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Senate

The Senate met at 10:30 a.m. and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, before whom the generations rise and pass away, give our Senators today the provisions of Your grace. Provide them with the grace of Your comfort to cheer, Your wisdom to teach, Your hand to guide, Your counsel to instruct, and Your presence to inspire. Prosper the works of their hands, as You direct their steps. Lord, show them what needs to be changed and give them the courage and wisdom to do. In all their labors, help them to strive to fulfill Your purposes for our Nation and world.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 8, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. PRYOR thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

SCHEDULE

Mr. REID. Mr. President, following leader remarks, there will be a period of morning business with Senators allowed to speak for up to 10 minutes each. All Senators are invited to gather in the Senate Chamber at 12:45 p.m. to proceed to the Hall of the House for the counting of electoral ballots. The joint session will commence at 1 p.m. The Senate will recess from 3:30 until 4:45 to allow for a special Democratic caucus meeting. If none have been to the counting of the electoral ballots, it is quite historic and interesting, and people should consider going to that.

MEASURE PLACED ON THE CALENDAR—S. 22

Mr. REID. It is my belief that S. 22 is at the desk and due for its second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill for the second time.

The legislative clerk read as follows:

A bill (S. 22) to designate certain land as components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes.

Mr. REID. Mr. President, I object to any further proceedings with regard to this legislation.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

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

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

SUPPORT FOR ISRAEL IN ITS BATTLE WITH HAMAS AND THE ISRAELI-PALESTINIAN PEACE PROCESS

Mr. REID. Mr. President, I rise to voice my strong support for a resolution in support of Israel that Senator MCCONNELL and I introduced with a bipartisan, overwhelming number of Senators. When we pass this resolution, the U.S. Senate will strengthen its historic bond with the State of Israel, by reaffirming Israel's inalienable right to defend against attacks from Gaza as well as our support for the Israeli-Palestinian peace process.

I spoke last week with Prime Minister Olmert and again expressed my understanding of and appreciation for the terrible situation that Israel has faced. Hamas has been firing rockets and mortars into Israel, killing, maiming innocent Israeli citizens for more than 8 years. I ask any of my colleagues to imagine that happening here in the United States, rockets and mortars coming from Toronto and Canada into Buffalo, NY. How would we as a country react? We would react, and we would react swiftly and quickly. Israel has been very patient.

Gaza was controlled by Israel since 1967. They, in an effort of extending an olive branch to the Palestinians, gave that territory up willingly. What have they gotten in return for it? Mortars and rockets fired, by now into the thousands. So we would have to react

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

as they have done. We would have to react to protect our people, and it would not only be our right but an obligation to do so. That is what the Israelis have done. Hamas must stop the rocket fire from Gaza into Israel. That is the simple stated objective of Israel. I acknowledge and appreciate the calls by some or a cease-fire. Certainly we must encourage a peaceful resolution of the conflict. But we must be certain that any cease-fire is sustainable, durable, and enforceable.

Our resolution reflects the will of the State of Israel and the will of the American people. It expresses vigorous support and unwavering commitment to the welfare, security, and survival of the State of Israel as a Jewish and democratic state with secure borders and recognizes its right to act in self-defense and to protect its citizens against acts of terrorism. It reiterates that Hamas must end the rocket and mortar attacks against Israel, and it recognizes Israel's right to exist, renounce violence, and accept previous agreements between Israel and the Palestinians, which Hamas has certainly not done even a little bit. It encourages the President to work actively to support a durable, enforceable, and sustainable cease-fire in Gaza as soon as possible that prevents Hamas from retaining or rebuilding the capability to launch rockets against Israel and allows for the long-term improvement of daily living conditions for the ordinary people of Gaza.

This resolution believes strongly that the lives of innocent civilians must be protected and all appropriate measures should be taken to diminish civilian casualties and that all involved should continue to work to address humanitarian needs in Gaza. It supports and encourages efforts to diminish the appeal and influence of extremists in the Palestinian territories and to strengthen moderate Palestinians who are committed to a secure and lasting peace with Israel.

Finally, it reiterates strong support for U.S. Government efforts to promote a just resolution of the Israeli-Palestinian conflict through a serious and sustained peace process that leads to the creation of a viable and independent Palestinian state living in peace alongside a secure State of Israel.

The ACTING PRESIDENT pro tempore. The minority leader.

Mr. MCCONNELL. Mr. President, let me add, this resolution in support of the State of Israel has strong bipartisan support. Hamas is a terrorist organization. It clearly started this current conflict by launching rockets on to civilian sites in Israel. The Israelis, as the majority leader indicated, are responding exactly the same way we would if rockets were being launched into the United States from Canada or Mexico or some similar situation. The Israelis have every right to defend themselves against these acts of terrorism. I enthusiastically support the resolution, as does Senator LUGAR, our ranking member on the Foreign Relations Committee.

Mr. REID. Mr. President, Senator JOHN KERRY has been open and very forward thinking on this issue. He, along with Senator LUGAR, supports this resolution.

I ask unanimous consent that the Senate proceed to the consideration of S. Res. 10 submitted earlier by Senators REID and MCCONNELL.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 10) recognizing the right of Israel to defend itself against attacks from Gaza and reaffirming the United States strong support for Israel in its battle with Hamas, and supporting the Israeli-Palestinian peace process.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LEAHY. Mr. President, S. Res. 10, the resolution that was adopted today reaffirming U.S. support for Israel, is factually accurate. No one here doubts our commitment to Israel's security or Israel's right to defend itself from Hamas rocket attacks. But the resolution, unfortunately, presents an incomplete response to the situation in Gaza. With so much at stake for the United States, for Israel and for the world, we owe the American people and all concerned a clear-eyed, forthright and constructive discussion of such vital matters as these.

Hamas's unilateral decision to break the cease-fire was deplorable. It is clear that rather than work for peace, Hamas used the cease-fire to amass more powerful and longer range weapons. Its actions should be universally condemned, and they will achieve nothing positive for the cause of the Palestinian people. Those who have collaborated in supplying weapons that are being used to terrorize and harm innocent civilians in Israel are complicit in the suffering and destruction that has occurred on both sides.

For its part, Israel used the cease-fire to pressure Hamas through a blockade that, in the absence of a long-term strategy, has caused extreme hardship for the Palestinian people collectively in Gaza but done nothing to change Hamas's militant policies. The blockade was not coupled with an effective strategy to address the underlying causes of the conflict.

In the past 14 days, according to the United Nations, 758 Palestinians have died, including 257 children, as a result of Israel's military operations, and thousands more have been injured. Palestinian homes, schools and other civilian infrastructure have been demolished. Among Israelis, three civilians have been killed, and seven soldiers have died. Israeli homes have also been badly damaged from Hamas rocket fire. The U.N. Relief and Works Agency, which is the principal humanitarian organization functioning in Gaza, suspended its operations earlier today due to risks to the safety of its personnel as a result of Israeli attacks which killed two of its workers and injured one.

As has been said here repeatedly, Israel has the right to defend itself. And I have no doubt that the Israeli Defense Forces, using powerful weapons supplied by the United States, can achieve tactical victories in Gaza by damaging Hamas's military capabilities. But the right response is one that will, over the long term, make Israel more secure, and that will be achieved only when Israel is accepted by its neighbors. Those of us who have long worked to support Israel should not lose sight of this crucial goal and this bigger picture. This escalation will, I fear, have the opposite effect. The widening use of force has implications for Israel's long-term security that should concern each of us. This approach may increase support among Palestinians for Hamas as well as anger and resentment toward Israel and the United States within Arab countries and around the world.

Israel seeks to deal a fatal blow to Hamas militants, to bomb them into submission and moderation. If our country were attacked in a similar way by one of our neighbors we might respond the same way. But there is little if any reason to believe these tactics can work. This latest escalation, with bombs falling and tank artillery striking in heavily populated areas where civilians—more than half of whom are children—have no means of escape, obviously and tangibly is providing ammunition to extremists, inside and outside of Gaza. And in doing so it increases the dangers to both soldiers and civilians—Israeli and Palestinian—and of miring Israel in an open-ended mission in Gaza resulting in far more destruction and loss of innocent life than we have seen so far. Ultimately, extremism is what has hindered a political resolution that ends this conflict with two secure states living side by side.

There are some who may argue that the collapse of the recent cease-fire proves that Hamas will only respond to force. Hamas has abused the cease-fire, but that is not the only lesson from the collapse. Any clear-eyed analysis will show that a cease-fire cannot succeed—indeed, it will be exploited by Israel's enemies—if it is treated as an end in itself instead of as an opportunity to materially improve the humanitarian situation and to undertake serious negotiations to end the conflict.

There are broadly acknowledged immediate steps that must be taken: put a meaningful ceasefire in place, stop the smuggling of weapons into Gaza, and open crossings into Gaza to facilitate the flow of licit goods and services.

But beyond that, history has shown that absent an inclusive, diplomatic process that effectively addresses the core interests of both Israelis and Palestinians, the cycle of violence will

continue. Preconditions are an obstacle to that process in the Middle East as much as they were for another seemingly intractable conflict, in Northern Ireland.

Others have asked these questions, which are worth repeating: Does the Gaza war improve Israel's long-term, or even short-term, security? Was it realistic and in Israel's long-term interests to expect Hamas to accept Israel in advance of negotiations, rather than push for a total cessation of the use of violence and blockade, followed by negotiations? Was it realistic to expect the ceasefire to hold while Gaza remained under siege, rife with hunger, illness, joblessness, and hopelessness, and while construction of settlements continued, and even accelerated, in the West Bank?

On January 6, Secretary of State Rice spoke to the U.N. Security Council. I do not doubt the sincerity of her concern with the humanitarian situation in Gaza, or for the need for a ceasefire ''that can endure and bring real security.'' We all want that. But her words were noteworthy for what they said about the dismal failure of the Bush administration's approach to the Middle East conflict. Eight years were squandered and mishandled, and President-elect Obama faces a far more difficult situation than his predecessor inherited.

Our credibility in the entire world has suffered immeasurably since 9/11. In particular our image in predominantly Muslim countries has been affected by the failure to advance a credible strategy to help resolve the Israel-Palestinian conflict. This has pronounced and obvious implications for our security, for Israel's security, and for the entire Middle East region.

At this time of great opportunity in America to change our policies and make a true contribution to peace in the Middle East, we should be careful when we adopt resolutions on subjects as sensitive as this to be cognizant of the history of the region and the complexities of the situation. Above all, our goal should be to enhance our role as a force for peace and our ability to advance our Nation's interests.

Mr. REID. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, that there be no intervening action or debate, and that any statements related to this matter be printed in the RECORD.

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

The resolution (S. Res. 10) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 10

Whereas Hamas was founded with the stated goal of destroying the State of Israel;

Whereas Hamas has been designated by the Secretary of State as a Foreign Terrorist Organization;

Whereas Hamas has refused to comply with the requirements of the Quartet (the United States, the European Union, Russia, and the United Nations) that Hamas recognize Israel's right to exist, renounce violence, and agree to accept previous agreements between Israel and the Palestinians;

Whereas, in June 2006, Hamas crossed into Israel, attacked Israeli forces and kidnapped Corporal Gilad Shalit, whom they continue to hold today;

Whereas Hamas has launched thousands of rockets and mortars since Israel dismantled settlements and withdrew from Gaza in 2005;

Whereas Hamas has increased the range of its rockets, reportedly with support from Iran and others, putting additional large numbers of Israelis in danger of rocket attacks from Gaza;

Whereas Hamas locates elements of its terrorist infrastructure in civilian population centers, thus using innocent civilians as human shields;

Whereas Secretary of State Condoleezza Rice said in a statement on December 27, 2008, that ''[w]e strongly condemn the repeated rocket and mortar attacks against Israel and hold Hamas responsible for breaking the ceasefire and for the renewal of violence there'';

Whereas, on December 27, 2008, Prime Minister of Israel Ehud Olmert said, ''For approximately seven years, hundreds of thousands of Israeli citizens in the south have been suffering from missiles being fired at them. . . . In such a situation we had no alternative but to respond. We do not rejoice in battle but neither will we be deterred from it. . . . The operation in the Gaza Strip is designed, first and foremost, to bring about an improvement in the security reality for the residents of the south of the country.'';

Whereas, on January 2, 2009, Secretary of State Rice stated that ''Hamas has held the people of Gaza hostage ever since their illegal coup against the forces of President Mahmoud Abbas, the legitimate President of the Palestinian people. Hamas has used Gaza as a launching pad for rockets against Israeli cities and has contributed deeply to a very bad daily life for the Palestinian people in Gaza, and to a humanitarian situation that we have all been trying to address'';

Whereas the humanitarian situation in Gaza, including shortages of food, water, electricity, and adequate medical care, is becoming more acute;

Whereas Israel has facilitated humanitarian aid to Gaza with over 500 trucks and numerous ambulances entering the Gaza Strip since December 26, 2008;

Whereas, on January 2, 2009, Secretary of State Rice stated that it was ''Hamas that rejected the Egyptian and Arab calls for an extension of the tahadiya that Egypt had negotiated'' and that the United States was ''working toward a cease-fire that would not allow a reestablishment of the status quo ante where Hamas can continue to launch rockets out of Gaza. It is obvious that that cease-fire should take place as soon as possible, but we need a cease-fire that is durable and sustainable''; and

Whereas the ultimate goal of the United States is a sustainable resolution of the Israeli-Palestinian conflict that will allow for a viable and independent Palestinian state living side by side in peace and security with the State of Israel, which will not be possible as long as Israeli civilians are under threat from within Gaza: Now, therefore, be it

Resolved, That the Senate—

(1) expresses vigorous support and unwavering commitment to the welfare, security, and survival of the State of Israel as a Jewish and democratic state with secure borders, and recognizes its right to act in self-defense to protect its citizens against acts of terrorism;

(2) reiterates that Hamas must end the rocket and mortar attacks against Israel, recognize Israel's right to exist, renounce violence, and agree to accept previous agreements between Israel and the Palestinians;

(3) encourages the President to work actively to support a durable, enforceable, and sustainable cease-fire in Gaza, as soon as possible, that prevents Hamas from retaining or rebuilding the capability to launch rockets and mortars against Israel and allows for the long term improvement of daily living conditions for the ordinary people of Gaza;

(4) believes strongly that the lives of innocent civilians must be protected and all appropriate measures should be taken to diminish civilian casualties and that all involved should continue to work to address humanitarian needs in Gaza;

(5) supports and encourages efforts to diminish the appeal and influence of extremists in the Palestinian territories and to strengthen moderate Palestinians who are committed to a secure and lasting peace with Israel; and

(6) reiterates its strong support for United States Government efforts to promote a just resolution of the Israeli-Palestinian conflict through a serious and sustained peace process that leads to the creation of a viable and independent Palestinian state living in peace alongside a secure State of Israel.

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

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

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The Senator from Oklahoma.

HONORING OUR ARMED FORCES

SPECIALIST STEPHEN G. ZAPASNIK

Mr. INHOFE. Mr. President, today I wish to recognize a very special person and remember his life and sacrifice as a young man. I can identify with this; I was a specialist in the U.S. Army.

Stephen Zapasnik of Broken Arrow, OK—that is right outside of Tulsa—lost his life. He was only 19 years of age. He died on December 24—that was on Christmas Eve—in Baghdad, Iraq, along with two other soldiers in support of Operation Iraqi Freedom.

Stephen followed in the footsteps of his father by joining the Army and

went on to complete basic training in Fort Sill, OK. He was stationed at Fort Carson, CO, and assigned to the 3rd Battalion, 16th Field Artillery Regiment, 4th Infantry Division. He deployed to Iraq in 2008.

Stephen, or Bud, as his mom called him, or Zap, as his friends called him—he had lots of names—is survived by his parents, Gary and Chris, and his sister, Ashley, and a very close friend, also named Chris, who lived with the Zapasniks since he was 15 years old, whom Stephen considered to be his brother.

Stephen's mother described his determination to enter the Army by losing over 90 pounds to get in. He was grossly overweight, but he made that sacrifice. She said she barely recognized him after basic training because he lost even more weight at that time.

His friends and fellow soldiers affectionately nicknamed him ''Zap,'' describing him as a jokester who would happily make fun of himself if anyone needed to be cheered up. Zap would create short skits and record them on his camera in order to share them with anyone who would watch. After the accident, many of his fellow soldiers from his battalion got together and watched the movies he had made, staying up throughout the night, telling stories about him and laughing—exactly what Zap would have wanted them to do. Stephen loved video games, particularly his flight simulator game. He wanted to become a pilot someday.

His colleagues described Stephen as a fantastic shot, always a qualifying expert in every weapon. Chris Hamil said his brother volunteered to man the machine gun on top of his humvee. As we all know, and certainly the occupant of the Chair knows, that is one of the most exposed positions a person can take. He was willing to do that.

In his tribute comments, Staff Sergeant Barry summed Stephen up by saying:

Zap would give the shirt off his back or the last dollar in his pocket to anyone that needed it.

A comment from a friend:

My family will be forever grateful for young men like Stephen who risk themselves to provide protection and security to this great country of ours . . .

A spouse stationed at Fort Carson wrote:

Zap was one of my husband's soldiers and friends. Zap left an impression on our lives that we will never forget. He would come to my house and have the best manners and be so respectful . . . Zap always cared about others before himself, even offering to babysit my three children so that my husband and I could have a date right before he deployed. He left an impression on our lives that will never be forgotten and most of all my son loved him dearly . . . He was a hero in so many ways and he was a respected soldier always giving 100 percent.

His mom Chris wrote:

I am so proud of my son and what he accomplished as a member of the military family. I would not take back the man he had become or the hero he will always be for anything, even if I could have him beside me again. He was an outstanding young man and he will live forever in my heart and soul.

Stephen was committed to what he felt he was called to do and fully understood the sacrifice he would be making by serving his country in Iraq. All those guys and gals over there know the risk they are under. They are willing to do that.

Before Stephen left for Iraq, he said:

Mom, if I ever don't come back, you know I will always be with you, and I will be with Jesus, and I will be fine.

Stephen had a strong faith in God, a strong commitment to his family and his friends, and a calling to protect our Nation by his service in the Army.

His mom said:

I know that he is perfectly safe and spending Christmas up there with Jesus.

Keep this in mind: This happened late on Christmas Eve.

She also expressed Stephen's pride to serve in the Army and to serve our country by fighting terrorism. She told me just a few minutes ago what a man he had become, and she thanked the U.S. Army for doing for him what was done for him.

The pride is now in Stephen, this young Oklahoman who enthusiastically joined the military at age 17 and was willing to lose 90 pounds in order to serve his country. He sacrificed his life in order to provide us with the precious freedoms we enjoy each day. His life embodies what it means to be a hero.

We remember you today, Stephen, your sense of humor, your commitment to your family and to the Lord.

Having just talked with his mother, she reaffirmed how strong Stephen was in his love for Jesus. I think we can say today—and we understand this—as fleeting as life is, this wink of time we are here—and I talked with Chris about this—that this today is not saying goodbye to Stephen, it is saying we will see you later. Thanks for your job well done.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

ECONOMIC STIMULUS

Mr. GREGG. Mr. President, I rise to speak about the issue of the economy and how we address the question of economic stimulus in the context of what is a very severe slowdown, recession, and in the context of what is an extraordinary situation relative to our deficits.

Just yesterday, the Congressional Budget Office reported that the deficit this year will be $1.2 trillion. That is a number which most of us cannot even fathom. To try to put it in context, that size of deficit has not occurred in this country, if you calculate it as a percentage of GDP, since World War II. It is a deficit that is extraordinarily large. A deficit means we are running up debt our children are going to have to pay for. So it has a real effect on the next generation and generations after that and their ability to be prosperous.

Not only does CBO tell us the deficit is going to be $1.2 trillion, but they also tell us that with the stimulus package that is being proposed—and the package that is being talked about is in the range of $700 billion to $800 billion, and when you throw that spending on top of the deficit, we are talking about a deficit which will be closing in on $2 trillion, which is about 11 percent of GDP. That will be almost four times larger than the largest deficit we have run since World War II. There are a lot of things causing this, of course, and most of them are tied to the economic slowdown. The economic slowdown is severe, but as we try to mute and lessen the impact of that slowdown on working Americans and on everyday Americans, we have to be careful that we don't do things which aggravate significantly in the outyears this country's fiscal strength and our children's ability to have a high quality of life.

I have said on numerous occasions that I believe President-elect Obama is on the right track relative to bringing forward a very robust and aggressive stimulus package. But what is key to determining whether that package is a good package or a marginal package is the policy that underlies it. It is not the numbers so much as it is the policy.

I believe there are a few signposts which we should follow as we develop such a package. The first is that we not unduly aggravate this long-term debt situation which we have as a country.

We know we are facing a fiscal tsunami as a nation. The baby boom generation is about to be into full retirement. During the term of this Presidency, should the President be reelected, the baby boom generation will be very close to full retirement. That will mean we will have doubled the number of people in retirement in this country, and the cost of maintaining those retirees will put a massive burden on the backs of this tax generation but especially the next generation. We are talking $60 trillion of unfunded liability that is coming at us. That is debt coming at us. That doesn't count the debt we are putting on the books today to deal with this economic slowdown.

So what is very critical as we address trying to get the economy going by using a stimulus package is we have to be very careful that we put in place programmatic activity that doesn't add to the long-term debt of the Nation, that are one-time items that will basically retract and no longer be part of the deficit function or add to the deficit function in the outyears.

The TARP program is a good example. The TARP program was a program we put in place to try to stabilize the financial institutions of this country, and it has. That program basically

used investment versus spending relative to tax dollars. We purchased preferred stock in a series of financial institutions across this country. That preferred stock, the purchasing of it, has helped to stabilize those financial institutions and the financial system of the Nation. The purchase of that preferred stock creates a significant jump in the deficit for next year. Depending on how many of the dollars we end up using of the TARP, it could be $400 billion or $500 billion. But in the outyears, we are going to get that money back because we are buying assets. In fact, we may get it back with interest—or we will get it back with interest and make a little money for the taxpayers, which would be good. They deserve to make a little money off that initiative.

That type of investment is a one-time event which may aggravate the deficit in the short run but does not aggravate the deficit in the long run. That is the type of initiative we need to look at.

In the area—and this is being talked about a lot—of the Federal Government going out and just spending money, not investing money that comes back in assets to us, we have to take the same approach: that we are basically going to put the dollars of the stimulus package into initiatives which will make our Nation more competitive and more productive in the outyears so that we get more tax revenues, hopefully, but at least have more jobs created in this country as we compete in the worldwide economy. Thus, as we invest in infrastructure, which will be a large part of this stimulus package, it is absolutely critical that we have entry-level tests to be sure that the infrastructure we are investing in is infrastructure which is going to produce an outyear return to us beyond the dollars that are put into them.

Now, we all love things such as beautifying Main Street or putting in running tracks. These are all things people love to do, and some people even love to build halls of fame to this issue or that issue. But that is not the type of infrastructure investment which is going to help us be more competitive and create more jobs, and the bottom line is to create more jobs. What we want to do is invest in what is going to create more jobs and make us more competitive in the global economy: roads, bridges, high-speed broadband in areas that aren't quite as dense population-wise to make it affordable in the commercial sense; IT, and especially in these quasi-public areas, such as health care, where it will give us a return on our investment; the military—and we have the chairman of the Armed Services Committee sitting in the Chair—we have to obviously retool our military. These are investments which give us a long-term return.

So I hope as we get to the stimulus package and we send this money out to the States, primarily—I suspect that is where it is going to go, States and communities—there will be some entry-level tests they have to meet before they can spend the money so that we get a return on those dollars in the way of making our Nation more competitive and more productive. I would hate to see us just give it to the States with very little limitation on how they spend it because a lot of the money will, unfortunately, be wasted.

I know in my State every community is pulling together their wish lists, and I have seen things like putting in alarm systems in dorms. You know, maybe that is a good idea, but it is not the responsibility of the Federal Government to do that. Our responsibility would be to replace a bridge or build a bridge that is a bottleneck from the standpoint of transportation or put broadband into a region of the State which couldn't get it otherwise because of density issues or give our health communities a better way to do their IT so they are more efficient. So we do need these tests.

In addition, everything needs a hard sunset. Everything in this stimulus package needs a hard sunset so that when we get to the end of this recession, which we are going to get to because we are inherently a resilient nation, we don't continue these programs into the future. By hard sunset my view would be that for a program to continue under this it would have to have a two-thirds vote.

Another major initiative in the stimulus package, it appears, will be tax initiatives. I respect, and first off I admire, the energy and the focus of the Obama team on this issue. I think he has put together an extraordinarily talented group of people in many areas but especially in the fiscal area—with Secretary-designate Gardener and Larry Summers and Paul Volcker—and it is my view that as we look at the tax part of this component—and I understand it is going to be fairly big—it should be again focused on where we create jobs because this is the issue: How are we going to create more jobs? It is pretty obvious that in our economy jobs aren't created by big business or by government. Jobs are created by individual entrepreneurs who go out and start something small and it builds. So the majority of the tax initiatives, in my opinion, should be focused on job creation and assisting people who are willing to take risks in the small business community.

There is a lot of discussion about a major employment tax credit; that if you hire people, you get a credit for employment. I tend to think that is probably not going to generate a whole lot of economic activity. If somebody is going to hire someone, they are going to hire them. And they will take advantage of it, obviously, but the odds of people actually adding people because they have a credit for adding people is slim, I suspect. It is not human nature to do that, even for a tax credit. I suspect it will just be money put out the door and not produce much in the way of results. We have a pretty good and pretty recent example of how this works in the area of tax policy because we did a stimulus package which was keyed off a tax rebate last spring, and $80 billion of a $160 billion package was a tax rebate and it generated virtually no greater consumption. So there are some pretty good statistics which have shown consumption was not increased significantly at all by that tax rebate initiative. So a tax rebate approach is probably not going to get you a lot in the area of the big bang for the buck.

We want to come out of this slowdown a stronger, more productive nation by making capital investments and using tax policy to generate those investments so we can compete better in the world economy. I would hope that would be the approach that is taken.

There is another proposal which addresses the issue of States, and this one is the most problematic of all the initiatives in the stimulus package for me. There are a lot of States that have been fiscally responsible and actually have surpluses, and some States have said they do not even need this sort of support. There are other States with revenues that have dropped precipitously because of this economic slowdown which they didn't have any control over, and they have a legitimate claim. They are in dire straits. There are other States, however, that have simply during the recession spent a lot of money which was out of proportion with what good fiscal policy allows. So I would hope that as we are talking about assisting States—and I understand it is probably going to come in through the FMAP for the Medicaid Programs—that we have some conditionality that says if the State's financial distress is caused by a drop in revenues, then we will be supportive. But if the financial distress is caused by the fact they have simply been excessive in their programmatic activity, beyond profligate—profligate is probably too strong a term—but excessive in their programmatic activities, beyond what is reasonable in these slow times, then we should not be underwriting that sort of activity that is inappropriate from the standpoint of fiscal restraint. We should rather be focused on assisting States that have seen a significant drop in their revenue. It is difficult to do, but I believe it can be done, and I believe it should be done.

It is obvious we need a robust stimulus package right now, and it is very obvious we need to have it sooner rather than later. From my standpoint, as a member of the Republican Party, which is in opposition here arguably, I want to work with the other side of the aisle and with the President-elect to accomplish it because I don't think we can afford partisan politics at this time. We need to govern. These issues are so huge and are going to have such

a devastating impact on our Nation if they are not aggressively and boldly addressed that we can't afford this to be a party-line event. We need to have cooperation. We have a template for that. When we took up the TARP bill, which was an extraordinary piece of legislation, it was done because we recognized the crisis was upon us and action had to be taken, and it was done in a totally bipartisan and, I thought, a very effective way, and that is a good template for moving forward.

So I just lay these ideas out as an approach to take, and I say, from my standpoint, to the extent I can participate—and I hope I can—I am willing to listen to any ideas, and I want to see us make progress. I want to see it be prompt because in this area, it is absolutely critical for the President-elect to succeed for the Nation's good.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

UNANIMOUS-CONSENT AGREEMENT—MODIFICATION TO APPOINTMENTS

Mr. DURBIN. Mr. President, I ask unanimous consent that the order of January 6 with respect to the announcement of Members appointed to be Senate tellers for the joint session today be modified to reflect that Senator SCHUMER will replace Senator FEINSTEIN.

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

SUPPORTING THE ECONOMIC RECOVERY BILL

Mr. DURBIN. Mr. President, I want to follow on the comments of my friend from New Hampshire, Senator GREGG. Although he and I may disagree on some political issues, and we do, the fact is, many of the things he just said I agree with completely. I think there is a sense among Members of Congress that we are facing an extraordinary set of circumstances in America today. The Presiding Officer, from the State of Michigan, probably has endured more economic bad news than almost any of us. If I am not mistaken, one out of every eight people in his State is currently on food stamps, and it is an indication of how his economy is struggling.

With regard to the economies of some of the other States, when you look across the United States, the headlines are sobering. We have been told repeatedly about the loss of jobs. Look at some of the most recent headlines: DHL cuts 9,500 U.S. jobs; Chrysler to lay off 2,400 in Fenton, MO; AT&T announcing job cuts; Sprint losing jobs; Stanley Works, GM, Office Depot—the list goes on and on.

The fact is, yesterday 22,000 Americans lost their jobs. If the latest projections are true, 22,000 more Americans will lose their jobs today, and 22,000 more Americans will lose their jobs tomorrow. That is the state of the economy. Instead of creating employment, we are losing jobs at a pace which sobers all of us.

As a student of history, I understand the Great Depression that Franklin Roosevelt inherited as he became President in March of 1933 was much deeper and dangerous and wider in scope. But when you look at what we face today, that is the only historical analogy we can point to in recent memory that even is close to what we are facing.

Over 9,000 American families lost their homes to foreclosure yesterday, more than 9,000 families will lose their homes today, and another 9,000 the day after and every day that succeeds. The reason, of course, is that we have so many bad mortgages—the subprime mortgages. Many people were misled into signing up for mortgages they couldn't afford, and now, as the terms reset and come due, families can't keep up with them and are losing homes.

It is not just a problem for that person who lives down the street, the family who had to move out; it is your problem too. In my hometown of Springfield, IL, a small Midwestern town, with relatively stable real estate values, my home is diminished in value because of the foreclosures that are occurring in our community and the general state of the economy so even families dutifully making their mortgage payments are falling behind because their core assets, such as the value of their home, are diminishing.

Every day this economic crisis deepens and claims more victims. Families who have worked so hard for so many years are finding it difficult to maintain even the most basic standards of the middle class. This is the worst economic time our Nation has seen since the Great Depression 75 years ago. We can observe it, lament it, give our speeches about it or we can do something. This morning, President-elect Barack Obama, my former Illinois Senate colleague, gave a speech at George Mason University, right outside Washington, DC, in Fairfax, VA. He talked about what we are facing and what we need to do about it. He said:

> . . . equally certain are the consequences of doing little or nothing at all, for that will lead to an even greater deficit of jobs, incomes, and confidence in the economy.

President-elect Obama said:

> That is why we need to act boldly and act now to reverse these cycles. That's why we need to put money in the pockets of the American people, create new jobs, and invest in our future. That's why we need to restart the flow of credit and restore the rules of the road that will ensure a crisis like this never happens again.

That work begins with a plan, a plan that he says he is confident ''will save or create at least 3 million jobs over the next few years.'' He talks about the priorities we need to invest in, such as energy and education, health care and new infrastructure, that are necessary to keep us strong and competitive in the 21st century.

Yesterday, the designate for the new Secretary of Energy, Dr. Steven Chu, came to my office. He is a man who is widely respected for his academic expertise and knowledge of energy issues. He finds it a little challenging and daunting, as he thinks about facing Members of Congress and the massive level of employment of personnel at his Department, but he talked in terms of energy, and he said it is ironic we have reached a point in history that the United States is not on the cutting edge of developing new forms of energy technology. The windmills we are constructing across America are, by and large, built or designed in Europe. Nuclear energy we have not touched for some 20 years in this country and have ceded the research to other countries.

There are areas where we need to invest in America. As President-elect Obama said this morning at George Mason University, this energy investment is important for our future to move toward energy independence.

President-elect Obama in a few days will take the oath of office not far from here and then will count on Congress to move quickly to pass the American Recovery and Reinvestment Plan. He is urging we do it boldly and swiftly and that we bring transparency and openness to the process so the American people see their money is being well spent on investments in America's future—investments when it comes to education and energy and health care; investments that will bring down the cost of health care for many American families who are struggling today, not to mention those who have no health protection whatsoever.

He also calls on us to stabilize and repair our financial system on which we all depend. I think we know what we are talking about. When a man named Bernard Madoff can, over the span of 10 or 20 years, lure investors into what has turned out to be a Ponzi scheme, causing many of them to lose millions of dollars, and his wrongdoing goes unnoticed by major regulatory agencies such as the Securities and Exchange Commission, it is clear more has to be done.

When the ratings agencies, major ratings agencies that set the standards for whether a company is doing well basically ignore their responsibility and fail to make accurate reports, everyone loses as a result of it.

President-elect Obama said in closing today:

> It is time to set a new course for this economy, and that change must begin now. We should have an open and honest discussion about this recovery plan in the days ahead, but I urge Congress to move as quickly as possible on behalf of the American people. For every day we wait or point fingers or drag our feet, more Americans will lose their jobs. More families will lose their savings. More dreams will be deferred and denied. And our Nation will sink deeper into a crisis that, at some point, we may not be able to reverse.

I hope what I am about to say is a reminder to all of us of the responsibility

we face in this new session. We are all concerned about the size of the economic stimulus plan. Eight years ago, the Federal Government was actually running a budget surplus. Today we estimate a budget deficit, by the end of the year, of $1 trillion. That deficit is a reflection of poor choices that have been made at many levels of Government, but we cannot let the bad choices in the past prevent us from making the wise choices we have to make now to end this economic crisis.

It is interesting that economists from all across the political spectrum have come to the same conclusion about what America needs. Nobel Prize-winning economist Paul Krugman, who is put in the category of liberal or Democrat, said recently:

> It is much better, in a depressed economy, to err on the side of too much stimulus than on the side of too little.

He publicly wondered whether three-quarters of a trillion dollars is enough. Martin Feldstein, President Reagan's chief economic adviser, said:

> Without action, the economy will continue to decline rapidly.

Mark Zandi, who advised Senator MCCAIN during his campaign, said:

> My advice is, err on the side of too big a package rather than too little.

All the great minds, economic thinkers, are coming to the same conclusion: We need to act, act decisively, and act boldly. But we need to act responsibly too. We do not have a day to waste, but we do not have a taxpayer dollar to waste either. We have to make sure the dollars are well spent, not in the creation of Government agencies but in the creation of good-paying jobs right here in America; not in investments in bureaucracy but investments in our economy that will help our Nation grow in the years to come.

We need to include smart spending and targeted tax cuts for the middle class so they can cope with the challenges, the economic challenges they face. We have to make sure the money that is spent by Congress is spent responsibly so we do not end up with embarrassing earmark projects that have not been subjected to public scrutiny and review in advance. We need to make sure programs are authorized and funds are pumped quickly into the economy but in an efficient way.

We need to invest in jobs for American workers. States have identified almost $18 billion in road and bridge projects ready to launch within 90 days. Every $1 billion of Federal funds can create up to 35,000 private sector, good-paying American jobs and generate $6.2 billion in economic activity.

There is a lot of work to do. Our States are struggling. They don't have the money to keep the safety net Americans will need as the economy weakens. They cannot help colleges and universities that need a helping hand. Nineteen States are considering cutbacks in basic health care; 18 States are cutting services for the elderly; 20 States are cutting or proposing to cut K through 12 and early childhood education. The list goes on and on.

I see my colleague from Montana, and I will be happy to take the chair so he can continue his remarks, if necessary, but the last point I will make is that the mortgage foreclosure crisis is at the core of our problems in America. We cannot come to grips with a rebirth of the American economy without dealing with the mortgage foreclosure crisis. It is a crisis that, as I mentioned earlier, hurts the families losing their homes and those living in the neighborhoods and towns around them. We are all in this together. What we need to do is work with major financial institutions to renegotiate these mortgages so people who still have a job and can make a reasonable mortgage payment can stay in their homes.

I got off the phone with one of the major bankers in the city of Chicago, a friend of mine. He said: We get it. We are going to have to do things much more boldly to deal with mortgage foreclosure. The programs we put together, the voluntary programs, have not worked, they have not touched enough people. More and more homes are facing foreclosure, more people are heading to bankruptcy, and that has to come to an end. The housing industry, much like the automobile industry, is one of the staples of our economy and we have to deal with putting it back on track.

Last month, Credit Suisse estimated 8.1 million homes were likely to be lost to foreclosure by 2012. If the economy continues to worsen, they believe foreclosures will exceed 10 million homes.

We are going to have to come up with the money to turn this economy around. It will mean more debt in the short term but, if the economy starts moving forward again, it, frankly, is the only thing that we can look to in the long term for America's future. I urge my colleagues in the Senate, Democrats and Republicans, to try to find a common ground where we can work together.

Just a day or two ago, President-elect Obama came up to meet with Democrats and Republicans, House and Senate leaders, just a few steps from this Senate floor. There was a conversation about ideas. I know him pretty well, having served with him, and I have been his friend for a number of years. I know he was genuine and sincere when he turned to one of the Republican leaders and said: If you have a better idea, I want to hear it. I want an opportunity to bring in all ideas, Democratic and Republican, so we can come up with the best package to serve the American people. It is not about one political party taking credit. Let's take credit as a Congress and as an administration in turning this economy around.

We are going to have that chance, to stabilize our economy and to rebuild it in the future. I look forward to working on a bipartisan basis to achieve that.

Mr. TESTER. Mr. President, I join the Democratic whip in his comments. I think it is critically important that we work together in these economic times to solve the problems this country faces. We don't have problems as Democrats or Republicans with the economy, we all have problems with the economy, and I think the American people are looking forward to us working together for solutions to our economic mess.

ORDER FOR RECESS

Mr. DURBIN. Mr. President, I ask unanimous consent that at 12:45 p.m. today, the Senate stand in recess subject to the call of the Chair.

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

The Senator from Montana.

MONTANA NATIONAL GUARD

Mr. TESTER. Mr. President, as we begin this new year and this new Congress, I would like to ask the Senate to stop and reflect on the service of the men and women of our military. Every day, hundreds of thousands of men and women in all branches of our military are performing jobs that place them in harm's way and at the tip of the spear.

In particular, I would like to thank the 229 men and women of the Montana National Guard who have deployed or will be deploying this month.

Just in the past week, 46 airmen from the Montana Air National Guard security forces left the sub-zero temperatures in Montana for training at Fort Bliss, TX. From there, they will head to Kyrgyzstan.

Another 120 soldiers of the Montana National Guard's 639th Quartermaster Battalion left Helena for Fort Lewis, WA before they leave for Iraq.

And later this month, 63 soldiers from our 189th Aviation Battalion will go to Fort Sill to prepare for a tour in Iraq.

We feel a great deal of pride when sending our strongest and most dedicated Montanans overseas. We feel a great deal of hope too.

Leaving Montana to answer the call of duty isn't just another assignment. It is a symbol of commitment and courage. We will always appreciate their service, their hard work, and their willingness to protect Montana and America.

They say Montana is just a small town with a lot of long streets, and that means that when 229 guardsmen deploy overseas, it impacts a great deal of the State.

Businesses lose talented members of their workforce. Cities and towns lose cops, firefighters, doctors and other professionals in the community.

And most important of all, families have an empty seat at the dinner table. Family schedules get changed. Mothers and fathers become single parents for a little while.

Americans will never forget the sacrifices National Guard families make at home.

Sharla and I join all Montanans in sending our thoughts and prayers to these men and women as they complete their mission.

As Montana's only member of the Veterans Affairs Committee, I look forward to working to serve them as honored veterans when they all come home.

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

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

The assistant legislative clerk proceeded to call the roll.

SUPPORT FOR ISRAEL

Mr. MENENDEZ. Mr. President, a few days ago, we all counted down the final seconds of 2008. In Israel they had something else to count all through last year. From January until December of 2008, a terrorist group launched more than 3,262 rockets and mortar shells into Israeli cities. These were deliberate acts of violence, provocation, and murder. The group responsible was Hamas. Hamas is a terrorist organization founded on one principal goal: destroying the state of Israel. Its charter says there is no value to international conferences, political initiatives, or dialogue. It says there is only one approach to the political situation in the Middle East, and that is jihad.

So it was no surprise when the terrorist group Hamas staged an illegal coup against the forces of President Mahmoud Abbas, the legitimate President of the Palestinian people. It was no surprise that Hamas rejected Egyptian and Arabian calls for an extension of the cease-fire Egypt had negotiated.

It was no surprise that when Israel voluntarily and unilaterally dismantled settlements and withdrew from Gaza in 2005 that Hamas saw this not as an opportunity to build peace but to instigate war, to continue to terrorize and kill Israelis in their places of worship, their schools, and their homes.

Since that year, Hamas terrorists have used Gaza to fire more than 6,300 mortars and rockets into Israel, reaching major cities, and pushing ever closer to the capital.

No country would be expected to sit on its hands and simply allow its citizens to endure these kinds of vicious attacks without taking action to stop the responsible party. If I am sitting in New Jersey, and rockets are landing around my house, near my children, and near our schools, my No. 1 goal, my immediate goal, is to stop the rockets. So in December of 2008, Israel sent its military to Gaza to achieve a direct goal: stop the rockets.

And now we all hope strongly that this goal can be achieved as quickly as possible. But we recognize it must be pursued if Israel is to have the sovereign right to protect itself and its citizens. Israel's acts to stop the Hamas rocket attacks are a response to the daily risk of death faced by the 900,000 Israeli citizens who live within rocket range. These innocent civilians have been forced to live constantly under the threat of mass casualties. No nation—no nation—should have to wait for the death toll to rise enough before it can act. No nation needs to wait until enough schoolchildren have fallen victim to a rocket attack before it stops rockets from falling on its cities. The launching of rockets and mortar fire is an invasion of Israel's sovereign territory. It is no different from dropping bombs out of airplanes. It is no different from any other act of war. There is no question that Israel has a right and an obligation to defend its people.

We mourn the loss of all innocent life, and the death of Palestinian civilians as a result of this conflict is tragic. There are a great many Palestinians in Gaza and the West Bank who completely reject the Hamas ideology. They want to live in peace and build the Palestinian state for themselves and for their children. They are, however, Hamas hostages. Hamas has hijacked Gaza, not to build a state in which you can live in peace and prosperity but to use it as a base to launch attacks against innocent civilians in Israel.

Let us remember it was Hamas that chose to end the cease-fire, Hamas that chose to fire a continuous barrage of rockets. To date, it is Hamas that deliberately uses civilians as human shields and launches its attacks from heavily populated civilian areas, putting them at risk. It is Hamas that has spent its money on rockets rather than on food for the hungry. It is Hamas that would rather focus on the rhetoric that calls for the destruction of the State of Israel than on relief for its own people.

Israel and the United States have proven their commitment to helping innocent civilians in Gaza. In stark contrast to the terrorist group of Hamas, Israel has taken significant steps to prevent civilian casualties. They give warnings of impending attacks, they drop leaflets, and make phone calls to targeted areas to warn the citizens they are in danger, even if that means losing the element of surprise and putting the lives of their own soldiers at risk.

Israel and the United States have actively provided humanitarian assistance to Gaza. Since December 26, 10,000 tons of humanitarian aid have been delivered to Gaza in coordination with Israel, the Palestinian Authority, international organizations, and various other donors.

The United States Government, through the U.S. Agency for International Development, is continuing to deliver humanitarian supplies to the people of Gaza. The United States has provided medical and food supplies to health care facilities. We support the UN, the International Committee of the Red Cross, and other nongovernmental organizations as they continue their relief efforts.

We all want peace in Gaza and hope it can come very soon. But peace cannot be achieved so long as Hamas continues its missile attacks. If a just and lasting cease-fire is to occur, it is incumbent upon Hamas to immediately and permanently halt all attacks against the Israeli people.

I rise today to express unwavering commitment to the welfare, security, and survival of the state of Israel as a Jewish and democratic state. That is what the resolution before us affirms. As the resolution states, the ultimate goal of the United States is a ''sustainable resolution of the Israeli-Palestinian conflict, that will allow for a viable and independent Palestinian state, living side by side in peace and security with the State of Israel.'' This will not be possible as long as Israeli civilians are under threat from rockets. As this resolution correctly lays out, Hamas must end the rocket and mortar attacks against Israel, recognize Israel's right to exist, renounce violence, and agree to accept previous agreements between Israel and the Palestinians.

Today, the Senate must stand in support of the state of Israel, stand in support of its right to defend itself against terrorists, stand in support of its right to exist. Having said all of this, of course, we urge Israel as it defends its sovereignty and its people to use every option it can to limit the loss of innocent lives. So let us vote for a resolution that demonstrates our commitment to one of the strongest allies the United States of America has in the world, and let us do all we can to make it a peaceful 2009.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

RECESS FOR JOINT SESSION OF THE TWO HOUSES

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess subject to the call of the Chair.

Thereupon, the Senate, at 12:46 p.m., recessed subject to the call of the Chair, to reassemble in the Hall of the House of Representatives for a joint session, and at 2:30 p.m. reassembled in the Senate Chamber when called to order by the Presiding Officer (Mr. NELSON of Nebraska).

The PRESIDING OFFICER. The Republican whip is recognized.

SUPPORT FOR ISRAEL

Mr. KYL. Mr. President, I would like to speak to two subjects. The first deals with a resolution the Senate unanimously adopted this morning.

Mr. President, today the Senate approved a resolution recognizing the right of Israel to defend itself against terrorist attacks from Gaza and reaffirming the United States' strong support for Israel in its battle with Hamas.

The first thing the resolution does is remind people why the State of Israel had to act.

Israel has had to endure more than 6,300 rocket and mortar attacks on its citizens since it fully withdrew from Gaza in 2005. In fact, the town of Sderot, which is about 3 miles from the border of Gaza, has been suffering for over 8 years from these attacks.

Is there any doubt that if the United States were suffering an attack from just across the border similar to what Israel is facing, that we wouldn't react to stop that from happening? I think there is no question that we would act to stop this terrorism, and this resolution expresses the United States' support of Israel's right to defend itself.

The second point the resolution makes is that there is no equivalency between the terrorist actions of Hamas and the defensive actions of Israel. Israel conducts its military operations to spare innocent life. It has specifically targeted Hamas command centers, security installations, rocket-launching sites, weapons stockpiles, and weapons smuggling tunnels. It has tried very hard to avoid civilian casualties. Hamas, on the other hand, deliberately and maliciously fires rockets into civilian areas from civilian areas, thereby making it more difficult for Israel to target the terrorists and increasing the likelihood of civilian casualties when Israel does take action.

Finally, this resolution speaks to calls for a cease-fire. Many voices in the international community have been heard pleading for an immediate cease-fire, although I think it is instructive that one never hears those voices condemning rocket attacks by Hamas terrorists.

I believe the path to a halt in the violence is clear. A cease-fire is appropriate if, and when, it is durable and sustainable. A precipitous cease-fire, on the other hand, that would allow Hamas to rearm and rebuild its support in Gaza is not acceptable. Hamas cannot be given a cease-fire that only serves to provide it breathing room to regroup and then start firing its rockets and missiles again.

By adopting this resolution, we have said to the Israeli people: ''We stand with you, and we support you in defending yourselves against terrorists.''

In short, the resolution expresses strong support for the defense of Israel by its military action today in the Gaza Strip, the fact that it has been repeatedly attacked by Hamas terrorists from the Gaza Strip, and finally decided that the only way to stop those attacks on its citizens was to go into Gaza and try to remove the weapons and the launching sites and to try to arrest the terrorists who were involved in the launching of those rockets.

This resolution expresses strong support for Israel. It reminds us all why Israel was forced to act. It makes the point that there is no equivalency between the action of the Israelis and the terrorist action of Hamas, which deliberately seeks to harm civilians. Finally, it speaks to the question of a cease-fire, noting that the position of the United States is correctly that a cease-fire could only be supported if it is durable and sustainable; in other words, it ensures that the conditions that created the controversy today are not simply repeated another 6 months from now when the Hamas terrorists have had an opportunity to rearm.

I am pleased the Senate has spoken in such a timely fashion on this important issue. I commend my colleagues for supporting the resolution.

ECONOMIC STIMULUS

Mr. KYL. Mr. President, the president-elect spoke to the stimulus package today. The Finance Committee had an informal meeting today to discuss the proposition. Its outlines are still quite vague. There is no specificity to what precisely will go into the stimulus package, but there are some general concepts emerging.

So what I wanted to do today, very briefly, is to outline what I think would be some sensible tests to evaluate what is being proposed, and what it may reveal is that some ideas would not meet these tests and should not be part of a stimulus package. Others would meet the tests and would help to resolve the economic crisis that faces America today.

I think the context we put this in is one in which we have already had some bailouts, and Americans are a little suspicious that some of the money we have committed to these bailouts is going to help—the $200 billion bailout to Fannie Mae and Freddie Mac, the $150 billion bailout of AIG, the insurance company, the $700 billion Troubled Asset Relief Program, the recent $17.4 billion auto bailout, and, by the way, the announcement yesterday was that for the first time in the history of the world the budget deficit of a country—namely, the United States of America—will top $1 trillion. That is over 8 percent of our gross domestic product.

A friend of mine reminded me today—I think it is an interesting bit of trivia—$1 trillion is more money than all the cash in circulation in the world today of the United States of America. All the dollar bills, the ten-dollar bills, the hundred-dollar bills, and all of the quarters, nickles, and all of the other cash of the United States does not equal $1 trillion, and that is how much the deficit is going to be for just this current year. That is a lot of money.

In that context, we have to be very careful about how we spend another $1 trillion or thereabouts to stimulate the economy. The money comes from somewhere, and it either comes from taxpayers directly in the form of increased taxes or it is borrowed and the taxpayers eventually have to pay that back with interest. The interest cost, by the way, is expected to be well over $300 billion. So, as a result, we have to be very careful that we do more good than harm by taking this money away from American taxpayers. The first test obviously is, will it work? Will it stimulate economic growth? That is the test that Larry Summers, an adviser to the President-elect, has stated. In fact, he said, and I am paraphrasing, that investments will be chosen strategically on the basis of which will do the most to spur the economy. So if we have tried something before, and it has not worked, it is a good sign that probably we should not do that.

The reason I say that is we had a stimulus already: the so-called tax rebate. We spent $150 billion on it. The facts are now in. It did not work; it did not stimulate the economy. In fact, only about 12 percent of the money turns out to have been spent. The lesson to be learned in a situation like this is, if you have tried something before and it has not worked, then do not repeat it because it is throwing good money after bad.

The reason it did not work is because when people get a one-time windfall, they tend to save it or to pay bills with it. They spend it if they believe that it is a permanent part of their income forever, more so if it is going to relate to their taxes, we need to ensure that they know that they are going to have permanent tax relief. If it is simply something they believe they are going to have for a year or two, chances are they are not going to spend it. It is not going to do any good.

Another test is, would Government action be better in the private sector or the Government sector? We know in America it is small business and some big business. It is our free enterprise system that creates jobs, that creates economic growth. The Government cannot create economic growth.

In fact, when the Government gets involved, there is more potential to do harm than good. We can tax them, we can regulate them. Usually, it does not do them any good. Sometimes you can do things to help business. Usually, you do it in a way that helps with their tax burden. There are some good ideas that I have heard discussed that would, by making it more tax friendly to invest in certain kinds of equipment, for example, or to hire more people, if we knew that would stimulate an economic activity, that those kind of activities would be very useful.

But frequently when we spend Government money, in this case, for example, potentially creating 600,000 new Government jobs, remember we are taking that money out of the private sector, and it is likely to do less good in the public sector than it would if we left it in the private sector.

In fact, a couple of economists with whom we spoke yesterday noted that

even in a recession business gets a 4 to 5 percent return on its investment. The real test should be, if the money is spent in the Government sector, will we get at least that return on the investment that we are making? If we do not, we should leave that money in the private sector so the private sector can get that return on that investment and therefore generate more economic activity in our private enterprise system.

Another question is whether the new Government spending replaces State and local spending. My understanding is there is a big chunk of money to go to State and local governments. Now they have gotten themselves into a pickle because a lot of them have big budget deficits this year. They are going to constrict what they spend money on as well or they are going to have to raise taxes or fees or find some other way to balance their budgets.

But they obviously would like for the Federal Government to bail them out. Well, obviously before the Federal Government considers doing that, the first question is, Are you going to correct what has created the deficiency in the first place or are we simply going to save your bacon then you do not have to do anything to change your ways. Are you going to reduce your spending? For example, are you going to spend the money anyway?

People are talking about shovel-ready projects. There are a lot of shovel-ready projects at the State level for roads or highways or whatever, and they are called shovel-ready because the State is prepared to do them. Well, if the State is going to do them anyway, then clearly the Federal Government paying for it is not going to create any new jobs. It is not going to stimulate economic growth in any way, even though it might produce a new bridge or a new highway that is useful to the people in that State. So since our goal is to stimulate new economic activity, we must ask whether the spending will really create new economic activity or merely replace something at the State level that would occur anyway.

The penultimate question is, Is it worth doing? We have to ask the taxpayers from whom we are getting money whether an investment is worth undertaking at all. For example, one of the things that would be on an infrastructure to-do list was a mob museum in Las Vegas; there was a snowmaking venture in Minnesota. Are these the kind of investments that American taxpayers believe are warranted under any circumstances?

There are a lot of investments the Federal Government can make that are worthwhile. For example, clearly we have used a lot of military equipment that needs to be replaced. There are good jobs throughout this country producing military equipment. We need to add personnel to our military. I think there is a general consensus to do that. That will cost money. That will obviously create jobs.

So those are activities that are needed, are worthwhile, are job creating, and clearly would help our country, potentially being much more worthwhile than, like I say, a mob museum or some kind of snowmaking equipment.

Then, finally, I think there is one final test that we might talk about. In view of the huge deficit we have, should we make the deficit worse? This is a cost-benefit analysis. This is clearly going to be added to the deficit. So the question is, How much more deficit can we pile on without having adverse consequences in the immediate and long-term? We might stimulate the economy over the next 3 or 4 months, but if we are creating a huge hole to dig out of 3 or 4 years from now, we have to ask, Is it really going to be worth it.

So when we evaluate the different proposals, we have to ask whether it is going to be worth it to have this large a deficit, twice the $1.2 trillion of this coming year. One thought in this regard is this: When we lower tax rates, we know it helps people. It helps small business create jobs. That is what you do in a recession. You try to help people by letting them keep more of their money so they can spend it and help get us out of the recession.

Permanent tax cuts are the way to do that. The permanent tax cut obviously may or may not reduce revenue to the Treasury. The right kind of tax cuts can actually produce more revenue to the Treasury, but increased spending, there is no way around it, loses money to the Treasury. It puts you in a deeper hole. So as between the potential relief from taxes, leaving more money in the private sector, which is eventually going to create the jobs to get us out of the recession, or having the Government spend more money and creating a larger deficit that way, it is a test that I think we need to be very clear about, from my mind.

While I am willing to help do things to stimulate economic activity in the short term, I am not willing to ignore long-term consequences of a deficit the size that would be created by the kind of spending we are talking about.

If we apply the right kind of tests—and they are sensible. They are not Republican or Democratic tests; they are obviously tests that any prudent person would ask before spending this kind of money—I think that will help us better evaluate the kind of economic stimulus package we can actually support in the Senate. It will be the kind of analysis our taxpaying constituents expect of us when, in view of all of the other things that have been done to bail out various aspects of our economy, with the kind of trillion-dollar-plus deficit we are looking at, they want us to engage in, they want us to be prudent.

They have had their fill of wasteful Washington spending. They want us to be very careful about what we do with their money in the future. I hope as we engage this debate in the future—we will have plenty of time to talk about it, debate it, think about it, to analyze it and I am not suggesting we try to slow-walk it, but in trying to move quickly we nevertheless take the time to perform the kind of analysis I have talked about.

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

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

GRIFFIN BELL

Mr. CHAMBLISS. Mr. President, I rise to pay tribute to a long-time, good friend and a great Georgian, Griffin Bell, who passed away on Monday of this week. Judge Griffin Bell was a native of America's Georgia. He was a distinguished lawyer in our State since 1947, when he passed the Georgia bar after completing just four quarters of study in his beloved Mercer Law School in Macon, GA. Upon graduation the following year, he entered private practice in Savannah. Appointed by President John Kennedy to the Fifth Circuit Court of Appeals, Attorney General of the United States under President Jimmy Carter, and as an attorney for President George H.W. Bush, Judge Bell has left an extraordinary legacy of courage, integrity, wisdom, and, yes, humor to our Nation and to my State.

In one of the press reports this week, upon Judge Bell's death at the age of 90, one of his law partners, Richard Schneider at the distinguished Atlanta firm of King & Spalding, where Judge Bell practiced before and after his service on the Federal bench and as Attorney General, said:

> No novelist, not even Dickens or John Irving, could have created a more memorable character than Judge Bell. He took the role of being a lawyer and transformed it into a legend. It is remarkable that every man and woman who spent even a brief period with Judge Bell would cling to him and claim him as their hero forever. That is how legends are made and legends last forever. That will be the case with the great Griffin Bell.

I ask unanimous consent that the article from the Newnan Times-Herald, in which the Schneider comments appear, be printed in the RECORD.

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

[From the Newnan Times-Herald]

HEAVEN IS GREATER WITH THE ARRIVAL OF GRIFFIN BELL

Georgia is saying goodbye to one of our state's most distinguished citizens. Griffin B. Bell, lawyer, judge, U.S. attorney general and confidante to presidents, governors and many others, died Monday. A public graveside service will be 11 a.m. today in Americus, where he was born. A public memorial

service will be 11 a.m. Friday at Second Ponce de Leon Baptist Church in Atlanta.

When we think of Griffin Bell, some of the words that come to mind are distinguished, integrity, professionalism, charm, statesman, enduring. In reading some of the news accounts reacting to his death, we heard words that help define this Georgia giant.

Said his grandson Griffin Bell III: ''He was ready to go. We are just blessed to have him so long. He's a great man, a great grandfather. We're going to miss him—everything was checked off his list. . . . He was still running the show until very recently . . . If he had another six months, he'd still knock off four or five major projects.''

Arlington Christian School

Said law partner Bob Steed: ''If he took a position, he'd take it strongly and defend it. But if someone improved it, he was willing to give way. His ego didn't get involved with his choices. . . . He was sharp to the very end. He told his son that there must be a committee in heaven in charge of dying, because it was taking so long.''

Former Mercer University Chancellor R. Kirby Godsey said, ''Griffin Bell was more than an outstanding statesman or a great American; he stood as a first citizen of the world whose voice and insights will shape human history for decades to come.''

''No novelist—not even Dickens or John Irving—could have created a more memorable character than Judge Bell,'' said law partner Richard N. Schneider. He took the role of being a lawyer and transformed it into legend. . . . It is remarkable that every man and woman who spent even a brief period with Judge Bell would cling to him and claim him as their hero forever. That's how legends are made, and legends last forever—and that will be the case with the great Griffin Bell.''

And finally, from former prosecutor and now CNN personality Nancy Grace:

''I have known many, many judges during my legal career. Judge Bell, without a doubt, was the most honorable of them all . . . He will be missed sorely, but, as of this moment, heaven has become even greater.''

Mr. CHAMBLISS. In two short weeks President-elect Obama will be inaugurated as the 44th President of the United States. I am proud of this moment for him and for our Nation. The new President will have my prayers and support. I believe it is appropriate to link in some small way the President-elect's great and historic victory to the courage and integrity of Judge Bell. In the 1950s and 1960s across the South and across our Nation as a whole, the country worked to implement the landmark case of Brown v. Board of Education. While serving as chief of staff to Georgia Governor Ernest Vandiver, Judge Bell provided counsel to the Sibley Commission. This blue-ribbon panel held hearings throughout Georgia for the purpose of educating citizens on the inevitability of public school desegregation. In my view, his efforts on this commission were an important step down the path Dr. Martin Luther King, Jr. and others traveled that enabled Atlanta to become the city and community that it is today, for Georgia to truly become the empire State of the South, and for our Nation to elect our new President.

After cochairing President Kennedy's successful Georgia campaign during his 1960 Presidential election, the President nominated Judge Bell to a position on the Fifth Circuit Court of Appeals. To quote from his excellent biography provided by King & Spalding:

Judge Bell was unquestionably one of the court's strongest civil rights enforcers. He fervently believed in the rule of law and had little patience for segregationist-minded government officials seeking to evade or defy court orders to deny African Americans their civil rights. In United States v Barnett . . . Judge Bell voted with the majority of the court in ordering the University of Mississippi to admit James Meredith as a student and enjoined the governor from interfering with his admission.

I ask unanimous consent that the firm's biography of Judge Bell be printed in the RECORD.

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

BELL, GRIFFIN (1918—)

The shadow of Griffin Bell looms large across the landscape of jurisprudence in the United States. Over the course of his distinguished fifty-five-year legal career, Bell has compiled an impressive list of achievements, serving as the managing partner of Atlanta's premier law firm, the chief of staff to the governor of Georgia, the U.S. attorney general, legal adviser to three U.S. presidents, the ''lawyer of last resort for some of the nation's largest corporations,'' and, for over fourteen years, an influential federal appellate judge.

Griffin Boyette Bell was born on 31 October 1918 in Americus, Georgia, to Adlai Cleveland Bell, a cotton farmer, and Thelma Leola Pilcher Bell. A. C. Bell laid the foundation for his son's future career in law and politics at an early age, taking the youngster to numerous campaign rallies and trials at the local courthouse. Fortunately, the boy's intellect was more than sufficient to meet his father's ambitions for him. He was extremely intelligent, graduating from Americus High School at the age of fifteen. Bell then attended Georgia Southwestern College and worked as a Firestone salesman before being drafted by the army in 1941. After completing Officer Candidate School, he served as a company commander for more than 500 soldiers during World War II, eventually attaining the rank of major. Bell credits his time in the army as the most valuable management experience he could have received for a career in the law. It was also during this time period that he met his bride-to-be, Mary Powell. The Bells were married for almost sixty years before Mary's passing in the fall of 2000. Their marriage produced one son, Griffin Jr., and two grandchildren, Griffin III and Katherine. Judge Bell is now married to Nancy Kinnebrew Bell.

In 1946, after receiving an honorable discharge, Griffin Bell took advantage of the G.I. Bill by enrolling at Mercer University's law school in Macon, Georgia. In addition to his legal studies, Bell clerked for the law firm of Anderson, Anderson and Walker and served as the first city attorney of Warner Robbins, Georgia. In 1947, after just four quarters of study, he passed the Georgia bar on his first attempt. One year later, he graduated from Mercer with honors. Since that time, Bell has received the Order of the Coif from Vanderbilt University's law school and honorary degrees from several other colleges and universities.

Griffin Bell began his legal career with Lawton and Cunningham, a historic Savannah law firm that once ''sued the federal government to recover the value of the cotton that Gen. William Tecumseh Sherman had burned on his 'march to the sea' '' (Murphy 1999, 29). In 1952, he left Savannah to become a named partner of Matthews, Owens and Maddox, a law firm located in Rome, Georgia. But he only stayed in Rome for a ''spell,'' leaving just one year later to join the prestigious Atlanta law firm of King and Spalding (formerly known as Spalding, Sibley, Troutman and Kelly). Upon arriving at King and Spalding, he immediately ''began to lead the firm toward a more involved role in government affairs'' (Murphy 1999, 40). In 1958, after just five years, he became the firm's managing partner and one year later was named chief of staff to S. Ernest Vandiver, the newly elected governor of Georgia. As chief of staff, Bell was the architect of the Sibley Commission, a blue ribbon panel designed to conduct hearings throughout the state ''for the purpose of educating segregationists on the inevitability of public school desegregation'' (Patterson 1977). The commission is universally credited with being the vehicle that saved Georgia's public school system.

In 1960, Bell was asked to cochair Sen. John F. Kennedy's presidential campaign in Georgia. He agreed to do so ''before it was by any means certain a Catholic and a 'liberal' on civil rights could carry that state'' (Patterson 1977). In one of their first meetings, Kennedy asked Bell whether he would be embarrassed to campaign on behalf of a Catholic. Bell replied, ''Not at all. But I am embarrassed for our country that you would think to ask me that question'' (Murphy 1999, 71). In the end, Kennedy won the election and carried Georgia by a larger margin than in any other state. Afterward, Robert Kennedy, the president's brother and new U.S. attorney general, contacted Bell to inquire as to whether he was interested in a position or appointment with the federal government. Bell told him it was his understanding that two judgeships might open up on the United States Court of Appeals for the Fifth Circuit, at that time the nation's largest federal appellate court, and that he would certainly be interested in being considered for one of them. President Kennedy gladly obliged, nominating the forty-two-year-old Bell for a judgeship on the Fifth Circuit on 6 October 1961. But instead of waiting for the Senate to confirm the nomination, Kennedy decided to make Bell a recess appointment because of ''the circuit's mounting caseload problems'' (Barrow and Walker 1998, 29). The U.S. Senate confirmed Bell's nomination by an overwhelming margin the following spring.

Griffin Bell brought a forceful personality to the Fifth Circuit. A cross between Mark Twain and John Marshall, Bell was plain spoken, witty, charming, politically savvy, and extremely intelligent. He joined the court during one of the most turbulent times in our nation's history. The country was in the midst of a social revolution, and the Fifth Circuit—with jurisdiction over the Deep South states of Alabama, Florida, Georgia, Louisiana, Mississippi, and Texas—was the primary battleground in the struggle for civil rights. As tensions rose to a boiling point, the Fifth Circuit was called upon to dispense justice and maintain societal order. Never one to sit on the sidelines, Bell wasted little time entering into the fray and quickly became one of the court's most respected and influential jurists. As a judge, he unequivocally enforced the civil rights of black Americans, served as a bridge between the activist judges of the court and states' rights advocates, masterfully accommodated the competing interests of warring civil rights litigants to achieve commonsense solutions in the most complex of cases, and was a leader in the fight to preserve neighborhood schools on a nonracial basis.

Judge Bell was unquestionably one of the court's strongest civil rights enforcers. He

fervently believed in the rule of law and had little patience for segregationist-minded government officials seeking to evade or defy court orders or deny blacks their civil rights. In United States v. Barnett (1963–1965), Bell voted with the majority of the court in ordering the University of Mississippi to admit James Meredith as a student, enjoining the governor of the state from interfering with his admission, and holding the governor in civil contempt for attempting to do so. In Evers v. Jackson Municipal Separate School District (1964), he reversed a district court's dismissal of complaints seeking desegregation of the public school systems of Jackson, Biloxi, and Leake County, Mississippi, eloquently noting that schools are not truly desegregated until ''inhibitions, legal and otherwise, serving to enforce segregation have been removed . . . [and black children] are 'afforded a reasonable and conscious opportunity to apply for admission to any schools for which they are eligible without regard to their race or color, and to have that choice fairly considered by the enrolling authorities.' '' In United States v. Lynd (1965), he authored an opinion holding a state court clerk in civil contempt for willfully disregarding a court order allowing blacks to register to vote. In Turner v. Goolsby (1965–1966), Bell crafted an innovative desegregation order placing the school system of Taliaferro County, Georgia, into a receivership after local officials closed down the county's only white school and secretly arranged for those children to attend schools in adjoining counties.

One of Judge Bell's most important enforcement decisions was United States v. Hinds County School Board (1969), a case involving the development and implementation of desegregation plans in thirty-three Mississippi school districts. This case came about after the Supreme Court reversed and remanded a Fifth Circuit order giving the state additional time to desegregate, holding ''the continued operation of segregated schools under a standard of allowing 'all deliberate speed' for desegregation is no longer constitutionally permissible'' (Alexander v. Holmes County Bd. of Educ. 1969). In an extraordinary move, the Court ordered the Fifth Circuit immediately to fashion and implement desegregation plans for each school district, even though the school year was already well under way. Chief Judge John R. Brown wasted little time in assigning Bell the difficult task of handling the case. Brown's reasons for doing so were obvious to the other members of the court. By that time, Bell had proven himself to be a brilliant tactician and a deft negotiator. As the ''man in the middle,'' he was adroit ''in the use of compromise'' and ''had the ability to bring together opposing sides, to find a common ground, and reconcile differences'' (Barrow and Walker 1998, 28). A judge who frequently hunted with Bell claimed that he was so persuasive ''[he could] talk the birds out of the trees to sit on his shoulder'' (28). His colleagues had no doubt that he could handle this complex and unwieldy case. Bell did not disappoint. He began by summoning all of the school superintendents to New Orleans for a meeting. According to one witness, ''He read the riot act to them—He told them they were desegregating next month whether they liked it or not'' (Strasser 1977). After flashing the ''big stick,'' Bell turned on his trademark charm. He spent several weeks conferring with civil rights lawyers, school board attorneys, and local officials about the details of the respective desegregation plans and the manner in which they would be implemented. This innovative approach ''drew praise from all sides'' and helped safeguard ''the public's perception of judicial even-handedness'' (Bass 1998a, 1505). More important, the Hinds decision marked a turning point for the Fifth Circuit's desegregation jurisprudence. In the past, if a circuit panel found fault with a district court's desegregation order, it would simply reverse and remand the case with instructions to develop a new plan. In the meantime, schools would remain segregated. After Hinds, however, the status quo during desegregation litigation was a desegregated school system.

Judge Bell was the Fifth Circuit's leading critic of using busing as a means of disestablishing the ''separate but equal'' school systems of the past. Although Bell strongly believed in both the legal and moral correctness of Brown v. Board of Education (1954), that black children have a fundamental constitutional right to attend school with white children and receive the same quality of education, he did not favor integration—that is, busing children several hours across town to achieve ''a racial ratio [in each school] that reflected the total school population in the geographic entity'' (Murphy 1999, 129). In his opinion, busing had nothing to do with equal protection and everything to do with social engineering. Bell interpreted Brown as giving black students ''freedom of choice to go to schools, primarily in their own neighborhoods'' (129). In this respect, he favored a strict neighborhood-school policy, with a majority-to-minority transfer policy that allowed students to transfer to a school outside of their neighborhood so long as the transfer did not have the effect of increasing the majority of the students' race at that school. If segregated schools still existed after the implementation of this policy, Bell advocated pairing nearby schools together as a means of further ''disestablishing the dual school system'' (101). Although Bell's argument did not, initially, carry the day, his valiant fight to preserve neighborhood schools remains praiseworthy. Many historians lavish praise on the activist members of the Fifth Circuit for requiring busing, but the real-world consequences of their actions have been devastating for public schools. Bell believes that the decline of public education in the United States is inextricably linked to the judiciary's decision to impose ''forced integration and mandatory busing'' on the schools: ''Anybody with one eye and half sense should have known that busing would ruin them. The neighborhood strengths were lost'' (132).

In addition to his formal participation on the bench, Bell also distinguished himself as an expert in the area of judicial administration, establishing ''many of the Fifth Circuit's innovative screening and expediting processes'' (U.S. Senate Committee on the Judiciary 1977, 6). He held several leadership roles in this area, serving as the chairman of the Federal Judicial Center's Committee on Innovation and Development (1968–1970), as a director of the Federal Judicial Center (1973), and as chairman of the American Bar Association's Commission on Standards of Judicial Administration (1976). He also took time from his judicial duties to serve as chairman of the Atlanta Commission on Crime and Juvenile Delinquency (1965–1966).

During his fourteen-plus years on the Fifth Circuit, Judge Bell participated in over 3,000 cases and authored more than 1,000 opinions. His reputation as jurist was such that four separate presidents (Kennedy, Nixon, Carter, and Reagan) had Bell on their short list of potential Supreme Court nominees. But as the fall of 1975 approached, Bell was restless. The intellectually challenging civil rights cases had come and gone, and he now spent the majority of his time dealing with ''a heavy load of criminal and habeas corpus matters,'' work that he considered boring and dreary (Field Van Tassel 1993, 354). Around that same time, lawyers from King and Spalding paid him a visit and asked him whether he would consider leaving the bench and rejoining the firm. The offer was tempting. Bell loved practicing law, and he missed working with clients. After a few months, he informed his fellow judges that he had decided to resign. They were taken aback by his announcement. It was highly unusual for a federal appellate judge to relinquish a lifetime appointment, and Bell was, at that time, only the fourth judge to ever resign from the Fifth Circuit. Although his colleagues were disappointed by the decision, they were nothing but complimentary of his service to the court. Judge Bryan Simpson summed up their collective sentiment nicely, noting that Bell ''was a tower of strength, and I think his strength has been that he's been a balance wheel. He always took the center ground, and he can draw people from either side when we get in these real tough fights'' (Murphy 1999, 140).

When Griffin Bell decided to step down from the bench, he thought his career as full-time public servant was over. But eleven short months later, everything changed. A childhood acquaintance, Jimmy Earl Carter, had been elected the thirty-ninth president of the United States and selected Bell to be his U.S. attorney general. Although he had no desire to return to government service, Bell's patriotism was such that he could not refuse a president's request to serve his country. His selection, however, created a firestorm of controversy, and several members from Bell's own party led the charge to derail his nomination. After being subjected to one of the most contentious Senate confirmation fights in modern history, the Senate Judiciary Committee voted ten to three, with one senator voting present, to recommend his confirmation to the full Senate. On 25 January 1977, the U.S. Senate voted seventy-five to twenty-one to confirm him. Later that day, Chief Justice Warren E. Burger swore in Bell as the nation's seventy-second U.S. attorney general.

Griffin Bell has been called one of the greatest attorney generals of the twentieth century. Under his leadership, the Department of Justice had an active legislative agenda on issues such as judicial administration, criminal justice reform, and intelligence reform. Bell also helped reshape the federal judiciary by overseeing the selection of 152 new judges and in the process appointed more blacks, women, and Hispanics to the bench than any other administration had up to that point. His primary achievement, however, was ''rebuilding the Justice Department as a neutral zone in government [and] . . . restoring the integrity of the FBI and our foreign intelligence agencies in the wake of Watergate'' (Barry 2000). At the time of Bell's resignation, in August 1979, Chief Justice Burger remarked that ''[n]o finer man has ever occupied the great office of attorney general of the United States or discharge[d] his duties with greater distinction'' (Murphy 1999, 302).

In the years following his return to King and Spalding, Griffin Bell has established himself as one of the country's premier lawyers and most prolific rainmakers, bringing numerous and profitable clients to the firm. Although he handles a variety of complex legal matters, he is nationally recognized for his expertise in conducting internal investigations of high-profile corporate crime (for example, E. F. Hutton check-kiting scandal; Exxon Valdez oil spill; Dow Corning breast implant controversy). He has also received a great deal of media attention for his pro bono representation of Eugene Hasenfus, an American mercenary shot down in Nicaragua while delivering arms to the Contras; serving as Pres. George H. W. Bush's private attorney during the Iran-Contra investigation;

and guiding the Atlanta Committee for the Olympic Games through a congressional investigation into actions taken by committee members during the bidding process.

In addition to his private practice, Judge Bell has continued to serve his country in a variety of leadership roles. In 1980, he led the U.S. delegation to the Conference on Security and Cooperation in Europe. He has also served as cochairman of the Attorney General's National Task Force on Violent Crime (1981); a member of the Secretary of State's Advisory Committee on South Africa (1985 to 1987); a director, and then chairman, of the Ethics Resource Center (1986 to 1991); a member of the Board of Trustees of the Foundation for the Commemoration of the United States Constitution (1986–1989); vice chairman of President Bush's Commission on Federal Ethics Law Reform (1989); a member of the Webster Commission, which, in March 2002, issued its report on Federal Bureau of Investigation (FBI) security programs and Russian spy Robert Hanssen; and a member of the ad hoc advisory committee established by Secretary of Defense Donald Rumsfeld for the purpose of developing rules to govern military tribunals (2002). During the Clinton impeachment process, he was one of nineteen legal scholars asked to testify before the House Judiciary Committee on the historical origins of impeachment. In 1984, Bell received the Thomas Jefferson Memorial Foundation Award for excellence in law, and he was recently named one of the 100 Georgians of the century.

Judge Bell's political clout remains considerable. In recent years, this onetime Democrat has taken to endorsing Republican presidential candidates. He lent his support to Vice Pres. George H. W. Bush in 1992, Sen. Robert Dole in 1996, and Gov. George W. Bush in 2000. During the presidential election controversy of 2000, Bell visited the recount site and served as one of the Bush team's key advisers. He also filed an amicus brief on behalf of the American Center for Law and Justice in Bush v. Gore (2000). After the election, Bell served as a member of president-elect Bush's transition advisory team for the Department of Justice. Although these actions have no doubt raised eyebrows in the Democratic Party, Bell insists that he is not a Republican: ''I haven't switched parties, I consider myself to be an independent'' (''Griffin Bell, Carter's Attorney General'' 1996).

Griffin Bell's life is an American success story. Born into humble circumstances, he reached the heights of his profession through a combination of talent, ambition, and an indefatigable work ethic. More important, when positions of power provided him with an opportunity to make a difference, he consistently rose to the occasion. As a judge, his ''intelligence and even-handedness in administering justice guided the South and the nation through some of its most perilous times'' (Barry 2000). With all of his achievements, this is Bell's greatest legacy: his commitment to the rule of law and the equal rights of all citizens.

Mr. CHAMBLISS. There were many more important decisions in which he was involved, and I was privileged to study and learn from them while attending law school at the University of Tennessee.

Judge Bell was nominated by President Carter and confirmed by the Senate on January 25, 1977, as the Nation's 72nd Attorney General. His force of character and common sense revived a Justice Department that suffered from the Watergate era. According to Terry Adamson, a law clerk for the judge when he was on the Fifth Circuit, a principal assistant for Judge Bell at the Justice Department and a longtime friend of his, he said in an article that also appeared this week in the Atlanta Journal Constitution:

Bell recently told NPR reporter Nina Totenberg that his effort to bring about transparency during his service at the department was the core of restoring public confidence.

Certainly, it was.

Mr. President, I ask unanimous consent that Mr. Adamson's article be printed in the RECORD.

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

[Jan. 7, 2009]

HARDWORKING BELL LEAVES A LEGACY TO BE APPRECIATED

(By Terry Adamson)

Judge Griffin Bell and I were breakfasting in the White House mess in 1991 with my wife, who was then on President George H.W. Bush's senior staff. The president heard Bell was there and sent a message to visit in the Oval Office. It was a visit among friends, and Bush and his wife, Barbara, at Bell's invitation, were soon at Sea Island where they had not visited since their honeymoon. Rounds of golf were played, a return engagement for Bell followed at Camp David that included golf with Bush and Arnold Palmer, and Bush soon had Bell as his personal lawyer. For Griffin Bell, who died Monday at age 90, that was normal.

During his terminal illness, Bell's doctors told him to establish a goal each day. He accomplished many during the last six months, invigorated by the outpouring of visits and calls of his lifetime of friends, and at peace after a satisfying and long life. His mind stayed clear and vigorous to the end. Former Atlanta Constitution editor Eugene Patterson was one of those who told Bell in a call a few weeks ago how ''the courage'' displayed by Bell and Gov. Ernest Vandiver to bring Georgia within the legal requirements of integration and save public education in Georgia ''set my own bearing.''

Bell was a new 43-year-old judge for just a few months on the 5th Circuit Court of Appeals when he drew the case that ended the discriminatory county unit system and changed Georgia elections. He was soon embroiled in Mississippi Gov. Ross Barnett's defiance of court orders to admit James Meredith to the University of Mississippi. The Georgia and Mississippi cases were two among about 3,000 cases in which he participated and more than 500 opinions that he wrote. These cases reflected his frequent and significant role during his nearly 15 years as a judge in which he synthesized the court's center, advancing civil rights. President John F. Kennedy went on television in the midst of the Barnett controversy to cite Bell and other southern judges as courageous heroes.

In 1977, Bell and President Jimmy Carter had a mission to refurbish the Justice Department and FBI after the severe tarnish of Watergate. He started and ended by boosting the professionalism of the careerists in the department. When he left, the esprit of the body of the men and women at Justice was at an all-time high.

As a critical ingredient of this mission, Bell earned the respect of a cynical post-Watergate press corps. Seemingly small things were part of his plan, such as posting on the press room bulletin board his own daily logs showing his every meeting and telephone call with anyone outside the Justice Department from the day before. He enforced rules such as restricting White House contacts to only the highest levels of the department to minimize even the appearance of political pressures on lesser officials. Bell recently told NPR reporter Nina Totenberg that this transparency was the core of restoring public confidence.

While rigorous about his national security responsibilities and proud of the first modern successful prosecutions of spies, Bell also persuaded the intelligence community and the Congress to trust the judiciary to oversee domestic surveillance by authoring and passing the Foreign Intelligence Surveillance Act. He recruited and persuaded William Webster to resign a lifetime appellate judgeship to become head of the FBI.

Bell implemented Carter's campaign pledge to give meaningful roles to minorities and women. African-Americans as solicitor general and the head of the civil rights division were among his first two recruits. At the beginning of the Carter presidency, there were few minorities and no women judges on the federal appeals courts, and few on the trial courts. It was one of the highest priorities of Carter and Bell, and for the first time in history, significant percentages of women and minorities became federal trial and appellate judges.

As I watched Bell operate over the years, I was amazed not only with the depth of his mind, but his laudable ability to absorb and process the energy and knowledge of the law clerks, aides, or fellow lawyers around him in order to improve his own. The daily breakfast with other Justice officials in the Martha Mitchell dining room was nothing but fodder for his intellect.

Initially labeled by some critics as a ''crony'' of Carter, 21 senators voted against Bell's confirmation as attorney general. All of these opponents later publicly voiced their support for him. Bob Dole wrote in the Washington Post that his vote against Bell was one of his two worst votes in Congress. The leader of that initial opposition, Sen. Charles McMathias, a liberal Republican from Maryland, also recanted ''the error of his opposition'' as he hosted Bell at his Maryland farm before they together commemorated John Marshall, the first chief justice, at a nearby rural burial site.

Bell was a people's person of the first order, who valued his own common origins. Secretaries around the Justice Department would be surprised when this attorney general would wander into their far-flung offices, alone and unannounced. It took no more than five minutes before Bell had established a common acquaintance. On the day a massive snowstorm engulfed and closed Washington, the Washington Post called the offices of the Cabinet to see who was working. He and I were the only ones there that morning, and I was off making coffee, when the phone rang. He answered in his recognizable and unassuming drawl. That was the lead of the Washington Post story about who was working in Washington.

Bell's most mentioned trait was his rich humor and wit. Former Atlanta Constitution editor Reg Murphy wrote an engaging biography laden with samplings of this wit: ''Uncommon Sense: The Achievement of Griffin Bell.'' Bell introduced a widely rumored aphrodisiac, rooster pepper sausage, to Washington, headlined in a front-page story by reporter Phil Gailey, ''Rooster Pepper has White House Links.''

Bell gave a still remembered acceptance speech in 1979 as ''a candidate for President of the United States'' at the Alfalfa Club, an annual banquet and mock political event in Washington usually attended by the current president, the Cabinet, military, judicial, political and business leaders. He began in his

distinctive Georgia drawl, ''I would like to advise that arrangements have been made for simultaneous translation.''

He continued (paraphrasing Churchill's great statement), ''Our motto will be to wage obfuscation. We will wage obfuscation on the beaches and on the landing fields and in the political arena of America. And when all else fails and we can no longer obfuscate, we will tell the truth to the extent we know it.''

We celebrate with deep affection the life of this rare man.

Mr. CHAMBLISS. When leaving the Fifth Circuit, Judge Bell returned to King and Spalding and distinguished himself as one of the country's premier lawyers.

In closing, as I have paid tribute to his distinguished career, I wish to take a moment to pay tribute to this wonderful gentleman and friend. As a lawyer, I learned so much from him about the practice of law. As a Congressman and Senator, I learned so much about politics and public service.

As a friend, I enjoyed our visits and conversations. His keen sense of humor has been compared to Mark Twain. As my good friend, Bob Steed—Georgia's very own ''Mark Twain''; a real humorist, columnist, and long-time law partner of Judge Bell—said this week of his wisdom and wit:

If he took a position, he'd take it strongly and defend it. But if someone improved it, he was willing to give way. His ego didn't get involved with choices . . . He was sharp to the very end. He told his son that there must be a committee in heaven in charge of dying, because it was taking so long.

That was Judge Bell.

Griffin Bell changed the course of the history of our country. As a judge on the Fifth Circuit, his decisions regarding integration of school systems in Georgia and across the South were a model for integration throughout the Nation. In his role as Attorney General, he did much to restore the public's trust in the Department of Justice. He was a close personal friend of mine, and this is not only a national loss but a personal one as well.

Mr. President, I have before me a commencement speech that he gave at Mercer University Law School in 2002. I ask unanimous consent that it be printed in the RECORD.

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

Dr. Godsey, Congressman Chambliss, members of the faculty, families of graduates, graduates and friends:

I congratulate each one of you graduates on having completed law school. Through much study and great effort, you are about to become lawyers. You are about to become members of a privileged class of Americans because as lawyers, you are agreeing to serve your fellow Americans in resolving those kinds of disputes which arise in a free country.

We have many rights and many responsibilities, and lawyers are necessary to resolve the conflicts which arise from time to time with respect to those rights and responsibilities.

In 1835, a young Frenchman by the name of Alexis de Tocqueville came to this country to study our prison system. He stayed for two years and ended up writing Democracy in America, an epic study of our democratic system. He reached many conclusions, and two apply to you.

First, he said that almost every problem that arises in a democracy will eventually be resolved in the court system. This was true then and it is true now.

Second, he said that there was no aristocracy in America, but that the nearest approach to aristocracy was in the lawyer class. His thought was that lawyers occupy an unusual and favored position in our system.

So now that you are about to become aristocrats, I want to give you a short lecture on behavior. We have an ample supply of lawyers in our country, and some of the lawyers overlook the obligation to serve others. They also distort the privilege of practicing law by converting it into a mere occupation. I was taught in law school that a lawyer had ethical obligations well above the morals of the marketplace.

We are privileged to represent others in resolving their problems, but we have to do so with the public interest in mind. We can advise and counsel and defend clients, but we cannot advise or facilitate activities which violate the law. We live in a very complex world where the channels of commerce depend on tax laws, which are often unfathomable. There is a fine line between tax avoiders and tax evaders. Accounting standards can be evaded with the result that the public loses confidence in our business corporations and in the integrity of the marketplace. Lawyers are the watchmen on the wall in the sense that they should say no to clients who engage in such activities.

One of the first duties of a lawyer is to remain detached in any representation to the end that you do not facilitate the breaking of the law. Always err on the side of doing right. You and only you are responsible for your ethics.

You should attach yourself to a mentor at the earliest possible time. Those of you who will be trial lawyers—and that will probably be about half of you—will not have the privilege of being trained as barristers, as would be the case in England, where you would have your training at an Inn of Court. Inns of Court do not teach law, but they teach lawyers how to conduct themselves and how to behave themselves. Once they are certified by their mentors, as knowing how to conduct themselves, they become barristers. If you attach yourself to a mentor who has integrity—and I can assure you that the older lawyers are always glad to help young lawyers—you will absorb those qualities of conduct that will make you into respected lawyers.

The rules of conduct that you should follow in your practice can be simply stated.

1. To a client a lawyer owes undivided allegiance and the utmost application of your learning, skill and industry as well as the employment of all appropriate legal means within the law to protect and enforce the interests of the clients. You should not be deterred by any fear of judicial disfavor or public unpopularity. Nor should you be influenced by self interest.

2. To opposing counsel a lawyer owes a duty of courtesy, candor in the pursuit of truth and cooperation in all respects—not inconsistent with the clients' interests. You also must scrupulously observe all mutual understandings. Your word is your bond.

3. To the courts you owe respect, diligence, candor and punctuality. You should also work to ensure the independence of the judiciary and protect the courts against unjust and improper criticism. In return, you should expect from the judge and the courts that you be treated with respect and that your dignity and independence as an officer of the court be maintained. I have always thought it a mark of great distinction that a lawyer in court can make a statement, as they say, ''in his or her place'' to the court, without the necessity of being put under oath. This is a mark of our professionalism.

4. In the administration of justice, you must abide by the rules and conform to the highest principles of professional rectitude, irrespective of the desires of the clients or others.

5. To the public you owe the duty of making certain that the system for administering justice is fair and efficient, and you should do what you can to improve the system.

6. To the public you also owe the duty of seeing to it that counsel is made available to those who cannot afford counsel either on a pro bono basis or for such fees as can be afforded.

7. Finally, to our country you owe the duty of leadership. You are in the class ''to whom much is given, much is expected.''

You should arrange your affairs as lawyers so as to have time to be thorough and diligent. The bane of many lawyers may be having too much practice. You do not serve any client well when you lack the time to be thorough and prompt. You are not required to take every matter that is presented to you, but having assumed a representation, it becomes your duty to finish the representation. Sometimes you will make a bad bargain, but as professionals, you are still obligated to carry out the representation.

Someone asked one of my friends when we were in law school why so many of us veterans were going to law school just after World War II. My friend replied that we were hoping to gain a part of the American dream. In most instances, my generation has found the American dream. We have had good, rewarding lives and we have taken great pride in our profession.

I am proud to be a lawyer. I am proud of the fact that my son is a lawyer, and I am proud of the fact that my grandson, a member of this class, is about to become a lawyer. Being a lawyer is an honorable profession, and our obligation is to maintain it with honor.

I feel certain that all of you will have that attitude toward being lawyers, and I wish you well as you go forth now into the practice. I hope that each one of you will find the American dream.

Thank you.

Mr. CHAMBLISS. I remember the day very well when Judge Bell gave that commencement speech at Mercer Law School because that day his grandson Griffin, III graduated from Mercer Law School, and my son Bo graduated from Mercer that same day. I was privileged not only to be there to see my son graduate from law school but also to share the dais with Judge Bell and to introduce Judge Bell to make that commencement address.

He was a great American. He was a great Georgian. He was a terrific lawyer with unparalleled credentials, unparalleled integrity, and someone who is going to be missed by our State and by our country.

(Ms. KLOBUCHAR assumed the chair.)

ISRAEL

Mr. CHAMBLISS. Madam President, I also wish to discuss the security in

the Middle East and to offer my support for Israel. Israel is an important foundation of stability and democracy in the Middle East. The resolution of the Israeli-Palestinian conflict is important not only to the peace and security of the Middle East but also to the rest of the world.

The United States and Israel share common principles and a strong commitment to eradicate terrorism and to secure a better future for the world. Israel has been a steadfast ally of the United States and, I assure you, the United States will stand ready to assist our friends, the Israelis, to promote peace, defeat terrorism, and prevent hostile countries that sponsor terrorism from obtaining nuclear weapons.

With hopes for peace and a two-state solution, Israel evacuated all of its citizens and soldiers from Gaza in 2005, including the uprooting of homes, schools, and places of worship. Unfortunately and regrettably, following these actions, the Palestinians failed to develop fully the Gaza Strip and voted into power Hamas, a terrorist organization supported by Iran and whose true objective is to eradicate the state of Israel.

Following years where terror groups in Gaza launched rockets at Israel, targeting the Israeli civilian population, it became clear that it was time for action. After Hamas failed to renew its self-imposed cease-fire—one it, frankly, never enforced fully—Israel was forced to take appropriate action to protect her citizens. To that end, Israel has responded appropriately.

The United States-Israel alliance remains more critical than ever as Israel defends her people and works to end the threat posed from terrorist groups on its borders. The United States and Israel face an unprecedented array of shared threats—from Iran developing a nuclear program with unclear intentions and a clear track record of deceit, to the expanding military capabilities of terrorist groups such as Hamas and Hezbollah, which are supported by Iran—and security and stability in the Middle East, especially for our ally Israel, has never been more precarious.

I do hope this conflict will soon come to a peaceful conclusion. Nevertheless—and let me be clear—Israel has every right to defend its citizens while taking precautions, to the extent possible, to spare the civilian population in Gaza and reduce collateral damage.

I urge the people of Gaza to reject Hamas and surrender the terrorists' rockets in the most expedient manner to facilitate ending this necessary action by Israel. Israel remains committed to peace talks with the Palestinian Authority, despite Hamas's constant bombardment of Israel and its ineffective control over the Gaza Strip.

In order to improve the prospects for successful and lasting peace between the Israelis and the Palestinians, it is necessary for all Palestinians to work toward a solution. This cannot be done while Hamas is allowed to rain terror into southern Israel. I encourage the Palestinian Authority in the West Bank to form a legitimate and authoritative body which can speak for all of Palestine, effectuate change, and exercise control over terrorists who reside in their territory. I commend President Abbas for taking part in the international discussions about the situation in Gaza.

I support the necessary requirements of any cease-fire which Secretary Rice discussed before the United Nations. Hamas must end the rocket, mortar, and other attacks on Israel, and Israel can then cease its military offensive and reopen Gaza's border crossings so that Palestinians can benefit from humanitarian goods and basic supplies. Most importantly, the smuggling of weapons into Gaza through hundreds of illegal tunnels must end. The Arab states in the region, especially Egypt, should be a part of this process, and I encourage the Palestinians to seek their guidance and support, and in return for them to offer guidance and political and financial support.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. WHITEHOUSE. Finally, I ask unanimous consent to speak for 15 minutes as in morning business.

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

HEALTH CARE REFORM

Mr. WHITEHOUSE. Madam President, today Senator Daschle has come before the HELP Committee for his confirmation hearing as our Secretary designate of Health and Human Services. I know that all of our colleagues and friends in the Senate found it moving and wonderful to see the distinguished chairman of that committee, Senator KENNEDY, back in his chair leading that hearing. We are all delighted to see him back at work in the Senate, and we are delighted to see Senator Daschle back with us in this exciting new capacity.

We know every American deserves health care that he or she can afford. Senator Daschle knows that to do that we need basic systemic reform that will improve the way health care is delivered in this country. Senator Daschle has already brought forward ideas, such as the creation of a Federal health board, that have contributed enormously to the health care reform debate, and I hope very much he will pursue those ideas further at HHS. His nomination and President-elect Obama's creation of a new White House Office of Health Care Reform emphasize their serious commitment to solving this bedeviling problem. Senator Daschle will bring distinguished, thoughtful leadership to the crisis in our Nation's health care system.

Health care reform is the signal challenge facing our families, our economy, and our Government. I wish to take a few minutes today to speak about this great challenge and the urgent need for action.

We all know the system is broken. The evidence lies all around us—in my State of Rhode Island and across the country. When a lost job is frightening not just because it means lost income but because it means lost health care, our health care system is broken. When sudden illness strikes and insurance will not cover the costs, our health care system is broken. When families wait to see a doctor until it is too late because they have no health insurance to pay for the visit, our health care system is broken.

We see the evidence of the broken system and the staggering costs of health care in this country. The United States spends 16 percent of our GDP on health care. That is about twice what our major industrialized competitor nations spend. The annual cost of the system exceeds $2 trillion, and it is expected soon to double. Family health emergencies have been the most common cause of personal bankruptcy, and businesses, large and small, struggle under the weight of ever-increasing health insurance costs. There is more health care than steel in Ford's cars and more health care than coffee beans in Starbucks coffee.

Yet for all that money, what do we get? We still leave 46 million Americans uninsured; 46 million wrenching stories of health care foregone, of personal misfortune, even lives lost. That doesn't even include the experiences of our Nation's underinsured or small business owners struggling to provide health insurance or the many Americans who receive poor quality health care.

President-elect Obama is committed to reforming this broken system, and he has taken swift action to engage the American people in a national conversation about what is wrong and what we can do to fix it. Last month, he and Secretary-designate Daschle asked people to hold meetings in their communities to discuss health care reform and to share their ideas.

In the end, there is no better way to understand the deep failures of our health care system and the very real pain, frustration, anxiety, and anger it causes than to talk to the people who have experienced it firsthand. Over the past few years—at community dinners that I have around our State, in my office, as I travel around—many Rhode Islanders have reached out to me to share their stories and to urge that we work urgently to repair this broken system. I wish to take a moment to share a few of those stories.

A mother in Narragansett, RI, shared a story about her 20-year-old son who suffers from severe bipolar disorder and relies on therapy and expensive medications to remain a valued and productive member of his community. He is too old to be covered under her family health insurance plan, and his preexisting condition makes buying insurance on the individual market impossible—prohibitively expensive. So what did they do? This mother and her family came up with a surprising solution. They enrolled her son at the Community College of Rhode Island so he could participate in the student health insurance plan. He takes the absolute minimum course load in order to continue to work, but he remains a student because it is less expensive to pay for college tuition than it is to pay for individual health insurance. Any parent with a child in college knows what a burden this Rhode Island family is bearing to ensure that their son gets the basic treatment he needs to stay healthy.

I also heard from the proud owner of a small bookkeeping and tax preparation business in Warwick, RI. She has worked tirelessly to raise five sons, go back to college, and finally she has become her own boss. Yet despite all her effort and all her success, she wrote me to plead for reform. She wrote this:

> I spend over 50 percent of my income just to have health insurance for my husband and myself. The premiums are over $1,000 per month, even with very high deductibles. My employees need health insurance also, but I am unable to provide them with any benefits because of the poor economic conditions.

Her employees are like family to her, as with so many small businesses, and it breaks her heart that they are uninsured. Yet she says she simply will not be able to keep her doors open if she tried to contribute toward their benefits.

In the midst of this economic downturn, and particularly in Rhode Island where the unemployment rate is one of the highest in the Nation, this story shows all too clearly how closely linked are the tasks of reforming our health care system and strengthening our economy.

Our health care system manages to fail even those who believe themselves to be covered. A woman who lives in Woonsocket and who has health insurance and was always careful to pay her bills on time, assumed she would be covered in the event of an emergency. Why not? She was current. She paid her premiums. She had insurance. But not too long ago, she suddenly had to have her appendix removed. Despite having health insurance, she left that hospital with a $10,000 bill. She is currently working for a temp service and she has no idea how she can pay off this debt. She had recently bought her own home, a longtime dream and an accomplishment in which she took great pride. Now, because of the fine print of that health insurance policy, she risks losing the home she worked so long to afford. As this Rhode Islander learned in the hardest way possible, health insurance often ends up ensuring very little.

It is on behalf of these Rhode Islanders and so many others that I urge my colleagues to come together to support health care reform that will lower costs and improve the quality of care for all Americans. We must improve the way we deliver health care by promoting quality, implementing health information technology, and investing in preventing disease. We must, and will, protect existing coverage when it is good, we must improve it when it is not, and we must guarantee health care for the 46 million Americans, 9 million of whom are children who have no health insurance at all.

We see ourselves now in darkening and tumultuous economic times. Yet looking beyond the immediate economic perils we face, there is a $35 trillion unfunded liability for Medicare that is bearing down on us. It is bearing down on us because our population is aging, because people get sicker as they age, and that makes them more expensive. Unless we figure out a way in this Chamber to stop time, unless we figure out a way in this Chamber to reverse the aging process, unless we figure out a way in this Chamber to make elders have healthier lives and bodies than younger people, this is inevitable. It is coming at us, and we have to prepare. In order to prepare, we have to reform the health care delivery system. We are committed, as Democrats, to making sure every American has health insurance coverage, but it is not enough just to bring everyone into the boat. If you had a boat in the ocean and people swimming around it and to save them you needed to bring them into the boat, you would do that. But if the boat itself was sinking, if the boat itself was on fire, just bringing everybody into the boat is not an adequate discharge of your duties. It is also important that you repair the boat, that you get it steaming forward, that you make sure it is safe for the people whom you bring into it.

That means reforming our health information technology infrastructure so every American can count on an electronic health record, so when you go to see your doctor, you don't have to fill out that clipboard one time after another, when at the same time you can sign on to Amazon and not only do they know who you are, they know what you have bought and they have suggestions for you based on your buying habits. There is no excuse for our health care system being back in the 1950s as the rest of the economy moves forward into the 21st century. It requires improving the quality of health care and it requires investing in prevention.

We dramatically underinvest in prevention and quality. There are market failures that cause those things to happen. They are repairable. In addition to the cost savings, it is estimated that 100,000 Americans die every year—100,000 Americans die every year—because of avoidable medical errors. It is simply not tolerable to allow that to continue, particularly when it is a win-win situation, where improved quality of care means lower costs.

Finally, the third leg of the reform, in addition to helping infrastructure technology and quality and prevention reform, is that we have to reform how we pay for health care to align the price signal that we send by those payments with what we want from health care. Until we do that, we will be constantly struggling uphill against our own financial message.

This is all doable. This is all so doable, but it will take time. These are complex matters. We will have to make adjustments. The adjustments will take time. It is a dynamic environment which will have to make course corrections along the way. That means we need to start now. We do not have the luxury of time on our side. If we do not get started on a thorough-going health care delivery system reform now, then the alternative will be times that are even darker and more tumultuous than we find ourselves in right now.

I see the very distinguished chairman of the Budget Committee on the floor, a man who is an eloquent voice on the dark and tumultuous times and the risks we face from the current fiscal situation, so I will gladly yield at this point, and I thank the Presiding Officer.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

CBO REPORT

Mr. CONRAD. Madam President, first of all, I wish to thank Senator WHITEHOUSE for his contributions to this Chamber. He has been an outstanding Member. He serves on the Budget Committee with me. He has developed a special expertise on health care which is so badly needed.

I wish to comment very briefly on the CBO report we received today in the Budget Committee hearing on the fiscal outlook. It is truly jaw-dropping. There is a $1.2 trillion deficit for this year, before any economic recovery package is passed. Add to the debt even higher: $1.6 trillion will be added to the debt of the country, and, again, that is before any cost of an economic recovery plan.

If one factors in an economic recovery plan, we could be looking at an increase in the debt of $2 trillion this year alone. To put that in context, we have a gross debt of the United States of $10.6 trillion roughly today.

So I think it is imperative that while we put together an economic recovery plan, which we must, we also are cognizant of the very serious long-term fiscal condition we face as a nation.

There is a front-page story in the New York Times today indicating that the Chinese, the biggest financers of our debt, have a reduced appetite for

American dollar-denominated debt because they have their own economic issues, their own need for the use of capital at home. This could have enormous consequences for us going forward in terms of interest rates and what it will take to attract foreign capital to float this economic boat.

One final point. Last year, of the new debt financing for this country, 68 percent of it came from abroad. Madam President, 68 percent of our new debt financing came from abroad. The fact that the Chinese, who have been the most significant contributors to financing that debt, are expressing a reluctance to take on more of our debt, do more of our debt financing, should send a warning signal to all of us as we fashion long-term fiscal and economic policy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, I wish to ask, through the Chair, a question of the distinguished chairman of the Budget Committee with respect to the $10 trillion debt the country is now carrying.

At the time the current administration that is leaving office came into office 8 years ago, my understanding is the situation in America was rather different. It is my understanding that at that time we were actually looking at surpluses in our country, and the $10 trillion deficit is largely the responsibility of the policies that have been followed over the past 8 years.

Mr. CONRAD. The Senator is exactly right. The debt of the country at the beginning of the last administration was about $5 trillion. They have approximately doubled the debt of the country on their watch, dramatically more than doubled foreign holdings of U.S. debt. So the current administration, the outgoing administration, has left the incoming administration in a very deep hole, not to mention the economic difficulties and the extreme need for an economic recovery plan to give lift to this economy.

Mr. WHITEHOUSE. So through the good times, we could have been laying money aside so that when this situation came, we would be in a strong economic condition. Instead, by squandering all those years, we have put the incoming administration in a very challenging position.

Mr. CONRAD. Yes, not only the incoming administration, the whole country because our ability to cope with an economic downturn, the flexibility is substantially limited by what has already been done to dramatically increase the debt, as the Senator described, in good economic times. Unfortunately, that is the reality we now confront.

Today's news by the Congressional Budget Office of not only the $1.2 trillion deficit this year but massive deficits as far as the eye can see should sober us all.

Mr. WHITEHOUSE. I thank the very distinguished chairman of the Budget Committee for being willing to engage in this colloquy with me.

Mr. CONRAD. I thank the Senator from Rhode Island and look forward to working with him on the Budget Committee as we attempt to come up with a plan to deal with these multiple challenges.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 4:45 p.m.

Thereupon, the Senate, at 3:34 p.m., recessed until 4:45 p.m. and reassembled when called to order by the Presiding Officer (Ms. KLOBUCHAR).

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Madam President, under the rules, have we been in a quorum call or in recess?

The PRESIDING OFFICER. We have been in a recess.

GLOBAL WARMING

Mr. INHOFE. Madam President, first of all, I appreciate your coming from your meeting to preside. As we begin the new Congress and a new administration, we begin a new chapter on energy and environmental policy, and it is a time that environmental activists, the United Nations, and many of my Democratic colleagues have been salivating for for years. The stars are all aligned. Democrats control both sides of Pennsylvania Avenue, and the Supreme Court has spoken now that carbon dioxide is a pollutant under the Clear Air Act, even though it was a 5-to-4 decision. It is kind of interesting how something can be a pollutant with a 5-to-4 decision.

It is believed the stage has been set for a home run on mandatory Kyoto-like climate controls and the dawn of a new bustling green energy economy. However, before many of my colleagues rush to leap before they look, I wish to remind them of some very unfortunate developments that may complicate their early action on items on their wish lists. I ask my colleagues to at least consider some of the facts I will be revealing over the next series of speeches and to keep an open mind before rushing to sweeping action after waiting for so many years.

The scale and pace of the climate proposals and the regulatory actions we have debated in the past, including the recently failed Lieberman-Warner bill and the ones we will likely be debating this Congress, leave little room for error in this fragile, recession-ridden economy, and the inflated promises of a sweeping green jobs revolution need an honest and frank reality. The proponents of mandatory global warming controls need to be honest with the American people. The purpose of these programs is to ration fossil-based energy by making it more expensive and therefore less appealing for public consumption. It is a regressive tax that imposes a greater burden relative to resources on the poor than it does on the rich. Let me say that again. The purpose of these programs is to ration the fossil fuel-based energy by making it more expensive to all Americans and therefore less appealing for public consumption. But it is a regressive tax, and we have talked about this before. It is one that punishes those whose resources have to be used for such purposes as being able to operate their vehicles and heat their homes.

Advocates may argue that the redistribution of wealth toward the income consumers will offset the balance of revenue or taxes being taken in, but we learned firsthand during the Lieberman-Warner debate that this simply is not true. I don't like the argument that we have equal distribution of wealth efforts that are going to take a regressive nature out of the punitive values of this type of program. To me, there is something un-American about that. But while the bill's sponsors try to convince us there is actually tax relief in the bill, we learn that families—now I am talking about the Lieberman-Warner bill, and this was only about 8 months ago, the Lieberman-Warner bill—we learn that families with workers will still have to pay $6.7 trillion into the system in the form of higher energy costs to get back an estimated $802 billion in tax relief. That is a return of $1 out of every $8.40 paid. It is time that proponents of climate policies be honest. It is expensive, and it is going to cost taxpayers a lot of money.

You know, it doesn't really matter which form we use. We have gone through, first of all, the Kyoto Treaty. We came this close to passing the Kyoto Treaty, and it wasn't until the Wharton School of Economics came along with the econometrics survey and they determined it would cost some $300 billion a year to join onto and actually try to achieve the emission requirements of Kyoto. Then along came the McCain-Lieberman bill and then after that the Warner-Lieberman bill. And cap and trade is going to be about the same amount. They may massage it a little bit, but we are still talking in the neighborhood of $300 billion a year. That equates to over $2,000 for each taxpaying family in America. So it is huge.

In the coming weeks, I will go into more detail about other false promises proponents of mandatory global warming policies are advocating. Among them are a reality check on green projects—the number of new green jobs from a climate regime are overstated compared to the number of manufacturing jobs lost, and we know from the National Association of Manufacturers how many jobs would have been lost with any of these schemes in the past; a review of the weaknesses of offset policies—companies have bought offsets which are not real; and a review of the attempts to estimate the cost of inaction. Many advocates are claiming it

is more expensive to do nothing than the cost of a cap and trade, but they are untested and nontransparent economic modeling.

All these issues will play a vital role in the debate on both energy and global warming policy, which have become unavoidably intertwined. You can't really talk about one without the other. You can't talk about what you are going to do on greenhouse gases or CO_2 or cap and trade without affecting our overall energy policy.

When there are sensible proposals debated in Congress that can achieve double benefits of reducing emissions and making America's energy supply more stable, diverse, and affordable, then we will look forward to working on a bipartisan basis to achieving these goals. Increasing our domestic energy production and lowering our dependence on foreign oil are two issues that are critically important to myself and my State of Oklahoma, and of course this will include renewables and new green jobs.

However, we need to be smart and realistic about these policies. Unfortunately, I fear that the scale and pace many of my colleagues will be advocating with mandatory climate policies are unrealistic, extraordinarily narrowly expensive, and ill-advised. What is the driver for these unrealistic proposals that seem to make unnecessarily abrupt and painful increases in our energy costs in the near term? It is all rooted in global warming science.

I have given over 12 speeches, averaging over an hour apiece, on the science of global warming over the past few years. Today, I wish to update my colleagues on some of the latest science that has not yet been reported in the mainstream media. I will simply be a disseminator of this information and not a commentator. I have to say that because I am not a scientist, nor is anyone else that I know of in this body a scientist. So the statements I will make will be quoting people who are qualified and are scientists, and this is what my role will be.

Before I do that, I ask all my colleagues to think about the issue. Science should not be reviewed through any one frame. It is not partisan, it is not regional; however, the political process has largely engulfed science behind climate change. As I have documented in speeches before, the politicizing of the global warming science has become one of the most unfortunate developments in the last 8 years. Anytime one questions a hypothesis or a conclusion that does not fall in line with ''the sky is falling'' doom and gloom scenario of global warming alarmists, it is ridiculed, written off, denigrated, and not reported by the mainstream media. Yet anytime a more severe interpretation or alarming statistic is related, it is headline grabbing in the news. Objective, transparent, and verifiable science gets lost in the public dialog.

Funding has a way of influencing this debate. The other day there was an article in the Bloomberg News—and I say this for those individuals who might be feeling sorry for Al Gore—it was reported that his net worth in 2000 was between $1 million and $2 million and it is now in excess of $100 million today, so he will be all right.

When the stakes of the policy outcomes with cap and trade and other mandatory climate proposals are this high for the American people, I hope the Senate this year will embrace my calls for objectivity and transparency in science and modeling. As policymakers, it is our duty to make sure models developed by agencies and used in policy are useful for their intended purpose, articulate major assumptions and uncertainties, and separate scientific conclusions from policy judgments.

However, with global warming science this has not been the case. With many left-of-center scientists, the environmental activists now realize the so-called consensus on manmade global warming is not holding up.

The leftwing blog Huffington Post—this is a left-leaning organization—surprised a lot of people by featuring an article on January 3, 2008, by Harold Ambler demanding an apology from Gore for promoting unfounded global warming fears. The Huffington Post—again, left leaning—article accused Gore of telling the biggest whopper ever sold to the American public in the history of mankind because he claimed the science was settled on global warming. The Huffington Post article, entitled ''Mr. Gore: Apology Accepted,'' adds, ''It is Mr. Gore and his brethren who are flat-Earthers, not the skeptics.'' Again, it is not myself, not Jim Inhofe saying this about Gore; it is the leftwing blog, the Huffington Post, saying these things.

The Huffington Post article continues:

> Let us neither cripple our own economy by mislabeling carbon dioxide a pollutant nor discourage development in the Third World, where suffering continues unabated day after day.

Another left-of-center atmospheric scientist who has descended on the manmade climate fears is the U.K.'s Richard Courtney, a U.N.—and let's keep in mind where all this started. A lot of people forget this was started by the United Nations—the United Nations Intergovernmental Panel on Climate Change. They came out and said: Oh, it is manmade gases, anthropogenic gases, CO_2, methane that are causing climate change. And this person used to be on that panel. He was an expert reviewer in the U.K.-based climate and atmospheric science, a consultant, and a self-described Socialist who also happens to reject manmade climate fears.

Joining Courtney are many of the other progressive environmental scientists. Former Green Peace member and Finnish scientist Dr. Jarl Ahlbeck, a lecturer of environmental technology and a chemical engineer at the University of Finland who has authored 200 scientific publications, is also skeptical of manmade climate doom. Ahlbeck wrote in 2008:

> Contrary to common belief, there has been no or little global warming since 1995, and this is shown by two completely independent data sets. But so far, real measurements give no ground for concern about catastrophic future warming.

This is kind of interesting because what he is saying—and this is a guy who started out with the United Nations in the beginning, with the IPCC—is that right now we are actually in a cooling period. I think no one debates that now. We have had the most severe weather, and I will have another talk I will try to get in next week about what is happening around the country right now. It isn't global warming, it is global cooling. People forget God is still up there and we go through these cycles. I can remember the middle 1970s when they were saying there is another ice age coming and we are all going to die. Those same people—and there was an article in Time magazine at that time—are the ones now saying we are going to die, but it is for a different reason, it is global warming.

Lifelong liberal Democrat Dr. Martin Hertzberg, a retired Navy meteorologist with a Ph.D. in physical chemistry, also declared his dissent of warming fears in 2008. He said:

> As a scientist and life-long liberal Democrat, I find the constant regurgitation of the anecdotal, fear mongering claptrap about human-caused global warming to be a disservice to science.

Finally, CNN—not a bastion of conservatism—had yet another of its meteorologists dissent from warming fears. Meteorologist Chad Myers, a meteorologist for 22 years, certified by the American Meteorological Society, spoke out against anthropogenic climate claims on CNN in December.

> You know, to think that we could affect weather all that much is pretty arrogant. Mother Nature is so big, the world is so big, the oceans are so big—I think we are going to die from the lack of fresh water or we are going to die from some type of ocean acidification before we die from global warming, for sure.

Myers joins fellow CNN meteorologist—by the way, CNN has been very biased all this time. I think we know that, as has the Weather Channel, because there is a lot of money in perpetuating this myth. Myers was joined by his fellow CNN meteorologist, Rob Marciano, who compared Gore's film to fiction in 2007, and CNN anchor Lou Dobbs just said of a global warming fear promotion on January 5 of this year, ''It's almost a religion without any question.''

Recently, I released a new report on climate scientists which documents many of the studies ignored by the mainstream media.

Here it is right here. This is one that is actually too large to put into the CONGRESSIONAL RECORD. In here, in the report, are 650 scientists who have challenged manmade global warming

claims made by the United Nations Intergovernmental Panel on Climate Change. We talked about that. I have been detailing these science issues for a number of years.

In a July 28, 2003, floor speech in this Chamber I said: The issue of global warming ''is far from settled, and indeed is seriously disputed.'' The science continues to evolve.

I explained that ''anyone who pays even cursory attention to the issue understands that scientists vigorously disagree over whether human activities are responsible for global warming, or whether those activities will precipitate natural disasters.''

I noted—and this is what I said in 2003:

> Not only is there a debate, but (at least in certain corridors) the debate is shifting away from those who subscribe to global warming alarmism.

That was in 2005. After that speech, I led the charge against the McCain-Lieberman global warming cap-and-trade bill—that would be in 2003, then again in 2005—both times easily defeating the bills. At the time it was a lonely battle. Only a few people came down to help me on the floor. I remember so well in 2005 when I was alone down here on the floor of the Senate for 5 consecutive days that we had it on the floor, about 10 hours a day. Very few people came down and were willing to join me on the Senate floor.

That has changed. If you fastforward from 2005 to 2008, we had the Warner-Lieberman bill on the floor. At that time I had over 25 Senators come down and join me. You are seeing people who no longer fear the money generated by the moveon.orgs, the Hollywood elitists, those individuals who have millions of dollars to put into campaigns, to throw into the system. We are getting a lot of encouragement. Things have changed. In fact, at the end of the bill that we had that is referred to sometimes as either the Lieberman-Warner bill or the Boxer climate tax bill, they are only able to get about 37 people from their own party, from this side of the aisle over here, who would support it. That is a major change from the past.

After this election that number has only gone up from 37 to 39. You are not getting close to the 60 votes necessary to try to inflict this economic damage on the United States.

The Republicans were prepared to debate the bill—this is the Warner-Lieberman bill—and were ready to offer amendments, but the Democrats didn't want to debate, much less vote, on our amendments that were aimed at protecting American families and workers from the devastating economic impacts of the bill. When faced with the inconvenient truth of the bill's impact on skyrocketing gas prices, it was Democratic Senators who wanted to see the bill die a quick death.

By the way, we had a list of some 10 Democratic Senators who, in a very responsible way, said we will go ahead and vote on some of these amendments, but when it comes to final passage, we are not going to vote on it.

After the bill failed, the Wall Street Journal aptly noted that environmentalists are stunned that their global warming agenda is in collapse. The paper added:

> The green groups now look as politically intimidating as the skinny kid on the beach who has sand kicked in his face.

The paper quoted a political analyst who noted that ''this issue is starting to feel like the Hillary health care plan again.''

Despite the claims that we must act now to prevent climate crisis, the climate tax bill would not have resulted in any action whatsoever. The bill, often touted as an insurance policy against global warming, would instead have been all economic pain and no climate gain. This is because without a global treaty, the binding commitments by both the developing and developed countries is not going to work.

Let's say we believed that manmade, anthropogenic gases were the major cause of climate change and the debate was over if we do something just unilaterally in the United States of America. All that would do is cause a flight of our manufacturing jobs overseas to countries such as India and China and Mexico—places where they do not have any kind of a restriction on the greenhouse gases. So it would have a net increase, if we were to pass one of these. Yet we are the ones who would be saddled with a $300 billion-a-year tax bill.

Americans are suspicious of the need for solutions to global warming. The Gallup Poll released on Earth Day 2008 revealed the American public's concern about manmade global warming has remained unchanged since 1989. According to Gallup, and this is a quote from the report, they said:

> Despite the enormous attention paid to global warming over the past several years, the average American is in some ways no more worried about it than they were in years past.

In other words, after all the money, all the hype, all the biased media over the past few years, people have not moved in that direction. They know better. They know when they have been duped.

What perhaps is the most striking is that, aside from the economics of global warming solutions, the science has continued to move in the direction I predicted in 2003. In 2007 I released a Senate minority report detailing over 400 scientists disputing manmade global warming claims. In the inconvenient real world climate study, developments are refuting global warming fears. That was 2007, just a year ago.

In 2008, in the tail end of 2008, for the benefit of public dissemination we have updated our report, and the so-called consensus on global warming is even more in dispute. That is the report I have right here. Over 650 dissenting scientists from around the globe challenge manmade global warming claims made by the United Nations Intergovernmental Panel on Climate Change and by former Vice President Al Gore. Our new 233-page U.S. Senate minority report features the skeptical voices of over 650 prominent international scientists, including many current and former U.N. IPCC scientists who have now turned against the U.N. IPCC.

This updated report includes an additional 250—and growing, I might add; it has grown since then—scientists and climate researchers since the initial release in December of 2007. The over 650 dissenting scientists are more than 12 times the number of the U.N. scientists—only 52 of them—who authored the media-hyped IPCC 2007 Summary for Policymakers.

This is very significant. I know it is kind of heavy lifting to understand this, but the U.N. IPCC, that started this whole thing, they have this analysis that is made and updated, but you never get the full report by any of the scientists. It is merely the summary for policymakers. That is us. That is for the politicians out there. So they only have 52 scientists who signed this report. We are talking about 650 scientists versus 52.

The chorus of skeptical scientific voices grew louder in 2008 as a steady stream of peer-reviewed studies, analyses, real-world data, and inconvenient developments challenged the U.N.'s and former Vice President Al Gore's claims that the ''science is settled,'' and there is a ''consensus.'' Despite what is now being portrayed in the media on a range of issues, 2008 proved to be devastating for the promoters of manmade climate fears.

In addition, the following developments further secured 2008 as the year the ''consensus collapsed.'' Russian scientists ''rejected the very idea that carbon dioxide may be responsible for global warming.

Frankly, they laugh. I have had meetings with them. They laugh at it. In Milan, when they had one of the big United Nations meetings where they tried to coerce countries into supporting this, the Russians at that time were in a position, since they have these vast areas that are totally undeveloped—I remember flying across Siberia a few years ago. I am a pilot and flew an airplane across the world, and I remember flying across Siberia and looking down and seeing time zone after time zone where you don't see any people, nothing but natural resources. Yet all of those would go in the formula, so they would be great big recipients if they are able to get some kind of international treaty.

In addition to that, the American Physical Society editor conceded that ''a considerable presence'' of scientific skeptics exists. An international team of scientists countered the U.N. IPCC, declaring, ''Nature, not human activity, rules the climate.''

India issued a report challenging global warming fears. A team of international scientists demanded the U.N.

IPCC ''be called to account and cease its deceptive practices,'' and a canvass of more than 51,000 Canadian scientists revealed that 68 percent disagree that global warming science is ''settled.''

We are not talking about politicians, people, Senators like me and others in this room. We are talking about real scientists who are out there. We are talking about 68 percent of the scientists in Canada now have come to recognize this. That was not true 5 years ago. Most were on the other side of this issue, but they have now looked at it and realize they have been duped. This new report is the latest evidence of the growing groundswell of scientific opposition challenging significant aspects of the claims of the United Nations IPCC and Al Gore. Scientific meetings are now being dominated by a growing number of skeptical scientists. The prestigious International Geological Congress, dubbed the geologist's equivalent of the Olympic Games, and held in very high esteem, was held in Norway in August 2008, just a few months ago, and prominently featured the voices of scientists skeptical of manmade global warming fears. The conference was reportedly overwhelmed with skeptical scientists, with ''two-thirds of the presenters and question-askers who were hostile to, even dismissive of, the United Nations IPCC.''

Even the mainstream media in 2008 began to take notice of the expanding number of scientists serving as ''consensus busters.'' A November 25, 2008, article in Politico—everyone in Washington reads that—noted that a ''growing accumulation'' of science is challenging warming fears, and added that the ''science behind global warming may still be too shaky to warrant cap-and-trade legislation.'' Canada's National Post noted on October 20, 2008, that ''the number of climate change skeptics is growing rapidly.'' New York Times environmental reporter Andrew Revkin noted on March 6, 2008, ''As we all know, climate science is not a numbers game (there are heaps of signed statements by folks with advanced degrees on all sides of this issue).'' I agree with him, and it's a shame that we have had to resort to a numbers game. It should be focused on objective, transparent and peer reviewed science, and debate should not be quarantined. In 2007, Washington Post staff writer Juliet Eilperin conceded the obvious, writing that climate skeptics ''appear to be expanding rather than shrinking.''

Skeptical scientists are gaining recognition despite what many say is a bias against them in parts of the scientific community and are facing significant funding disadvantages. Dr. William M. Briggs, a climate statistician who serves on the American Meteorological Society's Probability and Statistics Committee, explained that his colleagues described ''absolute horror stories of what happened to them when they tried getting papers published that explored non-'consensus' views.'' In a March 4, 2008, report Briggs described the behavior as ''really outrageous and unethical . . . on the parts of some editors. I was shocked.''

Again, this is not me saying this; there are scientists. Here are some of the highlights of my 2008 Senate minority report featuring over 650 international scientists dissenting from man-made climate claims.

Incidentally, this report I have—it was my intention to make this report of these 650 scientists a part of the RECORD. However, very wisely this body has said we do not want the expense. Something like this would be so overwhelming that some Senators who are conservatives would rather not do it. The report is here. It is a matter of public record. You can get a lot of this on my Web site, ewo.senate.com.

Nobel Prize Winner for Physics, Ivar Giaever, stated:

I am a skeptic . . . Global warming has become a new religion.

Atmospheric Scientist Dr. Joanne Simpson, the first woman in the world to receive a Ph.D. in meteorology, and formerly of NASA, who has authored more than 190 studies and has been called ''among the most preeminent scientists of the last 100 years,'' stated:

Since I am no longer affiliated with any organization nor receiving any funding, I can speak quite frankly. . . . As a scientist I remain skeptical . . . The main basis of the claim that man's release of greenhouse gases is the cause of the warming is based almost entirely upon climate models.

We all know the frailty of models concerning the air-surface system.

Here, no one can argue with Dr. Simpson.

The United Nations IPCC Japanese scientist Dr. Kiminori Itoh, an award-winning Ph.D. environmental physical chemist, stated—this is from all over the world now, this is in Japan.

Warming fears are the worst scientific scandal in the history. . . .When people come to know what the truth is, they will feel deceived by science and scientists.

Indian geologist Dr. Arun Ahluwalia of Punjab University, and a board member of the U.N.-supported International Year of the Planet, stated:

The IPCC has actually become a closed circuit; it does not listen to others. It does not have open minds. I am really amazed that the Nobel Peace Price has been given on scientifically incorrect conclusions by people who are not geologists.

Solar physicist Dr. Pal Brekke, senior advisor to the Norwegian Space Center in Oslo, has published more than 40 peer-reviewed scientific articles on the Sun and solar interaction with the Earth. Brekke stated:

Anyone who claims that the debate is over and the conclusions are firm has a fundamentally unscientific approach to one of the most momentous issues of our time.

These are all top scientists. No one can discredit these people. You might wonder, why is it that so many people want us to believe that maybe bad old man is responsible for those horrible things that are going to happen, that are not going to happen? There are a lot of reasons for that. A lot of money behind this comes from organizations such as those we find in some of the Hollywood groups, moveon.org, George Soros, and different foundations such as the Hines Foundation that do want to stop the progress in this country.

But, anyway, back to some of these scientists. Victor Manuel Velasco Herrera, a researcher at the Institute of Geophysics of the National Autonomous University of Mexico—I am covering all of these countries now. These are the top scientists in these countries—states:

Models and forecasts of the UN IPCC are incorrect because they only are based on mathematical models and presented results and scenarios that do not include, for example, solar activity.

Surprise, surprise. The Sun warms things.

U.S. Government atmospheric scientist Stanley Goldenberg of the Hurricane Research Division of NOAA stated:

It is a blatant lie put forth in the media that makes it seem that there is only a fringe of scientists who do not buy into anthropogenic global warming.

Geoffrey G. Duffy, a professor in the Department of Chemical and Materials Engineering of the University of Auckland in New Zealand, stated:

Even doubling or tripling the amount of carbon dioxide will virtually have little impact, as water vapor and water condensed on particles as clouds dominate the worldwide scene and always will.

This has always happened. We have gone through these stages. I do not want to make this part without documentation, but when we went through one of the other warming periods in this country, it was back before they had the combustion engine, back before CO_2 was even around yet. Here we are today with all of these people, the names are the top scientists in the world who are making these statements. A lot of them used to be on the other side of this issue. That was back when they were being threatened with withdrawal of various funding for the projects they had, and now they are back on the other side.

Andrei Kapitsa, a Russian geographer and Antarctic ice core researcher, stated:

The Kyoto theorists have put the cart before the horse. It is global warming that triggers higher levels of carbon dioxide in the atmosphere, not the other way around . . . A large number of critical documents submitted at the 1995 United Nations conference in Madrid vanished without a trace. As a result, the discussion was one-sided and heavily biased, and the U.N. declared global warming to be a scientific fact.

Prominent Hungarian physicist and environmental researcher Dr. Miklos Zagoni reversed his view. He was on the other side of this issue, on man-made warming. He is now a skeptic. Zagoni, once Hungary's most outspoken supporter of the Kyoto Protocol, stated that:

Nature's regulatory instrument is water vapor: more carbon dioxide leads to less

moisture in the air, keeping the overall greenhouse gases content in accord with the necessary balance conditions.

Again, that is a very prominent scientist, perhaps considered the most prominent scientist in Hungary.

Geologist Dr. David Gee, the chairman of the science committee of the 2008 International Geological Congress, who has authored 130-plus peer-reviewed papers, who is currently at Uppsala University in Sweden, stated:

For how many years must the planet cool before we begin to understand that the planet is not warming? For how many years must cooling go on?

Meteorologist Hajo Smit of Holland, who reversed his belief—he was another one on the other side of this issue, another one of the many scientists who reversed his belief on manmade warming to become a skeptic—is a former member of the Dutch U.N. IPCC committee. He stated:

Gore prompted me to start delving into the science again and I quickly found myself solidly in the skeptic camp . . . Climate models can at best be useful for explaining climate changes after the fact.

South African nuclear physicist and chemical engineer Dr. Philip Lloyd was also one of them who was very prominent in the United Nations IPCC in years past. He was the co-coordinating lead author who has authored over 150 refereed publications, and he stated:

The quality of CO_2 we produce is insignificant in terms of natural circulation between air, water and soil . . . I am doing a detailed assessment of the U.N. IPCC reports and the Summaries for Policymakers, identifying the way in which the Summaries have distorted the science.

I am actually getting that report. As we have said, we have been looking at these reports for policymakers for a long time. And those people on the other side would have you believe that is the National Academy of Sciences, that is the United Nations. It is not scientists. This is a summary for policymakers. These are politicians who have an agenda.

Atmospheric physicist James A. Peden, formerly of the Space Research and Coordination Center in Pittsburgh, stated:

Many scientists are now searching for a way to back out quietly (from promoting warming fears), without having their professional careers ruined.

This is the intimidation I was talking about.

Geophysicist Dr. Phil Chapman, an astronautical engineer and former NASA astronaut, who served as staff physicist at MIT, stated:

All those urging action to curb global warming need to take off the blinkers and give some thought to what we should do if we are facing global cooling instead.

Which, incidentally, happens to be going on right now. Environmental scientist Professor Delgado Domingos of Portugal, the founder of the Numerical Weather Forecast Group, who has more than 150 published articles—these guys are smart guys. This is not politicians talking, these are the incontrovertible scientists who cannot be challenged—stated:

Creating an ideology pegged to carbon dioxide is dangerous nonsense . . . The present alarm on climate change is an instrument of social control, a pretext for major business and political battle. It became an ideology, which is concerning.

Dr. Takeda Kunihiko, vice chancellor of the Institute of Science and Technology Research at Chubu University in Japan, stated:

CO_2 emissions make absolutely no difference one way or another . . . Every scientist knows this, but it doesn't pay to say so . . . Global warming, as a political vehicle, keeps Europeans in the driver's seat and developing nations walking barefoot.

Award-winning paleontologist Dr. Eduardo Tonni of the Committee for Scientific Research in Buenos Aires and the head of the Paleontology Department at the University of La Plata said:

The global warming scaremongering has its justifications in the fact that it is something that generates funds.

There we go again. All of these different groups and these foundations who will fund people who will agree to support their political positions.

Atmospheric scientist Dr. Art Douglas, former chair of the Atmospheric Sciences Department at Creighton University in Omaha, NE, and author of numerous peer-reviewed publications, stated:

Whatever the weather, it's not being caused by global warming. If anything, the climate may be starting into a cooling period.

And this is, by the way, something that nobody questions now; we are going well into a cooling period.

Chemist Dr. Patrick Frank, who has authored more than 50 peer-reviewed articles, stated:

But there is no falsifiable scientific basis whatever to assert this warming is caused by human-produced greenhouse gasses, because current physical theory is too grossly inadequate to establish any cause at all.

Award-winning NASA astronaut and moonwalker Jack Schmitt, who flew on the Apollo 17 mission and formerly of the Norwegian Geological Survey, and for the U.S. Geological Survey, stated:

The global warming scare is being used as a political tool to increase government control over American lives, incomes and decisionmaking. It has no place in the Society's activities.

By the way, I would have to add to that, another one of the motivations in the United Nations is they are always critical of us when we threaten to withhold some of the funding, when they are advocating policies that are contrary to our policies in the United States. They would love nothing more than to have some type of a funding mechanism where they did not have to be accountable to the United States or any other nation.

Climatologist Dr. Richard Keen, of the Department of Atmospheric and Oceanic Sciences at the University of Colorado, stated:

Earth has cooled since 1998 in defiance of the predictions by the U.N. IPCC . . . The global temperature for 2007 was the coldest in a decade and the coldest of the millennium . . . which is why global warming is now called climate change.

This is kind of interesting. Next week I am going to put together what has been happening recently in this cooling period, the fact that we have had records that are set all around the United States and all around the world, and that is exactly what Dr. Richard Keen is talking about now. We are in a cooling period. It has to drive these global warming people nuts to have to recognize that.

Dr. G. LeBlanc Smith, a retired principal research scientist with Australia's CSIRO, stated:

I have yet to see credible proof of carbon dioxide driving climate change, let alone manmade CO_2 driving it. The atmosphere hot-spot is missing and the ice core data refute this. When will we collectively awake from this deceptive delusion?

That is G. LeBlanc Smith of Australia, one of the top scientists in Australia.

The distinguished scientists featured in this new report are experts in diverse fields, including climatology, geology, biology, glaciology, biogeography, meteorology, oceanography, economics, chemistry, mathematics, environmental sciences, astrophysics, engineering physics, and paleoclimatology.

Some of those profiled have won Nobel Prizes for their outstanding contribution to their field of expertise and many shared a portion of the U.N. IPCC Nobel Peace Price with Al Gore.

The notion of hundreds or thousands of U.N. scientists agreeing to a scientific statement does not hold up to scrutiny—just not true.

Recent research by Australian climate data analyst John McLean revealed that the IPCC's peer-review process for the Summary for Policymakers leaves much to be desired. The 52 scientists who participated in the 2007 IPCC Summary for Policymakers had to adhere to the wishes of the United Nations political leaders and delegates in a process described as more closely resembling a political party's convention platform battle, not a scientific process.

Only 52 scientists wrote the media-hyped U.N. summary for policymakers, and it was actually published by the politicians and not the scientists. One former U.N. IPCC scientist bluntly told EPW, our committee, how the United Nations' IPCC summary for policymakers distorted the scientists' work. He said:

I have found examples of a Summary saying precisely the opposite of what the scientists said.

This was from South African nuclear physicist and chemical engineer Dr. Philip Lloyd, a U.N. IPCC co-coordinating lead author who has authored over 150 referred publications. A 2008 international report of the U.N. found

its climate agency ''rife with bad practices.'' Others like to note that the National Academy of Sciences and the American Meteorological Society have issued statements endorsing the so-called consensus view that man is driving global warming. But both the NAS and the AMS never allowed member scientists to directly vote on these climate statements. Essentially only two dozen or so members of the governing bodies of these institutions produced a consensus statement. This report gives a voice to the rank-and-file scientists who were shut out of the process. So they are very thankful.

Many of these scientists are glad that we have this report so that they now have access to the truth and they can come out from hiding.

The more than 650 scientists expressing skepticism comes after the U.N. IPCC Chairman Pachauri implied that there were only about a dozen skeptical scientists left in the world. Former Vice President Gore has claimed that scientists skeptical of climate change are akin to flat Earth society members and similar in number to those who believe that the moon landing was actually staged in a movie lot in Arizona. It is a shame that proponents have now been reduced to name calling. That is what we are getting now, name calling and insults. When you lose your logic, this is what happens. They start the name calling and insults because they don't have logic.

Examples of consensus claims made by promoters of manmade climate fears: The U.N. special climate envoy Dr. Gro Harmel Brundtland, on May 10, 2007, declared that the debate is over and added that ''it's completely immoral, even, to question the U.N.'s scientific consensus.''

The U.N. Framework Convention on Climate Change Executive Secretary said it was criminally irresponsible to ignore the urgency of global warming. This was on November 12, 2007.

ABC News global warming reporter Bill Blakemore reported on August 30, 2006:

> After extensive searches, ABC News has found no such [scientific] debate on global warming.

While the dissenting scientists contained in the report hold a diverse range of views, they generally rally around four key points. No. 1, the Earth is currently well within national climate variability. We are talking about 650 of the top scientists in the world. No. 2, almost all climate fear is generated by unproven computer model predictions. No. 3, an abundance of peer-reviewed studies continues to debunk rising CO_2 fears. No. 4, consensus has been manufactured for political and not scientific purposes. Those four things, all of these 650 top scientists in the world agree to.

Since I released the report on December 11, other scientists have contacted us to be included.

On December 22, 11 more scientists were added, including meteorologists from Germany, the Netherlands, and CNN. Even CNN, very much on the other side of this issue, two more of their meteorologists have come over and become skeptics, as well as professors from MIT, the University of Arizona, and other institutions. One prominent scientist added was award-winning Princeton University physicist Will Happer, who was reportedly fired by former Vice President Al Gore in 1993 for failing to adhere to Gore's scientific views. Happer has now declared manmade global warming fears as mistaken. Happer is a professor in the Department of Physics at Princeton University and former director of energy research at the Department of Energy who has published over 200 scientific papers and is a fellow of the American Physical Society, the American Association for the Advancement of Scientists, and the National Academy of Sciences. Happer does not mince words when it comes to warming fears. He said:

> I am convinced that the current alarm over carbon dioxide is mistaken . . . Fears about man-made global warming are unwarranted and are not based on good science.

As we face a new administration and a U.N. eager to draw the U.S. into its climate policy, let's not forget that this aspect of the debate is still alive and well and only growing. We should not become weary of calling into question policy choices when they are driven by still evolving scientific assessment, especially when the stakes are so high and the costs are so extraordinary. Let us hope this administration and our news media recognize this new reality as we move forward into this new Congress.

On a personal note, it has been a lonely fight. For the last 6 years I have been talking about the Hollywood and media-driven fear that tries to convince us that those who are fueling this machine called America are somehow evil and fully responsible for global warming. This is absurd. We all know better. It does take power to run this machine we call America. In the past, the only argument that defeated all the cap-and-trade schemes was the economic argument. I think you can argue each one differently, saying no, this wouldn't cost the same as adhering to emissions required by Kyoto back in the Kyoto treaty days. But any time you get into a cap and trade of CO_2, it is going to cost about $300 billion annually in taxes. I was critical of my colleagues, the 75 Senators who voted to give an unelected bureaucrat, Secretary Paulson, $700 billion to do with as he wished with no oversight. I was critical of that. Of course, that is a one-shot deal. This was every year, a $300 billion annual tax increase. It was too much, even if the science was fully settled.

Now the science is shifting dramatically to the other side. So I believe we need to be looking, even if we use their own figures of $6.7 trillion as the cost of the life of a similar bill to the Lieberman-Warner bill.

I conclude by repeating something I have said many times: Even if you believe this, if you believe that manmade gas is a major cause of climate change, what good would it do for us unilaterally in the United States to impose a financial hardship, $300 billion a year, on people in the United States, when all that would do logically is cause our manufacturing base to further erode and to go to countries such as China and India and Mexico, other countries that have no emission restrictions at all. It would be a $300 billion tax on us every year, and it would have the effect of increasing the net amount of emissions worldwide.

Last year I didn't say very much about the science. In fact, when we had the Lieberman-Warner bill up, I made the statement: Let's assume, for debate of this bill, that the science is all there and that it is settled. Then I pursued the economic argument. The other side didn't like it because they wanted to debate the science. I said: Let's assume you are right. You are not, but let's assume you are. This is something that we could not afford, the cost. Sometimes we throw around big figures. I often have said about the $700 billion bailout that I opposed and that 75 Senators voted for, if you stopped and realized the number of taxpayers or families who file a tax return and do the math, this comes to $5,000 a family. If you look at this, this would be over $2,000 a family every year. We want to be sure we are right if we do something. Let's go forward. Let's look at it, but let's pay attention more than anything else at this time not just to the economics but the fact that without doubt, the science is shifting. This report, 650 of the top scientists and growing every day, is conclusive in my mind that many of those individuals who were on the other side of this issue are now standing up to the intimidation and have become skeptics.

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

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

The legislative clerk proceeded to call the roll.

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

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

ECONOMIC CHALLENGES

Mrs. SHAHEEN. Mr. President, I rise to discuss the urgent need to address our Nation's economic challenges and to suggest that a major part of our approach should be to invest in clean alternative energy and energy efficiency.

Before I get into my remarks, it has been a very exciting few days for me. Since being sworn in as the junior Senator from New Hampshire, and as this is my first speech on the Senate floor, I want to begin by thanking Majority Leader REID, Minority Leader MCCONNELL, our senior Senator from New

Hampshire JUDD GREGG, and the entire Senate leadership for their warm welcome and support.

On November 4, voters in my State of New Hampshire went to the polls and demanded a new direction, just as voters did across the country. I am eager to work with my fellow Senators and with our next President, Barack Obama, to fulfill that promise of change. The challenges before us are great. For 11 months in a row, the number of jobs in our Nation has declined. More and more families across the country are losing their homes to foreclosure, and too many Americans watched their retirement savings evaporate last year.

It is no exaggeration to say that this 111th Congress and President-elect Obama will face some of the most difficult challenges in our country's history. These problems were created over many years, and they will not be solved quickly. But Americans have always united to meet great challenges, and I have no doubt that we will do so once more.

Our first task is to get our economy back on track by putting middle-class families first again and creating good jobs. As the recession continues, it has become clear that a bold economic recovery package is necessary. This package must focus investment in areas of the economy that will provide the recovery we need and lay the foundation for long-term economic growth.

Investing in our Nation's infrastructure will both create needed jobs in the short term and foster economic development in the long term. There are critical capital projects throughout the State of New Hampshire and the country—projects such as repairing and upgrading our roads and bridges, modernizing our public schools and higher education facilities, and replacing outdated water treatment plants, and other municipal projects. These investments will create jobs and lay the groundwork for sustained economic growth.

We also need a bold investment in energy efficiency and clean alternative energy. These investments in new energy will create millions of 21st century green-collar jobs, begin to reverse global warming, and start on the path to energy independence.

New Hampshire small businesses already are leaders in the new energy economy, making everything from wood pellets to ethanol, from forest byproducts to solar panels and biofuels. We have seen firsthand how investment in clean energy creates good jobs up and down the economic ladder—advanced manufacturing jobs, highly skilled construction jobs, jobs installing solar panels and energy-efficiency systems, jobs selling and delivering new fuels. These are good jobs. They are jobs that cannot be outsourced overseas. I am honored I will be joining the Senate Committee on Energy and Natural Resources to work on these very issues as we develop a real energy policy for the future of this country.

These investments are necessary to get our economy moving again. But as we must invest, we also must develop a comprehensive plan to address the Nation's ballooning budget deficit and the enormous national debt we have inherited. Our Nation's financial strength tomorrow depends on our careful planning and prudent investments today.

In November, Americans cried out for a new way of doing business in Washington. I applaud President-elect Obama for leading the way with the most open and transparent transition process in our Nation's history and believe we must continue that transparency. We must recommit to accountability and oversight, and we must end the partisan gridlock that has stymied progress for too long. I am committed to working across the aisle to make Washington work again for middle-class American families.

Tuesday, when I took the oath of office as a Senator, I made a commitment to embrace the opportunities that lie ahead and to help lead our Nation in a new direction. I am eager to begin.

Thank you, Mr. President.

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

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, could I ask my friend from New Hampshire to withhold her request?

Mrs. SHAHEEN. I say yes to the majority leader. I did not see the majority leader on the floor. I apologize for that. I withdraw my request.

The PRESIDING OFFICER. The request is withdrawn.

The majority leader is recognized.

CONGRATULATING SENATOR SHAHEEN

Mr. REID. Mr. President, I wanted to be here to listen to JEANNE SHAHEEN give her maiden speech. Of course, it brings back a flood of memories of my maiden speech. I was so fortunate, I tell everyone, on that initial speech. I had served a couple terms in the House, and I had been trying to get something called the Taxpayers' Bill of Rights passed. The subcommittee chair in the House made fun of my legislation. I did not get anywhere with that. But I believed in it, so I marched over here—and I had the last seat way back in the corner over there—and I gave my first speech, and it was on the Taxpayers' Bill of Rights.

Fortunately, I say to the Presiding Officer, David Pryor—MARK PRYOR's father—was presiding. He was a member of the Finance Committee and the chairman of the subcommittee that had jurisdiction over the IRS. CHARLES GRASSLEY was listening to my speech. There were not many more people than there are right now on the floor. But David Pryor sent me a note saying: I like this. Let me help you. And CHUCK GRASSLEY communicated with me saying he would help.

That was a fortunate day in my life because even though I took credit for the Taxpayers' Bill of Rights passing, it would never have happened if not for David Pryor. He worked the last night of this session—I was in Nevada—he was on that Finance Committee, and they were trying to complete the conference. Anyway, he got it done.

These maiden speeches are meaningful because you will never forget the speech you have given.

Now, for JEANNE SHAHEEN, I have had such admiration for her for such a long time. We all watched as she presided over the State of New Hampshire as Governor. She did a remarkably good job. When I learned she wanted to run for the Senate, I was excited because this great statesperson, with this engaging smile and her ability to work hard, which everyone knows about, is going to leave her in good standing here in the Senate.

I say to my friend from New Hampshire, the junior Senator from New Hampshire, I appreciate the Senator running for the Senate. The people of the State of New Hampshire are going to reap benefits from that decision for many years to come.

TRIBUTE TO SENATOR ROBERT BYRD

Mr. KENNEDY. Mr. President, I join Senators on both sides of the aisle in paying tribute to our dear colleague and dear friend from West Virginia on this historic occasion of his 50th anniversary in the Senate. On January 7, 1959, ROBERT C. BYRD was sworn in as a Senator for the people of his beloved West Virginia, and in the years since then, he is become truly one of the greatest Senators ever to serve in this Chamber.

I have served with BOB for 46 of those years. I have immense respect for him, and I am proud to say that we have become close friends. I love ROBERT C. BYRD.

It wasn't always this way. There was a time that Senator BYRD and I were rivals, each with eyes on the position of majority whip. I was elected to that position after the 1968 election, but as I have often said, BOB taught me how to count votes in 1970 when he defeated me for reelection. It turned out to be a blessing for both of us.

BOB would go on to become one of the finest majority leaders in the history of the Senate, and the defeat freed me to concentrate on my legislative passions of health care, education, labor, and civil rights. In a very real sense BOB liberated me, and as our leader in many of those years he was especially helpful in accomplishing my goals.

The BOB BYRD I have come to know is a patriot, a passionate defender of the Constitution and the special role of the Senate, and an eloquent historian of the Senate, who has brilliantly served the people of his State.

I have so many wonderful memories of our relationship, but there are two recent ones I want to mention here.

The first has to do with the Iraq war. When President Bush set us on this course, few had the courage and strength to question, let alone oppose, this rush to war, but BOB BYRD stood strong against it. Facing enormous pressure, he led the opposition. He was in the minority—a lonely minority—but he was unbowed. He was right, and I am sure that history will judge his courageous leadership well.

The second memory is of a campaign trip I took to West Virginia in the fall of 2004 to support our candidate JOHN KERRY. We crisscrossed the State from Charleston to Mingo County, and what I saw everywhere was the extraordinary love and affection the people of West Virginia have for BOB and that he has for them. It was an amazing and touching thing to sense the deep bond between this great man and the people he has so ably represented in Washington for so long. It is an experience I will never forget.

Now, as we reflect on his unparalleled career in the Senate on this special 50th anniversary, I congratulate our friend. I thank him for all he has done so well for so many for so long. On this golden anniversary of his arrival in the Senate, I think of the famous lines of A. E. Housman about the ''golden friends'' the poet had. BOB BYRD is our golden friend, and we are all deeply honored to have the privilege of serving with him.

Mr. DORGAN. Mr. President, I would like to add my congratulations to Senator ROBERT C. BYRD for his historic achievement today. Senator BYRD arrived in the Senate 50 years ago. For decades, he has defended the Constitution and the principles upon which it stands. Senator BYRD is truly a statesman, a patriot, a proud son of West Virginia, and an important voice in the history of this country.

The people of West Virginia definitely know that they have a champion who will stand up for them. Senator BYRD has never forgotten the hard life that he had as a boy growing up in poverty in the southern West Virginia coalfields. He has always remained true to his faith and his family and has worked to build a better future for West Virginia and the Nation.

In the history of our great Nation, Senator BYRD has served longer than all but one Member of Congress and has been a committed public servant. Senator BYRD first came to Washington in 1953 as a Congressman and served three terms in the House before being elected to the Senate. Senator BYRD quickly learned the rules and procedures that make the Senate run. He used these to his advantage while serving as the Senate majority leader and in other key leadership positions. On June 11, 2006, Senator BYRD became the longest serving U.S. Senator in history, and in November 2006, he was elected to an unprecedented ninth full term.

During his tenure, his colleagues have elected him to more leadership positions than any other Senator in history. This includes Senate majority whip, chairman of the Democratic Conference, Senate minority leader, and Senate majority leader. Currently, BYRD is the President pro tempore. Throughout his career, Senator BYRD has cast more than 18,100 roll call votes in five decades of service in the Senate.

Senator BYRD is also the longest serving member of the esteemed Appropriations Committee. He has served as its chairman or ranking member since 1989. After many distinguished years of service, he has stepped down from his leadership position but will remain an important voice on this committee. I have enjoyed serving with him on the Appropriations Committee and have learned a tremendous amount under his leadership.

There are other sides to Senator BYRD that have contributed to his life's accomplishments, his achievements as a musician and author. Senator BYRD learned to play the fiddle at a young age and carried it with him everywhere he went. His skill with the instrument led to performances at the Kennedy Center and on a national television appearance on ''Hee Haw.'' He even recorded his own album, ''Mountain Fiddler.'' He is also the author of a magisterial four volume set about this body entitled ''The Senate, 1789–1989'' and other works.

No tribute to Senator BYRD would be complete without mentioning his life's love, Erma Ora James. For nearly 69 years, the Byrds were inseparable, traveling throughout their native West Virginia and crossing the globe together. Sadly, Mrs. Byrd passed away on March 25, 2006, but Senator BYRD speaks lovingly of her and their life together each day.

The times have changed considerably since Senator BYRD was first elected to the West Virginia House of Delegates and eventually the U.S. Senate. We have seen a man walk on the Moon. We have mapped the human genome, and we have seen unbelievable technological advances that have changed the way we live, work and communicate. But through it all, the one constant is Senator BYRD's steadfast championing of our Constitution and the people of West Virginia. I join my colleagues in offering my hardy congratulations to him on this important day.

Mr. INOUYE. Mr. President, today marks the 50th anniversary of Senator ROBERT BYRD's service to this most American of institutions: the United States Senate.

''Service to the Senate''—I have chosen these words intentionally, and with care. To serve in this hallowed chamber is to meld service to home and community with service to the Nation as a whole. It is a distinction that we are all privileged to share.

But through his five decades in this Chamber, ROBERT BYRD's service has transcended the ordinary to rise to the absolute allegiance our country has only rarely received over her long history.

Senator BYRD was born and raised in humble circumstances. The loss of his mother at the age of 1 left him a virtual orphan, and he grew up in West Virginia's coal country. The Great Depression postponed the young ROBERT BYRD's education, but it did nothing to hold back his lively and agile mind or his passion to seize on America's promise of equal opportunity. In 1946, he entered West Virginia's House of Delegates, and sought progressively higher offices. Finally, in 1958, he arrived in the Senate and found his ''home.''

It is said that education opens doors, but in Senator BYRD's case, we learn that the doors it opens may not be the ones that we expect. For him, he was already a Member of the House of Representatives when he began work to earn his J.D. Ten years of night school finally earned him the degree as a sitting Senator.

So what doors did his studies open? After all, he was already one of the Nation's highest officials.

Education, a love of history, the discipline of rigorous study, the independence of thought. If you think about it, these are the very qualities that our American democracy most depends on. And by cultivating them, Senator BYRD grew in his capacity to serve his home, serve his Nation, and to serve the Senate.

Mr. BYRD served as the Senate majority leader from 1977 to 1981, and many believe it is in recognition of that time that I continue to call him ''Mr. Leader.'' But I would like to take this opportunity to set the record straight.

Mr. Leader. My dear friend. Protocol dictates that anyone who served as majority leader should retain the title for life. Even in the absence of protocol, however, my heart would demand that I rise and salute you as leader of this institution. Congratulations on this milestone, Mr. Leader. We have worked together for many years, and it will be a distinct honor to continue working with you on the Appropriations Committee and in the Senate.

WORKING FAMILY CHILD ASSISTANCE ACT

Ms. SNOWE. Mr. President, yesterday, I joined Senator LINCOLN to introduce legislation to make permanent the tremendous change Congress enacted last October to enhance the refundable child tax credit. To assist working families, Congress reduced the amount of earnings a family must have to qualify for the refundable child tax credit to $8,500 for 2008 from the $12,050 that prevailed prior to passage of the Act. Unfortunately, because Congress did not make the incentive permanent, families will have to earn at least $12,550—$4,050 more—this year to take advantage of the incentive.

At a time in which the economy is in recession and many have to work two or even three jobs to put food on the table, it would be unconscionable to

make families toil even harder to provide their children with life's necessities. That is why I am so proud to introduce the Working Family Child Assistance Act to permanently set the amount of earnings necessary to qualify for the refundable child tax credit at $8,500.

Last October's change to boost the refundable child tax credit took a significant time to materialize, and although the road was long, it was a worthwhile journey. Indeed, our work began in 2001 when I pushed to make the child tax credit refundable for workers making around the minimum wage. As enacted in 2001, a portion of a taxpayer's child tax credit would be refundable—up to 10 percent of earnings above $10,000.

Not resting on our victory in 2001, in 2004, Congress passed the Working Families Tax Relief Act of 2004, which increased from 10 percent to 15 percent the portion of the child tax credit that is refundable. Although the legislation increased the amount of the refundable child credit, it failed to increase the number of families eligible for the benefit. The reason was that it did not reduce the amount of earnings a family must have to qualify for the incentive. Worse still, the earnings threshold rose each year because it was adjusted for inflation. The consequences were serious for low-income Americans living paycheck-to-paycheck because it meant that tens of thousands of low-income families were left completely ineligible for a credit they should receive.

To ensure that low-income families could get the benefits that they so rightly deserve, I worked with my colleagues to introduce legislation in both 2005 and 2007 to reduce the earnings threshold for the refundable child tax credit to $10,000 and to de-index that amount for inflation. As I mentioned, we were more successful than that last year when Congress lowered the earnings threshold for 2008 to $8,500.

Unfortunately, we cannot rest on our laurels and must get right back to work. This year, because the incentive we passed last October was effective for just 2008, only taxpayers earning over $12,550 are eligible to receive the refundable portion of the child tax credit. Low-income families earning less than that amount are shut out of the child tax credit completely.

As an example of how crucial it is to enact our legislation to permanently set the threshold for the refundable credit at $8,500, let's look at the following example. A single mother who earns the current minimum wage of $6.55 per hour and works a 40 hour week for all 52 weeks of the year would earn $13,264. Accordingly, under the law effective for 2009, her refundable child tax credit would be $161. In contrast, if the earnings threshold were set at $8,500, her refundable child tax credit would jump to $715. Thus, if Congress does not change the law, that mother will have 554 fewer dollars in her pocket this year than she did last year. Put another way, she won't have the money that is so necessary for her to clothe her child and put gas in the car. What is even more regrettable is that the $554 amount will only grow next year because the $12,550 she needed to earn this year is adjusted for inflation and will increase.

Let's do the right thing and make permanent the sensible change Congress made last year to set the earnings threshold for the refundable child tax credit at $8,500. Our families and our country are better off when Government lets people keep more of what they earn, particularly the most vulnerable among us. Parents deserve their per-child tax credit, and this bill rewards families for work.

In conclusion, I would note that President-elect Obama was a stalwart supporter of our efforts as a Member of the Senate, and I hope that he will work with Congress so we can help an additional 1 million children, whose parents and guardians struggle every day to take care of them.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD:

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

Thank you for asking about our story and giving us an opportunity to help. Me and my wife are students at BYU-Idaho and have one child on the way. The situation that we are in requires us to drive to school and work. We use about 2 tanks of gas a month and that is just business travel and does not include any enjoyment travel such as going to see family which has been very limited lately. My job consists of working at a Thai restaurant as a waiter for only 10 hours a week because with my heavy school load; that is all I can do. My wife does not work and is 37 weeks pregnant and attending school. Luckily we have received government financial aid for school, which consists of Pell grants. This money helps but we find that instead of using that money the government gave us for education, we are using it to pay for gas. We are grateful for the aid the government is giving us but sorry that it is not used for what they meant it for but instead find ourselves using it to pay the oil companies. To try to limit the use of such fund we tend to stay home more and visit family less but even with that sacrifice we still see the money slowly seeping out due to gas prices.

Thank you for your efforts,

BLAKE.

Our government's inaction in this energy crisis is in my view the greatest act of treason by a group of Americans in recent memory. Inaction and pointing fingers at each other is unacceptable behavior by a government who is ''supposed'' to be looking after the best interests of the American people. We have every ability to provide for our energy needs with our own resources while we work to conserve and provide the energy responsibly in our environment. The fact that our government is allowing the American people to be held hostage by the world on this issue is tragic and has enhanced my view that the corruption is not with our industries but with those that we are electing.

JAY.

Trucks move the nation and the price of diesel is hurting everyone.

MARGE.

I see my married children struggle to buy gas for their cars—money that should go to food, medical, and housing costs.

Two years ago, in my construction business, it would not have mattered whether a job was 3 miles away or 30 miles away, but now I cannot bid a job without adding extra for fuel for added distance. All of our construction materials are going up also. How long will the economy stand this?

It is frustrating to see the congress do nothing to help relieve the pressure of this on the nation. Raising taxes will not help. Just doing something about the environmentalists will help. Stop the government controls and get drilling for oil and build some refineries.

Thank you for what you do, Senator Crapo. I know that you are for drilling because I watch your voting record. I also listen to you on ''Probing America''. The United States needs more people like you.

ALLAN, *Shelley*.

Living in Southeast Idaho with its wide open spaces can be both a blessing and a curse. As an educator and a proud parent, I am deeply concerned about the rising energy costs. I work fifteen miles from where I live. That translates to thirty miles round-trip. I choose to work in a rural school district and am proud to do so as I believe every district deserves quality teachers. As you are well aware, educators are already some of the poorest paid in this great state. I fear that I may not be able to afford to keep my job, but I can also not afford to lose it. One thing I am sure of and that is that Washington does not know about the special needs of our state as far as transportation is concerned. I am glad that you can present our situation to them.

STEPHANIE.

Our business is ATV Alternatives, LLC in Caldwell. Our product is a fantastic utility vehicle imported to the USA from abroad that gets nearly 40 MPG and is increasingly popular to businesses (especially dairies, farms, ranches, recreational users) who see value in using a smaller vehicle that can carry a variety of things along with a second passenger in an enclosed cab. It gets 2–4 times better mileage than other products

being used (pickups being underutilized 10 MPG, ATVs getting 15–20 MPG, UTVs getting 20–25 MPG, or tractors getting 4–12 gallons per hour.

Increasing prices for fuel is increasing demand but commuting to the office, delivering vehicles, and overall shipping costs (especially over the ocean, on rails and by truckers) have dramatically gone up as well. Further, increasing international competition for the same used ''Kei'' class Mini Trucks along with the drastic decline of the U.S. Dollar versus the Japanese Yen have also dramatically increased product costs (upwards of 75–100% increase versus 2006). The margin is now too thin to really let this business generate the income we need it to . . . it looks like a great little business needs a buyer; know anybody interested in a great opportunity that can easily and synergistically combine with another Farm Equipment, Vehicle, or Recreational Vehicle dealership? We are going broke commuting for this single product company . . .

Oh, Customs wants to tariff these as if they are road legal an extra 25%, but DOT and DEQ does not want them here at all (ATV manufacturers pay lobbyist and lawyers well).

We are open to offers, ideas, and customer orders (for now).

ROY and ARLENE, *Caldwell.*

I have a beautiful wife and four handsome boys. Gas prices are really hurting our family. Last November (2007), we were lucky to have twin boys born to us three months and a week early. The doctors gave them a 50% chance of living. They were in the hospital for three months and a little bit. We have insurance but with doctors asking for money and continuous doctors' appointments, my little paycheck is having a very rough time trying to afford rising gas prices, doctor bills, house mortgage, car payment, and student loans. I bring home about $1,250 a paycheck. I have one house with a mortgage of $1,260 a month, one car with payments at $244 a month; we do not have internet, cable, magazine subscriptions, cell phones, or any of the other extras that this wonderful life can afford. If you really start adding the number together, I do not really make that much. And the gas prices are really hurting me and my family, not to mention all the other young families around me. Some people in life are just starting out, they do not have the high paying job, let us think twice before we raise the price of gas. We do not want to be the cause kids not being able to go to the doctor's office because we cannot afford to drive there.

ANCLE, *Idaho Falls.*

Recent gasoline price increases have induced my wife and I to spend more time on our bicycles. I am feeling better, she's lookin' good, and we have each lost 10 pounds. High pump prices have motivated a healthy self examination of our lifestyle.

Metaphorically speaking, the nation could benefit from the loss of a few pounds. The current gas crunch will be good for the nation insofar as it motivates instrospection and reasoned change in our national energy habits.

I fear, however, that the nation will choose political expedience instead of the changes that will assure our country's long term health. Rather than wean ourselves from petroleum, we will be tempted to increase domestic oil production. Such an increase, however, would be gobbled up by the global market, and do little to ameliorate conditions at home. To be sure, domestic petroleum development might be a part of a comprehensive energy policy, but relying on domestic production as the centerpiece of the nation's energy plan would be foolish.

High gasoline prices are due as much to a weak dollar as to increased global competition for the world's petroleum. Our nation's industrial and technological base is rapidly eroding, both in real terms and relative to the rest of the world. As a consequence, we have less to offer in exchange for the petroleum and other products we import.

The nation's 20th century rise to power coincided closely with its ability to dominate the world's energy market. We exported the lion's share of the world's petroleum and, importantly, we manufactured the automobiles and machines that used it. For the United States, both literally and figuratively, energy has been the source of power.

Today's high petroleum prices signal a window of opportunity for the United States. As the world's largest energy consumer, we are in a unique position to define the alternative energy technology that the entire world will use for decades. We can, as a nation, choose to regain our preeminence as the world's largest energy supplier by developing and manufacturing the energy production, distribution, and storage systems that the world will use. This will decrease our dependence on foreign petroleum, revitalize our industrial base, and rid us of the trade deficit that is sapping our buying power.

MICHAEL, *Boise.*

One good step toward actually doing something about gasoline prices would be to realize that the oil ''prices'' quoted daily in the media do not represent the oil companies' costs for their raw material. They are taken from the commodities futures trading markets, and have no bearing upon what it costs an oil company to pump oil out of the ground. The oil companies do and will use the futures markets as cover for increasing their prices, but the fact is that when the price in the commodities market goes up that does not mean the gasoline producers' costs go up too. It is obvious to any thinking person that, in fact, the oil companies do not get their crude oil through the futures markets.

If Congress wants to do something worthwhile, it could require that oil futures trading be confined to buyers who will take actual physical delivery of the oil ''purchased.'' As it is, quoted oil futures prices are merely analogs for the general value of the dollar, not for the true cost of oil or the decent price of retail gasoline.

JAMES.

Senior citizens can either buy gas or groceries but not both so the groceries win out of course and we stay at home. Do something!

ANNETTA.

I wish to respond to your email concerning current energy prices. The current energy prices have had a profound effect upon my retirement. In May, we turned off our propane powered furnace for the summer and fall. The price of propane has increased from $1.09 per gallon four years ago to $2.59 per gallon a month ago. Also, we turned off the pilot light to our gas fireplace.

Our family is spread from Oregon to Georgia. The current price of gas has resulted in our inability to afford trips to visit our children and grandchildren. Our children cannot afford to visit us. We now make sure that trips to town are fewer and with more errands accomplished per trip.

Our government needs to (1) open all areas to oil drilling, (2) Increase development of solar power technology to include vast solar collection arrays in the unused desert areas, (3) consider nuclear energy power development, (4) do not overtax our energy companies, (5) develop policies that will curtail energy speculators from driving up prices and (6) provide incentives for non oil based powered automobile production.

JAMES, *Bonners Ferry.*

Thanks for your concern in this matter. I am a soon-to-be 67 year old, retired, on a fixed income. My wife and I live approximately 20 miles NW of Couer d'Alene. I am thankful for our wood stove as it allows us to keep our heating costs reasonable. Not so when it comes to gasoline. The prices in Rathdrum are near $4 per gallon, and it looks like prices will continue to rise. We do need four wheel drive vehicles around here. My truck is indispensable in so many things I do, including a logging ministry that a friend and I are engaged in. Yes, we cut trees and give the proceeds away. Keeping nothing for ourselves. With our grandchildren on the coast, the cost of traveling is now being considered more and more. Where does it end?

What I have been asking for years is why, when we have been blessed with oil and natural gas reserves that will provide this economic engine to our country, are we still choosing to allow our energy policy to be dictated by people who want to prohibit our energy independence and prosperity. It makes no sense. As is being reported regularly, food costs are rising at an alarming rate due to the cost of transportation. I challenge you and others who we elected to represent us, to begin setting the stage for oil exploration/drilling, and to promote the use of nuclear energy, among other sensible items.

I hope this is not in the ''for what is it worth'' category, but that you are indeed deeply concerned about this self-imposed dilemma. And a self-imposed, and totally solvable problem it is.

JOHN.

With my household, it has been a bit hard. When I first bought my Dodge neon, I was putting about $15 in my tank every two weeks. But that was back in 2004 when my husband and I could buy a house for close to nothing. Now I easily spend $40 every two weeks and that is if I do not drive anywhere but school and back. Then add on our house bills which is $1,000 with utilities, then food which is $200 a month, phone is $50 a month, the internet which I need for school is also $50 a month, and my husband only makes $700 every two weeks. My husband was also asked to step down by Micron and they docked his pay. I am 26 years old and cannot seem to find a job so I went back to school to enter the medical field. So that leaves the only one working is my husband and he has to work 12-hour shifts three to four nights a week. Now he is forced to work almost five nights or six nights a week just to pay for food, bills, and maybe Oreo's if we are lucky for luxury. Plus we have to pay for my school bills, which means sometimes our phone is shut off or we miss a house payment. I was a stay-at-home mom but now I am forced back into the working world. And all I can do at the end of the day is cry alone at night and hope we can get through the next week. We have thought about moving but that would mean renting and they will not allow our dogs to go into the rentals. And I am not about to give up my dogs. The only thing keeping me going half the time is I will be graduating next year with an associates degree in medical specialist. And that will hopefully help me to find a job to help my family out.

DANIELLE.

High energy prices are taking a toll on not just me, but my community. Because of the rise in gas prices, I can no longer afford in

my budget to do something that I love to do—volunteer. I have volunteered with Family Services Alliance of Southeast Idaho for a year, but as the price of gas got over 3$ a gallon, I had to stop. One part of the job is to be able to drive to homes of victims of domestic violence when the police ask for an advocate. The best way to help a victim of sexual assault or domestic violence is to empower them by showing them that they are not just victims, they are survivors. But to do this, you need to go where they are and intervene immediately. It requires taking a car. While it pains me to have to cut this out of my activities, I have already cut back in other ways and it was a hard decision to make.

DIANA, *Pocatello.*

I have been a small business owner, (one that pays taxes and one of the thousands of small businesses that support this country) for over thirty-five years. I am amazed and deeply troubled by the political chaos in our country and the energy crisis that is bankrupting this country. Our raw materials have raised three or four fold over the last few years and the energy situation is driving many small businesses out of business. I see the effects trickling down to food and other essentials. Many families are in deep trouble and I see it becoming drastic if something is not done in a short period of time. I do not mean in a few years. If Congress does not take steps immediately to put a stop to this runaway disaster, America will never recover and we will never have a quality of life again in America.

I hate to seem gloomy but I see business and families everyday that are panicked. When we let OPEC and other foreign governments support the so-called ''Greenies'' and other environmental groups in America to the extent that we cannot take care of our own needs here at home, then we of all people are to be pitied. America is rich with raw materials and coal and oil. It is completely insane to let governments that hate us hold us hostage. My fourteen-year-old grandson has more sense than that. Oil companies are getting filthy rich while the American People are suffering. If there is going to be anything left for our children and grandchildren, then we better quit worrying about the owl or the snail and start worrying about our children and grandchildren. I do not know one American that I associate with that does not care about the environment and wildlife etc. But it is ridiculous for us to govern ourselves into non-existence.

I urge you to take a stand against this corruption and turn us back to common sense. I am very concerned and I vote.

DANNY.

I am a 63-year-young woman who is disabled. I am on SSI when i get a cost of living raise, my rent goes up and eats it up. So for me this is really rough; I run out of money before the month is out. The cost of food has doubled mostly and it goes on and on. thank you.

JUDITH.

High gasoline prices are really putting a damper on our monthly budget. My wife and I are in our 50's and we do not have a high income. I am partially disabled and working for low wages. We do not feel that we are going to be able to drive much longer. We have parked one of our cars. In my driving of over 30 years, we have seen the 1973 oil embargo and so called shortage and many other price hikes. But this is beyond comprehension. I am not one for government control but in this case I feel that the government must take over the oil. Otherwise it is going to put a huge damper on the economy. We have only seen the beginning. OPEC has held America hostage with these prices.

LARRY.

ADDITIONAL STATEMENTS

TRIBUTE TO DEBRA BROWN STEINBERG

● Mr. BROWNBACK. Mr. President, I commend Debra Brown Steinberg, an extraordinary woman who I have had the honor of working with for the last few years.

Debra has been a tireless fighter for the families of 9/11 victims. While continuing to work fulltime as a partner at the law firm of Cadwalader, Wickersham & Taft LLP, Debra spearheaded her firm's pro bono efforts to assist the families left behind.

The cases she handled were complicated, involving myriad issues. Many families faced social service, financial and immigration complications. Rather than addressing simply the legal aspects of each case, Debra worked to connect organizations, agencies, and policies to tackle cases in their entirety.

In May of 2002, New York State passed the September 11 Victims and Families Relief Act, large portions of which Debra helped draft. She also contributed to the Federal September 11th Family Humanitarian Relief and Patriotism Act, which was introduced by Senator LAUTENBERG in the 110th Congress.

Debra's outstanding work has already been recognized by numerous current and former Members of Congress, Presidential candidates, authors, activists, religious leaders, the New York State Bar Association, and many distinguished publications. She has received the Ellis Island Medal of Freedom and commendations from the New York City Fire Department and Chief of Police. No one, however, can better speak to Debra's service than the families themselves. In a thank-you note, a sister of one of the victims wrote:

[Debra] held us, offered her shoulder, and made us feel that it is still worthwhile to continue this passage. Thank God for this Angel.

For the last 7 years, Debra Steinberg has fought for justice for a group of people forgotten in the shadows of this terrible tragedy. She has given selflessly of her time and expertise to help those in need and is an example to others and a credit to our country. I am proud to call her my friend.●

TRIBUTE TO STELLA MAY BROWN WEACO

● Mr. KENNEDY. Mr. President, all of us in Massachusetts who knew her or knew of her were saddened to learn of the death of Stella May Brown Weaco at Massachusetts General Hospital on New Year's Eve.

Stella was born in Mississippi, but she called Boston her home for the last 26 years of her life and she became a legend in our city. She lived on the streets, but her plight never deterred her gentle spirit. She found a home and a family in the volunteers and the fellow guests at the Women's Lunch Place, the famed daytime shelter in the city for poor and homeless women. She went there every day after the shelter opened in 1982, and she became a familiar face and beloved friend to many other members of the community.

Stella had an amazingly positive impact on every person she met. She is very fondly remembered as very grateful, very amicable, and very kind. Year after year, the Women's Lunch Place tried to persuade her to accept housing, but her indomitable spirit led her to decline such assistance. Finally, when the pressures of daily living on the streets became unbearable even for Stella, she graciously accepted the help of those around her and spent the last 2 years on her life in the Pine Street Inn.

Even then, Stella unfailingly came back to the Women's Lunch Place as often as she could, to seek out the familiar faces and friendships she cherished so much there. Sadly, Stella passed away on New Year's Eve, in the company of those who loved her for the joy she had given to their lives. In many ways, Stella exemplified the power and the spirit of giving and the extraordinary importance of human kindness. She'll be deeply missed, but the impact she had on all who knew her is immeasurable, and the lessons she taught will never be forgotten.

Mr. President, I ask that the obituary of Stella written by Women's Lunch Place Executive Director Sharon Reilly and an eloquent column about Stella by Rachelle Cohen in the Boston Herald may be printed in the RECORD.

The information follows:

STELLA TAUGHT US ALL ABOUT GRACE, DIGNITY

(By Rachelle Cohen, Jan. 5, 2009)

We lost Stella on New Year's Eve.

Even as the city prepared to usher out this year that nearly everyone agrees they couldn't wait to see end, this woman who had little and complained little died in the company of those who cared about her and for her.

For at least a quarter of a century Stella lived on the streets. And we only know that much because she was there when the Women's Lunch Place, a daytime shelter for poor and homeless women, first opened its doors 26 years ago.

For all those years she'd come for breakfast, a shower, to do her laundry, maybe take a nap and stay through lunch. For all those Thanksgivings and Christmases she had found a warm, accepting place.

She was there when I reported for my first stint as a volunteer, by then Stella was an undemanding kind of queen bee—occupying her favorite spot against the wall in the dining room. She was engaging and gracious, accepting a pancake with butter and syrup as if it were a special gift.

Stella became the ultimate challenge for Lunch Place staff over the years. The confusion that reigned in her head—which often

made her insist she was descended from royalty or needed to return to her real home in Jerusalem—also made her refuse any kind of housing.

For more than two decades this tugging and pulling continued. As one former staffer put it, ''she broke your heart'' when she left the shelter at its 2:30 p.m. closing time, heading out into bruising heat in the summer, into the cold and the snow on wintry days. Housing—temporary or permanent—wasn't for her, nor was the medication that might have allowed her to see the world differently.

But her decades on the streets began to take their toll on Stella. And, frankly she was no match for the Lunch Place staffers who were tireless in their devotion and relentless in their efforts to make whatever time remained for Stella safe and comfortable.

So for the last two years of her life Stella had a roof over her head and a place to call home.

And at the end of her days she had what so many others with so much more in material wealth would envy. She had at her bedside people who loved her. They loved her—we all loved her—for the simplest of reasons. She returned our affection and our kindness tenfold. She taught us that grace and dignity aren't a function of wealth or power. And at the beginning of a new year she reminded us—even in death—that being poor or homeless or mentally ill doesn't rob you of that grace or that dignity. That comes from within. Stella taught us that.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:38 p.m., a message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 35. An act to amend chapter 22 of title 44, United States Code, popularly known as the Presidential Records Act, to establish procedures for the consideration of claims of constitutionally based privilege against disclosure of Presidential records.

H.R. 36. An act to amend title 44, United States Code, to require information on contributors to Presidential library fundraising organizations.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 35. An act to amend chapter 22 of title 44, United States Code, popularly known as the Presidential Records Act, to establish procedures for the consideration of claims of constitutionally based privilege against disclosure of Presidential records; to the Committee on Homeland Security and Governmental Affairs.

H.R. 36. An act to amend title 44, United States Code, to require information on contributors to Presidential library fundraising organizations; to the Committee on Homeland Security and Governmental Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 22. A bill to designate certain land components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 181. A bill to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes.

S. 182. A bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–251. A communication from the Director of the Regulatory Review Group, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Farm Program Payment Limitation and Payment Eligibility for 2009 and Subsequent Crop, Program, or Fiscal Years'' (RIN0560–AH85) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC–252. A communication from the Under Secretary of Defense (Policy), transmitting, pursuant to law, a report relative to the Proliferation Security Initiative; to the Committee on Armed Services.

EC–253. A communication from the Assistant Secretary for Management and Chief Financial Officer, Department of the Treasury, transmitting, pursuant to law, a report relative to the Department's competitive sourcing efforts for fiscal year 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–254. A communication from the Chairman, Securities and Exchange Commission, transmitting, pursuant to law, a report entitled ''Report and Recommendations Pursuant to Section 133 of the Emergency Economic Stabilization Act of 2008: Study on Mark-To-Market Accounting''; to the Committee on Banking, Housing, and Urban Affairs.

EC–255. A communication from the Deputy Secretary of the Treasury, transmitting, pursuant to law, the six-month periodic report on the national emergency with respect to North Korea that was declared in Executive Order 13466 of June 26, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–256. A communication from the Deputy Secretary of the Treasury, transmitting, pursuant to law, the six-month periodic report on the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–257. A communication from the Associate General Counsel for Legislation and Regulations, Office of Community Planning and Development, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Matching Requirement in McKinney-Vento Act Programs'' (RIN2506–AC24) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–258. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled ''Financial Education Programs That Include the Provision of Bank Products and Services'' (RIN3064–AD28) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–259. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled ''Deposit Insurance Requirements After Certain Conversions; Definition of ''Corporate Reorganization;'' Optional Conversions (''Oakar Transactions''); Additional Grounds for Disapproval of Changes in Control; and Disclosure of Certain Supervisory Information'' (RIN3064–AD25) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–260. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled ''Assessment Dividends'' (RIN3064–AD27) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC–261. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled ''Actions Taken on Office of Inspector General Recommendations''; to the Committee on Commerce, Science, and Transportation.

EC–262. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Restricted Areas 4806W, 4807A&B, and 4809; Nevada'' ((Docket No. FAA–2008–1252)(Airspace Docket No. 08–AWP–12)) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC–263. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Ketchikan, AK'' ((Docket No. FAA–2008–0998)(Airspace Docket No. 08–AAL–29)) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC–264. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule

entitled ''Revision of Class E Airspace; Toksook Bay, AK'' ((Docket No. FAA–2008–0999)(Airspace Docket No. 08–AAL–30)) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC–265. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision of Class E Airspace; Ruby, AK'' ((Docket No. FAA–2008–0005)(Airspace Docket No. 08–AAL–1)) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC–266. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class D and Class E Airspace; Conroe, TX'' ((Docket No. FAA–2008–0960)(Airspace Docket No. 08–ASW–17)) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC–267. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Napakiak, AK; Correction'' ((Docket No. FAA–2008–0454)(Airspace Docket No. 08–AAL–13)) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC–268. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Edinburg, TX'' ((Docket No. FAA–2008–0985)(Airspace Docket No. 08–ASW–18)) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC–269. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Franklin, NC'' ((Docket No. FAA–2008–0986)(Airspace Docket No. 08–ASO–15)) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC–270. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revocation of Class E Airspace; Metlakatla, AK'' ((Docket No. FAA–2008–1018)(Airspace Docket No. 08–AAL–31)) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC–271. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Butler, PA; Removal of Class E Airspace; East Butler, PA'' ((Docket No. FAA–2008–0836)(Airspace Docket No. 08–AEA–23)) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC–272. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class D and E Airspace; Brunswick, ME'' ((Docket No. FAA–2008–0203)(Airspace Docket No. 08–ANE–99)) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC–273. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Washington, DC Metropolitan Area Special Flight Rules Area'' (RIN2120–AI17) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC–274. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Low Altitude Area Navigation T–254; Houston, TX'' ((Docket No. FAA–2008–0716)(Airspace Docket No. 08–ASW–9)) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC–275. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Adjustments of Monetary Threshold for Reporting Rail Equipment Accidents/Incidents for Calendar Year 2009'' (FRA–2008–0136) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC–276. A communication from the Assistant Chief Counsel for General Law, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Pipeline Safety: Polyamide-11 (PA–11) Plastic Pipe Design Pressures'' (RIN2137–AE26) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC–277. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Model DC–8–11, DC–8–12, DC–8–21, DC–8–31, DC–8–32, DC–8–33, DC–8–41, DC–8–42, and DC–8–43 Airplanes; Model DC–8–51, DC–8–52, DC–8–53, and DC–8–55 Airplanes; Model DC–8F–54 and DC–8F–55 Airplanes; Model DC–8–61, DC–8–62, and DC–8–63 Airplanes; Model DC–8–61F, DC–8–62F, and DC–8–63F Airplanes; Model DC–8–71, DC–8–72, and DC–8–73 Airplanes; and Model DC–8–71F, DC–8–72F, and DC–8–73F Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2008–0123)) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC–278. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Aircraft Industries a.s. (Type Certificate G60EU previously held by LETECKE ZAVODY a.s. and LET Aeronautical Works) Model L 23 Super Blanik Sailplane'' ((RIN2120–AA64)(Docket No. FAA–2008–1138)) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC–279. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Cessna Aircraft Company 172, 175, 177, 180, 182, 185, 188, 206, 207, 208, 210, 303, 336, and 337 Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2008–1328)) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC–280. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Piper Aircraft, Inc. Models PA–46–350P, PA–46R–350T, and PA–46–500TP Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2008–1085)) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC–281. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Model DC–8–11, DC–8–12, DC–8–21, DC–8–31, DC–8–32, DC–8–33, DC–8–41, DC–8–42, and DC–8–43 Airplanes; Model DC–8–50 Series Airplanes; Model DC–8F–54 and DC–8F–55 Airplanes; Model DC–8–60 Series Airplanes; Model DC–8–60F Series Airplanes; Model DC–8–70 Series Airplanes; and Model DC–8–70F Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2008–0858)) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC–282. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Saab AB, Saab Aerosystems Model 340A (SAAB/SF340A) and SAAB 340B Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2008–1044)) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC–283. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier Model CL–600–2B19 (Regional Jet Series 100 & 440) Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2008–0977)) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC–284. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Rolls-Royce Corporation (RRC) AE 3007A Series Turbofan Engines'' ((RIN2120–AA64)(Docket No. FAA–2008–0975)) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC–285. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Bombardier-Rotax GmbH 914 F Series Reciprocating Engines'' ((RIN2120–AA64)(Docket No. FAA–2008–0842)) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC–286. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; General Electric Company (GE) CT7–8A Turboshaft Engines'' ((RIN2120–AA64)(Docket No. FAA–2006–24261)) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC–287. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Air Tractor, Inc. Models AT–200, AT–300, AT–400, AT–500, AT–600, and AT–800 Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2008–1120))

received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC–288. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Cessna Model 560 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2008–0903)) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC–289. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; MD Helicopters, Inc. Model MD900 Helicopters'' ((RIN2120–AA64)(Docket No. FAA–2008–1250)) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC–290. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Adjustments to the Minimum and Maximum Civil Monetary Penalties for Violations of Federal Railroad Safety Laws or Federal Railroad Administration Safety Regulations'' (RIN2130–AB94) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC–291. A communication from the Division Chief of Legislation and Regulations, Maritime Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''America's Marine Highway Program'' (RIN2133–AB70) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC–292. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries in the Western Pacific; Crustacean Fisheries; Deepwater Shrimp; Correction'' (RIN0648–AV29) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC–293. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Atlantic Herring Fishery; 2007–2009 Specifications'' (RIN0648–XM06) received in the Office of the President of the Senate on January 8, 2009; to the Committee on Commerce, Science, and Transportation.

EC–294. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for the State of New Jersey'' (RIN0648–XL93) received in the Office of the President of the Senate on January 8, 2009; to the Committee on Commerce, Science, and Transportation.

EC–295. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Scup Fishery; Commercial Quota Harvested for 2008 Winter II Period'' (RIN0648–XL95) received in the Office of the President of the Senate on January 8, 2009; to the Committee on Commerce, Science, and Transportation.

EC–296. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XM17) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC–297. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States; Modifications of the West Coast Commercial and Recreational Salmon Fisheries; Inseason Actions #7, #8, #9, #10, #11, and #12'' (RIN0648–XK59) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC–298. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Pacific Halibut Fisheries; Bering Sea and Aleutian Islands King and Tanner Crab Fisheries; Groundfish Fisheries of the Exclusive Economic Zone Off Alaska; Individual Fishing Quota Program; Western Alaska Community Development Quota Program; Recordkeeping and Reporting; Permits'' (RIN0648–AT91) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC–299. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for the State of New Jersey'' (RIN0648–XL93) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC–300. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures; Inseason Adjustments'' (RIN0648–AX43) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC–301. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Halibut in the Gulf of Alaska'' (RIN0648–XL84) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC–302. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Quota Transfer'' (RIN0648–XL76) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC–303. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Pacific Whiting Allocation'' (RIN0648–XK69) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC–304. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Pacific Halibut Fisheries; Subsistence Fishing'' (RIN0648–AW36) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC–305. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries in the Western Pacific; Pelagic Fisheries; Squid Jig Fisheries'' (RIN0648–AS71) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC–306. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Rock Sole, Flathead Sole, and ''Other Flatfish'' by Vessels Participating in the Amendment 80 Limited Access Fishery in Bering Sea and Aleutian Islands Management Area'' ((ID 112108A) (Docket No. 071106673–8011–02)) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC–307. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Species; Critical Habitat for Threatened Elkhorn and Staghorn Corals'' (RIN0648–AV35) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC–308. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, a report entitled ''Assessment of Demand Response & Advanced Metering''; to the Committee on Energy and Natural Resources.

EC–309. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Nebraska: Final Authorization of State Hazardous Waste Management Program Revisions'' (FRL–8758–6) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Environment and Public Works.

EC–310. A communication from the Commissioner, Social Security Administration, transmitting, pursuant to law, a report relative to the Administration's competitive sourcing efforts during fiscal year 2008; to the Committee on Finance.

EC–311. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, an annual report relative to the implementation of the Age Discrimination Act of 1975 for fiscal year 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–312. A communication from the Assistant Secretary of Education (Special Education and Rehabilitative Services), transmitting, pursuant to law, the report of a rule entitled ''National Institute on Disability and Rehabilitation Research—Disability and Rehabilitation Research Projects and Centers Program—Disability Rehabilitation Research Projects (DRRPs)'' (4000–01–U) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC–313. A communication from the White House Liaison, Department of Health and Human Services, transmitting, pursuant to law, the report of a vacancy and designation of acting officer for the position of Director, National Institutes of Health, received on January 5, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC–314. A communication from the White House Liaison, Department of Health and Human Services, transmitting, pursuant to law, the report of a vacancy and designation of acting officer for the position of General Counsel, received on January 5, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC–315. A communication from the Executive Director, Securities and Exchange Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–316. A communication from the Chairman, Defense Nuclear Facilities Safety Board, transmitting, pursuant to law, the Board's Performance and Accountability Report for fiscal year 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–317. A communication from the Chairman, National Endowment for the Arts, transmitting, pursuant to law, a report relative to the competitive sourcing efforts for fiscal years 2003–2008 and plans for fiscal year 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–318. A communication from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled ''Testimony by NARA Employees Relating to Agency Information and Production of Records in Legal Proceedings'' (RIN3095–AB32) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC–319. A communication from the Secretary, Judicial Conference of the United States, transmitting, pursuant to law, a report relative to the need for existing bankruptcy judgeships; to the Committee on the Judiciary.

EC–320. A communication from the Deputy White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a vacancy and designation of acting officer in the position of United States Attorney, District of New Jersey, received in the Office of the President of the Senate on January 5, 2009; to the Committee on the Judiciary.

EC–321. A communication from the Deputy White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a vacancy and designation of acting officer in the position of United States Attorney, Southern District of New York, received in the Office of the President of the Senate on January 5, 2009; to the Committee on the Judiciary.

EC–322. A communication from the Acting Administrator, Small Business Administration, transmitting, pursuant to law, a report relative to the Administration's competitive sourcing efforts for fiscal year 2008; to the Committee on Small Business and Entrepreneurship.

EC–323. A communication from the Deputy General Counsel, Office of Financial Assistance, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Business Loan Program Regulations: Incorporation of London Interbank Offered Rate (LIBOR) Base Rate and Secondary Market Pool Interest Rate Changes'' (RIN3245–AF83) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Small Business and Entrepreneurship.

EC–324. A communication from the Acting Administrator, Small Business Administration, transmitting, pursuant to law, the report of a vacancy and designation of acting officer for the position of Chief Counsel for Advocacy, received in the Office of the President of the Senate on January 5, 2009; to the Committee on Small Business and Entrepreneurship.

EC–325. A communication from the Director of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Increase in Rates Payable Under the Survivors' and Dependents' Educational Assistance Program and Other Miscellaneous Issues'' (RIN2900–AM67) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Veterans' Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KOHL (for himself, Mrs. FEINSTEIN, Mr. LEAHY, Mr. REID, Mr. SCHUMER, Mr. DURBIN, Mr. DODD, Mr. LAUTENBERG, Mrs. BOXER, Ms. STABENOW, Mr. KERRY, and Mr. WHITEHOUSE):

S. 167. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program, and for other purposes; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself, Mr. KYL, Mrs. BOXER, Mrs. HUTCHISON, Mr. SCHUMER, Mr. CORNYN, Mr. DURBIN, Mr. CRAPO, Mr. BINGAMAN, Mr. SPECTER, Ms. CANTWELL, and Mr. MCCAIN):

S. 168. A bill to amend the Immigration and Nationality Act to provide for compensation to States incarcerating undocumented aliens charged with a felony or 2 or more misdemeanors; to the Committee on the Judiciary.

By Mr. ISAKSON (for himself, Mr. ALEXANDER, Mr. CHAMBLISS, Mr. CORKER, Mr. ENZI, Mr. KYL, Mr. MARTINEZ, Ms. SNOWE, Mr. VITTER, and Mr. VOINOVICH):

S. 169. A bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government; to the Committee on the Budget.

By Mr. GREGG (for himself, Mr. LAUTENBERG, Mr. INOUYE, Mr. ROCKEFELLER, Ms. SNOWE, Ms. CANTWELL, Mr. CARDIN, and Ms. COLLINS):

S. 170. A bill to authorize the acquisition of interests in undeveloped coastal areas in order better to ensure their protection from development and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE (for herself, Ms. CANTWELL, Mr. INOUYE, Mr. ROCKEFELLER, Ms. LANDRIEU, Mr. KERRY, Mrs. BOXER, Mr. REED, Ms. COLLINS, and Mr. NELSON of Florida):

S. 171. A bill to develop and maintain an integrated system of coastal and ocean observations for the Nation's coasts, oceans, and Great Lakes, to improve warnings of tsunami, hurricanes, El Nino events, and other natural hazards, to enhance homeland security, to support maritime operations, to improve management of coastal and marine resources, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE (for herself, Mr. INOUYE, and Mr. ROCKEFELLER):

S. 172. A bill to establish a coordinated national ocean exploration program within the National Oceanic and Atmospheric Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LAUTENBERG (for himself, Mr. INOUYE, Mr. ROCKEFELLER, Ms. CANTWELL, Ms. SNOWE, Mr. KERRY, Mrs. BOXER, and Mr. REED):

S. 173. A bill to establish an interagency committee to develop an ocean acidification research and monitoring plan and to establish an ocean acidification program within NOAA; to the Committee on Commerce, Science, and Transportation.

By Mr. INOUYE (for himself, Mr. ROCKEFELLER, and Ms. SNOWE):

S. 174. A bill to establish a coordinated and comprehensive Federal ocean and coastal mapping program; to the Committee on Commerce, Science, and Transportation.

By Mr. FEINGOLD:

S. 175. A bill to evaluate certain skills certification programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FEINGOLD:

S. 176. A bill to improve the job access and reverse commute program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. FEINGOLD:

S. 177. A bill to amend the Small Business Act to extend the Small Business Innovation Research and Small Business Technology Transfer programs, to increase the allocation of Federal agency grants for those programs, to add water, energy, transportation, and domestic security related research to the list of topics deserving special consideration, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. FEINGOLD:

S. 178. A bill to amend the Elementary and Secondary Education of 1965 to authorize a connecting education and emerging professions demonstration grant program; to the Committee on Health, Education, Labor, and Pensions.

By Ms. STABENOW (for herself and Ms. SNOWE):

S. 179. A bill to improve quality in health care by providing incentives for adoption of modern information technology; to the Committee on Finance.

By Mr. SALAZAR (for himself and Mr. UDALL of Colorado):

S. 180. A bill to establish the Cache La Poudre River National Heritage Area, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. MIKULSKI (for herself, Mr. KENNEDY, Mr. HARKIN, Mr. LEAHY, Mr. REID, Ms. SNOWE, Mr. DODD, Mr. BINGAMAN, Mrs. MURRAY, Mr. REED, Mrs. CLINTON, Mr. SANDERS, Mr. BROWN, Mr. BYRD, Mr. INOUYE, Mr. LEVIN, Mr. KERRY, Mr. ROCKEFELLER, Mr. KOHL, Mr. LIEBERMAN, Mr. AKAKA, Mrs. FEINSTEIN, Mr. DORGAN,

Mrs. BOXER, Mr. FEINGOLD, Mr. WYDEN, Mr. DURBIN, Mr. JOHNSON, Ms. LANDRIEU, Mr. SCHUMER, Mrs. LINCOLN, Mr. CARPER, Ms. STABENOW, Ms. CANTWELL, Mr. NELSON of Florida, Mr. LAUTENBERG, Mr. SALAZAR, Mr. MENENDEZ, Mr. CARDIN, Mr. WEBB, Mr. CASEY, Ms. KLOBUCHAR, Mrs. MCCASKILL, Mr. WHITEHOUSE, Mr. TESTER, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. WARNER, Mrs. SHAHEEN, Mr. MERKLEY, Mrs. HAGAN, Mr. BEGICH, and Mr. PRYOR):

S. 181. A bill to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes; read the first time.

By Mrs. CLINTON (for herself, Mr. KENNEDY, Mr. HARKIN, Mrs. BOXER, Mr. BROWN, Mr. DODD, Mr. FEINGOLD, Mr. KERRY, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. MENENDEZ, Ms. MIKULSKI, Mr. REED, Mr. SCHUMER, Ms. STABENOW, Mr. CARDIN, Ms. CANTWELL, Mrs. MURRAY, Ms. KLOBUCHAR, Mr. MERKLEY, Mr. DURBIN, Mr. AKAKA, and Mr. REID):

S. 182. A bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes; read the first time.

By Mr. SALAZAR (for himself and Mr. UDALL of Colorado):

S. 183. A bill to establish the Dominguez-Escalante National Conservation Area and the Dominguez Canyon Wilderness Area; to the Committee on Energy and Natural Resources.

By Mr. SALAZAR (for himself and Mr. UDALL of Colorado):

S. 184. A bill to authorize the Secretary of the Interior to carry out the Jackson Gulch rehabilitation project in the State of Colorado; to the Committee on Energy and Natural Resources.

By Mr. SALAZAR (for himself and Mr. UDALL of Colorado):

S. 185. A bill to establish the Sangre de Cristo National Heritage Area in the State of Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SALAZAR (for himself and Mr. UDALL of Colorado):

S. 186. A bill to establish the South Park National Heritage Area in the State of Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. UDALL of Colorado (for himself and Mr. SALAZAR):

S. 187. A bill to provide for the construction of the Arkansas Valley Conduit in the State of Colorado; to the Committee on Energy and Natural Resources.

By Mr. UDALL of Colorado (for himself and Mr. SALAZAR):

S. 188. A bill to provide for a study of options for protecting the open space characteristics of certain lands in and adjacent to the Arapaho and Roosevelt National Forests in Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. UDALL of Colorado:

S. 189. A bill to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. UDALL of Colorado (for himself and Mr. SALAZAR):

S. 190. A bill to designate as wilderness certain land within the Rocky Mountain National Park and to adjust the boundaries of the Indian Peaks Wilderness and the Arapaho National Recreation Area of the Arapaho National Forest in the State of Colorado; to the Committee on Energy and Natural Resources.

By Mr. SALAZAR (for himself and Mr. UDALL of Colorado):

S. 191. A bill to amend the Great Sand Dunes National Park and Preserve Act of 2000 to explain the purpose and provide for the administration of the Baca National Wildlife Refuge; to the Committee on Energy and Natural Resources.

By Mr. NELSON of Florida:

S.J. Res. 4. A joint resolution proposing an amendment to the Constitution of the United States to abolish the electoral college and to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for himself, Mr. MCCONNELL, Mr. KERRY, Mr. LUGAR, Mr. DURBIN, Mr. KYL, Mr. LEVIN, Mr. CHAMBLISS, Mr. LIEBERMAN, Mr. HATCH, Mrs. BOXER, Mr. BOND, Mr. SCHUMER, Mr. DEMINT, Mr. LAUTENBERG, Mr. THUNE, Ms. LANDRIEU, Mr. CRAPO, Mr. MENENDEZ, Mr. MARTINEZ, Ms. MIKULSKI, Mr. NELSON of Florida, Mr. CASEY, Mr. PRYOR, Mr. DORGAN, Mr. CARPER, Mr. BAUCUS, Mr. BAYH, Mr. JOHANNS, Mrs. LINCOLN, Mr. BROWN and Mr. CARDIN):

S. Res. 10. A resolution recognizing the right of Israel to defend itself against attacks from Gaza and reaffirming the United States' strong support for Israel in its battle with Hamas, and supporting the Israeli-Palestinian peace process; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 11. A resolution to authorize production of documents to the Department of Defense Inspector General; considered and agreed to.

ADDITIONAL COSPONSORS

S. 34

At the request of Mr. DEMINT, the names of the Senator from Nebraska (Mr. JOHANNS) and the Senator from Tennessee (Mr. CORKER) were added as cosponsors of S. 34, a bill to prevent the Federal Communications Commission from repromulgating the fairness doctrine.

S. 61

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 61, a bill to amend title 11 of the United States Code with respect to modification of certain mortgages on principal residences, and for other purposes.

S. 69

At the request of Mr. INOUYE, the names of the Senator from Utah (Mr. BENNETT), the Senator from California (Mrs. FEINSTEIN) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 69, a bill to establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, and for other purposes.

S. 118

At the request of Mr. KOHL, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 118, a bill to amend section 202 of the Housing Act of 1959, to improve the program under such section for supportive housing for the elderly, and for other purposes.

S. 142

At the request of Mr. KERRY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 142, a bill to amend titles XIX and XXI of the Social Security Act to ensure that every uninsured child in America has health insurance coverage, and for other purposes.

S. 154

At the request of Mr. ENSIGN, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 154, a bill to require the Congressional Budget Office and the Joint Committee on Taxation to use dynamic economic modeling in addition to static economic modeling in the preparation of budgetary estimates of proposed changes in Federal revenue law.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KOHL (for himself, Mrs. FEINSTEIN, Mr. LEAHY, Mr. REID, Mr. SCHUMER, Mr. DURBIN, Mr. DODD, Mr. LAUTENBERG, Mrs. BOXER, Ms. STABENOW, Mr. KERRY, and Mr. WHITEHOUSE):

S. 167. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program, and for other purposes; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today with Senators FEINSTEIN, LEAHY, REID, and others to introduce the COPS Improvement Act of 2009. This legislation would reauthorize one of the Department of Justice's most successful efforts to fight crime, the Community Oriented Policing Services, COPS, program.

The success story of the COPS program has been told many times, but it is worth repeating. The goal in 1994 was to put an additional 100,000 cops on the beat. Over the next 5 years, from 1995

to 1999, the COPS Universal Hiring Program distributed nearly $1 billion in grants to State and local law enforcement agencies to hire additional law enforcement officers, allowing us to achieve our goal of 100,000 new officers.

Common sense told the American people that having more police walking the beat would lead to less crime, and our experience with the COPS program proved that to be true. This unprecedented effort to put more police officers in our communities coincided with significant reductions in crime during the 1990s. As the number of police rose, we saw 8 consecutive years of reductions in crime. Few programs can claim such a clear record of success.

Unfortunately, the success of the COPS program led some to declare victory. Beginning in 2001, funding for the COPS program came under attack. President Bush proposed cuts to the COPS program in each of his budget requests, and his proposed cuts to State and local law enforcement programs has totaled well over $1 billion in recent years. Despite bipartisan efforts in Congress to prevent those cuts, State and local law enforcement funding has consistently declined. Ultimately, the administration succeeded in eliminating the COPS Hiring Program in 2005.

These cuts have been felt by the people who work every day to keep our communities safe, and the consequences have been real. Cities across the country have seen the size of their police force reduced. New York has lost thousands of police officers in recent years. Other cities have hundreds of vacancies on their forces. Years of decreases in funding have led to fewer cops on the beat and, unfortunately, increases in violent crime.

Therefore, in order to restore the safety of our neighborhoods and communities, it is imperative that we commit ourselves to restoring funding for the COPS program. The COPS Improvement Act of 2009 would authorize $1.15 billion per year over 6 years for the COPS program. It would allocate $600 million per year to hire officers to engage in community policing and as school resource officers. It also authorizes $350 million per year for technology grants.

The legislation would also provide some relief to local prosecutors, who have also seen their ranks reduced by the cuts in funding. Specifically, it includes $200 million per year to help local district attorneys hire community prosecutors.

To be sure, some will argue that more than $1 billion is too large a price tag. It is hard to put a price tag on the security of our communities. Investing money in such a successful program with such an important goal is certainly worth the cost. We must also remember that preventing crime from occurring saves taxpayers from the costs associated with victim assistance and incarceration. For that reason, a recent report by the Brookings Institution found ''COPS . . . to be one of the most cost-effective options available for fighting crime.''

It is also worth noting the assistance the COPS program can provide to our economy. Few government programs can claim such a direct connection to job creation. The COPS Hiring Program actually puts more people in this country to work. In addition to reducing crime, this investment can serve as a direct injection of money into the American economy.

It is difficult to overstate the importance of passing the COPS Improvement Act. Because of the success of the program and the need for a renewed commitment to it, the bill has long had the support of every major law enforcement group in the Nation, including the International Association of Chiefs of Police, the National Association of Police Organizations, the National Sheriffs Association, the International Brotherhood of Police Organizations, the National Organization of Black Law Enforcement Officials, the International Union of Police Associations, and the Fraternal Order of Police. These law enforcement officers put their lives on the line every day to make our communities a safe place to live, and they deserve our full support.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 167

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''COPS Improvements Act of 2009''.

SEC. 2. COPS GRANT IMPROVEMENTS.

(a) IN GENERAL.—Section 1701 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended—

(1) by amending subsection (a) to read as follows:

''(a) GRANT AUTHORIZATION.—The Attorney General shall carry out grant programs under which the Attorney General makes grants to States, units of local government, Indian tribal governments, other public and private entities, multi-jurisdictional or regional consortia, and individuals for the purposes described in subsections (b), (c), (d), and (e).'';

(2) in subsection (b)—

(A) by striking the subsection heading text and inserting ''COMMUNITY POLICING AND CRIME PREVENTION GRANTS'';

(B) in paragraph (3), by striking '', to increase the number of officers deployed in community-oriented policing'';

(C) in paragraph (4), by inserting ''or train'' after ''pay for'';

(D) by inserting after paragraph (4) the following:

''(5) award grants to hire school resource officers and to establish school-based partnerships between local law enforcement agencies and local school systems to combat crime, gangs, drug activities, and other problems in and around elementary and secondary schools;'';

(E) by striking paragraph (9);

(F) by redesignating paragraphs (10) through (12) as paragraphs (9) through (11), respectively;

(G) by striking paragraph (13);

(H) by redesignating paragraphs (14) through (17) as paragraphs (12) through (15), respectively;

(I) in paragraph (14), as so redesignated, by striking ''and'' at the end;

(J) in paragraph (15), as so redesignated, by striking the period at the end and inserting a semicolon; and

(K) by adding at the end the following:

''(16) establish and implement innovative programs to reduce and prevent illegal drug manufacturing, distribution, and use, including the manufacturing, distribution, and use of methamphetamine; and

''(17) award enhancing community policing and crime prevention grants that meet emerging law enforcement needs, as warranted.'';

(3) by striking subsection (c);

(4) by striking subsections (h) and (i);

(5) by redesignating subsections (d) through (g) as subsections (f) through (i), respectively;

(6) by inserting after subsection (b) the following:

''(c) TROOPS-TO-COPS PROGRAMS.—

''(1) IN GENERAL.—Grants made under subsection (a) may be used to hire former members of the Armed Forces to serve as career law enforcement officers for deployment in community-oriented policing, particularly in communities that are adversely affected by a recent military base closing.

''(2) DEFINITION.—In this subsection, 'former member of the Armed Forces' means a member of the Armed Forces of the United States who is involuntarily separated from the Armed Forces within the meaning of section 1141 of title 10, United States Code.

''(d) COMMUNITY PROSECUTORS PROGRAM.—The Attorney General may make grants under subsection (a) to pay for additional community prosecuting programs, including programs that assign prosecutors to—

''(1) handle cases from specific geographic areas; and

''(2) address counter-terrorism problems, specific violent crime problems (including intensive illegal gang, gun, and drug enforcement and quality of life initiatives), and localized violent and other crime problems based on needs identified by local law enforcement agencies, community organizations, and others.

''(e) TECHNOLOGY GRANTS.—The Attorney General may make grants under subsection (a) to develop and use new technologies (including interoperable communications technologies, modernized criminal record technology, and forensic technology) to assist State and local law enforcement agencies in reorienting the emphasis of their activities from reacting to crime to preventing crime and to train law enforcement officers to use such technologies.'';

(7) in subsection (f), as so redesignated—

(A) in paragraph (1), by striking ''to States, units of local government, Indian tribal governments, and to other public and private entities,'';

(B) in paragraph (2), by striking ''define for State and local governments, and other public and private entities,'' and inserting ''establish'';

(C) in the first sentence of paragraph (3), by inserting ''(including regional community policing institutes)'' after ''training centers or facilities''; and

(D) by adding at the end the following:

''(4) EXCLUSIVITY.—The Office of Community Oriented Policing Services shall be the exclusive component of the Department of Justice to perform the functions and activities specified in this paragraph.'';

(8) in subsection (g), as so redesignated, by striking ''may utilize any component'', and all that follows and inserting ''shall use the

Office of Community Oriented Policing Services of the Department of Justice in carrying out this part.'';

(9) in subsection (h), as so redesignated—

(A) by striking ''subsection (a)'' the first place that term appears and inserting ''paragraphs (1) and (2) of subsection (b)''; and

(B) by striking ''in each fiscal year pursuant to subsection (a)'' and inserting ''in each fiscal year for purposes described in paragraph (1) and (2) of subsection (b)'';

(10) in subsection (i), as so redesignated, by striking the second sentence; and

(11) by adding at the end the following:

''(j) RETENTION OF ADDITIONAL OFFICER POSITIONS.—For any grant under paragraph (1) or (2) of subsection (b) for hiring or rehiring career law enforcement officers, a grant recipient shall retain each additional law enforcement officer position created under that grant for not less than 12 months after the end of the period of that grant, unless the Attorney General waives, wholly or in part, the retention requirement of a program, project, or activity.''.

(b) APPLICATIONS.—Section 1702 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–1) is amended—

(1) in subsection (c)—

(A) in the matter preceding paragraph (1), by inserting '', unless waived by the Attorney General'' after ''under this part shall'';

(B) by striking paragraph (8); and

(C) by redesignating paragraphs (9) through (11) as paragraphs (8) through (10), respectively; and

(2) by striking subsection (d).

(c) RENEWAL OF GRANTS.—Section 1703 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–2) is amended to read as follows:

''SEC. 1703. RENEWAL OF GRANTS.

''(a) IN GENERAL.—A grant made under this part may be renewed, without limitations on the duration of such renewal, to provide additional funds, if the Attorney General determines that the funds made available to the recipient were used in a manner required under an approved application and if the recipient can demonstrate significant progress in achieving the objectives of the initial application.

''(b) NO COST EXTENSIONS.—Notwithstanding subsection (a), the Attorney General may extend a grant period, without limitations as to the duration of such extension, to provide additional time to complete the objectives of the initial grant award.''.

(d) LIMITATION ON USE OF FUNDS.—Section 1704 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–3) is amended—

(1) in subsection (a), by striking ''that would, in the absence of Federal funds received under this part, be made available from State or local sources'' and inserting ''that the Attorney General determines would, in the absence of Federal funds received under this part, be made available for the purpose of the grant under this part from State or local sources''; and

(2) by striking subsection (c).

(e) ENFORCEMENT ACTIONS.—

(1) IN GENERAL.—Section 1706 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–5) is amended—

(A) in the section heading, by striking ''**REVOCATION OR SUSPENSION OF FUNDING**'' and inserting ''**ENFORCEMENT ACTIONS**''; and

(B) by striking ''revoke or suspend'' and all that follows and inserting ''take any enforcement action available to the Department of Justice.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711) is amended by striking the item relating to section 1706 and inserting the following:

''Sec. 1706. Enforcement actions.''.

(f) DEFINITIONS.—Section 1709(1) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–8(1)) is amended—

(1) by inserting ''who is a sworn law enforcement officer'' after ''permanent basis''; and

(2) by inserting '', including officers for the Amtrak Police Department'' before the period at the end.

(g) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(11) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(11)) is amended—

(1) in subparagraph (A), by striking ''$1,047,119,000 for each of fiscal years 2006 through 2009'' and inserting ''$1,150,000,000 for each of fiscal years 2009 through 2014''; and

(2) in subparagraph (B)—

(A) in the first sentence, by striking ''3 percent'' and inserting ''5 percent''; and

(B) by striking the second sentence and inserting the following: ''Of the funds available for grants under part Q, not less than $600,000,000 shall be used for grants for the purposes specified in section 1701(b), not more than $200,000,000 shall be used for grants under section 1701(d), and not more than $350,000,000 shall be used for grants under section 1701(e).''.

(h) PURPOSES.—Section 10002 of the Public Safety Partnership and Community Policing Act of 1994 (42 U.S.C. 3796dd note) is amended—

(1) in paragraph (4), by striking ''development'' and inserting ''use''; and

(2) in the matter following paragraph (4), by striking ''for a period of 6 years''.

(i) COPS PROGRAM IMPROVEMENTS.—

(1) IN GENERAL.—Section 109(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712h(b)) is amended—

(A) by striking paragraph (1);

(B) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively; and

(C) in paragraph (2), as so redesignated, by inserting '', except for the program under part Q of this title'' before the period.

(2) LAW ENFORCEMENT COMPUTER SYSTEMS.—Section 107 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712f) is amended by adding at the end the following:

''(c) EXCEPTION.—This section shall not apply to any grant made under part Q of this title.''.

Mrs. FEINSTEIN. Mr. President, I am pleased to join Senators KOHL, LEAHY, and others in introducing the COPS Improvement Act of 2009. I am honored to join them in introducing this important bill on an issue that has been so forcefully championed by Senator BIDEN for so many years.

It is my sincere hope that we are entering the dawn of a new age in our approach to State and local law enforcement funding. For the last 8 years, the Bush administration has steadily and drastically reduced the amount of funding and programming that the Federal Government provides to State and local law enforcement. This has been a huge mistake, with a corresponding spike in the rise of violent crime in our country.

The need for additional funding for state and local law enforcement through the COPS program is clear. Over the last 5 years, our country has experienced an alarming increase in violent crime. In 2007, the Police Executive Research Forum reported that from 2004 to 2006, homicides increased overall by 10 percent, aggravated assaults with guns rose 10 percent, and robberies rose 12 percent.

This survey mirrors the FBI's own statistics, which showed that violent crime rose by 1.8 percent between 2003 to 2007. And this surge in the violent crime rate isn't just limited to big cities. In February 2008, in testimony before the House Judiciary Committee, Attorney General Mukasey acknowledged that violent crime was increasing across all of our communities.

Let me put these numbers in human terms. The International Association of Chiefs of Police equates the rise of 2.5 percent to 31,479 more victims of violent crimes in 2005. The 3.7 increase for all of 2006 means about 47,000 more Americans were victims of murder, robbery, assault, rape, or other violent crimes.

Unfortunately, despite these disturbing numbers and the Justice Department's own acknowledgement that violent crime is increasing, over the last 8 years the Bush administration continually proposed drastic cuts in the Federal assistance traditionally available to state and local law enforcement.

President Bush's proposed fiscal year 2009 budget slashed funding for State and local law enforcement at unprecedented rates. After repeatedly proposing to eliminate COPS hiring grants, President Bush finally zeroed out the entire COPS program for fiscal year 2009, replacing it with a mere $4 million for a new community policing grant. This is simply not acceptable and our communities are suffering because of it.

During the 1990s and earlier years in this decade, the federal government vigorously funded grant programs for state and local law enforcement, including the COPS Program. We saw real results—violent crime went down year after year. It is no surprise that with the recent cuts, violent crime rates have ticked back up.

This trend has to stop, and it is my hope that Congress and the incoming Obama administration will move to correct the huge damage that has been inflicted on state and local law enforcement in the last eight years. The bill Senator KOHL and I introduce today will go a long way to do that.

We know what works and we can see the results of ignoring and underfunding proven programs. We also know that crime often rises in times of economic trouble. Now is not the time to continue the rollbacks in state and law enforcement funding initiated by the Bush administration.

This bill will serve a dual purpose—creating thousands of jobs in the current economic downturn and providing state and local law enforcement with the resources they need to successfully fight crime.

Specifically, the bill would authorize $1.15 billion per year for the next 6 years to fund the following:

Police Hiring Grants: The bill authorizes $600 million per year to hire up to 50,000 officers to work in community policing efforts, and school resource officers to fight school violence. These funds will create jobs in a worsening economy, and can be used to retain officers, pay overtime costs, and reimburse officers for training costs.

Law Enforcement Technology Grants: The bill authorizes $350 million per year for police departments to obtain new technology and equipment to analyze real-time crime data and incident reports to anticipate crime trends, map crime ''hot-spots'', examine DNA evidence, and purchasing badly needed technology upgrades for police on the street.

Community Prosecutor Grants: The bill authorizes $200 million per year to help local district attorneys hire and train more prosecutors.

Troops-to-Cops Program: The bill authorizes a troops-to-cops program to encourage local police agencies to hire former military personnel who are honorably discharged from military service or who are displaced by base closings to allow them to continue working and engaging in public service.

The COPS Program is a time-tested program that has proven its effectiveness for years. It is one of the cornerstones in the State and local law enforcement efforts that have removed thousands of pounds of drugs and millions of dollars worth of drug proceeds from communities across the country.

Money from the COPS Program provides law enforcement with the officers, prosecutors and technology that they need to keep our communities safe. All we have to do is look at the rising rates of violent crime that correspond to the staggering funding cuts to understand how important these programs are for our country.

We must provide the necessary tools and funds to State and local law enforcement and act decisively to combat the nation's growing gang problem and violent crime. Enacting the COPS Improvement Act of 2009 will be a step in the right direction. I hope my colleagues will join Senator KOHL and I in supporting this important legislation.

By Mrs. FEINSTEIN (for herself, Mr. KYL, Mrs. BOXER, Mrs. HUTCHISON, Mr. SCHUMER, Mr. CORNYN, Mr. DURBIN, Mr. CRAPO, Mr. BINGAMAN, Mr. SPECTER, Ms. CANTWELL, and Mr. MCCAIN):

S. 168. A bill to amend the Immigration and Nationality Act to provide for compensation to States incarcerating undocumented aliens charged with a felony or 2 or more misdemeanors; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today the Senate Judiciary Committee held a hearing entitled ''Helping State and Local Law Enforcement During an Economic Downturn.'' Today Senator KYL and I are introducing a bill that will do just that. The SCAAP Reimbursement Protection Act of 2009 will help to alleviate the costs of illegal immigration to State and local governments by broadening the State Criminal Alien Assistance Program, SCAAP, to ensure that States and localities are eligible for reimbursement of the costs associated with incarcerating criminal aliens.

We are joined today by Senators BOXER, HUTCHINSON, SCHUMER, CORNYN, DURBIN, CRAPO, BINGAMAN, SPECTER, CANTWELL, and MCCAIN.

The burden of incarcerating criminal aliens weighs heavily on States, especially during this time of economic uncertainty. California is home to approximately 32 percent of the Nation's illegal immigrants and spent over $950 million in 2008 alone to house these criminal aliens.

Understanding the expenses that States and localities bear, Congress enacted SCAAP in 1994 to help reimburse States and localities for the costs of incarcerating criminal aliens. Prior to 2003, the Department of Justice interpreted the SCAAP statute to include reimbursement to States and localities that are incurring costs of incarcerating undocumented criminal aliens who have been accused or convicted of State and local offenses and have been incarcerated for a minimum of 72 hours. After 2003, DOJ limited reimbursement to the amount States and localities spend incarcerating convicted criminal aliens for at least 4 consecutive days.

Reimbursing States and localities only for the costs when a criminal alien is convicted and incarcerated for 4 consecutive days significantly undermines the goal of SCAAP that States and localities should not bear the burden of a broken Federal immigration system. The actual costs of this failed Federal system begin when these aliens are charged with a crime, transported, and incarcerated for any length of time.

This narrow interpretation is even more devastating because SCAAP is consistently under-funded. The President has zeroed out SCAAP funding in his budget proposals for the past 7 years. Through bipartisan support, Congress was only able to partially fund the program.

As a result, SCAAP only reimburses States for a fraction of the costs of incarcerating criminal aliens. In 2008, the California State government will receive approximately $118 million in SCAAP funding. However, it is estimated to cost the State approximately $960 million each year for the incarceration of criminal aliens in California—$842 million above the reimbursement amount. The State of California is therefore only being reimbursed for approximately 12 percent of its actual costs to incarcerate illegal criminal aliens.

This cut has had a domino effect on public safety funding. For every dollar less that SCAAP reimburses States, a dollar less is available for critical public safety services. For example, after the SCAAP funding cuts in 2003, the Los Angeles County Sheriff's Department implemented an ''early release'' policy for prisoners convicted of misdemeanors.

I believe it is the Federal Government's responsibility to control illegal immigration. The funding cuts imposed by the Bush administration have let our local public safety services down, and have made our communities less safe.

The SCAAP Reimbursement Protection Act of 2009 is good federal policy to fix a failed Federal one—so that States are reimbursed for the full costs of incarcerating aliens who are either charged with or convicted of a felony or two misdemeanors.

This policy has the support of the National Sheriffs' Association, California State Association of Counties, the U.S./Mexico Border Counties Coalition, the Virginia Sheriffs' Association, the Los Angeles County Sheriff Lee Baca, and the Sheriffs' Association of Texas, who have all endorsed the bill I am reintroducing today.

Our colleagues in the House unanimously passed this companion bill last Congress and I urge my colleagues in this chamber to join me in supporting this much needed amendment to the SCAAP statute.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 168

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''SCAAP Reimbursement Protection Act of 2009''.

SEC. 2. ASSISTANCE FOR STATES INCARCERATING UNDOCUMENTED ALIENS CHARGED WITH CERTAIN CRIMES.

Section 241(i)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(3)(A)) is amended by inserting ''charged with or'' before ''convicted''.

By Ms. SNOWE (for herself, Ms. CANTWELL, Mr. INOUYE, Mr. ROCKEFELLER, Ms. LANDRIEU, Mr. KERRY, Mrs. BOXER, Mr. REED, Ms. COLLINS, and Mr. NELSON of Florida):

S. 171. A bill to develop and maintain an integrated system of coastal and ocean observations for the Nation's coasts, oceans, and Great Lakes, to improve warnings of tsunami, hurricanes, El Nino events, and other natural hazards, to enhance homeland security, to support maritime operations, to improve management of coastal and marine resources, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today to introduce the Coastal and Ocean Observation System Act of 2009 and the NOAA Undersea Research Program Act of 2009. These bills will greatly enhance our nation's existing ocean

observation and research capabilities and drastically improve our understanding of the marine environment.

Oceans cover nearly three quarters of the Earth's surface, and have great influence over our lives. They shape our weather and climate systems, provide highways for international and domestic commerce, sustain rich living and non-living resources on which many of our livelihoods are based, and provide our nation over 95,000 miles of shoreline which is the backbone of tourist and recreational activities in many of our coastal states. Despite the constant, intricate interaction between our lives on land and the natural systems of the ocean, we know woefully little about the physical properties of the overwhelming majority of our planet. What lies over the horizon remains, by most accounts, a mystery.

Yet, the effects of those mysterious systems can be devastating. In recent years, hurricanes, tsunamis, and other natural disasters have devastated regions of our nation, and other parts of the world. Today, we have the technology to monitor a wide range of ocean-based threats, from destructive storms to quieter dangers such as harmful algal blooms and man-made pollution. The purpose of the Coastal Ocean Observing System Act is to put that technology to work predicting these threats more accurately and, when possible, mitigating their impacts.

This bipartisan, science-based bill would authorize the National Oceanic and Atmospheric Administration, or NOAA, to coordinate an interagency network of ocean observing and communication systems around our nation's coastlines. This system would collect instantaneous data and information on ocean conditions—such as temperature, wave height, wind speed, currents, dissolved oxygen, salinity, contaminants, and other variables—that are essential to marine science and resource management and can be used to improve maritime transportation, safety, and commerce. Such data would improve both short-term forecasting that can mitigate impacts of major disasters, and prediction and scientific analysis of long-term ocean and climate trends.

My home State of Maine currently participates in an innovative partnership known as the Gulf of Maine Ocean Observing System, or GoMOOS. Launched in 2001, GoMOOS takes ocean and surface condition measurements on a hourly basis through a network of linked buoys. These data are subsequently made available via the GoMOOS website to scientists, students, vessel captains, fishermen, and anyone else with an interest in our oceans. The vast geographic range and frequency of measurements has led to unprecedented developments in scientific analysis of ocean conditions in the Gulf of Maine. It has also contributed invaluable information to our region's assessments of fisheries, weather conditions, and predictions of other ocean phenomena.

Unfortunately, due to recent budget cuts within NOAA, in 2008 GoMOOS was forced to remove several buoys from the water, compromising the integrity of the system and reducing the quality of data available to system users. The funding levels authorized in this bill will ensure that this system, which has been shown to return $6 to the regional economy for every dollar invested, will continue to grow and provide its vital services to our maritime community.

Of course, the need to access this type of information is not limited to the Gulf of Maine. In June 2006, the Joint Ocean Commission Initiative, made up of members from the Pew Ocean Commission and the U.S. Commission on Ocean Policy, presented to Congress a list of the ''top ten'' actions Congress should take to strengthen our ocean policy regime. One of those priorities was ''enact legislation to authorize and fund the Integrated Ocean Observing System.'' Ocean and coastal observations are a cornerstone of sound marine science, management, and commerce. This bill will save lives by allowing seafarers to better monitor ocean conditions and providing timelier and more accurate predictions of potentially catastrophic weather and seismic phenomena. It will save taxpayers' dollars by reducing the emergency spending that comes in the wake of unanticipated storms, and it will enhance the appreciation and understanding of our oceans and coastal regions to benefit all Americans.

I am very proud to introduce this bill, and I would like to thank my cosponsors, Senators CANTWELL, INOUYE, ROCKEFELLER, LANDRIEU, KERRY, BOXER, REED, COLLINS, and BILL NELSON for contributing to this legislation and supporting this national initiative. Of course, our current and expanding ocean observation and communication system would not be possible without the work of dedicated professionals in the ocean and coastal science, management, and research communities—they have taken the initiative to develop the grassroots regional observation systems as well as contribute to this legislation. Thanks to their ongoing efforts, ocean observations will continue to provide a tremendous service to the American public.

While my ocean observing legislation will greatly enhance our ability to analyze and disseminate oceanographic and meteorological data, we also face a shortfall in our Nation's ability to explore vast regions of our undersea territory. Nearly 3 years ago the U.S. Commission on Ocean Policy released its long-awaited report, which noted that approximately 95 percent of the ocean's floor remains uncharted territory. If past experience is any indication, fascinating discoveries await us in these vast unexplored areas. These regions are sure to include species of marine life that are currently unknown to science, archaeological and historical artifacts that can shed new light on our past, and marine resources that may support our ongoing quest for a sustainable future.

In 2004 the U.S. Ocean Policy Commissioners called for enhanced, comprehensive national programs in ocean exploration, undersea research, and ocean and coastal mapping. The vision of the Commissioners, one that I share, is for well-funded and interdisciplinary programs. Such programs are being led by NOAA, with significant input from partners in other agencies, academia, and industry, but currently they lack formal Congressional authorization. This legislation would establish those programs, and provide a strong foundation upon which we can continue to expand the quest for knowledge to areas of the planet that have literally never been seen by human eyes. I look forward to seeing these efforts enhanced under this legislation.

I am proud to introduce this legislation today as well, and I thank my cosponsors on this bill, Senators INOUYE, and ROCKEFELLER for their support. I would also like to acknowledge my support for three other oceans bills being introduced by my colleagues simultaneously with these two bills: the Federal Ocean Acidification Research and Monitoring Act, the Coastal and Estuarine Lands Protection Act, and the Ocean and Coastal Mapping and Integration Act. All will be integral to enhancing our nation's coasts and oceans and I am pleased to support my colleagues' efforts by offering my cosponsorship of these three pieces of legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 171

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Coastal and Ocean Observation System Act of 2009''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The United States Commission on Ocean Policy recommends a national commitment to a sustained and integrated coastal and ocean observing system and to coordinated research programs which would provide vital information to assist the Nation and the world in understanding, monitoring, and predicting changes to the ocean and coastal resources and the global climate system, enhancing homeland security, improving weather and climate forecasts, strengthening management and sustainable use of coastal and ocean resources, improving the safety and efficiency of maritime operations, and mitigating the impacts of marine hazards.

(2) The continuing and potentially devastating threat posed by tsunami, hurricanes, storm surges, and other marine hazards requires immediate implementation of strengthened observation and communications, and data management systems to provide timely detection, assessment, and warnings and to support response strategies for

the millions of people living in coastal regions of the United States and throughout the world.

(3) Safeguarding homeland security, conducting search and rescue operations, responding to natural and manmade coastal hazards (such as oil spills and harmful algal blooms), and managing fisheries and other coastal activities each require improved understanding and monitoring of the Nation's waters, coastlines, ecosystems, and resources, including the ability to provide rapid response teams with real-time environmental conditions necessary for their work.

(4) The 95,000-mile coastline of the United States, including the Great Lakes, is vital to the Nation's prosperity, contributing over $117 billion to the national economy in 2000, supporting jobs for more than 200 million Americans, handling $700 billion in waterborne commerce, and supporting commercial and sport fisheries valued at more than $50 billion annually.

(5) Ensuring the effective implementation of National and State programs to protect unique coastal and ocean habitats, such as wetlands and coral reefs, and living marine resources requires a sustained program of research and monitoring to understand these natural systems and detect changes that could jeopardize their long term viability.

(6) Many elements of a coastal and ocean observing system are in place, but require national investment, consolidation, completion, and integration among international, Federal, regional, State, and local elements.

(7) In 2003, the United States led more than 50 nations in affirming the vital importance of timely, reliable, long-term global observations as a basis for sound decision-making, recognizing the contribution of observation systems to meet national, regional, and global needs, and calling for strengthened cooperation and coordination in establishing a Global Earth Observation System of Systems, of which an integrated coastal and ocean observing system is an essential part.

(8) Protocols and reporting for observations, measurements, and other data collection for a coastal and ocean observing system should be standardized to facilitate data use and dissemination.

(9) Key variables, including temperature, salinity, sea level, surface currents, ocean color, nutrients, and variables, such as acidity, that may indicate the occurrence and impacts of ocean acidification, should be collected to address a variety of informational needs.

(b) PURPOSES.—The purposes of this Act are to establish an integrated national system of ocean, coastal, and Great Lakes observing systems to address regional and national needs for ocean information and to provide for—

(1) the planning, development, implementation, and maintenance of an integrated coastal and ocean observing system that provides data and information to sustain and restore healthy marine, coastal, and Great Lakes ecosystems and manage the resources they support, aid marine navigation safety and national security, support economic development, enable advances in scientific understanding of the oceans and the Great Lakes, and strengthen science education and communication;

(2) implementation of research, development, education, and outreach programs to improve understanding of the marine environment and achieve the full national benefits of an integrated coastal and ocean observing system;

(3) implementation of a data, information management, and modeling system required by all components of an integrated coastal and ocean observing system and related research to develop early warning systems to more effectively predict and mitigate impacts of natural hazards, improve weather and climate forecasts, conserve healthy and restore degraded coastal ecosystems, and ensure usefulness of data and information for users; and

(4) establishment of a network of regional associations to operate and maintain regional coastal and ocean observing systems to ensure fulfillment of national objectives at regional scales and to address State and local needs for ocean information and data products.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means Administrator of the National Oceanic and Atmospheric Administration.

(2) COUNCIL.—The term ''Council'' means the National Ocean Research Leadership Council established by section 7902 of title 10, United States Code.

(3) INTERAGENCY OCEAN OBSERVATION COMMITTEE.—The term ''Interagency Ocean Observation Committee'' means the committee established under section 4(d).

(4) NATIONAL OCEANOGRAPHIC PARTNERSHIP PROGRAM.—The term ''National Oceanographic Partnership Program'' means the program established under section 7901 of title 10, United States Code.

(5) OBSERVING SYSTEM.—The term ''observing system'' means the integrated coastal, ocean, and Great Lakes observing system to be established by the Council under section 4(a).

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce, acting through the National Oceanic and Atmospheric Administration.

SEC. 4. INTEGRATED COASTAL AND OCEAN OBSERVING SYSTEM.

(a) ESTABLISHMENT.—The President, acting through the Council, shall establish and maintain an integrated system of coastal and ocean observations, data communication and management, analysis, modeling, research, education, and outreach designed to understand current conditions and provide data and information for the timely detection and prediction of changes occurring in the ocean, coastal and Great Lakes environments that impact the Nation's social, economic, and ecological systems. The observing system shall provide for long-term, continuous and quality-controlled observations of the Nation's coasts, oceans, and Great Lakes in order to—

(1) understand the effects of human activities and natural variability on and improve the health of the Nation's coasts, oceans, and Great Lakes;

(2) monitor key variables including temperature, salinity, sea level, surface currents, ocean color, nutrients, and variables, such as acidity, that may indicate the occurrence and impacts of ocean acidification;

(3) measure, track, explain, and predict climatic and environmental changes and protect human lives and livelihoods from hazards such as tsunami, hurricanes, storm surges, coastal erosion, levy breaches, and fluctuating water levels;

(4) supply critical information to marine-related businesses such as marine transportation, aquaculture, fisheries, and offshore energy production and aid marine navigation and safety;

(5) support national defense and homeland security efforts;

(6) support the sustainable use, conservation, management, and enjoyment of healthy ocean, coastal, and Great Lakes resources, better understand the interactions of ocean processes within the coastal zone, and support implementation and refinement of ecosystem-based management and restoration;

(7) support the protection of critical coastal habitats, such as coral reefs and wetlands, and unique ecosystems and resources;

(8) educate the public about the role and importance of the oceans, coasts, and Great Lakes in daily life; and

(9) support research and development to ensure improvement to ocean, coastal, and Great Lakes observation measurements and to enhance understanding of the Nation's ocean, coastal, and Great Lakes resources.

(b) SYSTEM ELEMENTS.—In order to fulfill the purposes of this Act, the observing system shall consist of the following program elements:

(1) A national program to fulfill national and international observation priorities.

(2) A network of regional associations to manage the regional coastal and ocean observing and information programs that collect, measure, and disseminate data and information products.

(3) Data management, communication, and modeling systems for the timely integration and dissemination of data and information products from the national and regional systems.

(4) A research and development program conducted under the guidance of the Council, including projects under the National Oceanographic Partnership Program, consisting of the following:

(A) Basic research to advance knowledge of coastal and ocean systems and ensure improvement of operational products, including related infrastructure, observing technology, and information technology.

(B) Focused research and technology development projects to improve understanding of the relationship between the coasts and oceans and human activities.

(C) Large scale computing resources and research to advance modeling of coastal and ocean processes.

(5) A coordinated outreach, education, and training program that integrates and augments existing programs (such as the National Sea Grant College Program, the Centers for Ocean Sciences Education Excellence program, and the National Estuarine Research Reserve System), to ensure the use of data and information for improving public education and awareness of the Nation's coastal and ocean environment and building the technical expertise required to operate and improve the observing system.

(c) COUNCIL FUNCTIONS.—The Council shall serve as the oversight body for the design and implementation of all aspects of the observing system. In carrying out its responsibilities under this section, the Council shall—

(1) adopt plans, budgets, and standards that are developed and maintained by the Interagency Ocean Observation Committee in consultation with the regional associations;

(2) coordinate the observing system with other earth observing activities including the Global Ocean Observing System and the Global Earth Observing System of Systems;

(3) coordinate and approve programs of intramural and extramural research, technology development, education, and outreach to support improvements to and the operation of an integrated coastal and ocean observing system and to advance the understanding of the oceans;

(4) promote development of technology and methods for improving the observing system;

(5) support the development of institutional mechanisms and financial instruments to further the goals of the program and provide for the capitalization of the required infrastructure;

(6) provide, as appropriate, support for and representation on United States delegations to international meetings on coastal and

ocean observing programs, including those under the jurisdiction of the International Joint Commission involving Canadian waters; and

(7) in consultation with the Secretary of State, support coordination of relevant Federal activities with those of other nations.

(d) INTERAGENCY OCEAN OBSERVATION COMMITTEE.—

(1) ESTABLISHMENT.—The Council shall establish an Interagency Ocean Observation Committee.

(2) RESPONSIBILITIES.—The Interagency Ocean Observing Committee shall be responsible for program planning and coordination of the implementation of the observing system.

(3) DUTIES.—The Interagency Ocean Observing Committee shall report to the Council and shall—

(A) prepare annual and long-term plans for consideration and approval by the Council for the design and implementation of the observing system that promote collaboration among Federal agencies and regional associations in developing global, national, and regional observing systems, including identification and refinement of a core set of variables to be measured by all systems;

(B) coordinate the development of agency and regional associations priorities and budgets to implement, operate, and maintain the observing systems;

(C) establish and refine standards and protocols for data collection, management and communications, including quality control standards, in consultation with participating Federal agencies and regional associations;

(D) establish a process for assuring compliance for all participating entities with the standards and protocols for data management and communications, including quality control standards;

(E) integrate, improve, and extend existing programs and research projects, and ensure that regional associations are integrated into the operational observation system on a sustained basis;

(F) provide for the migration of scientific and technological advances from research and development to operational deployment; and

(G) perform such duties as the Council may delegate.

(4) IMPLEMENTATION.—There is established an Interagency Program Coordinating Office. The Office shall be—

(A) located in, but is not an office of, the Department of Commerce; and

(B) staffed by employees of agencies represented on the Interagency Ocean Observation Committee, to facilitate the Interagency Ocean Observation Committee's responsibilities for system implementation, budgeting, and administration.

(e) ROLE OF NOAA.—The National Oceanic and Atmospheric Administration shall provide leadership for the implementation and administration of the observing system, in consultation with the Council, the Interagency Ocean Observation Committee, other Federal agencies that maintain portions of the observing system and the regional associations, and shall—

(1) establish an Integrated Ocean Observing Program Office to facilitate action under the Administration's leadership;

(2) implement a merit-based funding process to support the activities of regional associations;

(3) provide opportunities for competitive contracts and grants to design, develop, integrate, deploy, and support ocean observation system elements;

(4) have the authority to enter into and perform such contracts, leases, grants, or cooperative agreements as may be necessary to carry out the purposes of this Act and on such terms as the Administrator deems appropriate;

(5) establish efficient and effective administrative procedures for allocation of funds among contractors, grantees, and regional associations in a timely manner, and contingent on appropriations according to the budget adopted by the Council;

(6) develop and implement a process for the certification and assimilation into the national ocean observations network of the regional associations and their periodic review and recertification and certify regional associations that meet the requirements of subsection (f); and

(7) develop a data management and communication system, in accordance with the established standards and protocols, by which all data collected by the observing system regarding coastal waters of the United States are integrated and available.

(f) REGIONAL ASSOCIATIONS OF COASTAL AND OCEAN OBSERVING SYSTEMS.—

(1) The Secretary shall initiate a rulemaking proceeding to establish a process for the certification of regional associations to be responsible for the development and operation of regional coastal and ocean observing systems to meet the information needs of user groups in the region while adhering to national standards. To be certified a regional association shall meet the certification standards developed by the Interagency Ocean Observing Committee in conjunction with the regional associations and approved by the Council and shall—

(A) demonstrate an organizational structure capable of supporting and integrating all aspects of coastal and ocean observing and information programs within a region and that reflects broad representation from State and local government, commercial interests, and other users and beneficiaries of marine information;

(B) operate under a strategic operations and business plan that details the operation and support of regional coastal and ocean observing systems pursuant to the standards approved by the Council; and

(C) work with governmental entities and programs at all levels to identify and provide information products of the observing system for multiple users in the region to advance outreach and education, to improve coastal and fishery management, safe and efficient marine navigation, weather and climate prediction, to enhance preparation for hurricanes, tsunami, and other natural hazards, and other appropriate activities.

(2) For the purposes of this Act, employees of Federal agencies may participate in the functions of the regional associations.

(g) CIVIL LIABILITY.—For purposes of section 1346(b)(1) and chapter 171 of title 28, United States Code, the Suits in Admiralty Act (46 U.S.C. App. 741 et seq.), and the Public Vessels Act (46 U.S.C. App. 781 et seq.), any regional coastal and ocean observing system that is a designated part of a regional association certified under this section shall, with respect to tort liability arising from the dissemination and use of the data, in carrying out the purposes of this Act, be deemed to be part of the National Oceanic and Atmospheric Administration, and any employee of such system, while operating within the scope of his or her employment in carrying out such purposes, shall be deemed to be an employee of the Government.

SEC. 5. PROCESS FOR TRANSITION FROM RESEARCH TO OPERATION.

The National Oceanic and Atmospheric Administration, in consultation with the Council, shall formulate a process by which—

(1) funding is made available for intramural and extramural research on new technologies for collecting data regarding coastal and ocean waters of the United States;

(2) such technologies are tested including—

(A) accelerated research into biological and chemical sensing techniques and satellite sensors for collecting such data; and

(B) developing technologies to improve all aspects of the observing system, especially the timeliness and accuracy of its predictive models and the usefulness of its information products; and

(3) funding is made available and a plan is developed and executed to transition technology that has been demonstrated to be useful for the observing system is incorporated into use by the observing system.

SEC. 6. INTERAGENCY FINANCING.

The departments and agencies represented on the Council are authorized to participate in interagency financing and share, transfer, receive, obligate, and expend funds appropriated to any member of the Council for the purposes of carrying out any administrative or programmatic project or activity under this Act or under the National Oceanographic Partnership Program, including support for the Interagency Oceans Observation Committee, a common infrastructure, and system integration for a coastal and ocean observing system. Funds may be transferred among such departments and agencies through an appropriate instrument that specifies the goods, services, or space being acquired from another Council member and the costs of the same.

SEC. 7. APPLICATION WITH OTHER LAWS.

Nothing in this Act supersedes or limits the authority of any agency to carry out its responsibilities and missions under other laws.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the National Oceanic and Atmospheric Administration for the implementation of this Act, $150,000,000 for each of fiscal years 2009 through 2011 and $175,000,000 for each of fiscal years 2012 and 2013. At least 50 percent of these sums shall be allocated to the regional associations certified under section 4(f) for implementation of regional coastal and ocean observing systems.

SEC. 9. IMPLEMENTATION PLAN.

Not later than 12 months after the date of the enactment of this Act, the Secretary shall submit to the Congress and the Council a plan for implementation of this Act, including for—

(1) coordinating activities of the Secretary under this Act with other Federal agencies; and

(2) distributing, to regional associations, funds available to carry out this Act.

SEC. 10. REPORT TO CONGRESS.

(a) REQUIREMENT.—Not later than 2 years after the date of the enactment of this Act and every 2 years thereafter, the Administrator shall prepare and the President acting through the Council shall approve and transmit to the Congress a report on progress made in implementing this Act.

(b) CONTENTS.—The report shall include the following:

(1) A description of activities carried out under the implementation plan and this Act.

(2) An evaluation of the effectiveness of the observing system.

(3) Benefits of the program to users of data products resulting from the observing system (including the general public, industry, scientists, resource managers, emergency responders, policy makers, and educators).

(4) Recommendations concerning—

(A) modifications to the observing system; and

(B) funding levels for the observing system in subsequent fiscal years.

(5) The results of a periodic external independent programmatic audit of the observing system.

By Ms. SNOWE (for herself, Mr. INOUYE, and Mr. ROCKEFELLER):

S. 172. A bill to establish a coordinated national ocean exploration program within the National Oceanic and Atmospheric Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 172

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''NOAA Ocean Exploration and Undersea Research Program Act of 2009''.

TITLE I—OCEAN EXPLORATION

SEC. 101. PURPOSE.

The purpose of this title is to establish the national ocean exploration program and the national undersea research program within the National Oceanic and Atmospheric Administration.

SEC. 102. PROGRAM ESTABLISHED.

The Administrator of the National Oceanic and Atmospheric Administration shall, in consultation with the National Science Foundation and other appropriate Federal agencies, establish a coordinated national ocean exploration program within the National Oceanic and Atmospheric Administration that promotes collaboration with other Federal ocean and undersea research and exploration programs. To the extent appropriate, the Administrator shall seek to facilitate coordination of data and information management systems, outreach and education programs to improve public understanding of ocean and coastal resources, and development and transfer of technologies to facilitate ocean and undersea research and exploration.

SEC. 103. POWERS AND DUTIES OF THE ADMINISTRATOR.

(a) IN GENERAL.—In carrying out the program authorized by section 102, the Administrator of the National Oceanic and Atmospheric Administration shall—

(1) conduct interdisciplinary voyages or other scientific activities in conjunction with other Federal agencies or academic or educational institutions, to explore and survey little known areas of the marine environment, inventory, observe, and assess living and nonliving marine resources, and report such findings;

(2) give priority attention to deep ocean regions, with a focus on deep water marine systems that hold potential for important scientific discoveries, such as hydrothermal vent communities and seamounts;

(3) conduct scientific voyages to locate, define, and document historic shipwrecks, submerged sites, and other ocean exploration activities that combine archaeology and oceanographic sciences;

(4) develop and implement, in consultation with the National Science Foundation, a transparent, competitive process for merit-based peer-review and approval of proposals for activities to be conducted under this program, taking into consideration advice of the Board established under section 105;

(5) enhance the technical capability of the United States marine science community by promoting the development of improved oceanographic research, communication, navigation, and data collection systems, as well as underwater platforms and sensor and autonomous vehicles; and

(6) establish an ocean exploration forum to encourage partnerships and promote communication among experts and other stakeholders in order to enhance the scientific and technical expertise and relevance of the national program.

(b) DONATIONS.—The Administrator may accept donations of property, data, and equipment to be applied for the purpose of exploring the oceans or increasing knowledge of the oceans.

SEC. 104. OCEAN EXPLORATION AND UNDERSEA RESEARCH TECHNOLOGY AND INFRASTRUCTURE TASK FORCE.

(a) IN GENERAL.— The Administrator of the National Oceanic and Atmospheric Administration, in coordination with the National Science Foundation, the National Aeronautics and Space Administration, the United States Geological Survey, the Department of the Navy, the Mineral Management Service, and relevant governmental, non-governmental, academic, industry, and other experts, shall convene an ocean exploration and undersea research technology and infrastructure task force to develop and implement a strategy—

(1) to facilitate transfer of new exploration and undersea research technology to the programs authorized under this Act;

(2) to improve availability of communications infrastructure, including satellite capabilities, to such programs;

(3) to develop an integrated, workable, and comprehensive data management information processing system that will make information on unique and significant features obtained by such programs available for research and management purposes;

(4) to conduct public outreach activities that improve the public understanding of ocean science, resources, and processes, in conjunction with relevant programs of the National Oceanic and Atmospheric Administration, the National Science Foundation, and other agencies; and

(5) to encourage cost-sharing partnerships with governmental and nongovernmental entities that will assist in transferring exploration and undersea research technology and technical expertise to the programs.

(b) BUDGET COORDINATION.—The task force shall coordinate the development of agency budgets and identify the items in their annual budget that support the activities identified in the strategy developed under subsection (a).

SEC. 105. OCEAN EXPLORATION ADVISORY BOARD.

(a) ESTABLISHMENT.—The Administrator of the National Oceanic and Atmospheric Administration shall appoint an Ocean Exploration Advisory Board composed of experts in relevant fields—

(1) to advise the Administrator on priority areas for survey and discovery;

(2) to assist the program in the development of a 5-year strategic plan for the fields of ocean, marine, and Great Lakes science, exploration, and discovery;

(3) to annually review the quality and effectiveness of the proposal review process established under section 103(a)(4); and

(4) to provide other assistance and advice as requested by the Administrator.

(b) FEDERAL ADVISORY COMMITTEE ACT.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board appointed under subsection (a).

(c) APPLICATION WITH OUTER CONTINENTAL SHELF LANDS ACT.—Nothing in this title supersedes, or limits the authority of the Secretary of the Interior under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the National Oceanic and Atmospheric Administration to carry out this title—

(1) $33,550,000 for fiscal year 2009;
(2) $36,905,000 for fiscal year 2010;
(3) $40,596,000 for fiscal year 2011;
(4) $44,655,000 for fiscal year 2012;
(5) $49,121,000 for fiscal year 2013;
(6) $54,033,000 for fiscal year 2014; and
(7) $59,436,000 for fiscal year 2015.

TITLE II—UNDERSEA RESEARCH PROGRAM

SEC. 201. PROGRAM ESTABLISHED.

(a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration shall establish and maintain an undersea research program and shall designate a Director of that program.

(b) PURPOSE.—The purpose of the program is to increase scientific knowledge essential for the informed management, use, and preservation of oceanic, marine, and coastal areas and the Great Lakes.

SEC. 202. POWERS OF PROGRAM DIRECTOR.

The Director of the program, in carrying out the program, shall—

(1) cooperate with institutions of higher education and other educational marine and ocean science organizations, and shall make available undersea research facilities, equipment, technologies, information, and expertise to support undersea research efforts by these organizations;

(2) enter into partnerships, as appropriate and using existing authorities, with the private sector to achieve the goals of the program and to promote technological advancement of the marine industry; and

(3) coordinate the development of agency budgets and identify the items in their annual budget that support the activities described in paragraphs (1) and (2).

SEC. 203. ADMINISTRATIVE STRUCTURE.

(a) IN GENERAL.—The program shall be conducted through a national headquarters, a network of extramural regional undersea research centers that represent all relevant National Oceanic and Atmospheric Administration regions, and the National Institute for Undersea Science and Technology.

(b) DIRECTION.—The Director shall develop the overall direction of the program in coordination with a Council of Center Directors comprised of the directors of the extramural regional centers and the National Institute for Undersea Science and Technology. The Director shall publish a draft program direction document not later than 1 year after the date of enactment of this Act in the Federal Register for a public comment period of not less than 120 days. The Director shall publish a final program direction, including responses to the comments received during the public comment period, in the Federal Register within 90 days after the close of the comment period. The program director shall update the program direction, with opportunity for public comment, at least every 5 years.

SEC. 204. RESEARCH, EXPLORATION, EDUCATION AND TECHNOLOGY PROGRAMS.

(a) IN GENERAL.—The following research, exploration, education, and technology programs shall be conducted through the network of regional centers and the National Institute for Undersea Science and Technology:

(1) Core research and exploration based on national and regional undersea research priorities.

(2) Advanced undersea technology development to support the National Oceanic and

Atmospheric Administration's research mission and programs.

(3) Undersea science-based education and outreach programs to enrich ocean science education and public awareness of the oceans and Great Lakes.

(4) Development, testing, and transition of advanced undersea technology associated with ocean observatories, submersibles, advanced diving technologies, remotely operated vehicles, autonomous underwater vehicles, and new sampling and sensing technologies.

(5) Discovery, study, and development of natural resources and products from ocean, coastal, and aquatic systems.

(b) OPERATIONS.—The Director of the program, through operation of the extramural regional centers and the National Institute for Undersea Science and Technology, shall leverage partnerships and cooperative research with academia and private industry.

SEC. 205. COMPETITIVENESS.

(a) DISCRETIONARY FUND.—The Program shall allocate no more than 10 percent of its annual budget to a discretionary fund that may be used only for program administration and priority undersea research projects identified by the Director but not covered by funding available from centers.

(b) COMPETITIVE SELECTION.—The Administrator shall conduct an initial competition to select the regional centers that will participate in the program 90 days after the publication of the final program direction under section 203 and every 5 years thereafter. Funding for projects conducted through the regional centers shall be awarded through a competitive, merit-reviewed process on the basis of their relevance to the goals of the program and their technical feasibility.

SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the National Oceanic and Atmospheric Administration to carry out this title—

(1) for fiscal year 2009—

(A) $13,750,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) $5,500,000 for the National Technology Institute;

(2) for fiscal year 2010—

(A) $15,125,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) $6,050,000 for the National Technology Institute;

(3) for fiscal year 2011—

(A) $16,638,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) $6,655,000 for the National Technology Institute;

(4) for fiscal year 2012—

(A) $18,301,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) $7,321,000 for the National Technology Institute;

(5) for fiscal year 2013—

(A) $20,131,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) $8,053,000 for the National Technology Institute;

(6) for fiscal year 2014—

(A) $22,145,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) $8,859,000 for the National Technology Institute; and

(7) for fiscal year 2015—

(A) $24,359,000 for the regional centers, of which 50 percent shall be for West Coast regional centers and 50 percent shall be for East Coast regional centers; and

(B) $9,744,000 for the National Technology Institute.

By Mr. FEINGOLD:

S. 175. A bill to evaluate certain skills certification programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. FEINGOLD. Mr. President, today I introduce a straight-forward bill that is a first step toward helping American workers and businesses. This bill is part of my E–4 Initiative, which focuses on issues affecting the economy, energy, education and employment. The Skills Standards Certification Evaluation Act will require the Secretaries of Labor, Education and Commerce to evaluate skills standards certification programs that have been developed with federal funding.

Skills Standards Certifications have emerged over the past two decades in response to job growth in high-technology and varied industries. The training or classes usually take weeks or months, rather than years. Often, they are developed in response to the needs of one industry or even one company, though the skills are often applicable more widely.

As the President-elect and Congress work to save and create jobs through additional funding for infrastructure, green jobs, and similar programs, among other things, it is even more critical that employers be able to find qualified workers for a variety of positions. Workers who can easily demonstrate their skills quickly and easily will be able to benefit from such investments early on.

Over the past two decades, the Federal Government has taken conflicting approaches to skills standards certifications. That is why, as part of the Skills Standards Certification Evaluation Act, I require a recommendation from the Secretaries of Labor and Commerce on how Congress ought to move forward with funding for these certification programs. Both the national, top-down, and a local, bottom-up approach have been tried, and a thorough evaluation will make clear how we can move forward to get the most out of the funding the Federal Government provides.

These certifications have a tremendous benefit for workers. First, because the training is often condensed into a few weeks with a flexible schedule, it allows people to complete certifications without leaving a current job and without the financial cost of attending a full-time program that lasts a year or more. In addition, these programs allow workers to clearly demonstrate a certain set of skills, and may open more doors for higher-paying employment. Because these programs can be completed without leaving work, they also allow workers to advance within a career or company to more skilled positions and better wages and benefits.

For employers, Skills Standards Certifications can simplify the search for employees. I have heard from numerous Wisconsin employers, especially small businesses with limited resources, that it is hard to find employees with the skills they need, or who will be dedicated and loyal. Skills Standards Certifications clearly show the qualification of an individual, of course, but also tell the employer that he or she is dedicated enough to invest in the course to earn the certificate. Very few people will spend the time and money to enroll in such a program if they don't intend to use the certificate.

Lastly, these programs can help state and local governments quantify their skilled workforce, which can be invaluable when marketing the area to businesses and investment.

This bill is a small first step in what I hope can be a continuing effort to help hard-working Americans obtain and use high-demand work skills.

By Mr. FEINGOLD:

S. 176. A bill to improve the job access and reverse commute program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. FEINGOLD. Mr. President, today I reintroduce a piece of my E4 initiative, so named because it is a collection of proposals that address issues important to the economy, education, employment and energy. This piece of the E4 legislation focuses on the important supporting role that transportation can play in economic development by creating an environment where employers and those seeking employment or better employment are connected together. Having such a system to overcome transportation hurdles can benefit both employers and employees, as well as the local economy and is all the more important in these difficult economic times.

In more general terms, investing in our infrastructure like roads, bridges and transit systems can have direct job creation impacts. This is one reason I have fought hard with the rest of the delegation for a fair rate of return for Wisconsin from the highway bill. It is also why in a letter I sent to President-elect Obama and Senate leaders I included highway and transit projects as part of a variety of ready-to-go infrastructure projects that should be included in the forthcoming economic recovery program.

In addition to supporting transportation-related jobs, linking workers and businesses that need them can also be an important part of a more comprehensive job creation strategy. This can mean supporting a robust public transportation system or more specific programs designed to link low-income individuals with jobs. I have consistently done the former by supporting

public transportation during consideration of the highway bill and Amtrak reauthorizations. But my specific proposal today focuses on the latter and improving the Job Access and Reverse Commute, JARC, program that links low-income workers with employers.

I have heard good things about the JARC program and was glad that it was shifted away from earmarks and was made available as a combination formula and competitively awarded program in the last highway bill. The primary program goal is to locally assess the transportation needs of low-income workers and then plan and fund programs to help alleviate transportation-related barriers to employment or better employment. While initially this may have been viewed as a way to support reverse commute projects whereby transit routes were established to allow city center residents to access jobs in the suburbs, the program actually does much more than just this and provides reliable transportation to low-income urban, rural and suburban workers.

In Wisconsin, the Federal JARC program is jointly administered by the State departments of transportation and workforce development as the Wisconsin Employment Transportation Assistance Program, WETAP. According to the Wisconsin Department of Transportation, transportation barriers can include a lack of a dependable vehicle or bus service in the area, an absence of local jobs, or childcare transportation problems. The State agencies in Wisconsin have found several different types of projects to be effective depending on the local circumstances. These projects have included the traditional public transit projects such as extending bus lines or supporting van-pooling, along with other programs such as providing cars or car repairs to low-income individuals. Wisconsin has even found that assisting with indirect barriers such as transportation of children to and from childcare facilities is critical in allowing some individuals to improve their job prospects.

A recent University of Illinois Chicago, UIC, study found that the societal benefits from this program are $1.65 per dollar spent and estimates lifetime benefits to low income participants of $15 per dollar spent due to their ability to find and retain better paying jobs. While the goals of the Job Access and Reverse Commute program are important and the program has been found to be fairly effective, there are some details that have prevented the program from reaching its full potential. Working closely with transportation officials in Wisconsin and partially based on recommendations from the UIC study, I've come up with some specific ideas to improve the program.

With a proven effective program and continuing unmet needs by employers and low-income individuals seeking employment, JARC could use a boost in funding. So that is why my proposal ramps up funding by $100 million over 5 years from the current funding of $165 million to $265 million in fiscal year 2014.

My proposal would also allow the Federal share of projects to increase to 80 percent from the current 50 percent level for operating expenses. The 50 percent local and State match wasn't feasible for far too many local governments in Wisconsin and as a result Wisconsin has not been able to spend all its Federal funds. The higher Federal cost share will better balance the need to leverage Federal funds, while ensuring that these critical funds are fully utilized—millions of dollars in an account does nothing to link people to jobs.

Besides the challenge in coming up with a 50 percent local cost share, the other main issue that has kept JARC from being as effective as it could be is the paperwork and reporting burden required by the program, especially for the small nonprofit groups that often have never dealt with Federal grant requirements before. My proposal directs the Federal Transit Agency, FTA, to examine the current reporting requirements to see if there are ways to streamline the amount of paperwork required while still ensuring that the program goals are met.

My bill also includes a pilot program funded at $10 million a year for 5 years in order to test a few areas that seem very promising, but should be evaluated more fully before broader implementation. The first portion of the pilot program builds off the regulatory streamlining evaluation and allows the FTA to test streamlined reporting requirements to help get the balance between oversight and administrative burden right.

The second part of the pilot program focuses on improving education- and employment-related transportation for teens and young adults. Enabling students and young people to reliably get between their high schools or neighborhoods and technical colleges, job training centers or apprenticeships can have a lifelong positive impact.

The third section of the pilot program would allow experimentation with combining different transit programs and integrating JARC projects across local political boundaries to provide a more comprehensive local transportation system. Instead of having one transit program to assist the disabled, one targeted toward the elderly and another focused on jobs, this pilot program would encourage funding combined applications to meet these needs together with one comprehensive project. There is even the potential for the Department of Transportation to further coordinate with other departments such as Health and Human Services for healthcare-related transportation. Similarly, the needs of employers for employees do not recognize local political boundaries, so encouraging greater collaboration between local entities to make a more robust interconnected system should ultimately provide more efficient and effective service.

While the FTA already provides some technical assistance for the JARC program, my proposal provides a small boost in funding and some additional areas of emphasis. For example, after hearing about the struggles that some small nonprofits have with the reporting requirements, in addition to looking for ways to streamline the requirements, my proposal would direct the FTA to also provide some technical assistance especially targeted to this need.

The final element of my proposal is the offset. The new spending authorized in the proposal is fully offset by rescinding highway and bridge earmarks that have not had funds spent from them despite being authorized over a decade ago as part of the TEA–21 highway bill. Helping connect workers and employers is a much better use of these funds than letting them sit unused in some obscure DOT account.

Providing reliable transportation to low-income individuals only goes so far—it is the companies and innovators creating the jobs and the individuals seeking to better their lot through education or more challenging employment, that are doing the heavy lifting. That being said, transportation can clearly be a challenge for companies and workers and in the case of the JARC program can play an important supporting role.

By Mr. FEINGOLD:

S. 177. A bill to amend the Small Business Act to extend the Small Business Innovation Research and Small Business Technology Transfer programs, to increase the allocation of Federal agency grants for these programs, to add water, energy, transportation, and domestic security related research to the list of topics deserving special consideration, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Mr. FEINGOLD. Mr. President, we are all aware of the serious challenges our economy faces in the short term and the urgency of our need to promote job creation and economic development. I am committed to engaging in this broad effort with my colleagues on both sides of the aisle. But it is essential that our efforts not just be short term fixes—they must not only aim to create jobs and investment opportunities in the short term, they must be part of strategic efforts to strengthen our Nation's innovation capabilities and sustain long term economic development in a changing and competitive global environment. There is no better way to do this than by stimulating and supporting small business innovation, especially in areas of national priority. As part of this effort, today I am introducing the Strengthening Our Economy Through Small Business Innovation Act of 2009.

Job growth, innovation and economic development are driven by our small

businesses. Small businesses also tend to be based in our cities and communities and so they are major contributors to our local economies. Half of our county's payroll jobs and most of our new job opportunities are provided by small businesses. Small businesses are proven innovators and drive commercialization of cutting edge technologies. Not only are small businesses our major source of employment, they employ about one third of our country's scientists and engineers and generate more patents on a per capita basis than large businesses and universities. They also are effective partners with universities to enhance product creation, develop university income and attract university graduates and faculty through increased innovative job opportunities.

Over the last 25 years, through the Small Business Innovation and Research program, SBIR, and, more recently, the Small Business Technology Transfer program, STTR, up to 2.5 percent and 0.3 percent, respectively, of Federal R&D funds from 11 Federal agencies have been specifically allocated to our Nation's small businesses to fund innovation. These small business allocations are not sufficient. We must diversify and strengthen innovation capabilities and our economic base, and to accomplish this we must extend and increase R&D allocations to our Nation's innovative small businesses.

My bill does 3 things. First, it extends the SBIR and STTR programs for a further 14 years so that small businesses, as well as universities and nonprofit research organizations that collaborate with small businesses, can continue to leverage Federal research and development funding.

Second, it significantly increases the allocation of funds and the awards from large Federal research and development budgets to small businesses through the SBIR and STTR programs. It would increase the SBIR allocation from its current 2.5 percent to 10 percent and the STTR allocation from 0.3 percent to 1.0 percent over a 3-year period. It would increase SBIR phase I awards from $100,000 to $300,000 and phase II awards from $750,000 to $2.2 million. Third, it identifies specific funding priorities for energy innovation; safe and secure water; domestic security; and transportation.

The SBIR program is tested, successful and worthy of extension. In its comprehensive study of the SBIR program, the National Research Council found that the program ''is sound in concept and effective in practice''; was ''stimulating technological innovation''; ''linking universities to the public and private markets''; ''increasing private sector commercialization of innovations'' at an ''impressive'' rate; and ''providing widely distributed support for innovation activity.'' The study concluded that:

[T]he program is proving effective in meeting Congressional objectives. It is increasing innovation, encouraging participation by small companies in R&D, providing support for small firms owned by minorities and women, and resolving research questions for mission agencies in a cost effective manner. Should the Congress wish to provide additional funds for the program in support of these objectives, those funds could be employed effectively by the nation's SBIR.

The NRC's study also found that universities and other non-profit research institutions would benefit significantly from the increase in both the SBIR and the STTR programs. In particular, the STTR allocation increase will directly benefit universities and efforts to bring university-based research into the commercial marketplace, as a partnership with a non-profit research institution, such as a university, is a requirement of all STTR award recipients. Many of the small businesses that receive SBIR funding are rooted in the university infrastructure so investigators and graduates from universities will have opportunities to be part of commercial developments. More than two-thirds of SBIR companies report that at least one founder was previously an academic. About one-third of SBIR company founders were most recently employed as academics before founding the company. Over a third of SBIR projects cite direct university involvement with 27 percent of projects having university faculty as contractors on the project, 17 percent using universities themselves as subcontractors, and 15 percent employing graduate students.

In its report accompanying reauthorization legislation, the Senate Small Business and Entrepreneurship Committee recently concluded that:

increases in the SBIR allocation will invest money in research, contracting, internships, and other collaborative activities done with universities, with the contracting and patenting activities with SBIR companies being a sizable source of revenue for universities as well. The university-industry partnerships that SBIR creates are crucial in that they provide an applied research and commercialization focus that otherwise likely would not be present in university research. More specifically, the partnerships are important in exposing faculty and the next generation of scientists and engineers to commercial research and development. SBIR businesses provide graduate and undergraduate students with hands-on experience and job opportunities that universities would be unable to provide alone.

Our country not only faces immediate economic and employment challenges, it faces major challenges in transportation, energy, domestic security and water quality and safety. Targeted research and development will be critical. Congress, with non-partisan expert guidance, has a role to play in guiding our national research and development priorities and, in this case, stimulating small business innovation and job creation in specific areas of critical national need. The National Academies of Science and other independent government research organizations provide us with carefully researched and considered recommendations on how we can address these priorities, so my bill draws on their recommendations to develop innovative energy technologies; enhance water quality and security; strengthen domestic security; and address transportation priorities. This is not only a good investment in short term job creation; it is an imperative investment in our Nation's long term innovation prospects and economic development.

The costs of my bill would be fully offset by cancellation of the airborne laser program. CBO estimates that cancelling that program will produce savings of over $2.6 billion.

By Mr. FEINGOLD:

S. 178. A bill to amend the Elementary and Secondary Education Act of 1965 to authorize a connecting education and emerging professions demonstration grant program; to the Committee on Health, Education, Labor, and Pensions.

Mr. FEINGOLD. Mr. President, as the 111th Congress begins, I am reintroducing a number of different bills designed to fuel job creation and spur economic development. My initiative, dubbed E4 because of its focus on economy, employment, education, and energy, seeks to respond to economic and job development needs both in my State of Wisconsin and around the country. These challenging economic times call for a comprehensive set of solutions including providing new job training opportunities for workers, fostering innovation among small businesses, protecting the existing family-supporting jobs in our nation, and boosting educational opportunities for young Americans. Today I am introducing the Connecting Education and Emerging Professions Act of 2009, which provides competitive grants to States and local school districts to promote better collaboration between high schools and local businesses and workforce development groups. This E4 education initiative is designed to help prepare America's students for future success in the workforce and post-secondary education as well as enhance America's competitiveness in the global economy as we prepare to enter the second decade of the twenty-first century.

Helping to ensure that all American students have access to a high-quality education is critical to boosting America's competitiveness and helping to ensure that our country is better equipped to respond to the economic challenges currently before us. Investment in our young people now will pay off in the future when these individuals are better prepared to compete for the highly skilled jobs of tomorrow. If the United States is to remain competitive on an international stage and continue to lead the world in innovation and development, we need to make certain that our young people are well prepared to meet current and future economic challenges.

Improving educational opportunities in the United States is going to require

a comprehensive set of policy strategies and I look forward to working with my colleagues in Congress this year as we get to work on a variety of education issues including expanding access to education from pre-K through college. We also face the monumental task of reauthorizing and reforming the Elementary and Secondary Education Act, ESEA, better known as No Child Left Behind, NCLB. As we consider the ESEA reauthorization, we should make substantial changes to the testing mandates that were imposed through NCLB and provide support to states that develop smarter accountability systems with enhanced assessments that measure higher-order thinking skills among students. We also need to look at ways to strengthen and reform our Nation's public secondary schools as part of the ESEA reauthorization. The legislation I am introducing today is designed to help support innovative changes that are taking place in some of our Nation's high schools and help even more States and local communities make improvements to their local high schools.

My CEEP bill seeks to address a couple of interrelated issues related to secondary education. The first issue is the alarmingly high dropout rate in our nation's high schools. While numbers vary slightly, a growing body of research indicates that the United States has a graduation rate of approximately 70 percent and that about one-third of our country's high school students will not graduate on time. Graduation rates for minority and low-income students are even lower, in many cases, alarmingly lower. In addition, many of our nation's urban school districts report very high dropout rates, including the Milwaukee Public School District. According to the Cities in Crisis report released in 2008 by the Editorial Projects in Education Research Center, the Milwaukee Public Schools has a graduation rate of 46.1 percent. Unfortunately, there are at least a dozen large urban districts that have even lower graduation rates than Milwaukee.

One of our top education priorities as a Nation must be to address the low graduation rates nationwide in urban, suburban, and rural school districts. We must also work to close the huge opportunity gap that is created by the large disparity in graduation rates between our minority and non-minority students as well as between low-income and more affluent students. Solving this problem will require a broad, comprehensive solution involving the federal, state and local governments. It is my hope that when Congress finally reauthorizes the Elementary and Secondary Education Act, we pay particular attention to the needs of our nation's high schools and our students.

While many factors contribute to high dropout rates, disengagement from classroom instruction can contribute to a student's decision to drop out. Some students feel that high school is not relevant to their lives and do not see how completing high school will translate into future career and academic success. In this increasingly competitive twenty-first century where postsecondary education is now required for many entry-level jobs, it is up to us to show our nation's students why it is so important that they graduate from high school.

Another issue that this bill seeks to address is the growing sense among employers and postsecondary institutions that our nation's high school students who do graduate are unprepared for success either in the workforce or in college. Employers in various economic sectors, including technology, manufacturing, health care, construction, and others, report difficulty in identifying qualified candidates for skilled positions. Recent surveys also indicate that many employers are dissatisfied with the overall preparation of secondary school graduates. In order for companies in the United States to be competitive in a global economy, we must have a highly skilled workforce. Adequate preparation at the high school level can help prepare students for entry into our rapidly changing global economy where new emerging industries are cropping up in Wisconsin and around the country.

To address these two interrelated issues, my bill would provide 5-year competitive education grants to states and school districts to foster collaboration and discussions between schools, businesses, and others about the emerging industry workforce needs and how to prepare our high school students to meet those needs, both academically and practically. States and local school districts must use this money to form partnerships with local or regional businesses, postsecondary institutions, workforce development boards, labor organizations, nonprofit organizations and others.

These partnerships will have the responsibility of surveying local, regional, and statewide emerging industries and deciding what are the academic and work-based skills that our high school students need in order to be successful in these emerging industries. The partnerships will then work together to develop new and engaging curriculums and programs designed to teach the academic and work-based skills that are necessary to succeed in these new emerging industries. Once the partnership has designed a curriculum or program and received approval from the Federal Department of Education, the partnership will work to implement the program in qualifying schools.

During the implementation phase, the partnership will come together to implement hands-on learning and work opportunities for students including internships, apprenticeships, job shadowing, and other career and technical education programs. These hands-on learning and work opportunities will be based on the emerging industry pathways curriculum or program that the eligible partnership has designed and will offer students practical academic experiences and skill-building lessons that they can use in the workplace or in postsecondary education.

This legislation seeks to help schools, businesses, colleges, and the students who would be served by this legislation talk with each other to build new programs that would help boost student engagement in learning and student attendance and graduation rates while also preparing students for success in the workforce or in college after they graduate. There are a number of successful local and state programs around Wisconsin that this legislation would help support and that served as valuable examples as I developed this legislation.

Wisconsin's Department of Public Instruction, Department of Workforce Development, and various local school districts have all been working to boost Wisconsin's career and technical education offerings and gear these offerings towards emerging industries. My bill seeks to help Wisconsin and other states build on these efforts and engage in additional conversations with interested stakeholders to design new curriculums and programs to prepare students for emerging industries.

I look forward to moving this legislation forward this year as the new Congress begins to debate how best to boost educational opportunities for all of our Nation's children. We have a significant achievement gap and graduation gap in urban, rural, and suburban schools throughout the country and it is imperative that we work together to promote innovative ideas that will close these gaps. Some of our Nation's schools are experiencing high dropout rates in part because students aren't connecting with what they are being taught. At the same time, we're seeing an emergence of new industries, like those aiming to capitalize on alternative energies and energy efficiency, that need employers with skills and training in their field. If we help schools connect their students with businesses, workforce development boards, and colleges that offer career and academic opportunities in these new and exciting fields, we can help to lower the alarming dropout rates while helping these emerging industries thrive.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 178

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Connecting Education and Emerging Professions Act of 2009''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The majority of secondary school students in the United States receive some career-related instruction before graduation, and about half of secondary school students have a strong career-related component to their educational programs.

(2) A gap still remains between what students are learning in school and the knowledge required to succeed in the current labor market.

(3) Employers in various economic sectors, including technology, manufacturing, healthcare, construction, and others, report difficulty in identifying qualified candidates for skilled positions.

(4) A survey of more than 400 employers nationwide found that nearly half were dissatisfied with the overall preparation of secondary school graduates.

(5) Almost 40 percent of secondary school graduates report feeling unprepared for the workplace or postsecondary education.

(6) In order for companies in the United States to be competitive in a global economy, the United States must have a highly skilled workforce.

(7) Adequate preparation on the secondary school level can help prepare students to enter high-demand fields in need of skilled workers.

(8) Collaboration between businesses, industries, and education leaders can help determine how best to prepare students for workforce success.

(9) Career-related experiences during secondary education, such as apprenticeships, are associated with positive labor market outcomes for students.

(10) The United States has a secondary school graduation rate of 70 percent, and approximately one-third of students entering secondary school will not graduate on time.

(11) Minority and low socioeconomic status students have significantly lower secondary school graduation rates.

(12) Disengagement from classroom instruction contributes to student decisions to drop out of school.

(13) Studies indicate a link between career-oriented models of secondary education, secondary school dropout rate reduction, and higher earning potential for secondary school graduates.

(14) Studies suggest that academic lessons taught in a work context or an applied manner can improve some students' ability to comprehend and retain information.

(b) PURPOSES.—The purposes of this Act are to—

(1) foster improved collaboration among secondary schools, State, regional, and local businesses, institutions of higher education, industry, workforce development organizations, labor organizations, and other nonprofit community organizations to identify emerging industry pathways, as well as the academic skills necessary to improve student success in the workforce or postsecondary education;

(2) address industry and postsecondary education needs for a prepared and skilled workforce;

(3) improve the potential for economic and employment growth in covered communities; and

(4) help address the dropout crisis in the United States by involving students in a collaborative curriculum or program development process related to emerging industry pathways to improve student engagement and attendance in secondary school.

SEC. 3. CONNECTING EDUCATION AND EMERGING PROFESSIONS DEMONSTRATION GRANT PROGRAM.

(a) AUTHORIZATION.—Part D of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7241 et seq.) is amended by adding at the end the following:

"Subpart 22—Connecting Education and Emerging Professions Demonstration Grant Program

"SEC. 5621. DEFINITIONS.

"In this subpart:

"(1) COVERED COMMUNITY.—The term 'covered community' means a town, city, community, region, or State that has—

"(A) experienced a significant percentage job loss in the 5 years prior to the date of enactment of this subpart or is projected to experience a significant percentage job loss within 5 years after the date of enactment of this subpart; or

"(B) an unemployment rate that has increased in the 12 months prior to the date of enactment of this subpart.

"(2) ELIGIBLE PARTNERSHIP.—The term 'eligible partnership' means a partnership that includes—

"(A) a State educational agency, a consortium of local educational agencies, or a local educational agency that collaborates with—

"(i) a State, regional, or local business, including a small business, that serves a covered community in which a qualifying school is located; or

"(ii) a regional workforce investment board that serves a covered community in which a qualifying school is located; and

"(B) at least 1 of the following entities:

"(i) An institution of higher education that provides a 4-year program of instruction.

"(ii) An accredited community college.

"(iii) An accredited career or technical school or college.

"(iv) A tribal college or university.

"(v) A nonprofit community organization.

"(vi) A labor organization.

"(3) EMERGING INDUSTRY PATHWAYS.—The term 'emerging industry pathways' means industry careers that—

"(A) are estimated to increase in the number of job opportunities in a covered community within the 5 to 7 years after the date of enactment of this subpart;

"(B) require new academic skill sets because of new technology or innovation in the field;

"(C) are important to the growth of the State economy, regional economy, or local area's economy; and

"(D) may include—

"(i) green industries;

"(ii) healthcare industries;

"(iii) advanced manufacturing industries; and

"(iv) programs of study, as described in section 122(c)(1)(A) of the Carl D. Perkins Career and Technical Education Act of 2006.

"(4) QUALIFYING SCHOOL.—The term 'qualifying school' means a secondary school that—

"(A) serves students not less than 30 percent of whom are eligible for the school lunch program under the Richard B. Russell National School Lunch Act or meet an equivalent indicator of poverty established by the Secretary;

"(B) has a graduation rate that is lower than the State average; and

"(C) is located in a covered community.

"(5) SCHOOL- AND WORK-BASED CURRICULUM OR PROGRAM.—The term 'school- and work-based curriculum or program' means a curriculum or program that incorporates a combination of school-based instruction and work-based learning opportunities, including internships, work experience programs, apprenticeships, service learning programs, mentorship opportunities, job shadowing, and other career and technical education programs, in an emerging industry pathway.

"(6) TRIBAL COLLEGE OR UNIVERSITY.—The term 'tribal college or university' means an educational institution that is—

"(A) a tribal college or university, as defined in section 2(a) of the Tribally Controlled Colleges and Universities Assistance Act of 1978; or

"(B) one of the 1994 Institutions, as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note).

"SEC. 5622. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—From amounts appropriated under section 5626, the Secretary shall establish and carry out an emerging professions and educational improvement demonstration project, by awarding grants, on a competitive basis, to eligible partnerships.

"(b) PROGRAM PERIODS.—

"(1) IN GENERAL.—The Secretary shall award grants under this subpart for periods of not more than 5 years, of which the eligible partnership shall use—

"(A) not more than 18 months for assessing emerging industry pathways, assessing the academic skills needed for success in such pathways, and designing a school- and work-based curriculum or program to teach such academic skills necessary for success in an emerging industry pathway;

"(B) not more than 48 months for implementing the new emerging industry pathways school- and work-based curriculum or program in qualifying schools; and

"(C) not more than 12 months to disseminate best practices to other State educational agencies, local educational agencies, or schools.

"(2) OVERLAP.—Each eligible partnership receiving a grant under this subpart may carry out subparagraphs (A), (B), or (C) concurrently.

"(c) PRIORITY.—In awarding grants under this subpart, the Secretary shall give priority to eligible partnerships that—

"(1) serve qualifying schools in which 50 percent or more of the students are eligible for the school lunch program under the Richard B. Russell National School Lunch Act or meet an equivalent indicator of poverty established by the Secretary;

"(2) serve qualifying schools the majority of which have secondary school dropout rates in the top 25 percent statewide;

"(3) pledge to serve the students most at-risk of dropping out of qualifying schools;

"(4) develop school- and work-based curricula or programs serving green industries, health care industries, and advanced manufacturing industries; or

"(5) have a demonstrated record of success in forming collaborative partnerships with businesses, workforce development boards, institutions of higher education, local community and technical colleges, tribal colleges or universities, labor organizations, and other nonprofit community organizations.

"SEC. 5623. APPLICATIONS.

"An eligible partnership that desires to receive a grant under this subpart shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

"(1) a description of the eligible partnership, including the responsibilities of each partner and how each partner will meet its responsibilities;

"(2) a description of the statewide, regional, or local emerging industry pathways and labor market needs to be filled;

"(3) a description of how members of the eligible partnership will collaborate with each other and interested community stakeholders to assess the emerging industry pathways in the State, region, or local area;

"(4) a description of how the eligible partnership will engage students from qualifying

schools to be served in the design and implementation of the school- and work-based curriculum or program;

''(5) a description of how the eligible partnership will use the assessment of emerging industry pathways to establish a school- and work-based curriculum or program to teach academic and industry skills needed for success in such emerging industries and how these skills will be aligned with existing challenging State academic content standards;

''(6) a description of how teachers, parents or guardians, and school guidance counselors will be consulted by the eligible partnership in the development of the school- and work-based curriculum or program developed under this subpart;

''(7) a description of how the eligible partnership will ensure that teachers and instructors have the necessary training and preparation to teach the school- and work-based curriculum or program developed under this subpart;

''(8) a description of how the school- and work-based curriculum or program developed under this subpart will improve the academic achievement, student attendance, and secondary school completion of at-risk students and such students' readiness to enter into a career in an emerging industry or pursue postsecondary education;

''(9) a description of how the eligible partnership will design a school- and work-based curriculum or program that meets the unique academic and career development needs of students to be served by the curriculum or program;

''(10) a description of how the school- and work-based curriculum or program will support statewide, regional, or local emerging industries;

''(11) a description of how the eligible partnership will measure and report improvement in academic and student engagement outcomes among students who participate in the school- and work-based curriculum or program developed under this subpart;

''(12) a description of how the eligible partnership will seek to leverage other sources of Federal, State, and local funding to support the development and implementation of the school- and work-based curriculum or program;

''(13) a description of how the eligible partnership will work to create, use, and evaluate individual learning plans and career portfolios for students served under this subpart;

''(14) a description of how the eligible partnership will coordinate such curriculum or program with programs funded under the Carl D. Perkins Career and Technical Education Act of 2006; and

''(15) a description of how the eligible partnership plans to sustain and expand such school- and work-based curriculum or program after the Federal grant period ends.

''SEC. 5624. PROGRAM ADMINISTRATION.

''(a) SELECTION.—In awarding grants under this subpart, the Secretary shall—

''(1) consider the information submitted by the eligible partnerships under section 5623;

''(2) prioritize applications in accordance with section 5622(c); and

''(3) select eligible partnerships that submit applications in compliance with section 5623.

''(b) AWARD AMOUNTS.—

''(1) IN GENERAL.—Subject to subsection (c), the Secretary shall award each grant under this subpart in an amount of not more than $5,000,000.

''(2) USE OF FUNDS.—An eligible partnership that receives a grant under this subpart shall use—

''(A) not more than 35 percent of the grant funds for designing the emerging industry pathways school- and work-based curriculum or program; and

''(B) not less than 65 percent of the grant funds for implementing the emerging industry pathways school- and work-based curriculum or program in qualifying schools.

''(c) FUNDING TO IMPLEMENT CURRICULA OR PROGRAMS.—The Secretary may not award grant funds under subsection (b)(2)(B) to implement the emerging industry pathways school- and work-based curriculum or program until the Secretary certifies that the eligible partnership is in compliance with the following:

''(1) The eligible partnership has engaged in a collaborative process involving educators and school administrators, including curriculum experts, as well as representatives from local businesses and industry to assess emerging industry demands and the academic knowledge and skills needed to meet those demands.

''(2) The school- and work-based curriculum or program developed by the eligible partnership is aligned with challenging State academic content standards.

''(3) The eligible partnership has consulted with and involved students in qualifying schools in the collaboration process and design of the school- and work-based curriculum or program.

''(4) The eligible partnership has received a commitment from at least 1 qualifying school agreeing to implement the school- and work-based curriculum or program in the qualifying school.

''(5) The school- and work-based curriculum or program will help prepare students for both direct entry into a career in emerging industries and success in postsecondary education.

''(6) The eligible partnership has established a plan to promote the school- and work-based curriculum or program among qualifying schools, businesses, parental groups, and community organizations.

''(d) ELIGIBLE USES OF FUNDS.—

''(1) PLANNING PHASE.—An eligible partnership that receives a grant under this subpart shall use the grant funds in the designing phase for the following:

''(A) Establishing collaborative working groups consisting of educators, school administrators, representatives of local or regional businesses, postsecondary education representatives, representatives from labor organizations, and representatives from nonprofit organizations.

''(B) Identifying emerging industry pathways at the State, regional, or local level.

''(C) Identifying the academic and skill gaps that need to be addressed to promote success in the emerging industry pathways identified in subparagraph (B).

''(D) Developing a school- and work-based curriculum or program to teach and integrate the academic and work-based skills, including soft skills, that are needed for success in emerging industry pathways and postsecondary education.

''(E) Creating a comprehensive set of academic and industry skills to be taught across multiple emerging industry pathways.

''(F) Aligning the school- and work-based curriculum or program with challenging State academic content standards.

''(G) Establishing professional development opportunities for educators, business partners, school counselors, and others who will be implementing the school- and work-based curriculum or program.

''(H) Collaborating with multistate regions to develop and identify a school- and work-based curriculum or program that addresses regional emerging industry pathways.

''(2) IMPLEMENTING PHASE.—An eligible partnership that receives a grant under this subpart shall use the grant funds in the implementing phase for the following:

''(A) Integrating the emerging industry pathways school- and work-based curriculum or program into classroom- or work-based instruction.

''(B) Providing professional development opportunities designed around the school- and work-based curriculum or program for educators, business partners, and others.

''(C) Identifying and creating school- and work-based learning curricula or programs for students in such emerging industry pathways.

''(D) Promoting the school- and work-based curriculum or program among school guidance counselors.

''(E) Working with pupil services staff to develop opportunities for career exploration among emerging industry pathways business partners.

''(F) Conducting ongoing evaluations of the school- and work-based curriculum or program, including assessing whether participating students report increased engagement in learning, increased school attendance, and improved success upon entry into the workforce or postsecondary education.

''(G) Purchasing resources, including textbooks, reference materials, assessments, labs, computers, and software, for use in the school- and work-based curriculum or program.

''(3) DISSEMINATION PHASE.—An eligible partnership that receives a grant under this subpart shall use the grant funds in the dissemination phase for the following:

''(A) Evaluating, cataloging, and disseminating best practices from the school- and work-based curriculum or program.

''(B) Disseminating the school- and work-based curriculum or program to—

''(i) the National Research Center for Career and Technical Education;

''(ii) State, regional, and local professional education organizations; and

''(iii) institutions of higher education.

''(e) MATCHING CONTRIBUTIONS.—An eligible partnership that receives a grant under this subpart shall provide, from non-Federal sources, matching funds, which may be provided in cash or in-kind, to carry out the activities supported by the grant, in an amount equal to—

''(1) for the first year of the grant, 5 percent of the amount of the grant for such year;

''(2) for the second year of the grant, 10 percent of the amount of the grant for such year;

''(3) for the third year of the grant, 15 percent of the amount of the grant for such year;

''(4) for the fourth year of the grant, 20 percent of the amount of the grant for such year; and

''(5) for the fifth year of the grant, 25 percent of the amount of the grant for such year.

''(f) SUPPLEMENT, NOT SUPPLANT.—Grant funds awarded under this subpart shall be used to supplement and not supplant other Federal, State, and local funds available to implement secondary school education programs or career and technical education programs.

''SEC. 5625. EVALUATION AND REPORTS.

''(a) ANNUAL REPORTS.—An eligible partnership that receives a grant under this subpart shall submit an annual report to the Secretary during the grant period detailing how the eligible partnership is using the grant funds under this subpart, including—

''(1) how the State educational agency or local educational agency that is a member of the eligible partnership collaborated with local businesses, workforce boards, institutions of higher education, and community

organizations to assess emerging industry pathways;

''(2) how the eligible partnership has consulted with and involved students in qualifying schools in the design and implementation of the emerging industry pathways school- and work-based curriculum or program;

''(3) the effectiveness of the school- and work-based curriculum or program with respect to improving—

''(A) student engagement;

''(B) attendance;

''(C) secondary school graduation rates; and

''(D) preparation for and placement in a career in an emerging industry or in postsecondary education;

''(4) how the eligible partnership has improved its capacity to respond to new workforce development priorities and create educational opportunities that address such new workforce development priorities; and

''(5) any other information the Secretary may reasonably require.

''(b) FINAL REPORTS.—

''(1) IN GENERAL.—An eligible partnership that receives a grant under this subpart shall, at the end of the grant period, collect and prepare a report on the following information:

''(A) The number and percentage of students served by the eligible partnership who—

''(i) graduated from secondary school with a regular secondary school diploma in the standard number of years;

''(ii) entered into a job in an emerging industry; and

''(iii) enrolled in a postsecondary institution.

''(B) The emerging industry pathways school- and work-based curriculum or program and the—

''(i) successes of such curriculum or program, including placement rates of students in work or postsecondary education and trends in secondary school graduation rates in qualifying schools utilizing the school- and work-based curriculum or program;

''(ii) areas of improvement for the school- and work-based curriculum or program;

''(iii) lessons learned from the implementation of the school- and work-based curriculum or program in secondary schools; and

''(iv) plans to replicate the school- and work-based curriculum or program in other schools or examples of successful replication of the curriculum or program.

''(2) SUBMISSION OF REPORTS.—A report prepared under paragraph (1) shall be submitted to the Secretary and the National Research Center for Career and Technical Education.

''(c) FEDERAL EVALUATION AND REPORT.—Not later than 6 years after the date of enactment of this subpart, the Secretary shall—

''(1) develop and execute a plan for evaluating the emerging industry pathways school- and work-based curricula or programs assisted under this subpart; and

''(2) submit a report to Congress—

''(A) detailing aggregate data on—

''(i) the categories of activities for which eligible partnerships used grant funds under this subpart;

''(ii) the impact of the grants on—

''(I) student engagement, attendance, and completion of secondary school; and

''(II) the postsecondary placement of students in high-quality emerging industry careers or postsecondary education; and

''(iii) promising strategies for improving student engagement, attendance, and completion of secondary school through engaging curricula or programs; and

''(B) that includes any recommendations for improvements that can be made to the grant program under this subpart.

''SEC. 5626. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—From the amounts appropriated to and available for Program Administration within the Departmental Management account in the Department of Education for each of fiscal years 2010 through 2013, there are authorized to be appropriated $25,000,000 for each of fiscal years 2010 through 2013, respectively, to carry out this subpart.

''(b) SET ASIDE FOR EVALUATION.—Of the amounts appropriated under subsection (a) for a fiscal year, 2 percent shall be set aside for such fiscal year for the Federal evaluation required under section 5625(c).''.

(b) TABLE OF CONTENTS.—The table of contents in section 2 of the Elementary and Secondary Education Act of 1965 is amended by inserting after the item relating to section 5618 the following:

''SUBPART 22—CONNECTING EDUCATION AND EMERGING PROFESSIONS DEMONSTRATION GRANT PROGRAM

''Sec. 5621. Definitions.
''Sec. 5622. Program authorized.
''Sec. 5623. Applications.
''Sec. 5624. Program administration.
''Sec. 5625. Evaluation and reports.
''Sec. 5626. Authorization of appropriations.''.

By Ms. STABENOW (for herself and Ms. SNOWE).

S. 179. A bill to improve quality in health care by providing incentives for adoption of modern information technology, to the Committee on Finance.

Ms. STABENOW. I am very pleased to introduce the Health Information Technology Act with my friend and colleague from Maine, Senator SNOWE. As co-chairs of the Senate Health Care Quality Improvement and Information Technology Caucus, we have seen firsthand the transformative power information technology has on the delivery of health care.

Our legislation is a substantial downpayment in building up our Nation's health information network and an important step in reforming health care. In doing so, we will reduce costs for our businesses, improve the quality of care for patients, and ensure health providers have access to the most accurate information. And I am very excited that President-elect Obama identified health IT as an important part of investing in our Nation's economy.

The result of using 19th century technology in a 21st century health care system is higher costs, increased errors, and decreased quality of care. Too often, care is duplicated or the best and most appropriate care isn't given. Our health care professionals can't possibly provide the best care if they don't have complete and accurate information about the patient sitting in front of them.

Many studies have found that as much as $300 billion is spent each year on health care that does not improve patient outcomes on treatment that is unnecessary, inappropriate, inefficient, or ineffective. For example, in last year's series of health reform hearings in the Senate Finance Committee, we heard testimony from Elizabeth McGlynn of the RAND Corporation that we only receive 55 percent of recommended preventive care services, 54 percent of recommended care for acute health problems, and 56 percent of the care that doctors agree is necessary for people with chronic conditions when we seek medical treatment.

It's long past time that we fully utilize technology to make health care accessible and affordable for every family and business. However, most of our Nation's health care providers don't have access to capital in order to purchase information technology and service updates. Too many providers, especially our safety-net providers, are having a hard enough time just keeping up with their daily costs, much less to invest in something new.

A March 2001 Institute of Medicine study concluded that in order to improve quality, there must be a national commitment to building an information infrastructure. An October 2003 Government Accountability Office report found that the benefits of an electronic healthcare information system included improved quality of care, reduced costs associated with medication errors, more accurate and complete medical documentation, more accurate capture of codes and charges, and improved communication among providers enabling them to respond more quickly to patients' needs.

By providing the most appropriate care at the most appropriate time in a safe, secure way, we can reap huge savings. A January 2005 Report by the Center for Information Technology Leadership found that moving to standardized health information exchange and interoperability would save nearly $80 billion annually in the United States.

The benefits of adoption and use of health care information technologies, systems and services will be widespread: employers will realize cost savings, clinicians will gain new electronic support tools and patient information to help guide medical decisions, and patients will benefit from a more efficient health care system and from a safer health care system with fewer unnecessary treatments and more attention to preventive care.

We know that adoption of health information technology can play a critical role in improving patient outcomes and at the same time greatly reduce costs. But it can't happen without the federal government playing a role. The members of the Health Information Technology Leadership Panel concurred that without federal leadership, neither their individual companies nor the industrial sector as a whole can achieve the breadth of HIT adoption that would be required to realize the needed transformation of health care.

Our country must have a national commitment to building an information infrastructure, and the Federal Government needs to step up to the plate and provide much-needed funds to get the ball rolling. Without health IT, we are not going to be able to accomplish other reforms necessary to improve our health care system. That is

why I am fighting for funding similar to the legislation we are introducing today, will be included in the economic recovery act we will soon be debated.

The sooner we get them into our hospitals, physician offices, nursing homes, community health centers, community mental health centers, and other health care providers, the sooner our patients, providers, and pocketbooks will see the rewards.

Ms. SNOWE. Mr. President, today I join my colleague, Senator STABENOW of Michigan, to introduce the Health Information Technology Act of 2009 to improve the quality of health care through the implementation of information technology, IT, in hospitals, health centers and physician practices throughout the country. Our legislation will help us address two critical issues.

The first is the serious patient safety problem facing our Nation. Indeed, if most Americans were told today that 98,000 lives were lost needlessly last year—and a cure was available—they would undoubtedly call for action. Yet the Institute of Medicine, IOM, has reported that medical errors inflict that terrible toll every year, even though the technology is at our disposal to dramatically reduce those deaths.

A second major problem is the escalating cost of health care. Health spending now comprises over 16 percent of GNP—$2.2 trillion last year—and the price of a health plan has grown so high that 70 million Americans today are either underinsured or lack any coverage whatsoever. That group expands as unemployment rates increase and individuals and families lose health insurance tied to employment. A recent Urban Institute study found that for each 1 percentage point increase in unemployment 1 million Americans are added to the rolls of the uninsured. However, simply expanding government subsidies or entitlements alone is not the answer, because on our current trajectory, escalating costs will erode our ability to maintain such supports. It is clear that some fundamental changes must be made in health care to combat rising health care costs.

Bold changes and innovations are necessary to address both medical errors and escalating costs. One of those changes must be the application of modern data technology. Most of us have been told at one time or another, ''we're waiting to get the test results mailed'' or ''we're still waiting for your chart.'' Consider the savings we realize when a physician can locate information efficiently so that tests don't have to be repeated and data isn't delayed. A patient obtains faster, higher quality care when multiple practitioners can review diagnostic test results right at their desktops. The fact is the health care industry is one of the last sectors where information flows so slowly. Indeed, it is often easier to track the service history on one's automobile than to see your own health history. In an age where millions of Americans share family pictures over the Internet in seconds, isn't it long past time that a physician should be able to retrieve an x-ray just as easily?

Today, the technological tools are at hand to dramatically reduce medical errors and save lives. Many of us have heard about how drug interactions can be avoided by software systems which check a patient's prescriptions for hazards, and there are so many other applications which can also improve health. For example, by reviewing and analyzing information, a health provider can help a patient better manage chronic diseases such as diabetes and heart disease to reduce avoidable adverse outcomes. The unfortunate reality is that the cost of new systems and a lack of standards have prevented us from reaping the benefits of new technologies.

While the current economic crisis has surely put a focus on addressing the inefficiencies and high costs of health care, I have long shared a determination to modernize health information with my colleagues. In 2003, I joined with Senator Bob Graham to introduce the ''Medication Errors Reduction Act of 2003'' to make grants of up to $750,000 available to hospitals and nursing facilities to aid in implementation of health IT infrastructure. In 2005, Senator STABENOW and I offered our bill to create a $4 billion competitive grant program and tax incentives to enable hospitals, skilled nursing facilities, community health centers and physicians to invest in health IT.

The President-elect shares our recognition of the critical role which information technology must play in transforming health care. In his campaign, he acknowledged the critical need to make technology implementation a priority.

A lack of standards to ensure interoperability has been a factor in slowing IT adoption by many health care providers. One must know that a system purchased will be compatible with others, and that—no matter what may happen in the future to a vendor—the investment one makes in building an electronic medical record won't be wasted. In other words, your system must be able to communicate with other systems, and your investment in building electronic medical records must be preserved. When a patient moves, their electronic ''chart'' should be able to move right along with them to prevent disruption in the continuity of their care—in other words ''we must have interoperability.''

Yet standards alone are not sufficient, as there are fiscal hurdles to implementing health IT. Today, many providers are struggling to adopt new technology, and for those who serve beneficiaries of Medicare, Medicaid and SCHIP, it can be exceedingly difficult. Our physicians, for example, have seen recent Medicare payment updates which have not even kept pace with inflation—even as we expect them to make a major investment in health IT.

We must also recognize there is a misalignment of fiscal incentives for health IT. The benefits to patients are evident—in fewer delays, in better outcomes, in lives saved. Modern information technology reduces costs as well, but primarily to those who pay for services—not for the healthcare providers who must bear the burden of implementation. Indeed, it has been estimated that 89 percent of cost savings accrue to those who pay for services. It should be obvious then that the federal government would invest in health IT to both improve health outcomes and to reduce its expenditures on Medicare, Medicaid and SCHIP.

That is precisely the type of investment the Health Information Technology Act of 2009 would achieve. Because as we look to the many studies and reports on health IT, it is clear that annual cost savings can actually exceed the price of implementation. With that kind of return, it is indisputable that the federal government must employ health IT to see not only the savings in lives, but also better management of our health care spending.

Our legislation spurs adoption by providing grants to physicians, hospitals, long term care facilities and both federally-qualified health centers and community mental health centers. These grants are targeted to help provide the health IT resources providers need to serve our federal beneficiaries. In fact, the size of an allowable grant for each provider is keyed to the proportion of the patient care which they deliver to federal beneficiaries. This will help providers deliver better care to those on Medicare, Medicaid and SCHIP while we also see costs reduced in those programs. That is simple common sense.

The legislation supports reasonable expenditures for a variety of costs required to implement health care information technology. These include such components as computer hardware and software in combination with installation and training. In addition for a system to be suitable for support under this legislation, we require that it must meet the HHS Secretary's interoperability standards.

Our new legislation even provides an alternative to those for-profit providers who do not wish to apply for a grant. Under this bill, such providers will be able to expense the cost of a qualified system. We will thus assure that every type of provider has a meaningful opportunity to invest in moving their health care practice into the new millennium. With the development of a 21st century health technology system, we will ensure that providers have the appropriate tools to effectively provide the best quality health care at reasonable cost.

As the current Congress struggles with matters related to the ailing economy, many Americans are finding it exceedingly difficult to access health care which they find to be both expensive and inefficient. While it is clear

that health IT alone will not reduce all excessive costs or address every inefficiency, one must understand that the only way to achieve either goal is to have access to the type of coordinated information that a fully integrated health care system would provide. In fact, the information we will obtain through health IT is essential to achieve such goals as improving quality and reforming provider payment. This is the foundation for our work on health reform.

When the Medicare and Medicaid programs began, we could have only dreamed about computerized clinical information systems. Today, we have this technology at our disposal, and I strongly believe that we cannot afford to delay implementation. In fact, as we face challenges in the financing of these vital federal programs, this is exactly the sort of initiative which will enable us to achieve the fundamental improvements to make our health entitlements more fiscally secure.

I hope my colleagues will join us in support of this legislation so we may soon achieve the goals of improving patient safety and reducing our escalating health care costs.

By Ms. MIKULSKI (for herself, Mr. KENNEDY, Mr. HARKIN, Mr. LEAHY, Mr. REID, Ms. SNOWE, Mr. DODD, Mr. BINGAMAN, Mrs. MURRAY, Mr. REED, Mrs. CLINTON, Mr. SANDERS, Mr. BROWN, Mr. BYRD, Mr. INOUYE, Mr. LEVIN, Mr. KERRY, Mr. ROCKEFELLER, Mr. KOHL, Mr. LIEBERMAN, Mr. AKAKA, Mrs. FEINSTEIN, Mr. DORGAN, Mrs. BOXER, Mr. FEINGOLD, Mr. WYDEN, Mr. DURBIN, Mr. JOHNSON, Ms. LANDRIEU, Mr. SCHUMER, Mrs. LINCOLN, Mr. CARPER, Ms. STABENOW, Ms. CANTWELL, Mr. NELSON of Florida, Mr. LAUTENBERG, Mr. SALAZAR, Mr. MENENDEZ, Mr. CARDIN, Mr. WEBB, Mr. CASEY, Ms. KLOBUCHAR, Mrs. MCCASKILL, Mr. WHITEHOUSE, Mr. TESTER, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. WARNER, Mrs. SHAHEEN, Mr. MERKLEY, Mrs. HAGAN, Mr. BEGICH, and Mr. PRYOR):

S. 181. A bill to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes; read the first time.

Mr. KENNEDY. Mr. President, I'm proud to join Senator MIKULSKI in introducing this legislation. Equal pay for equal work is a fundamental civil right. Over the past 4 decades, America has made enormous progress toward ensuring that all its people have an equal chance to enjoy the benefits of this great Nation. Bipartisan civil rights bills have been enacted to expand and strengthen the law to ensure fair pay for all workers. Despite these advances, civil rights is still America's unfinished business. It is therefore fitting that we open the 111th Congress with introduction of the Lilly Ledbetter Fair Pay Act.

This bill will restore the basic right of all workers, regardless of their race, sex, religion, national origin, age, or disability, to be paid fairly, free from discrimination. It will restore workers' rights to challenge ongoing discrimination and hold unscrupulous employers accountable.

This legislation is needed because the Supreme Court turned back our Nation's progress on equal pay with its Ledbetter decision, which undermined a core protection of Title VII of the Civil Rights Act of 1964 and overturned decades of precedent that had established a fair, workable rule for challenging pay discrimination claims.

This needed bill will restore the longstanding rule that each discriminatory paycheck is a separate wrong that may be challenged by workers within the required period after receiving the check. In the Ledbetter case, a jury had found that Lilly Ledbetter was paid less than her male coworkers because she was a woman. The jury awarded back pay to Ms. Ledbetter, but the Supreme Court reversed that award, holding that she had waited too long and should have filed her lawsuit within a short time after Goodyear first began discriminating against her. Never mind that the company discriminated against her for decades, and that the discrimination continued with each new paycheck she received.

Far too often, workers like Lilly Ledbetter put in a fair day's work, but go home with less than a fair day's pay. Women, African-American, and Latino workers all earn a fraction of what white male workers make. Many qualified older workers and workers with disabilities also are paid less than their coworkers for reasons unrelated to their performance on the job.

It's more important than ever that we attack the problem of pay discrimination and correct the injustice caused by the Ledbetter decision. In the current economic crisis, millions of American workers are struggling to make ends meet. Pay discrimination makes that struggle harder, and workers can't afford to lose more economic ground. To protect these workers, we must move quickly to pass the Lilly Ledbetter Fair Pay Act.

I urge my colleagues, Republicans and Democrats alike, to do so, and to send a strong signal that this new Congress is dedicated to standing up for fairness and equality in the workplace. The Lilly Ledbetters of our Nation deserve no less.

Mr. LEAHY. Mr. President, I am pleased to join Senators MIKULSKI, KENNEDY, SNOWE and others in introducing the Lilly Ledbetter Fair Pay Restoration Act of 2009. This legislation is long overdue and I am pleased that the majority leader will try again to move this legislation in the opening days of this new Congress. The Supreme Court's divided decision in Ledbetter v. Goodyear Tire struck a severe blow to the rights of working families across our country. More than 40 years ago, Congress acted to protect women and others against discrimination in the workplace. In the 21st century, equal pay for equal work should be a given in this country. Unfortunately, the reality is still far from this basic principle. American women still earn only 77 cents for every dollar earned by a male counterpart. That decreases to 62 cents on the dollar for African-American women and just 53 cents on the dollar for Hispanic-American women.

For nearly 20 years, Ms. Ledbetter was a manager at a Goodyear factory in Gadsden, Alabama. After decades of service, she learned through an anonymous note that her employer had been discriminating against her for years. She was the only woman among 16 employees at her management level, yet Ms. Ledbetter was paid between 15 and 40 percent less than all of her male colleagues, including several who had significantly less seniority. After filing a complaint with the Equal Employment Opportunity Commission, a Federal jury found that Ms. Ledbetter was owed almost $225,000 in back pay. However, 5 members of the Supreme Court overturned her jury verdict because she had filed her lawsuit more than 180 days after her employer's original discriminatory act.

I was honored to invite Ms. Ledbetter to testify at a Judiciary Committee hearing I chaired in September to examine how the Supreme Court's recent decisions have affected the lives of ordinary Americans. Ms. Ledbetter's case is but one example of how the Supreme Court has dramatically misinterpreted the intent of Congress and offered a liability shield to corporate wrong-doers.

This decision is yet another example of the Supreme Court's increasing willingness to overturn juries who hear the factual evidence and decide cases. A recent study revealed that in employment discrimination cases, Federal courts of appeal are 5 times more likely to overturn an employee's favorable trial verdict against an employer than they are to overturn a verdict in favor of the corporation. That is a startling disparity for those of us who expect employees and employers to be treated fairly by the judges sitting on our appellate courts.

In the 110th Congress, the House passed the bipartisan Lilly Ledbetter Fair Pay Act by a vote of 225–199. In the Senate, despite the support of 57 Senators who urged its consideration, the majority of Republican Senators objected to even proceeding to consideration of this bipartisan measure. One

Republican Senator who supported the filibuster introduced an alternative bill, claiming to offer a solution for victims of pay discrimination. In reality, that partisan alternative proposal would fail to correct the injustice created by the Ledbetter decision. At the Judiciary Committee hearing in September, Ms. Ledbetter confirmed that the alternative bill would not have remedied her case, but instead would have imposed additional burdens and increased the costs of her litigation.

Congress passed Title VII of the Civil Rights Act to protect employees against discrimination with respect to compensation because of an individual's race, color, religion, sex or national origin—however the Supreme Court's cramped interpretation of this important law contradicts Congress's intent to ensure equal pay for equal work.

This Supreme Court decision goes against both the spirit and clear intent of Title VII of the Civil Rights Act, and sends the message to employers that wage discrimination cannot be punished as long as it is kept under wraps. At a time when one-third of private sector employers have rules prohibiting employees from discussing their pay with each other, the Court's decision ignores a reality of the workplace—pay discrimination is often intentionally concealed by employers.

Equal pay is not just a women's issue, it is a family issue. With a record 70.2 million women in the workforce, wage discrimination continues to hurt the majority of American families. As a working mother, the discrimination inflicted on Ms. Ledbetter affected her entire family and continues to affect her retirement benefits. As the economy continues to worsen, many Americans are struggling to put food on the table and money in their retirement funds. It is regrettable that recent decisions handed down by the Supreme Court and Federal appellate courts have contributed to the financial struggles of so many women and their families. In the next weeks, I hope we can act to overturn the wrongly-decided Ledbetter decision to prevent the devastating consequences of pay discrimination.

By Mr. UDALL of Colorado (for himself and Mr. SALAZAR:

S. 187. A bill to provide for the construction of the Arkansas Valley Conduit in the State of Colorado; to the Committee on Energy and Natural Resources.

Mr. UDALL of Colorado. Mr. President, today I am introducing four bills, S. 187, S. 188, S. 189, S. 190, that will preserve and protect majestic public landscapes in Colorado and help provide needed water supplies to communities and farmers on Colorado's productive Eastern Plains. These bills were introduced in the last session of Congress, where they each had hearings and one passed the U.S. House of Representatives. I hope that we can work together to move these bills in this Congress and see them signed into law.

I ask unanimous consent that the text of all four bills be included in the RECORD and be printed alongside these remarks.

The first bill is the Arkansas Valley Conduit Act of 2009. This bill will help protect the water supply for the Arkansas River Valley's communities and its productive agricultural lands by advancing the construction of the long-planned Arkansas Valley Conduit. The bill will restructure the cost-share provisions of the project and is similar to legislation introduced in the last Congress by Senators Wayne Allard and KEN SALAZAR and introduced yesterday in the U.S. House of Representatives by Reps. JOHN SALAZAR and BETSY MARKEY.

The Arkansas Valley Conduit, a proposed 130-mile water delivery system from the Pueblo Dam to communities throughout the Arkansas River Valley, was originally authorized in 1962 as part of the Fryingpan-Arkansas, Fry-Ark, project. Unfortunately, the authorization did not include a Federal-local cost-share provision necessary to cover the estimated $300 million in construction costs, and local communities—especially those in southern Colorado—do not have the resources to shoulder all of the costs. The project has thus remained unfinished for over 4 years.

The bill will provide for a 65–35 Federal-local cost-share for completion of the project, with revenues from so-called ''excess-capacity'' contracts for water storage in other Fry-Ark project facilities being used to fund the majority of the local contribution. This approach is the result of close collaboration between community stakeholders and the Colorado congressional delegation and will ensure communities in the Arkansas River Valley can finance their portion of the project without incurring unbearable financial burdens.

Moreover, the bill will allow the Bureau of Reclamation to move forward with the construction of the Conduit. The depressed economic status of southeastern Colorado made it a difficult financial undertaking for the region, a challenge that continues today. This bill will help see this facility become a reality and thereby help the farming and ranching communities in the valley continue to produce needed food and fiber for the state and Nation.

The second bill I am introducing today is the Colorado Northern Front Range Mountain Backdrop Protection Study Act. I introduced similar bills in the U.S. House of Representatives in the 107th, 108th, 109th and 110th Congresses. In previous Congresses, the bill passed the House and the Senate Energy and Natural Resources Committee but did not receive final action.

The bill is intended to help local communities identify ways to protect the Front Range Mountain Backdrop in the northern Denver-metro area and the region just west of Rocky Flats. The Arapaho-Roosevelt National Forest includes much of the land in this backdrop area, but there are other lands involved as well.

Rising dramatically from the Great Plains, the Front Range of the Rocky Mountains provides a scenic mountain backdrop to many communities in the Denver metropolitan area and elsewhere in Colorado. The portion of the range within and adjacent to the Arapaho-Roosevelt National Forest also includes a diverse array of wildlife habitats and provides many opportunities for outdoor recreation. The open-space character of this mountain backdrop is an important aesthetic and economic asset for adjoining communities, making them attractive locations for homes and businesses. But rapid population growth in the northern Front Range area of Colorado is increasing recreational use of the Arapaho-Roosevelt National Forest and is also increasing pressure for development of other lands within and adjacent to that national forest.

We can see the effects of rapid population growth throughout Colorado and especially along the Front Range. Homes and shopping centers are sprawling through valleys and along highways that feed into the Front Range. This development then spreads out along the ridges and mountaintops that make up the backdrop. We are in danger of losing to development many of the qualities that have helped attract new residents to Colorado. So, it is important to better understand what steps might be taken to avoid or lessen that risk—and this bill is designed to help us do just that.

Already, local governments and other entities have provided important protection for portions of this mountain backdrop, especially in the northern Denver-metro area. However, some portions of the backdrop in this part of Colorado remain unprotected and are at risk of losing their open-space qualities. This bill acknowledges the good work of the local communities in preserving open space along the backdrop and aims to assist further efforts along the same lines.

The bill directs the U.S. Forest Service to study the ownership patterns of the lands comprising the Front Range mountain backdrop, identify areas that are at risk, and recommend to Congress how these lands might be protected and how the Federal Government could help local communities and residents to achieve that goal. Importantly, I note that the bill does not interfere with the power of local authorities regarding land use planning or infringe on private property rights. Instead, it will bring the land protection experience of the Forest Service

to the table to assist local efforts to protect areas that comprise the backdrop. The bill envisions that to the extent the Forest Service should be involved with Federal lands, it will work in collaboration with local communities, the state and private parties.

I strongly believe it is in the national interest for the Federal Government to assist local communities to identify ways to protect the mounatin backdrop in this part of Colorado. The backdrop beckoned settlers westward and presented an imposing impediment to their forward progress that suggested similar challenges ahead. This first exposure to the harshness and humbling majesty of the Rocky Mountain West helped define a region. The pioneers' independent spirit and respect for nature still lives with us to this day. We need to work to preserve it by protecting the mountain backdrop as a cultural and natural heritage for ourselves and generations to come.

The third bill I am introducing today—the National Trails System Willing Seller Act—will allow people who want to sell land for inclusion in certain units of the National Trails System to do so. Current law prohibits people who own land associated with several units of the trail system from selling those lands to the Federal Government for inclusion in those units. This bill will allow such sales to happen.

This legislation is identical to bills introduced in previous Congresses by my former Republican colleagues from Colorado, Representatives Beauprez and McInnis. The Trail System units covered by the bill are the Oregon National Historic Trail, the Mormon Pioneer National Historic Trail, the Continental Divide National Scenic Trail, the Lewis and Clark National Historic Trail, the Iditarod National Historic Trail, the North County National Scenic Trail, the Ice Age National Scenic Trail, the Potomac Heritage National Scenic Trail, and the Nez Perce National Historic Trail.

Our national trails are a national treasure, and we should allow people who own land along these trails to sell that land to the Federal Government to be part of our public lands legacy. But it is important to make clear that these land sales are from willing sellers, which is what this bill will do. This bill makes a small but important adjustment to current law, and I think it deserves the support of all Members of the Senate.

The final bill I am introducing today is the Rocky Mountain National Park Wilderness and Indian Peaks Wilderness Expansion Act, which will designate nearly 250,000 acres of Rocky Mountain National Park as wilderness. I introduced this bill in the 110th Congress as a member of the House of Representatives. It was cosponsored in the Senate by my colleague Senator KEN SALAZAR, and eventually by the Colorado Congressional delegation. Over a period of months, we worked together to develop this bipartisan legislation that will provide important protection and management direction for some truly remarkable country. This is a public lands policy goal that goes back to the 1960s, and is long overdue.

This bill is consistent with the Colorado Congressional delegation's efforts in the last Congress to strike a balance in protecting the park and the water users who rely on the Grand River Ditch. This carefully negotiated language met the needs of those users, but questions have been raised about the particular way that liability and water use issues were addressed in the delegation bill. Specifically, there have been questions about how these provisions work in the context of the Park Resources Protection Act. While I am confident that my bill addresses these liability concerns, I appreciate the recent efforts by Senator SALAZAR to offer a slightly different approach that provides a path to a widely-shared goal that has broad support in Colorado.

The wilderness designation in this bill for the park will cover some 94 percent of the park, including Longs Peaks and other major mountains along the Great Continental Divide, glacial cirques and snow fields, broad expanses of alpine tundra and wet meadows, old-growth forests, and hundreds of lakes and streams, all untrammeled by human structures or passage. Indeed, examples of all the natural ecosystems that make up the splendor of the park are included in the wilderness that will be designated by this bill. At the same time, the wilderness boundaries have been drawn so as to allow continued access for use of existing roadways, buildings and developed areas, privately owned land, and areas where additional facilities and roadwork will improve park management and visitor services. In addition, specific provisions are included to ensure that there will be no adverse effects on continued use of existing water facilities.

The lands designated as wilderness will become part of the National Wilderness Preservation System that was established by the Wilderness Act and will be managed in accordance with that Act and the provisions of the bill. The bill's provisions amplify this by specifying that—no new reclamation projects will be allowed in the wilderness area; nothing in the bill will create a ''buffer zone'' around the wilderness and non-wilderness activities visible or audible from within the wilderness will not be prohibited; the National Park Service can act to control fire, insects, and diseases, including use of mechanical tools within the wilderness; and nothing in the bill will reduce or restrict the current authority of the National Park Service to manage the Park's lands and resources.

The bill is similar to measures previously introduced by my predecessor in the House of Representatives, Representative David Skaggs, as well as other bills introduced before that, and legislation I introduced in the 107th, 108th, and 109th Congresses. However, it does include a number of adjustments and refinements that reflect discussion within the Colorado delegation in Congress and with interested parties in Colorado.

Like H.R. 2334 of the 110th Congress, the new bill includes wilderness designation of more than 700 acres in the Twin Sisters area south of Estes Park. These lands were acquired by the United States and made part of the park after submission to Congress of the original wilderness recommendation for the park in the 1970s, and so were not included in that recommendation. They are lands of a wilderness character, and their designation will not conflict with any current uses. On the west side, the town of Grand Lake and Grand County requested that about 650 acres inward from the park boundary around the town be omitted from the wilderness designation in order to allow the park to respond to potential forest fire threats. As was the case previously, this bill accommodates that request.

Also like that previous measure, the bill responds to the request of the Town of Grand Lake, Grand County and the Headwaters Trails Alliance, a group composed of local communities in Grand County that seeks to establish opportunities for mountain biking, and the International Mountain Bicycling Association to omit from wilderness designation an area along the western park boundary, running south along Lake Granby from the town to the park's southern boundary. This will allow the National Park Service to retain the option of authorizing construction of a possible future mountain bike route within this part of the park. Similarly, the bill expands the Indian Peaks Wilderness Area by 1,000 acres in the area south of the park and north of Lake Granby. The lands involved are currently managed as part of the Arapaho National Recreation Area, which is accordingly reduced by about 1,000 acres.

As did the previous bill, this bill includes a section that authorizes the National Park Service to lease an 11-acre property, the Leiffer tract, that was donated to the National Park Service in 1977. Located outside the park's boundaries, it has two buildings, including a house that is listed on the National Register of Historic Places. The Park Service would like to have the option of leasing it, but current law allows leasing only for ''property administered . . . as part of the National Park System,'' and this property does not qualify. The bill allows the Park Service to lease the property as if it were located inside or contiguous to the park.

Also like previous measures, the bill addresses the question of possible impacts on water rights—something that can be a primary point of contention in Congressional debates over designating wilderness areas. It reflects the legal

reality that it has long been recognized under the laws of the United States and Colorado, including a decision of the Colorado Supreme Court, that Rocky Mountain National Park already has extensive Federal reserved water rights arising from the creation of the national park itself. And it reflects the geographic reality that the park sits astride the continental divide, meaning there is no higher land around from which streams flow into the park, and thus there is no possibility of any diversion of water occurring upstream from the park. In recognition of these legal and practical realities, the bill includes a finding that because the park already has these extensive reserved rights to water, there is no need for any additional reservation or appropriation of such right, and an explicit disclaimer that the bill effects any such reservation.

As I mentioned, there are also provisions in this bill that deal with the Grand River Ditch, created before Rocky Mountain National Park was established and partly located within the park. The owners of the ditch are currently working to conclude an agreement with the National Park Service with respect to operation and maintenance of the portion of the ditch within the park, and the bill provides that after conclusion of this agreement the strict liability standard of the Park Resources Protection Act which now applies to any damage to park resources will not apply so long as the ditch is operated and maintained in accordance with the agreement. The owners of the ditch remain liable for damage to park resources caused by negligence or intentional acts, and the bill specifies that it will not limit or otherwise affect the liability of any individual or entity for damages to, loss of, or injury to any park resource resulting from any cause of event occurring before the bill's enactment. In addition, the bill specifies that its enactment will not restrict or otherwise affect any activity relating to the monitoring, operation, maintenance, repair, replacement, or use of the ditch that was authorized or approved by the National Park Service as of the date of the bill's enactment. The bill also provides that use of water transported by the ditch for a main purpose or main purposes other than irrigation will not terminate or adversely affect the ditch's right-of-way.

The matters dealt with in this bill have a long history. The wilderness designations are based on National Park Service recommendations presented to Congress by President Richard Nixon. That they have not been acted on before this reflects the difficult history of wilderness legislation. One Colorado statewide wilderness bill was enacted in 1980, but it took more than a decade before the Colorado delegation and the Congress were finally able, in 1993, to pass a second statewide national forest wilderness bill. Since then, action has been completed on bills designating wilderness in the Spanish Peaks area of the San Isabel National Forest as well as in the Black Canyon of the Gunnison National Park, the Gunnison Gorge, the Black Ridge portion of the Colorado Canyons National Conservation Area, and the James Peak area of the Arapaho-Roosevelt National Forests.

We now need to continue making progress by providing wilderness designations for other deserving lands in Colorado, including lands that are managed by the Bureau of Land Management. And the time is ripe for finally resolving the status of the lands within Rocky Mountain National Park that are dealt with in this bill.

Lands covered by the bill are currently being managed to protect their wilderness character. Formal wilderness designation will no longer leave this question to the discretion of the Park Service, but will make it clear that within the designated areas, there will never be roads, visitor facilities, or other manmade features that interfere with the spectacular natural beauty and wildness of the mountains. This is especially important for a park like Rocky Mountain, which is relatively small by western standards. As nearby land development and alteration has accelerated in recent years, the pristine nature of the park's backcountry becomes an increasingly rare feature of Colorado's landscape. Further, the park's popularity demands definitive and permanent protection for wild areas against possible pressures for development within the park. While only about one tenth the size of Yellowstone National Park, Rocky Mountain National Park sees nearly the same number of visitors each year. At the same time, designating these carefully selected portions of Rocky Mountain as wilderness will make other areas, now restricted under interim wilderness protection management, available for overdue improvements to park roads and visitor facilities.

In summary, the Rocky Mountain National Park Wilderness and Indian Peaks Wilderness Expansion Act will protect some of our Nation's finest wild lands. It will protect existing rights. It will not limit any existing opportunity for new water development. It is bipartisan and will affirm the commitment of all Coloradans to preserving the features that make our State such a remarkable place to live. So, I think it deserves prompt enactment.

Mr. President, I ask unanimous consent that the text of each bill be printed in the RECORD.

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

S. 187

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Arkansas Valley Conduit Act of 2009''.

SEC. 2. ARKANSAS VALLEY CONDUIT, COLORADO.

(a) COST SHARE.—The first section of Public Law 87–590 (76 Stat. 389) is amended in the second sentence of subsection (c) by inserting after ''cost thereof,'' the following: ''or in the case of the Arkansas Valley Conduit, payment in an amount equal to 35 percent of the cost of the conduit that is comprised of revenue generated by payments pursuant to a repayment contract and revenue that may be derived from contracts for the use of Fryingpan-Arkansas project excess capacity or exchange contracts using Fryingpan-Arkansas project facilities,''.

(b) RATES.—Section 2(b) of Public Law 87–590 (76 Stat. 390) is amended—

(1) by striking ''(b) Rates'' and inserting the following:

''(b) RATES.—

''(1) IN GENERAL.—Rates''; and

(2) by adding at the end the following:

''(2) RUEDI DAM AND RESERVOIR, FOUNTAIN VALLEY PIPELINE, AND SOUTH OUTLET WORKS AT PUEBLO DAM AND RESERVOIR.—

''(A) IN GENERAL.—Notwithstanding the reclamation laws, until the date on which the payments for the Arkansas Valley Conduit under paragraph (3) begin, any revenue that may be derived from contracts for the use of Fryingpan-Arkansas project excess capacity or exchange contracts using Fryingpan-Arkansas project facilities shall be credited towards payment of the actual cost of Ruedi Dam and Reservoir, the Fountain Valley Pipeline, and the South Outlet Works at Pueblo Dam and Reservoir plus interest in an amount determined in accordance with this section.

''(B) EFFECT.—Nothing in the Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.)) prohibits the concurrent crediting of revenue (with interest as provided under this section) towards payment of the Arkansas Valley Conduit as provided under this paragraph.

''(3) ARKANSAS VALLEY CONDUIT.—

''(A) USE OF REVENUE.—Notwithstanding the reclamation laws, any revenue derived from contracts for the use of Fryingpan-Arkansas project excess capacity or exchange contracts using Fryingpan-Arkansas project facilities shall be credited towards payment of the actual cost of the Arkansas Valley Conduit plus interest in an amount determined in accordance with this section.

''(B) ADJUSTMENT OF RATES.—Any rates charged under this section for water for municipal, domestic, or industrial use or for the use of facilities for the storage or delivery of water shall be adjusted to reflect the estimated revenue derived from contracts for the use of Fryingpan-Arkansas project excess capacity or exchange contracts using Fryingpan-Arkansas project facilities.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 7 of Public Law 87–590 (76 Stat. 393) is amended—

(1) by striking ''SEC. 7. There is hereby'' and inserting the following:

''SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There is''; and

(2) by adding at the end the following:

''(b) ARKANSAS VALLEY CONDUIT.—

''(1) IN GENERAL.—Subject to annual appropriations and paragraph (2), there are authorized to be appropriated such sums as are necessary for the construction of the Arkansas Valley Conduit.

''(2) LIMITATION.—Amounts made available under paragraph (1) shall not be used for the operation or maintenance of the Arkansas Valley Conduit.''.

S. 188

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Colorado Northern Front Range Mountain Backdrop Protection Study Act''.

SEC. 2. PURPOSE.

The purpose of this Act is to identify options that may be available to assist in maintaining the open space characteristics of land that is part of the mountain backdrop of communities in the northern section of the Front Range area of Colorado.

SEC. 3. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(2) STATE.—The term ''State'' means the State of Colorado.

(3) STUDY AREA.—

(A) IN GENERAL.—The term ''study area'' means the land in southern Boulder, northern Jefferson, and northern Gilpin Counties, Colorado, that is located west of Colorado State Highway 93, south and east of Colorado State Highway 119, and north of Colorado State Highway 46, as generally depicted on the map entitled ''Colorado Northern Front Range Mountain Backdrop Protection Study Act: Study Area'' and dated August 27, 2008.

(B) EXCLUSIONS.—The term ''study area'' does not include land within the city limits of the cities of Arvada, Boulder, or Golden, Colorado.

(4) UNDEVELOPED LAND.—The term ''undeveloped land'' means land—

(A) that is located within the study area;

(B) that is free or primarily free of structures; and

(C) the development of which is likely to affect adversely the scenic, wildlife, or recreational value of the study area.

SEC. 4. COLORADO NORTHERN FRONT RANGE MOUNTAIN BACKDROP STUDY.

(a) STUDY; REPORT.—Not later than 1 year after the date of enactment of this Act and except as provided in subsection (c), the Secretary shall—

(1) conduct a study of the land within the study area; and

(2) complete a report that—

(A) identifies the present ownership of the land within the study area;

(B) identifies any undeveloped land that may be at risk of development; and

(C) describes any actions that could be taken by the United States, the State, a political subdivision of the State, or any other parties to preserve the open and undeveloped character of the land within the study area.

(b) REQUIREMENTS.—The Secretary shall conduct the study and develop the report under subsection (a) with the support and participation of 1 or more of the following State and local entities:

(1) The Colorado Department of Natural Resources.

(2) Colorado State Forest Service.

(3) Colorado State Conservation Board.

(4) Great Outdoors Colorado.

(5) Boulder, Jefferson, and Gilpin Counties, Colorado.

(c) LIMITATION.—If the State and local entities specified in subsection (b) do not support and participate in the conduct of the study and the development of the report under this section, the Secretary may—

(1) decrease the area covered by the study area, as appropriate; or

(2)(A) opt not to conduct the study or develop the report; and

(B) submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives notice of the decision not to conduct the study or develop the report.

(d) EFFECT.—Nothing in this Act authorizes the Secretary to take any action that would affect the use of any land not owned by the United States.

S. 189

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as ''National Trails System Willing Seller Act''.

SEC. 2. AUTHORITY TO ACQUIRE LAND FROM WILLING SELLERS FOR CERTAIN TRAILS.

(a) OREGON NATIONAL HISTORIC TRAIL.—Section 5(a)(3) of the National Trails System Act (16 U.S.C. 1244(a)(3)) is amended by adding at the end the following: ''No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than ¼ mile on either side of the trail.''.

(b) MORMON PIONEER NATIONAL HISTORIC TRAIL.—Section 5(a)(4) of the National Trails System Act (16 U.S.C. 1244(a)(4)) is amended by adding at the end the following: ''No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than ¼ mile on either side of the trail.''.

(c) CONTINENTAL DIVIDE NATIONAL SCENIC TRAIL.—Section 5(a)(5) of the National Trails System Act (16 U.S.C. 1244(a)(5)) is amended by adding at the end the following: ''No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than ¼ mile on either side of the trail.''.

(d) LEWIS AND CLARK NATIONAL HISTORIC TRAIL.—Section 5(a)(6) of the National Trails System Act (16 U.S.C. 1244(a)(6)) is amended by adding at the end the following: ''No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than ¼ mile on either side of the trail.''.

(e) IDITAROD NATIONAL HISTORIC TRAIL.—Section 5(a)(7) of the National Trails System Act (16 U.S.C. 1244(a)(7)) is amended by adding at the end the following: ''No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal government to acquire fee title under this paragraph shall be limited to an average of not more than ¼ mile on either side of the trail.''.

(f) NORTH COUNTRY NATIONAL SCENIC TRAIL.—Section 5(a)(8) of the National Trails System Act (16 U.S.C. 1244(a)(8)) is amended by adding at the end the following: ''No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land.''.

(g) ICE AGE NATIONAL SCENIC TRAIL.—Section 5(a)(10) of the National Trails System Act (16 U.S.C. 1244(a)(10)) is amended by adding at the end the following: ''No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land.''.

(h) POTOMAC HERITAGE NATIONAL SCENIC TRAIL.—Section 5(a)(11) of the National Trails System Act (16 U.S.C. 1244(a)(11)) is amended—

(1) by striking the fourth and fifth sentences; and

(2) by adding at the end the following: ''No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land.''.

(i) NEZ PERCE NATIONAL HISTORIC TRAIL.—Section 5(a)(14) of the National Trails System Act (16 U.S.C. 1244(a)(14)) is amended—

(1) by striking the fourth and fifth sentences; and

(2) by adding at the end the following: ''No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner of the land or interest in land. The authority of the Federal Government to acquire fee title under this paragraph shall be limited to an average of not more than ¼ mile on either side of the trail.''.

SEC. 3. CONFORMING AMENDMENT.

Section 10 of the National Trails System Act (16 U.S.C. 1249 is amended by striking subsection (c) and inserting the following:

''(c) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—Except as otherwise provided in this Act, there are authorized to be appropriated such sums as are necessary to implement the provisions of this Act relating to the trails designated by section 5(a).

''(2) NATCHEZ TRACE NATIONAL SCENIC TRAIL.—

''(A) IN GENERAL.—With respect to the Natchez Trace National Scenic Trail (referred to in this paragraph as the 'trail') designated by section 5(a)(12)—

''(i) not more than $500,000 shall be appropriated for the acquisition of land or interests in land for the trail; and

''(ii) not more than $2,000,000 shall be appropriated for the development of the trail.

''(B) PARTICIPATION BY VOLUNTEER TRAIL GROUPS.—The administering agency for the trail shall encourage volunteer trail groups to participate in the development of the trail.''.

S. 190

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Rocky Mountain National Park Wilderness and Indian Peaks Wilderness Expansion Act''.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to include in the National Wilderness Preservation System certain land within the Rocky Mountain National Park, Colorado, to protect—

(A) the enduring scenic and historic wilderness character and unique wildlife values of the land; and

(B) the scientific, educational, inspirational, and recreational resources, values, and opportunities of the land; and

(2) to adjust the boundaries of the Indian Peaks Wilderness and Arapaho National Recreation Area of the Arapaho National Forest.

SEC. 3. DEFINITIONS.

In this Act:

(1) MAP.—The term ''Map'' means the map entitled ''Rocky Mountain National Park, Colorado Wilderness Boundaries'' and dated September 2006.

(2) PARK.—The term ''Park'' means the Rocky Mountain National Park in the State.

(3) POTENTIAL WILDERNESS LAND.—The term ''potential wilderness land'' means—

(A) the land identified on the Map as potential wilderness; and

(B) any land acquired by the United States on or after the date of enactment of this Act that is—

(i) located within the boundaries of the Park; and

(ii) contiguous with any land designated as wilderness by section 4(a).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(5) STATE.—The term ''State'' means the State of Colorado.

(6) TRAIL.—The term ''Trail'' means the East Shore Trail established under section 5(a).

(7) WILDERNESS.—The term ''Wilderness'' means the Rocky Mountain National Park Wilderness designated by section 4(a).

SEC. 4. ROCKY MOUNTAIN NATIONAL PARK WILDERNESS.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), there is designated as wilderness and as a component of the National Wilderness Preservation System approximately 249,339 acres of land in the Park, as generally depicted on the Map, which shall be known as the ''Rocky Mountain National Park Wilderness''.

(b) MAP AND BOUNDARY DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a map and boundary description of the Wilderness.

(2) AVAILABILITY.—The map and boundary description submitted under paragraph (1) shall be on file and available for public inspection in the Office of the Director of the National Park Service.

(3) CORRECTIONS.—The Secretary may correct clerical and typographical errors in the map and boundary description submitted under paragraph (1).

(4) EFFECT.—The map and boundary description submitted under paragraph (1) shall have the same force and effect as if included in this Act.

(c) INCLUSION OF POTENTIAL WILDERNESS LAND.—

(1) IN GENERAL.—On publication in the Federal Register of a notice by the Secretary that all uses of a parcel of potential wilderness land inconsistent with the Wilderness Act (16 U.S.C. 1131 et seq.) have ceased, the parcel shall be—

(A) included in the Wilderness; and

(B) managed in accordance with this section.

(2) MAP AND BOUNDARY DESCRIPTION.—The Secretary shall modify the map and boundary description prepared under subsection (b) to reflect the inclusion of the parcel in the Wilderness.

(d) EXCLUSION OF CERTAIN LAND.—The boundaries of the Wilderness shall specifically exclude:

(1) The Grand River Ditch (including the main canal of the Grand River Ditch and a branch of the main canal known as the ''Specimen Ditch''), the right-of-way for the Grand River Ditch, land 200 feet on each side of the marginal limits of the Ditch, and any associated appurtenances, structures, buildings, camps, and work sites in existence as of June 1, 1998.

(2) Land owned by the St. Vrain & Left Hand Water Conservancy District, including Copeland Reservoir and the Inlet Ditch to the Reservoir from the North St. Vrain Creek, comprising approximately 35.38 acres.

(3) Lands owned by the Wincentsen-Harms Trust, comprising approximately 2.75 acres.

(4) Land within the area depicted as the ''East Shore Trail Area'' on the map prepared under subsection (b)(1).

(e) ADMINISTRATION.—

(1) IN GENERAL.—Subject to valid existing rights, any land designated as wilderness under subsection (a) or added to the Wilderness after the date of enactment of this Act under subsection (c) shall be administered by the Secretary in accordance with—

(A) the Wilderness Act (16 U.S.C. 1131 et seq.); and

(B) this Act.

(2) EFFECTIVE DATE OF WILDERNESS ACT.—With respect to the land designated as Wilderness by subsection (a) or added to the Wilderness after the date of enactment of this Act under subsection (c), any reference in the Wilderness Act (16 U.S.C. 1131 et seq.) to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act or the date of enactment of the Act adding the land to the Wilderness, respectively.

(3) WATER RIGHTS.—

(A) FINDINGS.—Congress finds that—

(i) according to decisions of the State courts, the United States has existing rights to water within the Park;

(ii) the existing water rights are sufficient for the purposes of the Wilderness; and

(iii) based on the findings described in clauses (i) and (ii), there is no need for the United States to reserve or appropriate any additional water rights to fulfill the purposes of the Wilderness.

(B) NO RESERVATION OF WATER RIGHTS.—Nothing in this Act or any action carried out pursuant to this Act shall constitute an express or implied reservation by the United States of water or water rights for any purpose.

(4) GRAND RIVER DITCH.—

(A) LIABILITY.—Notwithstanding any other provision of law, or any stipulation or applicable agreement, during any period in which the Water Supply and Storage Company (or any successor in interest to the Water Supply and Storage Company with respect to the Grand River Ditch) operates and maintains the portion of the Grand River Ditch within the Park in compliance with an operations and maintenance agreement between the Water Supply and Storage Company and the National Park Service entered into on _____, no individual or entity who owns, controls, or operates the Grand River Ditch shall be liable for any response costs or for any damages to, loss of, or injury to the resources of the Park resulting from any cause or event (including, but not limited to, water escaping from any part of the Grand River Ditch by overflow or as a result of a breach, failure, or partial failure of any portion of the Grand River Ditch, including the portion of the ditch located outside the Park), unless the damages to, loss of, or injury to the resources are proximately caused by the negligence or an intentional act of the individual or entity.

(B) LIMITATION.—Nothing in this section limits or otherwise affects any liability of any individual or entity for damages to, loss of, or injury to any resource of the Park resulting from any cause or event that occurred before the date of enactment of this Act.

(C) EXISTING ACTIVITIES.—Nothing in this Act, including the designation of the Wilderness under this section, shall restrict or otherwise affect any activity (including an activity carried out in response to an emergency or catastrophic event) on, under, or affecting the Wilderness or land excluded under subsection (d)(1) relating to the monitoring, operation, maintenance, repair, replacement, or use of the Grand River Ditch that was authorized or approved by the Secretary as of the date of enactment of this Act.

(D) NO EFFECT.—Notwithstanding any other provision of any previous or existing law, any stipulation, or any agreement, or interpretation thereof, use of water transported by the Grand River Ditch for a main purpose or main purposes other than irrigation shall not terminate or adversely affect the right-of-way of the Grand River Ditch, and such right-of-way shall not be deemed relinquished, forfeited, or lost, solely because such water is used for a main purpose or main purposes other than irrigation.

(5) COLORADO-BIG THOMPSON PROJECT AND WINDY GAP PROJECT.—

(A) EXISTING ACTIVITIES.—Activities (including activities that are necessary because of emergencies or catastrophic events) on, under, or affecting the Wilderness relating to the monitoring, operation, maintenance, repair, replacement, or use of the Alva B. Adams Tunnel at its designed capacity and all other Colorado-Big Thompson Project facilities located within the Park that were allowed as of the date of enactment of this Act under the Act of January 26, 1915 (16 U.S.C. 191)—

(i) shall be allowed to continue; and

(ii) shall not be affected by the designation of the Wilderness under this section.

(B) EFFECT.—Nothing in this Act or the designation of the Wilderness shall prohibit or restrict the conveyance of any water through the Alva B. Adams Tunnel for any purpose.

(C) NEW RECLAMATION PROJECTS.—Nothing in the first section of the Act of January 26, 1915 (16 U.S.C. 191), shall be construed to allow development in the Wilderness of any reclamation project not in existence as of the date of enactment of this Act.

(6) NO BUFFER ZONE.—

(A) IN GENERAL.—Nothing in this Act creates a protective perimeter or buffer zone around the Wilderness.

(B) ACTIVITIES OUTSIDE WILDERNESS.—The fact that a nonwilderness activity or use can be seen or heard from within the Wilderness shall not preclude the conduct of the activity or use outside the boundary of the Wilderness.

(7) FIRE, INSECT, AND DISEASE CONTROL.—In accordance with section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), the Secretary may take such measures in the Wilderness as are necessary to control fire, insects, and diseases, including the use of mechanized tools, subject to such conditions as the Secretary determines to be desirable.

(8) MANAGEMENT AUTHORITY.—Nothing in this Act shall be construed as reducing or restricting the authority of the Secretary to manage the lands and other resources within the Park pursuant to the Act of January 26, 1915 (16 U.S.C. 191), and other laws applicable to the Park as of the date of enactment of this Act.

SEC. 5. EAST SHORE TRAIL AREA IN ROCKY MOUNTAIN NATIONAL PARK.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish within the East Shore Trail Area in Rocky Mountain National Park an alignment line for a trail, to

be known as the ''East Shore Trail'', to maximize the opportunity for sustained use of the Trail without causing—

(1) harm to affected resources; or

(2) conflicts among users.

(b) BOUNDARIES.—

(1) IN GENERAL.—After establishing the alignment line for the Trail under subsection (a), the Secretary shall—

(A) identify the boundaries of the Trail, which shall not extend more than 25 feet east of the alignment line or be located within the wilderness area; and

(B) modify the map of the Wilderness prepared under section 4(b)(1) so that the western boundary of the Wilderness is 50 feet east of the alignment line.

(2) ADJUSTMENTS.—To the extent necessary to protect National Park System resources, the Secretary may adjust the boundaries of the Trail, if the adjustment does not place any portion of the Trail within the boundary of the Wilderness.

(c) INCLUSION IN WILDERNESS.—On completion of the construction of the Trail, as authorized by the Secretary—

(1) any portion of the East Shore Trail Area that is not traversed by the Trail, that is not west of the Trail, and that is not within 50 feet of the centerline of the Trail shall be—

(A) included in the Wilderness; and

(B) managed as part of the Wilderness in accordance with section 4; and

(2) the Secretary shall modify the map and boundary description of the wilderness prepared under section 4(b)(1) to reflect the inclusion of the East Shore Trail Area land in the Wilderness.

(d) EFFECT.—Nothing in this section—

(1) requires the construction of the Trail along the alignment line established under subsection (a); or

(2) limits the extent to which any otherwise applicable law or policy applies to any decision with respect to the construction of the Trail.

(e) RELATION TO LAND OUTSIDE WILDERNESS.—

(1) IN GENERAL.—Except as provided in this subsection, nothing in this Act shall affect the management or use of any land not included within the boundaries of the Wilderness or the potential wilderness land.

(2) MOTORIZED VEHICLES AND MACHINERY.—No use of motorized vehicles or other motorized machinery that was not permitted on March 1, 2006, shall be allowed in the East Shore Trail Area except as the Secretary determines to be necessary for use in—

(A) constructing the Trail, if the construction is authorized by the Secretary; or

(B) maintaining the Trail.

(3) MANAGEMENT OF LAND BEFORE INCLUSION.—Until the Secretary authorizes the construction of the Trail and the use of the Trail for non-motorized bicycles, the East Shore Trail Area shall be managed—

(A) to protect any wilderness characteristics of the East Shore Trail Area; and

(B) to maintain the suitability of the East Shore Trail Area for inclusion in the Wilderness.

SEC. 6. INDIAN PEAKS WILDERNESS AND ARAPAHO NATIONAL RECREATION AREA BOUNDARY ADJUSTMENT.

(a) INDIAN PEAKS WILDERNESS BOUNDARY ADJUSTMENT.—Section 3(a) of the Indian Peaks Wilderness Area, the Arapaho National Recreation Area and the Oregon Islands Wilderness Area Act (16 U.S.C. 1132 note; Public Law 95–450) is amended—

(1) by striking ''seventy thousand acres'' and inserting ''74,195 acres''; and

(2) by striking ''dated July 1978'' and inserting ''dated May 2007''.

(b) ARAPAHO NATIONAL RECREATION AREA BOUNDARY ADJUSTMENT.—Section 4(a) of the Indian Peaks Wilderness Area, the Arapaho National Recreation Area and the Oregon Islands Wilderness Area Act (16 U.S.C. 460jj(a)) is amended—

(1) by striking ''thirty-six thousand two hundred thirty-five acres'' and inserting ''35,235 acres''; and

(2) by striking ''dated July 1978'' and inserting ''dated May 2007''.

SEC. 7. AUTHORITY TO LEASE LEIFFER TRACT.

(a) IN GENERAL.—Section 3(k) of Public Law 91–383 (16 U.S.C. 1a–2(k)) shall apply to the parcel of land described in subsection (b).

(b) DESCRIPTION OF THE LAND.—The parcel of land referred to in subsection (a) is the parcel of land known as the ''Leiffer tract'' that is—

(1) located near the eastern boundary of Rocky Mountain National Park in Larimer County, Colorado; and

(2) administered by the National Park Service.

By Mr. NELSON of Florida:

S.J. Res. 4. A joint resolution proposing an amendment to the Constitution of the United States to abolish the electoral college and to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

Mr. NELSON of Florida. Mr. President, earlier today, the Congress met in a joint session, as it does every 4 years in early January, to conduct the official count of the electoral ballots from the States. Most Americans pay no attention to this ritual, believing that presidential elections in this country get decided on Election Day. But it is the votes of the Electoral College, presented by each State to the Congress, that determine who our next President and Vice President are going to be. We are the beacon of democracy in the world, and yet, voters in this country do not have the opportunity to elect their leaders directly.

Today, I am introducing a constitutional amendment to abolish the Electoral College to allow direct election of the President by popular vote. If the principle of one person, one vote is to mean anything, it is that the candidate who wins a majority of the votes wins the Presidency, and votes for every candidate from every State should count.

On only a few occasions in our history, the candidate who lost the popular vote won the Electoral College and became president. In 2000, George W. Bush actually lost the nationwide popular election to Al Gore by nearly 544,000 votes, yet won the presidency in a Supreme Court showdown over Florida's Electoral College votes that hinged on far fewer disputed State ballots. That dispute undermined Americans' confidence in our democracy and should not be allowed to happen again.

In addition, the Electoral College skews the way candidates for president campaign, causing them to focus only on contested ''battleground States''. As the Miami Herald recognized in an editorial published the day after the 2008 election, the Electoral College is a ''horse-and-buggy-era political contraption,'' which effectively shuts out the majority of Americans—those who don't live in one of the key battleground States—from any meaningful participation in the selection of our President.

A recently released study by FairVote, the Center for Voting and Democracy, documents just how lopsided the Electoral College has made presidential elections: more than 98 percent of all campaign events and more than 98 percent of all campaign spending occurred in 15 large and small battleground States representing 36.6 percent of the Nation's eligible voter population. Of the 300 campaign events by the major presidential candidates held between September 5 and November 4, 2008, fully 57 percent of these events took place in four States—Ohio, Florida, Pennsylvania, and Virginia—representing just 17 percent of the Nation's eligible voters. Voter turnout was 67 percent in the 15 battleground States and only 61 percent in the remaining 35 States.

The simple and straightforward constitutional amendment simply provides for the direct election of the President and Vice President, based on the national popular vote from the 50 States, the U.S. territories, and the District of Columbia.

The proposed amendment also confirms—consistent with the vision of the Framers—that it is within Congress's power to set the time, place and manner—as well as other key criteria—for holding Federal elections. Unlike some proposed constitutional amendments that have been introduced in the past, my proposal does not delve into additional detail by specifying the qualifications for voters or by imposing a majority requirement for an election, leaving those issues for the Congress to address through the legislative process. Rather, the amendment keeps the focus where it belongs—on enshrining in our Constitution the principle of one person, one vote, in the election of our President.

I first introduced this constitutional amendment during the previous Congress, as part of a broader package of reforms that also included measures to make it easier to vote, for example, by encouraging early voting or no-fault absentee voting; to ensure that there is a verifiable paper ballot so that every vote cast gets counted; and to allow voters, not party bosses, to select presidential candidates. I plan to file these other election reforms early in this Congress.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the text of the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 4

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following article is proposed as an amendment to the Constitution of the United States, which shall be

valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission by the Congress:

''ARTICLE—

''SECTION 1. The President and Vice President shall be jointly elected by the direct vote of the qualified electors of the several States and territories and the District constituting the seat of Government of the United States. The electors in each State, territory, and the District constituting the seat of Government of the United States shall have the qualifications requisite for electors of the most numerous branch of the legislative body where they reside.

''SECTION 2. Congress may determine the time, place, and manner of holding the election, the entitlement to inclusion on the ballot, and the manner in which the results of the election shall be ascertained and declared.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 10—RECOGNIZING THE RIGHT OF ISRAEL TO DEFEND ITSELF AGAINST ATTACKS FROM GAZA AND REAFFIRMING THE UNITED STATES' STRONG SUPPORT FOR ISRAEL IN ITS BATTLE WITH HAMAS, AND SUPPORTING THE ISRAELI-PALESTINIAN PEACE PROCESS

Mr. REID (for himself, Mr. MCCONNELL, Mr. KERRY, Mr. LUGAR, Mr. DURBIN, Mr. KYL, Mr. LEVIN, Mr. CHAMBLISS, Mr. LIEBERMAN, Mr. HATCH, Mrs. BOXER, Mr. BOND, Mr. SCHUMER, Mr. DEMINT, Mr. LAUTENBERG, Mr. THUNE, Ms. LANDRIEU, Mr. CRAPO, Mr. MENENDEZ, Mr. MARTINEZ, Ms. MIKULSKI, Mr. NELSON of Florida, Mr. CASEY, Mr. PRYOR, Mr. DORGAN, Mr. CARPER, Mr. BAUCAS, Mr. BAYH. Mr. JOHANNS, Mrs. LINCOLN, Mr. BROWN, and Mr. CARDIN) submitted the following resolution; which was considered and agreed to:

S. RES. 10

Whereas Hamas was founded with the stated goal of destroying the State of Israel;

Whereas Hamas has been designated by the Secretary of State as a Foreign Terrorist Organization;

Whereas Hamas has refused to comply with the requirements of the Quartet (the United States, the European Union, Russia, and the United Nations) that Hamas recognize Israel's right to exist, renounce violence, and agree to accept previous agreements between Israel and the Palestinians;

Whereas, in June 2006, Hamas crossed into Israel, attacked Israeli forces and kidnapped Corporal Gilad Shalit, whom they continue to hold today;

Whereas Hamas has launched thousands of rockets and mortars since Israel dismantled settlements and withdrew from Gaza in 2005;

Whereas Hamas has increased the range of its rockets, reportedly with support from Iran and others, putting additional large numbers of Israelis in danger of rocket attacks from Gaza;

Whereas Hamas locates elements of its terrorist infrastructure in civilian population centers, thus using innocent civilians as human shields;

Whereas Secretary of State Condoleezza Rice said in a statement on December 27, 2008, that ''[w]e strongly condemn the repeated rocket and mortar attacks against Israel and hold Hamas responsible for breaking the ceasefire and for the renewal of violence there'';

Whereas, on December 27, 2008, Prime Minister of Israel Ehud Olmert said, ''For approximately seven years, hundreds of thousands of Israeli citizens in the south have been suffering from missiles being fired at them. . . . In such a situation we had no alternative but to respond. We do not rejoice in battle but neither will we be deterred from it. . . . The operation in the Gaza Strip is designed, first and foremost, to bring about an improvement in the security reality for the residents of the south of the country.'';

Whereas, on January 2, 2009, Secretary of State Rice stated that ''Hamas has held the people of Gaza hostage ever since their illegal coup against the forces of President Mahmoud Abbas, the legitimate President of the Palestinian people. Hamas has used Gaza as a launching pad for rockets against Israeli cities and has contributed deeply to a very bad daily life for the Palestinian people in Gaza, and to a humanitarian situation that we have all been trying to address'';

Whereas the humanitarian situation in Gaza, including shortages of food, water, electricity, and adequate medical care, is becoming more acute;

Whereas Israel has facilitated humanitarian aid to Gaza with over 500 trucks and numerous ambulances entering the Gaza Strip since December 26, 2008;

Whereas, on January 2, 2009, Secretary of State Rice stated that it was ''Hamas that rejected the Egyptian and Arab calls for an extension of the tahadiya that Egypt had negotiated'' and that the United States was ''working toward a cease-fire that would not allow a reestablishment of the status quo ante where Hamas can continue to launch rockets out of Gaza. It is obvious that that cease-fire should take place as soon as possible, but we need a cease-fire that is durable and sustainable''; and

Whereas the ultimate goal of the United States is a sustainable resolution of the Israeli-Palestinian conflict that will allow for a viable and independent Palestinian state living side by side in peace and security with the State of Israel, which will not be possible as long as Israeli civilians are under threat from within Gaza: Now, therefore, be it

Resolved, That the Senate—

(1) expresses vigorous support and unwavering commitment to the welfare, security, and survival of the State of Israel as a Jewish and democratic state with secure borders, and recognizes its right to act in self-defense to protect its citizens against acts of terrorism;

(2) reiterates that Hamas must end the rocket and mortar attacks against Israel, recognize Israel's right to exist, renounce violence, and agree to accept previous agreements between Israel and the Palestinians;

(3) encourages the President to work actively to support a durable, enforceable, and sustainable cease-fire in Gaza, as soon as possible, that prevents Hamas from retaining or rebuilding the capability to launch rockets and mortars against Israel and allows for the long term improvement of daily living conditions for the ordinary people of Gaza;

(4) believes strongly that the lives of innocent civilians must be protected and all appropriate measures should be taken to diminish civilian casualties and that all involved should continue to work to address humanitarian needs in Gaza;

(5) supports and encourages efforts to diminish the appeal and influence of extremists in the Palestinian territories and to strengthen moderate Palestinians who are committed to a secure and lasting peace with Israel; and

(6) reiterates its strong support for United States Government efforts to promote a just resolution of the Israeli-Palestinian conflict through a serious and sustained peace process that leads to the creation of a viable and independent Palestinian state living in peace alongside a secure State of Israel.

SENATE RESOLUTION 11—TO AUTHORIZE PRODUCTION OF DOCUMENTS TO THE DEPARTMENT OF DEFENSE INSPECTOR GENERAL

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 11

Whereas, last Congress the Committee on Armed Services conducted a staff inquiry into allegations regarding irregularities in the administration of a contract for logistical support in Iraq by the Department of the Army;

Whereas, upon the completion of the Committee's staff inquiry, the Chairman and Ranking Member referred to the Acting Inspector General of the Department of Defense for review allegations regarding the Administration of this LOGCAP contract;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Ranking Member of the Armed Services Committee, acting jointly, are authorized to produce to the Department of Defense Inspector General records of the Committee's staff inquiry into allegations relating to the administration of the Army's LOGCAP contract.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 22, to designate certain land components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes; which was ordered to lie on the table.

SA 2. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 22, supra; which was ordered to lie on the table.

SA 3. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 22, supra; which was ordered to lie on the table.

SA 4. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 22, supra; which was ordered to lie on the table.

SA 5. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 22, supra; which was ordered to lie on the table.

SA 6. Mr. COBURN submitted an amendment intended to be proposed by him to the

bill S. 22, supra; which was ordered to lie on the table.

SA 7. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 22, supra; which was ordered to lie on the table.

SA 8. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 22, supra; which was ordered to lie on the table.

SA 9. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 22, supra; which was ordered to lie on the table.

SA 10. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 22, supra; which was ordered to lie on the table.

SA 11. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 22, supra; which was ordered to lie on the table.

SA 12. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 22, supra; which was ordered to lie on the table.

SA 13. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 22, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 22, to designate certain land components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XIII, add the following:

SEC. 13___. PROHIBITION ON USE OF FUNDS.

No funds made available under this Act (or an amendment made by this Act) shall be used to establish a new unit of the National Park System or National Wilderness Preservation System, a new National Heritage Area, conduct a new study, or carry out any other new initiatives authorized by this Act until the date on which the Secretary of the Interior certifies that the maintenance backlog at each of the Statute of Liberty National Monument, Grand Canyon National Park, Yellowstone National Park, Glacier National Park, Gettysburg National Park, Antietam National Battlefield, the National Mall, Lake Mead National Recreation Area, and USS Arizona Memorial has been eliminated.

SA 2. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 22, to designate certain land components of the National Wilderness Preservation System, to authorize certain progams and activities in the Department of the Interior and the Department of Agriculture, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. LAND NOT WITHDRAWN FROM MINERAL LEASING, MINERAL MATERIALS, AND GEOTHERMAL LEASING LAWS.

Notwithstanding any other provision of this Act, no land or interest in land shall be withdrawn under this Act from disposition under the mineral leasing, mineral materials, or geothermal leasing laws.

SA 3. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 22, to designate certain land components of the National Wilderness Preservation System, to authorize certain progams and activities in the Department of the Interior and the Department of Agriculture, and for other purposes; which was ordered to lie on the table; as follows:

Strike subtitle C of title III.

SA 4. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 22, to designate certain land components of the National Wilderness Preservation System, to authorize certain progams and activities in the Department of the Interior and the Department of Agriculture, and for other purposes; which was ordered to lie on the table; as follows:

Strike part I of subtitle A of title X.

SA 5. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 22, to designate certain land components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 7405.

SA 6. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 22, to designate certain land components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 13006.

SA 7. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 22, to designate certain land components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes; which was ordered to lie on the table; as follows:

Strike subtitle E of Title VI.

SA 8. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 22, to designate certain land components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes; which was ordered to lie on the table; as follows:

Strike Section 7305.

SA 9. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 22, to designate certain land components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XIII, add the following:

SEC. 13___. EMINENT DOMAIN.

Notwithstanding any other provision of this Act (or an amendment made by this Act), no land or interest in land shall be acquired under this Act by eminent domain.

SA 10. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 22, to designate certain land components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XIII, add the following:

SEC. 13____. ANNUAL REPORT RELATING TO LAND OWNED BY FEDERAL GOVERNMENT.

(a) ANNUAL REPORT.—

(1) IN GENERAL.—Subject to paragraph (2), not later than May 15, 2009, and annually thereafter, the Director of the Office of Management and Budget (referred to in this section as the ''Director'') shall ensure that a report that contains the information described in subsection (b) is posted on a publicly available website.

(2) EXTENSION RELATING TO CERTAIN SEGMENT OF REPORT.—With respect to the date on which the first annual report is required to be posted under paragraph (1), if the Director determines that an additional period of time is required to gather the information required under subsection (b)(3)(B), the Director may—

(A) as of the date described in paragraph (1), post each segment of information required under paragraphs (1), (2), and (3)(A) of subsection (b); and

(B) as of May 15, 2010, post the segment of information required under subsection (b)(3)(B).

(b) REQUIRED INFORMATION.—An annual report described in subsection (a) shall contain, for the period covered by the report—

(1) a description of the total quantity of—

(A) land located within the jurisdiction of the United States, to be expressed in acres;

(B) the land described in subparagraph (A) that is owned by the Federal Government, to be expressed—

(i) in acres; and

(ii) as a percentage of the quantity described in subparagraph (A); and

(C) the land described in subparagraph (B) that is located in each State, to be expressed, with respect to each State—

(i) in acres; and

(ii) as a percentage of the quantity described in subparagraph (B);

(2) a description of the total annual cost to the Federal Government for maintaining all parcels of administrative land and all administrative buildings or structures under the jurisdiction of each Federal agency; and

(3) a list and detailed summary of—

(A) with respect to each Federal agency—

(i) the number of unused or vacant assets;

(ii) the replacement value for each unused or vacant asset;

(iii) the total operating costs for each unused or vacant asset; and

(iv) the length of time that each type of asset described in clause (i) has been unused or vacant, organized in categories comprised of periods of—

(I) not more than 1 year;

(II) not less than 1, but not more than 2, years; and

(III) not less than 2 years; and

(B) the estimated costs to the Federal Government of the maintenance backlog of each Federal agency, to be—

(i) organized in categories comprised of buildings and structures; and

(ii) expressed as an aggregate cost.

(c) USE OF EXISTING ANNUAL REPORTS.—An annual report required under subsection (a) may be comprised of any annual report relating to the management of Federal real property that is published by a Federal agency.

SA 11. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 22, to designate certain land components of the National Wilderness Preservation System, to authorize certain progams and activities in the Department of the Interior and the Department of Agriculture, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title II, add the following:

SEC. 204. EFFECTIVE DATE.

This subtitle shall not take effect until the date on which the Inspector General of the Department of the Interior issues a finding that no laws were violated by the employees of the National Landscape Conservation System in the investigation of the Inspector General relating to allegations of improper coordination between employees of the National Landscape Conservation System and environmental advocacy organizations.

SA 12. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 22, to designate certain land components of the National Wilderness Preservation System, to authorize certain progams and activities in the Department of the Interior and the Department of Agriculture, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. HUNTING ON FEDERAL LAND.

(a) PURPOSE.—The purpose of this section is to require that all management plans for Federal land include hunting activities as a land use to the extent that the hunting activities are not incompatible with the purposes for which the Federal land is managed.

(b) DEFINITIONS.—In this section:

(1) HUNTING.—The term ''hunting'' includes hunting, trapping, netting, and fishing.

(2) MANAGEMENT PLAN.—The term ''management plan'' includes a management plan, management contract, or other comprehensive plan for the management or use of Federal land.

(3) SECRETARY CONCERNED.—The term ''Secretary concerned'' means the Secretary with jurisdiction over the applicable Federal land.

(c) HUNTING ALLOWED UNLESS INCOMPATIBLE.—In developing or considering approval of a management plan (or any amendment to a management plan) for Federal land, the Secretary concerned shall ensure that hunting activities are allowed as a use of the Federal land to the extent that the hunting activities are not incompatible with the purposes for which the Federal land is managed.

(d) PUBLICATION OF REASONS FOR NOT ALLOWING HUNTING.—

(1) IN GENERAL.—If hunting activities are not allowed or are restricted on Federal land, the Secretary concerned shall include in the management plan for the Federal land the specific reason that hunting activities are not allowed or are restricted.

(2) CONTRACT OR QUOTA THINNING.—For purposes of this subsection, allowing contract or quota thinning of wildlife shall not constitute allowing unrestricted hunting.

(3) FEE AS RESTRICTION.—For purposes of this subsection, a fee relating to hunting activities on Federal land under the jurisdiction of the Secretary concerned that is in excess of the amount needed to recover costs of management of the Federal land shall be considered to be a restriction on hunting.

(e) FEES.—Fees charged relating to hunting activities on Federal land shall be—

(1) retained by the Secretary concerned to offset costs directly related to management of hunting on the Federal land on which hunting activities related to the fees are conducted; and

(2) limited to an amount that the Secretary concerned reasonably estimates to be necessary to offset costs directly related to management of hunting on the Federal land on which hunting activities related to the fees are conducted.

(f) APPLICABILITY.—This section shall apply to all management plans developed, approved, or amended after the date of the enactment of this Act.

SEC. ___. HUNTING ON NEWLY ACQUIRED OR DESIGNATED LAND.

With respect to any land subject to State and local hunting laws that is acquired by the United States or designated as a unit of the National Park System, a unit of the National Wilderness Preservation System, or a National Heritage Area on or after the date of enactment of this Act, the head of the agency with jurisdiction over the land shall submit to Congress for approval any proposed changes to the use of the land that would affect hunting on the land.

SA 13. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 22, to designate certain land components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XIII, add the following:

SEC. 13_____. EFFECT ON BORDER FENCE.

Nothing in this Act (or an amendment made by this Act)—

(1) prevents, delays, or obstructs the planning, construction, operation, or maintenance of a border fence running parallel to the international border between the United States and Mexico;

(2) affects the operations or duties of the Secretary of Homeland Security (including Border Patrol agents) or State or local law enforcement agencies on any land subject to this Act (or an amendment made by this Act); or

(3) affects security operations along the international border between the United States and Canada.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on Thursday, January 8, 2009, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, January 8, 2009 at 10 a.m. in room 406 of the Dirksen Senate Office Building to hold a hearing entitled ''Oversight Hearing on the Tennessee Valley Authority and the Recent Major Coal Ash Spill.''

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate on January 8, to conduct a hearing on the nomination of Former Senate Majority Leader Thomas A. Daschle, of South Dakota, to be Secretary of Health and Human Services. The hearing will commence at 10 a.m. in room 430 of the Dirksen Senate Office Building.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Thursday, January 8, 2009, at 1:30 p.m. to conduct a hearing entitled ''Lessons from the Mumbai Terrorist Attacks.''

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

COMMITTEE ON THE JUDICIARY

Mr. LEAHY. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate to conduct a hearing entitled ''Helping State and Local Law Enforcement During an Economic Downturn'' on Thursday, January 8, 2009, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building.

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

PRIVILEGES OF THE FLOOR

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the following staff members from Senator SHAHEEN's office be granted floor privileges for today's session of the Senate: Maura Keefe, Judy Reardon, and Michael Yudin.

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

AUTHORIZING PRODUCTION OF DOCUMENTS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 11.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 11) to authorize production of documents to the Department of Defense Inspector General.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, last Congress, the staff of the Committee on Armed Services conducted an inquiry into allegations regarding irregularities in the administration by the Department of the Army of a Logistics Civil Augmentation Program, LOGCAP, contract for logistical support in Iraq. At the conclusion of that staff inquiry, the chairman and ranking member of the committee referred allegations regarding administration of the LOGCAP contract to the Department of Defense acting Inspector General for review.

The chairman and ranking member would like to share with the inspector general records of the committee staff inquiry to assist in the conduct of the inspector general's review. This resolution would accordingly authorize the chairman and ranking member, acting jointly, to release committee records relating to this matter to the Defense Department Inspector General.

Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

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

The resolution (S. Res. 11) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 11

Whereas, last Congress the Committee on Armed Services conducted a staff inquiry into allegations regarding irregularities in the administration of a contract for logistical support in Iraq by the Department of the Army;

Whereas, upon the completion of the Committee's staff inquiry, the Chairman and Ranking Member referred to the Acting Inspector General of the Department of Defense for review allegations regarding the Administration of this LOGCAP contract;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Ranking Member of the Armed Services Committee, acting jointly, are authorized to produce to the Department of Defense Inspector General records of the Committee's staff inquiry into allegations relating to the administration of the Army's LOGCAP contract.

MEASURES READ THE FIRST TIME—S. 181 AND S. 182

Mr. REID. Mr. President, I am told there are two bills at the desk. I, therefore, ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will report the bills by title for the first time.

The legislative clerk read as follows:

A bill (S. 181) to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, and for other purposes.

A bill (S. 182) to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

Mr. REID. I now ask for their second reading en bloc but object to my own request en bloc.

The PRESIDING OFFICER. Objection is heard. The bills will be read a second time on the next legislative day.

ORDERS FOR FRIDAY, JANUARY 9, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. Friday, January 9; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there then be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

PROGRAM

Mr. REID. Mr. President, all Senators are notified that at 2:45 p.m. on Sunday, the Democratic caucus will meet in the LBJ Room for a continuation of the caucus we held today to deal with the economic recovery plan of President-elect Barack Obama. At 2 p.m. on Sunday, there is a scheduled vote, and it will be necessary that all Senators be in attendance at that vote.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:31 p.m., adjourned until Friday, January 9, 2009, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

STUART GORDON NASH, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE RUFUS GUNN KING, III, RETIRED.

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JOHN M. CROLEY
BRIG. GEN. TRACY L. GARRETT