

those Senators have withdrawn their holds and are now satisfied.

Senator BUNNING had written a letter to Secretary Salazar raising concerns about coal mining and mountaintop-removal-related issues. Secretary Salazar responded to that letter on June 4. As I understand it, Senator COBURN also wrote. His letter was to Miss Tompkins, raising questions about whether she was in fact committed to enforcing the law when she was the Solicitor. She wrote him back and said she is clearly committed to enforcing the law, which of course would be part of her oath of office.

Based on those exchanges of letters, I am informed that both Senator BUNNING and Senator COBURN are satisfied that her nomination can go forward at this time.

Mr. President, I ask unanimous consent to have printed in the RECORD the correspondence between those two Senators and Secretary Salazar and the nominee Hillary Tompkins, following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.
(See exhibit 1.)

Mr. BINGAMAN. Those concerns have been resolved. I am not clear as to what the continued problem is, why we cannot get this nomination cleared. I raise it at this point. I put people on notice, or the Senate on notice, if we are not able to get it cleared I will once again come to the floor and ask unanimous consent later this week for us to proceed to executive session and to confirm that nomination.

I think this is a highly irregular process to just hold someone hostage for some totally unrelated concern which she has no ability to control. If there were some problem with this nominee, if there were some objection to her qualifications, clearly that would be a different matter. But as far as I know there is no objection to her qualifications. There is no problem with this nominee or any statements she has made or any action she has taken. On that ground, I think we need to move quickly to confirm her nomination. I hope my colleagues will agree and will allow that to happen later today.

I yield the floor.

EXHIBIT 1

U.S. SENATE,
Washington, DC, June 3, 2009.

HILARY TOMPKINS,
Department of the Interior,
Washington, DC.

DEAR MS. TOMPKINS: As you know, on May 22, 2009, President Obama signed into law the Protecting Americans from Violent Crime Act. This act was overwhelmingly approved in a bipartisan fashion in both the Senate and the House of Representatives as an amendment to the Credit Card Accountability Responsibility and Disclosure Act of 2009, and will take effect in February, 2010.

The act states, "The Secretary of the Interior shall not promulgate or enforce any regulation that prohibits an individual from possessing a firearm including an assembled or functional firearm in any unit of the National Park System or the National Wildlife Refuge System if—

(1) the individual is not otherwise prohibited by law from possessing the firearm; and
(2) the possession of the firearm is in compliance with the law of the State in which the unit of the National Park System or the National Wildlife Refuge System is located."

Forty-eight states protect the rights of their residents to carry a concealed weapon. Properly implemented, the Protecting Americans from Violent Crime Act should, for the first time, also protect the individual's right to carry and possess firearms in all national parks and wildlife refuges, in accordance with state and federal law.

As Solicitor of the Department of the Interior, will you commit to ensuring the law is implemented in a way that robustly protects the rights of law-abiding gun owners, as Congress clearly intended? Will you also commit to vigorously defend this law against hostile litigation?

Thank you for your desire to serve our great country. I look forward to receiving your response by Friday, June 5, 2009.

Sincerely,

TOM COBURN,
U.S. Senator.

June 5, 2009.

Hon. TOM COBURN, M.D.
U.S. Senate,
Washington, DC.

DEAR SENATOR COBURN: Thank you for your letter of June 3, 2009, containing questions to me that relate to the Protecting Americans from Violent Crime Act, which was included in Public Law 111-24 and will take effect in February 2010.

Following the enactment of Public Law 111-24, the Secretary announced that the Department would follow Congress's directive and implement the new law when it takes effect. If confirmed as Solicitor, I will be duty-bound to uphold and defend the Constitution and laws of the United States, including this particular law.

With regard to defending this law against legal challenges, the Attorney General of the United States is charged by statute with representing the United States in all legal matters. If confirmed, I will commit to working closely with the Department of Justice in connection with any defense of this Act and all other federal laws.

Sincerely,

HILARY C. TOMPKINS.

U.S. SENATE,
Washington, DC, June 4, 2009.

Mr. KEN SALAZAR,
Secretary, Department Of Interior,
Washington, DC.

DEAR MR. SALAZAR: I am writing to express my continued concern about the Department of Interior's decision to reverse its stream buffer zone policy and ask the Department of Justice to file a plea with the U.S. District Court requesting that the current rule be vacated. Coal mining is a top energy issue to the Commonwealth of Kentucky and consequently I have an extreme interest in the stream buffer zone rule.

Aside from striking a balance between environmental protections, the now abandoned rule clarified a long standing dispute over how the Surface Mining law should be applied. Issuance of the rule represented the culmination of a seven year process that was thorough and well vetted. While I appreciate the comments that you and other members of the Department of the Interior have made regarding the importance of the role of our coal mining communities in our national energy landscape, I also believe that nearly a decade of examination of this issue should not be overturned lightly.

I respectfully ask for your full commitment to work with me as DOI determines

how it will resolve the stream buffer zone matter. I further ask for a prompt written reply to this request. I appreciate your consideration and look forward to hearing from you. Please feel free to contact Sarah Timoney, of my staff, at 202-224-4343 should you have any questions.

Best personal regards,

JIM BUNNING,
United States Senator.

THE SECRETARY OF THE INTERIOR,
Washington, June 4, 2009.

Hon. JIM BUNNING,
U.S. Senate,
Washington, DC.

DEAR SENATOR BUNNING: Thank you for your letter dated June 4, 2009, regarding the lawsuit surrounding the Office of Surface Mining Reclamation and Enforcement's Stream Buffer Zone regulation.

The matter is currently in litigation. We have asked the Court to take action that will allow the 1983 Reagan Administration rule to continue in force in all of the states that have delegated authority under the Surface Mining Control and Reclamation Act. Kentucky, along with most states, currently follows the 1983 rule.

I will ensure that there is an opportunity for public input on the potential development of a comprehensive new stream buffer zone rule that would update and clarify the 1983 rule. We will keep you informed of our progress in this matter and welcome your suggestions.

As I have said many times, we must responsibly develop conventional energy sources, including coal, in order to achieve greater energy independence. I look forward to working together to achieve these goals.

Sincerely,

KEN SALAZAR.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

NATIONAL PIPELINE SAFETY DAY

Mrs. MURRAY. Mr. President, this morning I rise to remind all of us of a promise our government has made to the American people. It is an unspoken trust that certain things in our lives and communities are taken care of, that we don't have to think much about because we trust our government to keep us safe.

I think most Americans turn on the tap each day and expect the water they drink to be safe, and they probably do not think a lot about it. We expect if there is an emergency we will be able to pick up the phone and dial 9-1-1 and someone will answer and send help to us.

That is exactly what the people who lived in Bellingham, WA, used to think about oil and gas pipelines, if they thought about them at all. But all of our senses of safety and innocence were shattered 10 years ago today when tragedy struck for three families, and an entire community came together to

grieve and to learn and eventually stand up and say: Never again.

June 10, 1999, was a quiet sunny day in Bellingham, WA. For a lot of the students there it was the last day of school for the year. That should have been how it remained—as a day when kids played and celebrated about the coming of summer. Unfortunately, due to a series of mistakes and neglectful actions, it is now remembered as a day of fear and loss that the community still grieves.

Ten years ago today, around 3:30 in the afternoon on the west coast, a gasoline pipeline that ran through Bellingham, underground and near Whatcom Falls Park, ruptured, releasing more than a quarter of a million gallons of gasoline into Whatcom Creek. That gas ignited, sending a huge fireball racing down the entire creek, destroying everything in its path for more than a mile. It created this huge plume of smoke that rose more than 20,000 feet into the air.

The photo behind me was taken just moments after that explosion. Minutes before this, it was just a quiet creek, and this is what it looked like. That dramatic explosion took the lives, tragically, of three young people. Stephen Tsiourvas and Wade King were playing along the banks of the creek when this tremendous fireball ran across the water and set everything around them ablaze. They were both badly injured, and Stephen threw Wade into the creek and jumped in himself to try to soothe their burns. The boys were burned over 90 percent of their bodies and both died the next day. They were both just 10 years old.

The same afternoon, the same time, 18-year-old Liam Wood, who had just graduated from high school 5 days earlier, was fly fishing along this creek. He was overcome by the fumes, lost consciousness, and drowned. Stephen, Wade, and Liam were innocent victims of a horrific accident. But it was an accident that could have been and should have been prevented.

Pipeline networks stretch across the entire country. They run under our homes, they run by our schools, and our offices. Most people do not even know they are there. In fact, former Bellingham Police Chief Don Pierce, who was on this scene that day back in 1999, was recently quoted as he said:

As I was standing there none of it made any sense because creeks don't catch on fire. I don't think I knew that there was a gas pipeline that ran under there.

The chief of police didn't know there was a gas pipeline underneath.

Nationwide, the Office of Pipeline Safety oversees more than 2.3 million miles of pipeline that transports hazardous liquids and natural gas under communities across the country. They perform a very important service, bringing oil and essential products to our homes and businesses.

Prior to this accident in Bellingham, WA, I rarely heard about them myself and, like most Americans, I just as-

sumed they were safe. At first I thought the Bellingham explosion was a fluke, something that never happens. Then, when I started to investigate this issue, I was astonished by what I learned. It turned out that what happened in Bellingham that day was not an isolated occurrence. In fact, it was not even rare.

According to the Office of Pipeline Safety, from 1986 until the time of this accident in 1999, there had been more than 5,500 incidents resulting in 310 deaths and 1,500 injuries.

Not only had these accidents destroyed families, they had destroyed the environment. At that time, 6 million gallons of hazardous liquid were being released by these incidents every year—6 million gallons. That is like having an oil spill the size of the Exxon Valdez disaster every 2 years. The environmental damage was estimated to cost \$1 billion.

In addition to this horrific loss that was sustained by these three Bellingham families, this explosion caused massive environmental damage. In fact, I had been scheduled to be at this exact site just a few weeks later to dedicate a great, newly restored, salmon spawning ground. When I went there and saw the damage after the explosion, I was shocked. That blast had destroyed all the plant and animal life in the creek, and a once very lush and diverse habitat had been burned to ashes.

Again, our community was not unique. At that time, on average, our Nation was suffering one pipeline accident every single day. While Bellingham may not have been unique in our tragedy, we were one of a kind in our response. Today, 10 years after the unthinkable happened, the story of the Bellingham natural gas explosion is also a story of how a community came together to tackle a nationwide problem and protect other Americans from coast to coast. As we together learned about the problems with inspection and oversight of our national pipeline system, the community channeled their grief into action.

Through research, I found out there were inadequate laws, insufficient oversight, too few inspections, and not enough trained inspectors, as well as a lack of awareness about these pipeline dangers. I learned one of the most important public safety offices, the Office of Pipeline Safety, was underfunded and neglected.

I asked the inspector general of the Department of Transportation to investigate the Office of Pipeline Safety and provide recommendations for how we could make this system work better, and I got to work writing a bill to improve pipeline safety in America.

It turned out to be a very long, hard fight to convince Congress this was something we had to do something about. The people of Bellingham stood with me every single step of the way. The parents of the young victims who were tragically lost on this date came to Washington, DC, to testify. So did

Bellingham Mayor Mark Asmundson, and Carl Weimer, who is now head of the Pipeline Safety Trust.

That trust came into being thanks to the efforts of families and a group called SAFE Bellingham, that had organized to fight for the better pipeline safety and accident prevention measures.

So together with them and the great support of colleagues here in the Senate—Senator JOHN MCCAIN took a tremendous lead as chair of the committee, and I thank him for that; former Senators Slade Gorton and Fritz Hollings came together; Senator CANTWELL; Congress Members Jack Metcalf, RICK LARSEN; many others—together we worked very hard and passed and President Bush finally signed into law our legislation in 2002 to give the Office of Pipeline Safety the resources and the muscle it needed to keep Americans safe. That law improved the training of pipeline personnel. It raised the penalty for safety violations. It invested in new technology that was badly needed so we could improve pipeline safety. It improved the inspection practices and, importantly, expanded authority to our States to conduct their own safety activities.

So children today in every corner of our State are safer because the people of Bellingham stood up and said: We do not want this to happen ever again.

But I am here today to remind us, 10 years later, that the work is not done. While our law has greatly reduced the number of pipeline tragedies, there still are accidents every year. That is why I am on the floor today to introduce a Senate resolution designating June 10 as National Pipeline Safety Day. I am introducing this resolution to remind all of our communities to remain vigilant and to encourage their State and local governments to continue to promote pipeline safety and to create public awareness of the pipelines that run under and through every one of our communities.

For me, this 10-year anniversary is a reminder of a day of terrible pain we must never forget. But it is also a reminder that we cannot just assume someone else is taking care of things. We cannot slip back to where we were before. We have to stay vigilant and continue to work to improve the safety of our pipeline system. That is the best way we can continue to celebrate and honor Steven, Wade, and Liam.

I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 181 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant bill clerk read as follows:

A resolution (S. Res. 181) designating June 10, 2009, as "National Pipeline Safety Day."

There being no objection, the Senate proceeded to consider the resolution.

Mrs. MURRAY. I ask unanimous consent that the resolution be agreed to,

the preamble be agreed to, the motion to reconsider be laid upon the table with no intervening action or debate, and any statements be printed in the RECORD.

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

The resolution (S. Res. 181) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 181

Whereas there are more than 2,000,000 miles of gas and hazardous liquid pipelines in the United States that are operated by more than 3,000 companies;

Whereas gas and hazardous liquid pipelines play a vital role in the lives of people in the United States by delivering the energy needed to heat homes, drive cars, cook food and operate businesses;

Whereas, during the last decade, significant new pipelines have been built to help move North American sources of oil and gas to refineries and markets;

Whereas, on June 10, 1999, a hazardous liquid pipeline ruptured and exploded in a park in Bellingham, Washington, killing 2 10-year-old boys and a young man, destroying a salmon stream, and causing hundreds of millions of dollars in damage and economic disruption;

Whereas, in response to the pipeline tragedy on June 10, 1999, Congress enacted significant new pipeline safety regulations, including in the Pipeline Safety Improvement Act of 2002 (Public Law 107-355; 116 Stat. 2985) and the Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006 (Public Law 109-468; 120 Stat. 3486);

Whereas, during the last decade, the Pipelines and Hazardous Materials Safety Administration of the Department of Transportation, with support from a diverse group of stakeholders, has instituted a variety of important new rules and pipeline safety initiatives, such as the Common Ground Alliance, pipeline emergency training with the National Association of State Fire Marshals, and the Pipelines and Informed Planning Alliance;

Whereas, even with pipeline safety improvements, in 2008 there were 274 significant pipeline incidents that caused more than \$395,000,000 of damage to property and disrupted the economy;

Whereas, even though pipelines are the safest method to transport huge quantities of fuel, pipeline incidents are still occurring, including the pipeline explosion in Edison, New Jersey, in 1994 that left 100 people homeless, the butane pipeline explosion in Texas in 1996 that left 2 teenagers dead, the pipeline explosion near Carlsbad, New Mexico, in 2000 that killed 12 people in an extended family, the pipeline explosion in Walnut Creek, California, in 2004 that killed 5 workers, and the propane pipeline explosion in Mississippi in 2007 that killed a teenager and her grandmother;

Whereas the millions of miles of pipelines are still "out of sight", and therefore "out of mind" for the majority of people, local governments, and businesses in the United States, a situation that can lead to pipeline damage and a general lack of oversight of pipelines;

Whereas greater awareness of pipelines and pipeline safety can improve public safety;

Whereas a "National Pipeline Safety Day" can provide a focal point for creating greater pipeline safety awareness; and

Whereas June 10, 2009, is the 10th anniversary of the Bellingham, Washington, pipeline tragedy that was the impetus for many of

the safety improvements described in this resolution and is an appropriate day to designate as "National Pipeline Safety Day": Now, therefore, be it

Resolved, That the Senate—

(1) designates June 10, 2009, as "National Pipeline Safety Day";

(2) encourages State and local governments to observe the day with appropriate activities that promote pipeline safety;

(3) encourages all pipeline safety stakeholders to use the day to create greater public awareness of all the advancements that can lead to greater pipeline safety; and

(4) encourages individuals throughout the United States to become more aware of the pipelines that run through communities in the United States and to encourage safe practices and damage prevention relating to gas and hazardous liquid pipelines.

Mrs. MURRAY. I thank my Senate colleagues.

I remind all of us as Americans that we have to be vigilant about what is around us, and when we are, we can make a difference in the lives of many people. The tragedy that occurred in Bellingham, WA, 10 years ago today will remain with me always and with the families of Bellingham and everyone else. But if we do our work and we remain vigilant and we fund the Office of Pipeline Safety and we insist on strong protections, we can protect families in the future. That is what is important about today.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

HEALTH CARE

Mrs. MURRAY. Earlier this morning and, in fact, for the past several days, I have been interested to hear the comments from several of our Republican counterparts on the issue of health care. They are talking about Canada. Now, that is interesting. I appreciate that. Coming from a State close to Canada, we are very interested in what Canada does. But the discussion about what Canada does with its health care system has no bearing on what we are trying to do here in the Senate and Congress to reform the American health care system.

I guess, and I am only guessing, they want to talk about Canada because they do not want to talk about their real priority. Their real priority in coming out and inflating a discussion that should not even exist because it is not what we are talking about is simply because they want to protect the status quo. They want to protect the status quo in our health care system today. So they are out here talking about Canada. Well, that is not an option.

Let me tell you what we are doing because this is a very important dis-

cussion and a very important piece of legislation we are beginning our work on in the Senate. The status quo is not acceptable. This is an extraordinary moment of opportunity for real reform in health care. We here in the Senate are working very hard to come up with legislation that will reduce the cost for our families, for our businesses, and for our government.

Like all of my colleagues, I go home every weekend and I hear from individual families and people, from community leaders and businesses that the status quo is not acceptable. They will not tolerate a debate here in the Senate that goes for the status quo.

We here in the Senate are working on legislation that will protect people's choice of doctors, will protect their choice of hospitals, will protect their choice of insurance plan. If you like what you have today, that will be what you have when this legislation is passed. And that is very important. We are also working as a goal to assure that affordable, high-quality health care is available for every American. That is not the case today. Our work really builds on the existing employer-based system we have. We strengthen it. Again, if you like what you have, you will be able to keep it. Let me say this again: If you like what you have, when our legislation is passed and signed by the President, you will be able to keep it. But if you do not like what you have today in terms of your health care or if you do not have any health care insurance at all, we are going to provide new options for you so you have better health care.

Health care reform is not a luxury, it is an imperative today. Our health care system puts far too many Americans into crisis, and reforming it is an urgent necessity that demands our immediate attention. If we are going to restore the economy and secure our Nation's fiscal future, now is the time to make health care more affordable for American families and business and government at every level. Doing nothing is not an option.

As we move forward on this debate, I remind all of us, do not be distracted by superfluous arguments that do not apply to the bills we are discussing.

The bill on which we are going to move forward in the Senate makes sure that if you like what you have today, you are going to be able to keep it. But as you and I both know, Mr. President, too many people cannot afford their health care today or they are unable to get health insurance because their insurance company says: You have too many problems, we are not going to insure you, or they do not have insurance at all. We want to make sure health care is available to every American.

I am very proud of the effort that is going on as we speak. The health care committee is meeting today with our Republican colleagues to walk through our ideas we have now been putting together and get their input and ask for their options. We hope to work with