

their third Division II football National Championship. We look forward to more good things to come from this university and this football program.

#### COPENHAGEN CONFERENCE ON CLIMATE CHANGE

Mr. LEAHY. Mr. President, I want to speak briefly as the Copenhagen conference on climate change approaches its final hours.

Earlier this week, Secretary of State Clinton announced on behalf of the United States the intention to work with other governments to raise \$100 billion in long-term financing by 2020 to help developing countries address global climate change. This is an important commitment and an essential part of any comprehensive approach to global warming. If the United States is to play a leading role in addressing climate change, we must provide not only strong policies and resources here at home in our factories and on our farms, but also help poor countries adapt to rising sea levels and temperatures which affect agricultural productivity, and to reduce their own emissions of the greenhouse gases that affect every American as well as billions of others across the globe.

The United States has been historically the major emitter of CO<sub>2</sub>, and we clearly have a responsibility to help address this global problem. Those who suggest otherwise ignore history. But this is a win-win situation: By exporting U.S. clean energy technology and expertise, we will also generate jobs here at home, help other countries reduce their emissions in a transparent, verifiable and accountable manner, and help to avoid the worst effects of global warming.

Other nations, particularly China and India, are also major contributors to global warming. The administration is right to insist that they be part of the solution and agree to verifiable limits on their own greenhouse gas emissions. It is encouraging that China is already a major investor in renewable energy technology, but at the same time is building coal-fired powerplants at an alarming rate.

For the past 8 years, the policy of the Bush administration was to ignore this problem. In fact it was worse than that, as the last administration actively sought to discredit the scientific evidence and oppose any efforts both here and abroad to address global warming with anything more than lip-service.

Fortunately, times have changed. We have a President and a Congress that are committed to developing a strategy to invest in clean energy, energy efficiency and new high-tech infrastructure that will bring us to long-sought goals: energy independence, good jobs for our citizens, and a healthy planet for our children and grandchildren. The recently passed fiscal year 2010 Department of State, Foreign Operations, and Related Programs Appropriations Act

provides more than \$1.2 billion for climate change and environment programs overseas. This is a significant increase over last year. From exports of renewable energy technology to programs to protect tropical forests, these funds will play a part in our bilateral and multilateral efforts to work collectively with other countries.

This and Secretary Clinton's announcement are important steps, but the relentless burning of fossil fuels and destruction of the world's remaining forests call for nothing less than unprecedented commitments to reverse these trends. There is already speculation that Copenhagen will fall far short of what is needed. I am hopeful that before the conference concludes the Obama administration will demonstrate further that the U.S. is going to do what is necessary so future generations will not look back and ask why we failed when faced with this great challenge.

#### HONORING OUR ARMED FORCES

##### PRIVATE FIRST CLASS JAICIAE L. PAULEY

Mr. BAYH. Mr. President, I rise today with a heavy heart to honor the life of PFC Jaiciae L. Pauley. Jaiciae was 29 years old when he lost his life on December 11, 2009, in Kirkuk, Iraq. He was assigned to the 1st Battalion, 30th Infantry Regiment, 2nd Brigade Combat Team, 3rd Infantry Division, Fort Stewart, GA. Jaiciae died supporting Operation Iraqi Freedom.

Today, I join Jaiciae's family and friends in mourning his death. Jaiciae will forever be remembered as a loving son and a friend to many. Jaiciae is survived by his parents, Mr. Roger D. Pauley of Muncie, IN; his mother, Ms. Caitlin Ramshaw of Fort Pierce, FL; and a community of his family and friends.

Jaiciae was an ambulance aide and driver. He joined the Army in 2008, and this was his first deployment.

While we struggle to express our sorrow over this loss, we can take pride in Jaiciae's service as a soldier and in his life as a son and friend. Today and always, he will be remembered by family, friends and fellow Hoosiers as an American hero, and we cherish the memory of his service and his life.

As I search for words to do justice to this fallen soldier, I recall President Abraham Lincoln's words as he addressed the families of soldiers who died at Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as we search for some measure of solace in knowing that Jaiciae's sacrifice and memory will outlive the record of the words spoken here.

It is my sad duty to enter the name of Jaiciae L. Pauley in the RECORD of

the U.S. Senate for his service to this country and to freedom, democracy and peace. I pray that Jaiciae's family can find comfort in the words of the prophet Isaiah, who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Jaiciae.

#### MESSAGE FROM THE HOUSE

At 12:58 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 2847) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes, with an amendment, in which it requests the concurrence of the Senate.

The message also announced that pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act of Fiscal Year 2001 (22 U.S.C. 7002), amended by division P of the Consolidated Appropriations Resolution, 2003 (22 U.S.C. 6901), and the order of the House of January 6, 2009, the Speaker reappoints to the United States-China Economic and Security Review Commission the following private citizens: Ms. Carolyn Bartholomew of Washington, DC, and Mr. Jeffrey L. Fiedler of Great Falls, Virginia.

#### MEASURES PLACED ON THE CALENDAR

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

H.R. 4314. An act to permit continued financing of Government operations.

#### MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 4314. An act to permit continued financing of Government operations.

#### 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-4098. A communication from the Chief of Research and Analysis, Food and Nutrition Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "School Food Safety Program Based on Hazard Analysis and Critical Control Point Principles" (RIN0584-AD65) received in the Office of the President of the Senate on December 16, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4099. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department

of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Importation of Swine Hides and Skins, Bird Trophies, and Ruminant Hides and Skins" (Docket No. APHIS-2006-0113) received in the Office of the President of the Senate on December 16, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4100. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Importation of Cooked Pork Skins" (Docket No. APHIS-2008-0032) received in the Office of the President of the Senate on December 16, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4101. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Tribenuron methyl; Pesticide Tolerances" (FRL No. 8797-9) received in the Office of the President of the Senate on December 15, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4102. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Rimsulfuron; Pesticide Tolerances" (FRL No. 8796-9) received in the Office of the President of the Senate on December 15, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4103. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Quinclorac; Pesticide Tolerances" (FRL No. 8800-7) received in the Office of the President of the Senate on December 15, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4104. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Prosulfuron; Pesticide Tolerances" (FRL No. 8800-8) received in the Office of the President of the Senate on December 15, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4105. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Prometryn; Pesticide Tolerances" (FRL No. 8801-8) received in the Office of the President of the Senate on December 15, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4106. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Mesotrione; Pesticide Tolerances" (FRL No. 8799-1) received in the Office of the President of the Senate on December 15, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4107. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Glyphosate; Pesticide Tolerances" (FRL No. 8408-1) received in the Office of the President of the Senate on December 15, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4108. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fluoxastrobin; Pesticide Tolerances" (FRL No. 8803-4) received in the Office of the President of the Senate on December 15, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4109. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fenarimol; Pesticide Tolerances" (FRL No. 8793-5) received in the Office of the President of the Senate on December 15, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4110. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Endothal; Pesticide Tolerances" (FRL No. 8804-8) received in the Office of the President of the Senate on December 15, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4111. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Dinotefuran; Pesticide Tolerances" (FRL No. 8803-1) received in the Office of the President of the Senate on December 15, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4112. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Chlorimuron Ethyl; Pesticide Tolerances" (FRL No. 8798-1) received in the Office of the President of the Senate on December 15, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4113. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Bifenazate; Pesticide Tolerances" (FRL No. 8804-1) received in the Office of the President of the Senate on December 15, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4114. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "2,6-Diisopropyl-naphthalene (2,6-DIPN); Time-Limited Pesticide Tolerances" (FRL No. 8798-5) received in the Office of the President of the Senate on December 15, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4115. A communication from the Director of the Regulatory Management Division, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "2-propenoic acid, butyl ester; polymer with ethenylbenzene, methyl 2-methyl-2-propenoate and 2-propenoic acid; Tolerance Exemption" (FRL No. 8800-6) received in the Office of the President of the Senate on December 15, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4116. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTTC 131-09, of

the proposed sale or export of defense articles, including technical data, and defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Armed Services.

EC-4117. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Foreign Participation in Acquisitions in Support of Operations in Afghanistan" (DFARS Case 2009-D012) received in the Office of the President of the Senate on December 16, 2009; to the Committee on Armed Services.

EC-4118. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Statutory Waiver for Commercially Available Off-the-Shelf Items" (DFARS Case 2008-D009) received in the Office of the President of the Senate on December 16, 2009; to the Committee on Armed Services.

EC-4119. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Technical Data and Computer Software Requirements for Major Weapon Systems" (DFARS Case 2006-D055) received in the Office of the President of the Senate on December 16, 2009; to the Committee on Armed Services.

EC-4120. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Allowability of Costs to Lease Government Equipment for Display or Demonstration" (DFARS Case 2007-D004) received in the Office of the President of the Senate on December 16, 2009; to the Committee on Armed Services.

EC-4121. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Inflation Adjustment of Civil Monetary Penalties" (RIN1990-AA32) received in the Office of the President of the Senate on December 15, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-4122. A communication from the Deputy Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Extension for Filing Accommodation for Static Pool Information in Filings With Respect to Asset-Backed Securities" (RIN3235-AK44) received in the Office of the President of the Senate on December 16, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-4123. A communication from the Attorney-Advisor, Departmental Offices, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Terrorism Risk Insurance Program; Cap on Annual Liability" (RIN1505-AB92) received in the Office of the President of the Senate on December 16, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-4124. A communication from the Attorney-Advisor, Departmental Offices, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Terrorism Risk Insurance Program; Recoupment Provisions" (RIN1505-AB10) received in the Office of the President of the

Senate on December 16, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-4125. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report relative to the national emergency with respect to Belarus; to the Committee on Banking, Housing, and Urban Affairs.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HARKIN, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 510. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of the food supply.

By Mr. KERRY, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 1739. A bill to promote freedom of the press around the world.

#### 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 Ms. CANTWELL (for herself and Mrs. MURRAY):

S. 2906. A bill to amend the Act of August 9, 1955, to modify a provision relating to leases involving certain Indian tribes; to the Committee on Indian Affairs.

By Ms. MURKOWSKI (for herself, Mr. BEGICH, and Mr. UDALL of Colorado):

S. 2907. A bill to establish a coordinated avalanche protection program, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KOHL (for himself, Mr. CORKER, and Mr. FEINGOLD):

S. 2908. A bill to amend the Energy Policy and Conservation Act to require the Secretary of Energy to publish a final rule that establishes a uniform efficiency descriptor and accompanying test methods for covered water heaters, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SANDERS (for himself, Mr. LEAHY, Mr. BROWN, and Mr. MENENDEZ):

S. 2909. A bill to provide State programs to encourage employee ownership and participation in business decisionmaking throughout the United States, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SANDERS:

S. 2910. A bill to increase wages and benefits of blue collar workers by strengthening labor provisions in the H-2B program, to provide for labor recruiter accountability, and for other purposes; to the Committee on the Judiciary.

By Mr. SESSIONS (for himself, Mr. BUNNING, Mr. VITTER, Mr. LEMIEUX, Mr. ENZI, Mr. CORNYN, Mr. BARRASSO, and Mr. HATCH):

S. 2911. A bill to reduce the deficit by establishing 5-year discretionary spending caps and strengthened Pay-As-You-Go procedures; to the Committee on the Budget.

By Mr. NELSON of Florida:

S. 2912. A bill to require lenders of loans with Federal guarantees or Federal insurance to consent to mandatory mediation; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. COLLINS (for herself and Mr. CARPER):

S. 2913. A bill to establish a national mercury monitoring program, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SANDERS (for himself, Mr. LEAHY, Mr. BROWN, and Mr. MENENDEZ):

S. 2914. A bill to provide for the establishment of the United States Employee Ownership Bank, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CORKER (for himself, Mr. ALEXANDER, Mr. CRAPO, and Mr. VITTER):

S. 2915. A bill to provide that employment-related arbitration agreements shall not be enforceable with respect to any claim related to a tort arising out of rape; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BUNNING:

S. 2916. A bill to provide that Internal Revenue Service Notice 2010-2 shall have no force and effect and to amend the Internal Revenue Code of 1986 to restrict the authority of the Secretary of the Treasury to prescribe regulations under section 382 of such Code; to the Committee on Finance.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, Mr. NELSON of Nebraska, Ms. LANDRIEU, Mr. BOND, Mr. LUGAR, Mr. BROWNBAC, Mr. ROBERTS, Mr. HATCH, and Mr. CRAPO):

S. 2917. A bill to amend the Internal Revenue Code of 1986 to modify the penalty for failure to disclose certain reportable transactions and the penalty for submitting a bad check to the Internal Revenue Service, to modify certain rules relating to Federal vendors, and for other purposes; to the Committee on Finance.

By Mr. CORNYN (for himself, Mr. ALEXANDER, Mr. BARRASSO, Mr. BENNETT, Mr. BOND, Mr. BROWNBAC, Mr. BURR, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CORKER, Mr. CRAPO, Mr. DEMINT, Mr. ENSIGN, Mr. ENZI, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. INHOFE, Mr. ISAKSON, Mr. KYL, Mr. LEMIEUX, Mr. LUGAR, Mr. MCCAIN, Mr. MCCONNELL, Ms. MURKOWSKI, Mr. RISCH, Mr. ROBERTS, Mr. SESSIONS, Mr. THUNE, Mr. VITTER, and Mr. WICKER):

S.J. Res. 24. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Labor relating to financial disclosure and transparency by labor union management; to the Committee on Health, Education, Labor, and Pensions.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. MCCAIN (for himself, Mr. KERRY, Mrs. LINCOLN, Mr. INOUE, Mr. BEGICH, Mr. FEINGOLD, Mr. SPECTER, Mr. GRASSLEY, Mr. BURR, Ms. COLLINS, Ms. MURKOWSKI, and Mr. COCHRAN):

S. Res. 380. A resolution designating January 2010 as "National Mentoring Month"; to the Committee on the Judiciary.

By Mrs. MURRAY (for herself and Ms. COLLINS):

S. Res. 381. A resolution designating the week of February 1 through February 5, 2010, as "National School Counseling Week"; to the Committee on the Judiciary.

#### ADDITIONAL COSPONSORS

S. 144

At the request of Mr. KERRY, the names of the Senator from Virginia (Mr. WARNER) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 144, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 416

At the request of Mrs. FEINSTEIN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 416, a bill to limit the use of cluster munitions.

S. 538

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 538, a bill to increase the recruitment and retention of school counselors, school social workers, and school psychologists by low-income local educational agencies.

S. 634

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 634, a bill to amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education.

S. 663

At the request of Mr. NELSON of Nebraska, the names of the Senator from Montana (Mr. TESTER) and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. 663, a bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish the Merchant Mariner Equity Compensation Fund to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 818

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 818, a bill to reauthorize the Enhancing Education Through Technology Act of 2001, and for other purposes.

S. 941

At the request of Mr. CRAPO, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 941, a bill to reform the Bureau of Alcohol, Tobacco, Firearms, and Explosives, modernize firearm laws and regulations, protect the community from criminals, and for other purposes.

S. 1029

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 1029, a bill to create a new incentive fund that will encourage States to adopt the 21st Century Skills Framework.

S. 1052

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 1052, a bill to amend the small, rural school achievement program and the rural and low-income school program under part B of title VI of the Elementary and Secondary Education Act of 1965.