

Many months ago, I offered the first amendment in the Intelligence Committee that would apply the Army Field Manual to interrogation techniques used by our intelligence agencies, and Senator FEINSTEIN was kind enough to cosponsor that amendment. We worked together in conference to get that amendment passed into legislation that was subsequently vetoed. I submitted the International Committee of the Red Cross access provision last year.

I cannot find words strong enough to explain the strength of my view about the things we sacrifice for whatever small, short-term, tactical intelligence advantage we may achieve from torture and secret cells, assuming there even are any. Most intelligence professionals believe that what you get from torture is people who will say anything to get away from the pain. But let's assume there is some value to it for the sake of argument. I cannot find words strong enough to explain how overwhelmed that small tactical value is by the loss of our reputation and our standing and the confidence and trust of our friends and allies when we engage in behaviors that have been associated with despots and tyrants and the worst of history's regimes.

Let's put this behind us. Let's support this bill. As we go through this time of transition in American Government, let's also go through a time of transition in America's reputation in the world.

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

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

The assistant legislative clerk proceeded to call the roll.

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 I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. CANTWELL). Without objection, it is so ordered.

#### TRIBUTE TO SENATOR ROBERT BYRD

Mr. HARKIN. Madam President, I want to join my colleagues today in honoring the extraordinary service and accomplishments of the senior Senator from West Virginia, the Honorable ROBERT C. BYRD. It was exactly 50 years ago today, on January 7, 1958, that he was first sworn into the Senate. Senator BYRD is the longest serving Senator in U.S. history, and he truly is a living legend in this institution that he loves so dearly and defends so fiercely.

The Almanac of American Politics says: ROBERT BYRD "may come closer to the kind of Senator the Founding Fathers had in mind than any other."

I couldn't agree more. He is a person of wise and mature judgment, a patriot with a deep love of his country. He is passionately loyal to the Constitution and a fierce defender of the role and prerogatives of Congress and the Senate in particular.

Senator BYRD was once asked how many Presidents he had served under. He answered that he had not served under any President, that he had served with 10 Presidents as a proud member of a separate and coequal branch of Government. During his five decades in this body, Senator BYRD has witnessed many changes our country has gone through. Think about it. Our population since 1958 has grown by 125 million people. There have been new technologies.

I was thinking about this. In 1958, I graduated from high school in Des Moines, IA. The year before the Russians had launched Sputnik, and we were trying to catch up. We had not established ourselves in space. I was out of high school that summer, getting ready to go to college. I found a job working on this new construction project called the interstate highway system which was just beginning at that time. Jet air travel was just starting. I remember my first flight. The airplane was propeller driven. We didn't have jet aircraft. There were some in the military, but it hadn't started for commercial air travel at that time. We had no computers, no cell phones, and nine out of ten TV sets were black and white. That was 1958, the year ROBERT BYRD came to the Senate. There have been many changes that have happened over the last 50 years.

Across this half century of rapid change, there has been one constant—Senator BYRD's tireless service to this country, his passion for helping bring new opportunities to the people of West Virginia, and his dedication to this institution, the Senate of the United States.

Senator BYRD is a person of many accomplishments and a rich legacy. But above all, I will mention his commitment to improving public education and expanding access to higher education, especially for kids from poorer families. As many of my colleagues know, ROBERT C. BYRD was raised in the hardscrabble coalfields of southern West Virginia. That is one thing he and I have always talked about. My father was a coal miner also in the State of Iowa. His family was poor but rich in values and faith. His parents nurtured in ROBERT BYRD a lifelong passion for education and learning. He was valedictorian of his high school class but too poor to go to college right away. Those were the days before Pell grants and Byrd scholarships. So he worked as a welder in a shipyard, later as a butcher in a coal company town. It took him 12 years to save enough money to start college. He was a U.S. Senator when he earned his law degree.

No other Member of Congress before or since has started and completed law school while serving in the Congress. But degrees don't begin to tell the story of the education of ROBERT C. BYRD. He is the ultimate lifetime learner. It is as though for the last 50 years he has been enrolled in the Rob-

ert C. Byrd school of continuing education. You won't get a better, more thorough education at any school, Harvard, Yale, or anywhere else.

Senator BYRD's erudition has borne fruit in no less than nine books he has written and published over the last two decades. He literally wrote the book on the Senate, a masterful four-volume history of the institution that has become a classic. What my colleagues may not know is that he also authored a highly respected history of the Roman Senate. For those of us who have been here—in my case 24 years—we have listened, either here on the floor or later when we got television, on closed circuit in our offices, to the many speeches ROBERT BYRD gave about the Roman Senate, wonderful descriptions of the Roman Senate and how it operated. We could hear how he weaved in the operations of our own Senate. There are some who think ROBERT C. BYRD actually served in the Roman Senate. But that part of the BYRD legend I can absolutely say is not true.

I have talked at length about Senator BYRD's education because it explains why he is so passionate about ensuring that every American has access to quality public education, both K-12 and higher. The one thing Senator BYRD and I have in common is our fathers were coal miners with very little formal education. Coming from a poor background, Senator BYRD believes, as do I, that a cardinal responsibility of Government is to provide a ladder of opportunity so that everyone, no matter how humble their background, has a shot at the American dream. I said ladder of opportunity; I didn't say an escalator. On an escalator, you get a free ride. You get on and you get a free ride. But with a ladder of opportunity, you still have to exert energy and effort and responsibility to get to the top. But with that ladder there have to be rungs so you can actually climb.

The most important rungs on that ladder of opportunity involve education, early childhood education, Head Start programs, quality K-12 public schools, access to college and other forms of higher education. During my 24 years in the Senate, no one has fought harder for public education than Senator ROBERT BYRD. As chairman of the Appropriations Committee, he has been the champion of education at every turn, fighting to reduce class size, improving teacher training, bringing new technologies into the classroom, boosting access to higher education.

In 1985, my first year in the Senate, he created the only national merit based college scholarship program funded through the U.S. Department of Education. Congress later named them in his honor. Originally, the Byrd scholarships consisted of a 1-year \$1,500 award to outstanding students. Today, Byrd scholarships provide grants of up to \$6,000 over 4 years. How many kids

of meager means, coming from low-income families but very bright, very capable, have received these Byrd scholarships which got them through college.

Senator BYRD has also been outspoken in challenging the current administration for failing to keep its commitments under the No Child Left Behind Act. To the last fiscal year, No Child Left Behind has been underfunded since 2002, when it first came into existence. It has been underfunded by over \$70 billion.

Think what that would mean for our local school systems in America had we kept our commitment to funding No Child Left Behind. But I will tell you this: It would have been a lot worse if Senator BYRD had not been here on our Appropriations Committee, either as chairman or ranking member, sponsoring the key amendments to boost the funding above what the Bush administration had proposed.

Senator BYRD is a great student of literature, and I am sure he knows "The Canterbury Tales"—probably a lot of it by heart, as he knows a lot of things by heart, by memory. Describing the Clerk of Oxford, Chaucer might just as well have been describing ROBERT C. BYRD. Here is what Chaucer said about the Clerk of Oxford:

Filled with moral virtue was his speech;  
And gladly would he learn and gladly teach.

Madam President, Senator BYRD is a great Senator, a great American, a great friend. He has both written our Nation's history and left his mark on it.

It has been an honor to serve both in the Senate and on his Committee of Appropriations with Senator BYRD for the last 24 years. The good people of Iowa have now reelected me, so I will be here for another term. I look forward to serving with Senator BYRD in this body and on the Appropriations Committee for many years to come.

So today on this historic anniversary, we honor his service, we express our respect and our love for this very remarkable Senator, ROBERT C. BYRD, from the great State of West Virginia.

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

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

#### OMNIBUS PUBLIC LAND MANAGEMENT ACT OF 2009 RULE XLIV COMPLIANCE

Mr. BINGAMAN. Mr. President, pursuant to rule XLIV of the Standing Rules of the Senate, I hereby certify

that, to the best of my knowledge and belief, the Omnibus Public Land Management Act of 2009 does not contain any limited tax benefits, limited tariff benefits, or congressionally directed spending items, as those terms are defined in rule XLIV.

Rule XLIV broadly defines the term "congressionally directed spending item" to include "a provision . . . included primarily at the request of a Senator . . . authorizing . . . a specific amount of discretionary budget authority . . . for . . . expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process."

The Omnibus Public Land Management Act of 2009 is a collection of over 150 public land bills that were reported from the Committee on Energy and Natural Resources during the 110th Congress, for which we have not been able to get unanimous consent to take up and pass during the 110th Congress. I have included them in the Omnibus Public Land Management Act of 2009 to facilitate their early consideration in the new Congress, and not "primarily at the request of a Senator."

Nevertheless, even though no Senator has specifically requested me to include a congressionally directed spending item in the Omnibus Public Land Management Act of 2009, in the interest of furthering the transparency and accountability of the legislative process, I have posted on the Web site of the Committee on Energy and Natural Resources a complete list of all provisions in the Omnibus Public Land Management Act of 2009 that authorize a specific amount of spending authority that is targeted to a specific State or locality, other than through a statutory or administrative formula-driven or competitive award process. The list includes the name of the principal sponsors of the Senate bills in the 110th Congress that have been incorporated in the Omnibus Public Land Management Act.

In addition, I have added several other non-public-land measures from the 110th Congress at the request of the majority leader. Most of these provisions were included in the Advancing America's Priorities Act—S. 3297—in the 110th Congress. They include: the Christopher and Dana Reeve Paralysis Act, subtitle B of title I of S. 3297; four parts of subtitle B, relating to oceans, of title V of S. 3297; and title VII of S. 3297, relating to the authorization of a greenhouse facility for the Smithsonian Institution. These provisions were determined not to constitute "congressionally directed spending items" in the Advancing America's Priorities Act. See 153 Cong. Rec. S7509-7510, July 26, 2008.

In addition, I have added the Coastal and Estuarine Land Conservation Program Act, H.R. 1907 in the 110th Con-

gress, and the Smithsonian Institution Facilities Authorization Act of 2008, H.R. 6627 in the 110th Congress, at the request of the majority leader. The grant program established under Coastal and Estuarine Land Conservation Program Act, section 12507 in the Omnibus Public Land Management Act, does not constitute a congressionally directed spending item because the funds are to be allocated through a competitive grant process. The authorizations in the Smithsonian Institution Facilities Authorization Act, sections 15101 and 15102 of the Omnibus Public Land Management Act, do not appear to constitute congressionally directed spending items because they were requested by the Board of Regents of the Smithsonian Institution, and because they originated in the House of Representatives, where the committees of jurisdiction determined they did not constitute congressional earmarks. See H. Rept. 110-842, part 1, at 5, 2008, Committee on House Administration, and H. Rept. 110-282, part 2, at 4, 2008, Committee on Transportation and Infrastructure.

Finally, I have added the Shoshone-Paiute Tribes of the Duck Valley Reservation Water Rights Settlement Act, H.R. 5293 in the 110th Congress, at the request of the majority leader. This act ratifies a water rights settlement among the Shoshone-Paiute Tribes of the Duck Valley Reservation, individual water users, and the State of Nevada. Section 8 of H.R. 5293, section 10807 of the Omnibus Public Land Management Act, creates two trust funds to settle the legal claims of the Shoshone-Paiute Tribes against the United States for compromising tribal water rights and failing to maintain the Duck Valley Indian Irrigation Project. They do not appear to constitute congressionally directed spending items because they were included to settle pending legal claims rather than "primarily at the request of a Senator," and because they originated in the House of Representatives, where the committee of jurisdiction determined that they did not constitute congressional earmarks. See H. Rept. 110-815 at 11, 2008, Committee on Natural Resources.

I ask unanimous consent that the list be printed in the RECORD.

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

#### THE OMNIBUS PUBLIC LAND MANAGEMENT ACT OF 2009—S. 22

Provisions in the Omnibus Public Land Management Act of 2009 authorizing appropriations in a specific amount for expenditure with or to an entity or targeted to a specific State, locality, or congressional district, other than through a statutory or administrative formula-driven or competitive award process: