SCHUMER, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, and Mr. WHITEHOUSE):

S. 211. A bill to facilitate nationwide availability of 2–1–1 telephone service for information and referral on human services and volunteer services, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 212. A bill to expand the boundaries of the Gulf of the Farallones National Marine Sanctuary and the Cordell Bank National Marine Sanctuary, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. BOXER (for herself and Ms. SNOWE):

S. 213. A bill to amend title 49, United States Code, to ensure air passengers have access to necessary services while on a grounded air carrier, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BINGAMAN (for himself, Mr. LEAHY, Mr. LIEBERMAN, and Mr. CARDIN):

S. 214. A bill to amend title XXI of the Social Security Act to permit qualifying States to use their allotments under the State Children's Health Insurance Program for any fiscal year for certain Medicaid expenditures; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SPECTER (for himself, Mr. COBURN, and Mr. ALEXANDER):

S. Res. 12. A resolution to amend the Standing Rules of the Senate to prohibit filling the tree; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 34

At the request of Mr. DEMINT, the names of the Senator from North Carolina (Mr. BURR) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 34, a bill to prevent the Federal Communications Commission from repromulgating the fairness doctrine.

S. 61

At the request of Mr. DURBIN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 61, a bill to amend title 11 of the United States Code with respect to modification of certain mortgages on principal residences, and for other purposes.

S. 64

At the request of Mr. INHOFE, the names of the Senator from Texas (Mrs. HUTCHISON), the Senator from Kansas (Mr. ROBERTS), the Senator from Louisiana (Mr. VITTER), the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 64, a bill to amend the Emergency Economic Stabilization Act to require approval by the Congress for certain expenditures for the Troubled Asset Relief Program.

S. 85

At the request of Mr. VITTER, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 85, a bill to amend title X of the Public Health Service Act to prohibit family planning grants from being awarded to any entity that performs abortions.

S. 133

At the request of Mrs. FEINSTEIN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 133, a bill to prohibit any recipient of emergency Federal economic assistance from using such funds for lobbying expenditures or political contributions, to improve transparency, enhance accountability, encourage responsible corporate governance, and for other purposes.

S. 160

At the request of Mr. LIEBERMAN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 160, a bill to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives.

S. 166

At the request of Mrs. HUTCHISON, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 166, a bill to amend title VII of the Civil Rights Act of 1964 to clarify the filing period applicable to charges of discrimination, and for other purposes.

S. RES. 4

At the request of Mr. VITTER, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. Res. 4, a resolution expressing the sense of the Senate that the Supreme Court of the United States erroneously decided Kennedy v. Louisiana, No. 07–343 (2008), and that the eighth amendment to the Constitution of the United States allows the imposition of the death penalty for the rape of a child.

AMENDMENT NO. 7

At the request of Mr. COBURN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of amendment No. 7 intended to be proposed to S. 22, a bill to designate certain land components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself and Mr. KYL):

S. 203. A bill to amend the Immigration and Nationality Act to modify the requirements for participation in the visa waiver program and for other purposes; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce a bill on behalf of myself and Senator KYL to mitigate the immigration and security risks associated with the Visa Waiver Program and its expansion.

The Visa Waiver Program leaves open both a major gap in our domestic security and a way to exploit our immigration laws. The Strengthening the Visa Waiver Program to Secure America Act would give the Department of Homeland Security, DHS, new tools to secure the Visa Waiver Program, consistent with the recommendations made by the 9/11 Commission.

The bill would set a maximum low visa overstay rate for all visa waiver program countries; require a reevaluation of visa waiver program countries within 1 year; mandate that the administration will lose its authority to continue to expand the program if it does not track 97 percent of those exiting and departing at our airports—based on arrival data, not just departure data; require an audit of the electronic travel authorization system, ESTA; and require current visa waiver countries to report on lost or stolen visas in order to remain in the visa waiver program.

Senator KYL and I have held multiple hearings over the years and time and time again we have expressed concern and requested improvements, but no changes have been forthcoming in how the Department of Homeland Security intends to implement this program.

The hearings and the recent Government Accountability Office report found that the administration is not doing what it should to secure the program. Instead, the Visa Waiver Program has continued to expand without meeting the security needs of our country.

In fact, just today the administration has announced that it has met the deadline for the electronic travel authorization system, ESTA, to be fully operational. However, the GAO report found that ESTA—the one security check for visa waiver travelers prior to arrival at our Nation's airports—has not been implemented effectively by the administration to make it a workable system for the airlines and embassies.

The GAO report also found that the administration is still unable to track who comes in and out of this country. This is especially significant given that the program was recently expanded to countries with high visa overstay rates, bringing the number of participating countries to 35.

This means that for the citizens of 35 countries—including Australia, Singapore, Slovenia, and the United Kingdom—entering the United States is as simple as purchasing an airline ticket and arriving at the airport with a valid passport in hand.

The result is that these travelers not only bypass the interview and individualized security screening process, but they are also lost once they arrive in the U.S. because DHS is only checking when individuals depart at our airports, not if they overstay their visit.

It is estimated that 40 percent of the current undocumented population are people who have overstayed their visas. That means that if there are 12 million

undocumented people now in the U.S., 4.8 million people overstayed their visa. The Visa Waiver Program is the achilles heel of our immigration system.

The security risks associated with the Visa Waiver Program are even greater—Our Nation's security experts have stated repeatedly that the program provides an attractive option to terrorists looking to do Americans harm.

At a Senate Judiciary Committee hearing on September 27, 2007, DNI Director Mike McConnell testified that Al Qaeda is purposefully recruiting Europeans because they do not require a visa to come into this country.

As Director McConnell said, this tactic gives Al Qaeda ''an extra edge in getting an operative or two or three into the country with the ability to carry out an attack that might be reminiscent of 9–11.''

Secretary Chertoff reiterated these concerns when he stated that ''terrorists are increasingly looking to Europe as both a target and a platform for terrorist attacks'' against the United States.

In an interview with BBC's ''World News America,'' Secretary Chertoff acknowledged, ''the first time we encounter [visa waiver travelers] is when they arrive in the United States and that creates a very small window of opportunity to check them out.''

These security risks are particularly apparent when we look at the statistics on the number of fraudulent and stolen passports and other international documents.

Between January 2002 and June 2004, 28 foreign governments, including visa waiver countries, reported 56,943 stolen blank foreign passports to the State Department. And just this summer, a security van in London was hijacked, resulting in the loss of 3,000 blank British passports and visas that were destined for overseas embassies.

DHS's own Inspector General, Clark Ervin has testified that: ''The lost and stolen passport problem is the greatest security problem associated with the Visa Waiver Program. Our country is vulnerable because gaps in our treatment of lost and stolen passports remain.''

The Strengthening the Visa Waiver Program to Secure America Act would put necessary security checks firmly in place and provide greater program oversight.

We must act now to secure the Visa Waiver Program. I urge my colleagues to support this bill.

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. 203

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 ''Strengthening the Visa Waiver Program to Secure America Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) PROGRAM COUNTRY.—The term ''program country'' means a country designated as a program country under section 217(c)(1) of the Immigration and Nationality Act (8 U.S.C. 1187(c)(1)).

(2) SECRETARY.—Except as otherwise provided, the term ''Secretary'' means the Secretary of Homeland Security.

(3) VISA WAIVER PROGRAM.—The term ''visa waiver program'' means the visa waiver program carried out under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187).

SEC. 3. ENFORCEMENT OF REQUIREMENT TO REPORT LOST OR STOLEN PASSPORTS.

(a) ENFORCEMENT OF EXISTING REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, each program country shall have in effect an agreement with the United States as required by section 217(c)(2)(D) of the Immigration and Nationality Act (8 U.S.C. 1187(c)(2)(D)).

(b) FAILURE TO AGREE TO REPORT.—

(1) SUSPENSION FROM THE PROGRAM.—If a program country does not meet the requirements of subsection (a), the Secretary, in consultation with the Secretary of State, shall immediately suspend the program country's participation in the visa waiver program.

(2) RESTORATION TO THE PROGRAM.—With respect to a country that is suspended from participation in the visa waiver program under paragraph (1), the Secretary shall restore the country's participation on the date that the Secretary determines that the country meets the requirements of paragraph (1).

(c) LIMITATION ON NEW PROGRAM COUNTRIES.—Notwithstanding any other provision of law, the Secretary may not designate a country as a program country until after the date that the Secretary certifies to Congress that the requirements of subsection (a) have been met.

SEC. 4. ENFORCEMENT OF REQUIREMENT FOR PERIODIC EVALUATIONS OF PROGRAM COUNTRIES.

(a) ENFORCEMENT OF EXISTING REQUIREMENT.—Not later than 1 year after the date of the enactment of this Act, the Secretary, in consultation with the Secretary of State, shall evaluate under section 217(c)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1187(c)(5)(A)) each program country that was designated as a program country prior to January 1, 2009. Such evaluation shall include the visa overstay rate for each program country for the 1-year period ending on the date of the enactment of this Act.

(b) VISA OVERSTAY RATE DEFINED.—In this section, the term ''visa overstay rate'' has the meaning given that term in section 217(c)(8)(C) of the Immigration and Nationality Act (8 U.S.C. 1187(c)(8)(C)), as amended by section 6.

(c) FAILURE TO COMPLY WITH PROGRAM REQUIREMENTS.—

(1) SUSPENSION FROM THE PROGRAM.—If the periodic evaluation prepared under subsection (a) shows that a program country has a visa overstay rate that exceeds 2 percent, the Secretary, in consultation with the Secretary of State, shall immediately suspend the program country's participation in the visa waiver program.

(2) RESTORATION TO THE PROGRAM.—With respect to a country that is suspended from participation in the visa waiver program under paragraph (1), the Secretary shall restore the country's participation on the date that the Secretary determines that the country's visa overstay rate does not exceed 2 percent.

(d) LIMITATION ON NEW PROGRAM COUNTRIES.—Notwithstanding any other provision of law, the Secretary may not designate a country as a program country until after the date that the Secretary certifies to Congress that the requirements of subsection (a) have been met.

SEC. 5. ARRIVAL AND DEPARTURE VERIFICATION.

(a) REQUIREMENT FOR VERIFICATION.—

(1) IN GENERAL.—Subparagraph (A) of section 217(c)(8) of the Immigration and Nationality Act (8 U.S.C. 1187(c)(8)) is amended—

(A) in clause (i)—

(i) by striking ''can verify'' and inserting ''verifies'';

(ii) by inserting ''arrival and'' before ''departure''; and

(iii) by inserting ''entry and'' before ''exit''; and

(B) in clause (ii) by inserting ''entry and'' before ''exit''.

(2) CONFORMING AMENDMENT.—Subparagraph (C) of such section 217(c)(8) is amended by inserting ''entry and'' before ''exit''.

(b) LIMITATION ON NEW PROGRAM COUNTRIES.—Notwithstanding any other provision of law, the Secretary may not designate a country as a program country until after the date that the Secretary certifies to Congress that the requirements of clause (i) of subsection (c)(8)(A) of section 217 of the Immigration and Nationality Act, as amended by subsection (a)(1), are met.

(c) AUDIT.—

(1) REQUIREMENT TO CONDUCT.—Not later than 180 days after the date that the certification described in clause (i) of subsection (c)(8)(A) of section 217 the Immigration and Nationality Act (8 U.S.C. 1187), as amended by subsection (a)(1), is submitted to Congress, the Comptroller of the United States shall conduct an audit of the travel authorization system described in subsection (h)(3) of that section and submit a report on such audit to Congress.

(2) ELEMENTS.—The report by paragraph (1) shall include—

(A) a description of the data collected by such system;

(B) the number of individuals who were identified by such system as being in violation of the immigration laws, disaggregated by country; and

(C) an explanation of any problems in implementing such system encountered during the early stages of implementation to better identify high-risk travelers and countries of origin of such travelers.

SEC. 6. VISA OVERSTAY RATES.

Subparagraph (C) of section 217(c)(8) of the Immigration and Nationality Act (8 U.S.C. 1187(c)(8)), as amended by section 5(a)(2), is further amended—

(1) in clause (i), by striking the period at the end of the first sentence and inserting '', except that in no case may a maximum visa overstay rate exceed 2 percent.'';

(2) by redesignating clause (iii) as clause (iv);

(3) by inserting after clause (ii) the following:

''(iii) DATA COMPILATION.—The Secretary of Homeland Security shall compile data from all appropriate databases to determine the visa overstay rate for each country. Such databases shall include—

''(I) the Advanced Passenger Information System (APIS);

''(II) the Automated Fingerprint Identification System (IDENT);

''(III) the Central Index System (CIS);

''(IV) the Computer Linked Application Information Management Systems (CLAIMS);

''(V) the Deportable Alien Control System (DACS);

''(VI) the Integrated Automated Fingerprint Identification System (IAFIS);

''(VII) the Nonimmigrant Information System (NIIS);

''(VIII) the Reengineered Naturalization Applications Casework Systems (RNACS); and

''(IX) the Refugees, Asylum, and Parole System (RAPS).''; and

(4) by adding at the end the following:

''(v) ANNUAL REPORT.—Not less frequently than once each fiscal year, the Secretary of Homeland Security shall submit to the Committee on Foreign Relations and the Committee on the Judiciary of the Senate and the Committee on Foreign Affairs and the Committee on the Judiciary of the House of Representatives a report describing the visa overstay rate for the previous fiscal year of each country designated as a program country under paragraph (1).''.

By Mr. KOHL (for himself, Mr. BROWN, Mr. SPECTER, Mr. LEAHY, Mr. GRASSLEY, Mr. FEINGOLD, Ms. SNOWE, Mr. SCHUMER, Mr. DURBIN, Mr. LEVIN, and Mr. LAUTENBERG):

S. 204. A bill to amend the Sherman Act to make oil-producing and exporting cartels illegal; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today to introduce, with ten of my colleagues, the No Oil Producing and Exporting Cartels Act, NOPEC. This legislation will authorize our Government, for the first time, to take action against the illegal conduct of the OPEC oil cartel. It is time for the U.S. Government to fight back on efforts to fix the price of oil and hold OPEC accountable when it acts illegally. Our amendment will hold OPEC member nations to account under U.S. antitrust law when they agree to limit supply or fix price in violation of the most basic principles of free competition.

NOPEC will authorize the Attorney General to file suit against nations or other entities that participate in a conspiracy to limit the supply, or fix the price, of oil. In addition, it will specify that the doctrines of sovereign immunity and act of state do not exempt nations that participate in oil cartels from basic antitrust law. I have introduced this legislation in each Congress since 2000. This legislation passed the full Senate by a vote of 70–23 in June 2007 as an amendment to the 2007 Energy Bill before being stripped from that bill in the conference committee. The identical House version of NOPEC passed the other body as stand alone legislation in May 2007 by an overwhelming 345–72 vote. It is now time for us to at last pass this legislation into law and give our Nation a long needed tool to counteract this pernicious and anti-consumer conspiracy.

Throughout 2007 and 2008, crude oil and gasoline prices marched steadily upwards, peaking last summer at over $140 per barrel for crude and well over $4 per gallon for gasoline. In recent months, of course, these prices have plummeted as demand has dropped due to the serious global economic recession. But the recent declines in crude oil and gasoline prices should not fool us—the global oil cartel remains a major force conspiring to raise oil prices to the detriment of American consumers.

The recent actions of the OPEC cartel demonstrate the dangers it presents. OPEC is doing everything it can to raise oil prices. On October 24, 2008, OPEC agreed to cut production by 1.5 million barrels a day, don December 17 OPEC agreed to a further 2.2 million barrels a day production cut. The OPEC cartel makes no secret of its motivation for these production cuts. OPEC President Chaib Khelil put it very simply in an interview published December 23, 2008, ''Without these cuts, I don't think we'd be seeing $43 [per barrel] today, we'd have seen in the $20s. . . . [H]opefully by the third quarter [of 2009] we will see prices rising.'' In another interview in December, Khelil was quoted as saying ''The stronger the decision [to cut production], the faster prices will pick up.''

And if the price of crude oil begins to rise again as a result of these actions by OPEC, there is no doubt that millions of American consumers will feel the pinch every time they visit the gas pump. The Federal Trade Commission has estimated that 85 percent of the variability in the cost of gasoline is the result of changes in the cost of crude oil.

Such blatantly anti-competitive conduct by the oil cartel violates the most basic principles of fair competition and free markets and should not be tolerated. If private companies engaged such an international price fixing conspiracy, there would no question that it would be illegal. The actions of OPEC should be treated no differently because it is a conspiracy of nations.

For years, this price fixing conspiracy of OPEC nations has unfairly driven up the cost of imported crude oil to satisfy the greed of the oil exporters. We have long decried OPEC, but, sadly, no one in Government has yet tried to take any action. This NOPEC legislation will, for the first time, establish clearly and plainly that when a group of competing oil producers like the OPEC nations act together to restrict supply or set prices, they are violating U.S. law.

It is also important to point out that this legislation will not authorize private lawsuits. It only authorizes the Attorney General to file suit under the antitrust laws for redress. It will always be in the discretion of the Justice Department and the President as to whether to take action to enforce NOPEC. Our legislation will not require the Government to bring a legal action against OPEC member nations, and no private party will have the ability to bring such an action. This decision will entirely remain in the discretion of the executive branch. Our NOPEC legislation will give our law enforcement agencies a tool to employ against the oil cartel—but the decision on whether to use this tool will entirely be up to the Justice Department and, ultimately, the President. They can use this tool as they see fit—to file a legal action, to jawbone OPEC in diplomatic discussions, or defer from any action should they judge foreign policy or other considerations warrant it.

NOPEC will also make plain that the nations of OPEC cannot hide behind the doctrines of ''sovereign immunity'' or ''act of state'' to escape the reach of American justice. In so doing, our amendment will overrule one 28 year old lower court decision which incorrectly failed to recognize that the actions of OPEC member nations was commercial activity exempt from the protections of sovereign immunity.

The most fundamental principle of a free market is that competitors cannot be permitted to conspire to limit supply or fix price. There can be no free market without this foundation. We should not permit any nation to flout this fundamental principle.

Some critics of this legislation have argued that suing OPEC will not work or that threatening suit will hurt more than help. I disagree. Our NOPEC legislation will, for the first time, enable our Justice Department to take legal action to combat the illegitimate price-fixing conspiracy of the oil cartel. It will, at a minimum, have a real deterrent effect on nations that seek to join forces to oil prices to the detriment of consumers. This legislation will be the first real weapon the U.S. Government has ever had to deter OPEC from its seemingly endless cycle of supply cutbacks designed to raise price. It will mean that OPEC member nations will face the possibility of real and substantial antitrust sanctions should they persist in their illegal conduct. It will also deter additional nations who may today be considering joining OPEC.

I urge my colleagues to support our NOPEC legislation so that our Nation will finally have an effective means to combat this price-fixing conspiracy of oil-rich nations.

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. 204

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 ''No Oil Producing and Exporting Cartels Act of 2009'' or ''NOPEC''.

SEC. 2. SHERMAN ACT.

The Sherman Act (15 U.S.C. 1 et seq.) is amended by adding after section 7 the following:

''SEC. 7A. OIL PRODUCING CARTELS.

''(a) IN GENERAL.—It shall be illegal and a violation of this Act for any foreign state, or any instrumentality or agent of any foreign state, to act collectively or in combination with any other foreign state, any instrumentality or agent of any other foreign state, or any other person, whether by cartel or any other association or form of cooperation or joint action—

''(1) to limit the production or distribution of oil, natural gas, or any other petroleum product;

''(2) to set or maintain the price of oil, natural gas, or any petroleum product; or

''(3) to otherwise take any action in restraint of trade for oil, natural gas, or any petroleum product;

when such action, combination, or collective action has a direct, substantial, and reasonably foreseeable effect on the market, supply, price, or distribution of oil, natural gas, or other petroleum product in the United States.

''(b) SOVEREIGN IMMUNITY.—A foreign state engaged in conduct in violation of subsection (a) shall not be immune under the doctrine of sovereign immunity from the jurisdiction or judgments of the courts of the United States in any action brought to enforce this section.

''(c) INAPPLICABILITY OF ACT OF STATE DOCTRINE.—No court of the United States shall decline, based on the act of state doctrine, to make a determination on the merits in an action brought under this section.

''(d) ENFORCEMENT.—The Attorney General of the United States may bring an action to enforce this section in any district court of the United States as provided under the antitrust laws.''.

SEC. 3. SOVEREIGN IMMUNITY.

Section 1605(a) of title 28, United States Code, is amended—

(1) in paragraph (6), by striking ''or'' after the semicolon;

(2) in paragraph (7), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(8) in which the action is brought under section 7A of the Sherman Act.''.

By Mr. BINGAMAN (for himself, Mrs. HUTCHISON, Mrs. FEINSTEIN, Mr. DURBIN, Mr. MCCAIN, and Mr. KYL):

S. 205. A bill to authorize additional resources to identify and eliminate illicit sources of firearms smuggled into Mexico for use by violent drug trafficking organizations, and for other purposes; to the Committee on the Judiciary.

Mr. BINGAMAN. Mr. President, I rise today to introduce the Southwest Border Violence Reduction Act of 2009. This important legislation, which is cosponsored by Senators HUTCHISON, DURBIN, and FEINSTEIN, is aimed at addressing drug-related violence in Mexico by reducing the number of weapons that are illegally smuggled into the country.

The ongoing violence in Mexico is having a devastating impact on the country. In 2008, more than 5,300 people were killed in Mexico—this is double the number in the previous year. During this last year, there were over 1,600 deaths just in Ciudad Juarez. Drug traffickers are warring with each other, assassinations of police and government officials are commonplace, lawyers and journalists have been killed, and many innocent civilians have been caught up in the crossfire.

Border communities within the United States are also being directly impacted. Many of the people living in this region have strong family ties to Mexico and the violence makes it difficult to visit loved ones. U.S. border hospitals have had to provide medical care to the wounded under armed guard. And in New Mexico, we had to briefly shut down the Columbus Port of Entry due to gun battles in the Mexican border town of Palomas and provide police escorts to school buses passing through the area. At one point this last year, the entire police force in Palomas resigned due to threats by drug traffickers and the Chief of Police fled to the United States to seek asylum.

Besides the horrific human toll this violence is having on communities throughout Mexico, it also impacts the overall economy of the border region. Everyday thousands of people travel back and forth between the United States and Mexico for business and pleasure. This flow of people and goods is an essential aspect of maintaining healthy economic activity on both sides of the border. However, the current security situation is hampering bilateral trade, new business ventures, and tourism. In these tough economic times, the violence exacerbates an already bad economic environment.

The United States has taken some important steps to help Mexico fight drug traffickers, such as increasing bilateral cooperation and providing substantial financial assistance as part of the Merida initiative. However, there is much more that we can be doing to help quell this violence. One key area where more can and should be done is with regard to stopping the flow of weapons being smuggled into Mexico from the United States.

According to the ATF, about 90 percent of the weapons confiscated in Mexico come from sources within the United States because firearms are much more readily accessible in the United States than in Mexico. These weapons are the so-called ''tools of the trade'' for narco-traffickers. They are the means by which cartels maintain control over drug corridors and the instrument they use to execute their scheme of violence and intimidation.

In the four U.S. border States there are about 6,600 licensed gun dealers. The vast majority of these dealers act in accordance with the law, but drug gangs exploit the availability of weapons in the region to supply cartels on the Mexican side of the border with illegal high-powered weapons.

The ATF has a very successful initiative in place to combat southbound illicit weapons trafficking, know as Project Gunrunner, but they need more resources to adequately tackle the problem.

The Southwest Border Violence Reduction Act would provide these much needed resources. Specially, this legislation would authorize $30 million over 2 years to expand Project Gunrunner teams in the border region and $19 million to assign agents to U.S. consulates in Mexico to assist Mexican law enforcement with smuggling investigations.

I would also like to make it clear that nothing in this bill limits the sale of firearms or places any additional restrictions on licensed dealers. This effort is only focused on enhancing the investigative capabilities of the ATF with regard to arms trafficking in order to weed out the bad actors and to ensure that weapons aren't being illegally smuggled across the border.

The United States has traditionally focused on enhancing efforts to prevent illegal narcotics from being smuggled into the county. While we obviously need to dedicate resources toward this end, we also should be taking a comprehensive approach that recognizes that the northbound flow of narcotics is dependent on the southbound flow of weapons and currency. Denying traffickers the proceeds of drug sales and the ability to heavily arm their cartels is essential in reducing the drug flow into the United States.

It is insufficient to simply rely on Mexican authorities to stop the flow of guns going into their country. Drug trafficking is a transnational threat and the solution must involve sustained cooperation between the United States and Mexico. We must do more on our side of the border to disrupt weapons smuggling if we are going to be successful in combating drug cartels.

Instability and violence in Mexico is taking a toll on communities on both sides of the border. I strongly believe that this is an issue that deserves more attention, and I hope my colleagues will support this bipartisan legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 205

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 ''Southwest Border Violence Reduction Act of 2009''.

SEC. 2. PROJECT GUNRUNNER.

(a) IN GENERAL.—The Attorney General shall dedicate and expand the resources provided for the Project Gunrunner initiative of the Bureau of Alcohol, Tobacco, Firearms, and Explosives to identify, investigate, and prosecute individuals involved in the trafficking of firearms across the international border between the United States and Mexico.

(b) ACTIVITIES.—In carrying out this section, the Attorney General shall—

(1) assign additional agents of the Bureau of Alcohol, Tobacco, Firearms, and Explosives to the area of the United States adjacent to the international border between the United States and Mexico to support the expansion of Project Gunrunner teams;

(2) establish not fewer than 1 Project Gunrunner team in each State along the international border between the United States and Mexico; and

(3) coordinate with the heads of other relevant Federal law enforcement agencies and State and local law enforcement agencies to address firearms trafficking in a comprehensive manner.

(c) ADDITIONAL STAFF.—The Attorney General may hire Bureau of Alcohol, Tobacco,

Firearms, and Explosives agents for, and otherwise expend additional resources needed to adequately support, Project Gunrunner.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $15,000,000 for each of fiscal years 2010 and 2011 to carry out this section.

SEC. 3. ENHANCED INTERNATIONAL COOPERATION.

(a) IN GENERAL.—The Attorney General, in cooperation with the Secretary of State, shall—

(1) assign agents of the Bureau of Alcohol, Tobacco, Firearms, and Explosives to the United States mission in Mexico, to work with Mexican law enforcement agencies in conducting investigations relating to firearms trafficking and other criminal enterprises;

(2) provide the equipment and technological resources necessary to support investigations and to trace firearms recovered in Mexico; and

(3) support the training of Mexican law enforcement officers in serial number restoration techniques, canine explosive detection, and antitrafficking tactics.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $9,500,000 for each of fiscal years 2010 and 2011 to carry out this section.

By Mrs. BOXER:

S. 206. A bill to amend the Elementary and Secondary Education Act of 1965 to establish a program to help States expand the education system to include at least 1 year of early education preceding the year a child enters kindergarten; to the Committee on Health, Education, Labor, and Pensions.

Mrs. BOXER. Mr. President, today I rise to reintroduce the Early Education Act. Early education is critical to preparing children across our Nation with the initial skills and abilities to successfully begin their education. While the amount of support for early education has been increasing, great discrepancies remain between the quality of programs and the level of access from State to State.

This bill is a step forward in making a national commitment to giving all children access to high quality pre-kindergarten programs that have been proven to have a solid impact on a child's success later in school and in life.

Of the more than 8 million 3- and 4-year-olds that could be in early education, just over half are enrolled in an early education program. In my State of California alone, just fewer than 60 percent of 3- and 4-year-olds are in some kind of preschool.

The result is that too many children enter elementary school unprepared to learn.

Studies have shown that children who participate in pre-kindergarten programs are less likely to be held back a grade, show greater learning retention and initiative, have better social skills, are more enthusiastic about school, and are more likely to have good attendance records.

Almost all experts now agree that an early education experience is one of the most effective strategies for improving later school performance. The National Research Council reported that pre-kindergarten educational opportunities are critical in developing early language and literacy skills and preventing reading difficulties in young children.

The future of our Nation's economy depends on the next generation of workers, and high-quality early childhood education is key to preparing them for their careers. In the long run, pre-kindergarten programs pay for themselves. Decades of research have proven that early education programs yield between $7 to $16 for every dollar invested.

My bill, the Early Education Act, would create a program in at least 10 States to provide 1 year of pre-kindergarten early education in public schools. The bill would require a dollar for dollar match by the States and would authorize no less than $300 million annually for these programs. These funds would be used by States to supplement—not supplant—other Federal, State or local funds. This bill would serve almost 150,000 children across the country.

Our children need a solid foundation that builds on our current education system by providing them with early learning skills. I urge my colleagues to support this legislation.

By Mrs. BOXER:

S. 207. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for health insurance premiums; to the Committee on Finance.

Mrs. BOXER. Mr. President, today I am introducing the Health Insurance Tax Relief Act to help our Nation's workers and working families deal with dramatic increases in health care costs. The legislation would allow taxpayers to deduct their health insurance premiums up to $2,000 for individuals and $4,000 for families.

While this deduction will certainly not solve all of the problems in our health care system, it will provide help for working individuals and families who have seen health care premium costs drastically rise. Since 1999, the average health insurance premium for workers covering their families has more than doubled. A recent survey by the Kaiser Family Foundation found that 40 percent of employers that offer health benefits are likely to increase the amount their employees pay in premiums.

This is an issue of fairness. Current law provides a patchwork of tax deductions for health care costs depending upon an individual's employer, the type of health care plan provided by their employer, and/or percentage of income spent on health care, among other things.

Unfortunately this patchwork has left out many employees who face increasing premiums or are buying high cost health plans on their own. This legislation rectifies that unfairness and will help people meet rising health care costs. It would help those currently purchasing coverage to continue to do so, as well as helping people who are uninsured to purchase coverage.

This legislation is particularly important for employees in small businesses. Many small businesses across the country have been forced by the rising cost of health care to shift an increasing amount of health insurance costs to their employees. These are hard working Americans struggling to make ends meet in a weak economy.

Now more than ever we need legislation that provides targeted assistance to help families pay for health care. I urge my colleagues to support my legislation.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 212. A bill to expand the boundaries of the Gulf of the Farallones National Marine Sanctuary and the Cordell Bank National Marine Sanctuary, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. BOXER. Mr. President, the Gulf of the Farallones and Cordell Bank National Marine Sanctuaries Boundary Modification and Protection Act will protect one of the world's most biologically-diverse and productive marine regions. I am proud to be joined in this effort by Congresswoman LYNN WOOLSEY and Senator DIANNE FEINSTEIN.

Established in 1981 and 1989 respectively, the Gulf of the Farallones and Cordell Bank National Marine Sanctuaries have helped protect the special marine waters and coastline that are quintessentially Californian. My bill will protect an even greater part of my State's coast by expanding the sanctuaries' boundaries to include more of northern California's great coastal upwelling area, one of only four on the planet.

Upwelling areas are places where deeper water comes up to the surface, bringing the nutrients needed by marine algae to grow and support all higher forms of marine life. Though coastal upwelling areas comprise only 1 percent of the world's ocean they produce 20 percent of its fish. The area from Point Arena to Bodega Bay, currently outside the sanctuaries' boundaries, is particularly important since it consistently has the most intense upwelling in all of North America and an enormous capacity to support marine life. I am proud that my bill will expand the sanctuaries' boundaries to protect this upwelling area.

The unique productivity of this region is illustrated by the abundance and diversity of marine life it supports: 36 species of marine mammals, including the endangered blue and humpback whales; numerous coastal and migratory seabirds, including the black-footed albatross; endangered leatherback turtles; and Coho salmon. Expanding the existing sanctuaries to include this area is necessary to protect this remarkable ecosystem from pollution and habitat degradation.

My bill has broad, local support, including from the California Coastal Commission, the California State Lands Commission, the Counties of Sonoma, Marin, and Mendocino, and the cities in the expansion region. It is also supported by fishermen, including the Pacific Coast Federation of Fishermen's Associations, by far the largest and most active association of commercial fishermen on the West Coast. Fishermen recognize the urgency of passing this legislation to preserve the water quality and habitat essential for good fishing.

My bill will help preserve an incomparable gem of an ecosystem. I look forward to working with my colleagues to move this important legislation.

By Mrs. BOXER (for herself and Ms. SNOWE):

S. 213. A bill to amend title 49, United States Code, to ensure air passengers have access to necessary services while on a grounded air carrier, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. BOXER. Mr. President, today I am pleased to re-introduce the Airline Passenger Bill of Rights Act, a critical piece of airline passenger safety legislation.

Anyone who has traveled recently recognizes that the delays travelers are encountering at airports are a national problem that needs our immediate attention.

Americans are all too familiar with the numerous horror stories of passengers trapped in airplanes sitting on runways for sometimes as much as 11 hours without adequate food or water, overflowing restrooms, and no opportunity to deplane.

The delays continue. On the Sunday before Christmas 2008, more than 250 passengers on a Continental Airlines flight from Houston to Boston were diverted to Bangor, ME, where they spent about 6 hours idling on the tarmac before they were told that they were going to deplane for the night and would have to find shelter and transportation on their own.

When these passengers returned the next day for their trip home, not only was their flight delayed 5 hours but they also spent another 2 hours idling on the tarmac before finally flying to Boston.

In 1999, the airlines had an opportunity to address the stranding of airline passengers on tarmacs across the country, but despite those efforts little has changed.

Last March a Federal appeals court ruling struck down New York State's Passenger Bill of Rights law, stating that it is up to the Congress to set a national Federal standard.

To meet this immediate need for Federal legislation, I am re-introducing the Airline Passenger Bill of Rights Act, along with Senator SNOWE, to give airline passengers basic protections when they are facing these delays and disruptions in their travel.

This legislation requires airlines to give passengers adequate food, water, facilities, and medical attention when planes are delayed on the tarmac.

In addition, the bill requires each air carrier to develop an emergency contingency plan, to be reviewed and approved by the Department of Transportation (DOT) that identifies a clear timeframe to allow passengers to deplane if they choose and if the pilot deems it safe.

Airlines will need to give passengers the option of deplaning every 3 hours, with exceptions to maintain passenger safety and airport efficiency.

Our legislation also includes a few additional provisions from the FAA Reauthorization bill passed by the House in the last Congress. Our bill requires airports to develop plans to handle stranded passenger aircraft and creates a DOT hotline for consumer complaints. It would also permit the DOT to levy fines against air carriers or airports that do not submit or adhere to the contingency plans.

The European Union enacted a Passenger Bill of Rights in 2005 and Canada passed similar legislation last year. It is time for the United States to step up and make a serious commitment to the millions of Americans that rely on safe and effective air travel.

As the number of airline passengers is expected to increase to 1.3 billion by 2025, we can't afford a ''business as usual'' attitude when it comes to passenger safety and efficiency at our nation's busiest airports.

Consumers deserve access to food, water, and medical attention when stranded on an aircraft tarmac due to delays. Congress has the ability to ensure airline passengers' fundamental rights are protected by enacting our Passenger Bill of Rights legislation.

I look forward to working with my colleagues to pass this legislation in this Congress.

Ms. SNOWE. Mr. President, I come to the Senate floor today on behalf of the millions of travelers throughout this country. Before I begin, I would like to take this opportunity to thank Senator BOXER for being such a fantastic partner in this effort; an effort that sets aside partisanship to protect America's traveling public. Her aggressive, heartfelt leadership on this issue has been so essential in moving this legislation forward and keeping it at the forefront of the public consciousness.

To my regret, each one of us is far too familiar with horror stories of passengers stranded on airplanes for hours at a time with no access to food, water or even functional restrooms. Events like the unconscionable delays at JFK Airport in New York in February of 2007 are the most commonly referenced, but these sorts of events are occurring on a daily basis. Such dramatic incidents prompted calls for congressional action. That call was heard, and its answer is this Passenger Bill of Rights before us today. But as time went on, and this legislation before us today languished, the chorus for change grew quiet. The reasons why we first proposed the Passenger Bill of Rights have not dissipated; in fact, they have only increased.

The 2008 Air Quality Rating report, which quantifies the performances of the various airlines when it comes to customer service, indicated it was ''the worst year for airlines Ever.'' Delays continue to escalate. In fact, despite nearly a 10 percent reduction in capacity last year, delays actually climbed to a record high; an average of nearly an hour per delay.

At a time when airlines are grounding flights without notice and passengers face interminable waits in aircraft and on tarmacs with little or no idea as to when they might depart, there are no safeguards in place to protect the rights of America's travelers—the time is now for Congress to do the right thing and finally stand with America's passengers. The Federal court system agrees with us; in voiding New York State's own Passenger Bill of Rights, the Second United States Court of Appeals decision indicated that such a Bill of Rights required ''a Federal standard.'' The airlines declared victory as the New York law was overturned; according to the airlines, it would herald a jumble of changing regulations among different states, making it too difficult to navigate. However, when presented with the option of having a national standard by Senator BOXER and myself, they opposed that proposal as well. It seems the airlines want carte blanche to treat passengers as they wish, with no recourse for that individual. It is clear, Congress must take this matter in hand.

Simply put, Congress has run out of excuses. The courts have definitively ruled that this is the Federal Government's responsibility. We have not just a right, but a responsibility to the American people to ensure that there is some level of accountability, some minimum standard. If a patron visits a restaurant that does not offer some modicum of working restrooms or provide adequate food and water, that customer can leave the restaurant and find another. For the airline passenger, that is not an option. They are trapped at the mercy of the airline; airlines whose only concern is the bottom line and getting that aircraft off the ground, however long that might take.

Waiting for the airlines to alter their customer service model isn't going to work. Thanks to Congressional prodding, the airlines put into place their voluntary Customer Service Agreement in 1999. They have had almost a decade to follow through with establishing some basic commitment to customer service and failed miserably. That is not my conclusion; the Inspector General of the Department of Transportation agreed with that assessment. It is clear that after years of refusing to adopt a commitment to provide customer service to the American people, the airline industry will

not take action unless Congress requires them to do so. This time, Congress needs to show it is serious about protecting passengers.

By our actions, we can show the American people that we are on their side and are working to protect their interests. Never again, should a family be forced to sit on a tarmac for 10 hours, deprived of the most basic of necessities. Canada was able to pass their passenger bill of rights legislation, so if Canada can do it, then there is no reason that Congress cannot do the same. By acting swiftly, and with resolve, we can take up and pass an FAA Reauthorization that includes the Passenger Bill of Rights, we can restore America's trust in our airlines and guarantee them a standard of service we should all be entitled to.

Mr. BINGAMAN (for himself, Mr. LEAHY, Mr. LIEBERMAN, and Mr. CARDIN):

S. 214. A bill to amend title XXI of the Social Security Act to permit qualifying States to use their allotments under the State Children's Health Insurance Program for any fiscal year for certain Medicaid expenditures; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise with co-sponsors Senators LEAHY, LIEBERMAN, and CARDIN to introduce and ask your support for the Children's Health Equity and Technical Amendment Act.

Since the passage of the Children's Health Insurance Program, or SCHIP, in 1997, a group of States that expanded coverage to children in Medicaid prior to the enactment of SCHIP has been unfairly penalized for that expansion. States are not allowed to use the enhanced matching rate available to other States for children at similar levels of poverty under the act. As a result, a child in the States of New York, Florida, and Pennsylvania, because they were grandfathered in the original act or in Iowa, Montana, or a number of other States at 134 percent of poverty is eligible for an enhanced matching rate in SCHIP but that has not been the case for States such as New Mexico, Vermont, Washington, Rhode Island, Hawaii, and a number of others, including Connecticut, Tennessee, Minnesota, New Hampshire, Wisconsin, and Maryland.

As the health policy statement by the National Governors' Association reads, ''The Governors believe that it is critical that innovative states not be penalized for having expanded coverage to children before the enactment of SCHIP, which provides enhanced funding to meet these goals. To this end, the Governors support providing additional funding flexibility to states that had already significantly expanded coverage of the majority of uninsured children in their states.''

For 6 years, our group of States has sought to have this inequity addressed. Early in 2003, I introduced the Children's Health Equity Act of 2003 with Senators Jeffords, MURRAY, LEAHY, and Ms. CANTWELL and we worked successfully to get a compromise worked out for inclusion in S. 312 by Senators ROCKEFELLER and Chafee. This compromise extended expiring SCHIP allotments only for fiscal years 1998 through 2001 in order to meet budgetary caps.

The compromise allowed States to be able to use up to 20 percent of our State's SCHIP allotments to pay for Medicaid eligible children at 150 percent of poverty that were part of our State's expansions prior to the enactment of SCHIP. That language was maintained in conference and included in H.R. 2854 that was signed by the President as Public Law 108–74. Unfortunately, a slight change was made in the conference language that excluded New Mexico and Hawaii, Maryland, and Rhode Island and needed specific changes so an additional bill was passed, H.R. 3288, and signed into law as Public Law 108–107, on November 17, 2003. This second bill included language from legislation that I introduced with Senator Domenici, S. 1547, to address the problem caused to New Mexico by the conference committee's change. Unfortunately, one major problem with the compromise was that it must be periodically reauthorized. Most recently, this authority was renewed through fiscal year 2007 in Section 201(b) of the National Institutes of Health Reform Act of 2006, Pub. L. No. 109–482. Without future authority, the inequity would continue with SCHIP allotments.

This legislation would address that problem and ensure that all future allotments give these 11 States the flexibility to use our SCHIP allotments to pay for health care services of children. In order to bring these requirements in-line with those of other States, it would also lower the threshold at which New Mexico and other effected States could utilize the funds from 150 percent of the Federal poverty level to 125 percent.

There is strong bipartisan support for addressing this inequity. Legislation was introduced in the 110th Congress in both H.R. 3584 by Republican Representative BARTON, and 141 co-sponsors, and S. 2086 by Senator Trent Lott and other Republican leadership to expand the category of children eligible through this correction to 133 percent of the Federal poverty level.

This rather technical issue has real and negative consequences in States such as New Mexico. In fact, due to the SCHIP inequity, New Mexico has been allocated $266 million from SCHIP between fiscal years 1998 and 2002, and yet, has only been able to spend slightly over $26 million as of the end of last fiscal year. In other words, New Mexico has been allowed to spend less than 10 percent of its Federal SCHIP allocations.

This legislation would correct this problem.

The bill does not take money from other States' SCHIP allotments. It simply allows our States to spend our States' specific SCHIP allotments from the Federal Government on our uninsured children—just as other States across the country are doing.

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. 214

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 ''Children's Health Equity Technical Amendments Act of 2009''.

SEC. 2. AUTHORITY FOR QUALIFYING STATES TO USE CHIP ALLOTMENT FOR ANY FISCAL YEAR FOR CERTAIN MEDICAID EXPENDITURES.

(a) ELIMINATION OF FISCAL YEAR AND PERCENTAGE LIMITATIONS.—

(1) IN GENERAL.—Section 2105(g)(1)(A) of the Social Security Act (42 U.S.C. 1397ee(g)(1)(A)), as amended by section 201(b)(1) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), is amended by striking ''not more than 20 percent of any allotment under section 2104 for fiscal year 1998, 1999, 2000, 2001, 2004, 2005, 2006, 2007, 2008, or 2009'' and inserting ''a fiscal year allotment under section 2104''.

(2) CONFORMING AMENDMENT.—Effective as if included in the enactment of section 201(b) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110–173), paragraph (2) of that section is repealed.

(b) MODIFICATION OF ALLOWABLE EXPENDITURES.—Section 2105(g)(1)(B)(ii) of such Act (42 U.S.C. 1397ee(g)(1)(B)(ii)) is amended by striking ''150'' and inserting ''125''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008, and shall apply to expenditures made on or after that date.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 12—TO AMEND THE STANDING RULES OF THE SENATE TO PROHIBIT FILLING THE TREE

Mr. SPECTER (for himself, Mr. COBURN, and Mr. ALEXANDER) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 12

Resolved, That (a) rule XV of the Standing Rules of the Senate is amended by adding at the end the following:

''6. Notwithstanding action on a first degree amendment, it shall not be in order for a Senator to offer a second degree amendment to his or her own first degree amendment.''.

(b) The amendment made by subsection (a) shall take effect at the beginning of the 111th Congress.

Mr. SPECTER. Mr. President, I have sought recognition today in order to reintroduce a resolution I first put forward in the 110th Congress that would prohibit the use of the procedural tactic of filling the tree. I feel strongly that this practice contributed greatly