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No. 35

## House of Representatives

The House was not in session today. Its next meeting will be held on Monday, March 2, 2009, at 12:30 p.m.

## Senate

FRIDAY, FEBRUARY 27, 2009

The Senate met at 9:30 a.m. and was called to order by the Honorable HARRY REID, a Senator from the State of Nevada.

### PRAYER

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

Let us pray.

O Lord our God, great and eternal, you keep Your promises to those who serve You. Consecrate this day with Your presence the way our feet should go. Kindle in the hearts of our Senators a true love of You and guide them with Your wisdom. May the faith they confess with their lips put such courage and hope in their hearts that they may live each day in the spirit of Your love. Cleanse them, Lord, from every thought displeasing to Your goodness, that with pure hearts, clear minds, and calm hope they may honor You. Help them to remember that nothing can separate them from Your love.

We pray in Your great Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable HARRY REID 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, February 27, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEFF MERKLEY, a Senator from the State of Oregon, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

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

### RECOGNITION OF THE MAJORITY LEADER

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

### SCHEDULE

Mr. REID. Mr. President, following leader remarks, if any, the Senate will proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

We are going to move to the omnibus spending bill, which is a bill to fund the Government until October 1. The committees of jurisdiction in the House and the Senate, the Appropriations Committees, have worked very hard to come up with bipartisan legislation. No one can ever suggest there was not participation by Democrats and Republicans on this legislation. We hope to be able to move to that Monday. We are going to move to it Monday. We hope to do it without having to have a cloture vote. If we cannot get consent to move to the matter within the next few hours, we will file cloture

on the motion to proceed to that bill. That will occur early in the morning on Monday. We have to do that so that we can have the 30 hours run as quickly as we can. We have to finish the bill next week because the funding runs out on March 6. So we hope that can be accomplished. If we can move to the bill, then we would leave Monday for the opportunity for people to speak about the legislation.

The bill would be managed, of course, by Senators INOUE and COCHRAN, two of the most experienced legislators we have. Monday would give us an opportunity for people to offer amendments, and we would be able to have those votes prior to the regular caucus luncheon on Tuesday. So we will await as to what happens during the day to determine what is going to happen on Monday. We could have a Monday morning cloture vote if we cannot get permission to move to that. If we do get permission, then we will have no votes on Monday and have that for debate and offering amendments, no votes.

### EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 19, 20, and all nominations on the Secretary's desk in the Air Force and Navy; that the nominations

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



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be confirmed, en bloc, the motions to reconsider be laid on the table, en bloc, that no further motions be in order; that upon confirmation, the President be immediately notified of the Senate's action and the Senate resume legislative session; and that any statements relating to any of these nominations be printed in the RECORD.

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

The nominations considered and confirmed en bloc are as follows:

#### IN THE NAVY

The following named officer for appointment to the grade indicated in the United States Navy while serving as the Attending Physician to the Congress, under Article II, Section 2, Clause 2 of the Constitution:

##### *To be rear admiral*

Capt. Brian P. Monahan

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

##### *To be rear admiral*

Rear Adm. (lh) Michael A. Brown

#### NOMINATIONS PLACED ON THE SECRETARY'S DESK

#### IN THE AIR FORCE

PN78 AIR FORCE nominations (86) beginning BRIAN D. AKINS, and ending JEFFREY J. WIEGAND, which nominations were received by the Senate and appeared in the Congressional Record of February 9, 2009.

#### IN THE NAVY

PN79 NAVY nominations (24) beginning CHRISTOPHER M. ANDREWS, and ending EZEKIEL J. WETZEL, which nominations were received by the Senate and appeared in the Congressional Record of February 9, 2009.

### LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will return to legislative session.

### RESERVATION OF LEADER TIME

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

### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. MCCAIN. Mr. President, I understand the Senate is in morning business.

The ACTING PRESIDENT pro tempore. The Senator is correct.

### IRAQ TROOP WITHDRAWAL

Mr. MCCAIN. I rise to address the President's plan to withdraw American troops from Iraq that he will announce today in Camp Lejeune, NC, as has been widely reported in the media.

Yesterday afternoon, I participated in a White House briefing with other Members of Congress, during which the President and his national security team described the contours of a plan to withdraw troops from Iraq. As he described it, this plan would aim to remove the bulk of combat troops by August of 2010, approximately 19 months, leaving up to 50,000 troops in place. That is a little over a third of the present troop level in Iraq. Most combat forces would remain in place for the duration of this year, ahead of national elections likely to take place in December. National elections in December are of the utmost importance. To have security and the ability of the Iraqi people to take part in that election is a vital part of the progress Iraq will make toward freedom and democracy. The President noted that he reserves the right to revisit the timeline currently envisioned based on conditions on the ground.

It is encouraging that the dramatic success of the surge strategy has enabled us to move from a discussion about whether the United States could bear the catastrophic consequences of failure in Iraq to planning the way in which to consolidate the success. Thanks to the leadership of GEN David Petraeus, Ambassador Ryan Crocker, GEN Ray Odierno, and the many brave men and women who have served under them, the failing situation in Iraq has been arrested and reversed.

It is important to point out that the President's plan is not without risk. We have not yet completed the mission in Iraq, and the gains we have made there remain fragile. We will need to be cautious as we withdraw troops so as not to jeopardize these achievements and listen closely to commanders on the ground as the administration determines the pace of withdrawals. The greatest risk will be present ahead of the December elections, and conditions could worsen before or even after they take place.

With these factors in mind, I believe the President's withdrawal is a reasonable one. The plan is reasonable. Given the gains in Iraq and the requirements to send additional troops to Afghanistan, together with the significant number of troops who will remain in Iraq and the President's willingness to reassess based on conditions on the ground, I am cautiously optimistic that the plan, as laid out by the President, can lead to success.

The American people should be clear. The President's plan, even after the end of its withdrawal timeline is reached, will leave in place up to 50,000

U.S. troops. All will be in harm's way. Some will continue to conduct combat operations. They will play a vital role in consolidating and extending the remarkable progress our military has made since early 2007. That is why I believe the administration should aim to keep the full complement of 50,000, as briefed by Secretary Gates and Admiral Mullen, and not succumb to pressures, political or otherwise, to make deeper or faster cuts in our force levels. The President's plan, as briefed yesterday, is one that can keep us on the right path in Iraq.

I worry, however, about statements made by a number of our colleagues indicating that, for reasons wholly apart from the requirement to secure our aims in Iraq, we should aim at a troop presence much lower than 50,000. We have spent enormous amounts of American blood and treasure in Iraq. We all know that. After all the tragic losses of life, after the hundreds of billions of dollars spent, after all the other costs our country has absorbed as a result of the conduct of the war, we are finally on a path to success. Let us have no crisis of confidence now. Instead, let us welcome home our fighting men and women, not only thanking them for serving in Iraq, not just for ending the war in Iraq but thanking them for bringing us victory in Iraq.

I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

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

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

### FINANCIAL BAILOUTS

Mr. DORGAN. Mr. President, this morning's newspapers, once again, chronicle the difficulty that exists in this country. There is obviously a financial crisis, a collapse of the banking system, particularly on Wall Street.

Just to name two, today's paper says there is a place in the budget that is a holding pattern for a potential \$750 billion of additional funding that might be necessary for the big bank bailouts in this country. We also know from the newspapers and from news this morning that Citigroup has reached some sort of a deal with the Federal Government in order to make Citigroup viable. So each day we see more and more discussion about these kinds of issues. It begs the question about who is doing what? What do we know about all of this? How open is this? How much

should the American people know about how their money is used?

I have come to the Senate floor today to talk about just one part of it. At a time when there is so much discussion here about hundreds of millions of dollars, billions of dollars, tens of billions, hundreds of billions of dollars, and now trillions of dollars, I wish to trace just \$3.6 billion. That is a lot of money: \$3.6 billion that the American taxpayers paid in bonuses to some big shot executives that steered their institution into the ground. Let me tell my colleagues about the story.

This is a story about Bank of America buying Merrill Lynch. Our previous Secretary of the Treasury was concerned about Merrill Lynch having serious problems. He let Lehman go bankrupt, believed that was a mistake, and so Merrill Lynch is adrift and we have to find a marriage for Merrill Lynch. Apparently, the Treasury Department worked to get Bank of America to agree to buy Merrill Lynch. By the way, Bank of America had already purchased Countrywide Mortgage, which was a complete mess and a collapse and one of the big mortgage companies that, in my judgment, has caused much of this problem. Bank of America already had purchased Countrywide and the assets of Countrywide Mortgage. Now it was being encouraged to purchase Merrill Lynch. So that marriage was arranged by the Treasury Secretary and others, and that marriage was announced, by the way, last September and consummated in early January of this year.

Now what we discover is that Bank of America got substantial amounts of taxpayers' money in TARP funds and other guarantees. So Bank of America has taxpayers' money, and \$10 billion of the taxpayers' money that went to Bank of America would have been destined for Merrill Lynch had Bank of America not purchased it. Merrill Lynch, it turns out, when they were taken over, had just suffered a loss of some \$15 billion in the fourth quarter of 2008. That caused problems for Bank of America which had agreed to purchase Merrill Lynch because Bank of America, before buying Countrywide and Merrill Lynch, was a healthy company, and now all of a sudden it is not a healthy company and needs substantial funds from the American taxpayers. But now we find that Merrill Lynch paid bonuses to its employees in December of last year just before the takeover by Bank of America was completed.

Now, as I indicated, Merrill Lynch lost \$15 billion late last year, and they paid \$3.6 billion in bonuses in December. Let me describe the magnitude of these bonuses. Six hundred ninety-four employees at Merrill Lynch, according to reports, received bonuses in excess of \$1 million. Let me say that again. Nearly 700 employees in that failed company—a company that lost \$15 billion in the fourth quarter of 2008 received bonuses of over \$1 million. It is

unbelievable. Four top executives in that bank received \$121 million. The top 14 employees in that institution got \$250 million. Think of that: \$3.6 billion paid in bonuses in December to people at an institution that lost \$25 billion in the year. That \$3.6 billion could have just as well been transported through a pipeline from the pockets of the American taxpayers to these 700 people who got over \$1 million apiece because that is taxpayers' money. That money from TARP funds—\$25 billion and further money which guaranteed bad assets—that comes from the American taxpayers.

Had they not paid the \$3.6 billion in bonuses to these folks, their loss in the fourth quarter of 2008 would not have been \$15 billion, it would have been \$11.4 billion. Taxpayers would not have had to come up with that kind of funding through the TARP program. So I know where \$3.6 billion went; American taxpayers were asked to pay that \$3.6 billion in bonuses to the 700 people who got \$1 million apiece from a failed institution. Now Bank of America has this issue because Bank of America purchased Merrill Lynch. Bank of America now has serious financial trouble, and they have received even more funds as well. One of the questions about this is, How do we know the details about these bonuses? It is because an attorney general in the State government in New York had the guts and the intelligence to subpoena this information and demand that it be turned over to him. Question: Why is it that some committee in the Congress doesn't have this information? Why is no subpoena coming from the Congress on these issues? Why is there no systematic, significant investigation here? After all, this Congress is the institution that has triggered the funding. Yet these investigations are occurring with an attorney general in State government.

This Congress needs to do a lot more. There needs to be investigations and accountability. I have offered those amendments. We ought to get to the bottom of who did what, who got the money, and who left town with the cash from the American taxpayers. This morning's news about Citigroup being rescued—do you know what? We are told Citigroup is too big to fail. How did it become too big? The Federal Reserve Board, Alan Greenspan, Treasury folks, and both Republican and Democratic Members pushed legislation that allowed them to create big holding companies and become too big to fail. I understand you need banks, and I understand you need big banks. But the big banks don't have to be so big that they are too big to fail, so when they make reckless decisions, the American taxpayers are told: We are too big to fail and you must bail us out. There is no inherent right for the biggest financial institutions in this country to continue to exist. I understand the circulatory system in this country and that a necessary part of it

is the banking institutions. I understand how critical that is.

My point is not that we can do without banking institutions. My point is that there is no inherent right to exist for those banks that have their current names and are declared too big to fail. What about putting them through some sort of a "bank carwash" and getting rid of all that tar—those bad assets—and sell the good assets to an institution that is reconstituted as a new bank? What inherent right is there for banks that have run this country into the ditch and destroyed their financial capability—what inherent right do they have for them to continue to exist?

I am not suggesting we shut down the banking system. But perhaps this lesson ought to suggest to us that "too big to fail" is a doctrine that is a failure, because if you have decided you are going to allow institutions to become too big to fail, you have sent yourself down a road that is a dead end, in my judgment.

The culture, it seems to me, that is on Wall Street, and the culture in this town—precisely in Treasury and some in Congress—is a culture that suggests that what was is what has to be in the future. That is not the case at all. I have talked ad nauseam about 1999 on the floor of this Senate, when both Republicans and Democrats steered a different course and said let's get rid of those old protections we put in place after the Great Depression—Glass-Steagall and those things, those old-fashioned notions—and let's dump them and create the Nation of one-stop shopping for securities and virtually everything you want to do in securities, real estate, and finance. So the Congress did dump all those old-fashioned rules and laws that were put into place after the Great Depression. I was one of eight Senators who stood on the floor and said no—one of eight who voted no. I said then on the floor of the Senate that I think within a decade we are going to see massive taxpayer bailouts. It was a disastrous decision to have done it. Now we must reconnect it. There is no discussion here, and there needs to be about what do you reconnect? Do you go back to some semblance of whether it is Glass-Steagall, or some approach to Glass-Steagall, in which you begin to separate the essential functions of banking from other areas of substantial risk? If you don't do that, what do you do to provide protections that this would not happen again?

There is a culture here that suggests you cannot do that, it is impossible. There is a culture here that suggests we have to keep bailing out whatever it is. We have pumped \$700 billion out of this Chamber into something called a TARP fund to be used for the big banks. Now we are told there needs to be a marker to protect the potential of another \$750 billion. That is nearly \$1.5 trillion pumped into the top of our banking institutions, like putting oil

in a crank case—and these are failed institutions. Yet the only investigation I see happening is coming out of an office in the attorney general's office in Albany, NY. It is unbelievable to me.

Does anybody here understand that \$3.6 billion was put in a hose directly from the taxpayers' pockets to bonuses for 700 people in a failed banking institution, so each of those 700 people got \$1 million or more, and the 4 top people, by the way, got \$120 million. By the way, let me point out that one of those top four people in Merrill Lynch, according to a news article in New York, got \$24.9 million and was just hired in September of last year. So he got almost \$25 million for 3 months of work. Then he quit. The day he quit, according to the news record, his wife closed on a \$36 million luxury co-op on Park Avenue. Pretty unbelievable. By the way, another top executive, Thomas Montage, who headed global sales and trading at Merrill Lynch, was reportedly given a guaranteed payment of \$39.4 million for 2008. Does this sound like fiction? It does to me.

This week, we were treated to a rant on television by a guy I saw standing on a trading floor, a derivatives trader, who was ranting about losers and about reckless behavior, about the losers who might get help to stay in their homes. We have had millions of people lose their jobs, some 2.6 million people last year. A good number of them are also losing their homes. Somebody says maybe you can try to find a way to help some of them stay in their homes, and that derivatives trader stood and ranted about the losers who have lost jobs and are about to lose their homes. I wonder if that derivatives trader might stand on the floor of an exchange and describe losers as people who make \$24.9 million for 3 months of work in a failed institution. Are they losers? How about the nearly 700 people who got over \$1 million each in bonuses from the American taxpayer? Are they losers? Or is it just the little folks, the casualties at the bottom of this economic wreckage, the people who lost their jobs, their homes, and who are losing hope? Then they see these stories about "too big to fail." When 700 people get bonuses of \$1 million each in an institution that lost \$15 billion in just one quarter last year and the institution pays \$3.6 billion in bonuses, I wonder if the folks who are having an itch to rant today might want to rant about that kind of nonsense.

How about laying off the folks who don't have it so good, the folks who are struggling and trying to get by, hoping beyond hope that maybe they are not going to get laid off; or if they just got laid off, hoping beyond hope they might be able to find another job; or hoping beyond hope that if they got laid off and haven't yet found a job, they can find some way to scrape up enough money to make the next house payment so they will not be kicked out of their house. These people are losers, you say? I mean, of all the unbelievable

things I have heard, for a derivatives trader to stand on the exchange floor and rant about the losers at the bottom of the economic scale, shame on him, in my judgment. I will tell you where the losers are. The losers are the folks who have wallowed in big bucks, getting bonuses from institutions that have failed and then asking for taxpayer money and then asking us to pry those bonus numbers out of the bowels of their financial records. They didn't give them up exactly voluntarily. It was an attorney general of New York who forced that information into the open. Well, where is the outrage about these things? Where is the outrage? Let me hear a rant from somebody standing on a trading floor about that—just one.

This Congress has a lot of work to do. This Congress has not begun to do the investigations that are necessary. We should not learn these things from an attorney general in New York who is issuing subpoenas. We should learn them by substantial investigations here to find out what happened, who got the money, and what happened to the first \$700 billion.

I have used the term "bank robbery," and I understand it is a pejorative term. When we think of bank robbers, we think of Jesse James in Northfield, MN, with a mask over his face and a gun and a fast horse. Well, a whole lot of folks have robbed big banks in this country of their financial viability and of their strength, through horrible, bad decisions—even as they have taken massive amounts of money from the banks for themselves. That is bank robbery. I know it is a different kind—with no violence and they are wearing suits and flying in private jets—but it is robbing America's financial institutions. As I have described, I think it also robs American taxpayers.

I want this country to do well. I want this financial wreckage to end. I want us to put America back on track. I want us to do the things that are necessary to prevent this from ever happening again. But you cannot do that unless you understand what happened. Accountability is looking backward and forward. I am talking about all this because when we have to discover by reading the newspaper that a State official has finally subpoenaed records to find out that a company that lost 25 billion last year gave out \$3.6 billion in bonuses, probably from \$10 billion of the American taxpayers' money, we have a right to know that. I have indicated on the floor of the Senate before that much of this is about economic recovery. If we are going to get by this and through this—and I think we will—it is about confidence. It is about restoring confidence in the American people about their future. When the American people are confident about their future, they do things that expand the economy. When they are not confident, they do things that contract the economy. It is as simple as that.

I ask, how can Americans be confident when, day after day, they read

these stories about how folks at the top get off with a lot of money and then their friends call the folks at the bottom losers. That is hardly inspiring, in my judgment. We have a lot of things to do. First, is to investigate all this and, at the same time, to understand what has happened; we need to begin working to figure out what kind of a banking and financial future we want. We are going to try to put people back to work with the economic recovery package, building infrastructure, trying to put people back on the payroll. That will give confidence and also build an asset for our country. All those things are necessary.

The other steps that are necessary is for us to think, what did we do in 1999 to say let's allow big bank holding companies to be created and grow banks that are too big to fail, and let's decide we don't want to regulate anything. How are we going to put that back together? Should we not revisit that decision that turned out to be so wrong and the issue of Glass-Steagall or some form of it? Shouldn't we revisit exactly what we want in terms of future regulatory oversight?

Let me make one other point while I talk about this. I sat across the table from a North Dakota banker some while ago at what was called a sauerkraut festival. I said to him—this is a town of 1,200 people or so. I said to this community banker: Do you have money to lend?

He said: Oh, sure.

I said: If the biggest company in your town—which is a small manufacturing company—if that company needed some funding for an expansion, would you have money?

He said: Oh, sure, we have money. We have done banking the old-fashioned way. We take deposits and we make loans, but we do underwriting for those loans. We sit across the table from someone who wants a loan to be sure they are able to pay that loan. That is called underwriting. We bank the old-fashioned way.

Would it not have been nice if some of the biggest institutions banked the old-fashioned way?

I got a call the other day from a woman who runs a company that makes steel buildings. She has lost 80 percent of her business; 80 percent of her business is gone. Maybe they won't make it. But she asked the question: Is there any help for us? Is there any program out there that would help bail out our company because we were doing pretty well; this was a good economy for us; we were selling steel buildings, and it was not our fault this thing took a bad turn. Is there anything that can help us stay in business? We have people on our payroll. Is there anything that can help us because every day, she said, I read about the big banks getting all this money.

I assume she will probably read something I have said that not only do they get all that money in Merrill Lynch, they got \$3.6 billion in bonuses

for the very executives who helped lose \$25 billion last year.

The answer to that woman is, no, there is nobody here who has a program that says: You know what, let's pay as much attention to the Main Street business that is struggling this morning as is being paid to the biggest banks that are too big to fail. Nobody is talking about that small business.

By the way, when they lose, they lose everything. That small business, that dream, that risk of, in most cases, all the assets that family has, when that is gone, it is gone. Is there anybody here who has put together some structure that says: Let's help those folks. Maybe the economic engine also runs well when you help folks at the bottom. Maybe things percolate up in America.

I think it is a fair question to ask. It is a fair question to ask that many ask about rewarding reckless behavior, about what do you do in a country to try to put an economy that has been so savaged by bad decisions and, in some cases, bad luck, but also greed, a carnival of greed, what do you do to put it on track, to give people confidence about the future? There is not one solution. There is not one answer. There are a series of things to be done. It seems to me, first and foremost, we have to try to understand that the American people cannot continue to read this. They cannot continue to read that they are asked to come up with another \$750 billion because these institutions are too big to fail but apparently not smart enough to understand you don't need to give \$3.6 billion in bonuses to people who lost \$25 billion. There is no Main Street in America where that decision would be made.

As I conclude, let me say that I want this country to succeed so badly. The President said it the other day. He had a room full of Republicans and Democrats in a joint session of Congress, and he said: I know everybody in this room loves their country. And we do. This country is in a lot of difficulty. It is not some natural disaster. This was not some Hurricane Katrina. This difficulty was caused by a lot of terrible decisions. Some people can call our offices and look at this Government and they can say: It was all Government policies. Let me just make this case as well that the consumer debt by the American people has gone up, up, up, straight up. That is not Government debt; that is consumer debt. That is also a problem. Giant trade deficits through unbelievably incompetent trade agreements, at \$700 billion a year. We have a lot of problems, and we need to address them all right now and begin fixing them and putting this country on course so that we have an economy people can believe in and so they can believe life will be better for their kids than it was for them because this is a country that cares about expanding the middle class and lifting everybody up.

We can do this. We can do it. But we won't do it by ignoring the things

about which I just talked. We ought to face them and face them now.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Ms. MURKOWSKI. I thank the Chair.

(The remarks of Ms. MURKOWSKI pertaining to the introduction of S. 503 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

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

The bill clerk proceeded to call the roll.

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

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

#### E-VERIFY

Mr. SESSIONS. Mr. President, we have had a number of discussions in recent days about the E-Verify system that allows employers to do a quick computer check of an individual's Social Security number to validate whether it is a legitimate number before hiring them, an action that would help them avoid hiring people in the country illegally.

The discussion has been whether to extend that program which is currently set to expire in March. I offered an amendment to do that, an amendment similar to the one that passed in the House last year, 407 to 2, that would extend the E-Verify program for 4 years. There are 100,000 American businesses using it every day, and 1,000 to 2,000 new businesses a week are signing up voluntarily—just voluntarily because it protects them.

They want to follow the law, as most of our businesses do. When they go through this process, if someone were to say: You deliberately hired someone illegally in the country, they could say: Well, we checked it out on the system and they showed up to be legitimate and we felt legitimate in hiring them. So it protects them and helps them follow the law.

But for some reason there has been a resistance here. It passed the House. It was in the House stimulus bill, that \$800 billion stimulus bill. It also provided, in the House legislation which was accepted and the majority of the House Members all voted for it on final passage, that everybody who gets a contract from the U.S. Government as part of this stimulus package must use E-Verify. In other words, it was designed to create and protect jobs for lawful Americans. The amendment, which was unanimously accepted in committee, said that beneficiaries of stimulus money must use the E-Verify system, and that E-Verify system would help ensure that only legal people would be hired. They could be green card holders; they could be legal work-

ers; they did not have to be citizens. But they at least ought to be in the country legally. And this Senate systematically refused to allow us to have a vote on that amendment, so it was not in the Senate bill.

I asked three or four times to be able to have a vote on that amendment and was rejected. When they went to conference, sure enough, as I suspected, as I stated on the floor, the Senate version won. Our bill, which did not have this language in it, prevailed. They took the House language out at conference without any deliberation. This was a common sense amendment, and I think it would have passed overwhelmingly in this Senate had we been allowed to have a vote.

So this has caused me great concern. A lot of us have believed President Bush and his administration failed to aggressively enforce the law to ensure that jobs are going to American workers and not those in the country illegally. And I criticized him for that.

But it does appear this administration and this new Congress may be even more determined to not enforce the law. In fact, it appears they may be indeed taking steps to undermine some of the programs that President Bush and the ICE Agency and the Homeland Security Department have been taking that were at least making progress toward creating a system of lawful immigration that we can be proud of.

We are a nation of immigrants. Nobody wants to end immigration in America. Over 1 million people can enter our country lawfully each year and become citizens and contribute to our country in many positive ways. But since so many people would like to come to our country, and we recognize we have to have a certain limit on the number who come, we have a legal system that requires them to make application, and by various standards they are approved or disapproved in their application. Those who are approved get to come to America, and those who do not have to wait until maybe later or maybe they, for one reason or another, are permanently unable to come. Maybe they have a criminal record or have other problems that would make them unacceptable for admission. No one has a constitutional right to come to America. We cannot have and do not have and should not have an open borders policy so that everybody who would like to come and work, can come and work.

So this is the situation we are in. In light of that, I was particularly troubled, I have to say, and all Americans should be troubled by a recent headline article in the Washington Times this week. It was about certain activist immigration rights groups criticizing the Obama administration because some of the agents in the Immigration Enforcement Division had raided an engine machine shop in Washington State and actually went so far as to detain certain illegal immigrants. They are not happy they actually went into a business and detained some individuals who

were in the country illegally, and they complained about that. So, apparently, according to the article, the Obama administration itself seemed "taken aback by the raid by the United States Immigration and Customs Enforcement Agency." The new Secretary, Janet Napolitano, was "vowing to Congress that she would get to the bottom of it."

The article goes on to say that an official with the agency said, "The Secretary is not happy about it."

Well, that is troubling to me. In 2008, under the Bush administration, which was not, I think, particularly aggressive—as a matter of fact, not aggressive enough, ICE made 5,173 administrative arrests at work sites. Additionally, ICE made 1,101 criminal arrests in connection with worksite investigations. Those arrests represented criminal activity, gangs or drugs or other kinds of criminal activity. They were doing that, and periodic enforcement actions were taken because a company does not have a right to have hundreds and hundreds of illegal workers who perhaps certainly are working for less money than Americans would work for.

That is not good and creates unfair competition and undermines our lawful immigration system. But this worried me even more. According to the Washington Times article, immigrant rights groups said they had discussed this with the administration some time during the last election. They did not discuss it publicly, but they apparently had discussions with the campaign, and they said this:

This was a fixture of our conversations and demands with him during the campaign. It has always been one that there would be a hold on the raids or a stop to the raids.

The National Council of La Raza has urged supporters to call the White House and demand that Mr. Obama lay out his immigration policy. In criticizing this, they said:

What are Latino and immigrant voters to think? They turn out in massive numbers and vote for change and yet the change we can believe in turns out to be business as usual.

Well, I think maybe the American people need to make some demands on this administration. Maybe that is the way you get things done; you make demands on the administration that they actually enforce the law and that they do not conduct investigations of the law enforcement personnel who were doing what the law required and who were, by all accounts, legitimately identifying illegal workers in America.

So now, according to this article, the Secretary of Homeland Security is investigating our law enforcement officers for simply doing their duty in response to some secret demand and agreement they made back in the campaign to undermine law enforcement in America. I do not think it is good.

This is why people are upset with Washington and upset with Congress. I believe in lawful immigration. I think we need to stop all of this. But what do

we do? Nothing. Whenever something starts happening and has some possibility of being successful, well, politicians intervene and stop the law enforcement officers from doing their duty.

I am really concerned about it. The Immigration and Customs Enforcement Agency says in their statement about the operation that they were investigating criminal activity, and they apparently discovered in the course of that the hiring records revealed a significant number of people were using bogus Social Security numbers and counterfeit identity documents. That is why they did their jobs. They went and checked it out and found 28 people at this company who were not here lawfully.

So now the Secretary of Homeland Security has promised to get to the bottom of it—not to the bottom of why this company was hiring 28 illegal workers, not asking whether this company ever used the E-Verify system, they are going to get to the bottom of why the law enforcement officers of the U.S. Government, paid for by the taxpayers, had the temerity to actually go out and investigate criminal activity and detain people in the country illegally.

So I have to tell you, this is not going to fly. We are not going to go quietly about this issue. We need a vote in the Senate, and we need one soon to extend E-Verify. It is unthinkable that this highly successful, proven system that over 100,000 businesses voluntarily are using would be allowed to expire.

The only reason it would be allowed to expire would be we do not want the laws enforced. And, by the way, E-Verify does not raid any businesses. E-Verify does not call for a single investigator, not a single detention facility. All it says is the business owner could check and not hire someone if they did not have good documents. That is all. They do not arrest them. They do not call the police. Nothing happens. You just eliminate the jobs magnet, as the Border Patrol people tell us, that is causing people to come to our country illegally to get jobs, and that magnet is a factor. E-Verify would diminish that.

I wished to share those thoughts. I believe this is a troubling event. We need to consider it and not go down this path. It signals a further erosion of the efforts to bring a lawful system to this unlawful system we have today.

The Secretary does deserve credit for one statement she made, that businesses do need to be held accountable for exploiting the illegal labor market. I thought that was a good statement. She went on to state that there is an impact of illegal workers in the country and "that has impacts on American workers, and it has impacts on wage levels, often has undue impacts on illegal workers themselves."

This is also true. There are costs to the American worker in terms of

wages, the ability to get a job, when we allow huge numbers of illegal workers into the country.

I hope our colleagues will consider this issue. The American people have a different view than some about the need to enforce our laws. The American people would like to see that, before we start talking about amnesty and a lot of other things. If we are not going to enforce the law, why should we go forward with some of these expansive programs that have been proposed to allow persons who only recently broke into the country to be placed on legal status? The American people are not naive about this. They want something done, and they have a right to expect it. We in Congress have to figure out a way to be responsive to their demands and not focus only on the demands of special interests, certain big businesses, and certain activist groups, but to focus on legitimate demands of the public for good public policy. Good public policy requires the end of the illegality in immigration and the establishment of a lawful system of immigration that honors our great heritage of immigration of which we have always been proud.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

#### SUPPORTING SCIENCE AND ENGINEERING

Mr. KAUFMAN. Mr. President, America's economy is in crisis. We can either drown under the weight of the problem, or we can ride the wave of opportunity that it offers.

To do that, we must put science, engineering, and innovation back in their rightful place in our economy.

If every cloud has a silver lining, this economic crisis can benefit America, we use this opportunity to restore our leadership in the world, if we create anew the industries, businesses and products that will shape the new economy.

As the only Senator holding an engineering degree, I remember when engineering ranked far ahead of business administration as the premier college degree for those who had ambition and the determination to succeed.

After the Soviet Union's 1957 surprise launch of Sputnik 1, American leaders spurred the Nation to catch up, to increase our national commitment to science.

The Sputnik crisis led to the creation of NASA and other government research agencies, as well as an increase in U.S. Government spending on scientific research and higher education.

It doesn't seem that long ago, but I was one of the young students who were drawn by Sputnik and our leaders' call to seek an engineering degree.

More recently, though, more and more of America's best and brightest college students opted instead to take their "quant" skills in math and analysis to Wall Street.

From what I understand, of all the undergraduate majors in the 2008 class at the Massachusetts Institute of Technology, 11.4 percent took jobs in finance. This is the Massachusetts Institute of Technology, our leading engineering school, sending over 10 percent of its graduates to Wall Street.

The stark truth is that during the going years on Wall Street, America's engineering and innovation expertise declined.

And it is not just that engineers have been choosing finance over traditional engineering careers; fewer students having been choosing to study engineering, period.

Back in 1986—not that long ago—engineering and engineering technology students earned close to 10 percent of U.S. bachelor's degrees. Despite attractive starting salaries, often above \$50,000 a year, the percentage today is only about 5 percent.

Only about 121,000 people earned degrees in engineering in 2007, and that includes bachelors, masters, and doctoral degrees.

Today's financial crisis has given our young people an opportunity to take a hard look at how they want to spend their lives.

It gives America's political and educational leaders an opportunity to reorder their resources, to open a pipeline to produce students skilled in science, technology, engineering and mathematics, STEM.

According to the U.S. Department of Labor, about 80 percent of the new jobs created in the next 10 years will require these critical STEM skills.

While America must remain a leader in finance, it is clear we must also be a world leader in energy, biotech, biomed and many other industries based on science, technology, and mathematical skills.

Here is what we should do right away:

We need to find more and better ways to marry public policy and engineering. Many universities have begun to do this, but we also must act on a national level, with the support and coordination of national policies.

To take one key example, our Nation, and indeed our planet, is facing a potential crisis in the supply and demand for clean energy and water.

How these issues are resolved will define our children's future. These problems require technical solutions, designed by scientists and engineers who also have an understanding of cultures, religions, and policy.

We also need to develop programs that allow students to "make a difference," to tap the idealism our young people are eager to express.

For example, we should create an engineering jobs corps—similar to the Peace Corps or Teach for America—to help channel the young talent emerging from our engineering schools.

The fields of biotech and biomed, energy and environment should attract socially conscious students who want to improve the quality of life for us all.

Prior to graduating, engineering students typically must write a final paper addressing a problem to solve. We should make those papers part of our national dialogue, publish them, and make them available to government and to the business community, with authors' rights kept secure.

Finally, we need to reach out to women and other students who have traditionally been underrepresented in engineering.

The United States cannot maintain its position as a technological leader nor can we solve the problems we face without the perspectives and participation of all members of our society.

We are in a struggle to define our nation's future. We must recruit all of the talent we can find.

We know our competitors in countries like China are throwing their resources into science and engineering. We can do no less.

When I went to college I wanted to be an engineer, in part because 52 years ago the United States was supporting science and engineering on an unprecedented level. America's competitive spirit helped us meet the challenges of those times.

Thousands of technical innovations created new products, new jobs, new industries, and new levels of economic productivity. We can do this again.

The financial crisis—and our recognition of the misplaced priorities and resources that created it—can help lead a cultural shift back to the strong foundations of innovation and know-how that have always been the American way.

The Federal Government can and should lead in supporting the basic scientific, medical and engineering research that will spur discoveries and innovations.

Our entrepreneurs have always been ready to build on those foundations, to create millions of new jobs and shape a bright American future.

I look forward to working with my colleagues and the administration to restore the prestige and leadership of science and engineering in our country.

#### UNANIMOUS-CONSENT AGREEMENT—H.R. 1105

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that on Monday, March 2, at 2 p.m., the Senate proceed to the consideration of Calendar No. 26, H.R. 1105, the Omnibus appropriations bill.

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

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

#### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS RULES OF PROCEDURE

• Mr. KENNEDY. Mr. President, in accordance with rule XXVI.2. of the Standing Rules of the Senate, I submit for publication in the RECORD the rules of procedure for the Committee on Health, Education, Labor, and Pensions, as unanimously adopted by the committee on February 26, 2009.

I ask unanimous consent that the text of the rules of procedure be printed in the RECORD.

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

#### SENATE COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS RULES OF PROCEDURE

*Rule 1.*—Subject to the provisions of rule XXVI, paragraph 5, of the Standing Rules of the Senate, regular meetings of the committee shall be held on the second and fourth Wednesday of each month, at 10:00 a.m., in room SD-430, Dirksen Senate Office Building. The chairman may, upon proper notice, call such additional meetings as he may deem necessary.

*Rule 2.*—The chairman of the committee or of a subcommittee, or if the chairman is not present, the ranking majority member present, shall preside at all meetings. The chairman may designate the ranking minority member to preside at hearings of the committee or subcommittee.

*Rule 3.*—Meetings of the committee or a subcommittee, including meetings to conduct hearings, shall be open to the public except as otherwise specifically provided in subsections (b) and (d) of rule 26.5 of the Standing Rules of the Senate.

*Rule 4.*—(a) Subject to paragraph (b), one-third of the membership of the committee, actually present, shall constitute a quorum for the purpose of transacting business. Any quorum of the committee which is composed of less than a majority of the members of the committee shall include at least one member of the majority and one member of the minority.

(b) A majority of the members of a subcommittee, actually present, shall constitute a quorum for the purpose of transacting business: provided, no measure or matter shall be ordered reported unless such majority shall include at least one member of the minority who is a member of the subcommittee. If, at any subcommittee meeting, a measure or matter cannot be ordered reported because of the absence of such a minority member, the measure or matter shall lay over for a day. If the presence of a member of the minority is not then obtained, a majority of the members of the subcommittee, actually present, may order such measure or matter reported.

(c) No measure or matter shall be ordered reported from the committee or a subcommittee unless a majority of the committee or subcommittee is physically present.

*Rule 5.*—With the approval of the chairman of the committee or subcommittee, one member thereof may conduct public hearings other than taking sworn testimony.

*Rule 6.*—Proxy voting shall be allowed on all measures and matters before the committee or a subcommittee if the absent



member has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded. While proxies may be voted on a motion to report a measure or matter from the committee, such a motion shall also require the concurrence of a majority of the members who are actually present at the time such action is taken.

The committee may poll any matters of committee business as a matter of unanimous consent; provided that every member is polled and every poll consists of the following two questions:

(1) Do you agree or disagree to poll the proposal; and

(2) Do you favor or oppose the proposal.

**Rule 7.**—There shall be prepared and kept a complete transcript or electronic recording adequate to fully record the proceedings of each committee or subcommittee meeting or conference whether or not such meetings or any part thereof is closed pursuant to the specific provisions of subsections (b) and (d) of rule 26.5 of the Standing Rules of the Senate, unless a majority of said members vote to forgo such a record. Such records shall contain the vote cast by each member of the committee or subcommittee on any question on which a “yea and nay” vote is demanded, and shall be available for inspection by any committee member. The clerk of the committee, or the clerk’s designee, shall have the responsibility to make appropriate arrangements to implement this rule.

**Rule 8.**—The committee and each subcommittee shall undertake, consistent with the provisions of rule XXVI, paragraph 4, of the Standing Rules of the Senate, to issue public announcement of any hearing it intends to hold at least one week prior to the commencement of such hearing.

**Rule 9.**—The committee or a subcommittee shall require all witnesses heard before it to file written statements of their proposed testimony at least 24 hours before a hearing, unless the chairman and the ranking minority member determine that there is good cause for failure to so file, and to limit their oral presentation to brief summaries of their arguments. Testimony may be filed electronically. The presiding officer at any hearing is authorized to limit the time of each witness appearing before the committee or a subcommittee. The committee or a subcommittee shall, as far as practicable, utilize testimony previously taken on bills and measures similar to those before it for consideration.

**Rule 10.**—Should a subcommittee fail to report back to the full committee on any measure within a reasonable time, the chairman may withdraw the measure from such subcommittee and report that fact to the full committee for further disposition.

**Rule 11.**—No subcommittee may schedule a meeting or hearing at a time designated for a hearing or meeting of the full committee. No more than one subcommittee executive meeting may be held at the same time.

**Rule 12.**—It shall be the duty of the chairman in accordance with section 133(c) of the Legislative Reorganization Act of 1946, as amended, to report or cause to be reported to the Senate, any measure or recommendation approved by the committee and to take or cause to be taken, necessary steps to bring the matter to a vote in the Senate.

**Rule 13.**—Whenever a meeting of the committee or subcommittee is closed pursuant to the provisions of subsection (b) or (d) of rule 26.5 of the Standing Rules of the Senate, no person other than members of the committee, members of the staff of the committee, and designated assistants to members of the committee shall be permitted to attend such closed session, except by special dispensation of the committee or subcommittee or the chairman thereof.

**Rule 14.**—The chairman of the committee or a subcommittee shall be empowered to adjourn any meeting of the committee or a subcommittee if a quorum is not present within fifteen minutes of the time schedule for such meeting.

**Rule 15.**—Whenever a bill or joint resolution repealing or amending any statute or part thereof shall be before the committee or a subcommittee for final consideration, the clerk shall place before each member of the committee or subcommittee a print of the statute or the part or section thereof to be amended or replaced showing by stricken-through type, the part or parts to be omitted and in italics, the matter proposed to be added, if a member makes a timely request for such print.

**Rule 16.**—An appropriate opportunity shall be given the minority to examine the proposed text of committee reports prior to their filing or publication. In the event there are supplemental, minority, or additional views, an appropriate opportunity shall be given the majority to examine the proposed text prior to filing or publication. Unless the chairman and ranking minority member agree on a shorter period of time, the minority shall have no fewer than three business days to prepare supplemental, minority or additional views for inclusion in a committee report from the time the majority makes the proposed text of the committee report available to the minority.

**Rule 17.**—(a) The committee, or any subcommittee, may issue subpoenas, or hold hearings to take sworn testimony or hear subpoenaed witnesses, only if such investigative activity has been authorized by majority vote of the committee.

(b) For the purpose of holding a hearing to take sworn testimony or hear subpoenaed witnesses, three members of the committee or subcommittee shall constitute a quorum: provided, with the concurrence of the chairman and ranking minority member of the committee or subcommittee, a single member may hear subpoenaed witnesses or take sworn testimony.

(c) The committee may, by a majority vote, delegate the authority to issue subpoenas to the chairman of the committee or a subcommittee, or to any member designated by such chairman. Prior to the issuance of each subpoena, the ranking minority member of the committee or subcommittee, and any other member so requesting, shall be notified regarding the identity of the person to whom it will be issued and the nature of the information sought and its relationship to the authorized investigative activity, except where the chairman of the committee or subcommittee, in consultation with the ranking minority member, determines that such notice would unduly impede the investigation. All information obtained pursuant to such investigative activity shall be made available as promptly as possible to each member of the committee requesting same, or to any assistant to a member of the committee designated by such member in writing, but the use of any such information is subject to restrictions imposed by the rules of the Senate. Such information, to the extent that it is relevant to the investigation shall, if requested by a member, be summarized in writing as soon as practicable. Upon the request of any member, the chairman of the committee or subcommittee shall call an executive session to discuss such investigative activity or the issuance of any subpoena in connection therewith.

(d) Any witness summoned to testify at a hearing, or any witness giving sworn testimony, may be accompanied by counsel of his own choosing who shall be permitted, while the witness is testifying, to advise him of his legal rights.

(e) No confidential testimony taken or confidential material presented in an executive hearing, or any report of the proceedings of such an executive hearing, shall be made public, either in whole or in part or by way of summary, unless authorized by a majority of the members of the committee or subcommittee.

**Rule 18.**—Presidential nominees shall submit a statement of their background and financial interests, including the financial interests of their spouse and children living in their household, on a form approved by the committee which shall be sworn to as to its completeness and accuracy. The committee form shall be in two parts—

(I) information relating to employment, education and background of the nominee relating to the position to which the individual is nominated, and which is to be made public; and,

(II) information relating to financial and other background of the nominee, to be made public when the committee determines that such information bears directly on the nominee’s qualifications to hold the position to which the individual is nominated.

Information relating to background and financial interests (parts I and II) shall not be required of (a) candidates for appointment and promotion in the Public Health Service Corps; and (b) nominees for less than full-time appointments to councils, commissions or boards when the committee determines that some or all of the information is not relevant to the nature of the position. Information relating to other background and financial interests (part II) shall not be required of any nominee when the committee determines that it is not relevant to the nature of the position.

Committee action on a nomination, including hearings or meetings to consider a motion to recommend confirmation, shall not be initiated until at least five days after the nominee submits the form required by this rule unless the chairman, with the concurrence of the ranking minority member, waives this waiting period.

**Rule 19.**—Subject to statutory requirements imposed on the committee with respect to procedure, the rules of the committee may be changed, modified, amended or suspended at any time; provided, not less than a majority of the entire membership so determine at a regular meeting with due notice, or at a meeting specifically called for that purpose.

**Rule 20.**—When the ratio of members on the committee is even, the term “majority” as used in the committee’s rules and guidelines shall refer to the party of the chairman for purposes of party identification. Numerical requirements for quorums, votes and the like shall be unaffected.

**Rule 21.**—First degree amendments must be filed with the chairman at least 24 hours before an executive session. The chairman shall promptly distribute all filed amendments to the members of the committee. The chairman may modify the filing requirements to meet special circumstances with the concurrence of the ranking minority member.

**Rule 22.**—In addition to the foregoing, the proceedings of the committee shall be governed by the Standing Rules of the Senate and the provisions of the Legislative Reorganization Act of 1946, as amended.

[Excerpts from the Standing Rules of the Senate]

#### RULE XXV

##### STANDING COMMITTEES

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the



power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

\* \* \* \*

(m)(1) Committee on Health, Education, Labor, and Pensions, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Measures relating to education, labor, health, and public welfare.
  2. Aging.
  3. Agricultural colleges.
  4. Arts and humanities.
  5. Biomedical research and development.
  6. Child labor.
  7. Convict labor and the entry of goods made by convicts into interstate commerce.
  8. Domestic activities of the American National Red Cross.
  9. Equal employment opportunity.
  10. Gallaudet College, Howard University, and Saint Elizabeths Hospital.
  11. Individuals with disabilities.
  12. Labor standards and labor statistics.
  13. Mediation and arbitration of labor disputes.
  14. Occupational safety and health, including the welfare of miners.
  15. Private pension plans.
  16. Public health.
  17. Railway labor and retirement.
  18. Regulation of foreign laborers.
  19. Student loans.
  20. Wages and hours of labor.
- (2) Such committee shall also study and review, on a comprehensive basis, matters relating to health, education and training, and public welfare, and report thereon from time to time.

#### RULE XXVI

##### COMMITTEE PROCEDURE

1. Each standing committee, including any subcommittee of any such committee, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate, to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to take such testimony and to make such expenditures out of the contingent fund of the Senate as may be authorized by resolutions of the Senate. Each such committee may make investigations into any matter within its jurisdiction, may report such hearings as may be had by it, and may employ stenographic assistance at a cost not exceeding the amount prescribed by the Committee on Rules and Administration. The expenses of the committee shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

\* \* \* \*

5. (a) Notwithstanding any other provision of the rules, when the Senate is in session, no committee of the Senate or any subcommittee thereof may meet, without special leave, after the conclusion of the first two hours after the meeting of the Senate commenced and in no case after two o'clock postmeridian unless consent thereof has been obtained from the majority leader and the minority leader (or in the event of the absence of either of such leaders, from his designee). The prohibition contained in the preceding sentence shall not apply to the Committee on Appropriations or the Committee on the Budget. The majority leader or his designee shall announce to the Senate whenever consent has been given under this subparagraph and shall state the time and place of such meeting. The right to make such announcement of consent shall have the same priority as the filing of a cloture motion.

(b) Each meeting of a committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by a committee or a subcommittee thereof on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

(c) Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt.

(d) Whenever disorder arises during a committee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance of any such meeting, it shall be the duty of the Chair to enforce order on his own initiative and without any point of order being made by a Senator. When the Chair finds it necessary to maintain order, he shall have the power to clear the room, and the committee may act in closed session for so long as there is doubt of the assurance of order.

(e) Each committee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceeding of each meeting or conference whether or not such meeting or any part thereof is closed under this paragraph, unless a majority of its members vote to forgo such a record.

\* \* \* \*

#### GUIDELINES OF THE SENATE COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS WITH RESPECT TO HEARINGS, MARKUP SESSIONS, AND RELATED MATTERS HEARINGS

Section 133A(a) of the Legislative Reorganization Act requires each committee of the

Senate to publicly announce the date, place, and subject matter of any hearing at least one week prior to the commencement of such hearing.

The spirit of this requirement is to assure adequate notice to the public and other Members of the Senate as to the time and subject matter of proposed hearings. In the spirit of section 133A(a) and in order to assure that members of the committee are themselves fully informed and involved in the development of hearings:

1. Public notice of the date, place, and subject matter of each committee or subcommittee hearing should be inserted in the Congressional Record seven days prior to the commencement of such hearing.

2. At least seven days prior to public notice of each committee or subcommittee hearing, the majority should provide notice to the minority of the time, place and specific subject matter of such hearing.

3. At least three days prior to the date of such hearing, the committee or subcommittee should provide to each member a list of witnesses who have been or are proposed to be invited to appear.

4. The committee and its subcommittee should, to the maximum feasible extent, enforce the provisions of rule 9 of the committee rules as it relates to the submission of written statements of witnesses twenty-four hours in advance of a hearing. Witnesses will be urged to submit testimony even earlier whenever possible. When statements are received in advance of a hearing, the committee or subcommittee (as appropriate) should distribute copies of such statements to each of its members. Witness testimony may be submitted and distributed electronically.

#### EXECUTIVE SESSIONS FOR THE PURPOSE OF MARKING UP BILLS

In order to expedite the process of marking up bills and to assist each member of the committee so that there may be full and fair consideration of each bill which the committee or a subcommittee is marking up the following procedures should be followed:

1. Seven days prior to the proposed date for an executive session for the purpose of marking up bills the committee or subcommittee (as appropriate) should provide written notice to each of its members as to the time, place, and specific subject matter of such session, including an agenda listing each bill or other matters to be considered and including:

(a) a copy of each bill, joint resolution, or other legislative matter (or committee print thereof) to be considered at such executive session; and

(b) a copy of a summary of the provisions of each bill, joint resolution, or other legislative matter to be considered at such executive session including, whenever possible, an explanation of changes to existing law proposed to be made.

2. Insofar as practical, prior to the scheduled date for an executive session for the purpose of marking up bills, the committee or a subcommittee (as appropriate) should provide each member with a copy of the printed record or a summary of any hearings conducted by the committee or a subcommittee with respect to each bill, joint resolution, or other legislative matter to be considered at such executive session.●

#### SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY RULES OF PROCEDURE

Mr. LIEBERMAN. Mr. President, Senate Standing Rule XXVI requires

each committee to adopt rules to govern the procedure of the committee and to publish those rules in the CONGRESSIONAL RECORD not later than March 1 of the first year of each Congress. On February 26, 2009, a majority of the members of the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security adopted subcommittee rules of procedure.

Consistent with Standing Rule XXVI, today I ask unanimous consent to have printed in the RECORD a copy of the rules of procedure of the Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security.

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

**RULES OF PROCEDURE OF THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS**

**SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY**

1. Subcommittee rules. The Subcommittee shall be governed, where applicable, by the rules of the full Committee on Homeland Security and Governmental Affairs and the Standing Rules of the Senate.

**2. Quorums.**

A. Transaction of routine business. One-third of the membership of the Subcommittee shall constitute a quorum for the transaction of routine business, provided that one Member of the Minority is present. For the purpose of this paragraph, the term "routine business" includes the convening of a meeting and the consideration of any business of the Subcommittee other than reporting to the full Committee on Homeland Security and Governmental Affairs any measures, matters or recommendations.

B. Taking testimony. One Member of the Subcommittee shall constitute a quorum for taking sworn or unsworn testimony.

C. Proxies prohibited in establishment of quorum. Proxies shall not be considered for the establishment of a quorum.

3. Subcommittee subpoenas. The Chairman of the Subcommittee, with the approval of the Ranking Minority Member of the Subcommittee, is authorized to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials at a hearing, provided that the Chairman may subpoena attendance or production without the approval of the Ranking Minority Member where the Chairman or a staff officer designated by him/her has not received notification from the Ranking Minority Member or a staff officer designated by him/her of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the Ranking Minority Member as provided herein, the subpoena may be authorized by vote of the Members of the Subcommittee.

Immediately upon authorization of the issuance of a subpoena under these rules, a written notice of intent to issue the subpoena shall be provided to the Chairman and Ranking Minority Member of the full Committee on Homeland Security and Governmental Affairs, or staff officers designated by them, by the Subcommittee Chairman or a staff officer designated by him/her, and no subpoena shall be issued for at least 48 hours,

excluding Saturdays and Sundays, from delivery to the appropriate offices, unless the Chairman and Ranking Minority Member of the full Committee on Homeland Security and Governmental Affairs waive the 48-hour waiting period or unless the Subcommittee Chairman certifies in writing to the Chairman and Ranking Minority Member of the full Committee that, in his or her opinion, it is necessary to issue a subpoena immediately.

When the Subcommittee or its Chairman authorizes subpoenas, subpoenas may be issued upon the signature of the Chairman or any other Member of the Subcommittee designated by the Chairman.

**AD HOC SUBCOMMITTEE ON DISASTER RECOVERY RULES OF PROCEDURE**

Mr. LIEBERMAN. Mr. President, Senate Standing Rule XXVI requires each committee to adopt rules to govern the procedure of the committee and to publish those rules in the CONGRESSIONAL RECORD not later than March 1 of the first year of each Congress. On February 26, 2009, a majority of the members of the Committee on Homeland Security and Governmental Affairs' Ad Hoc Subcommittee on Disaster Recovery adopted subcommittee rules of procedure.

Consistent with Standing Rule XXVI, today I ask unanimous consent to have printed in the RECORD a copy of the rules of procedure of the Ad Hoc Subcommittee on Disaster Recovery.

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

**RULES OF PROCEDURE OF THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS**

**AD HOC SUBCOMMITTEE ON DISASTER RECOVERY**

1. Subcommittee rules. The Subcommittee shall be governed, where applicable, by the rules of the full Committee on Homeland Security and Governmental Affairs and the Standing Rules of the Senate.

**2. Quorums.**

A. Transaction of routine business. One-third of the membership of the Subcommittee shall constitute a quorum for the transaction of routine business, provided that one Member of the Minority is present. For the purpose of this paragraph, the term "routine business" includes the convening of a meeting and the consideration of any business of the Subcommittee other than reporting to the full Committee on Homeland Security and Governmental Affairs any measures, matters or recommendations.

B. Taking testimony. One Member of the Subcommittee shall constitute a quorum for taking sworn or unsworn testimony.

C. Proxies prohibited in establishment of quorum. Proxies shall not be considered for the establishment of a quorum.

3. Subcommittee subpoenas. The Chairman of the Subcommittee, with the approval of the Ranking Minority Member of the Subcommittee, is authorized to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials at a hearing, provided that the Chairman may subpoena attendance or production without the approval of the Ranking Minority Member where the Chairman or a staff officer designated by him/her has not received notification from the Ranking Minority Member or a staff officer des-

ignated by him/her of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the Ranking Minority Member as provided herein, the subpoena may be authorized by vote of the Members of the Subcommittee.

Immediately upon authorization of the issuance of a subpoena under these rules, a written notice of intent to issue the subpoena shall be provided to the Chairman and Ranking Minority Member of the full Committee on Homeland Security and Governmental Affairs, or staff officers designated by them, by the Subcommittee Chairman or a staff officer designated by him/her, and no subpoena shall be issued for at least 48 hours, excluding Saturdays and Sundays, from delivery to the appropriate offices, unless the Chairman and the Ranking Minority Member of the full Committee on Homeland Security and Governmental Affairs waive the 48-hour waiting period or unless the Subcommittee Chairman certifies in writing to the Chairman and Ranking Minority Member of the full Committee that, in his or her opinion, it is necessary to issue a subpoena immediately.

When the Subcommittee or its Chairman authorizes subpoenas, subpoenas may be issued upon the signature of the Chairman or any other Member of the Subcommittee designated by the Chairman.

**DC VOTING RIGHTS**

Mr. DODD. Mr. President, I had intended to speak briefly yesterday on a very important piece of legislation, S. 160, the District of Columbia House Voting Rights Act of 2009, but I was delayed by meetings and so wanted to have an opportunity to address this bill today. S. 160 provides the people of our Nation's capital with permanent voting representation for the first time in over 200 years. Legislation on this matter has been bottled up for many years in the Senate, and I am hopeful that this year it will finally be enacted.

Despite our Nation's great progress over the years toward removing unnecessary and irrelevant voting restrictions—including those based on race, sex, wealth, property ownership, and marital status—about half a million U.S. citizens are effectively unrepresented in the U.S. Congress. Major decisions in domestic and foreign policy are made in these citizens' backyards, but they have no one to represent their concerns as a voting Member of Congress.

As a recent New York Times editorial stated, "Washington's lack of representation is profoundly undemocratic. Its residents are American citizens who pay taxes, vote for the president and serve and die in the military. Although the city is relatively small, it is more populous than Wyoming and nearly equal to those of Vermont and Alaska." DC residents pay the second highest per capita Federal income taxes in the country but have no vote on how the Federal Government spends their money. The famous phrase, "no taxation without representation," that ignited the American Revolution and launched the original Thirteen Colonies on their quest for independence is

still displayed prominently on DC license plates today.

It is ironic that the city most closely associated with our democratic Government is the very place that U.S. citizens remain without a voice or a vote in Congress. In the words of Thomas Paine: "The right of voting for representatives is the primary right by which other rights are protected." It is, in fact, the right on which all others in our democracy depend. The Constitution guarantees it, and the U.S. Supreme Court has repeatedly underscored that it is one of our most precious and fundamental rights as citizens.

I know that some opponents argue that the reasons the Founders made the Nation's Capital a separate district, rather than locate it within a State, remain sound, and therefore we should not tinker with their work, even at the cost of continued disenfranchisement of DC's citizens. That argument ignores the commitment we all must have to extending the full franchise to all Americans and to ensuring their representation in Congress. And it ignores the fact that article I of the Constitution explicitly gives Congress legislative authority over the District "in all cases whatsoever." The courts have over time described this power as "extraordinary and plenary" and "full and unlimited," and decades of legislative and judicial precedents make clear that the simple word "states" in article I—which provides that the House of Representatives "shall be composed of members chosen by the people of the several states"—does not trump Congress's legislative authority to grant representation in the House to citizens of the District. Even so, to address the concerns of some, section 2(a)(2) of the bill states that "The District of Columbia shall not be considered a State for purposes of representation in the United States Senate."

The current bipartisan compromise embodied in this bill would increase the number of seats in the House of Representatives from 435 to 437. It would provide one seat for a voting Member representing DC that is predominantly Democratic and one at-large seat for Utah in a district that is predominantly Republican-leaning and which was next in line for congressional representation in the House according to 2000 census data. This legislation strikes the appropriate balance by allowing additional representation for both DC and Utah without disadvantaging either national political party. It embodies a reasonable compromise and allows for a responsible reassessment during the next reapportionment effort.

Congress has never granted the DC Delegate full voting rights in the House. Whether such a Federal law is constitutional has never been placed squarely before the courts. While no one can respond to the constitutionality question with certainty until the U.S. Supreme Court issues a bind-

ing decision directly on point, a bipartisan group of academics, judges, and lawyers have concluded that Congress has the authority to provide for voting representation for the District's people. Upon review of the arguments on both sides, I agree. I believe that the Constitution vests in Congress broad power to regulate national elections and plenary authority over DC under article I, section 8, clause 17, known as the "District clause," to address this problem legislatively without the need for a constitutional amendment.

When even conservative legal scholars—from Judges Ken Starr, former U.S. Solicitor General appointed by President George H.W. Bush, to former Assistant Attorney General Viet Dinh appointed by President George W. Bush—have done exhaustive legal analyses which outline the positive case for Congress granting representational rights to citizens of the District, you know there is a strong case to be made. In any event, it is clear to me that these important constitutional questions should ultimately be resolved by the U.S. Supreme Court, and enactment of this bill would enable us to do just that. If opponents of the bill are so certain of their constitutional arguments, they should, it seems to me, allow those arguments to be tested in the full light of day, in the courts, and be resolved once and for all. If it were to be enacted and then struck down because of constitutional infirmities, it would then be clear that a constitutional amendment is the only viable alternative left to DC citizens. This bill provides for expedited review by the courts of the constitutionality of the law, a prudent step in my view.

Mr. President, I would like to briefly address the issue of the fairness doctrine, which was the subject of two votes yesterday. This doctrine, enforced by the Federal Communications Commission, FCC, for over 30 years, required broadcast licensees to cover issues of public importance in a fair, balanced manner.

The fairness doctrine was established to ensure that there would be a diversity of views available to the public in the limited media market available at the time of its adoption. At the time of its establishment, there were just three major television networks and a far smaller number of radio stations. However, in 1987, the FCC rescinded the policy after concluding that the doctrine was no longer necessary given the abundance of media outlets available to the public.

I have been supportive of the fairness doctrine in the past because a well-informed citizenry is of fundamental importance to our democracy. However, given the incredible communications innovations just over the last decade and the explosion of new news sources, I believe that reinstating the fairness doctrine could prove unnecessary and unmanageably complex. Today, citizens can get their news from the major broadcast television networks, a grow-

ing number of 24-hour cable news networks, dozens of radio stations, and hundreds or thousands of Internet news outlets and blogs.

I supported the amendment offered yesterday by Senator DeMINT because, in my view, such a fundamental issue as how the public gets its news deserves a larger forum for debate than the FCC provides. The DeMint amendment ensures that only Congress would have the authority to reinstate the fairness doctrine. While the FCC will continue to play a critically important role in regulating telecommunications, as the elected representatives of the people, the Members of this body and the House of Representatives must be involved in whether to reinstate such a far-reaching policy.

Mr. President, what is at stake with the DC voting rights legislation is nothing less than a fundamental issue of fairness in voting. Every eligible citizen, regardless of where he or she lives, has a constitutionally guaranteed right to be represented in Congress by a voting Member. This bill is another step forward in our efforts to ensure that all Americans are represented equally before this Government. It is the right thing to do, and this century is the right time to do it. In fact, it is long past due. I commend my colleague from Connecticut, the chairman of the Homeland Security and Governmental Affairs Committee, for bringing this important measure before the Senate and for getting it adopted by the Senate yesterday, even with the unnecessary and unwise addition of the gun provisions, which I hope will be stripped from the final bill. I hope the House will act favorably on it next week and that we will soon have a conference report before us to vote on. The President has made clear he would sign it, and I hope it will be enacted soon. The people of the District have waited much too long for that happy day.

#### COMMEMORATING THE 100TH ANNIVERSARY OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

Mr. LAUTENBERG. Mr. President, I rise to commemorate the 100th Anniversary of the National Association for the Advancement of Colored People, NAACP. I strongly support the NAACP and I am proud to be a lifelong member. Today, I wish to recognize this organization and the tremendous work it has done fighting for political, educational, social and economic equality for all. America would be a less equal and less just nation without the work and lasting influence of the NAACP.

One hundred years ago on the centennial of Abraham Lincoln's birth, a distinguished group of Americans came together to fight racial hatred and racial discrimination through non-violence. In the intervening years, the NAACP has become one of the most respected civil rights organizations in

the United States, having fought some of country's greatest civil rights battles.

Since its inception, the NAACP has been on the frontlines fighting for racial equality in all areas of life. A team of NAACP lawyers, led by Thurgood Marshall, fought successfully for the desegregation of public schools in the landmark case *Brown v. Board of Education* in 1954. The NAACP also played a key role in ensuring the passage of the 1964 Civil Rights Act and the 1965 Voting Rights Act, laws that are essential to guaranteeing all Americans' full participation in our democracy.

Whether it is combating racial profiling, reauthorizing the Voting Rights Act, or fighting hate crimes and pay discrimination, I have been proud to stand side by side with the NAACP throughout my Senate career.

There is no better way to honor the NAACP's work than to continue its fight for justice and equal opportunity. This fight starts with getting the Nation's economy moving again, and giving every child access to quality education and every family access to affordable health care. I look forward to working with the NAACP and with all my Senate colleagues to make these goals a reality.

#### FILLING GUN LAW GAPS

Mr. LEVIN. Mr. President, while Congress frequently considers important matters, not every day does it pass legislation capable of actually saving lives. The Brady bill, however, signed into law November 30, 1993, has proven to be such a piece of legislation. The Brady law requires that a prospective gun purchaser undergo a criminal background check before obtaining any firearm from a Federal firearm licensee. Created to prevent felons, fugitives, domestic abusers and other prohibited persons from access to guns, the Brady law has been an important tool in the fight to keep our families and communities safe.

According to the Brady Center to Prevent Gun Violence, Brady background checks have blocked more than 1.6 million attempts by high-risk people to buy a gun from licensed dealers through the end of 2007, including an estimated 842,000 convicted felons, 236,000 people convicted of domestic abuse and 68,000 fugitives from justice. Also, during this 15-year period, the total number of robberies and aggravated assaults committed with a firearm decreased from 564,648 in 1993 to 377,331 in 2006, a decrease of 33 percent. The number of murders committed with a firearm also declined 32 percent, from 17,048 in 1993 to 11,566 in 2006.

Despite these significant reductions in crime, much more needs to be done. Brady background checks, for example, are currently only required for purchases from a licensed gun dealer, which only account for approximately 60 percent of gun sales. They are not required for sales between unlicensed

persons, such as sales at gun shows. According to the Bureau of Alcohol, Tobacco, Firearms and Explosives, almost one-third of all trafficked guns are acquired at gun shows and flea markets. These types of settings provide the perfect loophole for unlicensed sellers to offer countless guns for sale with no questions asked. Someone that would not be able to pass a background check in a licensed gun store currently is able to purchase as many guns as they want at gun shows.

As we begin the first session of the 111th Congress, it is my hope that we will take this opportunity to build upon the success of this law. I urge my colleagues to pass sensible gun safety legislation that will fill the gaps in our gun laws.

#### IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

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

First I do not know why I am writing this since I doubt that the Senate will really hear me, but since you gave me the opportunity to vent here goes.

My husband and I have been married for nine years. Our goal has always been to live within our means. He is an electrician and makes a decent wage and has good health benefits. I am a stay-at-home mom and am busy taking care of our three children (soon four). We have tried to stay out of debt our whole marriage. We currently have our house payment which takes up 27% of my husband's take-home pay each month (This can be lowered if he works overtime but for this sake it is just working a 40-hour week). We then have life insurance policies that are cash policies that take up 08% of our income. We contribute 10% to our faith each month. Then there is 11% used for utility bills, car insurance, etc. The rest is used for gasoline, food, clothing, and unexpected expenses. Last year we were saving 12.5% of my husband's income monthly. This year we are barely making it monthly and saving only 3% if possible.

We can foresee that if energy prices continue it will be hard for my husband to keep

working as an electrician. Pay has not increased as well as costs and living where we do in Idaho we cannot stay in the same town to work. Last year he was traveling over 120 miles a day to go to work and home. It is not unusual for electricians in Idaho to travel at least 60 miles one way. We have tried to accommodate his traveling and moved to the middle of where he has worked but still we figured it costs him 400 dollars a month in gasoline to go to work which is 11% of his income. It is easy to see why we are barely making it.

We are frugal citizens. I do the cooking of food, we pack lunches from home, we have no cable television or cell phones, we grow our own garden, I can our own fruit and vegetables, my husband hunts for venison in the fall which we package ourselves (being the majority of our meat source), and we try to stock up monthly on our food storage. I have been doing less storage because we have less income. I also as the primary shopper have noticed that our food is costing more to purchase.

The problem is not that gasoline is just high. Because it is high food prices are higher, parts for vehicles are higher (we do the majority of our vehicle repairs too), electricity and utilities have raised, taxes are raised to pay for the increase in cities budgets, etc. The 11% we are seeing in gas does not compensate for all the increases because of gas. If we take that into account we would probably see that number grow exponentially.

So we see what gas is doing, what are we doing about it? 1) As a family we are trying to start a business that we can do on the side from home. We sent my husband to Taxidermy School so he can maybe earn a little on the side along with being an electrician. This has been very difficult to do since it costs money and we have very little extra to spend. It has taken us a year to pay for the supplies and tools that are needed. We have spent our savings hoping that in the future it will work out. 2) We make sure he carools with coworkers so our gas bill is minimal. This so far has been great but we cannot always count on it working out as smoothly as it has. 3) We do not travel; I go out very little and drive only about 50 miles a week. The rest of the time I am home with our kids. On the weekends we stay home and try to entertain ourselves in our yard. We have planted a larger garden to hopefully help us keep out of the grocery store less. We try to stay active as a family. We no longer for fishing, hiking, camping, or geocaching as a family. It is too expensive to go. I have not enrolled our children in anything extra such as soccer, tee ball, swim lessons, etc. because the money is not there to accommodate such wants. With such cuts we are still able to barely make it.

The time has come for people to be extremely frugal, work more than one job, or go into extreme debt to make ends meet. We once were a nation to progress, to succeed, to set the standards . . . are we now becoming a nation in steady decline? How do we reverse such a movement? Will our government written by the people and for the people help us or hinder us? Let us start the upward movement before the decline is too hard for many of our citizens to climb out of. Curbing the costs of gasoline and educating the public on financial security will help many get out of the holes they have dug themselves into, and help others from digging any holes at all. Thanks.

SESHA, Shelley.

Thank you for caring enough to listen to the folk in Idaho. Why does it matter how we feel or what we think? Nothing will change for the working man.

Idaho Power will continue to raise our energy bills. Gas is rising each day and now food, then gas heat, etc. It is a domino effect. Why does nothing ever go down? Taxpayers keep getting hit time and again for everything, including illegal immigrants. Get them back home to where they came from that would save a bunch of money right there, in gas, food, welfare, and money paying their medical hospital/ER bills, etc. Have you seen the new laws of Ada County, having to cover illegal immigrants and their medical problems? I can barely take care of my own anymore.

I wish I earned hundreds of thousands like [so many people who make policy decisions. Perhaps more need to know that it's like to] hope you have enough money after buying food for your family and prescriptions for your child for gas for your car—no more fun vacations that we remember as children for my kids; instead, I am doing all I can to keep myself and my family above water and working for benefits.

Why should we be proud to be Americans anymore? Our government gives and gives to other countries, and sends our men and women to a senseless waste of time war—costing billions, and what do we all get in return? The vets come home with hardly any thanks, and we Americans get [the short end] one way or another, by money, tax and politics, and the system in general.

UNSIGNED.

Thank you for standing up for the working class who are being profoundly affected by the rising gasoline and energy costs. The rising cost of gasoline is affecting the cost of food and commodities as well. It is getting more difficult all the time to make ends meet. My husband and I are in our 60s and have turned to riding scooters to be able to afford the gasoline which has gone from costing \$200 per month to over \$450 per month just to be able to get to work! We definitely need to increase our domestic oil production, provide refineries to process it. We must remember that the oil is a finite resource and therefore we must expand nuclear energy research and develop incentives for conservation. We need to fix some very serious problems in our country. We have major health care issues—insurance companies getting rich and employers having to reduce benefits and all of it basically comes right out of our pockets. We have hungry people in our own country and we should be taking care of business at home, work on becoming much more self sufficient in providing our own energy resources and fix the problems to give Americans back a life that is affordable.

SHERRY, *Meridian*.

I am 27 years old, married with no children, and working the hard grind like everyone else. I am currently enrolled at BSU working diligently towards a doctorate degree in chiropractics.

While attending BSU, I was able to take an English class that was focused around the environment and problems that have recently arisen. One of the assignments that we were given was to think of a particular crisis that we as humans are facing and come up with a reasonable solution. The topic that I choose to write on was alternate fuels sources. After much research I found that one of the easiest and most abundant fuel sources we have is hydrogen (H).

I understand that you set up this email to hear from the people of Idaho with concerns, ideas or whatever to come up with a solution to the current crisis we are in, and everything that I have noticed is everyone is worried just about the cost of fuel. Inflation is a real thing, and it was coming sooner or later . . . but why do we have to focus on using old

technology? Why can we not focus on using alternate fuels in Idaho? I am an Idaho native, and I personally believe this is the greatest state to live in because of the quality of life this great state provides. The problem is we are destroying that quality by still utilizing fossil fuels.

I recently went to the movies with my wife and saw an inspiring short film about the town of Greensburg, Kansas. If you are not familiar with the phenomenon that is occurring in this town I will briefly describe it. Recently this town of Greensburg was devastated by numerous tornadoes to the point of there were no sound structures still standing . . . instead of the people of the community just giving up and moving, they decided to rebuild the city but to rebuild it as the "greenest" city on earth. They made a commitment to not only better the environment, but also the community and the quality of life. This short story struck a chord with me . . . why combat the prices of fuel? Why not combat the harmful fuel itself? Through the basic laws of physics we know that mass cannot be destroyed, just changed. Hydrogen (H) is the simplest form of a molecule known to man, and once combusted with Oxygen it creates water. I know you are a very educated man and probably do not need physics or chemistry lessons but I do have a point. Being our Senator and our voice, and acknowledging the crisis we are in I applaud you for your ongoing efforts, but I personally think we should not only focus our efforts to help alleviate the hardships on Idahoans but make the quality of life better. Become the first State in this great nation to do something different, make a difference, and show the rest of the nation what Idahoans are all about.

Fuel will always be needed, but why limit what fuel that is? We have a chance to make a difference, become leaders and not followers. Set a trend that will improve our economic standings, make miracles happen and change the world. I understand that you are one among a very powerful group of people . . . but you have the state of Idaho behind you to make a difference. The only thing I ask is for you to enlist into a righteous cause and make a difference that the world can see and will follow.

Thank you for your efforts and your time in reading this; it is my pleasure to have a representative who cares in office.

MIKE.

I did not receive your email request because I am not a registered Republican. However, whether Republican or Democrat, we are all suffering the same crisis with the rising fuel costs.

I will not go into the politics of this because I just do not understand how big oil business can control the whole world like this.

What I do know is this: I moved my daughter out to Meridian a few years ago so I could be more help raising her three children. She is a single mother who is not receiving child support, but makes too much money for state help. We both work in Boise. She keeps her children involved in sports to help keep them out of trouble. Now she has to decide—drive to work, drive the kids to sports, or buy groceries. My other daughter (she and I are both single also) and I help buy groceries, help her with expenses, and help drive the kids to sports events. Now we are all suffering.

My daughter (with the children) received a 2% raise this year, but her power just went up 10%, gas has gone up 100%, and her medical insurance deduction from her check went up 20%. It has reached the point where we are all selling our homes and moving into one to help with expenses. The days of mul-

tiple generation homes has come back. I really do not know how the elderly on limited incomes are surviving.

Thanks for listening, and I hope answers will be coming very soon. This just has to stop.

ARDEN, *Meridian*.

I just wanted to share that we are one of many grandparents that are raising a grandchild. I have chosen to stay at home to raise her so we are now a one-income family. My husband works in Boise, and we live in Middleton. It is costing us over \$200 a month for gas for him to go to work. Our granddaughter's father is in a work camp in St. Anthony and every year we take her to see him. She lives for that visit, but this year we had to break the news to her that we could not afford to make this trip. She was brokenhearted. But if the cost of fuel keeps going up, we may have to also break the bad news to her that she will not be able to continue with her dance classes. She has been taking ballet for 7 years, but we will have to make the choice of food and gas over her dancing. I have also been able to help at her school during the day, but again this year that may not happen. If the gas prices do not go down and the state raises the price on registrations I will have no option but to park my car and not use it at all. My husband always goes to a church mission every year to help the poor and needy with house repairs, but not this year, as they have to supply their own gas back and forth.

We are at the point with gas prices and food prices and utilities and property taxes going up and wages staying the same we do not have anything left at the end of each pay period. There is no fun time for us now, no vacations, eating out, or going to a movie. We are saving our dimes this year to just go to the fair, which our little girl looks forward to also. I pray I do not have to say no to her again.

I also have a father who lives here in Middleton; he is 84 years old and has cancer and has to drive everyday to Boise for treatments. He has not complained but I am sure being on a fixed income he is giving something up to get that gas to receive his radiation. Please help all of us people. I know there are people who are worst off than we. This is just not fair or just.

DIANA.

My story is as follows: I am a (divorced) single parent of three. I work fulltime and am buying my home. I receive a small amount of child support along with my salary. It has become nearly impossible to be able to afford to just drive to work and back. Taking my children anywhere for a summer vacation has become an impossibility this year. It has already reached the point that I have to choose between gas and anything else (including running my air conditioner in my home or car). If the cost of fuel keeps rising, I will definitely have to mortgage my house just to get through the remainder of the year. It is not right! We are living hand to mouth, and the United States has resources we should be utilizing. Even if the oil off-shore will not immediately alleviate the cost of fuel, we need to start drilling in order to stabilize our economy. In the mean time, the "negotiators" who buy the oil from other countries could cut back their bonuses and cut our costs drastically.

JEANNA, *Boise*.

How much energy can the sun provide? According to the American Solar Energy Society, enough sunlight falls on the earth's surface each minute to meet world energy demand for an entire year. <http://www.powerhousetv.com/>.

The above info blows me away. Why aren't we harnessing this energy?

I live in an older home with an oil furnace. We use it conservatively, turn it off during the day, down when we go to sleep for the night, use a couple of space heaters—and still my oil bill is pushing \$400 a month. . . . And winter went long this year.

We already have the technology to utilize solar energy, whereas cellulosic, or any viable, biofuel is years away. Why do not we put tax dollars into constructing power plants that will capture solar energy and give meaningful assistance to people to convert from oil-consuming applications?

CAROL, *Twin Falls.*

This letter is written with intent to describe our ever-diminishing economy from a manufacturer's point of view. FAB TEC, Inc is a small business that manufactures aggregate handling equipment, including; rock crushers, screening plants and material conveying products. We employ approximately 50 people. Our industry uses primarily steel. From raw stock steel products, to axles with wheels and tires and all the necessary hardware to complete this equipment.

Over the past two and a half years our company has endured huge price increases in our consumables needed to produce our products. Such as steel, and petroleum based products along with all other consumables needed to manufacture our product.

Steel prices have soared approximately 300% over the last three years. 50% increase since December of 2007 pricing. Fuel prices have also gone out of control. FAB TEC uses many petroleum based products such as large amounts of conveyor belting, tires and paint products. Not to mention the fuel it takes to bring in and ship out our products. The manufacturer, and also the end user of products like ours are absorbing huge costs due to the out of control pricing of the consumables we use in the production of the product we sell.

With the public's whispered word "recession" at hand, we think it is time our government steps in to control the price gouging large corporations have forced on all of us, especially including the individual standing in line at the grocery store to buy his bare necessities to survive the ever increasing cost due to out of control fuel costs. I would hope someone or entity would do something soon before it is too late.

These statements are solely based on my opinion, but I feel as many do, we must do something now before it is too late to reverse our dwindling economy.

FRANK, *Moscow.*

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO MAYOR KATHLEEN NOVAK

• Mr. UDALL of Colorado. Mr. President, I am joined by my distinguished colleague, Mr. BENNET from Colorado.

Next week, several thousand city and town leaders from across the country will visit us in Washington, DC, to discuss the major issues of the day. They will be gathered under the auspices of the National League of Cities, NLC, whose president is one of our distinguished mayors—Northglenn, CO, Mayor Kathleen Novak.

Senator BENNET and I will have the honor of meeting with Mayor Novak and a group of other Colorado municipal leaders working through NLC and the Colorado Municipal League.

I want to take this opportunity to recognize Mayor Kathleen Novak. Mayor Novak was elected to Northglenn's City Council on July 11, 1991, after years of serving the community. She was elected mayor in November 2001 and then reelected in November 2005, serving two 4-year terms.

It was Mayor Novak's interest in planning for the city's future that led the city council to develop goals and adopt a strategic plan to help guide the city into the future. Each year, the Northglenn City Council identifies critical issues that can impact and shape Northglenn's future and develops an action agenda to prioritize and address these pressing issues. This has allowed the city to make tremendous progress on many fronts throughout the mayor's term in elected office.

Over the years, Novak helped continue to provide the top-notch services that residents have grown to appreciate while balancing the community's transportation and infrastructure needs through upgrades to the city's infrastructure and facilities. While Mayor Novak was in office, Northglenn built a new wastewater treatment facility and a new maintenance and operations facility and self-funded the 112th Avenue Overpass to make traveling from east to west easier for the city's residents. Northglenn was the first city in Colorado to promote water conservation efforts such as instituting a lottery system whereby city residents could secure free high-efficiency water features for their homes. Through these efforts, the city expects to save 20–25 acre-feet of water annually and thereby save the city and its citizens money from the conserved water.

Northglenn also applies biosolids from water treatment to fertilize farms in Weld County. Through such applications, the city grew, harvested, and sold 2,500 tons of crops. Since recycling conserves precious natural resources, over the past 9 years, the city has been heating two shop buildings with used motor oil that residents have placed at the curb for recycling.

In 2008, Mayor Novak's interest in reconnecting government to all age groups led the city to be the first in the State to be named a Playful City USA by KABOOM, as unique offerings of play continued to take shape in Northglenn. Early in Novak's tenure, Northglenn received America's Crown Community Award by American City and County Magazine for the rehabilitation and redesign of Webster Lake and E.B. Rains Jr. Memorial Park. The park included an innovative concept of providing unique opportunities of play for all—Northglenn's Sensory Playground. The playground offers children with a range of disabilities the opportunity to experience play and exceeds the Americans with Disabilities Act requirement of 50 percent accessibility by providing nearly 100 percent accessibility for people who use wheelchairs.

Most recently, the renovation of the Croke Reservoir Nature Area earned

the city the 2009 Colorado American Public Works Association Award for Engineering and Construction Management for medium-sized communities. The project included stabilization of the eastern shoreline, removal of sediment to improve fishery and wildlife habitat, and improvements to stormwater detention in the area.

Throughout her service, Mayor Kathleen Novak has worked hard to ensure that the city of Northglenn maintains its high quality of life. Last December, in recognition of her efforts, Mayor Novak was unanimously elected by her national peers to serve as the president of the National League of Cities, the voice of municipal government in this country. Senator BENNET and I thank Mayor Novak for her leadership and dedication to Northglenn, CO, and to the Nation.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### EXECUTIVE AND OTHER COMMUNICATIONS

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

EC-834. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridges (including 3 regulations beginning with USCG-2007-0172)" (RIN1625-AA09) received in the Office of the President of the Senate on February 26, 2009; to the Committee on Commerce, Science, and Transportation.

EC-835. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zones (including 27 regulations beginning with USCG-2007-0083)" (RIN1625-AA87) received in the Office of the President of the Senate on February 26, 2009; to the Committee on Commerce, Science, and Transportation.

EC-836. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Areas (including 2 regulations beginning with USCG-2008-0468)" (RIN1625-AA09) received in the Office of the President of the Senate on February 26, 2009; to the Committee on Commerce, Science, and Transportation.

EC-837. A communication from the Chief of Regulations and Administrative Law, U.S.



Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations (including 2 regulations beginning with USCG-2008-0268)" (RIN1625-AA08) received in the Office of the President of the Senate on February 26, 2009; to the Committee on Commerce, Science, and Transportation.

EC-838. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zones (including 50 regulations beginning with USCG-2007-0162)" (RIN1625-AA00) received in the Office of the President of the Senate on February 26, 2009; to the Committee on Commerce, Science, and Transportation.

EC-839. A communication from the Acting Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled "Emissions of Greenhouse Gases in the United States 2007"; to the Committee on Energy and Natural Resources.

EC-840. A communication from the Acting Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, a report relative to the progress made in licensing and constructing the Alaska natural gas pipeline; to the Committee on Energy and Natural Resources.

EC-841. A communication from the Attorney Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Pollution Prevention Equipment" ((RIN1625-AA90) (Docket No. USCG-2004-18939)) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Energy and Natural Resources.

EC-842. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, two Uniform Resource Locators (URLs) for documents that the Agency has recently issued, received in the Office of the President of the Senate on February 9, 2009; to the Committee on Environment and Public Works.

EC-843. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Extension of Deadline for Action of Section 126 Petition from Delaware" (FRL-8774-6) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Environment and Public Works.

EC-844. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace Steelmaking Facilities" (FRL-8774-1) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Environment and Public Works.

EC-845. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; New Hampshire; 2009 Motor Vehicle Emissions Budgets for the Boston-Manchester-Portsmouth (SE), New Hampshire, 8-Hour Ozone Nonattainment Area" (FRL-8771-3) received in the Office of the President of the Senate on February 24, 2009; to the Committee on Environment and Public Works.

EC-846. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Final Authorization of State Hazardous

Waste Management Program Revision" (FRL-8771-8) received in the Office of the President of the Senate on February 24, 2009; to the Committee on Environment and Public Works.

EC-847. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Outer Continental Shelf Air Regulations Consistency Update for Florida" (FRL-8769-5) received in the Office of the President of the Senate on February 24, 2009; to the Committee on Environment and Public Works.

EC-848. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Outer Continental Shelf Air Regulations Consistency Update for North Carolina" (FRL-8769-6) received in the Office of the President of the Senate on February 24, 2009; to the Committee on Environment and Public Works.

EC-849. A communication from the Chief of the Border Security Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Technical Amendment to List of User Fee Airports: Addition of St. Augustine Airport, St. Augustine, Florida" (CBP Dec. 09-04) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Finance.

EC-850. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Changes to the Competitive Acquisition of Certain Durable Medical Equipment, Prosthetics, Orthotics and Supplies (DMEPOS) by Certain Provisions of the Medicare Improvement for Patients and Providers Act of 2008 (MIPPA)" (RIN0938-AP59) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Finance.

EC-851. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Procedure: Safe Harbors for Sections 143 and 25" (Rev. Proc. 2009-18) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Finance.

EC-852. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Calculation of Volume of Alcohol for Fuel Credits; Denaturants" (Notice 2009-06) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Finance.

EC-853. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Automatic Contribution Arrangements" (RIN1545-BG80) received in the Office of the President of the Senate on February 24, 2009; to the Committee on Finance.

EC-854. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "RRTA Desk Guide" (LMSB-4-0908-048) received in the Office of the President of the Senate on February 24, 2009; to the Committee on Finance.

EC-855. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the

report of a rule entitled "Applicable Federal Rates - March 2009" (Rev. Proc. 2009-8) received in the Office of the President of the Senate on February 24, 2009; to the Committee on Finance.

EC-856. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the elimination of the Danger Pay Allowance for Kuwait; to the Committee on Foreign Relations.

EC-857. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed technical assistance agreement for the export of defense articles, including technical data, and defense services in the amount of \$50,000,000; to the Committee on Foreign Relations.

EC-858. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad with Japan; to the Committee on Foreign Relations.

EC-859. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad in the amount of \$50,000,000 or more with Canada and Mexico; to the Committee on Foreign Relations.

EC-860. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad with France; to the Committee on Foreign Relations.

EC-861. A communication from the Acting Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement to include the export of technical data, defense services, and defense articles in the amount of \$100,000,000 or more with Belgium; to the Committee on Foreign Relations.

EC-862. A communication from the Ombudsman for Part E, Energy Employees Compensation Program, Department of Labor, transmitting, pursuant to law, a report entitled "2008 Annual Report of the Ombudsman for Part E of the Energy Employees Occupational Illness Compensation Program of the U.S. Department of Labor"; to the Committee on Health, Education, Labor, and Pensions.

EC-863. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Requirements for Submission of Bioequivalence Data; Final Rule" (RIN0910-AC23) received in the Office of the President of the Senate on February 9, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-864. A communication from the Deputy General Counsel and Designated Reporting Official, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, the report of a vacancy and designation of acting officer in the position of Director of National Drug Control Policy, received in the Office of the



President of the Senate on February 9, 2009; to the Committee on the Judiciary.

EC-865. A communication from the Staff Director, U.S. Commission on Civil Rights, transmitting, pursuant to law, a report relative to the Commission's recent appointment of members to the Alabama Advisory Committee; to the Committee on the Judiciary.

EC-866. A communication from the Management Analyst, Citizenship and Immigration Services, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Employment Authorization and Verification of Aliens Enlisting in the Armed Forces" (RIN1615-AB78) received in the Office of the President of the Senate on February 23, 2009; to the Committee on the Judiciary.

EC-867. A communication from the Federal Register Liaison Officer of the Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Expansion of the Paso Robles Viticultural Area (2008R-073P)" (RIN1513-AB47) received in the Office of the President of the Senate on February 24, 2009; to the Committee on the Judiciary.

EC-868. A communication from the Federal Register Liaison Officer of the Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Establishment of the Snipes Mountain Viticultural Area (2007R-300P)" (RIN1513-AB51) received in the Office of the President of the Senate on February 24, 2009; to the Committee on the Judiciary.

EC-869. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled "USERRA Quarterly Report to Congress; First Quarter of FY 2009"; to the Committee on Veterans' Affairs.

EC-870. A communication from the Acting Secretary of Labor, transmitting, pursuant to law, a report entitled "USERRA Quarterly Report to Congress; First Quarter of FY 2009"; to the Committee on Veterans' Affairs.

#### 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. KOHL (for himself, Mr. DURBIN, and Mrs. LINCOLN):

S. 502. 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 Finance.

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 503. A bill to authorize the exploration, leasing, development, and production of oil and gas in and from the western portion of the Coastal Plain of the State of Alaska without surface occupancy, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ROBERTS:

S. 504. A bill to redesignate the Department of the Navy as the Department of the Navy and Marine Corps; to the Committee on Armed Services.

By Mr. NELSON of Florida (for himself, Mr. MARTINEZ, and Ms. LANDRIEU):

S. 505. A bill to establish a National Catastrophe Risks Consortium and a National Homeowner's Insurance Stabilization Program, and for the other purposes; to the Committee on Banking, Housing, and Urban Affairs.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mrs. LINCOLN (for herself and Mr. WICKER):

S. Res. 59. A resolution designating April 4, 2009, as "National Association of Junior Auxiliaries Day"; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 251

At the request of Mrs. HUTCHISON, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 251, a bill to amend the Communications Act of 1934 to permit targeted interference with mobile radio services within prison facilities.

S. 424

At the request of Mr. LEAHY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 424, a bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

S. 488

At the request of Mr. BROWN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 488, a bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require group and individual health insurance coverage and group health plans to provide coverage for individuals participating in approved cancer clinical trials.

S. 499

At the request of Mr. WYDEN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 499, a bill to amend the Energy Policy Act of 2005 to repeal the ultra-deep-water and unconventional onshore natural gas and other petroleum research and development program.

S. 501

At the request of Mr. ROCKEFELLER, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 501, a bill to amend the Federal Food, Drug, and Cosmetic Act to prohibit the marketing of authorized generic drugs.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MURKOWSKI (for herself and Mr. BEGICH):

S. 503. A bill to authorize the exploration, leasing, development, and production of oil and gas in and from the western portion of the Coastal Plain of the State of Alaska without surface occupancy, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, I rise today to introduce legislation that I believe represents a true compromise to end a three-decade dispute over oil development in northern Alaska. Today, I am introducing legislation that would permit oil and gas to be siphoned from underneath the Coastal Plain of the Arctic National Wildlife Refuge in northern Alaska but without there being any permanent roads, wells, buildings, pipelines, or structures erected that may interrupt the beauty of the Coastal Plain.

Today, I am happy to announce that I am being joined by my colleague from Alaska, Senator BEGICH, in introducing the No Surface Occupancy Western Arctic Coastal Plain Domestic Energy Security Act.

For 29 years since passage of the Alaska National Interest Lands Conservation Act in 1980, there has been a controversy that has raged over whether oil and natural gas development should occur from within this 1.5 million acres of the Arctic Coastal Plain. This is located right inside the Arctic National Wildlife Refuge in northern Alaska. According to the USGS, the area has a mean chance of containing 10.36 billion barrels of oil and 8.6 trillion cubic feet of natural gas and a high chance of producing 16 billion barrels. This is the largest likely undiscovered onshore conventional oil deposit in North America.

Over the years, environmentalists have argued that this area cannot be developed without causing disturbance and perhaps environmental damage to the surface of the Coastal Plain which could harm the Arctic porcupine caribou herd that roam in the area and also harm the bird life that utilizes the Refuge during the brief Arctic summer.

Over the years, this argument and controversy has been fought with near religious intensity. But now what we have is a technology that has been developed that offers a compromise solution that may allow much of the area's energy to be produced without surface damage or disturbance when wildlife is in the area. The solution is to permit oil and gas development to occur without any surface occupancy, meaning without construction of any structures above the ground within the area of the Coastal Plain protected by section 1002 of ANILCA. This is possible since the extended-reach directional drilling technology now permits oil wells to be drilled on the western Alaska State-owned lands, outside of the Refuge's boundary, or from the State waters up to the north, and still be able to tap oil and gas deposits located between 8 to 10 miles inside the Refuge.

Some have suggested this is incredible. How can you place a well and be

able to drill directionally or tap into resources directionally a length of perhaps 8 miles? Proof for this concept comes from British Petroleum's efforts just last season in the 2008 to 2009 drilling season to develop Alaska's North Slope Liberty oilfield. They are using the directional drilling technology that will allow them to tap reserves up to 48,000 feet from the well pad.

What we are talking about here is placement of a drill and then going directionally out in all areas in a length or a distance of up to 8, possibly 10, miles in all directions. It is like an invisible straw that would essentially be able to siphon the oil from under the Coastal Plain area and provide for the resource we need without surface disruption. According to estimates last year by the U.S. Department of Interior's BLM, up to 1.23 billion barrels of oil and 7 trillion cubic feet of natural gas may be accessible initially using this directional drilling technology.

This proposal will require that three-dimensional seismic and other tests be conducted within the Coastal Plain to pinpoint exactly where we want to drill for the location of the hydrocarbons. But these can be conducted in the wintertime from ice roads when we do not have any wildlife in the area.

Eventually, more of the oil and gas from the Coastal Plain may be accessible either as the directional drilling technology improves and expands its reach or as other subsurface oil development technology is developed.

Regardless, if there are no pipelines, if there are no wells, no physical structures that are permitted on the surface of the land, there can be no impact on the wildlife and no degradation to the wilderness characteristics to the Coastal Plain for visitors. Meanwhile, oil to help improve the Nation's supplies and to lower prices can start to be produced quickly since the infrastructure over in Prudhoe Bay already extends to nearly the border of the Refuge.

Finding more oil in America is vital to prevent oil prices from again spiking as the global economy recovers and energy demand increases. Not one of us can forget the pain of just last summer when world prices of \$147 per barrel for crude oil triggered prices of \$4 to \$5 a gallon at our filling stations. Without more domestic oil being developed, prices can again be expected to skyrocket, especially if OPEC is successful in current efforts to reduce the world's oil supplies.

There may be some who question whether there is precedent to do something as we are suggesting today. There is clearly precedent. Congress, back in 2007, approved a Wyoming wilderness lands bill. This was the Wyoming Range Legacy Act that permitted subsurface resource extraction provided that no surface occupancy occurs.

Our legislation would guarantee that royalties from any oil and gas produced would be split equally between the Federal and State treasuries, as is required

by current Federal law. It provides for full environmental protections and project labor agreements for any development that results. The bill further proposes that \$15 million a year be made available to mitigate any developmental impacts that might result and allocates 50 percent of the Federal share of total revenues to fund renewable energy.

Senator Stevens, when he was in the Congress last year, and I had introduced legislation to open ANWR. Within that ANWR legislation, it was, again, directing a substantial portion of the revenues to enhance the buildout of our renewable energy. We are proposing that in this legislation as well: 50 percent of the Federal share of the total revenues to fund renewable energy, another 25 percent for fish and wildlife habitat and conservation programs, and then the balance of 25 percent would go to the general Treasury.

The mitigation aid I just mentioned will guarantee that any Alaskan community impacted by development, especially residents of the North Slope Borough and the village of Kaktovik, will be protected from the indirect impacts of increased development activity.

What we can anticipate from this is a bill that would funnel tens to perhaps hundreds of billions of dollars toward construction of renewable energy over the life of the prospective oilfields. According to a report by the Congressional Research Service, ANWR's opening could provide the Federal Treasury with \$91.7 billion of revenues—and this assumes oil at a price of \$60 a barrel—and with \$191 billion, assuming oil prices of \$125 a barrel.

This all assumes a mean case estimate that 10.3 billion barrels will ultimately be produced. Obviously, with the legislation we have, the revenues would initially be much less because with the protection for the surface disruption we simply cannot extract as much. But as the technology improves, certainly we could see that amount increase.

Given that the Obama administration is seeking at least \$15 billion a year to fund renewable energy, this measure could go a long way toward meeting the administration's goal to pay for green, renewable energy in the future. It will certainly provide a massive boost to funding for existing fish and game habitat and wildlife conservation programs across the Nation.

This proposal is a clear benefit for America. We gain the oil and natural gas that is crucial to provide a bridge until a new era of nonfossil fuel, renewable energy can power our lights and move our vehicles. But it also guarantees that none of the Arctic porcupine caribou herd that migrates across the Coastal Plain between June and August will ever see, hear, or feel oil development. The proposal also means that none of the migratory birds that nest on the Coastal Plain will ever be impacted by oil development. And it

means that no hiker or wilderness enthusiast who visits the Coastal Plain or floats its river in the brief Arctic summer will ever see, hear, or feel oil and gas development.

With the proposal and the environmental safeguards this legislation allows the Secretary of the Interior to establish, there is no danger that any of the few species that overwinter on the coastal plain will be impacted by seismic or other activities, and it protects the subsistence resources and activities for Alaskan natives. We clearly have the ability to prevent any impacts to the few polar bears that sometimes den on the coastal plain or the musk oxen that sometimes visit the area in the winter.

For decades now, Alaskans have been seeking permission to explore and to develop oil in the 1002 area. Given the general estimates the USGS has indicated, we recognize that it offers this country the best chance for a major oil find of any spot onshore in North America, and the technology has advanced so that we now have the possibility of resolving this dispute to the satisfaction of all sides.

For years, Mr. President, this debate has raged with an intensity that is quite remarkable. I would hope that in this era of change, this bill will change the tone of this debate and permit oil and gas production to go hand in hand with responsible environmental stewardship.

I thank the Chair for his attention this morning, and I hope that Members of this body who have been engaged in the debate on the potential opening of ANWR for development would look at this proposal with fresh eyes. I hope they will set aside some of the political rhetoric this has generated over the past 25-plus years and look at this as a meaningful way to help enhance our Nation's energy security, while at the same time respecting the land that we have up North.

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. 503

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "No Surface Occupancy Western Arctic Coastal Plain Domestic Energy Security Act".

#### SEC. 2. DEFINITIONS.

In this Act:

(1) COASTAL PLAIN.—The term "Coastal Plain" means the area identified as the "1002 Coastal Plain Area" on the map.

(2) FINAL STATEMENT.—The term "Final Statement" means the final legislative environmental impact statement on the Coastal Plain, dated April 1987, and prepared pursuant to—

(A) section 1002 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3142); and

(B) section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(3) MAP.—The term “map” means the map entitled “Arctic National Wildlife Refuge”, dated September 2005, and prepared by the United States Geological Survey.

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior (or the designee of the Secretary), acting through the Director of the Bureau of Land Management, in consultation with the Director of the United States Fish and Wildlife Service and in coordination with a State coordinator appointed by the Governor of the State of Alaska.

(5) WESTERN COASTAL PLAIN.—The term “Western Coastal Plain” means that area of the Coastal Plain—

(A) that borders the land of the State of Alaska to the west and State of Alaska offshore waters of the Beaufort Sea on the north; and

(B) from which the Secretary, in the sole discretion of the Secretary, finds oil and gas can be produced through the use of horizontal drilling or other subsurface technology from sites outside or underneath the surface of the Coastal Plain.

### SEC. 3. LEASING PROGRAM FOR LAND WITHIN THE WESTERN COASTAL PLAIN.

(a) IN GENERAL.—

(1) AUTHORIZATION.—There is authorized the exploration, leasing, development, and production of oil and gas from the Western Coastal Plain.

(2) ACTIONS.—The Secretary shall take such actions as are necessary—

(A) to establish and implement, in accordance with this Act, a competitive oil and gas leasing program that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Western Coastal Plain; and

(B) to administer this Act through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that—

(i) ensure the oil and gas exploration, development, and production activities on the Western Coastal Plain will result in no significant adverse effect on fish and wildlife, fish and wildlife habitat, subsistence resources, and the environment;

(ii) prohibit surface occupancy of the Western Coastal Plain during oil and gas development and production; and

(iii) require the application of the best commercially available technology for oil and gas exploration, development, and production to all exploration, development, and production operations under this Act in a manner that ensures the receipt of fair market value by the public for the mineral resources to be leased.

(b) COMPLIANCE WITH REQUIREMENTS UNDER CERTAIN OTHER LAWS.—

(1) COMPATIBILITY.—For purposes of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.)—

(A) the oil and gas leasing program and activities authorized by this section in the Western Coastal Plain shall be considered to be compatible with the purposes for which the Arctic National Wildlife Refuge was established; and

(B) no further findings or decisions shall be required to implement that program and those activities.

(2) ADEQUACY OF DOI LEGISLATIVE ENVIRONMENTAL IMPACT STATEMENT.—The Final Statement shall be considered to satisfy the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) that apply with respect to prelease activities, including actions authorized to be taken by the Secretary to develop and promulgate the regulations for the establishment of a leasing program authorized by this Act before the conduct of the first lease sale.

(c) RELATIONSHIP TO STATE AND LOCAL AUTHORITY.—Nothing in this Act expands or limits any State or local regulatory authority.

(d) REGULATIONS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall promulgate such regulations as are necessary to carry out this Act.

(2) REVISION OF REGULATIONS.—The Secretary shall periodically review and, as appropriate, revise the rules and regulations promulgated under paragraph (1) to reflect any significant biological, environmental, or engineering data that come to the attention of the Secretary.

### SEC. 4. LEASE SALES.

(a) QUALIFIED LESSEES.—

(1) IN GENERAL.—Except as provided in paragraph (2), land may be leased under this Act to any person qualified to obtain a lease for deposits of oil and gas under the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(2) EXCLUSION.—Land may not be leased under this Act to any person prohibited from participation in a lease sale under section 1002(e)(2)(C) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3142(e)(2)(C)).

(b) PROCEDURES.—The Secretary shall, by regulation, establish procedures for—

(1) receipt and consideration of sealed nominations for any area in the Western Coastal Plain for inclusion in, or exclusion from, a lease sale;

(2) the holding of lease sales after the nomination process described in paragraph (1); and

(3) public notice of, and comment on, designation of areas to be included in, or excluded from, a lease sale.

(c) LEASE SALE BIDS.—Bidding for leases under this Act shall be by sealed competitive cash bonus bids.

(d) ACREAGE MINIMUM IN FIRST SALE.—For the first lease sale under this Act, the Secretary shall offer for lease those tracts the Secretary considers to have the greatest potential for the discovery of hydrocarbons, taking into consideration nominations received pursuant to subsection (b)(1), but in no case less than 200,000 acres.

(e) TIMING OF LEASE SALES.—The Secretary shall—

(1) not later than 18 months after the date of enactment of this Act, conduct the first lease sale under this Act;

(2) not later than 2 years after the first lease sale, conduct a second lease sale under this Act; and

(3) conduct additional sales at appropriate intervals if, as determined by the Secretary, sufficient interest in development exists to warrant the conduct of the additional sales.

### SEC. 5. GRANT OF LEASES BY THE SECRETARY.

(a) IN GENERAL.—On payment by a lessee of such bonus as may be accepted by the Secretary, the Secretary may grant to the highest responsible qualified bidder in a lease sale conducted pursuant to section 4 a lease for any land on the Western Coastal Plain.

(b) SUBSEQUENT TRANSFERS.—

(1) IN GENERAL.—No lease issued under this Act may be sold, exchanged, assigned, sublet, or otherwise transferred except with the approval of the Secretary.

(2) CONDITION FOR APPROVAL.—Before granting any approval under paragraph (1), the Secretary shall consult with, and give due consideration to the opinion of, the Attorney General.

### SEC. 6. LEASE TERMS AND CONDITIONS.

(a) IN GENERAL.—An oil or gas lease issued pursuant to this Act shall—

(1) provide for the payment of a royalty of not less than 12 ½ percent of the quantity or value of the production removed or sold from

the lease, as determined by the Secretary in accordance with regulations applicable to other Federal oil and gas leases;

(2) provide that the Secretary may close, on a seasonal basis, such portions of the Western Coastal Plain to exploratory drilling activities as are necessary to protect caribou calving areas and other species of fish and wildlife;

(3) require that each lessee of land within the Western Coastal Plain shall be fully responsible and liable for the reclamation of land within the Western Coastal Plain and any other Federal land that is adversely affected in connection with exploration activities conducted under the lease and within the Western Coastal Plain by the lessee or by any of the subcontractors or agents of the lessee;

(4) provide that the lessee may not delegate or convey, by contract or otherwise, the reclamation responsibility and liability described in paragraph (3) to another person without the express written approval of the Secretary;

(5) contain terms and conditions relating to protection of fish and wildlife, fish and wildlife habitat, subsistence resources, and the environment as required under section 3(a)(2);

(6) provide that each lessee, and each agent and contractor of a lessee, shall use the best efforts of the lessee to provide a fair share of employment and contracting for Alaska Natives and Alaska Native Corporations from throughout the State, as determined by the level of obligation previously agreed to in the Federal Agreement; and

(7) contain such other provisions as the Secretary determines to be necessary to ensure compliance with this Act, including regulations promulgated under this Act.

(b) PROJECT LABOR AGREEMENTS.—The Secretary, as a term and condition of each lease under this Act, and in recognizing the proprietary interest of the Federal Government in labor stability and in the ability of construction labor and management to meet the particular needs and conditions of projects to be developed under the leases issued pursuant to this Act (including the special concerns of the parties to those leases), shall require that each lessee, and each agent and contractor of a lessee, under this Act negotiate to obtain a project labor agreement for the employment of laborers and mechanics on production, maintenance, and construction under the lease.

### SEC. 7. EXPEDITED JUDICIAL REVIEW.

(a) FILING OF COMPLAINTS.—

(1) DEADLINE.—A complaint seeking judicial review of a provision of this Act or an action of the Secretary under this Act shall be filed—

(A) except as provided in subparagraph (B), during the 90-day period beginning on the date on which the action being challenged was carried out; or

(B) in the case of a complaint based solely on grounds arising after the 90-day period described in subparagraph (A), by not later than 90 days after the date on which the complainant knew or reasonably should have known about the grounds for the complaint.

(2) VENUE.—A complaint seeking judicial review of a provision of this Act or an action of the Secretary under this Act shall be filed in the United States Court of Appeals for the District of Columbia Circuit.

(3) SCOPE.—

(A) IN GENERAL.—Judicial review of a decision of the Secretary relating to a lease sale under this Act (including an environmental analysis of such a lease sale) shall be—

(i) limited to a review of whether the decision is in accordance with this Act; and

(ii) based on the administrative record of the decision.

(B) PRESUMPTIONS.—Any identification by the Secretary of a preferred course of action relating to a lease sale, and any analysis by the Secretary of environmental effects, under this Act shall be presumed to be correct unless proven otherwise by clear and convincing evidence.

(b) LIMITATION ON OTHER REVIEW.—Any action of the Secretary that is subject to judicial review under this section shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

#### SEC. 8. LOCAL GOVERNMENT IMPACT AID AND COMMUNITY SERVICE ASSISTANCE.

(a) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—The Secretary shall establish in the Treasury a fund to be known as the “Coastal Plain Local Government Impact Aid Assistance Fund” (referred to in this section as the “Fund”) to offset any planning, land use-related, or service-related impacts of offshore development caused by this Act.

(2) DEPOSITS.—The Secretary of the Treasury shall deposit into the Fund, \$15,000,000 each year from the amount available under section 9(1).

(b) ASSISTANCE.—The Governor of Alaska, in cooperation with the Mayor of the North Slope Borough, shall use amounts in the Fund to provide assistance to the North Slope Borough, Alaska, the City of Kaktovik, Alaska, and any other borough, municipal subdivision, village, or other community in the State of Alaska that is directly impacted by exploration for, or the production of, oil or gas on or near the Coastal Plain under this Act, or any Alaska Native Regional Corporation acting on behalf of the villages and communities within its region whose land lies along the right of way of the Trans Alaska Pipeline System, as determined by the Governor.

(c) APPLICATION.—

(1) IN GENERAL.—To receive assistance under subsection (b), a community or Regional Corporation described in that subsection shall submit to the Governor, or to the Mayor of the North Slope Borough, an application in such time, in such manner, and containing such information as the Governor may require.

(2) ACTION BY NORTH SLOPE BOROUGH.—The Mayor of the North Slope Borough shall submit to the Governor each application received under paragraph (1) as soon as practicable after the date on which the application is received.

(3) ASSISTANCE OF GOVERNOR.—The Governor shall assist communities in submitting applications under this subsection to the maximum extent practicable.

(d) USE OF FUNDS.—A community or Regional Corporation that receives funds under subsection (b) may use the funds—

(1) to plan for mitigation, implement a mitigation plan, or maintain a mitigation project to address the potential effects of oil and gas exploration and development on environmental, social, cultural, recreational, and subsistence resources of the community;

(2) to develop, carry out, and maintain—

(A) a project to provide new or expanded public facilities; or

(B) services to address the needs and problems associated with the effects described in paragraph (1), including firefighting, police, water and waste treatment, first responder, rescue, and other medical services;

(3) to compensate residents of the Coastal Plain or nearby waters for significant damage to environmental, social, cultural, recreation, or subsistence resources; and

(4) in the City of Kaktovik, Alaska—

(A) to develop a mechanism for providing members of the Kaktovikmiut Inupiat community an opportunity—

(i) to monitor development in or near the Coastal Plain; and

(ii) to provide information and recommendations based on traditional knowledge; and

(B) to establish a local coordination office, to be managed by the Mayor of the North Slope Borough, in coordination with the City of Kaktovik, Alaska—

(i) to coordinate with and advise developers on local conditions and the history of areas affected by development;

(ii) to collect from residents of the Coastal Plain information regarding the impacts of development on fish, wildlife, whales, other marine mammals, habitats, subsistence resources, and the environment of the Coastal Plain; and

(iii) to ensure that the information collected under clause (ii) is submitted to any appropriate Federal agency.

#### SEC. 9. ALLOCATION OF REVENUES.

(a) IN GENERAL.—Notwithstanding any other provision of law, of the amount of adjusted bonus, rental, and royalty revenues from Federal oil and gas leasing and operations authorized under this Act—

(1) 50 percent shall be paid semiannually to the State of Alaska; and

(2) 50 percent shall be allocated in accordance with subsection (b).

(b) ALLOCATION OF FEDERAL FUNDS.—Any amounts made available under subsection (a)(2), plus an appropriated amount equal to the amount of Federal income tax attributable to sales of oil and gas produced from operations described in subsection (a), shall be deposited in an account in the Treasury which shall be available, without further appropriation or fiscal year limitation, each fiscal year as follows:

(1) \$15,000,000 shall be deposited by the Secretary of the Treasury into the Fund created under section 8(a)(1).

(2) The remainder shall be available as follows:

(A) 50 percent shall be available to the Department of Energy to carry out alternative energy programs established under the Energy Policy Act of 2005 (42 U.S.C. 15801 et seq.), the Energy Independence and Security Act of 2007 (42 U.S.C. 17001 et seq.), or an amendment made by either of those Acts, as determined by the Secretary of Energy.

(B) 25 percent shall be available to the Department of the Interior for award to wildlife habitat and fish and game programs authorized by the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.) and the Dingell-Johnson Sport Fish Restoration Act (commonly known as the “Wallop-Breaux Act”) (16 U.S.C. 777 et seq.).

(C) 25 percent shall remain in the general fund of the Treasury.

#### SUBMITTED RESOLUTIONS

##### SENATE RESOLUTION 59—DESIGNATING APRIL 4, 2009, AS “NATURAL ASSOCIATION OF JUNIOR AUXILIARIES DAY”

Mrs. LINCOLN (for herself and Mr. WICKER) submitted the following resolution; which was considered and agreed to:

S. RES. 59

Whereas the National Association of Junior Auxiliaries and its members provide valuable service and leadership opportunities for women who wish to take an active role in their communities;

Whereas the mission of the National Association of Junior Auxiliaries is to encourage member chapters to render charitable services that are beneficial to the general public,

with a particular emphasis on providing for the needs of children; and

Whereas, since its founding in 1941, the National Association of Junior Auxiliaries has provided strength and inspiration to women who want to effect positive change in their communities: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates April 4, 2009, as “National Association of Junior Auxiliaries Day”;;

(2) recognizes the great contributions made by members of the National Association of Junior Auxiliaries to their communities and to the people of the United States; and

(3) especially commends the work of the members of the National Association of Junior Auxiliaries to better the lives of children in the United States.

#### NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to correct the notice of a hearing before the Committee on Energy and Natural Resources previously announced on February 24.

The hearing will be a legislative hearing, rather than an oversight hearing. It will focus on draft legislative proposals on energy research and development.

In addition, the hearing will be held in SH-216, rather than in SD-366.

The hearing will still be held on Thursday, March 5, 2009, at 9:30 a.m.

#### SCHOOL SOCIAL WORK WEEK

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 58 and the Senate proceed to its immediate consideration.

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

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 58) designating the week of March 1 through March 8, 2009, as “School Social Work Week.”

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

Mr. KAUFMAN. 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 the resolution be printed in the RECORD.

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

The resolution (S. Res. 58) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 58

Whereas the Senate has recognized the importance of school social work through the inclusion of school social work programs in the current authorizations of the Elementary and Secondary Education Act of 1965 (20

U.S.C. 6301 et seq.) and the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.);

Whereas school social workers serve as vital members of a school's educational team, playing a central role in creating partnerships between the home, school, and community to ensure student academic success;

Whereas school social workers are especially skilled in providing services to students who face serious challenges to school success, including poverty, disability, discrimination, abuse, addiction, bullying, divorce of parents, loss of a loved one, and other barriers to learning;

Whereas there is a growing need for local educational agencies to offer the mental health services that school social workers provide when working with families, teachers, principals, community agencies, and other entities to address students' emotional, physical, and environmental needs so that students may achieve behavioral and academic success;

Whereas to achieve the goal of the No Child Left Behind Act of 2001 (Public Law 107-110) of helping all children reach their optimal levels of potential and achievement, including children with serious emotional disturbances, schools must work to remove the emotional, behavioral, and academic barriers that interfere with student success in school;

Whereas fewer than 1 in 5 of the 17,500,000 children in need of mental health services actually receive these services, and research indicates that school mental health programs improve educational outcomes by decreasing absences, decreasing discipline referrals, and improving academic achievement;

Whereas school mental health programs are critical to early identification of mental health problems and in the provision of appropriate services when needed;

Whereas the national average ratio of students to school social workers recommended by the School Social Work Association of America is 400 to 1; and

Whereas the celebration of "School Social Work Week" highlights the vital role school social workers play in the lives of students in the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates March 1 through March 8, 2009, as "School Social Work Week";

(2) honors and recognizes the contributions of school social workers to the successes of students in schools across the Nation; and

(3) encourages the people of the United States to observe "School Social Work Week" with appropriate ceremonies and activities that promote awareness of the vital role of school social workers, in schools and in the community as a whole, in helping students prepare for their futures as productive citizens.

#### NATIONAL ASSOCIATION OF JUNIOR AUXILIARIES DAY

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 59, submitted earlier today by Senator LINCOLN.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 59) designating April 4, 2009, as "National Association of Junior Auxiliaries Day."

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

Mr. KAUFMAN. 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 the resolution be printed in the RECORD.

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

The resolution (S. Res. 59) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 59

Whereas the National Association of Junior Auxiliaries and its members provide valuable service and leadership opportunities for women who wish to take an active role in their communities;

Whereas the mission of the National Association of Junior Auxiliaries is to encourage member chapters to render charitable services that are beneficial to the general public, with a particular emphasis on providing for the needs of children; and

Whereas, since its founding in 1941, the National Association of Junior Auxiliaries has provided strength and inspiration to women who want to effect positive change in their communities: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates April 4, 2009, as "National Association of Junior Auxiliaries Day";

(2) recognizes the great contributions made by members of the National Association of Junior Auxiliaries to their communities and to the people of the United States; and

(3) especially commends the work of the members of the National Association of Junior Auxiliaries to better the lives of children in the United States.

#### ORDER FOR RECORD TO REMAIN OPEN

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the RECORD remain open until 1 p.m. for the purpose of adding cosponsors and submitting statements.

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

#### ORDERS FOR MONDAY, MARCH 2, 2009

Mr. KAUFMAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. Monday, March 2; that following the prayer and the 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 the consideration of H.R. 1105, the Omnibus appropriations bill, as under the previous order.

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

#### PROGRAM

Mr. KAUFMAN. Mr. President, today we were able to reach an agreement that would permit the Senate to begin consideration of the Omnibus appropriations bill on Monday. The bill will be open for debate and amendments on Monday; however, there will be no roll-call votes. Senators should expect the next vote Tuesday morning.

#### ADJOURNMENT UNTIL MONDAY, MARCH 2, 2009, AT 2 P.M.

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

There being no objection, the Senate, at 11:59 a.m., adjourned until Monday, March 2, 2009, at 2 p.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### DEPARTMENT OF THE INTERIOR

DAVID J. HAYES, OF VIRGINIA, TO BE DEPUTY SECRETARY OF THE INTERIOR, VICE PATRICIA LYNN SCARLETT, RESIGNED.

##### SMALL BUSINESS ADMINISTRATION

KAREN GORDON MILLS, OF MAINE, TO BE ADMINISTRATOR OF THE SMALL BUSINESS ADMINISTRATION, VICE STEVEN C. PRESTON, RESIGNED.

#### CONFIRMATIONS

Executive nominations confirmed by the Senate, Friday, February 27, 2009:

##### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY WHILE SERVING AS THE ATTENDING PHYSICIAN TO THE CONGRESS, UNDER ARTICLE II, SECTION 2, CLAUSE 2 OF THE CONSTITUTION:

##### *To be rear admiral*

CAPT. BRIAN P. MONAHAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

##### *To be rear admiral*

REAR ADM. (LH) MICHAEL A. BROWN

##### IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH BRIAN D. AKINS AND ENDING WITH JEFFREY J. WIEGAND, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 9, 2009.

##### IN THE NAVY

NAVY NOMINATIONS BEGINNING WITH CHRISTOPHER M. ANDREWS AND ENDING WITH EZEKIEL J. WETZEL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 9, 2009.