

SCHEDULE

Mr. REID. Madam President, following any leader remarks, the Senate will resume consideration of H.R. 4899, which is the emergency supplemental appropriations bill. There will be up to 20 minutes for debate prior to a series of votes. In the first series, the Senate will proceed to vote in relation to the following amendments: McCain No. 4214, National Guard; Kyl No. 4228, as modified, dealing with courthouse funding; Cornyn No. 4202, as modified and amended, if amended, dealing with border security.

There will then be up to 15 minutes of debate prior to votes on the following items: Feingold No. 4204, dealing with a report on the war in Afghanistan; Coburn No. 4231, offset including real property; Coburn No. 4232, offset with spending cuts; and there will be cloture on the committee-reported substitute amendment to H.R. 4899, the emergency supplemental appropriations bill.

All votes after the first vote will be 10-minute votes.

VALUING LIFE

Mr. REID. Madam President, a community in Kansas still shakes 1 year after the brazen murder of one of its own. This weekend will mark the first anniversary of Dr. George Tiller's death. He was gunned down in front of his Wichita church the day before the last Memorial Day.

Dr. Tiller was killed at point-blank range at his place of worship in the middle of a Sunday morning, while his wife sang in the church choir just a few yards away.

He was murdered by an unrepentant assassin who took his life in the name of protecting life. It was an indefensible crime and an incomprehensible excuse.

Just as despicable as Dr. Tiller's death was the fact that his murder wasn't an isolated incident. It wasn't even the first time someone tried to kill him. His clinic was bombed in 1985. He was shot twice in 1993. Over the next 16 years, 7 clinic workers would be killed before Dr. Tiller would become the eighth murder victim. More than 6,000 other acts of violence have been launched at clinics and their workers—bombings, arsons, assaults, and other attacks. One of the things they do is go into one of these clinics and throw acid all over and make the building not habitable.

The last doctor killed before Dr. Tiller was a husband and father from Buffalo named Barnett Slepian. He was an OB/GYN, who also helped poor women access safe, legal abortions. Because of that, he was murdered in his home, in his kitchen—standing in his kitchen, he was shot through the window with a high-powered rifle and murdered. I didn't personally know Dr. Slepian, but I knew his niece. She came from Reno, NV, and she once worked in my office.

She worked as a legislative assistant and a speechwriter. Her name is Amanda Robb. She is now an accomplished writer living in the Presiding Officer's State of New York. As life is so unpredictable and so unusual, I worked on the speech last night, and to the person helping me, Stephen Krupin, I said, "We are going to talk about Dr. Slepian, whose niece worked for me. And she is here in Washington today—just out of nowhere. I have a gathering every Thursday morning, and I will be darned, Amanda Robb showed up, which is so unusual. I was so glad to see her. She was a great personality and someone I will always remember having worked for me."

The tragedy of Dr. Tiller's death and of Dr. Slepian's death—and of every atrocity like it—is independent of the issue of abortion. It is not about the legality of abortion or the funding of it. These are emotional debates, and ones on which people of good faith can disagree.

What so shook that Kansas town was rather an act of terrorism. What reverberated out to our borders and coasts from the center of our country was the violation of our founding principle—that we are a nation of laws, not of men.

Everyone in America has the right to disagree with its laws. Everyone has the right to dispute and protest its laws. But no American has a right to disobey the laws.

Not all of us would choose Dr. Tiller's profession or seek his services or agree with his philosophy or that of Dr. Slepian, but it is the responsibility of every American to respect another's right to practice his profession legally.

Those who believe in the sanctity of life cannot be selective. We must value every life—not just those with which we agree.

RECOGNITION OF THE MINORITY LEADER

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

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

Mr. MCCONNELL. Madam President, later this morning, we will have some important votes related to national security. Passage of the defense portion of the supplemental will fund the surge forces in Afghanistan and our ongoing military efforts in Iraq.

Thanks to the McChrystal strategy, American forces have already brought a lot of pressure on the Taliban in Afghanistan. We need to keep that pressure up if this counterinsurgency strategy is to succeed, and it must.

This is why I encourage all Members to vote against the Feingold amendment, which calls for a plan of withdrawal of the forces from Afghanistan. When it comes to funding our operations in Iraq, we must be committed

to providing the assistance and forces necessary to provide security as the Iraqis work to form a new government.

We will also have votes related to the security of our borders. This is clearly a very pressing issue. We should respond with the urgency that the situation demands and the unity that Americans expect on matters of national security.

In these days of economic uncertainty, Americans are watching the Senate very closely. The \$13 trillion national debt has concentrated a lot of minds on what we are doing here. Some have tried to defend the extenders bill and the nearly \$100 billion it would add to the debt. I think most Americans would say the real emergency here is the \$13 trillion debt. Even some Democrats seem to agree with me. That is why we are seeing a quiet revolt over in the House on this bill. We must do something about our debt.

On the oilspill, there appears to be some good news this morning. We hope what we are hearing proves to be true. Americans are eager to hear what the President has to say this afternoon. More important, they are eager to see what the administration plans to do. But for now, we are all hoping that the efforts to stop this leak are sustained.

I yield the floor.

RESERVATION OF LEADER TIME

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

MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2010

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume conversation H.R. 4899, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4899) making emergency supplemental appropriations for emergency disaster relief and summer jobs for the fiscal year ending September 30, 2010, and for other purposes.

Pending:

Reid amendment No. 4174, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

Sessions/McCaskill amendment No. 4173, to establish 3-year discretionary spending caps.

Wyden/Grassley amendment No. 4183, to establish as a standing order of the Senate that a Senator publicly disclose a notice of intent to objecting to any measure or matter.

Feingold amendment No. 4204, to require a plan for safe, orderly, and expeditious redeployment of the United States Armed Forces from Afghanistan.

McCain amendment No. 4214, to provide for the National Guard support to secure the southern land border of the United States.

Cornyn modified amendment No. 4202, to make appropriations to improve border security, with an offset from unobligated appropriations under division A of Public Law 111-5.

Lautenberg modified amendment No. 4175, to provide that parties responsible for the Deepwater Horizon oilspill in the Gulf of Mexico shall reimburse the general fund of the Treasury for costs incurred in responding to that oil spill.

Cardin amendment No. 4191, to prohibit the use of funds for leasing activities in certain areas of the Outer Continental Shelf.

Kyl/McCain modified amendment No. 4228 (to amendment No. 4202), to appropriate \$200,000,000 to increase resources for the Department of Justice and the Judiciary to address illegal crossings of the Southwest border, with an offset.

Coburn/McCain amendment No. 4232, to pay for the costs of supplemental spending by reducing Congress's own budget and disposing of unneeded Federal property and uncommitted Federal funds.

Coburn/McCain modified amendment No. 4231, to pay for the costs of supplemental spending by reducing waste, inefficiency, and unnecessary spending within the Federal Government.

Landrieu/Cochran amendment No. 4179, 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.

Landrieu amendment No. 4180, to defer payments of principal and interest on disaster loans relating to the Deepwater Horizon oilspill.

Landrieu modified amendment No. 4184, 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 oilspill in the Gulf of Mexico at full Federal expense.

Landrieu amendment No. 4213, to provide authority to the Secretary of the Interior to immediately fund projects under the Coastal Impact Assistance Program on an emergency basis.

Landrieu amendment No. 4182, 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.

Landrieu amendment No. 4234, 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 oilspill in the Gulf of Mexico.

Ensign/Reid amendment No. 4229, to prohibit the transfer of C-130 aircraft from the National Guard to a unit of the Air Force in another State.

Ensign/Reid modified amendment No. 4230, to establish limitations on the transfer of C-130H aircraft from the National Guard to a unit of the Air Force in another State.

Isakson/Chambliss amendment No. 4221, to include the 2009 flooding in the Atlanta area as a disaster for which certain disaster relief is available.

Collins amendment No. 4253, to prohibit the imposition of fines and liability under certain final rules of the Environmental Protection Agency.

Menendez amendment No. 4289 (to amendment No. 4174), to require oil polluters to pay the full cost of oilspills.

AMENDMENTS NOS. 4214, 4288, AND 4202

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 20 minutes of debate relating to the border security amendment.

The Senator from Arizona is recognized.

Mr. KYL. Madam President, I am going to take a couple minutes to de-

scribe the second-degree amendment I have. I appreciate the fact that there was an offer on the other side to simply accept my amendment. I appreciate that, but because it is attached to a first-degree amendment, I am not sure about the prospects for that. I thought it important that all of us have an opportunity to be recorded.

This amendment is simple. It provides \$200 million for extending the Operation Streamline Program to another border sector, in addition to the Yuma sector and the Del Rio, TX, sector, where it is already in operation—extend it to the Tucson sector. This could substantially reduce illegal immigration, because about half of all of illegal immigration goes through the Tucson sector.

Operation Streamline is simple. It involves the Department of Justice accepting those who cross the border illegally into the court system and putting them in jail for about 2 weeks, and sometimes 30 days if there is an incident of repeated crossing or attempted crossing. What we have found is that there is a great deterrent effect. If people who are apprehended know they are going to jail for a couple weeks, they tend not to cross in that area anymore.

In fact, in the Yuma sector where this has been in effect now for several years, illegal immigration has been cut by 94 percent, from 118,500 apprehensions 5 years ago to about 5,000 this year. It is simply a fact that when people know they are going to go to jail or the prospects are very high they are going to go to jail, whether they are criminals crossing the border—that is about 17 percent of the people—or the remainder who simply want to come here to work, they realize going to jail is going to obstruct their plans. They cannot make money and send it back to Mexico, El Salvador, or wherever their family might be if they are trying to cross for work purposes. What we found in the Yuma sector is they simply do not cross it anymore. They have now moved farther to the east in the Tucson sector.

This amendment of mine simply provides \$200 million, fully offset, of emergency funding to implement Operation Streamline—a combination Department of Justice and Department of Homeland Security program—to ensure this deterrent can be in place in the Tucson sector just as it is in Del Rio, TX, and Yuma, AZ.

I urge my colleagues to support the amendment. As I said, the money is offset. This is definitely an emergency. It will substantially help us to secure the border without the necessity of building permanent structures such as fencing or anything of that sort. It is a good amendment. I urge my colleagues to support it.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. Madam President, I also wish to speak to the amendments that have been offered by Senator MCCAIN, Senator KYL, myself, and Sen-

ator HUTCHISON with regard to border security.

One thing we cannot lose sight of is that the failure of the Federal Government to deal seriously with border security leaves all of the border States basically on their own. We have heard a number of people who criticized the State of Arizona for dealing with this issue the best they can. But what are they supposed to do if the Federal Government does not step up and deal with its responsibility, which is a Federal responsibility?

We talked about the violence, particularly relating to the cartels, with 23,000 Mexicans killed since 2006 in these drug wars. Right across from El Paso, 1,000 people have been killed in Ciudad Juarez, which is literally across the river, like Virginia is from Washington, DC. We have seen the spillover effect in American citizens being killed and living in fear on this side of the border.

We cannot forget there is also an important war on terror issue here as well, something we have not talked about very much but something I was reminded of yesterday when the Department of Homeland Security issued an alert to police and sheriff's deputies in Houston asking them to keep their eyes open for a Somali man believed to be in Mexico preparing to make a crossing into Texas. The Department of Homeland Security in this announcement believes this man has a tie to an organization affiliated with al-Qaida. I say to my colleagues, maybe this individual is not coming to Houston to stay in Houston. Maybe he is coming to the State of one of my colleagues or their town where they live. It demonstrates again why this porous border represents a national security problem for the entire country.

I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks a list of other-than-Mexican illegal immigrants.

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

(See exhibit 1.)

Mr. CORNYN. Madam President, I have in my hand a list of the countries from which individuals who have been detained at the border have originated. In 2009, 2 people from Afghanistan were apprehended on the southern border; 10 from Iran, a state sponsor of international terrorism, as we know; 10 have come from Iraq; 19 from Pakistan; 12 from Somalia; and 3 from Yemen. Out of a total of 45,000 other-than-Mexican citizen immigrants apprehended at the border, these are just some examples of why our porous border represents a national security threat in the global war on terror.

There is also another reminder in the news recently where two F-16s had been dispatched to intercept an ultralight aircraft flying across the border into Arizona. Some 200 ultralight aircraft have been detected in 2009 alone. These ultralight aircraft do not require

a license to fly. They typically fly so low to avoid any radar detection. It is estimated by the Department of Homeland Security that some 600 of them have flown into the United States, primarily transporting huge loads of illegal drugs, of course, being sold on America's streets to our children, among others.

From these two facts—the fact that we have other than Mexican citizens who simply want to come to work using the porous border, both Mexico's porous southern border and our southern porous border, and to come into the United States for unknown purposes, perhaps to do us harm—it is obvious our current border security measures are inadequate to deal with this new phenomenon of ultralight aircraft transporting drugs into the United States and perhaps transporting back to Mexico the bulk cash that is generated from these drug sales, further funding illegal drug activity and the cartels that are causing so much mayhem on our southern border.

The problem we have with our broken immigration system is that it is simply not perceived as credible by the American people. Until we deal with this broken border, we are not going to be able to deal with other aspects of our broken immigration system, and I would support an effort to do that. But it seems to be that our colleagues on the other side too often seem to view border security as leverage or a bargaining chip they are not willing to give up unless they get something else for it. But it is, in fact, the Federal Government's responsibility to deal with this situation, as the President himself has acknowledged in his recent announcement to send 1,200 additional National Guard to the border. I will tell you that it is a welcome gesture, but it is no more than that—a gesture. These 1,200 National Guard on a 2,000-mile border—you can imagine how many gaps in the effort of border security will still be left. That is why I support the McCain amendment and the Kyl amendment to provide additional National Guard on a temporary basis.

Our National Guard is already severely stressed because of the conflicts in Afghanistan and Iraq, our all-volunteer military forces. What we need to do is provide a permanent solution, not a temporary solution, and that means more Border Patrol, more ATF, DEA—

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. CORNYN. All the boots on the ground that we need to make our border security efforts credible.

I yield the floor.

EXHIBIT 1

SOUTHWEST BORDER OTM APPREHENSIONS BY CITIZENSHIP—FY2009 AND FY2010TD THROUGH APRIL 30

[Data includes Deportable Aliens Only/Data Source: EID (unofficial) as of 5/24/10]

| Citizenship | FY2009 | FY2010TD |
|-------------|--------|----------|
| AFGHANISTAN | 2 | |

SOUTHWEST BORDER OTM APPREHENSIONS BY CITIZENSHIP—FY2009 AND FY2010TD THROUGH APRIL 30—Continued

[Data includes Deportable Aliens Only/Data Source: EID (unofficial) as of 5/24/10]

| Citizenship | FY2009 | FY2010TD |
|----------------------------|--------|----------|
| ALBANIA | 20 | 8 |
| ALGERIA | 4 | 1 |
| ANTIGUA-BARBUDA | 1 | |
| ARGENTINA | 45 | 24 |
| ARMENIA | 6 | 3 |
| ARUBA | 1 | |
| AUSTRALIA | 2 | |
| AUSTRIA | | 1 |
| AZERBAIJAN | 1 | |
| BAHAMAS | | |
| BAHREIN | 41 | 38 |
| BARBADOS | 2 | |
| BEARUS | 1 | |
| BELIZE | 59 | 26 |
| BOLIVIA | 26 | 33 |
| BOSNIA-HERZEGOVINA | 1 | |
| BRAZIL | 575 | 356 |
| BULGARIA | 5 | 2 |
| BURKINA FASO | 1 | 1 |
| BURMA | 1 | 3 |
| CAMBODIA | 4 | 4 |
| CAMEROON | 9 | 8 |
| CANADA | 10 | 16 |
| CHILE | 35 | 12 |
| CHINA, PEOPLES REPUBLIC OF | 1,358 | 729 |
| COLOMBIA | 235 | 176 |
| CONGO | 3 | 1 |
| COSTA RICA | 144 | 88 |
| CUBA | 105 | 48 |
| CZECH REPUBLIC | 3 | 4 |
| DOMINICAN REPUBLIC | 487 | 631 |
| ECUADOR | 1,169 | 785 |
| EGYPT | 1 | 2 |
| EL SALVADOR | 11,178 | 6,746 |
| EQUATORIAL GUINEA | 1 | |
| ERITREA | 171 | 85 |
| ESTONIA | 1 | |
| ETHIOPIA | 80 | 28 |
| FRANCE | 1 | 4 |
| GAMBIA | 3 | |
| GEORGIA | 22 | 3 |
| GERMANY | 9 | 3 |
| GHANA | 14 | 5 |
| GREECE | 1 | |
| GUADELOUPE | 1 | |
| GUATEMALA | 14,118 | 7,474 |
| GUINEA | 1 | |
| GUINEA-BISSAU | 1 | |
| HAITI | 78 | 49 |
| HONDURAS | 13,348 | 6,322 |
| HONG KONG | 1 | |
| HUNGARY | 5 | 2 |
| INDIA | 99 | 324 |
| INDONESIA | 10 | 3 |
| IRAN | 10 | 7 |
| IRAQ | 10 | 3 |
| IRELAND | 3 | |
| ISRAEL | 15 | 13 |
| ITALY | 7 | 3 |
| IVORY COAST | 1 | |
| JAMAICA | 42 | 36 |
| JAPAN | 5 | 2 |
| JORDAN | 6 | 1 |
| KAZAKHSTAN | 1 | |
| KENYA | 9 | 2 |
| KOREA | 9 | |
| KOSOVO | 8 | 4 |
| KUWAIT | 2 | 1 |
| KYRGYZSTAN | 2 | 1 |
| LAOS | 7 | 3 |
| LATVIA | 2 | |
| LEBANON | 6 | 4 |
| LIBERIA | 2 | |
| LITHUANIA | 1 | 1 |
| MACEDONIA | 10 | |
| MALAWI | 1 | |
| MALAYSIA | 1 | |
| MALI | 1 | |
| MARSHALL ISLANDS | 2 | |
| MOLDOVA | 4 | 4 |
| MONGOLIA | 4 | 3 |
| MOROCCO | 1 | 1 |
| NEPAL | 48 | 69 |
| NETHERLANDS | 1 | 3 |
| NEW ZEALAND | 2 | 3 |
| NICARAGUA | 842 | 392 |
| NIGER | 1 | 1 |
| NIGERIA | 14 | 8 |
| NORWAY | 1 | |
| PAKISTAN | 19 | 9 |
| PANAMA | 21 | 10 |
| PARAGUAY | 11 | 4 |
| PERU | 242 | 121 |
| PHILIPPINES | 32 | 22 |
| POLAND | 11 | 4 |
| PORTUGAL | 1 | |
| PUERTO RICO | 2 | |
| QATAR | | 1 |
| ROMANIA | 64 | 227 |
| RUSSIA | 14 | 6 |
| RWANDA | 1 | |
| SAMOA | 1 | |
| SAUDI ARABIA | 1 | 1 |
| SENEGAL | 1 | |
| SERBIA AND MONTENEGRO | 5 | 4 |
| SERRA LEONE | 1 | 1 |

SOUTHWEST BORDER OTM APPREHENSIONS BY CITIZENSHIP—FY2009 AND FY2010TD THROUGH APRIL 30—Continued

[Data includes Deportable Aliens Only/Data Source: EID (unofficial) as of 5/24/10]

| Citizenship | FY2009 | FY2010TD |
|-----------------------------|--------|----------|
| SINGAPORE | 1 | |
| SLOVAKIA | 1 | 2 |
| SLOVENIA | | 1 |
| SOMALIA | 12 | 2 |
| SOUTH AFRICA | 6 | 4 |
| SOUTH KOREA | 28 | 20 |
| SPAIN | 8 | 2 |
| SRI LANKA | 44 | 68 |
| ST. LUCIA | | 2 |
| ST. VINCENT-GRENADINES | 1 | |
| SUDAN | 1 | 1 |
| SWEDEN | 1 | 1 |
| SYRIA | | 2 |
| TAIWAN | 4 | 1 |
| TANZANIA | 1 | |
| THAILAND | 9 | 5 |
| TOGO | 1 | |
| TONGA | 2 | 1 |
| TRINIDAD AND TOBAGO | 5 | 3 |
| TUNISIA | | 1 |
| TURKEY | 10 | 11 |
| TURKS AND CAICOS ISLANDS | 1 | |
| UKRAINE | 4 | 4 |
| UNITED ARAB EMIRATES | 1 | 1 |
| UNITED KINGDOM | 18 | 12 |
| UNKNOWN | 9 | 13 |
| URUGUAY | 24 | 12 |
| UZBEKISTAN | 6 | 3 |
| VENEZUELA | 32 | 20 |
| VIETNAM | 20 | 5 |
| YEMEN | 3 | |
| YUGOSLAVIA | 15 | 3 |
| ZIMBABWE | 3 | 2 |
| SBO Total OTM Apprehensions | 45,279 | 25,230 |

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Madam President, how much time do I have to discuss my amendment?

The ACTING PRESIDENT pro tempore. Five minutes.

Mr. MCCAIN. I thank my colleague from Texas and other Senators from border States who are deeply concerned about the issue of broken borders and the drug cartels and human smuggling that has put the lives and security of our American citizens in some danger.

A fact: The kidnapping capital of the world is Mexico City. The city that ranks second in kidnapping to Mexico City is Phoenix, AZ, which is a long way from the border. It happens to be a place where drop houses exist where people are held for ransom, where unspeakable cruelties are inflicted upon those who are being smuggled, where they have become a distribution center for drugs coming up through the so-called central corridor. We are badly in need of assistance.

Yesterday, May 26, 2010, 12:20 p.m.:

Sierra Vista, Ariz.—Acting on a tip, Sierra Vista police went to a drop house and recovered close to 2,000 pounds of marijuana Tuesday.

Police spokesman Sgt. Lawrence Boutte said officers found a total of 83 bails weighing 2,054 pounds.

The marijuana has an estimated street value of \$821,000.

Police arrested a 21-year-old Mexican citizen. Officers said the man was expected to be charged with possession of marijuana for sale. It's not known if the man was in the U.S. illegally.

Boutte said drug smugglers use stash houses to store drugs coming from Mexico before transporting them elsewhere.

“Elsewhere” means different parts of the country.

By the way, there is an argument that this amendment may be unconstitutional. I remind my colleagues, the

Constitution—article I, section 8, clause 15—preserves to the Congress the power to call “forth the Militia to execute the Laws of the Union,” including the immigration laws. This is an independent constitutional power that does not rest on any power exercised by the President as the Chief Executive in article II.

A recent example of Congress’s power to task the executive branch in this area, even outside calling forth the militia, is the Secure Fence Act of 2006 in which the Congress tasked the Secretary of Homeland Security to secure the border. Even though Congress was not relying on its article I, section 8, clause 15 power, the Secure Fence Act of 2006 was and is constitutional.

The President announced he was sending 1,200 National Guard to the southwest border. This is one-fifth of what is needed. If the Congress will not heed the call of the Governors of Arizona and Texas, who have asked the President to send troops to the border, the Congress should do so now.

During Operation Jump Start, the National Guard was deployed to the southwest border and provided logistical support, conducted surveillance, and built and repaired critical infrastructure. Until DHS has the technology and infrastructure in place to fully secure the border, at least 6,000 National Guard must be deployed to assist the Border Patrol in stopping the illegal immigration, drug smugglers, and human traffickers flowing across the border.

The borders are broken. There has been improvement. We have shown in San Diego, in Texas, even in the Yuma sector of Arizona that we can secure our border, but we need manpower, surveillance, and fences. We can do it. We have an obligation to our citizens to secure our border and allow them to lead lives where they do not live in fear of home invasions, of property being destroyed, where well-armed, well-equipped drug smugglers, as well as human smugglers, operate with—if not with impunity, certainly with great latitude.

There will be the statement made that the border is more secure. I am sure the Senator from New York will say that. The fact is the border is not secure. It is more secure; it is not secure. The citizens in the southern part of my State do not have a secure environment in which to live and raise their children.

Every enforcement agent on the border with whom I have talked says we need additional National Guard and we need it now. I am sure that in New York City and other major cities in America there is a secure environment, frankly, thanks to Mayor Giuliani. This is not the case in parts of my State, including Phoenix, AZ, having the dubious distinction of being No. 2 as far as the kidnapping capital of the world is concerned.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. MCCAIN. I appreciate the involvement of Senators from other parts of the United States of America. I invite them to come to the border and talk with my citizens. I invite them to talk with the Border Patrol agents who are overwhelmed in their task in trying to stop the flow of goods and human beings across our border. I hope they will weigh in on behalf of the human rights of the people who are being terribly abused, kept in drop houses, held for ransom, and subjected to unspeakable atrocities. It is another human rights argument for getting our border secure. We can get it more secure by sending these National Guard troops to the border, as former Governor and now Secretary of Homeland Security called for in 2006.

I urge a “yea” vote on this amendment.

I yield the floor.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. BYRD. Madam President, there are those in the Congress who like to just talk about the need to secure our borders. I have actually done something about securing the borders. In 2005, I authored an amendment with broad, bipartisan support, which initiated a comprehensive effort to secure our borders. Since I became chairman of the Senate Appropriations Homeland Security Subcommittee in 2007, I have continued that effort. As a result, there are more Border Patrol agents, more technology, more border infrastructure, more detention capacity, and more investigative capacity dedicated to securing our borders than ever before.

This investment has produced results. The numbers of aliens being deported, especially aliens convicted of crimes, has grown significantly. The era of catch and release has ended. The recession and increased enforcement has resulted in a significant reduction in the number of illegal aliens coming into this country. Violence on the United States side of the border is down.

There is more to be accomplished, particularly as drug violence in Mexico grows, but as a result of investments made over the last 5 years, the Department of Homeland Security has received significant assets to address this problem.

Deportations have greatly increased from 211,098 in 2003 to between 230,000 and 390,000 annually for the past 3 years. Homeland Security is on track to remove 400,000 aliens this year, including 150,000 convicted criminal aliens.

The Department of Homeland Security, DHS, has more “boots on the ground” at the border than ever before. Today, the Border Patrol is better staffed than at any time in its 85-year history, having nearly doubled the number of agents from approximately 10,000 in 2004 to more than 20,000 today.

In 2006, DHS opened the first Border Enforcement Security Task Force,

BEST, in Laredo, TX. BESTs are law enforcement task forces that combine Federal, State, local, and international personnel to tackle border crime. The BEST model has proven extremely effective not only at interdicting illegal activity but also at building criminal cases that lead to high-value prosecutions. There currently are 17 BESTs, including 3 in Arizona, 1 in Mexico City, and the President’s fiscal year 2011 budget requests funds to open 3 more. Over the past year, DHS doubled the number of agents working on the BESTs in the southwest border region.

Immigration and Customs Enforcement, ICE, Office of Investigations criminal arrests have increased from 14,077 in fiscal year 2002 to 32,512 in fiscal year 2009. Customs and Border Protection Office of Field Operations criminal arrests—those apprehended at the ports of entry—have increased from 15,820 in fiscal year 2002 to 38,964 in fiscal year 2009.

This year, DHS will finish constructing nearly all of the 652 miles of border fencing along the southwest border the Border Patrol has determined is required. As of March 2010, all 298.5 miles of vehicle fencing have been completed, and only 5.7 miles of pedestrian fencing remain to be constructed. This comes on top of \$260 million the American Recovery and Reinvestment Act provided for border security technology and improved tactical communications equipment.

According to the Border Patrol, the number of miles of the southwest border under effective control by the Border Patrol has increased from 241 miles in October 2005 to 742 in October 2009.

DHS Secretary Napolitano announced last month that DHS is redeploying \$50 million of Recovery Act funding originally allocated for SBInet to other tested, commercially available security technology along the southwest Border, including mobile surveillance, thermal imaging devices, ultraviolet detection, backscatter units, mobile radios, cameras and laptops for pursuit vehicles, and remote video surveillance system enhancements.

The level of detention beds for illegal aliens funded by Congress has steadily increased over the past 5 years from only 18,500 beds in fiscal year 2005 to 33,400 beds today. Since fiscal year 2009, Congress has mandated that ICE maintain 33,400 detention beds. And the average length of stay has dropped from 40.4 days in fiscal year 2004 to 31.2 days in fiscal year 2009.

The number of illegal aliens detained has increased from 256,842 in fiscal year 2006 to 383,524 in fiscal year 2009. The total number of illegal aliens removed has nearly doubled since fiscal year 2003 from 211,098 to 405,662 in fiscal year 2009.

The number of fugitive operations teams has been increased to 104 this fiscal year from 51 in fiscal year 2007. On April 30, 2010, ICE announced it had apprehended 596 criminal aliens in a targeted operation in the southeastern

United States. On April 15, 2010, ICE arrested 47 individuals charged with operating shuttle bus services in southern Arizona which brought aliens who had recently entered the country illegally from border towns to Phoenix for further transport to the interior of the United States.

Since March 2009, Customs and Border Protection—CBP—and ICE have seized \$85.7 million in illicit cash along the southwest border, an increase of 14 percent over the same period during the previous year. This includes more than \$29.7 million in illicit cash seized heading southbound into Mexico—a 39-percent increase over the same period during the previous year.

During the same period, CPB and ICE together seized 1,425 illegal firearms, which represents a 29 percent rise over the same period in the previous year. At the same time, CBP and ICE seized 1.65 million kilograms of drugs along the southwest border, an overall increase of 15 percent.

The Department of Homeland Security estimates that in Arizona, the number of illegal immigrants in that State declined to 460,000 last year from a high of 550,000 and continues to drop.

Contrary to popular perception, suggestions of spillover violence from Mexico have been exaggerated. While violence and drug trafficking organization-related murders are up in Juarez, Mexico, El Paso, TX—directly across the border—was ranked the second safest major city in the United States by CQ Press in November 2009. The assistant police chief of Nogales, AZ, recently stated, “We have not, thank God, witnessed any spillover violence from Mexico. You can look at the crime stats. I think Nogales, Arizona, is one of the safest places to live in all of America.” FBI Uniform Crime Reports and statistics provided by police agencies show that the crime rates in Nogales, Douglas, Yuma, and other Arizona border towns have remained essentially flat for the past decade. A May 2, 2010, article from www.azcentral.com actually was headlined “Violence is not up on Arizona border despite Mexican drug war.” The Border Patrol has reported that the March 2010 murder of Arizona rancher Robert Krentz is the only American murdered by a suspected illegal immigrant in at least a decade within the agency’s Tucson sector, the busiest smuggling route among the Border Patrol’s nine coverage regions along the U.S.-Mexican border.

There is still more to be accomplished. I am pleased that this week the President announced his intention to deploy up to 1,200 National Guardsmen on the southwest border. However, I oppose the amendments to add over \$2 billion for border security, given that the amendments are offset with significant cuts in stimulus funding that will continue to create jobs in America. I will continue my efforts to further secure our borders.●

Mr. FEINGOLD. Madam President, we need to improve our border secu-

rity, and I have worked to do just that by supporting efforts to crack down on Mexican drug cartels and to increase the number of Federal agents and Homeland Security personnel on the ground in the Southwest border region. Unfortunately, the three amendments the Senate considered today that were intended to enhance border security would have redirected funds from the American Recovery and Reinvestment Act. It doesn’t make sense to cut funding from a program CBO says boosted employment by as many as 2.8 million jobs in the first quarter of 2010, while raising GDP somewhere between 1.7 and 4.2 percent. We face serious fiscal challenges, and we need to cut wasteful spending, but the American people should not have to choose between saving jobs and protecting our border.

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

Mr. SCHUMER. Madam President, I rise in opposition to the three amendments that have been spoken about—the McCain amendment, the Cornyn amendment, and the McCain-Kyl amendment. I will get into some detail in a few minutes about the opposition, but it relates to three points.

First, President Obama has a tough, smart, targeted \$500 million package that will greatly increase resources at the border, and we need it. Crime has increased, as my friend from Arizona has said. We need it. So, No. 1, there is a very good plan in place.

No. 2, this is a huge amount of money—\$2.5 billion—that my colleagues, who talk about fiscal moderation, are requesting, and much of it will not go to securing the border. It is sort of throwing an enormous amount of money at the problem that is not as carefully thought out, not as targeted, and not as effective, quite frankly, as President Obama’s program.

No. 3, it takes the money out of the stimulus bill. Well, there is a border problem in Texas and Arizona that affects all of us, and we want to solve it. The President and we are working to do that. But we have a jobs problem in this country, too, and this is the worst kind of robbing Peter to pay Paul. The stimulus money will go to creating jobs. If we ask the people in, say, Michigan or Ohio or Rhode Island or New York what is the No. 1 issue? Jobs. This money is being taken away from job creation and used, as I say, in a not effective, overmagnified way. It is too much money to stop what is going on at the border.

So let me elaborate. First, as I mentioned, President Obama is sending a package to the Congress next week. It includes 1,200 National Guard, funding programs for DEA, ATF, FBI, and ICE that are proven to work. The three amendments offered by the Senators from Texas and Arizona are a grab bag of enormous spending. If all of the \$2.5 billion they are proposing just to go to the border would double the amount, it wouldn’t be well spent. The President’s money is thoughtful and targeted and

has been in the works for a while. Let me give some examples.

The amendment calls for \$300 million for funding for any State or local enforcement agency so long as it is within 100 miles of the U.S.-Mexican border. Almost none of this money will be used for border enforcement. Border enforcement is needed at the actual border.

Second, the Cornyn amendment also calls for \$100 million for construction of new land ports of entry. But the problem at our ports of entry is not lack of funding from the taxpayers, it is that we need an adequate fee system to make sure the users of those ports of entry pay for things rather than taking the money away from job creation in our States.

Third, the amendment Senator KYL has offered as a second-degree amendment would spend about \$200 million on a program known as Operation Streamline. In reality, this program requires taxpayers to foot the bill at the cost of more than \$120 per day, per inmate, to house border crossers and give them three free meals a day, free health care, medicines, and surgeries for all manner of illnesses, et cetera.

Couldn’t we better spend this \$200 million and pass a comprehensive immigration reform program which is so much needed? By the way, it is my view that while we have to tighten up the border, people are coming for jobs. The only way we will stop the flow of illegal immigration into this country is to tell those who hire them they no longer can. The only way to do that is our Secure Social Security Card that Senator GRAHAM and I have put forward so that papers can’t be forged and illegal immigrants can’t be hired. Comprehensive reform does that; these measures don’t.

We have heard talk about needing to bolster the border for years. It clearly hasn’t stopped the problem, as the Senator from Arizona admits. We need a comprehensive approach that will include border security but is not only border security. If my colleagues would join us in that approach, we could have a tough, fair-minded proposal that would do the job.

Let me make some other points against the amendments while I have more time. The McCain amendment seeks \$250 million for 6,000 National Guard to be sent to the border. They can’t use that number of National Guard so quickly. The 1,200 that President Obama has requested is right.

When President Bush sent 6,000 National Guard to the border in 2006, there were 10,000 Border Patrol agents in the entire force. That means a total of 16,000 after the Guard was deployed. Now, we already have more than 20,000 Border Patrol agents—double the number of Border Patrol agents. Those and the 1,200 National Guard will do the job. We cannot just throw money at this problem and take it away from job creation. We have to be focused and smart. The President does that.

I urge my colleagues to defeat this amendment and join us in supporting a smart program that will do the job and, furthermore, join us in supporting comprehensive immigration reform, which is the only real way to stop the flow of illegal immigration across the border.

Madam President, I make a point of order that the pending amendment violates section 302(f) of the Congressional Budget Act of 1974.

The ACTING PRESIDENT pro tempore. A motion to waive the applicable provisions of the Budget Act and budget resolutions is considered made.

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

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

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from North Carolina (Mrs. HAGAN) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. CHAMBLISS).

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

The yeas and nays resulted—yeas 51, nays 46, as follows:

[Rollcall Vote No. 165 Leg.]

YEAS—51

| | | |
|------------|-----------|-------------|
| Alexander | Crapo | McCain |
| Barrasso | DeMint | McCaskill |
| Baucus | Ensign | McConnell |
| Bayh | Enzi | Murkowski |
| Bennet | Feinstein | Nelson (NE) |
| Bennett | Graham | Nelson (FL) |
| Bond | Grassley | Pryor |
| Boxer | Gregg | Risch |
| Brown (MA) | Hatch | Roberts |
| Brownback | Hutchison | Sessions |
| Bunning | Inhofe | Shelby |
| Burr | Isakson | Snowe |
| Coburn | Johanns | Tester |
| Cochran | Kyl | Thune |
| Collins | LeMieux | Vitter |
| Corker | Lincoln | Webb |
| Cornyn | Lugar | Wicker |

NAYS—46

| | | |
|------------|------------|-------------|
| Akaka | Harkin | Reid |
| Begich | Inouye | Reid |
| Bingaman | Johnson | Rockefeller |
| Brown (OH) | Kaufman | Sanders |
| Burris | Kerry | Schumer |
| Cantwell | Klobuchar | Shaheen |
| Cardin | Kohl | Specter |
| Carper | Landrieu | Stabenow |
| Casey | Lautenberg | Udall (CO) |
| Conrad | Leahy | Udall (NM) |
| Dodd | Levin | Voinovich |
| Dorgan | Lieberman | Warner |
| Durbin | Menendez | Whitehouse |
| Feingold | Merkley | Wyden |
| Franken | Mikulski | |
| Gillibrand | Murray | |

NOT VOTING—3

| | | |
|------|-----------|-------|
| Byrd | Chambliss | Hagan |
|------|-----------|-------|

The ACTING PRESIDENT pro tempore. The yeas are 51, the nays are 46. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to. Pursuant to the previous order, the amendment is withdrawn.

AMENDMENT NO. 4228

There will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 4228 offered by the Senator from Arizona, Mr. KYL. Who yields time?

Mr. KYL. Madam President, this amendment is fully offset. It is \$200 million. It simply provides the funding for the Department of Justice and the Department of Homeland Security to extend a program that has worked very well in two sections of the border to a third section.

It is called Operation Streamline. It permits the Department of Justice to try cases, put people in jail, rather than catch and release where they are simply put on a bus and returned to the border.

Everybody wants to secure the border. This is a program that has had a 94-percent success rate, a 94-percent reduction in apprehensions in the Yuma border sector and almost that much in the Del Rio sector.

So if we can extend that to the sector where half of the illegal immigration in the country comes across, I think we can substantially reduce illegal immigration. Then, for everyone who wants to pursue other legislation, I think there will be a better state of mind in which to do that.

So I urge my colleagues to support this \$200 million fully offset amendment.

The ACTING PRESIDENT pro tempore. Who yields time in opposition?

The Senator from New York.

Mr. SCHUMER. Madam President, I rise against the second-degree amendment by Senator KYL. It would actually take \$200 million that is not going to secure the border any. It will incarcerate illegal immigrants. It will pay for their food, their health care, their recreation time, their reading material, for long periods of time.

If we want to secure the border, which we do, we have to be smart about this. We cannot just keep doing the same thing again and again. Furthermore, it takes the money out of the stimulus, which is jobs. So we are doing something that is ineffective, we are doing something that has not worked in the past, and now we are taking away jobs from the other 48 States.

That does not make any sense. So I would urge that this amendment be defeated. I would urge we start doing what is needed and what is smart to stop the flow of illegal immigration. We all know what we have to do, and that is a comprehensive proposal. This will not work and takes money away from jobs in the other 48 States. I urge its defeat.

I raise a point of order on the pending amendment pursuant to section 403 of S. Con. Res. 13, the concurrent resolution on the budget for fiscal year 2010.

The ACTING PRESIDENT pro tempore. The motion to waive the applicable provisions of the Budget Act and

the budget resolution is considered made.

Mr. KYL. Madam President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second. There appears to be a sufficient second. The question is on agreeing to the motion. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. CHAMBLISS).

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

The yeas and nays resulted—yeas 54, nays 44, as follows:

[Rollcall Vote No. 166 Leg.]

YEAS—54

| | | |
|------------|-----------|-------------|
| Alexander | Ensign | McCain |
| Barrasso | Enzi | McCaskill |
| Bayh | Feinstein | McConnell |
| Begich | Graham | Merkley |
| Bennett | Grassley | Murkowski |
| Bond | Gregg | Nelson (NE) |
| Boxer | Hatch | Pryor |
| Brown (MA) | Hutchison | Risch |
| Brownback | Inhofe | Roberts |
| Bunning | Isakson | Sessions |
| Burr | Johanns | Shelby |
| Coburn | Klobuchar | Snowe |
| Cochran | Kyl | Thune |
| Collins | Landrieu | Vitter |
| Corker | LeMieux | Voinovich |
| Cornyn | Lieberman | Webb |
| Crapo | Lincoln | Wicker |
| DeMint | Lugar | Wyden |

NAYS—44

| | | |
|------------|------------|-------------|
| Akaka | Franken | Nelson (FL) |
| Baucus | Gillibrand | Reed |
| Bennet | Hagan | Reid |
| Bingaman | Harkin | Rockefeller |
| Brown (OH) | Inouye | Sanders |
| Burris | Johnson | Schumer |
| Cantwell | Kaufman | Shaheen |
| Cardin | Kerry | Specter |
| Carper | Kohl | Stabenow |
| Casey | Lautenberg | Tester |
| Conrad | Leahy | Udall (CO) |
| Dodd | Levin | Udall (NM) |
| Dorgan | Menendez | Warner |
| Durbin | Mikulski | Whitehouse |
| Feingold | Murray | |

NOT VOTING—2

| | |
|------|-----------|
| Byrd | Chambliss |
|------|-----------|

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 54, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to. Pursuant to previous order, the amendment is withdrawn.

AMENDMENT NO. 4202, AS FURTHER MODIFIED

There will be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 4202 offered by the Senator from Texas, Mr. CORNYN.

The amendment, as further modified, is as follows:

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 to establish a border grant program that provides financial assistance—

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

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

(j) EMERGENCY DESIGNATION.—Each amount in this section is designated as an emergency requirement and necessary to meet emergency needs pursuant to sections 403(a) and 403(b) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

(k) OFFSETTING RESCISSION.—On the date of the enactment of this Act, the unobligated balance of each amount appropriated or made available under division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), other than under titles III, VI, and X of such division, is hereby rescinded pro rata such that the aggregate amount of such rescissions equals \$2,250,000,000.

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

Mr. CORNYN. Madam President, yesterday the Department of Homeland Security told local law enforcement to keep their eyes peeled for a Somali man believed to be in Mexico for a period in order to make an illegal crossing into Texas. DHS believes this man has ties to an organization affiliated with al-Qaida. Maybe he will not come to Houston. Maybe he will go to some other city in this great country of ours. We simply don't know whether this individual or the 45,000 other-than-Mexican citizens who have immigrated illegally across our border represent a national security threat.

If we look at the countries they come from—Pakistan, Iran, a state sponsor of terrorism, Somalia, Yemen—it could mean something very bad will happen as a result of our dereliction of duty to secure the border. It is unfair to criticize States for trying to protect themselves when the Federal Government will not do the job instead as it should.

I urge colleagues to support this fully paid-for amendment to help beef up border security. The point of order that will be raised is simply an effort to deny the fact that we are in a state of emergency and we need to act now to secure the border.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

The Senator from New York.

Mr. SCHUMER. Madam President, I rise to oppose this \$2.2 billion spending amendment. It puts money in just about every program, needed or not. Then it takes that money out of the stimulus, the Recovery Act, taking it away from jobs. We must secure the border, absolutely. The President's plan is smart and focused. But for all of the voices on both sides of the aisle who have talked about jobs and all of the voices who have talked about fiscal moderation, to throw caution to the wind, to put \$2.2 billion into programs whether they are needed or not makes no sense at all.

We must stop illegal immigration as it comes across the border. This will

not do it. My colleagues know it, and I know it. This is what is called a symbolic amendment to show where one stands in many ways. It is \$2.2 billion. We can find amendments that will do the job, that cost a lot less, and that will not take away the jobs we want to create and preserve.

This amendment, in my judgment, is the least responsible of the three to, again, take every program and say: More money, more money, more money, without a plan on how to spend it. It makes no sense. I urge its defeat.

Madam President, I raise a point of order against this amendment pursuant to section 403 of S. Con. Res. 13, the concurrent resolution on the budget for fiscal year 2010.

The ACTING PRESIDENT pro tempore. The motion to waive the applicable provisions of the Budget Act and the budget resolution is considered made.

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

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

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from New Hampshire (Mrs. SHAHEEN) are necessarily absent.

I further announce that, if present and voting, the Senator from New Hampshire (Mrs. SHAHEEN) would vote “no.”

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. CHAMBLISS).

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

The yeas and nays resulted—yeas 54, nays 43, as follows:

[Rollcall Vote No. 167 Leg.]

YEAS—54

| | | |
|------------|-----------|-------------|
| Alexander | Ensign | McCain |
| Barrasso | Enzi | McCaskill |
| Baucus | Feinstein | McConnell |
| Bayh | Graham | Murkowski |
| Bennett | Grassley | Nelson (NE) |
| Bond | Gregg | Pryor |
| Boxer | Hatch | Risch |
| Brown (MA) | Hutchison | Roberts |
| Brownback | Inhofe | Sessions |
| Bunning | Isakson | Shelby |
| Burr | Johanns | Snowe |
| Coburn | Klobuchar | Tester |
| Cochran | Kohl | Thune |
| Collins | Kyl | Udall (CO) |
| Corker | LeMieux | Vitter |
| Cornyn | Lieberman | Volnovich |
| Crapo | Lincoln | Webb |
| DeMint | Lugar | Wicker |

NAYS—43

| | | |
|------------|------------|-------------|
| Akaka | Dorgan | Lautenberg |
| Begich | Durbin | Leahy |
| Bennet | Feingold | Levin |
| Bingaman | Franken | Menendez |
| Brown (OH) | Gillibrand | Merkley |
| Burr | Hagan | Mikulski |
| Cantwell | Harkin | Murray |
| Cardin | Inouye | Nelson (FL) |
| Carper | Johnson | Reed |
| Casey | Kaufman | Reid |
| Conrad | Kerry | Rockefeller |
| Dodd | Landrieu | Sanders |

Schumer Udall (NM) Wyden
Specter Warner
Stabenow Whitehouse

NOT VOTING—3

Byrd Chambliss Shaheen

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 54, the nays are 43. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Pursuant to the previous order, the amendment is withdrawn.

AMENDMENT NO. 4204

There will now be 15 minutes of debate equally divided among the Senator from Wisconsin, Mr. FEINGOLD, the Senator from Oklahoma, Mr. COBURN, and the Senator from Hawaii, Mr. INOUE.

Who yields time?

The Senator from Wisconsin.

Mr. FEINGOLD. Madam President, my amendment is cosponsored by Senators BOXER, DURBIN, MERKLEY, SHERROD BROWN, SANDERS, UDALL of New Mexico, and HARKIN, and would require the President to provide a flexible, nonbinding timetable for the responsible drawdown of U.S. troops from Afghanistan. It does not set a specific date for the withdrawal of such troops. It does not require the President to actually redeploy troops. It does not place any restrictions on funding.

The President has already indicated his surge strategy in Afghanistan is time limited and that he will begin redeploying troops in July 2011. All we are asking in this amendment is that the President provide further details on how long this redeployment is expected to take.

Our brave servicemembers and the American taxpayers deserve to know what is being asked of them as they risk their lives and spend their money to continue this war.

My amendment is not about whether we support the President or the troops. All of us support the troops, and I hope we all wish the President success in Afghanistan. Nor is it about whether we agree with the President's strategy. I, for one, happen to have serious doubts about the administration's approach. But in light of our deficit and domestic needs and in light of rising casualty rates in Afghanistan and in light of the growing al-Qaida threat around the world, an expensive, troop-intensive, nation-building campaign doesn't add up for me. We should be focusing on Pakistan, Yemen, Somalia, and other terrorist safe havens.

Frankly, I am disappointed we are about to pass a bill providing tens of billions of dollars to keep this war going with so little public debate about whether this approach even makes any sense. But no matter how we feel about the President or 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. That is all my amendment would require—a nonbinding plan to bring this war eventually to a close.

We have lost 1,000 servicemembers in this war. We have spent \$300 billion. I hope my colleagues will agree that the American people deserve an answer to the question: How much longer?

I reserve the remainder of my time, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Madam President, I ask unanimous consent to be yielded 3 minutes.

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

Mr. LEVIN. Madam President, I oppose the Feingold amendment. Section 1019 of the Feingold amendment specifically requires the President, by December 31, 2010, to submit a timetable for the completion of redeployment of our troops out of Afghanistan.

The message our military presence in Afghanistan is not open-ended was delivered by President Obama at West Point last December when he set the date of July 2011 to begin a reduction of U.S. forces in Afghanistan. It was an important message of reassurance to the American people, and it was an important message for the Afghan leaders to hear: that while we intend to help Afghanistan succeed in its battle with the Taliban, our troop presence is not open-ended, and they must build up their own army and their police force to take responsibility for their own security.

If we adopt the Feingold amendment, we will be sending a very different message to the government and to the people of Afghanistan. It would reinforce the fear if we adopt this amendment—an already deep-seated fear in Afghanistan—that the United States will abandon the region. That is a message we can ill-afford to send regarding the future stability of Afghanistan, and it is a particularly unwise message to send while our forces are still deploying to Afghanistan and while the Taliban is doing everything it can to convince the Afghan people that U.S., NATO, and Afghan forces are unable to protect them from the violence and the intimidation that is their hallmark.

The President's decision to set the beginning point to begin the reduction of our forces in Afghanistan in July of 2011 was a wise decision. It was supported by our senior civilian and military leaders. They supported the decision, provided that the pace and the location of the reductions would be determined by the conditions on the ground at the time in Afghanistan.

The Feingold amendment is totally different. It requires the setting of a timetable for completion of redeployment of our troops from Afghanistan, and it requires that timetable to be set by this December. It is an unwise move, and I hope we do not adopt it.

I yield the floor.

Mr. FEINGOLD. Madam President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 2½ minutes remaining.

Mr. FEINGOLD. I thank the Chair. I appreciate the comments of the Senator from Michigan, but I feel very strongly that my amendment has to be properly characterized. This is not a specific timetable. It merely asks the President to give us a vision of a timetable of when he intends for this to be over.

The Senator from Michigan tries to reassure us that the President has announced a start date for us to get out of Afghanistan. Well, that doesn't work because how do we think the people of that area of the world will be reassured if we are going to only start to withdraw the troops in 2011? You take one troop out, that starts it. That is not a vision of when we intend to complete it.

The Senator suggests that somehow this sends the wrong message in the region. Well, actually, the wrong message is that we intend to be there forever. We don't intend to be there forever. But you know what. After 9 years, people start wondering—9 years; 9 years with no vision of when we might depart. In fact, I think the absolute worst message in the region is an open-ended commitment. The worst thing we can do is not give some sense to the people of that region and to the American people and to our troops that there is some end to this thing. All we ask for in this amendment is some vision from the President about when he thinks we might complete this task.

So when this amendment is properly characterized, it is actually a way to help us make sure the Taliban and al-Qaida and others do not win the hearts and minds of the Afghan people because they need to be reassured that we intend to make sure their country comes back to them and that it will not be occupied indefinitely.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Madam President, I yield myself 10 seconds to read the amendment:

Not later than December 31, 2010, the President shall submit to Congress a report, together with a timetable for the completion of that redeployment.

Completion of that redeployment, obviously, from Afghanistan. That is a "shall," it is a report; it is a completion of the redeployment.

I yield the floor.

Mr. FEINGOLD. Madam President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. No time.

Mr. FEINGOLD. I ask unanimous consent for 10 seconds to respond to the Senator from Michigan.

The ACTING PRESIDENT pro tempore. The Senator has 1 minute.

Mr. FEINGOLD. I thank the Chair. I thought I had a little more.

Madam President, the Senator is trying to read the amendment in a way that is simply not accurate.

The amendment simply asks the President to provide his vision of a

timetable by which he would intend to withdraw the troops. It is entirely non-binding. Any suggestion that this is binding in any way on the President or the U.S. Government is completely false and a mischaracterization of the amendment. It is not binding. In fact, it allows the President specifically to identify variables that would cause him on his own to change the timetable. So how anyone can say this is a binding timetable in any way, shape, or form is beyond me.

It is merely a request that the President give us his vision of when he might withdraw from Afghanistan. It is the only fair way to characterize this amendment.

Mr. REID. Madam President, President Obama has articulated a sound strategy for surging our force in Afghanistan, a well-defined mission to enable them to succeed, and a clear plan to begin to bring those troops home starting next July. His plan honors the service of the 100 Nevadans in Afghanistan today and those of every American fighting terrorists abroad to keep us safer at home.

I have always believed that our commitment in Afghanistan should not be open-ended, which is why I continue to support the President's plan. We have begun to reverse the Taliban's momentum in Afghanistan and weakened al-Qaeda's operations, safe havens and leadership in the region. Our troops will continue to defeat those terrorist networks and others like it and we will continue to press the Afghan government to end corruption and take responsibility for governing the country. But, as the President's plan makes clear, these troops have a clear task in place: to reverse the Taliban's momentum and to begin returning home next July.

In light of the President's strategy and the recent progress, now is not the time to change course.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. REED. Madam President, I yield myself 2 minutes from Senator LEVIN's time or Senator INOUE's time.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

Mr. REED. Madam President, this legislation clearly calls for a report to be submitted by the President of the United States to establish a timetable, and I think the suggestion that will not have incredible consequences in the real world is somewhat naive.

If the President of the United States is forced to give Congress a timetable stating dates, even if those dates have some variables attached to them, that sets in motion a train of events that is anything but a simple statement of vision. That statement of vision was given by the President at West Point. In fact, he was criticized for specifically indicating that there would be a point at which American forces begin the withdrawal, but he did that. I think anyone questioning the President's not only willingness to do this, but under-

standing the need to redeploy our forces, should look at today's headlines in the Washington Post where the Vice President has, once again, reiterated that we are coming out of Iraq; that the timetables the President talked about, the vision he talked about, all of those things he is following through on, and he will do the same thing in Afghanistan.

In Afghanistan, the President's strategy is clear: to provide military resources to re seize the momentum; to provide the opportunity to build civilian capacity; and starting, as the Senator from Wisconsin indicated, at a fixed date will begin a drawdown and will begin changing our mission from combat operations to more counterterrorism operations, more training of Afghani forces.

Frankly, what I think the President—and I will presume to speak at this moment, at last in my view—sees in the future is a significant drawdown of our military presence while we build up our civilian presence. That civilian presence might include some trainers, police trainers. It might include a lot of folks. Indeed, this vision is tied directly to the concern we all have. There are active al-Qaida cells in Pakistan, in Afghanistan, in Yemen, and one of the advantages of a presence in Afghanistan is effectively cooperating with and encouraging the Pakistanis.

I urge rejection of the amendment.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. FEINGOLD. Madam President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There appears to be a sufficient second.

Mr. COCHRAN. Madam President, all time is yielded back on this side.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. CHAMBLISS).

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

The result was announced—yeas 18, nays 80, as follows:

[Rollcall Vote No. 168 Leg.]

YEAS—18

| | | |
|------------|------------|------------|
| Baucus | Feingold | Sanders |
| Boxer | Gillibrand | Schumer |
| Brown (OH) | Harkin | Specter |
| Cantwell | Leahy | Tester |
| Dorgan | Merkley | Udall (NM) |
| Durbin | Murray | Wyden |

NAYS—80

| | | |
|-----------|------------|---------|
| Akaka | Bond | Casey |
| Alexander | Brown (MA) | Coburn |
| Barrasso | Brownback | Cochran |
| Bayh | Bunning | Collins |
| Begich | Burr | Conrad |
| Bennet | Burris | Corker |
| Bennett | Cardin | Cornyn |
| Bingaman | Carper | Crapo |

| | | |
|-----------|-------------|-------------|
| DeMint | Klobuchar | Reed |
| Dodd | Kohl | Reid |
| Ensign | Kyl | Risch |
| Enzi | Landrieu | Roberts |
| Feinstein | Lautenberg | Rockefeller |
| Franken | LeMieux | Sessions |
| Graham | Levin | Shaheen |
| Grassley | Lieberman | Shelby |
| Gregg | Lincoln | Snowe |
| Hagan | Lugar | Stabenow |
| Hatch | McCaill | Thune |
| Hutchison | McConnell | Udall (CO) |
| Inhofe | Menendez | Vitter |
| Inouye | Mikulski | Voinovich |
| Isakson | Murkowski | Warner |
| Johanns | Nelson (NE) | Webb |
| Johnson | Nelson (FL) | Whitehouse |
| Kaufman | Pryor | Wicker |
| Kerry | | |

NOT VOTING—2

Byrd
Chambliss

The amendment (No. 4204) was rejected.

Mr. INOUE. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4231

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 4321, as modified, offered by the Senator from Oklahoma.

The Senator from Hawaii.

Mr. INOUE. Madam President, the Senator from Oklahoma feels we have had enough debate, so we will not debate this further.

I move to table amendment No. 4231, as modified.

I ask for the yeas and nays.

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

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. CHAMBLISS).

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

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 169 Leg.]

YEAS—53

| | | |
|------------|------------|-------------|
| Akaka | Feinstein | Murray |
| Baucus | Franken | Nelson (FL) |
| Begich | Gillibrand | Pryor |
| Bennet | Hagan | Reed |
| Bingaman | Harkin | Reid |
| Boxer | Inouye | Rockefeller |
| Brown (OH) | Johnson | Sanders |
| Burris | Kaufman | Schumer |
| Cantwell | Kerry | Shaheen |
| Cardin | Klobuchar | Specter |
| Carper | Landrieu | Stabenow |
| Casey | Lautenberg | Udall (CO) |
| Collins | Leahy | Udall (NM) |
| Conrad | Levin | Warner |
| Dodd | Lieberman | Webb |
| Dorgan | Menendez | Whitehouse |
| Durbin | Merkley | Wyden |
| Feingold | Mikulski | |

NAYS—45

| | | |
|------------|-----------|-------------|
| Alexander | Ensign | McCain |
| Barrasso | Enzi | McCaskill |
| Bayh | Graham | McConnell |
| Bennett | Grassley | Murkowski |
| Bond | Gregg | Nelson (NE) |
| Brown (MA) | Hatch | Risch |
| Brownback | Hutchison | Roberts |
| Bunning | Inhofe | Sessions |
| Burr | Isakson | Shelby |
| Coburn | Johanns | Snowe |
| Cochran | Kohl | Tester |
| Corker | Kyl | Thune |
| Cornyn | LeMieux | Vitter |
| Crapo | Lincoln | Voinovich |
| DeMint | Lugar | Wicker |

NOT VOTING—2

| | |
|------|-----------|
| Byrd | Chambliss |
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The motion was agreed to.

AMENDMENT NO. 4232

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 4232 offered by the Senator from Oklahoma.

The Senator from Hawaii.

Mr. INOUE. Madam President, I have been advised by the Senator from Oklahoma that we have had enough debate. Therefore, I move to table amendment No. 4232 and ask for the yeas and nays.

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

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

Mr. KYL. The following Senator is necessarily absent: the Senator from Georgia (Mr. CHAMBLISS).

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

The result was announced—yeas 50, nays 47, as follows:

[Rollcall Vote No. 170 Leg.]

YEAS—50

| | | |
|------------|------------|-------------|
| Baucus | Gillibrand | Nelson (FL) |
| Bennet | Hagan | Pryor |
| Bingaman | Harkin | Reed |
| Boxer | Inouye | Reid |
| Brown (OH) | Johnson | Rockefeller |
| Burr | Kaufman | Sanders |
| Cantwell | Kerry | Schumer |
| Cardin | Kohl | Shaheen |
| Carper | Landrieu | Specter |
| Casey | Lautenberg | Stabenow |
| Conrad | Leahy | Udall (CO) |
| Dodd | Levin | Udall (NM) |
| Dorgan | Lieberman | Voinovich |
| Durbin | Menendez | Webb |
| Feingold | Merkley | Whitehouse |
| Feinstein | Mikulski | Wyden |
| Franken | Murray | |

NAYS—47

| | | |
|------------|---------|-----------|
| Alexander | Coburn | Grassley |
| Barrasso | Cochran | Gregg |
| Bayh | Collins | Hatch |
| Begich | Corker | Hutchison |
| Bennett | Cornyn | Inhofe |
| Bond | Crapo | Isakson |
| Brown (MA) | DeMint | Johanns |
| Brownback | Ensign | Klobuchar |
| Bunning | Enzi | Kyl |
| Burr | Graham | LeMieux |

| | | |
|-----------|-------------|--------|
| Lincoln | Nelson (NE) | Tester |
| Lugar | Risch | Thune |
| McCain | Roberts | Vitter |
| McCaskill | Sessions | Warner |
| McConnell | Shelby | Wicker |
| Murkowski | Snowe | |

NOT VOTING—3

| | | |
|-------|------|-----------|
| Akaka | Byrd | Chambliss |
|-------|------|-----------|

The motion was agreed to.

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

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

The motion to lay on the table was agreed to.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote on the motion to invoke cloture on the committee-reported substitute amendment.

If all time is yielded back, pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The assistant 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 J. 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.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the committee-reported substitute amendment to H.R. 4899, the Supplemental Appropriations Act of 2010, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: The Senator from Georgia (Mr. CHAMBLISS).

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

The yeas and nays resulted—yeas 69, nays 29, as follows:

[Rollcall Vote No. 171 Leg.]

YEAS—69

| | | |
|-----------|------------|------------|
| Akaka | Boxer | Collins |
| Alexander | Brown (MA) | Conrad |
| Baucus | Brown (OH) | Dodd |
| Bayh | Burr | Dorgan |
| Begich | Cantwell | Durbin |
| Bennet | Cardin | Feinstein |
| Bennett | Carper | Franken |
| Bingaman | Casey | Gillibrand |
| Bond | Cochran | Hagan |

| | | |
|------------|-------------|------------|
| Harkin | Lugar | Sanders |
| Inouye | McCaskill | Schumer |
| Johanns | McConnell | Shaheen |
| Johnson | Menendez | Snowe |
| Kaufman | Merkley | Specter |
| Kerry | Mikulski | Stabenow |
| Klobuchar | Murkowski | Tester |
| Kohl | Murray | Udall (CO) |
| Landrieu | Nelson (NE) | Udall (NM) |
| Lautenberg | Nelson (FL) | Vitter |
| Leahy | Pryor | Warner |
| Levin | Reed | Webb |
| Lieberman | Reid | Whitehouse |
| Lincoln | Rockefeller | Wyden |

NAYS—29

| | | |
|-----------|-----------|-----------|
| Barrasso | Enzi | LeMieux |
| Brownback | Feingold | McCain |
| Bunning | Graham | Risch |
| Burr | Grassley | Roberts |
| Coburn | Gregg | Sessions |
| Corker | Hatch | Shelby |
| Cornyn | Hutchison | Thune |
| Crapo | Inhofe | Voinovich |
| DeMint | Isakson | Wicker |
| Ensign | Kyl | |

NOT VOTING—2

| | |
|------|-----------|
| Byrd | Chambliss |
|------|-----------|

The PRESIDING OFFICER. The yeas are 69, the nays are 29. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from Illinois.

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

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

SUMMER JOBS

Mr. BURRIS. I thank the Chair.

Madam President, this past Monday evening, as dusk fell on my hometown of Chicago, a handful of young people took to the streets with violent intentions.

By the time the sun came up on Tuesday, no fewer than seven people had been shot, in a series of unrelated incidents.

This wave of violent crime continued into Tuesday afternoon, when three more Chicagoans were shot and killed in broad daylight.

These incidents came right on the heels of another shocking murder. Last week, a police officer and Iraq War veteran named Thomas Wortham IV was shot to death only a few blocks from my home.

These events do not occur in a vacuum. They are part of a clear and consistent pattern, a pandemic of gun violence that holds communities in a vice grip. Every year, with the advent of the long, hot summer, gang activity spikes. The line between good and bad neighborhoods evaporates. In essence, our streets become a war zone. This is not a passing concern; it is an emergency. This kind of violence should be shocking. It should spark outrage and indignation. Yet too many of us turn a blind eye. We are paralyzed by the destructive political process and numb to the consequences of our failure to take action.

This problem can't simply be passed on to someone else. This violence is happening in our cities and towns, where we live and where we work, where we send our children to school. It is happening in our backyards. So it

is up to us to raise the alarm. It is our responsibility to stem this rising tide and take back our communities, our homes, our schools, and our places of worship. We have seen that this is a pattern. We have witnessed the terrible outcomes and measured the tragic human cost. Now it is time to take action.

Certainly, we can make progress by increasing gun control and making it more difficult for weapons to fall into the hands of criminals. This effort must be a part of any comprehensive solution, and it is an issue I have fought for throughout my career. But the reality is, a debate about gun control will quickly turn into a pitched partisan battle. It will consume time and political will, and in the end, we may not get very far.

I believe we need to take a more practical, more immediate approach. It is time to give our young people an alternative to destructive behavior so they can spend their summers working to get ahead instead of getting involved in criminal activities. Today, more than half of Black men between the ages of 16 and 19 are unemployed. This number is growing rapidly. In fact, the New York Times predicts that this summer will be one of the bleakest on record. So if we would like to cut down on violent crime, this is exactly where we need to start.

It is no accident that last year's landmark American Recovery and Reinvestment Act included a major summer jobs component. It created more than 300,000 summer jobs for youth across the country, including some 17,000 in Illinois alone.

This year, we need to do even more. That is why I am proud to cosponsor S. 2923, the Youth Jobs Act of 2010, introduced by the distinguished Senator from Washington, Mrs. MURRAY. This legislation would build on the success of the Recovery Act, setting aside \$1.5 billion for youth employment opportunities through the Workforce Investment Act. It would infuse money directly into the local economy and give young people the chance to gain paid work experience, what Senator REID spoke about the other day, the gentleman who set up a work opportunity and found out that the youth don't even have the work experience or they don't even know how to work. We have to get them some paid work experience. This will keep them off the streets in the short term and give them better employment options down the road. It would create half a million summer jobs from coast to coast and put a serious dent in the youth unemployment rate. It will spur young people to invest in their future and help foster a better community.

I urge my colleagues to pass this bill without delay. We can do this right now. It will cut down on violent crime and have a real effect on people's lives across America. There is no reason to wait another day or another moment. That is why I am so frustrated by the

obstructionism that has afflicted this legislation for the past 6 months.

It is time to make a commitment to the next generation, give them the opportunity to start down the right path because if we don't, then every summer, when the school year ends and children seek new ways to occupy their time, more and more of them will find fellowship with the criminal element. This cycle of violence will continue.

I urge colleagues to pass the Youth Jobs Act before we adjourn for the Memorial Day recess. Let's provide our young people with the opportunity to turn away from violence. Let's give them a chance to build a constructive future. Let's take back our communities. Let's do it now. Let's do it today.

RECESS

Mr. BURRIS. I ask unanimous consent that the Senate stand in recess until 2 p.m. and that the postcloture time continue to run during the recess period.

There being no objection, the Senate, at 12:51 p.m., recessed until 2 p.m. and reassembled when called to order by the Presiding Officer (Mr. BURRIS).

MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2010—Continued

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. 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. SPECTER. Mr. President, I have sought recognition to discuss the urgent need for comprehensive immigration reform in the United States.

Earlier today, the Senate considered a number of proposals for border security, and there has been extensive media attention to an administration proposal to dispatch substantial numbers of the National Guard for border security.

The Senate and the House of Representatives wrestled with this issue in 2006. Each House produced a bill. At that time, I chaired the Judiciary Committee and managed the bill in committee and on the floor. The Senate bill, known as the McCain-Kennedy bill, provided for comprehensive immigration reform.

The House passed a bill which dealt only with Border Patrol and employer verification. For reasons which need not be commented upon now, there was no conference and that bill languished.

In the following year, Senator REID, the majority leader, asked Senator Kennedy and me to lead an informal group to try to structure a comprehensive immigration reform, with the de-

cision not to run it through committee, and that effort was not successful.

As a result of the failure of Congress to act, we have seen many States and municipalities enact legislation to try to deal with this issue, in the absence of what Congress has a duty to do and should have been doing. Most recently, the Arizona law has produced enormous controversy.

The Arizona law provides that a failure to carry immigration documents would be a crime and give police broad power to detain anyone suspected of being in the country illegally. The essential provisions invite racial profiling, which is highly questionable on constitutional grounds. Litigation is now pending to have that act—to declare it as being unconstitutional on its face.

When Congress failed to legislate in 2006 and the informal group designated by Majority Leader REID was unsuccessful in coming up with a bill, I introduced a draft bill on July 30, 2007, as reported in the CONGRESSIONAL RECORD at S. 10231, which dealt with an effort to remove the fugitive status from undocumented immigrants. It was my thought at the time if we did not get into the complex issues which had proven so troublesome in 2007 and earlier in 2006, that we might be able to make some substantial progress moving forward for comprehensive immigration reform.

My thought at that time was to remove the fugitive status but not to provide for a path to citizenship. I made that suggestion even though my preference was with the Senate bill enacted the year before which did provide a path to citizenship. Even that path to citizenship was going to be long delayed. It would take at least 8 years, it was estimated, to clear up the backlog of pending applications for citizenship, and another 5 years to deal with the 12 million undocumented immigrants, so that there was not a whole lot of practical difference in eliminating the path to citizenship. That could always be taken up at a later time.

But if the fugitive status was eliminated, that would bring most of the 12 million undocumented immigrants—or at least calculated to bring most of the 12 million undocumented immigrants—out of the shadows and identify those who were holding responsible jobs, paying taxes, and raising their families, in many instances with children who were American citizens. This approach was postulated on the obvious proposition that we cannot deport 12 million people. It is simply impossible to take them into detention and to have them housed pending deportation proceedings. Bringing the undocumented immigrants out of the shadows would provide an opportunity to identify those who were convicted criminals where they posed a real threat.

At that time I visited a number of detention centers where undocumented immigrants convicted of crimes were