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 decision 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

held and introduced legislation which would have accelerated the deportation of those who were criminals and were a threat to our society, demonstrated by their prior conduct. But we continue to have the problem of undocumented immigrants living in the shadows, afraid of being taken into custody, especially in Arizona, and concerns everywhere with the prospect of the Arizona law being enacted other places, that they continue to be at the mercy of unscrupulous employers. We have enormous areas of need for temporary workers. That is a proposition which many of my colleagues have been urging and which I think needs to be acted upon.

We have the suggestion of the so-called DREAM Act which I had at one time cosponsored. I later came to the view that if we cherry-picked—if we take the DREAM Act, if we take temporary workers, if we take the expansion of visas, which is necessary when so many people want to come to this country who would be very productive in our high-tech society—Ph.D.s, highly educated individuals—that if we move along any of those lines and cherry-picked, it would take away a lot of the impetus for the notion to have comprehensive immigration reform.

So I continue to believe it is not desirable, not advisable to cherry-pick, even though some of those individual items may be very meritorious on their own.

In light of what has happened in Arizona and in light of what the administration is proposing on the use of the National Guard, it is my view it is more imperative than ever that the Congress face up to its responsibility, tackle this issue, notwithstanding the political pitfalls, and to deal with it.

Mr. President, I ask unanimous consent that the text of my prepared statement be printed in the CONGRESSIONAL RECORD as if read in full, and the abbreviated statement I made on July 30, 2007, be printed in the RECORD since these two statements more comprehensively summarize my views on this subject.

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

STATEMENT OF SENATOR ARLEN SPECTER ON THE NEED FOR COMPREHENSIVE IMMIGRATION REFORM

Mr. President, I have sought recognition to address comprehensive immigration reform. I am fully committed to working with the Obama Administration, and a bipartisan group of Senators, to enact a comprehensive immigration reform law that improves our economy, reunites families, and strengthens our borders.

I have long supported comprehensive immigration reform. As Chairman of the Judiciary Committee in the 109th Congress, I worked closely with Senator Kennedy on, and cosponsored, the bi-partisan Comprehensive Immigration Reform Act of 2006. In the 110th Congress, I continued to work with Senator Kennedy to construct a bi-partisan agreement, called ''the Grand Bargain,'' to achieve this much needed reform. Our efforts resulted in the introduction of the Comprehensive Immigration Reform Act of 2007. Both bills fell prey to partisan politics.

We must renew our efforts. The immigration system in the United States is inadequate to meet the needs of our country in the 21st century. An insufficient number of visas are made available to meet the changing needs of the U.S. economy and labor market. Eligible family members are forced to wait for years—some for decades—to be reunited with families living in the United States. An overburdened system unfairly delays the integration of immigrants who want to become U.S. citizens. Unscrupulous employers who exploit undocumented immigrant workers undercut the law-abiding American businesses and harm all workers. Finally, as we all know too well, the billions of dollars spent on enforcement-only initiatives in the past have done little to stop the flow of unauthorized immigrants into our country.

Much work needs to be done. One end of the political spectrum will criticize us for creating a path to citizenship for those immigrants who entered without authorization, and those on the other end of the political spectrum will criticize us for not being sufficiently compassionate. But we have a public duty, indeed a moral imperative, to come to grips with this issue. We are a nation that throughout its history has welcomed and been made richer by immigrants. Our country was built on the contributions of hard working and ambitious immigrants, like my father Harry, who emigrated from Russia in 1911. The path to American citizenship is a path my father had and others today deserve as well. The time for comprehensive immigration reform is now.

The Development, Relief, and Education for Alien Minors (or DREAM) Act amends the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 by eliminating the restriction on state provision of postsecondary educational benefits to unauthorized aliens by allowing unauthorized aliens to apply to adjust their status. The bill enables eligible unauthorized students to adjust to conditional permanent resident status provided the student: (1) entered the United States before his or her 16th birthday and has been present in the United States for at least five years immediately preceding enactment of the bill; (2) demonstrates good moral character; (3) is not inadmissible or deportable under specified grounds of the Immigration and Nationality Act; (4) at the time of application, has been admitted to an institution of higher education or has earned a high school or equivalent diploma; (5) from the age of 16 and older, has never been under a final order of exclusion, deportation, or removal; and (6) was under age 35 on the date of this bill's enactment.

During the 108th Congress, I cosponsored a similar DREAM Act sponsored by Senator Hatch and cosponsored by Senator Durbin. During the 109th and 110th Congresses, I included provisions of the DREAM Act in the comprehensive immigration reform bill that I championed on the Senate Floor because it is one side of an important part of the need for reform. Another side of that need is to enhance border security and tamp down on cartel violence along our Southern border. I voted against cloture on a motion to proceed to the DREAM Act in 2007 because I thought passing the bill would undermine the pressing need to enact Comprehensive Immigration Reform. In explaining my vote, I said:

I believe that the DREAM Act is a good act, and I believe that its purposes are beneficial. I think it ought to be enacted. But I have grave reservations about seeing a part of comprehensive immigration reform go forward because it weakens our position to get a comprehensive bill.

Right now, we are witnessing a national disaster, a governmental disaster, as States and counties and cities and townships and boroughs and municipalities—every level of government—are legislating on immigration because the Congress of the United States is derelict in its duty to proceed.

We passed an immigration bill out of both Houses last year [2006]. It was not conferenced. It was a disgrace that we couldn't get the people's business done. We were unsuccessful in June in trying to pass an immigration bill. I think we ought to be going back to it. I have discussed it with my colleagues.

I had proposed a modification to the bill defeated in June, which, much as I dislike it, would not have granted citizenship as part of the bill, but would have removed fugitive status only. That means someone could not be arrested if the only violation was being in the country illegally. That would eliminate the opportunity for unscrupulous employers to blackmail employees with squalid living conditions and low wages, and it would enable people to come out of the shadows, to register within a year.

We cannot support 12 to 20 million undocumented immigrants, but we could deport the criminal element if we could segregate those who would be granted amnesty only.

I believe we ought to proceed with hearings in the Judiciary Committee. We ought to set up legislation. If we cannot act this year because of the appropriations logjam, we will have time in late January. But as reluctant as I am to oppose this excellent idea of the Senator from Illinois, I do not think we ought to cherry-pick.

It would take the pressure off of comprehensive immigration reform, which is the responsibility of the Federal Government. We ought to act on it, and we ought to act on it now.[i]

Mr. President, in the ensuing years the need for comprehensive immigration reform has become increasingly dire. On Friday, April 23, 2010, Arizona enacted a law that, according to the New York Times, ''would make the failure to carry immigration documents a crime and give the police broad power to detain anyone suspected of being in the country illegally.''[ii] The text of the law provides: ''For any lawful contact made by a law enforcement official or agency of this State or a county, city, town or other political subdivision of this State where reasonable suspicion exists that the person is an alien who is unlawfully present in the United States, a reasonable attempt shall be made, when practicable, to determine the immigration status of the person.''[iii] Lawmakers in other States, including Pennsylvania and Maryland, introduced companion measures.

On April 27, 2010, I questioned Department of Homeland Security Secretary Janet Napolitano about the new Arizona law. I noted that the failure of Congress to enact comprehensive immigration reform led Arizona to legislate ''in a way which has drawn a lot of questions, a lot of criticism.''[iv] I explained that the new Arizona provisions appear to create ''a significant risk of racial profiling.''[v] After noting that Secretary Napolitano is the immediate-past Governor of Arizona, I noted that ''the message sent from Arizona was that movement needs to occur that this issue should not be allowed to languish.''[vi] Secretary Napolitano replied, ''I think there are a lot of issues. If this law goes into effect—and, again, the effective date is not until 90 days after the session ends. But if it goes into effect, I think there are a lot of questions about what the real impacts on the street will be, and they are unanswerable right now.''[vii] She went on to testify: ''I think there is a lot of cause for concern in a lot of ways on this bill and what its impacts would be if it is to actually go into effect. And I think it signals a frustration with the failure of the Congress to

move. I will work with any Member of the Congress and have been working with several Members of the Congress on the actual language about what a bipartisan bill could and should contain.'' [viii] When pressed about the potential for ''racial profiling and other unconstitutional aspects of the Arizona law,'' [ix] Secretary Napolitano said, ''Well, I think the Department of Justice, Senator, is actually looking at the law as to whether it is susceptible to challenge, either facially or later on as applied, under several different legal theories. And I, quite frankly, do not know what the status of their thinking is right now.'' [x]

It turns out she was right. On Thursday, May 27, 2010, Nathan Koppel of the Wall Street Journal reported that the Department of Justice was ''Likely to Sue Over Arizona Immigration Law.'' [xi] According to the Journal, Attorney General Holder ''met with big-city police chiefs who are troubled by the Arizona law, which makes it a state crime to be in the U.S. illegally and can require police to question certain people about their immigration status.''

Mr. President, I think it is high time for the United States Senate and House of Representatives to pass comprehensive immigration reform to avert potentially unconstitutional state laws in this matter of national significance. We should take up Secretary Napolitano's offer to help us draft a bipartisan bill that can stand bicameral scrutiny. And we should do so now. I wrote President Obama on April 15, 2010 to convey my willingness to press for reform this year and I wrote to Majority Leader Reid on April 28, 2010, to convey the same message out of a strong conviction that comprehensive immigration reform must be done now.

ENDNOTES

[i] 153 Cong. Rec. S13300–02, *S13305 2007 WL 3101493 (Cong. Rec.) Oct. 24, 2007.

[ii] Randal C. Archibold, Arizona Enacts Stringent Law on Immigration, New York Times, Apr. 23, 2010.

[iii] SB 1070, §11–1051 (available online at: http://www.azleg.gov/legtext/49leg/2r/bills/sb1070s.pdf).

[iv] Senate Judiciary Committee Hearing, ''Department of Homeland Security Oversight'' Tr. at 94, Apr. 27, 2010.

[v] Id. at 95.

[vi] Id.

[vii] Id. at 95–96.

[viii] Id. at 96.

[ix] Id. at 96–97.

[x] Id. at 97.

[xi] Nathan Koppel, DOJ Likely to Sue Over Arizona Immigration Law, Wall Street Journal, May 27, 2010.

IMMIGRATION—(SENATE—JULY 30, 2007)

Mr. SPECTER. Madam President, I begin by thanking the staff for staying a few extra minutes to enable me to come back to the floor to make a short statement.

I have sought recognition to speak about a revised reform bill on immigration. In the course of the past 3 years, the Senate has spent a great deal of time on trying to reform our immigration system: to begin to fix the broken borders; to add more Border Patrols; to undertake some necessary fencing; to add drones; to undertake employer verification by utilizing identification which now can provide, with certainty, whether an immigrant is legal or illegal; to take care of a guest worker program to fill employment needs in the United States; and to deal with the 12 million undocumented immigrants.

During the 109th Congress, when I chaired the Judiciary Committee, we reported out a bill. It came to the floor, and after considerable debate it was passed. The U.S. House of Representatives passed legislation directed only at border patrol and employer verification, and for a variety of reasons we could not reconcile the bills and enact legislation.

This year a different procedure was undertaken: to have a group of Senators who had been deeply involved in the issue before craft a bill. It did not go through committee, and, as I said earlier on the floor, I think it probably was a mistake because the committee action of hearings and markups and refinement works out a lot of problems. At any rate, as we all know, after extensive debate, the bill went down. We could not get cloture to proceed, and it was defeated.

It was defeated for a number of reasons. But I believe the immigration issue is one of great national concern—great importance—and ought to be revisited by the Congress and that ought to be done at as early a time as possible.

We have a very serious problem with people coming across our borders—a criminal element, and a potential terrorist element. The rule of law is broken by people who come here in violation of our laws. We have continuing problems from the 1986 legislation that employer verification is not realistic because there is no positive way of identification.

No matter how high the borders or the value of border patrol, it is not possible to eliminate illegal immigration if the magnet is present. The legislation I will be putting in as part of the Record at the conclusion of my remarks is a draft of suggested proposals to be considered by the Senate. There are two major changes which have been undertaken.

Much as I dislike to, I have eliminated the automatic path to citizenship but instead deal with the fugitive status of the undocumented immigrants, the 12 million, and eliminate that fugitive status. Whether it is categorized as permanent legal resident or some other category, as a matter of nomenclature it can be worked out.

But the principal concern has not been the citizenship, although it is a desirable factor to try to integrate the 12 million into our society. But the principal concern has been that when an undocumented illegal immigrant sees a policeman on the street, there is fear of apprehension and being rounded up and deported, or the undocumented illegal is at the mercy of an unscrupulous employer who will take advantage of them and they cannot report to the police the treatment or a violation of law by an employer because they are fearful of being arrested and deported. In many places you cannot rent an apartment or undertake other activities. So I think eliminating the fugitive status is a major improvement.

The other significant change is to not tamper with or change family unification but to leave it as it is now. We had come up with, with the bill which was defeated, an elaborate point system for immigration. It was our best effort but, candidly, it turned out to be half-baked. It did not go through the hearing process to hear from experts. It did not have that kind of refinement and raised a lot of problems. That could be revisited at a later date. I have worked with the so-called interest groups representing immigration interests and have had what I consider to be a relatively good response.

I do not want to characterize it or put words in anybody's mouth. There is a certain reluctance to make any more concessions because concessions were made last year and the bottom fell out. So they made an inquiry, understandably so, that there be some realistic chance of getting the bill passed if they are to give up a path to citizenship.

I have undertaken to talk to many of my colleagues, Senators who opposed the bill, to get a sense from them as to whether, with the automatic path to citizenship out, and dealing only with the fugitive status, that there might be some greater willingness to find an accommodation and deal with the issues.

With respect to citizenship, even under the legislation that was defeated, there would not be an opportunity for citizenship until at least 8 years have passed, to take care of the backlog, and then another 5 years to work out the 12 million undocumented immigrants. So the citizenship, even under the bill which was defeated, was not something which was going to be imminent.

We have seen local governments and State governments trying to deal with the issue. Reports are more than 100 laws have been passed and ordinances enacted which would deal with the immigration problem. They cannot do it on a sensible basis. Last week the U.S. District Court for the Middle District of Pennsylvania handed down an opinion that the city of Hazelton, notwithstanding the understandable efforts by the mayor, program was not constitutional; that under our laws, the answer has to come from the Congress.

We have seen a lot of unrest on the issue. The front page of the Washington Post the day before yesterday had a report about groups of immigrants feeling that they had been mistreated. There was an uneasiness on all sides, uneasiness by people who are angry about the violation of our borders, by immigrants who think they are not being fairly treated, and a grave concern about the availability of workers on our farms across America, concerns of the hotel industry and landscapers and restaurateurs about the adequacy of our labor force. So there is no doubt that this is a very significant issue.

Last week I circulated to my 99 colleagues a letter, and one page summarizing the study bill—I will call it a study bill.

I ask unanimous consent that the text of the draft proposal and the one-page letter circulated to all other Senators be printed in the RECORD.

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

(See exhibit 1.)

Mr. SPECTER. In conclusion, I emphasize that I am inviting suggestions and comments for improving the bill. The one view that I do have, very strongly, is that it is our pay grade to deal with this issue. Only the Congress can deal with the immigration problem, and it is a matter of tremendous importance that we do so. We obviously cannot satisfy everyone, but I invite analysis, criticism, and modification.

I see my distinguished colleague from Vermont, one of my distinguished colleagues from Vermont, awaiting recognition.

EXHIBIT 1

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

DEAR : I believe it is possible to enact comprehensive immigration reform in this Congress, perhaps even in this calendar year, if we make two significant changes in the bill we recently had on the floor.

First, a new bill should eliminate the automatic path to citizenship for the approximately 12 million undocumented immigrants. Instead, we should just eliminate the fugitive status for the 12 million so that they would not be fearful every time they see a policeman, be protected from unscrupulous employers who threaten to turn them in if they don't do the employer's bidding, and be free to do things like rent apartments in cities which now preclude that. From soundings I have taken from many senators, that should take the teeth out of the amnesty argument, which was the principal reason for the defeat of the last bill.

Second, we should not tamper with the current provisions on family unity with the elaborate point system which was insufficiently thought through. If that is to be ultimately accomplished, we need hearings and a more thoughtful approach.

Third, although not indispensable, I believe we should provide more green cards to assist the hitech community.

The enclosed draft bill covers these three changes and also includes the guest worker program, the increased border security and enhanced employer verification in the last bill.

Because it will be easier to get real border security if we deal with the 12 million undocumented immigrants, I think this proposal presents an alternate and plausible path to achieve comprehensive immigration reform now.

I have discussed this proposal with the senators who were part of the core negotiating group and with the relevant interest groups and have received a generally favorable response and, in many cases, an enthusiastic response. Similarly, in discussing the proposed bill with the dissenters, I have heard no strenuous adverse response so I believe it is worthy of a repeat effort. Although the defeat of the bill on the Senate floor was a major disappointment, I think that we proponents of comprehensive immigration reform have significant momentum and these changes, perhaps supplemented by other modifications, could put us over the top.

Sincerely,

ARLEN SPECTER.

Mr. SPECTER. I thank the Chair. In the absence of any other Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant Daily Digest clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Michigan.

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

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

Ms. STABENOW. Mr. President, we are coming up to a critical deadline this week once again that touches millions of families across our country who don't have a job, not because they don't want to work but because they have not been able to find one in the hardest hit economy since the Great Depression. Even though things are turning around, we have millions of people yet to be able to find a job, to be able to care for their families and keep a roof over their heads.

Twice this year already, the Congress has missed deadlines for extending unemployment benefits because of Republican obstructionism, basically telling millions of Americans: Tough.

We are now in a situation where today we will offer a temporary extension to be able to continue unemployment benefits and help with health care, as well as support for our doctors whom we are all concerned about maintaining their Medicare payments, and we will ask for an extension. I hope the answer, again, is not: Tough. That is what I am very hopeful of.

Today there are 15.3 million Americans who have lost their jobs through no fault of their own, and they rely on an unemployment insurance system to pay the bills and put food on the table. We have also heard from economists that this is an important way of keeping dollars in the economy because when someone is out of work and they have to be able to buy food and put gas in the car and be able to do the other basics, it keeps money in the economy so that when someone gets an unemployment check, they are spending it because they have to spend it, and that is part of what is a stimulus to the economy.

People are trying to find work and trying to support their families during tough times. They want to be working, as I said. They are pounding the pavement every day. They are putting in applications every day. This is not their fault. They have worked all their lives. Many of them find themselves, having worked for companies for 20 or 30 years, now in their fifties and they have played by the rules and they are finding that because of what has happened in a global economy and unfair trade rules and what has happened on a lot of different fronts, they don't have a job. So they are asking that we continue to understand that, understand the real world for millions of people.

We have 15.3 million people who have lost their jobs and who are receiving assistance. That doesn't count the people who are no longer receiving any kind of help or are working one, two, three part-time jobs just to try to figure out how to make it, and, of course, those jobs don't provide health insurance. As we transition to help them, we are not yet there to be able to help those families.

When President Obama and when all of us as Democrats took office last year, we saw at that time a loss of almost 800,000 jobs a month. We have been laser-focused on jobs in the Recovery Act. We have been laser-focused on doing everything we can, and continue to do that. It is critical that we pass a small business bill to create capital for our small businesses that have been hit.

We have another bill dealing with innovation, and the bill that will be coming to us that extends unemployment is a major jobs bill, and we are continuing to focus on that. With what we have already done, we have now gone from almost 800,000 jobs a month being lost when the President first took office, to moving to that being about zero at the end of the year, to being about 250,000 now new jobs being created. That is good. It is not enough. We know that. It is not nearly enough, but at least we have turned the ship around. At least we are not continuing to go down, down, down as we did with the last administration for 8 years when we lost 6 million manufacturing jobs alone.

So we are turning it around. It takes time. It takes way too much time. I am very impatient about that because I know the best thing we can do to help anyone who doesn't have a job in my State is to make sure they can get a job. Folks in my State and folks in Illinois want to work. They know how to work. They are good at working. It is not their fault that there are six people looking for every job that is available right now. But the reality is, because of that, people are looking to us to understand what is going on in their lives, what they are facing in terms of enormous pressures just to keep their heads a little bit above water. They are asking us to extend unemployment benefits as this economy turns around, and understand.

So we come now to another day of reckoning. We have gone through this before. I remember last November when there was a filibuster for—I believe it was 4 weeks—on extending unemployment benefits, and then everybody voted for it. After creating tremendous stress in the lives of families who were trying to figure out what was going on, after 4 weeks of filibustering, then we finally saw people voting for it.

We have seen various versions of obstruction on the floor of the Senate. I hope today is different. I hope today people are going to say they understand that we need to extend for 30 days if we are not able to complete the jobs bill, depending on what happens if it comes over from the House. I hope we will be able to do that.

If there is a continual effort to block the 1-year extension, 1.2 million Americans will lose help right now for themselves and their families while they are looking for work, and over 300,000 people in my great State of Michigan. As I said, these are people who are doing everything we have asked them to do.

Let me just share some of the e-mails and letters I get, and I get many of those.

I get many of those. Let me share this from Rick Allegan, who wrote:

I will not be able to take care of my family at all if benefit extensions are cut. After being laid off, I have not even been able to land a job at local restaurants or fast food places. I am very grateful for these extensions—the help the State is giving me is allowing my children to eat and my family to stay afloat. Please do not take [this help] away. I am confident I will land a job and be back to work. Until then, I just don't want to worry about where I am going to get funds [I need]. I am trying very hard to find work.

Mr. President, I am sure that is true. Clinton from Battle Creek wrote:

I am a 56-year-old unemployed worker in Michigan. I lost my job at the end of 2008, after a 38-year career in the auto repair industry. When I got laid off, I took advantage of Michigan's No Worker Left Behind program, and I am currently in college working toward a degree in human services. To that end, I work with men at the Calhoun County Jail, and I am a mentor at the newly formed ''Mentor House'' for newly released prisoners here in Battle Creek. When I finish my education, I will be gainfully employed and an asset to my community. To this end, also let me say that if I lose my unemployment benefits, I may not be able to finish college, and we could also lose our home because of the

loss of income. Needless to say, we don't want either of those things to happen. Thank you very much for all you do, as I am truly grateful as an American citizen to have all that we are afforded.

That is somebody who is doing what we told him to do—go back and get retrained. But he is only able to do that because of a temporary safety net that will help while that is going on. The rug could be pulled out from under him and his family.

Christopher from Three Rivers said this:

I have been unemployed for 13 months and some days.

I have never, ever been unemployed this long—not ever. And it's astoundingly difficult to find anything—more or less even receive a reply to an inquiry. I am registered with no fewer than four temp offices and have been for some months, and nothing—not a single call, even though they assure me they are in fact looking for me.

And so I do all I can, and daily, trying not to lose hope. But what truly appalls and galls me is Congress' attitude that all is well and the economy is getting better, so, no, there won't be any further extensions of unemployment [insurance].

And let's be clear about something: I detest this. I can't stand living on barely anything, but to then have it implied that I somehow enjoy doing this and thus am lazy and enjoy living on unemployment is quite offensive.

Mr. President, that is offensive to millions of Americans.

He says:

I can assure you that I do not, and I have been doing everything in my ability to find work.

People want to work. People have worked their whole lives. It is not their fault that we find ourselves in this situation. It is not their fault that there was recklessness on Wall Street that led to a collapse of financial markets, that closed down credit, that caused small businesses not to be able to get loans to be able to keep business going or manufacturers to be able to get the support they needed. It is not the fault of the American people. It is not the fault of a breadwinner who can no longer bring home the bread.

We have had a collapse on a number of levels. We are rebuilding again. Things are turning around, as slow as it is. The unemployment rate in Michigan is coming down. That is a good thing, but it is not fast enough for the people whom we represent who need temporary help until that job is available, until they are able to get that community college degree, to be able to get that training for the new job we have all told them they should go get. Go get retraining, we say. But how do you put food on the table and pay for a roof over your family's head in the meantime? We have done that through unemployment benefits that allow people to be able to become economically independent again.

That is what we are talking about here—temporary help. That temporary help has gone on longer than any of us would like to have it go on. No one is more concerned about having to come to the floor and talk about extending unemployment benefits, but the reality is, for Americans, this is not their fault. We have to figure out how we can continue to support them in their efforts to look for work, to be able to go back to school so they can, in fact, continue their lives with their families, be productive citizens, and be able to continue to contribute to this great country.

We also know we have millions of Americans who rely on help with health care. We said to them years ago: If you leave your job or lose your job, you can continue your health care benefits. The problem is that it is so expensive when you have to pay both the employer contribution and the employee contribution, most people haven't been able to do it.

Last year, in the Recovery Act, we did something about that. We said we would help so that people could continue their health insurance in COBRA. That expires as well. Just as those jobs have not been there, until we fully see a health reform bill in place, which will take time, as we know, we also need to continue to help with health care.

This bill that will be coming in front of us, the American Jobs and Closing Tax Loopholes Act, also includes a very important 1-year fix—actually, it is beyond 1 year now; it will include multiple years—to fix what has been a drastic cut in reimbursements to doctors, a cut that, if it were allowed to happen, would force many doctors' offices to stop seeing Medicare families and military families.

As you know, I believe the payment formula that has been in place and the cuts that have been scheduled for many years should be completely eliminated and we should completely change the system, which is called SGR. But until we can get to that point—and I hope it is very soon—we need to make sure doctors have confidence that those drastic cuts will not happen and that seniors and military families know cuts won't happen and that they are going to be able to continue to see their doctor.

It is critical right now that we work together today to make sure we are allowing these important policies—the help for people who have lost their jobs, whether it be health care or unemployment insurance, the ability to continue to provide the kinds of Medicare payments so seniors can see their doctors—it is critical that we don't let that lapse. We will have an opportunity on the floor today to continue that either temporarily or permanently. Obviously, I would like to see the full jobs bill passed today and see this completed at least until the end of this year. If that is not possible, it is not the fault of the people who don't have jobs, so I don't know why they should be the ones who are hurt because of it.

I am very hopeful that one way or the other we are going to let people in this country know that as we focus on jobs—which is the best thing we can do, and it is what everybody wants—and continue to turn this economy around, as we continue to see jobs being created in the private sector, we will not forget the people who have gotten caught in this economic tsunami through no fault of their own.

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. BURR. 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. BURR. Mr. President, I came to the floor to call up what I thought was a very important amendment. I understand the majority is not letting controversial amendments come up now, so I will not call it up and put the Chair on the spot of having to object. But I do want to take the opportunity to speak on my amendment. My hope is, if we conclude all germane amendments, I will have the opportunity, even if there is a limited amount of time to talk about them or debate them, that we would at least have a vote on them, because I think not to have a vote is to ignore the people we are representing.

I intended to call up my amendment that proposes the Secretary of the Veterans' Administration have the authority to take any savings realized during the bid process on major construction projects and use it to fund other authorized construction projects within the VA; in other words, take care of providing the facilities our veterans need for the delivery of health care they have so richly deserved.

Because of a bad economy, the VA has actually been able to strike unbelievable deals with the projects they had before them. From that, the best estimate I have is that the VA has saved $103 million on 12 projects. Let me say that again. The VA has saved $103 million on 12 projects.

As my colleagues all know, in section 901 of this bill, it proposes taking $67 million from the construction projects for medical facilities and maintenance of VA facilities and to dump that $67 million into a thing we call the Filipino Equity Fund.

Let me say that again, because I think most people listening probably do not believe what I said. We are going to take $67 million out of the VA construction and maintenance fund that we were able to save because of good work on contracting on 12 projects, and we are going to shift $67 million over to the Filipino Equity Fund.

On the face you would say, well, if it is going to Filipino Equity Fund, it is not going to U.S. veterans. You are right. It is not going to U.S. veterans.

Money appropriated by this Congress for the construction and the maintenance of medical facilities, hospitals,

outpatient clinics, maintenance of those facilities, we are going to shift over to the Filipino Equity Fund. I will talk more a little bit later about the Filipino Equity Fund.

First and foremost, the money saved in the bid process was appropriated to fund major construction projects within the Department of Veterans Affairs. We are talking about hospital construction, renovation, cemetery construction, and other capital improvements. Let me assure you the President knows this. The needs are vast.

Let me quote from last year's Senate MILCON Appropriations report:

The committee remains concerned that the Department has a significant problem with unfunded liability on its existing major construction projects. In fiscal year 2010 [this one] the Department will have 21 partially funded projects with a cumulative future cost of nearly $4.5 billion.

Let me say that again: In this report from this Congress about the 2010 budget, we criticized the Veterans' Administration because they had 21 partially funded projects with a cumulative future cost of $4.5 billion. All of a sudden, this year, because of a down economy and our ability to negotiate better deals, we have a surplus in the account where we have saved $103 million. And what are we going to do? We are going to shift it all over to the Filipino Equity Fund, not put it toward $4.5 billion worth of identified shortfalls in existing projects that have already been started.

We are not talking about the ones on the list that might go to the Presiding Officer's State or to my State of North Carolina, where I have got the highest percentage of veteran retirees as a percentage of anywhere in the country. Let me assure you, we have got needs today there. If you want to do something with that $103 million, I can put outpatient clinics in North Carolina where our veterans will receive real health care that they deserve and, more importantly, they earned because of their service to the country. But, no, $67 million of it is going outside of the Veterans' Administration and is going to the Filipino Equity Fund.

Let me also quote from a prominent veterans organization, the Veterans of Foreign Wars, whose witness testified at the committee's February budget hearing.

The challenge for VA is there are still numerous projects that need to be carried out, and the current backlog of partially funded projects is too large. This means that the VA is going to continue to require significant appropriations for the major and minor construction accounts.

That is one of the veterans service organizations, the organization that represents veterans all over this country, warning us: You know what. There are so many projects out there, there is not enough funding to go around. Why are we doing this?

Second, given the acknowledged need I have described, it makes no sense to remove the funds from an account expressly dedicated to meeting the needs of that account. There is no Member of the Senate who can tell me that VA construction does not need this $103 million. But we are going to shift it. We are going to do that because we can.

Congress provides taxpayer dollars for major construction projects. These dollars should remain for that purpose. Why? Because the need exists. If not, taxpayers are going to have to pay for it with additional taxpayer money.

Third, we have a massive deficit. I am not sure many Members of the Senate will acknowledge it. We have a massive deficit, and hard choices have to be made with limited resources. The choice here is what do you do with $67 million. This $67 million has been identified as savings within the VA construction budget. What do you do with it?

Well, the amendment I would have offered—and, again, I wish I could call it up so my colleagues could debate it with me and vote on it, but it is contentious. I understand. I never thought it would be contentious to try to protect what our veterans are due. I never thought it would be contentious that if you found somebody taking money and putting it where the Senate did not authorize it to be that that was contentious. I thought that is why we were here. I thought that is called oversight.

Well, the amendment I would have offered proposes that we keep the money to meet the needs Congress intended it for: to build hospitals, for cemetery construction, for major renovation of VA facilities.

I have also filed an amendment proposing to fund the provisions of the family caregiver law the President just signed into law. I am not going to call it up. But my colleague, the Presiding Officer, knows; he sits on the VA Committee with me.

The President signed into law a great bill. It is to allow a family member of an injured servicemember to be their advocate, those 1,500-plus severely injured Americans with a traumatic brain injury who need an advocate fighting for their rehabilitation, because, quite simply, the system does not fight for them.

They could not leave their job and lose their salary because they lost their health care. And the President saw the wisdom in a bill that we passed out of the Veterans Affairs Committee. It is going to be costly, about $4 billion over 10 years, to give a financial stipend to that family member, a financial stipend that is no different than we would have paid some stranger off the street to come in and take care of that servicemember.

Now we are going to give the same amount of money to that spouse or that father or that mother. And, oh, by the way, we also provide them access to TRICARE health care coverage that we provide our soldiers and their families.

That is about $4.2 trillion. If you want to use $67 million for something that Congress didn't appropriate it for, which is construction, then let's use the $67 million to offset the funding of the caregiver program, something that is acknowledged that we need and, more importantly, we understand exactly what the impact is on our service personnel.

The question my amendment presents is, Is providing additional resources for veterans so that they have modern medical facilities to receive care a higher priority than ensuring that Filipino veterans get a pension benefit? It is as simple as that. There is no way one can spin this any differently. We are either going to give Filipinos a pension benefit or we are going to supply our veterans with the health care infrastructure they need and, more importantly, deserve.

Irrespective of where we come down on the Philippine issue—and I will provide my views on that momentarily—the ultimate issue is one of making tough decisions, tough choices. I personally don't think this is one of those. I respect my colleagues who believe otherwise.

Two years ago, I took this floor to argue against establishing this special pension for Filipino veterans who fought under U.S. command during World War II. My argument was based on several factors. First, I didn't believe it was the right priority given the other needs that existed in our veterans community. Nothing has changed. There is a greater need in our veterans community today than there was 2 years ago when I argued the need on behalf of our veterans versus Filipino veterans.

Second, I don't think it is appropriate to pay a benefit that is not adjusted for the different standards of living that exist between the Philippines and the United States. Example: Pensions in the United States for veterans achieve an income of 10 percent above the poverty level. The special pension we are talking about during this debate—and the debate 2 years ago—got Filipino veterans to 1,400 percent above Filipino poverty: U.S. veterans, 10 percent above poverty; Filipino veterans, 1,400 percent above the poverty line. We should have called this the Filipino millionaires club.

Finally, I don't think these benefits were ever promised in the first place. I will not get into the exhaustive debate the chairman of the Appropriations Committee and I had 2 years ago. I don't remember a time where anybody told me anything I said was not factual or suggested it was wrong. I made a tremendous case that in the 1930s, these veterans were organized to fight for the soon-to-be-independent Philippine State. They were called under U.S. command in defense of their own homeland.

Let me say that again. They were called under our command to defend their own homeland. The view of the Congress immediately following the war was that care of these veterans was

a shared responsibility. The United States provided a limited array of benefits for Filipino veterans, including disability pay for service injuries, new hospitals, which we later donated to the Philippines, and medical supply donations.

That was the Congress immediately following the war, the decision this body made when this was a fresh remembrance. It was never expected that the United States would provide the same benefits to Filipino veterans as we do for U.S. veterans.

Here is a quote from 1946 made by then-Senate Appropriations Committee chairman Carl Hayden:

[N]o one could be found who would assert that it was ever the clear intention of Congress that such benefits as are granted under . . . the GI bill of rights—should be extended to the soldiers of the Philippine Army. There is nothing in the text of any laws enacted by Congress for the benefit of veterans to indicate such intent.

Again, the chairman of the Appropriations Committee in 1946, commenting on whether we were committed, whether we had promised, whether we had insinuated.

The shared responsibility for Filipino veterans was a view that held across Republican and Democratic administrations for six decades. Proposed pension benefits for Filipino veterans was opposed by every administration in Congress since 1946 up until 2008 when all of a sudden we created the Filipino Veterans Equity Compensation Fund.

Here are some facts surrounding the creation of the fund and why I am concerned with what we are doing today, especially on a bill that is meant to provide relief from recent disasters in the United States and to fund our troops. The Filipino Veterans Equity Compensation Fund was created to make payments to Filipino veterans of World War II in increments of $9,000 or $15,000, depending upon citizenship. This body authorized the creation of the fund and appropriated $198 million to fund it. The fund was later officially created, and the $198 million was officially authorized under the American Recovery and Reinvestment Act, the stimulus package.

Remember the big bill we passed to put Americans back to work? Well, $198 million went to create the Filipino equity fund. I wonder if it created any jobs over there.

By law, Filipino veterans were given 1 year in which to file claims for benefits against the fund. That 1-year period ended February 16, 2010. February, March, April, May—we are a little over 3 months past the deadline for any Filipino veteran who wanted to file a claim to file the claim. The law also required—and this is important—that the Veterans' Administration submit detailed information within the President's budget submission on the operation of the compensation fund, the number of applicants, the number of eligible persons receiving benefits, and the amount of funds paid. I am not sure anybody here would be shocked to learn that we got the President's submission, but there wasn't a VA report in it.

As a matter of fact, in December, when, as ranking member, my staff inquired with the VA what the balance of the Philippine equity fund was, we were well under $198 million having been allocated. That was the end of December. We only had 60 days left for people to actually process their applications before the cutoff date. I find it unbelievable that we would spend almost as much in the last 60 days as we spent in the first 10 months, as people applied for this benefit.

There was no detailed information provided in the President's budget. All that was there was an estimate that the administration expected $188 million to be expended on submitted claims. I turn to my colleague from Maine, but I think the President's budget came in in February or early March, after the deadline. The President's budget said they are going to use $188 million, well short of the $198 million Congress had already appropriated to the Philippine equity fund. At no point in the intervening months since the President submitted his budget were we notified of a shortfall in the fund.

We see the pattern. The pattern is the White House said there was enough money. We had a surplus in there. The Secretary of the VA never told the ranking member, the chairman of the Veterans' Affairs Committee, the White House, or my staff that they were short money.

We will take up at another time with the Secretary of the VA his statutory obligation to submit a report to the Congress, but now we are here.

On May 7, Secretary Shinseki sent a letter to the chairman and ranking member of the House and Senate Appropriations Committees informing them, but not officially requesting, of a $67 million shortfall. Where did this come from? This is like ''Star Trek.'' Just out of the blue, it appears, 3½ months after the deadline for filing. Well, if you look at the amount of disability claim backlogs at the VA, you understand they don't process things very quickly, even for our veterans. But they have processed the Filipinos' a lot faster than they have ours and, more importantly, they have reached out in a supplemental spending bill. It is an emergency. A supplemental spending bill is for emergencies. How does this fit as an emergency? Tell me where this should not be offset? Why should the American taxpayer be required to go out and borrow this money?

I apologize. It is paid for. We are stealing it from the VA. We probably borrowed it to give it to the VA, but now we are stealing it from the VA and giving it to the Philippine equity fund.

I find it interesting that we are rushing to meet this shortfall without understanding how exactly we went from being under budget to being grossly over budget. I say ''grossly.'' We allocated $198 million. The White House projected in February they were going to use $188 million. All of a sudden, we have to take another third in an emergency capacity to make sure they can meet the needs.

One other point I wish to make: There is clear language authorizing appropriations for the Philippine equity fund. Make no mistake. There is authorization language, clear authorization language. I quote from the Recovery Act now, the stimulus package, in reference to the funding for the Philippine equity fund:

It is authorized to be appropriated to the compensation fund $198 million to remain available until expended to make payments under this section.

So even in the underlying bill language, if the underlying bill language is enacted, the VA has no legal obligation to spend it. They have no legal authority to spend it—let me put it that way—because the additional money hasn't been authorized. We authorized $198 million. For the VA to spend more, quite frankly, they do not have the authority, as I read the law, and as I read the language quoted in the stimulus bill, the Recovery Act. This kind of oversight is what happens when matters are rushed through without appropriate vetting.

This week our Nation's debt went above $13 trillion. Spending is out of control, and there is no end in sight. As a nation, over the next 10 years—if we did not borrow another penny—we owe $5.4 trillion in interest payments to service the money we have borrowed. If we compare that to the entire sovereign debt of the European Union, which is $12.7 trillion, we owe almost 50 percent of the entire sovereign debt of the European Union in interest payments over the next 10 years—not in reducing debt, servicing debt.

Although another $67 million to add to the Filipino fund might seem like a drop in the bucket, I do not think it does to people in North Carolina: the soldiers at Fort Bragg, the marines at Camp Lejeune, the airmen at Seymour Johnson, the aviators at Cherry Point, the servicemembers who ship all the ammunition the U.S. military uses out of Sunny Point, the thousands of family members who rely on the health care and the benefits.

We are experiencing an unemployment rate in North Carolina of 10.8 percent. Nationally, we are at about 9.9 percent. At a time when the typical family in North Carolina is struggling to meet the obligations at the end of the month—meaning they buy what they need and not what they want—what does the Congress do? The Congress says the hell with our veterans. Let's take money we have designated and put over here for construction and to build cemeteries and to do maintenance for our veterans—let's take $67 million of it and fund this pot of money that even the Secretary has not justified why they need it.

In a tough fiscal climate, tough choices must be made. I say to the President, I say to the chairman of the Appropriations Committee, we have been more than generous to the Philippines, to the Philippine veterans. But, Mr. Chairman, our needs must be met first—the needs of our veterans, the needs of our economy, the needs of the American people, the protection of the fiscal integrity of this country.

America wakes up every day expecting us to change. Every day they wake up thinking: Maybe Congress will recognize the difficult financial situation we are in—only to see us, in a week like this, where we are desperately trying to borrow another $300 billion, and we claim it is an emergency.

This is not an emergency. If we owe it, it can wait. If we owe it, we should pay for it; we should not borrow it. We should not steal it from the VA. We should not steal it from our children and our grandchildren. We should not steal it from the veterans. If we owe it, let's pay for it.

I had wished to call up this amendment. I hope before we end the debate on this supplemental spending bill—but I do not know—I will put it this way: We will, before we end this supplemental spending bill, have an opportunity to vote on this because I will object to leaving before we will. I will not hold the majority or the minority Members to the floor to hear me rant and rave again, I promise the chairman that. I have said my piece. But I hope they will show me the dignity of voting on it. I hope they prove to America this body still has rules and that we follow those rules.

It is a germane amendment. It gets to the heart of one specific piece of it. Two people can disagree on whether it is an emergency. Two people can disagree on whether it is a priority. But I think the one thing we can all agree on is we can never, ever pay our veterans enough. There is no amount of money, there is no service, there is no benefit we can provide that satisfactorily takes the veterans of this country and thanks them appropriately. We are in this institution because of them, and when we do this future generations question why.

Today, I hope my colleagues question why, and when given an opportunity, vote in support of my amendment and strike this from the bill.

I yield the floor.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from Hawaii.

Mr. INOUYE. Madam President, it was not my intention to rise, but after listening to the remarks of the Senator from North Carolina, I felt it obligatory that I say something to clarify the record.

I think it is well that we review a bit of the history of World War II. On July 26, 1941, the President of the United States, Franklin Delano Roosevelt, invited the Filipinos, issued a military order, and said: Join our forces in the Far East. If you do, at the end of the war you will be entitled to, well, apply for citizenship and receive all the benefits of a veteran of the United States. That was a promise made by the President of the United States in March of 1942.

After going through the horror of Bataan and Corregidor, the Congress of the United States passed a law doing exactly that: authorizing Filipinos who wished to be naturalized to do so; and upon naturalization, a receipt of citizenship, they were entitled to all the benefits.

Madam President, 470,000 volunteered, and many died as we know. Most of the men who marched in the Bataan Death March were not Americans; they were Filipinos. But then, when the war ended, we did send one member of the Immigration and Naturalization Service to Manila to take applications for citizenship. Before he settled down, he was recalled back to Washington. The Congress of the United States, in March of 1946, repealed that law, denying the Filipinos and reneging on the promise we made.

When I took the oath as a soldier in World War II, after the oath, the company commander told me there are three words that are precious: ''duty,'' ''honor,'' and ''country.'' Duty to your country, never dishonor the country. Show your love for your country.

Well, in this case, it should be apparent to all of us what we did was not right. We made a promise. We were honor bound to those men who served and got wounded. The emergency is very simple: they are dying by the dozens each day. They are old men. Their average age is 87. They do not have too many months left in their lives. That is why it is in this supplemental bill. If we wait another year, who knows how many will be left?

I just wanted the record to be clear this is a matter of honor. We should uphold our promises. We are complaining to other countries when they violate a little portion of a treaty. This was a promise made by Congress and the President of the United States, and we reneged soon after the war. It is so obvious. Would we have done that to other countries?

Madam President, I am glad it is not coming up for a vote because I think it would be a sad day if we voted it down.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

AMENDMENT NO. 4253

Ms. COLLINS. Madam President, I left an important markup of the Senate Armed Services Committee because it was my understanding the Senator from California, Mrs. BOXER, wished to debate an amendment I have pending before this body and she wanted to do so at either 3:30 or 3:45. It is now almost a quarter after 4, and I am told the schedule of the Senator from California has changed. I am very eager, having spent considerable time waiting for her on the Senate floor, to return to the markup. So I am going to give my comments now and try to anticipate the arguments my colleague from California, Senator BOXER, will be making in opposition to the amendment I have offered. It is a little difficult to do it that way, but having waited for some time now, I do need to return to the committee's markup.

My bipartisan amendment is a common sense approach to protecting both jobs and children's health, and it has to do with the new regulation the EPA has put into effect as of April 22 that requires mandatory training for anyone who is involved in disturbing or removing lead-based paint.

Let me say I support the intention of this rule. In fact, along with my colleague from Rhode Island, Senator REED, I have done a great deal of work to try to reduce the exposure of our children to lead-based paint. He and I held joint hearings in Rhode Island and Maine because both of our States have housing stocks that are older than the national average and, thus, have considerable lead-based paints. So I understand how important this issue is, and I support the rule.

Unfortunately, the EPA has completely botched the implementation of this rule because of its inexcusably poor planning, and it did not ensure there was an adequate number of trainers to provide the required classes to ensure that contractors understand the requirements of the new rule. That is why it is probably not surprising that there is a long list of cosponsors of my amendment. They include Senators ALEXANDER, INHOFE, BOND, VOINOVICH, SNOWE, BEGICH, GREGG, MURKOWSKI, COBURN, THUNE, CORKER, BROWN of Massachusetts, HUTCHISON, ENZI and BARRASSO, and I appreciate them joining me as cosponsors of this amendment.

What my amendment would do is prohibit the EPA from using funds in this bill to levy fines against contractors under its new lead paint rule through September 30.

Based on what I have seen in Maine, I believe the lion's share of contractors are awaiting EPA's training classes. Unfortunately, while they wait for EPA to deliver this training, they are at risk of being fined up to $37,500 per day, per violation. While I support EPA's rule because we must continue our efforts to safely rid toxic, lead-based paint from our homes, it is simply not fair to put these contractors at risk of these enormous fines when it is EPA's fault that these contractors have not been able to get the training that is required under the new rule.

The fact is there are not enough trainers in place to certify the contractors. Let me give my colleagues an example. In three States—Louisiana, South Dakota, and Wyoming—there are no trainers available. How is that fair? In my State, as of last week, there were only three EPA trainers for the entire State to certify contractors, and as a result just a little more than 10 percent of the State's contractors have been certified.

Well, what does that mean? That means individuals will be affected, not just big contractors. It is your neighborhood painters; plumbers are affected; window replacement and door replacement specialists. It affects a wide variety of individuals involved in home renovations. They are all affected. They can't get the courses. So that means they can't do these jobs. Here is the ironic result. The ironic and tragic result is that lead-based paint remains in these homes. It can't be removed because the contractors aren't certified to remove it. So that is the irony—the delay of the removal of lead-based paint.

In a State such as Tennessee that has just undergone enormous flooding and is going to require extensive renovation and reconstruction, it is going to bring a lot of that work to a halt because for all of Tennessee there are only three EPA-certified trainers. In a State such as Alaska—think how vast Alaska is—there are only three certified trainers as well. In Hawaii, there are two. In Iowa, there is only one for the whole State. In the Presiding Officer's State of New Hampshire, there are only three—again, not nearly enough.

The rule carries a big penalty for contractors who do not get trained. 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. Well, in your State and my State, that is more than many of these painters make in a year—in a year. And how unfair it is that it is the EPA's fault that in many cases these contractors are not certified. They are not certified because they simply cannot get the courses.

Let me give my colleagues another example of the EPA's total mishandling of the planning for this rule. The EPA estimated that it only needed to train 1,400 people in my State—1,400 people. In fact, there are more than 20,000 individuals in the State of Maine who require training. The EPA assumes they are part of large firms and that only one person at each firm needs to be certified. That is just not how it works. In my State—indeed, I bet in most rural States—contractors are often one or two people in a shop. They aren't these big firms. The person who did work on my home replacing the windows just a couple of years ago—and I am glad he did it then before this new rule went into effect—works either alone or with one or two other people to assist him. That is very typical.

There is an assumption by the EPA that contractors specialize, that they only do renovations in old homes or they do new home construction. That isn't true at all, particularly not in this economic environment where the housing industry has been so hurt and depressed. The contractors in my State are hustling to do whatever they can in order to get work and to put food on their table. They work in mixed communities with both older and newer homes. It is simply not fair to require them to give up working in older homes, particularly in a State such as mine which has some of the oldest housing in the Nation.

Here is another assertion by the EPA. The EPA asserts that they did plenty of outreach and that contractors should have known they needed to get training before April 22. Clearly, the EPA did not adequately target its outreach campaign. Writing to Home Depot doesn't do it. That is not sufficient outreach. In fact, the classes were all offered in the southern part of my State, very far from people in Aroostook County in northern Maine, for example, where it could be a 5 or 6-hour drive in order to get the necessary training. When we begged the EPA for more trainers and more help, it took them 7 weeks to even respond with some ideas for getting more trainers in Maine, and even then their proposal showed a complete lack of understanding of the geography of the State and the number of people who would need to be trained.

It also was frustrating because they offered some very expensive classes. EPA, for example, offered a class for $200 in Waterville for people living in Aroostook County. That is almost 5 hours away. So not only were they going to be required to pay $200 for the course, but also they would miss 2 days of work traveling back and forth. That is inexcusable, and that is the kind of insensitivity out of Washington that makes people so alienated from government right now. It is exactly why people are so frustrated.

The EPA will point out the dangers of lead poisoning, and I could not agree more that lead poisoning is a terrible problem and that we have to do all we can to protect our children. But poor implementation of this rule serves no one well, and in fact, as I pointed out, it means lead paint is going to remain in homes that otherwise would have been remediated or mitigated.

This rule is very strict. If you disturb just 6 square feet of paint, then you have to comply with the new rule. So it doesn't just apply to a large contractor doing an extensive renovation; it is going to apply if you are a carpenter replacing one window in a home or if you are a plumber who is helping to put in a new bathroom where there is lead paint or if you are a painter who is painting a new room or an old room in a house. So it has very wide application.

How the EPA so misjudged the number of people who would require training is beyond me. This is so frustrating because it did not need to happen this way and cause such hardship for our small business men and women who are struggling if they are in the construction business right now.

That is why my amendment—a bipartisan amendment with considerable support—has been endorsed by the National Federation of Independent Business, our Nation's largest small business advocacy organization. In fact, the NFIB will consider a vote in favor of my amendment as an NFIB key vote for this Congress. I want to make sure my colleagues recognize that.

I wish to read a portion of the letter from NFIB. Again, as NFIB points out:

> The new EPA lead rule applies to virtually any industry affecting home renovation including: Painters, plumbers, window and door installers, carpenters, electricians, and similar specialists . . . NFIB appreciates the intent of the law . . . However, we continue to be concerned that the tight enforcement deadline unfairly punishes contractors who have not been able to become accredited through no fault of their own.

That is the point. In my State, there are literally hundreds of contractors who are on waiting lists to get convenient classes, and some of them have been on these class waiting lists for as long as 2 months. So this is a real problem, and the high penalty for noncompliance is simply unfair.

I would point out that this is the peak construction season, particularly in Northern States such as ours, I say to the Presiding Officer. We can't bring everything to a grinding halt because the EPA did such poor planning in rolling out this new rule.

I also wish to point out that the amendment has been endorsed by the Retail Lumber Dealers Association and by the Window and Door Manufacturers Association. It is endorsed by the National Home Builders Association. It is endorsed by a number of groups representing small businesses involved in the renovation of homes.

Again—because I can just imagine what is going to come about later when my colleague from California, Senator BOXER, comes to the floor—this is not about repealing this rule. This is about giving more time for the training, the mandatory classes to take place before the EPA steps in and wallops these small businesses, these self-employed painters and carpenters and window installers and plumbers, with huge fines that could put them out of business simply because they have not been able to get the mandatory training due to the EPA's poor implementation of this new rule.

I hope my colleagues will support this amendment. It is a modest, commonsense solution to a problem created here in Washington by officials who are simply out of touch with what is going on in home renovation businesses. I hope my colleagues will support it. All it is doing is giving us a few more months to get people trained. I think that it is reasonable. I ask for my colleagues' support.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant Daily Digest editor 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.

Mr. CARDIN. Madam President, later we will be taking up an amendment I filed to the supplemental appropriations bill—amendment No. 4191—and at that time, with an agreement that is reached by all sides, I will not be asking for a vote on that amendment and will be withdrawing it. I wanted to give the reasons why I will be doing so.

I was pleased that President Obama announced today that he would put on hold the lease-sale 220 site that is off the coast of Virginia for offshore drilling. Let me take us back to March, when President Obama made the announcement that certain parts of our coast—previously off limits for offshore drilling—would now be allowed to go forward with drilling. At that time, Senator MIKULSKI and I sent a letter, issued a statement, making it clear we would resist any efforts to drill off of the Virginia coast 50 miles from the mouth of the Chesapeake Bay. We thought the risk of these drillings were too great with the amount of oil that may have been there.

The President's announcement today takes that issue off the table, at least temporarily. The amendment I offered to the supplemental appropriations bill which, of course, would have been in effect during the use of the funds in the supplemental appropriations, would have prevented any of those funds from being used for drilling off the Atlantic or the straits of Florida. The President's announcement has now taken care of my immediate concern that there could have been an effort to move forward on drilling off of the Virginia coast.

I want to go over the pluses and minuses of this, because I think it is an interesting dynamic here as to the benefits that could have been involved in drilling off of the Atlantic coast.

As I said before, the site that was selected is about 50 miles from the mouth of the Chesapeake, about 60 miles from Assateague Island. If there had been a spill, the prevailing winds, over 70 percent of the time, come into the coast or along the coast. That means if we had a spill, that spill would have had dramatic impact on the Chesapeake Bay, on Assateague Island, on the beaches of Maryland, Delaware, New Jersey, Virginia, and probably the east coast of the United States, and could have caused irreparable harm.

The potential oil that is in site 220 matches about 1 week of our Nation's needs. So the risk-benefit here clearly dictates that we not drill along the mid-Atlantic. And I would like to add one additional factor, and that is there has been concern expressed by the Department of Defense as to moving forward with drilling off the shores of Virginia, because the Navy does operations within this area, and it would have been an encroachment on the ability of the Department of Defense to move forward with its needs. In a time of war, we certainly don't want to jeopardize the Defense needs.

So for all those reasons, the Senators from this region—Senator MIKULSKI, myself, Senator LAUTENBERG, and Senator MENENDEZ—have been arguing very strenuously against moving forward, and that is the reason why I filed amendment No. 4191. Fortunately, the President has removed the immediate concern.

Of course, since his March announcement, we have seen the BP Oil episode in the Gulf of Mexico—this horrific event. By the way, the largest spill we had in the United States—the Exxon Valdez accidental spill—was 10.8 million gallons. We now believe the spill in the Gulf of Mexico currently is approaching 40 million gallons. So we are talking about perhaps as much as three to four times the scope of what happened with the Exxon Valdez.

We know the original estimates were wrong. We don't know the exact estimates. Some say it is even larger than that. But we do know that we have now exceeded the Exxon Valdez as far as the amount of oil that has gone into the Gulf of Mexico and, of course, is traveling. It is traveling, as Senator NELSON points out frequently, along the Loop Current that brings it around the Keys up the east coast of the United States. So this is having a catastrophic environmental impact.

As I have said previously on the floor, the permits for the BP Oil site never should have been granted. The exploration plans spelled out very clearly that there was little risk of a spill, and that if they had a spill, it would not affect our coast because they had proven technology to prevent that from happening. Well, they didn't have proven technology. The blowout preventers had failed on numerous occasions previously, and we know that they misrepresented the facts.

The point I am bringing up is that there is a need for significant change in our regulatory system as it relates to going forward with drilling, and the President is recognizing that today. He announced a moratorium on deep water and he also announced a modification on what is happening in the Arctic. I think all that is the right step moving forward. It is the first step forward, to acknowledge we have a problem. But I want to point out that the areas already available for exploration represent over 70 percent of our known reserves—I think over 80 percent on oil. So we are talking about a very little amount in new areas. And we only have less than 3 percent of the world's reserves. We use 25 percent of the world's oil.

As the President said today, what happened in the Gulf of Mexico should be a real awakening call to our Nation to go forward with an energy policy to make us secure. We cannot drill our way out of this problem. We have to develop renewable and alternative energy sources. We need to be serious about conservation, and we need to look at ways that we can be energy secure and improve our economic outlook by creating jobs and also be friendly toward our environment.

For all those reasons, it makes absolutely no sense whatever to move forward with new explorations along the Atlantic coast.

Although I applaud the President's announcement today—it is a step in the right direction—what we need to do is take this site, lease sale 220, off the table permanently and take drilling in the Atlantic permanently off the table. I assure my colleagues I will be looking for a way in which we can speak to this to provide the legislative authority so drilling will not take place off the Atlantic coast. I know Senator FEINSTEIN is also working on amendments to make sure we do not have any new permits issued until we have a regulatory system in place that we all have confidence is independent and will protect the environment and safety of the American people.

The bottom line is that the American people have a right to expect we are going to do what is right for this country, that we are on their side and we are not just going to listen to what the oil industry wants. We are going to make sure we protect our environment and make sure we have an energy policy that makes sense for America.

I think the President took an important step forward today in his announcements concerning taking this lease site, at least for the moment, off the table so we are not threatened by exploration off the Virginia coast. That was the intent of my amendment. I am very pleased he did that. But I hope this will lead this body to pass legislation to permanently protect the Atlantic coast because, frankly, oil spilled anywhere on the Atlantic coast will affect the entire coast.

We need to be mindful that we all are in this together. Let's work on responsible policies for regulation to make sure our regulators are controlling the drilling that is taking place in the proper manner, and let's work together on an energy policy that makes sense for this Nation, that will make us energy secure and provide for America's future.

With that in mind, when the appropriate time comes to consider amendment No. 4191, I want my colleagues to know why I will not be seeking action on that amendment. I believe the President's actions will protect those of us on the east coast of the United States during this immediate time, during 2010, so we will not have any drilling done. I am satisfied that we have been able to protect our communities from drilling. But I urge us to get together to make sure that is permanent and that it is not changed when perhaps people's recollection of what happened in the Gulf of Mexico might not be quite as fresh as it is today, as we see the consequences of this environmental disaster.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Madam President, I ask to be recognized for 2 minutes.

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

AMENDMENT NO. 4221 WITHDRAWN

Mr. ISAKSON. Madam President, in 1 minute I am going to ask for unanimous consent to withdraw amendment No. 4221, which is currently pending on the legislation before us. After discussions with the staff, it is my understanding that the appropriations included in FEMA in this emergency legislation will, in fact, be available to those States that have been approved for funds that did not get them in the last budget because funds ran out. If that is the case, the State of Georgia would, as my intent was, be recognized to be a beneficiary of that. Therefore, I ask unanimous consent that the Isakson amendment, No. 4221, be withdrawn.

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

Mr. ISAKSON. 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.

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

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

Mrs. BOXER. Madam President, what is the order now?

The PRESIDING OFFICER. The Menendez amendment to the Reid amendment is the pending question.

Mrs. BOXER. Madam President, would it be in order for me to speak against the Collins amendment, No. 4253, at this time?

The PRESIDING OFFICER. Yes, it would.

AMENDMENT NO. 4253

Mrs. BOXER. Madam President, I hope we are going to defeat the Collins amendment, No. 4253. Let me explain what the amendment does. I want to describe why it is wrong and why it should be defeated.

The purpose of the Collins amendment is to prohibit the EPA, the Environmental Protection Agency, from ensuring compliance with Federal safeguards to protect pregnant women, infants, and children from lead poisoning related to repair and renovation work involving lead-based paint. I think everyone agrees—I don't think there is any dissent—that lead is very dangerous and lead poisons children. We know it is imperative to remove the lead from the child's environment in order to make sure they do not get brain damage.

This amendment is designed to stop the EPA from enforcing that very important safeguard of removing this lead even if businesses were criminally negligent, even if businesses were willfully breaking the law's safeguards. If children were lead-poisoned and had permanent brain damage as a result of inadequate care being taken to protect the public health, EPA still couldn't enforce this law and get rid of the lead. Even if a child died as a result of severe lead poisoning, this amendment says EPA cannot enforce the law here.

The reason that is given by Senator COLLINS for her amendment to prohibit EPA from enforcing this law to protect our kids from lead is that there are not enough trainers available at EPA to train businesses so they are properly trained to do this work. Later on in this statement, I will show why that is false. But let me say that we ought to know what we are getting into here if we start doing things like this. Whose side are we on, anyway—the side of our families or the side of some businesses that do not want to do what has to be done and are using any excuse to get out of doing what needs to be done, which is to get rid of the lead.

On April 22, 2008, EPA issued a rule requiring the use of lead-safe practices to prevent lead poisoning. The rule requires one contractor in a renovation or repair job site to be certified in lead safe job practices. This one contractor can oversee or conduct the work. The rule covers projects at childcare facilities, schools, and homes that were built before 1978, and any facility that contains lead-based paint.

The Bush administration's EPA promulgated this rule after then-Senator Obama worked to get the Agency to conduct the rulemaking. When the Agency started the rulemaking in 2006, the EPA was a decade behind the schedule Congress had set out. Imagine this: It took an extra 10 years to get this regulation in place, and Senator COLLINS wants to stop the enforcement. This is a bad amendment.

Let me tell you about the public health threats EPA's rule is designed to protect. According to the CDC, the Centers for Disease Control, lead is a dangerous toxin that can harm almost every organ and system in the body, and there is no known safe level of lead in children's blood. About 250,000 U.S. children age 1 to 5 have blood lead levels greater than 10 micrograms of lead per deciliter of blood, the level on which CDC recommends public health intervention. When children have that much lead in their bodies, they may have to undergo painful treatments to quickly reduce their blood lead levels. According to the EPA, lead can damage the nervous system, including the brain, which can harm mental development, and it can cause permanent injury to hearing and visual abilities.

Pregnant women, infants, and children are especially at risk from exposure to lead. Exposure before and during pregnancy can harm prenatal development and cause miscarriages. Large exposure to lead can cause blindness, brain damage, convulsions, and even death. The long-term effects of lead exposure in children include higher school failure rates and reduction in lifetime earnings due to permanent loss of intelligence and other impacts.

Let me tell you, Madam President, this is a proven scientific fact. Exposure to lead in children—in all of us is a real problem but especially in children. If we are not on the side of the children in this Senate, I don't know whose side we are on.

This is a very unwise amendment. According to the EPA, 40 percent of homes have some lead-based paint, and annual renovation, repair, and painting projects may impact 1.4 million children under the age of 6. Lead-based paint repair and renovation activities can significantly increase the risk of elevated blood lead in our children. An EPA study found that children living in residences during renovation and remodeling activities were 30 percent more likely to have elevated blood lead levels than children who lived elsewhere.

States from coast to coast recognize the threat lead poses to infants and children, and they recognize that trained individuals should do lead paint repair and renovation work.

In Maine, the State government recognizes that more than 60 percent of Maine homes may contain lead paint. Home renovations caused over half the childhood lead poisonings in Maine.

This is a statement from the Maine government:

It is very important that home repairs in an area with lead paint be done safely and correctly. Improper removal of lead paint can poison you and your children.

This is from the State of Maine. They go on to say:

Every year, hundreds of children in Maine are found to have elevated blood levels. Most children are poisoned by lead hazards in their homes. To protect yourself, your family and any tenants, you can use a licensed lead abatement contractor with workers who have been trained and certified in lead abatement.

In Tennessee, we have a similar warning:

A common source of high-dose lead exposure to young children is deteriorating paint in homes and buildings.

They say:

Hire a certified lead-based paint professional to remove lead-based paint from your home.

In Oklahoma, they say:

Lead poisoning is the No. 1 environmental health hazard for children. Remodeling a house covered in lead paint will create dust and paint chips that can cause lead poisoning if inhaled or ingested. Protect your family from lead during remodeling.

The State says:

If you hire contractors, make sure they understand the causes of lead poisoning and how to stay safe.

In my home State of California, this is what they say:

Lead in paint chips, dust, and soil cling to toys, fingers, and other objects children put into their mouths. This is the most common way children get lead poisoning.

Many construction professionals today still do not know about the harmful effects of lead. They may not even know that simple painting, remodeling, or renovation projects can cause lead poisoning.

I think it is very important to note that industry has had years to understand and prepare for this rule. EPA

began the rulemaking in 2006, and contracting organizations and other stakeholders met and talked with the agency. EPA issued a final rule in 2008. The rule did not go into effect until 2010.

EPA got hundreds of comments during the rulemaking process. The agency has joined with the Coalition to End Childhood Lead Poisoning, the U.S. Department of Housing and Urban Development, and the Ad Council to sponsor a nationwide public advertising campaign to raise awareness of the dangers of lead poisoning to children.

Advertisements are being distributed to more than 33,000 media outlets, and workers are already trained and more workers are receiving training in order to ensure compliance with this rule's safeguards.

Let me tell you, Senator COLLINS has stated on this floor that she supports getting the lead out of our homes, that she supports training the contractors. The reason she is stopping this—and make no mistake, stopping this program, which means more lead poisoning in our children—the reason is, she says, there is not enough trainers.

So we called EPA. I spoke to Senator FEINSTEIN about this, and we find no such thing. According to EPA, States across the Nation have more than enough trainers to handle renovation needs at this point in the year. In areas of States that may be harder to get to the agency has traveling trainers who go from State to State giving classes.

EPA has stated the number of renovators needed to implement the rule during the first full year will be achieved in the next 2 months. They will have trained 363,000 renovators. This means training is ahead of schedule. It is ahead of needs since we are only halfway through the year.

As of May 19, there are 223 accredited training providers offering training across the country; 119 are available to travel to provide training in any State—your State, my State, any State. Most of these trainers are offering multiple training courses each week.

As of May 19, 2010, these training providers have offered over 12,000 renovator certification classes and trained 200,000 to 250,000 renovators. Further, 238 additional training providers have applied to become accredited. When approved, these trainers will more than double the Nation's training capacity.

Let's take a look at Maine. According to EPA, this State is estimated to need 1,300 renovators trained in this first year that the Federal rule protecting people from lead poisoning is in effect. As of May 19, Maine has at least 2,686 trained renovators, and there have been 158 classes provided in the State.

Again, there are 119 traveling providers who can travel anywhere in the country to offer courses. EPA told Senator COLLINS' staff, and we found this out from EPA, that the agency would send such trainers to northern Maine to offer classes in Bangor, where staff said there was a need for more trainers.

EPA asked staff for contact information on the individuals who had called the Senator asking for assistance in getting trained. So far EPA has not received a response. In Maine, believe it or not, there have been cancellations of training classes, and 32 classes have been canceled. EPA believes cancellations occur because they are just not enrolling. So to come here and say there are not enough trainers, when her State has canceled training, just does not add up.

EPA's rules already provide exemptions for emergency situations. For example, the recent floods in Tennessee have damaged many homes that must now undergo renovation. On May 14, 2010, the EPA sent the State of Tennessee a letter announcing that emergency exemptions from the agency's lead paint repair and renovation rule applied in 42 counties that had experienced serious flooding. EPA stated:

It is permissible for individuals to perform immediate activities necessary to protect their property and public health. These actions may include the removal of surfaces containing lead-based paint. Further, these actions need not be performed by a certified individual. To the extent necessary to alleviate the concerns associated with this emergency.

So EPA is being very flexible. They are not saying to people who are trying to recover from a flood: You need to remove the lead. If you need to deal with your home, deal with it. Do not have this added worry. So they are flexible.

Lead hazard information: having a sign to warn people about lead dust hazards, containing lead dust in the work area by using such materials as plastic and tape, lead dust waste handling requirements and certain training and certification requirements. This also has been waived in this Tennessee circumstance.

EPA has said some safeguards still apply to these renovations. But they have exempted them from quite a few. They do not want to see our children exposed. EPA's rules require a simple, commonsense action such as using plastic and tape to control the migration of lead dust, the use of HEPA vacuums that can be purchased at department stores to clean up dust, and a prohibition on certain actions that create extremely serious lead dust hazards. According to EPA, these safeguards add only $35 to the cost of renovation.

I have letters from public health organizations that oppose this amendment. I also have a letter from the EPA explaining why it opposes this amendment. I ask unanimous consent that these be printed in the RECORD at this time.

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

NATIONAL CENTER FOR HEALTHY HOUSING

PROTECT WOMEN, INFANTS AND CHILDREN FROM LEAD POISONING—OPPOSE AMENDMENT 4253

The undersigned organizations and individuals oppose Senator Collins' Amendment 4253 that would put over 1 million children at risk of irreversible lead poisoning. The amendment would prohibit EPA from spending funds under this emergency supplemental appropriations act to enforce the Agency's rule to require work practices that protect people from health threats caused by repair and renovation work on lead-based paint.

Even though the Act does not provide EPA with any funds to enforce these important requirements, it will put every Senator who votes for it on record as being against EPA enforcing safeguards in the Agency's lead repair and renovation rule. These protections are designed to prevent lead poisoning—a devastating disease that has ravaged our education, judicial, and health care system for far too long. The amendment sets a horrible precedent and if it becomes law, it would put the entire federal government on record against enforcing the safeguards, which may have serious consequences.

The Environmental Protection Agency published the ''Renovate Right Rule'' to protect children from unsafe lead exposure caused by renovations in older homes. Public health organizations have been waiting 18 years for this rule to be implemented and now Senator Collins is threatening to roll back decades of lead poisoning prevention work. The rule requires contractors to follow three simple procedures: contain the work area, minimize dust, and clean up thoroughly. This rule closes a major gap in lead poisoning prevention—with only a modest $35 cost increase per renovation job, according to a 2008 Bush Administration analysis.

Please consider the following facts:

Lead remains the most significant environmental health hazard to children, with over 250,000 children impacted. More than one million children are at risk each year when homes are renovated.

Lead is especially toxic for young children. It can cause permanent brain damage, loss of IQ, behavior and memory problems and reduced growth.

Among adults, lead exposure can result in reproductive problems, high blood pressure, nerve disorders and memory problems.

Countless children have suffered the consequences of lead exposure due to the delays in finalizing the rule. Don't vote for an amendment that will put you on record as being against enforcing these important public health protections.

Sincerely,

Rebecca Morley, National Center for Healthy Housing, Columbia, MD; Bill Menrath, Healthy Homes LLC, Cincinnati, OH; Roberta Hazen Aaronson, Childhood Lead Action Project, Providence, RI; Margie Coons, WI Division of Public Health, Madison, WI; Melanie Hudson, Children's Health Forum, Washington, DC; Yanna Lambrindou, Parents for Nontoxic Alternatives, Washington, DC; Linda Kite, Healthy Homes Collaborative, Los Angeles, CA; Shan Magnuson, Santa Rosa, CA; Bay Area Get the Lead Out Coalition, CA; Fresno Interdenominational Refugee Ministries, Fresno, CA; Jose A. Garcia, lnquilinos Unidos, Los Angeles, CA; Rafael Barajas, L.A. Community Legal Center and Educational, Huntington Park, CA; Jim Peralta, Interstate Property Inspections, Inc., Rochester, NY; Nancy Halpern Ibrahim, Esperanza Community Housing Corporation, Los Angeles, CA; Mark Allen, Alameda County Lead Poisoning Prevention Program, Oakland, CA; Martha Arguello, Physicians for Social Responsibility-Los Angeles, CA.

David Reynolds, Facility Manager, Jackson, MS; Larry Gross, Coalition for Economic Survival, Los Angeles, CA; Jang Woo

Nam, Koreatown Immigrant Workers Alliance, Los Angeles, CA; Leann Howell, Riverside, NJ; Richard A. Baker, Baker Environmental Consulting, Inc., Lenexa, KS; Greg Secord, Rebuilding Together, Washington, DC; Kim Foreman, Environmental Health Watch, Cleveland, OH; Sue Gunderson, ClearCorps USA, Minneapolis, MN; J. Perry Brake, American Management Resources Corporation, Fort Myers, FL; Paul Haan, Healthy Homes Coalition of West Michigan, MI; Andrew McLellan, Environmental Education Associates, Buffalo, NY; Ruth Ann, National Coalition to End Childhood Lead Poisoning, Baltimore, MD; Kathy Lauckner, UNLV-Harry Reid Center for Environmental Studies, Las Vegas, NV; Greg Spiegel, Inner City Law Center, Los Angeles, CA; Kent Ackley, RI Lead Techs, East Providence, RI; Elena I. Popp, Los Angeles, CA; Lana Zahn, from Niagara County Childhood Lead Poisoning Program, Lockport, NY.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, May 27, 2010.

Hon. BARBARA BOXER,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR SENATOR BOXER: Thank you for your interest in the amendment proposed by Senator Collins that is aimed at eliminating EPA's enforcement of various regulations that are necessary to protect children from lead based paint poisoning. The stated purpose of this amendment is to ''prohibit the imposition of fines and liability under'' various rules on lead paint, including the Lead Renovation, Repair and Painting Rule.

We oppose the amendment on the grounds that it may set a precedent that Congress seeks to prevent enforcement against criminal actions with respect to the lead rules. The amendment could be interpreted as seeking to stop EPA from taking criminal enforcement action against those who knowingly or willfully violate lead rules, even in egregious cases causing lead poisoning in children. A real possibility exists that a contractor who knowingly or willfully ignores the new lead rules during a renovation would not be held accountable under this language. Furthermore, such an amendment could stop EPA from taking enforcement action against those who improperly perform renovations. Such an amendment could pose lead hazards from renovations to an estimated 137,000 children under age 6 and to one million individuals age 6 and older. Finally, there are 250,000 people who have followed the requirements of the law to become trained and certified. The amendment is inequitable because it favors those who were slow to comply.

Overall, the amendment as written could be read as an expression of the intent of Congress to block implementation and enforcement of the rules on lead based paint. If you or your staff have any further questions regarding our concerns on the amendment, please let us know.

Sincerely,

STEPHEN A. OWENS,
Assistant Administrator.

Mrs. BOXER. I think it is important to take a stand for our children. This would completely shut down this important program. It would say it is put on hold, even in the worst circumstances.

The National Center for Healthy Housing sent a letter: ''Protect Women, Infants and Children from Lead Poisoning—Oppose Amendment 4253.''

Let me tell you, it is signed by some important organizations: The National Center for Healthy Housing in Maryland; the Healthy Homes LLC, in Cincinnati, OH; Childhood Lead Action Project in Providence, RI; Division of Public Health in Madison, WI; Children's Health Forum in Washington, DC; Parents for Nontoxic Alternatives, Washington, DC; Healthy Homes Collaborative, Los Angeles; and Bay Area Get the Lead Out Coalition, CA; Fresno Interdenominational Ministries in Fresno. The list goes on and on, many from California.

Interstate Property Inspections, Inc., in Rochester, NY; Alameda County Lead Poisoning Prevention Program, Oakland, CA; Jackson, MI, a facility manager says no to this amendment. The Coalition for Economic Survival says no. Riverside, NJ, we have a letter from them. We have a letter from Kansas. We have more from Cleveland, from Minnesota, from Florida, the American Management Resources Corporation; Healthy Homes Coalition in Michigan; Environmental Education Associates in Buffalo; Coalition to End Childhood Lead Poisoning in Baltimore, MD. Here is an interesting one. The Harry Reid Center for Environmental Studies in Las Vegas, NV. We ought to make sure our leader knows they have taken a stand here.

The Rhode Island Lead Techs, in East Providence, and from Niagara County, Childhood Lead Poisoning Program.

This is where we stand. Finally, we have a rule in place, and it happens to be that President Obama, when he was a Senator, pushed hard for that rule. It made it through, and there has been long lead time. We are ready to go.

Whenever there is a renovation now, and we know there is lead involved, we have to make sure somebody is trained.

EPA has the trainers. The fact that someone stands on the floor of the Senate and says they do not flies in the face of what I read. We know how many we have. We know there are many who would come on and go anyplace across the country. These training sessions take about 8 hours, and then the person is licensed to do this removal.

That is it. Let's not turn back the clock. Let's not go back to the time that we did not know lead caused these problems. Lead is poison. Lead is poison. We are ready to get it out of these old buildings. We are ready to do it, and I do not see why we should turn the clock back to another time and place and say we are doing it for the reason that there are not enough trainers when there are enough trainers.

That is not right. So I will say at this time, I do not see anybody else here. I hope we will vote down the Collins amendment.

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

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

MEMORIAL DAY

Mr. MCCONNELL. Mr. President, on this upcoming final day in May we will observe Memorial Day, and remember the men and women in uniform who have loved this country and given their lives to defend it. Memorial Day is a time to honor their extraordinary sacrifice.

We have a proud tradition of service in my home State of Kentucky, home to Fort Knox, Fort Campbell and many of our brave troops. Just a few days ago soldiers from the 101st Airborne Division, based out of Fort Campbell, cased their colors in preparation for deployment to Afghanistan. Training the local police force will be a major focus for this mission, the fourth deployment for the division headquarters since 9/11.

More than 10,000 men and women from the 101st are already deployed to Afghanistan, and by the end of August that number will reach 20,000.

In addition, about 3,500 soldiers from the Army's 3rd Brigade Combat Team, based at Fort Knox, are preparing to deploy to Afghanistan soon, as are up to about 2,000 Kentucky Army and Air National Guard members.

Five soldiers from the 101st have died in Afghanistan since January. Every soldier preparing to ship out faces that same risk, but that does not deter them from duty and service. They are working to keep their families back home and all Americans safe.

I have met with many of the family members of soldiers, sailors and marines from Kentucky who gave their lives in service. I have let them know that their loved ones will not be forgotten by this country. And they are not forgotten in the U.S. Senate. We are honored to share this land with such brave heroes.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

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

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

Mr. SESSIONS. Mr. President, I note that we faced a long discussion about a bill that was just passed out of the Armed Services Committee. I, unfortunately, felt compelled to oppose it, but I appreciate working with the Senator from Illinois as we discussed it.

AMENDMENT NO. 4173

Mr. President, I am disappointed that we are going to vote on this emergency supplemental legislation, not having voted on the amendment I offered, along with Senator CLAIRE MCCASKILL of Missouri, my Democratic colleague. It received 59 votes a few weeks ago. It is designed to help contain our rapacious tendency to spend, spend, spend. We give the phrase ''a drunken sailor spending'' a bad name the way we are spending in this Congress.

I had hoped we would get another vote on it. I am disappointed Senator

REID and the leadership on the Democratic side took action to see that a vote would not occur. I called it up very early in the process, and I am disappointed.

The amendment would have made it more difficult to break the budget and allowed more scrutiny for us before we violate it. The emergency supplemental legislation that is before us violates the budget. Every penny of this is spending beyond the budget. It has items that are not what we think of as emergencies.

If our military men and women have a health problem and there is a condition that requires us to take care of them, that takes extra money. We deal with these issues in the Armed Services Committee. But that is not an emergency. Those kinds of things happen all the time. We are allocating $13 billion for an Agent Orange compensation plan that, I have to say, appears to me to not be written very tightly. Anyone who basically served in Vietnam who has heart disease can apparently claim some benefit under it.

I am not saying that is unjustified. It may be. What I will say is, it is not the kind of thing we should use emergency spending for when the country is going in a wrong direction.

We will soon be voting on tax extenders. I want to send a warning out to my colleagues and to the people who are concerned about the state of the American economy. I will quote some comments that have been said recently.

Keith Hennessey, who is former director of the National Economic Council, wrote this:

House Democrats have modified their ''extenders'' bill and appear to be bringing it to the floor for a vote today. Monday's version would have increased the deficit by $134 billion over the next decade. Today's version would increase the deficit by $84 billion over the same timeframe. What hard choices did the leaders make to cut the net deficit impact by $50 billion? None. They simply extended the most expensive provisions for a shorter period of time.

What did they do? There was a complaint they had $134 billion in increased debt, and they were dealing with some issues. They did not pay for them over a long enough time. They just reduced it.

Mr. Hennessey goes on to say:

The new bill extends the unemployment insurance and COBRA health insurance benefits through November 2010, rather than December of 2010 in Monday's version.

They just reduced it one month to save a little money there and make the bill look a little better. Does anyone doubt we will be coming back to extend it further in the future?

Then he goes on to say:

The Medicare ''doctors' fix'' would extend through 2011, instead of through 2013 . . .

Which means that after this year, our physicians will be back here complaining about the impending 21, 22 percent cut in their Medicare payments. They do not get paid enough now. We cannot cut our physicians 20 percent. They are going to quit practicing and stop doing Medicare work.

What did they do when somebody said: You are increasing the debt too much? We will just pass the doctors fix through the end of this year and push it on to the next, instead of doing it through 2013 like they planned.

He goes on to say:

The Congressional Budget Office has to score the amendment as written, so these two provisions are scored as ''saving'' $50 billion relative to the Monday version. But just as it was unreasonable to assume that the increased Medicare spending for doctors would suddenly drop at the end of 2013, it is similarly foolhardy it will stop [in the future]. They are doing in this bill exactly what they did in the two health care bills that were rammed through in March—shifting some of the spending into future legislation to reduce the apparent cost of the current bill.

Will it work again?

Well, we are going to see.

Mr. President, I would just make one more note. An editorial in today's New York Times titled ''Easy Money, Hard Truths'' by famous hedge fund manager David Einhorn, who lives and dies by Wall Street, moving money, keeping up with interest rates, lays out our budget problem very plainly in his column in the New York Times.

Before this recession it appeared that absent action, the government's long-term commitments would become a problem in a few decades. I believe the government response to the recession—

And let me add, that is the extraordinary spending we have done in the last few months—

has created budgetary stress sufficient to bring about the crisis much sooner. Our generation—not our grandchildren's—will have to deal with the consequences.

He goes on to say:

According to the Bank for International Settlements, the United States' structural deficit—the amount of our deficit adjusted for the economic cycle—has increased from 3.1 percent of gross domestic product in 2007 to 9.2 percent in 2010. This does not take into account the very large liabilities the government has taken on by socializing losses in the housing market. We have not seen the bills for bailing out Fannie Mae and Freddie Mac and even more so the Federal Housing Administration, which is issuing government-guaranteed loans to noncreditworthy borrowers on terms easier than anything offered during the housing bubble. Government accounting is done on a cash basis, so promises to pay in the future—whether Social Security benefits or loan guarantees—do not count in the budget until the money goes out the door.

He goes on to say:

A good percentage of the structural increase in the deficit is because last year's ''stimulus'' was not stimulus in the traditional sense. Rather than a one-time injection of spending to replace a cyclical reduction in private demand, the vast majority of the stimulus has been a permanent increase in the base level of government spending—including spending on government jobs.

He goes on to say:

In 2008, according to the Cato Institute, the average Federal civilian salary with benefits was $119,982, compared with $59,909 for the average private sector worker; the disparity has grown enormously over the last decade.

Inflation from our current high-spending culture is problematic as well. According to Einhorn:

Government statistics are about the last place one should look for inflation, as they are designed to not show much. Over the last 35 years, government has changed the way it calculates inflation several times. According to the Web site Shadow Government Statistics, using the pre-1980 method, the Consumer Price Index would be over 9 percent, compared with about 2 percent in the official statistics today.

He goes on to say this:

At what level of government debt and future commitments does government default go from being unthinkable to inevitable, and how does our government think about that risk? I recently posed this question to one of the President's senior economic advisers.

Mr. Einhorn asked him a very tough question: Is a government default on the horizon? Is it unthinkable or now is it on the way to being inevitable? And this is what Mr. Einhorn said the government adviser to President Obama said:

He answered that the government is different from financial institutions because it can print money, and statistically the United States is not as bad off as some countries. For an investor, these promises do not inspire confidence.

So he goes on to warn about the danger of a crisis where the Treasury seeks to get people to buy our Treasury bills, to buy our bonds, and this is what can happen. He said:

In the face of deteriorating market confidence, a rating agency issues an untimely downgrade, setting off a rush of sales by existing bondholders. This has been the experience of many troubled corporations, where downgrades served as the coup de grace. The current upset in the European sovereign debt market is a prequel to what might happen here.

That is today's warning in the New York Times, and we should take it very seriously.

The bill before us is irresponsible. It spends too much, it creates too much debt, and we should not have done it. We did not have to do it. And the bill that is coming up, the tax extenders, is also irresponsible. It spends too much money. We do not have to do it, and we should not do it.

The American people understand this completely. They tell me about it everywhere I go. Are we in denial in this body? Do we think it is just business as usual; that we can just continue to spend, spend, spend, borrow, borrow, borrow, and then presumably we will just print money and pay our debts, deflating our currency, eroding the value for the good and decent people of this country who have worked hard and saved all their lives? This is not good. The American people are right. No wonder our ratings with the public are so low.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER (Mr. WARNER). The Senator from Delaware.

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

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

IMBALANCE OF REGULATORY CAPTURE

Mr. KAUFMAN. Mr. President, one of my primary concerns in the debate on

Wall Street reform has been that we should not write legislation that turns all of the major reform proposals over to the regulators. Instead, we should follow on the footsteps of our forebears from the 1930s—those Senators of old who made the tough decisions and wrote bright-line laws which lasted for over 60 years, until they were repealed. I also argued that we should not depend on regulators who had not used powers they already possessed.

Instead, we passed a Senate bill that, in the area of bank regulation, primarily restates existing regulatory powers, provides some general directional authority, and leaves us with the hope that our present regulators will devise and enforce rules that prevent another financial crisis; that a systemic risk council of regulators will be able to detect early warning signals of impending financial instability; that the regulators will impose higher capital standards on systemically significant banks; that the regulators will be able to resolve failing institutions, and so on, and so on, and so on.

Yesterday, a third reason for writing laws and not turning to regulators was brought home to me. It relates to how the Securities and Exchange Commission is studying the incredibly unregulated growth of high-frequency trading.

I am deeply concerned by preliminary reports of the makeup of the SEC panels studying high-frequency trading after the ''flash crash'' of May 6. On that day, the Dow Jones fell almost 1,000 points, temporarily causing a $1 trillion drop in market value. I call on the SEC to make those panels more balanced by adding individuals from outside Wall Street who are truly sincere and knowledgeable about the further actions the SEC may need to take.

In just a few years' time, high-frequency trading has grown from just 30 percent to 70 percent of the daily trading volumes of stocks. These black box computers trade thousands of shares per second across more than 50 market centers with no real transparency—no real transparency—and therefore no effective regulation. If those ingredients—no transparency, no regulation—sound familiar, it might be because those are the same characteristics applied to over-the-counter derivatives.

My concern about the opaque and unregulated nature of high-frequency trading led me to write to SEC Chair Mary Schapiro last August 21, 2009, calling for a comprehensive review of market structure issues. I wrote:

> The current market structure appears to be the consequence of regulatory structures designed to increase efficiency and thereby provide the greatest benefits to the highest volume traders. The implications of the current system for buy-and-hold investors have not been the subject of a thorough analysis. I believe the SEC's rules have effectively placed ''increased liquidity'' as a value above fair execution of trades for all investors.

On September 10, Chair Schapiro responded, saying she recognized the importance of standing up for the interests of long-term investors and would undertake a comprehensive review of market structure issues.

Because I had heard these concerns raised by credible voices, in a speech on September 14, 2009, I predicted some of the events of last May 6. At that time, I said:

> Unlike specialists and traditional market-makers that are regulated, some of these new high-frequency traders are unregulated, though they are acting in a market-maker capacity. If we experience another shock to the financial system, will this new, and dominant, type of pseudo market maker act in the interest of the markets when we really need them? Will they step up and maintain a two-sided market, or will they simply shut off the machines and walk away? Even worse, will they seek even further profit and exacerbate the downside?

On October 28, Senator JACK REED convened a hearing in the securities subcommittee on these issues. He graciously asked me to testify at the hearing, where I said in my first statement:

> First, we must avoid systemic risk to the markets. Our recent history teaches us that when markets develop too rapidly—when they are not transparent, effectively regulated or fair—a breakdown can trigger a disaster.

On November 20, I sent a letter to Chairman Schapiro summarizing some of the hearing testimony and called on the Commission to acted quickly to ''tag'' high-frequency traders and address the systemic risk they pose. On December 3, Chairman Schapiro responded to my letter and wrote that the SEC would issue a concept release in January and put forth two rule proposals that would, respectively, impose tagging and disclosure requirements on high-frequency traders and address the risk of naked access arrangements.

In January, the SEC did indeed issue a concept release, as well as a proposed rule banning naked access arrangements. Unfortunately, it was months later—April 14—before the SEC finally issued the ''large trader'' rule requiring tagging of high-frequency traders. In that proposed rule, the SEC noted that the current data collection system is inadequate to recreate market events and unusual trading activity.

Now think about this. This was back on April 14, before the May 6 thing, and what she said was: In the proposed rule, the SEC noted that the current data collection system is inadequate to recreate market events and unusual trading activity. Is there any question why we don't know yet what happened on May 6?

Then, on May 6, the disaster struck that I and others were worried about. For 20 minutes, our stock market did not perform its central function: discovering prices by balancing buyers and sellers. And as the SEC has noted—both before and after the ''flash crash''—it indeed does not have the data to discover easily the causes of the market meltdown.

It is true that the SEC and CFTC have gone into overdrive since May 6. Indeed, the staffs and Commissioners of both agencies have worked heroically around the clock to try to recreate and study the unusual trading activity of that day. They have kicked into high gear and formed an advisory commission. They have quickly come together to propose two more possible rules: an industry-wide circuit breaker so that if we ever again have another market ''flash crash,'' we won't see absurd prices for some of our Nation's proudest company stocks, and also a long overdue proposal to have a consolidated audit trail across market centers that will finally provide regulators with access to the information they need to police manipulation, understand trading practices, and reconstruct unusual market activity in a timely manner.

After weeks of helpful action by the SEC—when the industry itself was helping the agencies to find band-aid solutions—now is not the time to see the SEC continue with rulemaking by Wall Street consensus.

We may need further action, probably against the interests of those who benefit from the current market design.

Further action only through industry-consensus is a prescription for no change.

This all brings me to why I became so concerned yesterday. As part of the Commission's ongoing market structure review, the SEC has decided to hold a roundtable discussion on June 2—good idea.

I have learned preliminary reports about the make-up of the high frequency trader panel.

Based on those reports, the panel is dramatically out of balance.

It appears as though it was chosen primarily to hear testimony that reinforces the top-line defenses of the current market structure—that high frequency trading provides liquidity and reduces spreads—rather than what it should be doing, a deep dive into the problems that caused severe market dislocation on May 6 and damaged our market's credibility.

I have called on the SEC to add more participants to give the panels some semblance of balance.

Frankly, I find the preliminary reports to be so stacked in favor of the entrenched money that has caused the very problems we seek to address that the panel itself stands as a symbolic failure of the regulators and regulatory system—that is, with the exception of a few brave souls who have been invited to critique the conventional industry wisdom.

Let me read from the comment letters and statements of five of the expected participants.

Not surprisingly, in comments to the SEC and members the industry made prior to the unusual volatility of May 6, each of these five participants reported that—contrary to the concerns I and others had expressed—they think the markets are running as smoothly as ever.

One of the expected panelists wrote:

[O]ver the past 18 months—since the height of the financial crisis—the Commission has been very active with rule making proposals. Nearly all of the issues that may have contributed to diminishing investor confidence have been addressed by Commission rulemaking.

Ironic, after what happened on May 6.

That panelist also wrote:

We believe that the current national market system is performing extremely well. For instance, the performance during the 2008 financial crisis suggests that our equity markets are resilient and robust even during times of stress and dislocation.

Another expected participant wrote in an email sent widely that his exchange—

doesn't believe the equities markets are broken.

To the contrary, we would argue that the U.S. equity markets were a shining model of reliability and healthy function during what some are calling one of the most challenging and difficult times in recent market history.

Another expected participant wrote:

Implementing any type of regulation that would limit the tools or the effectiveness of automation available for use by any class of investor in the name of ''fairness'' would turn back the clock on the U.S. Equity market and undo years of innovation and investment.

That is an interesting comment, because I have always believed that fairness was the hallmark and number one priority of U.S. markets. That is what people say. That is why people come to America. They don't come to invest in some casino game. Liquidity is important, but the key thing for our markets to be credible is fairness.

Another expected panelist sounded a similar note in a comment letter filed before May 6.

All market regulation should be evaluated with respect to its impact on the liquidity and efficiency of equity markets for the benefit of investors . . . For example, certain short-term traders and high frequency traders provide liquidity to the markets. Although some of these short-term traders may differ at times in their goals and overall position vis-a-vis other types of investors, we believe, on the whole, that the liquidity they provide is beneficial to the markets.

I agree with that statement. Liquidity is vital to the strength and stability of our markets.

But on May 6, liquidity vanished, as some of the short-term traders left the marketplace. And for those who didn't, we learned that the liquidity they provide was about 1/100th of an inch deep.

Finally, another panelist co-signed a letter stating:

We believe that any assessment of the current market structure or the impacts of 'high frequency trading' should begin with the recognition that by virtually all measures, the quality of the markets has never been better . . . .

The equity markets have also proven to be remarkably resilient. Despite the significant stresses that occurred during the recent financial crisis, U.S. equity markets remained open, liquid and efficient every day, while other less competitive and less transparent markets failed.

The SEC has picked one voice for the panel—Sal Arnuk of Themis Trading—who has been a vocal and intelligent critic of high frequency trading.

He has valiantly raised questions about market structure and the trading advantages that high frequency traders enjoy, but he is being asked to go up against six Wall Street insiders who will no doubt be primed to argue against his position.

People wonder why Americans have such little faith in Washington, DC. Talk about a stacked deck.

I am particularly concerned by the upcoming SEC roundtable on high frequency trading because it is reminiscent of the one that the SEC held last September on ''naked'' short selling.

Naked short selling occurs when a trader sells a financial instrument short without first borrowing it or even ensuring it can be borrowed. Just a reason on faith that it may be borrowed. What this means is traders can sell something they do not own or have not borrowed. Americans understand you cannot sell something you don't have.

After the SEC's repeal of the 70-year uptick rule in 2007, abusive short selling facilitated the sort of self-fulfilling bear raids on stocks that we saw during the financial crisis.

Since coming to office last year, I have highlighted this serious problem through a series of speeches and letters to the SEC. Along with seven other Senators, of both parties, I also called for pre-borrow requirements and centralized ''hard locate'' system solutions.

In response to those concerns, the SEC held a roundtable last September to examine these proposals.

Unfortunately, like the panel coming up, the panel was stacked with industry representatives even though the industry had done virtually nothing to address what had become a glaring problem.

Listen to the lineup: Goldman Sachs, State Street, and the Depository Trust & Clearing Corporation DTCC, among others, participated.

Not surprisingly, these panelists were resistant to the hard-locate requirement and other serious solutions, even while they generally acknowledged that there are bad actors who engage in naked short selling and don't comply with the current locate system.

DTCC even backed away from discussing the very proposal it had laid before the U.S. Senate.

I fear that an industry-stacked panel in the upcoming roundtable on high frequency trading will be more of the same and will once again dismiss fundamental reforms, ultimately leaving retail and long-term investors with half-measures or none at all.

Why? Because repeatedly we see that regulators are dependent almost exclusively for the information and evidence they receive about market problems on the very market participants they are supposed to be confronting about needed changes.

This is as true in other agencies—we filed the papers just last month and you can see it—like the agency charged with the oversight of oil drilling—as it is at the SEC.

The regulators are surrounded—indeed they consciously choose to surround themselves—by an echo chamber of industry players who are making literally billions of dollars under the current system.

Who speaks to the regulators on behalf of the average investor?

Who outside of the industry itself has access to the data that only the industry controls?

Who other than the market players who have invested so much of their capital into the very systems that profit and serve their own interests has the analytical capability to lead the SEC in a different direction?

We must have evidenced-based rules in our system, we are told.

But when all the evidence comes from Wall Street, who is going to stop Wall Street from once again pulling the wool over the SEC's eyes?

The events of May 6 demonstrate that technological developments have outpaced regulatory understanding. If we are to ensure our markets are safe from future failures—because the markets did fail their primary function on May 6th—regulators must catch up immediately.

Competition is critical in our markets and has led to many positive developments. But with competition, we also need good regulation. Just like we need referees on the field who will blow their whistles when the game becomes rigged. In football, we don't let the players make up the rules during the game.

So, we need action from our regulators, not negotiation. We need independent leadership by the SEC, not management by consensus with Wall Street.

Again, I call on the SEC to rebalance these panels. The Commission will never be able to catch up if it hears mostly from those who will fight to maintain the status quo.

The SEC must hear from those who speak for long-term investors and others who use our capital markets, not just from those who profit from high frequency trading.

The American people deserve no less.

I yield the floor.

The PRESIDING OFFICER (Mr. WARNER). The Senator from South Carolina.

Mr. DEMINT. Mr. President, because I was not allowed to offer my amendment as part of the regular order, in a moment I will move to suspend the rules to offer my amendment that will set a deadline to complete 700 miles of double layer fencing on our Southwest border, as is required by current law.

If any Member of the Senate stood up today and said that we should not seal the oil leak in the gulf until we have a comprehensive plan to clean it up, we would all say that is absurd. Certainly we need to seal that leak as quickly as possible to minimize the cleanup later.

But that is exactly the kind of logic the President and my Democratic colleagues are using when it comes to immigration. They are insisting we will not secure our borders until Republicans agree to a comprehensive plan with some form of amnesty and road to citizenship for those who have come here illegally. This is a debate we have had before and it was not settled here as much as it was out across America.

Americans have said: Secure the border first. The big immigration bill we were trying to pass in 2006 failed because Americans finally convinced Senators that our first job is to secure the border; otherwise, any immigration policy is irrelevant.

At that time we made a promise to the American people and passed a law that we would build 700 miles of double layer fencing in areas where pedestrian traffic is the biggest problem. We have seen that where that has been implemented it has been effective. But, unfortunately, since 2006, even though we were promised this could be done in a year or two, only 34 miles of double layer fencing has been built since we passed this law. In other words, the Federal Government is ignoring its own law at the peril of the citizens in Arizona, Texas, and those all over the country. By not keeping our promises, by not enforcing the law, we have created devastation and war on our southern border with Mexico.

Thousands of Mexicans have been killed. We encouraged drug cartels all over the world to ship their goods through our borders. Arms trafficking, human trafficking—we have mass chaos on our border because we will not do what we know works.

The President is saying we have done over 90 percent of the fencing that we promised, but this is the virtual fencing that the chief of border security has said has been a complete failure. There are only 34 miles of the 700 miles that we promised our country and put into law.

My amendment does not make new law. It just sets a deadline, that the fence we promised will be completed within the next year.

MOTION TO SUSPEND

Mr. President, I move to suspend the provisions of rule XXII, paragraph 2, including germaneness requirements for the purpose of proposing and considering my amendment, No. 4177.

I ask for the yeas and nays and reserve the remainder of my time.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I ask unanimous consent it be in order for Senator DEMINT to be recognized. That has already happened so we don't have to worry about that because he was recognized, because he has already moved to suspend Senate rule XXII.

I appreciate his understanding and finishing his remarks as quickly as he did. The amendment he is offering is in regard to border fence completion. I ask the Senator, does he still need time to speak, additional time?

Mr. DEMINT. If someone speaks against it, I will reserve 1 minute to respond.

Mr. REID. I would like the agreement to indicate if someone speaks against the DeMint amendment, that he be entitled to equal time in opposition thereto.

I further ask unanimous consent there be no amendment in order to the DeMint motion to suspend; that upon the use or yielding back of the time, the Senate then proceed to vote with respect to the DeMint motion to suspend; that if the DeMint motion to suspend is not agreed to, then no further amendment or motion on this subject of the DeMint motion be in order; that upon disposition of the DeMint motion, the Senate resume consideration of the Collins amendment, No. 4253, and there be 2 minutes of debate remaining prior to a vote in relation thereto, with the time equally divided and controlled between Senators BOXER and COLLINS or their designees, with no amendment in order to the Collins amendment; that upon the use or yielding back of time, the Senate proceed to vote in relation to the Collins amendment; that upon disposition of the Collins amendment, the Senate then consider the Burr amendment, No. 4273, with an Inouye side-by-side amendment No. 4299; that the amendments be debated concurrently for 8 minutes, equally divided and controlled between Senators INOUYE and BURR or their designees; that upon the use or yielding back of time, the Senate proceed to vote with respect to Inouye amendment No. 4299 to be followed by a vote in relation to Burr amendment No. 4273; that upon disposition of these two amendments, all remaining pending amendments be withdrawn, with no further amendments in order except a managers' amendment which has been cleared by the managers and leaders; and if offered, the amendment be considered and agreed to and the motion to reconsider be laid upon the table; that all postcloture time be yielded back with no further intervening action or debate; the substitute amendment, as amended, be agreed to; the bill, as amended, be read a third time, and the Senate then proceed to vote on passage of the bill, as amended, without further intervening action or debate; that upon passage, the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate, with the Appropriations Committee appointed as conferees; provided further that the cloture motion with respect to the bill be withdrawn.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, if I can just say, before anyone says anything, if we complete this, these will be all of the votes for the evening and the week. We are waiting for the House to do action on the extenders package, a jobs bill. The latest information I have is that they will not complete that until sometime late this evening. I have spoken to the Republican leader on several occasions. We are going to have several days to take a look at this because I understand it is going to come to us in pieces, not all as one bill.

We will take a look at that. We will start to work on that the Monday we get back. We are going to work to have a vote on that Monday we get back. I think it is June 7. We do not know what the vote will be on, but we will have it on probably a nomination. We are trying to figure out what that will be. I do not think we will be ready to start any actual voting on the so-called extenders package.

The Republican leader and I have talked about that. There are certain amendments that people have indicated they would like to offer to that. I think, frankly, it works better to allow people to offer amendments. There is no reason to move forward on any procedural effort to curtail that at this time.

The next work period is 4 weeks. That is all we have. We have so many things to do, and we are going to do our best to get the extenders done. We have a small business jobs matter that we need to move to. It is so important for our country's economy. We have talked about this for months now.

We have a bipartisan food safety bill that we need to do. That would be a good time to do that. And we have a number of other issues we will try our best to work through as quickly as we can. I appreciate everyone's cooperation this week. This gives great relief to the Pentagon. The House, that is supposed to complete their work on this bill today, did not.

So that is something we will have to take a look at, what they do, and get the conference completed as quickly as we can.

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

The DeMint motion to suspend the rules is pending.

The majority leader.

Mr. REID. Mr. President, pending what the House does, there will be some unanimous consent requests offered on both sides as I understand. But everyone should be aware of that later this evening maybe.

I do not have anyone here to speak on the DeMint amendment.

The PRESIDING OFFICER. The Senator from South Carolina has asked for the yeas and nays. Is there a sufficient second? There appears to be. If there is no further debate, the question is on agreeing to the DeMint motion to suspend the rules.

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Missouri (Mrs. MCCASKILL) are 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 45, nays 52, as follows:

[Rollcall Vote No. 172 Leg.]

YEAS—45

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

NAYS—52

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

NOT VOTING—3

Chambliss	Lincoln	McCaskill

The PRESIDING OFFICER. On this vote, the yeas are 45, the nays are 52. Two-thirds of the Senators voting, a quorum being present, not having voted in the affirmative, the motion is rejected.

AMENDMENT NO. 4253

Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 4253, offered by the Senator from Maine.

The Senator from Maine.

Ms. COLLINS. Mr. President, I ask that I be notified when I have 30 seconds remaining, which I am going to yield to the Senator from Tennessee.

Mr. President, the Senator from California has misrepresented what my amendment would do. It does not repeal or change the requirement that EPA has for people to be trained before they remove lead-based paint. But the fact is, the EPA rolled out this new proposal, this new requirement, without having the training courses available. It is not fair to slap huge fines on contractors when it is the EPA's fault the classes have not been available. So this amendment just delays those fines until September 30 to allow more time.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, the worst natural disaster since the President took office was the recent flooding in Tennessee. There are 13,000 painters, plumbers, carpenters in Nashville alone, who have 11,000 structures to work on. They will get fined up to $37,500 a day if they disturb six square feet of lead paint in a home unless they get this certificate, and there are only three EPA trainers in the entire State of Tennessee to train them. This is making it harder and more expensive for people to get their homes fixed after the flood. Senator COLLINS has a reasonable amendment to give them until September to get their certification. Earlier today my colleague on the Environment and Public Works Committee, Senator BOXER, said that the EPA had granted a waiver to Tennessee because of the President's disaster declaration for 45 counties. Well that is true. However, the waiver means that if your basement was flooded—and there was lead paint—then you could bulldoze the house but not repair the basement. That's not the kind of relief we were looking for in Tennessee. Thank you, Mr. President, and I urge my colleagues to support the amendment.

The PRESIDING OFFICER. The time has expired.

The Senator from California.

Mrs. BOXER. Mr. President, first, let me say to the Senator from Tennessee, in his State all the counties that had flooding are exempt from this rule. I have the letter from the EPA, and I spoke with them about it.

Secondly, let us not go back on this important issue. Lead is very dangerous, particularly for pregnant women, infants, and children. This amendment would stop any funds in this bill from being used to enforce the EPA's lead paint renovation program, which was put into place by President Bush's EPA.

There is a training program, and my friend from Maine says there are not enough trainers. There are so many trainers that there are 119 of them who are ready to travel to each and every State, and already they are ahead of the training. Mr. President, 360,000 people will be trained in the next 2 months.

What this amendment does is rewards the contractors who did not get the training and it hurts the others. I urge a strong ''no'' vote.

Mrs. FEINSTEIN. Mr. President, I rise in opposition to Amendment No. 4253, which would prevent the U.S. Environmental Protection Agency from enforcing its lead paint renovation rule.

As we all know, lead poisoning can lead to learning and behavioral disorders so it is absolutely vital that all precautions are taken to protect children from exposure to lead paint. EPA issued the Lead Paint Renovation Rule because more than one million of America's children are still being poisoned by lead-based paint in their homes.

This new rule, which was finalized on April 22nd of this year, requires that contractors receive lead paint abatement training and certification from EPA to do work in certain facilities like homes, schools and day care centers.

I certainly appreciate the concerns that Senator COLLINS, Senator ALEXANDER and other members have raised on behalf of contractors who have had difficulty getting access to their required training particularly in States like Tennessee that have recently experienced natural disasters.

Two weeks ago when the Committee marked up this bill, I committed to Senators COLLINS and ALEXANDER that my staff and I would work with them, and with EPA, to see if their concerns could be addressed.

Our staffs worked with EPA for several days, but unfortunately, we were not able to come to an agreement regarding an administrative solution to this problem. However, I want to emphasize that EPA has gotten the message that Members are concerned, and they are taking steps to improve the situation.

EPA had already indicated in an April 20, 2010 memorandum that it does not plan to take enforcement actions against firms who applied for certification before the rule took effect on April 22nd and are just waiting for their paperwork to be approved.

Now they are focusing on making more training opportunities available. An estimated 250,000 contractors have already been trained, and EPA has committed to help make additional training classes available in under-represented areas and areas affected by natural disasters so that contractors in those areas aren't unduly impacted by this rule.

EPA is also working to increase the number of training providers. As of May 19th, there were 223 accredited providers offering lead paint abatement training across the country, including 119 providers that travel to multiple States.

EPA tells me that 238 additional training providers have also applied to become accredited. When approved, these trainers will more than double the nation's training capacity.

I understand that some of my colleagues continue to be concerned that EPA still has not done enough. However, this amendment is not the solution we are looking for.

Supporters of this amendment have portrayed it as a common-sense solution that simply allows contractors additional time to get lead paint abatement training required by the rule.

In reality, passing this amendment would put the United States Senate on record as supporting efforts to prevent EPA from fining those who knowingly violate the provisions of the rule—even if those actions result in lead poisoning of children.

A contractor who willfully takes no precautions to contain or confine lead contaminated paint chips would be given a reprieve. I am also concerned that this amendment could excuse renovators from complying with the most basic containment and cleanup measures.

I appreciate the concerns that my colleagues have raised. But this amendment is simply a bridge too far. Loosening protections against childhood lead poisoning is the wrong message to send.

That is why the Administrator of the Environmental Protection Agency, Lisa Jackson, and the Chairman of the Committee on the Environment and Public Works, Senator BOXER, oppose this amendment. I urge my colleagues to join me in opposing this amendment as well.

The PRESIDING OFFICER. The Senator's time is expired.

The Senator from Hawaii.

Mr. INOUYE. Mr. President, I ask unanimous consent that the remaining votes in this sequence be limited to 10 minutes each.

The PRESIDING OFFICER. Is this objection?

Without objection, it is so ordered.

The question is on agreeing to the Collins amendment.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Missouri (Mrs. MCCASKILL) are 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 result was announced—yeas 60, nays 37, as follows:

[Rollcall Vote No. 173 Leg.]

YEAS—60

Alexander	DeMint	Lugar
Barrasso	Dodd	McCain
Baucus	Dorgan	McConnell
Begich	Ensign	Murkowski
Bennet	Enzi	Nelson (NE)
Bennett	Graham	Pryor
Bingaman	Grassley	Risch
Bond	Gregg	Roberts
Brown (MA)	Hagan	Rockefeller
Brownback	Hatch	Sessions
Bunning	Hutchison	Shaheen
Burr	Inhofe	Shelby
Byrd	Isakson	Snowe
Coburn	Johanns	Tester
Cochran	Johnson	Thune
Collins	Kohl	Udall (CO)
Conrad	Kyl	Vitter
Corker	Landrieu	Voinovich
Cornyn	LeMieux	Webb
Crapo	Lieberman	Wicker

NAYS—37

Akaka	Gillibrand	Nelson (FL)
Bayh	Harkin	Reed
Boxer	Inouye	Reid
Brown (OH)	Kaufman	Sanders
Burris	Kerry	Schumer
Cantwell	Klobuchar	Specter
Cardin	Lautenberg	Stabenow
Carper	Leahy	Udall (NM)
Casey	Levin	Warner
Durbin	Menendez	Whitehouse
Feingold	Merkley	Wyden
Feinstein	Mikulski	
Franken	Murray	

NOT VOTING—3

Chambliss	Lincoln	McCaskill

The amendment (No. 4253) was agreed to.

The PRESIDING OFFICER. Under the previous order, there will be 8 minutes of debate equally divided to run concurrently on amendment No. 4273 to be offered by the Senator from North Carolina and amendment No. 4299 to be offered by the Senator from Hawaii.

The Senator from Hawaii.

AMENDMENTS NOS. 4299 AND 4273

Mr. INOUYE. Mr. President, on May 7, Secretary Shinseki sent a letter informing me that the Department underestimated the number of eligible Filipino veterans, especially those who have become U.S. citizens, in calculating the amount needed for this program. More than 42,000 applications were received. Based on the actual applications received before the deadline, the Department has recalculated the estimates and identified a shortfall of $67 million.

The provision included in this supplemental does not cost a dime. It simply allows any savings, currently unobligated and not assigned to any ongoing project, which the VA realizes is the result of a favorable contract environment, to be transferred to the Filipino Veterans Equity Compensation Fund and/or retained for authorized major medical facility projects of the Department of Veterans Affairs. It does not mandate this transfer. It simply gives the VA the flexibility should the Department want to transfer the funds for these purposes.

Just a reminder: In July of 1941 President Roosevelt invited the Filipinos to volunteer and join the American forces, and 470,000 volunteered. In March of 1942 this Congress passed a law stating that Filipinos who volunteered may, after the war, apply for citizenship and receive all the benefits of American citizenship. In March of 1946 this Congress reneged and repealed that law.

We must fulfill this commitment the country made to the Filipino veterans who fought so bravely under our command because to deny the VA authority to transfer to this account would renege on our commitment and would send a dangerous signal that the Senate may not honor past and future commitments to veterans.

Is the amendment up for consideration?

The PRESIDING OFFICER. It needs to be called up.

AMENDMENT NO. 4299

Mr. INOUYE. Mr. President, I ask unanimous consent to call up my amendment No. 4299.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE] proposes an amendment numbered 4299.

The amendment is as follows:

(Purpose: To allow unobligated balances in the Construction, Major Projects account to be utilized for major medical facility projects of the Department of Veterans Affairs otherwise authorized by law)

On page 41, line 14, insert before the colon the following: ''or may be retained in the 'Construction, Major Projects' account and used by the Secretary of Veterans Affairs for such major medical facility projects (as defined under section 8104(a) of title 38, United States Code) that have been authorized by law as the Secretary considers appropriate''.

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

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

Who yields time?

The Senator from North Carolina.

AMENDMENT NO. 4273

Mr. BURR. Mr. President, I ask unanimous consent to call up my amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. BURR] proposes an amendment numbered 4273.

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

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

The amendment is as follows:

(Purpose: To strike section 901, relating to the transfer of amounts to the Filipino Veterans Equity Compensation Fund)

On page 41, strike lines 10 through 24.

Mr. BURR. Mr. President, I have deep respect for the chairman of the Appropriations Committee. He said earlier this afternoon that President Roosevelt made a promise. I can tell my colleagues I had my staff go to the Roosevelt Library. We didn't just leave it up to the study done by the Senate. We can find no promise—no promise by President Roosevelt, no promise by General MacArthur, no promise by individuals who were intricately involved in the commitments at the end of the Second World War in the Pacific. In fact, we did take care of those Filipinos who served as scouts for the U.S. services, and they got full VA benefits.

What we are talking about—and this is not the purpose of this discussion—is a continuation, an addition to the Filipino equity fund. Two years ago we passed legislation creating that fund. We appropriated $198 million, and we allowed 1 year from the enactment for any Filipino who wanted to claim to, in fact, put in an application. That deadline was February 16. At the end of December, my staff talked to the VA, and they had obligated under $100 million.

The legislation at the time required the Secretary of the VA to submit in the President's budget this year a detailed report of the number of applications and, more importantly, a breakdown of how much money and to whom it went. That was not supplied in the President's submission to Congress.

When the President's budget came, the President's budget said they needed $188 million, $10 million short of the $198 million we had already appropriated. Now out of the clear blue sky, Secretary Shinseki sent a letter to the Appropriations Committee chairman and said: We need another $67 million. Well, the deadline was February 16, before the President's budget was constructed. There was no explanation as to what it is going to be used for and no understanding of to whom this money goes.

I want my colleagues to listen. What my amendment does is strike this from the bill. What Senator INOUYE's amendment does is give the Secretary the option to leave the money where it is or to divert the money to the Philippine equity fund. I will assure my colleagues the Secretary will divert it. Where does it come from? It comes from already appropriated money that is in the construction fund at the VA for hospitals, for outpatient clinics, for national cemeteries, and for the maintenance of the facilities for our veterans.

This is wrong. If there is an obligation we have to keep, it is to our veterans—ones who rely on the best facilities to deliver care to them.

Once again, I ask my colleagues to vote against the Inouye amendment and vote for the Burr amendment.

I thank the Chair.

I ask for the yeas and nays.

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

Is there further debate on the amendment?

If not, the question is on agreeing to the Inouye amendment No. 4299.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Missouri (Mrs. MCCASKILL) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Georgia (Mr. CHAMBLISS), the Senator from Texas (Mrs. HUTCHISON), and the Senator from Louisiana (Mr. VITTER).

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

The result was announced—yeas 60, nays 35, as follows:

[Rollcall Vote No. 174 Leg.]

YEAS—60

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

NAYS—35

Alexander	DeMint	Lugar
Barrasso	Ensign	McCain
Bennett	Enzi	McConnell
Brown (MA)	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Hagan	Sessions
Burr	Hatch	Shelby
Coburn	Inhofe	Snowe
Collins	Isakson	Thune
Corker	Johanns	Voinovich
Cornyn	Kyl	Wicker
Crapo	LeMieux	

NOT VOTING—5

Chambliss	Lincoln	Vitter
Hutchison	McCaskill	

The amendment (No. 4299) was agreed to.

VOTE ON AMENDMENT NO. 4273

The PRESIDING OFFICER. Under previous order, the question is on agreeing to amendment No. 4273.

The yeas and nays were previously ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Missouri (Mrs. MCCASKILL) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Georgia (Mr. CHAMBLISS), the Senator from Louisiana (Mr. VITTER), and the Senator from Texas (Mrs. HUTCHISON).

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

The result was announced—yeas 37, nays 58, as follows:

[Rollcall Vote No. 175 Leg.]

YEAS—37

Alexander	DeMint	McCain
Barrasso	Ensign	McConnell
Bennett	Enzi	Nelson (NE)
Brown (MA)	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Hagan	Sessions
Burr	Hatch	Shelby
Coburn	Inhofe	Snowe
Collins	Isakson	Thune
Conrad	Johanns	Voinovich
Corker	Kyl	Wicker
Cornyn	LeMieux	
Crapo	Lugar	

NAYS—58

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

NOT VOTING—5

Chambliss	Lincoln	Vitter
Hutchison	McCaskill	

The amendment (No. 4273) was rejected.

AMENDMENT NO. 4184, AS MODIFIED, AND AMENDMENT NO. 4213, AS MODIFIED

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I ask unanimous consent that the previous order be modified to provide that amendments Nos. 4184, as modified, and 4213 as modified not be withdrawn.

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

Under the previous order, all remaining pending amendments to the substitute are withdrawn, except amendments 4184, as modified, and 4213, as modified, offered by the Senator from Louisiana.

The Senator from Hawaii.

AMENDMENTS NOS. 4178, 4205, 4217, 4222, 4224, 4245, 4246, 4249, 4260, 4280, 4184, AS FURTHER MODIFIED, 4259, 4255, 4248, 4200, 4213, AS MODIFIED, 4251, AS FURTHER MODIFIED, AND 4287, AS MODIFIED

Mr. INOUYE. Pursuant to the order, I call up the managers' package, which is at the desk.

The PRESIDING OFFICER. Under the previous order, the managers' package is considered and agreed to and the motion to reconsider is considered made and laid upon the table.

The amendments were agreed to, as follows:

AMENDMENT NO. 4178

(Purpose: To facilitate a transmission line project)

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

RIGHT-OF-WAY

SEC. ___. (a) Notwithstanding any other provision of law, the Secretary of the Interior shall—

(1) not later than 30 days after the date of enactment of this Act, amend Right-of-Way Grants No. NVN-49781/IDI-26446/NVN-85211/NVN-85210 of the Bureau of Land Management to shift the 200-foot right-of-way for the 500-kilovolt transmission line project to the alignment depicted on the maps entitled ''Southwest Intertie Project'' and dated December 10, 2009, and May 21, 2010, and approve the construction, operation and maintenance plans of the project; and

(2) not later than 90 days after the date of enactment of this Act, issue a notice to proceed with construction of the project in accordance with the amended grants and approved plans described in paragraph (1).

(b) Notwithstanding any other provision of law, the Secretary of Energy may provide or facilitate federal financing for the project described in subsection (a) under the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 115) or the Energy Policy Act of 2005 (42 U.S.C. 15801 et seq.), based on the comprehensive reviews and consultations performed by the Secretary of the Interior.

AMENDMENT NO. 4205

(Purpose: To make a technical correction)

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

SEC. 3008. Of the amounts appropriated for the Edward Byrne Memorial Justice Assistance Grant Program under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.) under the heading ''STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE'' under the heading ''OFFICE OF JUSTICE PROGRAMS'' under the heading ''STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES'' under title II of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 579), at the discretion

of the Attorney General, the amounts to be made available to Genesee County, Michigan for assistance for individuals transitioning from prison in Genesee County, Michigan pursuant to the joint statement of managers accompanying that Act may be made available to My Brother's Keeper of Genesee County, Michigan to provide assistance for individuals transitioning from prison in Genesee County, Michigan.

AMENDMENT NO. 4217

(Purpose: To provide for the submittal of the charter and reports on the High-Value Detainee Interrogation Group to additional committees of Congress)

On page 26, between lines 2 and 3, insert the following:

(d) SUBMITTAL OF CHARTER AND REPORTS TO ADDITIONAL COMMITTEES OF CONGRESS.—At the same time the Director of National Intelligence submits the charter and procedures referred to in subsection (a), any modification or revision to the charter or procedures under subsection (b), and any report under subsection (c) to the congressional intelligence committees, the Director shall also submit such matter to—

(1) the Committees on Armed Services, Homeland Security and Governmental Affairs, the Judiciary, and Appropriations of the Senate; and

(2) the Committees on Armed Services, Homeland Security, the Judiciary, and Appropriations of the House of Representatives.

AMENDMENT NO. 4222

(Purpose: To limit the use of funds for the Department of Veterans Affairs for the presumption of service-connection between exposure of veterans to Agent Orange during service in Vietnam and certain additional diseases until the period for disapproval by Congress of the regulation establishing such presumption has expired)

At the end of chapter 9 of title I, add the following:

LIMITATION ON USE OF FUNDS AVAILABLE TO THE DEPARTMENT OF VETERANS AFFAIRS

SEC. 902. The amount made available to the Department of Veterans Affairs by this chapter under the heading ''VETERANS BENEFITS ADMINISTRATION'' under the heading ''COMPENSATION AND PENSIONS'' may not be obligated or expended until the expiration of the period for Congressional disapproval under chapter 8 of title 5, United States Code (commonly referred to as the ''Congressional Review Act''), of the regulations prescribed by the Secretary of Veterans Affairs pursuant to section 1116 of title 38, United States Code, to establish a service connection between exposure of veterans to Agent Orange during service in the Republic of Vietnam during the Vietnam era and hairy cell leukemia and other chronic B cell leukemias, Parkinson's disease, and ischemic heart disease.

AMENDMENT NO. 4224

(Purpose: To make a technical correction related to Amtrak security in the Consolidated Appropriations Act, 2010)

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

SEC. 3008. Section 159(b)(2)(C) of title I of division A of the Consolidated Appropriations Act, 2010 (49 U.S.C. 24305 note) is amended by striking clauses (i) and (ii) and inserting the following:

''(i) requiring inspections of any container containing a firearm or ammunition; and

''(ii) the temporary suspension of firearm carriage service if credible intelligence information indicates a threat related to the national rail system or specific routes or trains.''.

AMENDMENT NO. 4245

(Purpose: To add a provision relating to commitments of resources by foreign governments)

On page 58, line 19, after the period insert the following:

(c) Of the funds appropriated in this chapter and in prior acts making appropriations for the Department of State, foreign operations, and related programs under the headings ''Diplomatic and Consular Programs'' and ''Embassy Security, Construction, and Maintenance'' for Afghanistan, Pakistan and Iraq, up to $300,000,000 may, after consultation with the Committees on Appropriations, be transferred between, and merged with, such appropriations for activities related to security for civilian led operations in such countries.

AMENDMENT NO. 4246

(Purpose: To strike a technical clarification)

On page 69, strike lines 4 through 8.

AMENDMENT NO. 4249

(Purpose: To modify a condition on the availability for funds to support the work of the Independent Electoral Commission and the Electoral Complaints Commission in Afghanistan)

On page 55, line 20, strike ''and'' and all that follows through ''such commissions; and'' and insert the following: ''has no members or other employees who participated in, or helped to cover up, acts of fraud in the 2009 elections for president in Afghanistan, and the Electoral Complaints Commission is a genuinely independent body with all the authorities that were invested in it under Afghanistan law as of December 31, 2009, and with no members appointed by the President of Afghanistan; and''.

AMENDMENT NO. 4260

(Purpose: To clarify that non-military projects in the former Soviet Union for which funding is authorized by this Act for the purpose of engaging scientists and engineers shall be executed through existing science and technology centers)

Beginning on page 66, line 24, strike ''activities'' and all that follows through ''notwithstanding'' on page 67, line 2, and insert ''projects that engage scientists and engineers who have no weapons background, but whose competence could otherwise be applied to weapons development, provided such projects are executed through existing science and technology centers and notwithstanding''.

AMENDMENT NO. 4280

(Purpose: To require the Administrator of General Services to make publicly available the contractor integrity and performance database established under the Clean Contracting Act of 2008)

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

PUBLIC AVAILABILITY OF CONTRACTOR INTEGRITY AND PERFORMANCE DATABASE

SEC. 3008. Section 872(e)(1) of the Clean Contracting Act of 2008 (subtitle G of title VIII of Public Law 110–417; 41 U.S.C. 417b(e)(1)) is amended by adding at the end the following: ''In addition, the Administrator shall post all such information, excluding past performance reviews, on a publicly available Internet website.''.

AMENDMENT NO. 4184, AS FURTHER MODIFIED

(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.

(d) Nothing in this section shall affect the ability or authority of the Federal Government to recover costs from an entity determined to be a responsible party in connection with the Deepwater Horizon oil spill pursuant to the Oil Pollution Act of 1990 or any other applicable Federal statute for actions undertaken pursuant to this seciton.

AMENDMENT NO. 4259

(Purpose: To require assessments on the detainees at United States Naval Station, Guantanamo Bay, Cuba)

On page 81, between lines 22 and 23, insert the following:

ASSESSMENTS ON GUANTANAMO BAY DETAINEES

SEC. 3008. (a) SUBMISSION OF INFORMATION RELATED TO DISPOSITION DECISIONS.—Not later than 45 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the participants of the interagency review of Guantanamo Bay detainees conducted pursuant to Executive Order 13492 (10 U.S.C. 801 note), shall fully inform the congressional intelligence committees concerning the basis for the disposition decisions reached by the Guantanamo Review Task Force, and shall provide to the congressional intelligence committees—

(1) the written threat analyses prepared on each detainee by the Guantanamo Review Task Force established pursuant to Executive Order 13492; and

(2) access to the intelligence information that formed the basis of any such specific assessments or threat analyses.

(b) FUTURE SUBMISSIONS.—In addition to the analyses, assessments, and information required under subsection (a) and not later than 10 days after the date that a threat assessment described in subsection (a) is disseminated, the Director of National Intelligence shall provide to the congressional intelligence committees—

(1) any new threat assessment prepared by any element of the intelligence community of a Guantanamo Bay detainee who remains in detention or is pending release or transfer; and

(2) access to the intelligence information that formed the basis of such threat assessment.

(c) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term ''congressional intelligence committees'' has the meaning given that term in section 3(7) of the National Security Act of 1947 (50 U.S.C. 401a(7)).

AMENDMENT NO. 4255

(Purpose: To make a technical correction)

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

SEC. 3009. Of the amounts appropriated for the Edward Byrne Memorial Justice Assistance Grant Program under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.) under the heading ''STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE'' under the

heading ''OFFICE OF JUSTICE PROGRAMS'' under the heading ''STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES'' under title II of the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 579), at the discretion of the Attorney General, the amounts to be made available to the Marcus Institute, Atlanta, Georgia, to provide remediation for the potential consequences of childhood abuse and neglect, pursuant to the joint statement of managers accompanying that Act, may be made available to the Georgia State University Center for Healthy Development, Atlanta, Georgia.

AMENDMENT NO. 4248

(Purpose: To authorize the Secretary of State to award task orders for police training in Afghanistan under current Department of State contracts for police training)

On page 56, between lines 17 and 18, insert the following:

(g)(1) Notwithstanding section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) and requirements for awarding task orders under task and delivery order contracts under section 303J of such Act (41 U.S.C. 253j), the Secretary of State may award task orders for police training in Afghanistan under current Department of State contracts for police training.

(2) Any task order awarded under paragraph (1) shall be for a limited term and shall remain in performance only until a successor contract or contracts awarded by the Department of Defense using full and open competition have entered into full performance after completion of any start-up or transition periods.

AMENDMENT NO. 4200

(Purpose: To make a technical correction)

On page 34, line 5, strike ''prior'' and all through page 34, line 7, and insert the following: appropriations made available in Public Law 111–83 to the ''Office of the Federal Coordinator for Gulf Coast Rebuilding'', $700,000 are rescinded.

AMENDMENT NO. 4213, AS MODIFIED

(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 disbursal 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 90 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 that the project is in 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 90 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), as well as any information about such projects that the Secretary determines to be necessary to ensure that the project is in compliance with subsection (d).

''(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, or if, based on the information submitted by the Secretary determines that the project is not in compliance with subsection (d), 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.''.

AMENDMENT NO. 4251, AS FURTHER MODIFIED

(Purpose: To provide funds for drought relief, with an offset)

On page 71, line 21, strike ''$15,000,000'' and insert ''$25,000,000''.

On page 28, between lines 3 and 4, insert the following:

SEC. 4___. EMERGENCY DROUGHT RELIEF.

For an additional amount for ''Water and Related Resources'', $10,000,000, for drought emergency assistance: *Provided*, That financial assistance may be provided under the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2201 et seq.) and any other applicable Federal law (including regulations) for the optimization and conservation of project water supplies to assist drought-plagued areas of the West:

AMENDMENT NO. 4287, AS MODIFIED

(Purpose: To provide fisheries disaster relief, conduct a study on ecosystem services, and conduct an enhanced stock assessment for Gulf of Mexico fisheries impacted by the Deepwater Horizon oil discharge)

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

FUNDING FOR ENVIRONMENTAL AND FISHERIES IMPACTS

SEC. 2002.

(1) FISHERIES DISASTER RELIEF.—For an additional amount, in addition to other amounts provided in this Act for the National Oceanic and Atmospheric Administration, $15,000,000 to be available to provide fisheries disaster relief under section 312 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a) related to a commercial fishery failure due to a fishery resource disaster in the Gulf of Mexico that resulted from the Deepwater Horizon oil discharge.

(2) EXPANDED STOCK ASSESSMENT OF FISHERIES.—For an additional amount, in addition to other amounts provided in this Act for the National Oceanic and Atmospheric Administration, $10,000,000 to conduct an expanded stock assessment of the fisheries of the Gulf of Mexico. Such expanded stock assessment shall include an assessment of the commercial and recreational catch and biological sampling, observer programs, data management and processing activities, the conduct of assessments, and follow-up evaluations of such fisheries.

(3) ECOSYSTEM SERVICES IMPACTS STUDY.—For an additional amount, in addition to other amounts provided for the Department of Commerce, $1,000,000 to be available for the National Academy of Sciences to conduct a study of the long-term ecosystem service impacts of the Deepwater Horizon oil discharge. Such study shall assess long-term costs to the public of lost water filtration, hunting, and fishing (commercial and recreational), and other ecosystem services associated with the Gulf of Mexico.

IN GENERAL.—Of the amounts appropriated or made available under Division B, Title I of Public Law 111–117 that remain unobligated as of the date of the enactment of this Act under Procurement, Acquisition, and Construction for the National Oceanic and Atmospheric Administration, $26,000,000 of the amounts appropriated are hereby rescinded.

CDBG AND EDA FUNDING

Mr. REED. Mr. President, I rise to enter into a colloquy with the chairman, Mr. INOUYE, and vice chairman, Mr. COCHRAN, of the Senate Appropriations Committee, as well as my colleague from Tennessee, Mr. ALEXANDER.

I want to thank my colleagues who have recognized the needs of Rhode Island, which is struggling to overcome the effects of the worst flooding in centuries in midst of the worst economic environment in generations. Indeed, Rhode Island was among the first States to sink into recession. In the last 2 years it has consistently ranked among the top three States in unemployment, with as much as 13 percent of the workforce without jobs. As my colleagues know, Rhode Island has been fortunate for many decades until now to have avoided the kind of major natural disaster damage that has affected so many other States. When those disasters have occurred in other States, there has been no question about the support of the people of Rhode Island or our State's congressional delegation for Federal disaster assistance. I am grateful that in the midst of challenging fiscal environment that the committee, on a bipartisan basis has included assistance for flood-impacted States, specifically Rhode Island and Tennessee. I am particularly grateful for the inclusion of additional community development block grant, CDBG, and economic development assistance, EDA, grant funding, along with a reduction of the non-Federal cost share for FEMA assistance. I also appreciate the challenge of including this funding while trying to stay within the President's top-line request for emergency funding. In the past, the committee has had greater flexibility in responding to emergencies, including in 2008 when over $20 billion was provided to States with major disasters in that year. Given the comparatively limited funding available, I would like to ask the chairman and vice chairman to help clarify the intent of the funding included in the underlying bill, specifically that the intent with respect tothe CDBG and EDA funding provided in the bill is to assist hard-hit communities in Rhode Island and Tennessee. I would

ask my colleagues for their support in maintaining this position in negotiations with the House on the final package.

Mr. INOUYE. Mr. President, the Senator from Rhode Island is correct about the intent of the funding provided here. As the Senator knows, the Appropriations Committee's capacity to provide additional funding for disaster recovery is constrained by the President's top-line number for emergency supplemental appropriations. Given the relatively modest funding available in comparison to previous disaster supplemental appropriations bills, the intent is to focus CDBG and EDA assistance on Rhode Island and Tennessee, where the underlying economic need is greatest. We will work to clarify and maintain that position during conference with the House.

Mr. COCHRAN. Mr. President, I concur with the chairman. The scale of need in both States is significant. While I know the committee would have liked to accommodate a greater amount of funding for Tennessee and Rhode Island, as well as other States, the need to stay within the top-line number in the administration's request has limited the amount of funding available. Given the limited funding available, it is appropriate to focus on States where the underlying economic need is greatest, and I will work to maintain the position described by the chairman.

Mr. ALEXANDER. Mr. President, I thank the chairman and the vice chairman for their comments and their work on this bill, particularly the assistance they have worked to provide to my state. As my colleagues know, the amount of property damage in Tennessee may be more than $10 billion and is the worst natural disaster since President Obama has been in office. While the funding in this bill is important and significant for Tennessee and Rhode Island, it represents only the beginning of what is needed in my state, and I ask for the chairman and vice chairman's continuing support for additional funding for recovery efforts in Tennessee.

Mr. INOUYE. Mr. President, I thank the Senator from Tennessee for his comments, and we will continue to work with him and the Senator from Rhode Island to help address the needs of their States.

Mr. ALEXANDER. Mr. President, I thank the chairman and vice chairman for their commitment and the assistance they have already extended to my State in this bill.

Mr. REED. Mr. President, I thank also my colleagues for their assistance and look forward to working with them to secure passage of this important bill.

AMENDMENT NO. 4251, AS MODIFIED

Mr. MERKLEY. Mr. President, I ask unanimous consent that my as modified amendment No. 4251 to printed in the RECORD.

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

The amendment, as modified, is as follows:

On page 27, line 7, strike ''$173,000,000'' and insert ''$163,000,000''.

On page 28, between lines 3 and 4, insert the following:

SEC. 4___. EMERGENCY DROUGHT RELIEF.

For an additional amount for ''Water and Related Resources'', $9,000,000, for drought emergency assistance: *Provided*, That financial assistance may be provided under the Reclamation States Emergency Drought Relief Act of 1991 (43 U.S.C. 2201 et seq.) and any other applicable Federal law (including regulations) for the optimization and conservation of project water supplies to assist drought-plagued areas of the West:

Mr. LEAHY. Mr. President, amendment No. 4245 to H.R. 4899, the fiscal year 2010 supplemental appropriations bill, provides the Department of State with authority to transfer up to $300,000,000 between the ''Diplomatic and Consular Programs'' and ''Embassy Security, Construction, and Maintenance'' accounts in chapter 10 of the bill, to respond to potential increases in the cost of security for civilian personnel. This authority is not intended to be used to support site development or construction of permanent consulates or other such facilities.

Mr. President, I want to speak briefly about a heinous crime that occurred in El Salvador that has yet to be solved. On June 18, 2009, Gustavo Marcelo Rivera, an activist and community leader from the city of San Isidro, Cabaas, was kidnapped. His tortured remains were found on July 1 at the bottom of a dry well in the village of Agua Zarca. The cause of death apparently was asphyxiation, and evidence reportedly indicated that his kidnappers may have kept him alive for several days before murdering him.

It is my understanding that four suspects, gang members, have been identified by the Attorney General's office as key suspects in the crime. Apparently, the prosecutor's hypothesis is that Mr. Rivera was with these gang members and was killed after a heated argument; in other words, that his death was a common crime, not a political assassination.

There is reason to suspect otherwise. Mr. Rivera was a well known community leader. He was the founder and director of the Casa de la Cultura in San Isidro, a member of the departmental board of the FMLN party, and the director of the Association of Friends of San Isidro Cabaas. He had been a defender of the environment, and he was outspoken in his opposition to industrial mining by the Canadian mining company Pacific Rim in San Isidro. In addition, I am informed that during the January 2009 municipal elections, Mr. Rivera and other leaders denounced suspected electoral fraud in his municipality. As a result of his activism, Mr. Rivera was the target of threats and accusations and someone reportedly tried to run over him with a car. In addition, the brutal manner in which he was tortured and killed suggests that this was a premeditated crime that may have been intended as a warning to other community activists.

Crimes like this are all too common in El Salvador today, and they concern not only the Salvadoran people but those of us who follow developments in that country. Rarely are competent investigations performed, and almost never is anyone convicted and punished. Impunity is the norm.

I urge the Attorney General to conduct a thorough, transparent, and credible investigation to ensure that not only those who tortured and killed Mr. Rivera are brought to justice, but anyone who may have ordered such a heinous crime is also prosecuted and punished. Democracy is fragile in El Salvador and it cannot survive without a functioning justice system and responsible judicial authorities who have the people's confidence.

I have strongly supported assistance for El Salvador. In the supplemental appropriations bill we have been debating this week, I included $25,000,000 for El Salvador to help rebuild schools, roads, and other infrastructure that was damaged or destroyed during Hurricane Ida last November. Some 150 Salvadorans lost their lives in that disaster. Those funds were not requested by the President in the supplemental bill. I included them because I felt we should help El Salvador rebuild.

But I also feel strongly about justice in El Salvador, whose people suffered from years of civil war during the 1980s. Human rights defenders, journalists, and community activists are increasingly threatened and killed. How the Rivera case is resolved will be a measure of whether the Government of El Salvador is serious about defending the rights of its citizens who courageously speak out against injustice, and upholding the rule of law.

The PRESIDING OFFICER. Under the previous order, all postcloture time is yielded back.

The committee amendment in the nature of a substitute, as amended, is agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the committee amendment, as amended, and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill, as amended, pass?

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Missouri (Mrs. MCCASKILL) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: The Senator from Georgia (Mr. CHAMBLISS), the Senator from Louisiana (Mr. VITTER), and the Senator from Texas (Mrs. Hutchison).

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

The result was announced—yeas 67, nays 28, as follows:

[Rollcall Vote No. 176 Leg.]

YEAS—67

Akaka	Durbin	Mikulski
Alexander	Feinstein	Murkowski
Baucus	Franken	Murray
Bayh	Gillibrand	Nelson (NE)
Begich	Hagan	Nelson (FL)
Bennet	Harkin	Pryor
Bennett	Inouye	Reed
Bingaman	Johanns	Reid
Bond	Johnson	Rockefeller
Boxer	Kaufman	Sanders
Brown (MA)	Kerry	Schumer
Brown (OH)	Klobuchar	Shaheen
Burris	Kohl	Snowe
Byrd	Landrieu	Specter
Cantwell	Lautenberg	Stabenow
Cardin	Leahy	Tester
Carper	LeMieux	Udall (CO)
Casey	Levin	Udall (NM)
Cochran	Lieberman	Warner
Collins	Lugar	Webb
Conrad	McConnell	Whitehouse
Dodd	Menendez	
Dorgan	Merkley	

NAYS—28

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

NOT VOTING—5

Chambliss	Lincoln	Vitter
Hutchison	McCaskill	

The bill (H.R. 4899), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. INOUYE. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Without objection, the title amendment is agreed to.

Under the previous order, the Senate insists on its amendments, requests a conference with the House on the disagreeing votes of the two Houses, and the Chair appoints the following conferees.

The Presiding Officer (Mr. WARNER) appointed Mr. INOUYE, Mr. BYRD, Mr. LEAHY, Mr. HARKIN, Ms. MIKULSKI, Mr. KOHL, Mrs. MURRAY, Mr. DORGAN, Mrs. FEINSTEIN, Mr. DURBIN, Mr. JOHNSON, Ms. LANDRIEU, Mr. REED, Mr. LAUTENBERG, Mr. NELSON of Nebraska, Mr. PRYOR, Mr. TESTER, Mr. SPECTER, Mr. COCHRAN, Mr. BOND, Mr. MCCONNELL, Mr. SHELBY, Mr. GREGG, Mr. BENNETT, Mrs. HUTCHISON, Mr. BROWNBACK, Mr. ALEXANDER, Ms. COLLINS, Mr. VOINOVICH, and Ms. MURKOWSKI conferees on the part of the Senate.

UNANIMOUS CONSENT REQUEST—H.R. 4853

Mr. GRASSLEY. As the majority struggles in an attempt to pass another massive deficit spending bill through Congress, biodiesel plants in Iowa and 42 other States continue to lay off workers because the Democratic-controlled Congress has not extended the biodiesel tax credit. This is a simple and noncontroversial tax extension that will likely reinstate more than 20,000 jobs nationwide and about 2,000 jobs in my State of Iowa alone.

These jobs have fallen victim to a tactic used by the Democratic leadership to hold this popular and noncontroversial tax provision hostage to out-of-control deficit spending here in Washington.

This past February I worked out a bipartisan compromise with Chairman BAUCUS to extend the expired tax provisions, including the biodiesel tax credit. However, the Senate majority leader decided to put partisanship ahead of job security for thousands of workers, and that compromise did not move ahead.

So I am here again to try to put thousands of Americans back to work producing a very clean and renewable fuel. Therefore, I ask unanimous consent to proceed to H.R. 4853; that my substitute, which contains a 1-year extension of the biodiesel and renewable diesel tax credits for all of the year 2010, be agreed to, and the bill, as amended, be read a third time and passed.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, reserving the right to object, and it is not with great pleasure, I object to the request offered by my good friend from Iowa. This provision he is seeking unanimous consent about is one of the provisions in the larger tax extenders bill that the House is working on and attempting to pass tonight. They are laboring mightily but so far have not been able to pass the extenders job legislation that would contain the provision mentioned by the Senator from Iowa. This is the tax credit for biodiesel and renewable diesel. It has created jobs. It is a good provision.

I might say to my friend, the jobs are now lost because it expired. It expired the end of last year. We will extend this provision. We should extend it and we will extend it. We are not able to extend it tonight by itself. Why? Because many other Senators have specific provisions in the job extenders legislation that are particularly applicable to their States.

One I am particularly interested in is the property tax deduction, irrespective of whether the taxpayer itemized his or her deductions.

There will be a time, when we get back after the recess, to try to get these provisions passed so jobs are created. But we have to do it together as a package. We can't do it singly, separately, tonight. I want to tell my good friend from Iowa I will work with him when we get back after the recess. For the time being I feel obliged to object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Iowa.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. HARKIN. Mr. President, on the Executive Calendar, I ask unanimous consent the Senate proceed to executive session to consider en bloc Executive Calendar Nos. 427, 493, 494, 688, 500, 501, 521, 556, 581, 588, 589, and a number of others that the minority, I am sure, is aware of, and it includes all nominations on the Secretary's desk in the Air Force, Army, Foreign Service, Marine Corps and Navy—these are military people waiting to get their increases in rank. They have all been cleared and they need to be cleared so they can get their increases in rank—that the nominations be confirmed en bloc, the motions to reconsider be laid on the table en bloc, that no further motions be in order, that any statements relating to the nominations be printed in the RECORD, that the President be immediately notified of the Senate's action and the Senate resume legislative session.

These are nominees, as I said. First of all, they are military people waiting for their increase in rank. But it is also people such as Brian Hayes, a member of the NLRB; Mark Pearce, member of the NLRB, et cetera, et cetera.

Craig Becker, member of the NLRB; Anthony Coscia, Amtrak board of directors; Mark Rosekind, member of the NTSB. Here is David Lopez, general counsel of the EEOC. Here is Michael Punke, Deputy U.S. Trade Representative; Islam Siddiqui, Chief Ag Negotiator for the U.S. Trade Representative; Jeffrey Moreland, director of Amtrak; Carolyn Radelet, Deputy Director of the Peace Corps; Lana Pollack, Commissioner of U.S. International Joint Commission for the U.S. and Canada. And there are a number of others. I will not go through them all. They are a number of people who need to be in place to make our government work and run. That is who we are trying to ask unanimous consent that we can get them confirmed.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. The Republican leader.

Mr. MCCONNELL. Mr. President, I would say to my good friend from Iowa, the majority leader and I have been working on a package of nominations. Unfortunately, we are snagged over one particular nomination which has already been defeated by the Senate, and that was the nomination of Craig Becker to be on the NLRB. The President then recessed Mr. Becker and recessed a Democratic nomination to the NLRB but not a Republican nominee to the