

United States and Israel, and it takes our eye off the two balls we have to focus on. One is the Israeli-Palestinian peace process and the other is the threat of a nuclear Iran, which is not only a threat to us and Israel, it is a threat to Palestinian leadership because Iran is the No. 1 supporter of Hamas, which is the foremost antagonist to the leadership of the Palestinian Authority.

The Senator from Arizona is absolutely right. Peace between the Israelis and the Palestinians requires very difficult, delicate negotiations. But we are at a moment—and my friend and I were together in Israel and the Palestinian areas in January of this year and we met with the leadership. It is an interesting moment, because in both countries the economy is doing pretty well. The Palestinians have seen a real surge in economic growth. Security is better on both sides. We have leadership on both sides: Netanyahu in Israel and the President of the Palestinian Authority, Abu Mazen, and Prime Minister Salam Fayyad. We have three leaders there committed to the two-state solution, renouncing terrorism, a peaceful process. If, for some reason, people in the American Government continue this dispute, frankly, it makes it hard for not just the Israelis but the Palestinians to get into the peace process because we can't be more demanding than they are, if you will. I think Abu Mazen and Salam Fayyad want to move the peace process forward, I am convinced, as Prime Minister Netanyahu said.

So it is time to lower voices and get over the family feud between the United States and Israel. It doesn't serve anybody's interests but our enemies: George Mitchell—I will say it here—is a saint. Whoever the saint of patience is, George works under that saint's aegis. Through his patience and persistence, the proximity talks between Israel and the Palestinian leadership are about to begin, and they have the prospect of making some real progress.

Mr. MCCAIN. Mr. President, I thank my friend from Connecticut.

I rise today to address the very concerning, and unfortunately very public, tensions that have broken out recently between the governments of the United States and Israel. I am not here to take sides or to call out one party at the expense of the other. There have been enough accusations, recriminations, and bad blood.

I certainly understand the anger felt by members of the U.S. administration that the announcement of new settlement construction in East Jerusalem by Israel's Interior Ministry simply seemed intended to embarrass Vice President BIDEN in the middle of his visit. I can also understand the anger felt by Israelis that the U.S. reaction to this announcement has been out of step with the announcement itself. At this point, there is little to be gained by either side by focusing on their

anger, however justified they feel it is. It is now time to focus on what matters most: the common interests we share, the urgent need for cooperation between us, and the large capacity within our alliance to move beyond differences and work together.

Vice President Biden spoke to exactly these themes in his excellent speech in Tel Aviv during his recent visit to Israel—a speech, I would add, that was delivered 2 days after the Interior Ministry's announcement. Perhaps the most correct and important thing the Vice President said was this: "In my experience one necessary precondition for progress toward peace in the Middle East is that every time progress is made, it's made when the rest of the world knows there is absolutely no space between the United States and Israel when it comes to security, none." This is absolutely correct, and we all need to remember it right now.

We now have a conservative Israeli leader who is committed to the goal of two States for two peoples, living side by side in peace and security. We have a leadership in the Palestinian Authority that is committed to beginning negotiations while also building the institutions of a democratic Palestinian state, including effective security forces that can enforce the rule of law and fight terrorism. We have a U.S. administration, and U.S. Congress, that is committed to being engaged in and supportive of the pursuit of peace in the Middle East.

So let us focus on the opportunity we have, the United States and Israel together, as historic allies, to achieve goals that serve both our interests. The United States is completely committed to Israel's security, so Israel can feel totally confident in taking on the large and difficult decisions that peace requires. As the Vice President said, there should be no space between these allies—none.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

SUPERFUND SITES

Mr. NELSON of Florida. Mr. President, the House is on my mind right now, since the House seems to have something important going on with regard to something known as health care reform and health insurance reform. We are waiting expectantly to hear information that the House will get the votes together and pass the Senate-passed bill on health reform that we passed on Christmas Eve.

But I came to speak about another subject today, something I voted on

when I was a young Congressman, way back in 1980, and that something was known as the Clean Water and Clean Air Act. One of the parts of that legislation—it has a fancy name, but in essence that is what it was, clean air and clean water—one of the major thrusts of the legislation was that we had these toxic waste dumps all over the country. They were first exposed by a toxic canal, called Love Canal, in the State of New York. The cause for the toxic dump, the company, was long since gone, probably bankrupt, and, therefore, there was no financial means by which we could go about cleaning it up. We couldn't get to the responsible party because they had long since left town or they had long since gone through a series of bankruptcies and there were no funds available to clean it up, and that left it on all the rest of us—the taxpayers.

What we found was there were a lot of these places all over the country. This was particularly true in my State of Florida. All of these sites are now called Superfund sites, named after the trust fund that was being set up, filled with trust fund money that would come from a fee being imposed upon the industries that were doing the polluting. The concept was that the polluter was going to pay instead of the average taxpayer, and they called this trust fund the Superfund. So they called these sites the Superfund sites. In my State, we have 52 of these sites, and we have another 13 identified. But nationwide there are over 1,200 of these sites that have already been named and which need to be cleaned up.

Here is the problem. Why aren't they cleaned up? Well, as I said, when I was a young Congressman and we passed this new law, we were going to have the financial means to clean up these sites by having the industries that were polluting pay a fee that annually would go into this trust fund and, in return, they were getting something. They were getting relieved of any financial liability. That was the deal. This law operated along fine for about 15 years, and it came up for renewal, and lo and behold, those industries activated their lobbyists and they killed the reimposition of that fee in the mid-1990s. So they got off scot free because they don't have any more liability, but they are not paying their fair share.

The industries were the petroleum industry—and it was a minor tax that was imposed on the production of oil and the importation of foreign oil into this country—and the chemical industry, in 42 chemicals that were produced, and there was a small fee that was assessed for that which went in and filled up this fund basically to the tune of about \$1.3 billion a year. But along come the mid-1990s and those industries activate their lobbyists and they kill the fees on a going-forward basis—but they didn't kill their relief from liability.

What we have now is a trust fund that is depleted of money. We have

over 1,200 sites all over the country that desperately need to be cleaned up. There is no money except going to the American taxpayer and getting the money to keep cleaning up these sites.

What we need to do is to reimpose the fee so we go back to the original agreement with these polluting industries; in other words, the polluters paid into the trust fund and they got that in exchange for relieving them of liability for the pollution that left these toxic dumps.

I am introducing legislation that would cause this to occur. The President has recommended it. He has recommended a provision by which it would fill the trust fund partially by \$1.3 billion in the first year from these fees and thereafter \$2.5 billion a year. I am changing the recommendation from the President a little bit because the President is imposing a corporate fee as well and I do not think that corporations that did not have anything to do with polluting ought to be paying this fee. I think it ought to be assessed only on those corporations that were a part of the polluting under the original theory of the law back in 1980, so that is how I have changed the legislation from what the President has recommended. I will be introducing this shortly. I am going to send it around to our colleagues and I hope they will join me as cosponsors.

I want to tell you about one of these sites I visited this morning in Jacksonville, FL. It is right on the St. Johns River. It is right next to one of the main sites of the Port of Jacksonville, which is a major national seaport. It is 31 acres and it is all fenced, with signs with a skull and crossbones that say: Don't go on the property because you could get cancer.

As a matter of fact, EPA has done an analysis of this. They say the toxic chemicals on this site, if somebody were to drink the water, if somebody were to live there, if somebody were to go and scratch around in the sand, they could be exposed to cancer-causing agents. Can you imagine. That is right in the middle of a big city, next to the St. Johns River where the runoff is going into the St. Johns River, and guess who is ingesting that? The fish in the river and the mammals in the river.

What we need to do is clean up these sites. This site is a typical one. It started over a century ago, in the late 1890s. It was a fertilizer plant. It operated for almost a century. It was shut down in the 1980s and then it was declared a Superfund site a few years ago. Analysis showed just what kind of toxic things were there. EPA, doing an analysis of this, has said it could affect nervous disorders; it could cause cancer. They have gone through a whole list of potential terrible health effects that could occur from something that could come from somebody being exposed to this site.

There is another reason we want to close up this site. That is that this 31

acres is sitting right next to the major part of the Port of Jacksonville, which is going to significantly expand once the Panama Canal is widened and the superships that have these cargo containers on them are able to come from Asia, through the Panama Canal to the east coast of the United States. The Port of Jacksonville will significantly expand and this particular location called the Talleyrand part of the Port of Jacksonville will be able to expand by 31 acres, right on the St. Johns River, right next to the Port of Jacksonville. That is highly desirable real estate, of which you cannot dare even go through the fence and walk on the land because of the potential toxic exposure.

Remember, this is just one of 1,200 sites across America that needs to be cleaned up. That is the reason people now should clearly understand, under the theory that the polluter pays, why we need to reinstitute the original agreement struck in 1980 for the trust fund to be filled by the fee associated with these toxic substances and therefore be able to clean up these sites for the benefit of the American taxpayer.

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.

Mr. BAUCUS. I ask unanimous consent that the order for the quorum call be rescinded.

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the House message to accompany H.R. 2847, which the clerk will report.

The legislative clerk read as follows:

House message to accompany H.R. 2847, an act making appropriations for the Departments of Commerce, and Justice and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.

Pending:

Durbin amendment No. 3498 (to the motion to concur in the amendments of the House to the amendment of the Senate to the amendment of the House to the amendment of the Senate), of a perfecting nature.

Durbin amendment No. 3499 (to amendment No. 3498), of a perfecting nature.

Durbin amendment No. 3500, to provide for a study.

Durbin amendment No. 3501 (to amendment No. 3500), of a perfecting nature.

Durbin amendment No. 3502 (to amendment No. 3501), of a perfecting nature.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, the Senate returns today to creating jobs. Today, we return to the HIRE Act.

This bill provides incentives for businesses to hire new employees, and it encourages businesses to invest in building their operations.

It has a payroll tax exemption for newly hired employees. It provides continued funding for the vital Federal highway program. It expands the successful Build America Bonds program. And it extends the tax incentive in section 179 of the Tax Code, which allows small businesses to expense capital expenditures, instead of depreciating them over time.

These proposals will help to get Americans back to work.

The Senate passed the HIRE Act last month, with strong bipartisan support.

Since then, the House of Representatives considered the legislation and returned it to the Senate with some modifications.

The HIRE Act includes the Schumer-Hatch payroll tax exemption for newly hired employees. This is a straightforward tax cut: If you hire a person who has been unemployed for 60 days, you don't have to pay your share of the Social Security payroll taxes for that person for the rest of the year.

And if you keep the newly hired person employed for 1 year, you get an additional income tax credit.

The House modified the Schumer-Hatch payroll tax exemption to allow employers to receive the exemption if they pay the railroad retirement tax instead of the Social Security payroll tax.

The House also included modifications to ease implementation of the payroll tax exemption.

This payroll tax exemption provides a simple and immediate tax incentive for businesses to employ new workers, right away. A business can use the cash that it saves from the payroll tax cut to help pay the wages of the new employee. Or it can invest in equipment. Either way, the incentive will help boost hiring and help businesses.

The HIRE Act will also create jobs in the transportation sector, by extending the 2009 highway funding level through the end of 2010.

Highway construction plays a vital role in our economy. The Department of Transportation estimates that every \$1 billion in Federal highway spending—when coupled with the State or local matching share—creates or sustains 34,500 jobs. These are jobs in construction, engineering, manufacturing and other sectors hard-hit by the recession.

The HIRE Act keeps the program working.

The HIRE Act also expands the successful Build America Bonds program. Last month, Treasury Secretary Geithner testified before the Finance Committee that the Build America Bonds program is the most successful