

Let me close by saying that I do not know of a harder working or more productive person than BYRON DORGAN. He produces extraordinary amounts of high-quality work. He is type A squared, but he never forgot his roots.

BYRON DORGAN grew up in Regent, ND, a town of 300. He often reminds us that he graduated in a class of nine and he was in the top five. He is proud of that background, he is proud of that heritage, he is proud of our State, he is proud of our Nation, and we are proud of him.

I will miss BYRON DORGAN's partnership here every day, but I know he will be with us because BYRON DORGAN will never be far from the fray. BYRON DORGAN has served this body well, served the Nation well, and served our State extraordinarily well.

I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN.) The Senator from Colorado.

UNANIMOUS-CONSENT REQUEST— H.R. 2476

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 636, H.R. 2476; that the Udall of Colorado substitute amendment which is at the desk be agreed to; the bill, as amended, be read a third time and passed; the Udall of Colorado title amendment which is at the desk be agreed to; the motions to reconsider be laid upon the table, with no intervening action or debate; and any statements relating to the matter be printed in the RECORD.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, on behalf of Senator KYL and Senator MCCAIN, I respectfully object.

The PRESIDING OFFICER. Objection is heard.

Mr. UDALL of Colorado. Mr. President, if I might, I know Senator DURBIN has a pressing unanimous consent request. I ask unanimous consent that when he has concluded his request, Senator BARRASSO and I could engage in a colloquy on the very bill that has been objected to.

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

The Senator from Illinois.

UNANIMOUS-CONSENT REQUEST— EXECUTIVE CALENDAR

Mr. DURBIN. Mr. President, the Executive Calendar of the Senate notes, on page 5, Calendar No. 1002, James Michael Cole, of the District of Columbia, nominated by the President of the United States to be Deputy Attorney General. That was reported by the Senate Judiciary Committee, his nomination, on July 20 of this year. We are now into December, and this year is coming to an end. This has taken long enough.

I ask that the No. 2 spot in the Department of Justice be filled, that we not continue to have this vacancy and

imperil the important mission of that Department.

I ask unanimous consent that the Senate proceed to executive session and to the immediate consideration of Calendar No. 1002, James Michael Cole, of the District of Columbia, to be Deputy Attorney General; that the nomination be confirmed and the motion to reconsider be laid upon the table, with no intervening action or debate; that any statements be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. CHAMBLISS. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, the Department of Justice is well aware of some issues that have been raised by the intelligence community, particularly the Senate Intelligence Committee, with respect to this nominee; therefore, I must object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, if I might, I would like to yield to Senator BARRASSO from Wyoming to discuss the important bill that was just objected to.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. It was a privilege for me to cosponsor this piece of legislation with the distinguished Senator from Colorado. My colleague Senator ENZI and I have long been advocates of allowing an additional opportunity for jobs and for economic development into the wonderful ski areas around Rocky Mountain West, which is the intent of this bill. It really is aimed at increasing summer activities so that a number of these locations, if you will, on Forest Service land can use that land for an extended season, which would then work toward full-time, year-round employment for the folks in those areas, putting in things such as zip lines and opportunities for recreational advancements to increase the amount of tourism, the amount of visitors to these wonderful places people like to enjoy. We think additional opportunities and enhancements would allow for additional employment. That is why Senator ENZI and I joined with Senator UDALL in support of his efforts on this important piece of legislation.

Mr. UDALL of Colorado. Mr. President, I thank both Senators from Wyoming for their support. I know we will go back to work in the next Congress because, as the Senator pointed out, this bipartisan bill would provide clear authority for the Forest Service to allow additional summertime use of ski areas which would help create jobs and grow sustainable economies in ski country. It is no cost. It is common sense, as the Senator pointed out. That is why it not only has support from the

two Wyoming Senators but also Senators RISCH, ENSIGN, BENNETT, and GREGG. It was favorably reported out of the Energy and Natural Resources Committee in September. The CBO projects it will actually generate revenue for the Federal budget and will help improve the economy in a lot of hard-hit mountain communities.

Mr. President, we passed a number of other bills out of the Energy and Natural Resources Committee that, unfortunately, will not receive votes in this Congress. I want to touch on a couple of them.

I begin with the National Forest Insect Disease Emergency Act. I have been working on this concern for the entire time I have served in the Congress, whether in the Senate or the House. We have an enormous bark beetle epidemic in our Western forests. Those who study our forests say that because of climate change and drought and human activity, these epidemics will become more and more common. What the bill would have done is provide the tools and resources to the Forest Service to help address this serious natural disaster. It is slow moving but nonetheless a natural disaster. That disaster is the deaths of millions and millions of acres of trees due to insect infestations.

Senators CRAPO and RISCH were cosponsors. It is a very significant disappointment that we didn't move to consider this bill. I know it would have passed the Senate.

Another bill is the Leadville Mine Drainage Tunnel Act, commonsense legislation that would directly benefit a community in Colorado and, indeed, the entire Arkansas River Valley, one of the significant watersheds in the State of Colorado. This mine drainage tunnel near Leadville, in 2008, was backed up with a large volume of contaminated water which then created a safety hazard to the community, but it was unclear whether the Bureau of Reclamation or the Environmental Protection Agency was responsible for addressing it.

My bill would clarify that the Bureau of Reclamation has the authority to treat this backed-up water and is responsible for maintaining the tunnel so that in the future these kinds of threats will not arise and, if they do, it is clear who is responsible to mitigate them. It is a straightforward bill. It doesn't cost anything. It would give the people of Leadville the certainty they have needed for years.

Finally, I wish to mention the Sugar Loaf Fire Protection District Land Exchange Act. This would help protect public safety. It facilitates a fair exchange of lands on the Arapaho-Roosevelt National Forest near Boulder between the Forest Service and the Sugar Loaf Fire District. The fire district is seeking this exchange so they can upgrade and maintain fire stations which serve this community which has been subjected to wildland/urban fires. We

want to protect the homes and the built structures and people who live in those areas. The exchange would reduce costs related to forest boundary maintenance as well as provide better service to the residents of the fire district, neighbors of the district, and individuals who travel through.

I appreciate the patience of my colleagues. The point I wish to make is, we had tens and tens of bills in the Energy and Natural Resources Committee that this body should have considered. It would have been important to give these commonsense bills an up-or-down vote. Almost all of them were bipartisan in nature. It is a disappointment to me that we have not done the will of the people in the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

THANKING SENATE PAGES

Mr. DURBIN. Mr. President, I am sorry they are not on the floor at this moment, but I rise to give special recognition to two Senate pages who have stayed here while all the others have gone home for Christmas. These two pages have been working hard today to keep up with the Senate's very busy schedule:

Rachel Bailey, 16 years old, from Glendale, MD. Mom and dad are Susan and Karl. She is working late today as a Senate page. We thank Rachel so much.

Jarrod Nagurka, 16 years old, from Arlington, VA. His mom and dad are Pamela and Stuart.

Even though they aren't on the floor and they are running around here busy, they can look in the CONGRESSIONAL RECORD and realize that Senators of both political parties appreciate their dedication to this institution during this holiday season.

IN SUPPORT OF THE 9/11 HEALTH AND COMPENSATION ACT

Mr. DURBIN. Mr. President, 100 years ago today, there was a horrible fire in the stockyards of Chicago. Most of us have our vision of that era and the stockyards from Upton Sinclair's book "The Jungle," which told of the life of a Lithuanian immigrant family working in the stockyards. It was one of the busiest commercial ventures in the United States, and it literally fed the Nation. But it also engaged in practices acceptable at that time which would be unacceptable by today's standards of health and safety.

That day of December 20, 1910, there was a fire. As a result of that fire, 100 years ago today, 21 firefighters lost their lives at the union stockyards in Chicago. Until the collapse of the World Trade Center towers on 9/11, no single disaster in the history of the United States had claimed the lives of more firefighters.

Sadly, today, in a cruel irony of history, there has been another fire in

Chicago. This morning we lost two firefighters who went out in the bitter cold and did their best to fight a fire. A wall collapsed on them, as it did 100 years ago. Two lost their lives, and 14 were seriously injured. It is a sad reminder to all of us who drive by firehouses and fire stations all the time and see the men and women who work there, that when they are called to duty, they can give their lives at a moment's notice. It happened this morning in Chicago. It happened 100 years ago in the same city. It can happen again.

I am glad that earlier today we finally worked out an agreement on the so-called 9/11 Health Compensation Act, the James Zadroga 9/11 Health Compensation Act. The extraordinary efforts for passing that have to be recognized. I will, of course, acknowledge the two Senators from New York, KIRSTEN GILLIBRAND and CHARLES SCHUMER, who worked tirelessly to get it passed. They would acknowledge the contribution of our majority leader, HARRY REID, who stepped in and made this process work when it looked like it had failed several times. MIKE ENZI, on the Republican side, TOM COBURN from Oklahoma, all worked together and came up with a good bill. The 9/11 Health Compensation Act is going to help many around the United States. I just learned this week it can help one person in Chicago.

Arthur Noonan is 1 of the 188 responders and 86 survivors living in Illinois and enrolled in the World Trade Center health registry. I wish to thank the Chicago Sun Times for telling his story. He is a 30-year veteran of the Chicago Fire Department, spent hundreds of hours volunteering at Ground Zero in those critical days and weeks after the terrorist attack. Mr. Noonan, a firefighter from Chicago, worked in a line passing buckets of debris from Ground Zero, searching for human remains and clothing. He remembers the thick dust that coated everything and the sickly sweet smell. Noonan and other volunteers were given respirators, but the filters clogged up after a few minutes. They worked without masks after that. A few years after the cleanup, Mr. Noonan contracted leukemia. He applied for health benefits through the victims compensation fund and submitted medical documents to substantiate his claim, but his claim was filed 2 weeks too late.

Mr. Noonan said at first he was hesitant to file a claim because he "never got anything for nothing." He says he has always worked two or three jobs. I talked to him on the phone just a couple days ago. What a classic Chicago story. Here is a man, a proud firefighter, now in retirement, battling leukemia successfully, who still says: I don't want anything for nothing.

I said: So what are you worried about?

Well, I am worried because I have a cap on my health insurance of 1 million bucks, and I have already spent \$750,000 on my leukemia. I am worried I will just run out of health insurance.

That is a concern, a concern that can be addressed by this bill. If his leukemia can be tracked to his experience at Ground Zero, we certainly want to make certain he receives the medical care he needs.

Stanley Silata is another Chicago firefighter who applied for health assistance but was told his application was too late. He participated in search-and-rescue missions at Ground Zero and put out fires. Similar to so many other firefighters who were on the lines those days, Mr. Silata developed serious respiratory problems. He has had to have medical treatment since 2004. Mr. Silata's claim for assistance was submitted, unfortunately, 2 weeks after the deadline. We are hoping this bill will provide him some protection as well. The stories go on and on. But as we are reminded from the deaths in Chicago today, the firefighters who responded to this fire, the men and women who responded at Ground Zero, carried a servant's heart into one of the most dangerous places on Earth. They literally risked their lives in the hopes that they could save others or at least bring some compensation and some consolation to the families who had suffered these losses.

They deserve nothing less than our gratitude and our help, our help in enacting this 9/11 health compensation bill. I believe the House of Representatives will be considering this today. I hope it is signed very quickly by the President.

INTERCHANGE FEES

Mr. DURBIN. Mr. President, I wish to speak briefly about interchange fee reform, an issue I have worked on for many years and an issue which was taken up just recently last Thursday when the Federal Reserve considered legislation we passed in the Senate and House of Representatives and sent to them to establish regulations. It was an effort to bring reasonable regulation to a \$20 billion annual debit card interchange fee system industry.

The Federal Reserve released draft regulations that will implement the new law Congress enacted. Back in May, when the Senate was debating the Wall Street reform bill, I offered an amendment. I am honored that 64 Senators voted for it, including 17 Republicans. It was a bipartisan success. It is now the law of the land. The Federal Reserve is moving forward to make sure our law is implemented in a fair way.

The Fed announced, according to their investigation, it costs the banks between 7 and 12 cents to process a debit card transaction. But the Fed reported that big banks and card networks charge merchants, retailers, charities, universities, and others an average debit interchange fee—not 7 to 12 cents—of 44 cents. The Fed has confirmed what consumers and retailers long suspected. They are being overcharged and gouged for each purchase