

SENATE CONCURRENT RESOLUTION 1—TO PROVIDE FOR THE COUNTING ON JANUARY 8, 2009, OF THE ELECTORAL VOTES FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

Mr. REID (for himself and Mr. MCCONNELL) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 1

Resolved by the Senate (the House of Representatives concurring), That the two Houses of Congress shall meet in the Hall of the House of Representatives on Thursday, the 8th day of January 2009, at 1 o'clock post meridian, pursuant to the requirements of the Constitution and laws relating to the election of President and Vice President of the United States, and the President of the Senate shall be their Presiding Officer; that two tellers shall be previously appointed by the President of the Senate on the part of the Senate and two by the Speaker on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter 'A'; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted in the manner and according to the rules by law provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

SENATE CONCURRENT RESOLUTION 2—EXTENDING THE LIFE OF THE JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES

Mr. REID (for himself and Mr. MCCONNELL) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 2

Resolved by the Senate (the House of Representatives concurring), That effective from January 6, 2009, the joint committee created by Senate Concurrent Resolution 67 (110th Congress), to make the necessary arrangements for the inauguration, is hereby continued with the same power and authority provided for in that resolution. SEC. 2. Effective from January 6, 2009, the provisions of Senate Concurrent Resolution 68 (110th Congress), to authorize the rotunda of the United States Capitol to be used in connection with the proceedings and ceremonies for the inauguration of the President-elect and the Vice President-elect of the United States, are continued with the same power and authority provided for in that resolution.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the infor-

mation of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, January 8, 2009, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on current energy security challenges.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to Rosemarie_Calabro@energy.senate.gov.

For further information, please contact Tara Billingsley at (202) 224-4756 or Rosemarie Calabro at (202) 224-5039.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Tuesday, January 13, 2009, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to consider the nomination of Steven Chu to be Secretary of Energy.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to Amanda_Kelly@energy.senate.gov.

For further information, please contact Sam Fowler at (202) 224-7571 or Amanda Kelly at (202) 224-6836.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, January 15, 2009, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to consider the nomination of Ken Salazar to be Secretary of the Interior.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150, or by e-mail to Amanda_Kelly@energy.senate.gov.

For further information, please contact Sam Fowler at (202) 224-7571 or Amanda Kelly at (202) 224-6836.

APPOINTMENT

The PRESIDING OFFICER. Pursuant to the order of the Senate of December 11, 2008, authorizing appointments to be made during the recess or adjournment of the Senate, the Chair lays before the Senate an appointment made on December 18, 2008:

The Chair, on behalf of the Republican Leader, pursuant to provisions of Public Law 110-343, appoints the following individual as a member of the Congressional Oversight Panel: the Honorable JOHN SUNUNU, of New Hampshire vice the Honorable JUDD GREGG, of New Hampshire.

ENSURING COMPENSATION AND OTHER EMOLUMENTS ATTACHED TO THE OFFICE OF SECRETARY OF THE INTERIOR

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S.J. Res. 3 introduced earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 3) ensuring that the compensation and other emoluments attached to the Office of Secretary of the Interior are those which were in effect on January 1, 2005.

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

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the joint resolution be read three times and passed, the motions to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The joint resolution was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S.J. RES. 3

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. COMPENSATION AND OTHER EMOLUMENTS ATTACHED TO THE OFFICE OF SECRETARY OF THE INTERIOR.

(a) IN GENERAL.—The compensation and other emoluments attached to the office of Secretary of the Interior shall be those in effect January 1, 2005, notwithstanding any increase in such compensation or emoluments after that date under any provision of law, or provision which has the force and effect of law, that is enacted or becomes effective during the period beginning at noon of January 3, 2005, and ending at noon of January 3, 2011.

(b) CIVIL ACTION AND APPEAL.—

(1) JURISDICTION.—Any person aggrieved by an action of the Secretary of the Interior may bring a civil action in the United States District Court for the District of Columbia to contest the constitutionality of the appointment and continuance in office of the Secretary of the Interior on the ground that such appointment and continuance in office is in violation of article I, section 6, clause 2,

of the Constitution. The United States District Court for the District of Columbia shall have exclusive jurisdiction over such a civil action, without regard to the sum or value of the matter in controversy.

(2) **THREE JUDGE PANEL.**—Any claim challenging the constitutionality of the appointment and continuance in office of the Secretary of the Interior on the ground that such appointment and continuance in office is in violation of article I, section 6, clause 2, of the Constitution, in an action brought under paragraph (1) shall be heard and determined by a panel of three judges in accordance with section 2284 of title 28, United States Code. It shall be the duty of the district court to advance on the docket and to expedite the disposition of any matter brought under this subsection.

(3) **APPEAL.**—

(A) **DIRECT APPEAL TO SUPREME COURT.**—An appeal may be taken directly to the Supreme Court of the United States from any interlocutory or final judgment, decree, or order upon the validity of the appointment and continuance in office of the Secretary of the Interior under article I, section 6, clause 2, of the Constitution, entered in any action brought under this subsection. Any such appeal shall be taken by a notice of appeal filed within 20 days after such judgment, decree, or order is entered.

(B) **JURISDICTION.**—The Supreme Court shall, if it has not previously ruled on the question presented by an appeal taken under subparagraph (A), accept jurisdiction over the appeal, advance the appeal on the docket, and expedite the appeal.

(C) **EFFECTIVE DATE.**—This joint resolution shall take effect at 12:00 p.m. on January 20, 2009.

MEASURES READ THE FIRST TIME—S. 1, S. 2, S. 3, S. 4, S. 5, S. 6, S. 7, S. 8, S. 9, S. 10, S. 33, and S. 34

Mr. WHITEHOUSE. Mr. President, I understand there are 12 bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. Without objection, the clerk will report the bills by title.

The legislative clerk read as follows:

A bill (S. 1) to create jobs, restore economic growth, and strengthen America's middle class through measures that modernize the nation's infrastructure, enhance America's energy independence, expand educational opportunities, preserve and improve affordable health care, provide tax relief, and protect those in greatest need, and for other purposes.

A bill (S. 2) to improve the lives of middle class families and provide them with greater opportunity to achieve the American dream.

A bill (S. 3) to protect homeowners and consumers by reducing foreclosures, ensuring the availability of credit for homeowners, businesses, and consumers, and reforming the financial regulatory system, and for other purposes.

A bill (S. 4) to guarantee affordable, quality health coverage for all Americans, and for other purposes.

A bill (S. 5) to improve the economy and security of the United States by reducing the dependence of the United States on foreign and unsustainable energy sources and the risks of global warming, and for other purposes.

A bill (S. 6) to restore and enhance the national security of the United States.

A bill (S. 7) to expand educational opportunities for all Americans by increasing access

to high-quality early childhood education and after school programs, advancing reform in elementary and secondary education, strengthening mathematics and science instruction, and ensuring that higher education is more affordable, and for other purposes.

A bill (S. 8) to return the Government to the people by reviewing controversial "midnight regulations" issued in the waning days of the Bush Administration.

A bill (S. 9) to strengthen the United States economy, provide for more effective border and employment enforcement, and for other purposes.

A bill (S. 10) to restore fiscal discipline and begin to address the long-term fiscal challenges facing the United States, and for other purposes.

A bill (S. 33) to amend the Internal Revenue Code of 1986 with respect to the proper tax treatment of certain indebtedness discharged in 2009 or 2010, and for other purposes.

A bill (S. 34) to prevent the Federal Communications Commission from repromulgating the fairness doctrine.

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

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

Mr. WHITEHOUSE. Mr. President, I now ask for a second reading en bloc, and I object to my own request en bloc.

The PRESIDING OFFICER. Objection is heard.

The bills will be read the second time on the next legislative day.

CLAIBORNE DE BORDA PELL

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 8, submitted earlier today by Senator REID.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 8) relative to the death of the Honorable Claiborne de Borda Pell, former United States Senator for the State of Rhode Island.

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

Mr. FEINGOLD. Mr. President, I join my colleagues, the people of Rhode Island, and people across the Nation in mourning the passing of Senator Claiborne Pell. It was my honor to serve with him here in the Senate. My first term in the Senate coincided with his last years of distinguished service in this body. In particular, I enjoyed the opportunity to serve on the Foreign Relations Committee during his time as chairman. He was known on the committee, and throughout the Senate on both sides of the aisle, for his unfailingly kind manner and his outstanding commitment to public service, and rightly so.

Senator Pell had many accomplishments during his life in public service, including his authorship of legislation that created the National Endowment for the Arts and the National Endowment for Humanities, but his work to

create what came to be known as Pell grants was perhaps his greatest achievement. Pell grants have helped millions of Americans attend college who otherwise may not have been able to attend due to cost. Higher education is one of the most important investments our Federal Government can make, and Senator Pell, who was deeply concerned about the emergence of a widening educational gap between low-income and more affluent Americans, worked to try to ensure that individuals from low-income families are not denied postsecondary education because they cannot afford it. As this new Congress begins, it is my hope that we can carry forward Senator Pell's legacy and boost Federal need-based grant programs to help ensure the doors of higher education are open to all Americans regardless of their financial circumstances.

Senator Pell's success in creating these grants, and giving so many Americans access to higher education, and to a better life, is a remarkable legacy. I am proud that I had the chance to serve with Senator Pell, and I join Americans across the country in honoring his memory.

Mr. WHITEHOUSE. 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. 8) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 8

Whereas Claiborne Pell represented the people of Rhode Island with distinction for 36 years in the United States Senate, from 1961 to 1997, and was the longest-serving Senator in Rhode Island's history;

Whereas Claiborne Pell served in the United States Coast Guard and the Coast Guard Reserve, beginning in 1941 and retiring in 1978 with the rank of Captain;

Whereas Claiborne Pell participated in the 1945 United Nations Conference on International Organization that established the United Nations, and was a champion of the United Nations throughout his life;

Whereas Claiborne Pell served as a Foreign Service Officer from 1945 to 1952;

Whereas Claiborne Pell sponsored the legislation that, in 1965, created the National Endowment for the Arts and the National Endowment for the Humanities and, in 1966, created the National Sea Grant College and Program;

Whereas Claiborne Pell's vision led to the creation of an improved passenger rail system in the Northeast and across the United States;

Whereas Claiborne Pell believed that economic means should not be a barrier to a higher education and sponsored legislation creating the Basic Educational Opportunity Grants in 1972, which were renamed "Pell Grants" in 1980;

Whereas Pell Grants have helped 54,000,000 people in the United States secure a higher education;