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House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, January 13, 2009, at 12:30 p.m.

Senate

MONDAY, JANUARY 12, 2009

The Senate met at 2 p.m. and was called to order by the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, from whom, through whom, and to whom all things exist, shower Your blessings upon our Senators. Give them special wisdom, strength, and clarity to meet today's daunting challenges. Enable them to hear with objectivity and respond with integrity as they comprehend their individual and collective responsibility. Keep them uncluttered by selfish interests and parochial concerns as they strive to serve You and country. Lord, make them exemplary models of the highest and finest in faithful, loyal, and dedicated leadership.

We pray in the name of Him who is Lord of history. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM WEBB led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 12, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WEBB thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, there will be a period of morning business for up to 1 hour, with the time designated for tributes to the Republican leader.

Following morning business, the Senate will resume consideration of the motion to proceed to S. 22. This is postcloture. A rollcall vote will not be necessary to adopt the motion to proceed. I appreciate Dr. COBURN allowing us to do that. There will be no votes during today's session of the Senate.

TRIBUTE TO SENATOR MITCH MCCONNELL

Mr. REID. Mr. President, for more than 25 years, the State of Kentucky

was represented in the Senate of the United States by a terrific man and a great legislator, Wendell Ford.

Senator Ford was known by all as a moderate, deeply respected by both sides of the aisle for putting progress ahead of politics. Senator Ford, some said, was not flashy. He did not seek the limelight. He was quietly effective and calmly deliberative.

In 1991, Senator Ford was elected by his colleagues to serve as Democratic whip, the No. 2 position in the caucus. For 8 years, he struck the perfect balance as an advocate for Kentuckians and also a national Democratic leader.

When Senator Ford retired from the Senate in 1998, I had the honor of replacing him as the Democratic whip.

Wendell Ford is not only a genuine Kentucky legend, he is a wonderful man, and I continue to enjoy his visits back to Washington, DC.

Until this week, Senator Ford was the longest serving Senator in the history of the State of Kentucky. We have had some outstanding Senators from the State of Kentucky.

Now that honor belongs to my friend, the Republican leader, MITCH MCCONNELL.

Senator MCCONNELL came to the Senate 2 years after I came to Congress. In 1984, he was elected to the Senate in a historic election still famous for its advertising—the most memorable of the spots featuring some real bloodhounds, always in search of the opponent of MITCH MCCONNELL, the incumbent Senator from Kentucky. Today, if you go to a seminar on politics, almost always they will show that ad as being one of

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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S275

the classic political ads in the history of our country.

Senator MCCONNELL won that first race by a razor-thin margin, but he quickly became a leader among his Republican colleagues in the Senate in general.

Senator MCCONNELL chaired the Republican Senatorial Campaign Committee during the 1998 and 2000 election cycles, served as Republican whip following the 2002 midterm elections, and now has served as the Republican leader since 2006.

I became the Democratic whip in 1998 and have been the Democratic leader since 2004. Our careers in the Senate have been very similar. During this period of time I was majority whip; he was. Back and forth, there was a lot of changing going on. So I have had a lot of interaction with Senator MCCONNELL because of our respective jobs.

It is well known that in our positions as minority and majority leaders—both as whips and as the leaders—he and I have had disagreements at various times. Behind the scenes, though, it is a different situation. In places where the cameras do not record our discussions, in private conversations, as we have to have, we are not only friends but determined partners in the legislative process. We get a lot of work done very quickly.

We just completed a meeting that took about 20 minutes, where I think the record will ultimately reflect that 20 minutes was truly well spent working out some of the problems of this Senate.

So I say, we are not only friends but determined partners in the legislative process of the Senate. That does not mean we always see eye to eye. Everyone knows that is not the case. But in the words of President-elect Obama, we are able to disagree without being disagreeable.

We respect each other's commitment to making our country stronger, and I think we have a special understanding of the unique challenges of keeping our respective caucuses together and striving toward the same goals.

At the University of Louisville, MITCH MCCONNELL has worked with faculty to create a center for public service, to educate and prepare a new generation to answer the call of public service.

A little more than a year ago, Senator MCCONNELL invited me to be a guest at the McConnell Center at the University of Louisville. After a terrific program with young and aspiring academics, he presented me with a real Louisville Slugger baseball bat, with my name inscribed on the "sweet spot." That is where these great hitters have used these bats for generations to hit the ball as far as they can and as sharply as they can.

On that day at the McConnell Center, Senator MCCONNELL and I spoke frankly and openly about the joys and difficulties of our jobs to these faculty members and these students. I, in fact,

told the students an old story about President Lincoln that has been told many times, but it is always important because he sets the standard for what politics is all about as far as getting along with people, as finely written about in some detail in the "Team of Rivals," this best-selling book. What President Lincoln said, when he was being criticized for being solicitous of members of the Confederacy, was: "Am I not destroying my enemies by making friends of them?"

Well, Senator MCCONNELL and I both understand that through friendship and mutual respect we can find common ground to achieve common goals and to reach for the common good of the American people—common ground, common goals, common good.

My wife Landra and I are pleased to call him and his lovely wife—and that, certainly, is an understatement—Elaine Chao our friends. Elaine, of course, is a national leader in her own right, having served for 8 years as our Nation's Labor Secretary and also formerly as the Director of the Peace Corps. I have such great respect for Peace Corpsmen and especially someone who is able to lead that very elite group. So I have only high regard for MITCH and Elaine. They are a wonderful couple and do so many good things for our country.

So I congratulate the Republican leader, a Kentuckian whose love of his State and its university athletic programs is well known and who now adds the distinction of being the longest serving Senator from the State of Kentucky to his long and impressive career.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

SERVICE TO KENTUCKY AND THE NATION

Mr. MCCONNELL. Mr. President, I thank my good friend, the majority leader, for his very kind remarks about what has now become a rather lengthy period of service in the Senate. He and I came here at roughly the same time, and, as he indicated, came to the Congress at roughly the same time. We have shared a few positions on each side of the aisle that are remarkably similar no matter which party you represent.

I noted with interest last week the photograph at the White House of the living former Presidents who had all had lunch together, and I was thinking, as the majority leader was speaking, we are in a rather limited fraternity, too—so far it is a fraternity; it will be a sorority at some point as well as a fraternity; a brotherhood or sisterhood, if you will—of people who have held these jobs which have their own unique set of challenges that are quite similar

whether you are leading the Republicans or leading the Democrats.

I wish to thank the majority leader for his very kind remarks not only about me but about my wife's public service as Secretary of Labor, which will be coming to an end at noon on January 20, along with the current administration. I also wish to express my gratitude to the majority leader for coming down to the University of Louisville back in 2007. The students enjoyed it immensely. In fact, their last magazine about the program of the center has a very large picture of the majority leader and a lengthy article including a Q and A session he had with the students.

So I am grateful for his friendship and look forward to working with him in this Congress to advance the interests of our Nation.

A few months prior to this body's convening last week, I was grateful to be chosen by my colleagues to serve once again as the Senate Republican leader.

I would also like to thank the people of Kentucky for giving me another term in the Senate. I am certainly privileged Kentucky has sent me to the Senate five times now to speak for them and for their interests, and I intend to work harder than I ever have over the next 6 years to justify their confidence.

At such a time as this, after the people of Kentucky have spoken, I cannot help but think of great Kentuckians in the past who the people of my State have selected to represent their interests.

Some we know from the history books, such as Henry Clay. Although he was Speaker of the House, Secretary of State, and a three-time Presidential candidate, we know him best as the Senator from Kentucky—the Great Compromiser who staved off civil war. Or take John Breckinridge. Elected to Congress from Virginia, he resigned that seat to move to Kentucky, which at the time was America's western frontier. A key architect of Kentucky's early State government, Breckinridge went on to serve as a Senator from Kentucky, and then as our young Nation's Attorney General under Thomas Jefferson.

Moving to modern times, I can think of other legendary Senators from Kentucky whose footsteps still echo in these halls.

Kentucky still fondly remembers the career of public service carved out by A.B. Chandler. He would be the first to tell you he made his mark not as a Senator but as a two-term Governor, or in the job he resigned the Senate to hold: commissioner of baseball. No matter what the job, with his winning personality, he was better known throughout the State by his nickname "Happy."

I am sure he would be happy to see his grandson, Congressman BEN CHANDLER, continuing his family's tradition of service to the people of Kentucky.

I have also spoken on this floor before of my admiration and respect for John Sherman Cooper, the conscience of the Senate in his day. I will always remember the man who mentored me as an intern in my first job on Capitol Hill and helped me navigate these hallways decades later as a freshman Senator.

Of course, there is Alben Barkley, the first and, until recently, the only Kentuckian to be elected his party's leader. After 12 years leading Senate Democrats through the Great Depression and World War II, he became America's 35th Vice President.

Alben Barkley held the record as Kentucky's longest serving Senator for over 40 years—until it was broken by a man who, like him, rose from humble beginnings to become famous across the Commonwealth.

That Senator was Wendell Ford, a man many of my colleagues have had the honor to know and work alongside. Wendell was the senior Senator from my State when I was first elected, and I got to watch him up close for 14 years. Over those years, I learned why Wendell is the first and only Kentuckian to be elected successively Lieutenant Governor, Governor, and Senator. It is because even while he attained high office, he never forgot the lessons he learned working alongside his parents on their farm. Countless times he reminded voters he was "just a country boy from Yellow Creek." And Kentuckians respected him for proving that a country boy could walk the halls of power, dine with kings and Presidents and still come back to Yellow Creek and be right at home.

Wendell Hampton Ford was born in Daviess County, KY, and grew up on his family's 250-acre farm in the little town of Thruston. The Ford family raised cattle, hogs, and chickens and grew tobacco and corn. Young Wendell was no stranger to work. He did his part by milking 30 cows by hand twice a day every day. Decades later, whenever anyone told him he had a strong handshake, Wendell would tell them: "I milked at an early age."

I know Wendell would credit his parents with teaching him everything he needed to know to succeed in life. Ernest Ford was a farmer, an insurance company owner, and a chairman of the Daviess County Democratic Party. He served in both the Kentucky State House and Senate. His mother, Irene Ford, worked harder than anyone on the family farm. She picked strawberries, she snapped green beans, and she canned everything that you could can. She could cook a pork tenderloin that was so good, Wendell recalls, "We'd say it'd make you swallow your tongue." She was devoted to her family, her friends, her neighbors, and her church.

Wendell remembers:

Mother never disliked anyone. She never would say anything unkind about anybody. And mother worked very, very hard. . . . if there's anyone that ever went to heaven, my mother is there.

Now, I am going to guess that maybe through his father's political connections, Wendell scored a plum prize as a young child: he became a page in the Kentucky State House. The way they inducted pages back then is a little different from how we do it in the U.S. Senate today. Wendell's sponsor, a representative from Taylorsville, had young Wendell come and stand on his desk on the House floor. He gave a speech about what a good little kid he was, and when he was done, the entire chamber applauded, making Wendell a page by acclamation. After an introduction to politics like that, is it any wonder Wendell decided he wanted more?

Wendell was also lucky enough to meet one of the great Kentuckians I mentioned earlier—Alben Barkley—back when, obviously, Senator Ford was young. At the Seelbach Hotel in my hometown of Louisville, he heard a speech from the Senator and future Vice President. Like Barkley, Wendell always wanted to be around people—a trait that would serve him well as a public servant.

Like most Kentuckians, Wendell Ford loves basketball. He played on the basketball team for Thruston Elementary School and he played on the team for Daviess County High School. But while in high school, Wendell broke his arm. That ended his basketball career, and that threatened to end his involvement with the team, the friendships he had made, and his seat on the bus to all the away games. So to stay involved, Wendell filled an open slot on the school's cheerleading team. He got to keep going to the games, he got to keep up his friendships, and he ended up being voted "most talkative" in the Daviess County High School senior class of 1942.

After high school graduation, Wendell attended the University of Kentucky. Then, in 1944, he was drafted into the U.S. Army, and SGT Wendell Ford reported for duty at Fort Hood, TX. But he was not the only Ford to trade in his bluegrass for a 10-gallon hat and make that trip. By his side was his lovely bride Jean, who met Wendell when they both worked at the J.C. Penney store in Owensboro the summer after Wendell's high school graduation. They married in September 1943 just after Wendell had turned 19. Jean hailed from the town of West Point in Hardin County. She could hardly have known then how her life would turn out or how she and her husband would become respected across the Commonwealth.

Oftentimes, my colleagues and I will talk about our wives or our husbands and what we will be doing over the next recess. You will frequently hear spouses' first names tossed around, like my wife's name is Elaine. But after 50 years of marriage, Wendell only referred to his bride as "Mrs. Ford." It is a testament to the fact that the country boy from Yellow Creek remains forever a country gentleman.

After the end of World War II and an honorable discharge from the service, Wendell graduated from the Maryland School of Insurance. He and Jean returned to Owensboro, where his family had moved after selling the farm. Wendell entered the insurance business with his father and started to take an interest in what was happening in his community.

It all started with a razor. That is what Wendell was looking to buy on a lunchtime errand when he ran into a friend who invited him to a Jaycees luncheon.

In my travels across Kentucky, I have met many who know and remember Wendell from his days with the Jaycees. Devoted to fostering leadership and community service, the Jaycees have done a lot for Kentucky and for the Nation. Once again, the man who played a role that cannot be ignored is Wendell Ford.

A lot of beliefs that would come to characterize Wendell Ford's career came from the creed of the Jaycees. That creed states that only faith in God gives meaning and purpose to human life, that government should be of laws rather than of men, and that service to humanity is the best work of life.

Wendell would rise rapidly in his career, again and again, no matter what the arena, and his time in the Jaycees was no different. That first meeting at the request of a friend led to Wendell becoming a member. By 1954, he was the Kentucky Jaycees State president at 31. In 1956, he led the Kentucky Jaycees to their national convention in Kansas City with one goal: they wanted to return home with a Kentuckian as the organization's national president—a Kentuckian named Wendell Ford.

Kentucky has a rich history of colorful, memorable campaign ads, but it took Wendell Ford, as a candidate for the Jaycees' national president, to come up with a brilliant ad by piggybacking his name on perhaps the most famous rock-and-roll song of all time. By convention's end, every Jaycee delegate went home singing a familiar tune with the words "shake, rattle, and roll" replaced with "shake, rally with Ford." Wendell remembers:

We kept them up all night with that record. And I guess [we] made it even better, because we won.

To work the crowds at the convention, Wendell bought two new suits for \$35 apiece, one black and one gray. By rotating jackets with each pair of pants, he had four different outfits for the 4 days of the convention. Whether it was the song or the suits or both, Wendell went home the first Jaycees national President from Kentucky, and his network from that organization became the foundation for one of the Commonwealth's most successful political careers.

By the late 1950s, Wendell had caught the eye of Bert Combs, who had run for Governor of Kentucky but lost to "Happy" Chandler. Combs was planning to run again, and he wanted the

impressive Jaycees president to be the youth chairman of his campaign. After winning that race, Bert Combs made Wendell his administrative assistant, a job he held from 1959 to 1961.

But soon the time came for Wendell to emerge from the ranks of political staffers and run for office himself. In 1965, he ran for a State senate seat representing Daviess and Hancock Counties, and clearly he was not afraid of a challenging race. The reason I say he was not afraid of a challenging race, the guy he ran against in the primary, a fellow named Cap Gardner, was not just any incumbent Senator, he was the State senate majority leader. I was in law school at the University of Kentucky at the time, and I remember reading about the primary in which the majority leader of the Kentucky State Senate was upset by an impressive young man named Wendell Ford. He won that race by 305 votes—after a recount.

In those days, Kentucky was very much a one-party State, so winning the Democratic primary for most any office was tantamount to winning the election. In most counties, you could hold Republican Party meetings in a phone booth. It is not that way anymore, which I think is for the better—I think a competitive, two-party system makes both parties better, and that, in turn, serves the people best—but the Democratic Party ruled Kentucky then, and after Wendell won the primary, he easily won the general. For the first time, but not the last, he became Senator Ford. As a freshman Senator, he sponsored 22 bills, all of which became law. That is a record of success few legislators would dare seek to duplicate.

But Wendell didn't plan on staying in the State senate too long. Just 2 years later, in 1967, he ran for Lieutenant Governor, and once again he ruffled some feathers amongst the more established politicians of the Commonwealth who didn't understand why this country boy from Yellow Creek couldn't settle down and wait his turn. In the primary, Wendell faced Robert Matthews, the incumbent State attorney general. I am sure the entrenched political forces in Kentucky expected and perhaps even desired Matthews to win, but Wendell wasn't going along with their program. He defeated Matthews in the primary—barely—36.1 percent to 35.9 percent. Wendell went on to win a similarly close race in the general election, defeating Thomas Ratliff and becoming the Lieutenant Governor of Kentucky.

But at the same time, something unusual happened. You heard me say just a minute ago that in those days Kentucky was very much a one-party State, but in 1967, Kentuckians elected a guy named Louie Nunn to be Kentucky's first Republican Governor since World War II. At that time, candidates for Governor and Lieutenant Governor in my State ran separately. So while the Democratic candidate for

Governor lost, Wendell Ford quite remarkably won, and he instantly became two things: the top-ranked Democrat in State government and, of course, a real thorn in the side of Governor Nunn.

Wendell had to beat a Republican tide—a rare tide in those days—to become Lieutenant Governor. He was clearly a man of great talent and ambition who was not yet done making his mark on Kentucky politics. So naturally he looked next to the top job in State government, the office of Governor.

In that era, Kentucky Governors were forbidden to succeed themselves by running for a second term. In fact, Kentucky retained that term limit for Governors right up until the 1990s—one of the last States to do so. So Wendell would not have to face Governor Nunn in the 1971 election. He would, however, have to face a different Governor, his friend and mentor, former Governor Bert Combs.

Everybody in Kentucky thought Governor Combs, who had subsequently had a distinguished career as a U.S. court of appeals judge after his term as Governor, was a lead pipe cinch to be the next Governor of Kentucky, or at the very least to win the Democratic primary for sure. But once again Wendell Ford beat everybody's expectations. Bert Combs resigned his judgeship to run for Governor and couldn't believe what a tough race his former administrative assistant gave him. When a mutual friend of the two candidates said to Combs that he had taught Wendell well, Combs replied, "Yes, I taught him too damn well." Wendell beat Bert Combs 53 percent to 44 percent in the primary and went on to easily win the general election. On December 7, 1971, he was sworn in as Governor of Kentucky.

Right from the start, Governor Ford's guiding belief as Kentucky's chief executive was that the only reason for the existence of government at any level was to serve people. Wherever he felt that wasn't happening, he believed there must be change.

Throughout his term, no bill that Governor Ford supported failed to pass. He commanded the forces of the State government below him the way a general commands his troops. But Governor Ford didn't ask anyone else to work harder than he did himself. His work ethic back then was legendary, and I think some of my colleagues can attest to the fact that he kept right at it after he joined us here in the Senate.

As Governor, a 14-hour workday was routine, a 16-hour day frequent, and an 18-hour day not uncommon.

When Governor Ford used to fly here to Washington for official matters, he was all business. Time in the car or the plane was spent reading memos or writing speeches. Dinner was a cheeseburger and fries in the hotel room.

As early as possible the next morning, Wendell was up and flying home to Kentucky where he would put in an

extra-late night at the State capitol to make up for time missed.

Once he had successfully enacted the major points of his platform—including shrinking and streamlining State government, creating the State's first environmental protection agency, and enacting a severance tax on coal—Wendell Ford decided he was not finished serving the people of Kentucky just yet.

I have already said at that time, a Kentucky Governor could not run for a second term. So Wendell looked to the U.S. Senate election in 1974 where he would have to take on incumbent Republican Senator Marlow Cook.

The 1974 election came on the heels of the Watergate scandal and Richard Nixon's resignation. It goes without saying it was a very hard year for Republicans. But even if it had been an easy year for Republicans, Governor Ford would have been very hard to defeat.

So Wendell won over Marlow Cook pretty handily, and Governor Ford became Senator Ford. I should point out, I actually used to work for Senator Cook as a legislative director in the early part of his one term.

Senator Cook graciously agreed to step aside a little bit early for Senator Ford. So Wendell's tenure in this Chamber began on December 28, 1974. At this point, the Wendell Ford so many of my colleagues know and admire emerges, as he spent an incredibly successful and fruitful 24 years here.

After my election in 1984, I served alongside him for 14 of those years. Obviously, Wendell Ford and I did not stand on the same side of the aisle. But we always stood together for the people of Kentucky.

With Wendell, whether you agreed or disagreed, you always knew where you stood with him. Even if you disagreed—which we often did—Wendell knew how to disagree without being disagreeable.

I remember one joke he liked to tell about how seriously we Kentuckians take our horseracing. He liked to say that one day on the running of the Kentucky Derby, a man walking in Churchill Downs noticed a box with an empty seat in it. He stopped and said to the little old lady sitting next to it: This is the first empty seat I have seen today. Bear in mind, this is at the Derby.

She replied: Well, it belonged to my husband, but he died.

The man said: It seems a shame to let such a good seat go to waste. Why didn't you give it to one of your relatives?

The lady said: I would have, but they are all at the funeral.

That is how important the Derby and the horse industry are to the Bluegrass State. Wendell Ford enjoyed telling that story.

With his sense of humor, a penchant for storytelling that rivaled his childhood hero Alben Barkley, and his ability to establish friendships and trust, Wendell quickly became a leader

amongst his Senate colleagues. He served a stint running the Democratic Senatorial Campaign Committee.

By 1987, he had risen to become chairman of the Senate Rules Committee. That position put him in charge of the inaugural ceremonies at the Capitol for both Presidents George H.W. Bush in 1989 and Bill Clinton in 1993. Kentuckians were proud to see one of their own on the inaugural platform just footsteps away from the new President.

Wendell was chairman of the Joint Committee on Printing where he worked to trim the costs of Government printing and implemented the first ever program for the use of recycled printing paper. That may not be the type of issue that grabs the biggest headlines, but, obviously, official Washington uses a lot of paper. Wendell was ahead of his time in making these environmentally friendly efforts that are commonplace now, and he saved taxpayers millions of dollars.

Wendell could see the absurdity of some of what goes on in Washington and knew just when to break the tension with a little humor. One former colleague has spoken of one of the many times the Senate has continued in session until 3:30 or 4 o'clock in the morning, with debate still going on on the Senate floor. At one of these times, Wendell nudged the Senator next to him and said: You know, the people back home think that we are the ones who won.

Wendell even appeared once on the cable channel MTV on a program called "Rock the Vote" because of his sponsorship of the motor voter law. That MTV appearance made him very popular with his grandchildren. Surely the number of U.S. Senators who have appeared sandwiched in between videos for Whitney Houston and Billy Ray Cyrus is very small.

In 1990, Wendell's colleagues, as my friend the majority leader pointed out, elected him to be No. 2 in their party in the Senate, the Senate whip. He held that slot until his retirement in 1999. Wendell was elected by acclamation and without opposition. That is obviously a position of great responsibility and honor, and it speaks to the respect Wendell commanded from his fellow Senators.

After his election as whip, he said: In Kentucky, we are known for our horses. I plan on being a workhorse and not a show horse.

I think knowing Wendell's work ethic, no one doubted he would give his all to the job.

In March of 1998, Wendell became the longest serving Senator in Kentucky history, breaking the record of the man he had seen giving a speech more than 50 years earlier, Alben Barkley. That is just another accomplishment in a long list that he has amassed over his extraordinarily successful tenure in both State and Federal Government.

Wendell Ford served in this body for 8,772 days, a record that stood for near-

ly 11 years until January 10, this past Saturday. He never lost an election for public office. Kentucky sent him to the U.S. Senate four times, and he was the first statewide candidate to carry all 120 counties.

How does a country boy from Yellow Creek achieve such success at the highest levels of American politics? I think because no matter where he ended up, Wendell Ford never forgot from where he started from. Even in his final months in the Senate, he still got goose bumps every time he looked up at the Capitol dome on his way to work. He remained the same man, partial to a cigarette and a down-home tale.

When his duties didn't require him to be in Washington, he would return home to Kentucky, as he did most weekends throughout his Senate career. A 3-day weekend was a perfect chance to go to the house he and his family owned by Rough River Lake and do some reading and fishing. He once said his idea of a vacation was "not shaving and not wearing a suit."

Wendell Ford never forgot the truly important things in his life—his wife Jean, their children and grandchildren, and the simple pleasures of his native Kentucky.

Many of my colleagues will remember his trademark greeting when he walked into a room. He would say: How are all you lucky people doing? Sometimes that would be shortened to simply: Hey, Lucky!

But Wendell never lost sight that he was truly the lucky one for receiving the trust of the people of Kentucky many times over. He would be the first to tell you that, and Kentucky and our Nation are lucky as well for having had his many years of service.

Over the next 6 years, as I work my hardest to better the lives of everyone in Kentucky and the country, I am going to remember the lessons learned from Wendell Ford's long career. I will remember how his life is a testament to the success anybody in America can attain, even a country boy from Yellow Creek. I will remember what an honor it is to continue in the tradition of Wendell Ford and so many other fine public servants who have come from the Commonwealth of Kentucky. Their service will continue to remind me every day that with energy, determination, and principle, being the Senator from Kentucky is the best job I could ever hope to have.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to a period for the transaction of morning business for 1 hour.

The Senator from Tennessee.

TRIBUTE TO MITCH MCCONNELL

Mr. ALEXANDER. Mr. President, those who have been listening and watching for the last few minutes got one good lesson on why Senator MCCONNELL has been here for over 24 years. This is a day to honor him, but he spent virtually all of his time honoring someone else.

It is a remarkable and rare event that Senator MCCONNELL could serve longer than Wendell Ford, the man he just honored, longer than Henry Clay, longer than John Sherman Cooper, and longer than Alben Barkley. But all of us know longevity by itself is not a transcending virtue, but it is an indication of one of the most transcending virtues; and that is, the people of Kentucky for the last 24 years have seen something special in MITCH MCCONNELL, something that is good for Kentucky, in the opinion of Kentuckians, and something that is good for our country. I have seen that, too, but for a longer period of time than 24 years; 40 years, to be exact.

I remember when MITCH MCCONNELL came to Washington, not the time he was an intern but as the legislative director for Senator Marlow Cook. Legislative director is a little bit of a puffed-up title for the job at that time, because in the office of Senator Baker of Tennessee, where I had been the year before, there was only one legislative assistant. So we were legislative directors of usually one or two people at a time, which may seem pretty hard for staff members in this Senate to understand.

I remember that by 1969, I moved over to work for Bryce Harlow in the Nixon White House. Howard Baker, who had been a good friend of Marlow Cook, the new Senator from Kentucky, came to me and said: Marlow Cook has a bright young man working for him; you ought to get to know him.

So I did, 40 years ago.

We both stayed in Washington for a while. We both went home after a few years, and in 1978, 30 years ago, we both were elected to an executive position in our home States—I as Governor of Tennessee, and MITCH MCCONNELL as the county executive of Jefferson County, which is Louisville, the big county there.

Then, in 1984, as the record shows and we all know, he was elected to the U.S. Senate, the only Republican in the country that year, I believe, who was able to defeat an incumbent Democrat.

When Senator MCCONNELL and I were young staff assistants in the Senate, the leaders of the Senate were Senators Dirksen and Mansfield. There have been many great leaders of the Senate since that period of time. All of those leaders who were good—and most of them were—knew this body, knew the Senate. They knew human nature instinctively, but they had one other quality, and this is another quality

Senator MCCONNELL has. They had great respect for our country.

Last July, I brought onto the Senate floor a group of teachers of U.S. history. They were selected, one from each State, under a program that is called Presidential Academies for Teachers of United States History. Since a Senator may bring onto the floor before it convenes anybody he chooses, there were 50 of us here. I showed them Daniel Webster's desk, which is right next to me. I talked with them about Henry Clay, and I showed them Jefferson Davis's desk in the back.

As you can imagine, these outstanding teachers were awestruck being on the floor of the Senate. They were the only ones here. After about a 30-minute visit, one of them—I think it was the teacher from Oregon—said to me: Senator ALEXANDER, what would you like for us to take back to our students about this visit?

I found myself saying: I hope you will tell them that I get up every morning—and I think most of us here do—and come to work hoping that by the end of the day, we can make this country a little better place. I am not sure what it looks like on television. I am not sure what it looks like on the front pages of the newspapers. But that is my motive, and that is the motive of most of us here.

That has been the motive of Senator MITCH MCCONNELL of Kentucky. Yes, beginning his 25th year in the Senate is a rare distinction, especially because he is from a State that has produced so many outstanding Senators and a State that even today and through most of the last 24 years has been a very competitive State with Democrats and Republicans both having a chance to be elected. MITCH MCCONNELL gets up every day, comes into work—and it is usually very early—thinking about how to make this country a little better before the end of the day—and that is usually very late. That quality is even more important than his more than 24 years of service.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, I thank my dear friend from Tennessee for being on the Senate floor today and for his overly kind comments about my tenure. We have indeed been friends for 40 years.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, it is a privilege today, and really a joy, to rise to join in the celebration of Senator MITCH MCCONNELL and his many terrific years of service to this country and to the people of the State of Kentucky. For those folks who watch from the gallery or watch at home, I will tell you what you see is what you get. He is kind, he is thoughtful, he is calm, he is patient, but I will also tell you he is persistent. You could not have a bet-

ter friend in the Senate or in this life than MITCH MCCONNELL or his wonderful wife Elaine.

We have heard a bit about the history of Kentucky, we have heard a bit about Wendell Ford, but when you put this into historical perspective and you do the searches and you see who the top names are in Kentucky when it comes to politics, the names that come up are Henry Clay, Abraham Lincoln—because he was born in Kentucky—and MITCH MCCONNELL.

Now, Henry Clay was the greatest of the Old Senate Chamber. People who watched the swearing in of the Senators earlier this month saw Senators taking their oath in this Chamber but also going back for a reenactment in the Old Senate Chamber. In that Old Senate Chamber the names were Clay, Calhoun, and Webster. When one of them would rise to speak—and people would come from all around—they would say: Clay is up, Calhoun is up, Webster is up, and people would run. Well, today, the running occurs when people say: MITCH is on the phone; MITCH is calling. You want to know: How can I help? What are his ideas? You know they are good for the country. Henry Clay was called the great compromiser. He was called the great pacifier. Those names were given to him because of his ability to bring others to agreement. The exact same thing can be said of MITCH MCCONNELL in this, the new Senate Chamber.

Now, Mr. President, we left that Old Senate Chamber in 1859 and moved to this beautiful Chamber, and this marks the 150th year of that move. There is actually a little booklet, the "United States Senate Chamber 1859–2009," and it talks about when we left and made the procession. We have heard about some previous Kentucky Senators, but the Senator who gave the speech when we left that Senate Chamber in 1859 was also from Kentucky. It was Senator John Crittenden, and some of his comments are in this booklet.

Well, I will tell you, in the new Senate Chamber, since 1859—now 150 years—MITCH MCCONNELL truly and clearly is the man of the Senate. Just like Henry Clay, he came from humble beginnings. We talk about humble beginnings, but few people know that MITCH MCCONNELL, at the age of 2, had polio. He was nursed back to health by his mother, who helped teach him how to walk and then how to run. It is through her hard work and his dedication and his persistence that he has become the man we know today.

In early November of this past year, George Will wrote an article praising Senator MCCONNELL, but he quoted Abraham Lincoln, when he wrote:

I hope to have God on my side but I must have Kentucky.

I will tell you, Mr. President, for those of us on this side of the aisle, we must have MITCH MCCONNELL. The Senate would just not be the Senate. We have been blessed time after time after time that the people of Kentucky have

seen fit to send MITCH MCCONNELL back to the Senate.

In his speech when the Senate moved from the Old Senate Chamber to the new Senate Chamber, Senator Crittenden said:

Senators are the representatives of the States of this mighty union. No matter under what sky we may sit; no matter what dome may cover us; the great patriotic spirit of the Senate of the United States will be there and I have an abiding confidence that it will never fail in the performance of its duty.

Well, Mr. President, this applies to Senator MCCONNELL because his great patriotic spirit will always be here, and those who know him have an abiding confidence that he will never fail in the performance of his duty.

Mr. President, Senator MCCONNELL is a champion. He is a champion for Kentucky and he is a champion for America; for a stronger America, a better America, a safer America, and an America where any boy or girl can, through hard work and persistence, grow up to be a leader of this great Nation.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, I would like to express my deep appreciation to the Senator from Wyoming for his overly kind and very generous comments about my work here, and also say, Mr. President, to the people of Wyoming, how fortunate they are to have Senator BARRASSO representing them.

I have seen a lot of new Senators come into this body over these 25 years. I have never seen one make a mark quicker. So I know the people of Wyoming deeply appreciate their junior Senator. They demonstrated that a couple of months ago in the election, and they really could not have made a wiser choice. I value my colleague from Wyoming, and I thank him so much for his very kind and generous remarks.

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

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

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I ask I be recognized as in morning business for such time as I shall consume.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Oklahoma is recognized.

TARP

Mr. INHOFE. Mr. President, I was somewhat shocked last October when

the vote came up and actually 75 Senators in the Senate and about 75 percent of the House of Representatives voted to give an unelected bureaucrat \$700 billion to do with as he wanted with no accountability. I believe that 20 or 30 years from now, historians will look back and say that was the most outrageous vote, maybe in the history of these institutions. The administration has now requested the second \$350 billion sometime this week.

If you are a reasonable person and were to assume that a major event in the financial world has prompted the negotiations that led to the decision to release the second \$350 billion, you would be wrong. The true reason Congress may be asked to release the second \$350 billion—it is just politics. It is a hot potato; nobody wants it, but they all want the money, and that is what we are faced with now. Again, no event in the financial world has prompted the request for the second \$350 billion.

I was critical of the Bush administration, and particularly of Secretary Paulson, since the October 10 vote giving Paulson, an unelected bureaucrat, \$700 billion to do with as he wished. It is hard for me and it is hard for most Americans to understand, when they talk about these huge numbers—billion dollars and trillion dollars, whatever it means. But I think the time has come to count the actual number of families who file tax returns in America and, if you do your math, with your \$700 billion it comes to \$5,000 a family. That is what we are talking about. This is not a little deal. It is huge. I think, if people look at some of the things that have happened since then, it is the fault of passing the \$700 billion bill; that precipitated all the problems we have.

Congress is asked as an institution to prepare to say yes to the next \$350 billion in deficit spending simply because we received a letter of assurances. I do not know what letters of assurance are, or what a letter of assurance is, but I suppose it is the same kind of assurance we got from Secretary Paulson when he said to us we have to have \$700 billion, and it has to be used to buy damaged assets.

The letters of assurances are a bunch of promises on paper and that is not sufficient justification for this institution to let go of the \$350 billion in taxpayers' money. Congress needs to put itself back in the process when we are talking about this kind of money. That is why I introduced legislation, S. 64, with a bipartisan group of Senators. That says the executive branch can only have access to the remaining \$350 billion if Congress approves the submitted plan and votes on that plan.

What is so bad about that? This is the way we have been doing business for years and years. The administration will make a request. That is what they do in the budget process. It comes to Congress. We evaluate that and determine whether we, who are elected representatives, believe it is something that should take place.

We have already seen the legislation we passed last fall is a blank check for one person to do whatever he wants with billions of dollars. Take, for instance, the auto bailout. The interesting thing about the auto bailout is everyone expressed all this outrage over the auto bailout. I said back in October, when 75 percent of the Members of the House and the Senate voted to give Secretary Paulson \$700 billion to do with as he wished: Who is going to be next in line to be bailed out? I suggested aviation, then the auto industry and farmers and everybody else. That is exactly what did happen. So those people who expressed such outrage with the auto bailout should stop and realize, if it had not been for that vote to turn loose and turn over \$700 billion, that could not have happened.

People talk about whatever it was, \$15 billion or whatever it was in the auto bailout. That only constituted 2 percent of the \$700 billion. That is what we have to keep our minds on, as to what precipitated the problem we have now.

We were told what was going to be done with the money. Paulson came to us in September and said if we didn't immediately come through with \$700 billion—that is what he said it would take to buy bad assets—the total economy would collapse. It was a panic scenario.

Then the plans changed and Paulson began—and this happened right after he got his hands on the \$700 billion. He didn't use it to buy damaged assets. He used it to pass out to various financial institutions—banks. It is my belief the rationale for releasing any more of the \$700 billion no longer applies. As a matter of fact, a prominent economist from the Reagan administration last Wednesday said the first \$350 billion did absolutely no good, in terms of dealing with the recession we are currently in.

It was clear to me at the time it was a mistake to sign a blank check to one man for such a tremendous amount of money. Although there are still significant challenges in the financial markets, it appears the threat of the financial crisis spinning so out of control that we face another Great Depression—which was the original justification for the grant of such sweeping authority—has subsided. Has the need to allow one person, whether it is Secretary Paulson or Timothy Geithner, to give away hundreds of billions of taxpayers' dollars to banks subsided as well? That is a question that needs to be asked, and that answer is yes.

I fully understand the severity of the ongoing financial crisis that erupted in this past year. I am fully aware of the need to take extraordinary actions in such situations. From the rescue of Bear Stearns in March to the announcement of the bank equity purchase program in mid-October, to two bailouts for AIG, to hundreds of billions extended to Citigroup, the U.S. Government has, indeed, undertaken

extraordinary efforts to calm financial markets. However, it is clear to me and many of my colleagues that the Treasury accessing the remaining \$350 billion would do little to fix the recession we are in now.

It is time for the U.S. Government to cease announcements of new programs or plans designed to inject confidence in markets. Moreover, I think confidence would be better instilled by halting the announcement of new billion dollar programs designed to fix markets. I understand the need to move in accordance with changing conditions. I simply think the time has come to stop having the Government trying to fix markets. The markets are going to have to fix themselves.

That is going to take some time. It is not going to be a pleasant process, but we are fooling ourselves if we think we can come up with some easy shortcut to solving these problems.

One of the major causes of this crisis was the accumulation of far too much debt on the part of some financial institutions. The U.S. Government can make the same mistake. We are now anticipating an astounding \$1.2 trillion deficit this year alone, and that is before any accounting of the roughly \$800 billion stimulus proposal.

I can remember so many people in this body criticizing President Bush on his deficits. If you take the total deficits in the Bush administration and add them up and divide by 8, the years he has been in there, the average is \$247 billion. Now we are looking at \$1.1 trillion.

This massive debt accumulation poses a serious threat to future stability and economic growth. We are on track to have a budget deficit this year that exceeds the size of the entire Federal budget only a few years ago. However, we can immediately make progress on reducing that deficit amount by not releasing the \$350 billion. That is something that deserves sufficient debate.

Finally, as a fiscal conservative, the thing that concerns me about the \$700 billion bailout is it permanently changed the perception about what is "big" in big government from now on. What is another \$50 billion here or another \$100 billion there, after we give \$700 billion to banks? What is the big deal about a trillion dollar deficit or \$800 billion stimulus package or a multibillion health care proposal or whatever plan is dreamed up around here to spend the taxpayer money on, once we gave \$700 billion to an unelected bureaucrat with no oversight. We have simply lost our perspective. People now think that the amount has changed.

I will close by noting the cost of the following defining events in the 20th century, much our shared history, and compare them with the \$700 billion bailout, to hopefully bring a little perspective to the debate over the request for the second half of the \$700 billion bailout.

The Marshall Plan was a long time ago, but if you bring it up-to-date that would amount to \$115 billion. This is after inflation. The race to the Moon, \$237 billion; the entire Korean war, \$454 billion; the New Deal, \$500 billion; the Vietnam war, \$698 billion; and then 8 years in Iraq, in the liberation of Iraq—people were complaining about how much money it cost—it is less than the \$700 billion we are talking about here.

We cannot put on fast track the remaining \$350 billion in this package. Congress is going to have to actively debate any further funding.

What my legislation does, first of all, if we do not do anything at all, if we sit back and act like everything is fine and wait until the proposal comes to us, then the only thing we can do under the law we passed in October of this past year is to have a resolution of disapproval.

If the leadership, if Senator REID and the leadership decide we should not have a vote on that, I am sure they will have procedural ways to have this kept from having a vote, but even if there is a vote, they would have that control. That doesn't do any good at all. The only way to do it is to pass this bill that says we cannot spend the last \$350 billion until they come forth with a program, we evaluate it, we take our prerogative as given to us in the Constitution and determine whether this is a wise expenditure of these funds.

I hope I will have several others wanting to join S. 64. Who can argue with accountability?

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

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

The assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NOMINATION OF ERIC HOLDER

Mr. WHITEHOUSE. Mr. President, I rise to speak on President-elect Obama's nomination of Eric Holder to be the Attorney General of the United States. It is nothing new in Washington for it to be said of a nominee that he or she is the best person for a job. That happens all the time. We have all heard it. It will surprise no one in this room or elsewhere in Washington to know it is not always the case. But in this case, for this appointment at this time, I believe it is true. I believe Eric Holder is the best person to be Attorney General of the United States.

It is hard to overstate the significance of the work of the Department of Justice to the American people.

It is hard to overstate how vital it is that the American people have confidence in that Department, from the Attorney General down to the most

junior line attorney. It is hard to overstate the importance of our trust that this great Department makes decisions on the merits, proceeds on the facts and the evidence and the law, and carefully protects itself from political interference.

The Bush administration has compromised the American peoples' faith in their Department of Justice by compromising the integrity of the Department at its highest levels. We need that back.

What we need now is an Attorney General who first, understands the inner workings of the Department so he can set the ship right; second, will be fiercely independent and will make decisions based on the facts and the evidence and the law, not on politics or pressure from the White House; and third, has the temperament and experience to be strong and fair through all of the pressures that mount up on that office. Eric Holder is the best possible person for this difficult job at this difficult time.

We all know Mr. Holder's long and distinguished experience at the Justice Department and within the justice system. He has been a line attorney in the Public Integrity Section, prosecuting corrupt public officials of both parties; he has been a judge nominated by President Ronald Reagan; he has been the Deputy Attorney General, the No. 2 position in the Department; he has been the U.S. attorney for the District of Columbia; and he has been a highly regarded attorney in private practice. One would be hard pressed to find a more experienced candidate. It is no surprise, then, that so many organizations and individuals who work with the criminal justice system every day have endorsed Mr. Holder's nomination, including the National Fraternal Order of Police, the National District Attorneys Association, the National Association of Police Organizations, the International Association of Chiefs of Police, the National Association of Assistant United States Attorneys, the National Center for Victims of Crime, the National Organization for Victim Assistance, and Mothers Against Drunk Driving.

Mr. Holder's experience is unquestionable, but it is not only experience that makes him the right person for this uniquely challenging post. I know Eric Holder. When I was a U.S. attorney, he was my colleague, as the U.S. attorney for the District of Columbia, and then my boss when he became Deputy Attorney General. I have great personal confidence in him. In our work at the Department, the U.S. attorneys saw firsthand in Eric, over and over, the qualities of temperament, intelligence, judgment, and independence that are essential for an Attorney General and especially for an Attorney General who takes office during a time when the Department is in distress.

As I know Eric Holder, so also do I know the damage and destruction that was wrought by the Bush administra-

tion on our Department of Justice. In the Judiciary Committee, under the distinguished leadership of Chairman Patrick Leahy, we worked hard to find out what has been done there and to bring it to light. My colleagues, Senator SCHUMER of New York and Senator FEINSTEIN of California, deserve particular credit in that struggle.

Because I had worked in the Department, I was familiar with many of the institutions, the traditions and the practices of the Department that have been cast aside or ignored. The result? The result was a damaged institution, its reputation compromised, its integrity challenged, and its morale sadly diminished. Now, more than anything else, someone needs to put that right. Eric Holder has the knowledge, the experience, and the character to do that.

I have listened with a great deal of interest to some of the things that have been said in this Chamber about Eric Holder and his character. Indeed, there has been a not-so-subtle effort to question whether Mr. Holder is sufficiently independent of political influence to serve this Nation as our Attorney General. I cannot speak to the motivations behind this effort, but I can say this: Eric Holder is a man who spent 12 years as a line prosecutor prosecuting corrupt politicians of both parties. He is a man who was sufficiently politically independent for President Ronald Reagan to nominate him as a judge. This is a man who, as U.S. attorney for the District of Columbia, indicted and convicted Dan Rostenkowski, the Democratic chairman of the Ways and Means Committee, one of the most powerful men in Washington. This is a man who recommended to Attorney General Janet Reno that she appoint an Independent Counsel to investigate President Clinton's Secretary of the Interior, Bruce Babbitt. This is a man who advised Attorney General Reno to expand the scope of the investigation by Kenneth Starr into the Monica Lewinsky affair investigation.

It is not just me with this confidence in Eric Holder and in his independence, his character, his judgment, and his temperament. Let me read what former Attorney General William Barr, former Deputy Attorney General James Comey, and former Federal Bureau of Investigation Director Louis Freeh have said about him.

In a letter to Chairman LEAHY and Ranking Member SPECTER, Mr. Comey wrote this:

From my professional and personal association with Mr. Holder, I believe him to be a man of strong character, and first-class ability. I think he has the institutional knowledge, humility, and integrity to be a fine Attorney General.

My colleagues will remember that James Comey was the Deputy Attorney General for Attorney General Ashcroft. He was the Acting Attorney General at the time of that sickening raid by the White House Chief of Staff and White House Counsel Alberto Gonzales at the

hospital bedside of stricken Attorney General Ashcroft. He is the man who stood up against the warrantless wiretapping program and stopped it until it was brought right. He is the center, by all accounts, of what would have been essentially the resignation of the attorneys at the top of the Department of Justice if the White House had not blinked and backed down. This is a man who knows something about independence and integrity, and he vouches for Eric Holder.

Louis Freeh, who was the Director of the Federal Bureau of Investigation, wrote this:

I am certain that Eric has the highest legal competence, total integrity, leadership, and, most importantly, the political independence to discharge faithfully the immense trust this Nation reposes in its Attorney General . . . In all of Eric's interactions with me as FBI Director, as well as in his close coordination with my Deputy and other Assistant Directors who also had extensive and sometimes daily contact with him, Eric always displayed total integrity, courageous leadership, complete fairness, and, once again and most importantly, political independence.

Former Attorney General Bill Barr, former Deputy Attorney General George Terwilliger, and others wrote that:

Mr. Holder's 30-year professional career has consistently been characterized by unfailing integrity and a commitment to political independence . . . Eric Holder is the right man at the right time to protect our citizens in the critical years ahead.

There is a powerful record behind Eric Holder of political independence. The measure of independence is not whether you decide against the President or your party on every question, every time; the measure is whether you decide against the President or your party when the facts and the law direct it. In my view, Eric Holder has met that standard. And in the view of Republican Attorney General and Deputy Attorney Generals and people who have served with distinction and know him well, they agree he has fully met that standard.

I take the Senate's role in the confirmation process very seriously. I believe the Judiciary Committee must and, under the leadership of Chairman LEAHY, will closely examine Mr. Holder's record and his qualifications. It is our duty. At the end of that process, I believe the majority of colleagues will agree with me and with so many others that Eric Holder is the right person at the right time to restore our Department of Justice to its rightful standing as the defender of what is good and what is honorable and what is true in our Nation.

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

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

The assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, it is my understanding we are in morning business.

The ACTING PRESIDENT pro tempore. We are.

NOMINATION OF ERIC HOLDER

Mr. DURBIN. Mr. President, last month, President-elect Obama designated Eric Holder to be the next Attorney General of the United States. When President-elect Obama made this choice, there was virtual universal praise from both sides of the aisle.

Republican ORRIN HATCH of Utah, the former chair of the Senate Judiciary Committee, said Eric Holder was "an excellent choice," in his words, and that "I intend to support him." My colleague, Senator JEFF SESSIONS of Alabama, said, "I think his instincts on law and order are good" and that he was "disposed to support" Eric Holder. Senator TOM COBURN of Oklahoma said: "I think it's a good choice."

It is not hard to see why the initial response to Eric Holder's selection was so positive. After all, Mr. Holder had been confirmed unanimously by the Senate in 1997 for the position of Deputy Attorney General.

As the No. 2 person at the Justice Department, Mr. Holder supported broadening the authority of independent counsel Ken Starr, a difficult decision that was criticized by many Democrats. Mr. Starr's investigation led to the impeachment of President Clinton. And Mr. Holder recommended the appointment of a special prosecutor to investigate Interior Secretary Bruce Babbitt, a member of President Clinton's Cabinet.

Earlier in his career, Eric Holder had been appointed by President Ronald Reagan to serve as a judge. He was later appointed by President Clinton to be the U.S. attorney in Washington, DC. In that position, he earned a reputation for independence. He prosecuted public officials of both political parties during the 12 years he served as a career prosecutor in the Justice Department's Public Integrity Section.

So it is no wonder Mr. Holder's nomination to serve as Attorney General was met initially with strong bipartisan praise.

Unfortunately, some Senators are now questioning the character of Eric Holder. What has happened? Why the change? Why the initial positive reaction of a man who has served as a prosecutor, as a judge, as the No. 2 man in the Department of Justice, someone who has faced thousands of decisions, a person who was first appointed under a Republican President, then a Democratic President? Why this change?

Well, it is attributable in part to someone who has surfaced again on the American political scene and has been very vocal in his criticism of Eric Holder. That person is Karl Rove. I am

sure we all recall Karl Rove. He used to be President Bush's top political strategist. Today he works as a high-priced political consultant.

In a TV interview last month, Mr. Rove called Eric Holder "the one controversial nominee" among President-elect Obama's Cabinet choices. A Washington Post reporter who had been covering the Holder nomination said in an interview:

Word on the street is that Karl Rove is going to be helping lead the fight against Eric Holder when his nomination for Attorney General heads up to the Senate.

That is unfortunate. I am confident, however, that at the end of the day, when Eric Holder comes before the Senate Judiciary Committee this week for his nomination hearing, he will answer the questions directly and show the Senate and the American people that he is an excellent choice to be our next Attorney General.

I met with Eric Holder in my office last month. I had similar meetings with President Bush's Attorney General nominees: Michael Mukasey, Alberto Gonzales, and John Ashcroft.

In my meetings with all four of these nominees, I asked each of them about their views on issues that were central to the mission of the Department of Justice. I asked them about a variety of different issues: human rights, civil rights, civil liberties, national security, and access to justice. I tried to take the measure of each man, and to gain a sense of whether they would have the independence and integrity for the job.

In my opinion, Eric Holder stood head and shoulders above the others. Let's take one example, but a critically important example, the issue of torture.

The late historian Arthur Schlesinger, Jr., said this about the torture policy of the Bush administration:

No position taken has done more damage to the American reputation in the world—ever.

Historian Schlesinger, of course, has written about the American history of the 19th and 20th centuries, and I think he understood as much if not more than others that some of the graphic scenes and details of torture under the Bush administration have created, unfortunately, sad memories among people across the world.

Sadly, that policy of torture was aided and abetted by the last two Attorneys General. Instead of defending the rule of law, the Bush administration's Justice Department set aside our treaty obligations and redefined torture with evasive words and with a wink and a nod.

During his confirmation hearings, Gonzales told me it was legally permissible for the United States of America to subject detainees to cruel, inhuman, and degrading treatment. But cruel, inhuman, and degrading treatment are clearly prohibited by the Torture Convention, a treaty we ratified and are bound to obey.

I drafted legislation to overturn this Bush administration policy and make it clear that cruel, inhuman, or degrading treatment is prohibited in all circumstances. I will tell my colleagues that my bill did not pass, but a virtually identical bill introduced by Senator JOHN MCCAIN, which I was proud to cosponsor, did pass overwhelmingly. It was obvious that Senator MCCAIN was the right person to carry this issue. His experience as a detainee and prisoner of war during the Vietnam conflict gave him more credence on this issue than anybody else on the Senate floor. He stood and spoke not only for the American people but for a great tradition in American law. He was criticized and there were objections from Vice President CHENEY and others, but Senator MCCAIN's position prevailed in the Senate.

After Alberto Gonzales departed as Attorney General under a cloud of scandal, I had hoped that the Justice Department would be able to turn a new page with the nomination of Michael Mukasey. He had served as a Federal district court judge. He was an accomplished attorney. He was someone who I thought came to this job with the capacity to put perspective on some of the most contentious issues. During his confirmation hearing on the second day, I asked Mr. Mukasey a simple, straightforward question: Is the torture technique known as waterboarding legal?

Now, waterboarding is a torture technique that was used as long ago as the Spanish Inquisition in the 15th century. Following World War II, the United States prosecuted Japanese military personnel as war criminals when they were accused of waterboarding U.S. prisoners. The Judge Advocates General, the highest ranking lawyers in the U.S. military, told me and testified unequivocally that waterboarding was illegal. But Mr. Mukasey, at his confirmation hearing for Attorney General, refused to answer my question and to this day still refuses to acknowledge that waterboarding is torture.

President-elect Barack Obama has made it clear that he will reclaim America's role as champion and defender of fundamental human rights. He said—and I quote my former Senate colleague, President-elect Obama:

No administration should allow the use of torture, including so-called 'enhanced interrogation techniques' like water-boarding, head-slapping, and extreme temperatures. It's time that we had a Department of Justice that upholds the rule of law and American values, instead of finding ways to enable the President to subvert them. No more political parsing or legal loopholes.

I believe Eric Holder will fulfill the President-elect's commitment. When I met with Mr. Holder, I asked him the same simple question I had asked Michael Mukasey: Is waterboarding illegal? Without hesitation, Mr. Holder looked me straight in the eye and said—and I quote—"Senator, waterboarding is torture."

After hours of questioning Michael Mukasey on that simple, obvious fact when he refused to answer straightforwardly, here we have a nominee for Attorney General who has made it clear that America is going to return to the values we have held dear for generations, and I think returning to those values will help restore our position and credence in the world.

Indeed, Mr. Holder has spoken out repeatedly about this issue—not just in meeting with me privately. For example, last June in a speech before the American Constitution Society he said:

Our needlessly abusive and unlawful practices in the "war on terror" have diminished our standing in the world community and made us less, rather than more, safe.

Alberto Gonzales, the former Attorney General, said the United States could engage in cruel, inhuman, and degrading treatment. Listen to what Eric Holder said during his speech to the American Constitution Society:

We must declare without qualification that it is the law, policy, and practice of the United States Government that we do not torture people and we do not subject people to cruel, inhuman, or degrading treatment.

What a stark contrast from the evasive words we heard from Alberto Gonzales and the refusal of Attorney General Michael Mukasey to address this issue directly.

I can assure my colleagues that Eric Holder will bring about a welcome change in the Department of Justice and a welcome change that our Nation is anxious to see. He possesses the experience, the wisdom, and the integrity to be an outstanding Attorney General. He is a leader who can rebuild the morale within the Justice Department and restore faith among the American people in this important agency. We all remember that chapter in the history of the Department of Justice when so many U.S. attorneys were unceremoniously dismissed from their positions, many of whom had never had any criticism leveled at them for their professional work. Questions have been raised over and over as to whether this was just a political move or what. The fact is, I am sure it took its toll on the morale of the department. We have a chance with Eric Holder to restore it. It is critical because without faith in our system of justice, our democracy is in danger.

I wish to address one final matter that some of my Republican colleagues have talked about: the pardon of Marc Rich in the closing days of the Clinton administration. In January of 2001 President Clinton issued a pardon for Marc Rich, who had been convicted of tax evasion and who had fled the country. Presidents have the power to issue pardons and commutations, and they seek the advice of the Justice Department on which requests to grant and which to reject. On January 19, 2001, the last full day of the Clinton Presidency, the White House called Eric Holder at the Justice Department to ask him his opinion about Marc Rich.

Without spending much time examining the pardon request, Eric Holder indicated he did not oppose it.

In retrospect, when I asked him directly in my office, Mr. Holder admitted that comment was a mistake. He acknowledged that the Rich pardon should not have been granted and that he should have sought the input of other Justice Department officials about this recommendation. It was a lapse in judgment, and Mr. Holder has openly acknowledged it.

Now, many of us who have spoken out on the Senate floor have occasionally said things we wish we hadn't said. We are, as a matter of course, given permission to revise and extend our remarks if we make a mistake, but it is rare in public life. Senators do it, Congressmen do it, and occasionally elected officials do it—to just say flat out, "I made a mistake." Eric Holder has been open and honest about that. I value that. In the thousands of decisions he faced as the No. 2 man in the Justice Department, there are only a handful that have even raised a question, and he has been open and honest in saying that this was not the right thing to do.

There is probably no one in America more disappointed by that pardon of Marc Rich than the man who prosecuted him, James Comey. You may remember Mr. Comey; I sure do. He is a Republican who served for a few years as the Deputy Attorney General at the Justice Department under John Ashcroft. He was the one who stood up to President Bush and refused to authorize the President's secret surveillance program during the critical period when John Ashcroft was hospitalized and Mr. Comey served briefly as the Acting Attorney General. Earlier in his career as an assistant U.S. attorney in New York, Mr. Comey was the prosecutor in charge of the Marc Rich case. He knows the case better than any of us. He strongly opposed the pardon of Marc Rich by President Bill Clinton, as did his colleagues in the U.S. Attorney's Office in New York. However, Mr. Comey sent a letter to the Senate Judiciary Committee a few weeks ago in support of the nomination of Eric Holder. I wish to read from it. He said:

I have come to believe that Mr. Holder's role in the Rich and [co-defendant Pincus] Green pardons was a huge misjudgment—

Mr. Comey wrote to the committee—one for which he has, appropriately, paid dearly in reputation.

Mr. Comey went on to say:

Yet I hope very much he is confirmed. I know a lot of good people who have made significant mistakes. I think Mr. Holder's may actually make him a better steward of the Department of Justice because he has learned a hard lesson about protecting the integrity of that great institution from political fixers. I'm not suggesting errors of judgment are qualification for high office, but in this case, where the nominee is a smart, decent, humble man who knows and loves the department and has demonstrated his commitment to the rule of law across an

entire career, the error should not disqualify him. Eric Holder should be confirmed as Attorney General.

That statement of support is from James Comey, a Republican, and the chief prosecutor of Marc Rich who was entrusted with major responsibilities in the Department of Justice under President Bush. He is a man who knows that Department very well.

Mr. Comey's opinion is also shared by Larry Thompson, another prominent Republican who served for several years as Deputy Attorney General under President Bush. Mr. THOMPSON had this to say about Eric Holder and the Rich pardon:

There's no way you can have a high-profile job in Washington like the deputy attorney general without attracting some kind of controversy. That matter has been fully investigated, and it should be put behind him.

Let me also read the statement of another high-profile Republican, Ed Rogers, who served in two Republican White Houses. Mr. Rogers said:

Under the Constitution, the President's authority to pardon is unlimited. There was no deceit or malfeasance by Holder. Everyone knows this was Bill Clinton's initiative. Eric Holder is innocent.

Then he added:

the Rich pardon is no bar to Eric Holder being an effective Attorney General—even though we Republicans and some in the media will enjoy rehashing it.

You can question Eric Holder's judgment in the Marc Rich case, but you can't question his integrity, his independence, and his character.

A few days ago the Senate Judiciary Committee received a letter of support for Eric Holder from 10 prominent Republican lawyers, including former Attorney General William Barr and former chief counsel to Senator ARLEN SPECTER of Pennsylvania, Michael O'Neill. This is what the letter said:

Due to his character and experience, Eric today enjoys the endorsement of literally thousands of law enforcement officials from across the country, including NAPO (the National Association of Police Organizations), NDAA (National District Attorneys Association), PERF (Police Executive Research Forum), NSA (National Sheriffs' Association), NAAUSA (National Association of Assistant U.S. Attorneys), and NOBLE (National Organization of Black Law Enforcement Executives). . . . As former federal prosecutors and senior officials of the Department of Justice we are profoundly aware of the challenges that the Department and the country are facing. Eric Holder is the right man at the right time to protect our citizens in the critical years ahead.

It is worth noting that Eric Holder also has the public support of former FBI Director Louie Freeh, as well as the National Fraternal Order of Police, which is the world's largest organization of sworn law enforcement officers.

One final point: Eric Holder is a historic selection. If confirmed, he would be the first African-American Attorney General in our Nation's history. When I was growing up, there were laws in some States that prevented African Americans from drinking out of the same water fountains as Whites, at-

tending the same schools, and using the same restrooms, restaurants, swimming pools, and other public accommodations. It is one more measure of how far America has come that we now have a chance to confirm a distinguished African American to be the top law enforcement officer in America.

After 8 years of the Justice Department trampling the Constitution and often putting politics over principle, we now have a chance to confirm a nominee with strong bipartisan support who can restore the Justice Department to its rightful role as the protector of our laws and renew America's faith in our system of justice.

This week, before the Senate Judiciary Committee, on which the Presiding Officer also serves—we will have an opportunity to ask questions of Mr. Holder. I will be asking him many of the same questions I have asked of former Senator Ashcroft, Mr. Gonzales, and Mr. Mukasey.

The answers, I am sure, will be significantly different, showing that we are about to launch a significant change in America, a change which the American people voted for overwhelmingly in November and a change that will be carried forward in a very positive way at the Department of Justice by Eric Holder as our next Attorney General.

I yield the floor.

TRIBUTE TO MITCH MCCONNELL

Mr. HATCH. Mr. President. I rise today to honor my good friend MITCH MCCONNELL, the Senate minority leader whose strong leadership, sterling example and wise counsel have earned him an honored position within the ranks of the extraordinary public servants who now serve or have served in the U.S. Senate.

Senator MCCONNELL is the second Kentuckian to lead his party in the U.S. Senate, the first being Senator Alben Barkley, who led Senate Democrats from 1937 to 1949. MITCH is now the longest-serving Republican Senator in Kentucky history, eclipsing the previous record held by the legendary Senator John Sherman Cooper.

Today, Senator MCCONNELL has been serving as a U.S. Senator for almost a quarter century. During that time, four U.S. Presidents, scores of colleagues, and several crises have come and gone, but MITCH has carried on with courage, boldness and steadfastness. He has weathered the most turbulent political seas and has always been a calming influence on his Senate colleagues while at the helm.

Few would have predicted that Senator MCCONNELL would have such staying power when he was first elected to the Senate in 1984 by a razor-thin margin—less than half a percentage point. But political pundits and prognosticators often only skim the surface or state the obvious and give short shrift to the characteristics that matter most in the making of an outstanding leader.

In other words, they didn't really know MITCH MCCONNELL. They didn't know about how he overcame polio at age 2, undergoing an intensive therapy regimen at the Roosevelt Warm Springs Institute for Rehabilitation and obeying doctors' orders not to walk or run for 2 years. That took determination, and MITCH showed that early on.

Senator MCCONNELL's service to his State and Nation is as varied as it is impressive. After serving as a student body president and graduating with honors at the University of Louisville College of Arts and Sciences in 1964, he went on to law school at the University of Kentucky, where he was elected president of the Student Bar Association and earned a law degree.

He followed that by working as an intern for Senator John Sherman Cooper and as a chief legislative assistant to Senator Marlow Cook, which provided him with invaluable experience in Washington, DC. Other stints followed: He was deputy attorney general under President Gerald R. Ford and a county judge-executive in Kentucky until he was sworn in as a U.S. Senator on Jan. 3, 1985.

In whatever position Senator MCCONNELL has served, he has unfailingly served with distinction. I have had the good fortune of working with MITCH for years, dating back to his election as a freshman Senator, when he became the first Republican to win a statewide race in Kentucky since 1968. In fact, MITCH was the only Republican in the Nation in 1984 to defeat a Democrat incumbent.

To his considerable credit, MITCH has been defying the odds ever since. For example, during his tenure as chairman of the National Republican Senatorial Committee during the late 1990s and early 2000s, the Republicans controlled the Senate—in large part due to his leadership.

MITCH MCCONNELL is a conservative's conservative who gets high marks from the American Conservative Union and all who know him. Moreover, he is a scholar and able defender of the Constitution and this great country. Knowing just how deadly terrorists can be, he is deadly serious about protecting America. He also is an outspoken advocate of the first amendment and a tremendous parliamentary tactician. When MITCH MCCONNELL talks, people listen and pay heed—almost always with excellent results.

As good a Senator as MITCH is, he is an even better man—one who places principals above partisanship. His love for his State and our Nation is second to none. He also is loyal, honest and unflappable, which explains why he is held in such high esteem by his Senate colleagues on both sides of the aisle.

MITCH is a devoted family man. He is the proud father of three beautiful daughters and the loving husband of outgoing U.S. Secretary of Labor Elaine Chao. And he is utterly devoted to the people of Kentucky he so ably

represents and honors with his stellar service.

At this time, I wish my colleague and dear friend success, health and happiness as he continues his leadership and service in the 111th Congress. I am grateful for the opportunity I have had to work with him over the years and look forward to continuing to serve together in tackling the tremendous challenges confronting our great Nation.

I honor him and his wife Elaine for their service and sacrifices and ask for God's blessings on them both.

Mr. BUNNING. Mr. President, this is a day for all Kentuckians and Americans to celebrate the man I proudly call my best friend in the Senate.

Today we mark an historic occasion for the Commonwealth of Kentucky and the Senate, as my colleague, my friend, and my party's leader, MITCH MCCONNELL, becomes the longest serving Senator in Kentucky history.

Back in 1984, when MITCH first won election to this Chamber by just over 5,000 out of over 1.2 million votes cast, some may have doubted that the Jefferson County judge executive and newly-elected Senator would go on to become the leader and statesman he is today. But some of us had little doubt.

It was easy to tell MITCH was special from the beginning. In 1984, he was the only Republican challenger in the country to defeat a Democratic incumbent in a Senate race. In Kentucky he was also the first Republican to win a statewide race since 1968.

MITCH went on to prove that his initial victory was not just luck. Some of my friends may not know what a prominent role MITCH has played in Kentucky's political history. He has helped to build the thriving two-party political system that Kentucky has today.

MITCH worked with the focused determination that is his trademark here in the Senate and aggressively recruited Republican candidates at every level throughout the State. He made his case to the people of Kentucky, explaining his philosophy and his mission.

As a Republican, he was certainly swimming upstream at first. But over time, the people responded.

Twenty-four years later, he remains as popular as ever back home. Last November, Kentuckians elected him to a record fifth term and awarded him nearly 1 million votes the most ever won by a Kentuckian in a statewide race.

And why shouldn't Kentucky continue to send MITCH MCCONNELL to our Nation's Capital to fight for them? Look at all he has accomplished on their behalf.

No. 1 on the list is his effort to pass the tobacco buyout one of the most significant events in the agricultural history of Kentucky. I can't stress enough that the tobacco buyout, passed in 2004, has helped the livelihoods of tens of thousands of Kentucky tobacco farmers, their families, and the many towns

and communities in which they lived. The tobacco buyout will inject \$2.5 billion into Kentucky over 10 years to tobacco quota holders and growers, allowing them to transition to other crops, continue the farming way of life, and provide for their families. After many obstacles and years of frustration, I was proud to work closely with MITCH on this effort to sign the buyout into law. Many thought it couldn't be done. But we knew it could.

Then there are the millions of Kentuckians who have benefited from MITCH's work to strengthen higher education. I know firsthand his dedication to Kentucky's universities. He understands that by improving them, we not only help students but entire communities by developing jobs and building a better workforce.

During his time in the Senate, he has secured over \$320 million for research and infrastructure in Kentucky's universities. And I know he is not finished yet, as that remains one of his highest priorities.

All of us on this side of the aisle recognized MITCH's ability, and we have unanimously chosen him to be the Republican leader.

Leading the Senate is like herding cats. Senators are not the kind of people who are easily led. We are all used to leading ourselves.

It takes a special kind of man to lead all these class-president types, to balance the different personalities and issues that can come out of our conference. It takes vision and clarity to be able to define our principles and our mission, to codify them in a way that every Member can get on board, and to communicate them to our colleagues and the country. And it takes considerable wisdom to maneuver past the many legislative obstacles and parliamentary land mines that lay in wait in the Senate. MITCH MCCONNELL is the right man for the job, and I am proud of him as he continues to lead our party in the Senate.

And Kentucky is proud of him, too, as only the second Kentuckian in history and the first in over half a century to become a Senate floor leader. In that role, he is able to do even more for Kentucky.

MITCH has graced this Senate with his leadership, commitment to principle, and his trademark determination for 24 years now 8,775 days, to be exact. He is now Kentucky's longest serving Senator.

On a personal note, I want to say that I couldn't ask for a better partner in my work to improve our State. Mary and I will always be thankful for his friendship and that of his wife, our great Secretary of Labor, Elaine Chao.

Kentuckians could not have a better Senator fighting on their behalf. Our State is lucky to have him, and so is this Senate. I congratulate him on reaching this very significant milestone.

Mr. DODD. Mr. President, I rise to join my colleagues in celebrating this

remarkable achievement of our dear friend, the senior Senator from Kentucky and the minority leader of the Senate, Senator MCCONNELL. And I apologize that I wasn't able to join the rest of my colleagues in their tribute earlier.

Twenty-four years is a long time in politics and in the case of my friend from Kentucky, it is historic.

But as someone who sits at the desk his father did before him—who treasures this institution—I know there is a difference between the length of our service and the quality of our service. And let there be no doubt that throughout his two-and-a-half decades here, Senator MCCONNELL has tirelessly dedicated himself to the latter.

My friend and I may not agree on everything. But we both realize the extraordinary privilege and opportunity this is.

When this institution works, it works because of people like MITCH MCCONNELL.

Having served with him for the past 24 years and during our time at the Rules Committee, I had the privilege of seeing my colleague's remarkable talent very closely.

Everyone in this Chamber knows how difficult the moment was after the Presidential election in 2000. The country was terribly divided along partisan lines and feelings in this institution were raw.

As chair and ranking member of Rules, the responsibility fell to Senator MCCONNELL and me to count the electoral votes—typically a ceremonial duty but one fraught with tension in the wake of the closest Presidential election in American history.

We would soon oversee together President Bush's first inaugural as well.

That we were able to get back to business in such short order was a tribute to MITCH MCCONNELL's temperament and commitment to this institution.

And there was some very important business to be done—not the least of which was reforming our nation's voting laws to ensure there wouldn't be a repeat of Florida ever again. Together, and over a series of months, he and I wrote the Helping America Vote Act.

It was a difficult, delicate process—but the hard work paid off.

Civil rights hero JOHN LEWIS called HAVA the most important voting rights law since the Voting Rights Act passed in 1965. In part because of Senator MCCONNELL's commitment to working together—to working through difficult issues instead of setting them aside—today Americans have more confidence in their right to vote privately and independently.

We also managed the McCain-Feingold bill to reform our campaign finance laws on the floor of the Senate—another challenge that took considerable effort on the part of Democrats and Republicans to work together. To set aside those differences and focus on what was at stake.

Senator McCONNELL did not support the McCain-Feingold bill in the end. But he was passionate about there being a fair process.

As another Kentucky son once said, Justice Louis Brandeis, "We are not won by arguments that we can analyze, but by tone and temper—by the manner, which is the man himself."

To me, that is MITCH McCONNELL—a conservative to the marrow but someone who has never forgotten why we come here:

To make a difference.

So I congratulate my colleague and his family for reaching this remarkable milestone. May you continue to expand on it for many years to come. Thank you.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. CARDIN). Morning business is closed.

DESIGNATING CERTAIN LAND COMPONENTS OF THE NATIONAL WILDERNESS PRESERVATION SYSTEM—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume the motion to proceed to S. 22, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 22) to designate certain land as components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I ask unanimous consent to speak for up to 10 minutes. I have conferred with the Senator from Oklahoma, Mr. COBURN, who was scheduled to speak first. That is satisfactory with him. I further ask unanimous consent that Senator COBURN be recognized at the conclusion of my remarks.

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

The Senator from Pennsylvania is recognized.

REPORT ON FOREIGN TRAVEL

Mr. SPECTER. Mr. President, I have sought recognition to speak briefly about foreign travel which I undertook over the past recess, focusing principally on the Mideast and on Europe.

My group arrived in Jerusalem on December 26, late in the evening on Friday. The next day, the hostilities arose in Gaza. I had an occasion to discuss this matter with a number of officials in Israel and also with Prime Minister Fayyad of the Palestinian Authority.

As is well known from the news reports, the Israeli action was taken in response to shelling by Hamas on Israel over a protracted period of time. Israel's action was legal under international law, Article 51 of the United

Nations charter which expressly recognizes the right of self-defense under circumstances where a nation is attacked. And that was the factual matter there. In speaking to Israeli President Peres and Israeli Prime Minister Olmert, the point was made that Israel was taking this action only as a last resort to protect Israeli citizens.

It is highly significant that the Palestinian Authority, which has had its differences with Hamas, has backed the Israeli position. We had a discussion with Palestinian Authority Prime Minister Fayyad, who said that the Palestinian Authority was convinced that Israel had acted properly and that the Palestinian Authority would do what it could to maintain quiet within the Palestinian Authority's jurisdiction in the face of any demonstrations which might occur.

It is worth noting that Egypt has backed the Israeli action, noting the aggressive stand taken by Hamas, and Saudi Arabia, too, has noted Hamas's inappropriate conduct.

We visited in Vienna with Ambassador Schulte and discussed at some length the International Atomic Energy Agency efforts to conduct inspections on what is going on in Iran with respect to any efforts by Iran to create a nuclear weapon.

A year ago, I had an opportunity to meet with IAEA Director Mohamed ElBaradei. He was out of town when we were there. I had a conversation with him by telephone on the issue of the efforts by the IAEA to conduct the inspections and that at the moment Iran is not cooperating and, further, international action needs to be taken to be sure Iran does meet its obligations under international agreements and that there are adequate safeguards to prevent Iran from developing a nuclear weapon.

When we were in Syria, Iran's activities on that subject were discussed with Syrian President Bashar al-Asad. On the Iranian subject, President Asad urged that action be taken to try to get the inspections, and that would be a more productive line than challenging whatever rights Iran had asserted.

In our discussions with President Asad, the subject of a potential Israel-Syria peace treaty was discussed. The Syrians have made it plain that they are interested in a return of the Golan Heights. Only Israel can decide for itself whether it is willing to give up the Golan with respect to whatever strategic advantage the Golan may have. Obviously, it is a different world strategically today than it was in 1967 when Israel captured the Golan Heights.

It is my view that there could be substantial advantages for Israel in terms of Syrian concessions in a number of directions to leave Lebanon as a sovereign nation without efforts to destabilize Lebanon but withdrawing any Syrian support from Hezbollah and also from Hamas. When we discussed with

President Asad the issue of Hezbollah and Hamas, he said if the Palestinian issue could be resolved, those other matters would fall into place.

There is also the potential advantage of trying to move Syria away from the influence of Iran. That is not an easy matter. But if there were to be an Israeli-Syrian peace treaty—and I think that can happen only with the participation of the United States—the prospect would be present of improving that situation of trying to separate Syria from Iran.

In Brussels, we had a meeting with General Craddock, who is the NATO commander there. We discussed a variety of subjects, as described in a more extensive report that I will ask to have printed in the RECORD.

With respect to our discussions with General Craddock, the key point was the issue of what is going on in Afghanistan. General Craddock made the point that there cannot be a military victory in Afghanistan but the military can be successful in securing the situation, that there will have to be improvements in the Afghanistan Government in dealing with the people of Afghanistan. General Craddock commented that he thought it would be a protracted period of time where we would have to have substantial NATO forces, in addition to those provided by the United States, to find a resolution of the issues in Afghanistan.

I was accompanied on my trip by my legislative director, Chris Bradish, my military escort, Phil Skuta, and by Dr. Ronald Smith, all of whom did an excellent job. A very comprehensive trip report has been prepared by Mr. Bradish. I ask unanimous consent to have printed in the RECORD, as if stated in full on the floor, the trip report.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REPORT ON FOREIGN TRAVEL

Mr. President, as is my custom, when I return from foreign travel, I file a report with the Senate.

From December 25, 2008 to January 5, 2009, I traveled to the United Kingdom, Israel, Syria, Austria, Belgium, Norway, and Iceland. I was accompanied by my wife, Joan, my Legislative Director, Chris Bradish, my military escort, Phil Skuta, Colonel, USMC, and Dr. Ronald Smith, Captain, USN.

ISRAEL

I departed the United States on December 25th and made a brief stop in London en route to Israel. We arrived in Israel on the evening of December 26th. This was my twenty-sixth visit to Israel since joining the Senate in 1981. Almost exactly a year after my previous visit to Israel, the domestic political landscape had changed significantly. Prime Minister Ehud Olmert tendered his resignation on September 21, 2008, and general elections are set for February 10, 2009. One of the major questions being posed to the major parties is how best to approach the peace process.

A 6-month truce between Israel and Hamas ended on December 19, 2008. United Nations data showed that fewer rockets were fired at Israeli towns in the initial few months following the onset of the truce on June 19, 2008. The New York Times reported on December 19 that, "more than 300 rockets were

fired into Israel in May [2008], 10 to 20 were fired in July. . . . In August, 10 to 30 were fired, and in September, 5 to 10." However, as reported by The Washington Post on December 23, 2008, Israeli towns were faced with an increasing barrage of fire as the truce neared its end: "[H]undreds of rockets and mortar shells . . . have been fired at Israel in the past month."

The day after my arrival, Israel launched air strikes on Gaza in response to the rocket attacks by Hamas.

The rockets launched from Gaza as well as those from Hezbollah pose a major threat to Israel's security. To counter this threat, I have long supported full funding for the Arrow Anti-Missile System, the David's Sling Weapon System, and the Counter Terrorism Technical Support Working Group. During my tenure, I have worked to secure more than 80 billion for Israel, to include \$1.4 billion for the Arrow Anti-Missile System.

On December 28th, I had a working breakfast with the U.S. Ambassador to Israel, James Cunningham. It is worth noting that Ambassador Cunningham is a product of Allentown, Pennsylvania. Ambassador Cunningham's prior posts, notably at the United Nations, provided him a broad experience in dealing with many of the regional players. He briefed me on the situation in Gaza, the upcoming elections in Israel, Iran's influence in the region, and the prospects for peace agreements with Syria and the Palestinians.

Following our meeting we departed for Beit Hanassi to see President Shimon Peres. He updated me on the Gaza situation and stated, "We didn't do it with great pleasure. We didn't have any choice."

I asked if negotiations on a peace agreement could come to fruition with the Palestinian Authority with Hamas in the position it is in. Peres believed it was possible. We discussed the four outstanding issues that need to be addressed to achieve an agreement: security, borders, refugees and Jerusalem.

When asked about the prospect for an agreement with Syria, President Peres did not express enthusiasm, citing Syria's troubling alliance with Iran and the concern that Damascus may not be sufficiently interested in a peace agreement. He stated that Syria cannot have Lebanon and the Golan at the same time.

I asked the President about what can be done on the Iran front. His best advice was to keep the price of oil low as that will generate lower revenues for Tehran. Broader energy independence is critical. Peres stated, "Kill the oil, kill your enemies Oil produces pollution and craziness don't shoot at mosquitoes, dry the swamp." Peres advised us not to deal with Tehran until after Iran's May elections.

I have pushed for greater consideration of the Russian proposal to enrich Iran's uranium. President Peres indicated that there is a broader opportunity for the U.S. to engage Russia. He indicated Russia is concerned about American's missile defense activities in Europe and regional hegemony. He suggested using missile defense as an avenue to turn the U.S.-Russian problem into cooperation against Iran.

Peres shared with me his views on future economic issues and stated there will be five great industries: energy, water, stem cells, homeland security and education. I asked what Israel hoped for in the new U.S. President. Peres replied that he wanted him to be a great President for the United States.

On the afternoon of December 28th, I met with Prime Minister Ehud Olmert. I asked Olmert where Israel and Syria stood on their proximity talks. He said they chose the Turks as mediators because they are good li-

aisons who are trusted by both sides. Olmert said there had been four rounds in which the issues to be discussed in a potential dialogue were presented such as borders, terrorism and Iran. He said of Syrian President Assad, "I know what he wants from me and he knows what I want from him."

He expressed disappointment that Syria did not provide clear signals that they were willing to acknowledge what Israel wanted. It was his view that Syria was waiting for a new U.S. President to assume office before seriously engaging. Nonetheless, he said he was committed to carrying out the process.

I asked the Prime Minister if Iran knows how dangerous it is for them to obtain a military nuclear capability. He replied, "Iran feels the weakness of America." He suggested the U.S. apply more pressure on Iran by ending business and commerce exchanges, particularly from the European Union. Olmert believes that there are plenty of options between the extremes of doing nothing and utilizing military force. On the question of when to engage Tehran, Olmert's view differed from Peres': "The sooner the better."

Following my meeting with the Prime Minister, I traveled to our consul general's residence for a briefing on Israeli-Palestinian relations and an update on the Gaza situation. The recent reports indicated there were 280 dead and 600 injured—a figure that would climb. He stated there were demonstrations across the Arab world and clashes in Hebron and the West Bank.

We discussed concerns over the potential for a humanitarian crisis in Gaza. The consul general informed me that Israel had provided 40 truckloads of humanitarian aid but a cessation of attacks did not appear imminent. We discussed the financing of Gazans who rely on the UN, Palestinian Authority salaries and Hamas to survive.

The consul general told us that the economy in the West Bank has improved under the direction of Salam Fayyad 18 months ago. Payrolls are being met and tourism is getting better due to a spillover from increased tourism in Israel.

We were then joined by Prime Minister Fayyad. I asked about the prospects for peace with Israel. The PM indicated that the peace process should be pursued and while it has not happened as quickly as some would like, the Bush Administration deserves credit for some of their efforts.

He stated that U.S. support of the Palestinian Authority has had a good impact in terms of helping them govern and provide services and draw support away from Hamas. I pressed him on how the money was being spent and was told it was going toward economic development projects and infrastructure. As a result of the PA's success in controlling expenditures and obtaining more revenue, they anticipate lowering their dependence on foreign assistance by 35 percent. He cited some of the efforts: reducing their payroll from 190,000 to 150,000; improving revenue collections such as utility bills; and installing prepaid meters, of which he noted that the city of Janin is using 100 percent prepaid meters.

He indicated that the private sector needs to be enhanced, but that it would only be possible when more mobility is permitted in the West Bank. Fayyad stated that the Palestinian Authority must be seen as competent and able to provide for their people.

On Gaza, Fayyad indicated that the sentiment is against Hamas because they know this would happen if they continued to launch rockets into Israel. Fayyad said he was upbeat about the prospects for improving life and the situation for Palestinians.

The Prime Minister told me that it is very important to deal with Syria and that it can-

not be ignored if one is looking for tranquility in the region. We discussed how Syria hosts terrorist entities and acts as a conduit for Hezbollah. He stated that this is a problem and that Iran was also a problem for the region. He believes that Israel will not allow Iran to obtain a nuclear weapons capability. He suggested engaging the Russians to make them a real partner in engaging Iran—something President Shimon Peres told me earlier in the day. He said it is not effective for the U.S. to yell at Iran. However, if others such as Russia started getting Iran's attention, it may change Tehran's calculus.

On December 29th I traveled to the Knesset to meet with Benjamin Netanyahu. Joining us in the meeting was Yural Steinitz, a member of the defense and foreign affairs committee, and Silvan Shalom, a former foreign minister.

On Hamas, Netanyahu stated it would be very difficult to peacefully engage them as their goal is to see Israel destroyed. I asked what could be done to minimize civilian casualties in Gaza. He replied that Gaza should not host terrorists. He further stated that both Abu Mazen and President Mubarak said the Israeli action was the responsibility of Hamas.

On Syria, Netanyahu reminded me of when I carried a message from him to President Assad in 1996. There was a concern at the time about troop amassments on the border. I was able to carry the message and according to Netanyahu and Syrian Foreign Minister Muallem, may have helped to prevent a military conflict. He expressed doubt about a potential deal with Syria, citing the difficulty of engaging them while they play host to terrorist entities and do not make any effort to halt transshipment of fighters and weapons through their territory.

With regard to the current situation with Iran, the group suggested a review of what happened with Libya. They stated it was not just sanctions or diplomacy, but rather the Libyan calculus that the U.S. and UK would attack. The threat of force, according to them, was the critical factor. Their conclusion was clear: Iran will only give up its nuclear weapons aspirations if the threat of military force is severe enough.

Following my meeting at the Knesset we departed for Tel Aviv for our flight to Syria.

SYRIA

We arrived in Damascus on the night of December 29th and were met by Charge d'Affaires Maura Connelly. This was my 18th visit to Syria.

On December 30th, I received a briefing from Charge Connelly prior to the day's meetings. Later that morning, we traveled to President Assad's palace.

President Assad began the meeting by expressing his concern with the situation in Gaza. I asked him if Hamas would ever change its policy or position towards Israel and Jews. Assad indicated that Khaled Mashaal, the head of Hamas who is located in Damascus, has said his group would accept the 1967 borders and that constituted recognition. Assad believes that Hamas has changed, that Mashaal is a moderate within Hamas and the best way to resolve border issues is for the Palestinians to have a referendum.

I told President Assad that Prime Minister Olmert had said he would like to see the time come when he could stay at the Four Seasons in Damascus. Assad responded that going back to the pre-1967 border is the key Olmert needs to access such a hotel room and that, "the Golan is everything for us . . . in every bargain, I put Golan first."

In May 2008, Israel and Syria announced indirect peace negotiations through Turkish mediators. According to a June 25, 2008 article by David Ignatius in The Washington

Post, "The channel opened in the fall of 2006, just after the summer war in Lebanon that had made both Damascus and Tel Aviv nervous about the destabilizing role of Hezbollah, Iran's proxy in Lebanon." I was first told about the secret talks in 2007 by officials in the region.

He shared with me the Syrian view on the proximity talks with Israel that have been facilitated by Turkey. He said that they were still at the stage of trying to get a set of principles in place which would allow for discussions but that the violence in Gaza would place this effort on hold.

I expressed my concern about Syria's involvement in Lebanon, the prospect of a nuclear Iran, the statements made by President Ahmadinejad regarding his desire to wipe Israel off the map and the transshipment of weapons through Syria to terrorist entities. I told Assad that Damascus has a role in these issues and has the opportunity to act positively.

On Lebanon, Assad said they had a positive role in supporting the formation and functioning of a government. According to an October 15, 2008 PBS report, "In August [2008], Lebanese President Michel Suleiman made an official visit to Damascus, where he and Assad agreed to solidify ties and demarcate their contentious border." We discussed the October 15, 2008 agreement signed by Syrian Foreign Minister Walid al-Mouallem and his Lebanese counterpart, Fawzi Salloukh, which formalized diplomatic ties between Syria and Lebanon for the first time since the two nations gained independence, Lebanon in 1943 and Syria in 1946. Syria has pledged to provide an ambassador by the end of 2008, however one had not yet been sent. He stated that their mission in Lebanon had been established and staffed with diplomats and that they are deciding on whom to send to lead the embassy.

On Hamas and Hezbollah, Assad suggested that a comprehensive peace would resolve the issues associated with these organizations. Despite reports to the contrary, Assad stated that Syria is not being used to funnel weapons to these groups.

On Iran, the President said that Iran is an influential player in the region and one that has supported his efforts. This, combined with no support from the West, leaves him no option but to have positive relations with Tehran. However, he did indicate that Syria has told Iran that it does not support a military nuclear program in Iran should one be active.

On the nuclear question, I expressed my concern that the International Atomic Energy Agency, IAEA, has not had sufficient access to Iran and Syria. He responded by saying that Iran is ready for inspectors but that the approach taken to engage Iran is viewed as a political game. He indicated Iran is open to inspections but the west must recognize Iran's right to enrich. Assad believed the way to resolve this issue is through some type of broad package. Nonetheless, you cannot discuss the right to enrich with Iran, but you can discuss monitoring.

After indicating that a nuclear Iran would not be tolerable and that I would like to see this matter resolved diplomatically, Foreign Minister Walid al Muallem told President Assad of my work during the 1990s to prevent and resolve conflict between Israel and Syria.

I again brought up the fate of the missing Israeli soldiers: Gilad Shalit, Guy Hever and Ron Arad. I reiterated my interest in seeing President Assad work to help secure the release of Gilad Shalit, who has been held in Gaza since June 25, 2006, and in determining the fate of Guy Hever, the Israeli soldier who disappeared from the Golan Heights in August 1997, and Ron Arad, the Israeli Air

Force weapons systems officer whose plane went down in 1986. In December 2007, I asked President Assad for his assistance in securing the release of Ehud Goldwasser and Eldad Reggev, two Israeli soldiers who were captured by Hezbollah in July 2006. Regrettably, their bodies were returned to their families in July 2008.

As I told Gilad Shalit's father in a meeting in Washington this past summer, I remain committed to doing whatever I can to help secure the return of captured Israeli soldiers or, where they have perished, to obtain their remains. I have also requested the assistance of Egyptian President Hosni Mubarak.

I also followed up numerous letters I had written to Assad requesting he allow a prayer to be said over the grave of Eli Cohen. He rejected the idea, claiming it would not be possible given that Cohen was hanged as a spy and that Israel remained a Syrian enemy.

Following my meeting with the president, I was scheduled to meet with various social and civic leaders. In prior visits, and as recently as last year, I had the opportunity to meet with these leaders. However, I was not able to during this visit as it has become increasingly difficult for Syrians to meet with westerners for fear of retaliation. It is troubling that one year ago, I was able to have a dinner with Syrian citizens and have a meeting with Riad Seif, and twelve months later, Seif is in jail and others did not feel comfortable meeting with me.

On the issue of political prisoners, it was apparent that there had been an even greater crackdown. In October, Syria sentenced 12 prominent 'dissidents' to 2½ years for calling for democratic reforms and an end to the Baath Party's monopoly on power. The so-called dissidents are part of the Damascus Declaration National Council and are among Syria's leading intellectuals and opposition figures.

According to the U.S. State Department's March 2008 report on Syria's human rights practices: "Although the number of political prisoners and detainees remained difficult to determine due to a continuing lack of official government information, various local human rights groups estimated during the year that a total of somewhere between approximately 1,500 and 3,000 current political prisoners, including accused Islamists, remained in detention. Authorities refused to divulge information regarding numbers or names of people in detention on political or security-related charges."

Since 2006 the government has tried some new political detainees in criminal court, and once convicted on political or security related charges, they are treated like common prisoners. The government did not permit regular access to political prisoners or detainees by local or international humanitarian organizations. Human rights groups reported that many political prisoners serving long-term sentences remained in prison after the expiration of their sentences.

Following my meeting with the President, Foreign Minister Walid al Muallem hosted me for a working lunch. The Foreign Minister discussed the situation in Gaza as he was preparing to depart the following day for a meeting of Arab countries. He indicated that 44 children and 80 women had been killed in Gaza as a result of Israel's action.

I raised the issue of foreign fighters traversing through Syria. The Foreign Minister said that Syria used to cooperate with the United States but that after the Hariri assassination, and the souring of relations that resulted, cooperation ceased. Muallem asked why Syria should cooperate with the U.S. when the U.S. sanctions Syria. He indicated that Syria and Iraq have cooperated and claimed that Syria had stopped 1,200 fighters.

I pressed the Minister on the arrests of what are referred to as "dissidents." He indicated that they had contacts with Syria's enemies and provoking action against the regime.

Muallem indicated he had just met with Hamas leader Khaled Meshaal to discuss a possible ceasefire and if Hamas would stop rocket attacks should Israel agree to a cessation of bombing. He said he had also been in contact with EU foreign ministers on the matter. He indicated that Hamas' morale is high given the 2006 war with Hezbollah, but that Hamas and Islamic Jihad are willing to consider a ceasefire.

I pressed him on the possibility of a peace agreement with Israel. He expressed, as he has in the past, that the issues on both sides are understood. However, the bombing in Gaza has made it so Syria "cannot jump to peace with Israel." I asked what could be done to move the process forward. He replied that each side must respect the interests of one another and that dialogue is needed.

On Iran, Muallem stated that Iran has the right to enrich, and that the world needs to acknowledge that, but that Syria does not approve of Iran having a nuclear weapon. He stated that the U.S. missed opportunities when Rafsanjani and Khatami were in power.

AUSTRIA

We departed Damascus on December 31st for Vienna, Austria. The United States has three missions in Vienna: the bilateral mission to the Republic of Austria, the mission to the Organization for Security and Cooperation in Europe (OSCE) and the mission to the United Nations. During my stop in Vienna, I called on all three U.S. Ambassadors stationed in Vienna.

After arriving in Vienna, Ambassador David Girard-diCarlo hosted me for dinner. He briefed me on the mission's dealings with the Austrian government and some of the views and issues of broader Europe. We discussed how the financial crises has impacted Europe as well as the United States. I shared with Ambassador Girard-diCarlo my recent trip to Damascus and Israel and efforts to have the United States more aggressively engage in the peace process in the region.

I have known Ambassador Girard-diCarlo for many years. David is a graduate of St. Joseph's University and Villanova University School of Law. He served at Blank Rome LLP for 16 years as managing partner and CEO prior to becoming chairman in 2000, and he also served as chairman and CEO of Blank Rome Government Relations LLC, headquartered in Washington, DC.

Ambassador Girard-diCarlo was Pennsylvania Governor Richard L. Thornburgh's appointee to the Board of Directors of the Southeastern Pennsylvania Transportation Authority, SEPTA, from 1979-1982 and served as its chairman of the board. In 1981, he was elected as chairman of the American Public Transit Association, APTA, for a 1-year term. Ambassador Girard-diCarlo was appointed by former President George Bush in 1990 to serve as a member of the board of the National Railroad Passenger Corporation, AMTRAK, a position he held until 1993.

In addition to Ambassador Girard-diCarlo's professional responsibilities, his experience over the past 3 decades involved his active participation in the business and cultural organizations within the communities in which he lived and worked. He served in leadership positions at the Greater Philadelphia Chamber of Commerce, the Philadelphia Orchestra and Academy of Music, the Walnut Street Theatre, The John F. Kennedy Center for the Performing Arts, and the Arizona Heart Foundation—to mention a few. In 1999, he received the Judge Learned Hand Human Relations Award from the American Jewish Committee. He served on the board of Villanova

University School of Law, from which he received the Gerald Abraham Award for Distinguished Service in 2003. Also in 2003, Pope John Paul II conferred upon him the Pontifical Honor of Knight of the Order of St. Gregory the Great for his work with Business Leaders Organized for Catholic Schools.

Established as an independent organization under the United Nations in 1957, the International Atomic Energy Agency represents the realization of President Dwight Eisenhower's "Atoms for Peace" speech to the U.N. General Assembly in 1953. President Eisenhower proposed the creation of an international body to control and promote the use of atomic energy. Today, the IAEA is at the center of the ongoing standoff with Iran over its nuclear program.

On January 1, 2008, I met with Ambassador Schulte, the United States Permanent Representative to the United Nations Office in Vienna, the International Atomic Energy Agency, and other international organizations in Vienna.

Ambassador Schulte updated me on the IAEA's efforts on Iran and their reported pursuit of a military nuclear capability. He expressed the mission's desire to have Iran respond to directives provided by both the U.N. Security Council and the IAEA to suspend enrichment activities and allow inspections.

We discussed how Iran's failure to declare its facility at Natanz has created a significant trust deficit not only in the United States, but internationally. The facility, combined with the revelation that Iran had outside assistance from the A.Q. Khan network, which it previously denied, has compounded the problem. Ambassador Schulte stated that by violating the Non Proliferation Treaty, Iran has given up its rights under the treaty. He further stated that Iran's claims that their efforts are geared towards civilian purposes do not make sense from an economic or infrastructure capability perspective.

He was very interested in my recent stop in Damascus and my dialogue with Syrian officials during my tenure. Ambassador Schulte briefed me on the IAEA's response after the reported attack on Syrian infrastructure. He said Syria still denies the facility was of a nuclear nature, but that the IAEA inspectors believe it was. He expressed concern that the international community must ensure that Syria, and other actors, know that this type of behavior will not be tolerated and not forgotten. Ambassador Schulte revealed that Syria's tactics in responding to the IAEA have a stark resemblance to the response Iran has shown.

On the evening of January 1st, I spoke with IAEA Director General Mohammed El-Baradei, who I visited last year in Vienna. He updated me on his efforts on Iran and briefed me on the situation vis-à-vis Syria. We discussed how the U.S. and the International Community may better address Iran and resolve the nuclear issue.

While in Vienna, I hosted a meeting with Ambassador Julie Finley, the U.S. representative to the OSCE.

The OSCE is a major forum for issues of peace, security and human rights in Europe and Central Asia. A legacy of the historic 1975 Helsinki accords, it is the only fully inclusive trans-Atlantic/European/Eurasian political organization. Every state from Andorra to Kyrgyzstan is represented among its 56 participating States. Over more than 30 years, commitments to democracy, rule of law, human rights, tolerance, pluralism and media freedoms were hammered out at the OSCE and its predecessor mechanisms—and agreed to by all the participating states.

Ambassador Finley briefed me on her view of the Georgian-Russian conflict earlier this

year. She indicated that the OSCE has had a mission in the region since 1992 to aid civil society, enhance education and address environmental issues.

Ambassador Finley and I discussed the bilateral relationship between the U.S. and Russia and how organizations like the OSCE can better be used to address regional and international matters. As relations between the U.S. and Russia are increasingly strained, Ambassador Finley pointed out that the OSCE could be a forum to positively engage Russia as this is the only regional security organization in which Russia is a full and equal member.

We discussed U.S. policy more broadly and how diplomacy could be enhanced to pursue positive outcomes. Ambassador Finley confirmed my belief that dialogue is critical to addressing the challenges we face.

We departed Austria the following morning for Belgium.

BELGIUM

We landed in Brussels, Belgium on January 2nd. I hosted a meeting with Charge Kate Byrnes and Defense Advisor Randy Hoag. They briefed me on the major issues we are working with NATO: Afghanistan, reinvigorating the alliance, dealing with Georgia and Ukraine, the Balkans and emerging security threats such as cyber attacks and piracy.

Burden-sharing remains a concern as it was when I began visiting NATO in the 1980s. During my first visit to NATO in 1981, 3 percent GDP spending on defense was the goal for all member countries. Today, only five nations spend more than 2 percent: the United States, the United Kingdom, France, Greece and Turkey. This is a concern not only from the standpoint of the Alliance's health and ability to address issues, but also from the perspective that some are carrying more weight than others.

The only time Article V has been invoked was following the September 11, 2001 attacks on the United States. NATO declared that this attack was indeed an attack on the alliance. Today, there are currently 70,000 troops in Afghanistan—51,000 are part of the NATO-led International Security Assistance Force, ISAF. The U.S. provides 20,000 to ISAF. There are concerns that some NATO members are only providing civil or peacekeeping support for Afghanistan and are limiting what their militaries are permitted to do.

We discussed the NATO-Russia relationship with a focus on how expansion and missile defense impact the relationship between NATO and Russia as well as the U.S. and Russia. I was told that some member countries view missile defense as provocative and as the alliance progresses that is something that will have to be considered. I was briefed on NATO missile defense as well as U.S. missile defense in Europe and the future of missile defense on the continent.

I was told that NATO still has an open door policy, codified in Article X of the charter, which states a nation may appeal for membership provided it meets the requirements and shares NATO values. I was briefed on the expansion opportunities with Albania and Croatia and the potential for nations such as Georgia, Serbia, Macedonia and Ukraine to join the alliance. There is considerable fatigue in Europe over expansion—both at the NATO and EU level. While NATO has 26 members and the EU has 27, only 18 members are party to both structures. There are some EU countries which, while not party to NATO, do support the alliance and its efforts—namely Sweden, Finland, Ireland and Austria.

We then had the opportunity to discuss the U.S.-Belgian bilateral relationship with Robert Kiene, our First Secretary to the mis-

sion. He said the relationship has improved since 2003 when the U.S. took military action against Iraq.

When we left Washington, D.C., Yves Leterme was the Prime Minister. When we landed in Belgium it was Herman Van Rompuy. On our day of arrival, Van Rompuy received backing from the parliament by a vote of 88 to 45. Belgium like so many other nations is facing an economic crisis to include recession and bank disintegration.

Mr. Kiene discussed the recent political changes that occurred in Belgium. He informed us that Belgium, while under the 2 percent GDP spending NATO goal, is very keen on enhancing their ability to contribute to the alliance. We discussed how Section 1206 "Global Train and Equip" funds could be used to reward and encourage Belgium as well as enhance forces outside NATO.

Belgium played a key role in helping to obtain an EU-wide agreement on arrest warrants and in facilitating extradition of terrorist suspects. A Brussels trial of al-Qaeda-related defendants ended in September 2003 with sentences for 18 of the 23 accused, with another 2004 terrorist-related trial resulting in eight more guilty verdicts. Belgium operates within UN and EU frameworks concerning the freezing of terrorist assets, but has yet to develop a domestic legal framework to act independently. In support of Operation Enduring Freedom, Belgium contributed a navy frigate in the Mediterranean, Airborne Warning and Control (AWAC) crews for surveillance flights over the United States, as well as aircraft for humanitarian assistance to Afghanistan. Since 2002, Belgium has contributed ground troops to the International Security Assistance Force, ISAF, the UN Security council sanctioned peacekeeping mission in Afghanistan. Belgium currently has 420 troops assigned to the ISAF.

Mr. Kiene discussed the efforts of the Belgian government to combat terrorism. On December 11, 2008, Belgian authorities arrested 14 people suspected of Al Qaeda links. The following day, six of the individuals were charged with membership in a terrorist group. The remaining eight were released due to insufficient evidence. As reported by the Christian Science Monitor, "According to Belgian federal officials, at least some of the detained suspects had traveled to the Pakistan-Afghanistan border for training and were said to have been affiliated with 'important people' in Al Qaeda." According to a December 12, 2008 Associated Press article, the six charged included one who may have been plotting a suicide attack. While Belgium faced with terrorism issues at home, it is also contributing to NATO efforts in Afghanistan.

On the afternoon of January 2nd, I hosted General Craddock, Commander of the United States European Command. We discussed Afghanistan, the NATO-Russian dynamic, NATO expansion, the EU-NATO relationship, Kosovo, AFRICOM, and missile defense, among other topics.

General Craddock reported that the government and civil society in Afghanistan have not come along fast enough to support and rule the people of Afghanistan. He briefed me on the challenges, from criminal to insurgency to corruption, faced in the various regions of Afghanistan. We discussed how the money from narcotics are fueling those opposed to the U.S. and coalition forces. General Craddock cited a UN report which indicates as much as \$500 million in revenue from the drug trade is supporting those opposed to our objectives.

General Craddock confirmed the reports that fighters are moving back and forth between Afghanistan and Pakistan and that

the FATA region in Pakistan is hosting our enemies. General Craddock indicated that if tensions between India and Pakistan flare up, especially as a result of the recent bombing, Pakistan may pull resources from their Western border to engage India to the east. He estimates that Pakistan would need 50,000–100,000 additional troops on their western border to improve the ability to engage enemies in the FATA region. Further, he stated that whatever forces Pakistan uses in the west, they must remain there and hold the territory and prevent it from being receded to combatants.

We discussed the proposal of an additional 20,000 troops being deployed to support efforts in Afghanistan, but General Craddock indicated that these forces are contingent upon forces being drawn down in Iraq. This is also true for allies, such as the UK, who may be adding troops to Afghanistan.

General Craddock made it clear that the military cannot “win” Afghanistan. Rather, it can provide the right security conditions for a civil government to stand up. The government in Afghanistan needs to remove corruption, establish reliable police forces capable of providing public safety, create jobs and provide services such as clean drinking water. He predicted that a presence will be needed in Afghanistan for the next 30–40 years.

On Iran, General Craddock stated that Iran does not want to see the Taliban come back to power, but that they do desire the U.S. to remain tied down in the region. Iran's eastern border with Afghanistan remains a major transshipment point for drugs, weapons and oil.

General Craddock is dual hatted in Brussels, as he heads NATO and the U.S. European Command. On the latter, he presented three challenges moving forward: (1) Convincing allies to better assist and engage in regional and international problems; (2) define a national strategy vis-à-vis Russia; and (3) resolve European missile defense issues.

NORWAY

On January 3rd, we arrive in Oslo, Norway. The last time I visited Norway was in 1994 during a meeting of the North Atlantic Assembly. This time, I met with representatives from our mission, Deputy Chief of Mission Kevin Johnson and defense attaché Don Kopley.

I was briefed on the U.S.–Norwegian relationship and some of the difficulties we have had this decade over foreign policy disputes, such as Iraq and our approach to Afghanistan. I was briefed on the status of Norway's decision to buy Lockheed Martin F-35 Joint Strike Fighters and the current political situation in the country. Norway, like the U.S., has a significant global presence and has a history of being active on many foreign policy fronts from Middle East peace to Sri Lanka.

Norway is a member of NATO and is contributing to the mission in Afghanistan. They currently have 500 troops deployed which, while not large by number, is significant given their population. In addition to military support, Norway has contributed senior diplomats and significant aid to assist in the building of Afghanistan.

We discussed the Norwegian Government's plans to fight the global economic crisis. While its large sovereign wealth fund lost a significant amount of money in the stock market, especially after the fall of Lehman Brothers, Norway is expected to do better than other Nordic and European nations during the economic downturn. Norway, which the CIA estimates has the world's 21st largest oil reserves, will tap into some of its saved oil wealth to provide the country with an economic stimulus. Norwegian Prime

Minister Jens Stoltenberg said on December 19, 2008 that the stimulus package, “will include an ever greater increase in funding for public works and construction, and maintenance.”

On the day of my arrival, a protest of an estimated 1,000 Norwegians was occurring in front of Parliament and the Israeli embassy. The protestors, who had a similar gathering last week, were expressing their opposition to Israel's actions in Gaza. While Norway was long a strong ally of Israel, the bilateral relationship has soured since the Oslo Accords.

The following morning I met with Benson Whitney, the U.S. Ambassador to Norway. We discussed our bilateral relationship, U.S. foreign policy, and our bilateral relationship with Russia and its impact globally.

Following the meeting we departed for Iceland.

ICELAND

On January 4, 2009, we arrived in Reykjavik, Iceland, where we were met by Neil Klopfenstein, our Deputy Chief of Mission.

The following morning I met with Prime Minister Geir Haarde. Prime Minister Haarde graduated from Brandeis University and earned two master's degrees from Johns Hopkins University. We discussed a broad range of topics: Energy; the recent financial crisis and its impacts on the U.S. and Iceland; the situation in Afghanistan; and our relations with Russia.

Following the collapse of Iceland's three main banks in October 2008, Iceland was cast into financial turmoil. A December 13, 2008 article in *The Economist* makes clear the magnitude of the problem: “[T]he scale of what confronts . . . Icelanders is only just becoming clear. According to the [International Monetary Fund], the failure of the banks may cost taxpayers more than 80 percent of GDP. Relative to the economy's size, that would be about 20 times what the Swedish Government paid to rescue its banks in the early 1990s. It would be several times the cost of Japan's banking crisis a decade ago.” According to the IMF, Iceland's GDP is expected to contract by nearly 10 percent in calendar year 2009.

The Prime Minister was practical in terms of the outlook for 2009 but was optimistic that Iceland would see a turnaround in 2010. He indicated that Iceland has agreed to financing from the International Monetary Fund. The Prime Minister and I shared what each of our respective countries were looking to do in the form of economic stimulus.

Prime Minister Haarde thanked me for my work on the judiciary committee and our efforts to ensure businessmen have visas which permit them the freedom to work and meet in the United States. Citing his personal experience during his 6 years as a student in the United States, Prime Minister Haarde asked that we do more to ensure those who wish to study in the U.S. have the opportunity. I concurred and feel that it is in our interest to have foreigners, and potential future foreign leaders, spend time and be educated in the United States.

We returned to the United States on January 5, 2009.

Mr. SPECTER. Mr. President, I know Senator COBURN is near the floor and should be appearing shortly. But until he does, 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. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. COBURN. Mr. President, I ask unanimous consent that I be recognized for what time I might consume.

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

The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, we had an interesting day yesterday. We brought a lot of people to work, I believe unnecessarily, to adopt a motion to proceed that we could have voted on today.

I want to spend some time today outlining what our new, soon to be President, President-elect Obama, said during his campaign and what he said to me personally several times about how we fix what is wrong with our country. If you go to his Web site or what his transition team has said, what you will find are some very significant things that both he and I have worked on over the past 4 years.

He has a plan. It is called the Obama plan for restoring fiscal discipline. It is a good plan. What does it include? It includes conducting an exhaustive line-by-line review of Federal spending and eliminating Government programs that are not performing or are wasteful or are obsolete or are duplicative, paying for new spending commitments—new spending commitments—by cutting other programs—let me say that again—paying for new spending commitments by cutting other programs, slashing porkbarrel spending, rooting out redundancy, and requiring all Federal contracts over \$25,000, including earmarks, to be competitively bid, to truly measure program performance without ideologic slant, and enforcing goals and demanding that new initiatives be selected on the basis of merit, not a political process that rewards lobbyists and campaign donors and makes Members of Congress just look good at home.

That is President-elect Obama. I don't know anybody outside of Washington who would not embrace that message. That is a great message for our country. It is a message that our country needs to heed. It is one that we need to accomplish. Unfortunately, the first week we are back in session, we are doing exactly the opposite. Here we have President-elect Obama who next week will become President Obama, and one of his main goals we are working to undermine in the Senate today.

I am going to be an ally of the President-elect on these issues. Every opportunity when we are not doing what he suggested we be doing, I am going to be raising questions about it. We are going to work hard for the hope and change he promised the American people he would deliver.

We have before us a lands package. It is not really a lands package. It has all sorts of stuff in it—165 bills. Initially, it spends \$1 billion, but that is not even honest because after 10 years it spends \$2 billion to \$3 billion more on one program alone. CBO has not even scored

this new package. The last package they scored, if appropriated, would be \$8 billion. So we have \$10 billion to \$12 billion in new spending.

The opportunity to offer amendments on that has been foreclosed.

So I thought, in light of what this bill is and in light of what President Obama said he would like to see us do, that I would highlight some of the amendments I would have offered had the minority, the Republican Party, the Republican Members of the Senate, been given an opportunity to amend this bill.

The best tradition of the Senate—the best tradition of the Senate—is where the best ideas get debated, the back and forth goes on, and then we settle on what is almost always a compromise but a compromise that is thoroughly debated and where an individual Senator has to put their stamp of yea or nay on ideas to either make it better or not. That is not available in this bill. As a matter of fact, it hasn't been available for 124 days. It has been available once to Republican Members of the Senate in 184 days.

So if we are to accomplish, or at least move in the direction that our soon-to-be President would like for us to, one of the things that is going to be required for that is taking tough votes. The idea we don't want our Members to have to take tough votes is the height of inside political baseball and it wreaks of a lack of courage. As a Senator from Oklahoma, if I can't go home and defend my votes in a cogent and reasonable manner, I shouldn't be sent back up here. That is all there is to it. If Oklahoma citizens believe I have not stood on the principles of which I told them I would try to represent them in this body, they should not send me back to the Senate. But to not have the votes in the first place, so we don't have to defend anything, goes against not just the culture of the Senate but it goes against the very courage that this whole country was based upon and that is the freedom to express and work and try to accomplish what you think is best for the country in the long run.

One of the great qualities of our country is this freedom to get out and express. Until recently, that freedom has been available in the Senate. But this didn't start with HARRY REID. It goes all the way back to George Mitchell and Trent Lott and Bill Frist. It has been perfected under our current majority leader. My thought would be that maybe we ought to take the hard votes rather than ruin the institution. Maybe we ought to do what the American people would expect us to do.

Now, my intent has never been, in all my proceedings on the floor, to extend debate. I mean, I think I could accomplish a filibuster if I wanted to do that. Having delivered 4,000 babies, I know how to stay up all night. My goal is to have the opportunity to do amendments and to have a vote on them. As most people know, agreements to time

on amendments are easily obtained, and limitation on amendments are most often very easily obtained.

So the fact is we find ourselves on a \$12 billion bill that has lots of good things in it and has lots of mediocre things that probably would be a priority if we didn't find ourselves with a \$1.8 trillion deficit this year and getting ready to pass an \$800 billion stimulus package that is about \$2,700 per man, woman, and child in this country, or about \$10,000 per family, none of which is going to be paid for—none of which is going to be paid for. It will ultimately be paid for, and here is how it will be paid for. When we look toward our grandchildren, what we are going to find is that not so many of them get to go to college because they will not be able to afford to. When we look toward them owning a home, regardless of the housing crisis we find ourselves in now, 30 years from now the ability to earn an income big enough to be able to afford a mortgage is going to be limited because we have been poor stewards with their taxpayer money. So we will have shackled our grandchildren.

So let me spend a minute talking about eliminating wasteful programs, or things that are not a priority, and go over a couple of the amendments we were going to offer simply to point out that we are doing the opposite of what I believe the intent of our new President is going to be. I might also add, it wasn't that long ago that all of us were paying \$4 for a gallon of gasoline. There is no question in my mind that a good portion of that price was because of speculation of the very rich in this country asking the very poor to pay out of their disposable income while they made millions upon billions of dollars manipulating the futures markets. But nevertheless, in this bill, we are putting a patch over our eye and limiting our ability in the future to increase our energy independence by taking millions of acres of land and forever closing them to any source of energy. It would not matter what any new technology might be, and it would not matter if we could do it totally without any environmental impact, we are closing that completely off.

That set aside, one of the amendments we were going to offer in this bill was to strike \$3.5 million to go to the city of St. Augustine, FL. Now, you might ask, what for? Well, they are going to have a birthday party in 6 years to recognize the 450th year of St. Augustine's existence, the longest Colonial outpost on this continent. I would say maybe that might be a St. Augustine, FL, responsibility or maybe the State of Florida, but when we are running a deficit in this country of \$20,000 per family per year, it seems ludicrous to me that we would send \$3.5 million for a party. How does that set with priorities? How does that set with eliminating wasteful spending? It doesn't. Yet it is in here, and we don't have the opportunity to try to take it out.

There is \$12 million in the bill to build a new facility in Maryland for orchids for the Smithsonian. We may need to do that, but we certainly don't need to do that right now. That is a luxury item. Every family in this country today is making a reassessment because everybody is afraid, and they are going through their budgets and saying: What is necessary? What is excess? What can we do without? Should we be putting money away in case X happens? Everybody in the country is doing that except the Congress. So here we have a new orchid building, costing \$12 or \$14 million, I don't remember exactly which, that we are going to put in this bill, and we are going to say this is a priority.

Now, some will say: Well, we might not appropriate it. We appropriate \$300 billion a year for things that are not authorized anyway, and most of those things are not priority as well. But the fact is, it is a clue to the American public that we don't get it; that in this time of significant economic downturn, in this time of significant debt laying on to the next generations, we continue to want to do things the average person of common sense would say: How can that be a priority? Well, it can't.

There is \$5 million in here for new botanical gardens in Hawaii and Florida. I don't doubt that could be a great thing that we could do. No. 1, I would ask the question again: Why isn't that a State responsibility instead of a Federal responsibility? If the State of Florida and the State of Hawaii think that is a priority, they ought to fund it. No. 2, if it is our priority, if it is our responsibility, is that something we should be funding now; that we should be authorizing; we should be saying it is okay to do this?

We are in perilous times. Yet we act like nothing is going on out there; that the average family isn't getting hit hard, that people aren't worried about their jobs; that 573,000 people didn't lose their jobs last month. That is how we are behaving.

One of the other amendments we would have offered is to prohibit the use of eminent domain both in the national trails, the wilderness areas, the new heritage areas, and the new national parks area. It is one thing for the Government to have its land; it is totally different for it, through the force of law, to take your land away from you and tell you what they are going to do with it. There is minimal prohibition in this bill for the protection of property rights in this country—a fundamental freedom guaranteed to every American. This bill steps all over those property rights.

We offered a total of 13 amendments, and we would have probably accepted 5 or 6, with less than an hour debate on each one of them. We could have been finished with this bill. We could have accomplished it last Thursday or Friday. But because we don't want to have to take tough votes or we want to protect a Member from a vote on some

piece of pork that was put in a bill, we have decided to have no votes, no debate on any amendment will be the standard for this body. It is not a good day for the Senate. More importantly, it is a terrible day for this country because we are saying that, even though we have great hope and promise of change by an incoming President, his own party is going to step on that—the careerists, the people who think politically only, the people who think short term only about political gain, instead of thinking about what is in the best long-term interests of our country.

It is interesting to know we have 108 million acres of wilderness in this country right now—more than anywhere else in the world. That number is actually greater than the amount of developed land we have in this country, which is 106 million acres. It is also interesting to know the Government already owns 653 million acres, and we are going to take, at a minimum, another 2.2 million acres and totally wall it off—can't ride a dirt bike through it, minimal access, can't hunt on it, can't do the things you have always done. If you happen to be unfortunate enough to have property next to it, you fall peril to having the National Park Service fund organizations that are going to take your property rights away, to limit your ability on the land you have that is abutting these areas.

As we come into next week, we approach the celebration of a very great milestone in our country, something that speaks volumes about the American system: the installment and swearing in of the first African-American President, one who leads on these issues while we in the Senate say we are going to keep doing it the way we have been doing it regardless of the tremendous hope that he brought to the American people, the hope for change, that we would operate differently. We hope he will lead a Government that operates differently—and I believe he will try. He is a very dear friend of mine. I believe he is going to try to do that as here we sit in the Senate, worrying about the political consequences of taking a few votes on amendments because we might not look good enough at home.

Talk about the lack of courage; talk about the decline that will be manifested in our country if we continue to have leadership that operates on the basis of fear instead of courage.

My challenge and my hope is that this is the last time we are going to see this tactic brought forward in the Senate. My pledge to the majority leader is I will not delay anything if I get an opportunity to amend it. But if I get no opportunity to amend it, I will delay everything because the lack of an opportunity to amend says that over half of the people in this country, the 160 million who are represented by my side of the aisle, have no voice in the matter. It says, if we don't get it, our voice doesn't count.

I look forward with great hope to the leadership we are going to see at the

other end of 1600 Pennsylvania Avenue. My prayer is that the leadership in this body can come up to the same level of character and courage that I believe we will see demonstrated at the other end of Pennsylvania Avenue.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. STABENOW). Without objection, it is so ordered.

TARP

Mr. SESSIONS. Mr. President, I appreciate the opportunity of sharing some thoughts this afternoon. We are going to be moving forward, presumably even this week, with the second tranche. That is the second portion of \$350 billion of the Wall Street bailout, the TARP money.

And we will have that coming up, and there will be an attempt to move that through. I have believed from the beginning that it was unwise for this Congress to allow one individual, the Secretary of Treasury, to disburse \$700 billion. The way this is set up, and even with the way the votes might occur in Congress, is very troubling. The whole \$700 billion will be spent by the two Secretaries of Treasury, without any real accountability, without any real responsibility.

I think Congress is beginning to see the lack of wisdom that we displayed, the lack of fidelity to the responsibilities of the Senate, when we passed that bill with so little control. We do not even know where the money is going, and whether Secretary Paulson, who is a Wall Street guru, is moving money around among friends for friendship reasons, or meritorious reasons, or even if he can tell in this rush-rush effort to put out money, who is deserving and who is not deserving. It is not being done in an open and transparent way.

It is an indication and further proof that we in the Senate and the Congress were not rigorous enough when we passed it. I would add one more thing about that. It is something we ought not to forget. I hoped not to bring it up, but Secretary Paulson announced that he was going to buy toxic mortgages, bad mortgages from banks, in order to get those off their books. He said that most of them would be good and eventually they could be sold for a profit and the taxpayers would not lose any money, and that would be the way we would do this.

Well, within a week—and he was specifically asked at one hearing if he thought we should buy stock in private banks, and he said, no. Within a week or so, he had already changed his mind on that. Instead of buying toxic mortgages, he was now going to buy stock in private American companies. And,

in fact, he has now spent over \$100 billion in one company, AIG, the insurance company.

AIG is competing with other American companies. How should they feel, I ask you, that the U.S. Government is now providing \$100 billion-plus to their competitors? What about the banks who did things right and were cautious and managed their money well? How should they feel about the Government injecting capital into their competitors by buying stock?

And what about those of us who are not of the socialist bend? What should we think about the idea of the U.S. Government buying stock in a multitude of banks, at tens of billions of dollars, and now buying and investing in automobile companies? Someone said the newspapers are next. Well, I guess they are in trouble. They are not doing well financially. They can write a lot of editorials. I mean, maybe we ought to make them happy and give them money. What I am saying is, where does it end?

Out of that background, I want to have a little discussion of the possibility of a stimulus bill that would add some \$800 billion to the current level of deficit spending we already have, \$800 billion.

There is no doubt that our economy is not performing well. We know that economies historically are cyclical; they go through good times and bad times. They normally respond. We are clearly going through a very difficult recessionary period. The unemployment rate is increasing, and businesses are struggling. We had a hearing before the Budget Committee last Thursday. The Director of the Congressional Budget Office testified, and he predicted that this would be a 2-year recession. Someone later asked him: Well, did that include the stimulus package? And he said, no.

Well, would the stimulus package help? Spending another \$800 billion, would that help? He said: Well, it might. That is a little less than a ringing endorsement. He did not say that if we did not pass this bill the economy would never recover and we would continue on a downward spiral forever. So I would say that.

But I do think the Government can play a positive role in helping to shorten the length of the recession that we are in.

There are some things I am prepared to discuss and see if we can agree on. I know President-elect Obama feels very strongly about this. He has been out campaigning, and he made promises to do all he could to recover this economy. He intends to do something, and he promised to do something. He is going to do something.

Now, President Bush has already done some things that I also did not approve of. Doing something can be good. But doing something may not be so good if you do the wrong things. So I am aware that the new administration wants our country to prosper, and

so do I. If there are reasonable, commonsense steps we can take to do that, I say let us do so without delay.

But I want to share some thoughts with you about the fundamental truths that I think all of us in this country know, and especially the area where I come from. One of them is that there is no free lunch. Nobody can get a lunch and say someone did not have to work to put it on the table. There is nothing free. When something is given, somebody pays for it.

There is another thing that is a truism: one way or the other, debts have to be repaid.

You say: Well, you know, sometimes people go bankrupt, you do not get paid back. But the whole system is damaged when debts are not paid back. The next guy may have to pay higher interest rates because his neighbor did not pay his debts and the bank lost money and the bank has got to charge higher interest rates to account for that higher risk.

So there are costs out there, and nothing is free in this country. I wish to focus on this question first. What is the best thing we can do for America in the long run? What should we, the responsible Senate, where we're supposed to be the saucer that cools, what should we do and how should we approach this issue?

Let's be frank. The stimulus bill, the recovery bill as some are calling it now, may well provide some stimulus to the country. I am not sure. But I would say this: at its face, it is a spending bill. It spends money in order to create projects that might create jobs, and this is the theory behind the effort to stimulate the economy.

We spend the money to try to create jobs. So it relies on the theory that ramping up government spending will flood the country with money, \$800 billion worth, acting like a booster shot for a sick economy.

This is not a new theory. It has been tried before all over the world. Many economists say this type of spending-stimulus simply does not work. They have cited examples of it throughout history.

President Bush tried it in February last year, less than a year ago, when he began the process to send out a \$600 check. I think there is a general consensus now that the plan that was sold to Congress as a stimulus for the economy did not have the desired effect.

I wish it were not so. I wish it had. I would point out that I did not think at the time that it would work. I did not vote for it. There were not many of us who did not vote for it, but I was one of the few. But it did not work, in my opinion. It cost \$168 billion. Every penny of that \$168 billion, since we were in a deficit and it was new spending on top of what we planned to spend, and we knew we were there, is a deficit added to the deficit. As a result, it basically, in one piece of legislation, doubled the annual deficit last year.

Then we had some more spending that went on later on in the year. I will

show this chart in a minute that sort of dramatizes where we are.

So I would say both parties have some fingerprints on some policies that have not been very helpful. We did not ask enough tough questions when President Bush proposed his agenda, and we also did not ask enough questions when they passed the \$700 billion bailout in October, in my opinion. I hope we do not make the mistake again of rushing to approve the second phase of that along with this \$800 billion stimulus package.

We need to ask the right questions. We should not be intimidated by it. We should not be panicked. The bill does not have to be passed in 1 day, or else the country is going to be permanently damaged. We need to try to improve the economy without wasting money or creating long-term problems for the Nation.

So there is this effort to continue what Secretary Paulson promoted, a rhetoric that says we have got to do something and we have got to do it in a hurry. We have got to do it now. We are still hearing that. Well, I think we don't need to be afraid to say, let's slow this down a little bit.

When something of such historic proportions is on the table, a bill of this magnitude, the Senate has a responsibility to carefully scrutinize it and to insist on accountability and responsibility of every single dime. That is why we exist. That is why taxpayers send us here. Someone has to ask the tough questions. I do not want to dampen anybody's spirits. We have a wonderful new President. He has a positive attitude. He is proposing a lot of things and nobody wants to ask a lot of grim questions.

I am going to ask a few, though, because it is my duty to do so. First, how big is this plan? How much will it cost? We have heard some general numbers. It has been stated, although we still haven't seen any details, that it might be between \$800 billion and \$1.3 trillion, which is one thousand three hundred billion dollars. That is a lot of money. It would be the single largest Government expenditure of all time. Consider the enormity of a trillion dollars. It is the equivalent of paying for the Korean, Vietnam, and Persian Gulf wars at once.

Then, my next question is: Where will the \$800 billion to \$1.3 trillion come from? Where will we get it?

As I indicated, we are in a deficit now. So we are talking about spending another \$800-plus billion. Where does it come from? We will have to borrow every single penny of it from whomever will lend us the money, private investors or foreign countries. We have been depending, frankly, too much on foreign countries. We didn't budget for this \$800 billion. We don't have any money in the bank that we can get and pay for it. We don't have any savings we can draw on. All \$1 trillion will have to be borrowed. Since loans have to be repaid and you have to pay people

to borrow their money—that is what borrowing money is, you borrow it from somebody or some country, and they are not going to give the money for nothing—you have to pay them interest. Every bit of it will have to be paid back. Every American over the years, for generations to come, will have to sacrifice to pay off the debt we incur today.

The United States is, indeed, deeply in debt already, about \$10.6 trillion. My generation probably will not be the one to pay most of that back, nor will even our children. It will probably be our grandchildren who will begin to feel the heavy burden of this debt. We should consider that.

Then I will ask this question: What impact will the Obama plan have on the Federal deficit and the national debt? This spending program, virtually all of it, will increase the deficit, which is the difference between the money the Government takes in each year and what we spend. We spend more than we take in, so we have a deficit right now. To fund that deficit, we borrow money. Each year we have been running a deficit, and each year the deficit gets added to the total national debt. One might ask: How do these deficits and debts affect me? Well, when politicians are responsible and deficits are kept small as a percentage of the gross domestic product, we probably don't notice the impact. Interest rates remain low, and debt payments are easier to make. But when we have a sustained and systemic habit of growing deficits, the United States becomes a riskier investment for people who might like to loan us money. Interest rates will go up, and more debt at higher interest rates means the taxpayers have to pay a larger percentage of GDP towards interest on the debt. The most likely way those high payments would be met is by a tax hike. I am not sure that is the most likely, but one way those higher interest payments and higher debt payments will have to be paid back might be a tax hike.

In 2004, President Bush was criticized because, under his tenure after 9/11, after the economic slowdown, he had a big stimulus package, and it led to a deficit of \$412 billion. He was savaged for a \$412 billion deficit. I thought he did deserve criticism for that. Although it is not well known to most Americans, some work was done in the next years to bring that deficit down. By 2007, it was down to \$160 billion, a lot better than \$412 billion. That amounted to 1.2 percent of the gross domestic product.

This chart reflects that. We had a \$413 billion deficit in 2004. This was the largest deficit since World War II. President Bush was roundly criticized for it. A lot of people felt strongly about it. The next year the deficit dropped to \$318 billion; the next year, it was 248. The year before last, 2007, it dropped to \$161 billion. We were heading in the right direction.

Then we had the economic slowdown. Those things have a number of different ramifications, one of which is, when the economy slows down, people don't make as much money, so they don't pay as much taxes. So we lost about \$200 billion; we expect to lose about \$166 billion in revenue this year, according to the CBO, as a result of the slowdown. But last year, including the \$160 billion stimulus package, sending out checks, the deficit jumped to \$455 billion, the highest we have had since World War II as a percentage of the gross domestic product. That is a huge number.

We had a hearing last Thursday with the Congressional Budget Office Acting Director. A longtime professional budgeteer by the name of Mr. Sunshine did a fabulous job, but his remarks weren't so bright and encouraging. The Congressional Budget Office projects that even without any stimulus package, under current law, the deficit this fiscal year, the one we are already in—we passed the first quarter of it, and it ends on September 30 of this year—will be \$1.2 trillion. Remember, last year it was \$455 billion, the highest ever. This year we are looking at \$1.2 trillion. Senator CONRAD, chairman of the Budget Committee and a Democratic leader in the Senate, a good American, called that number jaw dropping. What else can one say?

That does not even include the stimulus package. If we add the numbers as proposed in the stimulus package, according to Mr. Sunshine, that will reach almost \$1.8 trillion. So we are talking about a deficit more than three times the largest amount ever. It may sound fine as a businessman. I heard today a very prominent American businessman on Joe Scarborough's show. They asked him about spending and the deficit. He said: Well, we have to do it. They asked: Isn't this going to create financial problems in the future? And the only answer he could give was: Well, we will worry about that later.

I think it is a little late to worry about spending an extra \$800 billion. It is a little late to worry about it later. We need to worry about it when we, the entity responsible for appropriating money, are deciding how much to appropriate and for what purpose. We ought to be thinking about it now, before we vote. This includes some of the expenditures for the TARP that they project. That is the \$700 billion bailout and some other things, some of which are one-time expenditures. They project next year the deficit will be \$871 billion. It might look like we made progress, but \$871 billion is twice what this number is, almost. The next year, 2011, it will \$572 billion.

Those numbers still are not the full number because they do not include, for example, about \$40 billion a year for the alternative minimum tax fix and several other things. So these are numbers based on existing law, and each year we have not allowed the alternative minimum tax to go up. There

are other things we extend each year. It does not include extensions of the current Bush tax cuts which would expire in 2010. He is not projecting they will be extended, but some of them, I am sure, will be. Those numbers are correct, technically, but in reality they are going to be larger, in all probability.

This deficit, almost \$1.8 trillion, amounts to 8.3 percent of the entire value of the American economy, the gross domestic product. That would be the highest in real dollar numbers maybe ever. As a percentage of the economy, it is the highest since we were in a life-and-death struggle in World War II, with millions of soldiers deployed all over the world putting their lives on the line for this country. We were building airplanes and ships and tanks with all the capacity this Nation had.

Today Mr. Sunshine told us the debt payment we are paying each year out of tax receipts is \$200 billion just to pay the interest on the money we already owe. Let me say a little bit about that. Interest rates are oddly at a very low rate today. It is inevitable, though, that people will stop loaning money to anybody, the U.S. Government or anybody else, for 1 or 2 percent. They are going to demand higher interest rates. That is what is going to happen.

The CBO predicts that interest rate amount will balloon in a few years to \$450 billion a year annually. So the Congressional Budget Office says, as a result of our profligate spending and huge deficits, we now are heading in a few years to a point where we will be spending \$450 billion a year only on interest. I ask, how big is \$450 billion?

I will give a couple examples to provide perspectives that are fair to consider. The 5 years of the Iraq war cost \$500 billion. We are creating a permanent interest rate payment every year that will have to be paid by our children, by our constituents. Our constituents today will be paying \$450 billion every year, just on interest, because we had to spend so much today and last year for responses to crises I am not sure justified this kind of spending.

I certainly think many of our programs deserve to be reformed, eliminated, or increased in efficiency, and a lot of savings could occur. We have not been doing that. All we have been doing is spending more and more, adding to our debt.

Madam President, \$450 billion is the equivalent, as I said, of the Iraq war. It is about one-third of the discretionary spending for our country every year. My recollection is that our general fund discretionary spending, including the Department of Defense, is about \$1.5 trillion. I think that includes the \$200 billion or so for interest now. So that number goes up to \$450 billion. It would be about a third of that amount.

We spend more on Social Security and Medicare and entitlement pro-

grams. That is on a separate accountability factor. But just on the Defense Department, Homeland Security, our salaries, highways, everything we spend money on—our interest on the debt would be that high. It is not a little bitty matter. It is a big deal.

The Congressional Budget Office predicts that by 2019, the share of Federal expenditures allocated to debt payments will increase from 6 percent to 13 percent of the entire economy. That does not include the stimulus plan the President will be sending to us.

So the next question. A trillion dollars is a staggering sum of money to borrow and pay back with interest. How do we know it will be spent in the most efficient way to jump-start our economy and get the most productivity for the taxpayers?

Well, the truth is, we do not. We know this proposal will have two components. The so-called tax credits and direct spending. Now, I have to tell you, a good bit of this tax cut is temporary and a good bit of it is a sales job. Tax cuts, tax credit: What does that mean? Well, some say 40 percent of that will go to people who do not pay taxes. So how do you get a tax cut if you do not pay taxes? The Government sends you a check from the Treasury just as they did last spring. They got \$600. So you get a check from Uncle Sam that is supposed to stimulate things and somehow help the economy.

The Congressional Budget Office, really under the supervision of the Congress—and the Congress is under the control of our Democratic colleagues; they have the majority now—the CBO rightfully scores these provisions not as a tax cut but as direct spending. What else can it be? It is a direct spending of taxpayers' money to send individuals a check to make them happier for the short term. What kind of long-term impact will there be on them, their children, and the economy in the years to come? What will this unwise prospect create?

The Wall Street Journal has pointed out many of these ideas are temporary and that temporary tax cuts do not result in positive economic behavior. But a more permanent change, when people know it is permanent, does have more of an impact in helping our economy.

Permanent tax relief, including—I have to say, please, do not think this is a way to pander to big business. But the corporate tax rate in America is one of the highest in the world: 35 percent. In Ireland, I think it is 11 percent. Most European nations—only one or two nations have as high a tax rate on the corporate community, which gets passed on as a cost of doing business and makes those corporations less competitive in the world marketplace.

We would be in a lot better shape if we could reduce that in a more permanent way. Then those companies could see, well, I am saving on my corporate tax rate. I will not have to lay off as many people. I can keep this company

going. Maybe we can invest and be more competitive when we export because I do not have as much of a burden on me, and it would help this economy. So I want to say many economists truly believe the corporate tax is not that, if reduced, would actually encourage economic growth and create more jobs.

So we know that just rapid expenditures of huge amounts of money have never been a very effective way to grow the economy. Are these spending programs—this \$800 billion plus—is that going to end cold turkey in 2 years? I have doubts about it. I want to tell you, I have my doubts about the wisdom of our idea that we can jump-start the economy by pumping \$800 billion into it.

So they are talking about—you have heard these numbers—well, we are going to spend a good bit of money on the infrastructure. Everybody likes highways. Everybody knows they are there for generations to come. Highways and bridges have good things that can be said about them and can make our lives better. There is always a line formed whenever there is highway money with people wanting to build more highways and more bridges. Currently, the Federal Government, which spends a lot of money on highways, spends, according to Mr. Sunshine, around \$40 billion a year on highways. OK. States match it on a 20-percent basis; 80 percent Federal, States 20 percent. In some areas it is 90 percent Federal, 10 percent State. We use this matching mechanism to fund highway construction in this country, and it amounts to \$40 billion a year.

We are talking about \$300 billion in 2 years? You take the \$300 billion, and cut it in two, that is \$150 billion each year. So now we go from \$40 billion a year for highways to \$150 billion? Well, let's say you only spend \$100 billion on it. With \$200 billion, that is \$100 billion more per year for highways, 2½ times what we are currently spending.

I would suggest those kinds of figures are unrealistic. When the chips are down, I doubt we are going to see anything like that much money being allocated to highways because it cannot be spent. There are not enough asphalt mixers, there are not enough concrete mixers, there are not enough dump trucks to actually spend that much money. That is a fact. You cannot triple the amount of work. And if you do, the bid per mile and the cost per mile is going to go way up. There is going to be a shortage dealing with everything in construction.

We simply cannot throw money at road construction and infrastructure. It has to be understood that since some of this is dropping off as a result of economic slowdowns, we can put that back on, and maybe a little on top, and keep this thing going at a more healthy rate. That may be possible, and I am willing to discuss that. But we ought not to sell the stimulus package that is being discussed that somehow the big-

gest chunk of it is going to get spent on highways. Right? So \$800 billion. Maybe \$30 billion a year extra; so \$60 billion out of \$800. So \$740 billion. Where is the rest of it going to be spent to stimulate the economy, I ask? "Shovel ready" they say. I do not know what that means. But I know you could not start off in the next few months and triple the number of highways built in America. There are not enough engineers. There is not enough heavy equipment. There is not enough material to do that. If you were to even try, it would drive up the cost, and so we would spend a lot of money, a lot more. We would make it much more expensive per mile to build highways in America. We have to be careful about that.

Well, they also talk about how there is going to be more money in this bill for the automobile companies, and maybe a bailout for State governments. They need more money too, don't they? So why doesn't the Federal Government—which sort of prints money—why don't we bail out our good friends at the State level? Unemployment insurance is going to need to be expanded. And some are talking about expanding broadband, and, of course, hiring an additional 600,000 Government employees. That is part of what is being discussed here.

As the Washington Post said, of course, many of these items were featured in President-elect Barack Obama's campaign pledges. There was a fine column by Mr. E. J. Dionne, who is openly a good, liberal columnist and has been a pro-Obama writer throughout. Mr. Dionne said it has been rather fortunate for the Obama campaign that he can utilize—and I am paraphrasing now, but I think this is close to the heart of what he said—it is very fortunate for President-elect Obama that all the spending he promised can now be justified, and they can call it a bailout or a stimulus package and not just a big spending program.

So I think we have to ask questions about that. Can we justify this? Fundamentally, every dollar we spend as part of regular Government spending programs or this stimulus program should result in an effective return to the taxpayers. We have no money to waste. We are in a time of unprecedented, incredible deficits. We ought not to waste a single dollar. Cannot we all agree on that?

Finally, my question would be, how will we Americans pay the trillion dollars back? There are three ways: cutting spending in the future. I do not hear anybody saying we need to be cutting spending, not on the majority side here. We talk about education, health care, highways, expanding the number of military personnel. All these things cost money. I do not see any realistic prospect we will see any huge reduction in spending, I have to tell you.

You could raise taxes. But I do not like raising taxes. I have tried to oppose that throughout my career. Presi-

dent-elect Obama says he wants to give everybody a tax break. Who is going to raise taxes in any significant way? Oh, you can tax the rich and get a little out of them when the economy is doing pretty good. When the economy goes down and the rich income drops dramatically, the country's tax revenue also drops dramatically. So I do not think we are going to get a lot of money from that.

One way for it to happen and would be a result more pernicious than many have thought about would be where we would basically debase the currency. We would weaken the value of the dollar. So you borrow \$100 billion from somebody, and you pay them back \$100 billion, but you printed a lot more dollars, so the dollars they get paid back are less valuable than the ones they gave you when you borrowed it. That is a pretty slick deal, isn't it? That is what you call inflation. There are huge ramifications from that kind of policy that are very damaging to the long-term health of America. We do not need to debase our currency. That is why the price of gold jumped. People get scared the dollar is not going to be worth anything.

So I think the debate we are about to begin is really about individual responsibility and governmental responsibility. We do need to resist the cries of many who have self-interests in this stimulus package.

I heard one prominent businessman make a speech recently. He said: We are going after this money. Well, if we put it out there, every business is going to go after it and be happy to get it. So we have to be responsible. We need to scrutinize it. We need to act in the long-term interests of America.

I believe Congress so far has not done well in responding to the economic crisis we are going through. I think everybody pretty well universally has agreed that the \$160 billion send-out-the-checks program did not benefit the economy. I heard a group of well-known economists recently agree that the first \$350 billion—remember, the entire Iraq war has cost us \$500 billion—that \$350 billion in the first tranche of money that has gone out has not helped the economy. So I think we have to be careful. I hope Congress will not fail our constituents again, by making sure that the fiscal illness we are living with now does not damage our children.

I know people are hurting. I know people are worried that their job might not exist in the months to come. If you are working at the clothing store, I am not sure some of these jobs are going to be that helpful to you. But at any rate, that is the kind of thing we are dealing with. People are worried. We are going through a serious downturn. As the CBO expert told us, we are going to come out of this in 2 years, in his opinion—and he was firm about it—whether we did anything or not. He said a stimulus package might help. Another member of the panel said, well, it

should help, but neither one said it was critical to us coming out of the recession.

So whatever we do, whatever monies we spend—and I am not against every idea for stimulating the economy—let's just be sure it is productive. Approving \$1 trillion in deficit spending could do more harm than good if we don't do it right.

It is time that we as a Nation stop living beyond our means. We need to get our house in order. We need to know there is no free lunch; that debts will have to be repaid one way or the other—raising taxes, cutting spending in the future, debasing the currency. That is basically the way we can reduce the debt, and those are the only ways we can. We are putting a burden to the future. I know some money invested now might make a positive difference. Let's talk about that and let's see what we can do. But the numbers being floated out and the rapidity with which the program is being proposed creates in my mind a great danger that much of the money will not be stimulative, as it has failed to be in the past, and that much of it will not produce the kind of tangible benefit to which the taxpayers are entitled.

Madam President, I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

CONGRATULATING THE FLORIDA GATORS

Mr. NELSON of Florida. Madam President, the task happily falls to some of us Senators each year in which we can chronicle the success of the national champion in college football. Of course, there were tens of millions of Americans watching TV last Thursday night as the No. 1 and No. 2 teams ranked in the country in college football played for the BCS National Championship. Of course, in that game, with two high-powered offenses, the University of Florida Gators prevailed.

I will be offering a resolution for the Senate to pass to present to the University of Florida and to its coach and to the team. They will be coming here for the traditional visit to the White House to visit with the President later on this year. I am joined—although the Senate rules prohibit Albert the Alligator from appearing on the floor of the Senate, and as my colleague, the Senator from Alabama, over there is giving the Gator chomp, the University of Alabama rolling tide having been the victims of the Gator chomp in the SEC championship game—I make note that Albert the Alligator, the University of Florida's mascot, is safely ensconced back in the cloakroom since the alligator is not allowed onto the floor of the Senate. But all of us are celebrating this tremendous victory.

I also wish to mention that since the BCS National Championship rotates among the major bowls, this year it was the turn for the Orange Bowl to have not only the Orange Bowl on January 1 but then the national championship game. The entire Orange Bowl

Committee, of which the two Senators from Florida are privileged to be ex-officio members, had conducted such a magnificent event, had done it with great aplomb and excellence, great hospitality to the two teams involved, to the university administrations, and it was all around a very positive experience.

For the national champion Gators, I wish to quote a couple of articles. From the columnist Greg Cote and the Miami Herald:

The Gators flat-out won this game and this title, and all the more impressively because it was less by quarterback Tim Tebow's magic (though he was voted game MVP) than by his defense defusing the other team's epic offense.

Then I quote from the columnist of the Gainesville Sun, Robbie Andreu:

The Florida Gators apparently were right after all. Oklahoma obviously had not seen a defense like Florida's this season. And Tim Tebow? There's no way he is the fourth-best quarterback in the Big 12. With the defense coming up with critical stops when it had to, and with Tebow, Percy Harvin and the offense generating points when the game was on the line, the Gators were clutch in the second half and beat the Sooners 24-14 Thursday night at Dolphin Stadium to give Florida its third national championship, and second in three years.

Coach Meyer is quoted:

This is one of the best teams in the history of college football.

So we celebrate that.

Now, since we are dealing with these weighty problems and here we are taking up a stimulus bill—we are taking up this TARP legislation this week—it is good to have a little levity. Indeed, before this game, I went to the Senator from Oklahoma, Mr. COBURN, and I said: Would you like to have a little friendly wager?

What we decided was that the losing team's Senator would sing a song in front of the winning Senator's constituents, and we agreed in advance that the songs would be that I would sing "Oklahoma" if the Sooners won, and Senator COBURN would sing "Rocket Man" by Elton John—a favorite of this Senator—if the Gators won.

So next Wednesday, 2 days from now, circa noontime, we are going to have a gathering of Florida constituents for Senator COBURN and me. I suggested to Senator COBURN that I would even graciously sing a few bars of "Oklahoma." Also, if he couldn't follow the words—and we are going to play "Rocket Man" for him—if he couldn't follow the words, clearly we could sing a few bars of the Florida alma mater, the Florida fight song, "We Are The Boys From Old Florida."

It is good to have this levity. It is good to have a wholesome sport that is uniquely American that we can get enthused about. It is good that we have athletics that add so much to a university setting, that bring out more of a university personality in addition to the studies, the academics, and the research we are so privileged to have in our American universities.

So, indeed, this Senator is here to say: All hail, Florida, which comes from the alma mater. All hail, Florida. This time, again, the Gators are the national champions.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from Michigan.

ECONOMIC STIMULUS

Ms. STABENOW. Mr. President, I wish to take a few minutes this evening to respond to some of the comments that we have been hearing from colleagues on the other side of the aisle expressing great concern about the spending of a recovery package for America, as we are talking about today.

I find it quite extraordinary when I hear colleagues talking about objecting to spending Federal dollars right now—Federal dollars that would add to the deficit—given where we have come from in the last 8 years. I find it quite extraordinary.

I remember back when I was in the House of Representatives, serving with the distinguished Presiding Officer, when in 1997 we took some very tough votes and did a lot of hard work under President Clinton. Actually, we balanced the budget for the first time in 30 years. That put us on a course to eliminate the deficit, to strengthen the country, to create the right kinds of priorities for the American people.

As a result of that action, in 2001, when I came into the Senate as a new member of the Budget Committee, we were debating what to do with the biggest surplus in American history, \$5.7 trillion. How should we address the largest surplus we had seen in the Federal budget. At the time, the Democrats on the committee proposed that we divide that surplus into three parts: one, for tax cuts geared to the middle class; two, for investments to create jobs, invest in education, and future opportunities; and three, to help strengthen Social Security. That was rejected. Instead, as we all know now, a very large supply-side tax cut, trickle-down economics, was passed. My constituents, in January 2009, are still waiting for it to trickle down to their pockets. But that was put in place, which began a process that has now led us to the highest deficits in the history of the country in just 8 years. That was coupled with a war that was not paid for, over \$10 billion a month, and certainly the most important thing has been the loss of life. Then we saw just at the end of the year an effort to provide \$700 billion in what has been dubbed the bailout of Wall Street—to date, I suggest, not very effective and

at times outrageous in terms of what has happened with that money.

So it is not that the Federal Government has to spend money, it is not that colleagues on the other side of the aisle have not supported spending. They supported spending for 8 years. The question is, What are we going to spend it on and for whom? Many Americans have seen their standard of living go down, their jobs go away, their houses go away, their opportunities go away, while some have done very well under a particular kind of spending over the last 8 years. What I suggest is this is not about whether we spend or invest or use Federal dollars; it is about our values and priorities. In whom are we going to invest? Where are we going to spend the dollars? I have had so many people in Michigan say to me, with all the debates going on: Where is my bailout? I am sure you heard that, Mr. President: Where is my bailout? Small business owners: Where is my bailout? Individuals. I suggest what we are debating is the American people bailout, the investment in America.

The people of this country have resoundingly rejected the policies of the last 8 years that have gotten us to where we are today. That is what elections are about. People have said very loudly: We don't want the same policies; we don't want the same people espousing the same policies going forward as we have seen in the last 8 years.

Where have those policies over the last 8 years gotten us? Over the last 8 years, we have not seen a commitment to manufacturing in this country. Some people say that is only a narrow special interest for a certain number of States in the country. I suggest it is a foundation of the middle class in this country. The fact that we have lost 4.1 million manufacturing jobs due to the policies of the last 8 years—750,000 of those jobs just last year—that totally relates to where we are in terms of jobs in this country, what is happening in this country, and what is happening to middle-class people. The economic activity in the manufacturing sector has fallen to its lowest level in 60 years. That absolutely equates to the challenges we are currently having in this economy.

In 2008, 2.6 million jobs just in general were lost, the worst year since 1945—8 years of policies put forward by the current administration and supported by many people who have been on the floor since we came back into session arguing we should not do something different; we should not try a different kind of investment policy; we should not focus on jobs in America, the middle class, and so on; we should keep doing it the way we have been doing it. That is basically what we are hearing on the floor, the same kinds of things that have gotten us to these numbers—1 million jobs lost last month. Last month, 1 million Americans. As of December, 11.1 million people were unemployed. And we wonder

why they cannot pay their mortgages and their homes are going into foreclosure. The jobless rate is the highest in 16 years, and we know it is not going to get better quickly. We know at least the first half of this year—possibly the entire year—is going to be very tough. We know that. But common sense would say that we do not embrace the same policies that have gotten us to this point if we want to get out of the hole.

It is exciting that next week we are going to swear in a wonderful new President who has policies, working with us, working with all of us together, that will stop digging the hole and begin to bring us out of the hole, even though we know it is a deep hole, and he has certainly stressed that, wisely, with the American people. We are going to begin to come out of this hole.

Over and over again in the last week, we have been hearing colleagues objecting to a change in economic policy and proposing the same old thing. The same old thing has put us in a situation where the U.S. median home price fell 13 percent in the last year, which is the fastest pace since the 1930s. That is what the kinds of policies we are hearing on the other side of the aisle have achieved.

Mr. President, 3,100 foreclosures happen every day. Today, as we have been in session, 3,100 families have seen their homes foreclosed upon. Tomorrow, there will be another 3,100 families; the next day, 3,100 families. That is what the policies—action and inaction—of the last 8 years have done. One in ten homeowners with a mortgage is either in foreclosure or delinquent on payments.

Pension plans, if you are fortunate enough to have had a job, worked hard all your life, and put money into a pension—maybe you did not take a pay raise in order to make sure you had that pension—have suffered their steepest 1-year drop in 20 years. The average pension fund now is holding assets that would cover only about 75 percent of what had been promised to workers.

I could go on and on with the numbers, and you know them as well. The good news is the American people have looked around at what has happened, the trickle-down economic policies of the last 8 years—the idea that we can't afford to invest in education for the future or health care or focus on jobs for the future—they have looked at those policies and said, no more, no more. We have had enough.

So that brings us to this point, and we will have the opportunity in the next few weeks to bring forward an economic recovery plan that focuses in a very different way. If we are going to do tax cuts, we want tax cuts for middle-class families and those working hard to get into the middle class to benefit from those and that is the policy we will see coming forward.

We are going to see policies that will create jobs rebuilding America. I have

heard colleagues on the other side of the aisle saying: Oh, my gosh, they want to not only talk about roads and bridges and water and sewer systems, but they want to talk about broadband—the idea of connecting rural communities and small businesses to the Internet so they can sell around the world, just like big business does. Oh, my goodness, you mean they want everybody to have access to the Internet, not just some people? Yes, that is true. We believe the new highway, the information highway, that power needs to be available to every child, to every small business, to every farmer at the end of the road. Just as we built the electricity systems, the telephone systems of the past, we need to make sure we are building for the future in America so everyone has access to these new technologies to have opportunity for jobs and income and education.

I am also very involved in making sure we can computerize our health care system so we can cut costs from unnecessary paperwork; that we can also provide the very best quality of health care in every hospital, large and small, whether you live in a small rural area or an urban hospital is where you would go or a suburban hospital.

We need to focus on jobs rebuilding America and reinvesting not only in the upfront construction jobs but in what that will mean to the assets that will be there afterwards, which is very much a part of this recovery plan. We know we want to see alternative energy jobs, and certainly I am very involved in the whole effort to create green jobs. I am very proud that last year in the budget resolution we included my green-collar jobs initiative, which now our new President-elect and his team are working to fund as a part of what we need to do to create the new battery technology. This is not just the research but to build the batteries here in the United States; and not only to have wind energy but to build the wind turbines here and create the jobs; and not only to have the solar power but to build the solar units or the solar panels, to have the equipment, to have the storage from the batteries all done here. That is a part of our vision for a recovery package for the future.

Because I have been working so closely with advanced manufacturing in the auto industry, I know an interesting statistic is that if everyone had an electric car today—and we would certainly like that to happen from an environmental standpoint—we would blow up the electrical grid in this country, poof. We would be in deep trouble. So part of what we need to have happen is to upgrade so we have a better electric system to be able to handle those new vehicles. We need to create a new kind of infrastructure so that when you pull up in your vehicle, which would get 40 miles per—what shall I say? It is not 40 miles per gallon because it is not a gallon. It is 40 miles on the road to a

charge. Wouldn't it be great to be able to pull up and charge it in a parking lot or at a parking meter as you went into the store?

There are so many ways we need to build and rebuild America for this new technological world we are in, this new green alternative energy world we are in. That is our hope: Jobs, rebuilding America, and building for the future. We not only can achieve very important goals of energy independence and tackling in a real and meaningful way the serious issue of global warming, but we can create jobs in America, good-paying jobs in America. That is what this recovery plan does, and I am very excited to work with the incoming administration and to see their vision and their commitment to working with us.

There are so many pieces of this that will be addressed. I will mention one other, and that is when I talked earlier about the numbers regarding unemployment and housing and pensions and what is happening to people, we have seen now close to a decade—8 years—of neglect, of not paying attention to those who have been hurt by the policies that have been in place. So it is very important that we, in fact, recognize that we have more people out of work than there are currently available jobs—people who have worked all their lives, people who want to work, who recognize the dignity of work but in the short run need some help. Part of this package needs to address this as well, whether it is unemployment insurance, whether it is food assistance, whether it is help with health care during a transition or whether it is addressing those who have lost their jobs because of trade. Those priorities represent the best of America and who we are, our real values and priorities as Americans, understanding that we are in a global economy and that transition, at best, even if everything was going well, even if every policy was going well, has created pain and suffering for those caught in the middle.

Unfortunately, because of a series of policies, whether it is not enforcing our trade laws fairly, whether it is not addressing health care or seeing the cutbacks in education, and so on, too many people have been hurt and need some help. Too many people have been hurt in the last 8 years. So a very important part of this recovery plan as well is to make sure those families know we see them, we hear them; that, as Americans, we care about them and want to make sure they have the temporary assistance they need while we are creating these jobs in the new economy.

There is a lot of work to do, as we all know, and I would conclude by saying that while we may not know how long it will take for us to move out of this deep hole we have been placed in, in terms of job loss and deficits, and so on, here is what we do know: The same thing has been tried for 8 years and things have only gotten worse every

year. So those who would argue that we should have more of the same I think find themselves in a difficult position because the American people want change. They have voted for change, and they expect us to change the values and the priorities of this country so that we are, in fact, investing in our people and in a strong America again.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, I ask unanimous consent that all postcloture time on the wilderness bill be yielded back.

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

Without objection, the motion to proceed is agreed to.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 22) to designate certain land as components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of Interior and the Department of Agriculture, and for other purposes.

AMENDMENT NO. 15

Mr. REID. Mr. President, I have an amendment at the desk. I now ask that the clerk report the amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 15.

The amendment is as follows:

At the end insert the following:

The provisions of this bill shall become effective 5 days after enactment.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

AMENDMENT NO. 16 TO AMENDMENT NO. 15

Mr. REID. I now call up my second-degree amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 16 to amendment No. 15.

The amendment is as follows:

In the amendment strike "5" and insert "4".

Mr. REID. I now move to commit the bill with instructions and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second on the motion?

There appears to be.

The yeas and nays were ordered.

AMENDMENT NO. 17

The PRESIDING OFFICER. The clerk will report the motion to commit.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to commit the bill to the Energy and Natural Resources Committee with instructions to report back forthwith with the following amendment numbered 17:

The amendment is as follows:

At the end, insert the following:

This title shall become effective 3 days after enactment of the bill.

AMENDMENT NO. 18

Mr. REID. I have an amendment to the motion at the desk and I ask that it now be reported.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 18 to the instructions of the motion to commit S. 22.

Mr. REID. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

In the amendment, strike "3" and insert "2".

Mr. REID. I now ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

AMENDMENT NO. 19 TO AMENDMENT NO. 18

Mr. REID. I now call up my second-degree amendment which is also at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 19 to amendment No. 18.

The amendment is as follows:

In the amendment, strike "2" and insert "1".

CLOTURE MOTION

Mr. REID. I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on S. 22, the Omnibus Public Land Management Act of 2009:

Harry Reid, Jeff Bingaman, Richard Durbin, Dianne Feinstein, Bernard Sanders, Jon Tester, Tom Harkin, Kent Conrad, Byron L. Dorgan, Barbara Boxer, Debbie Stabenow, Daniel K. Akaka, Ken Salazar, Mary L. Landrieu, Ron Wyden, Patrick J. Leahy, Robert Menendez, Bill Nelson.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum required under rule XXII be waived.

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

25TH NATIONAL COWBOY POETRY GATHERING

Mr. REID. Mr. President, I rise today to recognize the 25th National Cowboy Poetry Gathering, which is held every January in Elko, NV.

For 25 years, the National Cowboy Poetry Gathering has been providing a forum for the expression and celebration of the artistic spirit of those that live and work in the rural West. Through both traditional and contemporary forms, this gathering has showcased dancers, filmmakers, musicians, storytellers, and poets—each contributing their experience of the western lifestyle. From urban areas to rural ones, people from across the country gather in Elko every year to listen to and experience the artistic soul of the authentic cowboy.

The first cowboy poetry gathering was held one weekend in January in 1985. It drew a crowd that included frontier enthusiasts as well as skeptics who questioned whether cowboys could also be poets. After that first gathering, the poetic nature of the cowboy could no longer be doubted, and what started as a small weekend event eventually transformed into a weeklong cultural excursion that draws thousands of visitors and participants from across the globe. It has reinvigorated interest in preserving and spreading the cowboy narrative, inspiring other communities to hold similar events throughout the West.

The National Cowboy Poetry Gathering has created an environment that contributes a wealth of riches to our shared western heritage. In January of 2009 the Western Folklife Center in Elko will host its 25th gathering. I would like to congratulate them on this achievement.

TRIBUTE TO SENATOR ROBERT BYRD

Mr. COCHRAN. Mr. President, I am pleased to join with my colleagues in congratulating Senator ROBERT BYRD on his 50 years of exemplary and distinctive service in the U.S. Senate.

Senator BYRD is a distinguished Member of the Senate and has served in many important positions of responsibility in this body during his tenure as Senator from West Virginia. He has served as minority and majority leader, as chairman and ranking member of the Appropriations Committee, and as President pro tempore of the Senate.

It has been a great privilege to serve with Senator BYRD on the Appropriations Committee. I have learned so much from him since joining this committee in 1981. Senator BYRD has been a good friend as well as a mentor. It has also been a great pleasure to serve with him on the Homeland Security Appropriations Subcommittee, which we have both chaired.

I look forward to continuing to serve with him in the coming years.

GAZA

Mr. BAYH. Mr. President, I rise today to commend Majority Leader REID and Republican Leader MCCONNELL for introducing S. Res. 10, an important piece of legislation which reaffirms unwavering support of the United States for Israel and Israel's right to defend itself and protect its citizens. Hamas' unwillingness to renounce violence and recognize Israel's right to exist is the central impediment to achieving a lasting peace between the Israelis and Palestinians. I stand strongly with the people of Israel in their efforts to cope with the terrorist threat from Hamas. No nation can be asked to endlessly turn the other cheek when its people are subject to indiscriminate, unprovoked, and lethal missile strikes. Like all people, the citizens of Israel have the right to live safely within secure borders.

While the responsibility for the current violence rests with Hamas, both sides must take every possible step to avoid harming innocent civilians. Furthermore, both sides must work towards a durable and sustainable ceasefire that prevents Hamas from rearming and improves the daily living conditions of the people in Gaza.

The current bloodshed in Gaza is also a grave reminder of Iran's role in arming, training, and assisting extremist groups like Hamas. The Iranian regime is the world's most active state sponsor of terrorism. The current violence further underscores the importance of using aggressive sanctions to deter the Iranian regime from taking future actions that destabilize the region and threaten our democratic allies.

We have learned as a nation that terrorism and the advocacy of extremism are not distant problems but those which we must confront vigilantly. Terrorism has no geographic boundaries. We must continue our efforts to confront Islamic extremism and to eliminate terrorists' ability to strike against the United States and our allies. Therefore, I wholeheartedly support S. Res. 10, which underscores our Nation's commitment to help provide for Israel's security and to encourage a lasting and secure peace in the Middle East.

NO OIL EXPORTING AND PRODUCING CARTELS ACT

Mr. SPECTER. Mr. President, as our economy sinks further into recession, OPEC, which controls about 40 percent of the world oil supplies, has announced its biggest single production cut ever. As a result, since December 17 when the cartel announced its record production cuts, oil prices have risen 40 percent.

For decades, the members of OPEC have conspired to manipulate oil prices by limiting the number of barrels sold.

U.S. antitrust laws explicitly prohibit conspiracies in restraint of trade, which include agreements to cut production in an effort to cause prices to rise. Cartel activity by OPEC members clearly violates U.S. antitrust laws.

Unfortunately, OPEC members have escaped liability for their antitrust violations. The Foreign Sovereign Immunities Act makes foreign states liable under U.S. law for their commercial activities but not their governmental activities. In *International Association of Machinists v. OPEC*, a California district court held that OPEC's cartel activity was governmental activity, not commercial activity, and was therefore immune from the antitrust laws. On appeal, the Ninth Circuit affirmed.

These court decisions were wrong. Government-owned companies engaged in purely business activities are subject to the antitrust laws.

That is why Senator KOHL and myself as well as nine other cosponsors are reintroducing the No Oil Producing and Exporting Cartels Act, or NOPEC. The legislation reverses these court decisions, making it clear that cartel activity OPEC is commercial activity that is subject to the antitrust laws. NOPEC also makes it clear that OPEC members are subject to the jurisdiction of U.S. courts.

Applying antitrust law to foreign conduct is consistent with current law. In *Hartford Fire Insurance Co. v. California*, the Supreme Court held that U.S. courts have jurisdiction over antitrust suits involving foreign conduct by foreign actors if the conduct has substantial effects in the United States. Clearly, OPEC's cartel activities have substantial effects in the United States.

The Justice Department has over the years prosecuted many foreign cartels in a myriad of industries, including vitamins, marine hose, liquid crystal display panels, textiles, construction, food, chemicals, graphite electrodes, ocean shipping and fine arts auctions. Indeed, over the past decade, around half of the corporate defendants in cartel cases brought by the Justice Department have been foreign-based. In the vitamins case, for example, the Justice Department successfully prosecuted a cartel of foreign vitamin manufacturers that held meetings abroad to allocate market share and set prices—just like OPEC. In many of the cases involving foreign cartels, foreign executives have been extradited to the U.S. to serve significant prison sentences.

Critics have argued that NOPEC would harm U.S. relations abroad or discourage foreign investment in the United States. However, NOPEC leaves the decision to prosecute OPEC members in the hands of the executive branch by giving the Justice Department sole authority to prosecute.

NOPEC enjoys strong bipartisan support and has since its first introduction back in 2000. The Senate Judiciary

Committee has unanimously passed NOPEC on four separate occasions, most recently on May 22, 2007. During the 109th Congress, the legislation passed the Senate by a vote of 70 to 23 as an amendment to the Clean Energy Act. It was stripped out in conference. NOPEC passed the House last year by an overwhelming vote of 345 to 72. The bill even has the support of the conservative Heritage Foundation, which has noted that NOPEC "would place much needed pressure on OPEC."

TRIBUTE TO EDYTHE SALZBERGER

Mr. GRASSLEY. Mr. President, I would like to pay tribute to Edythe Salzberger, who passed away at the age of 99 last month. Edythe devoted her life to the belief that the creative process is both healing and life enhancing. An interest in art created by psychiatric patients led her to the Hillcrest Children's Center, a home for emotionally disturbed children, where she began her years of service to the disabled and distressed. A pioneer in the field of art therapy, Mrs. Salzberger wrote numerous articles, trained clinicians and other mental health professionals, established an art therapy program at Chaim Sheba Medical Center in Israel, and helped found the Washington chapter of what later became the American Art Therapy Association. Art therapy is based on the belief that the creative process involved in artistic self-expression helps people solve problems, develop interpersonal and conflict resolution skills, manage behavior, reduce stress, increase self-esteem and self-awareness, and achieve insight. It is used to treat patients of all ages dealing with a host of problems related to emotional and mental disorders, substance abuse, trauma, loss, neurological injuries, and psychosocial difficulties resulting from medical illness. A life-long painter, Edythe Salzberger combined her desire to create with her desire to help. She will be missed not only by friends and family but by all the patients and practitioners of the field she helped pioneer and the respected professional association she helped create.

I ask unanimous consent to have the obituary of Edythe Salzberger from the December 15, 2008, edition of the Washington Post printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From washingtonpost.com, Dec. 15, 2008]
EDYTHE SALZBERGER, 99; PIONEER IN ART
THERAPY

Edythe Woolf Polsby Salzberger, 99, one of the first art therapists in the Washington area, died Dec. 5 of anemia at her home in Chevy Chase.

Mrs. Salzberger was a painter in her early years who received an associate's degree from the Rhode Island School of Design in 1931. She studied painting at the Museum of Fine Arts in Boston and later with artists Robert Brackman and William Shulgold.

She developed an interest in art created by psychiatric patients and in 1950 began to

study projective drawings under the direction of Fritz Wengraf in New York.

"I always struggled between painting as an end in itself and practicing art therapy," she once wrote.

Moving to Chevy Chase in 1950, she began working as an art therapist in 1957 at Hillcrest Children's Center, a residential treatment facility for emotionally disturbed children. The center, located on Nebraska Avenue NW on the site of what is now the National Presbyterian Church, later closed for lack of funding and was incorporated into the psychiatric services offered by the National Children's Medical Center. She also provided training to clinicians at D.C. General Hospital on the use of art therapy, and established an art therapy program at Chaim Sheba Medical Center at Tel Hashomer in Israel.

Art therapy was a relatively new discipline when Mrs. Salzberger began her career, and she became one of the founders of the Washington chapter of what later became the American Art Therapy Association. She published numerous articles in professional journals and produced one of the first films demonstrating the use of art therapy. Titled "Michael," the film was designed for use in university classes.

She was born Edythe Woolf in Providence, R.I. In 1931, she married her college sweetheart, Daniel Polsby II, and lived in New Haven and Norwich, Conn., where her husband was a businessman and farmer. She worked on the family farm during World War II, when agricultural workers were hard to find. The farm produced as many as a thousand eggs daily; they were sold under contract to an Army camp on Cape Cod.

Her husband died in 1946, and she moved to Chevy Chase with her three sons. She was one of the founders of Temple Sinai in the District and was active in a number of Jewish charitable organizations.

She completed requirements for her undergraduate degree at RISD in the late 1950s.

In 1966, she married Henry X. "Hy" Salzberger, a recently retired Texas department store executive, and moved to Dallas. She helped her husband in the two organizations he founded, Dallas Taping for the Blind and a local radio station for the blind. She also lectured on art therapy at hospitals and at the University of North Texas, and supervised therapists-in-training.

When Mrs. Salzberger's husband died in 1994, she returned to Chevy Chase to be closer to family and friends. She also resumed painting.

Her son, Nelson W. Polsby, died in 2007.

Survivors include two sons, Allen I. Polsby of Bethesda and Daniel D. Polsby of Fairfax County; eight grandchildren; and two great-grandchildren.

IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, In mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that de-

serves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

I am a forester and a close job for me is 100 miles round trip per day. Occasionally I can camp out near the job, but not always. I am required by the nature of forest roads and the nature of my business to drive a four-wheel drive pick-up. This is not energy-efficient, but there is nothing I can do to change the nature of my business.

I have been a practicing professional forester for over 40 years, and this crisis is not a surprise to me. I have seen it coming since the Wilderness Act was passed in the early 1960's.

The current energy crisis is merely one part of the larger problem and that being the misanthropic environmental movement that refuses to use and manage our natural resources for the benefit of mankind and particularly our great nation.

When I started my career in forestry, Region 6 of the U.S. Forest Service returned timber stumpage dollars to the U.S. Treasury in addition to the counties for roads and schools. The U.S. Congress, under pressure from an ignorant and dedicated misanthropic preservation movement, has relegated the U.S. Forest Service into a hopeless, ineffective agency that now draws money from the Treasury.

The U.S. Forest Service has managed to go from a win-win situation to a lose-lose situation in a little over forty years.

I have used the following analogy for years: you or me, Senator Crapo, are given a fully stocked grocery store and within a week have gone broke, have rotting produce, have burned down our storage room and are requesting funds from the bank.

The U.S. Forest Service burns millions of acres of forest annually. Insect epidemics are destroying millions of acres annually, and the logging industry has been emasculated to the point whereby firefighting is ineffectual i.e. no roads, no tractors, etc.

I may have appeared to go off-track with my discussion of forest management issues, but I assure you the issues confronting forestry are the same as those facing other natural resources, both renewable and non-renewable.

The oil industry has regulations forbidding drilling in the Arctic, offshore in continental U.S., no refineries, etc.

Energy is suffering, no nuclear, no coal-fired, breaching dams, and, in short, these "well-intentioned" environmental whackos are more intent on destroying our capitalist system than saving resources.

P.S I am working with folks who own the patent rights on a machine that converts forest slash into a powder that we think is the breakthrough for the cellulosic production of ethanol.

LEWIS, Eagle.

We are retired and on a fixed income. We can drive or not as we wish, unlike other folks who work. All of the things you mentioned in your e-mail should be accomplished. Becoming non-dependent on foreign sources for fuel should be a top priority. When our former President said we will start a program to put us on the moon before, the

population and industry responded. If our leaders will take the same approach to developing our oil sources, wind power, nuclear power, and all other alternative energy, and encourage conservation, I believe the American people and industry will rise to the challenge. Why did we not learn the last time when we all parked in lines on our given day to get gas?

LAURA, *Twin Falls.*

I cannot understand why Congress cannot see the need to allow the United States to access more of our own energy sources. Yes, we need new alternative fuels, but we also need to become more realistic about our solutions to the energy crisis. We need to combine research and start making use of our own current oil discoveries. We need to start drilling in the places where oil has already been discovered. Why has Congress ridiculed President Bush when he asked the Saudis to produce more oil when Congress refused to do the same right in our own country? He did ask Congress first. I would like to see the Congress invite the scientists who do not agree with man-made global warming to testify and bring their facts forward. Forming an energy policy on an unproven crisis does not make much sense.

On another subject, why do the senators only take calls and emails from their home states when all of you represent the United States of America and your actions impact all of us?

GLORIA.

We have let the left with their environmental agenda hijack our country and many [conservatives] are allowing it to happen. If we do not start drilling in ANWR and offshore [and] using coal in place of petroleum, we are going to be in a world of hurt. Alternative energy sources are going to be great when they get here, but that is a generation away. As a country trying to stave off the jihadist and Latin dictators, we had better be self-dependent on our own energy. I hope Congress understands their culpability in this mess as well as the President. How about a reduction in fuel taxes? If the American people continue to be pressed, they will react; there are unintended consequences that may be very surprising to some. Thanks for your service to Idaho.

WADE.

We are a retired couple. When we were working, we socked lots of our money into various retirement funds and, therefore we are comfortable even with the high energy costs, at least at the present time. Due to our fixed incomes, we watch prices going sky high and this gives us concern.

ABC News, June 11, 2008 released the following and I am wondering if you could verify this.

"Congress decides how much oil companies are taxed, what forms of alternative energy development—such as solar and wind power—are subsidized, where oil companies can drill and how fuel efficient our cars need to be."

"For years, lawmakers have fought over proposals to expand offshore drilling in the Gulf of Mexico and to allow drilling in the Arctic National Wildlife Refuge in Alaska. Republicans have pushed for such increased exploration, but Democrats killed the latest push, saying it would do little to ease gas prices in the short term and could have dire environmental consequences."

"There is oil in the Arctic but getting it would come at a cost."

"The Democrats came back with their own hodgepodge of ideas, including giving the president the authority to declare an 'energy emergency' and sue OPEC nations, prosecute

price gougers and assess a 'windfall profit tax' on oil companies. Senate Republicans killed that measure."

"And for years Congress has ignored proposals to increase fuel-efficiency standards, or CAFE standards. The standards just got their first major overall in three decades with the new legislation calling for automakers to boost fleet wide gas mileage to 35 miles per gallon by 2020."

"Although the public has clearly moved to the acceptance stage, Congress has not. Congress is still stuck at this anger stage so they want to blame speculators. They are pandering. They want people to feel good about themselves. They want somebody to blame."

"There is also a lot of money at stake for the politicians. The oil and gas industry is one of the top donors to political campaigns year after year."

"In 2004, the industry donated more than \$25 million to politicians around the country, according to the Center of Responsive Politics."

"And the bulk of that money—more than \$20 million—went to Republicans. Bush's re-election campaign alone received \$2.7 million of that money. (Bush also got nearly \$2 million from the oil and gas industry in 2000.)"

"Washington politicians set the nation's energy policy but could they be doing more?"

"This year is also turning out to be a lucrative one for politicians, with more than \$14 million from the industry reported to the Federal Election Commission by the end of April, according to the Center for Responsive Politics."

"And again, that money is flowing mostly to Republicans—this time about 73 percent of contributions."

"But there is more money at stake. The oil and gas companies spend millions of additional dollars, hiring a mass of lobbyists to push legislation their way. In the last decade, the Center for Responsive Politics has tracked more than \$640 million spent by oil and gas companies on lobbying."

Not all the blame rests with politicians.

We Americans are addicted to our cars, driving more than necessary, thanks, at one time, to cheap gas. Instead of living close to our workplaces, we have chosen to live in large suburban developments or in faraway rural areas that require a car for even the simplest of errands. Americans spend more than 100 hours commuting to work each year, according to the U.S. Census Bureau. That is more time than most Americans spend on vacation. In 2003, the average daily commute was more than 24 minutes. And most of that time is spent alone in a car.

America has less than 5 percent of the world's population but we consume about 25 percent of the world's energy resources. China and India are rapidly increasing their share of the energy market—which is helping to drive up prices—but America still dominates.

Americans have abandoned cities to live in sprawling suburbs that require a car. Americans have also been buying large gas-guzzling cars for decades, most recently big SUVs. Consider this: The Ford F-Series pickup truck has been the best-selling vehicle in the United States for 26 years. (There were occasional months when it was beaten in sales—but always by another truck, usually the Chevrolet Silverado.) Some drivers are changing their habits now.

If the OPEC nations decided to increase production by, say, 1 million barrels, then there might be some relief in the markets. While such an increase might lead to lower prices at the pump now, it is not a long-term solution. There is only so much oil in the ground, and if more is pumped today there is less for the future. With explosive growth in

China, India and elsewhere it is very likely that all the extra oil would quickly be consumed and prices would skyrocket again.

Oil prices are high because of worldwide demand. But part of the price spike comes from market moves. The first—and easiest to understand—is that oil is priced in U.S. dollars. So when the value of the dollar falls, as it has in the past year, the price of oil goes up for Americans.

But the market is much more complex than that. Many investors—some call them speculators—are pouring money into oil when they had previously ignored it. Basically, many investors are spooked by the subprime housing market and other problems with the financial sectors, and have fled from the stock market. Instead of investing in stocks and bonds, these investors have chosen to place their money in oil, driving up the price.

Bill O'Grady, chief investment strategist for energy at Wachovia Securities, said that part of the problem also has to do with the Federal Reserve setting interest rates so low. He said that when inflation is 4 percent but investors are only getting 1 percent for their cash in the bank, they look for other investment options. Normally, real estate would be one of those options. But with that market collapsed investors are turning toward commodities such as gold, corn and oil.

Plus, every time there is some geopolitical fear, prices rise. The latest such tension comes as Israel and Iran, the world's fourth largest oil exporter, are having a way of words. Israel has threatened to attack Iran's nuclear program, and Iran has threatened a strong reprisal.

This above came from the ABC News—June 11, 2008.

I understand there is a very large quantity of oil in North Dakota, Montana and Southern Saskatchewan. What's the problem with going after these? I would appreciate your response to the above. Thanks you for the opportunity to relate these issues to you.

HELEN, *Rupert.*

I would like to thank all the players in Washington DC for bringing the price of oil up to its current level to help save the environment. I never realized how green the administration and Congress actually were. Allowing jobs to be shipped over seas, borrowing money from China to fund a war that cannot be won, and allowing the housing crisis to occur are all some of the best policies one could think of to raise the cost of fuel for the little guy and at the same time reducing the emission of greenhouse gases. I would like to thank all the millionaires that we have representing us in DC; I am sure they all have fully funded re-election war chests. Thank you for using your time wisely by trying to save brain-dead people, preventing gays from getting married, and supporting the upper 1% of families instead of using your time fixing problems like funding Social Security, making health care affordable and keeping manufacturing jobs in the USA. The last eight years have been a blessing to all of us. Please keep up the good work, before you know it there will be a horse and buggy in every two-car garage in this country.

ROBERT, *Boise.*

The high cost of fuel is affecting us by not being able to see some of our children who live far away and they are asking us to help them with unexpected bills. My husband drives 26 miles each way to work. It has really increased our expense. I work at the site and they are going to increase our bus rates double. If this happens, I will be forming a carpool and many others will as well. This will create much more traffic on the road

and there will be more exhaust which will cause much more pollution. Also there will be more wrecks. There has got to be something more done. I feel that the U.S. will become weaker and it will threaten our national security. I believe there will be violence as people are unable to provide the necessities of life. It really is a threat to our nation.

LAREE.

Very simply, we are reducing the amount of money we spend on everything other than gasoline. We are having to pay more for natural gas, electricity, and food because all are being impacted by the increase in oil futures. We have not taken a vacation this year and will not be able to afford one anytime soon.

ROBERT.

Thank you so much for offering us an opportunity to share with you how gas prices are affecting our family. We are a family of four, and we purchased our home in Kuna because housing was more affordable in this rural town. We are 8 miles from I-84, and just about everything requires us to drive to the freeway and beyond. My husband works 8 miles from home; our adult daughter works 8 miles from home; our adult son works 12 miles from home; and I spend my time driving to doctor appointments in Meridian and downtown Boise (12-20 miles)—and back. As you mentioned, there is no public transportation.

During the summer, our children work almost fulltime, and they each earn approximately \$1,000 per month. They both drive high-mileage vehicles, but their gasoline bill is now approximately \$120 per month. When the school year begins, they will both cut back on their working hours and increase the number of miles they drive, as they both attend BSU. Their income will drop to approximately \$700 per month, and they will be adding approximately 70 miles per week to their mileage, at an estimated additional cost of \$70 per month. If their schedules permit, they can carpool to school, leaving a car in Meridian so they can each drive to work in the afternoon. Obviously, this does not leave much room in their budgets for car insurance and other expenses. Fortunately, they live at home with us.

My husband and I have greatly reduced the number of times we go out to dinner, and we select more fast-food restaurants lately. We try to run our errands while we are out in Meridian and combine trips. My husband recently had to fly to Florida on business. Normally, we would pay for me to join him; we did not do that this time, as airline tickets are prohibitive. We had already arranged to rent a cabin in California for a week, as our summer vacation, and that trip begins next week. Since we are taking five adults and two cats, we will be driving a Chevy Suburban (ouch!). We have not even estimated what that is going to cost in gasoline, because calculating it would only ruin our vacation. It will be interesting to find out which was the higher cost, the rental of the cabin or the gasoline for the car. Needless to say, we will not be renting a cabin in California for our next vacation if gas prices continue to be this high. We are also seeing the prices of groceries inch up. The cereal boxes and ice cream cartons are smaller, but they run out faster. My husband and I do not have a lot of cushion in our budget to help our children with their budgets. I am unable to work because of health issues (but social security does not want to pay me the disability benefits I earned). My husband's employment at Western States Equipment (Caterpillar) is all that is keeping us afloat.

Thank you so much for all that you do for Idaho families, and we hope this information

helps you in your endeavors. Any help would be great.

SONDRA, Kuna.

Energy prices affect all aspects of our lives. Food, home heating, all shipping charges, it goes on and on. Most of us are fearful of our heating costs for this winter coming. We had such a long cold winter, if it costs double it will hurt everyone. I really feel for the young families. There costs for housing, cars, food, energy and all that children need, it is almost impassable without help. We have to drill for oil and build refineries. We should not be paying other countries for energy that we can produce here. It does not make any sense. Please help make the [Congress] understand.

JULIE, Worley.

If I see or hear of fossil fuel one more time, my head will explode. It is not from fossils. How did they get that deep in the earth. Abiotic oil—do your research. Now on this stupid carbon credit [issue] related to so-called global warming—we all could stop breathing that cut CO₂ by 90% and the Earth could stabilize++. Thank you for doing what you can.

JEFF, Nampa.

The way the energy crisis have impacted my life is I have come to the realization that are politicians in Washington are more interested in protecting big business than their constituents. Nothing is done about illegal immigration because it might affect the economy but the only thing more important to the economic infrastructure of the USA then cheap fuel is oxygen. Drill for oil, build nuclear power plants, construct windmill farms and offer incentives for solar power and preserve what is left of our way of life for future generation.

DALE, USMC retired.

From where I am sitting, [too many in Congress] are directly responsible for the current high energy prices. The Bush energy policy was decided by Vice President Cheney and oil company executives. Even now you are protecting Big Oil profits at the expense of alternate energy support.

Your feigned attempt at feeling my pain falls on my deaf ears.

MARVIN.

ADDITIONAL STATEMENTS

TRIBUTE TO AMBASSADOR KENNETH QUINN

• Mr. HARKIN. Mr. President, during a long and distinguished career in many fields of public service, Ambassador Kenneth Quinn has received countless awards and honors. But I daresay that the award he will receive tomorrow from the Department of Defense is the longest delayed and hardest earned of his distinctions. Ambassador Quinn will become the first civilian ever to receive the Air Medal for Combat Service, an award created during World War II to honor courageous and meritorious service in aerial combat.

From November 1968 to June 1973, Kenneth Quinn served as a Foreign Service officer in Vietnam. For his first 2 years in that country, he was assigned to Advisory Team 65 in Sa Dec Province, replacing an Army major as senior adviser to the team. In that ca-

capacity, he took part in the same military activities and combat operations as his military predecessors. All totaled, he participated in some 250 hours of helicopter combat operations. He served in night helicopter patrols over Viet Cong-held sectors and took part in helicopter operations to insert and extract troops from the battlefield. On other occasions, he directed helicopter gunship operations from a command-and-control helicopter flying just several hundred feet above the battlefield, repeatedly coming under enemy fire. On still other occasions, he participated in ground combat operations, night ambushes, and brown water naval combat operations.

This is just one chapter in the remarkably accomplished career of this Dubuque, IA, native. He served for more than three decades in the Foreign Service, becoming one of the most decorated and respected American diplomats of his generation. Ambassador Quinn was one of the U.S. Government's top experts on Indochina, having written his doctoral dissertation on Pol Pot's regime in Cambodia. Indeed, he is widely acknowledged to have been the first westerner to discover and report on the holocaust being perpetrated by the Khmer Rouge. Later, while serving as Ambassador to Cambodia, he played a key role in the 1999 capture of the last remaining Khmer Rouge general. Upon his retirement as Ambassador to Cambodia, he was presented the Secretary of State's Award for Heroism and Valor for protecting Americans citizens exposed to danger in Cambodia and for his participation in four lifesaving rescues in Vietnam.

The common theme in Ambassador Quinn's career has been his commitment to serving causes higher than himself. He has undertaken humanitarian missions that have saved countless thousands of lives. In 1978, under a special exchange program with the Foreign Service, he was allowed to return to Iowa to join the staff of Governor Robert Ray. He played a lead role in the Governor's program to resettle Indochinese refugees in Iowa, and he served as executive director of the 1979 Iowa SHARES Program, which sent Iowa medical personnel, supplies, and food to Cambodia during a period of mass starvation there.

Following his retirement from the State Department 8 years ago this month, Ambassador Quinn returned to Iowa to assume leadership of the World Food Prize Foundation, the Des Moines-based organization dedicated to ending hunger around the world by promoting the sustainable production and distribution of an adequate and nutritious food supply. The World Food Prize—created by Nobel Peace Prize-winner and Iowa native Dr. Norman Borlaug and supported for many years by Iowa business leader and philanthropist John Ruan—is the most prestigious international award recognizing exemplary work in improving the quality, quantity, or availability of food in the world.

Mr. President, Ambassador Quinn has served our Nation as a diplomat, a soldier, and a passionate humanitarian. At every stage of his brilliant career in public service, he has embodied America's highest ideals, and he has earned renown for his courage, initiative, and selfless dedication. I join with my colleagues in the Senate in congratulating Ambassador Quinn as he becomes, tomorrow in Washington, the first civilian ever to be awarded the Air Medal for Combat Service.●

MESSAGE FROM THE PRESIDENT

The following message from the President of the United States was transmitted to the Senate by one of his secretaries:

REPORT RELATIVE TO THE EMERGENCY ECONOMIC STABILIZATION ACT OF 2008—PM 2

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Consistent with section 115(a)(3) of the Emergency Economic Stabilization Act of 2008 (Public Law 110-343) (the "Act"), I hereby transmit a report detailing the plan of the Secretary of the Treasury to exercise the authority under the Act.

GEORGE W. BUSH.

THE WHITE HOUSE, January 12, 2009.

MESSAGE FROM THE HOUSE

At 2:36 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 11. An act to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967, and to modify the operation of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice, to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-326. A communication from the Director, Regulatory Management Division, Envi-

ronmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "novaluron; Pesticide Tolerances Technical Amendment" ((EPA-HQ-OPP-2007-0438)(FRL-8396-4)) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-327. A communication from the Under Secretary for Industry and Security, Department of Commerce, transmitting, pursuant to law, a report relative to the Department's intent to impose new foreign policy-based export controls on certain persons in Burma; to the Committee on Banking, Housing, and Urban Affairs.

EC-328. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of April 1, 2008, through September 30, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-329. A communication from the Deputy Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 12947 with respect to terrorists who threaten to disrupt the Middle East peace process; to the Committee on Banking, Housing, and Urban Affairs.

EC-330. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((44 CFR Part 67)(73 FR 76234)) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-331. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (Docket No. FEMA-B-1023) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-332. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" ((44 CFR Part 65)(73 FR 76230)) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-333. A communication from the Acting Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Modernization of Oil and Gas Reporting" (RIN3235-AK00) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-334. A communication from the Under Secretary of Commerce for Oceans and Atmosphere, transmitting, pursuant to law, a report relative to the National Oceanographic Partnership Program; to the Committee on Commerce, Science, and Transportation.

EC-335. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, a report entitled "Report to Congress Under Section 319 of the Fair and Accurate Credit Transactions Act of 2003 (December 2008)"; to the Committee on Commerce, Science, and Transportation.

EC-336. A communication from the Assistant Administrator for Legislative and Intergovernmental Affairs, National Aeronautics and Space Administration, transmitting, pursuant to law, a report relative to the Administration's competitive sourcing activi-

ties during fiscal year 2008; to the Committee on Commerce, Science, and Transportation.

EC-337. A communication from the Executive Director, Consumer Product Safety Commission, transmitting, pursuant to law, a report relative to the Commission's competitive sourcing efforts during fiscal year 2008; to the Committee on Commerce, Science, and Transportation.

EC-338. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan" (RIN0648-XM18) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC-339. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Sea Turtle Conservation; Shrimp Trawling Requirements" (RIN0648-XL11) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC-340. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "List of Fisheries for 2009" (RIN0648-AW48) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC-341. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Sea Turtle Conservation; Fishing Gear Inspection Program" (RIN0648-AU98) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC-342. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan" (RIN0648-XL74) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC-343. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction" (RIN0648-XL75) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC-344. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction" (RIN0648-XM19) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC-345. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Increase of the Landing Limit for Eastern Georges Bank Cod in the U.S./Canada Management Area" (RIN0648-XL94) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC-346. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures; In-season Adjustments" (RIN0648-AX46) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Commerce, Science, and Transportation.

EC-347. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Chemical Weapons Convention Regulations: Additions to the List of States Parties; Updates to Contact Information for the Treaty Compliance Division; Editorial Corrections" (RIN0694-AE39) received in the Office of the President of the Senate on January 7, 2009; to the Committee on Commerce, Science, and Transportation.

EC-348. A communication from the Acting Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled "Performance Profiles of Major Energy Producers 2007"; to the Committee on Energy and Natural Resources.

EC-349. A communication from the Secretary of Energy, transmitting, pursuant to law, an annual report relative to the Strategic Petroleum Reserve for calendar year 2007; to the Committee on Energy and Natural Resources.

EC-350. A communication from the Assistant Secretary, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Leasing of Solid Minerals Other Than Coal and Oil Shale" (RIN1004-AD91) received in the Office of the President of the Senate on January 7, 2009; to the Committee on Energy and Natural Resources.

EC-351. A communication from the Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the 2005 and 2006 annual reports relative to identifiable expenditures for the conservation of endangered and threatened species by Federal and State agencies; to the Committee on Environment and Public Works.

EC-352. A communication from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Clean Air Act and Clean Water Act Exemptions" (RIN0750-AF97) received in the Office of the President of the Senate on January 9, 2009; to the Committee on Environment and Public Works.

EC-353. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Up-

date to Materials Incorporated by Reference" (FRL-8750-1) received in the Office of the President of the Senate on January 7, 2009; to the Committee on Environment and Public Works.

EC-354. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Washington; Interstate Transport of Pollution" (FRL-8760-7) received in the Office of the President of the Senate on January 7, 2009; to the Committee on Environment and Public Works.

EC-355. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Civil Monetary Penalty Inflation Adjustment Rule" (RIN2020-AA46) received in the Office of the President of the Senate on January 7, 2009; to the Committee on Environment and Public Works.

EC-356. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Extract of *Chenopodium ambrosioides* near *ambrosioides*; Exemption from the Requirement of a Tolerance" (FRL-8396-2) received in the Office of the President of the Senate on January 7, 2009; to the Committee on Environment and Public Works.

EC-357. A communication from the National Treasurer, American Ex-Prisoners of War, transmitting, pursuant to law, the organization's 990 Return of Organization Exempt From Income Tax; to the Committee on Finance.

EC-358. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to extending certain Memorandums of Understanding; to the Committee on Finance.

EC-359. A communication from the Director of Administration, National Labor Relations Board, transmitting, pursuant to law, a report relative to competitive sourcing efforts; to the Committee on Finance.

EC-360. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 482: Methods to Determine Taxable Income in Connection With a Cost Sharing Arrangement" (RIN1545-BI46) received in the Office of the President of the Senate on January 8, 2009; to the Committee on Finance.

EC-361. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Employer's Annual Federal Tax Return and Modifications to the Deposit Rules" (RIN1545-BI39) received in the Office of the President of the Senate on January 7, 2009; to the Committee on Finance.

EC-362. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Advisor Payments to Money Market Funds" (Rev. Proc. 2009-10) received in the Office of the President of the Senate on January 7, 2009; to the Committee on Finance.

EC-363. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Disclosure of Return Information to the Bureau of Economic Analysis" (RIN1545-BC93) received in the Office of the President of the Senate on January 7, 2009; to the Committee on Finance.

EC-364. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Consolidated Returns; Intercompany Obligations" (RIN1545-BA11) received in the Office of the President of the Senate on January 7, 2009; to the Committee on Finance.

EC-365. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 529 Programs" (Notice 2009-1) received in the Office of the President of the Senate on January 7, 2009; to the Committee on Finance.

EC-366. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance regarding foreign base company sales income" (RIN1545-BI50) received in the Office of the President of the Senate on January 7, 2009; to the Committee on Finance.

EC-367. A communication from the Deputy Director, Office of Regulations, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Clarification of Evidentiary Standard for Determinations and Decisions" (RIN0960-AG75) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Finance.

EC-368. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Areas in which rulings will not be issued; Associate Chief Counsel (International)" (Rev. Proc. 2009-7) received in the Office of the President of the Senate on January 7, 2009; to the Committee on Finance.

EC-369. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule relative to temporary guidance regarding the application of Section 305 (Rev. Proc. 2009-15) received in the Office of the President of the Senate on January 8, 2009; to the Committee on Finance.

EC-370. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule "Calculation of Volume of Alcohol for Fuel Credits; Denaturants" (Notice 2009-06) received in the Office of the President of the Senate on January 8, 2009; to the Committee on Finance.

EC-371. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Creditor Continuity of Interest" (RIN1545-BC88) received in the Office of the President of the Senate on January 8, 2009; to the Committee on Finance.

EC-372. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Medicare Advantage and Prescription Drug Benefit Programs; Negotiated Pricing and Remaining Revisions" (RIN0938-AP24) received in the Office of the President of the Senate on January 7, 2009; to the Committee on Finance.

EC-373. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the waiver of reimbursement under the United Nations Participation Act to support the United Nations/

African Union Mission in Darfur; to the Committee on Foreign Relations.

EC-374. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to training of consular officers to counter terrorist travel; to the Committee on Foreign Relations.

EC-375. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the semiannual report on the continued compliance of Azerbaijan, Kazakhstan, Moldova, the Russian Federation, Tajikistan, and Uzbekistan with the 1974 Trade Act's freedom of emigration provisions, as required under the Jackson-Vanik Amendment; to the Committee on Foreign Relations.

EC-376. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2008-222—2008-227); to the Committee on Foreign Relations.

EC-377. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2008-228—2008-236); to the Committee on Foreign Relations.

EC-378. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the eighth annual report for the Temporary Assistance for Needy Families Program; to the Committee on Health, Education, Labor, and Pensions.

EC-379. A communication from the Director of the Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Flame-Resistant Conveyor Belt, Fire Prevention and Detection, and Use of Air From the Belt Entry" (RIN1219-AB59) received in the Office of the President of the Senate on January 7, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-380. A communication from the Secretary, Railroad Retirement Board, transmitting, pursuant to law, a report relative to the Board's competitive sourcing activities during fiscal year 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-381. A communication from the Assistant Secretary for Administration and Management, Department of Health and Human Services, transmitting, pursuant to law, an annual report relative to the Department's competitive sourcing efforts during fiscal year 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-382. A communication from the Deputy Assistant Secretary for Policy, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Civil Penalties Under ERISA Section 502(c)(4)" (RIN1210-AB24) received in the Office of the President of the Senate on January 7, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-383. A communication from the Director, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (29 CFR Parts 4022 and 4044) received in the Office of the President of the Senate on January 8, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-384. A communication from the Director of the Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Refuge Alternatives for Underground Coal Mines" (RIN1219-AB58) received in the Office of the President of the Senate on January 7, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-385. A communication from the General Counsel, Office of Government Ethics, transmitting, pursuant to law, a report relative to competitions initiated or conducted in fiscal year 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-386. A communication from the Archivist of the United States, National Archives and Records Administration, transmitting, pursuant to law, the Organization's Performance and Accountability Report for fiscal year 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-387. A communication from the Secretary, Smithsonian Institution, transmitting, pursuant to law, an annual report relative to the Institution's competitive sourcing activities during fiscal year 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-388. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of April 1, 2008, through September 30, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-389. A communication from the Acting Administrator, General Services Administration, transmitting, pursuant to law, a report relative to the Administration's competitive sourcing efforts during fiscal year 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-390. A communication from the Inspector General, General Services Administration, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the six-month period ending September 30, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-391. A communication from the Chairman, National Capital Planning Commission, transmitting the Commission's 2009-2014 Strategic Plan; to the Committee on Homeland Security and Governmental Affairs.

EC-392. A communication from the Acting Associate General Counsel for General Law, Department of Homeland Security, transmitting, pursuant to law, the report of a vacancy and designation of acting officer in the position of Chief Financial Officer, received in the Office of the President of the Senate on January 7, 2009; to the Committee on Homeland Security and Governmental Affairs.

EC-393. A communication from the Director of Legislative Affairs, Office of the Director of National Intelligence, transmitting, pursuant to law, a report of relative to the designation of acting officer in the position of Associate Director of National Intelligence and Chief Information Officer, received in the Office of the President of the Senate on November 13, 2008; to the Select Committee on Intelligence.

EC-394. A communication from the Acting Clerk of Court, U.S. Court of Federal Claims, transmitting, pursuant to law, the Court's annual report for the year ended September 30, 2008; to the Committee on the Judiciary.

EC-395. A communication from the Acting General Counsel, Executive Office for Immigration Review, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Professional Conduct for Practitioners—Rules and Procedures, and

Representation and Appearances" (RIN125-AA59) received in the Office of the President of the Senate on January 7, 2009; to the Committee on the Judiciary.

EC-396. A communication from the Acting General Counsel, Executive Office for Immigration Review, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Voluntary Departure: Effect of a Motion To Reopen or Reconsider or a Petition for Review" (RIN125-AA60) received in the Office of the President of the Senate on January 7, 2009; to the Committee on the Judiciary.

EC-397. A communication from the Deputy White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a change in previously submitted reported information in the position of United States Attorney, Western District of Virginia, received in the Office of the President of the Senate on January 8, 2009; to the Committee on the Judiciary.

EC-398. A communication from the Deputy White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a change in previously submitted reported information in the position of United States Attorney, Western District of Tennessee, received in the Office of the President of the Senate on January 8, 2009; to the Committee on the Judiciary.

EC-399. A communication from the Chairman, Office of General Counsel, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled "Repeal of Increased Contribution and Coordinated Party Expenditure Limits for Candidates Opposing Self-financed Candidates" (Notice 2008-14) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Rules and Administration.

EC-400. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, a report relative to expenditures from the Pershing Hall Revolving Fund; to the Committee on Veterans' Affairs.

EC-401. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Importation of Cattle From Mexico; Addition of Port at San Luis, AZ" (RIN0579-AC63) received in the Office of the President of the Senate on January 7, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-402. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Viral Hemorrhagic Septicemia; Interstate Movement and Import Restrictions on Certain Live Fish" (RIN0579-AC74) received in the Office of the President of the Senate on January 7, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-403. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Walnuts Grown in California; Section 610 Review" ((Docket No. AMS-FV-08-0010)(FV08-984-610)) received in the Office of the President of the Senate on January 7, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-404. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Lamb Promotion and Research Program: Procedures To Request Conduct of a Referendum" (Docket No. LS-08-0041) received in the Office of the President of the Senate

on January 7, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-405. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Cotton Board Rules and Regulations: Adjusting Supplemental Assessment on Imports (2008 Amendments)" ((Docket No. AMS-CN-08-0040)(CN-08-002)) received in the Office of the President of the Senate on January 7, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-406. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Dried Prunes Produced in California; Decreased Assessment Rate" ((Docket No. AMS-FV-08-0060)(FV08-993-1 FIR)) received in the Office of the President of the Senate on January 7, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-407. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Milk in the Northeast and Other Marketing Areas; Final Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders and Termination of Proceeding" (((Docket No. AO-14-A76, et al.)(DA-07-01)(AMS-DA-07-0116))) received in the Office of the President of the Senate on January 7, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-408. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tomatoes Grown in Florida; Partial Exemption to the Minimum Grade Requirements" ((Docket No. AMS-FV-08-0090)(FV09-966-1 IFR)) received in the Office of the President of the Senate on January 7, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-409. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tomatoes Grown in Florida; Section 610 Review" ((Docket No. AMS-FV-08-0009)(FV08-966-610)) received in the Office of the President of the Senate on January 7, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-410. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Pears Grown in Oregon and Washington; Section 610 Review" ((Docket No. AMS-FV-08-0008)(FV08-927-610)) received in the Office of the President of the Senate on January 7, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-411. A communication from the Director of the Regulatory Review Group, Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Direct and Counter-Cyclical Program and Average Crop Revenue Election Program" (RIN0560-AH84) received in the Office of the President of the Senate on January 8, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-412. A communication from the Under Secretary, Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Verification of Eligibility for Free and Reduced Price Meals in the National School Lunch and School Breakfast Programs" (RIN0584-AD61) received in the Office of the President of the Senate on January 8, 2009; to the Committee on Agriculture, Nutrition, and Forestry.

EC-413. A communication from the Chief Financial Officer, Department of Housing and Urban Development, transmitting, pursuant to law, a report of four violations of the Antideficiency Act; to the Committee on Appropriations.

EC-414. A communication from the Deputy Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, a report relative to promoting environmental stewardship throughout the Department of Defense and the Green Procurement Plan; to the Committee on Armed Services.

EC-415. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the Advanced Extremely High Frequency program; to the Committee on Armed Services.

EC-416. A communication from the Assistant Secretary of the Navy (Installations and Environment), transmitting, pursuant to law, a report relative to the notification of the result of a public-private competition for public works functions; to the Committee on Armed Services.

EC-417. A communication from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Senior DoD Officials Seeking Employment with Defense Contractors" (RIN0750-AG07) received in the Office of the President of the Senate on January 9, 2009; to the Committee on Armed Services.

EC-418. A communication from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Security-Guard Functions" (RIN0750-AF64) received in the Office of the President of the Senate on January 9, 2009; to the Committee on Armed Services.

EC-419. A communication from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Statutory Waiver for Commercially Available Off-the-Shelf Items" (RIN0750-AG12) received in the Office of the President of the Senate on January 9, 2009; to the Committee on Armed Services.

EC-420. A communication from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Steel for Military Construction Projects" (RIN0750-AG16) received in the Office of the President of the Senate on January 9, 2009; to the Committee on Armed Services.

EC-421. A communication from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Pilot Program for Transition to Follow-On Contracting After Use of Other Transaction Authority" (RIN0750-AG17) received in the Office of the President of the Senate on January 9, 2009; to the Committee on Armed Services.

EC-422. A communication from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Contract Actions Supporting Contingency Operations or Facilitating Defense Against or Re-

covery from Nuclear, Biological, Chemical, or Radiological Attack" (RIN0750-AG19) received in the Office of the President of the Senate on January 9, 2009; to the Committee on Armed Services.

EC-423. A communication from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Whistleblower Protections for Contractor Employees" (RIN0750-AG09) received in the Office of the President of the Senate on January 9, 2009; to the Committee on Armed Services.

EC-424. A communication from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; Delegation of Authority for Single Award Task or Delivery Order Contracts" (RIN0750-AG14) received in the Office of the President of the Senate on January 9, 2009; to the Committee on Armed Services.

EC-425. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Burma: Revision of Restrictions on Exports, Reexports and Transfers to Persons Whose Property and Interests in Property Area Blocked Pursuant to Executive Orders" (RIN0694-AE35) received in the Office of the President of the Senate on January 8, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-426. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Minimum Capital Ratios; Capital Adequacy Guidelines; Capital Maintenance; Capital: Deduction of Goodwill Net of Associated Deferred Tax Liability" (RIN1550-AC22) received in the Office of the President of the Senate on January 8, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-427. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Community Reinvestment Act Regulations" (((RIN1557-AD19)(RIN3064-AD39)(RIN1550-AC29))) received in the Office of the President of the Senate on January 8, 2009; to the Committee on Banking, Housing, and Urban Affairs.

EC-428. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Greenland Turbot and Rougheye Rockfish in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XM30) received in the Office of the President of the Senate on January 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC-429. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Quota Transfer" (RIN0648-XM22) received in the Office of the President of the Senate on January 9, 2009; to the Committee on Commerce, Science, and Transportation.

EC-430. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to

law, the report of a rule entitled "Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations; Casper, Wyoming" (MB Docket No. 08-108) received in the Office of the President of the Senate on January 7, 2009; to the Committee on Commerce, Science, and Transportation.

EC-431. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations; Hayes Center, Nebraska" (MB Docket No. 08-193) received in the Office of the President of the Senate on January 7, 2009; to the Committee on Commerce, Science, and Transportation.

EC-432. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations; Huntsville, Alabama" (MB Docket No. 08-105) received in the Office of the President of the Senate on January 7, 2009; to the Committee on Commerce, Science, and Transportation.

EC-433. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations; Kansas City, Missouri" (MB Docket No. 08-111) received in the Office of the President of the Senate on January 7, 2009; to the Committee on Commerce, Science, and Transportation.

EC-434. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations; Sioux City, Iowa" (MB Docket No. 08-109) received in the Office of the President of the Senate on January 7, 2009; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-1. A resolution adopted by the Senate of the State of New Jersey memorializing Congress to protect the automobile industry and expand national infrastructure projects and related industries; to the Committee on Banking, Housing, and Urban Affairs.

SENATE RESOLUTION NO. 37

Whereas, a number of specialists have warned that the collapse of the national economy could occur if certain stop-gap and long-term actions are not implemented to overcome the problems facing the automotive and machine tool sectors of our economy; and

Whereas, the loss of the physical capabilities of the automotive industry, especially its tool sector, could mean the end of America's status as a leading world economic power; and

Whereas, while it is in the best interests of our national security to have a strong, vibrant manufacturing and industrial sector, capable of producing the necessary machinery and technology to defend the citizens of the United States and protect our interests abroad, our manufacturing and industrial sector has experienced a dramatic reduction in capacity and production over the last several decades; and

Whereas, government has an obligation to promote economic activity through the creation of new capital investment, which will result in the expansion of employment opportunities and help jump-start long-term capital investment by private investors; and

Whereas, as government leaders, we must ensure the continued viability of our automotive and machine tool industries, which is a vital element of the State and federal economy; and

Whereas, diversification of the productive potential of the automotive and machine tool industries into a broader sector of production, coupled with a shift into the domain of essential capital goods and economic infrastructure, such as the repair, expansion, and improvement of our national railway systems, and the development of other urgently needed infrastructure projects, will save existing manufacturing jobs and create large new areas of employment in infrastructure and manufacturing for our citizenry in a manner comparable to the best of the New Deal programs that rescued the nation and the world from the ravages of the Great Depression; and

Whereas, the impact of this intervention will be to provide thousands of productive jobs in the state of New Jersey, repair our infrastructure, and create at least ten million jobs nationally, thus restoring our tax base and increasing the standard of living: Now, therefore, be it

Resolved by the Senate of the State of New Jersey:

1. The Senate of the State of New Jersey respectfully memorializes the Congress of the United States to intervene on behalf of national economic interests to ensure that the productive potential of the automobile industry, with its featured technology and machine tool capability, be protected.

2. The Senate of the State of New Jersey respectfully memorializes the Congress of the United States to intervene to vastly expand the construction and maintenance of infrastructure projects and related industries.

3. Duly authenticated copies of this resolution, signed by the President of the Senate and attested by the Secretary thereof, shall be transmitted to each member of New Jersey's congressional delegation and to the Speaker and Clerk of the United States House of Representatives, Washington, D.C., and the President and Secretary of the United States Senate, Washington, D.C.

POM-2. A resolution adopted by the Commission of Wayne County of the State of Michigan relative to supporting the United States Congress rescue plan to offer low-interest loans to Ford Motor Co., General Motors Corp., and Chrysler LLC to insure the viability of the U.S. auto industry; to the Committee on Banking, Housing, and Urban Affairs.

POM-3. A report from a sportsmen club of Washington State relative to a Department of Agriculture, Forest Service report; to the Committee on Energy and Natural Resources.

POM-4. A report from the Florida Department of State, Commission of Office, relative to the Minority Appointment Reporting Form for 2007; to the Committee on Rules and Administration.

POM-5. A report from the Florida Department of State, Commission of Office, relative to the Minority Appointment Reporting Form for 2007; to the Committee on Rules and Administration.

POM-6. A report from a textile corporation relative to Senate material; to the Committee on Rules and Administration.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BARRASSO:

S. 201. A bill to amend the Internal Revenue Code of 1986 to extend the additional standard deduction for real property taxes for nonitemizers for 2010; to the Committee on Finance.

By Mr. ENSIGN (for himself, Mr. NELSON of Florida, Mr. FEINGOLD, Mr. DORGAN, and Mr. CORKER):

S. 202. A bill to improve consumer access to passenger vehicle loss data held by insurers; to the Committee on Commerce, Science, and Transportation.

By Mrs. FEINSTEIN (for herself and Mr. KYL):

S. 203. A bill to amend the Immigration and Nationality Act to modify the requirements for participation in the visa waiver program and for other purposes; to the Committee on the Judiciary.

By Mr. KOHL (for himself, Mr. BROWN, Mr. SPECTER, Mr. LEAHY, Mr. GRASSLEY, Mr. FEINGOLD, Ms. SNOWE, Mr. SCHUMER, Mr. DURBIN, Mr. LEVIN, and Mr. LAUTENBERG):

S. 204. A bill to amend the Sherman Act to make oil-producing and exporting cartels illegal; to the Committee on the Judiciary.

By Mr. BINGAMAN (for himself, Mrs. HUTCHISON, Mrs. FEINSTEIN, Mr. DURBIN, Mr. MCCAIN, and Mr. KYL):

S. 205. A bill to authorize additional resources to identify and eliminate illicit sources of firearms smuggled into Mexico for use by violent drug trafficking organizations, and for other purposes; to the Committee on the Judiciary.

By Mrs. BOXER:

S. 206. A bill to amend the Elementary and Secondary Education Act of 1965 to establish a program to help States expand the education system to include at least 1 year of early education preceding the year a child enters kindergarten; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER:

S. 207. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for health insurance premiums; to the Committee on Finance.

By Mrs. BOXER:

S. 208. A bill to provide Federal coordination and assistance in preventing gang violence; to the Committee on the Judiciary.

By Mrs. BOXER:

S. 209. A bill to amend the Internal Revenue Code of 1986 to modify and extend the credit for alternative motor vehicles, and for other purposes; to the Committee on Finance.

By Mrs. BOXER:

S. 210. A bill to amend the Internal Revenue Code of 1986 to increase the credit for employers establishing workplace child care facilities, to increase the child care credit to encourage greater use of quality child care services, to provide incentives for students to earn child care-related degrees and to work in child care facilities, and to increase the exclusion for employer-provided dependent care assistance; to the Committee on Finance.

By Mrs. CLINTON (for herself, Mr. BURR, Mr. AKAKA, Mr. BROWN, Ms. CANTWELL, Mr. CASEY, Ms. COLLINS, Mr. DURBIN, Mrs. FEINSTEIN, Mr. INOUE, Mr. KERRY, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Mr. LUGAR, Mr. MENENDEZ, Ms. MIKULSKI, Mrs. MURRAY, Mr. ROBERTS, Mr.

SCHUMER, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, and Mr. WHITEHOUSE):

S. 211. A bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services and volunteer services, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 212. A bill to expand the boundaries of the Gulf of the Farallones National Marine Sanctuary and the Cordell Bank National Marine Sanctuary, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. BOXER (for herself and Ms. SNOWE):

S. 213. A bill to amend title 49, United States Code, to ensure air passengers have access to necessary services while on a grounded air carrier, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BINGAMAN (for himself, Mr. LEAHY, Mr. LIEBERMAN, and Mr. CARDIN):

S. 214. A bill to amend title XXI of the Social Security Act to permit qualifying States to use their allotments under the State Children's Health Insurance Program for any fiscal year for certain Medicaid expenditures; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SPECTER (for himself, Mr. COBURN, and Mr. ALEXANDER):

S. Res. 12. A resolution to amend the Standing Rules of the Senate to prohibit filling the tree; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 34

At the request of Mr. DEMINT, the names of the Senator from North Carolina (Mr. BURR) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 34, a bill to prevent the Federal Communications Commission from repromulgating the fairness doctrine.

S. 61

At the request of Mr. DURBIN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 61, a bill to amend title 11 of the United States Code with respect to modification of certain mortgages on principal residences, and for other purposes.

S. 64

At the request of Mr. INHOFE, the names of the Senator from Texas (Mrs. HUTCHISON), the Senator from Kansas (Mr. ROBERTS), the Senator from Louisiana (Mr. VITTER), the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 64, a bill to amend the Emergency Economic Stabilization Act to require approval by the Congress for certain expenditures for the Troubled Asset Relief Program.

S. 85

At the request of Mr. VITTER, the name of the Senator from South Caro-

lina (Mr. DEMINT) was added as a cosponsor of S. 85, a bill to amend title X of the Public Health Service Act to prohibit family planning grants from being awarded to any entity that performs abortions.

S. 133

At the request of Mrs. FEINSTEIN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 133, a bill to prohibit any recipient of emergency Federal economic assistance from using such funds for lobbying expenditures or political contributions, to improve transparency, enhance accountability, encourage responsible corporate governance, and for other purposes.

S. 160

At the request of Mr. LIEBERMAN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 160, a bill to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives.

S. 166

At the request of Mrs. HUTCHISON, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 166, a bill to amend title VII of the Civil Rights Act of 1964 to clarify the filing period applicable to charges of discrimination, and for other purposes.

S. RES. 4

At the request of Mr. VITTER, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. Res. 4, a resolution expressing the sense of the Senate that the Supreme Court of the United States erroneously decided *Kennedy v. Louisiana*, No. 07-343 (2008), and that the eighth amendment to the Constitution of the United States allows the imposition of the death penalty for the rape of a child.

AMENDMENT NO. 7

At the request of Mr. COBURN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of amendment No. 7 intended to be proposed to S. 22, a bill to designate certain land components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself and Mr. KYL):

S. 203. A bill to amend the Immigration and Nationality Act to modify the requirements for participation in the visa waiver program and for other purposes; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce a bill on behalf of myself and Senator KYL to mitigate the immigration and security risks associated with the Visa Waiver Program and its expansion.

The Visa Waiver Program leaves open both a major gap in our domestic security and a way to exploit our immigration laws. The Strengthening the Visa Waiver Program to Secure America Act would give the Department of Homeland Security, DHS, new tools to secure the Visa Waiver Program, consistent with the recommendations made by the 9/11 Commission.

The bill would set a maximum low visa overstay rate for all visa waiver program countries; require a reevaluation of visa waiver program countries within 1 year; mandate that the administration will lose its authority to continue to expand the program if it does not track 97 percent of those exiting and departing at our airports—based on arrival data, not just departure data; require an audit of the electronic travel authorization system, ESTA; and require current visa waiver countries to report on lost or stolen visas in order to remain in the visa waiver program.

Senator KYL and I have held multiple hearings over the years and time and time again we have expressed concern and requested improvements, but no changes have been forthcoming in how the Department of Homeland Security intends to implement this program.

The hearings and the recent Government Accountability Office report found that the administration is not doing what it should to secure the program. Instead, the Visa Waiver Program has continued to expand without meeting the security needs of our country.

In fact, just today the administration has announced that it has met the deadline for the electronic travel authorization system, ESTA, to be fully operational. However, the GAO report found that ESTA—the one security check for visa waiver travelers prior to arrival at our Nation's airports—has not been implemented effectively by the administration to make it a workable system for the airlines and embassies.

The GAO report also found that the administration is still unable to track who comes in and out of this country. This is especially significant given that the program was recently expanded to countries with high visa overstay rates, bringing the number of participating countries to 35.

This means that for the citizens of 35 countries—including Australia, Singapore, Slovenia, and the United Kingdom—entering the United States is as simple as purchasing an airline ticket and arriving at the airport with a valid passport in hand.

The result is that these travelers not only bypass the interview and individualized security screening process, but they are also lost once they arrive in the U.S. because DHS is only checking when individuals depart at our airports, not if they overstay their visit.

It is estimated that 40 percent of the current undocumented population are people who have overstayed their visas. That means that if there are 12 million

undocumented people now in the U.S., 4.8 million people overstayed their visa. The Visa Waiver Program is the achilles heel of our immigration system.

The security risks associated with the Visa Waiver Program are even greater—Our Nation's security experts have stated repeatedly that the program provides an attractive option to terrorists looking to do Americans harm.

At a Senate Judiciary Committee hearing on September 27, 2007, DNI Director Mike McConnell testified that Al Qaeda is purposefully recruiting Europeans because they do not require a visa to come into this country.

As Director McConnell said, this tactic gives Al Qaeda "an extra edge in getting an operative or two or three into the country with the ability to carry out an attack that might be reminiscent of 9-11."

Secretary Chertoff reiterated these concerns when he stated that "terrorists are increasingly looking to Europe as both a target and a platform for terrorist attacks" against the United States.

In an interview with BBC's "World News America," Secretary Chertoff acknowledged, "the first time we encounter [visa waiver travelers] is when they arrive in the United States and that creates a very small window of opportunity to check them out."

These security risks are particularly apparent when we look at the statistics on the number of fraudulent and stolen passports and other international documents.

Between January 2002 and June 2004, 28 foreign governments, including visa waiver countries, reported 56,943 stolen blank foreign passports to the State Department. And just this summer, a security van in London was hijacked, resulting in the loss of 3,000 blank British passports and visas that were destined for overseas embassies.

DHS's own Inspector General, Clark Ervin has testified that: "The lost and stolen passport problem is the greatest security problem associated with the Visa Waiver Program. Our country is vulnerable because gaps in our treatment of lost and stolen passports remain."

The Strengthening the Visa Waiver Program to Secure America Act would put necessary security checks firmly in place and provide greater program oversight.

We must act now to secure the Visa Waiver Program. I urge my colleagues to support this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 203

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Strengthening the Visa Waiver Program to Secure America Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) PROGRAM COUNTRY.—The term "program country" means a country designated as a program country under section 217(c)(1) of the Immigration and Nationality Act (8 U.S.C. 1187(c)(1)).

(2) SECRETARY.—Except as otherwise provided, the term "Secretary" means the Secretary of Homeland Security.

(3) VISA WAIVER PROGRAM.—The term "visa waiver program" means the visa waiver program carried out under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187).

SEC. 3. ENFORCEMENT OF REQUIREMENT TO REPORT LOST OR STOLEN PASSPORTS.

(a) ENFORCEMENT OF EXISTING REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, each program country shall have in effect an agreement with the United States as required by section 217(c)(2)(D) of the Immigration and Nationality Act (8 U.S.C. 1187(c)(2)(D)).

(b) FAILURE TO AGREE TO REPORT.—

(1) SUSPENSION FROM THE PROGRAM.—If a program country does not meet the requirements of subsection (a), the Secretary, in consultation with the Secretary of State, shall immediately suspend the program country's participation in the visa waiver program.

(2) RESTORATION TO THE PROGRAM.—With respect to a country that is suspended from participation in the visa waiver program under paragraph (1), the Secretary shall restore the country's participation on the date that the Secretary determines that the country meets the requirements of paragraph (1).

(c) LIMITATION ON NEW PROGRAM COUNTRIES.—Notwithstanding any other provision of law, the Secretary may not designate a country as a program country until after the date that the Secretary certifies to Congress that the requirements of subsection (a) have been met.

SEC. 4. ENFORCEMENT OF REQUIREMENT FOR PERIODIC EVALUATIONS OF PROGRAM COUNTRIES.

(a) ENFORCEMENT OF EXISTING REQUIREMENT.—Not later than 1 year after the date of the enactment of this Act, the Secretary, in consultation with the Secretary of State, shall evaluate under section 217(c)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1187(c)(5)(A)) each program country that was designated as a program country prior to January 1, 2009. Such evaluation shall include the visa overstay rate for each program country for the 1-year period ending on the date of the enactment of this Act.

(b) VISA OVERSTAY RATE DEFINED.—In this section, the term "visa overstay rate" has the meaning given that term in section 217(c)(8)(C) of the Immigration and Nationality Act (8 U.S.C. 1187(c)(8)(C)), as amended by section 6.

(c) FAILURE TO COMPLY WITH PROGRAM REQUIREMENTS.—

(1) SUSPENSION FROM THE PROGRAM.—If the periodic evaluation prepared under subsection (a) shows that a program country has a visa overstay rate that exceeds 2 percent, the Secretary, in consultation with the Secretary of State, shall immediately suspend the program country's participation in the visa waiver program.

(2) RESTORATION TO THE PROGRAM.—With respect to a country that is suspended from participation in the visa waiver program under paragraph (1), the Secretary shall restore the country's participation on the date that the Secretary determines that the coun-

try's visa overstay rate does not exceed 2 percent.

(d) LIMITATION ON NEW PROGRAM COUNTRIES.—Notwithstanding any other provision of law, the Secretary may not designate a country as a program country until after the date that the Secretary certifies to Congress that the requirements of subsection (a) have been met.

SEC. 5. ARRIVAL AND DEPARTURE VERIFICATION.

(a) REQUIREMENT FOR VERIFICATION.—

(1) IN GENERAL.—Subparagraph (A) of section 217(c)(8) of the Immigration and Nationality Act (8 U.S.C. 1187(c)(8)) is amended—

(A) in clause (i)—

(i) by striking "can verify" and inserting "verifies";

(ii) by inserting "arrival and" before "departure"; and

(iii) by inserting "entry and" before "exit"; and

(B) in clause (ii) by inserting "entry and" before "exit".

(2) CONFORMING AMENDMENT.—Subparagraph (C) of such section 217(c)(8) is amended by inserting "entry and" before "exit".

(b) LIMITATION ON NEW PROGRAM COUNTRIES.—Notwithstanding any other provision of law, the Secretary may not designate a country as a program country until after the date that the Secretary certifies to Congress that the requirements of clause (i) of subsection (c)(8)(A) of section 217 of the Immigration and Nationality Act, as amended by subsection (a)(1), are met.

(c) AUDIT.—

(1) REQUIREMENT TO CONDUCT.—Not later than 180 days after the date that the certification described in clause (i) of subsection (c)(8)(A) of section 217 of the Immigration and Nationality Act (8 U.S.C. 1187), as amended by subsection (a)(1), is submitted to Congress, the Comptroller of the United States shall conduct an audit of the travel authorization system described in subsection (h)(3) of that section and submit a report on such audit to Congress.

(2) ELEMENTS.—The report by paragraph (1) shall include—

(A) a description of the data collected by such system;

(B) the number of individuals who were identified by such system as being in violation of the immigration laws, disaggregated by country; and

(C) an explanation of any problems in implementing such system encountered during the early stages of implementation to better identify high-risk travelers and countries of origin of such travelers.

SEC. 6. VISA OVERSTAY RATES.

Subparagraph (C) of section 217(c)(8) of the Immigration and Nationality Act (8 U.S.C. 1187(c)(8)), as amended by section 5(a)(2), is further amended—

(1) in clause (i), by striking the period at the end of the first sentence and inserting "except that in no case may a maximum visa overstay rate exceed 2 percent.";

(2) by redesignating clause (iii) as clause (iv);

(3) by inserting after clause (ii) the following:

"(iii) DATA COMPILATION.—The Secretary of Homeland Security shall compile data from all appropriate databases to determine the visa overstay rate for each country. Such databases shall include—

"(I) the Advanced Passenger Information System (APIS);

"(II) the Automated Fingerprint Identification System (IDENT);

"(III) the Central Index System (CIS);

"(IV) the Computer Linked Application Information Management Systems (CLAIMS);

"(V) the Deportable Alien Control System (DACS);

“(VI) the Integrated Automated Fingerprint Identification System (IAFIS);

“(VII) the Nonimmigrant Information System (NIIS);

“(VIII) the Reengineered Naturalization Applications Casework Systems (RNACS); and

“(IX) the Refugees, Asylum, and Parole System (RAPS).”; and

(4) by adding at the end the following:

“(v) ANNUAL REPORT.—Not less frequently than once each fiscal year, the Secretary of Homeland Security shall submit to the Committee on Foreign Relations and the Committee on the Judiciary of the Senate and the Committee on Foreign Affairs and the Committee on the Judiciary of the House of Representatives a report describing the visa overstay rate for the previous fiscal year of each country designated as a program country under paragraph (1).”.

By Mr. KOHL (for himself, Mr. BROWN, Mr. SPECTER, Mr. LEAHY, Mr. GRASSLEY, Mr. FEINGOLD, Ms. SNOWE, Mr. SCHUMER, Mr. DURBIN, Mr. LEVIN, and Mr. LAUTENBERG):

S. 204. A bill to amend the Sherman Act to make oil-producing and exporting cartels illegal; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today to introduce, with ten of my colleagues, the No Oil Producing and Exporting Cartels Act, NOPEC. This legislation will authorize our Government, for the first time, to take action against the illegal conduct of the OPEC oil cartel. It is time for the U.S. Government to fight back on efforts to fix the price of oil and hold OPEC accountable when it acts illegally. Our amendment will hold OPEC member nations to account under U.S. antitrust law when they agree to limit supply or fix price in violation of the most basic principles of free competition.

NOPEC will authorize the Attorney General to file suit against nations or other entities that participate in a conspiracy to limit the supply, or fix the price, of oil. In addition, it will specify that the doctrines of sovereign immunity and act of state do not exempt nations that participate in oil cartels from basic antitrust law. I have introduced this legislation in each Congress since 2000. This legislation passed the full Senate by a vote of 70–23 in June 2007 as an amendment to the 2007 Energy Bill before being stripped from that bill in the conference committee. The identical House version of NOPEC passed the other body as stand alone legislation in May 2007 by an overwhelming 345–72 vote. It is now time for us to at last pass this legislation into law and give our Nation a long needed tool to counteract this pernicious and anti-consumer conspiracy.

Throughout 2007 and 2008, crude oil and gasoline prices marched steadily upwards, peaking last summer at over \$140 per barrel for crude and well over \$4 per gallon for gasoline. In recent months, of course, these prices have plummeted as demand has dropped due to the serious global economic recession. But the recent declines in crude oil and gasoline prices should not fool

us—the global oil cartel remains a major force conspiring to raise oil prices to the detriment of American consumers.

The recent actions of the OPEC cartel demonstrate the dangers it presents. OPEC is doing everything it can to raise oil prices. On October 24, 2008, OPEC agreed to cut production by 1.5 million barrels a day, don December 17 OPEC agreed to a further 2.2 million barrels a day production cut. The OPEC cartel makes no secret of its motivation for these production cuts. OPEC President Chaib Khelil put it very simply in an interview published December 23, 2008, “Without these cuts, I don’t think we’d be seeing \$43 [per barrel] today, we’d have seen in the \$20s. . . . [H]opefully by the third quarter [of 2009] we will see prices rising.” In another interview in December, Khelil was quoted as saying “The stronger the decision [to cut production], the faster prices will pick up.”

And if the price of crude oil begins to rise again as a result of these actions by OPEC, there is no doubt that millions of American consumers will feel the pinch every time they visit the gas pump. The Federal Trade Commission has estimated that 85 percent of the variability in the cost of gasoline is the result of changes in the cost of crude oil.

Such blatantly anti-competitive conduct by the oil cartel violates the most basic principles of fair competition and free markets and should not be tolerated. If private companies engaged such an international price fixing conspiracy, there would no question that it would be illegal. The actions of OPEC should be treated no differently because it is a conspiracy of nations.

For years, this price fixing conspiracy of OPEC nations has unfairly driven up the cost of imported crude oil to satisfy the greed of the oil exporters. We have long decried OPEC, but, sadly, no one in Government has yet tried to take any action. This NOPEC legislation will, for the first time, establish clearly and plainly that when a group of competing oil producers like the OPEC nations act together to restrict supply or set prices, they are violating U.S. law.

It is also important to point out that this legislation will not authorize private lawsuits. It only authorizes the Attorney General to file suit under the antitrust laws for redress. It will always be in the discretion of the Justice Department and the President as to whether to take action to enforce NOPEC. Our legislation will not require the Government to bring a legal action against OPEC member nations, and no private party will have the ability to bring such an action. This decision will entirely remain in the discretion of the executive branch. Our NOPEC legislation will give our law enforcement agencies a tool to employ against the oil cartel—but the decision on whether to use this tool will entirely be up to the Justice Department

and, ultimately, the President. They can use this tool as they see fit—to file a legal action, to jawbone OPEC in diplomatic discussions, or defer from any action should they judge foreign policy or other considerations warrant it.

NOPEC will also make plain that the nations of OPEC cannot hide behind the doctrines of “sovereign immunity” or “act of state” to escape the reach of American justice. In so doing, our amendment will overrule one 28 year old lower court decision which incorrectly failed to recognize that the actions of OPEC member nations was commercial activity exempt from the protections of sovereign immunity.

The most fundamental principle of a free market is that competitors cannot be permitted to conspire to limit supply or fix price. There can be no free market without this foundation. We should not permit any nation to flout this fundamental principle.

Some critics of this legislation have argued that suing OPEC will not work or that threatening suit will hurt more than help. I disagree. Our NOPEC legislation will, for the first time, enable our Justice Department to take legal action to combat the illegitimate price-fixing conspiracy of the oil cartel. It will, at a minimum, have a real deterrent effect on nations that seek to join forces to oil prices to the detriment of consumers. This legislation will be the first real weapon the U.S. Government has ever had to deter OPEC from its seemingly endless cycle of supply cutbacks designed to raise price. It will mean that OPEC member nations will face the possibility of real and substantial antitrust sanctions should they persist in their illegal conduct. It will also deter additional nations who may today be considering joining OPEC.

I urge my colleagues to support our NOPEC legislation so that our Nation will finally have an effective means to combat this price-fixing conspiracy of oil-rich nations.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 204

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “No Oil Producing and Exporting Cartels Act of 2009” or “NOPEC”.

SEC. 2. SHERMAN ACT.

The Sherman Act (15 U.S.C. 1 et seq.) is amended by adding after section 7 the following:

“SEC. 7A. OIL PRODUCING CARTELS.

“(a) IN GENERAL.—It shall be illegal and a violation of this Act for any foreign state, or any instrumentality or agent of any foreign state, to act collectively or in combination with any other foreign state, any instrumentality or agent of any other foreign state, or any other person, whether by cartel or any other association or form of cooperation or joint action—

“(1) to limit the production or distribution of oil, natural gas, or any other petroleum product;

“(2) to set or maintain the price of oil, natural gas, or any petroleum product; or

“(3) to otherwise take any action in restraint of trade for oil, natural gas, or any petroleum product; when such action, combination, or collective action has a direct, substantial, and reasonably foreseeable effect on the market, supply, price, or distribution of oil, natural gas, or other petroleum product in the United States.

“(b) SOVEREIGN IMMUNITY.—A foreign state engaged in conduct in violation of subsection (a) shall not be immune under the doctrine of sovereign immunity from the jurisdiction or judgments of the courts of the United States in any action brought to enforce this section.

“(c) INAPPLICABILITY OF ACT OF STATE DOCTRINE.—No court of the United States shall decline, based on the act of state doctrine, to make a determination on the merits in an action brought under this section.

“(d) ENFORCEMENT.—The Attorney General of the United States may bring an action to enforce this section in any district court of the United States as provided under the anti-trust laws.”.

SEC. 3. SOVEREIGN IMMUNITY.

Section 1605(a) of title 28, United States Code, is amended—

(1) in paragraph (6), by striking “or” after the semicolon;

(2) in paragraph (7), by striking the period and inserting “; or”; and

(3) by adding at the end the following:

“(8) in which the action is brought under section 7A of the Sherman Act.”.

By Mr. BINGAMAN (for himself, Mrs. HUTCHISON, Mrs. FEINSTEIN, Mr. DURBIN, Mr. MCCAIN, and Mr. KYL):

S. 205. A bill to authorize additional resources to identify and eliminate illicit sources of firearms smuggled into Mexico for use by violent drug trafficking organizations, and for other purposes; to the Committee on the Judiciary.

Mr. BINGAMAN. Mr. President, I rise today to introduce the Southwest Border Violence Reduction Act of 2009. This important legislation, which is cosponsored by Senators HUTCHISON, DURBIN, and FEINSTEIN, is aimed at addressing drug-related violence in Mexico by reducing the number of weapons that are illegally smuggled into the country.

The ongoing violence in Mexico is having a devastating impact on the country. In 2008, more than 5,300 people were killed in Mexico—this is double the number in the previous year. During this last year, there were over 1,600 deaths just in Ciudad Juarez. Drug traffickers are warring with each other, assassinations of police and government officials are commonplace, lawyers and journalists have been killed, and many innocent civilians have been caught up in the crossfire.

Border communities within the United States are also being directly impacted. Many of the people living in this region have strong family ties to Mexico and the violence makes it difficult to visit loved ones. U.S. border hospitals have had to provide medical

care to the wounded under armed guard. And in New Mexico, we had to briefly shut down the Columbus Port of Entry due to gun battles in the Mexican border town of Palomas and provide police escorts to school buses passing through the area. At one point this last year, the entire police force in Palomas resigned due to threats by drug traffickers and the Chief of Police fled to the United States to seek asylum.

Besides the horrific human toll this violence is having on communities throughout Mexico, it also impacts the overall economy of the border region. Everyday thousands of people travel back and forth between the United States and Mexico for business and pleasure. This flow of people and goods is an essential aspect of maintaining healthy economic activity on both sides of the border. However, the current security situation is hampering bilateral trade, new business ventures, and tourism. In these tough economic times, the violence exacerbates an already bad economic environment.

The United States has taken some important steps to help Mexico fight drug traffickers, such as increasing bilateral cooperation and providing substantial financial assistance as part of the Merida initiative. However, there is much more that we can be doing to help quell this violence. One key area where more can and should be done is with regard to stopping the flow of weapons being smuggled into Mexico from the United States.

According to the ATF, about 90 percent of the weapons confiscated in Mexico come from sources within the United States because firearms are much more readily accessible in the United States than in Mexico. These weapons are the so-called “tools of the trade” for narco-traffickers. They are the means by which cartels maintain control over drug corridors and the instrument they use to execute their scheme of violence and intimidation.

In the four U.S. border States there are about 6,600 licensed gun dealers. The vast majority of these dealers act in accordance with the law, but drug gangs exploit the availability of weapons in the region to supply cartels on the Mexican side of the border with illegal high-powered weapons.

The ATF has a very successful initiative in place to combat southbound illicit weapons trafficking, known as Project Gunrunner, but they need more resources to adequately tackle the problem.

The Southwest Border Violence Reduction Act would provide these much needed resources. Specially, this legislation would authorize \$30 million over 2 years to expand Project Gunrunner teams in the border region and \$19 million to assign agents to U.S. consulates in Mexico to assist Mexican law enforcement with smuggling investigations.

I would also like to make it clear that nothing in this bill limits the sale

of firearms or places any additional restrictions on licensed dealers. This effort is only focused on enhancing the investigative capabilities of the ATF with regard to arms trafficking in order to weed out the bad actors and to ensure that weapons aren't being illegally smuggled across the border.

The United States has traditionally focused on enhancing efforts to prevent illegal narcotics from being smuggled into the country. While we obviously need to dedicate resources toward this end, we also should be taking a comprehensive approach that recognizes that the northbound flow of narcotics is dependent on the southbound flow of weapons and currency. Denying traffickers the proceeds of drug sales and the ability to heavily arm their cartels is essential in reducing the drug flow into the United States.

It is insufficient to simply rely on Mexican authorities to stop the flow of guns going into their country. Drug trafficking is a transnational threat and the solution must involve sustained cooperation between the United States and Mexico. We must do more on our side of the border to disrupt weapons smuggling if we are going to be successful in combating drug cartels.

Instability and violence in Mexico is taking a toll on communities on both sides of the border. I strongly believe that this is an issue that deserves more attention, and I hope my colleagues will support this bipartisan legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 205

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Southwest Border Violence Reduction Act of 2009”.

SEC. 2. PROJECT GUNRUNNER.

(a) IN GENERAL.—The Attorney General shall dedicate and expand the resources provided for the Project Gunrunner initiative of the Bureau of Alcohol, Tobacco, Firearms, and Explosives to identify, investigate, and prosecute individuals involved in the trafficking of firearms across the international border between the United States and Mexico.

(b) ACTIVITIES.—In carrying out this section, the Attorney General shall—

(1) assign additional agents of the Bureau of Alcohol, Tobacco, Firearms, and Explosives to the area of the United States adjacent to the international border between the United States and Mexico to support the expansion of Project Gunrunner teams;

(2) establish not fewer than 1 Project Gunrunner team in each State along the international border between the United States and Mexico; and

(3) coordinate with the heads of other relevant Federal law enforcement agencies and State and local law enforcement agencies to address firearms trafficking in a comprehensive manner.

(c) ADDITIONAL STAFF.—The Attorney General may hire Bureau of Alcohol, Tobacco,

Firearms, and Explosives agents for, and otherwise expend additional resources needed to adequately support, Project Gun-runner.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$15,000,000 for each of fiscal years 2010 and 2011 to carry out this section.

SEC. 3. ENHANCED INTERNATIONAL COOPERATION.

(a) **IN GENERAL.**—The Attorney General, in cooperation with the Secretary of State, shall—

(1) assign agents of the Bureau of Alcohol, Tobacco, Firearms, and Explosives to the United States mission in Mexico, to work with Mexican law enforcement agencies in conducting investigations relating to firearms trafficking and other criminal enterprises;

(2) provide the equipment and technological resources necessary to support investigations and to trace firearms recovered in Mexico; and

(3) support the training of Mexican law enforcement officers in serial number restoration techniques, canine explosive detection, and antitrafficking tactics.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$9,500,000 for each of fiscal years 2010 and 2011 to carry out this section.

By Mrs. BOXER:

S. 206. A bill to amend the Elementary and Secondary Education Act of 1965 to establish a program to help States expand the education system to include at least 1 year of early education preceding the year a child enters kindergarten; to the Committee on Health, Education, Labor, and Pensions.

Mrs. BOXER. Mr. President, today I rise to reintroduce the Early Education Act. Early education is critical to preparing children across our Nation with the initial skills and abilities to successfully begin their education. While the amount of support for early education has been increasing, great discrepancies remain between the quality of programs and the level of access from State to State.

This bill is a step forward in making a national commitment to giving all children access to high quality pre-kindergarten programs that have been proven to have a solid impact on a child's success later in school and in life.

Of the more than 8 million 3- and 4-year-olds that could be in early education, just over half are enrolled in an early education program. In my State of California alone, just fewer than 60 percent of 3- and 4-year-olds are in some kind of preschool.

The result is that too many children enter elementary school unprepared to learn.

Studies have shown that children who participate in pre-kindergarten programs are less likely to be held back a grade, show greater learning retention and initiative, have better social skills, are more enthusiastic about school, and are more likely to have good attendance records.

Almost all experts now agree that an early education experience is one of the most effective strategies for im-

proving later school performance. The National Research Council reported that pre-kindergarten educational opportunities are critical in developing early language and literacy skills and preventing reading difficulties in young children.

The future of our Nation's economy depends on the next generation of workers, and high-quality early childhood education is key to preparing them for their careers. In the long run, pre-kindergarten programs pay for themselves. Decades of research have proven that early education programs yield between \$7 to \$16 for every dollar invested.

My bill, the Early Education Act, would create a program in at least 10 States to provide 1 year of pre-kindergarten early education in public schools. The bill would require a dollar for dollar match by the States and would authorize no less than \$300 million annually for these programs. These funds would be used by States to supplement—not supplant—other Federal, State or local funds. This bill would serve almost 150,000 children across the country.

Our children need a solid foundation that builds on our current education system by providing them with early learning skills. I urge my colleagues to support this legislation.

By Mrs. BOXER:

S. 207. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for health insurance premiums; to the Committee on Finance.

Mrs. BOXER. Mr. President, today I am introducing the Health Insurance Tax Relief Act to help our Nation's workers and working families deal with dramatic increases in health care costs. The legislation would allow taxpayers to deduct their health insurance premiums up to \$2,000 for individuals and \$4,000 for families.

While this deduction will certainly not solve all of the problems in our health care system, it will provide help for working individuals and families who have seen health care premium costs drastically rise. Since 1999, the average health insurance premium for workers covering their families has more than doubled. A recent survey by the Kaiser Family Foundation found that 40 percent of employers that offer health benefits are likely to increase the amount their employees pay in premiums.

This is an issue of fairness. Current law provides a patchwork of tax deductions for health care costs depending upon an individual's employer, the type of health care plan provided by their employer, and/or percentage of income spent on health care, among other things.

Unfortunately this patchwork has left out many employees who face increasing premiums or are buying high cost health plans on their own. This legislation rectifies that unfairness and will help people meet rising health care

costs. It would help those currently purchasing coverage to continue to do so, as well as helping people who are uninsured to purchase coverage.

This legislation is particularly important for employees in small businesses. Many small businesses across the country have been forced by the rising cost of health care to shift an increasing amount of health insurance costs to their employees. These are hard working Americans struggling to make ends meet in a weak economy.

Now more than ever we need legislation that provides targeted assistance to help families pay for health care. I urge my colleagues to support my legislation.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 212. A bill to expand the boundaries of the Gulf of the Farallones National Marine Sanctuary and the Cordell Bank National Marine Sanctuary, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. BOXER. Mr. President, the Gulf of the Farallones and Cordell Bank National Marine Sanctuaries Boundary Modification and Protection Act will protect one of the world's most biologically-diverse and productive marine regions. I am proud to be joined in this effort by Congresswoman LYNN WOOLSEY and Senator DIANNE FEINSTEIN.

Established in 1981 and 1989 respectively, the Gulf of the Farallones and Cordell Bank National Marine Sanctuaries have helped protect the special marine waters and coastline that are quintessentially Californian. My bill will protect an even greater part of my State's coast by expanding the sanctuaries' boundaries to include more of northern California's great coastal upwelling area, one of only four on the planet.

Upwelling areas are places where deeper water comes up to the surface, bringing the nutrients needed by marine algae to grow and support all higher forms of marine life. Though coastal upwelling areas comprise only 1 percent of the world's ocean they produce 20 percent of its fish. The area from Point Arena to Bodega Bay, currently outside the sanctuaries' boundaries, is particularly important since it consistently has the most intense upwelling in all of North America and an enormous capacity to support marine life. I am proud that my bill will expand the sanctuaries' boundaries to protect this upwelling area.

The unique productivity of this region is illustrated by the abundance and diversity of marine life it supports: 36 species of marine mammals, including the endangered blue and humpback whales; numerous coastal and migratory seabirds, including the black-footed albatross; endangered leatherback turtles; and Coho salmon. Expanding the existing sanctuaries to include this area is necessary to protect this remarkable ecosystem from pollution and habitat degradation.

My bill has broad, local support, including from the California Coastal Commission, the California State Lands Commission, the Counties of Sonoma, Marin, and Mendocino, and the cities in the expansion region. It is also supported by fishermen, including the Pacific Coast Federation of Fishermen's Associations, by far the largest and most active association of commercial fishermen on the West Coast. Fishermen recognize the urgency of passing this legislation to preserve the water quality and habitat essential for good fishing.

My bill will help preserve an incomparable gem of an ecosystem. I look forward to working with my colleagues to move this important legislation.

By Mrs. BOXER (for herself and Ms. SNOWE):

S. 213. A bill to amend title 49, United States Code, to ensure air passengers have access to necessary services while on a grounded air carrier, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mrs. BOXER. Mr. President, today I am pleased to re-introduce the Airline Passenger Bill of Rights Act, a critical piece of airline passenger safety legislation.

Anyone who has traveled recently recognizes that the delays travelers are encountering at airports are a national problem that needs our immediate attention.

Americans are all too familiar with the numerous horror stories of passengers trapped in airplanes sitting on runways for sometimes as much as 11 hours without adequate food or water, overflowing restrooms, and no opportunity to deplane.

The delays continue. On the Sunday before Christmas 2008, more than 250 passengers on a Continental Airlines flight from Houston to Boston were diverted to Bangor, ME, where they spent about 6 hours idling on the tarmac before they were told that they were going to deplane for the night and would have to find shelter and transportation on their own.

When these passengers returned the next day for their trip home, not only was their flight delayed 5 hours but they also spent another 2 hours idling on the tarmac before finally flying to Boston.

In 1999, the airlines had an opportunity to address the stranding of airline passengers on tarmacs across the country, but despite those efforts little has changed.

Last March a Federal appeals court ruling struck down New York State's Passenger Bill of Rights law, stating that it is up to the Congress to set a national Federal standard.

To meet this immediate need for Federal legislation, I am re-introducing the Airline Passenger Bill of Rights Act, along with Senator SNOWE, to give airline passengers basic protections when they are facing these delays and disruptions in their travel.

This legislation requires airlines to give passengers adequate food, water, facilities, and medical attention when planes are delayed on the tarmac.

In addition, the bill requires each air carrier to develop an emergency contingency plan, to be reviewed and approved by the Department of Transportation (DOT) that identifies a clear timeframe to allow passengers to deplane if they choose and if the pilot deems it safe.

Airlines will need to give passengers the option of deplaning every 3 hours, with exceptions to maintain passenger safety and airport efficiency.

Our legislation also includes a few additional provisions from the FAA Reauthorization bill passed by the House in the last Congress. Our bill requires airports to develop plans to handle stranded passenger aircraft and creates a DOT hotline for consumer complaints. It would also permit the DOT to levy fines against air carriers or airports that do not submit or adhere to the contingency plans.

The European Union enacted a Passenger Bill of Rights in 2005 and Canada passed similar legislation last year. It is time for the United States to step up and make a serious commitment to the millions of Americans that rely on safe and effective air travel.

As the number of airline passengers is expected to increase to 1.3 billion by 2025, we can't afford a "business as usual" attitude when it comes to passenger safety and efficiency at our nation's busiest airports.

Consumers deserve access to food, water, and medical attention when stranded on an aircraft tarmac due to delays. Congress has the ability to ensure airline passengers' fundamental rights are protected by enacting our Passenger Bill of Rights legislation.

I look forward to working with my colleagues to pass this legislation in this Congress.

Ms. SNOWE. Mr. President, I come to the Senate floor today on behalf of the millions of travelers throughout this country. Before I begin, I would like to take this opportunity to thank Senator BOXER for being such a fantastic partner in this effort; an effort that sets aside partisanship to protect America's traveling public. Her aggressive, heartfelt leadership on this issue has been so essential in moving this legislation forward and keeping it at the forefront of the public consciousness.

To my regret, each one of us is far too familiar with horror stories of passengers stranded on airplanes for hours at a time with no access to food, water or even functional restrooms. Events like the unconscionable delays at JFK Airport in New York in February of 2007 are the most commonly referenced, but these sorts of events are occurring on a daily basis. Such dramatic incidents prompted calls for congressional action. That call was heard, and its answer is this Passenger Bill of Rights before us today. But as time went on, and this legislation before us

today languished, the chorus for change grew quiet. The reasons why we first proposed the Passenger Bill of Rights have not dissipated; in fact, they have only increased.

The 2008 Air Quality Rating report, which quantifies the performances of the various airlines when it comes to customer service, indicated it was "the worst year for airlines Ever." Delays continue to escalate. In fact, despite nearly a 10 percent reduction in capacity last year, delays actually climbed to a record high; an average of nearly an hour per delay.

At a time when airlines are grounding flights without notice and passengers face interminable waits in aircraft and on tarmacs with little or no idea as to when they might depart, there are no safeguards in place to protect the rights of America's travelers—the time is now for Congress to do the right thing and finally stand with America's passengers. The Federal court system agrees with us; in voiding New York State's own Passenger Bill of Rights, the Second United States Court of Appeals decision indicated that such a Bill of Rights required "a Federal standard." The airlines declared victory as the New York law was overturned; according to the airlines, it would herald a jumble of changing regulations among different states, making it too difficult to navigate. However, when presented with the option of having a national standard by Senator BOXER and myself, they opposed that proposal as well. It seems the airlines want carte blanche to treat passengers as they wish, with no recourse for that individual. It is clear, Congress must take this matter in hand.

Simply put, Congress has run out of excuses. The courts have definitively ruled that this is the Federal Government's responsibility. We have not just a right, but a responsibility to the American people to ensure that there is some level of accountability, some minimum standard. If a patron visits a restaurant that does not offer some modicum of working restrooms or provide adequate food and water, that customer can leave the restaurant and find another. For the airline passenger, that is not an option. They are trapped at the mercy of the airline; airlines whose only concern is the bottom line and getting that aircraft off the ground, however long that might take.

Waiting for the airlines to alter their customer service model isn't going to work. Thanks to Congressional prodding, the airlines put into place their voluntary Customer Service Agreement in 1999. They have had almost a decade to follow through with establishing some basic commitment to customer service and failed miserably. That is not my conclusion; the Inspector General of the Department of Transportation agreed with that assessment. It is clear that after years of refusing to adopt a commitment to provide customer service to the American people, the airline industry will

not take action unless Congress requires them to do so. This time, Congress needs to show it is serious about protecting passengers.

By our actions, we can show the American people that we are on their side and are working to protect their interests. Never again, should a family be forced to sit on a tarmac for 10 hours, deprived of the most basic of necessities. Canada was able to pass their passenger bill of rights legislation, so if Canada can do it, then there is no reason that Congress cannot do the same. By acting swiftly, and with resolve, we can take up and pass an FAA Reauthorization that includes the Passenger Bill of Rights, we can restore America's trust in our airlines and guarantee them a standard of service we should all be entitled to.

Mr. BINGAMAN (for himself, Mr. LEAHY, Mr. LIEBERMAN, and Mr. CARDIN):

S. 214. A bill to amend title XXI of the Social Security Act to permit qualifying States to use their allotments under the State Children's Health Insurance Program for any fiscal year for certain Medicaid expenditures; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise with co-sponsors Senators LEAHY, LIEBERMAN, and CARDIN to introduce and ask your support for the Children's Health Equity and Technical Amendment Act.

Since the passage of the Children's Health Insurance Program, or SCHIP, in 1997, a group of States that expanded coverage to children in Medicaid prior to the enactment of SCHIP has been unfairly penalized for that expansion. States are not allowed to use the enhanced matching rate available to other States for children at similar levels of poverty under the act. As a result, a child in the States of New York, Florida, and Pennsylvania, because they were grandfathered in the original act or in Iowa, Montana, or a number of other States at 134 percent of poverty is eligible for an enhanced matching rate in SCHIP but that has not been the case for States such as New Mexico, Vermont, Washington, Rhode Island, Hawaii, and a number of others, including Connecticut, Tennessee, Minnesota, New Hampshire, Wisconsin, and Maryland.

As the health policy statement by the National Governors' Association reads, "The Governors believe that it is critical that innovative states not be penalized for having expanded coverage to children before the enactment of SCHIP, which provides enhanced funding to meet these goals. To this end, the Governors support providing additional funding flexibility to states that had already significantly expanded coverage of the majority of uninsured children in their states."

For 6 years, our group of States has sought to have this inequity addressed. Early in 2003, I introduced the Children's Health Equity Act of 2003 with

Senators Jeffords, MURRAY, LEAHY, and Ms. CANTWELL and we worked successfully to get a compromise worked out for inclusion in S. 312 by Senators ROCKEFELLER and Chafee. This compromise extended expiring SCHIP allotments only for fiscal years 1998 through 2001 in order to meet budgetary caps.

The compromise allowed States to be able to use up to 20 percent of our State's SCHIP allotments to pay for Medicaid eligible children at 150 percent of poverty that were part of our State's expansions prior to the enactment of SCHIP. That language was maintained in conference and included in H.R. 2854 that was signed by the President as Public Law 108-74. Unfortunately, a slight change was made in the conference language that excluded New Mexico and Hawaii, Maryland, and Rhode Island and needed specific changes so an additional bill was passed, H.R. 3288, and signed into law as Public Law 108-107, on November 17, 2003. This second bill included language from legislation that I introduced with Senator Domenici, S. 1547, to address the problem caused to New Mexico by the conference committee's change. Unfortunately, one major problem with the compromise was that it must be periodically reauthorized. Most recently, this authority was renewed through fiscal year 2007 in Section 201(b) of the National Institutes of Health Reform Act of 2006, Pub. L. No. 109-482. Without future authority, the inequity would continue with SCHIP allotments.

This legislation would address that problem and ensure that all future allotments give these 11 States the flexibility to use our SCHIP allotments to pay for health care services of children. In order to bring these requirements in-line with those of other States, it would also lower the threshold at which New Mexico and other effected States could utilize the funds from 150 percent of the Federal poverty level to 125 percent.

There is strong bipartisan support for addressing this inequity. Legislation was introduced in the 110th Congress in both H.R. 3584 by Republican Representative BARTON, and 141 co-sponsors, and S. 2086 by Senator Trent Lott and other Republican leadership to expand the category of children eligible through this correction to 133 percent of the Federal poverty level.

This rather technical issue has real and negative consequences in States such as New Mexico. In fact, due to the SCHIP inequity, New Mexico has been allocated \$266 million from SCHIP between fiscal years 1998 and 2002, and yet, has only been able to spend slightly over \$26 million as of the end of last fiscal year. In other words, New Mexico has been allowed to spend less than 10 percent of its Federal SCHIP allocations.

This legislation would correct this problem.

The bill does not take money from other States' SCHIP allotments. It

simply allows our States to spend our States' specific SCHIP allotments from the Federal Government on our uninsured children—just as other States across the country are doing.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 214

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Children's Health Equity Technical Amendments Act of 2009".

SEC. 2. AUTHORITY FOR QUALIFYING STATES TO USE CHIP ALLOTMENT FOR ANY FISCAL YEAR FOR CERTAIN MEDICAID EXPENDITURES.

(a) ELIMINATION OF FISCAL YEAR AND PERCENTAGE LIMITATIONS.—

(1) IN GENERAL.—Section 2105(g)(1)(A) of the Social Security Act (42 U.S.C. 1397ee(g)(1)(A)), as amended by section 201(b)(1) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173), is amended by striking "not more than 20 percent of any allotment under section 2104 for fiscal year 1998, 1999, 2000, 2001, 2004, 2005, 2006, 2007, 2008, or 2009" and inserting "a fiscal year allotment under section 2104".

(2) CONFORMING AMENDMENT.—Effective as if included in the enactment of section 201(b) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173), paragraph (2) of that section is repealed.

(b) MODIFICATION OF ALLOWABLE EXPENDITURES.—Section 2105(g)(1)(B)(ii) of such Act (42 U.S.C. 1397ee(g)(1)(B)(ii)) is amended by striking "150" and inserting "125".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008, and shall apply to expenditures made on or after that date.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 12—TO AMEND THE STANDING RULES OF THE SENATE TO PROHIBIT FILLING THE TREE

Mr. SPECTER (for himself, Mr. COBURN, and Mr. ALEXANDER) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 12

Resolved, That (a) rule XV of the Standing Rules of the Senate is amended by adding at the end the following:

"6. Notwithstanding action on a first degree amendment, it shall not be in order for a Senator to offer a second degree amendment to his or her own first degree amendment."

(b) The amendment made by subsection (a) shall take effect at the beginning of the 111th Congress.

Mr. SPECTER. Mr. President, I have sought recognition today in order to reintroduce a resolution I first put forward in the 110th Congress that would prohibit the use of the procedural tactic of filling the tree. I feel strongly that this practice contributed greatly

to inefficiencies and ineffectiveness that the United States Senate experienced in the 110th Congress. Commonly known as the "world's greatest deliberative body," the Senate has prided itself on free and fair debate on each and every issue that comes before it. Traditionally, members have had the right to offer virtually any amendment on any bill at any point in the legislative process. This all inclusive practice of legislating has earned the United States a unique place among modern democracies because of the open arena for ideas and sufficient debate.

However, in the past 15 years both sides of the aisle have increasingly seen the majority leaders use their authority to seek first recognition and fill the amendment tree. Republicans and Democrats alike have been equally as guilty of this practice for history has shown, when there is a problem with this institution, bipartisan blame is easily applicable. Beginning in 1993, "filling the tree" became increasingly prevalent as Senator George Mitchell used it 9 times in the 103rd Congress, Senator Trent Lott used it nine times in the 106th, and Senator Frist used it 9 times in the 109th. In the recently concluded 110th Congress, Majority Leader Senator REID filled the tree on 16 different occasions, bypassing the previous record amount by a significant margin.

Regular order in this chamber was sacrificed in this past Congress, and in its place was a procedural tactic that prevented passage of legislation that would have been extremely beneficial for this country. Bills such as FAA Reauthorization—H.R. 2881, Climate Change Legislation—S. 3036, and the Energy Speculation Bill—S. 3268 were all derailed by this practice. Cloture on each piece of legislation was not achieved and caused any further movement on them to be stymied. Blame was placed on Republicans for engaging in obstruction through the use of the filibuster to prevent movement to debate. The fact of the matter was our side was completely blocked from participating in the legislative process, forcing our hand to oppose moving to the bill.

My proposed resolution would disallow the majority leader or any other member from offering a first-degree amendment, followed by a second-degree amendment. It amends Rule 15, Standing Rules of the Senate and it is my hope the Senate can adopt this and operate under this rule in the 111th Congress and beyond. It is time for this chamber to conduct business in a logical, factual way; that is, for Senators to come to the floor and address the substance of the bill and offer amendments if they choose.

Congress currently has an approval rating at a level that is unacceptable. As we enter a new Congress, efforts must be made to allow regular procedure to return to the United States Senate. It is my hope that the grueling hours members and staff put into legis-

lation will be honored by giving it due consideration on the Senate floor. With a few changes in procedure, this Senate can ensure a more productive environment in the 111th Congress and beyond.

AMENDMENTS SUBMITTED AND PROPOSED

SA 15. Mr. REID proposed an amendment to the bill S. 22, to designate certain land components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes.

SA 16. Mr. REID proposed an amendment to amendment SA 15 proposed by Mr. REID to the bill S. 22, *supra*.

SA 17. Mr. REID proposed an amendment to the bill S. 22, *supra*.

SA 18. Mr. REID proposed an amendment to amendment SA 17 proposed by Mr. REID to the bill S. 22, *supra*.

SA 19. Mr. REID proposed an amendment to amendment SA 18 proposed by Mr. REID to the amendment SA 17 proposed by Mr. REID to the bill S. 22, *supra*.

SA 20. Mr. VITTER (for himself and Mr. SHELBY) submitted an amendment intended to be proposed by him to the bill S. 22, *supra*; which was ordered to lie on the table.

SA 21. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 22, *supra*; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 15. Mr. REID proposed an amendment to the bill S. 22, to designate certain land components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes; as follows:

At the end, insert the following:

The provisions of this bill shall become effective 5 days after enactment.

SA 16. Mr. REID proposed an amendment to amendment SA 15 proposed by Mr. REID to the bill S. 22, to designate certain land components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes; as follows:

In the amendment, strike "5" and insert "4".

SA 17. Mr. REID proposed an amendment to the bill S. 22, to designate certain land components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes; as follows:

At the end, insert the following:

This bill shall become effective 3 days after enactment of the bill.

SA 18. Mr. REID proposed an amendment to amendment SA 17 proposed by Mr. REID to the bill S. 22 to designate certain land components of the National Wilderness Preservation Sys-

tem, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes; as follows:

In the amendment, strike "3" and insert "2."

SA 19. Mr. REID proposed an amendment to amendment SA 18 proposed by Mr. REID to the amendment SA 17 proposed by Mr. REID to the bill S. 22, to designate certain land components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes; as follows:

In the amendment, strike "2" and insert "1".

SA 20. Mr. VITTER (for himself and Mr. SHELBY) submitted an amendment intended to be proposed by him to the bill S. 22, to designate certain land components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . DESIGNATION OF NATIONAL MONUMENTS.

Section 2 of the Act of June 8, 1906 (16 U.S.C. 431) is amended by striking "That the" and inserting the following: "After obtaining congressional approval of the proposed national monument and certifying compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the proposed national monument, the".

SA 21. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 22, to designate certain land components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . EFFECTIVE DATE.

This Act shall not go into effect until—

- (1) the President certifies that the Act would not increase the Federal deficit; and
- (2) the Secretary of Commerce and the Secretary of Energy certify that the Act would not limit access to energy resources.

ORDERS FOR TUESDAY, JANUARY 13, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. on Tuesday, January 13; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour deemed expired, and the time for the two leaders be reserved for their use later in the day; that there then be a

period of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate resume

consideration of S. 22, the wilderness bill.

I further ask that the filing deadline for first-degree amendments be 2:30 p.m. tomorrow and that the Senate recess from 12:30 p.m. to 2:15 p.m. to allow for the weekly caucus luncheons.

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

ADJOURNMENT UNTIL 10 A.M.
TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:09 p.m., adjourned until Tuesday, January 13, 2009, at 10 a.m.