

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 President, I ask unanimous consent that the order for the quorum call be rescinded.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

Section	Program or entity	State	Principal sponsor of Senate bill in 110th Cong. (or requester)
2501(b)	Rio Puerco Watershed	NM	Bingaman/Domenici
7101(c)	Keweenaw National Historical Park	MI	Levin
7111	Women's Rights National Historical Park	NY	Clinton
7405(g)	St. Augustine Commemoration Commission	FL	Martinez/Nelson
8001(h)	Sangre de Cristo National Heritage Area	CO	Salazar/Allard
8002(h)	Cache La Poudre National Heritage Area	CO	Allard/Salazar
8003(h)	South Park National Heritage Area	CO	Salazar
8004(h)	Northern Plains National Heritage Area	ND	Dorgan/Conrad
8005(h)	Baltimore National Heritage Area	MD	Mikulski/Cardin
8006(i)	Freedom's Way National Heritage Area	MA & NH	Kerry
8007(h)	Mississippi Hills National Heritage Area	MS	Cochran
8008(h)	Mississippi Delta National Heritage Area	MS	Cochran
8009(i)	Muscle Shoals National Heritage Area	AL	none
8010(h)	Kenai Mountains—Turnagain Arm NHA	AK	Murkowski
8201(c)	Quinebaug & Shetucket Nat. Heritage Corridor	CN	Dodd
9001(c)	Snake, Boise & Payette River Systems Study	ID	Craig
9002(b)	Sierra Vista Subwatershed Study	AZ	Kyl/McCain
9003(c)	San Diego Intertie Study	CA	none
9101(c)	Tumalo Irrigation Project	OR	Smith/Wyden
9102(d)	Madera Water Supply Project	CA	Feinstein
9103(e)	Eastern New Mexico Rural Water Project	NM	Bingaman/Domenici
9105(b)	Jackson Gulch Rehabilitation Project	CO	Salazar/Allard
9106(g)	Rio Grande Pueblos	NM	Bingaman
9108(j)	Santa Margarita River	CA	none
9109(a)	Elsinore Valley Municipal Water District	CA	none
9110(a)	North Bay Water Reuse Authority	CA	Feinstein/Boxer
9111(a)	Prado Basin Treatment Project	CA	Feinstein
9112(b)	Bunker Hill Groundwater Basin	CA	Feinstein
9114(a)	Yucaipa Valley Water District	CA	none
9301(3)	San Gabriel Basin Restoration Fund	CA	none
10009	San Joaquin Restoration Settlement	CA	Feinstein/Boxer
10203	Friant Division Improvements	CA	Feinstein/Boxer
10501	Reclamation Water Settlement Funds	NM	Bingaman/Domenici
10609	(a) Navajo-Gallup Water Supply Project	NM	Bingaman/Domenici
10609(b)	San Juan Conjunctive Use Wells	NM	Bingaman/Domenici
10609(c)	San Juan River Irrigation Projects	NM	Bingaman/Domenici
10609(d)	Other Irrigation Projects	NM	Bingaman/Domenici
10702(f)	Navajo Nation Water Trust Fund	NM	Bingaman/Domenici
10807(b)	Duck Valley Development Fund	NV	Reid/Ensign
10807(c)	Duck Valley Maintenance Fund	NV	Reid/Ensign
12107	National Institute for Undersea Science and Technology	MS	Reid (Cochran)
13006	National Tropical Botanical Garden	HI	Akaka
15101	Smithsonian Institution Mathias Laboratory	MD	Leahy (Dodd)
15102	Smithsonian Institution Panama Laboratory	Panama	Leahy (Dodd)
15103	Smithsonian Institution greenhouse	MD	Reid (Leahy/Dodd)

**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 your newsletter regarding the current problem of gasoline prices. I am a widow living on Social Security income. My car is a 1981 Volvo. Driving my car has almost come to a standstill. I drive only for necessities. I feel like a bear hibernating over the winter. The idea of buying a new car with better mileage is out of the question for me.

As to the things our Nation should be doing—these include drilling for oil wherever available, using oil shale, developing nuclear power, windmills, biofuels. Using corn for ethanol is the craziest idea of all. The com-

modities market is hitting new highs almost daily. With the floods in Iowa, we cannot afford to use corn for oil. The animals that need corn for food are affecting our prices in the grocery store. Get rid of regulations that cause energy companies to take years to develop energy or cause no action because of the red tape of government.

Blaming the oil companies for so-called obscene profits is nonsense. Taxes on gasoline are more than profits per gallon of gas that the oil companies collect. Exxon has even said that they are closing some stations because of non profit. It is sad that many do not understand the basics of economics.

The American public has spoken. Stop listening to the environmentalists. Because there has been no foresight, we are suffering now for the lack of action by those in the past who we elected to represent us. Both parties are responsible, but blaming does not get the job done.

It is embarrassing to read that France has developed their nuclear power while we just sit and talk about it. It is sad knowing that foreign countries are acquiring leases to drill for oil in our backyard, while we just sit and watch what is going on in the Gulf of Mexico and grumble about it. It is humiliating to hear those who say we are becoming a third world nation. Americans are known for their innovation.

Gasoline prices are affecting food prices, small businesses and the cost of all goods and services. Independent truckers are suffering. We rely on them for delivery of our food and goods to market. If their numbers decrease because of their cost of doing business, it will cause an additional increase in prices or possibly the disappearance of some goods. I do not think we want that to happen to our food supplies.

The time has come to act. Now is the time. We must not waste time. The public is begging for some common sense to solve these problems. Egos must be ignored lest we suffer more. Corporate America knows how to solve these problems. Do not hinder them any more with government red tape.

LAVERGNE, Hayden.

Our family lives about 30 miles from Idaho Falls where we do most of our business. My daughter and I also drive about 32 miles each way to our places of work so we are impacted every day. Our best guess is that we are spending about \$400 per month more now than we did when gas was \$2 per gallon. So far our response has been to curtail vacation traveling and reduce other unnecessary purchases.

Solutions (in order of preference):

1. Pursue increased domestic oil drilling including off-shore and ANWR and encourage construction of more refineries. I believe environmental concerns have been greatly exaggerated and need to be evaluated based on their cost effectiveness relative to their impact on the cost of living versus risk to our quality of life.

2. Pursue alternative energy sources only as far they are cost-effective. If bio-fuels need to be subsidized in order to maintain production, they are obviously not cost-effective.

3. Pursue nuclear power generation (we are 20 years behind). There is also potential for hydrogen as a by-product that could be used as an alternative to gasoline. I have doubts about wind generation as a cost-effective alternative energy source, and I personally do not care for it is adverse effect on the natural beauty of Idaho's landscapes.

4. Pursue improved coal-fired electrical generation. I also have serious concerns regarding the apparent race to reduce CO<sub>2</sub> emissions at any cost when there is so little real evidence that proves a correlation with global warming (also unverified).

5. Encourage more mass transit systems in our larger cities and offer incentives for their use. I was in San Diego, California last week and the traffic was absolutely mind-boggling.

6. Encourage better individual planning and carpooling across the nation. There are way too many of us making unnecessary trips to the store and letting our kids drive to school every day when we have buses making the same trip, but I suppose this will