

least three people in this body speaking this morning who think it ought to move forward, and there are at least three in this body, plus two others who are not here, MCCASKILL and COBURN, who feel the other idea ought to move forward. We ought to move forward separately with the help of everybody involved.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, let me speak very briefly on secret holds and then make a unanimous-consent request.

I express again my appreciation to the distinguished Senator from Iowa, Mr. GRASSLEY. He very often seems too logical for some of these debates. I very much share his view.

The point is, we do have a great deal of consensus. We have had three Senators, in effect, talking over the last 20 minutes with no substantive disagreement. The reality is, eliminating secret holds and shining some sunlight in the Senate on how we do business, it is ready to go. It has been ready to go now four times in the last 10 days.

I very much appreciate Senator GRASSLEY's comments today. We ought to have a vote on it. I have tried to show my good will, as the distinguished Senator from Iowa has this morning, in saying that we happen to think Senators COBURN and MCCASKILL and Senator DEMINT's comments reflect this—have a very good idea as well. I have told them privately and again I state publicly this morning that it is my intent to be a cosponsor of the legislation. It is not yet ready to go, which is, in effect, what Senator GRASSLEY has touched on.

Efforts to reform the Senate and do our business in public when the American people are as angry as they are at the way Washington, DC, does business—one ought to have, as Senator GRASSLEY says, the guts to go public when one is trying to object to a bill or nomination.

My thanks to Senator GRASSLEY for our decade-long push—10 years-plus in trying to do it—and also for the very constructive way he has tried to reach out to colleagues on both sides of the aisle. That is what I have tried to do again this morning with my comments to Senator DEMINT.

I note that the chairman of the Appropriations Committee is also in support of the effort to get rid of secret holds. I thank him for his indulgence and for giving us this opportunity to speak on the floor of the Senate this morning.

Senator GRASSLEY and I are going to come back again and again until this secret hold, which is an indefensible violation of the public's right to know, is finally buried. I thank him.

#### RECESS

Mr. INOUE. Mr. President, I ask unanimous consent that the Senate

stand in recess until 2:15 p.m. this afternoon.

There being no objection, the Senate, at 12:11 p.m., recessed until 2:15 p.m., when called to order by the Presiding Officer (Mrs. GILLIBRAND).

#### MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2010—Continued

The PRESIDING OFFICER. The Senator from New Jersey.

UNANIMOUS-CONSENT REQUEST—S. 3305

Mr. MENENDEZ. Madam President, I rise to talk about the oil spill in the gulf and the continuing challenges it presents to us. I know some of my colleagues are going to be joining me in a few moments to talk about this. I will ask consent for a colloquy. But I am going to make a few comments about it and then, in recognition of Senator INHOFE's need to move to another commitment, I will ask unanimous consent at that time.

I want to make absolutely certain that big oil polluters pay for oil spills and not the taxpayers—not small business owners, not States or the Federal Government, which means the Federal taxpayers.

We have seen things get worse on the spill over the weekend. Unfortunately, things are, frankly, getting much worse than we would have imagined when we first introduced this legislation. Today the United States declared a fishing disaster in three gulf States—in Louisiana, Mississippi, and Alabama. Louisiana's fishing industry alone is \$2.4 billion of seafood and supplies up to 40 percent of all the U.S. seafood in our country. It is, in my mind, a growing and continuing environmental and economic disaster.

Tragically, it seems to me, a \$10 billion cap—we originally thought, based upon the Exxon Valdez experience, where there were close to \$4 billion in claims 20 years ago, that was a cap that may have been an appropriate one. But in fact it seems to me the only way to ensure that oil companies are held accountable for all of their potential damages, for the proposition that a polluter pays at the end of the day, is to agree with the administration's statement and to raise from a cap of \$75 million to an unlimited cap. I will be asking that in my unanimous consent motion in a few minutes.

We heard already the objections to our legislation. We have even heard some claim that it is “un-American” to hold a multibillion dollar corporation accountable for the very disaster it caused. It boggles my mind, at least as one Senator, that there are those who believe that holding BP accountable for the disaster they created in the gulf is un-American.

This is a chance to show if we stand with big oil companies or with small businesses, with fisheries, with coastal communities, with tourism, with hotels—with all of those individuals, fellow Americans who are being hurt by

this disaster. It is an opportunity to say do we stand with the American taxpayer or with corporate shareholders.

It seems to me the choice is pretty clear. Miles of coastline have already been affected. Environmentally sensitive wetlands are increasingly being under threat. We have seen that, despite the fact that the rig was “state of the art,” it obviously was not too safe to fail.

Now the damage to the environment, to the economy of the gulf, to the fishermen, to the small businesses, to the Nation is mounting. I hope my colleagues are ready to act, especially when we have the statements of BP, that have been reiterated, that they are going to subject themselves—even though there is a legal cap of \$75 million—not for the cleanup, not for all the efforts that are underway—yes, that clearly is their responsibility—but a legal cap of \$75 million for all of the liability, for all of those coastal communities and fishermen and seafood fishermen, shrimp fishermen, and commercial seafood processing plants, tourism, and a whole host of other elements that may be affected, that they be limited to \$75 million—less than 1 day of BP's profit. BP was making at the rate of \$94 million a day. Seventy-five million dollars would be less than 1 day of BP's profits.

If they say they are going to be responsible—and any companies similarly situated should be fully responsible, accountable and subject to that liability—what is the objection to raising the cap?

I hope everyone in the Chamber will do the right thing to hold big oil accountable for the damages they caused. Damages are mounting. They still have not stopped the leak. While BP says they will pay all “legitimate claims,” their word is not legally binding. As a matter of fact, when they were before the Energy Committee, colleagues of mine asked them, clearly, questions and they began to equivocate as to what is a legitimate claim.

Today I asked the Assistant Attorney General of the United States, who was before the Energy Committee, is there a consent agreement between the government and BP, that holds them—legally binding—to the proposition that they will be subject to all the liabilities they have caused? And the answer was no. There is some letter, but even that letter is rather amorphous.

When I hear they are equivocating before the committee, and when I see the experience we already had with Exxon—that made all similar types of statements and then litigated for 20 years—it seems to me this clearly raises concerns that they will try to find a convenient loophole, a convenient way out once the public relations nightmare is over, a way to say no, as many of my colleagues seem to want to say no and stand on the side of big oil companies and stand in the way of legislation that would raise the liability

caps to ensure that big oil polluters pay for the damage they caused.

I see, by example, one company, BP, made nearly \$6 billion in profits—not proceeds, profits—in 3 months of this year; when the top 5 oil companies made nearly \$25 billion in profits—not proceeds, profits—in 3 months, and that somehow we are worried about them even when they caused the type of potentially enormous consequences that BP has actually caused in this case, and we are not worried about those communities, our taxpayers, and our fragile ecosystem. It is a failure that now threatens the entire gulf coast. It could go all the way to the Florida Keys.

I appreciate the administration earlier today embraced the idea of unlimited liability. I commend them for that. I want to make sure BP ends up committing to pay for this disaster, not by their words but by a legal obligation to do so, and that is what we can create today. There should be no legal wiggle room for oil companies that devastate coastal businesses and communities now or in the future.

In view of that goal, I now ask unanimous consent that the Environment and Public Works Committee be discharged of S. 3305, the Big Oil Bailout Prevention Unlimited Liability Act of 2010, that the Senate proceed to its consideration, that the only amendment in order be the substitute amendment that is at the desk, that the substitute amendment be agreed to, the bill, as amended, be read a third time, passed, and the motion to reconsider be laid upon the table.

Mr. INHOFE. Reserving the right to object.

The PRESIDING OFFICER. Is there an objection?

The Senator from Oklahoma.

Mr. INHOFE. Reserving the right to object, first let me say I agree with most of what the Senator from New Jersey is saying. He mentioned the profits of the top five oil companies—Shell, BP, ConocoPhillips, ExxonMobil, and Chevron. They are the giants.

If we will recall, last week when I objected to the arbitrary figure, the cap of \$10 billion, it was because it was arbitrary. I quoted a lot of people in the administration saying we do not want to have—it should not be an arbitrary cap. One of the complaints I had was, if you do have an arbitrary cap and that was at \$10 billion, that would mean only the big five plus the national oil companies—Venezuela, China, certainly—would be in a position to do this work offshore.

It is my feeling if you take the \$10 billion off and make it totally unlimited, that could very well shut out even the five and leave nothing but national oil companies in a position to be doing it.

I believe we should increase the cap. I know there is unanimity in that notion. We have to do it. The Secretary of Interior said this about the \$10 billion cap:

[I]t is important that we be thoughtful relative to that, what that cap will be, because you don't want only the BP's of the world essentially to be the ones that are involved in these efforts.

I agree with 90 percent of what the Senator says, and with the Secretary of Interior, what he has said about this—that we need to determine how high that cap should be. It should be much higher. We have plenty of time to do that. Let me emphasize there is no cap in terms of the cleanup damages. We are only talking about economic damages here. There is no cap on cleanup damages. I think there should be. At some point we have to arrive at a cap. A lot of people are working on it. The administration is working on it, the Department of Interior is working on it, and we are working on it. I think we need to increase that. For that reason we need to have the time to get that done, and I do object.

The PRESIDING OFFICER. Is there objection?

Mr. INHOFE. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from New Jersey.

Mr. MENENDEZ. Madam President, first, I am disappointed because I appreciate what the distinguished Senator from Oklahoma said, but the reality is, the administration has been thoughtful. They have thought about it. Today they announced, as well as was verified by the Assistant Attorney General at a hearing, that it is their view that in fact there should be an unlimited cap. So they have not equivocated about an amount. They have now said it should be an unlimited cap; unlimited, just as BP has suggested that they are going to accept unlimited responsibility for the liability they have created as a result of the spill in the gulf.

I have difficulties understanding, when we begin to talk about sizes—that if you are smaller but conduct yourself with the same potential risky consequences that end up polluting the gulf or anyplace else as it is being polluted right now—that simply because you are smaller but you take the same risks that you should have less liability, which means that then all of us as taxpayers—and I know a lot of people here do not want to see the Federal Government more involved. They want to see the Federal Government less involved until they need the Federal Government and then they come clamoring to this Chamber for money.

It seems to me if these companies—and the Senator only mentioned the top five, but there are more that have good profits, but certainly the top five. If they made \$25 billion in 3 months, why in God's name should I give them any of the taxpayers' money when they mess up, when they pollute?

What Representative of what State is going to come here and say give us money because, by the way, we were harmed in this way or that way or the other when in fact they are unwilling

to hold the oil companies responsible—with record profits? It is not acceptable.

If we say if you are not one of the big 5 but we are worried about the next 10—they may be smaller but some of these entities that get referred to as independents—you know, there is one that actually owns a 25-percent stake in the well that is spilling in the gulf. They are valued at \$40 billion. I don't think for the average American that is a mom-or-pop.

The reality is, regardless of the size, the fundamental public policy question, if you take an activity that is risky, shouldn't you be responsible for the consequences of your risky activity or do we shift the responsibility to the general public and the taxpayer?

It is like what we just went through in the Wall Street debate. So when they hit it big on the oil well and everything goes well, they keep the money. But when something goes wrong, the rest of us pay for the consequences. I do not think the American taxpayers want to see that. That is not what they have in mind as being responsive to their interests.

So I know my colleague from New Jersey wanted to enter into a colloquy with me. I would be happy to yield to him now.

Mr. LAUTENBERG. I thank my friend and colleague from New Jersey. When we hear the objection, as we have heard it, we have now three times offered legislation to lift the \$75 million liability cap for oil companies, and I have to shake my head as I hear what is being said. The land that is drilled on is Federal land. It is land that everybody owns. It is our land. It is not their land. If you come into my yard and destroy my house, you pay for it because it is not the person who did the damage who owns it.

It is shocking when I hear things such as “arbitrary test”—arbitrary. Whatever damage is caused ought to be paid for, very simply. So we on this side, our side of the aisle, are united that we need to do away with this cap. The liability is extensive. It ought to be paid for, especially by people who can afford to pay.

When you think about it, these companies have to be reminded they are not selling lawnmowers; they are extracting oil from our property. They are making billions and billions of dollars on it, almost shamefully. I look at it and I remember that one time there was an excess profits tax in America. It was during World War II. It said companies that profited as a result of the war, as a result of the crisis, had to pay an extra tax on the profits they made. That is what we ought to be doing now. These profits they make and the damage they create are an unconscionable twosome.

So those on the other side object each time we try to do something that enables our country, the people, to recover the damage that was put upon

them by either careless or reckless behavior by three companies united: BP, Transocean, Halliburton.

So there is no doubt about it. Shamelessly, they want to stick with big oil while people across the country suffer from either damage or costs that are moved over to them. Evidence continues to mount that big oil cannot be trusted. BP's CEO said this spill is not very serious, a very tiny amount, and the environmental impact would be very modest. He said it publicly.

Well, they want to downplay the damage, but they cannot hold it. They cannot make the public believe, they cannot make those who are responsible for the measurement believe it. They do not want to pay the full cost even though they are responsible for the full damage.

Transocean—it is amazing—tried to go to court citing an 1851 maritime law to limit their liability. At the same time, we face billions in monetary damages, far more than the Exxon Valdez spill, and damage to industry is growing as tourism suffers. Twenty-two percent of gulf fisheries have been closed. Those responsible for messing it up must be responsible fully for cleaning up—just like families do, just like neighborhoods do, just like communities do.

With billions and billions of profits, we know big oil can afford to bail itself out, and they ought to pay for it, period. So we are standing here once again asking our Republican colleagues a simple question: Whose side are you on? I think it is pretty evident. They are on the side of big oil while we stand up for ordinary Americans trying to eke out a living in these very difficult times.

I hope there will be a reconsideration, and they will agree those who do the damage ought to pay for the damage they created.

Mr. MENENDEZ. Reclaiming my time.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. I appreciate my distinguished colleague from New Jersey who has been a stalwart on this issue, as well as in the past, on the whole question of the environment. The Senator is a member of the Environment and Public Works Committee. I appreciate his comments.

I know the Senator from Florida wanted to join us in a colloquy, as well as the Senator from Illinois. So let me ask unanimous consent to continue the colloquy with first Senator NELSON, then Senator DURBIN, and then I will yield the floor.

The PRESIDING OFFICER. Is there objection?

Mr. VITTER. I object.

Mr. MENENDEZ. I still have the floor?

The PRESIDING OFFICER. The Senator from New Jersey has the floor.

Mr. MENENDEZ. Let me ask the Chair if, as I have the floor, if I yield to a colleague for a question, is that not permissible?

The PRESIDING OFFICER. It is permissible to yield for a question.

Mr. MENENDEZ. I would be happy to yield to my colleague from Florida for a question.

Mr. NELSON of Florida. If I may ask the Senator from New Jersey a question, can the Senator believe once we got up the live feed, 5,000 feet below the surface of the Gulf of Mexico, that once experts, specialists, professors, were able to see what, in fact, had been told to us was only 1,000 barrels a day, was revised to 5,000; that many experts in the country revised upwards, that it may be up as much as ten times as much as 5,000 barrels a day?

Would the Senator acknowledge that those statements have been made?

Mr. MENENDEZ. I not only acknowledge that those statements have been made, but I know the Senator and others, including myself, have raised the fact that BP's credibility in this respect is not credible. In fact, scientists have gone into the gulf and made the determination that at the rate that spill is taking place, it is far beyond what BP told us. As a matter of fact, we have an interest in this regard not only, of course, because of the environmental consequences but also because of the royalties we should be claiming on all of that oil that is being let out. So the Senator is correct. This is one of the issues we are facing.

Mr. NELSON of Florida. If the Senator would yield for a further question.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Madam President, my question additionally to the Senator from New Jersey would be, given the fact of the pictures we now see of the devastation occurring in some of the marshlands in Louisiana, along with the shots of the few beaches that are now covered and the effect upon the wildlife, as well as the marine life—would the Senator say there is a great deal of concern among people all along the gulf coast, as well as the eastern seaboard of the United States, of what possibilities there are if there is that much oil in the gulf and what that could do to the economies of these coastal communities?

Mr. MENENDEZ. Well, I appreciate the Senator's question. The Senator himself has at various times informed this body of something that he has referred to as the loop current, which is, in essence, a natural current that could very well take the oilspill from the region of the gulf and move it along the Senator's State in Florida and beyond.

This is an enormous concern. Already, as I said earlier, the U.S. Government has banned fishing products from three States, and the consequences of that just in one dimension in terms of the seafood that part of the country generates for us domestically, both in terms of the billions of dollars as well as the consumption of seafood is now one that has been barred by the U.S. Government.

So we are increasingly seeing the consequences of this damage. There is

real concern this could move in a direction that would be consequential to other States as well.

Mr. NELSON of Florida. One final question, Madam President, if I may—

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. To the Senator from New Jersey.

Can the Senator from New Jersey believe the fact that we hear people being apologist for BP? It is clear we hope and pray this "kill" of the well that is going to be attempted in the morning is going to be successful. But on all the safety devices that did not work—and why was the well not attempted to be killed 5 weeks ago? Yet would the Senator believe there are people out there who are actually being an apologist for BP with the threat to the economy of the Southeastern United States as it is now?

Mr. MENENDEZ. Well, I appreciate the Senator's question and his concern. I think it is the concern of many. The reality is, I have heard comments that to hold BP accountable is un-American. Well, I think it is un-American to allow BP to go ahead, pollute the natural resources of the United States and not be held accountable in an unlimited fashion, which is the administration's position because they have created enormous consequences which we have yet to fully understand—we have yet to fully understand.

I know the Senator from Illinois was just on a trip to the gulf.

Mr. DURBIN. If the Senator would yield for a question.

Mr. MENENDEZ. I would be happy to yield for a question.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I would like to ask a question of the Senator from New Jersey through the Chair. I know the Senator from New Jersey has been a leader on the whole question of liability and the damages that should be paid by BP for what they have done as a result of this Deepwater Horizon rig blowing up, 11 innocent people killed. We should always remember that as the first casualty and now the ongoing damage.

I would ask the Senator from New Jersey, having just gone to the Gulf of Mexico yesterday with five of our Senate colleagues on a bipartisan trip—the Secretary of the Interior, Ken Salazar; Secretary of Homeland Security, Janet Napolitano—is it not true that in the first 3 months of this year, British Petroleum reported profits of \$5½ billion, up 135 percent over the first quarter of last year?

Mr. MENENDEZ. Yes. British Petroleum made about \$5.6 billion in the first 3 months in profits—not proceeds, profits. Right now the liability cap that exists under the law is \$75 million, 1 day of BP's profits, based on the first quarter's \$94 million. So it is less than 1 day's profit.

Mr. DURBIN. If I can ask another question through the chair of the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Yesterday, during the course of this visit to Louisiana, there was a very compelling moment when we met with those oystermen and fishermen and shrimpers and charter boat proprietors who were directly affected by the BP oilspill.

I would like to ask the Senator from New Jersey if he would comment or reflect on the following: There are approximately 20,000 shrimpers, crab and oyster fishermen in Louisiana alone. If the \$75 million in damages were dedicated only to those seafood industry workers in that one State, it would equate to roughly \$3,500 per person.

I would like to ask the Senator from New Jersey, can there be any justice in that outcome; that BP would be limited in the amount they would pay out, the \$75 million, when we look at the fact that there are those in similar professions in Alabama, in Mississippi, in Florida, and other States who are not even included in this calculation, if such a small amount was all that was paid to those who have clearly been directly damaged by this spill?

Mr. MENENDEZ. Well, the Senator's question is well put. Justice could not be achieved under the present cap. As a matter of fact, as I said earlier, today the United States declared a fishing disaster in three Gulf States: Louisiana, Mississippi, and Alabama. Louisiana itself has a \$2.4 billion seafood industry, and it supplies up to 40 percent of all of the U.S. seafood.

Clearly, just that figure alone gives us a sense that all of those individuals and communities and entities would not receive justice.

Mr. DURBIN. My last question to the Senator from New Jersey: How much should the taxpayers of America pay for the negligence and wrongdoing of British Petroleum, this multibillion-dollar corporation?

Mr. MENENDEZ. Absolutely nothing. The only way to ensure the U.S. taxpayer pays absolutely nothing, not just for the cleanup but in terms of consequences to communities that would exceed the liability cap that exists right now under the law and for which BP has made statements but no commitment, such as a consent agreement, which would be binding upon BP—the taxpayers should pay absolutely nothing—the way to do that is to raise it to an unlimited cap.

I yield the floor.

Mr. MCCAIN. I have a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. What is the parliamentary situation at the moment?

The PRESIDING OFFICER. The pending question is the Wyden amendment No. 4183.

Mr. MCCAIN. I understand the Senator from Louisiana wants to speak and then the Senator from Wisconsin. I ask unanimous consent that following the Senator from Louisiana, following

the Senator from Wisconsin, that I be put in line to speak for purposes of offering an amendment.

Mr. LAUTENBERG. Reserving the right to object, Madam President, I ask my colleague from New Jersey, was the floor relinquished?

The PRESIDING OFFICER. The Senator from New Jersey relinquished the floor.

Is there objection to the unanimous-consent request of the Senator from Arizona?

Mr. CORNYN. Reserving the right to object, I would propound a slight modification and ask to be recognized for purposes of offering an amendment following the Senator from Arizona.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. MENENDEZ. Reserving the right to object, I do not believe I will object, if there is a unanimous-consent request pending, any of the Members who are going to speak in the following order, as the Senator from Arizona suggested, it would be appropriate then to be recognized to object, would it not?

The PRESIDING OFFICER. Could the Senator restate his question?

Mr. MENENDEZ. The Senator has propounded a series of Members to speak or offer amendments. If one of those Members offers a unanimous-consent request during their presentation, then there would be an opportunity to object notwithstanding the unanimous-consent request before us?

The PRESIDING OFFICER. The Senator is correct.

Mr. DURBIN. Reserving the right to object, I want to clarify, Senator INOUE just left the floor and said he would return shortly. Before we set aside any pending amendment, I would like to have his assent to that happening. If the Senator from Arizona would like to ask for recognition and each of the Members to speak to their amendments, I have no objection. But if that includes setting aside the pending amendment and filing a new amendment, I would like to have Senator INOUE on the floor before that decision is made.

Mr. MCCAIN. I amend my unanimous-consent request that the Senator from Louisiana, followed by the Senator from Wisconsin, followed by me, followed by the Senator from Texas, all to speak, and if the Senator from Hawaii agrees, for purposes of proposing amendments which requires setting aside the pending amendment.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Reserving the right to object, they would be speaking for debate only until Senator INOUE returns on the question of offering amendments. Will the Senator accept that language?

Mr. FEINGOLD. Reserving the right to object, if the Senator from Hawaii consents to having the pending business set aside so that one of the speakers can offer an amendment, I assume that would be acceptable.

Mr. DURBIN. Absolutely.

Mr. FEINGOLD. Then I have no objection.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arizona?

Without objection, it is so ordered.

The Senator from Louisiana.

UNANIMOUS-CONSENT REQUEST—S. 3410

Mr. VITTER. Madam President, I am overjoyed that I have been let into this discussion considering that heavy oil is now getting into Louisiana marshland and is impacting my State and the State of Senator LANDRIEU more than any other in the country. It is an ongoing crisis. I would like to spend a few minutes to get us out of Washington politics and back into focus on that real and ongoing crisis. Those fishermen from south Louisiana Senator DURBIN talked about, that is what they are focused on, that is what they are dealing with. Their way of life and their livelihood is absolutely threatened. That is what I would like us to focus on and deal with in a constructive way.

I agree with Senator MENENDEZ and Senator LAUTENBERG and others that the liability cap for economic damages which was set decades ago is way outdated. I have offered a permanent change to that to go into the future. In fact, my bill would set a cap for BP in this instance of \$20 billion because it is based on the last four quarters of the responsible party's profits. For this instance, that is double the liability cap of the Menendez original bill.

Talking about UCing a permanent change of the law is, quite frankly, politics. That isn't going to pass the Senate by unanimous consent. I would like my version to pass by unanimous consent. I think it is a better approach, with all due respect, than the approach of the Senator from New Jersey. It would double the cap on BP than his original version would. But that is going to get objected to as well.

In light of that, I have what I think is a constructive alternative which is to propose something to address this ongoing crisis. Oil is still flowing in the gulf, more and more heavy oil getting beyond the Louisiana barrier islands, infiltrating the Louisiana marsh. How about trying to deal with this ongoing crisis that the people of Louisiana face?

With that in mind, I have introduced a liability proposal that is at the desk, that has been introduced, that could and should garner unanimous consent support. Let me outline what it is.

Several of the speakers—Senators DURBIN, LAUTENBERG, and others—alleged that somehow there are folks in this Chamber who are being shrills for BP, who are defending BP. Personally, I didn't hear that. Certainly, that is not me. I represent the State of Louisiana, and we are dealing with this ongoing crisis and disaster much more than any other State in the Union. But let's attack this directly and try to address—and I think we could and should

be able to do it by unanimous consent—this particular event.

My bill, S. 3410, does that. My bill mandates that the cap on economic damages for BP for this event be lifted and that there be no cap. BP has said publicly that not once, not twice, but on numerous occasions, and has even put it in writing that they will disregard any cap. My bill would say: Fine, that is a contract offer, and we are going to accept it. That will be binding under legislation, under the law. Under S. 3410, we would remove any cap on BP for this incident.

In addition, the other half of this bill establishes an expedited claims process because in this ongoing crisis in Louisiana, where people continue to hurt because of this ongoing spill, ongoing flow, they not only need their claim eventually paid in full, they need it to begin to be paid immediately. In this bill we establish an administrator to quickly and fairly resolve claims for economic damages. We establish an office of deepwater claims compensation to expedite that consideration. We set up offices within the gulf region to allow that claimant assistance, to advise people how to properly file their claim and expedite getting a claim. The other half of the bill, besides lifting the liability cap for economic damages on BP for this incident, expedites that claim process.

With that in mind, in the spirit of actually trying to act with regard to this ongoing crisis in the gulf that certainly affects my State, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3410, my acceptance of liability and expedited claims bill; that the bill be read a third time and passed and that the motion to reconsider be laid upon the table.

Ms. MURKOWSKI. Will the Senator yield for a question before the ruling is made?

Mr. VITTER. Certainly.

Ms. MURKOWSKI. I wanted to tell the Senator from Louisiana, because we had an opportunity yesterday when we went to his home State, traveled there with the Secretary of the Interior and the Secretary of Homeland Security, we saw the spill from the air. We were at Port Fourchon. We heard the testimony from fishermen. We heard the testimony from those who are in the charter business. We heard testimony from the oystermen. We heard from parish mayors and heard their concerns about what will happen to them, their futures, their economic futures and that of their families. The concerns that were raised, of course, were that they be fully and fairly compensated.

Is it the Senator's intention, then, that the statements that have been made by the executives from British Petroleum, the sworn testimonies we have had in the Energy Committee, and I know they have testified in other committees, that the commitments from British Petroleum would be codi-

fied as waivers of the liability caps which the Senators from New Jersey have talked about? Is it correct, then, that it is the intention of the Senator from Louisiana that these commitments would then be made enforceable under law so that the heart of this debate is understandably about not whether BP will pay but how long it will take for the victims to be compensated?

Mr. VITTER. That is absolutely my intention. That is what this bill would do. Several Senators on the other side correctly pointed out that we should not depend on the goodwill of BP. So let's not depend on the goodwill of BP. Let's fix it here. Let's fix it now. BP has made this offer. They have even put it in writing. My bill would direct the Secretary of the Interior to accept that offer and codify this in the law so that with regard to BP and with regard to this ongoing crisis, there is no cap on economic damages.

The second half of the bill would set up an expedited claims process to ensure that the folks hurting on the ground in Louisiana and perhaps eventually elsewhere are helped in a timely way.

Ms. MURKOWSKI. If I may follow up with the Senator from Louisiana on the expedited claims process, this is something we heard yesterday, the concerns from those saying they don't believe the claims process is transparent, is efficient, is easy enough. Are there the translators necessary to help those, for instance, Vietnamese shrimpers? Do we have the processes in place? If I understand the intention of the Senator from Louisiana with the expedited claims process, it is designed to not only make it more transparent but make it more readily accessible in terms of multiple resource centers; also establishes an advisory committee that consists of representatives of claimants of the responsible parties. We heard yesterday that people who have been affected want to know they are dealing with somebody in a position of authority to answer their questions, address their concerns. We understand that within this advisory committee on Deepwater Horizon compensation, these individuals will advise the administrator.

There are also other provisions that are designed to protect the interests of the claimants, one of which I think is very important; that is, that those who may have filed incomplete claims because they simply were not aware of all the information that is needed, are notified by the administrator and allow the administrator to conduct hearings in a manner that best determines the rights of the parties.

I think it is critically important that these processes be put in place. I stand with my colleague from Louisiana in supporting this effort, this measure, and ensuring that through this, BP is held directly accountable, and to make sure there is an accelerated path to recovery for the growing number of victims in the gulf.

The PRESIDING OFFICER. Does the Senator from Louisiana wish to renew his unanimous-consent request?

Mr. VITTER. Yes. I renew my unanimous-consent request.

The PRESIDING OFFICER. Is there objection?

Mr. MENENDEZ. Madam President, reserving the right to object.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Madam President, I appreciate the Senator came up with a proposal. It is 40 pages. I just saw it. I look forward to reading it and seeing whether it truly achieves the goal we mutually have. We are moving the ball forward because both the Senator from Louisiana and the Senator from Alaska, who I understood originally opposed lifting the cap to an unlimited amount, now both believe the cap, at least in this instance, should be lifted to an unlimited amount.

But reading the last 2 pages of the proposal we just got, and listening to the words of the Senator from Louisiana, there is a suggestion here that BP has, in essence, made a commitment or a contract, yet we have nothing before us other than testimony about a supposed willingness to pay all legitimate claims. They have equivocated when they have been asked before the committee, What does "legitimate" mean, and several members asked them a series of different elements of "legitimate," and they would not commit to that.

Secondly, the letter the Senator has in his legislation that he wants to propose to pass right now says BP is "prepared" to pay above \$75 million. It does not say it "shall" pay above \$75 million. It does not say "will" pay. There is no legal obligation for them to do it. So to consume that and say that is the basis under which we are making some contractual relationship is a problem.

Finally, I think there is a problem between having legislation on a specific incident versus raising the cap in general. What happens when, God forbid, the next oil spill comes and a company is not taking the same position? It seems to me what we want to do is raise the cap in an unlimited fashion against any major oil company so we do not simply have to listen to their allegations that they are willing to pay any claims but that, in fact, they have a legal obligation to do so.

So for all these reasons, and the fact that we just got this legislation, and because of the concerns that I do not think it reaches what we need to accomplish, I will have to object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Louisiana.

Mr. VITTER. Madam President, reclaiming my time, I am obviously disappointed. I think we are seeing that maybe there is a difference when your State is in the nexus of this and your State is under attack from this oil. I want to fix a problem, not just make a

speech. We are not going to pass by unanimous consent a permanent change to the liability cap. I have a version that I think should pass, and I am going to keep fighting for it. Senator MENENDEZ has a different version, and I am sure he will keep doing the same. I think mine is superior, but we can have that debate.

But as oil continues to gush from this well, as heavy oil continues to get behind the barrier islands of Louisiana and starts to infiltrate our marsh—which is an ecosystem issue 100 times worse than simply hitting our barrier islands and beaches—I would actually like to solve the problem and not just come here to the floor and give a speech. My bill does that by focusing on this event and this company, BP, in a way that we should all be able to agree on.

I commend the details of the bill to my colleagues. It does not depend on the language of any BP letter. It takes that as a starting point, and it removes all caps on economic damages for this event for this company. Why don't we do that by UC? We should be able to.

In addition, it fixes a real ongoing problem by establishing an expedited claims process. That is necessary too. Because it is great to tell these fishermen that your full claim will be paid eventually in the long run, but as the old saying goes: We are all dead in the long run. And they are looking to their next month's boat payment, their next month's house payment.

So I commend this serious legislation, which we should pass immediately, to my colleagues. Let's solve a problem. It is an ongoing problem. It is an ongoing crisis that sure as heck affects my State. Let's just not make a speech.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Madam President, what is the pending business?

The PRESIDING OFFICER. The Wyden amendment.

#### AMENDMENT NO. 4204

Mr. FEINGOLD. Madam President, I ask unanimous consent to set aside that amendment for the purpose of calling up an amendment.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Madam President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Sorry. I was hoping Senator INOUE would give consent to this. As I said, I am filling in. He left the floor. If the Senator could withhold offering his amendment until he comes back.

Mr. FEINGOLD. Madam President, if I can respond to the Senator from Illinois, I will make my remarks, but I spoke to the Senator from Hawaii prior to this, and I believe there is no objection. If I could, I will proceed and then at the conclusion I will renew my request.

Mr. DURBIN. I object at this moment, but I hope we can work it out very shortly.

I just received word from staff that Senator INOUE approves of the Senator offering his amendment, so I withdraw my objection.

Mr. FEINGOLD. Then, Madam President, I renew my unanimous-consent request to set aside the pending amendment for the purpose of calling up an amendment.

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

Mr. FEINGOLD. It is amendment No. 4204, which is at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD], for himself, Mrs. BOXER, Mr. DURBIN, and Mr. MERKLEY, proposes an amendment numbered 4204.

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

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

The amendment is as follows:

(Purpose: To require a plan for the safe, orderly, and expeditious redeployment of the United States Armed Forces from Afghanistan)

At the end of chapter 10 of title I, add the following:

PLAN FOR SAFE, ORDERLY, AND EXPEDITIOUS REDEPLOYMENT OF THE UNITED STATES ARMED FORCES FROM AFGHANISTAN

SEC. 1019. (a) PLAN REQUIRED.—Not later than December 31, 2010, the President shall submit to Congress a report setting forth a plan for the safe, orderly, and expeditious redeployment of United States Armed Forces and non-Afghan military contractors from Afghanistan, together with a timetable for the completion of that redeployment and information regarding variables that could alter that timetable.

(b) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

Mr. FEINGOLD. Madam President, I rise to offer an amendment on behalf of myself, Senator BOXER, Senator DURBIN, and Senator MERKLEY, that would require the President to provide a flexible timetable for the responsible drawdown of U.S. troops from Afghanistan. The amendment is based on legislation I have introduced in the Senate, as I mentioned, with Senator BOXER, and also that Representative MCGOVERN and Representative JONES have introduced in the House.

Our amendment would require the President to be clear about his timeframe in Afghanistan. The President has already indicated that his surge strategy in Afghanistan is time limited and he will begin redeploying troops in July 2011. All we are asking is that the President provide further details about how long he intends to leave our troops in Afghanistan, and about what variables could lead him to change his mind about this timetable.

Before I go on, I want to explain what my amendment does not do. It

does not set a specific date for the withdrawal of U.S. troops. It does not require the President to actually redeploy troops. And it does not place any restrictions on funding.

Rather, it simply requires the President to provide a timeline for the redeployment of U.S. troops. That timeline is not binding. In fact, the amendment directs the President to identify, as I said, what variables, if any, would warrant the alteration of that timeline. Secretary Clinton has already testified that she anticipates it will take 3 to 5 years to transition control to Afghan security forces.

My bill would simply require the President to lay this out clearly and specifically, and to spell out what, if any, conditions would warrant a longer U.S. military presence. It allows him to provide some of this information in a classified annex, if that is appropriate.

Congress needs information about expected troop levels in order to properly plan and pay for the war and to avoid future unpaid-for supplemental spending bills such as the one we are now considering. Frankly, I had hoped the days of budget-busting supplemental war spending bills were in the past. We have already spent hundreds of billions of dollars on this war and hundreds of billions more on Iraq. At a time of massive deficits, economic upheaval, and major domestic needs going unfilled, that level of deficit spending is simply unsustainable.

In fairness, unlike his predecessor, President Obama has attempted to provide realistic budget estimates for war costs in the current and next fiscal years. But beyond fiscal year 2011, the President's budget numbers are unrealistically low. It would likely cost the American taxpayer \$300 billion to \$500 billion to conduct the President's strategy over and above the \$300 billion we have already spent in Afghanistan.

I have serious concerns about this strategy, and I would be more than happy to discuss those concerns with my colleagues on the floor. It is about time we had a real debate in the Senate about this war. But I hope even those who support the administration's surge agree it should be paid for. We cannot continue to do what the last administration did and add this massive cost to the national credit card.

Al-Qaida's stated goal is to bankrupt the United States of America. If we keep running up debt to pay for the war, al-Qaida may well achieve its goal. If Congress cannot provide the will to pay for this war, then we need to seriously ask ourselves, How much longer can we keep fighting it?

By requiring the administration to provide its exit strategy, we can also help to provide our men and women in uniform with greater certainty about their deployments. After almost a decade of war, our servicemembers deserve to know how much longer our military operations in Afghanistan are expected to continue and, frankly, so do the American people.



We have many priorities and many pressing needs, both domestically and abroad. The American people deserve more information about the administration's plans in Afghanistan so they can evaluate those plans and weigh them against other priorities, including and especially the need to target growing al-Qaida affiliates around the world.

Moreover, a timetable will help make clear to our partners in Afghanistan that our support is not unconditional and that we will not continue to bear the burden of our current military deployment indefinitely. That is an important message that the current flawed Afghan leadership needs to hear.

While I am disappointed by his decision to expand our military involvement in Afghanistan, I commend the President for setting a start date for redeployment, namely, July 2011. Our allies have stated that it has helped "focus the minds" of our partners in Afghanistan and around the world. Having a start date is essential, but alone it is insufficient. It should be accompanied by an end date too.

The President should convey to the American and Afghan people how long he anticipates it will take to complete his military objectives. So long as our large-scale military presence remains open-ended, al-Qaida will have a valuable recruiting tool and our partners in Afghanistan will have an incentive to take a back seat, leaving U.S. troops and U.S. taxpayers on the hook.

Again, my amendment is not about whether one of us supports the President or the troops. All of us support the troops and hope and wish the President has success in Afghanistan. But no matter how we feel about the President or about his approach in Afghanistan, I hope we can agree on the need for an exit strategy, as we approach the 9-year anniversary of a war that is showing no signs of winding down.

As I said before, I, for one, have serious doubts about the administration's approach. In light of our own domestic needs, rising casualty rates in Afghanistan, and the emergence of al-Qaida safe havens around the world, an expensive, troop-intensive, nation-building campaign just does not add up for me. But my amendment does not dictate a particular strategy for Afghanistan. All it does is require the President to inform Congress and the American people about how long his military strategy is expected to take.

I urge my colleagues to support the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 4214

Mr. MCCAIN. Madam President, I ask unanimous consent that the pending amendment be set aside and call up amendment No. 4214. And I thank the distinguished managers of the bill.

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], for himself, Mr. KYL, Mrs. HUTCHISON, and Mr. CORNYN, proposes an amendment numbered 4214.

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

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

The amendment is as follows:

(Purpose: To provide for National Guard support to secure the southern land border of the United States)

At the end of chapter 3 of title I, add the following:

NATIONAL GUARD SUPPORT TO SECURE THE SOUTHERN LAND BORDER OF THE UNITED STATES

SEC. 309. (a) ADDITIONAL AMOUNT.—For an additional amount under this chapter for the deployment of not fewer than 6,000 National Guard personnel to perform operations and missions under section 502(f) of title 32, United States Code, in the States along the southern land border of the United States for the purposes of assisting U.S. Customs and Border Protection in securing such border, \$250,000,000.

(b) OFFSETTING RESCISSION.—The unobligated balance of each amount appropriated or made available under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) (other than under title X of division A of such Act) is rescinded pro rata such that the aggregate amount of such rescissions equals \$250,000,000 in order to offset the amount appropriated by subsection (a).

Mr. MCCAIN. Madam President, the amendment would fund the immediate deployment of 6,000 National Guard troops to the U.S.-Mexico border to provide additional security since the situation on the border has greatly deteriorated during the last 18 months. The National Guard troops would remain on the border until the Secretary of Defense, in consultation with the Governors of Arizona, California, New Mexico, and Texas, determines that the Federal Government has achieved "operational control" of the border.

Since I put this amendment together, we have been informed that the President will be asking for an additional \$500 million to support border security and up to 1,200 National Guard to be sent to the border. I appreciate that. I think it is a recognition of the violence on the border which has been really beyond description in some respects, particularly on the Mexico side.

I appreciate the additional 1,200 Guard being sent, as well as an additional \$500 million, but it is simply not enough. We need 6,000. We need 3,000 across the border and an additional 3,000 National Guard troops on the Arizona-Mexico border. I say that because of my many visits to the border, my conversations with the Border Patrol, and the time it will take to train an additional 3,000 troops just for the Arizona-Mexico border.

I have colleagues waiting with other amendments, but I hope my colleagues appreciate the extent of the violence on the Mexican border and the dramatic increase in that violence that

has taken place over the last several years. There was a time not that long ago that someone who wanted to come across our border illegally could do so if they were fortunate and would come across by themselves. That is no longer possible. We now have highly organized human smuggling rings and drug cartels that are working together. They are using the same routes, and unfortunately the so-called central corridor, the Arizona-Mexico border, has been where a great degree of violence and certainly a preponderance or a majority of human smuggling and drug smuggling has taken place.

I would refer two numbers to my colleagues. Last year, in the Tucson sector of the Arizona-Mexico border, there were over 1.2 million pounds of marijuana intercepted on that border, to the point where I was told that the U.S. attorney didn't prosecute anything less than 500 pounds of marijuana intercepted. One other number: Last year on the Tucson sector of the Arizona-Mexico border, 241,000 illegal immigrants were apprehended trying to cross the Mexico-Arizona border. If you figure we catch one out of four, one out of five illegal immigrants who are coming across, that is about a million people, a million illegal immigrants coming across the Tucson sector, destroying people's property, destroying our wildlife refuges, and causing an environment of total insecurity amongst the citizens who live in the southern part of my State.

I understand the controversy associated with the legislation that was passed by the Arizona Legislature and signed by the Governor. By the way, that legislation is less severe than Federal law—certainly nothing like the Mexican law regarding treatment of illegal immigrants—and it has been badly mischaracterized by administration officials who have admitted they haven't even read the bill. But the important aspect here is that I support that legislation because the Arizona Governor and Legislature acted in frustration because of the Federal Government's failure to carry out its responsibilities to secure our border.

Again, 1.2 million pounds of marijuana, 241,000 illegal immigrants, and then the situation is compounded by the incredible violence—22,000 Mexican citizens have been murdered on the Mexican side of the border in the last 3 years in the struggle between the Mexican Government and the drug cartels. It was predicted by many of us, as we saw this violence increase, that sooner or later it was going to spill over the border or affect American citizens. Three American citizens were killed on the Mexican side of the border as they made their way home to the United States. In March, a third-generation Arizona rancher was found dead on his property near the Mexican border, reportedly shot by a suspect who may have illegally entered our country. So the point is, this violence is at such a level that it makes a compelling argument for us to secure our border.

I understand the liberal media and the mainstream media who have talked about our situation in Arizona. Most of them have never been within about 100 miles of the border. But the point is that the citizens in my State deserve the right to live a secure existence—not to be threatened, not to have their property overrun, not to have their homes broken into. A mother came to me at a townhall meeting and said: I am afraid to drop my children off at the school bus stop.

This violence on the border is unspeakable. It is one of the least reported aspects of this whole issue, and I still am puzzled as to why. People are beheaded and their bodies hung at the overpass in Tijuana. A wedding took place not long ago, and the drug people came in and took the groom, his brother, and a nephew, and their bodies were found a few hours later. A young man who was part of the capture of one of these drug lords was lionized by the Mexican Government, and his whole family was murdered. This is a degree of brutality that threatens the very existence of the Mexican Government.

I am proud we are working with the Mexican Government. I hope all of our colleagues understand we have spent over \$1 billion. The corruption level that exists in Mexico today reaches to the highest levels of government. So really the only institution the government can rely on is the army.

When we send the Guard to the border, we are told the presence of the Guard has an effect on these drug cartels. By the way, the drug cartels are watching everything on the border. They have the most sophisticated communications. They have sophisticated intelligence capability, and they are very efficient in their organization. So the Guard troops on the border in the past have had a very salutary effect. That is why we need 6,000 of them until such time as we can train additional Border Patrol and customs people to address this issue.

So I wish to emphasize to my colleagues that we should not forget, to start with, that it is the United States of America that is creating the demand for these drugs, and at some point we have to address that issue too. But in the meantime, this violence that is taking place in Mexico on the Mexican side of the border, which has spilled over on our side, can only get worse until these drug cartels are brought under control and the human smugglers are brought under control, and that will only take place when our border is secure.

We can secure the border. The Yuma sector, as my colleague from Arizona has pointed out, has taken measures, including incarceration of illegal immigrants, including increased fencing and surveillance. By the way, UAVs are a very important part of this equation. So we have been able to drastically reduce the illegal activity, both drug and human smuggling, in the Yuma sector of the border. My colleague from Texas

will testify that in, I believe it is the McAllen sector of Texas, there has been significant and dramatic improvement. In San Diego, there is dramatic improvement. So those who feel we can't secure our border, there are great examples of our ability to do so with people, with fences, and with technology. We can do these things.

We have to get an additional 6,000 troops to the border before there are more tragedies such as happened with Rob Prince, the rancher from Arizona, or the deputy all the way up in Pinal County, some 50 miles from the border, who was shot in the stomach, in pursuit of one of these drug people, with an AK-47.

So I urge my colleagues and I urge all Americans to understand that we in Arizona didn't want to have this law passed by the legislature. It was done out of frustration because of the Federal Government's failure to exercise its responsibility. It is a Federal responsibility, something that the Secretary of Homeland Security emphasized in a letter, when she was Governor of the State of Arizona, on March 11, 2008. It says: Clearly, Operation Jump Start has been highly effective—on and on about how important the help in insuring the border and bringing the Guard to the border has been. That is true today.

So the Arizona Legislature and Governor did not wish to pass this legislation. It was enacted because the people of Arizona had an insecure border and live, in many cases, in an insecure environment. An obligation we have to all of our citizens is to allow them to live in a secure environment.

By the way, this law the Arizona Legislature passed is far less severe in many respects than the Federal law and certainly far different from the law in Mexico, which is very stringent in its provisions and penalties for illegal immigration.

So we need relief in our State. We need relief in many places across the border. The drug cartels have to be stopped. Working with Mexico, I believe we can, over time, bring the border under control and rid the scourge of these drug cartels and these human smugglers.

Let me finally say, because I know my colleagues are waiting, that the treatment of human beings by these coyotes, these human smugglers, is atrocious, unspeakable. They take them and they pack them into—well, the other day, a U-Haul rental truck was apprehended. Sixty-seven human beings were packed inside. They take them to these drop houses. They hold them for ransom, and then after they are ransomed, sometimes they mistreat them even further. The human rights abuses that are taking place in these human smuggling rings is atrocious beyond description. That alone should compel us to get our borders secure and to provide for a legal system of immigration into our country.

We welcome immigrants. We welcome our Hispanic heritage. We cherish

it. Spanish was spoken in our State of Arizona before English. But we have to get the human smuggling and drug cartels under control because the security of our citizens and our Nation depends on it. So I urge my colleagues to support the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, I ask unanimous consent, I believe with the approval of the bill managers, to call up my amendment No. 4202, as modified, and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. MENENDEZ. Reserving the right to object, I have not seen this amendment and I am not familiar with what it would do, so for the moment I would object until I have that opportunity.

The PRESIDING OFFICER. Objection is heard.

Mr. CORNYN. Madam President, this has been cleared by the majority bill manager, by Senator INOUE and his staff, I believe. Certainly the ranking member has no objection. I didn't know I had to clear amendments with all 100 Members of the Senate before I could even get them called up. I am prepared to call it up so we can then consider it and then we can debate it and vote on it. But this does not seem like a way to make any progress on this important underlying legislation.

Well, I guess I will talk about it for a while.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Madam President, I once more ask unanimous consent to call up my amendment No. 4202, as modified, for consideration, and I ask that the pending amendment be set aside for that purpose.

The PRESIDING OFFICER. Is there objection?

Mr. MENENDEZ. Reserving the right to object, I will state the same objection. I have not seen the amendment, and while I appreciate that the bill managers may have agreed to it, the reality is, as I understand it, any Member of the Senate can rise to object.

I hope not to be compelled to object. But at this point, I will object.

Mr. MCCAIN. Madam President, I reserve the right to object too. I have been here a long time. That is the first time I have seen that from the Senator from New Jersey. If that is the way we are going to do business here, this place will grind to a halt. I think it is discourteous of the Senator from New Jersey to do that. This place exists and runs mostly on comity. I hope that does not become a practice here or it will be practiced on this side as well.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, as you have heard, the President came to speak to Republicans at lunch. We have talked about a lot of issues, including immigration reform and the like. Subsequent to that meeting, we were informed by e-mail that the President



has made a major announcement with regard to the deployment of National Guard along the border.

This amendment, which deals with border security and will help the Federal Government live up to its responsibility for border security, is exactly the kind of response I think the President and certainly all of us who care about border security would find helpful.

Let me tell you what this amendment does. I know the Senator from New Jersey is looking through the amendment, and perhaps we can have a further consideration of the amendment when he is through.

This amendment would strengthen border security along our southwest border. While I appreciate the needs of States such as Arizona, we have a number of States that share a common border with Mexico. We have to make sure we have the human resources, tactical infrastructure, and technology employed in order to protect Americans along the border and help contain the terrible drug violence—drug war, literally—that is being fought within a short distance of American cities.

According to the El Paso Times, two young men were shot over the weekend in Juarez, one a nursing student at the University of Texas at El Paso, and another was a former student—an engineering major—from that same institution. Some news reports indicated that the two young men were returning from a Boy Scout camp when they were confronted by a shooter with an AK-47, who shot both of them multiple times, killing one of them.

I am really not sure my colleagues understand how close these killings in Juarez are to the United States. It is like Minneapolis being across the river from St. Paul or Manhattan being across the river from Brooklyn. That is the proximity of the 1,000 deaths that have occurred so far this year in Juarez, on the Mexican side of the common border with El Paso. This may not capture headlines like those of other college campuses, but these deaths represent a terrible loss to our families, our communities, and our Nation. That is a reminder of just how dangerous this war is that is going on just across our border.

It also raises the issue of what is going to be necessary in order for us to deal with our broken immigration system. I think the problem we have with our immigration system is that it is simply not credible when it comes to border security. We know that last year the Department of Homeland Security reported that some 540,000 people were detained coming across our border. We don't know how many made it across without being stopped and detained. All we can tell you is how many people actually were detained. It is commonly thought that between two and three people are missed for every one who is caught and detained. That is not anyone's definition of border security.

What we need is more resources deployed along the border. The President's 2011 budget, for example, is a flat-line budget when it comes to actually providing more boots on the ground, when it comes to adding to the Border Patrol and the various Federal agencies whose job it is to protect our country and secure the border.

The first thing my amendment does is it provides some help in the form of grants to State and local law enforcement, especially to those areas within 100 miles of the border. When the Federal Government doesn't do its job, when they fail to employ sufficient resources in order to secure the border, that burden falls on State and local law enforcement officials, particularly those within 100 miles of the border who feel the brunt of that absence of the Federal Government.

Under this \$300 million grant program, these funds could be used to purchase equipment, particularly so they can have interoperable communications, hire additional investigators, detectives, and other law enforcement personnel, and they could be used to cover salaries and expenses associated with border enforcement for the State and local officials who are stepping up and doing the job the Federal Government is not doing.

Second, my amendment supports the southwest border task forces. It provides \$140 million to increase personnel and funding for the so-called HIDTA Program, or the High Intensity Drug Trafficking Area Program, mainly in southwest border States. It also provides \$44.7 million to the National Guard Counterdrug Program in the southwest border States.

Third, my amendment provides additional support for U.S. Customs and Border Protection. It provides \$144 million for the purchase of six additional Predator B unmanned aerial vehicles and ground control stations and funding for UAV pilots and support staff. It provides \$49.4 million to allow Customs and Border Protection to purchase 10 additional helicopters for border enforcement. It allocates \$180 million for border surveillance equipment and vehicles. It provides \$200 million to hire 500 Customs and Border Patrol officers to staff southwest border ports of entry, as well as to fund infrastructure improvements at high-volume ports of entry.

Fourth, my amendment provides additional support to the Drug Enforcement Administration. I had the opportunity the other day to have a classified briefing from the DEA which I will not go into here, but suffice it to say the Drug Enforcement Administration is fighting the good fight both here and in Mexico trying to help fight and beat the cartels. But they need more help. This amendment provides \$30.4 million to hire an additional 180 intelligence analysts and support personnel for the DEA, and it would create four additional special investigative units.

It provides \$72 million to hire 281 special agents and investigators at the Bu-

reau of Alcohol, Tobacco, Firearms and Explosives to help investigate and track illegal firearms. One of the things you will recall we heard from President Calderon is his concern about the weapons that are purchased in the United States and then bundled and trafficked south of the border into Mexico and used by the cartels. These ATF agents need additional help, and this amendment would provide the money to hire 281 additional ATF agents in order to help prevent the flow of weapons to the cartels south of the border.

Finally, my amendment supports U.S. Immigration and Customs Enforcement. It provides \$375 million to fund 500 additional investigators, 400 additional intelligence analysts, and 500 additional detention and removal officers. It provides \$151 million to increase detention capacity by 3,300 beds. It allocates \$180 million for equipment and border enforcement technology. It provides \$89 million to expand repatriation programs that return illegal aliens to their home countries.

The total pricetag for this amendment, which, as you can see, is rather detailed and breaks down into six different areas, is \$2 billion. That is a lot of money. But the first responsibility of the Federal Government is to keep our Nation safe, protect it. That is the No. 1 job of the Federal Government. The Federal Government is not getting the job done now. The brave men and women who, day-in and day-out, fight the cartels, the human smugglers, people who smuggle weapons illegally, need help. They need technology, training, and equipment, so they can get the job done.

So that it is not necessary for other States to take matters into their own hands in the absence of the Federal Government living up to its responsibilities, I believe it is absolutely imperative that we spend this money for the security of our country, for the security of our border.

The good news is that, unlike a lot of spending that has happened here in recent months and years, this is not deficit spending. I am not proposing that we spend it using borrowed money; rather, that we use funds that were already appropriated by the stimulus package early in 2009 in order to pay for this amendment. This is not spending our children's inheritance.

I believe this is acting responsibly in responding to the first obligation of the Federal Government, which is to keep our people safe, to protect our borders and our national sovereignty.

I thank my colleagues who signed on as original cosponsors, including Senators HUTCHISON, KYL, and McCAIN. I hope all of my colleagues will support this amendment.

I see both the bill manager and the Senator from New Jersey. I don't know whether he has had an opportunity to review the amendment. There is nothing particularly exotic or complex about it. It is rather straightforward and deals with a real problem.

Mr. MENENDEZ. Will the Senator yield before he offers the request?

Mr. CORNYN. I will yield for a question.

Mr. MENENDEZ. I appreciate that. I look at the Senator's proposed amendment, and am I to understand that the Senator has \$3.1 billion of rescissions to cover what he wants to do in his amendment?

Mr. CORNYN. Responding to my colleague through the Chair, we were told that it would take \$3.1 billion in rescission authority to come up with the \$2 billion that would pay for the various provisions of the bill. I would be happy to explain that further, with our staffers present, to further satisfy the Senator from New Jersey.

Mr. MENENDEZ. If my colleague will further yield, I understand what he just said. There is \$3.1 billion in rescission in the amendment; is that fair to say?

Mr. CORNYN. Madam President, that is correct.

Mr. MENENDEZ. I thank my colleague for yielding.

#### AMENDMENT NO. 4202, AS MODIFIED

Mr. CORNYN. At this time, I ask unanimous consent to set aside the pending amendment, and I call up my amendment No. 4202, as modified, and ask for its immediate consideration.

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

The clerk will report.

The assistant bill clerk read as follows:

The Senator from Texas [Mr. CORNYN], for himself, Mr. KYL, Mrs. HUTCHISON, and Mr. MCCAIN, proposes an amendment numbered 4202, as modified.

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

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

The amendment is as follows:

(Purpose: To make appropriations to improve border security, with an offset from unobligated appropriations under division A of Public Law 111-5)

At the appropriate place, insert the following:

#### SEC. . BORDER SECURITY ENHANCEMENTS.

(a) ADDITIONAL AMOUNT FOR COUNTERDRUG ENFORCEMENT.—For an additional amount for “Salaries and Expenses” of the Drug Enforcement Administration, \$30,440,000, of which—

(1) \$15,640,000 shall be available for 180 intelligence analysts and technical support personnel;

(2) \$10,800,000 shall be available for equipment and operational costs of Special Investigative Units to target Mexican cartels; and

(3) \$4,000,000 shall be available for equipment and technology for investigators on the Southwest border.

(b) FIREARMS TRAFFICKING ENFORCEMENT.—For an additional amount for “Salaries and Expenses” of the Bureau of Alcohol, Tobacco, Firearms and Explosives, \$72,000,000, of which—

(1) \$68,000,000 shall be available for 281 special agents, investigators, and officers along the Southwest border; and

(2) \$4,000,000 shall be available for equipment and technology necessary to support border enforcement and investigations.

(c) NATIONAL GUARD COUNTERDRUG ACTIVITIES.—For an additional amount for “Drug Interdiction and Counter-Drug Activities, Defense” for high priority National Guard Counterdrug Programs in Southwest border states, \$44,700,000.

(d) HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM.—For an additional amount for Federal Drug Control Programs, “High Intensity Drug Trafficking Areas Program” for Southwest border states, \$140,000,000.

(e) LAND PORTS OF ENTRY.—For an additional amount to be deposited in the Federal Buildings Fund, for construction, infrastructure improvements and expansion at high-volume land ports of entry located on the Southwest border, \$100,000,000.

(f) BORDER ENFORCEMENT PERSONNEL.—For an additional amount for “Salaries and Expenses” of U.S. Customs and Border Protection, \$334,000,000, of which—

(1) \$100,000,000 shall be available for 500 U.S. Customs and Border Protection officers at Southwest land ports of entry for northbound and southbound inspections;

(2) \$180,000,000 shall be available for equipment and technology to support border enforcement, surveillance, and investigations;

(3) \$24,000,000 shall be available for 120 pilots, vessel commanders, and support staff for Air and Marine Operations; and

(4) \$30,000,000 shall be available for additional unmanned aircraft systems pilots and support staff.

(g) UNMANNED AIRCRAFT SYSTEMS AND HELICOPTERS.—For an additional amount for “Air and Marine Interdiction, Operations, Maintenance, and Procurement” of U.S. Customs and Border Protection, \$169,400,000, of which—

(1) \$120,000,000 shall be available for the procurement, operations, and maintenance of at least 6 unmanned aircraft systems; and

(2) \$49,400,000 shall be available for helicopters.

(h) IMMIGRATION ENFORCEMENT PERSONNEL.—For an additional amount for “Salaries and Expenses” of U.S. Immigration and Customs Enforcement, \$795,000,000, of which—

(1) \$175,000,000 shall be available for 500 investigator positions;

(2) \$75,000,000 shall be available for 400 intelligence analyst positions;

(3) \$125,000,000 shall be available for 500 detention and deportation positions;

(4) \$151,000,000 shall be available for 3,300 detention beds;

(5) \$180,000,000 shall be available for equipment and technology to support border enforcement; and

(6) \$89,000,000 shall be available for expansion of interior repatriation programs.

(i) STATE AND LOCAL GRANTS.—For an additional amount for “State and Local Programs” administered by the Federal Emergency Management Agency, \$300,000,000, which shall be used for—

(1) State and local law enforcement agencies or entities operating within 100 miles of the Southwest border; and

(2) additional detectives, criminal investigators, law enforcement personnel, equipment, salaries, and technology in counties in the Southwest border region.

(j) OFFSETTING RESCISSION.—

(1) IN GENERAL.—Notwithstanding section 5 of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), \$3,100,000,000 of the amounts appropriated or made available under division A of such Act that remain unobligated as of the date of the enactment of this Act are hereby rescinded.

Mr. CORNYN. Madam President, I yield the floor at this time.

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

#### AMENDMENT NO. 4175

Mr. LAUTENBERG. Madam President, I ask unanimous consent that the pending amendment be set aside and I be permitted to call up amendment No. 4175.

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

The clerk will report.

The assistant bill clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG] proposes an amendment numbered 4175.

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

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

The amendment is as follows:

(Purpose: To provide that parties responsible for the Deepwater Horizon oil spill in the Gulf of Mexico shall reimburse the general fund of the Treasury for costs incurred in responding to that oil spill)

On page 79, between lines 3 and 4, insert the following:

(b) REIMBURSEMENT.—

(1) DEFINITION OF RESPONSIBLE PARTY.—In this subsection, the term “responsible party” means a responsible party (as defined in section 1001 of the Oil Pollution Act of 1990 (33 U.S.C. 2701)) with respect to the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon in the Gulf of Mexico.

(2) LIABILITY AND REIMBURSEMENT.—Notwithstanding any limitation on liability under section 1004 of the Oil Pollution Act of 1990 (33 U.S.C. 2704) or any other provision of law, each responsible party—

(A) is liable for any costs incurred by the United States under this Act relating to the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon in the Gulf of Mexico; and

(B) shall, upon the demand of the Secretary of the Treasury, reimburse the general fund of the Treasury for the costs incurred under this Act relating to the discharge of oil described in subparagraph (A), as well as the costs incurred by the United States in administering responsibilities under this Act and other applicable Federal law relating to that discharge of oil.

(3) FAILURE TO PAY.—If a responsible party fails to pay a demand of the Secretary of the Treasury pursuant to this Act, the Secretary of the Treasury shall request the Attorney General to bring a civil action against the responsible party (or a guarantor of the responsible party) in an appropriate United States district court to recover the amount of the demand, plus all costs incurred in obtaining payment, including prejudgment interest, attorneys fees, and any other administrative and adjudicative costs.

Mr. LAUTENBERG. Madam President, this amendment is simple. It says that the parties responsible for the gulf oilspill must reimburse the government for every Federal dollar in this bill that goes to the oilspill response. To me, it is just a statement of pure logic. I thank Senator MURRAY for joining me in cosponsoring this amendment.

It has been 36 days since BP's blown-out well began spewing damage from

hundreds of thousands of barrels of oil uncontrollably into the Gulf of Mexico, and there is no end in sight. The spill is causing unimaginable devastation to wetlands, wildlife, and the way of life across the gulf. The prospect of oil entering the Loop Current in Florida, hitting the east coast of Florida, is becoming more likely.

Now, President Obama—in addition to the funding provided for the wars in the supplemental and the Haiti disaster—has dispatched the Coast Guard, the Interior Department, the EPA, the Defense Department, and NOAA to the gulf to contain and clean up this disaster. Now we are about to provide millions of dollars in emergency supplemental funding for these efforts.

The question for us today is simple: Who should pay for this effort? Should the American taxpayers be asked to pay for it or should big oil, the companies that caused this disaster, pay for it? I say it is the responsibility of these companies. They were unprepared to deal with this catastrophe. It was not our taxpayers. Therefore, the companies should pay all the bills, as expected.

In the emergency supplemental, we often provide funds to deal with natural disasters. When a flood, hurricane, or tornado hits, Americans are accustomed to lending a hand to their neighbors, whether in their State or other States. But the oilspill in the gulf is not a natural disaster. It was caused either by neglect, recklessness, or otherwise by BP, Transocean, and Halliburton, all of which worked or had a large part of that drilling effort in the gulf. That is why my amendment requires reimbursements by the oil companies, the parties responsible, for any and all taxpayer funds spent on this response. It allows us to respond in the gulf without delay while making clear that the money in the bill is an advance, not a handout, for the oil companies.

The oil companies can afford to pay the taxpayers back. BP made more than a \$5 billion profit—more than \$5 billion—in the first quarter of this year alone. Although BP first avowed to pay all claims, they then added a modifier, “legitimate claims,” and they are the ones who will determine the legitimacy of these claims.

Every single day it becomes clearer that BP stands for “broken promises.” If the taxpayers are left with the tab for cleaning up BP’s, Transocean’s, and Halliburton’s mess, funds for other vital services will simply dry up. It is common sense: Polluters must pay for their damage, not American taxpayers.

I urge my colleagues to support this amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. LEAHY. 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. 4173

Mr. LEAHY. Madam President, I wish to speak about the Sessions amendment to the supplemental appropriations bill. This is the amendment that would cap discretionary spending this year and for future years, irrespective of the needs of the government and the American people.

I know our distinguished chairman, Senator INOUE, has already spoken about it. I note this is the fourth time the Senate has been asked to vote on this amendment. The last three times it was defeated. Now we have to vote on it again. Perhaps we should have a rule here that after three strikes you are out.

The amendment uses last year’s budget resolution as its starting point. It will cut over \$20 billion from the President’s fiscal year 2011 budget request.

I share the goal of the sponsors of this amendment to limit Federal spending. Since I have been in the Senate, I have voted for billions of dollars in cuts in Federal spending. But the way this amendment is done, using a sledgehammer instead of a scalpel, it arbitrarily affects every Federal program in ways that most certainly will come back to haunt us.

Not only will critical programs from defense to education to foreign policy be cut, the amendment requires a vote of three-fifths of the Senate for emergency spending, and in a mere 14 pages it seeks to basically do away with the role of the Budget Committee.

I would hate to see a situation where, if we have a flood in Mississippi, and for some reason or another a minority of Senators say: Our states didn’t have a flood, so why should we vote for this? Or if there were an earthquake in California and they need three-fifths, but a minority of Senators has other priorities. That’s not the way it should work.

I must admit, I take a somewhat long view of it. I have not been here as long as our distinguished chairman has or our distinguished former chairman, Senator BYRD. But I have been here longer than everybody else in this body. I urge people to be careful what they wish for. It appears that requiring 60 votes and the gridlock we are currently experiencing is not enough. The sponsors of this amendment want the body to be held hostage to a minority of two-fifths. As the chairman of the Appropriations Committee said earlier, it is the wrong direction for the Senate to be going.

Let me focus my brief remarks specifically on the effect the Sessions amendment would have on important national security programs funded in the State and foreign operations budget for fiscal year 2011 which begins on October 1.

The amendment would cut \$1.1 billion from the President’s State and foreign operations budget request. A cut

of that size would have significant and, I suspect, unintended consequences.

I hope the proponents of this amendment or their constituents are not among those who want travel overseas and want their passports processed in a timely manner.

I hope they do not mind that our embassies are not fully staffed and cannot properly represent Americans abroad. I hope if something happens to them or their constituents in Mexico, Kenya, Turkey, or any other foreign place and there is not an American consular officer who can help them in an emergency, that they will not complain because their amendment cut the funding for that consular officer’s salary.

I hope it does not matter that we would only be able to fund a portion of the global health and food security initiatives which, among other things, provide funds for maternal and child health and to prevent and respond to outbreaks of deadly contagious diseases, such as cholera, Ebola, and the Asian flu.

I point out that these are not just threats in places halfway around the world, they are only a plane trip away from our shores.

I hope the sponsors of this amendment are not concerned that it may mean we have to cut funding for exchange programs for students of predominantly Muslim countries where we are trying to show a different face of America, or democracy programs in the former Soviet Union or training programs for Iraqi police officers. There is a price for everything, and the funding for State and foreign operations is one of the best bargains in the Federal budget.

Contrary to what some may believe, it consists of barely 1 percent of the entire budget. Aside from the U.S. military, it is how the United States exerts its influence around the globe. As we are trying to show in many parts of the globe, it is not just our military might that defines America, it is our global reach in humanitarian emergencies and diplomacy.

At a time when China is sharply increasing its spending for these same types of activities and extending its sphere of influence to our hemisphere and around the world because they know it is in their Nation’s best interest to do so, do we really want to cut the funding that enables the United States to compete? It makes no sense.

I note that even though it is in the State Department budget, top officials at the Pentagon understand this very well. Secretary Gates and Admiral Mullen, Chairman of the Joint Chiefs of Staff, have both urged the Congress to fully fund the State and foreign operations budget. They know these are areas where our diplomats can handle things better at far less cost and with longer lasting effects.

The sponsors of this amendment have supported the deployment of our troops in Afghanistan and Iraq. They have voted to borrow the money—the only

time, certainly, in my lifetime, that we have gone to war anywhere and not paid for it. But military force alone, even though it is exerted through great sacrifice by the very brave men and women in our military, can only provide the conditions for longer term economic and political stability in those countries. The State and Foreign Operations budget provides the funds to build that economic growth and political stability.

I ask unanimous consent the letters from both Secretary Gates and Admiral Mullen be printed in the RECORD at the end of my remarks.

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

(See exhibit 1.)

Mr. LEAHY. No one disagrees that we need to control spending. The distinguished chairman of the Senate Appropriations Committee and the distinguished ranking member of the Senate Appropriations Committee work very hard to control spending. As a member of that committee I know the votes I have cast to substantially cut spending. We need to eliminate programs that are wasteful or can no longer be justified. We need to be frugal about what new programs we fund.

But just as we are in a different world today than when I came to the Senate 35 years ago, the things we need to do to respond to the challenges of today are different than they were 35 years ago. The way we respond to those challenges is different than when the distinguished Appropriations chairman was gallantly fighting to protect our Nation in World War II—something which we all honor and the Nation has honored when he received the Congressional Medal of Honor. But he, like so many others, tried to make the world safe for democracy, but I think he also wanted to make it a world where America could achieve its goals through the strength of its ideas and not just through its military might.

This amendment is not going to make a dent in the Federal deficit by cutting \$1.1 billion from the State and Foreign Operations budget. The amendment, however well intentioned, would permit a small minority of the Senate to dictate to the majority. It would limit the global influence of the United States. It would cede more of our influence to China. It would diminish our ability to develop and access export markets that are vital to our economy and vital to increasing jobs here in the United States. At worst of all, it would weaken our security alliances.

I urge Senators to reject it.

I yield the floor.

#### EXHIBIT 1

SECRETARY OF DEFENSE,  
PENTAGON,

Washington, DC, Apr 21, 2010.

Hon. KENT CONRAD,  
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to express my strong support for full funding of the President's FY 2011 foreign affairs budget

request (the 150 account) which, along with defense, is a critical component of an integrated and effective national security program.

I understand this year presents a challenging budget environment, with competing domestic and international pressures. However, I strongly believe a robust civilian foreign affairs capability, coupled with a strong defense capability, is essential to preserving U.S. national security interests around the world.

State and USAID partners are critical to success in Afghanistan, Pakistan and Iraq. Our military and civilian missions are integrated, and we depend upon our civilian counterparts to help stabilize and rebuild after the fight. As U.S. forces transition out of war zones, the U.S. government needs our civilian agencies to be able to assume critical functions. This allows us, for example, to draw down U.S. forces in Iraq responsibly while ensuring hard-fought gains are secured. Cuts to the 150 account will almost certainly impact our efforts in these critical frontline states.

In other parts of the world, the work performed by diplomatic and development professionals helps build the foundation for more stable, democratic and prosperous societies. These are places where the potential for conflict can be minimized, if not completely avoided, by State and USAID programs—thereby lowering the likely need for deployment of U.S. military assets.

In formulating his request for FY 2011, the President carefully considered funding needs for the budget accounts for both foreign affairs and national defense, taking into account overall national security requirements as well as economic conditions. I believe that full funding of these two budget accounts is necessary for our national security and for ensuring our continued leadership in the world. I hope you will take this into account when acting upon the President's FY 2011 budget request.

Sincerely,

ROBERT M. GATES.

CHAIRMAN OF THE  
JOINT CHIEFS OF STAFF,  
Washington, DC, May 21, 2010.

Hon. HARRY REID,  
Senate Majority Leader, U.S. Senate, Washington, DC.

DEAR MR. MAJORITY LEADER: As the Congress moves to finalize the budget for FY 2011, I want to offer my strong support for fully funding the Department of Defense and related agencies. I also want to reinforce the views expressed in Secretary Gates' letter of April 21 and Secretary Clinton's letter of April 20 (copies attached) to Senator Kent Conrad, requesting full funding of the Department of State and USAID. We are living in times that require an integrated national security program with budgets that fund the full spectrum of national security efforts, including vitally important pre-conflict and post-conflict civilian stabilization programs.

Diplomatic programs are critical to our long-term security. I have been on record many times since 2005 expressing my views of the importance of fully funding our diplomatic efforts. As Chief of Naval Operations, I said that I would hand over part of my budget to the State Department, "in a heartbeat, assuming it was spent in the right place." Diplomatic efforts should always lead and shape our international relationships, and I believe that our foreign policy is still too dominated by our military. The diplomatic and developmental capabilities of the United States have a direct bearing on our ability to shape threats and reduce the need for military action. It is my firm belief that diplomatic programs as part of a coordi-

nated strategy will save money by reducing the likelihood of active military conflict involving U.S. forces.

I am told that the Senate Budget Committee reduced the international affairs budget by \$4 billion, and I respect and appreciate the tough choices the committee had to make. I would ask that as you finalize the spending outlines for FY 2011, you underscore the importance of our civilian efforts to the work of the Defense Department, and ultimately, to our Nation's security. Because of the increasingly integrated nature of our operations, a \$4 billion decrement in State and USAID budgets will have a negative impact on ongoing U.S. military efforts, leading to higher costs through missed diplomatic and developmental needs and opportunities. A fully-integrated foreign policy requires a fully-resourced approach. Our troops, Foreign Service officers and development experts work side-by-side in unprecedented and ever-increasing cooperation as they execute our strategic programs. We need to continue to grow the important capabilities that are unique to our non-military assets, ensuring they have the resources to enhance our security and advance our national interests, in both ongoing conflicts as well as in preventative efforts.

As always, I appreciate your strong support of our men and women in uniform, and appreciate your considering my perspective as you finalize the FY 2011 budget.

The more significant the cuts, the longer military operation will take and more and more lives are at risk.

M. G. MULLEN  
Admiral, U.S. Navy.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I ask unanimous consent I be added as a cosponsor of amendment No. 4179, offered by the distinguished Senator from Louisiana, Ms. LANDRIEU.

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

The Senator from Maine.

Ms. COLLINS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending amendment is 4175 offered by the Senator from New Jersey.

Ms. COLLINS. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Is there objection? The Senator from Hawaii.

Mr. INOUE. Mr. President, reluctantly I object. I suggest the absence of a quorum so I may discuss this matter with Senator COLLINS.

The PRESIDING OFFICER. The Senator does not have the floor.

Objection is heard.

Ms. COLLINS. 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.

Ms. COLLINS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

#### AMENDMENT NO. 4218

Ms. COLLINS. Mr. President, I am not going to call up my amendment at this time because I understand there is an objection on the other side. But I

am going to take advantage of this opportunity to discuss my amendment, which is No. 4218. This is an amendment I have offered on behalf of myself and Senators INHOFE, ALEXANDER, BROWN, BROWNBACK, GREGG, SNOWE, COBURN, BOND, MURKOWSKI, VOINOVICH, BURR, BEGICH, and CORKER.

On April 22, a new Environmental Protection Agency regulation regarding lead paint abatement went into effect. Lead paint has been of great concern to me for a number of years. I actually joined with the Senator from Rhode Island, Senator REED, in holding field hearings on the dangers of lead paint in older houses several years ago. It has long been a concern of mine. I support the purpose of this rule because we want to continue our efforts to rid toxic lead-based paint from our homes.

I am deeply concerned, however, as are many of my colleagues, that the EPA has completely botched the implementation of this rule. The rule requires that contractors who were hired to do work in homes that have lead paint must first be certified to perform this work. We put the cart before the horse with this rule and the result is that the EPA has not ensured that there is a sufficient number of trainers to provide the training and the certification for these contractors. That means many contractors simply cannot get the necessary certification in most States.

The result is that small business men and women are losing out on jobs at a time when many of them are in desperate need of work. Ironically, it also means that lead paint that homeowners want removed or mitigated will not be.

In my State of Maine, for example, as of last week we have only three EPA trainers in the entire State to certify contractors. Just over 10 percent of the State's contractors have been certified. Hundreds of Maine's contractors have signed up for the training but they have been forced to wait. Their names are languishing on waiting lists, some for as long as 2 months.

It is hard to envision how much worse a job EPA could have done in rolling out this regulation and it is not as if EPA did not know this was coming. EPA has had years to plan for the proper implementation of this regulation. Unfortunately, the EPA's rule carries a big penalty for contractors who do not get the required training. If contractors who perform work in homes built before 1978 are not EPA certified, they face fines of up to \$37,500 per violation per day. Many of the painters in my State doing this work don't earn \$37,000 in an entire year. How unfair it is when it is the EPA's fault in many cases that they are not certified. The lack of training and the EPA fines are creating a no-win situation. If contractors who have not received the EPA training work in these older homes, they face the possibility of literally losing their businesses, of

being fined out of existence, due to the severity of the EPA fines. Meanwhile, the lead paint remains, raising the threat of lead poisoning and its significant health impacts.

I have been trying to work with EPA officials since this problem first became evident to me in early March, but they have offered absolutely no reasonable accommodations, no reasonable solutions. In fact, it took the EPA 7 weeks to even offer any ideas for getting more trainers to the State of Maine—and even then the EPA's proposals were unworkable.

I come to the floor to offer a common sense solution to a problem created by Washington's poor planning. My bipartisan amendment, which is cosponsored by so many of my colleagues—and let me give the list again. Senators ALEXANDER, INHOFE, BROWN, BROWNBACK, GREGG, SNOWE, COBURN, BOND, MURKOWSKI, VOINOVICH, BURR, BEGICH, and CORKER—would prohibit the EPA from imposing fines against contractors who have signed up for the required training classes by September 30 of this year. This delay will allow, I hope, adequate time for contractors to comply with the law and to get the required training without fear of a fine that could well put them out of business.

To be clear, our amendment does not stop the EPA from punishing those who willingly break the law and endanger a child's well-being. It simply gives the EPA more time to ensure that there is a sufficient number of trainers in each State, and it simply protects that small painter, that small businessman, that small contractor, from unfairly being fined when it is the EPA's fault he or she cannot get the required training.

Inconceivably, I have heard the EPA say it has trained an adequate number of people in Maine, so let me give you the statistics for my State, because they are typical of many States. First, EPA estimates that there are only 1,400 contractors in Maine. In fact, however, there are more than 20,000 contractors in our State; not 1,400, but 20,000 people who need to be trained.

EPA makes another erroneous assumption. It assumes that all of these people are part of large businesses and that only one person at each business needs to be certified.

EPA also assumes that contractors specialize in doing just old homes or new homes. Completely false. That makes no sense at all in a rural State such as Maine, which has some of the oldest housing stock in the country and most painters are small shops, usually just an individual who is self-employed. At most, he might be part of a small business where there are two or three people who are doing the work. In addition, these individuals work in mixed communities which have older homes and newer homes. This is typical of every community in my State.

We cannot ask them to give up working in older homes simply because an economist at the EPA does not under-

stand what our housing stock looks like in Maine. Furthermore, most of the EPA's classes have been held in the southern part of the State. It is not feasible for people to have to travel hundreds of miles in order to obtain this training. I have heard that criticism and that problem from my colleagues in other States as well, that the EPA is offering the classes only in cities and has completely neglected the rural parts of their states.

My home State of Maine is not the only State trapped in this bureaucratic dilemma. An EPA evaluation from early May shows, for example, that Hawaii only has two trainers. I cannot imagine how that can work in Hawaii given the islands. That is not feasible. Mississippi has only one trainer in the entire State. Three States—Louisiana, Wyoming, and South Dakota—do not have a single EPA-certified trainer.

This is just not fair. It is not fair that these small contractors live under the threat of these onerous fines that would put many of them out of business, when it is not their fault they cannot obtain the training—it is EPA's fault.

All of us understand that lead is a dangerous toxin and we must work to do whatever we can to keep our homes and our children safe. But the burden should not fall upon the shoulders of small contractors and construction professionals, painters and others, who are trying their best to comply with EPA's rule.

Spring is home renovation season in most States. The small business men and women of Maine are just gearing up for the spring and summer months, and they are trying to recover from the great recession which has been so hard on their businesses. The onerous and unfair fines of more than \$37,000 per day could put many of them out of business even as they wait for an EPA training class to become available.

As they are waiting, if they choose not to do this work, they are losing income as well, and that is unfair. All I am attempting to do with this amendment is provide the EPA with more time in order to increase the number of certified trainers and the offering of these classes.

With enough trainers, we can eventually ensure the success of this program. But without enough trainers, we are guaranteeing its failure and penalizing innocent contractors who are simply trying to make a living and who have been unable to secure the training required by the EPA.

I urge my colleagues to support my amendment.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. I ask unanimous consent to speak as in morning business.

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

KAGAN NOMINATION

Ms. KLOBUCHAR. I rise today to discuss the President's nomination of Solicitor General Elena Kagan to be an

Associate Justice on the U.S. Supreme Court. The Supreme Court confirmation hearing for Solicitor General Kagan will begin on June 28. But my consideration of her will not begin then. As so many of my colleagues, I began considering her the day her nomination was announced because I want to learn as much as I can about President Obama's choice to fill one of the most important jobs in the land, a job as a Supreme Court Justice.

Even though there are many questions we all still need to ask this nominee, and we do that in the hearings, I would like to speak today on how she appears to me based on her initial job interview, the interview I had in my office, and the work that has been done so far to gather information about this nominee.

After meeting with her and hearing about her, I can tell you that I am very positive about her nomination. Solicitor General Kagan is an intellectual heavyweight who brings an incredibly broad variety of legal experiences to this nomination. In so many of the legal jobs that she has had, she has been a trailblazer.

In 2003 Kagan became the first woman in Harvard Law School's 186-year history to serve as dean. It is hard enough to manage lawyers, as I know from my former job as county attorney, much less manage law professors. She did it with much aplomb.

In 2009 she became the first woman to serve as Solicitor General, the chief lawyer representing the interests of the American people before the Supreme Court. One particularly interesting aspect of her background is that she has worked in all three branches of government. She served as a Supreme Court clerk, as an adviser to then-Senator BIDEN when he was the chairman of the Senate Judiciary Committee, and, of course, she has worked in two different Presidential administrations: in the White House Counsel's Office as a domestic policy adviser and now as Solicitor General.

When I look at her resume, I notice two things: One, she has an appreciation of how the law impacts the lives of ordinary Americans. When you are involved in considering the nitty-gritty details of different policies, when you have to figure out where to compromise to protect Americans, and where to hold firm on a piece of legislation or a position you take, you have to know exactly what the consequences of your recommendations will be. You have to think about the lives that will be impacted.

The second thing I notice is she has a track record of listening to different viewpoints and bringing people together, whether it was her track record of recruiting law talents while dean, whether it was conservative law professors or liberal law professors, or working with Senators from both parties on tobacco legislation. She has practical experience reaching out to and working with people who have very different be-

liefs and views than she does. That is increasingly important on a very divided Supreme Court.

Some of my colleagues have questioned whether she is fit to be a Supreme Court Justice because she has never been a judge. First, I have to wonder whether these same colleagues would have objected to putting, say, Chief Justice Rehnquist on the Supreme Court—he was not a judge before—or Justice Brandeis or Justice Frankfurter because they did not have any judicial experience. Would that have been the excuse, because they were not nominated?

In fact, more than one-third of all Supreme Court Justices in the history of this great country were not judges before. If we think about the Court right now, every single one of them came from what has been called the judicial monastery.

I think it is great that we actually have a nominated candidate that came from a different part of the world, someone who was in the private sector, someone who has worked in the U.S. Government, who has managed people, who has had to make tough decisions. I think that is a good thing. But, additionally, I think it is important that we bring someone with that kind of perspective.

Solicitor General Kagan brings so many interesting legal experiences to the table. Beyond that, her current job, Solicitor General, is actually referred to as “the Tenth Justice” because it is such an important position. She represents the American people before the Supreme Court. That is incredibly important training for an individual nominated to serve on the Court.

It is worth noting that the last Solicitor General who subsequently became a Supreme Court Justice was no other than Thurgood Marshall, Elena Kagan's mentor and former boss. So I hope we can put to rest this idea that only judges are qualified to be Justices because if that were the rule in this country, one-third of our Justices, so many of them great ones, as noted by people from both sides of the aisle, would never have gotten to the Court.

I also want to talk about one other issue that has come up in the 2 weeks since Elena Kagan was nominated. I wish I did not have to talk about this issue because it is not worthy of discussion in this great Chamber. It is not something we would be normally talking about with a Supreme Court Justice.

But I learned last year, during Justice Sotomayor's hearings, that Supreme Court nominations truly bring out the “silly season” in Washington, DC. Last year, for example, there were stories and comments, mostly anonymous it is worth noting, that questioned Justice Sotomayor's judicial temperament.

According to one news story about the topic, “[Judge Sotomayor] develop[ed] a reputation for asking tough questions at oral arguments and

for being sometimes brusque and curt with lawyers who were not prepared to answer them.” As I said last year, where I come from asking tough questions and having very little patience for unprepared lawyers is the very definition of being a judge. As a lawyer, you owe it to the bench and to your clients to be as well prepared as you can be.

As Nina Totenberg said on National Public Radio:

If Sonia Sotomayor sometimes dominates oral argument at her court—if she's feisty, even pushy—then she should fit right in at the U.S. Supreme Court!

I think it was Justice Ginsburg during that time who commented: Well, look at Breyer. Look at Scalia. She will fit right in.

This became an issue at our hearings and she was questioned about this. I thought we had come to a time in our country where we could confirm as many gruff, to-the-point female judges as we have confirmed male judges.

Well, this year is no different. There was a lengthy article this weekend in one of our major newspapers about Elena Kagan's clothing, describing it as—I will say in rather critical terms, it talked about at length her leg-crossing style. Now I have to say, I took note of this since it was compared to my leg-crossing style.

I have to say I never thought I would be discussing this in this Chamber. But, in fact, this was a major article that stirred much commentary all over the blogs. I do not think such an article was ever written about Chief Justice Roberts. I am trying to picture this, if he was in a meeting with Senator HATCH, if there was a major article written about the two of them and who was crossing their legs and who was crossing their ankles and how they were facing each other. I do not think that happened.

Was such an article written about Justice Alito or was such an article written about Justice Rehnquist when he was being considered by this great body? It is my 50th birthday today, and I must admit, I thought we were somewhat beyond what happened to me when I was 10 years old in Beacon Heights Elementary School and decided one day to wear bell-bottom pants, flowered bell-bottom pants to fourth grade, and was kicked out of my class by Mrs. Quady. I was told: At Beacon Heights Elementary School girls only wear dresses. I had to go home and change my clothes.

Well, a lot has happened since those days in fourth grade. Now on my 50th birthday, it is my hope that as we consider the Solicitor General of the United States, Elena Kagan, she will be considered on her merits, she will be asked tough but fair questions; the questions should not be where does she shop, but, rather, does she have the first-rate intellect, unimpeachable character, and judicial temperament to join the highest Court in the land.

That should be what we are talking about at the hearing. That should be



what the press is focused on. That should be what my colleagues are to decide on. Just think about how far we have come. When Sandra Day O'Connor graduated from law school 50-plus years ago, the only offer she got from a law firm was for a position as a legal secretary.

Justice Ginsburg faced similar obstacles. When she entered Harvard in the 1950s, she was one of only 9 women in a class of more than 500, and one professor actually asked her to justify taking a place that could have gone to a man. Later she was passed over for a prestigious clerkship despite her impressive credentials. In the course of more than two centuries, 111 Justices have served on the Supreme Court. Only three have been women. If confirmed, Elena Kagan would be the fourth and, for the first time in its history, three women would take places on the bench when arguments are heard this fall. Let's focus on what matters. Let's focus on the credentials, on the qualifications, on how she answers the questions, not on how she crosses her legs.

I yield the floor.

AMENDMENT NO. 4175, AS MODIFIED

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. I ask unanimous consent the Lautenberg amendment No. 4175 be modified with the changes at the desk.

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

The amendment, as modified, is as follows:

On page 79, between lines 3 and 4, insert the following:

(b) REIMBURSEMENT.—

(1) DEFINITION OF RESPONSIBLE PARTY.—In this subsection, the term “responsible party” means a responsible party (as defined in section 1001 of the Oil Pollution Act of 1990 (33 U.S.C. 2701)) with respect to the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon in the Gulf of Mexico.

(2) LIABILITY AND REIMBURSEMENT.—Each responsible party—

(A) is liable for any costs incurred by the United States under this Act relating to the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon in the Gulf of Mexico; and

(B) shall, upon the demand of the Secretary of the Treasury, reimburse the general fund of the Treasury for the costs incurred under this Act relating to the discharge of oil described in subparagraph (A), as well as the costs incurred by the United States in administering responsibilities under this Act.

(3) FAILURE TO PAY.—If a responsible party fails to pay a demand of the Secretary of the Treasury pursuant to this Act, the Secretary of the Treasury shall request the Attorney General to bring a civil action against the responsible party (or a guarantor of the responsible party) in an appropriate United States district court to recover the amount of the demand, plus all costs incurred in obtaining payment, including prejudgment interest, attorneys fees, and any other administrative and adjudicative costs.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I had intended to ask unanimous consent to set aside an amendment in order to offer amendment 4191, but I understand there are certain Senators who want to review that amendment before that request is made. That is certainly a reasonable suggestion. I will withhold my request to offer the amendment. I hope I will have a chance to offer it later. I want to let my colleagues know what I intend to do.

This amendment would reestablish the moratorium on offshore oil and gas drilling in the North Atlantic, Mid-Atlantic, the South Atlantic and the Straits of Florida Planning Areas. As I am sure colleagues are aware, several weeks ago the President indicated he would lift the moratorium on offshore drilling along the Atlantic from the New Jersey-Delaware border south all the way to the Florida Keys, that he would also lift the moratorium on parts of Alaska, but that he would maintain a moratorium on the Pacific coast and on the North Atlantic. Since that announcement has been made we all know what has happened in the Gulf of Mexico. We have seen what happened with the BP oilspill—the loss of life and the horrific impact it has had on the environment.

When the President announced his policy of additional offshore drilling sites, he stated, through the Secretary of the Interior, that there are places in the United States that are environmentally too sensitive to consider for new oil and gas exploration and production. He cited the entire west coast of the continental United States and the North Atlantic. Those who are familiar with the mid-Atlantic know it is also too sensitive an area from an environmental point of view to take the risk on new offshore drilling. I mention this specifically because there is a lease sale site—220—50 miles off the Virginia coast and 50 miles due east of the entrance to the Chesapeake Bay, and just 60 miles from the border of the Assateague Island National Seashore that is actively being considered for oil exploration. Recently, the Department of Defense weighed in with objections to that because naval operations use a large part of that area. It is about 2.9 million acres.

My point is that expected reserves there are minuscule compared to our national needs and the risk factors are significant. If we were to have anywhere near the type of spill that happened in the gulf 50 miles off the entrance to the Chesapeake Bay, it would have a catastrophic impact for generations to come on the Chesapeake Bay and on the beaches not only in Maryland and Virginia but in Delaware and New Jersey. According to the National Oceanic and Atmospheric Administration, the prevailing winds in our region blow toward the shore or along the shore 72 percent of the time, making it much more likely that any spill that

short a distance from the shore would end up affecting our coastal areas. I say that knowing full well there is not much oil to drill for out there.

It is interesting to point out that 79 percent of our recoverable offshore oil and 82 percent of our recoverable offshore natural gas is already open to drilling. The mineral companies already have significant areas where they can drill. There is only a small amount left. More important, if we go after all of our known oil reserves we have in this country, we have less than 3 percent of the world's oil reserves, known reserves. But we consume 25 percent of the world's oil. It is clear to all of us that we need to develop an energy policy that makes us energy secure, that helps us create and save jobs in America and is friendly toward the environment. The best investment we can make is in conservation, alternative and renewable energy sources, and safely developing resources on existing leases in order to accomplish that.

For many years, there was a moratorium on offshore drilling. That moratorium was imposed by Congress and by Executive Orders. But we were unable to extend the Congressional moratorium in 2008 and because of the actions of the previous administration, that moratorium no longer exists. The purpose of this amendment is to say that none of the funds made available in this act—and there are funds made available in this bill to deal with the oil spill issue—can be used for pre-leasing, leasing or any other activity off the Atlantic coast or the Straits of Florida. The west coast is protected; the administration did not propose drilling there. So, too, is the North Atlantic. But to be as emphatic as possible, I included the North Atlantic Planning Area in my amendment to send a message that we don't want drilling anywhere from Maine to the Florida Keys. Alaskans have their opinions on the way that they believe drilling should be handled there. We can get to that legislation separately. Certainly, with BP Oil currently under investigation, I hope it will be the unanimous view of this body that we don't want to see any new areas drilled until after we have had a full investigation into what happened in the Gulf of Mexico, to find out why we didn't have the regulatory system in place to protect our environment and protect public safety, to protect small businesses and property owners, and to protect taxpayers, why that regulatory system was not in place.

Before we consider new areas, we certainly want to make sure we have reviewed the regulatory structure that is in place and taken the steps necessary to fix it. This amendment would express our intention that until that is done, we don't want to see any new offshore drilling sites along the Atlantic coast.

I hope we go further. Quite frankly, I hope we go further and say we should

not be doing any new drilling anywhere in this country until we find out what went wrong so that we have corrected that. I am talking about offshore drilling. We should at least be able to correct what was the mistake with regard to BP Oil and the Deepwater Horizon rig. But at a minimum, these areas along the Atlantic coast where we currently don't drill should be off limits until we have completed the full review. That is the purpose of my amendment. I hope the chairman and ranking member will give me an opportunity to offer this amendment. I have heard from the Parliamentarian's Office that it would not be subject to a Rule XVI point of order and I believe it is germane. I believe we have a responsibility to act on this issue on this supplemental appropriations bill, because this truly is an urgent issue that has become much more urgent as a result of the spill in the gulf.

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

Mr. CARDIN. I am glad to yield.

Mr. INHOFE. For clarification, I know he expressed his sentiment that he wishes to stop all drilling offshore. But for the purpose of this amendment, it is confined to two areas, and it is only until such time as the investigations underway are completed; is that correct?

Mr. CARDIN. This amendment deals with the three Atlantic Planning Areas (North, Mid, and South) and the Straits of Florida Planning Area only, and it only becomes operational as long as this supplemental appropriations bill is in effect—through the end of the current fiscal year.

Mr. INHOFE. It is a 1-year moratorium. It is not tied to the investigation?

Mr. CARDIN. No, it is not tied to the investigation.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Let me make a couple comments about the comments of my friend from Maryland concerning the opportunities we might have to exploit our resources in the United States. I hear quite often people say that we only have 3 percent of the world's reserves. The only reason that figure is so low is because we can't go ahead and go after and define our recoverable reserves. CRS came out about 2 months ago with a report that we are No. 1 in the world in recoverable reserves of gas, oil, and coal. We have done a study, not a part of any formal study, but to determine where we would be if we, like every other country in the world, would exploit our own resources, where we would be in terms of our dependency on the Middle East for the ability to provide the energy we need. In a short period, just on this North American continent, Mexico, Canada, and ourselves, if we would lift all restrictions we currently have, we would be able to be independent of the Middle East.

A lot of people who are concerned about the national security ramifications of our dependency on the Middle East are concerned about the Middle East. They are not concerned about Canada or Mexico. They are not concerned about the North American continent.

For those people who don't want to drill offshore, certainly now is the time to stand up and say: Look what happened down here, a horrible disaster. But those people who have never wanted, at least in the 20 years I have been here, to drill offshore or even in some of the other areas that are now off limits are people who don't think fossil fuels have a place in our energy mix. Quite frankly, I am glad President Obama has changed his position and is now recognizing that fossil fuels, more clean coal technology and therefore more coal, more gas, more oil is something he would support. It is nice to talk about renewables. It is wonderful. We have more windmills in Oklahoma than any State right now. But until technology gets to the point where we can efficiently produce energy from renewables, we still have to run this machine called America. We can't do it without fossil fuels.

I am a little bit prejudiced. I come from Oklahoma. We are one of the largest producing States. Ours are mostly marginal wells, shallow wells. They are not the giant ones. That is the reason I have been on the floor several times objecting to the Menendez limits or caps they are talking about putting on something that would be unrealistic, that would shut down any opportunities for independents and confine all offshore drilling to the five majors plus the NOCs. That is the national oil companies, mostly talking about China.

I am concerned about that. I know right now we would be in a position to do something, and we could become energy sufficient in the North American continent within 5 years, if we would exploit our own energy resources.

AMENDMENT NO. 4218

That is not the reason I am here this afternoon. I just happened to come in. I wish to comment on amendment No. 4218 by Senator COLLINS. She was here a little while ago. I had an amendment that would do essentially the same thing. It was the Inhofe-Collins amendment. This is the Collins-Inhofe amendment. It takes a slightly different approach. I support both amendments, although I am withdrawing mine in her favor.

This is the problem we have. On April 22, the EPA came out with a rule that made the statement that in the event you disturb any 6 square feet of a building structure that is older than 1978, then you have to have a permit from the EPA to become certified to work on such a building. If you don't do it, there is a penalty provision of some \$37,500 a day. Realistically, we know they would not fine somebody \$37,500 a day. But unfortunately, a lot of the contractors who do that kind of

work are individuals who don't know that is nothing but a bluff to keep people from doing things. We very much want to participate in this dialog.

I think there may be a procedural problem that someone is whispering about here; is that correct? OK, I am sorry. I forgot to ask to be considered as in morning business. I ask unanimous consent at this time.

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

Mr. INHOFE. This is a problem. I used to be in this business on some scale. The smaller contractors are the ones who do the renovation business. That means if they try to go out there and even replace one window, you can't replace the window without disturbing 6 square feet. Therefore, you would come under the provisions of this new rule, and you would be subjecting yourself to a fine of \$37,500.

So my bill that would have resolved the problem was not quite as good as the Collins bill, but it would have merely said that until such time as there are adequate numbers of people who are certified to do this work, we would not enforce the law.

Well, the problem we are having right now is—and I have a list of the different States—in my State of Oklahoma, there is only one certified instructor. We have all these people wanting to take the course but they cannot get in, and they cannot do the work because of the heavy fine provisions.

So what Senator COLLINS has done in her amendment is say that the penalty provision—the \$37,500 a day—would be waived until September 30. That would allow the EPA to get certified instructors into all the States so the people who want to become certified can become certified—in the meantime, not miss this summer's construction season. It is a very simple thing. I can assure you, this is a huge jobs bill because right now these people are not working. We are talking about thousands and thousands, in just my State of Oklahoma, of subcontractors who do this kind of work.

I strongly support the Collins-Inhofe amendment No. 4318. It is a jobs bill. It is a bill of fairness.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. INHOFE. 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. INHOFE. Mr. President, for clarification, I knew people were walking around talking. I apologize to Senator CARDIN. I have no objection to him offering his amendment. I would say, I was wanting to get clarification on the amendment so I would know how I wanted to vote. That is all.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

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

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

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

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

#### FINANCIAL REGULATORY REFORM

Mr. KAUFMAN. Mr. President, we are about to go to a conference on the financial reform bill for Wall Street reform. I want to spend a few minutes to talk about some of the provisions that I think are extremely important to survive in conference.

What brought my attention to speak today is what is going on in Europe right now. You will hear people talk about this bill, and they will say: Well, there is no problem anymore. We have straightened out the mortgage problem. This all happened. Some kind of a typhoon came through here and wrecked the housing business. If we get that straightened out, we can move right on.

I do not see it that way. I do not look at it as some kind of natural disaster. Clearly, the housing bubble was a big part of it, but there were still systemic problems in our financial system which have been around for quite a while. If you go back and look at the 1929 Depression, in 1933, the Senate of the United States and the House and the President got together and we made rules and we made laws to correct it so it would never happen again. We passed a bill such as Glass-Steagall which basically said if you want to be a commercial bank, that is fine. But if you want to be a commercial bank, you cannot be an investment bank. We put in the uptick rule on short selling. We put in margin requirements. We created the FDIC. The Congress of the United States legislated because it was such a serious problem.

For 50, 60 years we did not have a major problem. We had problems, but not major problems. Think about before 1929. The 19th century was full of bank panics. What happened? Why did we go through 50 or 60 years without a problem?

I think when you look at it, you have to say we made some major mistakes during the late 1990s and into the 2000s in the way we carried on our business in the financial market. One by one, we stripped away these protections. It culminated in 1999 with the Graham-Leach-Bliley Act, which did away with Glass-Steagall. We allowed commercial banks to get into all kinds of businesses, all kinds of risky businesses. We allowed them to get into derivatives. Our regulators went home and said: Hey, look, we didn't need regulation. Let the free market work it out.

Alan Greenspan and others were saying: Let the market work it out.

This was not just about housing. Housing is what set it off, but what really set it off was we basically said, we do not need any regulators. We decided to do play football, and we said: Do you know what. Those referees on our football field keep blowing the whistle. How can we keep playing when we have the referees blowing the whistle all the time, closing things down? Let's get these referees off the field and let the people play. We all know what happens in football, and we all saw what happened here.

What concerns me the most is—I think we have done some good things to deal with the housing market and eliminating the housing bubble—what we see happening in Europe should send a real chill through the spine of everyone in this body. We have seen the EU and the IMF scramble to put together an almost \$1 trillion emergency package to forestall a full-blown series of sovereign debt crises in one country after another. Sound familiar? Lehman Brothers, Bear Stearns, AIG, and on. Greece, Spain, Portugal. Sound familiar? We see what is happening there.

German and French banks alone have more than \$900 billion in exposure to Greece and other vulnerable Euro countries, including Ireland, Portugal, and Spain. Meanwhile, our top five banks have an estimated \$2.5 trillion in exposures to Europe.

On the front page of today's Wall Street Journal there is an article on how European banks are saddled with higher funding costs because of skepticism on whether the EU-IMF bailout plan will work.

I am a person who believes in the market. Look at what the market is saying. The market is saying: You are going to have to pay a higher funding cost. Do you know why? Because we are at risk. That is a sign. It is not for people to sit around. We are at risk. Just like right now, our major banks borrow at lower rates than every other bank in America because people believe 75 basis points or 80 basis points—because people believe the market sends a clear message that they think those banks are still too big to fail. So this is an example of what is going on in Europe and why we must make sure the bill that comes out of conference is strong and why we must make sure we have done away with too big to fail.

There are five issues I wish to talk about on the floor and go over them. No. 1 is Merkley-Levin. People on the floor know that is a good amendment, the President of the United States. The Volcker rule: Folks have come to this floor and said the Volcker rule is already in this bill. Well, this bill says the Rucker rule is in here. The Volcker rule, as you will remember, says that commercial banks, banks, should not be involved in proprietary trading.

If you want to be a commercial bank, be a commercial bank. That is what we

set up when we set up Glass-Steagall. We said be a commercial bank. That is going to be a low-risk business. You may not get as high a return if that is what you want to do, but do not get into these risky things, do not get into this investment banking. Basically, what this says is, do not get into the proprietary trading because proprietary trading can be risky. If you want to be a commercial bank, be a commercial bank. So what the present bill says is that it supports the Volcker rule. It says you can do proprietary trading, but then it sends it to the regulators, and says to the regulators, you can modify this.

First of all, what is the Congress of the United States doing saying to regulators, you can modify this? The buck stops here with us. We should lay down what the rules are. That is what we did in 1929. We passed laws. We made what the laws were. We do not turn them over to regulators. By the way, many of these regulators—not the people but the people who were in those positions—were the reason why we got to where we are today, because they are the ones who pulled the referees off the field.

So one of the things we should look at clearly coming out of this conference is a strong Volcker rule, not one that can be modified by the regulators, and that is basically the Merkley-Levin amendment.

The second thing is the provision by Senator LINCOLN, the provision on swaps dealers. The conference report should include Senator LINCOLN's provision to prohibit banks with swap dealers from receiving emergency Federal loans. Again, if you want to be a bank, be a bank. Do not get into these high-risk businesses.

By forcing megabanks to spin off their swap dealer into an affiliate or separate company, section 716 of the Senate bill would help restore the wall between the government-guaranteed part—the FDIC-insured part—of the financial system and those financial institutions, entities, that remain free to take on greater risk.

If you want to have risk, become an investment bank. Go into risky business. Do not do that with commercial banks. Do not be luring our commercial banks with up to, potentially, \$2.5 trillion in exposure to Europe. How many derivatives? How much are they still in derivatives? That is what this is about. Let's get them out of the risky business of derivatives.

Allowing massive derivatives dealers to be housed within banks creates a moral hazard. Forcing banks to spin off large derivatives dealers would end this moral hazard and force swaps dealers to adequately price and capitalize the risks associated with these activities. Again, commercial banks should be commercial banks. They should not be in high-risk businesses.

Senator COLLINS' capital standards amendment. The conference report should include some form of the Collins

amendment to ensure that bank holding companies and systemically significant nonbank financial institutions are subject to capital and leverage requirements as stringent as those that insured depository institutions face under existing prompt corrective action regulations. That just makes good sense. Set up the same regulations.

This amendment would, therefore, raise the capital bar for our largest financial institutions, requiring them to hold more committed and reliable forms of capital, namely, common equity and retained earnings. This makes good sense.

Representative KANJORSKI's systemic risk amendment. The conference report should include Representative KANJORSKI's amendment to require the council, following consultation with applicable prudential regulators, to take action against a financial institution that poses a "grave threat" to U.S. financial stability. This just makes good sense.

These actions might include the imposition of enhanced capital and other prudential standards, activity restrictions, and the sale of assets or business lines, among others. This is what the regulators should be doing. Hence, this amendment gives regulators added tools and authority to impose strict standards and take preemptive actions against financial institutions that pose outsized risks to the overall system before a full-blown financial crisis occurs.

We cannot do what we have done before. We cannot say: Oh, everything is going great, and then one day wake up with this incredible hangover. We cannot wait for a full-blown financial crisis. That is key. Resolution is one thing—how to resolve it once you get there—but we have to spend our time on prevention to make sure this never happens again, we never get to that point.

Finally, Representative SPEIER's leverage amendment. The conference report should include Representative SPEIER's amendment to require the Federal Reserve to set a minimum leverage level of 15 to 1 on all systemically significant financial institutions. This is good financial practice.

A statutory leverage limit of this kind will ensure a capital floor for our largest banks and help ensure that regulators do not miss the forest for the trees as they calibrate risk-based capital standards.

These are five important pieces to the puzzle that we should include in this financial regulatory reform when it comes back from the conference. This is our way to assure that never again do millions of Americans find themselves out of work, millions of Americans find themselves without a house, and that American taxpayers never again—never again—will have to bail out the large banks.

I yield the floor.

Mr. COCHRAN. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. HAGAN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARDIN. 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. 4191

Mr. CARDIN. Madam President, I ask unanimous consent that the pending amendment be set aside so that I may offer amendment No. 4191.

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

The clerk will report.

The assistant bill clerk read as follows:

The Senator from Maryland [Mr. CARDIN] proposes an amendment numbered 4191.

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

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

The amendment is as follows:

(Purpose: To prohibit the use of funds for leasing activities in certain areas of the outer Continental Shelf)

On page 81, between lines 23 and 24, insert the following:

SEC. 30 \_\_\_\_\_. None of the funds made available by this Act shall be used by the Secretary of the Interior for the conduct of offshore preleasing, leasing, and related activities in the North Atlantic, Mid-Atlantic, South Atlantic, and Straits of Florida Planning Areas of the outer Continental Shelf described in the memorandum entitled "Memorandum on Withdrawal of Certain Areas of the United States Outer Continental Shelf from Leasing Disposition", 34 Weekly Comp. Pres. Doc. 1111, dated June 12, 1998.

Mr. CARDIN. Madam President, first, I thank the chairman and ranking member for allowing me the opportunity to offer this amendment. It imposes a moratorium on offshore drilling along the Atlantic coast and the Straits of Florida. I have already talked about the amendment. I thank my colleagues for allowing it to be introduced.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. KYL. 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. KYL. Madam President, in a moment, I am going to ask for the regular order with respect to the Cornyn amendment for the purpose of offering a second-degree amendment to the Cornyn amendment with one additional request for appropriations—namely, about \$200 million for some court personnel and related facilities to accommodate taking illegal immigrants who have violated the law by coming into the country illegally and, after processing through the court system with lawyers available, incarcer-

ating those people for 2 weeks or, if it is multiple offenses coming into the country illegally, for 30 days in most cases.

Where this has been done on the border, illegal immigration has already come to a stop because going to jail represents a real deterrent. To illustrate the difference between two sectors of the border in Arizona, we can see how we could really make a difference for a relatively small amount of money in controlling the border. It can be done.

Arizona is divided into two halves. The eastern half is the Tucson sector; the western half, going into California for about 30 or 40 miles, is the Yuma sector. Both have had huge problems with illegal immigration.

In the last 5 years, illegal immigration in the Yuma sector has been cut by 94 percent. That is huge. There is one other sector on the border somewhat similar, the Del Rio, TX, sector, where this Operation Streamline is also in effect. It has been cut dramatically there as well.

In the other Arizona sector, Tucson, where Operation Streamline has not been fully implemented, there are still about a quarter of a million people per year crossing the border who are apprehended. Nobody knows how many get across and are not apprehended. Estimates range from three to four to five times as many. So in all likelihood, there are about 1 million people crossing the border every year in the Tucson sector, about a quarter of whom are apprehended. We need to provide a deterrent for those people so they realize they should not cross.

About 17 percent of the people who are apprehended when they try to cross illegally we find are criminals in the United States. They have criminal records in the United States or are wanted for crimes here. Obviously, those people do not want to be incarcerated when they are caught. The remainder, the 83 percent, want to come here to work. They just want jobs. But they cannot be providing for their families back in Mexico, El Salvador, or wherever they might be from if they are in jail.

The Yuma sector experience has found that as a result, if they know for a certainty that they are going to go to jail if they are caught, they stop trying because it is simply not worth it to them, and they go someplace else on the border to try to come across. The number in Yuma is staggering. Five years ago, we were apprehending 118,500 immigrants. So far this year, it is about 5,000.

I was there about 6 weeks ago. I talked with the head of the Border Patrol.

I said: What is it like just today?

He said: There is no activity.

I said: There has to be some.

He said: No. Most days, nobody tries to cross.

I said: That is pretty remarkable. Why?

He said: Three factors. We have 11 miles of double fencing in the Yuma urban area, we have enough Border Patrol, and we have Operation Streamline.

There are some other assets. They have cameras. There are lights. The Marine Corps, which helps in the far eastern part of this sector near the Barry Goldwater gunnery range, a place where jet airplanes fly and drop bombs for practice, takes care of that. They have had pretty good luck there. But there are no pedestrian fences. It is all vehicle barriers in that area. And there is some radar out there.

The bottom line is, with a combination of these things, what they have found is they can secure the border. It is relatively inexpensive—I say “relatively.” You do have to have a defense lawyer, a prosecuting lawyer, a court clerk, a judge, a courtroom, and then you have to lease the jail space. Those things can be done.

What we are hoping is that we can begin to apply this same concept to other sectors of the border and that in a relatively short period of time, we can demonstrate that we can secure the border. When we do that, not only will we have done what we are supposed to do as the people who are in charge of enforcing the law, but then I think people will have a much more open mind to consider other issues, such as elements of comprehensive immigration reform. As I have said, we do not need comprehensive reform to secure the border, but we do need to secure the border to get comprehensive immigration reform. And this is a good-faith effort to do it.

We have provided the funding. I will read it. It is very brief. This is an additional amount to fully fund—it is called multiagency law enforcement initiatives; “multi” because it is both the Department of Homeland Security and Department of Justice.

These are already authorized under title II of the public law, but this would be \$200 million, \$155 million available for the Department of Justice and the remainder, \$45 million, available for the judiciary. That is for courthouse renovation, administrative support, including hiring additional judges. The first part is hiring additional deputy U.S. marshals, constructing or leasing temporary detention space, and related needs of the Department of Homeland Security or Attorney General.

At this time let me ask unanimous consent to return to regular order for the Cornyn amendment, if that is the appropriate procedure for offering my amendment as a second-degree thereto.

AMENDMENT NO. 4202

The PRESIDING OFFICER. The amendment is now pending.

AMENDMENT NO. 4228 TO AMENDMENT NO. 4202

Mr. KYL. Madam President, I then send to the desk amendment No. 4228. This is a Kyl-McCain amendment that would be offered as a second-degree amendment to the Cornyn amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant bill clerk read as follows:

The Senator from Arizona [Mr. KYL] for himself and Mr. MCCAIN, proposes an amendment numbered 4228 to amendment No. 4202.

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

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

The amendment is as follows:

(Purpose: To appropriate \$200,000,000 for a law enforcement initiative to address illegal crossings of the Southwest border, with an offset)

At the end of the amendment, add the following:

(j) OPERATION STREAMLINE.—For an additional amount to fully fund multi-agency law enforcement initiatives that address illegal crossings of the Southwest border, including those in the Tucson Sector, as authorized under title II of Division B and title III of Division C of Public Law 111-117, \$200,000,000, of which—

(1) \$155,000,000 shall be available for the Department of Justice for—

(A) hiring additional Deputy United States Marshals;

(B) constructing additional permanent and temporary detention space; and

(C) established and other related needs of the Secretary of Homeland Security and the Attorney General; and

(2) \$45,000,000 shall be available for the Judiciary for—

(A) courthouse renovation;

(B) administrative support, including hiring additional clerks for each District to process additional criminal cases; and

(C) hiring additional judges.

(k) OFFSETTING RESCISSION.—

(1) IN GENERAL.—Notwithstanding section 5 of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), \$200 million of the amounts appropriated or made available under Division A of such Act that remain unobligated as of the date of the enactment of this Act are hereby rescinded.

Mr. KYL. I see another colleague here wishing to speak. I have already explained the amendment, but I will summarize it by saying we need to control the border. I believe it can be done. The Yuma sector represents a good example of how it can be done.

I understand the President will be requesting some additional funding for some additional personnel and so on. The Cornyn amendment would provide funding specifically for some of the personnel who are needed on the border and some of the related activity, both Federal and State. Our second-degree amendment, offered for Senator MCCAIN and myself, would simply add the funding necessary to implement the Operation Streamline portion of this that would provide the deterrent so people would not want to cross the border illegally because if they got caught, there would be a virtual certainty they would be incarcerated for a relatively short period of time but more, obviously, than any of them want to spend in jail.

For this deterrent to work we need this additional funding. I hope when we have an opportunity to vote my col-

leagues will ask any questions. I am willing to discuss this on the Senate floor or privately if they like. There is a lot of other information we can provide that describes this. I think it is a reasonable approach and certainly on this supplemental appropriation legislation—which helps to fund the military needs of our country, even the National Guard if that is to be funded. This is a complement to that which I think is totally appropriate in this particular legislation.

I appreciate my colleagues' indulgence and yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

IN PRAISE OF STEVE SHACKLETON

Mr. KAUFMAN. Madam President, I rise once again to recognize one of our Nation's great Federal employees.

This weekend, Americans will be observing Memorial Day, which also marks the unofficial start of summer. It is a tradition for families to gather at picnics and spend time together outdoors. Many will be visiting parks, trails, and historical sites administered by the National Park Service.

Every year, when Americans travel to our national parks—as many will do this weekend they often take for granted the outstanding work performed by National Park Service rangers.

The men and women who protect our National Park System and watch over the safety of its visitors come from diverse backgrounds, yet they share a dedication to public service and an abiding love for the land we all so cherish.

The parks they administer on our behalf showcase the diversity of our country's splendid natural geography. From Yellowstone to the Shenandoah, from the gates of the Arctic to the Great Smoky Mountains, these parks provide a refuge for wildlife and preserve our natural and cultural heritage.

The experience of visiting these parks is often awe-inspiring. Surely all who have ever stood at the rim of the Grand Canyon or at the foot of a giant California Redwood felt their majesty and the stirrings of tranquility they inspire.

These parks, trails, and historic sites are an excellent place to take children, where they can learn firsthand about nature and the importance of conservation.

This is why I have been working with Senator CARPER to establish the first State national historical park in Delaware, which would preserve sites important to our State's colonial history. Currently, Delaware is the only State without a national park.

Indeed, our great national parks, with their pristine natural beauty and vast expanses of solitude, have stirred their souls of millions.

We have so much to learn from these parks, and so much to experience. True remain the words from Shakespeare, who wrote of the wilderness that in it we may “find tongues in trees, books

in running brooks, sermons in stones, and good in every thing.”

Today, as my great Federal employee of the week, I have chosen to honor one of the dedicated rangers who keep visitors to our national parks safe, informed, and able to experience the parks’ wonders.

Steve Shackleton has been a national park ranger for over a quarter-century. He began his service in the 1980s at the Grand Teton National Park in Wyoming, where he worked in the areas of search and rescue, emergency medicine, and law enforcement. During that time, he spent six summers fighting fires in California’s Sierra National Forest.

Steve spent 14 years in Hawaii and Alaska working on resource protection management. He holds bachelor’s and master’s of science degrees in criminology from California State University in Fresno and a master’s of public administration from the University of Alaska, Anchorage.

In the late 1990s, Steve came to Washington, where he spent 3 years working in the National Park Service’s legislative office and undertaking a fellowship right here in the U.S. Senate. Afterward, Steve became the superintendent of the Pinnacles National Monument in California’s central coast region.

From 2004–2005, he participated in the OPM’s Federal Senior Executive Candidate Development Program, which included study at Harvard’s Kennedy School of Government and Stanford’s Graduate School of Business.

For the last 7 years, Steve served as the chief ranger at Yosemite National Park. In that role, he directed the park’s programs in law enforcement, wilderness management, fire prevention, search and rescue, and remote medicine.

This February, Steve was asked to return to Washington, where he now serves as the National Park Service’s Associate Director for Visitors and Resource Protection.

Steve’s love of nature and America’s natural heritage can be traced to his father, Lee Shackleton, who himself had a long career as a park ranger. Steve and his wife, Jane, have passed along this tradition of caring for nature to their daughter, Dana, who is studying veterinary medicine at the University of California, Davis.

I hope my colleagues will join me in recognizing the great work of Steve Shackleton and all of America’s national park rangers. This summer, they will continue to watch over the safety of visitors and serve as their guides to the splendor of our national parks.

The men and women of the National Park Service are all truly great Federal employees.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 4232

Mr. COBURN. Mr. President, I wanted to spend a few minutes talking about the bill before us and also call up two amendments. I will call up the amendments first and get that out of the way.

I ask unanimous consent that the pending amendment be set aside and that amendment No. 4232 be called up.

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

The bill clerk read as follows:

The Senator from Oklahoma [Mr. COBURN], for himself and Mr. MCCAIN, proposes an amendment numbered 4232.

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

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

The amendment is as follows:

(Purpose: To pay for the costs of supplemental spending by reducing Congress’ own budget and disposing of unneeded Federal property and uncommitted Federal funds)

At the end of the bill, add the following:

#### **TITLE IV—PAYMENT OF COSTS OF SUPPLEMENTAL APPROPRIATIONS**

##### **SEC. 4001. REDUCING BUDGETS OF MEMBERS OF CONGRESS.**

Of the funds made available under Public Law 111–68 for the legislative branch, \$100,000,000 in unobligated balances are permanently rescinded: *Provided*, That the rescissions made by the section shall not apply to funds made available to the Capitol Police.

##### **SEC. 4002. DISCLOSING COST OF CONGRESSIONAL BORROWING AND SPENDING.**

(a) IN GENERAL.—The Secretary of the Senate shall post prominently on the front page of the public website of the Senate (<http://www.senate.gov/>) the following information:

(1) The total amount of discretionary and direct spending passed by the Senate that has not been paid for, including emergency designated spending or spending otherwise exempted from PAYGO requirements.

(2) The total amount of net spending authorized in legislation passed by the Senate, as scored by CBO.

(3) The number of new government programs created in legislation passed by the Senate.

(4) The totals for paragraphs (1) through (3) as passed by both Houses of Congress and signed into law by the President.

(b) DISPLAY.—The information tallies required by subsection (a) shall be itemized by bill and date, updated weekly, and archived by calendar year.

(c) EFFECTIVE DATE.—The PAYGO tally required by subsection (a)(1) shall begin with the date of enactment of the Statutory Pay-As-You-Go Act of 2010 and the authorization tally required by subsection (a)(2) shall apply to all legislation passed beginning January 1, 2010.

##### **SEC. 4003. DISPOSING OF UNNEEDED AND UNUSED GOVERNMENT PROPERTY.**

(a) IN GENERAL.—Chapter 5 of subtitle I of title 40, United States Code, is amended by adding at the end the following:

#### **“SUBCHAPTER VII—EXPEDITED DISPOSAL OF REAL PROPERTY**

##### **“§ 621. Definitions**

“In this subchapter:

“(1) DIRECTOR.—The term ‘Director’ means the Director of the Office of Management and Budget.

“(2) EXPEDITED DISPOSAL OF A REAL PROPERTY.—The term ‘expedited disposal of a real property’ means a demolition of real property or a sale of real property for cash that is conducted under the requirements of section 545.

“(3) LANDHOLDING AGENCY.—The term ‘landholding agency’ means a landholding agency as defined under section 501(i)(3) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411(i)(3)).

“(4) REAL PROPERTY.—

“(A) IN GENERAL.—The term ‘real property’ means—

“(i) a parcel of real property under the administrative jurisdiction of the Federal Government that is—

“(I) excess;

“(II) surplus;

“(III) underperforming; or

“(IV) otherwise not meeting the needs of the Federal Government, as determined by the Director; and

“(ii) a building or other structure located on real property described under clause (i).

“(B) EXCLUSION.—The term ‘real property’ excludes any parcel of real property or building or other structure located on such real property that is to be closed or realigned under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

##### **“§ 622. Disposal program**

“(a) The Director of the Office of Management and Budget shall dispose of by sale or auction not less than \$15,000,000,000 worth of real property that is not meeting Federal Government from fiscal year 2010 to fiscal year 2015.

“(b) Agencies shall recommend candidate disposition real properties to the Director for participation in the pilot program established under section 622.

“(c) The Director, with the concurrence of the head of the executive agency concerned and consistent with the criteria established in this subchapter, may then select such candidate real properties for participation in the program and notify the recommending agency accordingly.

“(d) The Director shall ensure that all real properties selected for disposition under this section are listed on a website that shall—

“(1) be updated routinely; and

“(2) include the functionality to allow members of the public, at their option, to receive such updates through electronic mail.

“(e) The Director may transfer real property identified in the enactment of this section to the Department of Housing and Urban Development if the Secretary of Housing and Urban Development has determined such properties are suitable for use to assist the homeless.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of subtitle I of title 40, United States Code, is amended by inserting after the item relating to section 611 the following:

“SUBCHAPTER VII—EXPEDITED DISPOSAL OF REAL PROPERTY

“Sec. 621. Definitions.

“Sec. 622. Disposal program.”.

##### **SEC. 4004. AUCTIONING AND SELLING OF UNUSED AND UNNEEDED EQUIPMENT.**

(a) Notwithstanding section 1033 of the National Defense Authorization Act of 1997 or any other provision of law, the Secretary of Defense shall auction or sell unused, unnecessary, or surplus supplies and equipment



without providing preference to State or local governments.

(b) The Secretary may make exceptions to the sale or auction of such equipment for transfers of excess military property to state and local law enforcement agencies related to counter-drug efforts, counter-terrorism activities, or other efforts determined to be related to national defense or homeland security. The Secretary of Defense may sell such equipment to State and local agencies at fair market value.

**SEC. 4005. RESCINDING UNSPENT AND UNCOMMITTED FEDERAL FUNDS.**

(a) IN GENERAL.—Notwithstanding any other provision of law, of all available uncommitted unobligated Federal funds, \$80,000,000,000 in appropriated discretionary unexpired funds are rescinded.

(b) IMPLEMENTATION.—Not later than 60 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall—

(1) identify the accounts and amounts rescinded to implement subsection (a); and

(2) submit a report to the Secretary of the Treasury and Congress of the accounts and amounts identified under paragraph (1) for rescission.

(c) EXCEPTION.—This section shall not apply to the unobligated Federal funds of the Department of Defense or the Department of Veterans Affairs.

**AMENDMENT NO. 4231**

(Purpose: To pay for the costs of supplemental spending by reducing waste, inefficiency, and unnecessary spending within the Federal Government)

Mr. COBURN. I ask unanimous consent that the pending amendment be set aside and amendment No. 4231 be called up.

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

The bill clerk read as follows:

The Senator from Oklahoma [Mr. COBURN], for himself and Mr. MCCAIN, proposes an amendment numbered 4231.

Mr. COBURN. 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 printed in today's RECORD under "Text of Amendments.")

Mr. COBURN. We have before us almost a \$60 billion emergency supplemental appropriations bill. This is about the eighth supplemental bill we have discussed since I have been in the Senate—some appropriate, some not.

But the thing that I think the American people need to know, given the fact that this week our debt will be \$13 trillion—this week—and that does not count what we owe trust funds inside the government, account money we have stolen from Social Security that will have to be paid back; it does not count money that has been taken from the oil recovery fund that will have to be paid back; it does not count the money from the inland waterway trust fund and all of these other trust funds. That is \$13 trillion outside of what we have borrowed from ourselves—\$13 trillion.

So we have before us a bill that is an emergency supplemental appropriations bill, and I thought it would be in-

teresting for the American people to see what the rules of the Senate say about what is an "emergency" because nobody can say the war is an emergency. Since September 11, 2001, there has been no emergency other than the fact that we knew we were going to war. And the fact is, we have known that at least for the last 5 or 6 years. Nobody can say that.

But when you look at the definition we are supposed to follow—our own rules—about emergency designations, there are five characteristics, and those five characteristics are, one, it is necessary, it is essential, and it is vital. Well, some of this bill is necessary, some of it is essential, and some of it is vital—not all of it is by any means.

No. 2: Sudden, quickly coming into being, and not building up over time. Well, this bill certainly does not meet that requirement, except for a very small section of it.

An urgent, pressing, and compelling need requiring immediate action. There is no immediate action here on anything, except maybe the FEMA portion for both the upper Northeast and the flooding and Nashville, TN, and its flooding. But we have \$900 million sitting in FEMA right now that has not been spent that we can start spending, so we don't have to pass \$5 billion right now.

Unforeseen, unpredictable, and unanticipated. Well, the war certainly wasn't unforeseen, it certainly wasn't unpredictable, and it certainly wasn't unanticipated. We have known it. So it certainly doesn't meet that definition.

It is not permanent, it is not temporary in nature.

So we have what we are supposed to be following, and I would portend that 98 percent of this bill doesn't meet the requirements of being an emergency designation. Yet why are we calling it an emergency designation? There is one real reason for that; that is, we don't have to confine it in with the total amount we are authorized to spend. This is outside of what we are going to spend. It is \$60 billion that we are going to borrow. We are going to borrow it. We are going to borrow it from the children of the people who are in Afghanistan and Iraq who are fighting this war. The people in this body aren't going to pay it back. We are going to kiss it goodbye and we are going to say: Here is your present, grandchildren. Here is a present for the kids of the warfighter who is over there today, who is sacrificing, his family is sacrificing, her family is sacrificing. But we are going to borrow it from them.

And it is not that we haven't done it. We made a big fanfare about that we were going to institute pay-go; that we were not going to violate pay-go; that pay-go was going to force discipline on us. So we passed a statute, and the President had a big signing—except here is what has happened since we have signed it.

It was signed into law on February 12.

On February 24, we violated pay-go. We said the rule doesn't apply; we have a need; we are going to spend \$46 billion. So we spent \$46 billion outside of the budget. We borrowed \$46 billion. Oops.

March 2. We don't have the courage to eliminate lower priority parts of the government. We borrowed another \$10 billion.

All of a sudden, on March 3, then we borrowed \$99 billion. Pay-go didn't count. We just said: We waive pay-go. Sixty votes of the Senate. We have no fiscal discipline—\$99 billion.

April 14. We borrowed \$18 billion. Did it again.

So if you add those up—and that doesn't count the last one we did. I will bring a more accurate chart tomorrow when I talk about the rest of these amendments. But so far, we have borrowed \$173 billion, when we said we are not going to borrow money anymore because we are going to have pay-go that says that will force the discipline on us to put lower priorities off the spending line, to put higher priorities on.

So just since February 12—it is now late May—we have borrowed \$173 billion. We are going to add \$60 billion here, and we have a tax extender package that is coming with another \$230 billion. That is \$563 billion since February 12 that we are going to spend money—I understand the majority leader is on the floor. Would you like time, Mr. Leader?

Mr. REID. I appreciate my friend yielding. I am here. Why don't you proceed, and when I get the necessary—

Mr. COBURN. I will be happy to yield to the leader.

Mr. REID. Thank you very much.

Mr. COBURN. So \$½ trillion since we famously passed pay-go, and we are going to waive it six times, and when we haven't waived it, we have declared something an "emergency" so we do not have pay-go law applying. The budget rules go out the window because it is an emergency—except we do not meet the criteria for emergencies by our own definition.

So what is this all about? Is it about playing a shell game with the American people, to say we are going to do one thing and then turn around and, before July 1, in 5 months—less than 5 months—we are going to borrow another \$½ trillion after we tell the American people: Oh, no, we are not going to do that anymore.

We have an emergency. There is no question this country has an emergency. Do you know what it is? It is a \$13 trillion debt we have today that is going to be \$23 trillion 8 years from now. We have a debt that is going to suppress our GDP by 1½ to 2 percent in what we could normally grow because the government's debt is such a burgeoning hangover on the capital markets. Yet we don't have the ability to do what we promised the American people we would do.

You know, I feel as if I ought to read the signing statement of President Obama when he signed pay-go and the statements of all of my colleagues that said: This is the answer. Except that will not do any good. The only answer is for the American people to hold us accountable. I obviously can't. For 5½ years, I have been trying to tamp down spending, to have us make a position that we are going to go to the lowest priority, cut the lowest priority out so we can fund the highest priority, and we have refused to do that.

So does it have real consequences, what we are doing today? There is no question this bill is going to pass. There are votes in this body to pass and add another \$60 billion. What are the consequences? Well, the consequences come about to our children.

You have seen this sign before. This is Madeline. This photo was shot of Madeline as she walked around Capitol Hill. I actually had a visit with her and her parents. When we first put this up here, she was only \$38,000 in debt. That was less than 6 months ago. Less than 6 months ago, she only owed \$38,000—per man, woman, and child in this country. She is at \$42,000 now. When we finish what we do before July 1, she will be close to \$50,000—per person in this country. If you extrapolate what the budgets are going to be over the next 8 years, she is going to be close to \$200,000 in debt. And that does not count the unfunded liability.

When this little lady is 28 years old, her responsibility, both in terms of debt and unfunded liability, will be \$1,113,000. We never think about it in terms of young lives and how we are impacting them. We can always rationalize away the ability to make hard choices. That is what we are doing. Does anybody in this body not think we couldn't squeeze \$60 billion out of \$3 trillion? Could we not do that? Are there things less important than fighting the war? Are there things that are more important about our future and less important about irritating some special interest group because their program did not get funded? Which is it? I vote with the kids and the grandkids. They supposedly have a voice, except we routinely ignore it. That is what we are doing with this bill.

I am not saying we should not fund the war. I am not saying we should not create the money for FEMA for the projects we need. I am not even saying we should not help Haiti where we can. What I am saying is that we ought to pay for it by making hard choices that every family right now is making. They are having to make choices between what is an absolute must and everything else that is not. They don't have the luxury of an unlimited debt service because their credit card company has already said: You can't have any more. Their bank has already said: No, you can't borrow any more. Their house and its equity has been maxed out. They don't have any other choices. So they make the hard choices.

We are kidding ourselves if we think we have another choice. We don't have another choice. We are just delaying the time at which we make the choice. The pain associated with delay is going to be twice as great as the pain of doing it now.

JOHN MCCAIN and I are offering two amendments. The whole purpose of the amendments is to give the body a couple of choices on how to pay for this. It is not easy, it is not fun. But is it necessary? Is it necessary for the health of our Nation? Is it necessary that we start acting in the way the American people expect us to, which means we are going to get rid of the things that are not as important as the things in this bill?

I understand that is novel because the Congress has only had one net rescission in the last 16 years. It occurred with the 1996 appropriations bill where we actually cut total government spending in 1996. We had the will to do it. The appropriators had the will to do it. But we don't have that will anymore. The environment we face as a country is three or four times more severe for our future than it was in 1996.

So what is the disconnect? What is the disconnect that we would not make hard choices? I am not going to say my choices are the best choices; they are just my choices. But it ought to be rolled back to the appropriators that this bill should have never come to the floor unpaid for. They know more about spending than anybody in this body. They are more qualified to make the cuts. But they chose not to make the cuts in lower priority items to pay for this bill.

What is the choice? The choice is to indenture our children and grandchildren. That is the choice we are making. When we choose not to do it, we are choosing proactively to indenture our children and grandchildren. We are better than that.

What is so sacrosanct? Do you realize in 2 weeks in December we found 640 instances of duplicate programs that had exactly the same goals with multiple sets, 70 programs for food and nutrition for hungry people. Why do we have 70 programs to help poor people get food? Nobody can rationally explain why. We just have it. The reason we have 70 is because we used to have 40. We didn't have any metrics on it so somebody thought we ought to have another program for feeding hungry people. So we put another program together. Then we funded it. But we didn't have any metrics on it. So then we did it again, and we continue to do it.

There are 640 different instances just like that, 70 programs to feed the hungry across 6 different agencies—not just 1 but 6, none of them with metrics, none of them working to see if they actually work, no oversight hearings by the Appropriations Committee to see if they work or the authorizing committee to see if they work. We have 70.

There are 105 to incentivize kids to go into math, engineering, science, and

technology, 105 programs across 9 agencies. That is just 2 examples out of the 640 sets of duplication we found.

Where are we going to eliminate some of that? When are we going to accomplish what the American people are asking us to do? It is not about eliminating food for the hungry. It is not about eliminating incentives. It is about eliminating the management structure for 70 programs or 105 programs so we can have one or two good ones, and we can have metrics on them. I yield to the majority leader.

#### CLOTURE MOTIONS

Mr. REID. Mr. President, I have two cloture motions at the desk. I ask that they be reported.

The PRESIDING OFFICER. The cloture motions having been presented under rule XXII, the clerk will report the motions to invoke cloture.

The legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the committee-reported substitute amendment to H.R. 4899, an act making emergency supplemental appropriations for disaster relief and summer jobs for the fiscal year ending September 30, 2010.

Harry Reid, Richard Durbin, John D. Rockefeller, IV, Patty Murray, Debbie Stabenow, Benjamin L. Cardin, Sherrod Brown, Kirsten E. Gillibrand, Mark Begich, Robert P. Casey, Jr., Jack Reed, Patrick J. Leahy, Carl Levin, Amy Klobuchar, Kay R. Hagan, Roland W. Burris, Charles E. Schumer.

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The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. We now have cloture filed on a \$60 billion bill. I don't know what the intentions of the majority leader are but the fact is, we are going to limit debate. We have been on this bill about a day or a day and a half, \$60 billion. We are going to cut off debate. We are going to attempt to limit amendments and limit the debate. This is a debate this country ought to be having. This is an opportunity for us to do what the American people want us to do.

So 30 hours from now we will have a vote on cloture on this bill. We also have cloture to end debate filed as well. What does that mean? That means the American people are not going to get to hear everything that is in the bill, No. 1. That means there will be a very limited number of amendments that will be actually voted on.

By rule, we are going to close off our responsibility to Madeline. We are going to say: Madeline, you don't count. We have to get out of here. Don't you know Memorial Day vacation is coming? So we don't want to be here. We have codels leaving Saturday morning. That has to be more important than saving the Republic so we don't end up like Greece.

We are only about 4 or 5 years behind them. We are only 4 or 5 years behind Greece. We are going to see this tremendous money flow come into this country because people are worried about Europe. We are going to see it come in from Japan because people will be worried about Japan being able to pay their debts. We will feel all good and fuzzy for about 2 years. After they inflate their currency or debase it or default, the money is going to flow right back out. Guess who is going to be looking over the abyss. The United States of America. We will be at the same point. What is the problem? The problem is their spending as a percentage of their GDP creates an environment where they can't pay for their debt. That is where we are going to be.

My first degree was in accounting. I had a business career for 9 years before medical school. I can tell my colleagues, if we truly accounted for the liabilities of this government, including Fannie Mae and Freddie Mac—we refuse to recognize their liability—our debt would be far in excess of \$13 trillion. So what we are going to do is say Senators' comfort is much more important than Madeline's future.

Let's talk for a minute about what the word "indentured" means. That means you are under the control of somebody else. Your ability to have free choice becomes limited because you are indentured. Is there any wonder why we have trouble bringing hard core sanctions against Iran, when the Chinese own \$900 billion of our debt and the Russians have \$800 billion? Our debt affects our foreign policy. Our ability to support our military is jeopardized by the very fact that we are making a decision today to pay \$33 billion for the war effort in Afghanistan by not paying for it. We are jeopardizing our long-term future.

The other ironic thing in this bill, this body just passed a financial regulatory reform bill, but we created a commission called the Financial Inquiry Commission. In this bill we are appropriating on an emergency basis \$1.8 million for that inquiry commission that is going to give us what went wrong and what we need to do about it in December. We have already figured out we don't need them; We passed a bill without that knowledge, without that look, without that in-depth analysis of what went wrong because we had to get it done. Yet we are going to continue to fund a Financial Inquiry Commission that we are not going to do anything with the results of, and we are going to call it an emergency.

How ludicrous is that? The whole purpose of the Financial Inquiry Com-

mission was to guide Congress in what to do. We have already ignored them. We have already decided what we are going to do. That bill is in conference. We are going to pass a financial regulatory reform bill ultimately that is devoid of the recommendations of that commission. But we are going to do the typical Washington thing. We are going to continue to fund the commission, even though we are not going to use its results. Why is that?

What does just \$1.8 million out of a \$60 billion bill, what does that mean for her? Multiply that times thousands of times every year, the stuff that we are doing that isn't a priority. Nobody can agree it is still a priority that we ought to borrow \$1.8 million to fund that commission. You can't argue that is still a priority because we have already made up our minds on financial regulation reform. But that happens thousands of times a year, billions and billions and billions of dollars.

These two amendments are tough amendments. I am not deceiving myself to think that all of a sudden grown-ups are going to show up in the Senate. They are not. Let me tell my colleagues what they do. The first amendment will reduce our own budget. We gave ourselves a nice stellar raise, not salarywise but for our own budgets. We are going to reduce that budget for Members of Congress.

We are going to disclose on the Senate Web site the cost of borrowing money and how many times we violate our own rules, pay-go. There should be nobody who voted for pay-go who votes against that because if it is good enough for us to use, it is good enough for the American people to see.

We are going to dispose of unneeded and unused Federal Government property, whether it is military, whether it is buildings, whether it is lands—things we do not use, do not need but we are spending \$8 billion a year taking care of. We can get tremendous savings from that. That is what any other right-minded person would do. They would get rid of the stuff they are not using so they do not continue to send money down a rat hole.

We are going to rescind uncommitted and unspent Federal funds. We have hundreds of billions of dollars setting that are not even in the pipeline, and we are going to borrow more rather than more efficiently use money we have. That is the first amendment; it is \$60 billion, \$60.5 billion.

The second amendment is \$59.6 billion. It is a 1-year freeze on bonuses and raises and other salary increases for Federal employees. They make 45 percent more than everybody else in this country doing exactly the same thing, on average. We are going to cap the total number of Federal employees. We have added 180,000 Federal employees in the last 18 months—180,000.

We are going to collect unpaid taxes from Federal employees. We have Federal employees who are working today who owe the Federal Government \$3

billion. We ought to collect that money. It ought to come out of their paychecks. That is undisputed debt; that is not the disputed portion. That is the undisputed portion of what they owe the IRS. For everything except DOD we are going to ask for a 5-percent efficiency gain in administration. Do more with less. Everybody else in this country is doing more with less, except the Federal Government. We are going to say: No, we cannot do that? Why not? It is interesting, on the Debt Commission we had a good discussion with Dave Cote, who is the CEO of Honeywell, explaining that every year they do more with less. They spend less dollars to get more out. They have less people to produce the same amount. It is called efficiency. It is called productivity—except we will not apply that to our own government employees.

We are going to reduce nonessential government travel. It is billions of dollars a year. If we are in a financial pinch—and I would love for somebody to debate me that we are not—why would we not limit travel to that which is only essential?

We are going to rescind money that Chairman OBEY in the House recognized on the WIC Program is not being used. We are going to strike \$68 million in U.N. emergency funding for the next fiscal year. Most of the Members of this body voted for an amendment that required transparency in the U.N. We give them over \$6 billion a year. Twenty-six percent of the budget for U.N. peacekeeping is ours; we pay for it. Yet with an audit of their moneys, half of their moneys—over 60 percent of it—was found to be fraudulent. So we passed an amendment out of the Senate, unanimously, that required transparency from the U.N., except when it got to the conference committee it was not there anymore.

I will tell you, the American people deserve to know where their money is being wasted at the U.N. So we ought to clip that. We ought to cut that back. We ought to say: You give us transparency; we will give you money. You do not give us transparency; we will not give you money.

We are going to eliminate bonuses for poor contractor performance. Do you realize the Federal Government pays bonuses for companies that never complete their contracts? Two years ago, the Pentagon paid out \$4 billion in bonuses to contractors who did not meet the standards for the bonus, but they paid them anyway. Well, that makes a joke of the contracting process. It also makes a joke out of us that we would allow that to continue to happen.

So on these two amendments you will have plenty of opportunity with which to make a decision on whether you want to be on the side of Madeline or on the side of the elitism in Washington—the group that does not care what America thinks. We know better. The group that says: We are not in an emergency. We are not in a problem. We can continue to spend money and not make hard choices.

There is an emergency, and the emergency is our very survival, our economic survival, our survival as a republic.

I will close with the following: If you study the Roman Empire or if you study the Athenian Empire, you will find common threads among both. The No. 1 common thread is they fell after they became indentured in their own fiscal policies. They could no longer support their military. Their elected bodies refused to make tough choices.

We are sitting here saying: Europe, you have to make tough choices. You have to get your spending in line with your productivity. We are talking with a hollow ring to our voice because if there is anybody who needs to get their spending in priority, it is us. I am not against paying for the war. I am not against supporting our troops. I am not against the FEMA money we need. I am against us not paying for it, and I am very disappointed we have cloture filed this evening because what that means is the American people are not going to see how we as individual Members vote on tough choices.

I am going to have two tough choices out there. It remains to be seen whether we get a chance to vote on them through the majority's ability to cut off debate. But we ought to. We ought to do what is the best, right thing for the country. We ought to be able to come together and agree we should not abuse the emergency designation; that we should not abuse pay-go; that, in fact, we should not delay making the hard choices because the choices are just going to get harder. They are going to get harder every year we do not do this.

Now is the time to start doing it. If we choose not to, then what we are saying is: Madeline, as to your future, we are going to steal it from you. We are going to steal opportunities for a future like we have had. We are going to take those, and we are going to indenture her to an economy that does not grow, with opportunities for an education that will be limited, including the ability to own her own home. All those things will come around.

We only have three ways to get out of the problem we are in. The first way is we can default. Everybody says: Oh, no, you cannot say that. You cannot talk about that. Well, when Moody's is getting ready to downgrade our bonds from AAA, that is the first sign we are moving in that direction.

The second thing we can do is have the Federal Reserve inflate our way out of it to where that means the life savings of everybody are going to be debased, and their purchasing power is going to go away or markedly be reduced.

Or we can do the third thing: Not let either of those two bad things happen by making hard choices ourselves on what we need to be doing—by eliminating the junk, the waste, the duplication, and the fraud in the Federal Government. It is there. It is there to the tune of \$300 billion a year.

So when this extender package comes—whether it comes this week or next week or the week when we come back—there is plenty of money to pay for it, too, if we will just stand and be counted, not as Senators but as Americans who would like to see the future bright for their Madelines.

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

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes.

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

#### BIG OIL BAILOUT PREVENTION ACT

Mrs. MURRAY. Mr. President, I come to the floor today to strongly support the legislation called the Big Oil Bailout Prevention Act. With all we have seen in the gulf coast over the past several weeks, I have to say I am more committed than ever in moving forward on three fronts to protect our taxpayers, our families, and all of our workers across the country.

First of all, I am going to keep working to hold BP accountable and make sure taxpayers in Washington State and across the country are not left holding the bag for this devastation. This is exactly what the Big Oil Bailout Prevention Act is going to do.

Secondly, I am going to fight to guarantee that what we are seeing in the gulf coast is never allowed to happen on the west coast.

Third, I am going to make sure BP, Transocean, and all industry owners and operators are doing everything possible to protect their workers and make sure tragedies like this do not ever happen again. Here are the facts:

On April 20, 2010, there was a massive blowout and explosion on a BP oil platform in the Gulf of Mexico. Eleven workers are still missing and presumed dead, and 17 more were injured. That explosion caused a gushing spill that has now poured hundreds of thousands of barrels of oil into the gulf and threatens still to spill millions more. It has, as we all know, created an environmental and economic tragedy the magnitude of which we are only just beginning to comprehend.

It is threatening entire communities and industry, and now the oil and chemical dispersants that are being sprayed into the gulf have the potential to kill underwater wildlife and create underwater "dead zones" for decades to come.

Those are the facts. Now, the questions are: Who should be responsible for this cleanup? Who should bear the burden for big oil's mistakes? Should it be the taxpayers, families, and small business owners who are already being asked to bear so much today or should it be the companies responsible for this spill, including BP—a company, by the way, that made \$6.1 billion in profit in the first 3 months of 2010 alone.

I cosponsored the Big Oil Bailout Prevention Act because, to me, the an-

swer is pretty clear: I believe BP needs to be held accountable for the environmental and economic damage of this spill. I am going to fight to make sure taxpayers do not end up losing a single dime to pay for the mess this big oil company created.

To me, this is an issue of fundamental fairness. If an oil company causes a spill, they should be the one to clean it up and pay for it—not taxpayers. This bill I am talking about this evening eliminates the current \$75 million cap on oil company liability so taxpayers will never be left holding the bag for big oil's mistakes.

This is straightforward, it is common sense, and it is fair. I have to say, I am extremely disappointed this commonsense bill continues to be blocked by some Republicans every time we bring it up. But I want you to know, I am going to keep fighting for the Big Oil Bailout Prevention Act to pass, and I am going to keep fighting so families and taxpayers in Washington State and across the country do not end up holding the bag.

The bottom line is this: If oil companies are going to make billions of dollars in profits when times are good, they should not be allowed to leave taxpayers hanging when they create a problem.

The Big Oil Bailout Prevention Act writes this commonsense policy into law, and I urge every Senator to side with our taxpayers and support this important legislation. But I do not think that is enough. I have always been opposed to drilling off the coast of my home State of Washington, and this tragedy is just one more very painful reminder of the potential consequences of opening up our west coast to drilling.

The economic and environmental devastation that was caused by the Exxon Valdez disaster 20 years ago is now still impacting industry in my home State of Washington. Our coastal region supports over 150,000 jobs, and it generates almost \$10 billion in economic activity, all of which would be threatened if drilling were to happen off our west coast.

That is why I am going to keep fighting for legislation that bans drilling off the west coast and makes sure big oil companies are never allowed to roll the dice with Washington State's economy and our environment.

We need to hold big oil accountable and we need to make sure that disasters such as this never happen again, but we also have to remember the workers who were killed and injured in this horrible tragedy. We cannot forget this is an issue that is larger than this one tragedy. The entire oil and gas industry has a deplorable record of worker and workplace safety. We have to make sure every worker is treated properly and protected, and that companies that mistreat their workers are held accountable.

We know the oil industry is able to operate under stricter safety standards

and regulations because they are already doing just that in Europe and in Australia, and even in Contra Costa County, CA, where the county has a set of stricter guidelines that have now reduced injuries and fatality rates. But we also know that worker safety should not be measured just by injury rates. We should be looking at reducing dangerous conditions—conditions such as fires or hazardous spills or releases of toxic gases. Then when accidents do happen, we have to record them, we need to learn from them, and we need to build on a program to prevent them from ever happening again; and we need to make sure our workers are treated with respect and their rights are protected.

That is exactly why I am so concerned about the recent reports of very callous and unacceptable treatment of Transocean workers in the hours following that April 20 explosion. Those reports suggest that Transocean put their bottom line above safety standards, above environmental impact, and the well-being of their workers. I have called on the company to release copies of legal waivers that surviving crew members of the Deepwater Horizon were reportedly forced to sign following that oil rig explosion. I am going to stay on top of this to make sure that Transocean produces those requested documents so we can get to the bottom of exactly how this situation was handled.

Workers everywhere ought to be confident that their employers are putting their safety first, and companies that betray that trust have to be held accountable. So I am going to work to make sure that happens, and I am going to continue fighting to keep drilling away from the Washington State coastline. I am going to keep pushing for this bill to make sure taxpayers don't have to pay for big oil's mistakes.

Anyone deciding whether to support this legislation ought to ask themselves a few simple questions: Who are you fighting for? Who are you trying to help? Are you here to protect and shield big oil companies or are you going to fight for our families and our taxpayers? I support this legislation because, to me, the answer is pretty clear. I urge all of our colleagues to allow this bill to pass so our taxpayers in my home State of Washington and across the country can be protected.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Senate Daily Digest proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Louisiana.

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

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

AMENDMENT NO. 4179

Ms. LANDRIEU. Mr. President, I come to the floor to offer some amend-

ments and to call up several amendments regarding the emergency disaster loan program and SBA disaster loan relief on the underlying bill.

I ask unanimous consent that the pending amendment be temporarily set aside to call up amendment No. 4179, which should be at the desk.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment numbered 4179.

Ms. LANDRIEU. 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 allow the Administrator of the Small Business Administration to create or save jobs by providing interest relief on certain outstanding disaster loans relating to damage caused by the 2005 Gulf Coast hurricanes or the 2008 Gulf Coast hurricanes)

On page 74, between lines 12 and 13, insert the following:

#### CHAPTER 12

#### INDEPENDENT AGENCIES

#### SMALL BUSINESS ADMINISTRATION

#### DISASTER LOANS PROGRAM ACCOUNT

From unobligated balances in the appropriations account appropriated under this heading, up to \$100,000,000 shall be available to the Administrator of the Small Business Administration to waive the payment, for a period of not more than 3 years, of not more than \$15,000 in interest on loans made under section 7(b) of the Small Business Act (15 U.S.C. 636(b)): *Provided*, That funds made available under this heading may be used for any business located in an area affected by a hurricane occurring during 2005 or 2008 for which the President declared a major disaster under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170): *Provided further*, That the Administrator shall, to the extent practicable, give priority to an application for a waiver of interest under the program established under this heading by a small business concern (as defined under section 3 of the Small Business Act (15 U.S.C. 632)) with not more than 50 employees or that the Administrator determines suffered a substantial economic injury as a result of the Deepwater Horizon oil spill of 2010: *Provided further*, That the Administrator may not approve an application under the program established under this heading after December 31, 2010: *Provided further*, That if a disaster is declared under section 7(b) of the Small Business Act (15 U.S.C. 636(b)) during the period beginning on the date of enactment of this Act and ending on December 31, 2010, and to the extent there are inadequate funds in the appropriations account under this heading to provide assistance relating to the disaster under section 7(b) of the Small Business Act and waive the payment of interest under the program established under this heading, the Administrator shall give priority in using the funds to applications under section 7(b) of the Small Business Act relating to the disaster: *Provided further*, That the amount made available under this heading is designated as an emergency for purposes of pay-as-you-go principles and, in the Senate, is designated as an emergency requirement pursuant to section 403(a) of S.

Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010: *Provided further*, That the amount made available under this heading is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)).

Ms. LANDRIEU. Mr. President, I have a series of amendments that will, I believe, give some direct relief and support to individuals and businesses that are struggling with the disaster that is going on in the gulf area, as the Presiding Officer and everyone is aware. We have a terrible situation on our hands. I know the Federal Government, particularly the Coast Guard and the Department of the Interior, the Department of Homeland Security, and others are doing everything they can to stop the flow of this oil and to cap this well. While it is BP's responsibility, it is also our responsibility to make sure it gets done as soon as possible, and I know that is being worked on at many different levels.

But in the meantime, as the Presiding Officer can imagine, there is a tremendous amount of angst on behalf of the families and businesses along the gulf coast. Many have already, unfortunately, been directly affected in a very negative way.

So many of us have been working now for weeks thinking about what things we could do that could give some direct relief and support and help that didn't cost the Federal Government a huge amount of money, because we understand we are in fiscal times of constraint, but we also need to give help to people, and some confidence, now knowing that BP has said, and under the law will be required, to pick up the full tab on this.

The first amendment will allow the Small Business Administration—and they already have funding to do this and are supportive of this amendment—to provide relief of up to \$15,000 of interest on current loans that are outstanding from previous disasters. Because when we think about it, one of the most troubling aspects of this is that this emergency is happening in the same place that Katrina and Rita took place—along the gulf coast—so businesses that are still trying to pay off loans from the last disaster are now, unfortunately, having to contemplate the idea that they may have to take out additional economic injury loans to help them through this. What I think we can do is allocate some money we already have allocated in that budget for this purpose, and it would be a tremendous help.

That is what the first amendment does. It would also require the SBA to prioritize applications for businesses with fewer than 50 employees or less, and businesses impacted by this recent Deepwater Horizon spill. It gives some targeted relief, and it could be significant. Some of these businesses could waive basically almost all of their interest associated with their loans which could cut their payments either

in half or by three-quarters. According to some of the analyses we have done, there are about 11,700 loans outstanding in the gulf, so that would be a great help.

## AMENDMENT NO. 4180

Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside to call up another amendment that is at the desk, amendment No. 4180, disaster loan referral.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment numbered 4180.

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

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

The amendment is as follows:

(Purpose: To defer payments of principal and interest on disaster loans relating to the Deepwater Horizon oil spill)

On page 79, between lines 3 and 4, insert the following:

**SEC. 2002. DISASTER LOANS.**

For any loan under section 7(b) of the Small Business Act (15 U.S.C. 636(b)) made as a result of the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, the Administrator of the Small Business Administration shall defer payments of principal and interest for not longer than 1 year after the date of disbursement of the loan. For a loan described in this section, the Administrator shall accept as collateral, where practicable, the interest of the applicant in a claim against British Petroleum relating to the discharge of oil.

Ms. LANDRIEU. Mr. President, this amendment is another tool we can use to give help to these businesses along the gulf coast. It would actually set up a relatively new procedure but based on past action.

This procedure would allow the SBA, in giving out an economic damage loan, to substitute the collateral that is normally required, which would be a house or some asset—a boat or something else—to substitute that for the pending BP claim, so that it is technically a loan, but it is acting as a cash advance, to keep businesses in business, to keep lights on, to keep mortgages being paid. I understand the SBA is looking closely at this and may very well want to do it, and this would authorize it.

That is the essence of this amendment, which is to give up to \$2 million in what would be technically a loan, but with these changes I am proposing would actually act as more of an advance, because no interest or principle would be due for a year. Then, of course, we hope that by then, and maybe even before then, BP meets all of its obligations and all of its claims. A year may be enough time and, if not, we have language that would extend it.

## AMENDMENT NO. 4184, AS MODIFIED

With that, I ask unanimous consent that the pending amendment be tempo-

rarily set aside to call up amendment No. 4184.

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

Ms. LANDRIEU. I ask unanimous consent that my amendment No. 4184 be modified with the changes at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment numbered 4184, as modified.

Ms. LANDRIEU. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment, as modified, is as follows:

(Purpose: To require the Secretary of the Army to maximize the placement of dredged material available from maintenance dredging of existing navigation channels to mitigate the impacts of the Deepwater Horizon Oil spill in the Gulf of Mexico at full Federal expense)

On page 30, between lines 6 and 7, insert the following:

SEC. 4 \_\_\_\_\_. (a) The Secretary of the Army may use funds made available under the heading "OPERATION AND MAINTENANCE" of this chapter to place, at full Federal expense, dredged material available from maintenance dredging of existing Federal navigation channels located in the Gulf coast region to mitigate the impacts of the Deepwater Horizon Oil spill in the Gulf of Mexico.

(b) The Secretary of the Army shall coordinate the placement of dredged material with appropriate Federal and Gulf Coast State agencies.

(c) The placement of dredged material pursuant to this section shall not be subject to a least-cost-disposal analysis or to the development of a Chief of Engineers report.

Ms. LANDRIEU. Mr. President, this is a very important amendment, and it is something that our delegation has actually been working on for quite some time, and we have actually passed it before in the Senate, which is a happy circumstance.

This language has been unfortunately taken out in conference on several occasions by the Corps of Engineers, so I am thinking now that this disaster has maybe helped them to rethink the worthiness of this amendment, because, again, it doesn't add any money to the Federal budget. This amendment will allow beneficial use of dredged material, so when the Corps of Engineers spends the \$170 million we give it every year to dredge our channels, to keep our navigation channels open, they can take that dredged material and use it for a beneficial use. That might be restoring a marsh. It might be building a levee, and it might be stopping oil from hitting the coastline, which would be a very good use, in my mind, of that beneficial dredge material.

Right now, our State has a pending request to the Corps of Engineers to try to help us build—not provide—well,

we want them to provide boom, but the boom isn't working very well, to be honest. We need them to do some dredging, potentially a long number of miles, but strategic dredging and building sand barriers to keep that oil from these precious marshlands and estuary areas. This does not meet that full request, but it does allow the Corps of Engineers in the budget authority they already have to use some of that dredge material in a very strategic way, and if we can pass this bill this week and get this language to the President's desk very soon, which I hope we can, within a few weeks it is possible this could go right to work in the gulf.

That is the essence of that amendment. It will help protect our wetlands, again, within the budget constraints already in the President's budget.

## AMENDMENT NO. 4213

Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside to call up amendment No. 4213.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment numbered 4213.

Ms. LANDRIEU. 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 provide authority to the Secretary of the Interior to immediately fund projects under the Coastal Impact Assistance Program on an emergency basis)

On page 81, between lines 23 and 24, insert the following:

**SEC. 30 \_\_\_\_\_. COASTAL IMPACT ASSISTANCE.**

Section 31 of the Outer Continental Shelf Lands Act (43 U.S.C. 1356a) is amended by adding at the end the following:

"(e) EMERGENCY FUNDING.—

"(1) IN GENERAL.—In response to a spill of national significance under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), at the request of a producing State or coastal political subdivision and notwithstanding the requirements of part 12 of title 43, Code of Federal Regulations (or a successor regulation), the Secretary may immediately disburse funds allocated under this section for 1 or more individual projects that are—

"(A) consistent with subsection (d); and

"(B) specifically designed to respond to the spill of national significance.

"(2) APPROVAL BY SECRETARY.—The Secretary may, in the sole discretion of the Secretary, approve, on a project by project basis, the immediate disbursement of the funds under paragraph (1).

"(3) STATE REQUIREMENTS.—

"(A) ADDITIONAL INFORMATION.—If the Secretary approves a project for funding under this subsection that is included in a plan previously approved under subsection (c), not later than 180 days after the date of the funding approval, the producing State or coastal political subdivision shall submit to the Secretary any additional information that the Secretary determines to be necessary to ensure compliance with subsection (d).

"(B) AMENDMENT TO PLAN.—If the Secretary approves a project for funding under



this subsection that is not included in a plan previously approved under subsection (c), not later than 180 days after the date of the funding approval, the producing State or coastal political subdivision shall submit to the Secretary for approval an amendment to the plan that includes any projects funded under paragraph (1).

“(C) LIMITATION.—If a producing State or coastal political subdivision does not submit the additional information or amendments to the plan required by this paragraph by the deadlines specified in this paragraph, the Secretary shall not disburse any additional funds to the producing State or the coastal political subdivisions until the date on which the additional information or amendment to the plan has been approved by the Secretary.”.

Ms. LANDRIEU. Mr. President, this is another I think smart action this Congress could take to help the gulf coast and particularly the State of Louisiana.

Before the Presiding Officer got to the Senate, in one of our last energy bills we were able to fund a very important program called the Coastal Impact Assistance Program. It is a precursor to the revenue-sharing program I helped to implement some years ago, although the money from that program hasn't yet started to flow. This was almost like a downpayment. It took some money from the Federal budget that we had made available, actually quite a bit—\$1 billion—and divided it on a formula based on production and miles of coastline to the four gulf coast States that are bearing the brunt of this production, which is very obvious, painfully obvious today.

The happy news is we got that program passed and the money has been funded to the agency. The sad news is, it is still tied up in red tape. So my amendment would expedite the dispersal of these funds, particularly to States where programs have already been approved by the Federal agencies in charge and when these programs can be shown to be of use in fighting this current oilspill. The Presiding Officer knows, because he has heard me give this speech 10 times in committee and at least 25 times on the floor, if Louisiana and Mississippi and Alabama and Texas had had some of this money from offshore oil and gas that has gone almost all to the Treasury of the United States, we could have before now done some things to build up our barrier islands, protect our coastlines, protect our marshes, but we have been shortchanged year after year after year. This amendment is not going to fix that problem, but it will say that for the money Congress has already appropriated for this program, it could be expedited to the States that have their programs already approved, and that would be the State of Louisiana which is in, unfortunately, the eye of this storm as well.

AMENDMENT NO. 4182

Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside so that I may call up an amendment No. 4182.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment numbered 4182.

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

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

(Purpose: To require the Secretary of the Army to use certain funds for the construction of authorized restoration projects in the Louisiana coastal area ecosystem restoration program)

On page 30, between lines 6 and 7, insert the following:

#### SEC. 4 . LOUISIANA COASTAL AREA.

Of the amounts appropriated or otherwise made available under this chapter, the Secretary of the Army shall use \$19,000,000 for the construction of authorized restoration projects under the Louisiana coastal area ecosystem restoration program authorized under title VII of the Water Resources Development Act of 2007 (Public Law 110-114; 121 Stat. 1270).

Ms. LANDRIEU. This amendment will cost \$19 million, but in some ways it is simply advancing what the President already has in his budget for these very important projects. President Obama should get a tremendous amount of credit for being the first President in the last decade or more—actually, the last 15 or 16 years—to actually fund a construction project on Louisiana's coast—a wetlands construction project. All we have been doing for the last 35 years is studying the situation. It has been very difficult for our delegation, and maybe it won't be so difficult, now that people have watched us go through Katrina and Rita, and now the oilspill, to understand the impact we have been talking about.

It is hard to even say this, but neither President Clinton nor President Bush—although we had many plans that had been approved—ever sent any money for construction and for new programs for the wetlands. We finally got President Obama, to his credit, to send in his budget to us this year \$19 million for the purpose of protecting vulnerable coastal wetlands and strengthening the resiliency of that coast. So while we have a score of \$19 million—and I know we are trying to keep the bill to a minimum—it is almost as if we might spend it now, and save it later, as long as we don't respend the \$19 million. It is in the President's budget. It would be good to get that signal now from the Congress that these programs can go forward.

I hope the administration will take a strong look at this. They have already gotten a tremendous amount of credit, as they deserve, from the people of Louisiana for even putting in the President's budget this \$19 million, because we definitely need it. This would help us accelerate that. I hope we can get that done.

AMENDMENT NO. 4234

Mr. President, I ask unanimous consent that the pending amendment be

set aside so that I may call up a final amendment, No. 4234.

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

The legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment numbered 4234.

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

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

The amendment is as follows:

(Purpose: To establish a program, and to make available funds, to provide technical assistance grants for use by organizations in assisting individuals and businesses affected by the Deepwater Horizon oil spill in the Gulf of Mexico)

Beginning on page 74, strike line 13 and all that follows through page 79, line 3, and insert the following:

#### TITLE II

##### DEPARTMENT OF COMMERCE

##### ECONOMIC DEVELOPMENT ADMINISTRATION

##### ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount, in addition to amounts provided elsewhere in this Act, for “Economic Development Assistance Programs”, to carry out planning, technical assistance and other assistance under section 209, and consistent with section 703(b), of the Public Works and Economic Development Act (42 U.S.C. 3149, 3233), in States affected by the incidents related to the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, \$10,000,000, to remain available until expended, of which not less than \$5,000,000 shall be used to provide technical assistance grants in accordance with section 2002.

##### NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

##### OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount, in addition to amounts provided elsewhere in this Act, for “Operations, Research, and Facilities”, \$13,000,000, to remain available until expended, for responding to economic impacts on fishermen and fishery-dependent businesses: *Provided*, That the amounts appropriated herein are not available unless the Secretary of Commerce determines that resources provided under other authorities and appropriations including by the responsible parties under the Oil Pollution Act, 33 U.S.C. 2701, et seq., are not sufficient to respond to economic impacts on fishermen and fishery-dependent business following an incident related to a spill of national significance declared under the National Contingency Plan provided for under section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605).

For an additional amount, in addition to amounts provided elsewhere in this Act, for “Operations, Research, and Facilities”, for activities undertaken including scientific investigations and sampling as a result of the incidents related to the discharge of oil and the use of oil dispersants that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, \$7,000,000, to remain available until expended. These activities may be funded through the provision of grants to universities, colleges and other research partners through extramural research funding.

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION  
SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, Food and Drug Administration, Department of Health and Human Services, for food safety monitoring and response activities in connection with the incidents related to the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, \$2,000,000, to remain available until expended.

## DEPARTMENT OF THE INTERIOR

## DEPARTMENTAL OFFICES

## OFFICE OF THE SECRETARY

## SALARIES AND EXPENSES

## (INCLUDING TRANSFER OF FUNDS)

For an additional amount for the “Office of the Secretary, Salaries and Expenses” for increased inspections, enforcement, investigations, environmental and engineering studies, and other activities related to emergency offshore oil spill incidents in the Gulf of Mexico, \$29,000,000, to remain available until expended: *Provided*, That such funds may be transferred by the Secretary to any other account in the Department of the Interior to carry out the purposes provided herein.

## DEPARTMENT OF JUSTICE

## LEGAL ACTIVITIES

## SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for “Salaries and Expenses, General Legal Activities”, \$10,000,000, to remain available until expended, for litigation expenses resulting from incidents related to the discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon.

ENVIRONMENTAL PROTECTION AGENCY  
SCIENCE AND TECHNOLOGY

For an additional amount for “Science and Technology” for a study on the potential human and environmental risks and impacts of the release of crude oil and the application of dispersants, surface washing agents, bioremediation agents, and other mitigation measures listed in the National Contingency Plan Product List (40 C.F.R. Part 300 Subpart J), as appropriate, \$2,000,000, to remain available until expended: *Provided*, That the study shall be performed at the direction of the Administrator of the Environmental Protection Agency, in coordination with the Secretary of Commerce and the Secretary of the Interior: *Provided further*, That the study may be funded through the provision of grants to universities and colleges through extramural research funding.

## GENERAL PROVISION—THIS TITLE

## DEEPWATER HORIZON

**SEC. 2001. Section 6002(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2752) is amended in the second sentence:**

(1) by inserting “: (1)” before “may obtain an advance” and after “the Coast Guard”;  
(2) by striking “advance. Amounts” and inserting the following: “advance; (2) in the case of discharge of oil that began in 2010 in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, may, without further appropriation, obtain one or more advances from the Oil Spill Liability Trust Fund as needed, up to a maximum of \$100,000,000 for each advance, the total amount of all advances not to exceed the amounts available under section 9509(c)(2) of the Internal Revenue Code of 1986 (26 U.S.C. 9509(c)(2)), and

within 7 days of each advance, shall notify Congress of the amount advanced and the facts and circumstances necessitating the advance; and (3) amounts”.

**SEC. 2002. OIL SPILL CLAIMS ASSISTANCE AND RECOVERY.**

(a) ESTABLISHMENT OF GRANT PROGRAM.—The Secretary of Commerce (referred to in this section as the “Secretary”) shall establish a grant program to provide to eligible (as determined by the Secretary) organizations technical assistance grants for use in assisting individuals and businesses affected by the Deepwater Horizon oil spill in the Gulf of Mexico (referred to in this section as the “oil spill”).

(b) APPLICATION.—An organization that seeks to receive a grant under this section shall submit to the Secretary an application for the grant at such time, in such form, and containing such information as the Secretary shall require.

## (c) USE OF FUNDS.—

(1) IN GENERAL.—Funds from a grant provided under this section may be used by an eligible organization—

(A) to support—

- (i) education;
- (ii) outreach;
- (iii) intake;
- (iv) language services;
- (v) accounting services;
- (vi) legal services offered pro bono or by a nonprofit organization;
- (vii) damage assessments;
- (viii) economic loss analysis;
- (ix) collecting and preparing documentation; and

(x) assistance in the preparation and filing of claims or appeals;  
(B) to provide assistance to individuals or businesses seeking assistance from or under—

- (i) a party responsible for the oil spill;
- (ii) the Oil Spill Liability Trust Fund;
- (iii) an insurance policy; or
- (iv) any other program administered by the Federal Government or a State or local government;

(C) to pay for salaries, training, and appropriate expenses relating to the purchase or lease of property to support operations, equipment (including computers and telecommunications), and travel expenses;

(D) to assist other organizations in—

- (i) assisting specific business sectors;
- (ii) providing services;
- (iii) assisting specific jurisdictions; or
- (iv) otherwise supporting operations; and

(E) to establish an advisory board of service providers and technical experts—

(i) to monitor the claims process relating to the oil spill; and

(ii) to provide recommendations to the parties responsible for the oil spill, the National Pollution Funds Center, other appropriate agencies, and Congress to improve fairness and efficiency in the claims process.

(2) PROHIBITION ON USE OF FUNDS.—Funds from a grant provided under this section may not be used to provide compensation for damages or removal costs relating to the oil spill.

## (d) PROVISION OF GRANTS.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall provide grants under this section.

(2) NETWORKED ORGANIZATIONS.—The Secretary is encouraged to consider applications for grants under this section from organizations that have established networks with affected business sectors, including—

- (A) the fishery and aquaculture industries;
- (B) the restaurant, grocery, food processing, and food delivery industries; and
- (C) the hotel and tourism industries.

(3) TRAINING.—Not later than 30 days after the date on which an eligible organization receives a grant under this section, the Director of the National Pollution Funds Center and the parties responsible for the oil spill shall provide training to the organization regarding the applicable rules and procedures for the claims process relating to the oil spill.

(4) AVAILABILITY OF FUNDS.—Funds from a grant provided under this section shall be available until the later of, as determined by the Secretary—

(A) the date that is 6 years after the date on which the oil spill occurred; and

(B) the date on which all claims relating to the oil spill have been satisfied.

Ms. LANDRIEU. Mr. President, this is an amendment that will provide some additional funding for technical assistance grants—disaster assistance—for the gulf coast. The President had a fairly robust package represented in this bill—I think \$118 million. I hope I am correct about that. It was a good package of aid. I think it needs to be made more robust.

In one section in particular, the President suggested that we spend \$5 million along the gulf coast giving technical assistance to organizations and nonprofits to help these individuals, many who cannot afford, as you know, to hire a lawyer to process paperwork or hire an accountant to process the paperwork. After Katrina and Rita, we found it was very helpful to spend a little bit of money and give grants to some of these nonprofit groups that can work with large communities of people who are affected—the Vietnamese fishing community is a good example—so that each of the 100 fishermen don't have to go out—I am not trying to put lawyers out of business, and I don't want to get in trouble with them, but it is not necessary, and it can be a waste of money to hire lawyers and accountants to process what should be a simple claim. Even simple claims can be complicated in some of these situations. That is basically what this amendment does. I think it would provide more funding for claims across the gulf coast. I think we can use \$5 million across Louisiana alone. My amendment would raise that number to \$20 million.

Those are basically what these four or five amendments will do.

I ask unanimous consent to speak as in morning business for 5 minutes.

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

HATTI

Ms. LANDRIEU. Mr. President, I know my good friend BOB CASEY is here to speak, so I will be just a few more minutes. This is on a separate subject, but one that is very important.

We have several disasters going on in this country and around the world. One is the one I just spoke about—most important to me and the one that has captured the world's attention as oil continues to flow in the gulf. We have to do more and we have to be more focused. We have to hold BP's feet to the fire to get this well shut off. The best

scientists in the world need to be working on this. I have assurances from Secretary Salazar that they are.

New technologies need to be deployed quickly, and the cleaning process needs to be expedited and streamlined so that not one person, one boat owner, or one business goes out of business, or one fisherman goes broke because of this situation.

Across the ocean, in Haiti, a great disaster occurred not that long ago, as you will remember. So many things have happened since then, and sometimes the world's attention gets turned. I wish to turn it back for a minute. The people of Haiti live in one of the poorest countries in the world and the Western Hemisphere. It is a country that is close culturally to many of us in the United States—particularly people I represent in Louisiana. We have many Haitian families in New Orleans. We have a close tie with Haiti. We are not a Caribbean state, but we feel a little Caribbean and tropical at times, since we are in the South. We have a lot of business with Haiti and with many of our southern neighbors. We have longstanding musical and art connections. Our heart has gone out to Haiti, plus the people of Louisiana and the gulf coast, who have experienced tremendous disasters. We can empathize with what they are going through in the aftermath of the earthquake.

I will make three points about this Haiti rebuilding. In New Orleans, when my brother was sworn in as mayor a few weeks ago, he said: Ladies and gentlemen, citizens of New Orleans, the day of recovery and restoration needs to be over. The day of creating needs to begin. We need to create a new city—a new city that is more fair, just, and open. He said that we have to think about using the opportunity of the revenues that have come to create something new and better that wasn't here before for the people who deserve it. I think that is a great call of a very visionary leader.

The same is true for Haiti. While Haiti, for a time, will recover and try to stabilize itself, at some point it needs to think about creating a new kind of Haiti. In my view, and in the view of many Senators and Members of Congress, many NGOs and many members of the Haitian Diaspora, one of the most important cornerstones that should be laid down is a free, universal, publicly funded school system for the children of Haiti, which represents 50 percent of its population today and 100 percent of its future. I will repeat that. Fifty percent of the population today—one of the youngest nations on Earth—and 100 percent of Haiti's future. The shame of it is, before the earthquake, less than 50 percent of the children went to school. They didn't have an opportunity to go to school. Of that 50 percent who were enrolled in school, the shame of it is that the enrollment fees and the tuition fees ate up anywhere from 50 percent to 60 percent of the household income.

So when people say where is the capital in Haiti, the capital was being spent on poorly run, poorly licensed, nonquality schools that were too expensive and not doing the job. We need to help them create a new Haiti with the money the Americans have already given and donors have pledged. We are not required or expected to fund it and our taxpayers cannot do that. But we can put up our support and voice and use a portion of the money we are going to give and say if you are going to spend American taxpayer dollars, spend it well, creating a new, more just Haiti and begin by building a school system.

That is what one of my amendments tomorrow will do—when I lay it down—for Haiti and what some of us are working on.

The second thing is a little more sensitive and maybe not as popular a subject. I will say a word about it anyway. In Haiti, there is a terrible and very unjust system that exists. I am not an expert, but I have learned a lot in the last few weeks as I have studied it. It is called the *restavec* system. It is a system of domestic servitude, where poor children are basically given up by their families to go work for a slightly wealthier family. *Restavec* children have no rights. They are forced to work very long hours. Most *restavec* children have never seen the front door of a school. It is a system that has gone on in Haiti for too long, and it needs to come to an end. I hope that the Senate of the United States will not pass up the opportunity to express a strong voice to the Government of Haiti, to our partners around the world, to good people of good will everywhere, to put pressure on the Haitian government. To some, it may not be that necessary. Many people there want this to change. It is a system that people are not comfortable talking about, but it exists. There are a lot of studies on it, and we will talk about it in the days to come. We must make a strong statement on that while this bill is on the floor.

I see my colleague, the Senator from Pennsylvania, here. I yield the floor and look forward to discussing and offering these amendments on the disaster in New Orleans, in Louisiana, and the Gulf Coast, and on the disaster in Haiti tomorrow.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. CASEY. Mr. President, first, I commend the work of Senator LANDRIEU, who always brings passion and commitment to so many issues. Of course, those that relate to our State of Louisiana are always at the top of the list. We are grateful for that and for her speaking out on the people of Haiti. We are honored to be able to hear that tonight.

I ask unanimous consent to speak as in morning business.

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

#### POTENTIAL OF CHILDREN

Mr. CASEY. Mr. President, I think if there is one way to describe, summarize, or encapsulate the feelings that are not only I think prevalent in the Senate or in the Congress but throughout the country, when we think of our children and all children, I think we have a basic belief that every single child in America is born with a light inside them. For some children, of course, because of their circumstance, the family they come from, the situation into which they are born, that light is as bright as it can be; it is incandescent. You cannot see the limits of it. It is blinding that they are so full of potential and ability and they don't need as much help. They are going to be fine because of the brightness of that light—the measure of their potential.

For other children, they are born with a bright light, but it doesn't shine quite as brightly, because of all kinds of circumstances. We have all experienced this in our lives and in our own families and with people we have encountered. Many elected officials have talked to their constituents about this. I have always believed that the obligation of a public official, no matter where you are, no matter what level of government, or no matter what degree of responsibility you have, has a basic obligation to make sure that the light inside of every child is realized, or the potential that that light indicates is realized. We have to do that every day one way or another.

We had a hearing today in the Health, Education, Labor, and Pensions Committee on early education. As a country, we have not met the obligation I believe we should meet to provide children with learning at the early stages of their lives. First grade and second grade are really too late. They need to be exposed to early learning opportunities earlier.

A lot of States are doing this. There are a lot of good examples out there. But we have not made a national commitment to providing early learning opportunities. That is one thing we should do for a child to make sure the light of his or her potential is realized, to make sure they learn at a young age. It is determinative of their whole life. It actually has an impact on the skill of our workforce many years later.

Secondly—not in this order—we should make sure they have enough to eat and get proper nutrition. Again, this happens to be what we are working on. The Child Nutrition Act is up for reauthorization. We are going to have a chance to enact another piece of legislation that will continue that commitment to making sure more and more of our children have access to nutritious foods in school and otherwise.

We have made a lot of progress. Among the three I just mentioned, maybe the one we made the most progress on is health care for children. You cannot say the light inside a child

will reach its potential if that child does not have health care.

Fortunately, we are at a point now where we not only have 7 million children covered under the children's health insurance program, but that is going to grow to 14 million in just a couple of years. That is a remarkable achievement, but it is not enough if we cover 14 million. There still will be millions more, depending on what estimate is out there, but many millions more who will not be covered even as a result of the health care bill we passed. We have more work to do on health care.

If we are doing the right things as public officials, no matter where we are, whether it is at the level of the Federal Government or all the way down to local, county, and State governments, we should make sure we are doing the job on health care for children. We are not there, but we have made a lot of progress.

Make sure we are providing children with enough to eat, nutrition—we have a long way to go on that issue, but we have made progress.

Thirdly, we will make sure every child has early learning opportunities. We have made a lot of progress and still have a ways to go.

There actually is a fourth, at least the way I analyze it. The fourth is so fundamental that we sometimes forget about it. It is not just health care and nutrition and early learning; the fourth is basic safety, protecting children from the horrors of this Earth, from people who prey upon them in so many different ways, from the so many horrific ways children are abused and neglected and left behind and are victims of violence.

Unfortunately and increasingly, that degree of violence, as it relates to children or young people, even through the high school years, is becoming more and more apparent and more and more egregious in our schools. We are talking about this whole concept of bullying about which we are hearing a lot. I realize some will say: That has been happening for years. Every generation has had kids picked on in school. So why is this any different?

It is different today. The numbers are up, but the degree of cruelty and violence, in my judgment, is way up. We had a terrible example of that in Massachusetts a couple of months ago. I can point to several other States and many examples. It is true in my home State of Pennsylvania as well. In Pennsylvania and throughout the country, violence, bullying, and harassment in schools is a growing problem for all children. It is not restricted to one State or one locality or one situation.

It is true for all children but especially—and the evidence on this part of the problem is overwhelming and really disturbing—the violence and bullying as it relates to children who happen to be gay, lesbian, bisexual, or transgender. We all know about the acronym GLBT. That is happening in

greater numbers. We cannot just lament it and say: That is too bad, but it happens over time. It has been happening for generations. It is too bad there is not a lot we can do about it.

The adults—and especially the adults who happen to be public officials who have the opportunity to vote or appropriate dollars or take action—have to do something.

Some would say: That is a State and local school district issue. The Federal Government does not need to get involved.

We have seen in the past where sometimes, if we do not take action or at least demonstrate leadership or at least create conditions where we diminish the likelihood that a child, especially a child who happens to be gay or lesbian, for example—they will not be the victims of violence if we do something about it. There is no one bill we can pass that will eliminate it. I understand that. But I think the idea that we can't do anything about it is really dishonest, at best. We ought to do something about it.

According to the Department of Education—just listen to these numbers—one in three schoolchildren is affected by bullying or harassment in grades 6 through 10. That is one number.

According to a separate study by the Gay, Lesbian, and Straight Education Network—known by the acronym GLSEN—less than half—and this relates to Pennsylvania only—less than half of Pennsylvania students said they felt safe in school. It is a problem across the board for all children but especially and most disturbingly for children who happen to be gay, lesbian, bisexual, or transgender.

Relentless bullying results in long-term consequences for the well-being of its victims. Just as before when I talked about the long-term impact of no health care or no nutrition or no early learning, this, too, has long-term consequences for that child, for that school, for that child's family, for that community, and, guess what, long term for all of us because it will affect whether that child reaches their potential, whether they have a skill level that is commensurate with their ability and their potential or whether they fall short of that because they were beaten or bullied when they were a child and they could not learn, and because they could not learn they did not do as well in school, and because they did not do well in school, they did not get the job or have the skill level they could have had. If only we had acted and tried to do something about this situation.

Here are some of the long-term consequences for that child:

Students who are bullied have a decreased interest in school. Some of these are self-evident, but we need to remind ourselves what they are. That is obvious, but it is a big problem.

Students who are bullied may be absent from school. It makes sense. Why would you want to go to school if you

are getting beaten up and harassed every day and nobody is helping? That is part of the problem.

When they are in the classroom, they have a harder time concentrating. I cannot even imagine. We talk about how hard it is to concentrate when a child does not have enough to eat. The pain of not having enough to eat prevents them from learning and growing as a student. If you are a victim of violence, you are literally in pain at just the anticipation of when you leave that classroom to walk down the hallway, that same guy or group of people is going to make you the victim, yet again, of harassment or bullying. It does not even have to be physical. Just the verbal abuse, just the intimidation is enough to have an impact on that child.

We know bullying and the threat of violence is a common experience for young people who identify themselves as gay, lesbian, bisexual, or transgender, or who are perceived to be by their peers. People make comments about someone, and then they attack them, and then they become a victim.

These are not just children or young people who are someone else's child or someone else's problem; these are God's children. No matter who they are, they are God's children.

It is the ultimate form of betrayal—just like domestic violence is—when someone who lives in a home and is supposed to love the person is beating them up. That is an easy example to remember about what betrayal means.

Even in the context of a school, a child goes to school to learn. The implication is that while they are learning, they will be safe and actually nurtured, especially if they are very young, that they will be surrounded by people who will help them and educate them but also protect them. Yet they go into that environment to learn and to grow, and they are the victims of violence, and no one in that institution helps them or they help them too late or they say: It is not my problem or it is the parents' problem or the school district's problem or someone else's problem. That would be one of my definitions of betrayal of a child in that circumstance.

A recent study of LGBT teens reported that 9 in 10 reported harassment in the last year. Mr. President, 9 in 10. I don't care if it was 1 in 10 or if it was 5 in 10 or 6 in 10—that would be bad enough. But 9 in 10 in this one survey. And 3 out of 5 students reported feeling unsafe in school. When I was a kid, I never felt unsafe in school. I have no recollection of ever having that feeling in my life. These kids feel it every day. One-third of students said they skipped school in the last month because they felt unsafe coming to school. Talk about consequences—missing school because they feel they are going to be beaten up or harassed.

Perhaps one of the most disturbing statistics is a third of all students said teachers and administrators rarely intervened in these cases. Some will say

it is a generalization. I understand it is a generalization, but apparently it is happening out there in far too many cases. Of course, one case is enough. It is one thing to feel intimidated, scared, and fearful. It is another one to feel that no one around you in positions of authority will help you.

We often talk in this country—and, of course, in Washington as well—about freedom, the great freedoms we have in America: the freedom to make your own way, to be an entrepreneur, to find your way in life, to start your own business, to make your own money, to travel where you want, to say what you want, freedom of speech—all these great freedoms we have, and thank goodness we have them. Thank goodness people were willing to die for those freedoms in our history and up to the present day. Men and women are serving in combat to preserve our freedoms.

We talk about freedom, but sometimes we forget another element of the issue of freedom. Just like adults have the right to free speech and the right to assembly and all the constitutional rights we celebrate, young people have rights, too, or at least they should. One of the rights, one of the freedoms they should be allowed to enjoy is the freedom from fear. We have heard that expression before, “the freedom from fear.” These children I just described do not have that freedom. They are not free, even in this land where we celebrate freedom every day of the week. We have an obligation to take action to make sure that basic right is protected against those who would deny them that freedom—the freedom to be free from fear.

We have to do something about this problem. We cannot do everything. Not one bill will solve this problem. But I think we can enact a couple pieces of legislation which will have a positive impact.

Tomorrow, I will be introducing the Safe Schools Improvement Act. It will do a couple of things for this problem. It will give schools and districts the resources to do at least three things. They ought to do a lot more than this, but we are going to try to help them with at least these three:

First, develop comprehensive student conduct policies that prohibit bullying and harassment. If you do not have a conduct policy in place, you have to do it if we pass this Federal legislation.

Secondly, it will help to implement prevention strategies and professional development. We have to do more in prevention, and we have to make sure those in charge, those who have authority are, in fact, trained to identify and to deal with and then to punish those who are guilty of this kind of bullying and harassment.

Thirdly, the Safe Schools Improvement Act will require that schools and districts maintain and report data regarding incidents of bullying and harassment. It is very important to document this, to keep good records so we know exactly what is happening, so when a parent shows up at a school and says: Well, before my child was beaten and harassed, was it happening before?

We shouldn't have the school saying: Well, we are not sure. We had some reports. They should document those incidents and there should be a uniform way of documenting what is an example or a reportable act of violence.

There is other legislation as well that many others and I are cosponsoring—the Student Nondiscrimination Act. That is a bill introduced last week by Senator FRANKEN to expand Federal civil rights statutes to include a right for students against discrimination in school on the basis of sexual orientation or gender identity.

It is almost hard to believe that we would have to enact either of these bills, that we would have to even introduce them, but we need both. We need to insist that schools do a better job, and adults at the local level do a better job, and that we are all working on this problem.

We also need to make sure that discrimination laws are enforced as it relates to children and young people—students—in our schools. We have to do this because it is a real problem.

Young people who happen to be gay or lesbian or bisexual or transgender need help from all of us. They need our support. I, and I know many others, will continue to work to protect every child so that at a minimum they feel safe and supported while they are in school, a place where they should have a reasonable expectation of safety and security. We are not talking about every moment of their life. We are not talking about when they are on the street alone. Those are situations where we worry as well. But at least—at least—we ought to be able to say that when a child or a young person is in school they will be protected from bullying or harassment or violence. That is the least we ought to be able to say, and we are a long way from saying that.

Again, I will conclude by saying that I will go back to the original point I made, which was that every child born in this country has a light inside them, and there is no way the light of that child can shine to its full potential if they do not have the basic protections and the basic freedom from fear we are talking about here. No child should have to go through their day, no matter who they are, to being a victim of this kind of bullying and harassment and violence. It is the ultimate, or certainly one of the ways our society betrays children.

We can put a stop to it. We can raise awareness, we can put a spotlight on this issue and do all we can to protect our children—our young people in grade school and in high schools—across America.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

## MORNING BUSINESS

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

## FINANCIAL REGULATORY REFORM

Mr. LEVIN. Mr. President, a year and a half ago, the Permanent Subcommittee on Investigations began a review of the causes of the financial crisis. The subcommittee, which I chair, sought to answer a fundamental question about a crisis that was, at that moment, threatening to bring on a second Great Depression, and that has cost millions of Americans their jobs, their homes, their businesses and their savings. The question we sought to answer: How did this happen? And we asked that question so that we could inform our colleagues and the public on steps we might take to protect ourselves from the danger of future crises.

The subcommittee examined millions of pages of documents, interviewed hundreds of witnesses, and conducted four hearings with more than 30 hours of testimony. What we learned was sobering:

We learned that mortgage lenders such as Washington Mutual Bank sought to boost their short-term profits by making increasingly risky mortgage loans to borrowers increasingly unlikely to be able to repay them. WaMu, as it was known, made hundreds of billions of dollars of loans, many of which were laced with fraudulent borrower information, and then packaged and sold these loans, dumping toxic assets into the financial system like a polluter dumping poison into a river.

We learned that regulators such as the Office of Thrift Supervision identified problems at WaMu on many occasions but failed to act against them, and in fact hindered other Federal regulators like the Federal Deposit Insurance Corporation from taking action.

We learned that credit rating agencies, institutions that investors depended upon to make accurate, impartial assessments of the risks that assets carried, failed completely in this task. This failure was caused by faulty risk models and inadequate data, and by competitive pressures as the credit rating agencies sought to obtain or enlarge their market share and please the investment banks that were paying them for their credit ratings. Because credit rating agencies were paid by the financial institutions selling the financial products being rated, conflicts of interest undermined the ratings process and led to a slew of inflated AAA ratings for high-risk products whose ratings were later downgraded, many to junk status.

We also learned that investment banks such as Goldman Sachs helped feed the conveyor belt of toxic assets that nearly brought economic ruin.