

in them during and after a precipitation event.”

“What is water and what is a ditch is hard to ascertain,” He continued. “It is extremely broad and goes beyond what the Supreme Court has allowed.”

According to Parrish, the implications of rolling back these two Supreme Court rulings are many including: 1) All intrastate waters and all water confined and retained completely on the property of a single owner would be federalized; 2) the use of all water, if linked to economic and commerce would be federalized; 3) Any areas that have flowing water only during, and for a short duration after, precipitation events would be treated as “waters of the U.S.”; 4) the agencies would be allowed to use any and all economic activity involving water, including the production of agricultural and forestry products, as the hook for federal regulatory reach; and 5) environmental activists would have the ability to sue landowners or the agencies to expand Federal jurisdiction.

The proposals would allow the Corp of Engineers and the Environmental Protection Agency to use the broadest possible regulatory reach of federal waters. “It probably even reaches the preverbal western water hole” Parrish stated. “If cattle drink from the water hole and then rancher sell those cattle out-of-state to be finished and that could be an economic hook for federal regulation of that water.”

In a May 2009 Field and Stream article, passage of the Clean Water Restoration Act is listed as one of the five crucial goals sportsmen must work toward right now. “Sportsmen need to understand what the implications are for landowning and not just shooting ducks,” Parrish continued. “Farmers and ranchers have to make a living working the land and this legislation will make it harder to do that. Thus, keeping the land in open spaces and providing habitat for wildlife and birds would be even harder.”

The American Farm Bureau Federation opposes the Clean Water Restoration Act because it is an expansion of federal jurisdiction.

“Farmers and ranchers do good things for the environment, we support the Clean Water Act,” Parrish concluded. “But removing the term ‘navigable’ from the CWA gives total control to the federal government and leaves little or no authority for the states and owners of private property.”

HONORING OUR ARMED FORCES

SENIOR AIRMAN ASHTON L.M. GOODMAN

Mr. BAYH. Mr. President, I rise today with a heavy heart to honor the life of SA Ashton L. M. Goodman, from Indianapolis, IN. Ashton was 21 years old when she lost her life on May 26, 2009, from injuries sustained from a bomb attack near Bagram Air Field, Afghanistan. She was a member of the 43rd Logistics Readiness Squadron, Pope Air Force Base, NC.

Today, I join Ashton’s family and friends in mourning her death. Ashton will forever be remembered as a loving daughter, sister, and friend to many. She is survived by her mother, Vicki Goodman; father and stepmother, Mark and Chasity Goodman; brother, Levi Goodman; grandmother, Lois Kammers; aunt, Yvonne Chapman; stepsisters, Amber and Michelle Jefferies; half-sisters, Brianna and Courtney Goodman; and a host of other friends and relatives.

Ashton joined the Air Force in 2006, following her graduation from Indianapolis’s Warren Central High School. She served as a driver for the Air Force in Afghanistan, working with the Panshir Provincial Reconstruction Team, a unit that rebuilds roads and schools in Afghanistan. Ashton, who loved animals, was training to be a biologist. In high school, she worked at a local pet store and was active in the Zoo Teen Club, a student group that volunteers at the Indianapolis Zoo. She was also a member of the Japan Club.

While we struggle to express our sorrow over this loss, we can take pride in the example Ashton set as a soldier. Today and always, she will be remembered by family and friends as a true American hero, and we cherish the legacy of her service and her life.

As I search for words to do justice to this valiant fallen soldier, I recall President Abraham Lincoln’s words as he addressed the families of soldiers who died at Gettysburg: “We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.” This statement is just as true today as it was nearly 150 years ago, as we can take some measure of solace in knowing that Ashton’s heroism and memory will outlive the record of the words here spoken.

It is my sad duty to enter the name of Ashton L. M. Goodman in the official Record of the U.S. Senate for her service to this country and for her profound commitment to freedom, democracy, and peace. I pray that Ashton’s family can find comfort in the words of the prophet Isaiah who said, “He will swallow up death in victory; and the Lord God will wipe away tears from off all faces.”

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Ashton.

NOMINATION OF REGINA MCCARTHY

Mr. LAUTENBERG. Mr. President, I rise today to speak in support of Regina McCarthy, President Obama’s nominee to be Assistant Administrator of the Environmental Protection Agency for Air and Radiation. Ms. McCarthy has decades of experience administering environmental programs at the state level under both Democratic and Republican administrations. Her qualifications are unquestionable, and her confirmation will help move our country toward a safer environment and a healthier economy.

We are at a critical point in the history of our Nation and indeed our planet. New science appears seemingly every month showing the danger posed by climate change. Already this year,

new peer-reviewed studies revealed that the Arctic will likely be ice-free in the summer as early as 2012— not 2050, as predicted by the Nobel Prize-winning Intergovernmental Panel on Climate Change—IPCC—in 2007. Another peer-reviewed study in the Proceedings of the National Academy of Sciences showed that global emissions, if they continue at current rates, would increase global temperatures by 12 degrees Fahrenheit by the end of the century. This is on the extreme high end of temperature projections by the IPCC. Finally, two new studies found that ice melt from Antarctica and Greenland will likely raise sea levels by five to six feet by the end of the century, far above the two feet predicted by the IPCC, which did not consider melting from those two sources.

Regina McCarthy will be on the front lines of our Nation’s battle to stabilize the climate. The office she will manage is responsible for improving air quality and reducing the greenhouse gas emissions that cause global warming.

Congress must act quickly to place strong, science-based limits on emissions, and force polluters to pay to clean up the damage they have done to our environment and our health. We must do so in a way that creates jobs, allows businesses and individuals to save money through efficiency, and pulls the country out of this recession and into a clean energy future.

The coal and oil industries are powerful, and are spending billions of dollars fighting the science and fighting any policies that would break their stranglehold on our Nation’s energy policy. In the first 3 months of this year alone, the oil and gas industry spent \$37.3 million to lobby the Federal Government. That is money that could be going toward cleaning up their operations. Instead it goes toward impeding our progress toward a clean energy jobs bill to stop climate change.

Despite those obstacles, the House has reported legislation out of committee and we are working toward a bill in the Environment and Public Works Committee. However, as Congress works toward comprehensive legislation, our planet cannot afford to wait to begin reducing emissions. That’s why President Obama’s EPA recently found that greenhouse gases are pollutants under the Clean Air Act. This will allow the EPA to use existing authority to regulate some of the largest sources of greenhouse gases, such as power plants, refineries, and automobiles.

Just as the EPA does not use the Clean Air Act to regulate small sources of air pollution such as residential buildings, churches, or hospitals for pollutants like smog and soot, it will not regulate these sources for greenhouse gases. Our economy grew rapidly as we dramatically reduced emissions of air pollutants under the Clean Air Act, and I am certain we can use the Clean Air Act to reduce greenhouse gases while creating clean energy jobs and reviving our economy.

Ms. McCarthy is supremely qualified to succeed in that task. Throughout her 25 years of experience at the State level, she has proven to be practical and intelligent in her approach to protecting the environment. She most recently served as the commissioner for the Connecticut Department of Environmental Protection—DEP—and was appointed to this post by Republican Governor M. Jodi Rell in December 2004. Prior to serving in this capacity, Ms. McCarthy worked on environmental issues for 20 years at the State and local level in Massachusetts. She served as the deputy secretary of operations for the Massachusetts Office of Commonwealth Development, a “super Secretariat” that coordinates policies and programs of that state’s environmental, transportation, energy and housing agencies. She was appointed to this position by then-Governor Mitt Romney.

Ms. McCarthy is known for her active role as Connecticut DEP commissioner in promoting the Regional Greenhouse Gas Initiative, RGGI, a cooperative initiative by 10 Northeastern States, including New Jersey, to implement a cap-and-trade program for greenhouse gas emissions from powerplants. That experience will serve her well when she is tasked with implementing the climate legislation that Congress must—and will—pass.

Our planet cannot wait any longer for lower emissions from cars and power plants, American workers cannot wait any longer for clean energy jobs, and our economy cannot wait any longer for the technological innovations and improved efficiency that will lay the groundwork for lasting, sustainable prosperity. Confirming Regina McCarthy will let her get to work cleaning up our environment, and we in the Senate will begin the work of passing a bill that makes polluters pay, creates clean energy jobs, and revives our economy.

SRI LANKA

Mr. FEINGOLD. Mr. President, last month Sri Lanka saw an end to the longstanding military conflict between the Liberation Tigers of Tamil Eelam, the LTTE, and the Sri Lankan Government. In the immediate days that followed the end of fighting, President Mahinda Rajapaksa delivered a speech to his nation’s parliament which formally marked the conclusion of an armed conflict that has escalated since January, but stretches back over 26 years.

This tragic war has claimed the lives of over 70,000 Sri Lankans, displaced hundreds of thousands, and seen systematic and brutal atrocities committed by both sides. Over the last 5 months, as the conflict intensified, it drew increasing and unprecedented attention from the international community. Nevertheless, obtaining a clear picture of this conflict, especially the situation of the estimated 290,000 people

living in internally displaced persons camps, has been obscured by the Sri Lankan Government’s severe restrictions on access for media, international observers, and humanitarian aid workers. If we are to see a sustainable solution to this conflict over the long term, it is vital that the Sri Lankan Government remove these restrictions now and allow access to all independent actors.

I was pleased that President Rajapaksa acknowledged that Sri Lanka must not accept a military solution as the ultimate solution. As we have seen in conflicts around the world, a military ceasefire will not hold if the underlying causes that led to this conflict are not addressed. The fundamental grievances of the Tamil minority have been overshadowed, distorted, and in some cases silenced by the severe tactics of the LTTE, who since 1997 have been designated by the United States as a terrorist organization. The LTTE claimed to be the voice of the Tamil people, and yet their commitment to both indiscriminate and targeted violence, as well as reports from the last days of fighting that they used Tamil civilians as human shields, would indicate otherwise. If we are to see legitimate reconciliation in Sri Lanka, the grievances of the Tamil minority must be seen as distinct from the violence of the LTTE and addressed thoroughly and justly.

I urge President Rajapaksa to take steps now to demonstrate a serious commitment to a political solution, the rule of law, and most importantly, to genuinely addressing the needs of the Tamil people. At the same time, in proportion to the passion and effort with which the world’s diplomats have demanded peace and respect for civilians throughout this conflict, donor countries must remain actively engaged and dedicated to helping bring about a lasting resolution to this decades-old conflict.

I am especially concerned about issues surrounding resettlement. In the wake of this conflict, land mines line those roads which still exist and cover farmers’ fields in northern Sri Lanka. Schools, hospitals, roads, homes, and businesses have been damaged and in some cases completely destroyed. Some 290,000 internally displaced people languish in squalid humanitarian camps the safe and voluntary return of whom must be a top priority for postconflict recovery. The Sri Lankan Government must not shirk its responsibility to help these people return to their homes swiftly and safely. The international community, too, can provide assistance to help these people return home safely or seek other lasting solutions. The U.S. government should join with its international partners to coordinate demining efforts, work with the Sri Lankan government to develop and rebuild infrastructure, and ensure that those who have been displaced are able to reclaim the land that is rightfully theirs.

These events are critical steps in the right direction in a long and complicated history. If we seek to address this conflict comprehensively, we must learn from past setbacks and help identify new opportunities for the people of Sri Lanka. It will not be easy, but on behalf of all the innocent civilians whose lives have been caught in the crossfire of this conflict, we must support this opportunity to finally achieve lasting and long awaited peace in Sri Lanka.

U.N. KENYA REPORT

Mr. FEINGOLD. Mr. President, this week the U.N. Special Rapporteur, Mr. Philip Alston, has released his final report on extrajudicial, summary or arbitrary executions in Kenya. His report states that, despite significant investigative work, no concrete steps have been taken to prosecute perpetrators of the violence after Kenya’s December 2007 election. It also finds that both the Sabaot Land Defense Forces—SLDF—and the Kenyan government’s security forces engaged in widespread brutality in Mount Elgon, including torture and unlawful killings. These alleged abuses have not been seriously investigated by the police or the military. Finally, the report concludes that the police in Kenya continue to carry out extrajudicial killings and that death squads continue to exist within the police to assassinate high-profile suspected criminals.

The report makes a number of detailed recommendations for how Kenya can address these problems, beginning with the replacement of the existing police commissioner and a clear public order that extrajudicial killings will not be tolerated, then followed by a comprehensive reform of the police. In addition, the report calls for the attorney general to resign and for the Kenyan government to take steps to reduce corruption and incompetence in the judiciary. With regard to the post-election violence, the report calls for the Kenyan government to establish a special tribunal to seek accountability for persons bearing the greatest responsibility for the violence after the elections. And with regard to the killings in Mount Elgon, the report calls on the government to immediately set up an independent commission to investigate human rights abuses, including those committed by the SLDF.

I urge the Obama administration to issue a strong response to the release of the Special Rapporteur’s final report and press for the implementation of these recommendations. I was pleased that Assistant Secretary Carson traveled earlier this month to Nairobi as part of his first trip to Africa following his confirmation. He met with government leaders there and delivered a strong message of concern. This was an important step. It must now be followed by concrete actions that both support reforms and press for individuals found guilty of killings and