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No. 10

## Senate

The Senate met at 10 a.m. and was called to order by the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island.

### PRAYER

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

Let us pray.

Almighty God, help of the ages past, hope for the years to come. Today, give our Senators special gifts of wisdom and understanding that they may uphold what is right and follow what is true. As they pursue Your purposes, make them instruments of justice and peace who foster mutual understanding and cooperative endeavors. Lord, help them to remember that our times are in Your Hands, for You are the light that never fails and the life that never ends. In all their relationships, private and public, lead them in the paths of righteousness, for Your Name's sake. Daily renew in them a sense of joy.

We pray in Your great Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable SHELDON WHITEHOUSE 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 assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, January 16, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SHELDON WHITEHOUSE,

a Senator from the State of Rhode Island, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. WHITEHOUSE 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, today the Senate will be in a period of morning business, with Senators allowed to speak for up to 10 minutes each. Senator SALAZAR will be recognized to speak up to whatever time he wishes to take.

At 11 o'clock today, Senator-appointee TED KAUFMAN, will become a Senator, replacing Vice President-elect BIDEN, from the State of Delaware.

There will be no rollcall votes today. When the Senate convenes on Tuesday afternoon after the inauguration, we hope to clear a number of President Obama's nominations, but we do not expect any rollcall votes. If any nominations require votes, we will schedule them for the next day.

Yesterday, we were able to adopt the motion to proceed to the Lilly Ledbetter Fair Pay Act. We have one amendment pending to the bill. Additional amendments are expected to be offered and debated. We hope to finish the bill on Wednesday.

I have spoken to a number of Senators, both on the Democratic side and Republican side. We are not encouraging amendments, but certainly we are not discouraging amendments. As to anyone who cares to offer an amendment, they should be prepared to do that. We asked for people to be ready to offer some today, and we did not

have any takers. But we would hope Wednesday people would be here bright and early to start offering amendments. There will be rollcall votes on Wednesday.

### TRIBUTE TO SENATOR KEN SALAZAR

Mr. REID. Mr. President, in a few minutes, Senator SALAZAR will rise to give his final speech on the floor of the Senate. Parting is with such sweet sorrow. I have such great respect for this man we call KEN SALAZAR.

I spoke yesterday regarding Senator BIDEN, who will become Vice President of the United States next Tuesday. I also spoke about Senator CLINTON who, after her confirmation, will become Secretary of State. The accomplishments of Senators BIDEN and CLINTON are well known—two great Americans. The accomplishments and life of KEN SALAZAR are less known but no less remarkable; in fact, in most instances more remarkable.

KENNETH LEE SALAZAR is a fifth-generation Coloradan and a twelfth-generation American. His family is a remarkable story about what America is all about. His family settled in New Mexico 400 years ago and moved to Colorado's San Luis Valley in the middle of the 19th century, claiming some of the region's first water rights.

KEN SALAZAR grew up farming and ranching the same Colorado land his ancestors had for hundreds of years. This is real rural America, 300 miles from Denver. The ranch did not have electricity until 1982—no telephone, no television. Senator SALAZAR and his seven brothers and sisters were born to two American patriots. His mom Emma traveled to Washington by herself as a 19-year-old girl to do her thing in World War II. She went to work in the War Department here in Washington, DC, while KEN's father Henry joined the military and became a staff sergeant. He was so proud of that service in the military that he asked, when

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



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S633

he passed away, to be buried in his staff sergeant uniform; his family complied with that.

Although Emma and Henry were not educated in the true sense of the word by having gone to colleges and universities, their love of education was so strong that all eight of the SALAZAR children have college educations, and some such as KEN, of course, have gone on to graduate from law school and other such things.

KEN SALAZAR farmed for more than 30 years; and he and his lovely wife Hope—who is such a nice, strong person—owned a number of businesses in Colorado. As I recall, I think one of them was a Dairy Queen and I think maybe a couple radio stations.

I had the good fortune of traveling to South America with Hope and KEN, and it was a remarkable trip—Bolivia, Peru, Machu Picchu. It was a wonderful trip, something I will always remember.

But later, after having practiced water and environmental law to protect the health of Coloradans and the beauty of that State—and anyone who has ever been to Colorado knows it is one of the great national treasures we have in our country. It is a beautiful State. But I think what I have learned about the Salazars, and KEN especially, is that if you look at their family, you learn a lot about them. They are a great American family.

When KEN decided to run for the Colorado State attorney general's office, his father Henry was with him all the time. In fact, he had a pickup truck, and he traveled the State with his son. All 64 counties in Colorado they visited. Senator SALAZAR did not do that just once, he has done it many times.

Henry Salazar was not alive long enough to see KEN elected to the Senate, but I can say with certainty that as proud as he was of his son already, his pride would overflow for the Senator who is going to become now a member of President Obama's Cabinet.

That election in 2004 was dramatic. All over the country, we Democrats were hoping to pick up seats. We lost just about everything, except Illinois and Colorado. Two great Senators, two great Americans were elected that year as Democrats: Barack Obama and KEN SALAZAR.

KEN's mother Emma, who is now almost 88 years old, is surely just as proud as her husband Henry was of her son, who will now serve this country as a Cabinet Secretary.

Senator SALAZAR's election, as I have indicated, was one of the few bright spots of 2004, a year that saw us defeated in the Presidential election and all the close congressional races.

Expectations were high for the new Senator from Colorado, and KEN SALAZAR met and exceeded every one of the expectations. While in the Senate, Senator SALAZAR has been a champion for a new defense and foreign policy that keeps us safe, restores our authority in the world, and honors the coura-

geous service of our men and women in uniform. He has helped lead the fight for affordable health care, and to help broaden the State Children's Health Insurance Program. He serves on the Senate Energy Committee, Finance Committee, and Agriculture Committee, and these are tremendous assignments that he received as a young Senator.

He has done so well as a Senator in so many different capacities: as an advocate for clean, affordable, and renewable energy and for protecting our environment and natural resources.

Coloradans have rightly come to love KEN SALAZAR. He is now going to bring this remarkable experience and wisdom, as he leaves the Senate, upon confirmation, to begin a new adventure as President Obama's Secretary of the Interior.

All of us feel his time in the Senate is far too short, but I know his upcoming service to our Nation will in no way take away from the legacy he has left in the Senate. After having served as a Cabinet officer, it will be enhanced. His new role will enhance that.

Senator SALAZAR has a keen understanding of life and of the environmental concerns and needs of Western States such as Colorado and Nevada. He will be a great advocate for the people of both our States and the whole West and our country.

Barack Obama's Cabinet selections have been one of his most approved adventures in Government in a long time: Republicans, Democrats, Independents. I think his appointments to the Cabinet have been so significant. None has been more significant than KEN SALAZAR. To take this great Senator and convince him to be a Cabinet officer says it all. It shows how remarkable both Obama and SALAZAR are; classmates who came here together in 2004.

The most important attribute I have found about KEN SALAZAR, this relatively new Senator, was his ability to be a peacemaker, to reach out and bring us together. He was new here when we were going through the battle dealing with the nuclear option. But he stepped right in, understood what our Constitution was all about, why it was so important that matter be settled, and he was one of the leading advocates of working that out, which he did.

Immigration, a difficult issue. Who, of course, was the leader on that? KEN SALAZAR. Because he wanted a program that was comprehensive and fair to all sides.

As everyone knows, we had a situation with Senator LIEBERMAN that was a unique situation, and it needed to be resolved. Who did that? KEN SALAZAR. KEN SALAZAR wrote in hand the resolution. He is the one who talked to Democrats and Republicans, recognizing we were headed in the right direction.

So he is a peacemaker, not bound by labels but only by his own integrity.

Much of that integrity and moral grounding comes from his faith, which I have heard him discuss in personal conversations with me, downstairs every Wednesday with our Prayer Breakfast, and other places.

I have seen tears well up in his eyes as he talks about the beautiful mountains that surround his home in southern Colorado.

KEN tells the story of those mountains being named by a young priest who was dying. He wakes up delirious, with death close at hand, and looks out at those beautiful mountains, 14,000 foot mountain peaks, to see the Sun coming through those mountains. To the priest, they looked like the blood of Christ, and they were named "Sangre de Cristo," the Blood of Christ, Mountains.

Senator SALAZAR, your abiding faith, your moral grounding, your lifelong love of our country, and your family are treasures that I will never forget, and that will serve you well in years to come. Your colleagues are proud of you, proud of your accomplishments, grateful for your service, and excited for the problems you will solve and the progress you will make for all Americans.

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

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#### TRIBUTE TO SENATOR KEN SALAZAR

Mr. MCCONNELL. Mr. President, I wanted to come out and join my good friend, the majority leader, in congratulating the Senator from Colorado upon his selection as Secretary of the Interior, but I must say I am kind of sorry to see it.

The first thing I said to Senator SALAZAR is, say it isn't so. I hated to see him leave the Senate. Even though he has been here a relatively short time, he has made an enormous number of friends, I think an incredible contribution to the institution and, of course, to his State as well. I think his passion for the issues the Interior Department deals with overcame what I would have hoped he would have concluded in the end was the right decision, which was to say no to the new President and stay in the Senate.

We hate to see him leave. We think he has been an extraordinarily outstanding and fine Member of this body. I wanted to join with the majority leader and say how much we appreciate his service and how much all of us look forward to continuing to work with him in the coming years in his new and important responsibility as Secretary of the Interior.

I yield the floor.

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#### 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 shall now proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The Chair recognizes for the last time the senior Senator from Colorado.

## FAREWELL TO THE SENATE

Mr. SALAZAR. Mr. President, I thank the Chair, the distinguished Senator from Rhode Island. I thank my great friend the majority leader, Senator REID, for his inspiration and for his leadership of this body and his love for this Nation. I think our journey together in many ways has been a similar journey because if you think about a man from Searchlight, NV, raised in the house where he was raised, raised in the circumstances in which he was raised, working in the mines and being essentially part of the poorest part of Nevada, and yet today he is serving in the Senate as majority leader, that is a pathway that illustrates the opportunity and promise of America.

For his support and his leadership, I will be forever grateful, and for the support from his family, Landra and Rory and all of his children as well. I admire him and admire them. I appreciate the comments that were so heartfelt from him, and I appreciate the comments as well from Senator MCCONNELL.

I thank my colleagues who are here this morning. I know almost everybody took off last night, so the Chamber is not exactly full this morning, but I see both Democrats and Republicans who came to hear me say the last few words I will say from this desk in the U.S. Senate.

Let me start out first by giving tribute to my family. My wonderful wife Hope, and my daughter Melinda, who is at Stanford, my daughter Andrea and my granddaughter who are in Denver today watching us on the Senate floor, they truly are the bedrock of my life. Without them I would not be here, and without them I would not have traveled the 64 counties of my great State of Colorado probably 20 times in the last 10 years because they were always there at my side since they were little, holding up balloons and walking parades and doing all the rest of the things it takes to become part of an elected office in such a large geographic area of Colorado. So today I say thank you, and I love you all very much.

I wish to pay tribute as well to my father Henry. As Senator REID described his history, it is a very true history. He was born into poverty and lived through a lot of sacrifice but always remembered the two most important things in his life, as my brother Congressman SALAZAR often says: No. 1, family; and No. 2, love for country. I think those two values guided him to

achieve what he still at the end of his life considered to be his greatest success, and that is that all eight of his children—all eight of his children—became first generation college graduates. So of my father Henry who taught me so many things about life, I will always be forever proud.

Within his family, as well as within my mother's family, if you look at the genealogy, which I will insert for the RECORD, we started back with Juan de Salazar who was born in 1520 and Juan de Salazar born in 1555, who became one of the original founders of the City of Sante Fe—the City of Holy Faith—NM, and then Jose Bernardo de Salazar. It goes on to the point where I am a 12th generation son of the southwest of New Mexico and Colorado. It is a history I am very proud of. It is a history that I hope is not forgotten. It is a history that for a long time was essentially shoved beneath the dust and was not given the illumination of its reality. I hope in some small part my role here in the Senate has been to give credence as well as to celebrate that history that makes us such a wonderful and diverse America. So I appreciate everything I received from my father's side. Yes, he was a proud soldier in World War II. He was a tough master as we grew up. He made us understand the importance of hard work. He had a strong sense of pride, a strong sense of community and giving back, and a strong sense of love for his family.

My mother Emma likewise in so many ways was a strong spiritual person whom I still today call Saint Emma. I call her Saint Emma because nothing can even shake her from her roots. She is who she is. She has a great faith. She is not afraid to live or die. I remember many times in my life, including the death of my oldest brother Leandro, my mother was the one who held the family together after a tragic accident on our ranch back in 1992. To her selfless—completely selfless—love which she has taught the world and has taught my family, I thank her from the bottom of my heart.

I often have asked my mother: Is there a single person in the world you do not like, or is there a single person in the world you hate? My mother will think about it for a minute, and she will say no. She says: I love everybody. Just as she loves everybody, everybody loves her. So I thank her for her faith and all that she has taught us.

To my brothers and sisters—there are seven of us still left. My oldest brother Leandro, who passed away, taught us a lot about history and about the culture of our community. I remember his days working with Cesar Chavez and the United Farm Workers and then coming back to the ranch and farming and working with us for so long. He is and always will be my hero. I miss him.

To all the rest of my brothers and to my sisters, they have all been the bedrock also of my successes. Today, here

on the floor of the Senate, as I give my farewell address, I have the honor of being joined by Congressman JOHN SALAZAR, who is a Congressman for the Third Congressional District which covers about 65 percent of the State of Colorado. Congressman SALAZAR, in his own way, is a personification of many things that my family stands for. If you look at his history and his profile, he is a farmer, he is a soldier and veteran, he is a businessman. He knows issues such as water. He knows and has taught me so much. As he and I have grown up together, being here in Washington with him has been one of the highlights of my entire life.

I wish to also thank all of my colleagues here, and I will say just a few specific words about them in a few minutes.

In early February, the Senate selects a Member to perform its oldest non-legislative tradition, the reader of George Washington's Farewell Address on the floor of the Senate. In 2006, Senator HARRY REID, the majority leader, gave me the honor of doing that reading. I think Washington's famous words are important for us to remember at this time of transformation in America. In his farewell to public life in 1796, Washington warned us of the dangers of partisanship, of geographic sectionalism, and the politics of division. Washington said:

We are one Nation. With slight shades of differences you have the same religion, manners, habits, and political principles. You have in a common cause fought and triumphed together; the independence and liberty you possess are the work of joint counsels and joint efforts of common dangers, sufferings, and successes.

Washington's Farewell Address is a message to be reborn today. In this moment, in this time, with the inauguration next Tuesday, with this body in the Senate and in the House of Representatives, there is a new hope, with a growing sense that we are all in this together, and we are again becoming the one Nation the first President of the United States of America imagined.

Our next President, Barack Obama, embodies this historic change. He is asking us not to think of ourselves first as red States and blue States but as Americans first, with obligations of service to one another. We can solve our problems, no matter how difficult they are. We can reach the horizon of human possibilities no matter how difficult it might seem, but in order to do that, we must all work together. It is in this spirit of collaboration—of Nation before party, of compromise, of results-driven government—that Americans believe we can get it done this time.

I owe a debt of gratitude to all of you in this Chamber who have guided me in our work over the last several years. I wish to comment specifically just on four or five areas I am very proud of that we have worked on together in the Senate.

The first is about the forgotten America and the work we have done together to make sure the rural part of America that has so often been forgotten is no longer forgotten. When you look at the United States of America, the fact is, there are about 3,000 counties. About 1,700 of those counties are characterized as rural, and in each of those counties, we have significant unemployment. We have income disparities of some \$10,000 per capita between people who live in those rural counties and the people who don't live in those rural counties. So it has been important for us to address the issues and needs of rural America. We have done that in some significant ways. The passage of the farm bill, which we ultimately had to pass out of this Senate, I think, on three or four different occasions during the last year, was a culmination of that promise to the forgotten America.

I wish to thank Senator REID for making sure we kept our feet to the fire to get that bill done. I wish to thank the people who were involved in that legislation, including the chairman of the committee, Senator TOM HARKIN; our ranking member, the great Senator from Georgia, SAXBY CHAMBLISS; as well as KENT CONRAD and others who were involved in that historic effort, including all of the members of the Agriculture Committee.

Secondly, the creation of a new energy frontier. There were many of us, including some of us who are on the Senate floor this morning, who set about some 4 years ago with a vision that we could set America free; that we could deal with the reality of the incapable forces of our time of national security and economic opportunity at home and environmental security for our planet; and that we could set America free from our addiction to foreign oil. Under the leadership of Senator BINGAMAN from New Mexico as chairman of the committee, and the work of Senator Pete Domenici and other members of the Senate Energy Committee, I believe we have taken some steps in that direction which are very significant. There is much more we must do, and we are absolutely committed to making sure we take the moon shot to energy independence in the years ahead. Of this I am confident: this time we will not fail. We cannot afford to fail in the energy imperative for our Nation.

I thank all of my colleagues with whom I have worked on the Senate Energy Committee. I also wish to thank every Member of this Chamber who has worked to make sure America's defenses remain strong and that we protect America at home through homeland security efforts and the implementation and recommendations of the 9/11 Commission, and the efforts we have worked on together in this Chamber to give the United States of America a new direction with respect to the war in Iraq.

It is because of the debates that have taken place in this Chamber that today we are on a new pathway and new plan in Iraq. As divisive as those debates have been, I am confident that the people who worked on that issue had the best interests of the United States of America in mind.

It is in that vein that I enjoyed very much the work I did with many Senate Democrats and Republicans in trying to craft the legislation that implemented the recommendations of the Iraq Study Group. Sixteen Members of the Senate joined us in that legislation. Because that legislation really created the roadmap for where we are in Iraq today, I am pleased with the work I was able to do in that effort.

I will never forget the fact that Senator LEVIN, Senator WARNER, and Senator REID were among the first people who took me to that place in the Middle East, places I had never traveled to before, right into Baghdad, to places around that country. It was information I gleaned from those trips that helped me participate in one of the debates of our time that characterizes the last 4 or 5 years in America.

I wish to make a quick comment about health care. There are many people who have worked on this issue over time. I do think that what we were able to do with the Children's Health Insurance Program and the passage of that bill last year demonstrates how Republicans and Democrats can come together. When I see an ORRIN HATCH and a MAX BAUCUS working together to move forward with legislation that is so enormously important for the children of America, it is the right step for us as we try to deal with this enormous domestic problem that faces all of us. And there have been so many people who have been involved in those efforts.

Finally, I have spent a lot of time in this Chamber at this desk and my other desk working on the issue of immigration. It is an issue which, frankly, still continues to call out in a very clarion and clear voice that we must get to a resolution with respect to this issue because it affects so much. It affects our national security, it affects whether we really are a Nation of laws, and it affects the reality of 12 million people who live in the shadows of America today. I am hopeful that with President Obama's leadership, the leadership of the Senate, and the leadership of the House of Representatives, Republicans and Democrats coming together, this is an issue we will finally resolve in the year ahead.

As I conclude, I want to make one more tribute to Senator HARRY REID. We both are men of faith, and we often share our faith together. He encouraged me, along with Senator MARK PRYOR, to be a part of the Wednesday Prayer Breakfast in the Senate. I was proud to chair that breakfast with MARK PRYOR over the last several years and with my colleague, Senator MIKE ENZI.

I appreciate the fact that among those of us who attended that Prayer Breakfast, I am certain that among the 100 Members of the Senate, there is a great common sense that the possibilities of humanity are somehow achievable to all of us, that it is we as human beings who somehow stand in the way of finding what those human possibilities are for all of humanity.

I think back to a story some of you have heard of my grandmother who lost five of her eight children before those children reached the age of 5 years old. I always ask myself: What is it that kept her going? At the end of the day, my answer to my question has been that what kept her going was the fact that she had a faith in the future, that somehow around the corner, in a future she could not see, the world would be much better for her children and for her grandchildren. For sure she could not have seen that the eight surviving children of her only son would all graduate from high school. I am sure she could not foresee that one would become a U.S. Senator, another a member of the U.S. House of Representatives. What she could see was the world would be better for humanity. It is a common bond for Members of this august, wonderful Chamber of the U.S. Senate.

As I close, I want to share the prayer that I have shared with Senator REID and many of my colleagues in this Chamber before. It is a prayer that my brother, Leandro, the oldest in the family, learned when he worked with Cesar Chavez, the founder of the United Farm Workers of America. In many ways, I believe this prayer embodies what we do in public service.

The prayer is as follows:

Show me the suffering of the most miserable;  
So I will know my people's plight.  
Free me to pray for others;  
For you are present in every person.  
Help me take responsibility for my own life;  
So that I can be free at last.  
Grant me courage to serve others;  
For in service there is true life.  
Give me honesty and patience;  
So that the Spirit will be alive among us.  
Let the spirit flourish and grow;  
So that we will never tire of the struggle.  
Let us remember those who have died for justice;  
For they have given us life.  
Help us love even those who hate us;  
So we can change the world.

Mr. President, one thing I forgot to say. The 5 million people of the State of Colorado have given me a great honor to serve as their attorney general and to serve on their behalf. I will submit for the RECORD some of the work we have done in the representation of all of the 5 million people of the State of Colorado. No matter where they were from, no matter what their economic circumstance, they knew we were working on their behalf.

I am elated that Senator MARK UDALL has joined us in the Senate because I am absolutely confident he will become one of the stellar Senators of this body.

Mr. President, I ask unanimous consent to have printed in the RECORD the genealogy chart of my family and a list of the wonderful DC and Colorado staff.

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

#### DESCENDANTS OF CAPITÁN JUAN DE SALAZAR

Juan de Salazar, Conquistador, born 1520, became a Noble in 1543.

Juan de Salazar, Conquistador and founder of Santa Fe, born 1559. José Bernardo de Salazar, born in 1595. Francisco de Salazar, born in 1630. José Juan de Salazar, born 1670. Enrique de Salazar, born 1700. Demetrio de Salazar, born 1750.

Julían de Salazar, born 1780; María de las Mercedes de Sandoval.

Francisco Estéban de Salazar y de Sandoval, born 1800; María del Carmen Valdez.

Eusebio Salazar, born March 9, 1849; Amadeo García, born 1859.

Juan Bautista Salazar, born June 24, 1894; Antonia Cantú, born 1884.

Henry S. Salazar, born March 10, 1916; Emma M. Montoya, born April 23, 1922.

Leandro, LeRoy, John, Ken, Elaine, Margaret, Elliott, and June.

#### DC STAFF

Black, Steve, Leg Counsel; Dunham, Ian, Leg Aide; Ibarra, Beatriz, Leg Counsel; Johnson, Aya, Leg Aide; Koehler, Jim, Legislative Asst; Lane, Jeff, Chief of Staff; Leahy, Andrew, Leg Aide; Lee-Ashley, Matt, Communications Dir; Leslie, Grant, Legislative Dir; Mitchell, Sam, Legislative Asst; Nieters Su, Piper, Leg Counsel; Olsen, Tommy, Deputy Press Sec; Padilla, Joan, Scheduler; Paladino, Emily, Legislative Asst; Perko, Mary, Administrative Dir; Phillips, Jeffrey, Spec Asst for Const Ser; Plumb, John, Legislative Asst; Reis, Ariane, Legislative Aide; Scott, Denise, Spec Asst for Const Ser; Squarrell, Elena, Asst Scheduler; Terry, Anne, Systems Admin; Ulrich, Elaine, Legislative Fellow.

#### COLORADO STAFF

Amodeo, Michael, Press Secretary; Bobicki, Charlotte, Regional Rep/Ala; Brown, Ann, Regional Dir/Dur; Giron, Angela, Regional Rep/CS; Corwin, Meg, Regional Dir/FtC; Fagan, Renny, State Director; Fetcher, Jay, Regional Rep/GJ; Gardner, Dwight, Regional Dir/PU; Joslyn, Angela, Regional Rep/CS; Kareus, Trudy, Regional Dir/GJ; Kessler, Zane, Community Liaison/Den; Lane, Ken, Senior Counsel; McGraw, Mac, Regional Rep/FtM; See, Randy, Regional Rep/GJ; Milliner, Bennie, Community Liaison/Den; Montoya, Pres, replacement Regional Dir/FtC; Oatman-Gardner, Annie, Regional Dir/CS; Otero, Jerry, Regional Rep/GJ; Pacheco, Romaine, Statewide Dir/Constit Ser; Schwantes, Lisa, Regional Rep/DU; Serenil, Eva, Community Liaison/Den; Sepulveda, Catherine, Staff Asst/CS; Sweeney, Betty, Community Liaison/Den; Tesky, Jonathan, Staff Asst/Den; Wallick, Velina, Scheduler/Den.

Mr. SALAZAR. Mr. President, I thank my wonderful staff, many of whom are here today, some of whom are watching back in Colorado, for having made this possible. Without their great effort, frankly, we would not be able to do what we have done. I thank them.

I thank my good friend, the Presiding Officer. I look forward to our continuing to work together.

I yield the floor.

(Applause, Senators rising.)

The ACTING PRESIDENT pro tempore. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I rise simply to say a few words of personal tribute to our dear friend, the distinguished Senator from Colorado, who has just spoken so beautifully.

We are going to miss this man. He has only been here 4 years, but he has made an extraordinary contribution to the Senate and to our country. I first got to know KEN SALAZAR in 2000 when I had the honor to be the Vice Presidential candidate for the Democratic Party and went to Colorado. I could see at the first meeting at which I met him—I had an instantaneous reaction to him—that this was a person of strength, of warmth, of character, of purpose. Every day I have known Senator SALAZAR since then has only deepened those feelings about him. You can feel all his strength and all of his purpose and all of his faith and all of his passion and all of his humility as you listen to this final statement he just made on the Senate floor.

I love the fact that one of the last items Senator SALAZAR asked was unanimous consent to print in the RECORD his family genealogy because it speaks not only to his extraordinary history and greatness but to the greatness of our country.

It is, obviously, a fact that the Hispanic-American population has grown and is growing significantly in our country. I have been with KEN on a few occasions, I say to Senator REID, when people have said: You are Mexican-American. When did your family come to this country? And they are expecting to hear 20 years ago, 50 years ago, maybe 90 years ago. And KEN will say with that quiet strength: My family came here in the 16th century. The 16th century, before the Pilgrims came. It reminds us of a history which, as Senator SALAZAR said, was for a long time suppressed. But the Hispanic, Mexican-American contribution to America is long, it is deep, it is proud, it is strong, and it will continue to grow.

Senator SALAZAR was raised in a tradition, like so many of us, where we were told by our parents that to be a good American, you don't have to assimilate or homogenize. You contribute to our country by being who you are and what you are. In the diversity of this great country, we gain more strength. That has certainly been true of the Mexican-American community, and it is particularly true of this great American.

Senator SALAZAR talked about his faith, about his family, about the love of country he learned from his parents. This man is, in so many ways, the quintessential American. He brings this unique cultural heritage of his roots, family roots, way back in Mexico, but he combines those with the values we associate with the American West, the love of the land, individualism, a sense of honor, a sense of confidence that has become so much a

part of the American character. And he added to that, which is where it all begins, as he believes and I believe and most of us believe, with faith, that we are here for a purpose, that our existence here is not an accident, and that we have a series of values that come from our faith which are expressed in the founding American documents and lead us forward.

Senator SALAZAR served our Nation brilliantly in this 4 years he has been in the Senate. What a thrill to have met KEN in 2000 and to have played some small part in having him come here and then to have him as a colleague—as Senator REID said so well, to watch the role he has played. He is a doer. He did not come to make speeches. He makes a very good speech, as we just heard. He came to get things done for the people of Colorado and for the people of America, and he has done that over and over again.

In the so-called nuclear option, I always viewed it as the integrity of the Supreme Court selection process. Senator REID referred to my own recent situation. Senator SALAZAR came forward, a dear friend, incredible across the entire Senate—in this case, the Senate Democratic caucus—and just on my behalf and on behalf of what he thought was right, created a path forward that made me feel great—I can say that personally—but I hope also and I believe facilitated a path forward and reconciliation within the Democratic caucus. Obviously, it would not have happened without Senator REID. That was extremely constructive.

It was a tough decision for Senator SALAZAR to leave the Senate. It is a tough one for us to see him go because he is unique here. But he has responded to the call to serve our country. He will play an extraordinarily important role as a true American environmentalist, a lover of the land, in preserving all that the Interior Department oversees that is America's great natural gift from God—the land. He will also, in a very thoughtful way, play a central role in one of the most significant transformations American Government has made in a long time, which is to turn us toward energy independence and a cleaner, more reliable source of American energy.

I wish him well. The only comfort in seeing him leave the Senate is that he is only going down the street a bit. We know he will be here to work with us.

I cannot think of a better way to end this simple tribute to a dear friend and a great American than to say that over the years we have come to know each other, both greeted each other and at moments of challenge said a particular two words to one another and then said goodbye to each other with these two words in which we have joined our respective ethnic heritages. And the two words that I say to you, dear friend, fellow colleague, as you leave the Senate to serve our country as Secretary of the Interior, and with my confidence that will not be the end of your service

to our country but will go on, in my opinion, higher and higher, those two words bringing our two ethnic heritages together are "Viva chutzpah." God bless you.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I, too, rise to commend and thank the Senator from Colorado for his extraordinary service to the Senate, to the people of Colorado, and to the United States of America. He is a consummate gentleman. He brought to this Chamber great judgment and great passion to provide opportunity for all our citizens. He also brought the distinctive values of his State of Colorado—a rough sense of individuality, coupled with a commitment to building community; not just an isolated group of people but a community of citizens—and these values have been extraordinarily important to us. His friendship and his leadership have been extraordinarily important to all of us.

I see the Presiding Officer is my colleague and friend from Rhode Island, and as he pointed out a few days ago, they were both attorneys general together: Senator WHITEHOUSE of Rhode Island, of course, and Senator SALAZAR for the State of Colorado. But we were all together in Rhode Island, and I was reflecting, Ken, I don't know what the Department of the Interior has to do with Rhode Island. OK, the Outer Continental Shelf. There is a reason for my tribute.

But we were there together at an event, and Senator Pell, our dear colleague, came. He was frail and ailing, but immediately Senator SALAZAR rushed over to him to say: Thank you, Senator Pell. Because as he told us, the fact is he and his brother, now in the Congress, and other family members were able to go to college because of the Pell grant. That spirit of opportunity, of giving Americans a chance, and then standing back and letting them do remarkable things, embodied the Pell grant and so many other programs. That is what not only prepared you for the Senate but gave you the vision to do all you have done to help your constituents and the people of this country to see the opportunity which is America.

You and your family have been in Colorado for five generations. I feel like a recent arrival. My folks got here from Ireland in 1850. So from a new American, a new American to an old established family: Thank you for your service; thank you for your friendship. Good luck, Mr. Secretary.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I didn't intend to say anything about our friend, KEN SALAZAR today, but in listening to his remarks and knowing the contribution he has made around here in 4 short years, I couldn't resist. I am

sure the Presiding Officer, if he wasn't presiding, would come down and do the same thing.

I first met Senator SALAZAR before he was a Senator; in fact, as we were getting sworn in as attorneys general together, probably in December of 1998, if I remember correctly. We both had been elected to our offices of attorney general in November of 1998, and we went to a National Association of Attorneys General meeting. We immediately bonded. It was very clear and very evident to everyone there that he had the right stuff to be a great attorney general. It turned out he was a great attorney general for the State of Colorado.

I encouraged him to come to the Senate when Senator Campbell announced his retirement, and I think it was probably the best thing I have done since I have been in the Senate was to try to get KEN SALAZAR to come here.

You know, when I think back about our Founding Fathers and how they designed the Senate and how I think they envisioned the Senate should work, they had in mind a person such as KEN SALAZAR to be in this body. They probably couldn't even imagine that Colorado would become a State. I mean, they probably couldn't even fathom the way this country would grow and change over the decades and centuries. But I think when they set up the Senate, they wanted people with intelligence, work ethic, character, and people who could put their personal views aside for the greater good. That is what we have in KEN SALAZAR. He is all those things.

He has been a Senator's Senator for the last 4 years he has been in Washington. I know his brother JOHN is here. I know JOHN is very proud of him, and I know the State of Colorado is very proud of the work he has done. And they should be because there is a lot to be proud about with Senator KEN SALAZAR.

I know all 100 of us couldn't be here today. We have some committee hearings going on, and we also have the inauguration coming Tuesday, so people are kind of bracing themselves and preparing for all of that. But if all 100 were here, I think you would have 99 people stand up and basically say what some of us have already said; that he has been an extraordinary Senator, an extraordinary person, and he has had a great impact in his short time in the Senate.

One last thing, on a personal note. One of the things I love about KEN SALAZAR as a person is his deep and very serious faith. I asked him to come in and chair the Senate Prayer Breakfast, which he took to new heights. He expanded the number of people who were coming to that. He was great. He chaired the National Prayer Breakfast for a year, and I think they probably set a record that year for attendance and in the quality of the speakers they had that year. So he has had not just a political and governmental influence

but an even broader and deeper influence.

Senator SALAZAR, we are going to miss you very much. We all love you, and we all know you are going to do great things at Interior. We know there are a lot of challenges America is facing right now, but we know you are part of the solution. God has called you to be where you are going right now. So thank you for your service, and we are going to dearly miss you in this body.

I yield the floor.

The PRESIDING OFFICER (Mr. PRYOR). The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, may I, first, thank you for your courtesy in volunteering to take over the duties of Presiding Officer for a moment so I could be relieved of those duties and come to my desk and have the chance to say something about a very dear friend whom we will miss enormously. I know we have something very important happening in a few minutes, so I will speak very briefly, but I don't want to let this opportunity pass.

We had an energetic group of freshmen Senators come in 2 years ago, and we found KEN was feeling kind of lonely because his class had been sort of a bit smaller than ours. So we sort of adopted him into our group. He has been kind of a big brother to all of us. I have had the privilege of knowing him as an attorney general, and I will not belabor the point, but what people have said about him as a peacemaker, about him as a friend, and about him as somebody who cares deeply about the duty of public service, I can attest to firsthand from many years of experience.

So I will only say we will miss you very deeply. We are enormously confident in you. The Department of the Interior is lucky to have you, President-elect Obama is fortunate to have you join his Cabinet, and we wish you Godspeed, my friend.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota is recognized.

Ms. KLOBUCHAR. Mr. President, I am so honored to be here with my friend, KEN SALAZAR. When I think about KEN SALAZAR, I think about KEN SALAZAR in Colorado in his beautiful mountains, and I think of the idea of him going to be the head of the Department of the Interior is something that is a gift to this country.

But I wish to tell one story about KEN. He and I were in Colorado together, out there for Barack Obama, and they had a big RV with the President-elect's picture on it. And KEN SALAZAR is the only Senator who would insist on driving the RV on his own. He did it in style, with his big cowboy hat on. There we were, in the middle of the mountains on this winding road, when all of a sudden we see flashing lights behind us. Sure enough, we were being



pulled over. There were 20 people in this RV and a caravan of media behind us. KEN was as calm as he could be. He pulled over to the side of the road, the deputy comes up—with his big cowboy hat on—and KEN rolls down the window and says: Can I help you?

Of course, we think he is getting a ticket for speeding, and he was ready to accept whatever this was. But the deputy says: Sir, your license tabs are in the wrong corner.

And so KEN said: Oh, so sorry. And he gets out with this deputy looking on and with the caravan of media behind with all the cameras, and a press guy yelling: This is off the record.

So KEN's picture is there in the Denver Post trying to change his license tabs around the corners.

But it was KEN SALAZAR who wanted to have that moment and that freedom of driving through the mountains of Colorado at whatever the cost, and he will be a true tribute to his home State and to this country.

I am taking over the Prayer Breakfast from KEN, and I have seen firsthand his great faith in God but also the faith he has in his family, whom I see here, and the people of this country. We are all very lucky to have him, though we will miss him as a mentor and friend in the Senate.

Mr. UDALL of Colorado. Mr. President, I rise today to urge my colleagues to strongly support my friend and colleague, Senator KEN SALAZAR, as President-elect Obama's choice to lead the Department of the Interior.

For reasons I will explain shortly, I believe this man—a fifth generation son of the West whose ancestors settled Santa Fe before America gained independence—is uniquely qualified and experienced to lead the U.S. Department of the Interior.

I am very proud to have served the State of Colorado with him. He is an outstanding public servant and he will make an outstanding Secretary of the Interior.

Our colleagues in the Senate are well aware of Senator SALAZAR's excellent record of leadership here—he has worked across the aisle and with diverse stakeholders on many issues ranging from health care to national security.

As a member of the Energy and Natural Resources Committee, KEN has worked to extend critical renewable energy tax credits, protect our natural resources and encourage environmentally responsible development of domestic energy sources. I've been proud to work with him on a wide range of issues, including protection of our public lands and water resources in Colorado. I'm especially proud of our work together to pass legislation that allowed a lovely older woman, Betty Dick, to pass her final days in peace on land she treasured at the Rocky Mountain National Park.

KEN, I think Betty would be proud of you today too.

Even before his time in the Senate, KEN has been a recognized leader in the

West. As a farmer and rancher, KEN has always had a close relationship with the land and with rural communities. He has spoken eloquently about what he calls "the forgotten America" and he has been a steadfast champion of the land, water and people of the West.

As the executive director of Colorado's Department of Natural Resources, KEN used his unique background and experience to protect the environment and Colorado's communities, educate youth about our natural resources, and defend Colorado's water.

He helped create Great Outdoors Colorado, GOCO, and led it to become one of the most successful land conservation programs in the country.

While serving as Colorado's Attorney General, KEN worked to make our communities safer and address gang violence. He also led efforts to preserve open space during his two terms as Attorney General, where he was well-known as a champion of the natural environment.

KEN will bring his rural values—hard work, honesty, and integrity—to the Department of Interior and help address the many challenges facing this Department. From addressing Interior's ethical lapses to tackling our country's lack of transmission infrastructure, KEN will work hard to put the Department of the Interior back on the right track.

I would be remiss if I did not mention Senator SALAZAR's family and, in particular, his mother, Emma. Like her sons, she is a remarkable Coloradan. I had the opportunity to visit her at the Salazar ranch, Los Rincones, last year.

And if her son, KEN, demonstrates the same indomitable spirit, strength of character and wisdom of his mother—and I believe he will—he should be an outstanding Secretary of the Interior.

I urge my colleagues to swiftly confirm Senator SALAZAR as the Secretary of the Interior.

I yield the floor.

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

The VICE PRESIDENT. Without objection, it is so ordered.

#### CERTIFICATE OF APPOINTMENT

The VICE PRESIDENT. The Chair lays before the Senate the certificate of appointment to fill the vacancy created by the resignation of former Senator JOSEPH BIDEN of Delaware. The certificate, the Chair is advised, is in the form suggested by the Senate.

If there be no objection, the reading of the certificate will be waived and it will be printed in full in the RECORD.

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

STATE OF DELAWARE  
Executive Department  
Dover

#### CERTIFICATE OF APPOINTMENT

To the President of the Senate of the United States:

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of Delaware, I, Ruth Ann Minner, the governor of said State do hereby appoint EDWARD E. KAUFMAN a Senator from said State to represent said State in the Senate of the United States until the vacancy therein caused by the resignation of Joseph R. Biden, Jr., is filled by election as provided by law.

Given under my hand and the Great Seal of the said State, at 5:22 p.m., this 15th day of January in the year of our Lord Two Thousand Nine, and of the Independence of the United States of America Two Hundred Thirty-Two.

RUTH ANN MINNER,  
Governor.

HARRIET SMITH WINDSOR,  
Secretary of State.

[State Seal Affixed]

#### ADMINISTRATION OF OATH OF OFFICE

The VICE PRESIDENT. If the Senator-designate will now present himself at the desk, the Chair will administer the oath of office.

Mr. KAUFMAN, escorted by Mr. BIDEN and Mr. CARPER, advanced to the desk of the Vice President; the oath prescribed by law was administered to him by the Vice President; and he subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

Mr. KAUFMAN. Thank you very much.

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

Mr. REID. On behalf of all Senators, I congratulate and welcome our new colleague, TED KAUFMAN, to the Senate. Senator KAUFMAN earned his bachelor's degree from Duke University, his MBA from the Wharton School, University of Pennsylvania. He moved to Delaware to work for the DuPont Company, as many people have done over the years, working in finance, technical, and marketing positions.

When JOE BIDEN was elected at the age of 29, in 1973, Senator BIDEN asked TED to take a leave from DuPont to help him set up his new office in Washington. Senator BIDEN asked TED for 1 year, only 1 year. He, of course, has given him a lot more than that.

This is a remarkable tenure. It shows TED KAUFMAN's extraordinary loyalty to the service of his country by working for Senator BIDEN.

There is only one JOE BIDEN. Senator KAUFMAN will replace him, but no one will ever fill the shoes of JOE BIDEN. As was said on this floor yesterday at great length, JOE BIDEN is a unique individual. But Senator KAUFMAN has known Senator BIDEN for a long time and worked with him, up real close. He

knows he has to be TED KAUFMAN, not JOE BIDEN, and he will do that.

We who work in the Senate know of the strength of JOE BIDEN, but one of the reasons he has had the strength he has had over these years was because his back was always protected by TED KAUFMAN.

In this time of great consequence, Senator KAUFMAN's decades of experience and the wisdom accumulated over those years will serve him well as he serves the people of Delaware and the country in the Senate.

Senator KAUFMAN, welcome to the Senate.

The ACTING PRESIDENT pro tempore. The senior Senator from Delaware is recognized.

Mr. CARPER. Mr. President, actually it is not the first time I have been recognized as senior Senator. For about 2 months now, since JOE BIDEN was nominated and elected as Vice President, people have been referring to me as the senior Senator. I always have to correct them and I say no, it is 4 days, 3 hours, 12 minutes away. Today we counted down, today we counted down to zero.

Yesterday, when Senator BIDEN resigned at 5 o'clock, I think for 17 hours I was both the junior and senior Senator. DICK DURBIN was that for almost 2 months, from Illinois.

I asked one of my colleagues, Do you think I will get paid more for that? He said no, probably not. You shouldn't be.

We lament the loss of JOE BIDEN from the Senate. I am thrilled he is going to have the opportunity to become the first Delawarean ever to be the Vice President of the United States. As wonderful as he is as a Senator, he will do more good for his country in his new role than he could have done in this service, so it is a good thing for the administration and for the country and ultimately for Delaware.

If we have to lose JOE BIDEN to the Vice Presidency of the United States, we could not ask for a better person to take his place than TED KAUFMAN. Sometimes people come here and they have never served in elected office. TED has not. But he comes here steeped in the knowledge of the Senate. He knows the place, knows the way this place works, has a pretty good idea of how to make it work better.

He has served as JOE BIDEN's chief of staff for about 20 years. JOE has been in the Senate for 36 years. For over half those years, TED was his chief of staff and maybe in a sense his alter ego. We all have those. You couldn't ask for a better one than TED KAUFMAN.

Our leader said, TED couldn't get into University of Delaware but he was able to get into Duke as an undergraduate and studied mechanical engineering there. Later he couldn't get into the University of Delaware MBA program but he did get into the Wharton School at the University of Pennsylvania and went on to work for the DuPont Company for a while and met a guy running

for the Senate at the tender age of 29. A lot of people in our State got excited by JOE BIDEN, signed up to volunteer for his campaign, and then ended up being his chief of staff.

I think it is fair to say that JOE BIDEN would not have been maybe the only Senator in our State's history to be elected to 7 terms as U.S. Senator but for the support of TED; not just for those 19 years, but for being his friend all those years and all the years since to work with JOE through two Presidential campaigns, to be his adviser and counselor, and to always have his back.

TED is smart. We have a lot of smart people here. But he is also wise. TED is very well spoken. He is a wonderful speaker. There are a lot of good speakers here. He is also a very good listener.

TED takes his work seriously, takes our work seriously. One of the things I love about TED is he doesn't take himself all that seriously. He is a lot of fun to be with. He will be a good colleague and a good friend.

He inherits a good staff. He shared with me he expects to largely keep that staff together. People come and go in these jobs, but the good news is most of the people on board now will stay on board. For us, myself and our at-large Congressman MIKE CASTLE, I think that is very good news. He will be taking over the same committees Senator BIDEN has been serving on, in Judiciary and Foreign Relations, and I am sure he will do an excellent job there.

In addition to working for DuPont and spending 20 years as JOE's chief of staff, he has also taught. He taught at Duke in a couple of capacities there. He taught at Sanford, as I recall. And for the last, gosh, I want to say for 15 years, he served on the board of governors that oversees and tries to make sure we promote democracy in other countries. We do that through a variety of ways but in part through our media operations. He has been confirmed, I think, on the board of governors maybe four terms. I don't know he will serve four terms here. He promised his wife he would not but time will tell.

Speaking of his wife, TED tells me he started dating his wife when she was 12—no, it was 18—and they have been married since 1960. They have three kids. They are not kids—daughters, and they have seven grandchildren, something like that. It is a wonderful family.

I was talking about JOE BIDEN when he stepped down yesterday and gave a beautiful speech. I said JOE is the real deal in terms of family values—a loving father, grandfather, and TED is very much out of that same mold.

While we lament the departure of JOE and are thrilled about his opportunity to be our Vice President, we very warmly welcome TED to this family. I think in the history of this country there are maybe 1700 or so people who

have been privileged to serve as Senator. Add a few extra ones this week out of the regular order. But this is a good thing for our State, for the Senate. As a point of personal privilege, it is a special joy for me.

TED KAUFMAN, to you and Lynne and your family, welcome to this family. God bless you.

The ACTING PRESIDENT pro tempore. The Senator from Delaware is recognized.

Mr. KAUFMAN. Mr. President, one of the really great things about this job is I am going to be able to achieve one of his great objectives; that is, to be the senior Senator from Delaware. I thank you for your remarks; they are gracious as usual.

The ACTING PRESIDENT pro tempore. The Senator from Delaware is recognized.

Mr. CARPER. Mr. President, we are joined on the floor today by Senator BIDEN. He is standing back here talking to three of our new Senators. Unfortunately, he cannot speak as a Senator, but we will find an opportunity for him to preside from time to time and get some things off of his chest. But I know if he could speak he would like to share with us.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized.

#### TRIBUTE TO SENATORS

JOE BIDEN

Mr. REED. Mr. President, I thank you.

I welcome and commend Senator KAUFMAN as he succeeds Senator JOE BIDEN.

I particularly want to say a few words about JOE BIDEN. He has had an extraordinary career in the Senate, and he is going to be an extraordinary asset for President-elect Barack Obama.

Senator Obama, the President-elect, said very clearly why he chose JOE BIDEN. He said that when the tough decisions come, and they will come quickly and often, JOE BIDEN is the guy he wants in the room with him. And I think that choice was extraordinarily inspired because no one can bring the breadth of knowledge and experience, not only with respect to the Senate but with respect to domestic policy and indeed international policy, as JOE BIDEN.

The other thing JOE brings to this great challenge of the country is his profound decency and sense of fairness and his commitment to make sure America is still a place of opportunity for all citizens. Those values were shaped in Scranton, PA, where he grew up. They were shaped by his mother and father. His mother, Jean Finnegan Biden, is still an inspiration to him today, and I am sure one of the reasons he is the guy who should be in the room with the President is because if he needs advice, his mother is still there, and I think that is something he cherishes.



JOE has served in this body for many years. He was the author of the Violence Against Women Act to ensure that our criminal justice system, our system of law, recognized the particular dangers posed to women. He was the chief architect of the COPS bill, which put hundreds of thousands of police officers on the street, recognizing that the basic responsibility of government is to provide safety and security to its citizens. There are a lot of people who talked about that, but JOE recognized that if there are more police on the streets, that would happen, and indeed it has. We have seen that statistic over the last few years.

As the preeminent expert on foreign relations, he has traveled the world and brought his wisdom to foreign leaders but also sought their candid advice with respect to our leadership in the world, and he will continue to do that. He has just concluded a trip to Iraq and Afghanistan. I had hoped to be with him, but duties here prevented me. But that is typical of JOE—hands-on, go to the source of the issue, examine the problem, and move forward.

He has had an illustrious career. Beyond his success as a Senator, his success as a master of foreign relations, a leader in terms of domestic policy, has been his extraordinary family: his wife Jill, an extraordinarily gifted professional in her own right; Ashley, Hunter, and Beau; and I know the five grandchildren are particular joys to JOE. We are particularly respectful that today his son Beau serves in the uniform of the United States overseas and is someone JOE thinks of constantly. Once again, in those tough decisions in the White House, I think JOE will have a special equity because his son serves along with the sons and daughters of other Americans, and he will recognize that when they make difficult decisions regarding the deployment of our forces.

It has been an honor to serve with him. It is an honor to call him a colleague and a friend.

HILLARY CLINTON

Mr. President, I also wish to say a few words about our other colleague who is departing, Senator HILLARY CLINTON, an extraordinarily gifted lady. I had the privilege of traveling with her to Afghanistan and Iraq in 2003. I was impressed with her knowledge of international affairs and her personal knowledge of so many leaders; it was a first-name basis. So I think we have, in the presence of HILLARY RODHAM CLINTON, an extraordinary asset to the State Department.

Senator Obama made a wise choice. She brings not only great experience with great recognition but a tenacious attitude toward work and service. She is one of the hardest working people I have ever met. All of these skills are going to be important at this moment in our history. We have to reform and transform, indeed, our national security posture away from the unilateral military force, which I think was the

wrong approach of this administration, to a much more nuanced, broader embrace of diplomacy, backed up by a strong military force. HILLARY CLINTON can and will do that, working together with President-elect Barack Obama and Vice President-elect JOE BIDEN.

She has been a friend to me, she has helped me, she has inspired me, and indeed, perhaps the true test, she has taught me a great deal about not only substantive issues but about how one conducts one's self to a higher standard. I believe she will continue to maintain those standards as she goes forward.

So we are losing several dear colleagues—KEN SALAZAR, JOE BIDEN, and HILLARY RODHAM CLINTON. The good news is that America still has their extraordinarily valuable services.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Washington State is recognized.

### ENERGY

Ms. CANTWELL. Mr. President, I join my colleagues in congratulating the new Member from Delaware just sworn in this morning and wish him well in his tenure here in the Senate. I look forward to working with him as we move forward on an important stimulus bill.

Everyone knows our economy is in tough shape, and that includes the folks in my home State of Washington where we have seen too many housing foreclosures and too many jobs cuts. That is why it is very important, as we start the discussion on the stimulus next week, that we get our priorities right, that find a way to inject capital and confidence and construction back into our economy.

Although we must act urgently, I believe we must also take care to get things right in the stimulus package and take the time necessary to make sure we are getting it right. Getting it right means maintaining a laser focus on job-creation activities in the short term and over the next few decades. This should be our top priority when putting together the stimulus package and making sure we are providing businesses with the certainty they need in the Tax Code to make investments now. That is why I believe now is the time to put all of the good ideas on the table. I was so happy to hear President-elect Obama stating a willingness to embrace any good ideas Members or America had for this critical stimulus package.

Well, to me, there is no better idea or opportunity than ensuring this stimulus provides a bold and definitive step toward a clean energy future. Clean energy will create millions of family-supporting jobs that cannot be outsourced and can provide a secure foundation for a very prosperous future for the United States.

Investing in clean energy also reduces a lot of risk that is in the mar-

ketplace right now. Whether it be the billions of dollars we spend overseas on foreign energy, or the fuel price volatility we saw last year, or the fear of supply shock that comes on a regular basis. And obviously there is uncertainty about global warming and the crisis it might lead to here and across the world.

South Korea understands this. Last Tuesday, the country's Prime Minister announced that South Korea would invest \$38 billion over the next 5 years on environmental projects to stimulate the economy and create nearly 1 million jobs. Now, \$38 billion may not sound like a lot here in the United States given some of the numbers people have been throwing around lately, but \$38 billion for a country with a GDP less than one-tenth of our size—that would be like the United States putting up \$400 billion just to match the downpayment South Korea is investing in its clean energy future.

South Korea understands that a nation that manages to win the international race to develop clean energy technologies and industries will have a leg up in determining the energy platform and all of the other solutions that will follow. South Korea knows this because it has already been a leader in lithium-ion battery technology made for cell phones and for laptops, and now they are utilizing that knowledge base to come up with lithium-ion battery solutions for cars.

Early movers will have the edge in the largest new industry of the 21st century—clean energy. The question is, Are we going to put up the resources to make sure the United States has that first-mover advantage? Well, I would say that the Government lately has spent or put at risk an incredible amount of tax dollars—or I should say future tax dollars. In the last 16 weeks or so, some people have estimated that number as high as \$10 trillion. If you think about it, how do you add up \$10 trillion? Well, about \$2 trillion in FDIC assurances, about \$1.75 trillion in Federal Reserve commercial paper purchases, about \$900 billion in term auction facility lending, about \$600 billion to insure money market funds, about \$600 billion to cover Fannie Mae and Freddie Mac, about \$550 billion for discount Federal Reserve loans, about \$500 billion to insure FDIC deposits, about \$300 billion for FHA mortgage relief, about \$250 billion for CitiGroup debt, about \$225 billion for security loan facility lending, about \$200 billion for continued debt, about \$112 billion for AIG, and a few more items that are not only in the billions of dollars.

So while I can quibble about how some of this money was spent, I do believe the Government should take bold action. I think there are many things agencies should be doing to help our economy. But my point is, in light of those obligations on future taxpayers and the amount of money we are spending, spending just \$100 billion to make our Nation's energy system cleaner and

more diverse and more distributed is a no-brainer.

In my opinion, stimulus, such as clean energy investment, should get a gold star. If we are looking for avenues to create jobs and secure our future, there is no better stimulus than clean energy. A recent study from the University of Massachusetts shows that a \$100 billion investment in this area would create 2 million jobs in the next two years—2 million jobs. That rate of jobs generated per dollar investment is far higher than other types of infrastructure investment. That is to say, when you are looking at stimulative activity and return on investment, the clean energy infrastructure does better than most types of other infrastructure investment.

So I come to the floor today to discuss four ideas that I believe are critically important for job creation and should be part of a stimulus package when we start to put pen to paper and actually see some of these ideas before our committees next week.

First, many of my colleagues have talked about the incredible promise of plug-in electric vehicles. But substituting electricity for gasoline and diesel fuel, plug-ins can reduce political and economic exposure to oil markets and spur a broad range of economic activity. If this stimulus bill is about figuring out ways to create jobs and economic growth in both the short term and sustainable jobs in the long term, then plug-ins are a big winner.

For consumers, charging up a plug-in hybrid at our current national average electricity rates would cost on average the equivalent of \$1 per gallon. Now, imagine that compared to what many people have been paying over the last year. Moreover, our current electricity grid could fuel about 70 percent of the passenger vehicles we are driving in America today. So fully utilizing the grid in this way could displace about 6.5 million barrels of oil, that is the equivalent of about 50 percent of our imported oil. That translates into hundreds of billions of dollars staying right here at home, helping our economy instead of OPEC's.

Now, how do we get there? Before we can take advantage of this opportunity, we need to seize the opportunity in the United States to build better batteries for cars. Battery technology is the principal factor limiting the potential of the electric plug-in vehicle to displace gasoline-powered vehicles. But for battery-powered vehicles to perform comparable to gasoline, batteries must become lighter, more energy dense, and recharge more quickly.

While the United States continues to lead in the research and development of lithium-ion technology batteries, it is countries such as China and Korea and Japan that are the ones that are commercializing and producing this technology.

China has over 120 companies involved in the production of lithium-ion

battery technology, and their battery manufacturing industry today supports over 250,000 jobs. We have no comparable lithium-ion battery facility in the United States.

U.S. auto executives have warned that without home-grown suppliers, this country could become as dependent on Asian-made battery technology as it is today on Middle East oil. So I think now is not the time to be timid. If we do not push our Nation into making sure we lead this transformation into changing the world's transportation system, other nations will take the lead in that transition.

It reminds me of a U.S. company, Intel, that led the development of the microprocessor chip. While it is a global company today, it continues to have its latest and greatest technology developed in the United States.

About 2 years ago, Senator HATCH, President-elect Obama, and I sat down with automakers, battery manufacturers, and utilities to figure out how to jump-start this development in the domestic production of plug-in electric vehicles.

The result was a multitiered tax incentive strategy designed to accelerate the domestic development, manufacturing, and sale of a full range of plug-in electric drive vehicles. The good news is our proposal received a 93-to-2 vote in the Senate and now consumers can access tax credits of up to \$7,500 for the first 250,000 plug-in made and sold in the U.S. I do believe that incentive for consumers is a vital first step to bringing this game-changing technology to the marketplace.

But we also have to make sure the U.S. also maintains global market leadership in plug-in manufacturing components. To do that, we need to make sure we are incentivizing and creating a domestic manufacturing base for plug-in vehicles. That is why yesterday Senator HATCH and I introduced legislation to continue to promote this idea. Our 100-percent expensing provision would allow private companies to build or retool factories that will put American-made plug-ins in showrooms across the United States. I would like to thank Senators KERRY, ALEXANDER, STABENOW, and BILL NELSON for being original cosponsors of this legislation.

Manufacturing these game-changing technologies in the United States will create jobs now, and it will sustain jobs for the long term. I am not just talking about in Michigan, but all over the country. It is an investment we need now more than ever.

If what I have said so far does not sway my colleagues, I hope they will consider it will probably not be the GM Volt to be the first plug-in in our marketplace. It will not even be a modified Toyota Prius. Last month, China's BYD Auto brought the first production lithium-ion, plug-in electric car to the market. So I hope my colleagues will renew their interest in this idea and review this bill and support including

these manufacturing credits in a stimulus package.

Second, I think we have a tremendous opportunity in stimulus by infusing more intelligence into America's electricity grid. A smarter grid will help ensure that those plug-ins become a stabilizing and efficient energy source rather than a burden on the grid. For example, with smart grid metering and control devices, you could allow drivers to "fill up" their vehicles automatically, in their garage overnight when the electricity loads and prices are lowest.

Eventually, with a smart grid, plug-ins could also become their own "virtual mini powerplants," allowing consumers to link their vehicles with millions of others and sell stored battery power to the electricity grid during periods when their vehicles are not in use.

But right now we are a long way from that promising future. Even though our Nation's electricity grid is vital to our economy and our way of life, it has been called one of the most complicated machines on Earth, it is outdated and one of the biggest roadblocks to fully incorporating all the renewable energy and energy efficiency that the 21st-century commerce can deliver.

Smart grid technology can change that and make our grid more efficient and reliable. A recent Department of Energy report found that a smart grid could improve the efficiency of power delivery by as much as 30 percent. And infusing intelligence into the grid enables real-time electricity pricing. It allows efficiency. It makes distributed generation work, and it makes the grid more resilient and empowers homeowners and businesses to take advantage of all those savings.

Now, in my home state, the Pacific Northwest National Lab did a demonstration project that found that consumers could save 10 percent on their current electricity bills basically by understanding how power was being used in their homes and then making decisions that were convenient for them to make.

The study found there were no technical hurdles standing in the way of wide-scale adoption of grid-friendly technologies, and these technologies are projected to reduce the need to build about \$70 billion of new generation, transmission, and distribution systems over a 20-year period.

I for one cannot think of another source of energy that could quickly come to the market that could provide us 10 percent more fuel, but that is what a smarter grid could do for us, provide us 10 percent more fuel.

Now, how do we get there? Because many of these smart grid technologies are ready to go. According to a recently released report, if the Federal Government would invest \$16 billion over the next 2 years—if we would invest \$16 billion over the next 2 years—we would drive a \$64 billion investment in related projects by the private sector, resulting in 280,000 direct jobs

across a variety of categories. So I believe the opportunity for stimulative activity by building an intelligent electricity grid should be one of the top priorities of our stimulus package.

Mr. President, 150,000 of those jobs could be created by the end of this year. As we look at more companies announcing layoffs, it is important we prioritize within the stimulus package those types of jobs that will be created in the very near future. And out of those 150,000 jobs, 140,000 would become permanent positions after smart grid deployment.

In 2007 I was very happy to have the chance to write a section of the Energy bill dealing with getting into place smart grid language. I know and realize many of my colleagues now want to appropriate resources to that section of the bill. I hope we can, in this package, because the more we incent development of smart grid technology and smart meters, the faster we are going to reach that deployment and savings of 10 percent to consumers and help in the creation of that 280,000 jobs.

I also believe as we look at the grid, we need to build out our transmission lines. While there is language providing the Western Power Marketing Association with resources to expand the grid, I also support giving the Bonneville Power Administration \$5 billion in new borrowing authority, which they pay back to the Treasury with interest, to allow 4,700 megawatts of renewable energy to come on line in the Pacific Northwest for States such as Washington, Oregon, Idaho, and Montana. This additional access to capital, over the next 2 years, will create 50,000 jobs. So we know immediately that more jobs can be created in the other Washington by making the right grid investment decisions here in Washington DC.

The third area—besides plug-ins, besides a smarter grid—that I think can help us and provide a stimulating effect to our economy is to establish a 30-percent investment tax credit for construction or reequipping renewable energy or smart grid technology manufacturing facilities. So this incentive would go to anyone investing capital to produce the components of a clean energy economy, such as wind turbines and solar panels and grid technology. That will help us create jobs at home, and it will help us with new industries that can support entire communities and can help transform our energy system.

The solar industry is a good case study of why we need this incentive. First Solar is a leading American photovoltaic module maker. They built their first pilot plant in 2005 in Ohio. But when they needed to scale up production, generous manufacturing incentives and market demand drove them to Germany and Malaysia, leading them away from the United States.

If we can get a clean energy manufacturing incentive into the stimulus bill, it will launch a wave of new clean en-

ergy manufacturing facilities in the United States instead. Just the effect of this on the solar industry alone, it has been estimated, would create 315,000 jobs. So ensuring this kind of a manufacturing credit is critical.

The stimulus should also address one of the clean energy industry's most urgent challenges how to get the renewable production investment tax credits to work, again, given what has happened to the capital markets.

Vital investments in American infrastructure should not have to wait for Wall Street to get their house in order. There is something wrong when these companies that are key to our energy independence are unable to get financing because of the financial meltdown that has occurred. This situation is not only hurting our opportunities for clean energy, but it is hurting our opportunities for job creation.

Florida Power and Light, the largest owner of wind power projects in the United States, announced a 25-percent reduction in capital expenditures on wind in 2009. LM Glasfiber, a global leader in wind blades, is laying off 150 workers in Arkansas. OptiSolar, a maker of cutting-edge, thin-film solar cells, announced last week they had to lay off 300 people—almost half of its employees—and they are going to delay construction of what was to be the largest PV manufacturing facility in North America.

I know there are many people who are thinking about this now and how to put more flexibility into the Tax Code for these effected businesses, and I want my colleagues to understand that most of these proposals that I hope will make it into the stimulus bill have little or no cost to the U.S. Treasury. So I think this area is another opportunity to help fix the damage created by the financial markets, which has already hurt the hard work we did getting a clean energy incentive package that we passed last October.

I also believe we should expand a very successful initiative called the Clean Renewable Energy Bonds program, which provides publicly-owned utilities and states and municipalities an alternative to the production or investment tax credit which they cannot use. An expansion to CREBs would allow 6,000 megawatts of shovel-ready renewable energy projects to proceed, translating to over \$15 billion in economic activity.

I also believe the last area we should focus on is making sure we have tax credit parity in our energy laws. One of the areas that has been an ongoing concern to many of my colleagues on both sides of the aisle has to do with the fact that many promising renewable energy technologies only receive half the production tax credit of mainstream technologies such as wind. It has inhibited a number of projects in my State, especially in biomass. This could be a great opportunity to correct this longstanding grievance and provide a lot more market predictability

for other energies by giving everybody the same credit of about 2 cents a kilowatt hour. That way, we would be bringing all technology onto a level playing field and providing certainty about the kind of treatment those energy resources would get from the tax code.

So I believe these areas I have just outlined are very positive energy stimulus. I know for me, and I think for many of my colleagues, clean energy has become post-partisan; that is to say, everyone appreciates it is a game-changing technology and it can help us environmentally, with our national security, and the economic changes that are facing our Nation. The question is, how do we make sure these crucial energy measures get into the stimulus package we will be voting on in the next few weeks?

I plan to work with the President-elect and many of my colleagues both here in the Senate and in the House to make sure these energy provisions do become reality. We know as we face this financial crisis, we need to make the right decisions to put the few pillars in place that will be the strength we can lean on as our country faces these difficult times.

I can think of nothing more simple and game-changing than a \$100 billion investment in clean energy to get us on the right track, and to make us the leaders in what is likely to be the largest industry of the 21st-century, producing jobs long into the future.

I thank the President, and I yield the floor.

Mr. DORGAN. Mr. President, I make a point of order that a quorum is not present.

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

The legislative clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, I ask unanimous consent to speak in morning business for as much time as I may consume.

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

#### ECONOMIC CRISIS

Mr. DORGAN. Mr. President, yesterday's paper and today's paper describes some pretty ominous news. And yesterday's action in the Senate was prompted as a result of the financial crisis that exists in this country.

Each day the paper brings us another chapter of this sad saga.

"Bank of America to Get Billions in U.S. Aid." That was the Wall Street Journal's headline.

"Bank of America to Get More Bailout Money," the New York Times.

Yesterday, this Senate voted to proceed with \$350 billion in additional

funding for what is called TARP, Troubled Asset Relief Program. In fact, TARP is not being used to purchase trouble assets, but that is what the program is called.

I did not support that proposal yesterday. I didn't support the proposal of releasing another \$350 billion, but that is not surprising perhaps. I didn't support the proposal on the \$700 billion last October.

I didn't support that, not because I didn't think there was a crisis—I think there is a financial crisis in this country. But I didn't think there was the foggiest notion of how that was going to be used effectively to address this country's financial problems. It turns out, I believe, I was right.

Since the \$700 billion was authorized last October, we have seen the first \$350 billion made available spread around in almost every direction. It is almost as if you turned a ceiling fan on to a stack of money. The Secretary of the Treasury said: We have a financial crisis. And he said: Here is a three-page piece of legislation, and I want you to pass a \$700 billion bill in 3 days.

The Congress didn't do that, but in relatively short order, the Congress authorized \$700 billion for the Treasury Secretary to do as he wanted to do: buy troubled assets from the largest financial firms in the country.

He got the money. But it turns out that he did not want to buy troubled assets after all. Instead, he wanted to invest in bank capital. So he began investing in bank capital. The investments in bank capital at one point was \$125 billion to nine banks, some of which did not ask for it and did not need it, no strings attached.

He said: We are doing it to expand lending because we want to incentivize expanding lending and we want to try to unfreeze these credit markets. Well, \$125 billion with no strings. So was lending expanded? Probably not. Nobody knows. Ask the banks what they did with the money and they will say: None of your business; money is fungible; we are not going to tell you.

Now the question is the other \$350 billion. One of the reasons I was not even interested in starting on the \$700 billion or the \$350 billion is we don't have any regulations that will close the gate and stop the very kinds of practices that steered this country's economy into the ditch in the first place.

I come from a ranching background raising some horses and cattle in a farm State. I understand the notion about closing the gate. You have to close the gate. There is nothing here that closes the gate to stop the kinds of practices that put us in the position we are now in.

I talk about these headlines with Bank of America. Let me start out by saying Bank of America apparently has been a good bank. It is an FDIC-insured bank. I don't have particular problems with Bank of America. But I have serious problems with what has happened

with respect to government-sponsored failure, and government-sponsored failure is not something of which we ought to be particularly proud. Government-sponsored failure is to stand behind failed financial institutions with taxpayers' money.

Winston Churchill once said success is the ability to go from failure to failure without losing your enthusiasm. There sure ought to be a lot of enthusiastic people around because we are going failure to failure.

Let me describe what I mean. You take an FDIC-insured bank—in this case, Bank of America—and the Federal Government watches while the FDIC-insured bank buys the biggest mortgage company in this country which was failing, Countrywide Mortgage.

I have described that Countrywide was led by a man named Mozilo, largely celebrated as one of the great CEOs in America. He received the Horatio Alger Award. By the way, he got out of Countrywide with about \$200 million, it appears, and Countrywide was failing. So Bank of America buys Countrywide, an FDIC-insured bank that the taxpayers are responsible for, is allowed to buy a failed mortgage company called Countrywide.

By the way, I have shown this many times. Let me show you what Countrywide was doing and why it was a spectacular failure. This big mortgage company was advertising this to the American people all the time they were running up this unbelievable amount of speculation and debt:

Do you have less than perfect credit? Do you have late mortgage payments? Have you been denied by other lenders? Call us . . .

"Call us." You wonder why a business such as this fails—advertising if you have bad credit, trouble paying your bills, call us, let me give you a loan.

So Bank of America bought Countrywide. I don't have the foggiest idea why they bought Countrywide. But 8 months later, the Federal Government encouraged Bank of America to buy Merrill Lynch, a failing investment bank, that was about to go bankrupt, we guess, on about the same weekend Lehman went bankrupt.

The Federal Government helped an arranged marriage, apparently, without even any dating—at least you would think they would date a little bit. On a weekend, Bank of America, one of the biggest FDIC-insured banks in America that had picked up, 8 months earlier, a bad mortgage company that helped steer this country into the ditch, was now told: We want you to pick up a failed investment bank, Merrill Lynch. So they did.

What is the result? This arranged corporate marriage now gives us headlines and a deal overnight last week by which that parent company, Bank of America, needs billions more in order to keep going. What otherwise had been a healthy bank and what we are told this morning in news accounts

that without Countrywide and without Merrill Lynch, Bank of America would be fine, now they need \$20 billion. That is on top of another \$25 billion last fall. This company now needs to be bailed out by the American taxpayers. Why? Because they put together FDIC-insured banks with more risks coming from, in this case, Merrill Lynch and Countrywide.

You think that is success? I don't. The question is: When do we stop doing things that fail?

So we wake up in the morning, and we discover that as a country, we have \$20 billion less money in our hands, we have \$20 billion less because somebody decided this company that bought Countrywide and Merrill Lynch now needs \$20 billion to keep going.

By the way, last month, the CEO for Merrill Lynch was trying to get Merrill Lynch to give him a big million bonus for 2008. It was reported there was a proposal somewhere in that system to give him a \$30 million bonus. The CEO was apparently trying to get Merrill Lynch to give him a bonus after he sold Merrill Lynch to the Bank of America but before the bank actually took over Merrill Lynch.

Not only that, that CEO of Merrill Lynch had just joined Merrill Lynch the year before and received a \$15 million signing bonus and a pay package valued at between \$50 million and \$120 million. I didn't know failure paid so well in this country.

The reason I am describing this specific case, and I have talked about this at length, and I am going to talk about it again, this all results from now almost 10 years ago on the Senate floor. Our friend from Texas, Senator Phil Gramm, authored a piece of legislation called Gramm-Leach-Bliley and, to be fair, supported by the Clinton administration, supported by the then-Treasury Secretary and some of the same people who are now being consulted on this crisis, they got something called financial modernization passed through this Congress.

What was financial modernization? Financial modernization was legislation that said: You know what, we have all these old-fashioned rules around here, for God's sake; let's dump them so we can move into the future with some modernization. Why should we still, 70 years after the last Great Depression, have on the books the laws that were put in place after the Great Depression that prevent banks from being involved in real estate and securities and insurance? Let's get rid of those laws. Let's allow our banks to be modern. Why can't our banks be involved in real estate and securities and so on?

That was the sermon that was being preached on the floor of the Senate and elsewhere.

What was a stimulant for it, by the way, was Citicorp wanted to buy Travelers Insurance, one of the biggest merger acquisitions in history, but they couldn't do it because the law prevented it. Why did the law prevent it?

Because after the Great Depression, where banks failed all across this country, because in the roaring twenties, everybody was making lots of money doing stupid things, a lot of speculation, everybody was getting rich, like hogs in a corncrib, they were all making all this money and loading up banks with risks. Banks were up to their necks in risky real estate. They were up to their necks in risky securities. And then the whole thing came tumbling down and banks failed in large numbers.

So after the Great Depression, Franklin Delano Roosevelt came in and said: By the way, we are going to fix this. We are going to put in things that prevent that from ever happening again. We are going to separate banks from risky enterprises. Banks are not going to be engaged in real estate and securities. Banks are about FDIC-insured deposits of the American people, and you are not going to be engaged in those kinds of risks. We will prevent it. We will pass something called the Glass-Steagall Act, saying to banks you can't do it.

In 1999, Senator Phil Gramm and a whole lot of others who joined a big chorus to sing the same song said: You know what, those things are hopelessly old-fashioned. We have to get rid of those restrictions. Those were put in place in the 1930s. They don't apply in this modern age.

Eight of us on the floor of the Senate voted no. I wish to describe what I said on the floor of the Senate in 1999, when I opposed that legislation. I said:

Fusing together the idea of banking, which requires not just safety and soundness to be successful, but the perception of safety and soundness, with other inherently risky speculative activity is, in my judgment, unwise . . .

That is what I said on the floor of the Senate almost 10 years ago.

I also said this:

I say to the people who own banks, if you want to gamble, go to Las Vegas. If you want to trade in derivatives, God bless you, do it with your own money. Don't do it through the deposits that are guaranteed by the American people and by deposit insurance.

I said this 10 years ago:

This bill will also, in my judgment, raise the likelihood of future massive taxpayer bailouts.

I sure wish I had not been right. This bill will raise the likelihood of massive taxpayer bailouts. It will fuel the consolidation and mergers in the banking and financial services industry at the expense of customers and others.

And I said this during the debate; that we will look back in 10 years' time and say: We shouldn't have done that because we forgot the lessons of the past.

I take no pride in believing, 10 years ago, that what was preached on this floor—and, yes, in the administration and elsewhere—about modernization was something that I felt would undermine this country's interest. But it has, and it will continue to.

The point I make today is none of these lessons has been learned. If when we went to bed last night someone was working to tell us this morning that \$20 billion of American taxpayers' money has been taken in order to shore up a bank, one of the biggest banks in America because they are in trouble because they were allowed to buy an investment bank with toxic assets, if that is the lesson we learned from waking up this morning of what the people in charge of our money are doing with our money, I tell you, we haven't learned any lessons at all. Is there anything that will remind us of the absurdity of fusing together basically risky things with banking, which requires just the perception of safety and soundness? If people think a bank isn't safe and sound, it doesn't matter how much money that bank has, there will be a run on that bank and the bank will fail. Perception of safety and soundness is critical.

How do you retain that perception—in fact, more importantly, how do you have the reality of safety and soundness—if you have the biggest banks in the country merging through corporate marriages with some unbelievably bad mergers—in this case a very good bank, Bank of America, buying Countrywide Mortgage, and then purchasing Merrill Lynch? How do we justify that?

The reason I voted against the proposition of releasing the \$350 billion yesterday is I am not prepared to move forward with any of these things until and unless there is a commitment by the people running these operations that they have learned the lesson and they are going to close the gate and this sort of thing can't happen.

Now, I have a chart to show you that we have now committed \$8.5 trillion of the taxpayers' money—\$8.5 trillion—and here is how it has been committed. There is nothing in the U.S. Constitution that describes this kind of governing—nothing. The Federal Reserve has contributed about \$5.5 trillion. They have opened their window for the first time to loan money directly to investment banks. Never been done before in the history of the country. And if you try to find out who got the money and how much, you can't—\$5.5 trillion. FDIC programs, \$1.5 trillion, Treasury Department programs, \$1.1 trillion, and Federal Housing Administration, \$300 billion. All this taxpayer money shoved out the door with no accountability, no transparency, and much of it without strings. I am not willing to be a part of that.

If I felt that those who steered us into this ditch were going to show up with an ambulance, or if those who steered us in this ditch had learned their lesson that you can't continue to do this sort of thing, I would feel differently. But yesterday's and today's newspapers tell me they haven't learned a thing.

So my notion is that we are still going down the same road. And to believe that while America sleeps we will

keep throwing money at failure—because we merge banking with risk—and somehow people will believe that we don't have this risk attached to banking is not going to work.

Let me talk for a second about Citigroup. One of the largest banking institutions in America—in the world, in fact—is coming apart. It lost \$8.2 billion in the last 3 months, and it lost \$18.7 billion in 2008. Citigroup is a bank. It is an investment bank, it is a brokerage business, it is an insurance company. It is almost everything. How does all that happen? It happened because in 1999 the Financial Modernization Act said: You know what, to be modern you have to allow big holding companies and gather all this stuff together in one place. You put it in a big holding company and then you can build firewalls. It turns out they were tissue paper firewalls, but nonetheless we have all these mergers and holding companies, and now Citigroup is completely coming apart. In the meantime, these companies are judged by our country—by the Federal Reserve and others—to be too big to fail. It doesn't matter how incompetent they might be, they are too big to fail. Interestingly, they have not been big enough to regulate. I am talking about the investment banks. It seems to me if you are too big to fail, you surely are not too small to regulate.

Why would we not have regulatory authority to prevent this sort of thing? Five banks that are deemed too big to fail, by the way, hold \$171 trillion in what are called derivatives. Most people don't understand the lexicon of derivatives, CDOs, collateralized debt obligations, swaps, or credit default swaps. Most of that doesn't even sound like the English language. It is like some foreign language. In fact, some is so complicated that those engaged in it don't understand it. But again, these banks—too big to fail—hold a notional value of \$171 trillion in derivatives.

Going back to the mid 1990s, I have offered five pieces of legislation here in the Congress to regulate derivative trading and also to regulate hedge funds. Obviously, there is enormous resistance by Wall Street and others to anybody who wants to regulate anything they do, and so I have not been successful. It is not because I haven't tried, but there is a massive amount of dividends out there. And what prompted me to do that is that banks—FDIC-insured banks—were trading on derivatives on their own proprietary accounts. They might as well have put some craps tables or blackjack tables right in the lobby of the bank because that is what you are doing exposing that kind of risk to basic banking.

But everybody was fat and happy around here. Regulators were willfully blind. They would come to town and say: Let me be a regulator so I can put blinders on. Or as one of them said at the SEC: There is a new sheriff in town. This is a business-friendly place now, which meant that those who were

supposed to look out for the public interest didn't give a rip. In fact, Alan Greenspan was right in front of the parade. He believed in what is called self-regulation. Isn't that interesting. If we don't look, don't pay attention, don't worry, and be happy, self-regulation will be fine. Well, it is about \$8.5 trillion short of being fine.

And the question is, When—when—at last, at long, long last—will this Congress, this administration and the new administration, decide that we are going to regulate these activities in the future; that we are going to close the gate; that this cannot happen again. When will we decide if you want to trade in derivatives, then it will have to be not in the dark—no more dark money—it will have to be transparent and regulated. If you have an FDIC-insured bank, you are not going to be able to buy a Merrill Lynch because you can't fuse risky enterprises with FDIC insured banks.

Now, let me say that is not unbelievable criticism of Bank of America because, as I said, that was a corporate sponsored marriage. Apparently, the folks down at Treasury went to Bank of America and said: You know what, we have this pretty little corporation called Merrill Lynch that is in some trouble and we would like you to marry it. So as I said, with apparently not too much thought, they decided to hitch up. Turns out to have been a pretty bad marriage. My point is it is not only this. I mention Citi and I have mentioned Bank of America. The fact is this river runs deep, the river of failure here. And the question is, When—when—will we get to the point where we are going to say yes, that we are willing to make investments to steer us out of this problem in exchange for regulation and in exchange for coming back to pass a piece of legislation similar to Glass-Steagall, similar to the protections that were put in place after the Great Depression.

Unbelievably, there are a whole lot of folks who are not even willing to entertain that. They say: No, no, no, you don't understand what you are talking about. We still need to be modern, we still need to compete, and we still need these new financial, exotic instruments. What they are is a new wrapper; kind of like sheep intestines, a new casing for sausage. They wrapped around something called a securitized product that began securitizing everything. All of them did. They were giving bad mortgages to people who couldn't pay them, no documentation of income, teaser rates at maybe 2 or 3 percent that will triple or quadruple in 3 years and lock in prepayment penalties, and then wrap them in a security and sell them upstream with everybody making fat bonuses and lots of income.

The problem is, the whole thing was a Ponzi scheme. The Ponzi scheme is not just Mr. Madoff having breakfast in his \$7 million apartment jail in Manhattan. Yes, that was a Ponzi, appar-

ently by \$50 billion. But this whole approach was a Ponzi scheme—wallpaper the country with credit cards. Wallpaper everything with credit cards.

The other day I talked about my son, when he was 12 years old, getting a credit card solicitation from a dozen different companies. They offered him a Diner's Club card to go to Europe. In fact, I brought a bunch of those solicitations to the floor of the Senate at that point. And I said, I am sure my son would love to go to Europe at some point, but he is only 12, and he ought not get a credit card. But these companies wallpapered America with credit cards and then they securitized credit card debt and sold securities upstream. Is there any reason these assets are toxic? Securitized credit card debt, much of which won't be repaid; securitized mortgages by Countrywide and others—Zoom Credit, which says in their advertisements: Is your credit in the tank? It is like money in the bank. Come to us.

It seems to me you don't effectively repair a house unless you first begin to strengthen the foundation. And the foundation for all of this, to try to put this country back on track, in my judgment, is to go back and revisit what was done in the last dozen years or so under the rubric of financial modernization—modernization of the financial system, modernization of commodity trading. If we don't go back and revisit that, this country will not be able to steer itself out of this problem.

This is a pretty significant financial wreck that has happened in this country. It is one thing for people to put on blue suits and come and talk about it; it is another thing for over a half million people last month to go home and tell the person they love or go home and tell their family they have lost their job—perhaps the same people who had to tell them a month or two ago they lost their home. These are tough times. A lot of people are hurting badly. We need to find a way to steer this country back to economic growth and prosperity again. But it will not happen unless we fix the foundation and reconnect those things that were taken apart over a decade ago.

Let me finally say again, while I have talked about this at some length on a number of times, despite it all, if we keep pushing in the right direction, I have hope that this country will prevail. This country has done so many terrific things against the odds, and we will again. But it requires people to be smart and tough. You cannot have a wall of debt out there that you don't care about, an unbelievable wave of speculation that you say doesn't matter. You can't have regulators who refuse to regulate. You can't have an avalanche of dark money that no one can see. The fact is you have to fix all these things, and we can.

This problem was created by public policy here and by corporate policy there, and we can fix it and put this country back on a better course, a

course that will grow and provide jobs and opportunity and hope once again.

But it won't happen by itself. It is going to happen when we as a country decide that we are going to work together to be part of something bigger than ourselves, and steer a legislative course and steer some more responsibility on the corporate side to work together and fix these fundamental problems. I believe that is possible, and it is why I come to the floor so often to talk about what has caused these problems and what we ought to do to fix them. It is not hopeless. I am hopeful. But it is going to take a lot of work.

Mr. 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.

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

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

#### LILLY LEDBETTER FAIR PAY ACT

Mrs. HAGAN. Mr. President, I rise today in support of the Lilly Ledbetter Fair Pay Act. Before I do so, please allow me to thank my colleagues in the Senate, so many of whom have gone out of their way to help welcome me into this body. Both Majority Leader REID and Senator DURBIN have made these first days in the Senate as smooth as possible, as has the entire Democratic leadership: Senators SCHUMER, MURRAY, DORGAN, and STABENOW. These first few weeks in the Senate are an exercise in thinking on your feet, adapting quickly, and soaking it all in. I appreciate all they have done to help me hit the ground running. Their advice and guidance have been so important to me.

My colleagues on the other side of the aisle, including Leader MCCONNELL and especially the senior Senator from North Carolina, RICHARD BURR, have also been very helpful both to me and my staff. There is too much to be done in this country to differentiate a Republican idea from a Democratic idea. We just need good ideas. I hope to work with all of my colleagues to identify and implement as many as I can.

Thanks also to the primary sponsor of this bill, Senator MIKULSKI, whom I was honored to have walk with me as I was sworn in as one of 100 Senators and one of 17 female Senators in this body. I wish to thank Senator MIKULSKI, who has led the way for women her entire career, for her leadership in this body and on this important bill. I am honored to be one of the 16 other women for whom she has paved the way.

I look forward to working with my colleagues on both sides of the aisle to help deliver for those in our country who are struggling to provide for themselves and their families. A few days before our new President is sworn in, there is a sense of urgency but also a



sense of optimism. I am so honored to be a part of this body at this historic time.

As I said, I rise in support of the Lilly Ledbetter Fair Pay Act, which will restore protections against pay discrimination in the workplace. This bill would reestablish a fair rule for filing claims of pay discrimination based on race, national origin, gender, religion, age, or disability.

A few months ago, this bill's namesake, Lilly Ledbetter, joined me at several roundtable events in North Carolina. Her courage and determination were inspiring. She is committed to this cause even though it is too late to do anything in her own case.

In North Carolina, families are facing a serious enough challenge trying to make ends meet on a full paycheck, never mind trying to do so on a paycheck reduced by discrimination. Women in my home State make an average of 78 cents for every dollar that men make for similar jobs and responsibilities. In these tough economic times—when families are being forced to choose between putting food on the table and filling a prescription; can no longer afford the payments on their house, their own small part of the American dream; are being forced to dip into their savings to help pay their bills—why would anyone find it acceptable for women to make less than men or white workers to make more than African Americans or someone to be discriminated against based on national origin, religion, or disability? Why would we allow it to be more difficult for working families instead of less?

When someone is discriminated against in the workplace or anywhere else, surely they feel the impact of that discrimination for longer than 180 days. This bill would restore a reasonable time limit for filing pay discrimination claims, reestablishing the long-standing rule currently applied by 9 courts of appeals and the Equal Employment Opportunity Commission in pay discrimination cases before this unfortunate Supreme Court decision in May 2007.

Importantly, this bill does not hold employers responsible for decades and decades of back pay. Current law limits back pay awards to 2 years before the worker filed the claim. This bill does not change that. It is limited to 2 years of back pay. When discrimination in the workplace results in a lower wage for those discriminated against, the people responsible should be held accountable. This bill helps them to do that. It does not place an undue burden on employers, nor does it open them up to decades-old litigation. It simply says, for all of the legal jargon, that it is not acceptable for women to make less than men on the same job with the same qualifications and with the same performance. In 2009, that is not too much to ask.

Mr. President, I yield the floor and 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. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### EDUCATION BEGINS AT HOME ACT

Mr. BOND. Mr. President, our families are struggling in the worst economy since the Great Depression. It is a difficult time for many who do not have jobs or who have seen their savings shrink or are in danger of losing their homes. We are working very hard on many fronts to try to get the economy going again.

During this time, I think it is important we not lose sight of our long-term priorities. We have to build a better safety net for our children and families. We must think about the long-term educational prospects and tools for success our children need, regardless of the economy.

Today, I highlight two bills that address educational needs of children.

First, research tells us that the first months and years of life are critical in laying the foundation for later success in school and social interaction. As a matter of fact, some people say that half of a child's learning intelligence is developed by 3 years old. For too long, we have thought those wonderful little people under 3 were just to be loved and ignored in terms of education. Much of the time is spent in the home, and parents are the most influential part of a child's life. It is my view that they must be the child's best first teacher. During these early moments, with the parents and other family members, children establish their social, emotional and intellectual health that will continue to grow throughout their lives. Enhancing these early critical moments further enhances the later years of a child's education.

You know, the key to education is exciting their curiosity. If you can make a child curious, then you can begin to teach them because you can respond to what their curiosity seeks. I think it makes sense to equip the parents with the skills they need to help maximize the child's health and development. This is exactly what a program that I have worked on in Missouri does. It is called Parents as Teachers—or PAT—and that is precisely what it focuses on. It focuses on primarily those first 3 years of life, when half the learning intelligence, when the socialization and interaction are developing, and when the curiosity is excited.

The curriculum of PAT is designed to build a foundation for later learning, to provide early detection of developmental delays, as well as health, vision, and hearing problems, to prevent child abuse and neglect and to increase a child's school readiness and success.

Actually, we found that detecting those early childhood developmental delays probably saves more money in avoiding special education or remedial education needs later on. The way we finally got the bill passed in the Missouri General Assembly was when a commission I had set up as Governor studied ways to lessen child abuse. They came back and said: You know, the best thing you can do is to equip a parent with the tools to deal with a child's frustration and keep them from pushing you to the point where you are abusive.

My Bond theorem is that if you have a 2-year-old child and that child isn't driving you nuts on a regular basis, either, A, you are not normal or, B, the child is not normal. Parents as Teachers gives the parent a means of dealing with those frustrating and challenging times.

Twenty-five years ago, I pushed the Early Childhood Education Act through the Missouri General Assembly and signed it into law. It was my second term and I had to fight for 4 years to get the bill passed, but it mandates that Parents as Teachers be offered in every school district in the State. In other words, to every family; whether they were going to home school their children, whether they had their children at parochial or private school or in a public school.

That was 4 long years of work, and I don't know that I have ever had a more satisfying 4-year-long battle with that success. I was on a mission because the year I started pushing it was the year my son was born. I was anxious to be a new father and shared the same feelings of anxiety and confusion many new parents still feel today. I had bought a new car before my son arrived, and it came with a handbook. We took Sam home from the hospital, and they told us to use a car seat and gave us diapers. Well, children's schooling is a key component of a child's success in school, and that is why we began working on it.

PAT made a positive difference in my family, through sleepless nights, teething, and learning the ABCs. My son was probably one of the first to benefit from the Parents as Teachers materials and books, but countless others have benefited since. And after I passed it, I found that parents would stop me on the street or in my office and say: You would not believe what I learned when the parent educator came to visit us. Every time it was something new and different and it gave the parents a feeling of power that they could deal with the opportunities this new child gave them.

What began as an experiment in Missouri has expanded to more than 3,000 sites in all 50 States and 8 foreign countries. Countries all over the world are investing in PAT because the results are positive and the cost is low. We have about 150,000 Missouri families—200,000 children—participating in

PAT now. I have had the anecdotal results, but scientifically we have determined, through sound research, that at age 3, PAT children are more advanced in language, social development, problem solving, and other cognitive abilities than their peers; and parents who participate in PAT are more confident about their parenting and more involved in the children's schooling, which is a key component of a child's success in school.

I can tell you also that when you talk to an elementary school educator or administrator they can tell you which children have been in the Parents as Teachers program because it is that obvious from the start. A 2008 published, peer-reviewed study of almost 8,000 Missouri children found that 82 percent of low-income children who participated in both Parents as Teachers and preschool entered kindergarten ready to learn, as compared to only 64 percent of similar children who had no involvement in either service.

At third grade, 88 percent of low-income children who participated in both Parents as Teachers and preschool received a benchmark level of performance on the Missouri Assessment Program Communication Arts test, compared to 77 percent of similar children with no involvement.

These results confirm what I know from personal experience and have heard from so many parents in PAT—it is a tremendous benefit to them and their children.

To date, more than 2 million families nationwide have received the education and support of PAT programs. These are accomplishments of which we can be proud, but we need to do more. There are more families that can and should be reached by this life-changing program, which is why I have introduced the Education Begins at Home Act with Senators MURRAY and CLINTON. This legislation will establish the first dedicated Federal funding stream to support the expansion of PAT.

Our bill has had strong bipartisan support in the past, and I expect it will continue. It would authorize \$400 million over 3 years to States to expand access to Parents as Teachers. It would provide \$50 million over 3 years to fund innovative ideas and partnerships at the local level to expand access to PAT in communities with limited English proficiency, and it would provide \$50 million over 3 years to reach more military families by expanding access to PAT in schools and community organizations that serve military families.

As a side note, we have established the program at several military facilities in Missouri where one parent is often gone overseas, and the family may not have any normal family network to help them. This brings the parents together and it also provides them some of the resources that they might get from a grandmother or an aunt or even an uncle.

Parents as Teachers builds on the principle that babies are born to learn

and that the child's parent is the first and most important teacher. PAT gives parents the tools they need to prepare children for success in school and life, and helps parents become more active participants in their child's education. I believe the expansion of Parents as Teachers is a sound investment in the future of our children and our families, and I hope my colleagues will join me in it.

#### VISION CARE FOR KIDS ACT

I, also, wish to add comments about another extremely important act to ensure the success of children—the Vision Care for Kids Act. Eighty percent of what kids learn in their early years is visual, but one in four children has a vision problem that can interfere with learning, and only one in three children receive any form of preventive vision care before school.

As I said, children have tremendous potential to learn and succeed, but untreated vision disorders can lead to permanent vision loss. I know that, personally, because I suffer from a permanent vision loss due to a previously undiagnosed condition which wasn't learned about until it was too late. If the condition had been discovered and treated before I entered school, I could have avoided a lifetime of vision loss—and I might have done a much better job of catching fly balls in the outfield.

The Vision Care for Kids Act, which I have reintroduced with Senator DODD, establishes a grant program to complement and encourage existing State efforts to improve children's vision care. Ensuring good vision for kids will help them see bright futures ahead of them. I invite my colleagues to join us in supporting children and families through these important bills.

For the vision care, talk with Senator DODD or me. For Parents as Teachers, talk with Senator MURRAY or me. We would love to have you on these two important bills.

I thank the Chair and I thank the staff for according me this opportunity.

#### HONORING OUR ARMED FORCES

STAFF SERGEANT CHRISTOPHER G. SMITH

Mr. SALAZAR. Mr. President, it is with a heavy heart that I rise today to honor the life and heroic service of SSG Christopher Smith. Staff Sergeant Smith, a member of the 4th Infantry Division at Fort Carson, died in Baghdad, Iraq, on December 24, 2008, from injuries sustained when his military vehicle overturned into a canal. He was 28 years old.

After spending 2 years at Kellogg Community College in Michigan studying for a career in sports medicine, Staff Sergeant Smith joined the Army in 2001. He served in Iraq from March 2005 to February 2006 in support of Operation Iraqi Freedom and returned to the country for his second deployment in September of last year. As a cannon crewmember, Staff Sergeant Smith

played an integral role operating high technology weapons systems. He distinguished himself as a strong leader within "Bulldog" Company and would lead his unit in his captain's absence. His extraordinary bravery and talent earned him more than 11 awards and commendations during his service.

Staff Sergeant Smith is remembered by those who knew him as a true patriot who always looked out for his fellow soldiers and believed strongly in his mission. He was deeply admired by his men, so much so that five members of his squadron incurred hypothermia in a dogged and heroic effort to rescue him from the canal. He was often hunting and fishing, rooting for the University of Michigan Wolverines, and grilling brisket and ribs for his friends. Most of all, he was a devoted husband and father.

Mr. President, Teddy Roosevelt famously said, "it is not the critic who counts; not the man who points out how the strong man stumbles, or where the doer of deeds could have done them better. The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood; who strives valiantly; who errs, who comes short again and again, because there is no effort without error and shortcoming; but who does actually strive to do the deeds; who knows great enthusiasms, the great devotions; who spends himself in a worthy cause; who at the best knows in the end the triumph of high achievement, and who at the worst, if he fails, at least fails while daring greatly, so that his place shall never be with those cold and timid souls who neither know victory nor defeat."

Staff Sergeant Smith sacrificed his life for this Nation as a man who knew that his country needed him to be "in the arena," helping others. He accepted the risks of his job with extraordinary professionalism and served with honor and a dedication to duty that was second to none. We cannot repay our debt nor replace his loss.

To Staff Sergeant Smith's mother Donna, his father Virgil, his wife Bobbi Jo, his son Adler, his brother Phillip, and all his friends and family, I know no words that can assuage the pain you must feel. I hope that in time your grief will give way to the pride you must feel for Chris for all he accomplished and for all the lives he touched. His country will always honor his legacy.

#### SAVING KIDS FROM DANGEROUS DRUGS ACT

Mr. GRASSLEY. Mr. President, I am pleased to join my colleague, Senator FEINSTEIN, in reintroducing the Saving Kids from Dangerous Drugs Act. I believe we have an ongoing moral obligation in this country to ensure our young people have every opportunity to grow up without being accosted by drug pushers at every turn, whether on TV, in the movies, or on the way to school.

This bipartisan legislation comes in response to the recent warnings issued by the Drug Enforcement Administration, DEA, and the White House's Office of National Drug Control Policy about highly addictive and dangerous drugs being colored, packaged, and flavored in ways that appear to be designed to attract use by children. As cochairman of the Senate Caucus on International Narcotics Control, I can tell you that the most at-risk population for drug abuse is our young people. Research has shown time and again that if you can keep a child drug free until they turn 20, chances are very slim that they will ever try or become addicted to drugs. Unfortunately, unscrupulous drug dealers are all too aware of statistics like these and have developed new techniques and marketing gimmicks to lure in younger users. As a parent and now grandparent, this is extremely troubling.

These drug dealers are flavoring drugs with additives to make them taste like candy. For instance, some drugs that have been recovered by the DEA and local law enforcement have been flavored to taste like strawberry and are known as "Strawberry Quick." Other flavors, such as lemon, coconut, cinnamon and chocolate are clearly being used to make highly addictive drugs like meth and cocaine seem less harmful and more appealing. These flavored drugs are also being marketed in smaller amounts, making them cheaper and more accessible to children. According to an article in *USA Today*, at least eight States have reported instances involving candy flavored drugs, and many law enforcement officials are expecting these deadly substances to infiltrate their States in the near future.

The DEA recently arrested three men in an undercover operation in California where candy flavored cocaine was being distributed. The DEA seized at least four different flavors of cocaine along with other dangerous substances. The estimated street value of the flavored cocaine seized in this operation was \$272,400. The DEA also arrested 12 people in connection to a marijuana-laced candy and soft drink operation in 2006. The marijuana-laced candy that was seized in this operation was packaged to look like well known brand name candy bars. These drug busts further illustrate the fact that drug dealers will stop at nothing to hook a new generation on these deadly substances.

Currently, Federal law enhances the criminal penalties that apply when a person sells drugs to anyone under the age of 21. When this occurs, the Federal penalties are doubled—or tripled for a repeat offense—and a mandatory minimum of at least 1 year must also apply. However, this penalty applies only to someone who actually sells drugs to someone under 21.

The Saving Kids from Dangerous Drugs Act would expand the circumstances under which these en-

hanced penalties apply to cover the entire operation. Under our bill, the enhanced penalties that already exist would also apply to anyone who knowingly or intentionally manufactures, creates, distributes, dispenses or possesses with the intent to distribute a controlled substance that has been flavored, colored, packaged or otherwise altered in a way that is designed to make it more appealing to a person under 21 years of age. The DEA busts are prime examples of why we need this bipartisan bill to keep drug dealers from peddling their poison to our children. I am pleased that the National Narcotics Officers Association Coalition is strongly supporting this measure. This organization represents 69,000 law enforcement officers who encounter these terrible substances on a daily basis and work endlessly to keep our children and communities safe.

The fight against deadly drugs is an ongoing struggle. We must do all we can to protect the most vulnerable among us. We must send a clear message to those wishing to prey on our youth that you risk serious prison time when you target our future.

Although this bill was passed out of the Judiciary Committee unanimously last year, the Senate never passed the bill in the 110th Congress. I ask that my colleagues join us in support of this important legislation and pass the Saving Kids from Dangerous Drugs Act.

#### EARLY CHILDHOOD EDUCATION

Mrs. MURRAY. Mr. President, I began my career as a preschool teacher back in my home State of Washington. That background has given me valuable insight into how important early childhood education is throughout a person's life.

As a preschool teacher, I could tell from the first day which kids in my class had parents at home who read to them. At 4 years old, those kids were already ahead of their classmates because they had been introduced to words and books, and they were interested in learning.

I have been proud to work here in the Senate to support education programs like Head Start that help more kids get an equal start in school. So I rise today to talk about two bills I reintroduced this week with my colleague on the other side of the aisle, Senator BOND, as well as Senator CLINTON.

The bills—the Education Begins at Home Act and the Ready to Learn Act—are a pair designed to help prepare children for school by focusing on their learning at home and at preschool and childcare programs.

Both of these bills are based on research, and they expand on programs and efforts we already know work. They also have one component I especially like—they don't just focus on teachers—they support parents learning how to give their kids a healthy start. So I would like to spend a moment describing them.

The first—the Education Begins at Home Act—would create the first Federal stream of money to help teach parents how to care for their kids, starting at birth.

The bill would enable State and local governments to create programs that teach parents about healthy parent-child relationships, about boosting child development, about the demands and stress associated with caring for babies, about how to deal with difficult behavior, and about how to recognize postpartum depression.

Most of us here know how difficult it is to be a new parent—especially when you are under stress because of work or military service. The programs this bill would create will help prevent child abuse and teach parents about how their children grow and develop emotionally and intellectually.

I know how important the Parents as Teachers Program is to families in Washington State with young children, and I believe we need to expand on the success of this program and others around the country.

The second bill builds on the first by creating a competitive matching grant program within No Child Left Behind. It would fund high quality early childhood programs aimed at promoting school readiness for low-income children, particularly 4 year olds. And it would help reduce class sizes, increase teacher salaries, and require States to report regularly on the effectiveness of these programs.

Research shows that children who get good prekindergarten education are less likely to fall behind or need special education services—and they are more likely to graduate from high school.

To give you just one example, kids who learn the names and sounds of letters before they enter kindergarten are 20 times more likely to read simple words by the end of kindergarten. And children who don't learn the same skill before they start school often fail to catch up—ever.

In other words, the early childhood education programs—like those we fund in this bill—are a great investment that will pay off in dividends later. They save money in the long run and help kids get the best possible start in life.

As I said at the beginning of my remarks, I have been a strong supporter of early childhood education for my entire career. But given our economic crisis, investments like the ones I am talking about today are more important than ever before.

I believe that strengthening our schools and making sure our kids are prepared for tomorrow's workplace are going to be the keys to economic recovery. We need to build a workforce that is the most competitive in the world so that we can recruit and hold onto good-paying jobs. And we can't do it unless all of our children get the strongest possible start in life.

So I urge my colleagues to support these bills and help our kids get on a path to learn and succeed.

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.

The PRESIDING OFFICER. In my capacity as a Senator from the State of Oregon, I ask unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

#### RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. In my capacity as a Senator from the State of Oregon, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 2:30 p.m., recessed subject to the call of the Chair and reassembled at 2:34 p.m. when called to order by the Presiding Officer.

The PRESIDING OFFICER. In my capacity as the Senator from the State of Oregon, I suggest the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### MORNING BUSINESS

Mr. REID. Mr. President, are we in a period of morning business?

The PRESIDING OFFICER. Yes.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO ELIZABETH SELLERS

• Mr. CRAPO. Mr. President, I would like to recognize Elizabeth Sellers on her retirement from the Department of Energy after 26 years. Beth most recently spent 6 years as DOE's Idaho Site Manager at the Idaho National Lab, INL. During her time there, the INL was created as the lead nuclear research and development laboratory for DOE, and a separate project, the Idaho Cleanup Project, was created to manage and clean up the radioactive waste at the site. Since 2003, Beth has overseen the work of 300 Federal employees and approximately 6,500 contractors. Beth's leadership and vision has helped further the critical energy and national security missions of INL and the Advanced Mixed Treatment Project with a commitment to excellence and safety. She has been at the helm as significant state milestones have been met through the Idaho Cleanup Project, and she will be missed at the lab.

Beth was not satisfied simply leading efforts at the lab. She knows the importance of community and maintaining strong community ties, both as the DOE Site Manager and on a personal level. She immersed herself in the Idaho Falls community life, volunteering in a number of different organizations, giving back to her host community. She not only leaves big shoes to fill in her professional life, she leaves a hole in the community as well.

I wish Beth well in her future endeavors overseas and have appreciated working with her during her time at INL. •

##### TRIBUTE TO NORRIS O'NEIL CHANDLER

• Mrs. McCASKILL. Mr. President, today I recognize Mr. Norris O'Neil Chandler and his lifetime of service to his country and his community. Mr. Chandler was born in Chaffee, MO, on August 11, 1923, and enlisted in the Regular Army at Jefferson Barracks. Following basic training he was assigned to a special amphibious engineering unit activated for World War II—the 149th Engineer Combat Battalion.

Mr. Chandler bravely participated in the monumentally important invasion of France on Omaha Beach on June 6, 1944, as a demolition specialist for the 149th. He would fight alongside his brethren, all of whom have rightfully become known as the Greatest Generation, from those Normandy beaches all the way to Germany, enduring hardship, tragedy, and triumph along the way. His efforts were one small part of changing the world as the forces of evil that sought to exterminate an entire religion and to deny freedom to so many were defeated. Mr. Chandler returned home, and like so many of his fellow veterans never stopped doing his small part to serve his country nor ever asked for anything in return for his humble service. This type of character cannot be taught, but it certainly can be appreciated. It is the finest exemplar of American values, and I honor Mr. Chandler and his American values today.

More specifically, following his service in WWII, Mr. Chandler became part of the newly activated Organized Reserve Corps, which developed into what is known today as the U.S. Army Reserve. Mr. Chandler continued his service in the Reserve Corps from December 1945 until October 1951, at which point he entered civilian service with the Missouri Military District, 11th Army Corps, St. Louis, MO, where he held various positions. Over 40 years later, Mr. Chandler remains employed by this organization, now known as the Directorate of Logistics-Washington's Media Distribution Division. This sort of longevity, commitment and humble service is hard to even comprehend in today's world, but it is easy to understand when you think of the values of the Greatest Generation that Mr. Chandler exudes.

It is because of people like Mr. Norris O'Neil Chandler that I am so proud to be a Senator representing the State of Missouri. I have even been told that he has more than 3,300 hours of unused sick leave, and has donated much of his annual leave to other employees through the leave donation program. It is because of the generosity and dedication of people like Mr. Chandler that the United States of America is the great Nation that it is.

For 60 years, Mr. Chandler has given so much to his country, his community, and his family, yet demanded so little back. I wish today to give my simple, humble thanks to this American hero. I have the utmost respect and gratitude for those who live their lives like Mr. Chandler. As we honor him today, he is a reminder to all of us of the true value of selfless service, and the impact of that service in our communities, our States, and our country. •

##### MESSAGE FROM THE PRESIDENT

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

##### ECONOMIC REPORT OF THE PRESIDENT DATED JANUARY 2009 WITH THE ANNUAL REPORT OF THE COUNCIL OF ECONOMIC ADVISERS FOR 2009—PM-7

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 Joint Economic Committee:

*To the Congress of the United States:*

The American economy has consistently proven its strength and resilience in the face of shocks such as natural disasters, high energy prices, and the terrorist attacks of September 11. The economy experienced 6 years of uninterrupted expansion, which included a record stretch of 52 consecutive months of job creation. The past year saw this growth cease as several forces that developed over many years in the credit and housing markets converged. The combination of these factors, coupled with a sustained period of rising energy prices, was sufficient to threaten the entire financial system and generated a shock so large that its effects have been felt throughout the global economy.

Under ordinary circumstances, it would be preferable to allow the free market to take its course and correct over time. But the Government has a responsibility to safeguard the broader health and stability of our economy. Under the extraordinary circumstances created by the financial crisis, the potential damage to American households and businesses was so severe that a systemic, aggressive, and unprecedented Government response was the only responsible policy option.

The actions taken by my Administration in response to the financial crisis have laid the groundwork for a return to economic growth and job creation, and they are beginning to show some early results. A measure of stability has returned to the financial system. There will, of course, continue to be challenges. Temporary Government programs must remain temporary and be unwound in an orderly manner as soon as conditions warrant. Financial regulations must be modernized to reflect the realities of the 21st century, and these efforts should ensure that the objective of protecting consumers and investors does not come at the expense of the flexibility required for innovations to come to the market. We must also continue to trust Americans with the responsibility of homeownership and empower them to weather turbulent times in the market by helping creditworthy homeowners avoid foreclosure.

As the country navigates through this trying period, we must never lose sight of the enormous benefits delivered by the free enterprise system. Americans have good reasons to be confident about the long-term health of our economy. Despite the current difficulties, there are a number of positive economic factors. Inflationary pressures have moderated as record high prices for oil and gasoline have retreated. Productivity growth, which helps to increase our standard of living and improve our international competitiveness, remains solid. The American economy continues to be the largest and most dynamic in the world, and its solid foundation of flexible labor markets, low tax rates, and open trade and investment policies all contribute to its ability to recover fairly quickly from shocks. Over the past 8 years, my Administration has worked to strengthen this foundation by adopting pro-growth, market-oriented policies, and our policies will position the economy for a strong rebound and continued long-run growth.

Sound economic policy begins with keeping taxes low. The tax relief enacted by my Administration was the largest in a generation. Tax rates have been lowered for every American who pays income taxes. More than 13 million Americans had their Federal income tax liability completely eliminated, and individuals and businesses have kept \$1.7 trillion of their own hard-earned money. Raising taxes at any time reduces our international competitiveness and further distorts the decisions of individuals and businesses; doing so in the current environment would have serious consequences for the economy. This tax relief has been a key factor in promoting the economic growth and job creation of recent years, and it should be made permanent. Unless the Congress acts, most of the tax relief that we have delivered over the past 8 years will be taken away, and 116 million American taxpayers will see their taxes rise.

The Government also has a responsibility to spend the taxpayers' money wisely. Over the course of my Administration, the rate of growth in nonsecurity discretionary spending has steadily decreased from more than 16 percent in 2001 to below the rate of inflation today. While the financial crisis has required significant taxpayer investments that will increase the budget deficit, we expect that most or all of those investments will be paid back to taxpayers over time. The greatest challenge to the fiscal health of the country remains the unsustainable growth in entitlement programs such as Social Security, Medicare, and Medicaid. I have laid out responsible, innovative solutions to address these challenges, which will otherwise only grow more difficult to solve over time. The Congress has an obligation to confront these issues.

Government does have a role to play in health care, but a robust private market is critical to ensuring that health care is affordable and accessible for all Americans. My Administration has sought to balance public and private roles in health care with market-oriented policies that increase the efficiency of health care delivery, encourage competition, and leave decisions in the hands of individuals and their doctors. For example, enactment of the Medicare prescription drug benefit program has provided more than 40 million Americans with better access to prescription drug coverage, expanded competition in Medicare, trusted consumers to make their own health care decisions, and the costs have been much lower than originally estimated. The introduction of Health Savings Accounts has also provided consumers with greater access to affordable health care plans. There is much more that can be done to improve health care, such as adopting medical liability reform, eliminating the bias in the tax code against those who do not receive health insurance through their employers, and increasing the power of small employers, civic groups, and community organizations to negotiate lower-priced health premiums. These policies would help reduce frivolous lawsuits that increase patients' costs, promote the use of health savings accounts, and encourage competition among health plans across State lines.

To be competitive in the global marketplace, the United States must remain open to international trade and investment and reject the false promise offered by protectionist policies. American workers and businesses can compete with anyone in the world, as evidenced by the remarkable performance of American exports in recent years. When I took office, the United States had free trade agreements (FTAs) in force with only three countries. Today, we have FTAs in force with 16 countries. I thank the Congress for its approval of these agreements and strongly encourage prompt approval of the agreements with Colom-

bia, Panama, and South Korea that will benefit our country. These agreements will provide greater access for our exports, support good jobs for American workers, and promote America's strategic interests. We also have an unprecedented opportunity to reduce barriers to global trade and investment through a successful conclusion to the World Trade Organization Doha Round negotiations. In addition, the Congress should reauthorize and reform trade adjustment assistance so that we can help those workers whose jobs are displaced to learn new skills and find new jobs.

The rapid increase in energy prices in the past year exposed just how dependent our economy is on oil. We must continue taking steps to increase our energy security. The Energy Policy Act of 2005 and the Energy Independence and Security Act of 2007 were major steps toward this goal, but in the short term, our country will continue to rely on fossil fuels for most of its energy supply. I am pleased that the Congress recognized this reality and agreed to remove restrictions that will allow responsible oil and gas exploration on the Outer Continental Shelf and expanded access to oil shale to help meet America's energy needs. In the long run, our energy security will require advances in clean and renewable energy technologies. My Administration has worked to reduce gasoline consumption and promote alternative fuels to transform the way Americans power their cars and trucks. We have also worked to develop cleaner energy sources to power Americans' homes and places of work, such as clean coal, nuclear, solar, and wind power. At home, we are on the path to slow, stop, and eventually reverse the growth of greenhouse gas emissions, but substantial reductions in global greenhouse gas emissions are only possible with the concerted action of all countries. The Major Economies Process launched by my Administration in 2007 has brought all major economies together to discuss a common approach to a global climate agreement that includes the meaningful participation of all major economies.

The creativity, ingenuity, and resourcefulness of the American people is our country's greatest strength, and a vibrant education system is key to maintaining our Nation's competitive edge and extending economic opportunity to every citizen. Workers who invest in their education and training enjoy higher incomes and greater job security. The No Child Left Behind Act has succeeded in bringing greater accountability to schools, and the results are clear; as one example, African American and Hispanic students are posting all-time high scores in a number of categories. The Congress should reauthorize this vital law, and our Nation must continue to demand results and accountability from our educational system. To be competitive in the global economy, American workers

also need to continually update their skills. To that end, my Administration has invested nearly \$1 billion in new job training initiatives to ensure our workforce has the skills required of 21st century jobs. We have also nearly doubled support for Pell Grants to help millions of low-income Americans afford college tuition. The technological innovation that drives our global economic leadership depends on continued scientific discoveries and advancements, and I am pleased that the Congress authorized the doubling of basic research in key physical science and engineering agencies as I proposed in my American Competitiveness Initiative (ACI). I urge the Congress to appropriate these ACI funds promptly to help sustain our economy's long-term competitive position.

Many of these issues are discussed in the 2009 *Annual Report of the Council of Economic Advisers*. The Council has prepared this Report to help policymakers understand the economic conditions and issues that underlie my Administration's policy decisions. Free market policies have lifted millions of people out of poverty and given them the opportunity to build a more hopeful life. By continuing to trust the decisions of individuals and markets and pursuing pro-growth policies, Americans can be confident that the economy will emerge stronger than ever from its current challenges, with greater opportunity for prosperity and economic growth.

GEORGE W. BUSH. *The White House.*

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 2. An act to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BAUCUS, from the Committee on Finance, without amendment:

S. 275. An original bill to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes.

#### 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. BAUCUS:

S. 274. A bill to amend the Internal Revenue Code of 1986 to provide an incentive to hire unemployed veterans; to the Committee on Finance.

By Mr. BAUCUS:

S. 275. An original bill to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Pro-

gram, and for other purposes; from the Committee on Finance; placed on the calendar.

By Mrs. FEINSTEIN (for herself and Mr. CORNYN):

S. 276. A bill to establish a National Commission on Entitlement Solvency; to the Committee on Finance.

By Mr. REID (for Mr. KENNEDY (for himself, Mr. HATCH, Ms. MIKULSKI, Mr. MCCAIN, Mr. DODD, Mr. COCHRAN, Mr. REID, Mr. GREGG, Mr. DURBIN, Mr. WICKER, Mrs. MURRAY, Ms. SNOWE, Mr. KERRY, Mrs. LINCOLN, Mr. CARDIN, Mr. ROCKEFELLER, Mr. SCHUMER, Mr. WHITEHOUSE, Mr. MENENDEZ, Mr. BAYH, and Ms. LANDRIEU)):

S. 277. A bill to amend the National and Community Service Act of 1990 to expand and improve opportunities for service, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HATCH (for himself, Mr. KENNEDY, Mr. GREGG, and Mr. COCHRAN):

S. 278. A bill to amend the Internal Revenue Code of 1986 to provide for a tax credit for qualified donations of employee services; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mr. CRAPO, Mr. KERRY, Ms. SNOWE, and Mr. SCHUMER):

S. 279. A bill to amend the Internal Revenue Code of 1986 to modify the limitations on the deduction of interest by financial institutions which hold tax-exempt bonds, and for other purposes; to the Committee on Finance.

By Mr. BAUCUS (for himself and Mr. TESTER):

S. 280. A bill to develop a program to acquire interests in land from eligible individuals within the Crow Reservation in the State of Montana, and for other purposes; to the Committee on Indian Affairs.

By Mr. KOHL:

S. 281. A bill to promote labor force participation of older Americans, with the goals of increasing retirement security, reducing the projected shortage of experienced workers, maintaining future economic growth, and improving the Nation's fiscal outlook; to the Committee on Health, Education, Labor, and Pensions.

By Mr. VITTER:

S.J. Res. 6. A joint resolution proposing an amendment to the Constitution of the United States relating to United States citizenship; to the Committee on the Judiciary.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CHAMBLISS (for himself, Mr. ISAKSON, Mr. BROWN, Mr. KENNEDY, Mr. SESSIONS, Mr. ALEXANDER, and Mr. COCHRAN):

S. Res. 15. A resolution acknowledging the lifelong service of Griffin Boyette Bell, a legal icon, to the State of Georgia and to the United States; considered and agreed to.

By Mrs. MURRAY (for herself and Ms. COLLINS):

S. Res. 16. A resolution designating the week of February 2 through February 6, 2009, as "National School Counseling Week"; considered and agreed to.

By Mr. SCHUMER (for himself, Mrs. CLINTON, Mrs. BOXER, Mrs. FEINSTEIN, Mrs. HAGAN, Mr. BURR, Mr. KOHL, and Mr. FEINGOLD):

S. Res. 17. A resolution recognizing and honoring Captain Chesley "Sully" Sullenberger III, his co-pilot Jeffrey Skiles, the crewmembers of U.S. Airways Flight

1549, and the first responders, ferry operators and tug boat drivers of New York City, for their heroic and intuitive roles in the safe emergency landing of U.S. Airways Flight 1549; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 84

At the request of Mr. VITTER, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 84, a bill to close the loophole that allowed the 9/11 hijackers to obtain credit cards from United States banks that financed their terrorist activities, to ensure that illegal immigrants cannot obtain credit cards to evade United States immigration laws, and for other purposes.

S. 95

At the request of Mr. VITTER, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 95, a bill to prohibit appropriated funds from being used in contravention of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mrs. FEINSTEIN (for herself and Mr. CORNYN):

S. 276. A bill to establish a National Commission on Entitlement Solvency; to the Committee on Finance.

Mrs. FEINSTEIN. Mr. President, I rise today on behalf of myself and Senator CORNYN to introduce legislation that will address one of the most serious problems facing our Nation—the long-term health of Social Security and Medicare.

Today we propose a bipartisan, independent and permanent commission to return these essential programs to solid financial footing for generations to come.

Our legislation mandates the periodic, comprehensive review of Social Security and Medicare to ensure their present and future solvency.

By a year from the date of enactment, it requires the Commission to devise and recommend to Congress and the President a benefit and revenue structure that allows Social Security and Medicare to become, once again, stable and effective over the long-term.

The problem we face is astronomical. President-elect Barack Obama is well aware of this, and said so on the front page of today's Washington Post.

He recognizes the growing threat this problem represents to the long-term health of our economy, and to the American people. So I look forward to working with him to find ways to ensure the long-term health of these great American institutions.

He recognizes, as Senator CORNYN and I do, that inaction is dangerous.

The Congressional Budget Office announced last week that the fiscal year 2009 deficit is projected to reach \$1.2 trillion, a new record.

The three largest entitlement programs, Social Security, Medicare, and



Medicaid, are expected to grow by at least 8 percent this year.

Meanwhile, the Social Security funding shortfall has ballooned to roughly \$4.3 trillion—the amount necessary to continue full benefits being paid past 2083.

Medicare is in far worse shape, needing \$12.4 trillion over the next 75 years to close the gap and remain in balance.

The numbers tell the story: growing cash flow deficits will exhaust the Medicare trust fund in 2019, and Social Security reserves will be overcome in 2041, according to the most recent Trustees report.

Our legislation takes a new approach and is bipartisan to the core.

Fifteen experts, some of whom are Members of Congress from the committees of jurisdiction, are appointed. They take a full year to conduct town hall meetings nationwide, assess these trillion dollar programs from top to bottom, and rationalize their cost structure through intensive evaluation.

We advocate an open and transparent process, where all American voices can be heard.

Too often during my time in the Senate I have seen approaches that rely strictly on elected officials meeting privately and out of the public view fail. A workable solution to these problems must be transparent.

In the 110th Congress alone, there were no less than six proposals to reform Social Security. The Commission we propose would not be offering one-time solutions that get tossed aside and collect dust.

Far from it: the Commission's detailed analysis, nonpartisan recommendations and findings are provided in writing and take the form of legislation that Congress formally considers.

The Senate and House, in turn, through expedited legislative procedures, will hopefully be poised to amend if need be and then enact the changes into law. To be clear, this legislation will not prevent our colleagues from the opportunity to improve the Commission's proposals.

We do not hold out, today, certain ideas that we believe the members of the commission ought to consider.

We rely on their independent expertise and motivation to derive what is best for the Nation. Then we let the chips fall where they may from there.

President-elect Obama's choice to lead the Office of Management and Budget, Peter Orszag, agrees that Social Security is one of America's most successful Government programs.

But failure to act on real reform, in his words, "merely exacerbates the painful choices that will ultimately be necessary."

While such reforms will be difficult, he ultimately argues that, "Social Security can be mended in a safe, realistic way, while protecting the most vulnerable beneficiaries."

I believe Mr. Orszag is correct. It will be only a matter of time before we

must implement real Social Security reform.

That's because 51 million people, or 1 out of every 6 Americans, depend on it.

And by 2034, an astounding 74 million Americans will receive this guaranteed benefit. At that time there will be only 2.1 workers for every one beneficiary.

For more than 20 percent of retirees, Social Security is it: their only source of income.

For half of those 51 million, Social Security keeps them out of poverty. And for almost two-thirds, Social Security makes up more than half of their total income.

Six and one half million widows and widowers rely on Social Security, as do 7.5 million disabled workers and their 1.6 million children.

The long-term challenges are significant. It's not a crisis; we have time to implement gradual reform over time, but we need to get started.

However, the current economic crisis leads me to believe that nothing is for certain.

While the projected shortfall for Social Security amounts to about \$4.3 trillion, the fact of the matter is that 100 percent of benefits can be paid until 2041 by some estimates, Social Security Administration, or 2049 by others, CBO. Beyond that time horizon, 78 percent of benefits can be paid.

So the bottom line is that there is the time, the know-how, and the resources to, be able to maintain the current system, with phased adjustments occurring over many years to the Social Security Trust Fund.

The key, of course, is coming to a rational consensus—Democrats and Republicans united—in the effort to make Social Security solvent from this day forward.

Most budget experts agree that the Social Security problem pales in comparison to the enormous shortfall facing Medicare Trust Fund, Part A—over the next 75 years a total of \$12.4 trillion. The various technical estimates are that Medicare is projected to become insolvent far sooner than Social Security.

In fact, the most recent Medicare Trustees report confirms that the trust fund will be exhausted in 2019.

Closing the trust fund gap demands action.

Pressure on Medicare will only grow as the Baby Boom generation ages yet the number of beneficiaries skyrockets upwards—from 44 million now, a number which will double by 2030—as the Baby Boom generation ages.

Compounding the problem, the Congressional Budget Office projects that Medicare spending will rise to 10.8 percent of the gross domestic product by 2082, up from 3.2 percent of GDP today.

Because the program is financed through payroll taxes and general tax revenue, the pressure is building now on working Americans given the huge demographic changes we expect as Baby Boomers retire.

The plain truth is that surging health care costs exceed economy

growth. This health care spending must be controlled or Medicare faces a dire situation.

In closing, I should note that Congress is debating a historic stimulus initiative, designed to pull our economy out of this current downturn. While these investments are likely necessary, I strongly believe that they should be coupled with the framework to return to long-term fiscal sanity.

I know the incoming administration recognizes the gravity of this situation.

I look forward to working with the new President, and my colleagues, to advance positive solutions to address the looming entitlement crisis.

By Mr. HATCH (for himself, Mr. KENNEDY, Mr. GREGG, and Mr. COCHRAN):

S. 278. A bill to amend the Internal Revenue Code of 1986 to provide for a tax credit for qualified donations of employees services; to the Committee on Finance.

Mr. HATCH. Mr. President, I rise today to speak on the reintroduction of the Serve America Act. I, along with my good friend, the senior Senator from Massachusetts first introduced this legislation in the waning days of the 110th Congress, and I am proud to lend my support to the bill during this session. We are currently joined by 20 cosponsors, both Republican and Democrat.

I have long been a supporter and advocate for volunteer service. I believe that, when private citizens offer their time and talents to serve in their communities, they benefit along with those they have helped. Furthermore, I believe that, if we can encourage people to volunteer their services in their towns and neighborhoods, we can better address our Nation's most pressing problems.

The Serve America Act does many things. Most apparently, it creates new national service corps that will enlist the help of our people to address specific areas of national need, including education, energy efficiency, access to health care, economic opportunity for the disadvantaged, and disaster relief. It also encourages individuals and nonprofit groups to come up with new and innovative ways to encourage volunteerism and to use the help of volunteers effectively. In addition, it enlists the help of the private sector in addressing important needs in our nation and community.

As in the 110th Congress, Senator KENNEDY and I have agreed that, when this bill goes through the HELP Committee, we will work together to ensure that the spending authorized in the bill will be offset. In this way, the bill will be budget-neutral, providing much needed assistance to the nonprofit sector without adding to the Federal deficit. Indeed, the American people have made it clear time and again that they desire fiscal responsibility in Congress. Due to this agreement, the Serve America Act meets those demands.

Senator KENNEDY and I are also re-introducing the Incentive to Serve Tax Act as a companion piece to the Serve America Act. This bill would provide tax incentives to encourage companies to allow their employees to volunteer their services on company time. Specifically, the bill would provide companies a tax credit equal to 25 percent of the compensation paid to an employee who performs at least 160 hours of a specified charitable service.

As you might know, a handful of large corporations presently have programs to provide managerial and educational workers to schools and community organizations. This tax incentive would encourage these companies to do even more as well as encourage other companies that, up to now, may not have been able to afford to provide such service. This will allow businesses to utilize their employees with various skills and knowledge to target specific areas that need to be addressed in the communities where those workers live and work. In the end, everyone will benefit.

Mr. President, these two bills represent a bipartisan effort to harness the talents, generosity, and ingenuity of the American people. I believe that this is an effort that Members from both parties can and should support. I urge all my colleagues—Republicans and Democrats alike—to support this important legislation.

I yield the floor.

By Mr. BINGAMAN (for himself, Mr. CRAPO, Mr. KERRY, Ms. SNOWE, and Mr. SCHUMER):

S. 279. A bill to amend the Internal Revenue Code of 1986 to modify the limitations on the deduction of interest by financial institutions which hold tax-exempt bonds, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today to introduce the Municipal Bond Market Support Act of 2009. This bill is similar to one that Senator CRAPO and I introduced in the 110th Congress, and I am grateful for Senator CRAPO's continued leadership on this issue, as well as the cosponsorship of Senators KERRY, SNOWE, and SCHUMER.

One of the most unfair—but least discussed—impacts of the credit crisis is its severe disruption of the municipal bond market. By reducing state and local governments' access to financing, increasing interest costs, and shrinking the universe of available investors, this disruption is threatening critical infrastructure investments that generate significant economic activity, just when the need for infrastructure enhancements could not be more apparent.

Municipal bonds have long played an essential role in financing the construction, expansion, and repair of schools; highways, roads, and bridges; affordable housing; hospitals; public transit; water and sewage systems; and community-owned utilities. But currently, the municipal bond market is

significantly impaired. This situation has been caused by reasons completely extrinsic to events in the municipal bond market; indeed, municipal bonds remain among the safest securities in the world, with extremely low default rates.

Because of this market impairment, states, municipalities and authorities have been and are continuing to face unreasonably high debt issuance costs. Due to these high costs, many other state and local governments are finding themselves suddenly unable to issue debt. For instance, in the fourth quarter of 2008, bond issuance fell 33 percent compared to the fourth quarter of 2007, representing a \$35 billion drop.

The pain is being felt by States and municipalities across the country, which have had to curtail new bond issuances, delay, or withhold borrowing altogether from the capital markets. For instance, in Connecticut, the state sought to sell \$500 million in General Obligation bonds, but was only able to sell \$99 million. As an indication as to how interest rates have increased significantly, secondary market trading data indicates that, for instance, through the beginning of 2009 a Clayton, New Mexico, revenue bond series saw a 230 basis point increase. This increase is indicative of the increase in costs that the city would incur if they had to issue new bonds today, a rate of 7.60 percent, whereas a year ago the same issue would likely have been issued at 5.29 percent.

Infrequent issuers are experiencing an even more difficult time accessing the markets. A study by Municipal Market Advisors found that for issuers that borrow once a year or less, borrowing costs increased by at least 200 basis points during the last half of last year; in many cases, the increase exceeded 250 basis points. For a state or locality issuing \$100 million in 30-year bonds, a 200 basis point increase translates to \$60 million in additional interest payments over the 30 years. Ultimately, these higher costs will be the responsibility of taxpayers, through higher taxes and/or reductions in other investments or services.

As Congress looks to legislation that will spur a national economic recovery, we should enhance demand for municipal bonds by liberalizing restrictions on banks' ability to acquire municipal debt.

Since the enactment of the Federal income tax in 1913, Congress has supported the municipal bond market by exempting municipal bond interest from taxation. Tax exemption is an effective means of conferring Federal assistance on state and local capital investments; it also recognizes that decisions about which projects to fund are most appropriately made at the State or local level. Historically, banks were significant purchasers of tax-exempt debt. But the Tax Reform Act of 1986 severely curtailed banks' participation by automatically disallowing deductions for interest expense whenever

municipal bonds are purchased. The Act left an exception only for bonds purchased from smaller municipalities, those selling no more than \$10 million of bonds each year. In contrast, non-bank corporations are permitted to hold up to 2 percent of their total assets in tax-exempt bonds, regardless of the size of the issuer, without jeopardizing interest expense deductibility.

Given the severe challenges affecting the municipal bond markets, now is the time to modify these limitations and thus help channel additional capital to critical infrastructure projects.

First, the Act will extend the 2 percent de minimis rule to banks, placing them on the same footing as other corporate investors.

Second, the Act will raise the \$10 million small issuer exception to \$30 million. Because the \$10 million level was not indexed to inflation, its purchasing power has eroded significantly since 1986, leaving many smaller governments either to defer projects to comply with this low limit or find non-bank purchasers.

Finally, the Act will ensure that the small issuer is made applicable at the ultimate borrower level, so that bonds benefiting non-profit universities and hospitals will not exceed the limitation merely because they issue bonds through statewide authorities.

Taken together, these steps promise to significantly boost municipal bond demand, adding liquidity to the market. For instance, Municipal Market Advisors projects that extending the 2 percent de minimis rule to banks would increase their municipal debt purchasing power by \$56 billion. Additional demand will enable municipalities across the nation, and particularly those in small and rural communities, to finance the critical infrastructure projects that play an important role in growing our national economy.

Ten national organizations representing state and local governments are supporting the Act. I urge my colleagues to do the same.

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 placed in the RECORD, as follows:

S. 279

*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 "Municipal Bond Market Support Act of 2009".

#### SEC. 2. MODIFICATION OF SMALL ISSUER EXCEPTION TO TAX-EXEMPT INTEREST EXPENSE ALLOCATION RULES FOR FINANCIAL INSTITUTIONS.

(a) INCREASE IN LIMITATION.—Subparagraphs (C)(i), (D)(i), and (D)(iii)(II) of section 265(b)(3) of the Internal Revenue Code of 1986 are each amended by striking "\$10,000,000" and inserting "\$30,000,000".

(b) REPEAL OF AGGREGATION RULES APPLICABLE TO SMALL ISSUER DETERMINATION.—Paragraph (3) of section 265(b) of such Code is amended by striking subparagraphs (E) and (F).

(c) ELECTION TO APPLY LIMITATION AT BORROWER LEVEL.—Paragraph (3) of section

265(b) of such Code, as amended by subsection (b), is amended by adding at the end the following new subparagraph:

“(E) ELECTION TO APPLY LIMITATION ON AMOUNT OF OBLIGATIONS AT BORROWER LEVEL.—

“(i) IN GENERAL.—An issuer, the proceeds of the obligations of which are to be used to make or finance eligible loans, may elect to apply subparagraphs (C) and (D) by treating each borrower as the issuer of a separate issue.

“(ii) ELIGIBLE LOAN.—For purposes of this subparagraph—

“(I) IN GENERAL.—The term ‘eligible loan’ means one or more loans to a qualified borrower the proceeds of which are used by the borrower and the outstanding balance of which in the aggregate does not exceed \$30,000,000.

“(II) QUALIFIED BORROWER.—The term ‘qualified borrower’ means a borrower which is an organization described in section 501(c)(3) and exempt from taxation under section 501(a) or a State or political subdivision thereof.

“(iii) MANNER OF ELECTION.—The election described in clause (i) may be made by an issuer for any calendar year at any time prior to its first issuance during such year of obligations the proceeds of which will be used to make or finance one or more eligible loans.”

(d) INFLATION ADJUSTMENT.—Paragraph (3) of section 265(b) of such Code, as amended by subsections (b) and (c), is amended by adding at the end the following new subparagraph:

“(F) INFLATION ADJUSTMENT.—In the case of any calendar year after 2009, the \$30,000,000 amounts contained in subparagraphs (C)(i), (D)(i), (D)(iii)(II), and (E)(ii)(I) shall each be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting ‘calendar year 2008’ for ‘calendar year 1992’ in subparagraph (B) thereof.

Any increase determined under the preceding sentence shall be rounded to the nearest multiple of \$100,000.”

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2008.

### SEC. 3. DE MINIMIS SAFE HARBOR EXCEPTION FOR TAX-EXEMPT INTEREST EXPENSE OF FINANCIAL INSTITUTIONS AND BROKERS.

(a) FINANCIAL INSTITUTIONS.—Subsection (b) of section 265 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(7) DE MINIMIS EXCEPTION FOR BONDS ISSUED DURING 2009 OR 2010.—

“(A) IN GENERAL.—In applying paragraph (2)(A) there shall not be taken into account tax-exempt obligations issued during 2009 or 2010 (and paragraph (3)(A) shall be applied without regard to section 291(e)(1)(b) with respect to such obligations).

“(B) LIMITATION.—The amount of tax-exempt obligations not taken into account by reason of subparagraph (A) shall not exceed 2 percent of the amount determined under paragraph (2)(B).”

(b) BROKERS.—Subsection (a) of section 265 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(7) DE MINIMIS EXCEPTION FOR BONDS ISSUED DURING 2009 OR 2010.—

“(A) IN GENERAL.—In applying paragraph (2) to any broker (as defined in section 6045(c)(1)) there shall not be taken into account tax-exempt obligations issued during 2009 or 2010 (and paragraph (3)(A) shall be applied without regard to section 291(e)(1)(b) with respect to such obligations).

“(B) LIMITATION.—The amount of tax-exempt obligations not taken into account by reason of subparagraph (A) shall not exceed 2 percent of the taxpayer’s assets.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2008.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 15—ACKNOWLEDGING THE LIFELONG SERVICE OF GRIFFIN BOYETTE BELL, A LEGAL ICON, TO THE STATE OF GEORGIA AND TO THE UNITED STATES

Mr. CHAMBLISS (for himself, Mr. ISAKSON, Mr. BROWN, Mr. KENNEDY, Mr. SESSIONS, Mr. ALEXANDER, and Mr. COCHRAN) submitted the following resolution; which was considered and agreed to:

#### S. RES. 15

Whereas Griffin Boyette Bell was born on October 31, 1918, in Americus, Georgia, to Thelma Leola Pilcher and Adlai Cleveland Bell, a cotton farmer;

Whereas Griffin Boyette Bell died on January 5, 2009, at Piedmont Hospital in Atlanta, Georgia, after enduring long-term kidney disease and a battle with pancreatic cancer;

Whereas Griffin Boyette Bell was raised in the Shiloh community outside of Americus until his family moved into Americus to establish a tire retail store;

Whereas Griffin Boyette Bell proved himself a superior student in the Americus public schools, and later, at Georgia Southwestern College, also in Americus;

Whereas in 1942, Griffin Boyette Bell was drafted into the Army, where he served in the Quartermaster Corps and Transportation Corps;

Whereas Griffin Boyette Bell, while stationed at Fort Lee, Virginia, met and married Mary Powell, who also had family ties to Americus, Georgia, and they later had one son, Griffin Jr.;

Whereas in 1946, Griffin Boyette Bell, after being discharged from active duty in the Army with the rank of major, enrolled in Mercer University School of Law in Macon, Georgia;

Whereas Griffin Boyette Bell worked at the law firm of Anderson, Anderson, and Walker while in law school;

Whereas Griffin Boyette Bell, while still a law student, passed the Georgia bar examination and was appointed city attorney of Warner Robins, Georgia;

Whereas Griffin Boyette Bell, after graduating with honors from Mercer University School of Law in 1948, practiced law in Savannah, Georgia and Rome, Georgia;

Whereas in 1953, Griffin Boyette Bell accepted an offer to join the Atlanta law firm of Spalding, Sibley, Troutman and Kelley, later renamed King and Spalding;

Whereas in 1958, Griffin Boyette Bell was appointed chief of staff to Governor Ernest Vandiver and, while serving in that capacity, was influential in organizing the Sibley Commission, which mapped Georgia’s approach to school desegregation;

Whereas Griffin Boyette Bell, while chief of staff to Governor Ernest Vandiver, helped moderate State policy concerning civil rights and was instrumental in keeping Georgia’s schools open during that turbulent period;

Whereas in 1961, Griffin Boyette Bell was appointed by President John F. Kennedy to the United States Court of Appeals for the

Fifth Circuit, where he served for 14 years and often played an instrumental role in mediating disputes during the peak of the United States civil rights movement;

Whereas in 1976, President Jimmy Carter nominated Griffin Boyette Bell to be the 72nd Attorney General of the United States, and he was confirmed to that position on January 25, 1977;

Whereas Griffin Boyette Bell brought independence and professionalism to the Department of Justice during his tenure as Attorney General by daily posting his third-party contacts, including meetings and calls with the White House, Members of Congress, or other individuals who were not in the Justice Department;

Whereas Griffin Boyette Bell, in his capacity as Attorney General, advised the Carter administration and helped to increase the number of women and minorities serving on the Federal bench, including by recruiting Wade McCree, an African-American judge for the United States Court of Appeals for the Eighth Circuit, to serve as Solicitor General of the United States and Drew S. Days III, an African-American lawyer for the NAACP Legal Defense Fund, to head the Civil Rights Division of the Department of Justice;

Whereas Griffin Boyette Bell led negotiations to divide his former appellate court, the United States Court of Appeals for the Fifth Circuit, then spanning from Georgia to Texas, into two courts: a new United States Court of Appeals for the Fifth Circuit based in New Orleans and the United States Court of Appeals for the Eleventh Circuit based in Atlanta;

Whereas Griffin Boyette Bell, upon resignation as Attorney General in August 1979, was appointed by President Jimmy Carter as the Special Ambassador to the Helsinki Convention;

Whereas Griffin Boyette Bell served as a member of the Secretary of State’s Advisory Committee on South Africa from 1985 to 1987;

Whereas in 1989, Griffin Boyette Bell was appointed by President George H. W. Bush as the Vice Chairman of the President’s Commission on Federal Ethics Law Reform;

Whereas Griffin Boyette Bell served as counsel to President George H. W. Bush during the Iran-Contra affair investigation;

Whereas in September 2004, Griffin Boyette Bell was appointed Chief Judge of the United States Court of Military Commission Review; and

Whereas, during Griffin Boyette Bell’s career as a lawyer, he specialized in corporate internal investigations, many of which were high profile, including investigations of E.F. Hutton following Federal indictments for that firm’s cash management practices, Exxon Valdez after an oil spill in Alaska, and Procter and Gamble after rumors circulated that that company’s moon-and-stars logo was a satanic symbol: Now, therefore, be it

*Resolved*, That the Senate—

(1) acknowledges the lifelong service of Griffin Boyette Bell, a legal icon, to the State of Georgia and to the United States; and

(2) commends Griffin Boyette Bell for his tenure as Attorney General of the United States and his commitment to the United States civil rights movement.

### SENATE RESOLUTION 16—DESIGNATING THE WEEK OF FEBRUARY 2 THROUGH FEBRUARY 6, 2009, AS “NATIONAL SCHOOL COUNSELING WEEK”

Mrs. MURRAY (for herself and Ms. COLLINS) submitted the following resolution; which was considered and agreed to:

## S. RES. 16

Whereas the American School Counselor Association has declared the week of February 2 through February 6, 2009, as "National School Counseling Week";

Whereas the Senate has recognized the importance of school counseling through the inclusion of elementary and secondary school counseling programs in the reauthorization of the Elementary and Secondary Education Act of 1965;

Whereas school counselors have long advocated that the education system of the United States must leave no child behind and must provide opportunities for every student;

Whereas personal and social growth results in increased academic achievement;

Whereas school counselors help develop well-rounded students by guiding them through their academic, personal, social, and career development;

Whereas students face myriad challenges every day, including peer pressure, depression, the deployment of family members to serve in conflicts overseas, and school violence;

Whereas school counselors are among the few professionals in a school building who are trained in both education and mental health matters;

Whereas the roles and responsibilities of school counselors are often misunderstood, and the school counselor position is often among the first to be eliminated in order to meet budgetary constraints;

Whereas the national average ratio of students to school counselors of 476-to-1 is almost twice the 250-to-1 ratio recommended by the American School Counselor Association, the American Counseling Association, the American Medical Association, the American Psychological Association, and other organizations; and

Whereas the celebration of National School Counseling Week would increase awareness of the important and necessary role school counselors play in the lives of students in the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week of February 2 through February 6, 2009, as "National School Counseling Week"; and

(2) encourages the people of the United States to observe the week with appropriate ceremonies and activities that promote awareness of the role school counselors perform in the school and the community at large in preparing students for fulfilling lives as contributing members of society.

**SENATE RESOLUTION 17—RECOGNIZING AND HONORING CAPTAIN CHESLEY "SULLY" SULLENBERGER III, HIS CO-PILOT JEFFREY SKILES, THE CREWMEMBERS OF U.S. AIRWAYS FLIGHT 1549, AND THE FIRST RESPONDERS, FERRY OPERATORS AND TUG BOAT DRIVERS OF NEW YORK CITY, FOR THEIR HEROIC AND INTUITIVE ROLES IN THE SAFE EMERGENCY LANDING OF U.S. AIRWAYS FLIGHT 1549.**

Mr. SCHUMER (for himself, Mrs. CLINTON, Mrs. BOXER, Mrs. FEINSTEIN, Mrs. HAGAN, Mr. BURR, Mr. KOHL, and Mr. FEINGOLD) submitted the following resolution; which was considered and agreed to:

## S. RES. 17

Whereas Chesley Sullenberger III is a native of Danville, California;

Whereas Chesley Sullenberger III has a bachelor of science degree from the United States Air Force Academy, a master of science degree from Purdue University, and a master of the arts degree from the University of Northern Colorado;

Whereas Chesley Sullenberger III has been named a Visiting Scholar at the University of California, Berkeley;

Whereas Chesley Sullenberger III bravely served his country as a United States Air Force fighter pilot;

Whereas Chesley Sullenberger III has committed his career to aviation safety by serving as an instructor, safety chairman, accident investigator, and national technical committee member of the Air Line Pilots Association;

Whereas Chesley Sullenberger III has played an active role in numerous accident investigations by the United States Air Force and the National Transportation Safety Board;

Whereas Chesley Sullenberger III has played an important role in the development and implementation of the Crew Resource Management course used at U.S. Airways, and has educated hundreds of his colleagues in the course;

Whereas Chesley Sullenberger III is a veteran pilot who has flown for more than 40 years;

Whereas Jeffrey Skiles is a native of Oregon, Wisconsin;

Whereas Jeffrey Skiles has been flying planes since he was 15 years old;

Whereas Jeffrey Skiles has been an employee of U.S. Airways for 25 years;

Whereas, on January 15, 2009, Chesley Sullenberger III and his co-pilot Jeffrey Skiles averted a devastating disaster by safely and masterfully landing U.S. Airways Flight 1549 on the Hudson River in New York, New York;

Whereas Chesley Sullenberger III did not deplane his aircraft until all 150 passengers and 4 other crewmembers were safely evacuated;

Whereas the crewmembers of U.S. Airways Flight 1549 and the first responders, ferry operators, and tugboat drivers of New York City played critical roles in ensuring that the passengers and crewmembers on the airplane were expeditiously taken to safety, and that there were no fatalities in the accident;

Whereas Chesley Sullenberger III, Jeffrey Skiles, U.S. Airways Flight 1549 crewmembers, and the first responders, ferry operators, and tugboat drivers of New York City are true American heroes and are deserving of the praise and gratitude of the Nation: Now, therefore, be it

*Resolved*, That the Senate recognizes and honors Chesley Sullenberger III, Jeffrey Skiles, the crewmembers and passengers of U.S. Airways Flight 1549, and the first responders, ferry operators, and tugboat drivers of New York City for their heroic efforts in the safe emergency landing of U.S. Airways Flight 1549, which saved 155 lives.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 28. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 181, 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, and for other purposes; which was ordered to lie on the table.

SA 29. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 181, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 28.** Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 181, 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, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 3, line 22, strike "adopted," and all that follows through "including" on page 4, line 1, and insert "adopted or when an individual becomes subject to a discriminatory compensation decision or other practice, including".

**SA 29.** Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 181, 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, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 5, line 6, strike "adopted," and all that follows through "including" on page 5, line 10, and insert "adopted or when a person becomes subject to a discriminatory compensation decision or other practice, including".

## AUTHORITY FOR COMMITTEES TO MEET

## COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate to continue the hearing on the nomination of Eric H. Holder, Jr., to be Attorney General of the United States on Friday, January 16, 2009, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building.

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

## PRIVILEGES OF THE FLOOR

Mr. DORGAN. Mr. President, I ask unanimous consent that the following

interns in my office be granted the privilege of the floor for the duration of today's session of the Senate: Greg Innocent and Matt Hanson.

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

#### NOTICE: REGISTRATION OF MASS MAILINGS

The filing date for 2008 fourth quarter Mass Mailings is Monday, January 26, 2009. If your office did no mass mailings during this period, please submit a form that states "none."

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, D.C. 20510-7116.

The Public Records office will be open from 9 a.m. to 6 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office at (202) 224-0322.

#### 2009 KOREAN AMERICAN DAY

Mr. REID. Mr. President, I rise in honor of Korean American Day, a time we set aside to commemorate the arrival of the first Korean immigrants to the United States, more than 100 years ago. Since those original 102 immigrants set foot on our shores on January 13, 1903, the population of Korean Americans has grown to almost 2 million, bringing a wealth of talent, rich cultural heritage, and innovation to our Nation. In particular, Korean Americans have demonstrated tremendous bravery and skill in our country's armed forces, serving with distinction during both World Wars and the conflict in Korea.

Around 12,000 Korean Americans live in our own great State of Nevada, where they form a substantial part of Nevada's growing Asian community—in fact, Nevada's percentage of Asian Americans is now nearly 2 percent greater than the national average. Their entrepreneurial spirit has especially made significant contributions to Nevada's business sector, and I personally greatly admire and share their emphasis on the importance of strong family ties. As someone whose own life was transformed by education, I also commend the drive to academic excellence and pursuit of higher education which has led many Korean Americans to our country. As the Nevadan Korean-American community continues to increase, they enrich our state with this emphasis on close-knit families, a focus on cooperation, and a strong work ethic that has contributed to so much of their success.

Beyond our borders, the United States and South Korea share a long-standing, harmonious friendship. Our strategic partnership has brought substantial benefits to both our countries, and I look forward to a continued future of mutual cooperation.

I add my congratulations to all those joining together at events and cere-

monies across our country to recognize and honor Korean Americans' vibrant role in our society. The United States and Nevada have benefited greatly from their contributions, and I look forward to continuing to serve my Korea-American constituents as the senior Senator from Nevada.

#### UNANIMOUS CONSENT REQUEST—DIGITAL TELEVISION TRANSITION AND PUBLIC SAFETY ACT OF 2005

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the Digital Television Transition and Public Safety Act of 2005; further, that the bill be read three times, passed, the motions to reconsider be laid on the table, and that there be no intervening action or debate.

To more specifically define the bill, it is for the consideration of the Rockefeller bill which is at the desk, a bill to delay the Digital Television Transition and Public Safety Act of 2005 until June 13 of 2009.

The PRESIDING OFFICER. Is there an objection to the request?

Mr. REID. Mr. President, we alerted the minority that we were going to offer this, and because there are some problems with time, I understand there would be an objection to this request. As a result, I will withdraw my request and renew it probably on Tuesday or Wednesday.

The PRESIDING OFFICER. The request is withdrawn.

#### ACKNOWLEDGING THE LIFELONG SERVICE OF GRIFFIN BOYETTE BELL

Mr. REID. Mr. President, I ask unanimous consent to proceed to the consideration of S. Res. 15.

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

The legislative clerk read as follows:

A resolution (S. Res. 15), acknowledging the lifelong service of Griffin Boyette Bell, a legal icon, to the State of Georgia, and to the United States.

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

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid on the table.

The resolution (S. Res. 15) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 15

Whereas Griffin Boyette Bell was born on October 31, 1918, in Americus, Georgia, to Thelma Leola Pilcher and Adlai Cleveland Bell, a cotton farmer;

Whereas Griffin Boyette Bell died on January 5, 2009, at Piedmont Hospital in Atlanta, Georgia, after enduring long-term kidney disease and a battle with pancreatic cancer;

Whereas Griffin Boyette Bell was raised in the Shiloh community outside of Americus until his family moved into Americus to establish a tire retail store;

Whereas Griffin Boyette Bell proved himself a superior student in the Americus public schools, and later, at Georgia Southwestern College, also in Americus;

Whereas in 1942, Griffin Boyette Bell was drafted into the Army, where he served in the Quartermaster Corps and Transportation Corps;

Whereas Griffin Boyette Bell, while stationed at Fort Lee, Virginia, met and married Mary Powell, who also had family ties to Americus, Georgia, and they later had one son, Griffin Jr.;

Whereas in 1946, Griffin Boyette Bell, after being discharged from active duty in the Army with the rank of major, enrolled in Mercer University School of Law in Macon, Georgia;

Whereas Griffin Boyette Bell worked at the law firm of Anderson, Anderson, and Walker while in law school;

Whereas Griffin Boyette Bell, while still a law student, passed the Georgia bar examination and was appointed city attorney of Warner Robins, Georgia;

Whereas Griffin Boyette Bell, after graduating with honors from Mercer University School of Law in 1948, practiced law in Savannah, Georgia and Rome, Georgia;

Whereas in 1953, Griffin Boyette Bell accepted an offer to join the Atlanta law firm of Spalding, Sibley, Troutman and Kelley, later renamed King and Spalding;

Whereas in 1958, Griffin Boyette Bell was appointed chief of staff to Governor Ernest Vandiver and, while serving in that capacity, was influential in organizing the Sibley Commission, which mapped Georgia's approach to school desegregation;

Whereas Griffin Boyette Bell, while chief of staff to Governor Ernest Vandiver, helped moderate State policy concerning civil rights and was instrumental in keeping Georgia's schools open during that turbulent period;

Whereas in 1961, Griffin Boyette Bell was appointed by President John F. Kennedy to the United States Court of Appeals for the Fifth Circuit, where he served for 14 years and often played an instrumental role in mediating disputes during the peak of the United States civil rights movement;

Whereas in 1976, President Jimmy Carter nominated Griffin Boyette Bell to be the 72nd Attorney General of the United States, and he was confirmed to that position on January 25, 1977;

Whereas Griffin Boyette Bell brought independence and professionalism to the Department of Justice during his tenure as Attorney General by daily posting his third-party contacts, including meetings and calls with the White House, Members of Congress, or other individuals who were not in the Justice Department;

Whereas Griffin Boyette Bell, in his capacity as Attorney General, advised the Carter administration and helped to increase the number of women and minorities serving on the Federal bench, including by recruiting Wade McCree, an African-American judge for the United States Court of Appeals for the Eighth Circuit, to serve as Solicitor General of the United States and Drew S. Days III, an African-American lawyer for the NAACP Legal Defense Fund, to head the Civil Rights Division of the Department of Justice;

Whereas Griffin Boyette Bell led negotiations to divide his former appellate court, the United States Court of Appeals for the Fifth Circuit, then spanning from Georgia to Texas, into two courts: a new United States Court of Appeals for the Fifth Circuit based in New Orleans and the United States Court

of Appeals for the Eleventh Circuit based in Atlanta;

Whereas Griffin Boyette Bell, upon resignation as Attorney General in August 1979, was appointed by President Jimmy Carter as the Special Ambassador to the Helsinki Convention;

Whereas Griffin Boyette Bell served as a member of the Secretary of State's Advisory Committee on South Africa from 1985 to 1987;

Whereas in 1989, Griffin Boyette Bell was appointed by President George H. W. Bush as the Vice Chairman of the President's Commission on Federal Ethics Law Reform;

Whereas Griffin Boyette Bell served as counsel to President George H. W. Bush during the Iran-Contra affair investigation;

Whereas in September 2004, Griffin Boyette Bell was appointed Chief Judge of the United States Court of Military Commission Review; and

Whereas, during Griffin Boyette Bell's career as a lawyer, he specialized in corporate internal investigations, many of which were high profile, including investigations of E.F. Hutton following Federal indictments for that firm's cash management practices, Exxon Valdez after an oil spill in Alaska, and Procter and Gamble after rumors circulated that that company's moon-and-stars logo was a satanic symbol: Now, therefore, be it

*Resolved*, That the Senate—

(1) acknowledges the lifelong service of Griffin Boyette Bell, a legal icon, to the State of Georgia and to the United States; and

(2) commends Griffin Boyette Bell for his tenure as Attorney General of the United States and his commitment to the United States civil rights movement.

#### NATIONAL SCHOOL COUNSELING WEEK

Mr. REID. Mr. President, I now ask unanimous consent that we proceed to the consideration of S. Res. 16.

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

The legislative clerk read as follows:

A resolution (S. Res. 16) designating the week of February 2 through February 6, 2009, as "National School Counseling Week."

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

Mr. REID. Mr. President, I know the day is late, but I can't help but comment on this legislation. One of the big problems we have in America today is a total shortage of counselors. Most of our elementary schools have no counselors and high schools have just a few.

Speaking personally, I went to a relatively small high school in Henderson, NV, when I was a boy, and we had a part-time counselor in my high school. Her name was Mrs. Robinson. She taught government and also counseled. Mrs. Robinson called me out of class—I was a junior in high school—and she said: We have looked at all your records, and you should go to law school. Well, Mr. President, I had never met a lawyer, never been to a courthouse, and I knew nothing about lawyers and all that stuff, but because Mrs. Robinson told me that is what I should do, from that minute that was what I was going to be.

That is how important counselors are. I think this resolution is so indic-

ative of some of the problems we have in education today. We know all the problems that teachers have. Their job would be made so much easier if schools had adequate numbers of counselors to help teachers, parents, and children work through the problems that kids have growing up.

So, Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to this matter be printed in the RECORD.

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

The resolution (S. Res. 16) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 16

Whereas the American School Counselor Association has declared the week of February 2 through February 6, 2009, as "National School Counseling Week";

Whereas the Senate has recognized the importance of school counseling through the inclusion of elementary and secondary school counseling programs in the reauthorization of the Elementary and Secondary Education Act of 1965;

Whereas school counselors have long advocated that the education system of the United States must leave no child behind and must provide opportunities for every student;

Whereas personal and social growth results in increased academic achievement;

Whereas school counselors help develop well-rounded students by guiding them through their academic, personal, social, and career development;

Whereas students face myriad challenges every day, including peer pressure, depression, the deployment of family members to serve in conflicts overseas, and school violence;

Whereas school counselors are among the few professionals in a school building who are trained in both education and mental health matters;

Whereas the roles and responsibilities of school counselors are often misunderstood, and the school counselor position is often among the first to be eliminated in order to meet budgetary constraints;

Whereas the national average ratio of students to school counselors of 476-to-1 is almost twice the 250-to-1 ratio recommended by the American School Counselor Association, the American Counseling Association, the American Medical Association, the American Psychological Association, and other organizations; and

Whereas the celebration of National School Counseling Week would increase awareness of the important and necessary role school counselors play in the lives of students in the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week of February 2 through February 6, 2009, as "National School Counseling Week"; and

(2) encourages the people of the United States to observe the week with appropriate ceremonies and activities that promote awareness of the role school counselors perform in the school and the community at large in preparing students for fulfilling lives as contributing members of society.

#### HONORING CREW OF U.S. AIRWAYS FLIGHT 1549 AND NY CITY EMERGENCY RESPONDERS

Mr. REID. Mr. President, I ask unanimous consent to proceed to S. Res. 17.

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

The legislative clerk read as follows:

A resolution (S. Res. 17) recognizing and honoring Captain Chesley "Sully" Sullenberger, III, his copilot Jeffrey Skiles, the crewmembers of U.S. Airways Flight 1549, and the first responders, ferry operators, and tug boat drivers of New York City, for their heroic and intuitive roles in the safe emergency landing of U.S. Airways Flight 1549.

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

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

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

The resolution (S. Res. 17) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 17

Whereas Chesley Sullenberger III is a native of Danville, California;

Whereas Chesley Sullenberger III has a bachelor of science degree from the United States Air Force Academy, a master of science degree from Purdue University, and a master of the arts degree from the University of Northern Colorado;

Whereas Chesley Sullenberger III has been named a Visiting Scholar at the University of California, Berkeley;

Whereas Chesley Sullenberger III bravely served his country as a United States Air Force fighter pilot;

Whereas Chesley Sullenberger III has committed his career to aviation safety by serving as an instructor, safety chairman, accident investigator, and national technical committee member of the Air Line Pilots Association;

Whereas Chesley Sullenberger III has played an active role in numerous accident investigations by the United States Air Force and the National Transportation Safety Board;

Whereas Chesley Sullenberger III has played an important role in the development and implementation of the Crew Resource Management course used at U.S. Airways, and has educated hundreds of his colleagues in the course;

Whereas Chesley Sullenberger III is a veteran pilot who has flown for more than 40 years;

Whereas Jeffrey Skiles is a native of Oregon, Wisconsin;

Whereas Jeffrey Skiles has been flying planes since he was 15 years old;

Whereas Jeffrey Skiles has been an employee of U.S. Airways for 25 years;

Whereas, on January 15, 2009, Chesley Sullenberger III and his co-pilot Jeffrey Skiles averted a devastating disaster by safely and masterfully landing U.S. Airways Flight 1549 on the Hudson River in New York, New York;

Whereas Chesley Sullenberger III did not deplane his aircraft until all 150 passengers



and 4 other crewmembers were safely evacuated;

Whereas the crewmembers of U.S. Airways Flight 1549 and the first responders, ferry operators, and tugboat drivers of New York City played critical roles in ensuring that the passengers and crewmembers on the airplane were expeditiously taken to safety, and that there were no fatalities in the accident;

Whereas Chesley Sullenberger III, Jeffrey Skiles, U.S. Airways Flight 1549 crewmembers, and the first responders, ferry operators, and tugboat drivers of New York City are true American heroes and are deserving of the praise and gratitude of the Nation: Now, therefore, be it

*Resolved*, That the Senate recognizes and honors Chesley Sullenberger III, Jeffrey Skiles, the crewmembers and passengers of U.S. Airways Flight 1549, and the first responders, ferry operators, and tugboat drivers of New York City for their heroic efforts in the safe emergency landing of U.S. Airways Flight 1549, which saved 155 lives.

#### ORDERS FOR TUESDAY, JANUARY 20, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 3 p.m., Tuesday, January 20; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

#### RECOGNIZING SENATOR MERKLEY

Mr. REID. Mr. President, it is nice to see the Presiding Officer. I know presiding over the Senate is a unique experience. This is his first time. But hav-

ing had legislative experience in the State of Oregon, being in a legislative chamber is not new to the Senator. He has an exemplary record in the State of Oregon, working his way through the system, becoming Speaker of the Assembly. The State of Oregon and the country is very fortunate to have the Senator now representing the State of Oregon and the country in the Senate.

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#### ADJOURNMENT UNTIL TUESDAY, JANUARY 20, 2009, AT 3 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent it stand adjourned under the previous order.

There being no objection, the Senate, at 2:52 p.m. adjourned until Tuesday, January 20, 2009, at 3 p.m.