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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.



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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 for 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 mirroring 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 bor-

ders, 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