

type energy development will take place, nor possible indirect effects on land-use regionally or globally due to altered land markets. Our analysis provides a broad overview of what change in the energy sector will mean for area impacted in different natural habitat types, recognizing that such a broad analysis will inevitably have to simplify parts of a complex world.

Mr. ALEXANDER. Madam 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. ENSIGN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. ENSIGN. I ask unanimous consent to speak as in morning business.

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

#### FIX HOUSING FIRST

Mr. ENSIGN. Mr. President, my home State of Nevada has seen devastating effects from this recession. The foreclosure crisis has turned neighborhoods across my State literally almost into ghost towns. I have long argued the crash of the housing market has been at the root of our economic crisis. We have to focus on fixing the housing problem in this country if we want the economy to turn around.

In February, I offered a bill called the Fix Housing First Act. This would have fixed the housing problem; it would have turned the housing market around in this country. I believe it would have created jobs all across this country, including in my home State of Nevada.

My Fix Housing First Act would have let American home owners refinance their mortgages at around a 4-percent interest rate in a 30-year fixed mortgage. This would have meant an average of around \$300 to \$400 savings per month for the average homeowner in the United States and back in my home State of Nevada.

Additionally, my bill included a provision, produced by Senator JOHNNY ISAKSON from Georgia, that was a \$15,000 home buyer tax credit to incentivize home ownership. The tax credit would have been a stepping stone for our country to begin to come out of the housing crisis. While my bill was defeated along party lines, we were able to pass an \$8,000 first-time home buyer tax credit, sponsored by myself and Senator BEN CARDIN, from Maryland.

Today I join my colleagues in a bipartisan manner to extend this \$8,000 first time home buyer tax credit for another 6 months, until June of next year. Unless Congress acts, this \$8,000 is set to expire at the end of November. There is evidence that is showing the tax credit is working. If we do not extend this tax credit, homes will not be saved, and they will likely go into foreclosure.

We in the Senate need to act in a bipartisan fashion to extend the first-time home buyer tax credit of \$8,000. It is the right thing to do to get housing back on the track, especially in States such as Nevada, Florida, California, and Arizona. These states are still suffering when it comes to the housing industry. Housing is at the root of a lot of the economic problems we have in this country.

I encourage this body to act. Chairman Bernanke said the other day the recession is over. At 9.7 percent unemployment rate in this country, I don't think the recession looks to be over to those people still out of a job. My State of Nevada has over a 12-percent unemployment rate. Clark County, where Las Vegas is, has over a 13-percent unemployment rate. I don't think folks living there think the recession is over.

We need to continue to work to fix this economy, and this first-time home buyer tax credit is a good place to start.

I yield the floor.

#### 100TH ANNIVERSARY OF CRAGIN & PIKE INSURANCE COMPANY

Mr. REID. Mr. President, Cragin & Pike Insurance began on a hot, dusty day in August of 1909 when Peter Buol proudly opened his "Real Estate and Insurance Office" on what is now Main Street in Las Vegas. Buol eventually sold his business to Ernie Cragin and William Pike, whose names combined to brand the new company.

Ernie Cragin served as Las Vegas's mayor for 25 years and was instrumental in establishing Helldorado Days and bringing in the Army's Aerial Gunner School, now known as Nellis Air Force Base. William Pike saw to the legalization of gambling and the construction of the Hoover Dam. Their combined efforts have contributed to the political, economic, and environmental history of the southern Nevada community.

After Pike passed away, Cragin brought in Paul McDermott as a partner, and following the unexpected passing of Cragin, McDermott partnered with Frank Kerestesi. McDermott and Kerestesi carried on the Cragin & Pike Insurance name and became well known throughout the valley with their catchy jingle that played on local radio stations. Both men were active in the community, especially with the establishment and growth of the University of Nevada, Las Vegas, UNLV.

Cragin & Pike are celebrating their 100th anniversary of continuous business in southern Nevada this year. Their dedicated, professional staff continues to offer Las Vegas businesses the very best in personal service and attention. On behalf of all Nevadans, I am pleased to extend my best wishes to Cragin & Pike for another 100 years of success in Nevada.

#### RECOGNIZING STEEL DAY 2009

Mr. DURBIN. Mr. President, I rise today to recognize the critical role of structural steel in our nation's infrastructure and industrial economy.

On September 18, 2009, Steel Day will be celebrated through events hosted nationwide. These events recognize the many employment opportunities the structural steel industry has provided to American workers and the contribution structural steel has made to our construction industry as a safe, strong and effective building material.

The structural steel industry is a major employer in Illinois and other States across the country. Today, the United States has three major steel mills and more than 2,600 steel fabricators, which together employ over 250,000 Americans.

Roughly 98 percent of structured steel in a building can be recovered and recycled and 93 percent of all columns and beams produced at U.S. steel mills are composed of recycled materials. In fact, interest in domestic steel as a building material has been bolstered by its desirable status in LEED certification, a rating system developed by the US Green Building Council.

Improvements in the technology used to create and erect steel projects have lowered construction costs and improved onsite safety, resulting in increased demand worldwide. In light of these economic, environmental, and safety factors, it is no surprise that there is currently a three-to-one preference for using structural steel in the construction of multistory residential and nonresidential buildings.

I congratulate the structural steel industry on Steel Day. Steel has featured prominently in America's past and present and will undoubtedly play an important role in our Nation's future.

#### REMEMBERING SENATOR EDWARD M. KENNEDY

Mr. SPECTER. Mr. President, I have sought recognition to pay respect to the life and character of our dear friend Ted Kennedy. A man as much a part of this institution as the very walls of the Capitol, Ted has earned his place in the world's history books and will never be forgotten.

I consider myself privileged to have worked with Ted on several important issues, ranging from hate crimes legislation, to our time together on the Judiciary Committee. Ted was responsible for the Matthew Shepard Hate Crimes Act, an important piece of legislation providing protection for vulnerable Americans that I was proud to cosponsor. He was instrumental in the passage of SCHIP, a program that now insures the health of millions of children across the country. The impact Ted Kennedy had on civil rights legislation throughout his career is simply immeasurable. Countless programs now serving the American people could not

exist today if not for the hard work and determination of Ted Kennedy.

One of my most vivid memories working with Senator Kennedy was during the now well known confirmation hearings of Robert Bork for the Supreme Court. Ted spoke eloquently and with conviction against Judge Bork's nomination, fearing the erosion of civil rights that would occur were he confirmed. Ted refused to let this erosion of rights take place, and I am proud to have joined him in his fight against the nomination of Robert Bork.

Ted proved through his actions, both on and off the Senate floor, that he was, above all, a man of compassion. The single unifying theme of Ted's distinguished body of work was his clear commitment to the people of this great country. His love for the American people was clear through the legislation he so strongly supported. Ted's greatest concern was for the well-being of every American, and he made it his mission to ensure the underprivileged received the fair treatment they deserved.

In his lifetime, Ted Kennedy was able to accomplish more than most men could ever dream of accomplishing. I have no doubt that if we were lucky enough to have him with us today, he would continue to add even greater accomplishments to his already impressive resume. Ted will be deeply missed.

#### ENUMERATED POWERS ACT

Mr. HATCH. Mr. President, I rise on this Constitution Day to urge support for S. 1319, the Enumerated Powers Act. My friend and Judiciary Committee colleague from Oklahoma, Senator COBURN, introduced the bill in June, and I am proud to be a cosponsor. It would create a mechanism by which we can highlight and, if necessary, debate whether we actually have the power to do what we do.

Today, the prevailing view seems to be that Congress can do anything we want to do, any time, and in any way. There are always problems to solve, good ideas to implement, money to spend, activities to regulate, agendas to pursue, or constituencies to please. But those are merely the ends and, in our system of government at least, the ends cannot not justify the means. Not if we truly value our liberty. Our liberty requires that government be limited, that government's actions have legal authority, ultimately rooted in the Constitution itself.

The Constitution, for example, does not grant Congress all legislative authority. Article I gives Congress only "legislative powers herein granted." Those powers are listed, or enumerated, in article I, section 8. The 10th amendment affirms that the Federal Government has only powers that are affirmatively delegated to it. James Madison explained in *The Federalist* No. 45 that these powers delegated to the Federal Government are "few and defined." Why all this emphasis on def-

inition and limitation, especially of the Federal Government? Because individual liberty requires limited government.

In *The Federalist* No. 51, Madison wrote that "if men were angels, no government would be necessary." In other words, some government is necessary to have any liberty at all. But Madison went right on to write that "if angels were to govern men, neither external nor internal controls on government would be necessary." In other words, unlimited government makes liberty impossible. The truth is that men are not angels and angels do not govern men. Acknowledging that truth, America's Founders in their genius created a system of limited government to maximize ordered liberty.

I realize that such notions as definition and limitation are not in fashion today. Many today think these ideas passe, antiquated, or—and this is my personal favorite—archaic. Limited government is fine when we have no major problems to solve, when there are no big crises looming large. But today we face the worst economic crisis since the Great Depression and many Americans want government to be robust and full-throated. We want government to come to the rescue, to set things right, to make everything OK. I realize that today saying no is not popular, whether for individuals or for the government.

So we have to make the same basic, fundamental choice that America's Founders did. How much do we prize liberty? The laws of human nature and, therefore, of government have not changed. Men have not become angels and angels do not govern men. That condition will never exist. Ordered liberty will always require limited government, and so we must repeatedly ask whether, and how much, we prize liberty.

This bill embodies these principles by requiring that each of Congress state its constitutional authority. In other words, each act of Congress must state the very condition that indicates it is consistent with limited government. Congress has no authority to act, Congress has no authority to exist at all, unless that authority is derived from the Constitution. It is no less important than that. So this bill would require that each act of Congress state the one condition that is necessary for that act of Congress to be legitimate—authority derived from the Constitution.

That statement alone would be important but purely symbolic. Virtually everyone could ignore it. So this bill would create a mechanism for challenging and even debating whether an act of Congress is indeed authorized by the Constitution. It does not require such a debate for every act of Congress but provides for a point of order that can result in such a debate. That debate would focus everyone's attention on the absolutely necessary connection between Congress' actions and the Con-

stitution and, ultimately, on the Constitution itself.

In the landmark case of *Marbury v. Madison*, Chief Justice John Marshall wrote that "[t]he powers of the legislature are defined, and limited; and that those limits may not be mistaken, or forgotten, the constitution is written." A written Constitution that delegates enumerated powers to Congress is central to limited government and, therefore, central to our liberty. If we prize liberty, we must prize limitations on government. Chief Justice Marshall later wrote in *McCulloch v. Maryland* that "this government is acknowledged by all to be one of enumerated powers. The principle that it can exercise only the powers granted to it . . . is now universally admitted."

That was then. How about today? Do we still believe that ordered liberty requires limited government? Do we still believe that Congress may only do what the Constitution authorizes us to do? Or do we believe that Congress needs no more than a good idea powered by a good intention? Are the principles embraced by Madison, by Marshall, still universally admitted today? If so, then this bill is an important way to prove it. On this Constitution Day, I urge my colleagues once again to embrace those principles of limited government and to demonstrate it by supporting this bill. Policy ideas and political positions shape our legislative activity, the Constitution should do so as well. I applaud my colleague from Oklahoma, Senator COBURN, for introducing this bill and offering this opportunity to raise these principles closer to the position of importance they deserve.

#### CONSTITUTION DAY 2009

Mr. LEAHY. Mr. President, today marks the 222nd anniversary of the signing of the Constitution by the States that assembled in Philadelphia. The constitutional design of our three branches of Government has provided for collaboration in protecting this fundamental balance. Earlier this week, when I addressed the Chief Justice and the Judicial Conference of the United States, I noted the anniversary of the signing of our Constitution. This anniversary deserves more attention than it has received, and I was heartened to see that one of Vermont's great newspapers, *The Caledonian-Record*, also saw fit to note this anniversary in a recent editorial. The *Caledonian-Record* noted, "Our Constitution is timeless and the most relevant guide to continuing our freedoms. Millions of Americans have died in its defense. Celebrate it!"

As chairman of the Senate Judiciary Committee I am constantly reminded of the Constitution's continued importance and relevance to our daily lives. From the first amendment, which protects newspapers like *The Caledonian-Record*, to the rights of Americans to vote, the Constitution is the cornerstone of our democracy. We all must