My favorite image from the last few months was this idea that Franni had actually packed a bag with her toothbrush in it; that she had it right next to her bedside in case at any moment the court would come with a decision and she and AL would have to rush to Washington so he could take a critical vote.

Well, today the time has come and AL will cast his first vote. If there is any silver lining to the past 8 months, it is that AL has had time to prepare for this moment. The times are tumultuous, the stakes are high, and history will forever judge whether we fail or succeed, whether we are courageous or timid.

AL FRANKEN is ready for this job. It is time to get to work, and, AL FRANKEN, there is a desk waiting for you in the Senate.

I yield the floor.

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 I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Without objection, it is so ordered.

CERTIFICATE OF ELECTION AND CREDENTIALS

The VICE PRESIDENT. The Chair lays before the Senate the certificate of election for a 6-year term, beginning January 3, 2009, for the representation of the State of Minnesota. The certificate, the Chair is advised, is in the form suggested by the Senate. If there is no objection, the reading of the certificate will be waived, and it will be printed in full in the RECORD.

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

STATE OF MINNESOTA

Executive Department

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the fourth day of November, 2008, Al Franken was duly chosen by the qualified electors of the State of Minnesota a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2009.

Witness: His excellency our governor Tim Pawlenty, and our seal hereto affixed at Saint Paul, Minnesota this 30th day of June, in the year of our Lord 2009.

By the governor:

TIM PAWLENTY,
Governor.
MARK RITCHIE,
Secretary of State.

[State Seal Affixed]

ADMINISTRATION OF OATH OF OFFICE

The VICE PRESIDENT. If the Senator elect will present himself at the desk, the Chair will administer the oath of office as required by the Constitution and prescribed by law.

The Senator elect, escorted by Mrs. KLOBUCHAR and former Vice President Walter Mondale, advanced to the desk of the Vice President; the oath prescribed by law was administered to him by the Vice President; and he subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations, Senator.

(Applause, Senators rising.)

The PRESIDING OFFICER (Mrs. GILLIBRAND). The majority leader.

MAJORITY PARTY COMMITTEE MEMBERSHIP

Mr. REID. Madam President, I have a resolution at the desk, and I ask for its immediate consideration.

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

The legislative clerk read as follows:

A resolution (S. Res. 208) to constitute the majority party's membership on certain committees for the One Hundred Eleventh Congress, or until their successors are chosen.

The PRESIDING OFFICER. Without objection, the resolution is considered and agreed to.

The resolution (S. Res. 208) was agreed to, as follows:

S. RES. 208

Resolved, That the following shall constitute the majority party's membership on the following committee for the One Hundred Eleventh Congress, or until their successors are chosen:

COMMITTEE ON THE JUDICIARY: Mr. Leahy (Chairman), Mr. Kohl, Mrs. Feinstein, Mr. Feingold, Mr. Schumer, Mr. Durbin, Mr. Cardin, Mr. Whitehouse, Ms. Klobuchar, Mr. Kaufman, Mr. Specter, and Mr. Franken.

Mr. DURBIN. I move to reconsider the vote.

Mr. NELSON of Florida. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Madam President, under the authority granted pursuant to S. Res. 18, I announce that Senator FRANKEN has been assigned to the following committees: the Committee on Indian Affairs, the Select Committee on Aging and, as was just agreed to, the Committee on the Judiciary. As soon as the markup is completed in the HELP Committee on the health care bill, he will go on to the HELP Committee.

RECESS

Mr. REID. Madam President, I ask unanimous consent that we recess 10 minutes early today.

There being no objection, the Senate, at 12:20 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Acting President pro tempore.

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

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

The legislative clerk proceeded to call the roll.

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

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

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2010—Continued

AMENDMENT NO. 1371

Mr. SCHUMER. Mr. President, I rise in opposition to Senator SESSIONS' amendment to the Department of Homeland Security appropriations bill. The Sessions amendment would make E-Verify permanent and would immediately mandate all Federal contractors and subcontractors to use E-Verify.

First of all, obviously, legislating on and delaying a critical appropriations bill, which is necessary for us to pass quickly to secure our borders, ports of entry, and our interior points of vulnerability, is a delay we do not need. But, secondly, and more importantly, despite claims that this amendment only seeks to reauthorize E-Verify for 3 years, which I do not oppose, the actual language of the amendment of my distinguished colleague would make E-Verify permanent and mandatory.

There would be nothing wrong with that if the system actually worked, but it does not. The distinguished Senator from Alabama and I agree upon one of the main seven principles for immigration reform which I issued 2 weeks ago; namely, that an employer verification system with tough enforcement and auditing is necessary to significantly diminish the job magnet that attracts illegal aliens to the United States. The bottom line is that they mainly come for jobs, and until they are tough on employers, wave after wave is not going to stop.

As we speak, even under the E-Verify system, any individual who steals a Social Security number—and that is easy these days—and has access to a credible fake ID can get a job in the United States. What is more, nothing about E-Verify stops a U.S. citizen from ''loaning their identity'' to their friends and family to get a job. In either of these cases—an illegal immigrant stealing a Social Security number and getting a fake ID done or some citizen, an employer or whatever, giving a Social Security card to the person—it doesn't do the job because that illegal immigrant can enter into the system. Once they are in the system, they stay in it, never to be removed. So E-Verify, frankly—and I know many in the immigrant community object to it because it only affects immigrants. But there is also another objection, and that is that it is just not tough enough, it is not strong enough. If we are going to make a system permanent, it really ought to work.

The current E-Verify system creates havoc for both employers and employees. No one has any certainty. Employers who accept all credible documents in good faith are not guaranteed they will never be targeted by ICE for turning a blind eye toward illegal immigrants in their workplace, and employers who question suspicious documents face potential lawsuits from U.S. citizen employees who can claim they were wrongly profiled as illegal immigrants.

There is only one way to really get a system that will stop illegal immigration and stop employers from hiring, and that is by creating a biometric-based Federal employment verification system that will give both employers and employees the peace of mind that employment relationships are both lawful and proper. It will also give the American people the same peace of mind. This system will be our most important asset in dramatically reducing the number of illegal aliens who are able to live and work in the United States.

There are many proposals for practical and effective biometric-based employment verification systems, and the immigration subcommittee, which I chair, will be vetting each proposal during our upcoming hearing on July 22. The distinguished Senator from Alabama, my friend, is a member of the immigration subcommittee. I invite him to engage in this critical process for our country during the hearing and ask all of the questions he would like to the distinguished panel of expert witnesses who will be appearing. We are not seeking to delay. I am eager to enact comprehensive reform with a strong, tough employer verification system.

An amendment making the flawed E-Verify system permanent and mandatory will only create more problems than it solves. Once we go down the road of making this flawed system permanent and mandatory, without fixing what is wrong with the program, we will waste substantial amounts of taxpayer money and we will make life more difficult, rather than simpler, for employers who wish to do the right thing, and for employees.

The time is coming for comprehensive immigration reform. The legislation will create the best employment verification system possible that will be a product of deliberation and consensus and will be informed by the world's foremost experts on this issue. It will be tougher, tighter, and more effective than E-Verify. I believe we can get that done this year.

Let's not do something hasty and counterproductive just to say we are doing something, and, just as important, let's not do it as an amendment to an appropriations bill. I urge my colleagues to vote against this amendment, and let's get to work on crafting an employer verification system that really works, prevents identity fraud, and actually curtails the illegal immigration job magnet.

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

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

The assistant bill clerk proceeded to call the roll.

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

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

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

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

CAP AND TRADE

Mr. THUNE. Mr. President, like many of my colleagues, last week, over the Fourth of July break, I spent much of the week traveling in my State of South Dakota. Many of my colleagues were in their individual States and probably heard a lot from their constituents about what they perceive to be the challenges facing our country's economy. First and foremost is jobs and the economy.

I think there is a real concern—and rightly so—about in which direction the economy is headed and what are the things Congress ought to properly be focused on, and I think that discussion is always informed by the American people by commonsense realizations. One realization is that you cannot spend money you don't have. That is something I think the American people get very clearly, largely because that is their reality. They cannot spend money they don't have. They have to live within a budget. The same is true with many small businesses. The second realization is that when you borrow money, someday you have to pay it back. You cannot continue to borrow endlessly and rack up more and more debt. At some point, there is an end to that. Certainly, that is true for family budgets and small business budgets. The only place it is evidently not true is in Washington, DC, where we continue to borrow and spend and put massive amounts of borrowing and debt upon future generations. Even most State governments—mine included—have balanced budget amendments that require them in any given year to make sure the revenues they take in match up with expenses. If they don't do that in South Dakota, the legislature has to stay until the budget is balanced. So most Americans, as they observe what is happening in Washington these days, are increasingly concerned by the massive amounts of spending and borrowing and, frankly, the taxes they perceive to be in their future as well.

One of the things that is clear to me in doing parades and public events over the Fourth of July break is how much people picked up on the debate about the cap-and-trade bill, which is a national energy tax on the American people. It passed in the House a little over a week ago—before the break—by a seven-vote margin. There was big pressure to move it very quickly and jam it through the process. It was over 1,200 pages long. One amendment was 300 pages long. There weren't many Members of the House—before the bill passed—who had an opportunity to review it and study it closely to determine what the ramifications will be on their constituents if the bill passed. Yet it did. It was a very close vote. At some point, it will be considered by the Senate.

The one thing we know, at a minimum, is that we can debate about how much or how big the cost of that bill will be, but we do know it is going to impose significant increases in costs on the American public for power, whether it is electricity, fuel, natural gas, or home heating oil—the things the American people depend upon every single day for their very existence. They are going to see the cost of those things go up if this cap-and-trade bill passes. We have seen different estimates by different organizations. The most recent one was done by the CBO, which concluded that it will have a $700 billion impact. I think that if you reduced it to a per-family cost, it ends up being several hundred dollars a year in increased rates that they are going to pay. I argue that it will be much higher for people in the Midwest, where I come from, because of the way we derive our power. Most of it comes from coal-fired power. It is true that we get a good amount in South Dakota and other States around us get even more from those sources. There will be additional costs imposed upon the people in the Midwest, where the people on the west or east coasts may not see their costs go up as much. This will disproportionately impact people in the heartland, but everybody's electricity costs and fuel costs are going up if this passes.

The American people are asking: OK, if you are going to put a massive new tax on us with a new energy tax, what kinds of benefits do we derive? I think there is increasing concern and questions being raised about whether the environmental benefit that would be derived as a result of this massive new tax on energy in this country would be in any way close to the cost that would be associated with it. I think most Americans have concluded that it will not. Most of the data bears that out. Other countries in the world are not going to participate in this system, and America will be unilaterally implementing this regime, if passed, and the Americans will pay the costs for little benefit.

There are many ways you can get reduction in carbon emissions, and we are all looking for ways to reduce pollutants in the atmosphere. You can give incentives and drive investment in certain directions, and we could make more use of nuclear power, which is clean, green energy—something we do very little of relative to our counterparts in other parts of the world.

France gets 80 percent of its power from nuclear energy. There is no reason why the United States could not turn to that clean, green energy source, as well as renewable energy sources that we have an abundance of in my part of the country, such as wind energy. If you put in incentives and drive investment in that direction, you can achieve the same ends without putting the big cap, top-down government mandate on the American economy at an enormous cost to the American consumers.

HEALTH CARE

That is the issue, I would say, probably as much as anything else I have heard people talk about, but not far behind it was this notion that the government is now going to take over one-sixth of our economy because of the legislation that is moving through the Congress right now that would ''reform'' our health care system.

It is, I guess, no surprise to most Americans that we spend a lot on health care. Most of us would like to see us spend less on health care. Many of us think we can do that, that we can get costs under control, that we can do it through reforms that preserve what is good about the American health care system, that doesn't copy what is happening in other places around the world, Europe being an example, where care is rationed, where people don't have access to the types of therapies and treatments because the government decides what procedures are going to be covered, which procedures are cost-effective.

Those are decisions made by government. In this country, those are decisions made by patients and doctors, by physicians, by health care providers and those they serve. We believe that is a basic relationship we ought to preserve when we talk about reforming our health care system.

But most Americans are very concerned that the government may take over one-sixth of the American economy and run it, imposing the government in the place of, as I said before, what has typically been a relationship between physicians and patients.

What I would argue is that whether it is the issue of new energy taxes on the American consumer, whether it is the issue of the government taking over the health care system in this country at a minimum cost of $1 trillion—there was a CBO Congressional Budget Office report that came out recently that said the new plan the Democrats are unveiling may only be $600 billion, but it also doesn't include many of the most costly parts of the plan that we expect the Democrats to put on the floor of the Senate at some point in the not too distant future.

I will simply say again that based on the feedback I got from people across this country and people across South Dakota in particular over the break, the government takeover of health care in this country is something with which they are very uncomfortable, and they don't want to pay trillions of dollars in new taxes to make that possible.

If you talk about the amount of spending that is going on, the amount of borrowing we are doing from future generations, I think most Americans come back to those two basic principles I mentioned earlier, what I call our sort of commonsense conclusions that the American people come to. One is, you cannot spend money you do not have, and they see Washington doing that every single day; that when you borrow money, at some point you have to pay it back. And there is borrowing going on here right now like there is no tomorrow.

The health care entitlement program, if passed, would be a minimum of $1 trillion in new spending and would either have to be financed by tax increases, by revenue raisers the economy is going to pay for at a time we can least afford it, or by borrowing at a time when we are running over the next decade at least on average $1 trillion a year in deficits.

We cannot continue on this path. It is unsustainable. I believe the American people are coming to that realization. I hope the Senate will put the brakes on this energy tax, will put the brakes on this massive rush to take over one-sixth of our economy by taking over the health care system in this country.

I believe as the American people start to weigh in to this debate those of us in Washington who are in positions to make some of these policies and shape some of these policies will be getting an earful, and I hope so because we need to put the brakes on this massive takeover of the health care system, and we need to put the brakes on this cap and trade, this energy tax imposed on the American people, if it is passed in the Senate as it was a week ago in the House of Representatives.

I hope we can stop those things. I hope at least we can bring some sense to the debate about health care that does reform our system, that does get costs under control, that does not allow the government to get in the way of making decisions that rightfully ought to be made by patients and their doctors.

I yield the floor and yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I thank my colleague, Senator THUNE, for pointing out, again, the disastrous course we are on as a nation with the level of spending, borrowing, and debt we are creating and the amount of government intrusion into so many areas of our economy that have alarmed so many Americans. I appreciate the Senator bringing up that issue today.

AMENDMENT NO. 1399 TO AMENDMENT NO. 1373

I rise today to express my grave concerns about the administration's response to the situation in Honduras. There are few absolutes in the arena of diplomacy and international affairs. As circumstances and regimes change, so do our interests and allegiances. But one principle that should stand as a bedrock constant is this: a friend of freedom is a friend of America. Our commitment to freedom is not confined to a culture or a continent. It is absolute and universal.

It was this principle, hardwired into our DNA, that President Obama appeared to violate during his 8 days of silence while innocent democratic demonstrators were tortured and murdered in the streets of Tehran by Iran's tyrannical regime.

Thankfully, the President finally changed his rhetoric and offered some support to the people of Iran risking their lives for their freedom. But he stopped short of any criticism or action that might be construed as ''meddling,'' in his words, in the domestic affairs of a sovereign nation.

But in the last week, the President has reversed course, meddling up to his ears in the domestic affairs of another sovereign nation, Honduras. Depressingly, the President has once again sided with an illegitimate and anti-American autocrat over democracy, the rule of law, and an oppressed people who only want to be free.

The facts on the ground in Honduras are neither disputed nor confusing, but they have been largely ignored by an international media distracted by the death of a celebrity.

Let me read these facts into the record.

Honduras is a constitutional republic and a longtime ally of the United States. It is one of the poorest nations in the Western Hemisphere, especially since it was ravaged by the direct hit of Hurricane Mitch in 1998.

In 2005, Hondurans elected as their President Manuel Zelaya, a left of center but seemingly moderate candidate from the Liberal Party. Given Latin America's troubling history of military coups and self-appointed Presidents for life, the Honduran Constitution strictly limits Presidents to one term.

So seriously do Hondurans take their Presidential term limits that in Latin America, the phrase—and I will butcher this Spanish, but I want to give it a try—''continuar en el poder.'' It means to continue in power. It carries with it a dark connotation to the region for everyone living there.

For a President to overthrow the Constitution and violate term limits is violating the constitutional form of government. So seriously that article 238 of the Honduran Constitution says any President who even proposes an extension of his tenure in office ''shall immediately cease performing the functions of his post.'' So it is a de facto resignation of office in Honduras for a President to attempt to do what their President did.

Zelaya's 2005 campaign was supported by Hugo Chavez, the Marxist Venezuelan dictator bent on amassing

power in the Western Hemisphere at the expense of what he calls ''the North American empire.'' That is us.

Zelaya quickly aligned his government with Chavez's and joined anti-American socialists, such as the Castro brothers in Cuba and Daniel Ortega in Nicaragua, in Chavez's economic cartel.

With Zelaya's term coming to an end early next year, Chavez convinced him to do as he has done in Venezuela: to force a constitutional amendment extending his Presidential term. This would be in direct violation of what their Constitution says.

Earlier this year, Zelaya called for a referendum to initiate a constitutional convention. In the ensuing litigation, the Honduran courts ruled the referendum was unconstitutional and illegal, as the Honduran Constitution explicitly gives only its Congress the power to call such a vote.

Zelaya forged ahead, calling his referendum a ''nonbinding survey.'' This, too, the supreme court found unconstitutional.

Zelaya then ordered the head of the Honduran military, General Vasquez, to conduct the election anyway. Vasquez expressed concerns about the vote's legality, so Zelaya fired him.

The supreme court ordered Zelaya to reinstate Vasquez, and Zelaya refused. The supreme court ordered the military to seize the referendum ballots to prevent Zelaya from going ahead with the illegal vote. Zelaya then personally led an armed mob to steal back the ballots, which, it should be noted, were suspiciously printed in Venezuela. Zelaya ordered his government to set up 15,000 polling places to conduct the referendum for June 28.

On Friday, June 26, the Attorney General of Honduras, Luis Rubi, filed a complaint before the Honduran Supreme Court petitioning for an arrest warrant for President Zelaya. The court issued the warrant unanimously and, according to the Constitution, ordered the Honduran military to execute it.

Early in the morning of Sunday, June 28, the day of the vote, the military arrested President Zelaya at his home. They put him on a plane to Costa Rica, as Honduras has no prison capable of withstanding a mob riot of the sort they feared Chavez and Ortega might whip up. So they did it for his safety.

That same day, the Honduran Congress, controlled by his Liberal Party—his own party—voted 125 to 3 to replace Zelaya with their speaker, Roberto Micheletti, as a member of the Liberal Party. This transfer of power was strictly in keeping with Honduras's constitutional line of succession as the Vice President had recently resigned.

The regularly scheduled general elections remain set for this November, and interim President Micheletti is not a candidate. The previously nominated candidates from the two major parties remain on the campaign trail, and both candidates and parties overwhelmingly approved the ouster of Zelaya.

At every step in the process, the legitimate democratic government strictly adhered to the Honduran Constitution and civilian leadership of the military remained intact. The military did not execute a coup. It thwarted the coup plotted by Hugo Chavez and implemented by Manuel Zelaya.

Honduras's democratic institutions are operating today, and its government functions are secure. The only aggrieved party in this process is Mr. Chavez, whose brazen attempts to corrupt Honduran democracy was thwarted by what has now been nicknamed ''the little country that could.''

The people of Honduras stood up to Hugo Chavez, Daniel Ortega, the Castro brothers, and they stood up for freedom and the rule of law. For their courage, President Obama has condemned them. He has called the constitutional ouster of President Zelaya not legal, claiming an expertise in Honduran law over and above that of a unanimous Honduran Supreme Court and a nearly unanimous Honduran Congress.

Secretary of State Clinton lazily joined the international media in calling the removal of President Zelaya ''a coup,'' a term fraught with dark memories of military juntas and banana republic. Of course, this is the same administration that insists on calling the recent fraud in Iran an election.

The Obama administration joined Chavez's preposterous Soviet-style propaganda resolution in the Organization of American States condemning Honduran democracy. Hondurans I have spoken with—I have spoken with a number of folks who have missionary groups there, medical groups. I have talked to Miguel Estrada who was born and raised in Honduras and is now a constitutional expert in this country. This morning I talked to former Honduran President Ricardo Maduro. They are all totally befuddled at the strange response they are getting from the supposedly free world, including our own administration. Why are we siding with Hugo Chavez?

This morning in Russia, President Obama reiterated his support for Zelaya, the would-be dictator, as the rightful President of Honduras. According to ABC News, he said:

> America supports now the restoration of the democratically elected President of Honduras, even though he has strongly opposed American policies.

Continuing with the quote from President Obama:

> We do so not because we agree with him. We do so because we respect the universal principle that people should choose their own leaders, whether they are leaders we agree with or not.

The President appears to think his support for Zelaya is based on some principles of self-determination. He speaks as if opposition to Zelaya is based on partisan political differences. Zelaya was not ousted by political enemies; he was ousted by a government controlled by his own party. He was ousted by a unanimous supreme court operating in accordance with the Honduran Constitution and in conjunction with the nation's attorney general and Supreme Electoral Tribunal. These folks followed the rule of law.

The Honduran people have chosen their own leaders. Those leaders—in a constitutional, bipartisan, and nearly unanimous process—removed Manuel Zelaya from office. The Honduran people have upheld our President's so-called universal principle. The people seeking to undermine that principle are Hugo Chavez, the Castro brothers, Daniel Ortega, Mel Zelaya, and—unbelievably—the Obama administration.

This is not about politics. This is about the rule of law, freedom, and democracy, all of which are being defended by the Hondurans right now against their enemies—of which we appear to be one. Why are we not standing with them? Blood was shed in Iran while we stood idly by. Zelaya's return to Honduras on a Venezuelan jet and with the moral authority of the United States will almost certainly lead to more bloodshed. What are we doing on the side of tyrants and sworn enemies of freedom; going as far, on their behalf, to threaten economic sanctions against one of our poorest and bravest allies?

Secretary of State Clinton is reportedly planning a meeting with Mr. Zelaya in Washington this week. I implore her to reconsider that meeting. Elevating an impeached and disgraced autocrat is more than an insult to Honduran democracy, it is a green light to other would-be Chavezes around Latin America. It is a signal to the enemies of democracy and freedom that the United States no longer stands as a beacon of liberty. It is a signal that the rule of law is now passe in Latin America and that Hugo Chavez and his corrupt and brutal idealogy has free rein to meddle wherever he pleases in the Western Hemisphere.

What do we stand for, if not for freedom, democracy, and the rule of law? Where is the spine of the administration to stand up to anti-American and antidemocratic thugs in our own back yard? Where is the intellectual clarity to see the facts on the ground as they are? Manuel Zelaya is a criminal, a constitutionally removed former President of a proud and noble country. To my knowledge, no administration official has refuted or even grappled with the facts regarding Zelaya's attempted coup.

Given those still undisputed and documented facts, on what basis does the administration demand Zelaya's reinstatement? His removal from office was no more a coup than was Gerald Ford's ascendance to the Oval Office or the election to the Senate of our newest colleague, Al Franken. It is bad enough that the President's ad hoc and highly personalized foreign policy seems to be less about supporting the

rule of law than it is about supporting particular rulers. But the last 4 weeks suggest that the President cannot even be counted upon to support our legitimate allies.

What happened in Honduras last week was not a tragedy, it was a triumph of democratic courage and the unyielding determination of a free people to stand up to despotism. The tragedy has been the failure of the West and of our own government in Washington to stand up for justice and freedom in Latin America.

It is not too late. I have written to Secretary Clinton, and there is growing congressional support for the legitimate government in Honduras. Everywhere I go someone comes up to me and tells me to stand up for freedom in Honduras. There is still time to look at the facts, even to visit Honduras itself. Call down there, talk to the people, even Americans in the Peace Corps or on missionary work, and ask them if they are living under an oppressive military junta. They will laugh and tell you they are living under an independent and vibrant democracy, with a representative government led by people they elected. They will tell you about the free and open debate in the ongoing Presidential campaign and whom they are supporting in the November elections.

There is still time to correct our position and support our true allies. And because we can, we should. We must. Because today—and I will try my Spanish again—''un amigo de libertad es un amigo de Honduras''—a friend of freedom is a friend of Honduras.

Mr. President, before I yield, I ask unanimous consent to set aside the pending amendment and call up the DeMint amendment.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Is there objection?

Hearing no objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 1399 to amendment No. 1373.

Mr. DEMINT. I ask unanimous consent to dispense with the reading of the amendment.

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

The amendment is as follows:

(Purpose: To require the completion of at least 700 miles of reinforced fencing along the southwest border by December 31, 2010)

At the appropriate place, insert the following:

SEC. ____. BORDER FENCE COMPLETION.

(a) MINIMUM REQUIREMENTS.—Section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) is amended—

(1) in subparagraph (A), by adding at the end the following: ''Fencing that does not effectively restrain pedestrian traffic (such as vehicle barriers and virtual fencing) may not be used to meet the 700-mile fence requirement under this subparagraph.'';

(2) in subparagraph (B)—

(A) in clause (i), by striking ''and'' at the end;

(B) in clause (ii), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(iii) not later than December 31, 2010, complete the construction of all the reinforced fencing and the installation of the related equipment described in subparagraph (A).''; and

(3) in subparagraph (C), by adding at the end the following:

''(iii) FUNDING NOT CONTINGENT ON CONSULTATION.—Amounts appropriated to carry out this paragraph may not be impounded or otherwise withheld for failure to fully comply with the consultation requirement under clause (i).''.

(b) REPORT.—Not later than September 30, 2009, the Secretary of Homeland Security shall submit a report to Congress that describes—

(1) the progress made in completing the reinforced fencing required under section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note), as amended by this Act; and

(2) the plans for completing such fencing before December 31, 2010.

Mr. DEMINT. Mr. President, I will speak to the amendment later. I see a colleague wanting to speak and so I will yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, what is the pending business?

The PRESIDING OFFICER. The DeMint amendment No. 1399.

Mr. MCCAIN. And the underlying legislation is the Department of Homeland Security appropriations bill?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 1400 TO AMENDMENT NO. 1373

Mr. MCCAIN. Mr. President, I ask unanimous consent to set aside the pending amendment and to call up amendment No. 1400.

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

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 1400 to amendment No. 1373.

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

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

The amendment is as follows:

(Purpose: To eliminate the appropriation for the Over-the-Road Bus Security Assistance, as recommended by the Administration)

On page 31, line 19, strike all through page 32, line 3, and insert the following:

(6) $350,000,000 shall be for Public Transportation Security Assistance and Railroad Security Assistance under sections 1406 and 1513 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110-53; 6 U.S.C. 1135 and 1163), of which not less than $25,000,000 shall be for Amtrak security.

Mr. MCCAIN. Mr. President, the Department of Homeland Security appropriations bill before us today spends $44.3 billion. It is $207.5 million—or 7 percent more than last year's appropriation and nearly $97 million more than the budget request. An increase of this size is remarkable. I need to remind my colleagues that Americans are hurting, they are losing their jobs and their homes at record rates, and here we are, business as usual, as was made very clear in the vote on the amendment that was defeated concerning a museum in Nebraska on another appropriations bill—a bill that was supposed to be for funding legislative business of the Congress. On this bill again, it is business as usual. The level of spending is wrong, and there are numerous unrequested, unauthorized earmarks which were added at the direction of members of the Appropriations Committee and the Senate.

Maybe we ought to take a look at them. This is the Department of Homeland Security appropriations bill, I would remind my colleagues, but we threw in $4 million for the Fort Madison Bridge in Fort Madison, WI. As always, there are earmarks and geographic locations delineated in the bill for these pork-barrel projects. There is $39.7 million for the Advanced Training Center in West Virginia and $3.6 million for the Coast Guard Operations Systems Center in West Virginia. That is a good place for Coast Guard operations, to say the least.

I wish to point out that none of these earmarks were authorized. None of them had a hearing. None of them were requested. In fact, three of them I will read about were included in the President's budget request in a report from the Office of Management and Budget entitled ''Terminations, Reductions, and Savings: Budget of the U.S. Government, Fiscal Year 2010,'' which was submitted by the Office of Management and Budget. In other words, the administration requested that these specific appropriations not be spent because of the fact they either are not needed or are outright wasteful spending of the taxpayers' dollars.

Continuing with the list of earmarks in this bill, we have another $16.8 million for the Coast Guard Station in Cleveland Harbor, OH, to demolish the existing facility and construct a new multipurpose building.

I wish to emphasize to my colleagues that these may be worthy projects. They may be. Generally, they aren't, but they may be. But there has been no hearing, there is no request on the part of the administration, there is no request from anybody except for the representative of that State.

Continuing: $4 million for the National Infrastructure Simulation and Analysis Center; $102 million for the National Domestic Preparedness Consortium—and that contains six earmarks: The National Energetic Materials Research and Testing Center in New Mexico, $23 million; National Center for Biomedical Research and Training at Louisiana State University, $23 million; National Emergency Response and Rescue Training Center at Texas

A&M University, $23 million; National Exercise, Test, and Training Center in Nevada, $23 million; Transportation Technology Center in Pueblo, CO, $5 million; and, of course, we never want to forget the Natural Disaster Preparedness Training Center at the University of Hawaii, $5 million.

There is $3 million for the Distributed Environment for Critical Infrastructure Decision-making Exercises. We need $3 million for the infrastructure decision-making exercises. Money is also set aside for the Cyber Security Consortium, which is a group of schools, including Miami University of Ohio, Utah State University, University of Nevada at Reno, and Potomac Institute for Policy Studies.

A certain thread may become apparent throughout this conversation and that is that States which are generally getting most of this money happen to have representatives in the Senate on the Appropriations Committee.

There is $2 million for the Cincinnati Urban Area Partnership; $20.8 million for the Southeast Region Research Initiative; $300,000 for the City of Hackensack Emergency Operations Center. Emergency operations centers are very popular in this bill. But there was no competition for these emergency operation centers. They may be worthwhile, they may not. We will never know because they are earmarked by the Members and they range from $1 million to $20 million to $247,000. We have New Jersey, New Jersey, New Jersey; Washington State; Providence, RI; north Louisiana; Little Rock; Vermont; Columbus, OH; city of Ames; and the city of Mount Vernon.

There is $900,000 for the City of Whitefish Emergency Operations Center in Montana. And because we wouldn't want to leave them out, there is $1 million for the City of Chicago Emergency Operations Center.

None of these projects were requested by the administration or authorized or competitively bid in any way. No hearing was held to judge whether these were national priorities worthy of scarce taxpayers' dollars. They are in this bill for one reason and one reason only: because of the selective prerogatives of a few Members of the Senate. Sadly, these Members choose to serve their own interests over those of the American taxpayers.

I have filed, and intend to offer, amendments to strike each and every one of these earmarks. Enough is enough. The American people are tired of this process, and they are tired of watching their hard-earned money go down the drain. I intend to fight every single unnecessary, unrequested, unauthorized earmark in every appropriations bill.

In addition to the earmarks I covered, this bill includes millions of dollars for programs that the administration has sought to cut due to the program's ineffectiveness or lack of necessity. The amendment I propose has as an example: The Over-the-road Bus Security Program. The administration proposed in its 2010 budget to eliminate the Over-the-Road Bus Security Program since the awards are not based on risk, as recommended by the 9/11 Commission, and has not been assessed as effective. Specifically, the Office of Management and Budget stated:

> Recently, the funding (for this program) has gone to private sector entities for business investments in GPS-type tracking systems that they could be making without Federal funding. For now, this program should be eliminated in favor of funding initiatives aimed at mitigated verified transit threats.

Again, in the Office of Management and Budget submission the administration says:

> The Government Accountability Office has recommended that TSA conduct an in-depth risk analysis of the commercial vehicle sector before more funding is allocated.
>
> For now, this program should be eliminated in favor of funding initiatives aimed at mitigating verified transit threats. Funding for the intercity bus industry should be included in the larger Public Rail/Transit Security Grant program and prioritized against all transit-related security investments.

But it is not. Here, on the one hand, we have the President announce with great fanfare a group of reductions and terminations and savings that the administration is going to make and is strongly urging be done. Here we have on the bill an earmark that, indeed, funds these very same programs the administration wants eliminated.

There is another one, and that is the U.S. Coast Guard Loran-C. Loran-C sounds like a pretty good program, but the fact is, this $35 million, by the way, is a federally funded radio navigation system for civil marine use in coastal areas. I will quote from the Office of Management and Budget:

> The Nation no longer needs this system because federally supported civilian Global Positioning System—GPS—has replaced it with superior capabilities. As a result, Loran-C, including recent limited technological enhancements, serves only the remaining small group of long-time users. It no longer serves any governmental function and is not capable as a backup for GPS.

So we are going to spend $35 million on GPS that is useless. It is useless for Loran-C. Why? Why would we want to do that? Why would we want to spend that kind of money? It is amazing.

Then there is the emergency operation centers, of course, some $20 million for operation centers in Ohio, Illinois, Indiana, New Jersey—et cetera. These, of course, are obviously the result of earmarks. Again, the Office of Management and Budget says the administration is proposing to eliminate the Emergency Operations Center Grant Program in the 2010 budget because the program's award allocations are not based on risk assessment.

Oh, really. Also:

> . . . other Department of Homeland Security grant programs can provide funding for the same purpose more effectively.

It goes on to talk about how the grant program was established:

> . . . by supporting flexible, sustainable, secure and interoperable EOCs, with a focus on addressing identified deficiencies and needs. . . . The EOC Grant Program uses award criteria that are not risk-based, and the administration supports a risk-based approach to homeland security grant awards.

I wonder how many of these would be awarded if they were risk based and how many of them are awarded because of the influence of members of the Appropriations Committee.

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

In other words, we are spending these millions of dollars—$20 million I guess it is—in an unnecessary fashion that has nothing to do with risk but has everything to do with influence.

It is business as usual in our Nation's Capitol. We just came off a recess. A lot of us spent time, as I did, traveling around our States. People in my State are hurting. People in my State are wondering whether they are going to be able to keep their jobs or get a job; whether they will be able to afford health care; whether they are going to be able to educate their children. They are having to tighten their belts in ways that certainly no one has ever had to do before in their lifetime.

So what do we do here? Business as usual: $97-some-million of unnecessary and unwanted pork. Last year, Congress appropriated many millions of dollars. This, once again, is $97 million more than the budget request, and much of that is obviously unnecessary and unneeded and in some cases even unwanted.

On behalf of the citizens of my State who are having to tighten their belts, who are undergoing unprecedented difficulties and hard times while we are on this spending spree and accumulating trillions of dollars of debt—we are committing generational theft, laying it on our children and grandchildren. I intend to fight for their tax dollars, and I intend to fight until this egregious practice of porkbarrel earmarked spending, which has bred corruption, is brought to a halt.

I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. McCAIN. Mr. President, before I yield the floor I would like to include in the RECORD at this time a list of the various bus companies and the States in which they operate. I ask unanimous consent they be printed in the RECORD at this time.

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

FY 2009 INTERCITY BUS SECURITY GRANT PROGRAM
FINAL ALLOCATIONS

State	Entity name	Amount
	Tier I	
MA	Peter Pan Bus Lines, Inc. (PPBL)	$258,749

FY 2009 INTERCITY BUS SECURITY GRANT PROGRAM FINAL ALLOCATIONS—Continued

State	Entity name	Amount
NJ	Academy Express, LLC.	1,348,460
	Coach USA Inc	444,075
TX	CUSA, LLC	699,641
	Greyhound Lines, Inc.	3,675,223
	Tier II	
AR	Little Rock Tours	50,815
CA	SF Navigatour Inc. dba Super Sightseeing	99,691
	Silver State Coach	8,497
CT	DATTCO	115,743
FL	Escot Bus Lines, Inc.	67,377
GA	HTA Enterprises dba Swept Away Coach and Tours.	103,275
	Pendergrass Charters	43,921
IA	Burlington Stage Lines	132,675
	Windstar Lines, Inc.	50,803
IL	O'Hare Wisconsin Limousine dba Prairie Trailways.	8,497
	Vandalia Bus Lines	17,563
IN	Bloomington Shuttle Service, Inc.	57,286
	Free Enterprise System/Royal, LLC	34,029
	Star of America dba Star of Indiana	49,324
	The Free Enterprise System	34,029
KS	Village Charters dba Village Tours & Travel	84,683
LA	American International Travel dba Dixieland Tours and Cruises.	8,497
	Calco Travel, Inc.	42,601
	Hotard Coaches, Inc.	85,664
	Louisiana Coaches Inc.	8,497
MA	CAVALIER COACH TRAILWAYS	8,497
	Crystal Transport, Inc.	108,625
MD	BK Charter, Inc.	63,339
ME	NorthEast Charter and Tour Co., Inc.	8,497
MN	Jefferson Partners LP	224,069
MO	Heartland Motor Coach,Inc.	8,497
MS	Cline Tours Inc.	139,627
MT	Rimrock Stages Inc.	8,497
NC	T.R.Y., Inc. dba Young Transportation	93,564
NE	Busco, Inc. dba Arrow Stage Lines	137,156
NJ	A-1 Limousine, Inc.	131,430
	Lakeland Bus Lines, Inc.	191,800
	Rossmeyer & Weber, Inc. dba Raritan Valley	56,154
	Safety Bus Service, Inc. dba Safety Bus	34,029
	Stout's Charter Service, Inc.	363,001
NY	Brown Coach, Inc.	84,405
	Excellent Bus Service, Inc.	17,563
	Leprechaun Lines, Inc.	63,183
	Monroe Bus Company, Inc.	157,069
	Monsey New Square Trails Corp.	265,051
	Paradise Travel, Inc.	7,956
	Private One of New York LLC	200,262
	Upstate Transit of Saratoga, LLC	46,611
	West Point Trailways	7,956
OH	Croswell Bus Line dba Croswell VIP Motorcoach Services.	274,093
OK	Passenger Transportation Specialist, Inc. dba Red Carpet Charters.	49,324
PA	Carl R. Bieber	111,607
	Frank Martz Coach Company, Inc.	16,313
	Fullington Auto Bus Co.	187,001
	Krapf Coaches, Inc.	64,172
	MGR Travel, Ltd. dba Elite Coach	58,946
	Myers Coach Lines Inc.	8,497
	Red Lion Bus Company	40,192
	Trans-Bridge Lines, Inc.	237,600
RI	Flagship Trailways	8,497
SC	Cross Country Tours	8,497
	Lancaster Tours, Inc.	135,966
TN	Anchor Tours, Inc. dba Anchor Bus Charters	112,653
TX	Gotta Go Express Trailways	8,497
	Sierra Stage Coaches, Inc.	8,497
VA	Abbott Bus Lines, Inc.	8,497
	DC Trails, Inc.	180,800
WA	Discovery Tours LLC	43,141
WI	Kobussen Buses LTD.	8,497
	Lamers Bus Lines, Inc.	85,260
	Riteway Bus Service, Inc.	45,000
Total		11,658,000

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MARTINEZ. Mr. President, I ask unanimous consent I be permitted to speak as in morning business for a period of about 10 minutes.

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

Mr. MARTINEZ. Mr. President, let me begin by thanking my dear friend from the State of Arizona for once again reminding us of this egregious practice of earmark spending that continues to not only grow but continues to be a dark mark on our record as Members of the Congress.

I think, as he rightly pointed out, at a time of serious economic distress in places such as Arizona—and I certainly could say as well in Florida—it is a bit out of sync for us to continue the spending as usual just for the mere fact that there is a member of the Appropriations Committee who can, in fact, command something be done only because it would benefit a narrow interest in their State, within their district, and which, in fact, may not be requested and which may not be needed.

HONDURAS

Mr. MARTINEZ. Mr. President, I rise, though, to speak about the events in Honduras. The events that are taking place in Honduras right now are the unfortunate result of the silence of both the United States and the inter-American community to the assault on Honduras' democratic institutions.

It is difficult for Hondurans and other democrats within the region to understand the full significance of President Zelaya's expulsion from Honduras. Up until this point, there has not been any significant voice in the opposition to the dismantling of democratic institutions and free societies in Venezuela, Bolivia—and as Honduras was going down the path, you might also add Nicaragua to that, to name only a few of the most visible cases.

It is also hard to explain why there was this silence in the face of President Zelaya's earlier unconstitutional actions, especially the event that appeared to precipitate his ousting: the storming of a military base to seize and distribute ballots for a referendum that previously had been declared unconstitutional by the Honduran Supreme Court.

A fundamental tenet of democracy is the separation of powers. You have a President in the executive branch and then you have the judicial branch of government, a coequal and separate branch, and that branch told the President the referendum he was seeking to have to extend his rule beyond the constitutional term was illegal, it should not be done. He was undeterred and he was completely unrepentant as he sought to continue his plan to have a referendum, even though the Congress, even though the judiciary had already told him that was in contravention of the Constitution of their country.

Where was the region's outrage over Hugo Chavez's support for Mr. Zelaya's unconstitutional actions in Honduras? Mr. Chavez supported Mr. Zelaya because they are kindred spirits, because Mr. Chavez had already been able to usurp every institution of democracy within his country of Venezuela and now rules as an autocrat. He wanted to have the same playbook applied in Honduras as he coached and shepherded to do some of the same things in Bolivia and to some degree in Nicaragua as well—and Nicaragua coming along.

The Honduran people decided this was not going to happen in their country, and the people in the Honduran Congress and in the Honduran Supreme Court decided it was not going to happen on their watch. But the region's silence toward the assault on democracy in Honduras followed a pattern of acquiescence of Chavez's dismantling of democratic institutions and civil liberties in Venezuela.

For instance, the OAS has said absolutely nothing about Chavez's closing of independent media, his manipulation of elections, his erosion of independent branches of government, and his usurping of the authority of local elected officials. Leaders like Chavez, Ortega, and Zelaya have cloaked themselves in the language of democracy when it was convenient for them. Yet their actions ignored it when it did not further their personal ambitions.

This situation was compounded by the actions of the United States, including work behind the scenes to keep the Honduran Congress and Supreme Court from using the clearly legal means of Presidential impeachment. Some of us have wondered why wasn't he impeached? Why didn't the Congress go ahead and impeach President Zelaya? Our Embassy in Tegucigalpa counseled that the Hondurans should not use the tools of impeachment.

Having stood on sidelines while Mr. Zelaya overstepped his nation's Constitution, the United States and the inter-American community only speak now. Protecting a sitting President, regardless of his illegal acts, sets a dangerous precedent. Instead, U.S. policy should be focused on only supporting efforts that uphold the integrity of constitutional order and democratic institutions.

In fairness to the Obama administration, this distorted policy is not new. Through advice from the State Department, former President George W. Bush was talked out of having the United States stand visibly with democratic advocates in Latin America. The advice was based on the belief that by not making the United States an issue, this would allow the region to stand up for democratic activists. Unfortunately, no country or leader did so, and most significant of all, the leader of the OAS has sat idly by, year after year, as democracy after democracy was dismantled, one piece at a time, one election at a time, one institution at a time, saying absolutely nothing.

The OAS has a responsibility to condemn and sanction Presidential abuses, not just abuses against Presidents. Because of the OAS failure to uphold the checks and balances within democracies, it has become an enabler of authoritarian leaders throughout the region. The result of this has been a signal of acceptance to antidemocratic actions and abandonment of those fighting for democracy in Venezuela, Bolivia, Nicaragua, Ecuador, and elsewhere.

This silence was compounded by the recent repudiation of the application of the Inter-American Democratic Charter to the Cuban dictatorship. Ironically, it was in Honduras, with Mr. Zelaya taking a leading role, where the OAS General Assembly decided against any clear democratic standards for Cuba retaking its seat in that organization.

So here is what occurred: The OAS, filled with a desire to reincorporate Cuba into the family of nations, completely ignored that for 50 years Cuba has been a military dictatorship without even the vestiges of a free and fair election, and they invited Cuba to be readmitted without setting up a standard by which they would have to live.

President Zelaya, with his partner Hugo Chavez, was leading the charge in saying Cuba should be welcomed back and there should be no conditions, no conditions of democratic rule like the ones he is now relying upon to try to get his Presidency back.

It is Mr. Zelaya now seeking the very protection of the Democratic Charter of the OAS which he thinks applies to him but which he felt was unimportant to apply the rights and opportunities to the Cuban people to try to claim the democratic future for themselves.

The crisis in Honduras stems from the failure of its leaders to live within constitutional boundaries and from the earlier silence of the United States and the international community regarding the abuse of power by the Honduran executive. Tragically, the United States and the OAS have put Honduras and the region in a position where democracy is the loser once again.

The return of Mr. Zelaya will signal the approval of his unconstitutional acts. If he is not allowed to return, then the unacceptable behavior of forcibly exiling a leader elected by the people would be given tacit approval. This is what happens when principles are sacrificed for a policy that can only be described as the appeasement of authoritarians.

In the current crisis, neither the United States nor other countries in the region or the international community should be taking sides in a constitutional dispute but, rather, encouraging a resolution through dialog among Hondurans. To this end, efforts should be focused on helping Hondurans form a reconciliation government that would include representatives not associated with either the Zelaya administration or the current interim government.

The objective should be to keep Hondurans on track to hold currently scheduled Presidential elections in November, with the inauguration of a new President in January as mandated in the Honduran Constitution. The newly elected President, with an electoral mandate, then can decide whether and how to deal with Mr. Zelaya and those involved in his ouster.

As the Senate takes up President Obama's nominees for key State Department positions in Latin America, it is time to question the acceptance by the United States and the inter-American community of the sustained dismantling of democratic institutions in free societies by Presidents seeking to consolidate personal power at any cost. This is the larger challenge in Latin America, and Honduras is only the latest symptom. The United States must no longer remain silent when democratic institutions are undermined. Any disruption of the constitutional order is unacceptable, regardless of who commits it.

It would be well for us to remember that as we look forward to what may come next, the Presidential succession ought to be honored, however, institutions of democracy ought to also be equally honored.

Secretary of State Clinton met today at 1 o'clock with deposed President Zelaya. It appears she is seeking to align the United States with the mediation that is about to be undertaken by President Oscar Arias, a Nobel Prize-winning, well-regarded man from Costa Rica, and that President Arias might take this opportunity to see how we can bring this process back together again.

It seems to me that the elections in Honduras ought to take place as scheduled and a new democratically elected government ought to go forward. The real question is, Will Mr. Zelaya be allowed to return to the office of President? It seems to be fairly unanimous that all Honduran institutions oppose such an outcome. They do not want Mr. Zelaya back. They have seen the dark movie of what life can be like in a Cuba-type situation. They have seen the dark movie of what life can be like in a Cuba-type situation. They have seen the erosion of democracy with the complete erosion of freedoms, so much made a dear part of what we in this country believe in that has taken place in Venezuela. They have seen the continued erosion of democratic values in Nicaragua and they do not want to see it happen in their country, and one cannot blame them. It would only be fitting that they should find comfort by those of us in this country who not only value democracy for us but believe it should be shared by others around the world no matter their circumstances.

It isn't good enough to be elected democratically but then rule as a dictator and in the process of being an elected President, then move to erode all of the institutions of democracy—the courts, the congresses, even the military as an institution; they ought to be respected. Their independence ought to be valued. The playbook of Mr. Chavez, which is to dismantle the military leadership and bring in cronies of his, the efforts to then discredit the courts and bring in judges that he would also approve—this has been the playbook by which Chavez has operated and one that Mr. Zelaya was attempting to put into play.

So let's hope President Arias from Costa Rica will be able to lead a mediation effort that will bring together all of the disparate groups so that there can be a free and fair election and there can be a resolution to this crisis of democracy. But let this also be a wake-up call to the rest of us who have sat silently by as this erosion of democracy takes place one country at a time in Latin America. We ought to say: Enough is enough. Let's stand for the rule of law, let's stand for democracy, not only on election day but each and every day thereafter as we seek leaders who not only are elected democratically but govern democratically.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I wish to compliment my colleague from Florida for a very thorough explanation of what has been, to many Americans, a very confusing situation and also his support for the most recent call for a mediation and discussion among the various parties so that this whole matter can be brought to a successful conclusion without armed force or other inappropriate action. I, too, hope that can produce the right kind of result. But I think the point—if I could, while the Senator is still here, make this point strongly, as he did—you have to stand up for what is right. And we all know an election does not a democracy make. You can elect a government which then begins to govern undemocratically.

Unfortunately, some of the governments in the southern part of our hemisphere have started all right with the elections and then ended in a very bad way. We certainly did not want that to happen to our friends in Honduras. And, in fact, the people of Honduras did not want that either. They are people who stood by us when we were trying to support the forces of freedom who were fighting in Nicaragua, and there were some sacrifices on the part of the Hondurans to do that. It is a country that has had very friendly relations with the United States over the years, and it is important for us to stand up for our friends.

For that, I compliment my colleague from Florida, and I again add my voice to his saying we hope these discussions the Secretary of State has now called for can produce an appropriate resolution to this issue without any kind of bloodshed.

Mr. MARTINEZ. I thank the Senator from Arizona for his kind comments. But it also brings up one more point. Honduras has been by our side. There is no more important country, in terms of military relations in Central America, than Honduras, where we have a presence of our military, where we work together in partnership to try to stem the flow of drugs and narcotics into our country, and where we conduct not only training missions but other important training missions with the Honduran military, where we are very involved in providing aid and assistance.

I think it would be well for us to hold back any declaration that a coup has taken place that would then trigger other events. This is not your traditional military coup where a military group decides to set up a junta. These are military people who, while maybe they acted a little too strongly, the

fact is, they did not seek power for themselves but they established a congressional order. So it is important.

Mr. KYL. Mr. President, that is precisely the way I see it as well. I hope that helps to clarify for the American people what is really going on there and that we can support our friends in Honduras and that relationship which has existed all these years can continue to be the productive one it has been.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I ask unanimous consent that I be able to speak as in morning business.

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

HELSINKI COMMISSION

Mr. CARDIN. Mr. President, I take this time as the Chairman of the U.S. Helsinki Commission, for which I had the opportunity to lead a delegation of 13 members representing the United States at the 18th Annual Parliamentary Assembly of the Organization for Security and Cooperation in Europe. We attended meetings in Europe, along with representatives, parliamentarians from 56 countries representing Europe, central Asia, Canada, and the United States.

We first decided to stop in Bosnia, and we did that because I am sure my colleagues recall the bloody conflict that erupted in the former Yugoslavia, in Bosnia, in which communities were dislocated and people were killed because of their ethnic background.

We found in Bosnia, because of outside interference, the three ethnic communities that had coexisted for many years were drawn into a conflict. The United States, in the Dayton Accords, took the leadership in trying to figure out a way in which we could get the ethnic communities to live together in peace. As a result of the Dayton Accords, there was this government established for Bosnia which is a bit unusual. There are three Presidents, one representing the orthodox community, the Serbs, one representing the ethnic Bosnians, and one representing the ethnic Croats. And this government brought an end to the open violence.

But we knew in recent weeks and months there had been problems in Bosnia. So we traveled to Sarajevo to talk to all of the ethnic community leaders to see what was happening. And I must tell you, there has been progress in that region, particularly with the neighboring countries that are now progressing, some of which are our strong allies in NATO, and we have seen progress to integration in Europe. So we can take pride in what we have been able to achieve in that region of Europe in the Balkans.

But Bosnia needs our attention. I am pleased we were there. I think it is clear to each member of our delegation that if Bosnia is going to be able to continue its integration into Europe—we hope that will occur—if Bosnia is going to be able to move on a path toward NATO membership, it needs to have constitutional reform so it has a functioning federal government protecting the rights of the three entities. But it needs to have a government that can function, and during our trip I think we delivered that message. We were there shortly after Vice President BIDEN was there.

We then traveled to Vilnius, where the annual meeting was taking place. But we took the opportunity to visit Minsk in Belarus. We did that because Belarus is a repressive state in which the President, Mr. Lukashenko, rules with an iron fist. The political opposition is denied the normal opportunities of a government.

We went there because we wanted to have an opportunity to advance the OSCE principles. The Helsinki Commission, which is our arm in implementing the OSCE, is known for advancing human rights, it is known for advancing economic cooperation, it is known for advancing security issues. And we went to Belarus because we wanted that country, which is a member of OSCE, to live up to its OSCE commitments, to allow its people basic human rights, the right of a free press, the right to express their views, the right to challenge their government peacefully, the right to organize the religions of their choice, and the right for economic reform, which is being denied to the people of Belarus. We met with President Lukashenko, and we met with the leaders of the different factions, of the activists.

We also carried a humanitarian request. There was an American, Mr. Zeltser, Emanual Zeltser, who was imprisoned in Belarus. We do not know why he was imprisoned. There were secret indictments and a secret trial. The United States was not permitted to monitor the trial. He was sentenced to 3 years. He has a very serious medical condition. It is believed he could not survive if he remained in Belarusian prisons. So we carried a humanitarian request that he be released. Mr. Lukashenko had the power to do that, and we were very pleased that our humanitarian request was granted. During our meetings, the President told us he would honor our request that he be released immediately, and Mr. Zeltser was released later that afternoon, and he is now back in safe care. So we appreciated that effort, and we hope that represents a change in the direction of Belarus.

We made it clear that if the Belarusian Government made concrete steps toward the OSCE-type reforms on human rights, on economics, and other issues, then it would be a signal to the international community that we would bring Belarus more into the family of nations.

This Congress passed the Democracy Act, which imposed sanctions against Belarus because of their repressive regime. I hope our trip, which was the highest delegation to visit Belarus in over a decade, will be the first step to seeing change in that country and a better relationship between Belarus and other countries in Europe and the United States.

The main reason for our visit was to go to Vilnius, Lithuania, to participate in the Parliamentary Assembly. One member of our delegation visited Latvia in order to advance relations. At the Parliamentary Assembly, I was pleased that Congressman ROBERT ADERHOLT was elected vice chairman of the Third Committee, which is human rights. There are only three committees in the OSCE: for human rights, economics, and security. An American, Congressman ADERHOLT, will be vice chairman of the Human Rights Committee. I was elected vice president. That follows in the footsteps of Congressman ALCEE HASTINGS, former President of the Parliamentary Assembly.

The United States proposed three resolutions in addition to the normal work. All three were adopted—one on maternal mortality, one on Afghanistan encouraging the Obama administration's policies in Afghanistan, and one on Internet freedom. All three of these resolutions were adopted by the Parliamentary Assembly.

We also recommended 26 amendments to the core resolutions. All 26 amendments were adopted. I wish to cover some quickly because I think they are important to U.S. policy and we now have the support of the OSCE, of the European and central Asian communities in advancing these goals.

One was to seek Pakistan's interest in becoming an OSCE partner. They are not eligible for membership because it is central Asia, Europe, and North America. But we have partners in cooperation that work with us. We have Mediterranean partners, including Israel and Jordan and Egypt. We have Asian partners that belong, including Afghanistan. We think it would be helpful if Pakistan sought membership as a partner in cooperation within OSCE. By way of example, OSCE has a mission in Afghanistan that deals with border security. They know how to do nation building, how to help countries. We think that could be useful in dealing with U.S. policies against terrorists in Afghanistan and Pakistan if both had an arrangement with the Organization for Security and Cooperation in Europe. That amendment was approved by the Parliamentary Assembly.

We offered another amendment dealing with combating anti-Semitism. The U.S. Helsinki Commission has been a leader in developing strategies to deal with the rise of anti-Semitism. We have made a lot of progress. We continued to make progress at this meeting in dealing with the rise of anti-Semitism.

There were amendments offered dealing with water issues, energy, climate change, and preserving cultural heritage sites. We had a very active delegation, and we advanced many causes that were important to the United States.

We had bilateral meetings. We met with our counterparts from Russia to try to improve the dialog between Russia and the United States. This was a day or two before the meeting of our Presidents in Moscow. I think it is in keeping with the Obama strategy of trying to have a more effective dialog between the United States and Russia. We have differences, but we need to understand each other's positions to try to bring about the type of change that would be in the interests of both countries. We underscored those points during our bilateral meetings with the Russian parliamentarians.

We also met with the parliamentarians from Georgia. We were very disappointed that the OSCE mission in Georgia was terminated as a result of Russia's veto of the continuation of that mission. That mission deals with conflict prevention. It is there to keep peace in Georgia, where we know there is still the potential for conflict to erupt at any moment. We had a chance to meet with the Georgia parliamentarians to go over those issues.

We met with the parliamentarians from Lithuania. The last time I was in Lithuania was February 1991, when the Soviet tanks were in Lithuania, where they had taken over the TV towers. We returned to the TV towers. We were there in 1991 and saw the tragedy that the Soviets had committed in that country. We also went to the parliament building, where it was barricaded in 1991 because of Soviet tanks. Now we were able to enter a free country, a close ally of the United States, a member of NATO. It was a proud moment to return to that site and see what has happened. The United States has a proud record of always recognizing the independence of Lithuania and never recognizing the Soviet takeover of that independent country. We had a chance to meet with the President. We had a chance to meet with the parliamentarians, and we met with the Prime Minister. We mentioned an issue that is still pending that needs to be resolved; that is, property restitution issues and community property issues dating back to the Nazi occupation. We urged the Lithuanian Parliament to promptly pass an appropriate law so that the payments can be made to the appropriate victims as quickly as possible since many of the families are dying out and it is important that this issue be handled as quickly as possible. I hope Lithuania will follow through on those recommendations.

We had a very busy agenda. I am very proud of the work of each member of our delegation. We advanced the interests of the United States. We will be following through on the different discussions we had to make sure progress continues in each of these areas. It was an honor to represent the Senate with the Helsinki Commission. We will keep Senators informed on the progress we are making.

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

The PRESIDING OFFICER (Mr. KAUFMAN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GREGG. 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. REID. Mr. President, I ask unanimous consent that at 4:45 p.m. today, there be 2 minutes of debate prior to a vote in relation to McCain amendment No. 1400, with the time equally divided and controlled between Senator MCCAIN and the majority leader or their designees; further, that on Wednesday, July 8, when the Senate resumes consideration of H.R. 2892, there be 5 minutes for debate prior to a vote in relation to the Sessions amendment No. 1371, with the time equally divided and controlled between Senator SCHUMER and Senator SESSIONS or their designees; that upon disposition of the Sessions amendment No. 1371, the Senate resume consideration of DeMint amendment No. 1300, with 2 minutes of debate prior to a vote in relation thereto, with the time equally divided between Senator MURRAY and Senator DEMINT or their designees; that no amendment be in order to any of the amendments covered in this agreement prior to a vote in relation to these amendments.

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

Mr. REID. Mr. President, let me quickly say, before I turn it over to my friend from New Hampshire, we have been in many quorum calls today, with plenty of opportunities to offer amendments. We have to move forward on this bill. When we finish this bill, we have 10 other appropriations bills to do. We have to move forward on this bill. People cannot complain that they have not had opportunity to offer amendments when they don't offer them.

DEBT EXPLOSION

Mr. GREGG. Mr. President, I rise to speak on a couple of items. The two things I wish to speak about are, first, this rumbling we are starting to hear about having a third stimulus package. Some people say it is a second. It is a third stimulus package. We did a tax stimulus package about $140 billion and the $700-plus billion stimulus package earlier this year. It is incomprehensible to me that we would want to have another stimulus package unpaid for and add that to the debt.

We are facing a massive explosion of debt in this country. The best thing we can do to get this economy going would be to show the world and the American people we are serious about doing something about our debt.

To roll out another stimulus package in the face of that type of a situation that would be unpaid for is a huge mistake, whether it is a tax cut or whether it is spending. I cannot understand why we are even thinking about it.

When we look at the stimulus package which was just passed a few months ago, that hasn't even spent out. Only 15 percent of that is going to be spent this year, and another 37 percent of it will be spent next year. That means we still have 50 percent of the spending of that $700-plus billion bill to occur in 2011 and beyond. So if the purpose of a new stimulus package is to try to bring up the slack in the economy as we move into 2010 and on to 2011, we do not need it because we already have a stimulus package that is coming down the road, if you accept that as being useful—I don't happen to—but it is clearly counterproductive if it is simply going to add to and increase the debt of this Nation and the debt that is passed on to our children.

The debt of this country is increasing to astronomical proportions. We are looking at deficits of 4 to 5 percent of GDP for the next 10 years. We are looking at a debt that goes to 80 percent of GDP. The new stimulus would aggravate both those numbers dramatically.

To quote my colleague from North Dakota, the chairman of the Budget Committee, the debt is the threat. If we continue to pass through this Congress spending which is not offset, which is not paid for, in the name of stimulus or anything else, we are simply aggravating this extraordinarily difficult situation, which is the massive explosion of Federal debt. It is not fair to our children. More importantly, it is not correct, and it is not good policy.

Nothing would energize this economy more than to have the world look at America and recognize that we are going to do something substantive about reducing our debt and our deficits. People around the world and in our Nation would have confidence in our government again. But if we continue to talk about rolling out another stimulus upon the stimulus we already have—the first stimulus and the second stimulus—rolling out a third stimulus, which will be unpaid for and expensive, that is not sound fiscal policy.

Since the debt is the issue, let me turn to the second point I wish to make. The TARP, which has received a lot of negative press over the last few months, has accomplished its purpose in large degree. The reason the TARP was passed was to stabilize the financial industry during a period when it looked like we were going to have a cataclysmic implosion of the financial industry. We were on the verge of a catastrophic event, where basically our whole financial industry would have melted down, bringing down with it Main Street and people's ability to get loans, people's ability to send their kids to school, people's ability to buy a house, to meet a payroll, run a small business. All that would have been at risk if the financial institutions of this country had been allowed to implode, which is exactly where we were back in September and October when the TARP was passed.

With those TARP dollars, those financial institutions are stabilized, and

they were stabilized by purchasing what is known as preferred stock in them.

As part of the TARP, it was made very clear that the $700 billion that was going to be spent to stabilize the financial institutions, or potentially spent—not all of it was spent—that those dollars, when they came back—and we expected them to come back because it was an investment; it was not spending like a stimulus package where we essentially put money out the door and it never comes back; we were buying assets, the preferred stock of these banks. When those moneys came back to the Treasury, it was understood that those moneys would be used to reduce the deficit and the debt. That was the understanding that was written in the bill. The moneys from TARP, as they came back in, would be used to reduce the debt.

We are now seeing the first group come in. Mr. President, $70 billion has come back to the Treasury as a result of four or five major banks paying off the TARP moneys through repurchasing their preferred stock. Interestingly enough, the taxpayers made some money here. We made about $4.5 billion on that investment—a pretty good deal over 4 months to make $4.5 billion. That money is also coming to the Treasury. Those dollars should be used to reduce the debt. That is what the whole idea was: Buy assets, stabilize the financial industries, as the assets come back, pay down the debt that was run up in order to purchase those assets.

Unfortunately, some of my colleagues in the other body have suggested that we now start spending this money as it comes in on what happens to be, I am sure, very worthwhile initiatives which they want to pursue in the area of housing, in the case of one proposal. That would be the totally wrong thing to do. These dollars have to be used to reduce the debt, and by using them to reduce the debt, once again we will make it clear to Americans and to the international community that we are going to act in a fiscally prudent way, and we will have a very positive impact on how much it costs us as a nation to borrow on the value of our dollars and on the amount of outstanding debt which we face as a nation, which is extraordinary, as I mentioned earlier.

It is totally inappropriate to spend this money on something other than what the proposal originally was, which was to spend it to stabilize the financial institutions and then take the money we received—in this case, with interest—and use it to pay down the debt.

The administration understands this, and I respect the fact they made it very clear in a letter to me from Secretary Geithner—I ask unanimous consent to have printed in the RECORD the letter from Secretary Geithner.

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

DEPARTMENT OF THE TREASURY,
Washington, DC, June 30, 2009.

Hon. JUDD GREGG,
U.S. Senate,
Washington, DC.

DEAR SENATOR GREGG: Thank you for our recent conversation on June 11. In addition to our discussion on deficit reduction and the repayment of Emergency Economic Stabilization Act (EESA) funds, I also wanted to formally respond to your letter of April 23.

As you know, banks are indeed permitted to repay Treasury's investments through the Capital Purchase Program (CPP). Repaid funds will be deposited into the general fund for the purpose of deficit reduction, as required by EESA. This reduction in the total amount of outstanding assets frees up headroom under EESA's $700 billion cap, providing additional flexibility to Treasury in its efforts to stabilize the economy and build the foundation for long-term economic growth.

To date, 32 banks have repaid Treasury's investment for a total of approximately $70.1 billion, including $68.3 billion received on June 17, 2009, from ten of the largest banks that participated in the stress test. With these repayments, we have $127 billion remaining to support EESA's objectives. Another important item to note is that to date the United States Government's general fund has received $5.2 billion in dividends.

These repayments and dividends are an encouraging sign of financial repair, but we still have work to do in order to mend our economy. We believe that it is critical that Treasury maintain the full flexibility provided by EESA to strengthen our financial system, promote the flow of credit, and permit a rapid response to unforeseen economic threats.

As you know, I share your concerns about the fiscal situation. I look forward to working with you to bring down the deficit once we are confident that the economy is back on track and we have successfully addressed the challenges to our financial system.

Sincerely,

TIMOTHY F. GEITHNER,
Secretary of the Treasury.

Mr. GREGG. Mr. President, Secretary Geithner has made it very clear that they understand this money should go to reduce the debt. They would like to hold it sort of at the desk for a few months to make sure they are not going to need it for another event of maybe severe fiscal strain. But it is pretty obvious we are past that time and they probably are not going to need it. So this money is coming back to the Treasury and will only be used to reduce the debt unless we, as a Congress, change the law.

I wished to come to the floor and say it would be a real failure of fiscal stewardship for us to use these dollars for anything other than what their purpose was, which was to reduce the debt.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mrs. BOXER. Mr. President, I yield back any remaining time.

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

The question is on agreeing to McCain amendment No. 1400. 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 West Virginia (Mr. BYRD) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

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

The result was announced—yeas 47, nays 51, as follows:

[Rollcall Vote No. 218 Leg.]

YEAS—47

Barrasso	Ensign	McConnell
Bayh	Enzi	Murkowski
Bennet	Feingold	Nelson (FL)
Bennett	Graham	Risch
Bond	Grassley	Roberts
Brownback	Hatch	Sessions
Bunning	Hutchison	Shaheen
Burr	Inhofe	Snowe
Chambliss	Isakson	Thune
Coburn	Johanns	Udall (CO)
Collins	Kyl	Udall (NM)
Conrad	Lincoln	Vitter
Corker	Lugar	Warner
Cornyn	Martinez	Webb
Crapo	McCain	Wicker
DeMint	McCaskill	

NAYS—51

Akaka	Franken	Merkley
Alexander	Gillibrand	Mikulski
Baucus	Gregg	Murray
Begich	Hagan	Nelson (NE)
Bingaman	Harkin	Pryor
Boxer	Inouye	Reed
Brown	Johnson	Reid
Burris	Kaufman	Rockefeller
Cantwell	Kerry	Sanders
Cardin	Klobuchar	Schumer
Carper	Kohl	Shelby
Casey	Landrieu	Specter
Cochran	Lautenberg	Stabenow
Dodd	Leahy	Tester
Dorgan	Levin	Voinovich
Durbin	Lieberman	Whitehouse
Feinstein	Menendez	Wyden

NOT VOTING—2

Byrd	Kennedy

The amendment (No. 1400) was rejected.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, the Senate just voted against the President of the United States—I think we should know that—and his recommendation. The President, on May 7 of this year, as part of his budget submission, recommended terminating or reducing 121 Federal programs, which was estimated to save the taxpayers $41 billion over the next decade. One of the programs the President hopes to see terminated is the Intercity Bus Security Grant Program.

What the Senate did was to tell the President of the United States: No, we are sorry, this is a vital program, the Intercity Bus Security Grant Program. I am sure the folks in Maryland at Cavalier Coach Trailways that got $8,000 and Crystal Transport, Inc., that got $108,000—there is one in here that is a limousine service that got several thousand dollars, the Rimrock Stages got only $8,000. But Busco, Inc., doing business as Arrow Stage Lines, they

got $137,000 in Nebraska. Maybe they will take people to visit the library that just got $200,000, those from outside of Omaha.

What we are talking about is that we cannot even eliminate a program, with a decent number of Democratic votes, about which the President told the American people: We will reduce spending, we will cut spending, don't worry; here are the 121 Federal programs. There are two more that are coming, my friends, that you will be able to vote against the President on because there are two more on his list that are included in this appropriations bill.

Anybody in the United States who thinks we got the message that it is time to tighten our belts, including especially members of the Appropriations Committee on both sides of the aisle, they are sadly mistaken.

They are sadly mistaken. We are going to vote on all 27. We are going to be on record, and the American people are going to hear about it. They are going to figure it out. It is business as usual. The porkbarrel spending continues even to the point where we cannot even eliminate a program the President of the United States said we would eliminate. There are 60 votes over there. We could not get 51.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

AMENDMENT NO. 1402 TO AMENDMENT NO. 1373

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

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

Mr. FEINGOLD. I rise to call up amendment No. 1402 to the bill.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 1402 to amendment No. 1373.

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

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

The amendment is as follows:

(Purpose: To require grants for Emergency Operations Centers and financial assistance for the predisaster mitigation program to be awarded without regard to earmarks)

On page 32, strike line 19 and all that follows through page 33, line 22, and insert the following:

Assistance Act (42 U.S.C. 5196c), which shall be awarded on a competitive basis: *Provided,* That the Administrator of the Federal Emergency Management Agency shall award financial assistance using amounts made available under the heading ''NATIONAL PREDISASTER MITIGATION FUND'' under the heading ''FEDERAL EMERGENCY MANAGEMENT AGENCY'' under this title—

(A) in accordance with section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133); and

(B) without regard to any congressionally directed spending item (as defined in rule XLIV of the Standing Rules of the Senate) or any congressional earmark (as defined in rule XXI of the Rules of the House of Representatives) in a committee report or joint explanatory statement relating to this Act.

Mr. FEINGOLD. This amendment would prohibit the earmarking of two critically important homeland security grants: the Emergency Operations Centers and the Pre-Disaster Mitigation Program.

The Emergency Operations Centers, or EOC program, is intended to improve emergency management and preparedness capabilities, and it funds, among other things, construction of State and local EOCs. These centers are a vital part of the comprehensive national emergency management plan.

The Pre-Disaster Mitigation Program is intended to implement hazard reduction measures before disasters strike. Eligible projects can include, for example, preparing mitigation plans, or retrofitting public buildings against hurricane-force winds, and constructing so-called ''safe rooms'' in tornado-prone areas.

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

Obviously, these funds should be awarded by an impartial entity that is expert in matters of emergency operations and disaster mitigation. It is FEMA that actually possesses these qualities; Members of Congress do not. Indeed, FEMA has informed me that many past earmarks would not have even qualified for the Pre-Disaster Mitigation Program under the established guidelines. The result is that low-priority projects get funded and high-risk areas do not have adequate resources they need so people in those areas can truly be protected from natural disasters. I think these funds are too important to be passed out based on political dealings.

The Association of State Floodplain Managers supports this amendment and notes that a key element of the Pre-Disaster Mitigation Program is the encouragement of hazard mitigation planning. According to the Association:

Congressional earmarks, unfortunately, undercut the local planning process when it became evident that process could be short-circuited by getting a Congressional earmark.

This year, the House has earmarked all of its Emergency Operations Centers funds in its Homeland Security appropriations bill. The Senate has earmarked nearly half of its funds. The earmarks in the Senate are directed to 10 States. That means 40 States will have to compete for the remaining half of these funds.

If my amendment fails, 10 States get half and the other 40 States only get half combined. Many of these earmarks have historically gone to small communities while at the same time many State operations centers in major cities still need assistance. So my amendment would strike the earmarks in the text of the Senate bill so that FEMA can decide which projects are homeland security priorities and Federal responsibilities.

With regard to the Pre-Disaster Mitigation funds, the House report has earmarked one-fourth of the funds, and the Senate has so far not earmarked any of them. However, last year both the House and the Senate earmarked roughly 27 percent of the funds in conference. So my amendment directs FEMA to disregard any such earmarks in the explanatory statement of managers. As the majority of us will not be members of the conference committee, I urge my colleagues to consider whether it is in the best interests of your State to permit the earmarking of these critical homeland security funds outside of the regular legislative process.

The chairman and the ranking member of the Homeland Security and Governmental Affairs Committee introduced legislation last year to mandate that Pre-Disaster Mitigation funds be awarded competitively. I, of course, commend both of them for their leadership on this issue.

Given that a percentage of these funds are guaranteed for every State in light of the fact that all States are at risk of natural disasters, there is even less reason for these funds to be earmarked.

President Obama has stated that he would like these funds to be awarded on the basis of risk. Federal law lays out the criteria for the competitive awarding of these grants and focuses on the need to fund those projects that will mitigate the most high-risk areas.

Therefore, I think this amendment is consistent with the President's request that we focus on those communities that are in most need of assistance. I urge my colleagues to support this amendment.

I ask unanimous consent that Senator MCCAIN be added as a cosponsor.

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

Mr. FEINGOLD. Not only will the amendment restore objectivity to two homeland security grant programs, it will also help ensure important decisions about Federal spending are actually made on the merits not on the basis of political backroom deals.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. 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. BROWN. I ask unanimous consent to speak as in morning business.

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

GENERIC BIOLOGICS

Mr. BROWN. Mr. President, I thank my colleague from Ohio, Senator VOINOVICH, for allowing me to go first. I appreciate his public service as he concludes his Senate career in the next year and a half.

This week Congress is debating whether to broaden access to affordable generic drugs for millions of Americans. Let me explain how access to generic drugs—and generic drugs for pharmaceuticals—so-called chemical drugs are called generics, just to make this clear, for live—what are called biologics they are called follow-on biologics. But either is the same concept.

Let me explain how the access to generic, or follow-on biologics, would benefit millions of Americans who cannot afford the crushing drug costs they face, whether prescription drugs or biologics.

Sergio from Rocky River, a suburb west of Cleveland, wrote about how he and his family lost their health insurance last year and are heavily buried with debt. His young son has type 1 diabetes, a terrible disease that an increasing number of young people have. His wife has severe asthma, and Sergio had quadruple heart bypass surgery, along with surgeries to repair a hernia and treatment for back and knee injuries, all within the last 3 years. Sergio and his family have cut back on the medications they were taking and stopped going to the doctor because they can't afford the $35,000 in outstanding medical bills, much of it in prescription drug costs. Sergio writes that his family walks on eggshells each day hoping they don't get sick and slide further into debt.

For far too long, Americans like Sergio have struggled with the exorbitant cost of prescription drugs. For far too long, soaring drug costs have meant seniors were forced to choose between eating and taking medicine. I have heard these stories for more than a decade, most acutely when I traveled with seniors from Ohio to Canada to buy affordable prescription drugs. I was a Member of the House in those days in the late 1990s. It was curious that an elected Federal official in one country would rent a bus and take 30 to 40 seniors 3 hours from Lorraine up through Toledo, OH, into Detroit, then into Windsor, Ontario, from one country to another to buy prescription drugs. Of course, I did that because these people were hurting. They didn't have decent health care and couldn't get low-cost prescription drugs. So they went to Canada where the prices were much, much cheaper, one-half to one-third the cost, the same drug, same manufacturer, same packaging, same dosage, but costing one-half or one-third as much.

As we move forward on health care reform, we have the opportunity to make affordable generic drugs more accessible to seniors and to the Nation's middle class. Health care reform must broaden access to generic alternatives to the most expensive kinds of prescription drugs known as biologics. Biologics are different from the chemical pharmaceuticals we are most used to that sell in much larger numbers than the biologics based on living ingredients that are more expensive and—much more expensive to produce, originally, with the research but also much more expensive for the person taking the biologics. Failing to come up with generic alternatives to these most expensive kinds of prescription drugs is not just bad policy, it is irresponsible on our part.

Countless Americans simply cannot afford these expensive brand-name drugs. These drugs provide promise and hope to those suffering from devastating diseases and chronic illness: cancer, Parkinson's, diabetes, Alzheimer's, MS. For example, annual treatment for breast cancer in the 1990s was with a drug called Taxol which cost an exorbitant amount of money—$4,000 a year. Today, annual treatment for some cancers—in this case, breast cancer—is with the biologic drug Herceptin, which costs $48,000 a year or $4,000 a month. Annual treatment for rheumatoid arthritis with Remicade costs approximately $20,000 a year, almost $2,000 a month. These drugs are simply too expensive for many people to afford.

Liz from Brecksville is a director of a breast cancer advocacy group in northern Ohio and wrote to me that many of her members and clients face impossible financial barriers after being diagnosed with breast cancer and needing treatment. Liz works with breast cancer patients who face excessive copays and deductibles for prescription drugs, often with 10-year preexisting condition restrictions. That is why we must provide broader access to generic drugs to help lower prescription drug costs for millions of Americans.

This isn't a debate about policy between biologics and follow-on biologics and prescription drugs and generics. That is interesting for the textbooks and the economists. This is about the lives of people who simply cannot afford $4,000 a month for a cancer drug, $1,500 a month for a drug if they are dealing with rheumatoid arthritis.

Ensuring a pathway for generic drugs and breaking the monopoly pharmaceutical companies have on brand-name drugs can make prescription drugs affordable for Americans who need them. By setting a reasonable period of exclusivity for many brand-name drugs, we will speed up the generic approval process and speed up cost savings for families in Toledo, Lima, Canton, Youngstown, and Cincinnati, OH.

It is estimated that biologics, those drugs that increasingly are used to help treat cancer and Parkinson's and diabetes and Alzheimer's and MS, will make up 50 percent of the pharmaceutical market by 2020. These are becoming more and more common. Yet there is not even a process to establish generic drug alternatives. Therefore, there is no price competition and the price for these biologics goes up and up and up. The prices go up and up and up, yet there is no competition and they can keep charging outrageous prices. These prescriptions cost anywhere from $10,000 a year, almost a $1,000 a month; sometimes they cost as much as $200,000 a year, which is $16,000 or $17,000 a month.

We are not saying the prescription drug companies don't deserve a chance to recoup the $1.2 billion they spend on research and development. This chart is 1 year of sales with no competition from generics. It often means multiple billions of dollars in revenue. This was compiled by the AARP. The drug Enbrel for rheumatoid arthritis—average cost to develop a new biotech product, $1.2 billion; annual total U.S. sales for top-selling biologic drug, $14.8 billion. Look at another pretty common drug, Remicade, for rheumatoid arthritis. In this case, this company spends a little more than $1.2 billion to develop this product; $13 billion in sales. We can go down the list: Epogen for anemia, Procrit for anemia, Rituxan for rheumatoid arthritis, Humira for rheumatoid arthritis, Avastin, Herceptin, Aranesp for anemia, Neulasta for neutropenia. On biologic after biologic, the average cost not just to develop this biologic, the average cost to the company as a whole for its successful biologics and its unsuccessful biologics, for the amount of research they are putting forward averaging $1.2 billion, look at their sales: 14.8, 13, almost 15, almost 14, almost 12, almost 7, 8 billion, 5.5 billion, 11, almost 12 billion. These are costs for which consumers are paying $2,000 a month, $3,000 a month. They simply can barely afford it in many cases and can't afford it at all in other cases. These are costs that employers have to pay, that taxpayers have to pay if they are in Medicaid.

It is pretty clear these are huge profits these companies are making. And I want more innovation. You bet I want to see these companies succeed. But they don't need to make these kinds of profits at the expense of taxpayers and small businesses that are paying the freight and larger businesses that are less competitive because they have to pay such high costs for health care. That makes it harder for GM to compete with Toyota and compete with overseas auto manufacturers, one after another after another.

Sales in 2008 for the average biologic, not just the blockbusters, totaled over $666 million. That means it takes less than 2 years for the average brand-name biologic to recoup the R&D cost. Why are some of my colleagues advocating for a 12-year monopoly period? They want to give these companies that are recovering this kind of money this quickly each year, this kind of money with the kinds of sales they have had, they want to give them 12 years to recoup this $1.5 billion. Many of them recoup it in the first year, let

alone the second, third, fourth, and fifth. Again, I want to have a healthy profit, but I don't want to see price gouging aimed at small businesses and large companies that are less competitive as a result, aimed at seniors and others who suffer from these diseases. Why a 12-year monopoly period? Twelve years sounds good. If the industry gets 12 years, they will laugh all the way to the bank. They will be exultant if they get 12 years.

The President says 12 years is too long. The President thinks it should be 7. The Federal Trade Commission says it is too long. The Federal Trade Commission thinks giving them 12 years will actually reduce innovation because the drug companies won't even try to compete with themselves and come up with new drugs. Nearly everyone—insurance companies, patients groups, consumer groups, and the AARP—has said this is too long. All kinds of organized labor unions, because of their members, say it is too long. Most insurance companies say it is too long. Patient groups, groups that advocate for people with diabetes, with heart disease, groups that advocate for people with arthritis and MS and other deadly and crippling diseases—all say 12 years is too long. Everyone says 12 years is too long except two groups: the drug companies and some House Members and Senators.

It is clear this is a fight between pharmaceutical companies looking to make lucrative profits and patients in need of prescription drugs.

I read yesterday in the Washington Post how the pharmaceutical industry is spending well over $1 million every single day trying to influence the outcome of health care reform legislation. Over $1 million a day spent to prevent generic drugs—affordable medicine—from making their way to seniors in Zanesville and Bolero and Youngstown and Van Wert and Piqua and all over my State, from making their way to people in middle-class families, to patients who can't afford brand-name drugs. We can't let special interests or political maneuvering delay making affordable prescription drugs more available to millions of Americans.

We are on the cusp of fundamental reform of our health care system. Let's not blow it. Let's not pass this giveaway of billions and billions of taxpayer dollars, individual dollars out of people's pockets, dollars raided from small businesses and large corporations alike.

We should not let that stand in the way. We are on the cusp of meaningful, fundamental reform. We must ensure access to generic drugs that will reduce costs, that will improve quality of care for millions, that will mean more innovation and more miracle drugs. This is part of our historical moment. We need to do it right.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. I ask unanimous consent to speak as in morning business.

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

Mr. VOINOVICH. Mr. President, it is time for Congress to join forces and unite in a bipartisan way to help the President deal with the unbelievable challenges he has domestically and internationally. One easy way to help our Nation is by passing our appropriations bills by September 30. Our getting it done this year is urgent because of the state of our economy and the impact Federal spending has on that economy. Our reliance on continuing resolutions to fund the Federal Government continues to plague Congress and has a cascading effect on government agencies and the citizens they serve.

In recent decades, it has become common for appropriations bills to be enacted after the start of the fiscal year, during the last quarter of the calendar year, or even in the next session of Congress, as was the case this year. Repeatedly managing by continuing resolution is inefficient. It results in wasteful spending, disruption and chaos in the operations of Federal programs, and dramatic productivity slowdowns. This is not a good record for either party and is an irresponsible approach to managing our limited resources. It has to stop.

Last year, because the Senate did not do its job, agencies were rushed to spend their budgets before the end of the fiscal year and used overtime to ensure requests were processed before midnight on September 30, making it ripe for overspending as agencies stockpiled to try to meet future needs. This also means fewer dollars being returned to the Treasury to help reduce our growing budget deficit.

We need to get back to basics to solve it. This is one problem the Congress can solve, and we need to do it this year. Congress may hold the power of the purse, but we undermine our credibility by starving good managers and agencies of necessary resources and by turning a blind eye to failing programs. This is about more than allocating funds. It is about good management and good public policy. I can assure you, as a county commissioner, mayor, and Governor, if the appropriations were not done on time we would have been run out of town for not doing our job.

Inaction causes chaos in the operations of our Federal Government. Continuing resolutions do exactly what their name implies: they continue funding at prior year levels, without regard to whether changes in funding are necessary or appropriate. As a result, agency program managers are now in the untenable position of having to manage on the prior year's budget, which often results in a loss of productivity and a waste of taxpayer dollars. Imagine if these same program managers could spend their time instead on our current economic situation, ensuring that the stimulus funds are being spent wisely and appropriately.

Programs which cannot justify the level of funding they used to have, and ought to be cut, will continue to get the level of funding they were getting. Likewise, programs for which increased need has been demonstrated, and which therefore should get increased funding, will continue to be funded at the prior year's level, leaving the increased need unaddressed.

Since 1990, the Government Accountability Office has issued its biennial high-risk report, which examines the challenges faced by Federal programs and operations and recommends ways to improve their performance and accountability. Many of the programs on the GAO high-risk list are dysfunctional and fail to deliver the intended services to the taxpayer. In other instances, the Federal Government is wasting taxpayer dollars that could be better used for higher priority programs or cutting the deficit.

Imagine if we were able to dedicate 1 week—or even 1 day—per month as a body debating solutions to the challenges identified by GAO instead of debating whether and when to proceed on appropriations bills or throwing together a continuing resolution to ensure we avoid the embarrassment of a government shutdown.

This is not a case of benign neglect. We have become overly reliant on past practice and refuse to make the end-to-end budget process a priority. Continuing appropriations acts have become commonplace and, unfortunately, fully integrated into the process. The end result is funding uncertainty—not because the money is not there but because Congress cannot join in a bipartisan manner and hammer out an agreement on how money should be spent. No business would manage its affairs in this manner, and neither should the Federal Government. As I said, the Federal Government is the only level of government that gets away with it.

I think few in the Senate recognize the adverse impact continuing resolutions have on agencies where budgets rely heavily on personnel. Hiring freezes, cuts in training budgets have lasting effects. It is irresponsible for us not to provide appropriations on time to those we have asked to provide services to the American people and give them gigantic excuses to not perform.

Our inaction also has an impact on program management. Federal public servants spend countless hours preparing detailed budget justifications for our review. We reward their hard work by asking them to spend their time figuring out how to manage under last year's budget. Imagine if these people could spend their time managing programs instead of figuring out how to operate under a continuing resolution, including completion of reprogramming requests.

Managing by continuing resolution has the effect of delaying construction,

reducing overall efficiency, wasting time and paper resources, and disallowing any new starts in procurement. Fortune 100 companies do not walk away from difficult budget choices by taking a pass to the next fiscal year. Neither does Main Street USA. Regardless of whether you subscribe to the belief that CRs save money, this is no way to run an organization. It is part of our obligation to the American people to ensure our scarce resources are given to projects that produce results.

I want to share a few examples of the true impact of continuing resolutions, taken from a memo prepared by the Congressional Research Service and hearings before the Committee on Homeland Security and Governmental Affairs.

Let's take the Department of Education. The Impact Aid Program is an elementary and secondary education program that does not receive forward funding or advance appropriations and, therefore, is more easily affected by an interim continuing resolution. Payments for children with disabilities are delayed when the Department of Education is operating under a continuing resolution.

USAID: The delay of funding of the President's Malaria Initiative, which was enacted in order to reduce deaths due to malaria by 50 percent, lasted until February 15, 2007, 5 months or 138 days into fiscal year 2007. Doing the math, this delay in funding relates to the loss of, say, 198,000 lives unnecessarily. In other words, by delaying it, the money was not there. We did not get the job done, and this resulted in the deaths of individuals.

NASA: On June 8, 2009, the Federal Times reported the following from NASA Administrator Michael Griffin:

> Any time Congress passes a continuing resolution that holds agencies to their current spending levels at a time when the economy is experiencing inflation translates into a budget cut. And so we will be cutting the budget at NASA and the only question is how much. . . . And then the second question, after how much is decided, is will the continuing resolution be broadly applied and left to the discretion of agency heads to implement or will special programs be targeted to be either favored or disfavored.

FEMA: In fiscal year 2008, the Emergency Food and Shelter Program, which ''provides emergency food and shelter to needy individuals,'' did not receive funds under the CR. Thus, the program did not have funds available for communities and their respective homeless provider agencies during what many view as critical winter months until February 26, 2008, or 149 days into fiscal year 2008.

The judiciary: The judiciary has had to resort to hiring freezes or furloughing employees under continuing resolutions. In fiscal year 2004, the judiciary reduced 1,350 positions, with probation and pretrial services receiving significant cuts.

HUD: During fiscal year—I am just giving you examples that have been pointed out by CRS. During fiscal year 2004, the Department of Housing and Urban Development had to temporarily suspend the General Insurance and Special Risk Insurance Fund of the Federal Housing Administration because the continuing resolution did not provide a sufficient credit subsidy to continue with the programs. During the suspension, HUD was unable to meet the needs of the borrowers who would ordinarily be served by the respective programs, which created uncertainty among the lenders and potential borrowers. Mr. President, I think most of us have seen what happens when we have uncertainty in our mortgage system.

The Treasury Department: Continuing resolutions in fiscal year 2007 and fiscal year 2008 limited and delayed the IRS's ability to implement improvements in the taxpayer service. Also, these continuing resolutions prevented the agency from making job offers to highly qualified candidates until enactment of a full year's appropriation.

Just jerk them around.

Research and development: Most research and development programs continue to receive funding at the prior year's level when operating under a continuing resolution. However, this funding mechanism can only support existing R&D priorities rather than shifting to new ones because only existing programs retain funding. New and emerging technologies must be funded in real time.

The Social Security Administration: Operating under a continuing resolution for fiscal year 2010 will hamper efforts to reduce backlogs in the agency's disability program, which would result in decreased efficiency. Also, in previous years continuing resolutions caused the agency to implement a hiring freeze that contributed to service delivery problems. While Commissioner Astrue has gone to great lengths to send additional resources, for example, to my home State, Ohio still has people waiting more than 500 days for a decision on their Social Security disability claim.

I was very critical of SSA. I started looking back on the continuing resolutions that were passed. It was a chaotic situation. They were not able to keep the people they had. They were not able to hire more people, and we have a 500-day wait now. I am sure the Presiding Officer gets the same complaints from his people that they cannot get their disability appeals heard.

DHS: In testimony before the House Homeland Security Subcommittee on Management, the Department of Homeland Security's Deputy Procurement Officer, Richard Gunderson, spoke to the impact continuing resolutions have on the key homeland security programs. Gunderson testified:

> A CR would stop those programs in their tracks and we would not be able to grow the way that everybody is saying that we need to grow.

Mr. President, there are a lot more examples of what I am talking about. I think this has to be the year we do our job. The Senator from Nevada, our leader, and the Senator from Kentucky, our minority leader, have both publicly stated that we need to do our job on time. As I mentioned earlier, the need for it is more urgent than ever before.

If I were the President of the United States today, I would probably look at what the Congress is doing, and I think I would say: One of the greatest gifts you can give me, one of the greatest gifts you can give our country, is to do your work on time so we do not have this chaotic situation we have had for so many years.

None of our hands are clean. None of our hands are clean. I have been here when we have deliberately not passed appropriations with the idea that maybe our guy is going to get elected President or we are going to get the majority in the Senate or the Congress and so then we can tweak it the way we want to because a majority is no longer in the majority.

This game has been played for too long around here, and it is about time we recognized it and did something about it.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mrs. MURRAY. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak therein for 5 minutes each.

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

The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that I be permitted to speak in morning business for up to 15 minutes.

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

Mr. WHITEHOUSE. Thank you, Madam President.

HEALTH CARE

Mr. WHITEHOUSE. Madam President, I have spoken many times on the floor of the Senate about the desperate need for reform of our broken health care system. Today the Congress stands at a moment of historic opportunity. The attention, hopes, and anxieties of the American people are focused on us like never before.

We have seen over the course of the last 60 years constant lament over the