

Mr. KYL. The following Senator is necessarily absent: the Senator from Alabama (Mr. SESSIONS).

The PRESIDING OFFICER (Mr. UDALL of Colorado). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 45, nays 51, as follows:

[Rollcall Vote No. 174 Leg.]

YEAS—45

Akaka	Gillibrand	Mikulski
Bayh	Hagan	Murray
Begich	Harkin	Nelson (FL)
Bingaman	Inouye	Reed
Boxer	Kaufman	Reid
Brown	Kerry	Sanders
Burr	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Lautenberg	Stabenow
Casey	Leahy	Udall (CO)
Conrad	Levin	Udall (NM)
Dodd	Lieberman	Warner
Durbin	McCaskey	Webb
Feingold	Menendez	Whitehouse
Feinstein	Merkley	Wyden

NAYS—51

Alexander	Crapo	Lugar
Barrasso	DeMint	Martinez
Baucus	Dorgan	McCain
Bennet	Ensign	McConnell
Bennett	Enzi	Murkowski
Bond	Graham	Nelson (NE)
Brownback	Grassley	Pryor
Bunning	Gregg	Risch
Burr	Hatch	Roberts
Byrd	Hutchison	Shelby
Carper	Inhofe	Snowe
Chambliss	Isakson	Specter
Coburn	Johanns	Tester
Cochran	Johnson	Thune
Collins	Kyl	Vitter
Corker	Landrieu	Voinovich
Cornyn	Lincoln	Wicker

NOT VOTING—3

Kennedy Rockefeller Sessions

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of the amendment, the amendment is withdrawn.

The majority leader is recognized.

Mr. REID. Mr. President, we are now going to proceed to the Strickland nomination. There should be a vote on that within the next couple of hours. We have a very important amendment that is going to be debated this evening, this afternoon, by Senators DODD and SHELBY. It is a substitute to the amendment that is now before the body. It is an extremely important amendment.

I would hope if Senators have any other amendments they want offered to this bill that they should do it. We want to finish this legislation as quickly as we can. It is extremely important we get it done.

We have 3 weeks left in this work period. There are things we have to complete this work period. We have to complete this housing legislation. I would like to do that in the next few days; hopefully, tomorrow. We are not going to have any votes tomorrow after 11 o'clock.

Hopefully, we have all of the cards lined up. We can finish this housing legislation tomorrow. We are going to go to the credit card legislation as soon as we finish this housing legislation. We are going to go, after that, to the procurement legislation. That is a bi-

partisan piece of legislation with Senators LEVIN and MCCAIN.

Then, before we leave, we are going to do the supplemental appropriations bill. There is one other piece of work I wanted to do, but we—it doesn't appear that the HELP Committee is going to be able to have that marked up in time for me to do it. Frankly, we probably would not have time to do it anyway; that is, the FDA regulation of tobacco.

So everyone needs to understand this is work we have to do before we leave. Then when we come back, the next work period is only 4 weeks. I have told Senator KOHL that we are going to do the railroad antitrust legislation during that 4-week work period. We are going to do that either the first or second week. Hopefully, no other emergencies come up that get in the way of not allowing us to do that.

Also, because the budget passed yesterday, as soon as we get the 302(b) allocations, which should be soon, we are going to move as quickly as we can to start working on the appropriations bills.

There is a general feeling of the Democrats and Republicans that we want to be able to get some appropriations bills done.

Senators INOUE and COCHRAN are two of the most valued Senators we have; they are experienced. They should be able to move us through them. So we pretty well understand what the workload is. The main question this afternoon is whether there are other amendments to be offered to the housing bill? During this period, we have a significant number of nominations that we will do our best to work out with the Republicans. We have done pretty well so far. We have quite a chunk still pending. We are concerned about David Hayes, Dawn Johnsen, and a number of others we have to see if we can work out a time agreement on.

AMENDMENT NO. 1018

(Purpose: to provide a complete substitute)

Mr. DODD. Mr. President, on behalf of Senator SHELBY and myself, I call up amendment 1018 and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself and Mr. SHELBY, proposes an amendment numbered 1018.

Mr. DODD. I ask unanimous consent that reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. DODD. I will wait until after the completion of the debate on the Strickland nomination to talk about the amendment. I am sure Senator SHELBY will as well.

EXECUTIVE SESSION

NOMINATION OF THOMAS L. STRICKLAND TO BE ASSISTANT SECRETARY FOR FISH AND WILDLIFE

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The bill clerk read the nomination of Thomas L. Strickland, of Colorado, to be Assistant Secretary for Fish and Wildlife.

The PRESIDING OFFICER. There will be 3 hours of debate with 1 hour under the control of the majority and 2 hours of debate under the control of the minority, with 30 minutes under the control of the Senator from Kentucky, Mr. BUNNING.

The Senator from Kentucky.

Mr. BUNNING. Mr. President, I rise in opposition to the nomination of Thomas Strickland to be Assistant Secretary for Fish and Wildlife at the Department of the Interior. I have met with Mr. Strickland, and while he has a distinguished career in public service, I do not believe he is the appropriate candidate to fill this position. His disregard for second amendment rights, coupled with his position on domestic energy production, leaves me little choice other than to oppose his nomination today.

In December of this past year, the Department of the Interior took great steps forward toward reversing the ban on lawful firearms in parks. However, because of one court case on technical grounds, millions of law-abiding park visitors find their second amendment rights challenged yet again. For decades, regulations enacted by unelected bureaucrats at the National Park Service and the U.S. Fish and Wildlife Service have prohibited law-abiding citizens from transporting and possessing operational firearms on Federal lands managed by these agencies. The enactment of these rules preempted State laws, bypassed the authority of Congress, and trampled on the constitutional rights of law-abiding Americans guaranteed by the second amendment for more than 170,000 acres of public lands. No other Federal land management agency has enacted anti-gun rules similar to the Park Service and Fish and Wildlife.

Both the Bureau of Land Management and the U.S. Forest Service allow for the law of the State in which the Federal property is located to govern firearm possession. Neither of these agencies experienced any difficulties as a result of allowing firearm possession.

I have met with my friend, Secretary Salazar, who is now the Secretary of the Department of the Interior, and told him of my support for repealing this firearm ban. At the time, Secretary Salazar agreed with me and stated before the Senate Energy Committee that he supports repealing the ban. This is the same committee that

voted this past November, 18 to 5—I repeat that, the committee voted 18 to 5—to repeal the ban. Secretary Salazar, then-Senator Salazar, voted in support of the repeal. Because of one court case, the Department of the Interior is backpedaling on its original position.

I believe this is an unsound policy and extremely shortsighted. This is why I, along with my good friend Senator COBURN and 16 other colleagues in the Senate, sent a letter to the Department of the Interior for a clarification of its views on this regulation. While I appreciate the Secretary getting back to me so quickly on this, the response I received was short and vague. I have always had a good working relationship with Secretary Salazar. In the past, he has gone out of his way to tell me personally of his support for second amendment rights. Rest assured, I will hold him to his word and will be watching this situation very closely as it continues to unfold. I will continue to work with the Department of the Interior to get this regulation implemented properly.

I am also concerned about this nominee's stance on domestic energy production. I have long said, along with many of my colleagues in the Senate, that America has a domestic resource to meet its growing energy needs. In order to meet them, we need to use all our resources, including nuclear, clean coal, renewables, along with oil and natural gas. America has a wealth of oil and natural gas reserves that, if utilized properly and in an environmentally sound manner, could meet our energy demands for decades to come. The nominee before us today, Thomas Strickland, does not support using all forms of energy. He has been very public in his position that we should not open ANWR to domestic energy production. I have been to ANWR to see firsthand what all the talk was about. After visiting it, I am even more confident in my support for drilling there.

We met with the environmentalists and villagers on the border of ANWR and talked to them about the desperate need of the United States for more domestic energy sources. There were a few residents who expressed opposition, but they were in a very small minority. The majority of the people living near ANWR, more than 75 percent, support drilling there. I know that Strickland, along with some of my colleagues in the Senate, is desperate to stop us from opening ANWR. The facts about ANWR, however, are not on their side. Some of these facts need to be repeated, especially for those who are new to this debate.

ANWR itself is roughly the size of South Carolina. It is absolutely enormous. It is 19.6 million acres or 30,000 square miles. When we talk about drilling in ANWR, we are talking about clean drilling in an area that is less than 2,000 acres. That is one hundredth of 1 percent of the total acreage in ANWR. It is actually smaller than most airports.

To say that drilling in this limited portion of ANWR threatens the entire environment of this refuge is far-fetched and just plain wrong.

During my trip, I visited the sites at Alpine and Prudhoe Bay. There is no doubt in my mind that we can develop ANWR in a safe and effective manner. Drilling will only be a small footprint in ANWR that can be carried out in an environmentally sound manner. State-of-the-art technology will lessen the environmental impact. The old stereotypes of dirty oil drilling don't apply anymore. We all want to do what we can to protect the environment, but it is not credible to say that looking for oil in this small, limited part of ANWR is a dangerous threat to the entire region. As our demand for energy is growing, we must increase our energy supply to keep up. ANWR is the most promising domestic source of oil we have. To automatically take it off the negotiating table, as this nominee has, is shortsighted.

Finally, I have concerns with Mr. Strickland's stance on regulation for coal mining operations. The Commonwealth of Kentucky is home to some of our Nation's largest coal reserves. In fact, we have about 250 years of coal reserves or about the same amount of coal reserves that Saudi Arabia has for oil. I am proud to come from a State that has coal reserves and firmly believe we have the ability to develop and use this natural resource in an environmentally sound manner. This is why I was pleased, last December, when the Department of the Interior issued a rule to clarify the disposal of excess spoil created by coal mining operations.

The rule also requires mine operators avoid disturbing streams, to the greatest extent possible, and clarifies when mine operators must maintain an undisturbed buffer between the mine and the adjacent streams. Aside from striking a balance between environmental protections and responsible mining operations, this new rule clarified a long-standing dispute over how the surface mining law should be applied.

Past confusion over how it should be applied has led to undue litigation, suspension of mining operations and, ultimately, job loss for many mining communities across the country and in Kentucky. In discussions I had with both the Secretary of the Interior and Mr. Strickland earlier this year, I expressed my support for this new rule and respectfully asked that they take this support into account. Both nominees stated they would not overturn the rule. Yet this past week the Department of the Interior reversed its position and asked for the rule to be overturned.

Issuance of the rule represents the culmination of a 7-year process that was complete and well thought out. While developing the rule, the Office of Surface Mining solicited public input and received over 43,000 comments on the proposal.

They held four public hearings that were attended by over 700 people. When considering alternatives to the proposed rule in the Environmental Impact Statement, OSM selected the most environmentally protective option. It helps ensure that coal mining activities are conducted in a manner that protects both mining communities and the environment. Overturning this rule risks returning to a state of confusion about how to apply the surface mining law, risking the future of mining operations, local communities, and ultimately access to our most reliable domestic source of energy.

In my home State of Kentucky, over 24,000 jobs are at risk should surface mining operations be disrupted. I repeat that. Over 24,000 jobs are at risk should surface mining operations be disrupted. This is about half the jobs at risk for the region of Kentucky, Tennessee, West Virginia, and Virginia.

I am very disappointed that the Department of Interior, under the leadership of both Secretary Salazar and Mr. Strickland, chose to overturn this rule. Not only will it delay coal mining operations, but it will also jeopardize jobs and energy production. That is why I find myself on the floor unable to support this nominee today.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. BOXER. Mr. President, this is a good day for those of us who want to see this environment protected because we have before us an excellent nominee, Thomas Strickland, to be Assistant Secretary of the Interior for Fish, Wildlife, and Parks. Many of us know Tom, and we know he has the experience and the expertise to be an exceptional—an exceptional—Assistant Secretary of the Interior.

He has an outstanding record of service in the public sector. In the 1980s, he was then-Colorado Governor Richard Lamm's chief policy adviser, and he had extensive experience dealing with the Interior Department and Federal agencies on all natural resource issues.

I say to the Presiding Officer, I think, as my colleague knows so well, one-third of Colorado is in Federal lands, and the actions taken by the Federal Government in Washington have a profound impact on the State. So Tom's experience with public lands issues from that State's point of view will give him a valuable perspective as he works with State and local governments to make sure their needs are being met, their voices are being heard. The people of America can be comfortable in that because Tom comes to

this work very much through a State lens.

From 1985 to 1989, Tom was the head of the Colorado Transportation Commission, and he served as U.S. attorney for Colorado from 1999 to 2001.

On a personal level, Tom Strickland has a passion for the outdoors, and he has a commitment to public lands. All of us know that when we think about America, we think about our Constitution and we think about how proud we are of the freedoms we have. We also think about “from sea to shining sea.” We think about this amazing—amazing—gift we have been given. We must protect the environment, the parks, the rivers, the marshlands, the streams, the wildlife that rely on these assets. So in Tom Strickland, we have someone who gets it all. He understands the need to preserve our magnificent parks and open spaces, but for the benefit of the people.

In the late 1980s and 1990s, he led an initiative called Great Outdoors Colorado which directed State lottery monies to the acquisition of public lands for parks, open space, and conservation. This great achievement has left Colorado with a lasting legacy of public lands for future generations—with \$600 million invested and 600,000 acres protected in State parks, open space, and wildlife.

Mr. President, a lot of times you will hear people say: Well, there is too much land—too much land—in open space. There is too much land that has been conserved. A lot of our friends on the other side of the aisle sometimes express that view. But what I want to tell them here today is, from my own experience in my own State—and I am sure our Presiding Officer, who is sitting in the chair, would corroborate this—the beauty we have in our States is a magnet for tourism, which is one of the largest businesses we have in the West and, frankly, throughout our Nation. People want to come and not look at congested highways. That is not why they come. They do not come to America to see, frankly, offshore oil rigs. They come to America to see the beauty—this God-given beauty of our Nation. I think Tom Strickland totally gets that.

We certainly do live in a nation that is blessed with magnificent parks and spectacular wildlife refuges in all 50 States. In my own State—and I can tell you, people come from far and wide to see the wildlife refuges in San Francisco Bay and San Diego and our national parklands such as the Golden Gate National Recreation Area, Point Reyes National Seashore, and Yosemite National Park. I will tell you, Mr. President, the first time I stepped onto the parklands at Yosemite, I was awestruck. And all of you know I am not usually at a loss for words. But I was. I was overwhelmed with God’s gift. We just need to appreciate this, and we need people in places of authority who appreciate this and who do get the connection between a clean and healthy

environment and the physical health of our people; between a beautiful, clean, healthy environment and tourism and recreation and fishing and all the things that add so much value—dollar value and also just value to the spirit and value to the soul.

Today, our parks and our refuges are threatened by budget shortfalls, maintenance backlogs, and other impacts. Because of the Endangered Species Act, we have saved some of America’s iconic species, including the bald eagle. But there is much more to be done.

Over 300 Fish and Wildlife Service positions have been eliminated since 2004. Funding shortfalls have limited public access. What is the point of all this beauty if the public cannot get access because we are so stressed in our budget? We have had reduced law enforcement in the parks, and we have seen threatened wildlife. Recent funding in the President’s stimulus bill that we passed here will help to address some of the immediate needs, and I am so pleased about that. But a long-term solution is needed. If I can say, the long-term solution to this lack of interest in the last 8 years in our resources—this neglect of our resources—the first step, it seems to me—we will say the second step because the stimulus package was the first step—the second step is putting someone in charge of these treasures who really gets it, who really understands.

When Mr. Strickland came before our Environment Committee, he impressed me with his understanding of these challenges, and he made a commitment to address them.

During his nomination hearing, he pledged to uphold the commitment made by President Obama to restore scientific integrity by being—and I quote him—“open and honest with the American people about the science behind our decisions.” Those are his words. So he is not coming there to just wake up one morning and say: Oh, I think I want to save this particular species because I like it. He is going to come there and talk to the scientists and make sure we are doing all we can to preserve and protect our heritage at the time when we have to take action because the scientists have pointed the way.

Tom Strickland’s nomination enjoyed strong support in the Environment and Public Works Committee. I believe he is an excellent choice to provide the strong leadership we need so we can oversee our unique and irreplaceable treasures.

Sometimes when I need inspiration I read from different religions, and one of the quotes I read was written by a rabbi in the eighth century. I am not quoting it exactly, but the paraphrase is this—it is God saying: Please respect what I have given you because once you ruin it, it cannot be replaced. That is the essence of it. So it is not as if we have a do-over. If we lose these incredible assets—whether it is an endangered species such as the bald eagle or

we lose the beauty of a clean-running stream because coal ash just leaked and covered it all up and there is no more stream—you really cannot get in there and do anything about it.

So we need someone like Tom Strickland who has the experience—who has the pragmatic experience to seek that balance we need, that balance all of us need in this society between, yes, clean, sustainable development, but also sustaining the magnificent open spaces that, frankly, people who came before us—and as I look at the Presiding Officer, it is a very moving moment because we think of Congressman Udall, whom I worked with, who did so much to teach us about our obligation. Now we have two Senators Udall. What a spectacular thing that is.

I think Tom Strickland comes before us today from Colorado with this background that we need to say: Thank you, Tom, for running—not give him a hard time about confirming him. This should be an overwhelming thank-you. Tom Strickland, thank you for doing it. Thank you for working so hard. Thank you for putting your name out there. Yes, you take the hits, but today I think you are going to get the votes. I am going to get down there in the well and make sure Tom Strickland is, in fact, confirmed.

Mr. BENNET. Mr. President, I rise today to speak in support of the nomination of Thomas L. Strickland, to be Assistant Secretary for Fish and Wildlife and Parks at the Department of Interior.

Secretary Salazar and Thomas L. Strickland are both legendary Colorado public figures in their own rights, and I cannot think of any two people better qualified to provide leadership in the Department of the Interior.

Thomas L. Strickland was born and raised in Texas and later attended Louisiana State University, where he played football. He earned a J.D., with honors, from the University of Texas in 1977.

Early in Strickland’s career, he worked for Colorado Governor Dick Lamm, and later became Lamm’s director of policy and research. In Colorado, such a prestigious statewide policy position requires one to be well-versed in important issues affecting the West, and impacting public lands and water. In 1984, Strickland accepted a position at Brownstein, Hyatt & Farber, where he eventually became partner.

Strickland was the Democratic nominee for the U.S. Senate in both 1996 and 2002, but the seat eluded him, and though he lost both times to Senator Wayne Allard, Tom became well known throughout our State and he is extremely well liked and respected on both sides of Colorado’s aisle.

After the 1996 campaign, Tom returned to his law practice.

In 1999, President Clinton appointed him U.S. attorney for Colorado. He assumed office the day after the Columbine High School massacre and

worked to enforce existing gun laws in the wake of that horrible disaster. He was cognizant of how important gun rights interests are, but at the same time, he firmly believed in enforcing gun laws and preserving school safety. He worked with Federal and local prosecutors to bring gun charges under State or Federal laws, whichever were most stringent.

Strickland also worked with the Hogan & Hartson law firm, serving as, managing partner for the firm's Colorado offices, and was a member of Hogan & Hartson's executive committee.

I was pleased when I first heard that President Obama and Secretary Salazar wished to make Tom such an integral part of their team. As a chief advise on fish, wildlife and parks issues, I know Tom will be a vital asset to my dear friend and predecessor Ken Salazar, and I urge my colleagues to vote in favor of his nomination.

Mr. BINGAMAN. Mr. President, the Assistant Secretary for Fish and Wildlife and Parks is one of the principal offices in the Department of the Interior. He is responsible for overseeing both the Fish and Wildlife Service and the National Park Service. The Fish and Wildlife Service manages 550 national wildlife refuges, encompassing more than 150 million acres of land. The National Park Service manages several hundred national parks, monuments, battlefields, landmarks, seashores, trails, and rivers, encompassing 84 million acres. By any measure, the Assistant Secretary for Fish and Wildlife and Parks is an important office, which needs to be filled by a talented and capable individual.

President Obama has made an excellent choice in nominating Thomas Strickland for this important post. Mr. Strickland is a lawyer by training. He is a graduate of the University of Texas Law School and clerked for a Federal district judge in Houston. He practiced law in Denver and served as Governor Richard Lamm's chief policy adviser. He chaired Colorado's Transportation Commission. Ten years ago, President Clinton nominated him, and the Senate confirmed him, as the U.S. attorney for Colorado. He ran for the Senate, twice, unsuccessfully, in 1996 and 2002. He was the managing partner of the Denver office of the law firm of Hogan and Hartson and later the executive vice president and chief legal officer of the United Health Group. Since January, he has served as Secretary Salazar's chief of staff at the Department of the Interior.

Over the course of this long and distinguished career, Mr. Strickland has dealt frequently and extensively with environmental and natural resource issues. Along with Secretary Salazar, Mr. Strickland was one of the founders of the Great Outdoors Colorado Program, which has invested \$600 million of State lottery money to protect 600,000 acres of state parks, wildlife habitat, and open space in Colorado since it was founded in 1993.

Because the portfolio of the Assistant Secretary of Fish and Wildlife and Parks bridges the jurisdiction of both the Committee on Energy and Natural Resources and the Committee on Environment and Public Works, our two committees share jurisdiction over Mr. Strickland's nomination.

The Committee on Energy and Natural Resources held a hearing on his nomination over a month ago, on March 24, and favorably reported the nomination to the Senate on March 31.

One hundred days into the Obama administration, Secretary Salazar remains the only Interior Department official confirmed by the Senate. The work of the Interior Department is too important and too demanding for one individual. The President has nominated a superbly qualified person for the position of Assistant Secretary for Fish and Wildlife and Parks. I urge my colleagues to vote to confirm Mr. Strickland for this important post.

Mr. INHOFE. Mr. President, I rise today to speak on the nomination of Tom Strickland—and to raise concerns about recent actions taken by the Department of Interior relating to the Endangered Species Act.

As Assistant Secretary for Fish, Wildlife, and Parks at the Department of Interior, this position is responsible for overseeing many important programs. Most notable to me as ranking member of the Environment and Public Works Committee, are the management of the U.S. Fish and Wildlife Services and the implementation of the Endangered Species Act.

When Mr. Strickland came before our committee for a hearing on his nomination in March, Congress had just passed the Omnibus appropriations bill that contained a mandate to revise and reissue ESA rules concerning the listing of the polar bear and modifications to the section 7 consultation process. This action allowed the Departments of Commerce and Interior to reverse rules without the usual requirements for public input and allowances for legal objections under the Administrative Procedures Act.

Now today, as we debate the nomination of Mr. Strickland on the floor, the administration has already reversed the section 7 consultation rule in complete disregard of the APA and is poised to reverse both rules without the usual review process promised by President Obama's commitment to transparency and public process. Unfortunately, Congress and the administration's bold decision to willfully set aside rules protecting public input and transparency are in direct contrast to the majority's constant complaints to the last administration about the lack of process. Moreover, the revision of these rules was done without respect to a bipartisan letter to the Department of Commerce that I signed with Senators MURKOWSKI, BEGICH, and HUTCHISON urging the use of an open process complying with the APA and all laws governing the withdrawal of Federal regulations.

What troubles me further is the potential use of the Endangered Species Act as a tool to regulate greenhouse gas emissions. While some environmentalists would love to see the ESA used to regulate greenhouse gases, the ESA was never intended to set a climate change policy, but rather it is a tool only to protect endangered species. However, the listing of the polar bear last year as a threatened species has opened the door to the possible use of the ESA for disastrous carbon controls. That is why in December, the U.S. Fish and Wildlife Service and the National Marine Fisheries Service jointly adopted a final rule that revises the regulations governing the consultation obligations of federal agencies under section 7 of the ESA and regulations providing for protections against the "take" of the polar bear. These rules were adopted through the normal rulemaking process and took into consideration nearly 235,000 public comments.

Under the ESA, a Federal action agency is required to initiate consultation with the Fish and Wildlife Service or the National Marine Fisheries Service if it determines that the effects of its action are anticipated to result in the "take"—including potential harm—of any listed species, or the destruction or adverse modification of designated critical habitat. This includes actions the agency takes itself, actions that are federally funded, as well as the issuance of a Federal permit or license for a private party.

A key element of the final section 7 rule is its conclusion that it "is not an appropriate or effective mechanism to assess individual Federal actions as they relate to global issues such as global climate change and global warming." The final rule then exempts from consultation actions which are "manifested through global processes and (i) cannot be reliably predicted or measured at the scale of a listed species' current range, or (ii) would result at most in an extremely small, insignificant impact on a listed species or critical habitat, or (iii) are such that the potential risk of harm to a listed species or critical habitat is remote."

Likewise, the final 4(d) rule for the polar bear provides that certain activities do not constitute a prohibited "take" of the polar bear. Specifically, the final rule states that the take prohibition does not apply to any incidental taking of polar bears within the United States, except for incidental taking caused by activities within the polar bear's current range. Like the section 7 rule, the preamble to the final 4(d) rule maintains that "[t]here is currently no way to determine how the emissions from a specific action both influence climate change and then subsequently affect listed species, including polar bears." Accordingly, the preamble to the final rule provides that section 7 consultation is not required solely because a Federal action's greenhouse gas emissions may contribute to global climate change.

In regards to Assistant Secretary Designate Strickland, I am happy he stated in his confirmation hearing before the Senate Energy and Natural Resources Committee that he does not believe the ESA was intended or designed to regulate greenhouse gases or climate change. However, in his response to questions submitted by me after his confirmation hearing in the EPW Committee, I am troubled that Mr. Strickland did not fully address if he would set aside the APA or ensure an open public process in regards to revising the polar bear and consultation rules. It is my hope, that if confirmed by the Senate today, that Mr. Strickland will allow for the transparency and open public process expected of our government in reviewing the polar bear rule.

I plan on voting to confirm Mr. Strickland today to become the next Assistant Secretary at the Department of Interior. The Fish and Wildlife Service does a great deal of good, and I believe that Tom Strickland will do a good job, but I urge him to heed the call for an open and transparent governing process and to use the Endangered Species Act only for what it was created to do: to protect endangered species, not regulate greenhouse gases.

Mrs. BOXER. Mr. President, I hope we can have this vote shortly. At this time I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. BOXER. Mr. President, I ask unanimous consent that the time be divided equally during the quorum calls between the two sides.

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

Mrs. BOXER. I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, no one knows the man about whom I am going to speak better than the Presiding Officer, but I wish to talk about Tom Strickland. I can say without reservation or hesitation that Tom Strickland is a good friend and a tremendous public servant. He will be a great Assistant Secretary for Fish and Wildlife and Parks. That is a fancy name. Basically, what he will be is Ken Salazar's chief of staff. Ken Salazar depends on him and will depend on him even more after his confirmation.

Tom Strickland went to college at Louisiana State University where he

was a football player—quite a good athlete—before returning to his native Texas to study law. He graduated from the University of Texas Law School with honors and went to work for the Governor of Colorado.

As Governor Lamm's chief policy adviser in a State where protecting natural resources is a top priority, Tom Strickland worked often with the Interior Department he will now help lead.

Even after Tom joined the private sector, he continued to advance many environmental and natural resources issues on a voluntary basis. He is especially proud of helping to create the Great Outdoors Colorado Program which has protected hundreds of thousands of acres of Colorado's beautiful wilderness and wildlife.

Tom is a well-known and successful lawyer in Colorado. President Clinton appointed Tom to be a U.S. attorney for Colorado in 1999. In a turn of events no one could have anticipated, he was sworn in the day after the terrible tragedy at Columbine High School just outside Denver. The 10th anniversary was observed with sadness just last week.

Tom Strickland has been a managing partner of an internationally respected law firm and the executive vice president of a major health care company. He has been very successful personally. He accumulated some wealth, but because of his belief in public service, he accepted his friend Ken Salazar's call for assistance to become part of the Obama administration. I admire his willingness to leave behind the lifestyle he has acquired to serve his country once again.

Tom's hometown newspapers called him tough and effective. He will certainly be both of those as Secretary Salazar's right-hand man in the Department of the Interior.

Tom Strickland is a strong environmentalist who understands the importance of investing in renewable energy and making America more energy efficient. He also appreciates our environment for its many splendors. Tom and his wife, Beth, are well on their way to achieving a goal they set to visit every national park in America.

It is fitting that someone with such a great appreciation for our Nation's natural wonders will be responsible for protecting and improving America's National Park Service.

Once Tom Strickland is confirmed, our country will be in a better place.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. UDALL of Colorado. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered. The Senator from Colorado is recognized.

Mr. UDALL of Colorado. Madam President, today, I rise to support the

confirmation of fellow Coloradan, Tom Strickland, to be the next Assistant Secretary for Fish and Wildlife and Parks for the Department of the Interior.

As chairman of the National Parks subcommittee, I am particularly pleased to support the nomination of Tom Strickland for Assistant Secretary for Fish and Wildlife and Parks, because he has had a long history of activism on behalf of protecting national and State parks.

You will excuse me for indulging in a bit of home State pride when I say how great it has been to see so many Coloradans going to work for the Department in the Federal Government that has so much influence on the economic life of the West.

I think it speaks highly of the motivational leadership of both Secretary Salazar and this nominee to be the Assistant Secretary for Fish and Wildlife and Parks, Tom Strickland, that so many of their fellow Coloradans have voluntarily left the best State in the Union to work in Washington.

I know that Tom Strickland will be an excellent Assistant Secretary at the Interior.

He has an exceptional track record of leadership both as an attorney, as a businessman, as a civic leader and as someone dedicated to public service. He also has an extraordinary wife, Beth, who is inspirational in her own right.

Before coming to Interior, Tom worked in both the public and private sectors.

He served as U.S. attorney for the District of Colorado from 1999 through 2001, and has been a partner at several law firms, including Hogan & Hartson in Colorado.

From 1982 to 1984 he served as the chief policy adviser for Colorado Governor Richard D. Lamm, advising the Governor on all policy and intergovernmental issues, and from 1985 to 1989, he served on, and chaired, the Colorado Transportation Commission.

Tom graduated, with honors, from Louisiana State University, where he was an All-SEC Academic Football Selection, and he received his J.D., with honors, from the University of Texas School of Law.

I think it is clear that I have known Tom Strickland over many years.

Our work together has largely been in the public arena, where Tom—working with Secretary Ken Salazar—led efforts in Colorado to pass the historic “Great Outdoors Colorado” program, which dedicates State lottery money to the acquisition of public lands for parks, open space and conservation.

Tom is also an accomplished outdoorsman, and while we haven't climbed mountains together—at least not the 14,000 foot kind—we both have a love for the out-of-doors and the history, people, and landscapes of the West.

I think this love for the land is what motivated Tom to public service in the

first place, and sustained his two courageous runs for the U.S. Senate.

I was struck, as I often am, by a comment in a recent Tom Friedman's column. Mr. Friedman reminded us of the value of "inspirational leadership."

Mr. Friedman quoted Dov Seidman, the author of the book "How" on what makes an organization sustainable:

Laws tell you what you can do. Values inspire in you what you should do. It's a leader's job to inspire in us those values.

I mention this because I know that, as the Assistant Secretary for Fish and Wildlife and Parks, Tom's job will demand both enforcement of important rules, regulations and laws, and inspired, collaborative leadership.

As one of the country's most successful lawyers, Tom will know how to enforce environmental laws. As a man who draws inspiration from our mountains, plains and waters, he also knows how to motivate and lead others.

With Secretary Salazar at the helm, I believe Tom Strickland will be a strong and effective partner.

As I conclude, I urge all my colleagues to support the confirmation of Tom Strickland this afternoon. There is no question he will do us proud in this new role he is so eager to assume.

Madam President, I ask unanimous consent that all debate time be yielded back and the Senate vote on the confirmation of the nomination of Thomas Strickland, with all other provisions of the previous order remaining in effect.

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

Mr. UDALL of Colorado. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Thomas L. Strickland, of Colorado, to be Assistant Secretary for Fish and Wildlife? On this question, the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Alabama (Mr. SESSIONS), the Senator from South Carolina (Mr. GRAHAM), the Senator from Texas (Mrs. HUTCHISON), the Senator from Nevada (Mr. ENSIGN), the Senator from Utah (Mr. BENNETT), and the Senator from Oklahoma (Mr. COBURN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 89, nays 2, as follows:

[Rollcall Vote No. 175 Ex.]

YEAS—89

Akaka	Barrasso	Bayh
Alexander	Baucus	Beigich

Bennet	Grassley	Mikulski
Bingaman	Gregg	Murkowski
Bond	Hagan	Murray
Boxer	Harkin	Nelson (NE)
Brown	Hatch	Nelson (FL)
Brownback	Inhofe	Pryor
Burr	Inouye	Reed
Burris	Isakson	Reid
Byrd	Johanns	Risch
Cantwell	Johnson	Roberts
Cardin	Kaufman	Sanders
Carper	Kerry	Schumer
Casey	Klobuchar	Shaheen
Chambliss	Kohl	Shelby
Cochran	Kyl	Snowe
Collins	Landrieu	Specter
Conrad	Lautenberg	Stabenow
Corker	Leahy	Tester
Cornyn	Levin	Thune
Crapo	Lieberman	Udall (CO)
DeMint	Lincoln	Udall (NM)
Dodd	Lugar	Vitter
Dorgan	Martinez	Voinovich
Durbin	McCain	Warner
Enzi	McCaskill	Webb
Feingold	McConnell	Whitehouse
Feinstein	Menendez	Wyden
Gillibrand	Merkley	

NAYS—2

Bunning

Wicker

NOT VOTING—8

Bennett	Graham	Rockefeller
Coburn	Hutchison	Sessions
Ensign	Kennedy	

The PRESIDING OFFICER. Under the previous order requiring 60 votes for confirmation, the nomination is confirmed.

Under the previous order, the motion to reconsider is considered made and laid upon the table. The President shall be immediately notified of the Senate's actions.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

HELPING FAMILIES SAVE THEIR HOMES ACT OF 2009—Continued

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, I will yield to my colleague from Missouri for comments, and I ask unanimous consent to be recognized after she speaks to make opening remarks.

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

The Senator from Missouri.

Mrs. MCCASKILL. I ask unanimous consent to speak for 5 minutes in morning business.

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

IMMIGRATION ENFORCEMENT

Mrs. MCCASKILL. Madam President, sometimes change comes quietly. Sometimes it comes with a big bang. Today change came quietly. I want to make sure everyone realizes the change that occurred.

For 3 years I have been talking about the problem of illegal immigration and what has caused this problem to flourish. I have been talking about the problem of the magnet of jobs that has drawn people over the border without documentation because they are trying to feed their families and the fact that no one was doing anything about employer enforcement.

When I got to Washington and I asked the head of immigration enforcement how many employers have been held accountable for knowingly hiring illegal immigrants, how many have been arrested, she could not even tell me. They didn't even keep the statistics. Think about that for a minute. They didn't keep the statistics of how many employers were held accountable for knowingly hiring illegal immigrants. I began pounding on immigration and customs enforcement about this, talking to them about basic investigative techniques.

In Missouri right now there are hundreds of employers that are breaking the rules knowingly. They are hiring people, paying them under the table, cash on Fridays. They are bringing pickup trucks from Mexico full of people, stuffing them all in an apartment. The vast majority of the business people are doing it right. They are trying to play by the rules, doing the very best job they can. But there is a chunk of employers out there that knew they were not going to get caught, knew nobody cared if they did, and they knowingly violated the law.

I asked the new head of immigration enforcement if that was going to change. I asked the new Secretary of Homeland Security if that was going to change. Today they announced a new policy. Finally, they have a set of guidelines going to everyone in the country about how we are going to prioritize going after those employers that knowingly hire illegal immigrants. We finally are going to get to the magnet. This is a crime we can deter.

If you think somebody is going to put you in jail for saying: Hey, I didn't care if you have papers or not, I can pay you cheaper; work you harder. I don't care if you are illegal or not; I don't want to know. In fact, bring your friends—if you don't think those people being held accountable is going to make a difference, then you don't understand law enforcement.

Today I am proud to say change came. The new guidelines require that, in fact, instead of working off tips, they are now going to embrace basic investigation. They will use undercover. They will use informants. They will use all kinds of documentation they can look at in terms of paper documentation. They will enlist the support and cooperation, ahead of workplace enforcement, of local law enforcement agencies, including the Justice Department. They have decided it is a new day in immigration enforcement and that we will get at the root of the problem.

I support E-Verify and I support giving employers all the tools we can to do the best job they can in hiring legal workers. But for those employers that don't care, that are doing it on purpose and knowingly doing it, we need to come down on them and come down hard.

This administration has figured it out. I congratulate the Secretary of