

whether to proceed with criminal investigations. The list goes on and on. Eric Holder has demonstrated throughout his entire career the type of independence we need in the next Attorney General of the United States.

Let me give you one example. When the Independent Counsel who was investigating the President of the United States asked for additional authority, Eric Holder was the one who made that recommendation to proceed even though it was not popular at all with the President of the United States. It is that type of independence that we need in the next Attorney General of the United States. He brings broad experience as former judge, former U.S. attorney, and from the private sector.

We need to take politics out of the Department of Justice. During the Bush administration, we found that politics was very much interwoven into the personnel decisions made within the Department of Justice affecting career attorneys. That was not permitted, but it was done. We need the next Attorney General to be one who will make sure politics has no place in those types of personnel decisions.

Again, Eric Holder's career has shown his willingness to carry out his responsibilities in a nonpolitical way. He has handled major public corruption cases as a U.S. attorney against both Democrats and Republicans. He understands the responsibilities of the Department of Justice.

We need our next Attorney General to reestablish the premier role of the Department of Justice in the Civil Rights Division. The Civil Rights Division historically has been the key agency to protect the civil rights of the people of this Nation. We need the next Attorney General to reestablish that in the Department of Justice. Once again, Eric Holder has demonstrated that sensitivity that will restore the role of the Department of Justice in protecting the voting rights of all Americans.

The list goes on and on and on. Bottom line, the next Attorney General must restore the reputation of the Department of Justice. I believe he is the right person, but it is not only me. Let me read from some of the record that has been presented to the Judiciary Committee.

Both law enforcement and civil rights groups support Eric Holder. The Fraternal Order of Police writes that:

Our members reported that they found Judge Holder and U.S. Attorney Holder an able and aggressive prosecutor.

The Leadership Conference on Civil Rights, which is a group of our major civil rights advocates in this country said:

Mr. Holder's various experience as a trial attorney, judge, prosecutor and lawyer in private practice make him uniquely qualified to run the Department of Justice. It would be difficult to find a candidate more experienced in the Department or better suited to lead it. His background will render him ready to lead the Department from day one. His even-mindedness and sound judgment will ensure that justice is dispensed

fairly and equitably. His professional accomplishments and ability to put partisan politics aside make him above reproach. His commitment to the rule of law makes him the ideal candidate for the nation's top prosecutor.

Now, that is the Leadership Conference on Civil Rights, which, again, is comprised of the premier groups in this country that are out there fighting for the rights of the people of this country.

I would also draw my colleagues' attention to a January 7, 2009, letter received by the Judiciary Committee from several former high-level Department of Justice officials in the Republican administration. They write:

We are pleased to be able to write in support of Eric Holder, a man who stands with the most qualified who have been privileged to be nominated to be Attorney General of the United States. President-elect Obama's nomination of Eric as the historic appointment of the first African-American Attorney General should be hailed as a milestone. He is an extraordinary lawyer and an even better person.

We need to move forward immediately in the leadership in the Department of Justice. I would urge my colleagues, let us move forward on the confirmation process as quickly as possible. I look forward to Eric Holder being the next Attorney General of the United States. I hope we will do that very shortly.

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

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

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The Senator will suspend for one moment.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### DESIGNATING CERTAIN LAND AS COMPONENTS OF THE NATIONAL WILDERNESS PRESERVATION SYSTEM

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 22, which the clerk will report.

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.

Pending:

Reid amendment No. 15, to change the enactment date.

Reid amendment No. 16 (to Reid amendment No. 15), of a perfecting nature.

Motion to recommit the bill to the Committee on Energy and Natural Resources, with instructions to report back forthwith, with Reid amendment No. 17, to change the enactment date.

Reid amendment No. 18 (to the instructions of the motion to recommit), of a perfecting nature.

Reid amendment No. 19 (to Reid amendment No. 18), of a perfecting nature.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent to speak as in morning business.

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

(The remarks of Mr. NELSON pertaining to the introduction of S. 22 are located in today's RECORD under "Statements on Introduced bills and Joint Resolutions.")

#### RECESS

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 12:31 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

#### DESIGNATING CERTAIN LAND AS COMPONENTS OF THE NATIONAL WILDERNESS PRESERVATION SYSTEM—Continued

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. BINGAMAN. Mr. President, I ask unanimous consent to proceed as in morning business.

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

#### ISRAEL AND GAZA

Mr. BINGAMAN. Mr. President, I am here today to speak about the growing violence in Gaza. I support the United Nations Security Council resolution calling for an immediate and durable cease-fire. In my view, both the Israeli airstrikes and the Palestinian rocket attacks must stop immediately, and Israeli ground forces should withdraw from Gaza. I regret that President Bush chose to have the United States be the only Security Council member not to support this U.N. resolution.

I ask unanimous consent that the full text of the U.N. resolution be printed in the RECORD.

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

(See exhibit 1.)

Mr. BINGAMAN. Last week, the Senate responded to the hostilities by passing S. Res. 10, a resolution that I do not support. While I agree with some parts of the resolution, I believe it left out important provisions. The resolution called for Hamas to end the rocket and mortar attacks but it did not call on Israel to stop its airstrikes and ground assault. Nor did the resolution call on Israel to withdraw from Gaza. Moreover, I believe the resolution downplayed the humanitarian situation in Gaza. Thousands of people in Gaza do not have access to food, clean water, or medical care. The U.K. Foreign Minister, David Miliband, speaking about humanitarian conditions in Gaza said, "the word 'crisis', which is sometimes overused, is wholly appropriate" to describe how bad things are. He made that statement to describe how bad he saw that things are at this time.

I support Israel's right to defend itself. Israel has no stronger ally than the United States, and we have no better friend in the region than Israel. But friends can make mistakes.

The rocket attacks that Israel has suffered are unacceptable. But I believe Israel's use of force has been excessive and I do not believe it will help Israel achieve its long-term goals. Instead of weakening Hamas, the incursion is boosting support for Hamas both among Palestinians and the Arabic world and it is undermining support for moderates in the region. Instead of making Israel's enemies fear its military power, I believe this conflict shows its enemies that they can taunt Israel into reacting so strongly that it undermines its international support. Instead of rebutting the accusations that Israel has ignored the long-deepening humanitarian crisis in Gaza, the growing death toll and worsening living conditions will fuel similar accusations long into the future.

This violence is but another chapter of violence in the long history of the Middle East. What is needed is an international effort to broker an immediate truce and to build that into a lasting peace.

A lasting peace requires a two-state solution. It is hard to see how such an agreement can be achieved without the deep involvement and leadership of the United States. I have been disappointed that the Bush administration has failed to lead the peace process for the past 8 years. President Obama should not repeat that mistake after he takes office next week. He should appoint a special envoy to the region soon after his Secretary of State is confirmed by the Senate. President Obama should commit his administration to a steady and persistent effort to engage both Israelis and Palestinians in finding a political solution to the conflict that has long plagued this region.

# EXHIBIT 1

## RESOLUTION 1860 (2009)

Adopted by the Security Council at its 6063rd meeting, on 8 January 2009

### *The Security Council,*

*Recalling* all of its relevant resolutions, including resolutions 242 (1967), 338 (1973), 1397 (2002), 1515 (2003) and 1850 (2008),

*Stressing* that the Gaza Strip constitutes an integral part of the territory occupied in 1967 and will be a part of the Palestinian state,

*Emphasizing* the importance of the safety and well-being of all civilians,

*Expressing* grave concern at the escalation of violence and the deterioration of the situation, in particular the resulting heavy civilian casualties since the refusal to extend the period of calm; and emphasizing that the Palestinian and Israeli civilian populations must be protected,

*Expressing* grave concern also at the deepening humanitarian crisis in Gaza,

*Emphasizing* the need to ensure sustained and regular flow of goods and people through the Gaza crossings,

*Recognizing* the vital role played by UNRWA in providing humanitarian and economic assistance within Gaza,

*Recalling* that a lasting solution to the Israeli-Palestinian conflict can only be achieved by peaceful means,

*Reaffirming* the right of all States in the region to live in peace within secure and internationally recognized borders,

1. *Stresses* the urgency of and *calls for* an immediate, durable and fully respected ceasefire, leading to the full withdrawal of Israeli forces from Gaza;

2. *Calls for* the unimpeded provision and distribution throughout Gaza of humanitarian assistance, including of food, fuel and medical treatment;

3. *Welcomes* the initiatives aimed at creating and opening humanitarian corridors and other mechanisms for the sustained delivery of humanitarian aid;

4. *Calls on* Member States to support international efforts to alleviate the humanitarian and economic situation in Gaza, including through urgently needed additional contributions to UNRWA and through the Ad Hoc Liaison Committee;

5. *Condemns* all violence and hostilities directed against civilians and all acts of terrorism;

6. *Calls upon* Member States to intensify efforts to provide arrangements and guarantees in Gaza in order to sustain a durable ceasefire and calm, including to prevent illicit trafficking in arms and ammunition and to ensure the sustained reopening of the crossing points on the basis of the 2005 Agreement on Movement and Access between the Palestinian Authority and Israel; and in this regard, *welcomes* the Egyptian initiative, and other regional and international efforts that are under way;

7. *Encourages* tangible steps towards intra-Palestinian reconciliation including in support of mediation efforts of Egypt and the League of Arab States as expressed in the 26 November 2008 resolution, and consistent with Security Council resolution 1850 (2008) and other relevant resolutions;

8. *Calls for* renewed and urgent efforts by the parties and the international community to achieve a comprehensive peace based on the vision of a region where two democratic States, Israel and Palestine, live side by side in peace with secure and recognized borders, as envisaged in Security Council resolution 1850 (2008), and recalls also the importance of the Arab Peace Initiative;

9. *Welcomes* the Quartet's consideration, in consultation with the parties, of an international meeting in Moscow in 2009;

10. *Decides* to remain seized of the matter.

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

The PRESIDING OFFICER (Mrs. McCASKILL.) Without objection, it is so ordered.

## TRIBUTE TO NAVY SECRETARY DONALD C. WINTER

Mr. MARTINEZ. Madam President, today it gives me great pleasure to pay tribute to an outstanding leader and tremendous public servant, Navy Secretary Donald C. Winter.

When Donald Winter was sworn in as Secretary of the Navy on January 3, 2006, he was charged with training, equipping, and organizing our sailors and marines in a time of war. He assumed these responsibilities at a time when the U.S. Navy was in the midst of an ambitious modernization program across the board. A new class of destroyers, aircraft carriers, submarines, cruisers, and others was in the production pipeline. It would take an extraordinarily talented, knowledgeable, and energetic leader to navigate the Department of the Navy through these transitions. We were fortunate to find such a person in Donald Winter. He was that kind of a leader. He immediately outlined his priorities and then set to work on implementing them: Prosecute the global war on terror; build the future fleet; take care of our wounded and their families. Those were his priorities, and each day he drove the Department to focus on these areas.

With 25,000 marines and 36,000 sailors in Iraq, Afghanistan, and elsewhere in the Central Command's area of responsibility, the Navy and Marine Corps have been playing a critical role in fighting this war. From providing maritime security in the Northern Arabian Gulf, to turning around a seemingly hopeless situation in al-Anbar Province, to providing individual augmentees on the ground in Iraq, our sailors and marines have been on the front lines and have been performing superbly. These sailors and marines have always been foremost in Secretary Winter's mind, and they are the ones he has worked tirelessly to support in every way possible on Capitol Hill, within the Pentagon, and throughout the Department of the Navy.

While supporting our brave warriors in harm's way, Secretary Winter also focused on building the future fleet by instituting the most far-reaching acquisition reforms in decades.

I had the pleasure of traveling with Secretary Winter to Guantanamo Bay in Cuba in May 2007. It was my second time returning to this island since my arrival here in 1962. What I saw was the tremendous leadership ability he possesses and his firm commitment to the men and women of the U.S. Navy.

I would also commend Secretary Winter for his tireless efforts to ensure that our Nation is doing everything in our power to take care of our wounded. Secretary Winter has been an outspoken and relentless advocate for our wounded warriors, insisting on the highest possible standards for every sailor and every marine.

So on behalf of the men and women serving under him in my home State of Florida, I salute Secretary Winter for his superior performance in leading the Navy and Marine Corps over the past 3 years. We wish him Godspeed in his future endeavors, and we thank him for his service to our Nation.

#### SITUATION IN ISRAEL

Mr. President, the first and most sacred duty of any government is providing for the safety and security of its citizens.

Hamas's repeated rocket attacks on the Israeli people created a situation that required an Israeli response.

I was pleased to join my colleagues in cosponsoring S. Res. 10, which recognizes Israel's right to defend itself against attacks from Gaza.

While diplomacy is always a preferable alternative, at some point any legitimate government must take the necessary actions to safeguard its people from acts of terrorism against an unarmed civilian population.

With more than 6,000 rocket attacks launched into Israel from Gaza, the Israeli government acted reasonably in an effort to end the attacks against civilian targets.

These attacks are Hamas' latest attempts to advance their cruel and murderous agenda.

Hamas first began as an offshoot of the Muslim Brotherhood, a terrorist group responsible for the assassination of Egypt's President Anwar Sadat.

As you might recall, Sadat was the first Arab President willing to make peace with Israel.

Hamas has since claimed the lives of countless others throughout the region.

In 2002, a Hamas suicide bomber killed five Americans and four Israelis who were eating lunch in the cafeteria at Hebrew University in Jerusalem. The bomb was smuggled in a backpack loaded with shrapnel, which maximized damage to the cafeteria and inflicted severe injuries on more than 80 students.

Since coming to power politically in 2006, the terrorist organization has hijacked the Palestinian people's agenda.

They have cynically used their own people as civilian shields and brought harm to those who do not share their radical views. During the June 2007 coup in Gaza, Hamas operatives killed a cook of Palestinian National Authority President Mahmoud Abbas by throwing him from the roof of a 15-story building with his hands and feet tied. In the current conflict, they have fired rockets at their own people. On December 26, two Palestinian girls aged 5 and 13 were killed when a rocket fell short of reaching an Israeli target.

Hamas openly admits it uses women and children as human shields. One Hamas leader described this appalling practice by saying, "For the Palestinian people, death has become an industry. . . . This is why they have formed human shields of the women, the children, [and] the elderly."

Instead of investing in their own people's well-being, in roads, schools, and hospitals, they have instead invested in the cache of weapons they are using to cause death and destruction in Israel.

As a result, Palestinians are suffering. They have limited access to basic needs such as food and medicine. Their free speech has been suppressed through violence. And their right to freely practice religion has been replaced by a strong-armed enforcement of a radical brand of Islam.

The largest beneficiary of Hamas's weapons purchases has been Iran, which has aided Hamas by training terrorists and offering advice in making deadly explosives and long-range rockets. Throughout the conflict, Hamas has turned into a Hezbollah-like Iranian proxy by threatening Israel from the south. Iran's willingness to embolden terrorist organizations like Hamas poses a serious threat not only to Israel, but also the United States.

While Iran's influence has been plainly apparent across the Middle East, they have surreptitiously worked to advance their anti-American agenda in our own hemisphere. In recent years, Iran has aggressively increased its Latin American presence by working with the leaders who have found a commonality in the Iranian President's radical ways.

Iran and the regimes of nations like Venezuela and Cuba may not share a common border, but they share an anti-American agenda that poses a tremendous risk to our Nation's security.

Iranian President Mahmoud Ahmadinejad first visited Venezuela in 2006 and has since returned to visit the leaders of Cuba, Nicaragua, and Bolivia. He has also hosted Latin American leaders in Tehran.

As a result of these meetings, Iran has entered into several economic and political agreements, including plans to finance new progovernment television and radio stations in Bolivia and countries throughout the region. These agreements help to fan the flames of anti-Americanism, which persists throughout the region.

The government of Argentina recently revealed they received \$1 million from the Cuban regime to pay for anti-American protests during President Bush's visit there in 2005. Cuban families could have used that money for food, but instead it was wasted on furthering the regime's anti-American agenda.

What has been lost on these Latin American leaders is the larger conflict at hand.

Iran is heavily invested in a conflict that has claimed the lives of countless innocent civilians, and they will stop

at no cost, continuing to aid in the destruction of American allies.

For our Nation, the next few weeks will be historic, but critical.

I am anxious to hear about President-elect Obama's plan to address the Israeli-Palestinian conflict, and I am hopeful his administration will continue to reaffirm the U.S.'s historic commitment to the people of Israel.

I am also hopeful the administration will continue efforts to persuade Syria to stop yielding to Iran's devious demands. Syria must understand that Iran's interests do not serve the interests of the people of the Middle East.

Egypt has taken significant measures in trying to stop Hamas's smuggling of weapons and militants from Egypt into Gaza, but they must do more.

One proposal I support deploys an international force of military engineers to monitor and destroy the tunnels along the Egyptian border near Gaza.

I would also encourage the new administration to continue working vigorously with the European Union, Russia, and the United Nations on the U.N.-sanctioned "Annapolis Process" to achieve a final status agreement between Arabs and Israelis that includes a viable, democratic Palestinian state living in peace with Israel and its neighbors.

And finally, I hope to see further progress in our efforts to train the Palestinian Presidential Guard led by U.S. General Keith Dayton.

Although the recent outbreak of violence in Israel is troubling, I am hopeful a new cease-fire agreement can be reached very soon.

A true cease-fire with Hamas should include a guarantee for no more rockets and safeguards against rearming.

Both sides will soon realize that further loss of innocent life is too great a cost, and peace and security is the only viable way forward.

I look forward to working with my colleagues on the Armed Services Committee and the new administration to find a way forward in Israel and ensure a plan for peace in the future.

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

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

Mr. BROWNBACK. Madam President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

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

#### GUANTANAMO BAY DETAINEES

Mr. BROWNBACK. Madam President, I rise to speak today about a topic that is in the news, is important, and has to do with an area of Leavenworth, KS, very near the Presiding Officer's State, and in my home State, about the issue of the Guantanamo Bay detainees.

My simple point on this issue is, there is a very strong push—and I understand that push, and it is one that has been going on for some period of time—to close Guantanamo Bay. I would simply make the point we should not attempt to force-fit detainees where they do not belong and where it does not fit. I do not believe the new administration can look my constituents in the eye and say to them they are going to be safe with detainees at Fort Leavenworth as they are with military prisoners at Fort Leavenworth, and particularly not with what we are talking about from Guantanamo Bay.

I have invited President-elect Obama and his team to come to Leavenworth to look at this facility, to see if this is something that could fit and work. I do not believe it does at all. But I have invited them there to come and to look and to make their own assessment.

I further call on the incoming administration to conduct a thorough study—a thorough study—of all possible locations where detainees could be transferred. The study must seriously assess the legal and security requirements for detainees, as well as the impact on the areas surrounding a proposed detainee location.

In the end, I believe the detainees will probably need to go to one of three types of places: overseas, either in the custody of foreign nations or at U.S. military facilities abroad set up for these types of detainees we have at Guantanamo Bay or on military land or at facilities previously closed or scheduled to be closed under the BRAC process, the Base Realignment and Closure Commission, or into a new facility specifically designed for these detainees.

The administration is projecting they are going to sign an order right off when coming into office that is going to close Guantanamo Bay. I am asking them, in looking at my State, in looking at the Disciplinary Barracks at Leavenworth, that they consider the nature of the facility, the nature of the detainee, and make a careful assessment as to whether this fits in this situation.

Let me describe for you a little bit the situation of the Disciplinary Barracks at Fort Leavenworth, KS. Fort Leavenworth is a small facility. It is roughly 8 miles by 8 miles. It is a primary mission facility for education in the military. It is the Command and General Staff College for the military, for the Army. They do an outstanding job of that. They do an outstanding job not only for the U.S. military—particularly for the Army—they have all branches of the services that come there to be trained, but they also have, at any one time, students from 90 different countries at this facility.

I recently spoke at a graduation exercise there with a number of students who were coming out of a program, and the President of Uganda was there because his son was graduating from this

program. One of the key problems with relocating the detainees from Guantanamo Bay to Fort Leavenworth is that a number of Islamic countries will not send students now to Fort Leavenworth if detainees are being held there who they don't believe should be detained in the first place. Then you start to break these military-to-military ties that have been so important for us to be able to work in concert with—places such as Saudi Arabia or Kuwait or the good work we have been able to do in some cases back and forth in Pakistan, although not nearly enough. We need to do a lot more—and better. But if you break that tie, where you are training these military officers side by side and then building relationships that work back and forth and then you start moving toward: Well, the Saudis aren't going to send anybody to the Command and General Staff College in the United States because detainees who they believe in their countries shouldn't be held are being held in the same facility that is an 8-square-mile facility. Then the Kuwaitis don't do it and the Pakistanis don't do it and you start breaking these types of ties.

The major purpose of Fort Leavenworth is education, not discipline. Then there is the problem with the nature of the Disciplinary Barracks itself. It is primarily a medium disciplinary facility at Fort Leavenworth, not maximum. We do not have the space to be able to contain all the detainees from Guantanamo Bay. We don't even have enough space to contain what would be referred to as the worst of the worst from the Guantanamo Bay facility at the Disciplinary Barracks at Fort Leavenworth. Plus, it is against the law to mix a U.S. military population, where we have had people from the U.S. military who have committed a crime and they are being held at the Disciplinary Barracks—you cannot mix that population under law with a population of foreign detainees. That is against the law. It is against conventions we have entered into. So there is that legal hurdle that is there as well.

Now let me further describe the facility. It has a major railroad that runs through it. It has a train coming through on a regular basis 10 to 15 times a day. The security concern that raises of moving detainees from Guantanamo Bay—very high visibility—to the middle of the country but a place where people could try to spring them, are they going to use the railroad track? Are they going to try to bomb or put bombs in the railroad coming through? It is a real problem. We don't have an exterior fence. We have the Missouri River, but that is fairly navigable to be able to move across for a terrorist population or somebody who is trying to get into the perimeter of the facility to make it through. So we are not set up that way. It is within a major urban area of Kansas City. Kansas City straddles both the Kansas and

the Missouri side. Leavenworth is on the edge of that, on the northern edge of that Kansas City complex. So you are moving the detainees from Guantanamo Bay in a confined facility away from major urban areas and right into a major urban area in the United States. That doesn't make much sense. It is going to be very difficult to do. It is going to be impossible to do. And then to look my constituents in the eye and look the constituents of the Presiding Officer in the eye and say: You are going to be as safe as if you have military detainees.

We are used to handling the prison population at Leavenworth. We have a multiple set of facilities. We have a Federal penitentiary, we have a State penitentiary, we have a private penitentiary, and we have a military penitentiary. The community is very well adapted to be able to handle prison populations. It does it very well. But the community does not want this population because they say we are not set up to be able to handle this population. I think this is a community that does not say not in my back yard because they have been willing to take prisoners for some period of time. They are just saying they are not set up for this prison population in our back yard. We can't handle this.

For all these reasons, I would urge the administration—the incoming Obama administration—to take a very hard, serious scholarly view of what it is you can do with the Guantanamo Bay detainees. I would ask them to take a very serious look at the logistical problems of Leavenworth.

I know a number of the people who are involved at Fort Leavenworth are deeply concerned about the fact that they have a number of schoolchildren who are educated on the Fort Leavenworth military base, because at the Command and General Staff College, we get people assigned there for a year, 2 years, sometimes longer periods of time and families move there. We have schools we operate on the military base. We are deeply concerned about somebody coming in, wanting to make a statement and going into one of those schools and taking the children hostage.

I have seen situations where a number of people are put in harm's way for no good reason whatsoever, and seeing that this facility is not set up to be able to do this is one of them.

I have visited with people locally. I have a call scheduled with Secretary Gates. We have been putting this forward in legislative form in prior legislative sessions, and I will be in this legislative session as well to make this point. If it had been easy to close Guantanamo Bay previously, I am certain the current administration would have done it. It is a difficult task. But that doesn't mean that because it is a difficult task, then you do it fast. It means because it is a difficult task, you take your time and you do it right or you are going to create a lot more

problems down the road. This is one where I think the loss in this situation is far greater—far greater—than any gain we would get in closing the Guantanamo Bay facility, particularly in our relationship to Islamic countries.

I would plead with the new administration to look at this in a very serious and in a very clear and in a very analytical way, to make a wise decision that will stand for the future and not just create a huge set of problems for the future.

With that, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### THE ECONOMY

Mr. DORGAN. Mr. President, I have been interested for some long while about new technology and the Internet and all those related issues.

I recall reading a couple of years ago a statement by the former president of IBM in which he described the unbelievable leapfrog in technology and capability—most of it breathtaking. Most of us understand that because we use the Internet we can go anywhere in the world at our fingertips on the keyboard, but he described something breathtaking to me. He described the issue of storage density and the new capability of storage density. He said that we are on the cusp now of being able to reduce in storage density all of the works that exist in the Library of Congress—I think it is somewhere around 14 or 16 million volumes of work—which is the largest repository of human knowledge that exists anywhere on Earth; to be able to store that on a very small wafer the size of a penny.

Think of that: a wafer the size of a penny representing the storage device that contains the largest repository of human knowledge in history. Pretty remarkable.

Assume that you are able to walk around with a storage device the size of a penny in your jacket pocket which you can put into a computer and peruse all that human knowledge that has been gained since the start of human history. On that storage device would be a lot of information, but what wouldn't be on that storage device—of all the human knowledge accumulated since the beginning of time—would be how we get out of this financial mess that the country is now in. There is no formula, there is no rule, there is no experience that would give us a road-map of how we get from here to where we need to be to get out of this financial wreck.

We are indeed in a financial crisis. And the one thing that unites the smartest economists in the country or

the deepest thinkers or the latest self-proclaimed greatest sage and all the rest of us, the thing that connects us all, is none of us has ever been here before. We are all walking in the woods for which there is no map and all we have is a guess as to how we are to try to put this economy back together.

Now, some people say: Well, what does all that mean, this financial crisis? How do we understand that there is this wreckage occurring in the economy? Well, you can look at it a number of ways. You can look at the people who have been saving for a long period of time, investing their 401(k) in a mutual fund or in the stock market. After 30 years of work, they had a nest egg for retirement, but they have lost 40 or 50 percent of it, just like that. Half a lifetime of savings gone, like that. That is one piece of evidence. It is pretty dramatic for every family in this country.

But there is other evidence as well. And that evidence especially, it seems to me, describes the crisis in our families in this country. If you look at last month's unemployment report, it says, in a kind of a sanitary way, that 524,000 people lost their jobs. Well, what if you just say 523,999 and then focus on the one, just one person who had to come home, in most cases, and tell a spouse: You know what, I have lost my job today. No, I am not a bad employee. I have worked hard for that company for 10 or 15 years, but they laid employees off today. To that one family, that is 100 percent unemployment, and that is a disaster for that family. Think of it. Last month, over half a million Americans had that discussion some night around the supper table: What are we going to do?

And it is not just the half million people who lost their jobs last month or 2.6 million people who have lost their jobs since this recession started, and which has grown deeper; it is the hundreds of thousands and millions more who have not only had to say I have lost my job but who have had to say I have lost my house as well. It is pretty unbelievable.

This is an extraordinary country, with great strength, and an economic engine that has been the wonder of the world. No one in the world has done what we have done to expand the middle class and give everyone a feeling of opportunity. No one has done that. I have described before the unbelievable accomplishments of our country. We have survived the Civil War, survived a Great Depression, and we have been through two World Wars. We represent the beacon of freedom around the world. We have always been a country that represents hope.

I have been in so many parts of this world and asked people: What do you desire for your life? I remember being on a helicopter that ran out of gas between Nicaragua and Honduras in a mountainous area. We landed under power but we landed because we had no fuel, and campesinos from around the

region came to see who had landed in this helicopter. We were stranded for about 4 hours until we were found. We had an interpreter, and so during a discussion, through an interpreter, I asked a young woman, who walked up with others—she had about three or four children with her, probably in her early 20s—what do you aspire to do for you and your family? Oh, I want to come to the United States, she said. Why? Because the United States is where there is opportunity and freedom, she said. So in a discussion up in the mountains between Honduras and Nicaragua someone who had never seen an American understood America as a place for her and her family, a place of opportunity and freedom.

It is unbelievable what this place has represented to the rest of the world. We split the atom, we have spliced genes. As I have said before, we have cloned animals. We invent things—the silicone chip, plastic, and the radar. We cured smallpox and polio. We built the telephone, the television, the Internet, and the computer. We built airplanes and learned to fly them; built rockets to fly to the Moon. It is unbelievable what we have done. Our country is just that resourceful.

But we have found ourselves in recent months in a very deep hole. We find ourselves right now perched on the edge of a cliff, and the question is: What do we do to try to restore economic health to this country so that next month the news is not another half million Americans have lost their jobs; so that perhaps next month, or some month in the future the news will be that more Americans are working, more Americans have found jobs, more Americans are owning homes. How do we do all that?

The fact is, there is not anything in recorded human history that replicates this and there is not anyone who knows what is the menu to use to restore economic health. This country is in some very severe difficulty.

I wish to talk about what all this means and what I think we have to do. President-elect Obama came to the Senate today and spent time with the Democratic caucus. He spent the lunch hour with us and spoke for nearly an hour. It was an extraordinary exchange of views. He is a very gifted person who I think has great promise and, I think, hope that we can restore economic health to this country. He is going to need a lot of help. He is going to need a lot of us, Republican and Democrat. He is going to need the American people to join in an effort to restore economic health to this country.

In the Thomas Wolfe book "You Can't Go Home Again," he describes the kind of unique character of the American people. He describes it as a quenchless hope, boundless optimism, indestructible belief. I think these qualities exist in this country and it has gotten us through many difficult periods and will again and will this

time. But this will take some effort. This will not be easy.

I have described before what has caused much of this. It is not rocket science to describe it. We have seen what I think is an unbelievable carnival of greed, creating and trading exotic financial instruments that had dramatic risks, attaching that risk to some of America's biggest financial institutions and some of America's biggest banks. To go right to the origin of it—I have said it before and I will say it again and again, as long as I have an opportunity to speak about this because you have to close the gate. You cannot restore confidence in this country until you close the gate. Here is the house of cards that was built. We know what happens to house of cards in a high wind and all that, it has come down.

I described the other day, and I am going to once again, what is called a subprime mortgage scandal. They were advertising mortgages. We have all seen it. We have seen these advertisements. Here is the Countrywide ad. It was the biggest mortgage bank in the country. It now doesn't exist. It was subsumed into another company. By the way, the CEO of Countrywide, I am told—at least reading the newspaper—got away with a couple hundred million dollars for himself so he is not exactly shedding tears about all this. But here is what they were advertising for the American people: Do you have less than perfect credit? Do you have late mortgage payments? Have you been denied by other lenders? Call us. We would like to give you a loan.

Does that sound like sound business practices? It doesn't to me. What does it mean? The broker was able to get \$10,000, \$20,000 in bonuses for the loan. The mortgage company took their cut. Then they securitized it. They sold the security and rolled it into others—like they used to in the old days pack sawdust in sausage and roll it all together—they rolled these loans into a securities instrument, sold it up to hedge funds, sold it to investment banks. And they put prepayment penalties into it so borrowers were locked in, 3 years from the teaser rate, to interest rates that the borrower couldn't possibly repay and everybody was fat and happy and everybody was making a fortune—millions of dollars. Everybody was making a fortune.

The problem is it was a lot of air. It was not just Countrywide. Zoom Credit Company—here is what they said in their advertisements:

Credit approval is just seconds away. Get on the fast track at Zoom Credit. At the speed of light, Zoom Credit will preapprove you for a car loan.

Even if your credit's in the tank, Zoom Credit's like money in the bank. Zoom Credit specializes in credit repair and debt consolidation.

And then they finished with this:

Bankruptcy, slow credit, no credit—who cares?

Does that look like a good business practice to you? It looks like a Ponzi scheme to me.

This morning the judge in New York said Mr. Madoff, who had a \$50 billion alleged Ponzi scheme, was not going to be incarcerated. He apparently bilked people out of \$50 billion, but he is spending today in a \$7 million penthouse apartment in New York City because the judge says: No, no, he should not be incarcerated. That was a Ponzi scheme, apparently. People thought they had money invested with him. They, in fact, did not. It turns out there was not the money they thought was in their accounts.

But it is not just Mr. Madoff who had a Ponzi scheme. Do you think this is not a Ponzi scheme, a company such as this says: If you are bankrupt, you cannot pay your bills, you have slow credit, you have no credit, come to us; do you think that is not a Ponzi scheme? Because what do you think they did with that when they roped this customer into coming to them for a mortgage? They said: Tell you what, we have a sweet little deal for you. We will give you a mortgage called no-doc, that means you don't even have to demonstrate your income to us that will demonstrate you can repay it—no-doc loans. By the way, we will give you a mortgage, no documentation of your income, and we will give you a mortgage in which you don't have to pay any principal at all, just interest. Or, if that is not good enough, you don't have to pay all the interest for the first year. If that is not good enough, we give you a mortgage where we make the first 12 months' payments for you. But wait, we will give you a teaser rate. You can pay 2 percent interest rate. You can cut your home mortgage in half.

We don't tell you about the fine lines that say we are going to reset the interest rate to a much higher level in 3 years and you are not going to be able to repay it. And, by the way, we are going to put a prepayment penalty in so you can't get out of this because—do you know what we are going to do with this mortgage? We are going to package it up with others, called securitizing it, and we are going to sell it so we don't have any responsibility for it anymore and a hedge fund is going to buy it. Do you know why a hedge fund is going to buy it? We have a prepayment penalty in there with high interest rates and it will reset in 3 years and we are going to make a lot of money. They were all fat and happy when they built this huge bubble and the bubble burst and it helped cause a collapse in this economy.

I say all of that just to say it is not over. Go to the Internet right now, and see if you can find what I found—no documentation loans. We still have shysters out there advertising this kind of nonsense: We will give you a loan. You don't even have to document it.

What happened as a result of this? Some of the biggest financial names in our country, it turns out, were investing deeply in what we now understand

is toxic assets. We all understand the word "toxic." It always used to be associated with a waste dump, toxic waste dump. Maybe toxic is an appropriate term. When the Treasury Secretary says toxic assets, it seems to me the bowels of some of the biggest financial institutions represent toxic waste dumps because that is where these bad assets exist.

So the Treasury Secretary came to us when it looked like everything was going to collapse and said I need \$700 billion from the American taxpayers and I need it in 3 days and I have a three-page bill I want you to pass. Why? What I am going to do, I am going to buy these assets from the biggest financial companies in the country and relieve them from this toxicity deep in the bowels of the banks. I did not vote for it, but sufficient numbers of my colleagues voted for it to authorize \$700 billion.

Now \$350 billion has either been spent or committed. The scandal is we cannot find out how the taxpayers' money has been used. To whom? For what purpose? Under what conditions?

We know in total there is about \$8.5 trillion that has so far been committed by the Federal Government. That means the taxpayer is on the hook for about \$8.5 trillion—the Federal Reserve programs, \$5.5 trillion; FDIC, \$1.5 trillion; Treasury Department, \$1.1. Do you know what? The Bloomberg News Corporation had to sue the Federal Government to get information about this. Isn't that unbelievable? They should not have had to sue anybody.

Let me show you the statements that were made by the Treasury Secretary and others. Here is what the Treasury Secretary said on the 23rd of October:

We need oversight, we need protection. We need transparency. I want it, we all want it.

That is just words. It didn't mean a thing. There is no transparency. You cannot find out what is going on. The Treasury Secretary took \$125 billion and shoved it at nine banks and said: I am going to invest in capital. I changed my mind, I am not going to buy any assets. So the TARP program, which got its named for troubled assets—there are no troubled assets purchased by the Secretary. He said: I changed my mind, now I want to give capital to banks.

That is not necessarily a bad idea, except he took \$125 billion and plugged it into nine banks, some of which didn't want it, and there were no strings attached. He said: I am doing this because I want you to expand lending. There was no requirement they expand lending, no requirement they not use it for bonuses or dividends.

If you ask the Treasury Secretary: Did they expand lending with the \$125 billion of taxpayers' money you sunk into capital, his answer is: I don't know. Ask the banks. They tell you money is fungible, we are not going to tell you that answer. We know don't know. But ask people wanting to get money from the banks. They will tell



you there is no additional lending or expansion of credit. It was just a commitment on behalf of the American taxpayers of \$125 billion in search of a solution that didn't exist because he didn't put strings on it or attach some conditions to it, so that is where we are.

Ben Bernanke, head of the Federal Reserve Board, said on the 24th of October, "Transparency is a big issue." I guess so. It is certainly a much bigger issue, given what he has done. He has moved massive quantities of money through the Fed—by the way the Fed opened its window to direct lending to investment banks for the first time in the history of this country. They used to only do direct lending to FDIC-insured banks. They opened the window to direct lending to investment banks. The question is, Who got the money? Under what conditions? How much? The answer is, We don't know. We are not telling you.

That is unbelievable to me. There is nothing in the Constitution about this. The Constitution is a short little document that talks about powers, the powers of the executive branch, the powers of the legislative branch, and judicial branch. You go read the Constitution and try to figure out whether you think the opportunity exists for somebody, even in a crisis, to commit \$8.5 trillion, \$8.6 trillion on behalf of the American taxpayer and then tell us you will not to get information about this? Go to court. That is unbelievably arrogant, in my judgment.

Having said all that—which is, in some ways, therapeutic for me to go through what has caused so much of this and to talk about the folly of the pursuit of a solution. That we cannot possibly succeed unless you have conditions and attachments to those moneys that are being used—all of this, it seems to me, is wrapped in a circumstance where we now find ourselves with a new President. He will be sworn in on the west front of this building next Tuesday. He inherits the most significant set of economic problems I think of any President since Franklin Delano Roosevelt. I don't think there is much question about that.

The question is, Where does this go from here? You know the law of holes: When you are in a hole, stop digging. The question is, How do you stop digging? How do you find a way to put this back on track to some sort of growth? Where is the bottom? How do you stop this from falling off a cliff? There are all these folks, the so-called smartest people in the room, who share with me and with my colleague from Arkansas, who is the Presiding Officer—share the fact that none of us understand the answer. Nobody understands exactly what to do.

But I wish to say this: I think at the root of this is always, and will always be, with this economy of ours, the issue of confidence. Do people have confidence about the future? If they are living in a place, in a country and at a

time when they can be confident about the future—confident for themselves and their kids, confident that they will have a job, retain their jobs, have job security, have a decent payroll, have benefits in the future—then they are confident and do things that manifest that confidence: buy clothes, take a trip, buy a car, buy a house; they do the things that expand this economy. But when they do not have confidence—and the American people at this point do not—they do exactly the opposite, which contracts this economy. They defer all those purchases and decide, you know what, we don't have confidence that we are going to keep this job, have this income, provide for our kids. We need to cut back, and that contracts the economy.

So the question is this: It is not, as I have said often, about how do you tune the engine on the ship of state. How do you go down to the engine room and take a look at every dial, gauge, lever, knob, and just adjust it just right?

In fiscal policy or in monetary policy, how do you adjust it? Tax credits? M1B? Fiscal stimulus? It is not that at all, in my judgment, because there is not a perfect menu to provide confidence to the American people. And it does not matter how you adjust those issues if you do not find a way to instill confidence, the economy is going to contract. So I have introduced legislation with a number of pieces that I think are essential to try to provide that kind of confidence. Let me describe them.

First and foremost, I do not think you can do this and give the American people confidence unless you look back and look forward. That means accountability, and accountability means looking back and looking ahead, it seems to me. I described the absurdity of Mr. Madoff running a \$50 billion Ponzi scheme, living in his \$7 million apartment in New York City, and the judge saying: That is okay. It seems to me there is an equal absurdity here of having the equivalent type of Ponzi schemes in which you loaded some of the biggest American financial institutions with dramatic amounts of risk and debt and say: Well, now that is past, no one is accountable. It seems to me someone is accountable for that. Are they still around? Were they getting \$20 and \$30 million a year? Some of them were. There was a recent investigative piece by the Washington Post describing the person in charge of risk management and describing a trader at the same firm, both making somewhere in the neighborhood of \$20 million a year. Who is accountable for that, for the collapse as a result of the loading up of dramatic risk in an investment bank and then having the American taxpayers bail it out?

Here are some of the so-called biggest institutions that were deemed "too big to fail." Until this point, they have not only been "too big to fail," they have been "too small to regulate" apparently because we have a lot of

folks in this town who do not want to regulate anything. They want to be willfully blind, including those we pay to regulate these entities. They are the ones who helped us decide long ago, as a country: We are not going to look at derivatives, we will not regulate derivatives, and we are not going to regulate hedge funds. We are willing to countenance a lot of dark money out there because we do not need to see it. You know, the high priest of that thought was, of course, Alan Greenspan, whose notion of how you handle all of this is self-regulation. Self-regulation will work just fine, he said. Well, it turns out that was a miscalculation to the tune of some trillions of dollars. It did not work fine.

Here is what we need to do—accountability going back. I have just described Alan Greenspan. He came and testified. He said: "I made a mistake in presuming the self-interests of organizations, specifically banks and others, were best capable of protecting their own shareholders and their own equity in the firms."

You know the old saying that there is no education in the second kick of a mule. We know this. We knew this. We have been through this in the Great Depression. We were through the Gay Nineties and the Roaring Twenties. None of us lived then, but we learned the lessons and put in place the protections to make sure it never happened again.

About 10 years ago, the Congress took apart most of those protections. I voted against it. I thought it was a terrible decision. But here we are paying the price for that.

Those protections, it seems to me, at this point need to be reconnected. So what should we do? Well, first of all, I think, in addition to a rescue plan of some type, or a stimulus plan, as it is being called, it seems to me you need some type of taxpayer protection. Nobody is looking out for the taxpayer here, and the taxpayer is having to make the commitment through the Treasury Secretary, through the Federal Reserve, and through the Congress. Let's have a taxpayer protection plan or a Taxpayer Protection Act.

One, I think we ought to extend the oversight, accountability, audit, and all the reporting provisions that were imposed originally by the Treasury Department under the Emergency Economic Stabilization Act to cover any financial entity that provides emergency economic assistance to private firms. There ought to be complete transparency, no secrecy, nobody saying: We will not tell you, we will not show you, we will not disclose to you.

Second, all private firms receiving emergency financial assistance should be subject to the same set of rules and restrictions relating to executive compensation, golden parachutes, dividend payments, to name a few.

You know, we had the auto industry executives come down here, and they were widely pilloried for flying Gulfstream IVs wing tip to wing tip from

Detroit to Washington, DC. It turns out that there were over 20 commercial flights that day from here to Detroit and back. One could have sat them in first class and provided them Dr. Pepper in a paper cup, or whatever it is they do in first class, between Detroit and Washington, DC, and they would have been fine. But they flew down wing tip to wing tip in Gulfstreams and, you know, making \$2 million, \$2.5 million a month, whatever it was. There was a lot of criticism about it—justifiable, in my judgment. I want the auto industry to succeed, but that was not a very smart thing that day.

But the question is, Why it is just the auto industry? Where are all of those folks who ran some of those big investment banks into the ditch? Where are the folks who caused that wreckage? How about the people who ran these big mortgage companies that were selling these unbelievable mortgages to people with bad credit and getting big bonuses as a result? When are they going to be brought here under subpoena and asked the same questions and subject to the same requirements?

I think we ought to create a taxpayer protection prosecution task force. I believe there is a lot of illegal activity that has not been uncovered. And I do not think it ought to be laid at the feet of some attorney general someplace in some State. There ought to be a Federal prosecution task force empaneled, and that task force must make it a top priority to investigate and prosecute financial fraud cases and seek to recover any ill-gotten gains. The task force shall make recommendations to the Congress, within 60 days, about extending the statute of limitation in complicated financial crimes, if necessary.

There ought to be a reform commission on the financial system that determines the causes of this financial nightmare. And the commission would report its findings, conclusions and make recommendations for preventing a similar debacle in the future. I do not think it is just a matter of jump-starting the economic engine; I think you have to rewire the system here. You have to rewire the financial system. This does not work.

Securitizing instruments for which there was never any decent underwriting because you did not have to underwrite if you were going to send the risk upstairs—that does not work. And you cannot have dark money out there beyond the gaze of regulators.

You do have to regulate. It seems to me you have to completely reform the financial system, and I do think the people who caused this wreck are going to be the ones who are going to help us reform the system.

So those are four areas that I think we have to do on behalf of the American taxpayer.

You know, my sense is that everyone in this country wants this new Government to succeed. President-elect Barack Obama campaigned across this

country on the subject of change. We all understand the need for that change. The fact is, there is plenty of blame to go around. Lots of folks, Republicans, Democrats, one administration, another—there is a lot of blame. But it seems to me there are special obligations laid at the feet of those who in the last 8 years have decided to be willfully blind and decided that self-regulation was more important than having people do their jobs who were supposed to be regulating. And the result was the creation of a house of cards or a Ponzi scheme sort of thing that has caused dramatic damage to this country.

Now, it is a mess, but I think this country can get out of it. I think it would be hard for anybody in this Chamber to decide to get up and go to work if they did not have an abiding hope about the future of this country. And I do. But that hope is joined, it seems to me, by requirements to find out what happened, take action based on what happened, and make sure it never happens again. That is not rocket science; that is what we are obligated to do.

This is, as I said, a great country with a wonderful history of overcoming the odds. We have people who came to this country from different parts of the planet searching for opportunity. Most of us come from immigrants who came from one part of the planet or another, one part of this globe, and came to this country because they believed this is the place where opportunity existed.

There was a man named Stanley Newberg who died, and there was a tiny little piece written in the New York Times about him some years ago. It was a piece that intrigued me, so I looked into it to find out what was this about, Stanley Newberg. It said, in this one-paragraph piece, something that I discovered more about. A man came to this country with his parents to flee the persecution by the Nazis of the Jews, and they came here and landed in this country, with nothing, in New York City. His dad had a job peddling fish on the Lower East Side of New York, and Stanley Newberg trailed along, this little tyke with his dad every day peddling fish. Then he went to school, and his parents struggled because they had nothing, and he did well in school. They struggled to get him some loans and try to help him get to college. He went to college, graduated from college, and went to work for an aluminum company. He did very well with the company and rose up to management in the company and then purchased the company.

Later, he died. When they opened his will, Stanley Newberg, in his will, left \$5.7 million to the United States of America. In his will, he said: For the privilege of living in that great country. Is that not remarkable? Here is a man who came here with nothing, was enormously successful, then at the end of his life left his inheritance to the United States of America. I am not

suggesting everyone do that. I am suggesting it inspires me when people—in this case, coming here as a boy with nothing—understand the magic of what this country of ours offers in terms of opportunity and freedom. And I think, with all of the hand-wringing that exists in our country about these very serious troubles we face, I am absolutely convinced, if we work together, with a new President, a new Government, if we call the American people to be part of something bigger than themselves, to say this is a moment to try to put this country back on track and build better opportunity and greater opportunity for all Americans, I have great hope then for this country.

Mr. MARTINEZ. Mr. President, I rise today in strong support of S. 22, the public lands omnibus bill. This legislation contains several important provisions for the State of Florida that will protect its natural treasures and expand understanding of our rich history. These bills are bipartisan, and I am proud to have worked with my colleague Senator BILL NELSON in support of the Everglades provisions and the commission for the 450th anniversary of St. Augustine's founding. Congressman JOHN MICA has introduced a companion version of this bill in the House of Representatives and I wanted to recognize his efforts as well. In addition, I thank the hard work of Senator JEFF BINGAMAN, the chairman of the Energy and Natural Resources Committee, and ranking member, Senator MURKOWSKI, and their staff, for including these bills in S. 22 and bringing it to expected floor passage.

The public lands package contains an authorization for the St. Augustine 450th Commemoration Commission, which is critical in assisting the National Park Service, the State of Florida, as well as all local stakeholders in organizing the historic celebration of the city's founding. St. Augustine's old and complex history mirrors much of the American experience. It was the birthplace of Christianity in the New World and it was truly the first blending-pot of cultures that included peoples of Spanish, English, French, Native American, and African descent. Many do not know that St. Augustine is the location of the first parish mass in the United States and it was the location of the first free black settlement in North America. Nearly a century before the founding of Jamestown, Spanish explorer Juan Ponce de Leon landed off the coast of St. Augustine looking for the fabled Fountain of Youth but instead founded a colony known as La Florida. He discovered very favorable currents that would later be known as the Gulf Stream, which would serve as trade routes for European explorers to discover other parts of the New World.

Because of St. Augustine's location along strategic trade routes, Spain constructed the Castillo de San Marcos in 1672 to protect the capital of La Florida from French and British interests. The Castillo de San Marcos is



built on the ruins of the original fort that was burned to the ground by British sailor and explorer Sir Francis Drake. The fort still stands today and has had six different flags fly above its ramparts. It is the oldest surviving European fortification in the United States.

The St. Augustine Commemoration Commission is necessary to help organize the tremendous amount of historical and cultural events that will take place in the first coast area. The commission will encompass a broad array of members from Federal, State, local, and academic backgrounds to ensure that it has a diverse make-up of professionals to assist the city of St. Augustine in celebrating its founding. The intent of the St. Augustine commission bill is to assist the NPS and local stakeholders in building upon the experiences of the Jamestown celebration in 2007. In addition, the commission would provide the necessary framework to navigate the significant logistical challenges facing the city of St. Augustine, the State of Florida, and the National Park Service.

Restoration of the Everglades, especially Everglades National Park, will be enhanced by enactment of the public lands bills package, S. 22. One such provision included is section 7107, which would expand the boundaries of Everglades National Park by nearly 600 acres and help protect a critical part of Florida's ecological heritage. I am proud to have cosponsored this legislation with my colleague BILL NELSON, and it is supported by a broad group of stakeholders including the Monroe County government in the Florida Keys, the Nature Conservancy, and the National Park Service. The passage of this bill would protect coastal wetlands and habitat for a myriad of endangered species including the American crocodile, the West Indian manatee, the wood stork, the roseate spoonbill, and other migrating birds.

The citizens of Florida have long treasured the Everglades, and the addition of this property within the park's boundaries will help preserve the unique beauty that makes the keys such a special place. The addition of the Tarpon Basin property will not place new management or administrative burdens on our park's staff, but instead would enhance and preserve a part of Old Florida for years to come.

Another provision included in S. 22, which Senator NELSON and I support would facilitate an important land exchange to allow the National Park Service to acquire the last significant private inholding in the Everglades and clear the way to finally implement the federally approved Modified Waters Delivery Project or "Mod Waters." Mod Waters will help restore natural water flows into Everglades National Park, and although authorized nearly 20 years ago in 1989, it has experienced substantial delays.

The land trade provided for in the pending, measure enables the Park

Service to acquire Florida Power and Light's, FPL, 7-mile long, utility corridor that now bisects the expanded Everglades National Park. This corridor runs north-south through the heart of the East Everglades and Shark River Slough, which provides the primary water flows into the park. Under the exchange, FPL would give this 320 acre inholding to the park and would receive roughly 260 acres on the eastern boundary of the park adjacent to the existing L 31 canal and levee. FPL would also receive a vegetative management easement to help control non-native exotic plants. Public acquisition of the FPL inholding would eliminate the last significant private inholding delaying Mod Waters.

No funds will be needed for this inholding acquisition and appraisals indicate that the park receives more value than FPL. Since so much preliminary work has been put into identifying the precise lands and interests involved in the exchange, the Park Service should be able to promptly complete the appraisal approval process. Expedient review is critical to facilitate Mod Waters and ensure that the exchange is executed so taxpayers are spared the multimillion-dollar costs of purchasing the FPL corridor.

Substantial work has already been completed and all evaluations indicate that relocating the utility corridor away from the Everglades National Park will provide a wide array of environmental benefits to the park. The exchange and relocation ensures that there will be no electric transmission lines constructed on the existing private right-of-way. In addition, moving the utility corridor to the periphery of the park to developed property will lessen impacts on resources, endangered and threatened species, and other park-related values. The bill also provides the NPS with the authority to relocate the Everglades Park boundary to ensure that the lands conveyed to FPL are outside of the park. The intent is that the relocated utility corridor not be within Everglades Park.

Since an environmental assessment needs to focus only on those factors arising from the land exchange itself, it is expected that the Park Service will move quickly to complete the assessment. Any effects that may arise from future proposed development of the relocated corridor would be subject to full environmental review at that time by appropriate Federal and State agencies. Because of these protections and oversight, there should be no undue regulatory delay in the completion of this important land exchange, which could further delay Mod Waters. Accordingly, the NPS should act in a timely manner to render a suitability finding for lands adjacent to the park used for transmission to meet the power needs of south Florida.

I again thank Chairman BINGAMAN and Senator MURKOWSKI for including these bills in S. 22. I also want to thank our outgoing ranking member, Pete

Domenici, for his hard work in helping move these bills through the Energy and Natural Resources Committee last year. We have a chance at the beginning of a new Congress to show the American people that Washington is not all about politics and gridlock. I urge my colleagues to vote for S. 22 to help facilitate the completion of Mod Waters and enhance the protection of Florida's fragile ecosystem.

Mr. NELSON of Florida. Mr. President, restoration of America's Everglades is one of my top priorities in the Senate. Everglades National Park stands to be enhanced by enactment of the public lands bill package, S. 22.

Section 7107 contains a measure—similar to a bill introduced by Senator MEL MARTINEZ and me, to facilitate an important land exchange which will allow the National Park Service to acquire the last significant private inholding in the East Everglades and clear the way to finally implement the congressionally approved Modified Waters Delivery project or "Mod Waters." Mod Waters will help restore natural water flows into Everglades Park. This project provides a critical foundation for many future restoration projects and although it was authorized in 1989, has been delayed for a variety of reasons including the need to acquire private lands that will be returned to a natural state by increased water flows.

The Park Service has worked painstakingly since 1989 to acquire over 100,000 acres in the East Everglades at a cost of more than \$104 million to clear the way for Mod Waters. Over 8000 individual parcels of land have been purchased and added to Everglades National Park. The land trade provided for in the pending measure will enable the park to acquire Florida Power and Light's—FPL—7-mile long, 330-foot wide inholding that now bisects the expanded park. This corridor of private lands runs north-south through the heart of the East Everglades and Shark River Slough, which provides the primary water flows into the park—the area where more natural water flows will be restored by Mod Waters. Under the exchange, FPL would surrender this 320-acre inholding to the park and receive approximately 260 acres on the eastern periphery of the park immediately adjacent to the existing L 31 canal and levee as well as a vegetative management easement to help control nonnative exotic plants among others. Public acquisition of the FPL inholding would eliminate the last significant private inholding delaying Mod Waters. In return, FPL would receive lands that would be outside the park, providing it with the opportunity to develop such lands into a viable utility corridor, if approved. This is a win-win for the people of south Florida who depend upon both a healthy environment and the availability of power.

As I stated earlier, Mod Waters is the foundation for the broader Comprehensive Everglades Restoration Plan, CERP, approved by Congress in the

Water Resources Development Act of 2000. The congressionally mandated September 2008 National Academy of Sciences report on Everglades restoration called progress on Mod Waters "dismal." The report emphasized that Mod Waters is critical to restoration, especially for Everglades Park, and urged the Federal Government to take action to move the project along. This exchange does precisely that.

No funds will be needed for this inholding acquisition. Since so much work has already been done to identify the precise lands and interests in land to be exchanged and these lands have been subject to professional appraisals, we expect the park to be able to promptly complete the necessary administrative requirements to complete the exchange. Time is of the essence in order to facilitate Mod Waters and ensure that the exchange is executed so taxpayers are spared the multi-million dollar costs of purchasing the FPL corridor.

Prior to executing the land trade, the Park Service will prepare the appropriate National Environmental Policy Act document to fully understand the environmental impacts, if any. It is my hope that this exchange will provide a wide array of environmental benefits to the park. The exchange ensures that there will be no electric transmission lines constructed on the existing private right-of-way. The bill also provides the Service with the authority to relocate the Everglades Park boundary to ensure that the lands conveyed to FPL are outside of the park. It is intended that the utility corridor, if developed, not be within Everglades Park. Because many of the agreements have been worked out in advance between FPL and the park, I expect that the Park Service will move expeditiously to complete the land exchange authorized by this legislation.

In a similar vein, the Park Service must also make a determination that the lands and interests along the L 31 canal and levee on the edge of the park are "suitable" for exchange and conveyance to FPL. This "suitability" is already widely acknowledged and recognized by both the agency and the Congress as these peripheral lands are not in the heart of the park and not critical for Mod Waters and water flow restoration. Accordingly, I expect the Park Service to act in a timely manner to render the suitability finding.

I received a letter from Florida Department of Environmental Protection Secretary, Mike Sole, expressing his support for the land transfer. The exchange is also supported by the Department of the Interior and the Army Corps of Engineers.

I expect the Park Service and FPL to move promptly to complete the exchange. Again, the need for action on Mod Waters means that time is of the essence.

I wish to thank Chairman BINGAMAN and Ranking Member MURKOWSKI for their efforts to incorporate this impor-

tant measure in the S. 22 package. We must move expeditiously to compete Mod Waters and completion of this land exchange will help us achieve these objectives while ensuring that the taxpayers are spared the cost of purchasing a very expensive park inholding from FPL.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. REID. I ask unanimous consent the Senate proceed to a period of morning business with Senators permitted to speak therein for a period of up to 10 minutes each.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### 80TH ANNIVERSARY OF LULAC

Mr. REID. Mr. President, I rise to call the attention of the Senate to the 80th anniversary of the League of United Latin American Citizens, LULAC. As a pioneer of the Latino civil rights movement, LULAC has long fought to better the economic condition, educational attainment, political influence, housing, health and civil rights of Americans of Latino descent.

Eighty years ago, three organizations in south Texas united to combat the rampant discrimination faced by Mexican Americans. After decades of disenfranchisement, the Latino community in south Texas created a movement for equality that has contributed greatly to enhancing the livelihood of Latinos throughout the United States. LULAC's successes and achievements are many—ranging from the desegregation of schools throughout the American Southwest to improving access to jobs and government programs.

Today, as America's oldest national Latino organization, LULAC boasts continued service to America's Latino population through more than 48 employment training centers, 16 regional centers, and employs its great knowledge of the needs of the Latino community by advising private, nonprofit, and public institutions. Moreover, its unique charter structure allows this organization to disseminate important information and provide worthwhile services via more than 600 councils throughout the United States and Puerto Rico. The need for LULAC's services has not subsided through the years and a new generation of Latinos calls upon the institutional strength that this organization can provide. The

challenges we face as a nation can only be resolved by the inclusion of all American communities and I value the sage voice of LULAC on the strategies to empower Latino communities.

The organization's early efforts for political and social inclusion created a strong base which LULAC and other organizations now utilize to improve the quality of life for all American Latinos. I congratulate and commend the League of United Latin American Citizens for their long record of service to the Latino community and wish them continued success.

#### TRIBUTE TO BOURBON HEIGHTS NURSING HOME

Mr. McCONNELL. Mr. President, I rise today to honor the Bourbon Heights Nursing Home, which was recently recognized as the best nursing home in the State in 2008 by the Kentucky Association of Health Care Facilities, KAHCF.

Recently, the Bourbon County Citizen in Paris, KY, published a story about the Bourbon Heights Nursing Home receiving this top honor.

Mr. President, I ask my colleagues to join me in honoring the work of the dedicated staff and volunteers at Bourbon Heights, whose continued commitment to the community and to those they care for is extraordinary. I further ask unanimous consent that the full article be printed in the RECORD.

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

[From Bourbon County Citizen, Dec. 19, 2008]

#### BOURBON HEIGHTS RECEIVES STATE AWARD

(By Paul Gibson)

The Bourbon Heights Nursing Home was the recipient of the coveted award recognizing them as the best nursing home in the state by the Kentucky Association of Health Care Facilities (KAHCF). There are 247 nursing homes in the association and each one is awarded the large trophy that signifies the top honor.

"There is an extensive application procedure," said Glenda McKenzie, Activities Director. "And judges come at least twice during the year to personally see the facility."

"The judges' visit is very thorough," said Angie Forsythe, Administrator at Bourbon Heights. "They interview each department head and observe the services we provide residents."

According to Forsythe, the judges also interview staff members, residents, and volunteers to gain better understanding of how the facility operates.

"The judges really wanted to know what makes us unique," Forsythe said.

The judges discovered, McKenzie said, "that we are a very diverse facility offering a wide range of services to our residents."

Currently, Bourbon Heights provides independent living in apartments, personal care, nursing care, day care and out patient rehabilitation.

"I think the judges were impressed with the way we take pride in the care we provide our residents," Forsythe said. "We are like a family here and the staff provides a loving care for each resident."

She added that Bourbon Heights has very little turnover in staff and that many staff