

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

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

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

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

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

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

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

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

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

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

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

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

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

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

would be allowed to inherit property stolen by the Nazis.

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

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

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

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

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

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

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

My best.

Sincerely,

ARLENE SPECTER.

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

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

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

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

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

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

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

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

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

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

I request that you review this situation with a view to bring whatever diplomatic

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

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

My best.

Sincerely,

ARLEN SPECTER.

UNANIMOUS-CONSENT AGREEMENT—H.R. 2892

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

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

Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2010

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

The bill clerk read as follows:

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

Pending:

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

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

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

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

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

AMENDMENT NO. 1399

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

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

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The Senator from Alabama is recognized.

AMENDMENT NO. 1371

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

UNANIMOUS CONSENT REQUEST—S. RES. 175

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

The PRESIDING OFFICER. Is there objection?

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

The PRESIDING OFFICER. Objection is heard.

Mr. NELSON of Nebraska. I thank the Chair.

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

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

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

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

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

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

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

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

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

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

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

What is more, nothing about E-Verify stops a citizen from loaning their identity to friends and family so they can get a job. We need a biometric system, with a picture and a biometric identifier. That is the only way we will

stop illegal immigration. E-Verify doesn’t do it.

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

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

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

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

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

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

The Senator from New York is recognized.

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

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

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

The PRESIDING OFFICER. The Senator from Tennessee.

UNANIMOUS CONSENT REQUEST—S. 1198

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

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

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

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

The PRESIDING OFFICER. Is there objection?

Mr. NELSON of Nebraska. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Nebraska.

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

The PRESIDING OFFICER. The Senator from New York.

AMENDMENT NO. 1371

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

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

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

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

[Rollcall Vote No. 219 Leg.]

YEAS—44

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

NAYS—53

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

NOT VOTING—3

Byrd	Harkin	Kennedy
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The motion was rejected.

AMENDMENT NO. 1407 TO AMENDMENT NO. 1371

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

The PRESIDING OFFICER. Is there objection?

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

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

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

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

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

Mr. LEAHY. I ask for its acceptance.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

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

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

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

The amendment is as follows:

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

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

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

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

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

Mr. LEAHY. I urge its adoption.

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

The amendment (No. 1407) was agreed to.

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

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

The motion to lay on the table was agreed to.

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

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

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

AMENDMENT NO. 1399

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

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

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

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Washington is recognized.

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

Mr. VOINOVICH. Mr. President, we oppose this amendment. The amendment would force the Department of Homeland Security to construct hundreds of additional miles of pedestrian fencing beyond that which is determined as necessary. The Department of Homeland Security has studied and analyzed the tactical infrastructure

needs, including pedestrian fencing or vehicle fencing along that border. It has built or is in the process of constructing the miles of pedestrian fencing that are needed or that they believe is necessary.

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

I urge we vote no on this amendment.

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

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

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

Mr. DEMINT. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

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

[Rollcall Vote No. 220 Leg.]

YEAS—54

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

NAYS—44

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

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

NOT VOTING—2

Byrd Kennedy

The amendment (No. 1399) was agreed to.

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

The motion to lay upon the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1375 TO AMENDMENT NO. 1373

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

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

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

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

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

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

The amendment is as follows:

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

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

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

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

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

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

AMENDMENT NO. 1375, AS MODIFIED

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

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

The amendment, as modified, is as follows:

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

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

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

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

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

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

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

This no-match rule has been blocked by litigation filed by organized labor and business groups that have consistently opposed enforcement of many of our Federal immigration laws. But the administration has twice asked the court to delay ruling on the government's motion to throw out the law-

suit, thus voluntarily leaving the rule in legal limbo for more than 5 years.

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1415 TO AMENDMENT NO. 1373

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

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

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

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

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

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

The amendment is as follows:

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

At the appropriate place, insert the following:

SEC. ____ CHECKING THE IMMIGRATION STATUS OF EMPLOYEES.

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

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

“(i) UPON HIRING.—The person”; and

(2) by adding at the end the following:

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

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

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

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

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

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

THINNING ELK HERDS

Mr. DORGAN. Madam President, this morning the New York Times wrote an

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

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

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

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

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

This is not rocket science or a big, significant, complicated issue. It is not a serious illness for which we don't know a cure. This is a very simple issue of culling an elk herd. So I proposed that. The Park Service said, well, there is a restriction here and there, so we are going to hold a series of meetings. They held a series of meetings in North Dakota. As is always the case with bureaucracy, they

hold a lot of meetings and come up with multiple alternatives, and they study them to death until the alternatives are nothing but carcasses. This is an issue in North Dakota in the Theodore Roosevelt National Park that has gone on for some years. The Park Service had several different alternatives. We were waiting for a long while to see what they were going to announce. And it became clear to me that they weren't going to get to a common-sense decision.

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

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

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

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1402

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

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

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

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

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

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

Because of the real possibility of an attack, cities and counties throughout New Jersey have created local emer-

gency operations centers. What else could we ask for? What have the States where there are droughts or hurricanes or earthquakes or volcanic eruptions in this country had the right to ask for? They have a right to ask for help. But why only provide the help after something has happened if we can prevent things from taking place?

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

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

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

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

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

I thank the Chair for the opportunity to speak, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REED. Madam President, I rise to oppose the amendment that is currently before us, which would eliminate funding for the emergency operations center projects throughout the

country, including one in Providence, RI.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

On 8 April 2009, after competing nationally in the DHS FY09 Emergency Operations Centers Grant Program, Providence was one of the few cities that met and exceeded the

strict federal criteria and was awarded the maximum amount of \$1,000,000. We are requesting additional funding to fully complete the project.

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

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

Sincerely,

DAVID N. CICILLINE,
Mayor.

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

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

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

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

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

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

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

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

Respectfully,

J. DAVID SMITH,
Executive Director.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

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

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

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

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

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

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

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

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

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

The Constitution, article I, section 9, says:

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

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

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

I yield the floor.

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

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

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

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

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

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

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

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

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

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

Mr. FEINGOLD. I am happy to.

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

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

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

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

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

Mr. FEINGOLD. The entire program?

Mr. MCCAIN. Yes.

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

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

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

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

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

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

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

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

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

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

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

I thank the Senator from Arizona for his questions.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

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

taken from worthy projects for earmarking.

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

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

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

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

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

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

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

I yield the floor.

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

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

approach, because we are getting the judgment of all parts of the three branches of government—at least two of them.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The ACTING PRESIDENT pro tempore. The Senator from Washington.

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

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

Who yields time?

The Senator from Wisconsin.

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

We have the Senator from New York talking about Mount Vernon being

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

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

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

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

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

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

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

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

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

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

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

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

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

The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I appreciate the comments of the Senator from Washington. I want to be clear because it is very easy for people listening to this debate to think we are trying to eliminate the Emergency Operations Center Program. That is the opposite of the case. This cleans it up and makes sure every State can fairly com-

pete for it. So the truth is, this earmarking is the opposite of the accountability the Senator from Washington refers to. It creates the absence of accountability. There is no real scientific or needs-based analysis. It is just which Senator can get an earmark. It not only harms the program, it is gutting the program when 10 States, without serious analysis, get 50 percent of the money, and 40 States have to compete for all the rest.

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

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

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

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

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

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

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

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

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

Louisiana conducted the largest evacuation in American history last

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

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

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

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

Re Lincoln Parish Public Safety Complex

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

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

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

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

Yours truly,

MARK A. COOPER,
Director.

DEPARTMENT OF PUBLIC SAFETY AND
CORRECTIONS, PUBLIC SAFETY
SERVICES,

Baton Rouge, LA, March 28, 2007.

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

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

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

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

Sincerely,

COLONEL L. WHITEHORN,
Superintendent, Louisiana State Police.

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

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

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

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

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

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

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

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

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

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

Sincerely,
BRYANT O. HAMMETT, JR.,
Secretary.

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

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

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

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

Sincerely,
MIKE STRAIN,
Commissioner.

BIENVILLE PARISH SHERIFF'S OFFICE,
Arcadia, LA, February 5, 2008.
Hon. MIKE STONE,
*Sheriff, Lincoln Park
Ruston, Louisiana.*

DEAR SHERIFF STONE: It has been brought to my attention that Lincoln Parish is currently seeking funds for a public safety com-

plex that would be available for regional training opportunities. This regional training concept would be very advantageous to all surrounding public safety agencies which currently have no such facility available.

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

Sincerely,
JOHN E. BALLANCE,
Sheriff.

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

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

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

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

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

Sincerely,
KEN BAILEY,
Claiborne Parish Sheriff.

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

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

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

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

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

Sincerely,
ANDY BROWN,
Sheriff.

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

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

DEAR SHERIFF STONE: Please allow this letter to serve as my official endorsement of the proposed Lincoln Parish Public Safety Complex. The Ouachita Parish Sheriff's Of-

fice supports this effort and all regional efforts to enhance public safety in our area.

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

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

Sincerely,
RICHARD FEWELL,
Ouachita Parish Sheriff.

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

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

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

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

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

Sincerely,
ROBERT G. "BOB" BUCKLEY,
Sheriff—Union Parish.

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

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

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

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

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

Sincerely,
GARY SEXTON,
Sheriff.

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

Re Support for Lincoln Parish Public Safety Complex.

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

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

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

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

Sincerely,

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

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

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

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

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

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

The ACTING PRESIDENT pro tempore. The Senator from Washington.

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

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

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

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

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

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

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

There appears to be a sufficient second.

All time is yielded back.

The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

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

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

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

[Rollcall Vote No. 221 Leg.]

YEAS—38

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

NAYS—60

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

NOT VOTING—2

Byrd Kennedy

The amendment (No. 1402) was rejected.

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

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

The motion to lay on the table was agreed to.

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

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

The bill clerk proceeded to call the roll.

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

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

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

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 1432 TO AMENDMENT NO. 1373

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

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

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

The amendment is as follows:

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

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

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

I yield the floor.

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

AMENDMENT NO. 1428 TO AMENDMENT NO. 1373

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

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

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

The bill clerk read as follows:

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

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

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

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

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

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

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

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

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

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

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

Mr. President, please note that there are several religious organizations that support passage of the Special Immigrant Non-Minister Religious Worker Visa Program, including The Church of Jesus Christ of Latter-day Saints, the American Jewish Committee, the Agudath Israel of America, the Catholic Legal Immigration Network, Inc.,

the Church Communities International, the Conference of Major Superiors of Men, the Hebrew Immigrant Aid Society, the Lutheran Immigration and Refugee Service, the Mennonite Central Committee, the United States National Association of Evangelicals, the National Spiritual Assembly of the Bahai of the United States, The Church of Scientology International, The First Church of Christ, Scientist, Boston, MA, the United Methodist Church, the General Board of Church and Society, the World Relief, and the U.S. Conference of Catholic Bishops.

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

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

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

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

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

If, however, the citizen spouse dies while the petition, through no fault of the couple, remains pending. This is often unfair; delays are often caused by agency workload or issues which are not the fault of the petitioners. The petition automatically is denied. The noncitizen is immediately deemed ineligible for legal permanent residence and therefore becomes deportable. This is the case even if ample evidence of a

bona fide marriage, such as cohabitation, shared finances, exists. It is often the case even if a couple had a U.S. born child.

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

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

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

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

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

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

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

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

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

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

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1406 TO AMENDMENT NO. 1373

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

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

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

Mr. MCCAIN. Pending me finding the right number, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

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

The assistant legislative clerk read as follows:

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

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

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

The amendment is as follows:

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

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

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

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

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

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

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

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

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

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

Accounting for inflation, this will achieve a savings of \$36 million in 2010

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

From Politico:

Democrats make show of budget cuts.

That was on June 23.

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

It goes on and on.

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

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

Yesterday I offered an amendment to strip funding for a program the admin-

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

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

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

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

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

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

It is time we started standing up for the American people and not the spe-

cial interests that are the sponsors of Loran-C and so many wasteful and unnecessary programs we continue to see increase in spending, when every other American family is having to tighten their belts and decrease spending, if they are able to spend at all.

I yield the floor.

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

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

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

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

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

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

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

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

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

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

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

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

FEDERAL PROTECTION SERVICE (FPS)

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

E-VERIFY EXTENSION

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

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

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

LORAN-C TERMINATION

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

IMMIGRATION SERVICES

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

The Administration strongly urges the Congress to provide additional resources to support and expand successful immigrant integration programs across the country.

Mrs. MURRAY. It says:

The Administration appreciates the committee's support for termination of the

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

So the administration has said that the committee is complying with what they have asked us to do which is to terminate the Loran-C program.

The aim of the amendment is unclear to me. What it actually does is strip the Coast Guard of the authority we have provided in the underlying bill to terminate a program that will indeed save taxpayers \$36 million a year.

The way the amendment is written, I oppose it because it will take away what the committee has written in here to terminate the Loran-C program, as the President has requested, in a responsible way, to do it in a way that we deal with the mitigation that needs to be done when we remove equipment such as this. The amendment that has been offered will actually strip the Coast Guard of the authority to do just that.

The committee bill does what the Senator is asking us to do. It does it in a timely and responsible way and does terminate the Loran-C program.

I urge colleagues to support the committee amendment that does it in a responsible way.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, the distinguished chairman left out a couple of items. One, it will still cost an additional \$18 million, if the program is terminated by January 4, 2010.

The interesting thing, when we read the bill on pages 75, 76, and 77, there is a list of caveats that have to be achieved in order for that to happen. How many times have I seen around here a determination made that they will terminate a program if the following criteria are met? The limitations in the bill are that termination will not adversely impact the safety of maritime navigation, the system is not needed as a backup to the GPS or any other Federal navigation, if the Commandant makes a certification. The Commandant doesn't have to make a certification. The Coast Guard has already said they don't want it. It needs no certification.

From the language of the bill:

Not later than 30 days after such certification pursuant to subsection (b), the Commandant shall submit to the Committee on Appropriations of the Senate and House of Representatives a report setting forth a proposed schedule for the phased decommissioning of the Loran-C system infrastructure in the event of the decommissioning of such infrastructure in accordance with subsection (c).

If the Commandant makes the certification described in subsection (b), the Secretary of Homeland Security, acting through the Commandant of the Coast Guard, may, notwithstanding any other provision of law,

sell any real or personal property under the administrative control of the Coast Guard and used for the Loran system, by directing the Administrator of General Services to sell such real and personal property . . .

So after the completion of such activities, the unexpended balance shall be available for any other environmental compliance and restoration. Why not stop it now? Why not stop it now? Why spend an additional \$18 million? Why open this? Since 1981, we have been trying to kill it. Why open it for an additional period of time when clearly this system needs to stop?

With all due respect to the Senator from Washington, let's stop it now. We can stop it now. We know it can be stopped now. We don't have to spend an additional \$18 million on the program.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, the Senator and I are on the same page. We want to terminate this program. But we have a responsibility, as oversight, to make sure that we do it in a way that mitigates any problems that are out there.

We have high-value equipment. We have electronic hazardous materials that are out there. The Coast Guard—whoever is responsible—has to remediate the environmental concerns. They need to secure these sites where the Loran-Cs are. That is what this funding is for, to make sure it is done responsibly.

If we do not provide the funds in this amendment, the Coast Guard will be required to take the money to do that out of other very important missions that many of us care about, whether it is search and rescue or drug interdiction or marine safety or threats of terrorism. We do not want the Coast Guard to have to take away that money to do that.

I want to specifically say again, the amendment before us, the way it is written, strikes the language that the President requested to provide for the orderly termination by providing authority to sell the Loran-C assets. If this amendment is adopted, they will not be able to sell the Loran-C assets and thereby save taxpayer dollars.

I understand where the Senator is coming from. I know his past concerns about this program. We are going to shut it down. That is what this amendment does. The commandant, who is, in our language, being asked to certify, goes at the behest of the President. As the Senator from Arizona well knows, the President has said he wants the program shut down, and that is what this committee is trying to do, in a responsible way, to save taxpayer dollars in the long run and specifically to be able to sell the Loran-C assets so the taxpayers can regain their money at the end of the day.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, in 2007 I offered this direct amendment. We spent 3 hours on it on the Senate floor. Everybody agreed we needed to get rid of this program then. We had some concerns. The thing I do not understand is why we are waiting the extra 5 months to shut down a program. There is nobody who needs this program. That 5 months—just that 5 months of continuing the program—costs the American taxpayers \$18 million.

So if, in fact, we are going to shut down the program, I would like to understand the logic of turning it down in January instead of October 1.

First of all, nobody is using this system now. Nobody is using it. Why can't they notify in 3 months all the people—which is zero—who are using this today? The other question is, why does it take \$35 million? Where is the backup detail that shows what the costs will be? Maybe it is \$18 million.

Mrs. MURRAY. It is \$18 million.

Mr. COBURN. So why does it take \$18 million? There are only seven stations left, and we are talking about facilities that are smaller than these four desks. Tell me how it takes \$2.5 million per buoy to shut them down. Only from Washington would it take that much money. Where is the basis for the knowledge that it takes \$18 million?

Mr. MCCAIN. Mr. President, will the Senator yield for a question?

Mr. COBURN. Mr. President, I am happy to yield for a question.

Mr. MCCAIN. Mr. President, I am sure the Senator understands from the budget of the U.S. Government for fiscal year 2010 that the Office of Management and Budget submitted to the Congress, it says the administration is proposing to terminate and achieve a savings of \$36 million in 2010, and now the Senator from Washington is obviously contradicting what we were told by the administration, which is what we wanted.

How it could cost \$18 million, as you say, to shut down seven sites, and not be allowed to sell off valuable assets, of course, is foolishness. Of course the government sells off assets that are extraneous assets all the time without the permission or the need to have legislation.

Is the Senator aware of that?

Mr. COBURN. Mr. President, I would tell the Senator from Washington, first of all, I do appreciate that the Senator is attempting to shut this down, and I thank the Senator for that. It has been long overdue. But I do question the amount of money it takes to shut this down. We know the bureaucracies always want more money than what is necessary. You have allowed in this bill that whatever is not used they can plow back into anything they want to use it for.

Why would we not terminate it at the end of the fiscal year? Every month we are running it, it costs \$3 to \$4 million—\$3 to \$4 million. I know it does not seem like a lot when we are going to have a \$1.8 trillion budget deficit

this year, but I do not understand why we would not do it.

I say to the Senator, I appreciate the fact that he is doing it. I think it can be done for a lot cheaper, and I think it could be done sooner, and I would hope the committee would consider that.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

At this moment there is not a sufficient second.

Mr. COBURN. There is not?

The PRESIDING OFFICER. There is now a sufficient second.

The yeas and nays were ordered.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

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

CONSUMER FINANCIAL PROTECTION AGENCY

Mr. MERKLEY. Mr. President, today, colleagues, I rise to give voice to my strong support for President Obama's proposal to create a consumer financial protection agency separate from our prudential banking regulators. I believe establishing this new independent agency is critical to protecting the economic security of the American middle class and ensuring the stability of our financial system and the banks within it.

Let me share with you a story about Ira Cheatham. Ira is a 73-year-old retired veteran of the Korean war. I think his story helps explain why we need to do more to protect middle-class economic security. Ira and his wife lived in Portland, OR, for 21 years. By 2002, this couple had nearly paid off their mortgage. But a few years ago, in the midst of the subprime boom, the family received what looked like a check from their bank, their mortgage company, a check for \$1,000. Ira cashed in the check. Ira did not realize that the check actually represented a high-interest loan.

Within a week or two after cashing the check, the family received a call from their mortgage company urging the couple to consolidate this \$1,000 loan with their credit card debt into a single mortgage. This family had excellent credit, and the mortgage company promised the couple they would receive an interest rate between 5 and 6 percent, which would have reduced monthly payments.

Based on this promise, the couple agreed. But what they soon discovered was they had been assigned an interest rate of 11.8 percent. Moreover, the loan contained discount points financed into the loan, inflating the loan amount and stripping away equity in the house. Under this new subprime loan, the mortgage payments swelled to \$1,655—nearly 60 percent of the family's monthly income.

Having discovered this, it would have been great if this family could have simply refinanced. But in the loan was a \$7,500 prepayment penalty; in other words, stripping them of another \$7,500. Once they discovered what they had been trapped into—what they had been tricked into—they were then locked into this prepayment penalty that would further decimate their equity.

They did not have many good options—an unsustainable interest rate, an outrageous prepayment penalty—but, finally, they took and did what they had to do, which was to pay that prepayment penalty in order to refinance their mortgage with another lender.

Our financial marketplace has become infested with these kinds of predatory lending products and practices that exploited this elderly couple and millions of other families across this Nation. Now these practices are commonplace because they are not regulated. They are commonplace because they are highly profitable. They are embedded in documents inches thick in a home loan. They are written in light gray ink on the back of a check. When deposited, you have actually signed a financial document.

Well, these types of tricks and traps are unacceptable. Mr. President, \$2.7 trillion in losses to subprime writedowns only scratches the surface of the total cost of this economic catastrophe—a catastrophe that would have been avoided if banks had sold stable prime loans instead of tricking and trapping families into volatile subprime loans.

In short, we need to reestablish strong consumer protection in our financial markets. The solution is simple and should have been adopted a long time ago: centralizing financial consumer protection regulation in a single agency, an agency that is not compromised by having another mission, another mission of regulating monetary policy or another mission of overseeing the stock market or another mission here or there; no, a mission responsible to the consumers of this Nation of financial products that says our transactions are going to be transparent, the terms are going to be clear, we are going to get rid of the tricks and traps.

Many of you know we recently passed a bill in this Chamber on credit cards to get rid of the tricks and traps we know of in the credit card industry. That is a tremendous step forward. But who would doubt—who in this Chamber would doubt; who in America would

doubt—that within 12 months we will have a new set of tricks and traps?

You cannot simply legislate every time one of these is created. You need a consumer financial products agency to oversee this process, to make sure we protect the consumer from new, clever ways of stripping Americans' wealth. Establishing a strong consumer financial protection agency would be a major step forward in protecting the economic security of working Americans. There are folks who say: You know what, we are making a lot of money. We don't want this type of regulation.

Let's draw a parallel here to consumer products in other areas. How about toys for our children. There are folks who would say: No, we shouldn't regulate the quality of toys, we shouldn't regulate whether there are small parts that will choke our child, we shouldn't regulate whether there are exploding parts that might take out an eye, we shouldn't regulate the lead in the paint, because this reduces choice. But we have recognized that when it comes to consumer products appearing in our homes, we need to have ongoing oversight to make sure products are fair and safe, and we need to do the same thing in the financial world.

The failure to regulate has had an enormous toll: \$700 billion in taxpayer money spent to bail out our banks, \$12.2 trillion in household wealth lost in America since 2007, and the tragedy of millions of Americans losing their homes and their jobs. Those are the real costs of failing to regulate financial consumer protection.

Let's look at a few things such an agency would do.

First, it would mean less bureaucracy and less cost. Each of our banking regulators already has a consumer protection obligation, a consumer protection division. Three of four Federal banking agencies have separate consumer protection functions from the rest of the agency. Now, that mission is often set aside, that mission is often ignored, in light of the other missions of the agency, but it is far more effective, cost-effective, to have these missions combined into a single entity with the responsibility directly to consumers.

A second concern has been that it would be a mistake to have folks who offer financial products provide a simple, plain-vanilla product as a comparison to give them a framework for the contract being put before them. But these types of straightforward, plain-vanilla comparisons are very useful to consumers to allow them to make an informed choice. In the long term, a smarter consumer produces better competition between those who provide these products because now they are forced to compete not on tricks and traps but on transparency, on consumer service—customer service—and that is a positive thing. It means real competition in terms of price. I think

our community financial institutions in particular would have a stronger claim in such new business because who provides better consumer service than our local community bankers?

Third, a consumer protection agency would clear the field of unregulated bad actors whose competition lowers standards across financial products. Well, I wish to draw a bit of an analogy here to a football game. Imagine a football game where only one side gets called for penalties. That is what happens when you have one responsible financial player and another that isn't abiding by any sort of fairness or transparency. That does not produce good competition. If only your opponent can jump the line or face mask or get away with just about anything without penalty flags being thrown, how is your team going to compete? That is the challenge the responsible players have in the marketplace today. Well, let's not put them in such a difficult position. Let's make sure all of the players are acting responsibly, and that is the role such an agency would carry on.

We need a consumer financial protection agency to protect the hard-earned wealth of hard-working Americans—Americans like the elderly couple I told the story about earlier, Americans like Maggie from Salem, OR. Maggie paid her credit card bill on time, and then what happened? She was charged a late fee.

So she called up and said: Why is that?

The credit card company said: Well, you know what, we get to sit on your payment for 10 days before we post it, so technically you are late even though you paid us early.

Maggie said: Where is the fairness in that?

Folks like Maggie across this country are asking that simple question: Where is the fairness in that?

Our consumers deserve fairness. Let's not try to have short-term profits that undermine the success of our families by stripping wealth through tricks and traps. Let's have our consumers say: Isn't it great that here in America we make sure there is fairness in our financial products, that we don't try to depend on tricks and traps that strip wealth from elderly couples, strip wealth from young families trying to raise children, that take away the opportunities of those families to provide for their children. Let's put a referee into the game again. We need this agency.

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

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 1406

Mrs. MURRAY. Mr. President, my understanding is the Senator from Maine would like 10 minutes to speak on the McCain amendment. I ask unanimous consent that following the remarks of the Senator from Maine, the Senate vote in relation to the McCain

amendment, with no other amendments in order prior to the vote on the McCain amendment, in relation to the amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I rise in opposition to the amendment offered by the Senator from Arizona.

Let me start with some background on the Loran system since it may not be familiar to many of our colleagues. This is a radio navigation system with 24 land-based transmitters which are operated by the Coast Guard that can be used to determine the location and speed of the receiver. Some mariners and aviators use the current system, which is known as Loran-C, for navigation, while others have switched to the GPS system. An upgraded Loran system, which is known as eLoran, would use Loran-C transmitting stations as its foundation and it would serve as a backup to GPS as well as a primary navigational tool.

This infrastructure would provide the foundation that is necessary to have a backup for the GPS. If we abandon the Loran-C system, as Senator MCCAIN has advocated, we would lose the considerable investment of \$160 million we have already made to deploy the eLoran system, and this system is one that a joint Department of Homeland Security and Department of Transportation assessment team has recommended as the backup for GPS.

Why do we need a backup for GPS? The fact is GPS is vulnerable to atmospheric interference and jamming. A loss of the GPS signal for even a short duration and in an isolated region would adversely affect cell phone coverage, the national power grid, and air traffic.

Our Nation needs a reliable backup. This isn't just my opinion. This is the considered opinion of an independent assessment team that just filed its final report in January of this year. One of the previous speakers referred to a GAO report that is over 25 years old. I am talking about an assessment that was just completed in January of this year. DHS and the Department of Transportation jointly commissioned an assessment team that included a diverse group of senior decisionmakers and experts from government, academia, and industry. This team reviewed 40 previous reports, interviewed the key stakeholders, industry representatives, and other experts, and received 980 comments on what should be done, and 93 percent of those comments were in favor of maintaining the Loran system—93 percent.

Listen to who some of the commentators were. Sprint Nextel, which is the supplier of critical communications capabilities, and the Department of Energy's National Nuclear Security Administration both stated that they currently use the Loran system and that

they support upgrading to eLoran as a backup and complement to the GPS system. The Department of Energy moves controlled nuclear material around the country and uses Loran-C as "an active and robust supplement to GPS." This is the Department of Energy's Nuclear Security Administration telling us it needs and relies on the Loran-C system. They describe it as an active and robust supplement to GPS. The Department of Energy uses Loran-C to provide location information on nuclear material in the event of blocked visibility, solar storms, and intentional jamming of the GPS system.

In January of this year, when the team released its report, it unanimously concluded that the eLoran should serve as the national backup system for GPS and that the Loran-C infrastructure should be maintained until we have full deployment of the eLoran.

Think what we are doing if this amendment passes. What we are proposing is to discontinue a system that is being relied upon by the Department of Energy and countless other users. That is why this independent assessment team—this isn't my opinion, this is the independent assessment team's conclusion—says we must maintain the current system until we have fully transitioned to the eLoran system, which will be the backup for GPS. What is being proposed by this amendment is to discontinue the Loran-C system prior to having a backup in place. That makes no sense whatsoever.

Again, I would emphasize that this was a unanimous conclusion of the Department of Homeland Security and the Department of Transportation's independent assessment team as of January of this year. It is the newest assessment we have. It is the most complete review that has ever been done.

The fact is, the weaknesses in the GPS system are well known. A GAO report published in May raised serious concerns regarding the near- and long-term health and reliability of the GPS network, noting that there is a high risk—that is GAO's assessment—that the Air Force will not be able to meet its schedule for the deployment of GPS satellites. The Department of Defense predicts that over the next several years, many of the older satellites will reach the end of their operational life faster than they will be able to be replaced.

A Wall Street Journal article in June concluded that the GPS satellite system—the article cited new interference problems with the signals being transmitted by recently launched GPS satellites, raising additional serious concerns about the timeline for the deployment of the next generation of GPS satellites.

The assessment team reported on a GPS interference incident in San Diego that lasted 3 hours. The GPS system is not failproof. It can be intentionally interfered with or it can stop operating due to atmospheric conditions.

The eLoran would fulfill the requirement established in National Security Presidential Directive 39 for a backup to GPS. This is a modest investment of funds to make sure we do not experience a dangerous gap.

Another myth we keep hearing is that there hasn't been sufficient study into the issue of whether a backup is needed for the GPS system. In fact, as I have indicated, eLoran has been exhaustively studied. The result of these successive scientific and budgetary analyses is that eLoran represents the most cost-effective backup to GPS.

Again, that is not just my opinion. That is the unanimous conclusion of the independent assessment team that was established by the Department of Homeland Security and the Department of Transportation.

I urge the defeat of the amendment. The PRESIDING OFFICER. Under the previous order, the question is on agreeing to amendment No. 1406, offered by the Senator from Arizona, Mr. MCCAIN.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

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

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

The result was announced—yeas 37, nays 61, as follows:

[Rollcall Vote No. 222 Leg.]

YEAS—37

Barrasso	Ensign	Martinez
Bayh	Enzi	McCain
Bennet	Feingold	McCaskill
Bunning	Graham	McConnell
Burr	Grassley	Risch
Chambliss	Gregg	Roberts
Coburn	Hatch	Sessions
Cochran	Hutchison	Thune
Conrad	Inhofe	Udall (CO)
Corker	Isakson	Vitter
Cornyn	Johanns	Wicker
Crapo	Kyl	
DeMint	Lugar	

NAYS—61

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

NOT VOTING—2

Byrd Kennedy

The amendment (No. 1406) was rejected.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mrs. MURRAY. Mr. President, we have made great progress over the last day on the Homeland Security Appropriations bill. This is a very important bill that provides for the security of this country.

We have made good progress with a number of amendments that we have worked our way through today. We intend to finish this bill tomorrow. We ask Senators from either side of the aisle to notify either myself or the Senator from Ohio, who is managing for the Republicans on this bill, to let us know this evening if they have any amendments they want to be considered; otherwise they may find themselves not able to offer their amendment.

So we ask all Members to please let us know, the managers of this bill, this evening if there are any amendments you will require a vote on tomorrow. We do intend to finish this bill tomorrow.

I also notify Members that the majority leader intends to file cloture on this bill tonight. If we cannot work our way through it tomorrow, we will be here Friday voting on cloture. So I again ask Members to work with us to finish this bill in a very timely manner.

We have got a lot of work done. We expect that we can finish it tomorrow in a timely fashion if we get the cooperation of all Members. I urge Members to get their amendments in to either myself or the Republican manager of this bill by this evening so we can move forward tomorrow.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 1432

Mr. KYL. Mr. President, taking the chairman up on her offer, let me speak on an amendment I got pending earlier today. It is amendment No. 1432. This is an amendment to strike an earmark in the bill. It is a \$900,000 earmark for the city of Whitefish emergency operations center in Montana. That is all the amendment does. The amendment does the same thing the administration did in that it terminates a program that the Obama administration terminated in its budget. It is one of several projects that was terminated in the budget submission.

I do not strike the program because I agree or disagree with it. I think you could make an argument that it is a reasonable thing to do. I suspect my colleague from Montana will make that argument. That is not the point. As the administration pointed out, the point is there is a way to do these

projects and then there is a way not to do them. The way not to do them is through earmarks.

The Whitefish emergency operations center has not been subject to a congressional hearing, nor has it been authorized by Congress. Moreover, not only did the administration not request funding for the project, they specifically zeroed out the funding.

On the floor the day before yesterday—or maybe it was yesterday; I have forgotten now—my colleague Senator MCCAIN described several projects, including this project, and noted why it and other earmarks in the bill should not proceed.

He said: The earmarks are in the bill for one reason and one reason only, because of the selective prerogatives of a few Members of the Senate. Sadly, these Members chose to serve their own interests over those of the American taxpayers.

His point also was not that the project is either good or bad, but as the administration noted, there is a way to do it and a way not to do it that is fair to all of the States and to all of the Members, and that way is to have those subject to authorization and then appropriated.

Senator FEINGOLD also on the floor yesterday noted:

While we all may not agree on the appropriateness of earmarking in general, I certainly hope we can agree that certain things should not be earmarked, including FEMA grant programs such as those that protect Americans from terrorist attack.

I think he is absolutely right, which is why I voted for his amendment earlier this afternoon. These are important projects. These are FEMA projects to protect the American people. Why should they be subject to the earmarking process rather than regular order? Again, that is exactly what the administration had earlier concluded.

I think it is wrong when we are funding projects with very scarce Federal dollars in the name of homeland security and the decision on what to fund is based on the influence of a Senator or a House Member rather than the security risk to Americans.

Especially at a time when unemployment has reached nearly 10 percent and many Americans are obviously hurting a great deal, is it appropriate for Congress to make funding decisions in this manner? Is this the message we want to be sending to our constituents: If you have political power, you can get money earmarked. If you do not, then your community is going to suffer. We are already spending \$44.3 billion on this bill. That is \$96 million above the President's request and 7 percent above last year's level. Those amounts are significant. And that increase does not include nearly \$2.8 billion in stimulus funding.

Current budget projections indicate that we will add, on average, nearly \$1 trillion a year to the public debt level from the \$7 trillion to date, to \$17 trillion in 2019. We have all heard the sta-

tistic before that the President's budget doubles the debt in 5 years, triples it in 10 years.

The President's administration said there are some things we should not fund in the way they are funded in this bill. All I am doing is agreeing with the administration not to add more debt on top of what has already been accumulated.

The path forward is not sustainable. I think the head of the OMB has made that point. So I think we need to start making tough decisions around here and we need to respect the congressional budget process. It seems to me the easiest way to make a tough budget decision is when, on a matter of process, we can all agree it is not the right way to proceed.

That is why I think this particular project, though the amount of money is relatively small, is still a good candidate to show we can make those tough decisions as a way of demonstrating to the American public that at least we are willing to start somewhere.

Finally, I will reiterate, I am not here to argue the merits of this project. I am sure my colleague from Montana will describe its merits in glowing terms. To me, that is not the point. The point is that the administration has said this emergency operations grant program should be terminated, it should not exist, we should not spend money on it because this is the wrong way to spend money.

In the document entitled "Terminations, Reductions and Savings," in that volume of the President's fiscal year 2010 budget, the administration states:

The Administration is proposing to eliminate the Emergency Operations Center (EOC) Grant Program in the 2010 Budget because the program's award allocations are not based on a risk assessment. Also, other Department of Homeland Security grant programs can provide funding for the same purpose more effectively.

I think that rationale demonstrates why we need to support my amendment to eliminate this part. This is only one part of that grant program. But it is a part that I think would at least illustrate to the American people that we want to begin the process and spend this money in the right way.

I ask unanimous consent that the part of the budget designated "Termination: Emergency Operations Center Grant Program," which describes what the administration has said, be printed at the conclusion of my remarks.

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

(See exhibit 1.)

MR. KYL. I understand that a little bit later we will be able to reach an agreement on voting on several of the amendments. This amendment presumably will be voted on sometime tomorrow. I would hope the proponents and opponents would have a minute each prior to the vote to reiterate their arguments and would hope my colleagues would support amendment No. 1432.

EXHIBIT 1

TERMINATION: EMERGENCY OPERATIONS CENTER GRANT PROGRAM

DEPARTMENT OF HOMELAND SECURITY

The Administration is proposing to eliminate the Emergency Operations Center (EOC) Grant Program in the 2010 Budget because the program's award allocations are not based on risk assessment. Also, other Department of Homeland Security grant programs can provide funding for the same purpose more effectively.

FUNDING SUMMARY

(In millions of dollars)

	2009 Enacted	2010 Request	2010 Change from 2009
Budget Authority	35	0	-35

JUSTIFICATION

The 2008 EOC Grant Program was established to improve emergency management and preparedness capabilities for State and local communities by supporting flexible, sustainable, secure, and interoperable EOCs with a focus on addressing identified deficiencies and needs. However, this focus was compromised, and by 2009, 60 percent of the EOC grant funds were congressional earmarks not allocated by merit-based criteria.

The EOC Grant Program uses award criteria that are not risk-based, and the Administration supports a risk-based approach to homeland security grant awards. This is the best way to allocate resources in order to maximize security gains for the Nation.

In addition, in 2009, EOC construction and renovation was approved as an allowable expense under the Emergency Management Performance Grant Program, thus providing a more effective funding mechanism through which potential grantees prioritize expenditures on EOCs against other emergency management initiatives.

Mrs. MURRAY. Mr. President, I assure the Senator that we do intend to vote on this amendment tomorrow morning. There will be time prior to the vote. We will work out an agreement with the Senator on how much time.

The Senator from Montana is on his way to the floor right now to debate this amendment. I think the Senate has a right to listen to him.

I will say this, having been in the Senate for a long time, we respect other Senators and the knowledge they have about their States. And when they come and talk to one of our committees about a specific need, we listen to them and respect what they know.

I certainly know the Senator from Montana knows this area very well. He has visited it numerous times. He understands the deep concerns that face this region and knows exactly why they need an emergency operations center there. He made a very good argument to the subcommittee, and the subcommittee included it in our mark that is before the Senate today.

The Senator was out on the floor earlier today talking about the importance of having an emergency center located at Whitefish. I will tell all of my colleagues that it is easy to pick out one earmark because it is in someone else's State or region. I am not

from Montana, but I certainly respect the Senator from Montana when he tells me that Montana has suffered numerous natural disasters in recent years, including, I remember, a devastating fire at Glacier National Park.

I do not know all of the geography of this region, but do know that this emergency center in Whitefish, as the Senator from Montana talked to us about it, supports Glacier National Park. That is a national park that all of us have a responsibility for. It is next to an Indian reservation, and Federal land with Federal responsibility. When we talk about an emergency center that assures that we protect the assets of this Nation, I think the Senator from Montana is right in telling our subcommittee that an emergency center is needed there.

The EOCs respond to a lot more than terrorist threats. I remind all of my colleagues of fires, floods, earthquakes, tornados, hurricanes, and countless other disasters.

I notice that the Senator from Montana is on the floor and he can describe to all of us the importance of this EOC in his region.

Disasters happen anywhere in this country at any time, and our local communities have got to have the tools they need to be able to respond effectively, especially when they are next to national assets such as Glacier National Park and an Indian reservation that the Senator will describe to us. But I want to remind all of our colleagues that these so-called earmarks, congressional mandates that we put into these bills, are here because the Senator has come to the subcommittee, described it to us in detail, put them up on their Web sites, and everyone has an opportunity to look at them.

This subcommittee marked up in subcommittee and full committee and had an opportunity to listen to the Senator from Montana describe the need. We respected the wishes of an individual Senator and his understanding of why this emergency operations center was so badly needed in his State. In having the respect of other Senators, this Senate can do the will of the people.

The interesting thing I think all of us should recognize, in writing out where these are going to be, we actually have them in the light of day. They are held accountable. We do have votes on them. People are able to see them. If we just pass funds over to an agency, these decisions are made without any input from people who live in those States, who know the regions and who know the needs of their communities.

I respect the Senator from Montana when he comes to this subcommittee—and I know Senator BYRD, who chairs this subcommittee—when he goes to Senator BYRD and makes a case for what he has. Senator BYRD listens to everybody's requests and puts them into these bills. It is done so out of re-

spect for that Senator and the knowledge of his State. I certainly believe the Senator from Montana has made the case. I urge our colleagues to reject this single-minded amendment that simply picks out one Senator's State and says we will not fund an EOC in their State.

I will oppose this amendment tomorrow when we vote on it.

I yield the floor.

The PRESIDING OFFICER (Mr. BENNET). The Senator from Montana.

Mr. TESTER. Mr. President, I thank the Senator from Washington for her remarks. They were spot on. I had the opportunity to see part of Senator KYL's comments on TV, and I have a few responses. Then I wish to talk about the project.

First, Senator KYL said the EOC program was a target of the administration. His amendment is not taking away the program and zeroing it out. If that is his concern, that is what he should have done. It takes away this specific project.

The second point was about security. The fact is, the EOC program is to respond not only to terrorist activities, which I will get into in a minute, but to all hazards as they apply, natural and manmade.

Finally, fiscal responsibility was the third point. He said we can't afford this earmark. This amendment doesn't save one red cent. It moves it back to FEMA.

I spoke earlier today on the floor about this emergency operations center in Whitefish. I will reiterate some of those points. It is in the northwest part of the State, about 60 miles south of the Canadian border. People who deal with this Nation's security tell us the main threat on the northern border is terrorism. Immigration is the main threat on the southern border. This EOC facility will be located 60 miles south of the border, just west of Glacier National Park, which sits beside the Blackfeet Indian Reservation. To the north, to the west, and to the south of Whitefish are literally millions of acres of forested ground. Whether it is the potential—and I mean potential—that something may happen on the Canadian border that is bad, this center is there. Whether it is the potential of forest fires on Forest Service ground or in the park, this emergency operations center is there. It also houses police, fire, provides for interoperability for radios. It is very much needed.

Their current facility is in the basement. It is about a third the size they need. It is built on a fault line and a flood plain. The fact is, if we want to talk about the need for an emergency operations center in this country, there is no doubt the need is here.

I wish to talk about one other thing. The EOC program is just not for man-made disasters. It is for all disasters. We all know what beetle kill and disease and global warming has done to the forests, and the northwest of Montana is no exception.

This amendment picks on one specific area in one specific State. This picks on an area I happen to know very well. I have been up there several times. I was there last weekend, one of the many weekends I go home, which is every weekend. I was in Whitefish. This area is a good place for an emergency operations center. I am an elected official from the State. I have seen it with my own two eyes. I know what is necessary. We are going to take this away and give this money back to FEMA, to an appointed bureaucrat who probably maybe has been in the State of Montana, maybe not. Chances they have been in Whitefish are doubtful.

This is a good project. I am all for fighting waste. I am all for fighting pork. The fact that we are having this debate speaks to the fact that we have moved a long way in this body, as far as earmarks in the middle of the night plugged in and not having the opportunity to debate them. I will tell my colleagues this: This is a good project. It is a project that spends our taxpayer dollars wisely, and it will benefit the entire country when it is done. It is a project that is very much needed. There is no pork in this. This is about our country's security.

It is unfortunate I didn't have the opportunity to visit with the good Senator from Arizona while he was on the floor because, quite frankly, it may have changed his opinion. Maybe not. I don't know why he singled this project out for his amendment. He brought up the point that the administration took the EOC program, and it was a target of the administration. Then put up an amendment to zero it out. That is not what his amendment does. He talked about fiscal responsibility. This doesn't save a penny. The fact is, if we are talking about security, it is just not manmade terrorism, it is emergency hazards caused by Mother Nature. This facility will help address all those issues.

I appreciate the opportunity to speak to this issue. This is an unfortunate amendment, but we will vote on it and see what happens.

I thank the Senator from Washington for her leadership and support.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. We will be voting on this amendment tomorrow morning. There will be time for debate on this amendment as well.

Mr. CONRAD. Mr. President, I rise to offer for the record, the Budget Committee's official scoring of S. 1298, the Department of Homeland Security Appropriations Act for fiscal year 2010.

The bill, as reported by the Senate Committee on Appropriations, provides \$42.9 billion in discretionary budget authority for fiscal year 2010, which will result in new outlays of \$25.5 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the bill will total \$46.7 billion.

The bill includes \$242 million in budget authority designated as being for overseas deployment and other activities for the Coast Guard. Pursuant to section 401(c)(4) of S. Con. Res. 13, the 2010, budget resolution, an adjustment to the 2010 discretionary spending limits and the Appropriations Committee's 302(a) allocation has been made for this amount in budget authority and for the outlays flowing therefrom.

The Senate-reported bill matches its section 302(b) allocation for budget authority and is \$1 million below its allocation for outlays. No points of order lie against the committee-reported bill.

I ask unanimous consent that the table displaying the Budget Committee scoring of the bill be printed in the RECORD.

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

S. 1298, DEPARTMENT OF HOMELAND SECURITY
APPROPRIATIONS ACT, 2010

(Spending Comparisons—Senate-reported Bill (in millions of dollars))

	Defense	General purpose	Total
Senate-Reported Bill:			
Budget Authority	1,582	41,345	42,927
Outlays	1,404	45,298	46,702
Senate 302(b) Allocation:			
Budget Authority	---	---	42,927
Outlays	---	---	46,703
House-Passed Bill:			
Budget Authority	1,553	41,064	42,617
Outlays	1,390	44,931	46,321
President's Request:			
Budget Authority	1,365	41,473	42,838
Outlays	1,219	45,079	46,298
SENATE-REPORTED BILL COMPARED TO:			
Senate 302(b) allocation:			
Budget Authority	---	---	0
Outlays	---	---	-1
House-Passed Bill:			
Budget Authority	29	281	310
Outlays	14	367	381
President's Request:			
Budget Authority	217	-128	89
Outlays	185	219	404

Note: Both House and Senate bills include \$242 million in budget authority designated as being for overseas deployment and other activities for the Coast Guard.

MORNING BUSINESS

Mrs. MURRAY. I ask unanimous consent that the Senate proceed to morning business, with Senators allowed to speak for up to 10 minutes each.

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

The Senator from Iowa.

REMEMBERING ED THOMAS

Mr. GRASSLEY. Mr. President, I think I can be done in 10 minutes, but if I can't be, I would like to have a little bit longer because I am going to talk about a very good Iowan who was murdered 2 weeks ago today. This is the purpose for which I rise. This is coach Ed Thomas. I will get to that in a minute. But before I leave that up there for Senators to view, I wish to tell them, this is not any ordinary high school football coach. This is obviously an old picture because it only goes to 1998. He coached 37 years at this high school. It says here "championship." I

know he had a recent State championship as well. He is no ordinary high school football coach. Because in this small town of Parkersburg, IA, the high school is in two towns, Aplington-Parkersburg, IA. It only has 2,000 people in it. But this football coach has taken four of his former players now presently playing in the NFL. At least three and maybe all four of these returned to be pallbearers at his funeral.

We can see this record of the previous decade, and that record would be as good for the last decade. I am only sorry I don't have a more recent picture showing Ed Thomas.

Two weeks ago today, at 10:30 in the morning, a former student, a former football player and the brother of a football player who would have been playing this fall at this high school, came into the weight room at Parkersburg High School. This coach was always there because he wanted to encourage his players to work out and to be healthy. He was there with them. This former student came in and killed him with a gun. Didn't bother anybody else. That was it. He was rushed to the hospital but probably dead on arrival.

I say how outstanding he was and how well liked he was. About 12 months before that, a tornado went through Parkersburg destroying about a third of the town. This is a town of only 2,000. This coach had his house blown away, but he didn't worry about himself. He headed for his high school, which was also destroyed, to do immediately what he could to help turn things around.

I have prepared remarks where I will refer to this so colleagues will be hearing it twice. His goal from that Memorial Day weekend to the opening of the football season, the first Friday night in August, was to have that football field ready to go so they could play football as they have. They had a very outstanding season.

This is a person who led a community. He was not just a football coach. My home of 75 years is 10 miles from that high school. They were our competitors. There is very fierce competition between football teams in these small towns of the Midwest. I went Sunday afternoon. The viewing of the body was from 3 to 8. The next day the funeral had 2,500 people at it. But at the time—I get there at 3 o'clock—the line was 3 blocks long. I stood in line 3 hours to get to say my condolences to the family and to view. This family was so strong that they probably gave more comfort to the people who were there to view than each of us gave to the family.

Three hours, and I thought: How long is the line? By 6:30, the line was 4 blocks long. That family stood there until 11 o'clock that night to greet all the friends of this beloved Iowa coach.

With that as background, I came to the floor to give this statement. I thought I ought to put it in some context.

I come before the Senate with the heavy heart of an entire community

and in humble recognition of a man who, by all accounts, was a servant of God in every sense, a person who put his faith to work by mentoring the young people of his community as a teacher and a football coach, a person who put his faith to work by providing a guiding hand as the community recovered from the tragedy of a tornado just a little over a year ago, a person who put his faith to work as a father, a husband, and an elder in the church.

Parenthetically, I wish to say this about the close-knit families we have in the small communities of Iowa. It happens that Coach Thomas and the family of the murderer go to the same church. The person who did the murdering had, I assume from the newspaper, a drug problem. The Sunday before the murder, so the newspapers tell me, the family of the person with the drug problem who did the murder asked in the church, would they pray for their son. Coach Ed Thomas led the prayer for that son, as it was reported in the newspaper.

It was barely a year ago when news reports came across the wires about a small Iowa farming town that was devastated by an F-5 tornado that tore across the community and leveled hundreds of homes and businesses—with eight people dying—the school and what locals call the Sacred Acre or, to the rest of us the famous Parkersburg Falcon football field.

Just last week, this same town was hit with possibly a more crushing blow than a tornado could ever take from a town. The caretaker of the Sacred Acre, the beloved football coach and town leader, Coach Ed Thomas, was senselessly murdered in front of his very own students.

In our area of the State, it is not hard to know Coach Thomas. He was a pillar of the community. His success on the football field made him an icon in his profession—two State championships and four players currently in the NFL. But the people who knew him will remember him most for his leadership off the field.

It was his leadership that helped pull up the community that was knocked off its feet by the F-5 tornado. His declaration in the aftermath of the tornado that the Aplington-Parkersburg boys would play football on their home field in just a couple months gave the town of Parkersburg, IA, purpose in the most difficult of times.

It was the Sacred Acre that brought everyone in town together, and it was the whole town that put the Sacred Acre back together so they could start the football season on time in that home game, the last Friday of August.

Coach Thomas and his Sacred Acre brought out the best in the community, just as he brought out the best in his team with what Coach Thomas called, "strength in togetherness."

His impact reached the people of this community long before that fateful day in May 2008. For nearly four decades, Coach Thomas led young men in more than just the game of football. He led