntary disclosure of a covered record.

(6) EFFECTIVE DATE.—This subsection shall take effect on the date of enactment of this Act and apply to any photograph created before, on, or after that date that is a covered record.

(b) OPEN FREEDOM OF INFORMATION ACT.—

(1) SHORT TITLE.—This subsection may be cited as the ''OPEN FOIA Act of 2009''.

(2) SPECIFIC CITATIONS IN STATUTORY EXEMPTIONS.—Section 552(b) of title 5, United States Code, is amended by striking paragraph (3) and inserting the following:

''(3) specifically exempted from disclosure by statute (other than section 552b of this title), if that statute—

''(A)(i) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue; or

''(ii) establishes particular criteria for withholding or refers to particular types of matters to be withheld; and

''(B) if enacted after the date of enactment of the OPEN FOIA Act of 2009, specifically cites to this paragraph.''.

AMENDMENT NO. 1454, AS MODIFIED

Purpose: To require the Secretary of Homeland Security to submit to Congress a report on reducing the time to travel between locations in the United States and locations in Ontario and Quebec by intercity passenger rail)

At the appropriate place, insert the following:

SEC. ____. (a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security shall, in consultation with the entities specified in subsection (c), submit to Congress a report on improving cross-border inspection processes in an effort to reduce the time to travel between locations in the United States and locations in Ontario and Quebec by intercity passenger rail.

(b) CONTENTS.—The report required by subsection (a) shall include—

(1) an evaluation of potential cross-border inspection processes and methods including rolling inspections that comply with Department of Homeland Security requirements that would—

(A) reduce the time to perform inspections on routes between locations in the United States and locations in Ontario and Quebec by intercity passenger rail;

(2) an assessment of the extent to which improving or expanding infrastructure and increasing staffing could increase the efficiency with which intercity rail passengers are inspected at border crossings without decreasing security;

(3) an updated evaluation of the potential for pre-clearance by the Department of Homeland Security of intercity rail passengers at locations along routes between locations in the United States and locations in Ontario and Quebec, including through the joint use of inspection facilities with the Canada Border Services Agency, based on the report required by section 1523 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53; 121 Stat. 450);

(4) an estimate of the timeline for implementing the methods for reducing the time to perform inspections between locations in the United States and locations in Ontario and Quebec by intercity passenger rail based on the evaluations and assessments described in paragraphs (1), (2), and (3); and

(5) a description of how such evaluations and assessments would apply with respect to—

(A) all existing intercity passenger rail routes between locations in the United States and locations in Ontario and Quebec, including designated high-speed rail corridors;

(B) any intercity passenger rail routes between such locations that have been used over the past 20 years and on which cross-border passenger rail service does not exist as of the date of the enactment of this Act; and

(C) any potential future rail routes between such locations.

(c) ENTITIES SPECIFIED.—The entities to be consulted in the development of the report required by subsection (a) are—

(1) the Government of Canada, including the Canada Border Services Agency and Transport Canada and other agencies of the Government of Canada with responsibility for providing border services;

(2) the Provinces of Ontario and Quebec;

(3) the States of Maine, Massachusetts, New Hampshire, New York, and Vermont;

(4) the National Railroad Passenger Corporation; and

(5) the Federal Railroad Administration.

AMENDMENT NO. 1466, AS MODIFIED

(Purpose: To require a report)

On page 39, line 9, after ''spending:'' insert the following: ''*Provided Further*, That not later than 60 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall submit a report to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senaten that includes (1) a plan for the acquisition of alternative temporary housing units, and (2) procedures for expanding repair of existing multi-family rental housing units authorized under section 689i(a) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 776(a)), semi-permanent, or permanent housing options:''.

AMENDMENT NO. 1465

(Purpose: To authorize the temporary reemployment of administrative law judge annuitants for disputes relating to certain public assistance applications under the Robert T. Stafford Disaster Relief and Emergency Assistance Act)

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

SEC. 556. ADMINISTRATIVE LAW JUDGES.

The administrative law judge annuitants participating in the Senior Administrative Law Judge Program managed by the Director of the Office of Personnel Management under section 3323 of title 5, United States Code, shall be available on a temporary reemployment basis to conduct arbitrations of disputes as part of the arbitration panel established by the President under section 601 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 164).

AMENDMENT NO. 1464, AS MODIFIED

(Purpose: To protect the privacy of personal information provided by United States travelers who participated in the Registered Traveler program)

At the appropriate place, insert the following:

SEC. ____. PROPER DISPOSAL OF PERSONAL INFORMATION COLLECTED THROUGH THE REGISTERED TRAVELER PROGRAM.

(a) IN GENERAL.—Any company that collects or retains personal information directly from individuals who participated in the Registered Traveler program shall safeguard and dispose of such information in accordance with the requirements in—

(1) the National Institute for Standards and Technology Special Publication 800–30, entitled ''Risk Management Guide for Information Technology Systems''; and

(2) the National Institute for Standards and Technology Special Publication 800–53, Revision 3, entitled ''Recommended Security Controls for Federal Information Systems and Organizations,'';

(3) any supplemental standards established by the Assistant Secretary, Transportation Security Administration (referred to in this section as the ''Assistant Secretary'').

(b) CERTIFICATION.—The Assistant Secretary shall—

require any company through the sponsoring entity described in subsection (a) to provide, not later than 30 days after the date of the enactment of this Act, written certification to the sponsoring entity that such procedures are consistent with the minimum standards established under paragraph (a)(1–3) with a description of the procedures used to comply with such standards.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Assistant Secretary shall submit a report to Congress that—

(1) describes the procedures that have been used to safeguard and dispose of personal information collected through the Registered Traveler program; and

(2) provides the status of the certification by any company described in subsection (a) that such procedures are consistent with the minimum standards established by paragraph (a)(1–3).

AMENDMENT NO. 1447

Mr. HATCH. Mr. President, I am proud to join with Senators CORNYN and PRYOR to offer this amendment to the Department of Homeland Security appropriations bill. This bipartisan amendment will bring clarity to the definition of what should be classified as a switchblade knife. This amendment is in response to a proposal by the U.S. Customs and Border Protection, CBP, to revoke four ruling letters that would change the definition of a switchblade knife.

The definition of what is a switchblade has been clear and settled since the Federal Switchblade Act was

passed in 1958, and it has been reaffirmed by many years of legal decisions. The act is very clear that a switchblade must have an automatic mechanism that is activated by a button usually located on the handle. Without a button, it is not a switchblade, and this has been upheld by numerous cases on many levels over the years.

This amendment will clearly define that any knife that can be opened with one hand is not and should not be classified as a switchblade. This amendment conforms to the original intent of Congress when it passed the Federal Switchblade Act in 1958.

According to knife industry sources, 80 percent of pocketknives sold today are one-hand or assisted openers. On a daily basis, good working folks use these knives in their daily tasks as electricians, carpenters, and construction workers. As such, Leatherman-type multitools with one-hand opening features, as well as folding utility knives that have a stud on the blunt portion of the blade to assist one-hand opening, would have been defined as a switchblade. The amendment offered today will provide a permanent statutory remedy to this issue. This amendment will continue to prohibit switchblades, but not at the expense of knives that were never meant to be categorized as a switchblade. Because of that, I saw the need to offer this amendment.

I urge my colleagues to support this important amendment.

Mrs. MURRAY. 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. 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.

AMENDMENT NO. 1428, AS MODIFIED

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Hatch amendment, No. 1428, as modified, be agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 1428), as modified, was agreed to.

Mr. NELSON of Florida. Mr. President, I come to the floor today to speak about an issue that I have been working on for several years and which has been addressed once and for all by the amendment that Senator HATCH has proposed—No. 1428—and that I have cosponsored, along with Senators CORNYN, BENNETT of Utah, SCHUMER, MENENDEZ, REID, KENNEDY, and GILLIBRAND. The amendment contains several important provisions, including my bill to put an end to what has become known as the ''widow penalty.'' This bipartisan support for this amendment has brought out the best in the Senate, and the Senate's action today represents a great achievement.

Under our immigration laws, a foreigner who marries a U.S. citizen is entitled to become a permanent U.S. resident. Yet our own immigration service has been trying to deport several hundred widows and a few widowers—foreigners who had been married to American citizens when the Americans died.

To illustrate, here is a little story from a June 14 CBS ''60 Minutes'' rebroadcast:

Raquel Williams, a young nursing student from Brazil, was visiting Florida when one night she and three girl friends drove into a gas station. They caught the eye of a car full of guys who were also getting gas.

''I guess they noticed that we were, you know, not from here,'' Raquel remembers, recalling when she first met her future husband. That chance meeting with Derek Williams led to love, marriage, and eventually parenthood. Two years after they met, their son Ian was born.

But then the unthinkable happened.

Raquel told ''60 Minutes'' she woke up about 4:30 a.m. one morning to find her husband lying on the couch. She could see something was wrong. He wasn't breathing. Raquel called 911. ''Please, please,'' she pleaded, ''come fast. Fast.''

But he was already gone. Derek had insomnia, so he would watch TV on their couch during the night. But he also had breathing problems and an irregular heartbeat, which proved fatal.

After he died, Raquel and Ian moved in with Derek's parents. And 3 months after Derek died, Raquel finally had the immigration interview that she had been seeking for a year to gain status as a permanent U.S. resident.

She went to the interview with Ian, and brought all the documentation needed to prove she had been married to Derek; she also brought the death certificate.

Her case was denied. ''They said, 'You're gonna have to go back to Brazil.' And I said, 'I have my son. You know? This is my son. He's [an] American citizen.' And they said that, 'You can go. He can stay.' ''

Ian was 5 months old at the time.

Raquel found herself caught in what is now referred to by many as the widow penalty—when a surviving spouse faces deportation because they had yet to be married 2 full years when their American husband or wife died.

Tragically, there are hundreds of cases in which men and women are crying out for common sense and reason to prevail. Earlier this year, I filed standalone legislation—the Fairness to Surviving Spouses Act of 2009—to put an end to the unfair and arbitrary widow penalty.

Then, 2 weeks ago, joined by Representative JIM MCGOVERN, the sponsor of the House counterpart to my bill, I held a meeting here in Washington with a number of surviving spouses from around the country. All of them today find themselves in Raquel's situation.

They included Diana Engstrom, whose husband was killed working with the Army in Iraq, and Natalia Goukassian, a Florida woman who, like Raquel, lost her American husband and then found the Federal Government moving to deport her.

Natalia is but one of a few hundred spouses of deceased Americans whose legal status hangs in the balance, but her story is illustrative. She came into the country legally from Russia and met her future husband. They married on June 30, 2006, and soon after they filed for Natalia's permanent resident status in the Orlando office of Citizenship and Immigration Services. Tigran died on December 1, 2006, of an aggressive form of cancer related to his service in the U.S. military. Natalia was denied in March 2009. For now she is here legally, but that status soon will end unless this amendment becomes law.

Widows and widowers facing deportation were given a potential lifeline on June 9, when the Obama administration put plans to send them to their home country on hold. But the administration says they will need a permanent fix, legislation from Congress, to be able to keep them in the country.

Today, with the adoption of our amendment, we finally have given them one. Our amendment puts an end to the widow penalty once and for all. Surviving spouses would still need to prove their marriage was a bona fide marriage before receiving a green card. And they would be still be counted against the overall cap of persons allowed to immigrate to this country each year. U.S. Citizenship and Immigration Services 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 significance of the Senate's action today to the surviving spouses who will benefit from its provisions cannot be overstated. Our government no longer will be ''piling on'' by responding to the tragic death of spouse with an order of deportation instead of an offer of condolences. On behalf of Diana Engstrom, Natalia Goukassian, Raquel Williams, and all the surviving spouses who will have the chance to continue their lives in this country, I thank my colleagues and look forward to seeing this provision, which reflects our values as Americans, embraced by the House so that it may finally become the law of the land.

Mrs. MURRAY. 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. 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. VITTER. Mr. President, I wish to present my second-degree amendment.

In a few minutes we will be voting on the Vitter second-degree amendment to the Dodd amendment. This is very straightforward and is something this body has considered very directly before. This amendment simply prohibits funds in the bill from being used by Customs and Border security to prevent the reimportation of prescription drugs from Canada only and for personal use only. So it is a reimportation amendment but only from Canada and only for personal use. It is very limited in that regard.

Also, it only limits funds with regard to enforcement by Customs and Border security. There are numerous other agencies in the Federal Government, such as the Justice Department and many law enforcement agencies, which regularly are in the business of going after counterfeits and other problems in the drug trade. This amendment doesn't limit that activity in any way because it only impacts Customs and Border security.

Finally, this exact amendment was considered and passed by the Senate in July of 2006. It was not only passed by the Senate, but that Vitter amendment, essentially identical, was adopted 68 to 32. A few months later, modified language passed the entire Congress. It was somewhat modified, but it passed the entire Congress and is law now.

So based on all that history, I urge a strong bipartisan vote in favor of this amendment as we had in 2006. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I rise in opposition to my friend's amendment.

For the past several years, there has been a provision in this appropriations bill that says that Customs and Border Protection cannot stop an individual from bringing in on their person 90 days' worth of a prescription drug from Canada. While I am not crazy about that language, it has been law for some time and codifies what had been an existing practice at the border. However, my colleague from Louisiana is proposing to radically alter what happens at the border.

This amendment is bad policy, and I hope our colleagues will vote against it. It is not adequate to protect the public health, and it will not keep Americans safe.

This amendment would strike three important elements of existing law. Instead of just individuals, anyone could bring in drugs. There would be no license required for businesses to get into this line of work. There would be no inspections of their facilities, no minimum qualifications, no background checks, no limits on resale, no oversight whatsoever. This would be an open door for criminals to get into Americans' medicine cabinets.

The amendment removes the limit on the method of importation. Instead of bringing in the drugs on your person, you could do it by mail order or more likely via the Internet. This creates a problem with drugs coming not from Canada but through Canada. Many of the drugs ordered online today are purported to be from Canada, but when GAO and others investigate, they are found to be from other countries.

Finally, there would be no limits on the quantities permitted to be imported. Canada has only one-tenth the population of the United States. They cannot serve as our pharmacy. The drugs will be sourced from somewhere else. It is inevitable. While many people may be comfortable with drugs from Canada, I doubt they will have the same level of comfort with drugs from Pakistan, China, or Malta. There is nothing in this amendment to ensure that the drugs come from Canada, but there is every incentive for them not to come from Canada.

Most Americans who turn to imported drugs do so because of cost, but a counterfeit, tainted, or substandard drug is unsafe at any price. As we consider the issue of drug importation, the safety of our citizens must be our primary concern.

I support finding ways to reduce the cost of drugs but never at the expense of safety. So I urge my colleagues to oppose this amendment.

It is a well-intentioned amendment, I am sure. I care a great deal for my colleague, but I think we should oppose it and vote it down.

I yield the floor.

Mr. VITTER. Mr. President, I wish to briefly address some of the issues brought up by my distinguished colleague from Utah.

First, this amendment is only about individuals, and you can look at the clear language of the amendment. It is about individuals, not corporations, not mega businesses, not anything else but individuals.

Secondly, it is only about personal use. It is only about businesses not in the business of importing prescription drugs. So these individuals cannot be in that business, cannot be in that activity as a business. We specifically refer to the relevant portion of the Federal Food Drug and Cosmetic Act, section 801(g).

Third, it is for personal use because of that limitation.

Fourth, we are only limiting funds that go through border security for this purpose, not any other law enforcement agency; and there are many that are involved in the fight against counterfeits and other things, including the Department of Justice.

Fifth, and finally, this language was passed by this body in 2006 by a strong bipartisan vote of 68 to 32 and, as Senator HATCH said, a modified version was actually passed into law and has operated in law for 3 years, with no apparent safety problems that we are aware of.

I yield back my time and look forward to the vote.

Mr. HATCH. Mr. President, I yield back my time, also.

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

The PRESIDING OFFICER (Mr. BENNET). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SESSIONS. Mr. President, we just approved a 3-year extension of the Religious Workers Act, which has a good goal and a worthy motive. We need to do better with this program.

We did have, in this legislation that passed, a study of the program to see how well it is working. But in July of 2006, the Homeland Security Department conducted an evaluation of the program, and it was not a good report. Essentially, the situation is that a religious group would be entitled to ask for and petition for someone to be brought into the country to work in their religious entity. It is called a ''religious worker program.'' It is usually not a minister, but some sort of lay worker.

The assessment was done by the Homeland Security group. It was an assessment of 200-plus cases, without any indication that any of those were fraudulent. They just took them at random and checked the 220 cases. Field inquiries were conducted where necessary, and fraud was determined to be the willful misrepresentation or falsification of a material fact—that means something that would probably have meant they were not entitled to the benefit of the program.

Under this evaluation, it was found that out of 220 cases evaluated, 72 were fraudulent; that is, 33 percent—or 1 out of 3—of the religious workers entering the country under this program entered fraudulently. That is not a good record. In fact, it appears to be the highest fraudulent record of any immigrant program we have in the country.

They cited some of the examples of abuses. For example, a beneficiary was invited into the country by a petitioner to work at a religious institution, and when they checked, the institution didn't exist. And the petitioner had filed a number of other petitions bringing in other people.

Another one dealt with a paper church—a church that didn't exist—and the addresses and all that were given were not legitimate.

Another one: Age 33, the beneficiary. The person who filed the petition to bring this foreign worker in couldn't be located, and there could be no connection between the person who petitioned and the group for which they claimed to be petitioning. So it appears that this individual petitioned for another individual to come and work at a school or a church, and the school or church they said they were going to work at didn't even know this was happening. Of course, when the person came in, they were therefore just able

to enter the country illegally and never worked at a church.

There are several more like that. Here is another one. The signer of the petition was no longer at the school, and the school board members interviewed said they didn't know who was invited to come through the petition and were not even aware a petition had been filed.

In another case, the petitioner had filed at least 82 petitions, with many fraudulent indicators, including the misrepresentation of the qualifications and duties of the beneficiary.

Another one dealt with a situation where the beneficiary couldn't be located, and the petitioner whose name was on the petition when found and interviewed said he didn't know anything about the filing. He didn't file it. So somebody just filed it and used his name and brought in somebody, supposedly to work at a religious institution, and it was all bogus.

So this is a program which has some real difficulties. I hope the study will help us figure out how to make it a more honest system that can meet the goals of our program without allowing for so much fraud and abuse.

Mr. President, I yield floor.

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

The assistant 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, I ask unanimous consent that the following amendments be the only amendments remaining in order to the Byrd substitute amendment No. 1373 and H.R. 2892, and that at 8:25 p.m. the Senate proceed to vote in relation to the amendments in the order listed; that prior to each vote, there be 2 minutes of debate equally divided and controlled in the usual form; that no other amendments be in order; further, that upon disposition of the Vitter amendment No. 1467, the Dodd amendment No. 1458, as amended, if amended, be agreed to and the motion to reconsider be laid upon the table; that after the first vote in the sequence, the vote time be limited to 10 minutes each. The amendments in order are Vitter amendment No. 1467, Dodd amendment No. 1458, Coburn amendment No. 1433, Murray amendment No. 1468, Coburn amendment No. 1434, Grassley amendment No. 1415, and Sanders amendment No. 1430; that upon disposition of the listed amendments, the substitute amendment, as amended, be agreed to, the bill, as amended, be read a third time, and the Senate proceed to vote on passage of the bill; that upon passage, the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees on the part of the Senate and that members of the subcommittee be appointed as conferees; further, that if a budget point of order or any other point of order is raised and sustained, then it be in order for the majority manager to offer another substitute amendment minus any offending provision, but including any amendments which had been agreed to, and that no further amendments be in order; that the substitute amendment, as amended, if amended, be agreed to, and the remaining provisions beyond adoption of the substitute remaining in effect; and further, that the cloture motions be withdrawn.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

VITTER AMENDMENT NO. 1467

Mrs. MURRAY. Mr. President, with that, we are ready to vote on the Vitter amendment.

Mr. VITTER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

There is 2 minutes of debate equally divided prior to the vote.

Mr. VITTER. Mr. President, Senator HATCH and I have both spoken, and I am prepared to yield back the time.

Mrs. MURRAY. And I will yield back time.

The PRESIDING OFFICER. If all time is yielded back, the question is on agreeing to amendment No. 1467.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Illinois (Mr. BURRIS), the Senator from West Virginia (Mr. BYRD), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Rhode Island (Mr. REED), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BOND), the Senator from Florida (Mr. MARTINEZ), and the Senator from Oklahoma (Mr. INHOFE).

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

The result was announced—yeas 55, nays 36, as follows:

[Rollcall Vote No. 225 Leg.]

YEAS—55

Akaka	Gillibrand	Reid
Baucus	Grassley	Sanders
Begich	Harkin	Schumer
Bennet	Inouye	Sessions
Bingaman	Johnson	Shaheen
Boxer	Kaufman	Shelby
Brown	Klobuchar	Snowe
Cantwell	Kohl	Specter
Cardin	Landrieu	Stabenow
Casey	Leahy	Tester
Collins	Levin	Thune
Conrad	Lieberman	Udall (NM)
Corker	Lincoln	Vitter
DeMint	McCain	Warner
Dorgan	McCaskill	Webb
Durbin	Merkley	Whitehouse
Feingold	Nelson (NE)	Wyden
Feinstein	Nelson (FL)	
Franken	Pryor	

NAYS—36

Alexander	Crapo	Lautenberg
Barrasso	Ensign	Lugar
Bayh	Enzi	McConnell
Bennett	Graham	Menendez
Brownback	Gregg	Mikulski
Bunning	Hagan	Murkowski
Burr	Hatch	Murray
Carper	Hutchison	Risch
Chambliss	Isakson	Roberts
Coburn	Johanns	Udall (CO)
Cochran	Kerry	Voinovich
Cornyn	Kyl	Wicker

NOT VOTING—9

Bond	Dodd	Martinez
Burris	Inhofe	Reed
Byrd	Kennedy	Rockefeller

The amendment (No. 1467) was agreed to.

Mrs. MURRAY. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1458, AS AMENDED

The PRESIDING OFFICER. Under the previous order, amendment No. 1458, offered by the Senator from Connecticut, Mr. DODD, as amended, is agreed to, and the motion to reconsider is considered made and laid upon the table.

The amendment (No. 1458), as amended, was agreed to.

AMENDMENT NO. 1433 TO AMENDMENT NO. 1373

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 1433, offered by the Senator from Oklahoma, Mr. COBURN.

The Senator from Washington.

Mrs. MURRAY. Mr. President, I had a chance to discuss amendment No. 1433 with Senator COBURN during the previous vote. I believe he is willing to take a voice vote on it.

Mr. COBURN. Mr. President, I call up the amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 1433 to amendment No. 1373.

Mr. COBURN. 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 the payment of bonuses to government contractors for poor performance)

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.

Mr. COBURN. Mr. President, I agree with the Senator from Washington. This simply eliminates inappropriate

bonuses at the Department of Human Services. We did that at the Department of Defense, which saved $500 million. It is also an OMB reg for the agency.

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

The amendment (No. 1433) was agreed to.

AMENDMENT NO. 1468, TO AMENDMENT NO. 1373

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I call up amendment No. 1468.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk the read as follows:

The Senator from Washington [Mrs. MURRAY] proposes an amendment numbered 1468 to amendment number 1373.

The amendment is as follows:

At the appropriate place insert the following:

None of the funds appropriated or othewise made available by this Act may be used by the Department of Homeland Security to enter into any federal contract unless such contract is entered into in accordance with the requirements of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) or Chapter 137 of title 10, United States Code, and the Federal Acquisition Regulation, unless such contract is otherwise authorized by statute to be entered into without regard to the above referenced statutes.

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided on the amendment.

Mrs. MURRAY. Mr. President, for the information of all Senators, the amendment following the vote on the Murray amendment is a Coburn amendment about ensuring that government contracts are competitively awarded. I agree with the premise of the amendment that follows this. However, his amendment is drafted in a way that precludes certain types of contracts that are authorized by statute and have the strong support of Congress. For example, his amendment doesn't acknowledge contracts that are authorized by the Small Business Act, such as minority-owned businesses, women-owned businesses, businesses owned by service-disabled veterans. The Coburn language also ignores the AbilityOne Program, known as the Javits-Wagner-O'Day Program, which provides job opportunities for blind and disabled Americans through Federal contracts.

The amendment I am offering assures that we do award government contracts competitively but does it in a way that makes sure we take care of small businesses and veteran-owned businesses and women-owned businesses.

I encourage all my colleagues to vote for the Murray amendment.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. COBURN. Mr. President, if I understand this correctly, this will actually eliminate competitive bidding on grants so grants may be earmarked and would not have to be competitively bid. I believe it is important the American people know we competitively bid for contracts and we competitively bid for grants on the basis of priority and merit. Therefore, I am in opposition to this amendment and in support of my amendment.

The PRESIDING OFFICER. Is there further debate on the Murray amendment?

Mr. COBURN. I 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 amendment No. 1468.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Illinois (Mr. BURRIS), the Senator from West Virginia (Mr. BYRD), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Rhode Island (Mr. REED), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BOND), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Florida (Mr. MARTINEZ).

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

The result was announced—yeas 67, nays 24, as follows:

[Rollcall Vote No. 226 Leg.]

YEAS—67

Akaka	Grassley	Murray
Alexander	Hagan	Nelson (NE)
Baucus	Harkin	Nelson (FL)
Bayh	Hatch	Pryor
Begich	Hutchison	Reid
Bennet	Inouye	Roberts
Bingaman	Johnson	Sanders
Boxer	Kaufman	Schumer
Brown	Kerry	Shaheen
Brownback	Klobuchar	Snowe
Cantwell	Kohl	Specter
Cardin	Landrieu	Stabenow
Carper	Lautenberg	Tester
Casey	Leahy	Udall (CO)
Cochran	Levin	Udall (NM)
Collins	Lieberman	Voinovich
Conrad	Lincoln	Warner
Dorgan	McCaskill	Webb
Durbin	McConnell	Whitehouse
Feingold	Menendez	Wicker
Feinstein	Merkley	Wyden
Franken	Mikulski	
Gillibrand	Murkowski	

NAYS—24

Barrasso	Crapo	Kyl
Bennett	DeMint	Lugar
Bunning	Ensign	McCain
Burr	Enzi	Risch
Chambliss	Graham	Sessions
Coburn	Gregg	Shelby
Corker	Isakson	Thune
Cornyn	Johanns	Vitter

NOT VOTING—9

Bond	Dodd	Martinez
Burris	Inhofe	Reed
Byrd	Kennedy	Rockefeller

The amendment (No. 1468) was agreed to.

Mrs. MURRAY. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 1434 TO AMENDMENT NO. 1373

Mrs. MURRAY. Mr. President, I believe Coburn amendment No. 1434 is in order.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, this is a simple amendment. It is a commonsense amendment. It says we should competitively bid contracts at the Department of Homeland Security, and we should competitively bid grants. If you vote against my amendment, you are saying we should not. That is all there is to it.

Mr. President, I yield back.

The PRESIDING OFFICER. Is the Senator offering the amendment?

Mr. COBURN. Mr. President, I actually have to offer the amendment. I call up amendment No. 1434 and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 1434 to amendment No. 1373.

Mr. COBURN. Mr. President, 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 no bid contracts by requiring the use of competitive procedures to award contracts and grants funded under this Act)

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.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, the Senate just adopted an amendment that ensures that the government contracts are competitively awarded. The amendment Senator COBURN is now offering will undo everything we just did to assure that all businesses—small business, minority-owned businesses, women-owned businesses, businesses owned by service-disabled veterans—

will be eligible to bid on these contracts.

I urge the Senate to vote no.

Mr. COBURN. Mr. President, I 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 amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Illinois (Mr. BURRIS), the Senator from West Virginia (Mr. BYRD), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Rhode Island (Mr. REED), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BOND), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Florida (Mr. MARTINEZ).

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

The result was announced—yeas 31, nays 60, as follows:

[Rollcall Vote No. 227 Leg.]

YEAS—31

Barrasso	Ensign	McCaskill
Brownback	Enzi	McConnell
Bunning	Feingold	Risch
Burr	Graham	Sessions
Carper	Grassley	Shelby
Chambliss	Gregg	Thune
Coburn	Isakson	Vitter
Corker	Johanns	Webb
Cornyn	Kyl	Wicker
Crapo	Lugar	
DeMint	McCain	

NAYS—60

Akaka	Gillibrand	Murkowski
Alexander	Hagan	Murray
Baucus	Harkin	Nelson (NE)
Bayh	Hatch	Nelson (FL)
Begich	Hutchison	Pryor
Bennet	Inouye	Reid
Bennett	Johnson	Roberts
Bingaman	Kaufman	Sanders
Boxer	Kerry	Schumer
Brown	Klobuchar	Shaheen
Cantwell	Kohl	Snowe
Cardin	Landrieu	Specter
Casey	Lautenberg	Stabenow
Cochran	Leahy	Tester
Collins	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Dorgan	Lincoln	Voinovich
Durbin	Menendez	Warner
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden

NOT VOTING—9

Bond	Dodd	Martinez
Burris	Inhofe	Reed
Byrd	Kennedy	Rockefeller

The amendment (No. 1434) was rejected.

Mrs. MURRAY. Mr. President, 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.

AMENDMENT NO. 1415

Mrs. MURRAY. Mr. President, the next amendment in order is the Grassley amendment No. 1415. I have told the Senator we are willing to take it on a voice vote if he wants to offer it.

I call up amendment No. 1415.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 1415) was agreed to.

AMENDMENT NO. 1430 TO AMENDMENT NO. 1373

Mrs. MURRAY. Mr. President, the next amendment and final amendment in order is the Sanders amendment. I believe the Senator will speak.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, this amendment is cosponsored by Senator CASEY, Senator CARPER, and Senator KERRY. It is also supported by the National Volunteer Fire Council representing the interests of over 800,000 volunteer firefighters.

At a time when due to the economic crisis fire departments all over this country are laying off firefighters, and in rural America volunteer fire departments are finding it increasingly difficult to attract and retain those firefighters who not only help us, saving our property and our lives, but also are involved in EMS services, we are putting some of that $100 million directly into recruitment and retention for volunteer firefighting efforts. The offset is the science and technology fund, which I have nothing against, but I think the priorities now have to be for firefighting and for volunteer fire departments.

I yield 15 seconds to Senator CASEY.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Vermont [Mr. SANDERS], for himself, Mr. CASEY, Mr. KAUFMAN, and Mr. KERRY, proposes an amendment numbered 1430 to Amendment No. 1373.

The amendment is as follows:

(Purpose: To increase funding for firefighter assistance grants and recruitment and retention grants)

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.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I rise in opposition to this amendment. I also want fire grants. I want everybody to understand that the committee amendment already has $810 million in it for fire grants. That is an increase of $35 million. We just adopted another amendment to add $10 million to this.

The offset that is in this bill will eliminate all the technology development and design to address capabilities. It decimates the counter-improvised explosive device—IED—technology. It specifically eliminates mass transit-specific counter-IED technologies. It decimates cyber-security research and development. The Senate computers are being attacked today. It eliminates the research to make sure we can stop that. It eliminates development and assessment of high throughput cargo screening technology. The list goes on.

I believe we should be doing all we can for our firefighters. Even the International Association of Firefighters does not support this amendment—although I appreciate the Senator offering this amendment, and I agree with what he would like to do. But the offset decimates much of the technology we need to protect our citizens.

I urge a ''no'' vote.

Mr. SANDERS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to amendment No. 1430.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Illinois (Mr. BURRIS), the Senator from West Virginia (Mr. BYRD), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Vermont (Mr. LEAHY), the Senator from Rhode Island (Mr. REED), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Vermont (Mr. LEAHY) would vote aye.

Mr. KYL. The following Seantors are necessarily absent: the Senator from Missouri (Mr. BOND), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Florida (Mr. MARTINEZ).

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

The result was announced—yeas 32, nays 58, as follows:

[Rollcall Vote No. 228 Leg.]

YEAS—32

Baucus	Franken	Schumer
Bennet	Harkin	Shaheen
Boxer	Johanns	Snowe
Brown	Johnson	Specter
Cardin	Kaufman	Tester
Carper	Klobuchar	Thune
Casey	Kohl	Udall (CO)
Dorgan	Lincoln	Warner
Durbin	Merkley	Whitehouse
Feingold	Mikulski	Wyden
Feinstein	Sanders	

NAYS—58

Akaka	Barrasso	Begich
Alexander	Bayh	Bennett

Bingaman	Grassley	Murkowski
Brownback	Gregg	Murray
Bunning	Hagan	Nelson (NE)
Burr	Hatch	Nelson (FL)
Cantwell	Hutchison	Pryor
Chambliss	Inouye	Reid
Coburn	Isakson	Risch
Cochran	Kerry	Roberts
Collins	Kyl	Sessions
Conrad	Landrieu	Shelby
Corker	Lautenberg	Stabenow
Cornyn	Levin	Udall (NM)
Crapo	Lieberman	Vitter
DeMint	Lugar	Voinovich
Ensign	McCain	Webb
Enzi	McCaskill	Wicker
Gillibrand	McConnell	
Graham	Menendez	

NOT VOTING—10

Bond	Inhofe	Reed
Burris	Kennedy	Rockefeller
Byrd	Leahy	
Dodd	Martinez	

The amendment (No. 1430) was rejected.

Mr. REID. Mr. President, I move to reconsider.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RISK MAPPING, ASSESSMENT, AND PLANNING PROGRAM

Mr. MENENDEZ. Mr. President, I rise for the purpose of entering into a colloquy with the Senator to highlight a serious concern with regard to FEMA's subcontracting practices related to the Risk Mapping, Assessment, and Planning Program.

Mrs. MURRAY. I welcome a colloquy with my distinguished colleague.

Mr. MENENDEZ. I thank the Senator. I have constituents back in my home State of New Jersey who have highlighted a concern with a current FEMA solicitation for their Risk Mapping, Assessment, and Planning Program. I am concerned that this solicitation shuts out both small and medium sized businesses. After Hurricane Katrina, FEMA was, rightly so, criticized for issuing sole-source contracts to three very large companies. We need to be sure this pattern is not repeating itself.

I agree that updating the Nation's flood map is critical to managing and reducing the Nation's flood risk, but operating the program to benefit taxpayers by utilizing local, highly qualified businesses, I am sure, will produce the best results for the region, the State, and the country as well.

In addition, I believe that taking local companies, with over a decade of experience and a track record of success, out of regional Indefinite Quantity and Indefinite Delivery contract work is counterproductive and has the potential to cost the taxpayers more money while providing an inferior product.

Mrs. MURRAY. I thank the Senator from New Jersey for highlighting this issue. I agree that the flood-map program is an instrumental tool in reducing the loss of life and property from floods. The Homeland Security Subcommittee will work with the Senator to review the recent contract solicitation. I am committed to ensuring that DHS invests acquisition dollars in projects that are well planned, competitively awarded, well managed, closely overseen, and best able to serve local needs.

Mr. MENENDEZ. I appreciate the Senator's comments on that. This is not just about the State of New Jersey, which has had a number of flooding problems in the past, but this is an important concern of fairness to address the issue of flooding across the country as well. I thank the Senator for her interest and willingness to work with me on this issue.

Mr. LIEBERMAN. Mr. President, I rise to say a few words about the fiscal year 2010 appropriations bill for the Department of Homeland Security.

First, let me thank my colleagues who have worked to develop this legislation, especially Senators BYRD and VOINOVICH, the chairman and ranking member, respectively, of the Appropriations subcommittee on Homeland Security. I also thank Senators INOUYE and COCHRAN, the chairman and ranking member of the full Appropriations Committee. Finally, thanks also to Senator MURRAY for her skilled management of the appropriations bill in Senator BYRD's absence.

The bill before us is a fair, carefully balanced, and well-considered spending plan for the Department of Homeland Security. The resources provided in the bill are sufficient to carry out the Department's core missions of protecting the homeland against the threat of terrorism, securing our borders, enforcing our immigration laws, and preparing for and responding to terrorist attacks and natural disasters. While there are many programs and activities at DHS deserving of funding above the level provided in this bill, we are in a time of serious economic challenge, and obviously tough choices had to be and were—made in putting this legislation together.

This bill reflects the priorities of a department that has made great strides in the last 6 years but still faces many hurdles before we can say it has fulfilled the mission Congress laid out for it in 2002. Senator COLLINS and I have worked together since DHS was created—alternating as chairman and ranking member of the primary authorizing committee for the Department—to strengthen the Department's ability to carry out its many national security missions, to strengthen its management, facilitate its integration, and to hold its leadership accountable to an American public that has a right to be safe and secure within the borders of our own nation.

In May, I wrote to Chairman BYRD and Ranking Member VOINOVICH setting forth what I believed to be the most significant appropriations priorities for the Department, and I am grateful that a number of my recommendations have been incorporated into this bill. Let me briefly discuss a few sections of this bill that I believe are particularly important to our homeland security.

First, I am pleased the Appropriations Committee recognized that the Department's management and operations accounts need adequate funding if DHS is to succeed as it must. Secretary Napolitano has emphasized the need to create ''One DHS'' where the Department's many components are working closely together. To accomplish this, the offices for policy, human capital, acquisition, and information technology need additional resources, and all received significant increases in their budgets. The additional investments in acquisition oversight is particularly gratifying, as it will improve the Department's ability to oversee the $12 billion it spends each year on contracts with the private sector to better ensure our tax dollars are not wasted on bloated or ineffective programs.

In previous years, these management and operations accounts have often been used as offsets for amendments. I would urge my colleagues to refrain from offering amendments that would take away funds from management and operations; these funds are critical to the success of the entire Department.

Second, this bill, together with the funding provided in the fiscal year 2009 supplemental, significantly increases resources for combating violence on our southern border and includes the bulk of the $500 million in border security funding Senator COLLINS and I successfully added to the Senate budget resolution in March. The FBI has said that the Mexican drug cartels are the No. 1 organized crime threat in America today, replacing the Mafia, and now DHS will be able to send over 500 additional law enforcement officers to ports of entry. Almost half will help conduct southbound inspections to interdict the illegal flow of cash and guns into Mexico that is fueling the cartel-driven violence.

The funding will also add hundreds of ICE investigators to work on drug, currency, and firearms cases in the border region and will expand the Border Enforcement Security Task Force fusion centers that ICE has established along the southwest border. This funding was badly needed to help Federal, State, and local law enforcement agencies take down these sophisticated and dangerous drug-and-human smuggling networks. The Mexican drug cartels represent a clear and present threat to homeland security, and I remain fully committed to working with the administration to support our Federal law enforcement agencies in this crucial fight.

Third, this bill continues funding for the Homeland Security Grant Programs that our first responders need to prepare for acts of terrorism and natural disasters at the State, local, and tribal levels. Funding for the State Homeland Security Grant Program, which provides basic preparedness funds to all States and is the largest of DHS's grant programs, remains steady from last year at $950 million, including $60 million for grants focused on border security, essentially the full level authorized by Congress in the implementing recommendations of the 9/11 Commission Act of 2007. Funds for Urban Area Security Initiative, UASI, grants, which provide resources to the

Nation's highest risk metropolitan areas, are increased by nearly $50 million over last year.

I am also pleased that funding for SAFER grants , which assist local fire departments with the cost of hiring new firefighters, was doubled to $420 million for fiscal year 2010. In this era of budget constraints, this funding will help ensure that communities are able to continue to staff their local fire houses. The Appropriations Committee has also wisely restored a significant portion of the funding cut from the President's budget for assistance to firefighter grants. These grants fund essential equipment, vehicles and training for firefighters. However, the $380 million for these grants represents a cut of nearly one-third below the fiscal year 2009 appropriation.

Fourth, this bill wisely supports the administration's request for a significant increase in funding for cybersecurity at DHS, which has been identified as one of our top national security priorities. The Department needs resources to protect Federal civilian networks from cyber-related threats and to work with the private sector to protect their networks and infrastructures. The Homeland Security and Governmental Affairs Committee is currently working to develop legislation that strengthens the government's authorities with respect to cybersecurity, so this funding decision is particularly important.

This bill makes other essential homeland security investments in port security, transit security, science and technology, and biosecurity, all of which are critical to the overall security of the Nation.

I am concerned that the bill cuts funding for FEMA's main operating account, making it difficult for FEMA to continue implementing the critical improvements necessary for it to become, nearly 4 years after Hurricane Katrina, the ''new FEMA.''

Also, insufficient funding has been appropriated for the Secret Service to make necessary improvements to its information technology systems, and, in particular, to complete essential work to allow secure communications between the Secret Service's White House detail and its field office.

Despite these particular concerns, however, I believe that overall this is a strong and essential piece of legislation. I thank the leadership and the members of the Appropriations Committee for their work on this bill and strongly urge my colleagues to support its passage.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, this has been a long day, but I appreciate everyone's cooperation. It has taken a long time to get to where we are. We set out this week to accomplish a few things, and with the cooperation of the Members, we have been able to do it. We don't have to vote tomorrow; we don't have to vote over the weekend. Our first vote next week will be at 5:30 p.m. on the nomination of the Census Director, Mr. Groves. That is on cloture with Mr. Groves.

We are coming in at 10 a.m. tomorrow, but there will be no votes. Monday, we will be in at 11 a.m. Senators LEVIN and MCCAIN will begin managing the Defense Authorization bill, and we appreciate being able to start that. There are a lot of very big, important amendments on that bill.

Next week is the only disjointed week of this work period. As I indicated earlier, we will have no votes after 2 p.m. on Tuesday, and Friday has been long announced as a no-vote day, which means the following 3 weeks are going to be very grueling, and everyone should understand that.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, we are now moving to final passage on the Homeland Security Appropriations bill. I thank all our Senators, especially Senator VOINOVICH, for his cooperation. I want to thank all our staff members, and I will submit their names for the RECORD. I thank everyone for helping us move this bill forward.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I would be remiss if I didn't thank, first of all, the chairman of our subcommittee, ROBERT BYRD, for the cooperation he has shown me and his staff. I particularly thank Senator MURRAY. I think this is my first opportunity to do one of these bills on the floor of the Senate, and it has been an interesting experience for me.

I also particularly thank Chuck for his work, and my great staff here, because without them, we wouldn't have been able to get this job done. I thank all of you for your cooperation in making this all happen.

Mrs. MURRAY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

Under the previous order, the substitute amendment, as amended, is agreed to.

The amendment (No. 1373), as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill as amended, pass?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Illinois (Mr. BURRIS), the Senator from West Virginia (Mr. BYRD), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Vermont (Mr. LEAHY), the Senator from Rhode Island (Mr. REED), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Vermont (Mr. LEAHY), the Senator from Rhode Island (Mr. REED), and the Senator from West Virginia (Mr. ROCKEFELLER) would each vote ''aye.''

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BOND), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Florida (Mr. MARTINEZ).

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

The result was announced—yeas 84, nays 6, as follows:

[Rollcall Vote No. 229 Leg.]

YEAS—84

Akaka	Franken	Mikulski
Alexander	Gillibrand	Murkowski
Barrasso	Graham	Murray
Baucus	Grassley	Nelson (NE)
Begich	Gregg	Nelson (FL)
Bennet	Hagan	Pryor
Bennett	Harkin	Reid
Bingaman	Hatch	Risch
Boxer	Hutchison	Roberts
Brown	Inouye	Sanders
Brownback	Isakson	Schumer
Bunning	Johanns	Sessions
Cantwell	Johnson	Shaheen
Cardin	Kaufman	Shelby
Carper	Kerry	Snowe
Casey	Klobuchar	Specter
Chambliss	Kohl	Stabenow
Cochran	Kyl	Tester
Collins	Landrieu	Thune
Conrad	Lautenberg	Udall (CO)
Corker	Levin	Udall (NM)
Cornyn	Lieberman	Vitter
Crapo	Lincoln	Voinovich
Dorgan	Lugar	Warner
Durbin	McCaskill	Webb
Enzi	McConnell	Whitehouse
Feingold	Menendez	Wicker
Feinstein	Merkley	Wyden

NAYS—6

Bayh	Coburn	Ensign
Burr	DeMint	McCain

NOT VOTING—10

Bond	Inhofe	Reed
Burris	Kennedy	Rockefeller
Byrd	Leahy	
Dodd	Martinez	

The bill (H.R. 2892), as amended, was passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

VOTE EXPLANATION

• Mr. REED. Mr. President, I was necessarily absent for tonight's votes on H.R. 2892, the Department of Homeland Security Appropriations Act, as I was attending a wake for a Rhode Island constituent. Had I been present for the vote on final passage, I would have voted in favor of this legislation.•

The PRESIDING OFFICER. Under the previous order, the Senate insists

on its amendment, requests a conference with the House, and the Chair appoints the following conferees.

The Presiding Officer appointed Mr. BYRD, Mr. INOUYE, Mr. LEAHY, Ms. MIKULSKI, Mrs. MURRAY, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. TESTER, Mr. SPECTER, Mr. VOINOVICH, Mr. COCHRAN, Mr. GREGG, Mr. SHELBY, Mr. BROWNBACK, and Ms. MURKOWSKI conferees on the part of the Senate.

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

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mrs. MURRAY. Mr. President, I ask unanimous consent the Senate proceed to morning business.

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

SUDAN ACCOUNTABILITY AND DIVESTMENT ACT

Mr. DODD. Mr. President, just before we left for the Fourth of July work period, U.S. diplomats hosted a forum in Washington to bring together representatives from 33 countries, a host of nongovernmental organizations, and others interested in Sudan. The purpose of the gathering was to reiterate their support for Sudan's 2005 Comprehensive Peace Agreement, CPA, and to develop an effective way forward on Sudan. During the forum, leaders from Sudan's southern region and the Khartoum Government agreed to a joint communiqué highlighting ''the importance of credible, peaceful and transparent nationwide elections'' in 2010 and to holding a referendum on the south's secession in 2011.

While this appears to be a positive step on north-south relations, like many of my colleagues, I remain deeply concerned about the situation in the south and about the policies of Sudanese President Omar Bashir in the Darfur region—policies that have led to the murder of hundreds of thousands of innocent people. So while I appreciate the significance of the communiqué I remain skeptical of the Khartoum Government's commitment to the north-south peace process, and to fair elections, and hope the Obama administration will maintain pressure on the government of President Bashir and hold that government accountable for a change in direction and real results. Following up on this event, I wish to discuss the Sudan Accountability and Divestment Act of 2007 and to update my colleagues on its recent implementation.

In October of 2007, after months of consulting with interested stakeholders, I was joined by Ranking Member SHELBY in introducing a bill that empowered our country's State and local governments to divest from companies with business operations in Sudan. My colleagues, particularly Senators DURBIN and BROWNBACK, and I were very concerned about the ongoing violence in Sudan, especially in the southern and western regions such as Darfur where the Sudanese Government arms the militias which have ravaged communities and killed many innocent people. The international community has condemned President Omar Bashir for his role in authorizing this genocide, and he has been indicted by the International Criminal Court for these crimes. Given the developments in Sudan and a worsening situation there, we thought it was imperative that we help strengthen the growing movement in the United States of those interested in divesting from Sudanese businesses whose presence serves to bolster and support Sudan's Government, enabling its security forces, and those militias responsible to them, to continue to commit these atrocities.

By the time this bill was brought to the floor, 20 U.S. States had initiated some form of divestment from Sudanese firms, and divestment campaigns were underway in many other States. However, a Federal district court in Illinois had held the State's divestment law unconstitutional and permanently enjoined its enforcement. The Sudan Accountability and Divestment Act was written partly in response to these complications and designed to provide States and local governments, as well as businesses and investors, the authority and legal framework to proceed with divestment. The Senate passed the bill by unanimous consent, the House took it up and adopted it several days later, and the President signed it into law on December 31, 2007.

The law was deliberate in targeting four specific economic sectors widely recognized as key sources of revenue for the Sudanese Government: oil, power production, minerals, and military equipment. According to one former Sudanese Finance Minister, 70 percent of the Khartoum Government's share of oil profits was spent on military equipment used to bolster militias like the janjaweed.

According to the Sudan Divestment Task Force, since the enactment of our legislation, five more States have passed divestment laws targeting Sudan, with many State and local retirement funds divesting hundreds of millions of dollars in assets. Four States have prohibited contracting with corporations that provide support to the Sudanese Government, demonstrating broad-based support for the divestment movement.

The law also serves to enable acts of conscience in the private sector, allowing businesses and investors the right to divest from Sudan-related assets without violating their normal fiduciary responsibilities. The number of universities, companies, and investment funds, as well as international and religious organizations, engaged in divestment is growing. For example, shareholders of Vanguard and Fidelity funds and pensioners from TIAA–CREF recently assembled to ask their managers to withdraw investments from Sudan.

Finally, the act requires Federal Government contractors to certify that they are not conducting business operations in Sudan that bolster the Sudanese Government's capabilities. This provision was meant to ensure that U.S. taxpayers' money is not aiding, even indirectly, a regime that systematically murders its own population. Even so, some critics have suggested that the law's implementation at the Federal level has come up short, particularly regarding limits on U.S. Government procurement. It is critical that the U.S. Government enforces a fair and appropriate certification process on companies that are conducting certain business sanctionable under the act. Additionally, updated information must be maintained by relevant contracting agencies. Such a process requires a concerted, interagency effort, not an ad hoc approach. Some work remains to be done to coordinate such a policy. I have been in contact with various Federal agencies to address these concerns and will continue to work with them to get this right.

Meanwhile, various nonprofit organizations such as the U.S.-based Genocide Intervention Network and its newly initiated Conflict Risk Network are providing innovative solutions to investors who feel motivated to divest out of moral and prudential obligations. Thanks to such efforts, investors can make well-informed assessments of Sudan's conflict zones and understand the political and reputational risks associated with investments in Sudan. Moreover, States and local governments now have more credible information on which to base their divestment decisions. Save Darfur, another nonprofit organization, continues to educate millions of people around the world about the ongoing atrocities in Sudan and provides activists with effective tools and resources. Others are following suit.

In the end, these efforts are being made to maintain pressure on the Sudanese Government and to effect positive change there. But much work remains to be done. Actions, not words, must be the true test of progress there.

As State and local governments, businesses, and private investors continue to press the government in Khartoum through their divestment efforts, they should be applauded. But we must maintain the pressure and closely monitor the situation. And the Obama administration must stay actively and assertively involved. The President understands this, and I am pleased that he has appointed a new special envoy to Sudan, retired general Jonathan Scott Gration, to coordinate U.S. policy on Sudan. I look forward to working with him on these important issues. I hope that the many ways the international community is seeking to

press the Sudanese Government for real change, and the many ways our government is joining that effort—including by tough and thoroughgoing implementation of the Sudan Accountability and Divestment Act—will begin to bring critical change to this troubled region and to its suffering people.

HONORING OUR ARMED FORCES

SENIOR CHIEF PETTY OFFICER DANIEL HEALY

Mr. GREGG. Mr. President, it is my honor to rise today in special tribute to SCPO Daniel Healy of Exeter, NH. I am proud to recognize the dedication ceremony of the ''SCPO Daniel Healy USN SEAL'' Memorial Monument and Bridge in honor of his courageous service to the United States of America.

On June 28, 2005, Daniel lost his life when his helicopter was shot down during a rescue mission to save the lives of fellow soldiers in Kunar Province, Afghanistan. For his fearlessness under fire, Senior Chief Petty Officer Healy was posthumously awarded the Bronze Star with Combat ''V'' for Valor, the Purple Heart, and the Afghanistan Campaign Medal. In recognition of outstanding performance throughout his military career, Daniel was awarded the Navy and Marine Corps Achievement Medal, the Joint Meritorious Unit Award, the Meritorious Unit Commendation, the National Defense Service Medal, and the Good Conduct Medal.

On Sunday, July 19, 2009, the town of Exeter, NH, will honor Daniel by renaming the Guinea Road Bridge and Exeter Town Pool, in remembrance of his life and service. Although we can never truly do enough to honor his sacrifice, this bridge and monument will stand as a lasting testament to a dedicated individual that selflessly paid the ultimate sacrifice in support of his brothers in arms.

This dedication speaks volumes about Daniel's character. At a time when we have two wars ongoing, it is an extraordinary reminder of the kind of person who serves this country and commits him or herself to the protection of others, even until death. I am sure that Daniel would be the first to say that although this bridge and pool will bear his name, the honor truly belongs to everyone who proudly wears the uniform of our great Nation.

Daniel's kind and determined attitude will always be remembered by those who knew him and it is with the utmost respect that we remember his life with this entry into the official CONGRESSIONAL RECORD. On behalf of my wife Kathy, and myself, I want to express our deep gratitude and respect for a father, husband, son, brother, and true American hero. With this, I ask my colleagues to join me in thanking Daniel's family for his service to the Nation and his devotion to our freedom.

INDIA AND HONDURAS

Mr. CORNYN. Mr. President, today I would like to address America's policies toward two nations. Each of these nations has strong democratic institutions. Each of these nations is a key trading partner of the United States. And each of these nations offers even more potential for cooperation in the future—if the administration makes the right choices going forward. These two nations are India and Honduras.

First, I would like to discuss America's relationship with India. India is the world's largest democracy—and one of the world's largest and most dynamic economies. During this decade, India and the United States have cooperated more closely than ever before. America is now India's largest trading and investment partner. Last year Congress authorized a new era in civil nuclear cooperation between our two countries—which I was proud to support. India has joined the United States and many nations in supporting the people of Afghanistan. India has committed more than $1.2 billion to reconstruction efforts there. Our nations work closely together to fight terrorists—especially since the devastating attacks in Mumbai last year. And since 2004, India and the United States have built a strategic partnership—based on our common values—and committed to expanding opportunities in education, energy, and beyond.

As cochairman of the Senate's India Caucus, I strongly support closer ties with our strategic partner in South Asia. Yesterday, several of my colleagues and I had breakfast with Secretary Clinton at the State Department. I am pleased that she sees India as a top priority for our Nation's diplomatic engagement. I appreciate her determination to strengthen our strategic partnership with India in security, trade, and many other issues. I wished her well in her visit to India in the coming weeks.

I also took the opportunity to bend the Secretary's ear on the subject of Honduras. Honduras and the United States have been good friends and neighbors for many years. We are trade partners through the Central American Free Trade Agreement. Our two peoples cherish our independence and liberty—and have helped others claim their freedom. Honduras joined the United States as one of the first contributors to Operation Iraqi Freedom. Most of all, the people of Honduras and the United States respect the democratic institutions we have built—and we honor the rule of law.

Honoring the rule of law means that no one is above the law—including the President. In Honduras, the President is limited to a single term in office. Their Constitution—like the U.S. Constitution—places strict limits on the executive power. These limits are important to the Honduran people because of the history of authoritarian rule in their country—including periods of military dictatorship.

Unfortunately, President Zelaya was not happy with the limits to his power—so he tried to get the Constitution changed. First he tried to do so legally. Then he tried to do so illegally. Eventually he tried to order the military to help him get his way. In short, President Zelaya saw himself as the Honduran Hugo Chavez. And he has relied on Chavez's political and material support—including Venezuelan-owned media—in his quest for more power.

President Zelaya's attempts to subvert the Constitution became too much for the people of Honduras. It was too much for their supreme court, for their Congress, and for their military—all of whom agreed that President Zelaya had acted way beyond the powers of his office. So the other branches of government acted and removed Mel Zelaya from office on June 28.

I met with representatives of the Honduran people yesterday. They included two former Presidents of Honduras, several Honduran Congressmen, and two leaders who helped draft their Constitution in 1982. They all agreed that the legislative and judicial branches of government acted properly. They acted justly. They acted constitutionally. I believe the United States should stand with the Honduran people and with the Constitution they wrote.

Unfortunately, the Obama administration has loudly taken the wrong view on Honduras. From day one, the White House and the State Department have issued strong statements in defense of Mel Zelaya and offered no support to all the other constitutional officers in Honduras.

Just this week in Moscow, President Obama again called for the return of Mel Zelaya to power—just as Hugo Chavez, Raul Castro, and Daniel Ortega are doing.

The United States should not be standing with the dictators and demagogues of our region—we should be standing with the people of Honduras and all who wish to live in freedom and under the rule of law.

So I told Secretary Clinton yesterday that she should rethink the administration's approach to Honduras. I said I shared her hope that mediation by President Arias of Costa Rica would be successful. Yet I also made clear that America's priority should be to nurture freedom and support the rule of law and not excuse or enable the ambitions of tyrants.

25TH ANNIVERSARY OF MINOR LEAGUE BASEBALL IN VERMONT

Mr. SANDERS. Mr. President, I rise today to commemorate the 25th anniversary of the return of professional baseball to Burlington, VT.

I recall that moment 25 years ago with great clarity, as it occurred when I was mayor of the city of Burlington. After a series of lengthy, but eventually productive, negotiations with the Eastern League and the owner of one of its teams, my administration with the

help of some local and very dedicated baseball buffs—was successful in bringing the Vermont Reds to Burlington. This AA-league team thrilled baseball fans—young and old, who watched them play at Centennial Field, which boasts a grandstand that is the oldest complete grandstand structure in use in Minor League Baseball. We watched Barry Larkin, Jeff Montgomery, Rob Dibble, Chris Sabo, Paul O'Neill and Norm Charlton play for the Vermont Reds. These fine athletes later went on to become the core of the 1990 World Champion Cincinnati Reds. Larkin won the National League MVP Award in 1995 and O'Neill won four more World Series rings with the New York Yankees. The Reds eventually left, to be replaced by the Vermont Mariners, and Vermont spectators had the thrill of watching certain Hall-of-Famer Ken Griffey Jr. speed around the bases as he played for our new team.

When the Mariners left, the Single-A Expos took their place; when Montreal's franchise moved to Washington, the Expos became a Washington Nationals farm team and were renamed the Vermont Lake Monsters. Today, the Lake Monsters fill the stands during the summer months, as baseball fans come to watch America's pastime in picturesque surroundings.

It is worth celebrating this quarter-century of baseball in Burlington, as Centennial Field has been called home by some outstanding players and amazing Minor League teams. Apart from those I have already mentioned—many of our players continued their careers in the Big Show. The scenic setting, the welcoming stands, the fan-based promotions, and of course the thrill of professional baseball all combine to make this a great family-friendly arena. Throughout the years, more than 2 million fans have enjoyed rooting for the home team.

As mayor of Burlington, my work was centered on building civic life and creating a vital community. Baseball proved to be an excellent catalyst for bringing people together and helping to foster a greater sense of community. Perhaps Minor League Baseball would be taken for granted in a big State or a big city, but in Burlington, VT, it is cherished by many. It is a source of pride to me that, working with a citizens committee led by local businessmen, I was able to bring Minor League Baseball to Vermont and that it has continued to thrive in the quarter of a century since.

As we look for a new dawn in this time of economic difficulty, the past 25 years of professional baseball in Burlington are a shining example of how important community-based activities are, and how much they can enrich a city and a State.

ADDITIONAL STATEMENTS

125TH ANNIVERSARY OF WHITE, SOUTH DAKOTA

• Mr. JOHNSON. Mr. President, today I wish to recognize the community of White, SD, on reaching the 125th anniversary of its founding.

White was founded in 1884 as a railroad town and named after the original owner of the townsite, W. H. White. The community has a strong, patriotic history, beginning with many original settlers who had served in the Civil War. During World War I, a Red Cross chapter was formed, and children sold Liberty Bonds. World War II saw scrap drives in the town to collect any useful materials for the war effort.

The White Area Historical Society, founded in 1983, owns the Afton Township No. 15 Schoolhouse, a log cabin from Oak Lake Township now on the museum site, and the museum itself, which is the former Methodist Church. It carries on the colorful stories of White for the future generations to reflect on their heritage and strong history.

The citizens of White will be celebrating the town's anniversary during the annual White Pioneer Days with a parade, chili cookoff, arm-wrestling tournament, and entertainment for all ages. I am proud to join with the community members of White in celebrating the last 125 years and look forward to a promising future. •

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, 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 1:48 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1275. An act to direct the exchange of certain land in Grand, San Juan, and Uintah Counties, Utah, and for other purposes.

H.R. 1945. An act to require the Secretary of the Interior to conduct a study on the feasibility and suitability of constructing a storage reservoir, outlet works, and a delivery system for the Tule River Indian Tribe of the Tule River Reservation in the State of California to provide a water supply for domestic, municipal, industrial, and agricultural purposes, and for other purposes.

H.R. 2965. An act to amend the Small Business Act with respect to the Small Business Innovation Research Program and the Small Business Technology Transfer Program, 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. 142. Concurrent resolution supporting National Men's Health Week.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1275. An act to direct the exchange of certain land in Grand, San Juan, and Uintah Counties, Utah, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1945. An act to require the Secretary of the Interior to conduct a study on the feasibility and suitability of constructing a storage reservoir, outlet works, and a delivery system for the Tule River Indian Tribe of the Tule River Reservation in the State of California to provide a water supply for domestic, municipal, industrial, and agricultural purposes, and for other purposes; to the Committee on Energy and Natural Resources.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 142. Concurrent resolution supporting National Men's Health Week; to the Committee on Health, Education, Labor, and Pensions.

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–2282. A communication from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; Limitation on Procurements on Behalf of Department of Defense (DFARS Case 2008–D005)'' (RIN0750–AG24) received in the Office of the President of the Senate on July 8, 2009; to the Committee on Armed Services.

EC–2283. A communication from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; Lead System Integrators (DFARS Case 2006–D051)'' (RIN0750–AF80) received in the Office of the President of the Senate on July 8, 2009; to the Committee on Armed Services.

EC–2284. A communication from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement; Acquisition of Commercial Items (DFARS Case 2008–D011)'' (RIN0750–AG23) received in the Office of the President of the Senate on July 8, 2009; to the Committee on Armed Services.

EC–2285. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a Selected Acquisition Report relative to the Average Procurement Unit

Cost for the H–1 Upgrades Program; to the Committee on Armed Services.

EC–2286. A communication from the Federal Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Post 9/11 GI Bill'' (RIN0790–AI43) received in the Office of the President of the Senate on July 8, 2009; to the Committee on Armed Services.

EC–2287. A communication from the Assistant Secretary of Defense (Reserve Affairs), transmitting, pursuant to law, the Annual Report on the National Guard ChalleNGe Program for Fiscal Year 2008; to the Committee on Armed Services.

EC–2288. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Vice Admiral Nancy E. Brown, United States Navy, and her advancement to the grade of Vice Admiral on the retired list; to the Committee on Armed Services.

EC–2289. A communication from the Acting Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Authorization Validated End-User: List of Approved End-Users and Respective Eligible Items for India'' (RIN0694–AE65) received in the Office of the President of the Senate on July 8, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–2290. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' ((44 CFR Part 67)(Docket No. FEMA–2008–0020)) received in the Office of the President of the Senate on July 8, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–2291. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility'' ((44 CFR Part 64) (Docket No. FEMA–2008–0020)) received in the Office of the President of the Senate on July 8, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–2292. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations'' ((74 FR 28627) (Docket No. FEMA–2008–0020)) received in the Office of the President of the Senate on July 8, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–2293. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' ((44 CFR Part 67) (Docket No. FEMA–2008–0020)) received in the Office of the President of the Senate on July 8, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–2294. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Annual Medicaid Integrity Program Report for Fiscal Year 2008; to the Committee on Finance.

EC–2295. A communication from the Chief Human Capital Officer, Corporation for National and Community Service, transmitting, pursuant to law the report of a vacancy in the position of Inspector General of the Corporation for National and Community Service and designation of an acting officer for the position; to the Committee on Health, Education, Labor, and Pensions.

EC–2296. A communication from the Acting Director, Legislative and Regulatory Department, Pension Benefit Guarantee Program, transmitting, pursuant to law, the report of a rule entitled ''Allocation of Assets in Single-Employer Plans; Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' (29 CFR Parts 4022 and 4044) received in the Office of the President of the Senate on July 8, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC–2297. A communication from the Director of Legal Affairs and Policy, Office of the Federal Register, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled ''Availability and Official Status of the Compilation of Presidential Documents'' (A.G. Order No. 3036–2009) received in the Office of the President of the Senate on July 8, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–2298. A communication from the Acting Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Prevailing Rate Systems; Abolishment of Santa Clara, California, as a Nonappropriated Fund Federal Wage System Wage Area'' (RIN3206–AL74) received in the Office of the President of the Senate on July 8, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–2299. A communication from the Director, National Legislative Commission, The American Legion, transmitting, pursuant to law, a report relative to the financial condition of The American Legion as of December 31, 2008; to the Committee on the Judiciary.

EC–2300. A communication from the Director of Regulation Policy and Management, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Foreign Medical Program of the Department of Veterans Affairs—Hospital Care and Medical Services in Foreign Countries'' (RIN2900–AN07) received in the Office of the President of the Senate on July 8, 2009; to the Committee on Veterans' Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–53. A joint resolution adopted by the General Assembly of the State of Tennessee urging Congress to extend the deadlines for all phases of the States' implementation of the REAL ID Act for at least an additional 2 years, or preferably, repeal the REAL ID Act of 2005 in its entirety; to the Committee on the Judiciary.

HOUSE JOINT RESOLUTION NO. 285

Whereas, the federal REAL ID Act of 2005, Public Law 109–12, creates a national identification card by mandating federal standards for state driver's licenses and identification cards and requires states to share their motor vehicle databases; and

Whereas, the REAL ID Act mandates the documents that states must require to issue driver's licenses and requires states to place uniform information on every driver's license in a standard, machine-readable format; and

Whereas, the REAL ID Act requires the creation of a massive public sector database containing information on every American that is accessible to all motor vehicle employees and law enforcement officers nationwide and that can be used to gather and manage information on citizens; and

Whereas, in addition to being terrible public policy, the REAL ID Act places a costly, unfunded mandate on states, with initial estimates for Tennessee of more than one hundred million dollars, plus the additional burden of millions of taxpayers dollars in ongoing annual expenses, and a national estimate of more than eleven billion dollars over the five years following its implementation; and

Whereas, in these dire economic times, the massive costs that will be incurred by Tennessee, and other states, in implementing the REAL ID Act are especially onerous; and

Whereas, by December 1, 2014, Americans who are fifty (50) years of age and younger will be required to present REAL ID-compliant identification to board commercial aircraft and to access certain federal facilities; by December 1, 2017, all state-issued driver's licenses and identification cards must be REAL ID-compliant; and

Whereas, the deadline for the initial implementation of the REAL ID Act has already been extended for all fifty (50) states from May 11, 2008 until December 31, 2009: Now, therefore, be it

Resolved by the House of Representatives of the One Hundred Sixth General Assembly of the State of Tennessee, the Senate Concurring, That in light of the recessionary nature of our economy at this time and the many budgetary hardships being faced by state governments, this General Assembly hereby memorializes the United States Congress to extend the deadlines for all phases of the states' implementation of the REAL ID Act for at least an additional two (2) years, or preferably, repeal the REAL ID Act of 2005 in its entirety. Be it further

Resolved, That we strongly urge and encourage each member of Tennessee's delegation to the U.S. Congress to exert the full measure of his or her influence to accomplish the actions delineated in the first resolving clause. Be it further

Resolved, That an enrolled copy of this resolution be transmitted to the Speaker and the Clerk of the United States House of Representatives, the President and the Secretary of the United States Senate, and each member of Tennessee's Congressional delegation.

POM–54. A resolution adopted by the Senate of the State of Louisiana urging Congress to take actions as are necessary to create a national catastrophe fund; to the Committee on Homeland Security and Governmental Affairs.

SENATE RESOLUTION NO. 86

Whereas, the hurricane seasons of 2004, 2005, and 2008 were startling reminders of both the human and economic devastation that hurricanes, flooding, and other natural disasters can cause; and

Whereas, creation of a federal catastrophe fund is a comprehensive, integrated approach to help better prepare and protect the nation from natural catastrophes, such as hurricanes, tornadoes, wildfires, snowstorms, and earthquakes; and

Whereas, the current system of responses to catastrophes leaves many people and businesses at risk of being unable to replace what they lost, wastes tax dollars, increases insurance premiums, and leads to shortages of insurance needed to sustain our economy; and

Whereas, creation of a federal catastrophe fund would help stabilize insurance markets following a catastrophe and help stabilize insurance costs for consumers while making it possible for private insurance to be written in catastrophe-prone areas; and

Whereas, a portion of the premium collected by insurance companies could be deposited into such a fund which could be administered by the United States Treasury and grow tax free; and

Whereas, a portion of the interest earnings of the fund could be dedicated to emergency responder efforts and public education and mitigation programs; and

Whereas, the federal catastrophe fund would operate as a ''backstop'' and could only be accessed when private insurers and state catastrophe funds have paid losses in excess of a defined threshold; and

Whereas, utilizing the capacity of the federal government would help smooth fluctuations which consumers currently experience in insurance prices and availability because of exposure to large catastrophic losses and would provide better protection at a lower price; and

Whereas, when there is a gap between the insurance protection consumers buy and the damage caused by a catastrophe, taxpayers across the country pay much of the difference, as congressional appropriations of billions for the after-the-fact disaster relief in the aftermath of Hurricane Katrina demonstrated; and

Whereas, on November 8, 2007, the United States House of Representatives passed the Homeowners' Defense Act of 2007 (H.R. 3355) that would help ensure that individuals and communities destroyed by natural catastrophes have the resources necessary to repair, rebuild, and recover in the aftermath of massive hurricanes, earthquakes, or other natural events; and

Whereas, the Homeowners' Defense Act of 2007 was sponsored by Florida Representatives Ron Klein, Tim Mahoney, and Ginny Brown-Waite and nearly four dozen cosponsors from around the country including then Congressman Bobby Jindal, now governor of the state of Louisiana; and

Whereas, President Barack Obama and members of both political parties have expressed support for a national catastrophe fund. Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to take actions as are necessary to create a national catastrophe fund. Be it further

Resolved That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM–55. A resolution adopted by the Senate of the State of Louisiana urging Congress to address the issue of global climate change through the adoption of a fair and effective approach that safeguards American jobs, ensures affordable energy for citizens, and maintains America's global competitiveness; to the Committee on Environment and Public Works.

Whereas, there is some scientific belief that greenhouse gases could impact the atmosphere; and

Whereas, the greenhouse gas emissions of developing countries are rising more rapidly than the emissions of the United States and have surpassed the greenhouse gas emissions of the United States and other developed countries; and

Whereas, the state of Louisiana accounts for only 0.48 percent of total global greenhouse gas emissions; and

Whereas, any system to regulate greenhouse gas emissions must not eliminate American jobs or diminish the ability of American industry to compete in the global marketplace; and

Whereas, any system to regulate greenhouse gas emissions must not add to the already high costs of power and gasoline; and

Whereas, any system to regulate greenhouse gas emissions must reward, and not punish, early adopters of energy efficient technologies and practice; and

Whereas, any system to regulate greenhouse gas emissions must adopt an international component to prevent ''emissions leakage'' and ensure that emissions do not simply migrate to another nation; and

Whereas, the only manner to quantify these emissions is through a domestic and international greenhouse gas emissions registry that is uniform, transparent, and verifiable; and

Whereas, any system to regulate greenhouse gases must ensure that the adopted regime does not result in the off-shoring of international trade sensitive industries; and

Whereas, the state of Louisiana has lost over thirty thousand one hundred manufacturing jobs since 1998, which is a sixteen percent decrease; and

Whereas, any system to regulate greenhouse gas emissions must ensure the availability of sufficient and affordable energy, including clean energy, before restricting emissions in a manner that could reduce the volume of energy available to consumers; and

Whereas, any system to regulate greenhouse gas emissions must provide credits or allowances to support operations, such as recycling and other practices, that reduce greenhouse gas emissions; and

Whereas, any action taken by Congress should be structured to:

(1) Promote American jobs;

(2) Save American citizens and industry from higher energy prices;

(3) Reward early adopters of efficient practices and technologies;

(4) Prevent ''emissions leakage''; and

(5) Champion the global competitiveness of American industry. Therefore, be it

Resolved That the Senate of the Legislature of Louisiana memorializes the Congress of the United States to address the issue of global climate change through the adoption of a fair and effective approach that safeguards American jobs, ensures affordable energy for citizens, and maintains America's global competitiveness. Be it further

Resolved That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States

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POM–56. A concurrent resolution adopted by the Senate of the State of Louisiana urging Congress to enact legislation to prohibit fetal torture and dismemberment; to the Committee on the Judiciary.

SENATE CONCURRENT RESOLUTION NO. 101

Whereas, the United States has ratified the United Nations Convention Against Torture, and Other Cruel, Inhuman, or Degrading Treatment or Punishment which recognizes that equal and inalienable rights are afforded to all members of the human family, and are derived from the inherent dignity of the human person; and

Whereas, the United Nations Convention Against Torture, and Other Cruel, Inhuman, or Degrading Treatment or Punishment defines torture as any act causing severe pain or suffering, whether physical or mental; and

Whereas, Article 5 of the Universal Declaration of Human Rights and Article 7 of the International Covenant on Civil and Political Rights, provide that no one may be subjected to torture or to cruel, inhuman or degrading treatment or punishment; and

Whereas, the Declaration of Independence of the United States of America affirms, ''We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.—That to secure these rights, Governments are instituted among Men, deriving their just power from the consent of the governed . . . ''; and

Whereas, Amendment No. 5 to the Constitution of the United States provides that no person shall be '' . . . deprived of life, liberty, or property, without due process of law . . . ''; and

Whereas, Amendment No. 8 of the federal constitution prohibits the infliction of '' . . . cruel and unusual punishments . . . ''; and

Whereas, President Obama has issued executive orders to close secret prisons operated by the Central Intelligence Agency and shut down the Guantanamo Bay detention camp, and he has declared that the United States will not use torture in pursuit of intelligence, announcing, ''We must leave these methods where they belong—in the past. They are not who we are. They are not America.''; and

Whereas, in President Barack Obama's speech on detainee policy and national security at the National Archives Museum, he stated, ''I can stand here today, as President of the United States, and say without exception or equivocation that we do not torture. . . . And if we cannot stand for those core values, then we are not keeping faith with the documents that are enshrined in this hall''; and

Whereas, President Obama has acknowledged that in our world ''the strong too often dominate the weak'' and ''find all manner of justification'' for injustice and he has talked about health policies grounded ''not only in sound science'' but in ''clear ethics'' as well; and

Whereas, the Partial Birth Abortion Act of 2003 does not outlaw the fetal dismemberment procedure to terminate a pregnancy, which causes similar pain and suffering to the fetus, allowing for torture and dismemberment; and

Whereas, at least by twenty weeks after fertilization, an unborn child has the physical structures necessary to experience pain; and

Whereas, there is substantial evidence that by twenty weeks after fertilization, unborn children draw away from certain stimuli in a manner which in an infant or an adult would be interpreted as a response to pain; and

Whereas, expert testimony confirms that by twenty weeks after fertilization an unborn child may experience substantial pain even if the woman herself has received local analgesic or general anesthesia; and

Whereas, anesthesia is routinely administered to unborn children who have developed twenty weeks or more after fertilization who undergo prenatal surgery; and

Whereas, there is substantial evidence that the method to terminate pregnancy most commonly used twenty weeks or more after fertilization cause substantial pain to an unborn child, whether by dismemberment, poisoning, penetrating or crushing the skull, or other methods including, but are not limited to, the dilation and evacuation (D and E) method which is commonly performed in the second trimester of pregnancy, in which the unborn child's body parts are grasped with a long-toothed clamp, the fetal body parts are then torn from the body and pulled out of the vaginal canal, the remaining body parts are grasped and pulled out until only the head remains, and the head is then grasped and crushed in order to remove it from the vaginal canal; and

Whereas, partial-birth abortion is a termination of pregnancy in which the practitioner delivers an unborn child's body until only the head remains inside the womb, punctures the back of the child's skull with a sharp instrument, and sucks the child's brains out before completing the delivery of

the dead infant, and as further defined in federal law; and

Whereas, there is a valid federal government interest in preventing or reducing the infliction of pain on sentient creatures with examples being laws governing the use of laboratory animals and requiring pain-free methods of slaughtering livestock; and

Whereas, there is a valid federal government interest in preventing harm to developing human life at all stages and examples of this include regulations protecting fetal human subjects from risks of ''harm or discomfort'' in federally funded biomedical research. Therefore, be it

Resolved, That the Legislature of Louisiana memorializes a the Congress of the United States to enact legislation to prohibit fetal torture and dismemberment. Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM–57. A concurrent resolution adopted by the Senate of the State of Louisiana urging Congress to enact legislation and appropriate monies in order to provide additional homeland security funding for state maritime enforcement agencies; to the Committee on Commerce, Science, and Transportation.

SENATE CONCURRENT RESOLUTION NO. 82

Whereas, before, during and after the events of September 11, 2001, state maritime enforcement agencies have assisted the United States Coast Guard in its maritime and port homeland security mission; and

Whereas, some of the state maritime enforcement agencies have entered into enforcement agreements with the United States Coast Guard to support the security of our nation's ports and waterways; and

Whereas, these enforcement agreements strengthen the close interagency and working relationships between the state maritime enforcement agencies and the United States Coast Guard, and take a major step forward in the creation of a seamless national maritime security blanket; and

Whereas, the supportive role that state maritime enforcement agencies have performed and continue to perform with the United States Coast Guard and other federal agencies is currently funded solely by state monies; and

Whereas, federal legislation and appropriation that provides additional homeland security funding for state maritime enforcement agencies should allow such monies to be used to pay for personnel overtime, use of existing equipment, maintenance and replacement of equipment, fuel, and training; and

Whereas, by adding to the current state-directed homeland security program funding and allowing the United States Coast Guard to administer a partnership program with state maritime enforcement agencies, such additional homeland security funding will help mitigate funding and security gas in national maritime security; and

Whereas, despite the lack of financial support from the federal government, state maritime enforcement agencies are tasked with assignments outside of their core missions in order to ensure the safety and security of the United States of America. Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States to enact legislation and appropriate monies in order to provide additional homeland security funding for state maritime enforcement agencies. Be it further

Resolved, That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives, to each member of the Louisiana delegation to the United States Congress, to the secretary of the United States Department of Homeland Security, to the commandant of the United States Coast Guard, to the secretary of the Louisiana Department of Wildlife and Fisheries, to Louisiana's state boating law administrator, and to the president of the National Association of State Boating Law Administrators.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Committee on Appropriations:

Special Report entitled ''Further Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution, Fiscal Year 2010'' (Rept. No. 111–42).

By Mr. DURBIN, from the Committee on Appropriations, without amendment:

S. 1432. An original bill making appropriations for financial services and general government for the fiscal year ending September 30, 2010, and for other purposes (Rept. No. 111–43).

By Mr. LEAHY, from the Committee on Appropriations, without amendment:

S. 1434. An original bill making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2010, and for other purposes (Rept. No. 111–44).

By Mr. DORGAN, from the Committee on Appropriations, without amendment:

S. 1436. An original bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes (Rept. No. 111—45).

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. VITTER:

S. 1419. A bill to ensure efficiency and fairness in the awarding of Federal contracts in connection with natural disaster reconstruction efforts; to the Committee on Homeland Security and Governmental Affairs.

By Mr. VITTER:

S. 1420. A bill to provide for full and open competition for Federal contracts related to natural disaster reconstruction efforts; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LEVIN (for himself, Mr. VOINOVICH, Mr. SCHUMER, Mr. FEINGOLD, Mrs. GILLIBRAND, Mr. DURBIN, and Ms. STABENOW):

S. 1421. A bill to amend section 42 of title 18, United States Code, to prohibit the importation and shipment of certain species of carp; to the Committee on Environment and Public Works.

By Mrs. MURRAY (for herself, Mr. WEBB, Mr. DODD, Ms. MURKOWSKI, Ms. COLLINS, and Mr. BOND):

S. 1422. A bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER (for herself and Mr. BEGICH):

S. 1423. A bill to amend title XIX of the Social Security Act to require coverage under the Medicaid Program for freestanding birth center services; to the Committee on Finance.

By Mrs. BOXER (for herself, Ms. STABENOW, and Mr. LEVIN):

S. 1424. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide for grants to increase the number of law enforcement officers on the streets by 5 to 10 percent in areas with high incidences of violent crime; to the Committee on the Judiciary.

By Mr. DURBIN (for himself, Mrs. HUTCHISON, Ms. COLLINS, Ms. LANDRIEU, Mrs. SHAHEEN, Mr. SANDERS, Mr. CASEY, Mr. WHITEHOUSE, Mr. JOHNSON, and Mrs. GILLIBRAND):

S. 1425. A bill to increase the United States financial and programmatic contributions to promote economic opportunities for women in developing countries; to the Committee on Foreign Relations.

By Mr. WYDEN:

S. 1426. A bill to amend title 10, United States Code, to provide for the retention on active duty after demobilization of members of the reserve components of the Armed Forces following extended deployments in contingency operations or homeland defense mission, and for other purposes; to the Committee on Armed Services.

By Mr. WYDEN (for himself and Mr. JOHANNS):

S. 1427. A bill to amend title 38, United States Code, to establish a Hospital Quality Report Card Initiative to report on health care quality in Department of Veterans Affairs Medical Centers, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WHITEHOUSE (for himself, Mr. CARDIN, Mrs. FEINSTEIN, and Mr. FEINGOLD):

S. 1428. A bill to amend the Toxic Substances Control Act to phase out the use of mercury in the manufacture of chlorine and caustic soda, and for other purposes; to the Committee on Environment and Public Works.

By Mr. WYDEN:

S. 1429. A bill to establish a commission on veterans and members of the Armed Forces with post traumatic stress disorder, traumatic brain injury, or other mental health disorders, to enhance the capacity of mental health care providers to assist such veterans and members, to ensure such veterans are not discriminated against, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. MURKOWSKI:

S. 1430. A bill to amend the Elementary and Secondary Education Act of 1965 regarding highly qualified teachers, growth models, adequate yearly progress, Native American language programs, and parental involvement, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. NELSON of Florida:

S. 1431. A bill to amend the Help America Vote Act of 2002 to require a voter-verified permanent paper ballot under title III of such Act, and for other purposes; to the Committee on Rules and Administration.

By Mr. DURBIN:

S. 1432. An original bill making appropriations for financial services and general government for the fiscal year ending September 30, 2010, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. NELSON of Florida (for himself and Mr. LEVIN):

S. 1433. A bill to provide for interregional primary elections and caucuses for the selection of delegates to political party Presidential nominating conventions; to the Committee on Rules and Administration.

By Mr. LEAHY:

S. 1434. An original bill making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2010, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. BROWNBACK (for himself, Ms. LANDRIEU, Mr. BUNNING, Mr. BURR, Mr. CHAMBLISS, Mr. COBURN, Mr. CORKER, Mr. CORNYN, Mr. ENSIGN, Mr. GRAHAM, Mr. INHOFE, Mr. JOHANNS, Mr. KYL, Mr. MARTINEZ, Mr. MCCAIN, Mr. RISCH, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WICKER, and Mr. DEMINT):

S. 1435. A bill to amend title 18, United States Code, to prohibit human-animal hybrids; to the Committee on the Judiciary.

By Mr. DORGAN:

S. 1436. An original bill making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. HATCH:

S. 1437. A bill to clarify the definition of switchblade knives; to the Committee on Commerce, Science, and Transportation.

ADDITIONAL COSPONSORS

S. 144

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. LIEBERMAN) 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. 254

At the request of Mrs. LINCOLN, the names of the Senator from Wyoming (Mr. BARRASSO) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 254, a bill to amend title XVIII of the Social Security Act to provide for the coverage of home infusion therapy under the Medicare Program.

S. 259

At the request of Mr. BOND, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 259, a bill to establish a grant program to provide vision care to children, and for other purposes.

S. 373

At the request of Mr. NELSON of Florida, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 373, a bill to amend title 18, United States Code, to include constrictor snakes of the species Python genera as an injurious animal.

S. 455

At the request of Mr. ROBERTS, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 455, a bill to require the Secretary of the Treasury to mint coins in recognition of 5 United States Army Five-Star Generals, George Marshall, Douglas MacArthur, Dwight Eisenhower, Henry ''Hap'' Arnold, and Omar Bradley, alumni of the United States Army Command and General Staff College, Fort Leavenworth, Kansas, to coincide with the celebration of the 132nd Anniversary of the founding of the United States Army Command and General Staff College.

S. 461

At the request of Mrs. LINCOLN, the name of the Senator from Pennsylvania (Mr. CASEY) 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. 547

At the request of Mr. BINGAMAN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 547, a bill to amend title XIX of the Social Security Act to reduce the costs of prescription drugs for enrollees of Medicaid managed care organizations by extending the discounts offered under fee-for-service Medicaid to such organizations.

S. 559

At the request of Mr. WYDEN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 559, a bill to provide benefits under the Post-Deployment/Mobilization Respite Absence program for certain periods before the implementation of the program.

S. 604

At the request of Mr. SANDERS, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from North Carolina (Mr. BURR) 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. 752

At the request of Mr. DURBIN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 752, a bill to reform the financing of Senate elections, and for other purposes.

S. 775

At the request of Mr. VOINOVICH, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from West Virginia (Mr. BYRD) were added as cosponsors 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. 799

At the request of Mr. DURBIN, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 799, a bill to designate as wilderness certain Federal portions of the red rock canyons of the Colorado Plateau and the Great Basin Deserts in the State of Utah for the benefit of present and future generations of people in the United States.

S. 833

At the request of Mr. SCHUMER, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 833, a bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV.

S. 846

At the request of Mr. DURBIN, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 846, a bill to award a congressional gold medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 941

At the request of Mr. CRAPO, the name of the Senator from Montana (Mr. TESTER) 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 names of the Senator from Illinois (Mr. BURRIS) and the Senator from Delaware (Mr. KAUFMAN) were added as cosponsors 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. 1065

At the request of Mr. BROWNBACK, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1065, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1106

At the request of Mrs. LINCOLN, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1106, a bill to amend title 10, United States Code, to require the provision of medical and dental readiness services to certain members of the Selected Reserve and Individual Ready Reserve based on medical need, and for other purposes.

S. 1144

At the request of Mr. JOHNSON, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1144, a bill to improve transit services, including in rural States.

S. 1194

At the request of Ms. CANTWELL, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1194, a bill to reauthorize the Coast Guard for fiscal years 2010 and 2011, and for other purposes.

S. 1211

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1211, a bill to designate the facility of the United States Postal Service located at 60 School Street, Orchard Park, New York, as the ''Jack F. Kemp Post Office Building''.

S. 1300

At the request of Ms. SNOWE, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1300, a bill to amend title XVIII of the Social Security Act to clarify intent regarding the counting of residents in a nonhospital setting under the Medicare program.

S. 1304

At the request of Mr. GRASSLEY, the names of the Senator from Wisconsin (Mr. FEINGOLD), the Senator from North Carolina (Mr. BURR) and the Senator from Colorado (Mr. UDALL) were added as cosponsors of S. 1304, a bill to restore the economic rights of automobile dealers, and for other purposes.

S. 1348

At the request of Mr. CHAMBLISS, the name of the Senator from Nebraska (Mr. JOHANNS) was added as a cosponsor of S. 1348, a bill to recognize the heritage of hunting and provide opportunities for continued hunting on Federal public land.

S. 1361

At the request of Mr. LEAHY, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1361, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 1380

At the request of Mr. ROCKEFELLER, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1380, a bill to amend title XVIII of the Social Security Act to create a sensible infrastructure for delivery system reform by renaming the Medicare Payment Advisory Commission, making the commission an executive branch agency, and providing the Commission new resources and authority to implement Medicare payment policy.

S. 1415

At the request of Mr. SCHUMER, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of 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.

S.J. RES. 15

At the request of Mr. VITTER, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S.J. Res. 15, a joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States.

S.J. RES. 17

At the request of Mr. MCCONNELL, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Tennessee (Mr. ALEXANDER) 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. 14

At the request of Mrs. LINCOLN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Con. Res. 14, a concurrent resolution supporting the Local Radio Freedom Act.

AMENDMENT NO. 1428

At the request of Mr. HATCH, the names of the Senator from Texas (Mr. CORNYN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New York (Mr. SCHUMER) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of amendment No. 1428 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.

At the request of Mr. REID, his name was added as a cosponsor of amendment No. 1428 proposed to H.R. 2892, supra.

AMENDMENT NO. 1430

At the request of Mr. SANDERS, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of amendment No. 1430 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.

AMENDMENT NO. 1447

At the request of Mr. PRYOR, his name and the name of the Senator from Montana (Mr. TESTER) were added as cosponsors of amendment No. 1447 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.

At the request of Mr. HATCH, his name was added as a cosponsor of amendment No. 1447 proposed to H.R. 2892, supra.

At the request of Mr. CORNYN, the names of the Senator from Oregon (Mr. MERKLEY), the Senator from South Dakota (Mr. THUNE), the Senator from Utah (Mr. BENNETT) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of amendment No. 1447 proposed to H.R. 2892, supra.

At the request of Ms. COLLINS, her name was added as a cosponsor of amendment No. 1447 proposed to H.R. 2892, supra.

At the request of Mr. NELSON of Nebraska, his name was added as a cosponsor of amendment No. 1447 proposed to H.R. 2892, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEVIN (for himself, Mr. VOINOVICH, Mr. SCHUMER, Mr. FEINGOLD, Mrs. GILLIBRAND, Mr. DURBIN, and Ms. STABENOW):

S. 1421. A bill to amend section 42 of title 18, United States Code, to prohibit the importation and shipment of certain species of carp; to the Committee on Environment and Public Works.

Mr. LEVIN. Mr. President, today I am introducing the Asian Carp Prevention and Control Act to list bighead carp as injurious under the Lacey Act, along with Senators VOINOVICH, SCHUMER, FEINGOLD, GILLIBRAND, DURBIN and STABENOW.

Asian carp are a significant threat to the Great Lakes because they are large, extremely prolific, and consume vast amounts of food. The Bighead carp grow quickly and can grow to over 50 pounds. In addition to the harmful ecological impact that the Bighead carp has had to native fisheries, these fish pose a considerable hazard to boaters and can cause human and property injuries.

The Bighead carp compete with native fish for food and habitat. The Bighead carp, along with the other species of Asian carp, account for the majority of fish in the Missouri River. These fish have little economic or sport value compared to native fish.

The Bighead carp are used in aquaculture ponds in the South to control algae, and because of flooding in the 1990s, the fish escaped the aquaculture ponds and entered into the Mississippi River. They have spread to most of the Mississippi River watershed and the Missouri River. Because the Mississippi River is connected to the Great Lakes through a man-made sanitary and ship canal, the Asian carp are now close to invading the Great Lakes. Fortunately, the Corps of Engineers is operating an electric dispersal barrier to prevent the carp and other non-native fish from moving between the Mississippi River and the Great Lakes.

I want to make sure that all pathways to introduce the Bighead carp are blocked. The legislation that I am introducing today would list the Bighead carp as injurious under the Lacey Act. Listing the Bighead carp as injurious would minimize the risk of intentional introduction by prohibiting the importation and interstate transportation of live Asian carp without a permit. This legislation would not interfere with existing state regulations of the fish, and permits to transport or purchase live Bighead carp may be issued for research or educational purposes. The Fish and Wildlife Service has already listed three other species of Asian carp as injurious through rulemaking procedures.

I urge my colleagues to support this bill. This country is facing a serious challenge as a result of thousands of invasive species, like the Bighead carp, being introduced into this Nation.

By Mrs. MURRAY (for herself, Mr. WEBB, Mr. DODD, Ms. MURKOWSKI, Ms. COLLINS, and Mr. BOND):

S. 1422. A bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews; to the Committee on Health, Education, Labor, and Pensions.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the following colloquy be printed in the RECORD.

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

FLIGHT CREW TECHNICAL CORRECTIONS ACT

Mr. ENZI. Mr. President, I would like to engage my friend, the Senator from Washington and the Chairman of the Subcommittee on Employment and Workplace Safety, with whom I have been pleased to work on many initiatives on behalf of America's workforce, in a conversation about the bill she has just introduced. I would like to take this opportunity to clarify the treatment of workers contained in the Flight Crew Technical Corrections Act before us today that pertains to flight crews. Is it the Senator's understanding that her legislation resolves a problem unique to flight crews—meaning flight attendants and pilots—and that no other group of workers is addressed under this bill?

Mrs. MURRAY. Yes, the Senator is correct. This bill is narrowly constructed to address the unique situation faced by flight attendants and pilots in the calculation of the hours they need to qualify for leave under the Family Medical Leave Act, FLMA. The FMLA eligibility calculation does not include paid vacation, sick, medical or personal leave unless otherwise agreed to in a collective bargaining agreement or the employers manual. This bill reflects the intent of the FMLA's original sponsors to provide an alternative way to include flight crews that addresses the airline industry's unique time-keeping methods. I am proud that the Flight Crew Technical Corrections Act fixes a technical problem that has left many full time flight crew members ineligible for Family Medical Leave for many years due to the unique way their work hours are calculated.

Mr. ENZI. In other words, is it the Senator's understanding that the bill should not be construed to apply to other occupational groups that operate under reserve systems such as health care, railway, and emergency services to seek similar treatment?

Mrs. MURRAY. Correct, this bill narrowly deals with flight crews only. The bill is a technical correction for language that was intended to be in the original Family Medical Leave Act, but for some reason or another was left out. Flight crews were specifically mentioned in the FLMA's legislative history. Thus, I believe that the correction is clearly appropriate for flight crews. If other groups were to attempt an adjustment in their FMLA eligibility requirements, I suggest that their situation and the ramifications of such an adjustment would need to be examined on a case by case basis.

Mr. ENZI. The Senator mentions the FLMA's legislative history. Is it the Senator's further understanding that this is the only group of employees which was intended to be included with an alternative eligibility standard?

Mrs. MURRAY. The Senator is correct. The original authors stated that they did not intend to exclude flight crews in unique circumstances from the bill's protection simply because of the airline industry's ''unusual time keeping methods''. They believed that these workers—flight attendants and pilots—were entitled to family and medical leave under the law based upon the situation they specifically faced.

This legislation received overwhelming bipartisan support in the House of Representatives. I am pleased to present it in the Senate with bipartisan support. This language was drafted through a process that included representatives from large and small airline carriers and carrier associations, and organized labor. I need to recognize the work that Senator Clinton did on this bill when she introduced its precursor in the 110th Congress.

Mr. ENZI. I would like to thank the Senator from Washington and the former Senator from New York for the deliberative process you both utilized while drafting this legislation. As you know I am a frequent advocate for following Senate Committee process so as to create the opportunity for all affected stakeholders to be included in the process. In this case, you have done an admirable job of vetting the legislation with most stakeholders and produced a better product.

Mrs. MURRAY. 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. 1422

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 ''Airline Flight Crew Technical Corrections Act''.

SEC. 2. LEAVE REQUIREMENT FOR AIRLINE FLIGHT CREWS.

(a) INCLUSION OF AIRLINE FLIGHT CREWS.—Section 101(2) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611(2)) is amended by adding at the end the following:

''(D) AIRLINE FLIGHT CREWS.—

''(i) DETERMINATION.—For purposes of determining whether an employee who is a flight attendant or flight crewmember (as such terms are defined in regulations of the Federal Aviation Administration) meets the hours of service requirement specified in subparagraph (A)(ii), the employee will be considered to meet the requirement if—

''(I) the employee has worked or been paid for not less than 60 percent of the applicable total monthly guarantee, or the equivalent, for the previous 12-month period, for or by the employer with respect to whom leave is requested under section 102; and

''(II) the employee has worked or been paid for not less than 504 hours (not counting time spent on vacation leave or medical or sick leave) during the previous 12-month period, for or by that employer.

''(ii) FILE.—Each employer of an employee described in clause (i) shall maintain on file with the Secretary (in accordance with such regulations as the Secretary may prescribe) containing information specifying the applicable monthly guarantee with respect to each category of employee to which such guarantee applies.

''(iii) DEFINITION.—In this subparagraph, the term 'applicable monthly guarantee' means—

''(I) for an employee described in clause (i) other than an employee on reserve status, the minimum number of hours for which an employer has agreed to schedule such employee for any given month; and

''(II) for an employee described in clause (i) who is on reserve status, the number of hours for which an employer has agreed to pay such employee on reserve status for any given month, as established in the applicable collective bargaining agreement or, if none exists, in the employer's policies.''.

(b) CALCULATION OF LEAVE FOR AIRLINE FLIGHT CREWS.—Section 102(a) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)) is amended by adding at the end the following:

''(5) CALCULATION OF LEAVE FOR AIRLINE FLIGHT CREWS.—The Secretary may provide, by regulation, a method for calculating the leave described in paragraph (1) with respect to employees described in section 101(2)(D).''.

By Mrs. BOXER (for herself and Mr. BEGICH):

S. 1423. A bill to amend title XIX of the Social Security Act to require coverage under the Medicaid Program for freestanding birth center services; to the Committee on Finance.

Mrs. BOXER. Mr. President, I rise today to introduce the Medicaid Birth Center Reimbursement Act, which would help ensure that birth centers across our country can continue to provide quality and affordable care to thousands of mothers and newborns each year.

There are almost 200 birth centers nationwide that provide quality and cost effective health care services, particularly for low-income families. Since 1987, birth centers have participated in Medicaid, but recently the Centers for Medicare and Medicaid Services, CMS, has begun to cut off access to these providers in several States including Alaska, South Carolina, Texas and Washington State—because the agency lacks clear statutory authority to pay birth centers to care for Medicaid patients.

Although this problem has not yet affected my home State of California, if this policy is not reversed before the State begins to renegotiate its Medicaid plan, the same cuts will be forced on birth centers in California. Without reimbursement from Medicaid, birth centers in all States could be pushed to the brink of closure and thousands of low-income women could lose access to these vital services.

At a time when Congress and the administration are working hard to increase access to health care for all Americans, we cannot afford to close birth centers that provide essential services to thousands of women and newborns every year.

At a time when Congress and the administration are working hard to reduce waste, and cut down on costs in our nation's health care system, we cannot afford to cut off access to such cost-effective maternity care.

The cost of care at birth centers is about $1,900 per birth, compared to an estimated $7,400 at hospitals. Right now as much as 27 percent of hospital charges under Medicaid go towards care for mothers and newborn infants. Just imagine how much unnecessary spending could be saved if more women were given the choice of going to a birth center to have their baby.

Cutting off access to birth centers that provide quality, cost-effective care is a step backward.

Taking away choices from pregnant women trying to get essential health care services is a step backward.

As I work with my colleagues to help push for comprehensive health reform, I urge them to join me in cosponsoring the Medicaid Birth Center Reimbursement Act, and taking an important step forward for mothers and newborns across our nation.

I would also like to thank Reps. SUSAN DAVIS and GUS BILIRAKIS, who have championed this legislation in the House. I hope that this important legislation can be included in the health care reform efforts of the 111th Congress.

By Mr. DURBIN (for himself, Mrs. HUTCHISON, Ms. COLLINS, Ms. LANDRIEU, Mrs. SHAHEEN, Mr. SANDERS, Mr. CASEY, Mr. WHITEHOUSE, Mr. JOHNSON, and Mrs. GILLIBRAND):

S. 1425. A bill to increase the United States financial and programmatic contributions to promote economic opportunities for women in developing countries; to the Committee on Foreign Relations.

Mr. DURBIN. 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. 1425

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Global Resources and Opportunities for Women To Thrive Act of 2009'' or the ''GROWTH Act of 2009''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and statement of purpose.
Sec. 3. Microfinance and microenterprise development assistance for women in developing countries.
Sec. 4. Support for women's small- and medium-sized enterprises in developing countries.
Sec. 5. Support for private property rights and land tenure security for women in developing countries.
Sec. 6. Support for women's access to employment in developing countries.
Sec. 7. Trade benefits for women in developing countries.
Sec. 8. Exchanges between United States entrepreneurs and women entrepreneurs in developing countries.
Sec. 9. Assistance under the Millennium Challenge Account.
Sec. 10. GROWTH Fund.
Sec. 11. Data collection.
Sec. 12. Support for women's organizations in developing countries.
Sec. 13. Report.
Sec. 14. Authorization of appropriations.

SEC. 2. FINDINGS AND STATEMENT OF PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Women around the world are especially vulnerable to poverty. They tend to work longer hours, are compensated less, and have less income stability and fewer economic opportunities than men.

(2) Women's share of the labor force is increasing in almost all regions of the world. Women comprise more than 40 percent of the global labor force as well as 40 percent of the labor force in eastern and southeastern Asia, sub-Saharan Africa, and the Caribbean. Women comprise a third of the labor force in Central America and nearly a third of total employment in South Asia. About 250,000,000 young women will enter the labor force worldwide before 2015.

(3) Women are more likely to work in informal employment relationships in poor countries compared to men. In sub-Saharan Africa, 84 percent of women are employed informally compared to 71 percent of men. In the Middle East, 44 percent of women are employed informally compared to 29 percent of men. Informal employment is characterized by lower wages and greater variability of earnings, less stability, absence of labor organization, and fewer social protections than formal employment.

(4) Changes in the economy of a poor country affect women and men differently. Women are disproportionately affected by long-term recessions, crises, and economic restructuring and they often miss out on many of the benefits of growth.

(5) International trade can be an important tool for economic development and poverty reduction. The benefits of international trade should extend to all members of society, particularly the world's poor women.

(6) Policies that promote fair labor practices for women, and access to information, education, land, credit, physical capital, and social services can be a means of reducing poverty, ensuring food security, and boosting productivity and earnings for the economies of developing countries.

(7) Expanding economic opportunity for women in developing countries can have a positive effect on child nutrition, health, and education, as women often invest their income in their families. Increasing women's income can also decrease women's vulnerability to HIV/AIDS, gender-based violence, and trafficking, and make women more resistant to the impact of natural disasters.

(8) Policies that promote economic opportunities for women, including microfinance and microenterprise development and the promotion of women's small- and medium-sized businesses, can be a means of generating gainful, safe, and dignified employment for the poor.

(9) Women play a vital, but often unrecognized, role in averting violence, resolving conflict, and rebuilding economies in postconflict societies. Women in conflict-affected areas face even greater challenges than men do in accessing employment, training, property rights, credit, and financial and nonfinancial resources for business development. Policies designed to ensure economic opportunity for women in conflict-affected areas play a significant role in economic rehabilitation and consolidation of peace.

(10) Given the important role of women in the economies of poor countries, poverty alleviation programs funded by the United States in poor countries should seek to enhance the level of economic opportunity available to women in those countries.

(b) STATEMENT OF PURPOSE.—The purpose of this Act is to ensure that the policies of the United States actively promote development and economic opportunities for women, including programs and policies that—

(1) promote women's ability to start micro-, small-, or medium-sized business enterprises, and enable women to grow such enterprises, particularly from micro- to small-sized enterprises and from small- to medium-sized enterprises, or sustain current business capacity;

(2) promote the rights of women to own, manage, and inherit property, including land, encourage the adoption of laws and policies that support women in their efforts to enforce those rights in administrative and judicial tribunals, and address conflicts with country-specific legal regimes or practices (often known as ''customary law'') to increase the ability of women to inherit and own real property;

(3) increase women's access to employment, enable women to access higher quality jobs with better remuneration and working conditions in both informal and formal employment, and improve the quality of jobs in sectors dominated by women by improving the remuneration and working conditions for those jobs; and

(4) bring the benefits of international trade policy to women in developing countries and continue to ensure that trade policies and agreements adequately reflect the respective needs of poor women and men.

SEC. 3. MICROFINANCE AND MICROENTERPRISE DEVELOPMENT ASSISTANCE FOR WOMEN IN DEVELOPING COUNTRIES.

(a) AUTHORIZATION; IMPLEMENTATION; TARGETED ASSISTANCE.—

(1) AUTHORIZATION.—Section 252(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2211a(a)) is amended—

(A) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively;

(B) by striking ''The President is'' and inserting the following:

''(1) IN GENERAL.—The President is''; and

(C) by adding at the end the following:

''(2) ASSISTANCE FOR WOMEN IN DEVELOPING COUNTRIES.—In providing assistance under paragraph (1), the President shall pay special attention to the needs of women in developing countries, including by—

''(A) carrying out specific activities to enhance the empowerment of women in developing countries, such as providing leadership training, basic health and HIV/AIDS education, and assistance with the development of literacy skills;

''(B) carrying out initiatives to eliminate legal and institutional barriers to women's ownership of assets, access to credit, access to information and communication technologies, and engagement in business activities within or outside of the home;

''(C) providing assistance for capacity building for microfinance and microenterprise institutions to enable such institutions to better meet the credit, savings, insurance, and training needs of women who are microfinance and microenterprise clients; and

''(D) carrying out microfinance and microenterprise development programs that—

''(i) specifically target women with respect to outreach and marketing;

''(ii) provide products specifically designed to address women's assets and needs and the barriers women encounter with respect to participating in enterprise and financial services; and

''(iii) promote women's ability to grow micro-enterprises to small- and medium-sized enterprises.''.

(2) IMPLEMENTATION.—Section 252(b)(2)(C) of the Foreign Assistance Act of 1961 (22 U.S.C. 2211a(b)(2)(C)) is amended—

(A) in clause (ii)—

(i) by striking ''microenterprise development field'' and inserting ''microfinance and microenterprise development field''; and

(ii) by striking ''and'' at the end;

(B) in clause (iii)—

(i) by inserting after ''competitive'' the following: '', take into consideration the anticipated impact of the proposals on the empowerment of women and men,''; and

(ii) by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following new clause:

''(iv) give preference to proposals from providers of assistance that demonstrate the greatest knowledge of clients' needs and capabilities, including proposals that ensure that women are involved in the design and implementation of services and programs.''.

(3) TARGETED ASSISTANCE.—Section 252(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2211a(c)) is amended—

(A) in the first sentence, by inserting before the period the following: ''and an effort shall be made to target such resources to women''; and

(B) in the second sentence, by striking ''2006'' and inserting ''2011''.

(b) MONITORING SYSTEM.—Section 253(b)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2211b(b)(1)) is amended to read as follows:

''(1) The monitoring system shall include performance goals for the assistance and shall express such goals, to the extent feasible—

''(A) in an objective and quantifiable form;

''(B) in a manner that describes the effects of such goals on women and men, respectively; and

''(C) in a manner that describes the number of women and the number of men benefiting from the assistance.''.

(c) MICROENTERPRISE DEVELOPMENT CREDITS.—Section 256(b)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2212(b)(2)) is amended by inserting before the semicolon the following: '', especially the needs of clients who are women''.

(d) ADDITIONAL REPORT REQUIREMENTS.—Section 258 of the Foreign Assistance Act of 1961 (22 U.S.C. 2214) is amended—

(1) in subsection (b), by adding at the end the following new paragraph:

''(12) An estimate of the potential global demand for microfinance and microenterprise development for women, determined in collaboration with practitioners in a cost-effective manner, and a description of the Agency's plan to help meet such demand.'';

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following new subsection:

''(c) ADDITIONAL REQUIREMENT.—All information in the report required by this section relating to beneficiaries of assistance authorized by this title shall be disaggregated by sex to the maximum extent practicable.''.

SEC. 4. SUPPORT FOR WOMEN'S SMALL- AND MEDIUM-SIZED ENTERPRISES IN DEVELOPING COUNTRIES.

(a) IN GENERAL.—The Secretary of State, acting through the Administrator of the United States Agency for International Development, shall—

(1) where appropriate, carry out programs, projects, and activities that meet the requirements described in subsection (b) for enterprise development for women in developing countries; and

(2) ensure that any programs, projects, and activities for enterprise development for women in developing countries that are carried out pursuant to assistance provided under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) meet the requirements described in subsection (b).

(b) REQUIREMENTS.—A program, project, or activity described in subsection (a) meets the requirements described in this subsection if the program, project, or activity—

(1) in coordination with the governments of developing countries and interested individuals and organizations, promotes the development or enhancement of laws, regulations, or practices (including practices with respect to the enforcement of such laws or regulations) that improve access to banking and financial services for women-owned small- and medium-sized enterprises;

(2) promotes access to information and communication technologies by providing training with respect to such technologies for women-owned small- and medium-sized enterprises;

(3) provides training, through local associations of women-owned enterprises or nongovernmental organizations, with respect to recordkeeping, financial and personnel management, international trade, business planning, marketing, policy advocacy, leadership development, and other areas relevant to running enterprises;

(4) provides resources to establish and enhance local, national, and international networks and associations of women-owned small- and medium-sized enterprises;

(5) provides incentives for nongovernmental organizations and financial service providers to develop products, services, and marketing and outreach strategies specifically designed to facilitate and promote women's participation in development programs for small- and medium-sized businesses by addressing women's assets and needs and the barriers women face to participating in enterprise and financial services; and

(6) seeks to award contracts to qualified small- and medium-sized enterprises owned by women, particularly indigenous women, including—

(A) for postconflict reconstruction; and

(B) to facilitate employment of women, particularly indigenous women in jobs not traditionally undertaken by women.

SEC. 5. SUPPORT FOR PRIVATE PROPERTY RIGHTS AND LAND TENURE SECURITY FOR WOMEN IN DEVELOPING COUNTRIES.

(a) IN GENERAL.—The Secretary of State, acting through the Administrator of the United States Agency for International Development, shall—

(1) where appropriate, carry out programs, projects, and activities to promote private property rights and land tenure security for women in developing countries that—

(A) are implemented by local, indigenous, nongovernmental, and community-based organizations, especially women's organizations, that are dedicated to addressing the needs of women; and

(B) otherwise meet the requirements described in subsection (b); and

(2) ensure that any programs, projects, and activities to promote private property rights and land tenure security for women in developing countries that are carried out pursuant to assistance provided under part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.)—

(A) are implemented by local, indigenous, nongovernmental, and community-based organizations, especially women's organizations, that are dedicated to addressing the needs of women; and

(B) otherwise meet the requirements described in subsection (b).

(b) REQUIREMENTS.—A program, project, or activity described in subsection (a) meets the requirements described in this subsection if the program, project, or activity—

(1) advocates to amend and harmonize statutory and other country-specific legal regimes or practices to give women equal rights to own, use, and inherit property;

(2) promotes legal literacy among women and men about property rights for women and how to exercise such rights;

(3) assists women in making land claims and protecting existing land claims; and

(4) advocates for equitable land titling and registration for women.

(c) AMENDMENT.—Section 103(b)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151a(b)(1)) is amended by inserting '', especially for women'' after ''establishment of more equitable and more secure land tenure arrangements''.

SEC. 6. SUPPORT FOR WOMEN'S ACCESS TO EMPLOYMENT IN DEVELOPING COUNTRIES.

The Secretary of State, acting through the Administrator of the United States Agency for International Development, shall, where appropriate—

(1) support activities to increase the access of women in developing countries to employment and to higher quality employment, in informal and formal employment, with better remuneration, working conditions, and benefits (including health insurance and other social safety nets) in accordance with the core labor standards of the International Labour Organization, including—

(A) public education efforts to inform poor women and men of women's legal rights related to employment;

(B) education and vocational training tailored to enable poor women to access job opportunities, whether for formal or informal employment, in—

(i) sectors in their local economies with the potential for growth; and

(ii) sectors in which women are not traditionally highly represented;

(C) efforts to support self-employed poor women or wage workers to form or join independent unions or other labor associations to increase their incomes and improve their working conditions; and

(D) advocacy efforts to protect the rights of women in the workplace, including—

(i) developing programs with the participation of civil society to eliminate gender-based violence; and

(ii) providing capacity-building assistance to women's organizations to effectively research and monitor labor rights conditions; and

(2) provide assistance to governments and nongovernmental organizations in developing countries seeking to design and implement laws, regulations, and programs to improve working conditions for women and to facilitate the entry into, and advancement in, the workplace by women.

SEC. 7. TRADE BENEFITS FOR WOMEN IN DEVELOPING COUNTRIES.

In order to ensure that poor women in developing countries are able to benefit from international trade, the President, acting through the Secretary of State (acting through the Administrator of the United States Agency for International Development) and the heads of other appropriate departments and agencies of the United States, shall, where appropriate, provide the following training and education in developing countries:

(1) Training women in civil society organizations, including those organizations representing poor women, and women-owned enterprises and associations of such enterprises, on how to respond to economic opportunities created by trade preference programs, trade agreements, or other policies that create or facilitate market access. The training shall include information with respect to requirements and procedures for accessing the United States market.

(2) Training women entrepreneurs, including microentrepreneurs, with respect to production strategies, quality standards, formation of cooperatives, market research, and market development.

(3) Teaching women, including poor women, to promote diversification of products and value-added processing.

(4) Instructing negotiators officially representing the governments of developing

countries in international trade negotiations in order to enhance the ability of the negotiators to formulate trade policy and negotiate agreements that take into account the respective needs and priorities of poor women and men in developing countries.

(5) Educating local groups representing indigenous women in developing countries in order to enhance the ability of those groups to collect information and data, formulate proposals, and inform and impact negotiators described in paragraph (4) with respect to the respective needs and priorities of poor women and men in developing countries.

SEC. 8. EXCHANGES BETWEEN UNITED STATES ENTREPRENEURS AND WOMEN ENTREPRENEURS IN DEVELOPING COUNTRIES.

(a) DEPARTMENT OF COMMERCE.—The Secretary of Commerce shall, where appropriate, encourage representatives of United States businesses on trade missions to developing countries to—

(1) meet with representatives of women-owned small- and medium-sized enterprises in such countries; and

(2) promote internship opportunities for women owners of small- and medium-sized enterprises in such countries with United States businesses.

(b) DEPARTMENT OF STATE.—The Secretary of State shall promote exchange programs that offer representatives of women-owned small- and medium-sized enterprises in developing countries an opportunity to learn skills appropriate for promoting entrepreneurship by working with representatives of businesses in the United States.

SEC. 9. ASSISTANCE UNDER THE MILLENNIUM CHALLENGE ACCOUNT.

The Chief Executive Officer of the Millennium Challenge Corporation shall seek to ensure that contracts and employment opportunities resulting from assistance provided by the Corporation to the governments of developing countries are fairly and equitably distributed to qualified women-owned small- and medium-sized enterprises and other civil society organizations led by women, including nongovernmental and community-based organizations, for projects, including for infrastructure projects, that facilitate employment of women in jobs not traditionally undertaken by women.

SEC. 10. GROWTH FUND.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of State, acting through the Administrator of the United States Agency for International Development, shall establish the Global Resources and Opportunities for Women to Thrive (GROWTH) Fund (in this section referred to as the ''Fund'') for the purpose of enhancing economic opportunities for very poor, poor, and low-income women in developing countries with a focus on—

(A) increasing the development of women-owned enterprises;

(B) increasing property rights for women;

(C) increasing women's access to financial services;

(D) increasing the number of women in leadership in implementing partner organizations (as defined in section 259(6) of the Foreign Assistance Act of 1961 (22 U.S.C. 2214a(6))), as well as financial service providers;

(E) improving the employment benefits and conditions available to women; and

(F) increasing the benefits of international trade available to women.

(2) APPLICATION FOR FUNDS BY USAID MISSIONS.—

(A) IN GENERAL.—A mission of the United States Agency for International Development may apply for funds from the Fund to support specific activities, in addition to activities already carried out by that mission, that are described in subsection (b) and enhance economic opportunities for women in developing countries or integrate gender into economic opportunity programs.

(B) SUPPLEMENT NOT SUPPLANT.—Funds provided to a mission of the United States Agency for International Development pursuant to subparagraph (A) shall supplement and not supplant other funds available to that mission.

(b) ACTIVITIES SUPPORTED.—The activities described in this subsection are—

(1) activities described in title VI of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2211 et seq.), as amended by section 3 of this Act;

(2) activities described in sections 4 through 7 of this Act; and

(3) technical assistance to, and capacity building for, civil society organizations, particularly to carry out activities described in paragraphs (1) and (2), for—

(A) local and indigenous women's organizations to the maximum extent practicable; and

(B) local, indigenous, nongovernmental, and community-based organizations and financial service providers that demonstrate a commitment to gender equity in the leadership of such organizations and intermediaries either through current practice or through specific programs to increase the representation of women in the governance and management of such organizations and intermediaries.

SEC. 11. DATA COLLECTION.

The Secretary of State, acting through the Administrator of the United States Agency for International Development, shall—

(1) provide support for tracking indicators on women's employment, property rights for women, women's access to financial services, and women's enterprise development, including microenterprises, in developing countries;

(2) to the extent practicable, track all foreign assistance funds provided by the United States to local, indigenous, nongovernmental, community-based organizations, and financial service providers in developing countries, including through subcontractors and grantees, disaggregated by the sex of the head of the organization, senior management, and composition of the boards of directors;

(3) encourage agencies of the United States that collect statistical data to provide support to agencies in developing countries that collect statistical data to collect data on the share of women in wage work and self-employment, disaggregated by type of employment; and

(4) provide funding to the International Labour Organization—

(A) to carry out technical assistance activities in developing countries; and

(B) to consolidate data indicators collected in different developing countries into cross-country data sets.

SEC. 12. SUPPORT FOR WOMEN'S ORGANIZATIONS IN DEVELOPING COUNTRIES.

(a) AMENDMENTS.—Section 102 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151–1) is amended—

(1) in subsection (a), by inserting after the ninth sentence the following new sentences: ''Because men and women generally occupy different economic niches in poor countries, activities must address those differences in ways that enable both women and men to contribute to and benefit from development. Throughout the world, indigenous, local, nongovernmental and community-based organizations, as well as financial service providers, are essential to addressing many of the development challenges facing countries and to creating stable, functioning democracies. Investing in the capacity of such organizations, including women's organizations, and in their roles in the development process shall be an important, cross-cutting objective of United States bilateral development assistance.''; and

(2) in subsection (b)—

(A) in paragraph (1), by adding at the end the following new sentence: ''The principles described in this paragraph shall, among other strategies, be accomplished through partnerships with local, indigenous, nongovernmental, and community-based organizations, as well as financial service providers, that represent the interests of women.''; and

(B) in paragraph (6), by adding at the end the following new sentence: ''Such participation and improvement shall be encouraged and promoted by, among other strategies, investing in the capacity of and participation in local, indigenous, nongovernmental, and community-based organizations, especially women's organizations, dedicated to addressing the needs of women.''.

(b) ASSISTANCE.—The Secretary of State, acting through the Administrator of the United States Agency for International Development, shall, where appropriate—

(1) ensure project proposals include capacity building and technical assistance for local, indigenous, nongovernmental, organizations and community-based organizations dedicated to addressing the needs of women, especially women's organizations, to promote the long-term sustainability of projects;

(2) provide information and training to local, indigenous, nongovernmental, and community-based organizations, especially women's organizations, focused on women's empowerment in countries in which missions of the United States Agency for International Development are located in order to—

(A) provide technical assistance with respect to United States foreign assistance procurement procedures; and

(B) undertake culturally appropriate outreach measures to contact such organizations;

(3) encourage recipients of United States technical and financial aid to the maximum extent practicable, to provide financial support to local, indigenous, nongovernmental, and community-based organizations that focus on women's empowerment, including women's organizations and other organizations that may not have previously worked with the United States or a partner of the United States, in fulfilling project objectives;

(4) work with local governments to conduct outreach campaigns to register, as required by local laws and regulations, unofficial local, indigenous, nongovernmental, and community-based organizations, especially women's organizations; and

(5) support efforts of indigenous organizations, especially women's organizations, focused on women's empowerment to network with other indigenous women's groups to collectively access funding opportunities to implement United States foreign assistance programs.

SEC. 13. REPORT.

(a) REPORT REQUIRED.—Not later than June 30, 2011, the Secretary of State, acting through the Administrator of the United States Agency for International Development, shall submit to Congress a report on the implementation of this Act and the amendments made by this Act.

(b) UPDATE.—Not later than June 30, 2012, the Secretary of State, acting through the

Administrator of the United States Agency for International Development, shall submit to Congress an update of the report required by subsection (a).

(c) AVAILABILITY TO PUBLIC.—The report required by subsection (a) and the update required by subsection (b) shall be made available to the public on the Internet websites of the Department of State and the United States Agency for International Development.

SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of State to carry out sections 10 and 11—

(1) $40,000,000 for fiscal year 2011; and

(2) such sums as may be necessary for each of the fiscal years 2012 and 2013.

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a)—

(1) are authorized to remain available until expended; and

(2) shall supplement and not supplant any other amounts available for the purposes described in sections 10 and 11.

By Ms. MURKOWSKI:

S. 1430. A bill to amend the Elementary and Secondary Education Act of 1965 regarding highly qualified teachers, growth models, adequate yearly progress, Native American language programs, and parental involvement, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. MURKOWSKI. Mr. President, I rise today to introduce the School Accountability Improvements Act.

As you know, the 2001 reauthorization of the Elementary and Secondary Education Act, also known as the No Child Left Behind Act, or NCLB, made significant changes to Federal requirements for schools, school districts, and States. Many of these changes have been good, and were necessary.

Because of NCLB, there is more national attention being paid to ensuring that schools, districts, and States are held accountable for the achievement of students with disabilities, those who are economically disadvantaged, and minority students. In my own State of Alaska this has meant, for example, that our more urban school districts are paying more attention than ever to Alaska Native students' needs.

People across the nation are also more aware that a teacher's knowledge of the subject matter and his or her ability to teach that subject are the most important factors in ensuring a child's achievement in school.

Teachers, parents, administrators, and communities have more data than ever about the achievement of individual students, subgroups of students, and schools. With that data, changes are being made to school policies and procedures and more students are getting the help they need to succeed in schools.

While these are just a few of the positive effects of the No Child Left Behind Act, there have been problems. This is not surprising, as it is difficult to write one law that will work well for both New York City and Nuiqsut, AK.

My bill, the School Accountability Improvements Act is meant to address 6 issues that are of particular concern in Alaska and in other States around the nation.

First, my legislation would give flexibility to states regarding NCLB's ''Highly Qualified Teacher'' requirements. In very small, rural schools, it is common for one teacher to teach multiple core academic subjects in the middle and high school grades. NCLB requires that this teacher be ''Highly Qualified'' in each of those subjects.

While it is vital that teachers know the subjects they teach, it is also unreasonable to expect teachers in very tiny schools to meet the current requirements in every single subject. It is almost impossible for tiny, remote school districts to find and hire such teachers. Yet, students deserve to have teachers who know the subjects they teach.

My legislation would provide flexibility by allowing instruction to be provided by Highly Qualified teachers by distance delivery if they are assisted by teachers on site who are Highly Qualified in a different subject. This provision is offered as a compromise in those limited situations.

Second, my legislation would give credit to schools, rather than punish them, if students are improving but have not yet reached the State's proficiency goals by requiring the U.S. Department of Education to allow States to determine schools' success based on individual students' growth in proficiency. While it can be useful to teachers and administrators to know how one group of third graders compares to the next year's class, it is much more useful for educators, students, and parents to know how each child is progressing—is the child proficient, on track to be proficient, or falling behind? Many States now have the robust data systems that will allow them to track this information; NCLB should allow them to use the statistical model that will be most useful.

My bill also improves NCLB's requirements for school choice and tutoring. No Child Left Behind gave parents an opportunity to move their children out of dysfunctional schools. I support that. But the law requires school districts offer school choice, and to set aside funds to pay for transportation, in Year Two of Improvement Status. Schools do not have to tutor the students until the following year. This is backwards logic. Schools should be given the opportunity to help students learn first before transporting them all over town. I think most parents agree, and that is one reason why we are seeing fewer than 2 percent of parents choose to transfer their children to another school. My bill would require schools to offer tutoring first before providing school choice.

Mr. President, NCLB also requires schools to tutor and offer choice to students who are doing well at their neighborhood school. Schools should not be forced to set aside desperately needed funds to serve students who don't need those services. My bill would require schools to provide tutoring and choice only to those students who are not proficient. In addition, it would allow school districts to provide tutoring to students even if the district is in Improvement Status. While school districts may need improvement overall, those same districts employ teachers who are fully capable of providing effective tutoring.

Many educators and parents also have concerns about NCLB's requirements for Corrective Action and Restructuring. These are very significant requirements that can include firing staff and closing schools that don't meet the law's AYP requirements. They are even more significant if the actions are not based on reliable information.

As you know, assessing whether a child is proficient on state standards in a reliable and valid way is difficult. It is even more difficult when the child has a disability or has limited English proficiency. Some question whether or not the tests we are giving these two groups of students are valid and reliable. Yet, NCLB requires districts and States to impose significant corrective actions or restructure a school completely if a school or district does not make AYP for any subgroup repeatedly. For truly dysfunctional schools and districts, that may be appropriate.

But, how do we justify taking over a school, firing its teachers, turning its governance over to another entity, or other drastic measures if the students are learning but have not yet met the State's proficiency benchmarks? We can not.

That is why my bill would not allow a school or school district to be restructured if the school missed AYP for one or both of those subgroups alone and the school can show through a growth model that the students in those two subgroups are on track to be proficient in a reasonable amount of time. Schools that are improving student learning should not be dismantled based on potentially invalid test results.

In Alaska, Hawaii, and several other States, Native Americans are working hard to keep their indigenous languages and cultures alive. Teachers will tell you, and research supports them, that Alaska Native, Native Hawaiian, and American Indian students learn better when their heritage is a respected and vibrant part of their education. This is true of any child, but particularly true for these groups of Americans.

Many schools around the country that serve these students have incorporated indigenous language programs into their curriculum. The problem is that in many instances, there is no valid and reliable way to assess whether or not the students have learned the state standards in that language. Neither is it valid to test what a student knows in a language they do not speak

well. Research also tells us that students who are learning in a full language immersion program do not test well initially, but by 7th grade they do as well or better on State tests and they can speak two languages.

My legislation would allow schools with Native American language programs in States where there is no assessment in that language to calculate Adequate Yearly Progress for third graders by participation rate only. It would then allow the school to make AYP if those students are proficient or on track to be proficient in grades 4 through 7.

Finally, I know as a parent how important it is to my boys that their father and I have always been involved in their education. NCLB recognizes, in many ways, how important parents are in a child's education, but improvements can still be made. My bill would amend Title II of NCLB—which authorizes subgrants for preparing, training, and recruiting teachers and principals—to allow, but not mandate, more parental involvement in our schools. This section of my bill would allow parent-teacher associations and organizations to be members of federally funded partnerships formed to improve low-performing schools and to provide training to teachers and principals to improve parental engagement and school-parent communication.

I can tell you that as wonderful as our Nation's teachers are, very few of them graduate from college having had a course in how to effectively communicate with parents. Teachers are very busy people, and when a parent shows up at the classroom door and says, ''Hi, I'm here to help'' teachers often do not know how to react. Many teachers have difficulty communicating with parents who may be working two jobs, or who have a different cultural background or language. In my view, parents should be a part of improving their children's schools, and have insights into how communication between school and home can be improved.

I know that these 6 issues are not the only issues that my colleagues, Alaskans, and Americans may have with the No Child Left Behind Act. I have been talking with Alaskans about NCLB since I came to the Senate, and I look forward to working hard on the reauthorization of the law this year.

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. 1430

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 ''School Accountability Improvements Act''.

SEC. 2. HIGHLY QUALIFIED TEACHERS IN SMALL, RURAL, OR REMOTE SCHOOLS.

(a) PURPOSES.—The purposes of this section are—

(1) to ensure that local educational agencies have flexibility in the ways in which the local educational agencies may provide instruction in core academic subjects;

(2) to provide relief to teachers who are assigned to teach more than two core academic subjects in small, rural, or remote schools; and

(3) to provide assurances to students that their instructors will have appropriate knowledge of the core academic subjects the instructors teach.

(b) HIGHLY QUALIFIED TEACHERS OF MULTIPLE CORE ACADEMIC SUBJECTS IN SMALL SCHOOLS.—Section 1119(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319(a)) is amended by adding at the end the following:

''(4) SPECIAL RULE FOR SMALL, RURAL, OR REMOTE SCHOOLS.—In the case of a local educational agency that is unable to provide a highly qualified teacher to serve as an on-site classroom teacher for a core academic subject in a small, rural, or remote school, the local educational agency may meet the requirements of this section by using distance learning to provide such instruction by a teacher who is highly qualified in the core academic subject, as long as—

''(A) the teacher who is highly qualified in the core academic subject—

''(i) is responsible for providing at least 50 percent of the direct instruction in the core academic subject through distance learning;

''(ii) is responsible for monitoring student progress; and

''(iii) is the teacher who assigns the students their grades; and

''(B) an on-site teacher who is highly qualified in a subject other the core academic subject taught through distance learning is present in the classroom throughout the period of distance learning and provides supporting instruction and assistance to the students.''.

(c) SMALL, RURAL, OR REMOTE SCHOOLS.—Section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801) is amended—

(1) by redesignating paragraphs (41) through (43) as paragraphs (42) through (44), respectively;

(2) in the undesignated paragraph following paragraph (39), by striking ''STATE.—The'' and inserting the following

''(41) STATE.—The''; and

(3) by inserting after paragraph (39) the following:

''(40) SMALL, RURAL, OR REMOTE SCHOOL.—The term 'small, rural, or remote school' means a school that—

''(A)(i) is served by a local educational agency that meets the eligibility requirements of section 6211(b) or 6221(b)(1)(B);

''(ii) has an average daily student membership of fewer than 500 students for grades kindergarten through grade 12, inclusive, for the full school year preceding the school year for which the determination is being made under this paragraph; or

''(iii) has an average daily membership of fewer than 100 students in grades 7 through 12, inclusive, for such preceding full school year; and

''(B) has been unable, despite reasonable efforts to do so, to recruit, hire, or retain a sufficient number of teachers who are highly qualified in the core academic subjects for the school year for which the determination is being made under this paragraph.''.

SEC. 3. GROWTH MODELS.

Section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)) is amended by adding at the end the following:

''(L) GROWTH MODELS.—

''(i) IN GENERAL.—In the case of a State that desires to satisfy the requirements of a single, statewide State accountability system under subparagraph (A) through the use of a growth model, the Secretary shall approve such State's use of the growth model if—

''(I) the State plan ensures that 100 percent of students in each group described in subparagraph (C)(v)—

''(aa) meet or exceed the State's proficient level of academic achievement on the State assessments under paragraph (3) by the 2013–2014 school year; or

''(bb) are making sufficient progress to enable each student to meet or exceed the State's proficient level on such assessments for the student's corresponding grade level not later than the student's final year in secondary school;

''(II) the State plan complies with all of the requirements of this paragraph, except as provided in clause (ii);

''(III) the growth model is based on a fully approved assessment system;

''(IV) the growth model calculates growth in student proficiency for the purposes of determining adequate yearly progress either by individual students or by cohorts of students, and may use methodologies, such as confidence intervals and the State-approved minimum designations, that will yield statistically reliable data;

''(V) the growth model includes all students; and

''(VI) the State has the capacity to track and manage the data for the growth model efficiently and effectively.

''(ii) SPECIAL RULE.—Notwithstanding any other provision of law, for purposes of any provision that requires the calculation of a number or percentage of students who meet or exceed the proficient level of academic achievement on a State assessment under paragraph (3), a State using a growth model approved under clause (i) shall calculate such number or percentage by counting—

''(I) the students who meet or exceed the proficient level of academic achievement on the State assessment; and

''(II) the students who, as demonstrated through the growth model, are making sufficient progress to enable each student to meet or exceed the proficient level on the State assessment for the student's corresponding grade level not later than the student's final year in secondary school.''.

SEC. 4. SCHOOL CHOICE AND SUPPLEMENTAL EDUCATIONAL SERVICES.

(a) SCHOOL CHOICE AND SUPPLEMENTAL EDUCATIONAL SERVICES.—Section 1116(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)) is amended—

(1) in paragraph (1)—

(A) by striking subparagraph (E) and inserting the following:

''(E) SUPPLEMENTAL EDUCATIONAL SERVICES.—In the case of a school identified for school improvement under this paragraph, the local educational agency shall, not later than the first day of the school year following such identification, make supplemental educational services available consistent with subsection (e).''; and

(B) by striking subparagraph (F);

(2) by striking paragraph (5) and inserting the following:

''(5) FAILURE TO MAKE ADEQUATE YEARLY PROGRESS AFTER IDENTIFICATION.—

''(A) IN GENERAL.—In the case of any school served under this part that fails to make adequate yearly progress, as set out in the State's plan under section 1111(b)(2), not later than the first day of the second school year following identification under paragraph (1), the local educational agency serving such school shall—

''(i) provide students in grades 3 through 12 who are enrolled in the school and who did not meet or exceed the proficient level on

the most recent State assessment in mathematics or in reading or language arts with the option to transfer to another public school served by the local educational agency in accordance with subparagraph (B);

''(ii) continue to make supplemental educational services available consistent with subsection (e)(1); and

''(iii) continue to provide technical assistance.

''(B) PUBLIC SCHOOL CHOICE.—In carrying out subparagraph (A)(i) with respect to a school, the local educational agency serving such school shall, not later than the first day of the school year following such identification, provide all students described in subparagraph (A)(i) with the option to transfer to another public school served by the local educational agency, which may include a public charter school, that has not been identified for school improvement under this paragraph, unless such an option is prohibited by State law.

''(C) TRANSFER.—Students who use the option to transfer under subparagraph (A)(i), paragraph (7)(C)(i) or (8)(A)(i), or subsection (c)(10)(C)(vii), shall be enrolled in classes and other activities in the public school to which the students transfer in the same manner as all other children at the public school.'';

(3) in paragraph (7)(C)(i), by striking ''all''; and

(4) in paragraph (8)(A)(i), by striking ''all''.

(b) SUPPLEMENTAL EDUCATIONAL SERVICES PROVIDERS.—Section 1116(e) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(e)) is amended—

(1) by redesignating paragraph (12) as paragraph (13);

(2) by inserting after paragraph (11) the following:

''(12) RULE REGARDING PROVIDERS.—Notwithstanding paragraph (13)(B), a local educational agency identified under subsection (c) that is required to arrange for the provision of supplemental educational services under this subsection may serve as a provider of such services in accordance with this subsection.''; and

(3) in paragraph (13)(A) (as redesignated by paragraph (1)), by inserting '', who is in any of grades 3 through 12 and who did not meet or exceed the proficient level on the most recent State assessment in mathematics or in reading or language arts'' before the semicolon.

SEC. 5. CALCULATING ADEQUATE YEARLY PROGRESS FOR STUDENTS WITH DISABILITIES AND STUDENTS WITH LIMITED ENGLISH PROFICIENCY.

Section 1116 of the Elementary and Secondary Education Act of 1965 (as amended by section 4) (20 U.S.C. 6316) is further amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following:

''(h) PARTIAL SATISFACTION OF AYP.—

''(1) SCHOOLS.—Notwithstanding this section or any other provision of law, in the case of a school that failed to make adequate yearly progress under section 1111(b)(2) solely because the school did not meet or exceed 1 or more annual measurable objectives set by the State under section 1111(b)(2)(G) for the subgroup of students with disabilities or students with limited English proficiency, or both such subgroups—

''(A) if such school is identified for school improvement under subsection (b)(1), such school shall only be required to develop or revise and implement a school plan under subsection (b)(3) with respect to each such subgroup that did not meet or exceed each annual measurable objective; and

''(B) if such school is identified for corrective action or restructuring under paragraph (7) or (8) of subsection (b), respectively, the local educational agency serving such school shall not be required to implement subsection (b)(7)(C)(iv) or subsection (b)(8)(B), respectively, if the local educational agency demonstrates to the State educational agency that the school would have made adequate yearly progress for each assessment and for each such subgroup for the most recent school year if the percentage of students who met or exceeded the proficient level of academic achievement on the State assessment was calculated by counting—

''(i) the students who met or exceeded such proficient level; and

''(ii) the students who are making sufficient progress to enable each such student to meet or exceed the proficient level on the assessment for the student's corresponding grade level not later than the student's final year in secondary school, as demonstrated through a growth model that meets the requirements described in subclauses (III) through (VI) of section 1111(b)(2)(L)(i).

''(2) LOCAL EDUCATIONAL AGENCIES.—Notwithstanding this section or any other provision of law, in the case of a local educational agency that failed to make adequately yearly progress under subsection (c)(1) solely because the local educational agency did not meet or exceed 1 or more annual measurable objectives set by the State under section 1111(b)(2)(G) for the subgroup of students with disabilities or students with limited English proficiency, or both such subgroups—

''(A) if the local educational agency is identified for improvement under subsection (c)(3), the local educational agency shall only be required to develop or revise and implement a local educational agency plan under subsection (c)(7) with respect to each such subgroup that did not meet or exceed each annual measurable objective; and

''(B) if the local educational agency is identified for corrective action under subsection (c)(10), the State educational agency shall not be required to implement such subsection if the State educational agency demonstrates to the Secretary that the local educational agency would have made adequate yearly progress for each assessment and for each such subgroup if the percentage of students who met or exceeded the proficient level of academic achievement on the State assessment was calculated by counting—

''(i) the students who meet or exceed such proficient level; and

''(ii) the students who are making sufficient progress to enable each such student to meet or exceed the proficient level on the assessment for the student's corresponding grade level not later than the student's final year in secondary school, as demonstrated through a growth model that meets the requirements described in subclauses (III) through (VI) of section 1111(b)(2)(L)(i).''.

SEC. 6. NATIVE AMERICAN LANGUAGE PROGRAMS.

Section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (as amended by section 3) (20 U.S.C. 6311(b)(2)) is further amended by adding at the end the following:

''(M) NATIVE AMERICAN LANGUAGE PROGRAMS.—Notwithstanding subparagraph (I) or any other provision of law—

''(i) a school serving students who receive not less than a half day of daily Native language instruction in an American Indian language, an Alaska Native language, or Hawaiian in at least grades kindergarten through grade 2 for a school year that does not have State assessments under paragraph (3) available in the Native American language taught at the school as provided for in paragraph (3)(C)(ix)(III)—

''(I) shall assess students in grade 3 as required under paragraph (3), and such students shall be included in determining if the school met the participation requirements for all groups of students as required under subparagraph (I)(ii) for such school year; and

''(II) shall not include such assessment results for students in grade 3 in determining if the school met or exceeded the annual measurable objectives for all groups of students as required under subparagraph (I)(i) for such school year; and

''(ii) in the case of a school serving students in any of grades 4 through 8 who received such Native American language instruction, such school shall count for purposes of calculating the percentage of students who met or exceeded the proficient level of academic achievement on the State assessment—

''(I) the students who met or exceeded such proficient level; and

''(II) the students who are making sufficient progress to enable each such student to meet or exceed such proficient level on the assessment for the student's corresponding grade level by the time the student enters grade 7, as demonstrated through a growth model that meets the requirements described in subclauses (III) through (VI) of subparagraph (L)(i).''.

SEC. 7. IMPROVING EFFECTIVE PARENTAL INVOLVEMENT.

Title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.) is amended—

(1) in section 2131(1)(B) (20 U.S.C. 6631(1)(B)), by inserting ''one or more parent teacher associations or organizations,'' after ''another local educational agency,''; and

(2) in section 2134 (20 U.S.C. 6634)—

(A) in subsection (a)(2)(C), by inserting ''one or more parent teacher associations or organizations,'' after ''such local educational agencies,'';

(B) by redesignating subsection (b) as subsection (c); and

(C) by inserting after subsection (a) the following:

''(b) OPTIONAL USE OF FUNDS.—An eligible partnership that receives a subgrant under this section may use subgrant funds remaining after carrying out all of the activities described in subsection (a) for—

''(1) developing parental engagement strategies, with accountability goals, as a key part of the ongoing school improvement plan under section 1116(b)(3)(A) for a school identified for improvement under section 1116(b)(1); or

''(2) providing training to teachers, principals, and parents in skills that will enhance effective communication, which training shall—

''(A) include the research-based standards and methodologies of effective parent or family involvement programs; and

''(B) to the greatest extent possible, involve the members of the local and State parent teacher association or organization in such training activities and in the implementation of school improvement plans under section 1116(b)(3)(A).''.

SEC. 8. CONFORMING AMENDMENTS.

Section 1116 of the Elementary and Secondary Education Act of 1965 (as amended by sections 4 and 5) (20 U.S.C. 6316) is further amended—

(1) in subsection (b)—

(A) in paragraph (6)(F), by striking ''(1)(E),'';

(B) in paragraph (7)(C)(i), by striking ''paragraph (1)(E) and (F)'' and inserting ''subparagraphs (B) and (C) of paragraph (5)'';

(C) in paragraph (8)(A)(i), by striking ''paragraph (1)(E) and (F)'' and inserting ''subparagraphs (B) and (C) of paragraph (5)'';

(D) in paragraph (9)—

(i) by striking ''paragraph (1)(E)'' and inserting ''paragraph (5)(B)''; and

(ii) by striking ''(1)(A), (5),'' and inserting ''(5)(A),''; and

(E) in paragraph (11), by striking ''(1)(E),'';

(2) in subsection (c)(10)(C)(vii), by striking ''subsections (b)(1)(E) and (F),'' and inserting ''subparagraphs (B) and (C) of subsection (b)(5)'';

(3) in subsection (e)(1), by inserting ''(1),'' after ''described in paragraph'';

(4) in subsection (f)(1)(A)(ii), by inserting ''(A)'' after ''(b)(5)''; and

(5) in subsection (g)(3)(A), by striking ''subsection (b)(1)(E)'' and inserting ''subsection (b)(5)(B)''.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1448. Mr. LIEBERMAN (for himself and Mr. GRAHAM) 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 1449. 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 1450. Mr. VITTER 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 1451. Mr. VITTER 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 1452. Mr. VOINOVICH 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 1453. Ms. MIKULSKI 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 1454. Mr. SANDERS (for himself, Mr. LEAHY, Mr. SCHUMER, Mrs. GILLIBRAND, and Mrs. SHAHEEN) 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 1455. Mr. KYL (for himself and Mr. MCCAIN) 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 1456. Mr. LIEBERMAN (for himself and Mr. GRAHAM) 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 1457. 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.

SA 1458. 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.

SA 1459. Mr. TESTER 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 1460. Ms. LANDRIEU 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 1461. Ms. MURKOWSKI 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 1462. Mr. COCHRAN (for himself and Mr. WICKER) submitted an amendment intended to be proposed to amendment SA 1461 submitted by Ms. MURKOWSKI and intended to be proposed to the 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 1463. Mrs. LINCOLN 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 1464. Mr. GREGG 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 1465. Ms. LANDRIEU 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 1466. Ms. LANDRIEU 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 1467. Mr. VITTER proposed an amendment to amendment SA 1458 submitted by Mr. DODD (for himself, Mr. LIEBERMAN, and Mr. CARPER) to the 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 1468. Mrs. MURRAY 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.

TEXT OF AMENDMENTS

SA 1448. Mr. LIEBERMAN (for himself and Mr. GRAHAM) 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. _____. DETAINEE PHOTOGRAPHIC RECORDS PROTECTION AND OPEN FREEDOM OF INFORMATION ACT.

(a) DETAINEE PHOTOGRAPHIC RECORDS PROTECTION.—

(1) SHORT TITLE.—This subsection may be cited as the ''Detainee Photographic Records Protection Act of 2009''.

(2) DEFINITIONS.—In this subsection:

(A) COVERED RECORD.—The term ''covered record'' means any record—

(i) that is a photograph that—

(I) was taken during the period beginning on September 11, 2001, through January 22, 2009; and

(II) relates to the treatment of individuals engaged, captured, or detained after September 11, 2001, by the Armed Forces of the United States in operations outside of the United States; and

(ii) for which a certification by the Secretary of Defense under paragraph (3) is in effect.

(B) PHOTOGRAPH.—The term ''photograph'' encompasses all photographic images, whether originals or copies, including still photographs, negatives, digital images, films, video tapes, and motion pictures.

(3) CERTIFICATION.—

(A) IN GENERAL.—For any photograph described under paragraph (2)(A)(i), the Secretary of Defense shall certify, if the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, determines that the disclosure of that photograph would endanger—

(i) citizens of the United States; or

(ii) members of the Armed Forces or employees of the United States Government deployed outside the United States.

(B) CERTIFICATION EXPIRATION.—A certification submitted under subparagraph (A) and a renewal of a certification submitted under subparagraph (C) shall expire 3 years after the date on which the certification or renewal, as the case may be, is submitted to the President.

(C) CERTIFICATION RENEWAL.—The Secretary of Defense may submit to the President—

(i) a renewal of a certification in accordance with subparagraph (A) at any time; and

(ii) more than 1 renewal of a certification.

(D) NOTICE TO CONGRESS.—A timely notice of the Secretary's certification shall be submitted to Congress.

(4) NONDISCLOSURE OF DETAINEE RECORDS.—A covered record shall not be subject to—

(A) disclosure under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act); or

(B) disclosure under any proceeding under that section.

(5) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to preclude the voluntary disclosure of a covered record.

(6) EFFECTIVE DATE.—This subsection shall take effect on the date of enactment of this Act and apply to any photograph created before, on, or after that date that is a covered record.

(b) OPEN FREEDOM OF INFORMATION ACT.—

(1) SHORT TITLE.—This subsection may be cited as the ''OPEN FOIA Act of 2009''.

(2) SPECIFIC CITATIONS IN STATUTORY EXEMPTIONS.—Section 552(b) of title 5, United States Code, is amended by striking paragraph (3) and inserting the following:

''(3) specifically exempted from disclosure by statute (other than section 552b of this title), if that statute—

''(A)(i) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue; or

''(ii) establishes particular criteria for withholding or refers to particular types of matters to be withheld; and

''(B) if enacted after the date of enactment of the OPEN FOIA Act of 2009, specifically cites to this paragraph.''.

SA 1449. 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, using

funds made available under the heading ''U.S. CUSTOMS AND BORDER PROTECTION'' and under the subheading ''SALARIES AND EXPENSES'', 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) If the demonstration program described in subsection (a) is carried out by a contractor, the Secretary of Homeland Security shall select such contractor on a competitive basis.

(c) Not later than 90 days after the date on which the demonstration program described in 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 1450. Mr. VITTER 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. ___. LOCAL DISASTER CONTRACTING FAIRNESS.

(a) SHORT TITLE.—This section may be cited as the ''Local Disaster Contracting Fairness Act of 2009''.

(b) DEFINITIONS.—In this section:

(1) The term ''executive agency'' has the meaning given such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(2) The term ''local subcontractor'' means, with respect to a contract, a subcontractor who has a principal place of business or regularly conducts operations in the area in which work is to be performed under the contract by the subcontractor.

(3) The term ''natural disaster reconstruction efforts'' means reconstruction efforts undertaken in an area subject to a declaration by the President of a major disaster under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).

(c) FEDERAL CONTRACTING REQUIREMENTS.—

(1) IN GENERAL.—The head of an executive agency may not enter into an agreement for debris removal or demolition services in connection with natural disaster reconstruction efforts unless the agreement specifies that—

(A) all of the work under the contract will be performed by the prime contractor or 1 or more subcontractors at 1 tier under the contract;

(B) any work performed under the contract by subcontractors will be performed by local subcontractors, except to the extent that local subcontractors are not available to perform such work;

(C) the prime contractor will act as the project manager or construction manager for the contract; and

(D) the prime contractor—

(i) has primary responsibility for managing all work under the contract; and

(ii) is to be paid a certain percentage of the overall value of the contract as sole compensation for assuming the risk associated with such responsibility.

(2) PREFERENCE FOR SUBCONTRACTORS AFFECTED BY NATURAL DISASTERS.—In entering into an agreement for debris removal or demolition services in connection with natural disaster reconstruction efforts, the head of an executive agency shall give a preference in the source selection process to each offeror who certifies that any work that is to be performed under the contract by subcontractors will be performed by local subcontractors.

(d) APPLICABILITY.—The requirements under subsection (c) shall apply to agreements entered into on or after the date of the enactment of this Act.

SA 1451. Mr. VITTER 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. ___. NATURAL DISASTER FAIRNESS IN CONTRACTING.

(a) SHORT TITLE.—This section may be cited as the ''Natural Disaster Fairness in Contracting Act of 2009''.

(b) DEFINITIONS.—In this section:

(1) EXECUTIVE AGENCY.—The term ''executive agency'' has the meaning given the term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(2) FULL AND OPEN COMPETITIVE PROCEDURES.—The term ''full and open competitive procedures'' has the meaning given the term ''full and open competition'' in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(3) NATURAL DISASTER RECONSTRUCTION EFFORTS.—The term ''natural disaster reconstruction efforts'' means reconstruction efforts undertaken in an area subject to a declaration by the President of a major disaster under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).

(c) COMPETITION REQUIREMENTS.—

(1) IN GENERAL.—Except as provided under paragraph (2), the head of an executive agency, in entering into a contract to procure property or services in connection with natural disaster reconstruction efforts, shall comply with the requirements under section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253).

(2) EXCEPTIONS.—The exceptions to the requirement for competitive procedures provided under paragraphs (3), (4), and (7) of section 303(c) of such Act shall not apply to a contract described in paragraph (1).

(d) WRITTEN APPROVAL FOR USE OF NON-COMPETITIVE PROCEDURES REQUIRED FOR CERTAIN CONTRACTS.—

(1) APPROVAL REQUIRED.—The head of an executive agency may enter into a contract to procure property or services in connection with natural disaster reconstruction efforts using other than full and open competition only upon the written approval of the President or the President's designee.

(2) CONGRESSIONAL NOTIFICATION REQUIRED.—

(A) IN GENERAL.—If procedures other than full and open competitive procedures are to be used to enter into a contract described in paragraph (1), the head of the executive agency negotiating such contract shall notify the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and the standing committees of the Senate and the House of Representatives that have jurisdiction over the executive agency not later than 7 calendar days before the award of the contract.

(B) JUSTIFICATION.—The notification under subparagraph (A) shall include—

(i) the justification for the use of other than full and open competitive procedures;

(ii) a brief description of the contract's scope;

(iii) the amount of the contract;

(iv) a discussion of how the contracting agency identified and solicited offers from contractors;

(v) a list of the contractors solicited; and

(vi) the justification and approval documents, required under section 303(f)(1) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(f)(1)), upon which the determination of use of procedures other than full and open competitive procedures was based.

(3) SCOPE OF REQUIREMENTS.—

(A) SIZE OF CONTRACTS.—This subsection shall not apply to contracts of less than $5,000,000.

(B) APPLICABILITY.—This subsection shall apply to any extension, amendment, or modification of a contract for the procurement of property or services in connection with natural disaster reconstruction efforts entered into before the date of the enactment of this Act using other than full and open competitive procedures.

(C) SMALL BUSINESS EXCEPTION.—This subsection shall not apply to contracts authorized under the Small Business Act (15 U.S.C. 631 et seq.).

(e) DISCLOSURE REQUIRED.—

(1) PUBLICATION AND PUBLIC AVAILABILITY.—

(A) IN GENERAL.—The head of an executive agency that enters into a contract for the procurement of property or services in connection with natural disaster reconstruction efforts through the use of other than full and open competitive procedures shall publish in the Federal Register or Federal Business Opportunities, and otherwise make available to the public not later than 7 calendar days before the date on which the contract is finalized—

(i) the amount of the contract;

(ii) a brief description of the scope of the contract;

(iii) an explanation of how the executive agency identified, and solicited offers from, potential contractors to perform the contract, and a list of the potential contractors that were issued solicitations for the offers; and

(iv) the justification and approval documents, required under section 303(f)(1) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(f)(1)), on which was based the determination to use procedures other than competitive procedures.

(B) SCOPE OF REQUIREMENTS.—

(i) SIZE OF CONTRACTS.—This subsection shall not apply to contracts of less than $5,000,000.

(ii) APPLICABILITY.—This subsection shall apply to any extension, amendment, or modification of a contract entered into before the date of the enactment of this Act using other than full and open competitive procedures.

(iii) SMALL BUSINESS EXCEPTION.—This subsection shall not apply to contracts authorized under the Small Business Act (15 U.S.C. 631 et seq.).

(2) RELATIONSHIP TO OTHER DISCLOSURE LAWS.—Nothing in this subsection may be construed as affecting obligations to disclose United States Government information under any other provision of law.

(f) CONTRACTS ENTERED INTO UNDER UNUSUAL AND COMPELLING URGENCY EXCEPTION.—

(1) REQUIREMENT FOR PERFORMANCE WITHIN 6-MONTH PERIOD.—The head of an executive agency may not rely on the exception under section 303(c)(2) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(2)) to enter into a contract to procure property or services in connection with natural disaster reconstruction efforts using procedures other than competitive procedures unless the contract will be performed within a 6-month period.

(2) EXTENDED NOTIFICATION AND DISCLOSURE DEADLINES.—The notification and disclosure deadlines under subsections (d)(2) and (e)(1)(A), respectively, shall be 7 calendar days after the date on which a contract described in paragraph (1) is finalized.

SA 1452. Mr. VOINOVICH 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. ____. None of the funds made available by this Act may be used to prohibit the use of a passport card issued to a national of the United States to serve as proof of identity and citizenship for the purpose of international travel by such national through all air ports of entry between the United States and Canada.

SA 1453. Ms. MIKULSKI 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, before the ''.'' insert:

Provided, That none of the funds made available for financial systems consolidation shall be obligated until the Secretary satisfies the recommendations of the Government Accountability Office (GAO–07–536) and the Office of Inspector General (OIG–08–47), including an independent cost benefit analysis and comprehensive review of alternatives

SA 1454. Mr. SANDERS (for himself, Mr. LEAHY, Mr. SCHUMER, Mrs. GILLIBRAND, and Mrs. SHAHEEN) 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. ____. (a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security shall, in consultation with the entities specified in subsection (c), submit to Congress a report on improving cross-border inspection processes in an effort to reduce the time to travel between locations in the United States and locations in Ontario and Quebec by intercity passenger rail.

(b) CONTENTS.—The report required by subsection (a) shall include—

(1) an evaluation of potential cross-border inspection processes and methods that comply with Department of Homeland Security requirements that would—

(A) reduce the time to travel on routes between locations in the United States and locations in Ontario and Quebec by intercity passenger rail; and

(B) increase the frequency of on-time arrivals by intercity passenger trains traveling on those routes;

(2) an assessment of the extent to which improving or expanding infrastructure and increasing staffing could increase the efficiency with which intercity rail passengers are screened at border crossings without decreasing security;

(3) an updated evaluation of the potential for pre-clearance by the Department of Homeland Security of intercity rail passengers at locations along routes between locations in the United States and locations in Ontario and Quebec, including through the joint use of inspection facilities with the Canada Border Services Agency, based on the report required by section 1523 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53; 121 Stat. 450);

(4) an estimate of the timeline for implementing the methods for reducing the time to travel between locations in the United States and locations in Ontario and Quebec by intercity passenger rail based on the evaluations and assessments described in paragraphs (1), (2), and (3); and

(5) a description of how such evaluations and assessments would apply with respect to—

(A) all existing intercity passenger rail routes between locations in the United States and locations in Ontario and Quebec, including designated high-speed rail corridors;

(B) any intercity passenger rail routes between such locations that have been used over the past 20 years and on which cross-border passenger rail service does not exist as of the date of the enactment of this Act; and

(C) any potential future rail routes between such locations.

(c) ENTITIES SPECIFIED.—The entities to be consulted in the development of the report required by subsection (a) are—

(1) the Government of Canada, including the Canada Border Services Agency and Transport Canada and other agencies of the Government of Canada with responsibility for providing border services;

(2) the Provinces of Ontario and Quebec;

(3) the States of Maine, Massachusetts, New Hampshire, New York, and Vermont;

(4) the National Railroad Passenger Corporation; and

(5) the Federal Railroad Administration.

SA 1455. Mr. KYL (for himself and Mr. MCCAIN) 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. ____. (a) Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Attorney General and the Administrative Office of the United States Courts, 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, the Department of Justice, and the Judiciary, 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; and

(4) the Committee on the Judiciary of the House of Representatives.

SA 1456. Mr. LIEBERMAN (for himself and Mr. GRAHAM) 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. _____. DETAINEE PHOTOGRAPHIC RECORDS PROTECTION AND OPEN FREEDOM OF INFORMATION ACT.

(a) DETAINEE PHOTOGRAPHIC RECORDS PROTECTION.—

(1) SHORT TITLE.—This subsection may be cited as the ''Detainee Photographic Records Protection Act of 2009''.

(2) DEFINITIONS.—In this subsection:

(A) COVERED RECORD.—The term ''covered record'' means any record—

(i) that is a photograph that—

(I) was taken during the period beginning on September 11, 2001, through January 22, 2009; and

(II) relates to the treatment of individuals engaged, captured, or detained after September 11, 2001, by the Armed Forces of the United States in operations outside of the United States; and

(ii) for which a certification by the Secretary of Defense under paragraph (3) is in effect.

(B) PHOTOGRAPH.—The term ''photograph'' encompasses all photographic images, whether originals or copies, including still photographs, negatives, digital images, films, video tapes, and motion pictures.

(3) CERTIFICATION.—

(A) IN GENERAL.—For any photograph described under paragraph (2)(A)(i), the Secretary of Defense shall issue a certification, if the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, determines that the disclosure of that photograph would endanger —

(i) citizens of the United States; or

(ii) members of the Armed Forces or employees of the United States Government deployed outside the United States.

(B) CERTIFICATION EXPIRATION.—A certification under subparagraph (A) and a renewal of a certification under subparagraph (C) shall expire 3 years after the date on which the certification or renewal, as the case may be, is made.

(C) CERTIFICATION RENEWAL.—The Secretary of Defense may issue—

(i) a renewal of a certification in accordance with subparagraph (A) at any time; and

(ii) more than 1 renewal of a certification.

(D) NOTICE TO CONGRESS.—A timely notice of the Secretary's certification shall be submitted to Congress.

(4) NONDISCLOSURE OF DETAINEE RECORDS.—A covered record shall not be subject to—

(A) disclosure under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act); or

(B) disclosure under any proceeding under that section.

(5) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to preclude the voluntary disclosure of a covered record.

(6) EFFECTIVE DATE.—This subsection shall take effect on the date of enactment of this Act and apply to any photograph created before, on, or after that date that is a covered record.

(b) OPEN FREEDOM OF INFORMATION ACT.—

(1) SHORT TITLE.—This subsection may be cited as the ''OPEN FOIA Act of 2009''.

(2) SPECIFIC CITATIONS IN STATUTORY EXEMPTIONS.—Section 552(b) of title 5, United States Code, is amended by striking paragraph (3) and inserting the following:

''(3) specifically exempted from disclosure by statute (other than section 552b of this title), if that statute—

''(A)(i) requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue; or

''(ii) establishes particular criteria for withholding or refers to particular types of matters to be withheld; and

''(B) if enacted after the date of enactment of the OPEN FOIA Act of 2009, specifically cites to this paragraph.''.

SA 1457. 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 made available under this heading, $5,000,000 shall not be obligated until the Chief Financial Officer or an individual acting in such capacity submits a financial management improvement plan that addresses the recommendations outlined in the Department of Homeland Security Office of Inspector General report # OIG–09–72, including yearly measurable milestones, to the Committees on Appropriations of the Senate and the House of Representatives: *Provided further*, That the plan described in the preceding proviso shall be submitted not later than January 4, 2010'' before the period.

SA 1458. 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; as follows:

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

SEC. ____ (a) The amount appropriated under the heading ''firefighter assistance grants'' under the heading ''Federal Emergency Management Agency'' under by title III for necessary expenses for programs authorized by the Federal Fire Prevention and Control Act of 1974 is increased by $10,000,000 for necessary expenses to carry out the programs authorized under section 33 of that Act (15 U.S.C. 2229).

(b) The total amount of appropriations under the heading ''Aviation Security'' under the heading ''Transportation Security Administration'' under title II, 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 $4,500,000.

(c) From the unobligated balances of amounts appropriated before the date of enactment of this Act for the appropriations account under the heading ''state and local programs'' under the heading ''Federal Emergency Management Agency'' for ''Trucking Industry Security Grants'', $5,500,000 are rescinded.

SA 1459. Mr. TESTER 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. 5____. None of the funds made available under this Act may be obligated for the construction of the National Bio and Agro-defense Facility on the United States mainland until 90 days after the later of—

(1) the date on which the Secretary of Homeland Security completes a site-specific bio-safety and bio-security mitigation assessment to determine the requirements necessary to ensure safe operation of the National Bio and Agro-defense Facility at the preferred site identified in the January 16, 2009, record of decision published in Federal Register Vol. 74, Number 111;

(2) the date on which the Secretary of Homeland Security, in coordination with the Secretary of Agriculture, submits to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a report that—

(A) describes the procedure that will be used to issue the permit to conduct foot-and-mouth disease live virus research under section 7524 of the Food, Conservation, and Energy Act of 2008 (21 U.S.C. 113a note; Public Law 110–246); and

(B) includes plans to establish an emergency response plan with city, regional, and State officials in the event of an accidental release of foot-and-mouth disease or another hazardous pathogen.

SA 1460. Ms. LANDRIEU 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. EMERGENCY SHELTERS.

(a) RESCISSION.—Of amounts made available before the date of enactment of this Act from the appropriations account under the heading ''DISASTER RELIEF'' under the heading ''FEDERAL EMERGENCY MANAGEMENT AGENCY'' to the State of Louisiana pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) for Hurricane Katrina, $150,000,000 are rescinded.

(b) APPROPRIATION.—There is appropriated for the fiscal year ending September 30, 2009, out of any money in the Treasury not otherwise appropriated, $150,000,000, to remain available until expended, for the appropriations account under the heading ''STATE AND LOCAL PROGRAMS'' under the heading ''FEDERAL EMERGENCY MANAGEMENT AGENCY'' for a grant to the State of Louisiana for the construction of emergency shelters or modification of facilities to serve as emergency shelters. For purposes of Senate enforcement, the amount made available under this subsection is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 403 of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

SA 1461. Ms. MURKOWSKI 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. CERTAIN DISASTER RELIEF.

Notwithstanding section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172), the Administrator of the Federal Emergency Management Agency shall reimburse the Cordova Electric Cooperative, Incorporated, for not less than 75 percent of the cost of the reconstruction of the Humpback Creek Hydroelectric Project in Cordova, Alaska, pursuant to major disaster declaration FEMA–1669–DR (71 Fed. Reg. 75969), in accordance with the proposed reconstruction concept as described in Federal Energy Regulatory Commission, Cordova Electric Cooperative, Incorporated, Project No. 8889–046, Order Amending License, Approving Revised Exhibits And Revising Project Boundary (issued March 31, 2009, as corrected April 3, 2009).

SA 1462. Mr. COCHRAN (for himself and Mr. WICKER) submitted an amendment intended to be proposed to amendment SA 1461 submitted by Ms. MURKOWSKI and intended to be proposed to the 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 of the amendment, add the following: ''Notwithstanding any other provision of law, the Administrator of the Federal Emergency Management Agency shall reimburse the Bay St. Louis-Waveland School District under section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5173) for 100 percent of the costs to replace all buildings located on the campus of Second Street Elementary, Bay St. Louis, Mississippi damaged by Hurricane Katrina of 2005.''.

SA 1463. Mrs. LINCOLN 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. FEDERAL DEPOSIT INSURANCE ACT TECHNICAL CORRECTION.

(a) APPLICABLE ANNUAL PERCENTAGE RATE OF INTEREST.—Section 44(f)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1831u(f)(1)) is amended—

(1) in the matter preceding subparagraph (A), by inserting ''(or in the case of a governmental entity located in such State, paid)'' after ''received, or reserved''; and

(2) in subparagraph (B)—

(A) in the matter preceding clause (i), by striking ''nondepository institution operating in such State'' and inserting ''governmental entity located in such State and any person that is not a depository institution described in subparagraph (A) doing business in such State'';

(B) by redesignating clause (ii) as clause (iii);

(C) in clause (i)—

(i) in subclause (III)—

(I) in item (aa), by adding ''and'' at the end;

(II) in item (bb), by striking '', to facilitate'' and all that follows through ''2009''; and

(III) by striking item (cc); and

(ii) by adding after subclause (III) the following:

''(IV) the uniform accessibility of bonds and obligations issued under the American Recovery and Reinvestment Act of 2009;''; and

(D) by inserting after clause (i) the following:

''(ii) to facilitate interstate commerce through the issuance of bonds and obligations under any provision of State law, including bonds and obligations for the purpose of economic development, education, and improvements to infrastructure; and''.

(b) EFFECTIVE PERIOD.—The amendments made by this section shall apply with respect to contracts consummated during the period beginning on the date of enactment of this Act and ending on December 31, 2010.

SA 1464. Mr. GREGG 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. ____. PROPER DISPOSAL OF PERSONAL INFORMATION COLLECTED THROUGH THE REGISTERED TRAVELER PROGRAM.

(a) IN GENERAL.—Any company that collects or retains personal information from individuals who participated in the Registered Traveler program shall safeguard and dispose of such information in accordance with the requirements in—

(1) the National Institute for Standards and Technology Special Publication 800–30, entitled ''Risk Management Guide for Information Technology Systems''; and

(2) the National Institute for Standards and Technology Special Publication 800–53, Revision 3, entitled ''Recommended Security Controls for Federal Information Systems and Organizations,'';

(3) any supplemental standards established by the Assistant Secretary, Transportation Security Administration (referred to in this section as the ''Assistant Secretary'').

(b) CERTIFICATION.—The Assistant Secretary shall—

(1) review the procedures used to safeguard and dispose of such information; and

(2) require any company described in subsection (a) to provide, not later than 30 days after the date of the enactment of this Act, written certification to the sponsoring aircraft operator or airport operator that such procedures are consistent with the minimum standards established under paragraph (1).

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Assistant Secretary shall submit a report to Congress that—

(1) describes the procedures that have been used to safeguard and dispose of personal information collected through the Registered Traveler program; and

(2) provides the status of the certification by any company described in subsection (a) that such procedures are consistent with the minimum standards established by the Assistant Secretary.

SA 1465. Ms. LANDRIEU 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. ADMINISTRATIVE LAW JUDGES.

The administrative law judge annuitants participating in the Senior Administrative Law Judge Program managed by the Director of the Office of Personnel Management under section 3323 of title 5, United States Code, shall be available on a temporary reemployment basis to conduct arbitrations of disputes as part of the arbitration panel established by the President under section 601 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 164).

SA 1466. Ms. LANDRIEU 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 39, line 9, after ''spending:'' insert the following: ''*Provided further*, That not later than 60 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall submit a report to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives that includes (1) a plan for the acquisition of alternative temporary housing units, and (2) procedures for expanding repair of existing multi-family rental housing units authorized under section 689i(a) of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 776(a)), semi-permanent, or permanent housing options:''.

SA 1467. Mr. VITTER proposed an amendment to amendment SA 1458 submitted by Mr. DODD (for himself, Mr. LIEBERMAN, and Mr. CARPER) to the 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 end add the following:

SEC. ____. None of the funds made available in this Act for U.S. Customs and Border Protection 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 1468. Mrs. MURRAY 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:

At the appropriate place insert the following:

None of the funds appropriated or otherwise made available by this Act may be used by the Department of Homeland Security to enter into any federal contract unless such contract is entered into in accordance with the requirements of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) or Chapter 137 of title 10, United States Code, and the Federal Acquisition Regulation, unless such contract is otherwise authorized by statute to be entered into without regard to the above referenced statutes.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before Committee on Energy and Natural Resources Subcommittee on National Parks.

The hearing will be held on Wednesday, July 22, 2009, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills:

S. 635, to amend the Wild and Scenic Rivers Act to designate a segment of Illabot Creek in Skagit County, Washington, as a component of the National Wild and Scenic Rivers System;

S. 715, to establish a pilot program to provide for the preservation and rehabilitation of historic lighthouses;

S. 742, to expand the boundary of the Jimmy Carter National Historic Site in the State of Georgia, to redesignate the unit as a National Historical Park, and for other purposes;

S. 1270, to modify the boundary of the Oregon Caves National Monument, and for other purposes;

S.1418 and H.R. 2330, 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; and

H.R. 2430, to direct the Secretary of the Interior to continue stocking fish in certain lakes in the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by email to anna_fox@energy.senate.gov.

For further information, please contact David Brooks at (202) 224–9863 or Anna Fox at (202) 224–1219.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, July 9, 2009, at 9:30 a.m.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, July 9, 2009, at 2 p.m., in room SD–366 of the Dirksen Senate Office Building.

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 Thursday, July 9, 2009, at 10 a.m. in room 325 of the Russell Senate Office Building.

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

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on Thursday, July 9, 2009, at 10 a.m. to conduct a hearing entitled ''Healthcare Reform: The Concerns and Priorities from the Perspective of Small Businesses.''

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

SUBCOMMITTEE ON CLEAN AIR AND NUCLEAR SAFETY

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air and Nuclear Safety of the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, July 9, 2009, at 10 a.m. in room 406 of the Dirksen Office Building.

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

TRIBUTES TO SENATOR COLEMAN

Mrs. MURRAY. Mr. President, I ask unanimous consent that the tributes to Senator Coleman in the CONGRESSIONAL RECORD be printed as a Senate document and that Senators be permitted to submit statements for inclusion until Friday, August 7, 2009.

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

ORDERS FOR FRIDAY, JULY 10, 2009

Mrs. MURRAY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, Friday, July 10; 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 then be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

PROGRAM

Mrs. MURRAY. As the majority leader announced earlier tonight, there will be no rollcall votes tomorrow. The next vote is expected to occur around 5:30 p.m. on Monday.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mrs. MURRAY. If there is no further business to come before the Senate, I ask unanimous consent it adjourn under the previous order.

There being no objection, the Senate, at 10:08 p.m., adjourned until Friday, July 10, 2009, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF TRANSPORTATION

CHRISTOPHER P. BERTRAM, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION, VICE PHYLLIS F. SCHEINBERG, RESIGNED.

DEPARTMENT OF STATE

PHILIP D. MURPHY, OF NEW JERSEY, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL REPUBLIC OF GERMANY.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FRANCIS S. COLLINS, OF MARYLAND, TO BE DIRECTOR OF THE NATIONAL INSTITUTES OF HEALTH, VICE ELIAS ADAM ZERHOUNI.

SHERRY GLIED, OF NEW YORK, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES, VICE BENJAMIN ERIC SASSE, RESIGNED.

NATIONAL LABOR RELATIONS BOARD

CRAIG BECKER, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2009, VICE DENNIS P. WALSH.

CRAIG BECKER, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2014. (REAPPOINTMENT)

BRIAN HAYES, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2012, VICE ROBERT J. BATTISTA, TERM EXPIRED.

MARK GASTON PEARCE, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2013, VICE PETER N. KIRSANOW.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

JAMES A. LEACH, OF IOWA, TO BE CHAIRPERSON OF THE NATIONAL ENDOWMENT FOR THE HUMANITIES FOR A TERM OF FOUR YEARS, VICE BRUCE COLE.

ROLENA KLAHN ADORNO, OF CONNECTICUT, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2014, VICE ELIZABETH FOX-GENOVESE, TERM EXPIRED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. DANIEL L. YORK

DISCHARGED NOMINATION

The Senate Committee on Homeland Security and Governmental Affairs was discharged from further consideration of the following nomination under the authority of the order of the Senate of 01/07/09 and the nomination was placed on the Executive Calendar:

*GORDON S. HEDDELL, OF THE DISTRICT OF COLUMBIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF DEFENSE.

*Nominee has committed to respond to requests to appear and testify before any duly constituted committee of the Senate.