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No. 2

## Senate

The Senate met at 11:30 a.m. and was called to order by the Honorable ROBERT P. CASEY, Jr., a Senator from the Commonwealth of Pennsylvania.

### PRAYER

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

Let us pray.

Eternal God, You are the source of light and peace, and we praise You for giving us blessings far beyond what we deserve. Thank You for the blessings of freedom and a government that seeks to empower people with liberty. Thank You for blessing us with lawmakers who strive to know what is right and to do it. Thank You also for the gift of forgiveness, for You daily meet our need for moral and spiritual renewal. Lord, use our Senators today. Show them Your path and teach them Your ways. Keep them so completely under Your rulership that they will do justly, love mercy, and walk humbly with You.

We pray in Your holy Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable ROBERT P. CASEY, Jr., led the Pledge of Allegiance, as follows:

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

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, January 7, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable ROBERT P. CASEY, Jr., a Senator from the Commonwealth of Pennsylvania, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

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

### 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, are we in a quorum call?

The ACTING PRESIDENT pro tempore. No, we are not. The majority leader is recognized.

MEASURES PLACED ON THE CALENDAR—S. 1, S. 2, S. 3, S. 4, S. 5, S. 6, S. 7, S. 8, S. 9, S. 10, S. 33, and S. 34

Mr. REID. Mr. President, it is my understanding there are 12 bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bills by title for the second time.

The legislative clerk read as follows:

A bill (S. 1) to create jobs, restore economic growth, and strengthen America's middle class through measures that modernize the nation's infrastructure, enhance America's energy independence, expand educational opportunities, preserve and improve affordable health care, provide tax relief, and protect those in greatest need, and for other purposes.

A bill (S. 2) to improve the lives of middle class families and provide them with greater opportunity to achieve the American dream.

A bill (S. 3) to protect homeowners and consumers by reducing foreclosures, ensur-

ing the availability of credit for homeowners, businesses, and consumers, and reforming the financial regulatory system, and for other purposes.

A bill (S. 4) to guarantee affordable, quality health coverage for all Americans, and for other purposes.

A bill (S. 5) to improve the economy and security of the United States by reducing the dependence of the United States on foreign and unsustainable energy sources and the risks of global warming, and for other purposes.

A bill (S. 6) to restore and enhance the national security of the United States.

A bill (S. 7) to expand educational opportunities for all Americans by increasing access to high-quality early childhood education and after school programs, advancing reform in elementary and secondary education, strengthening mathematics and science instruction, and ensuring that higher education is more affordable, and for other purposes.

A bill (S. 8) to return the Government to the people by reviewing controversial "midnight regulations" issued in the waning days of the Bush Administration.

A bill (S. 9) to strengthen the United States economy, provide for more effective border and employment enforcement, and for other purposes.

A bill (S. 10) to restore fiscal discipline and begin to address the long-term fiscal challenges facing the United States, and for other purposes.

A bill (S. 33) to amend the Internal Revenue Code of 1986 with respect to the proper tax treatment of certain indebtedness discharged in 2009 or 2010, and for other purposes.

A bill (S. 34) to prevent the Federal Communications Commission from repromulgating the fairness doctrine.

Mr. REID. Mr. President, I object to any further proceedings with respect to these bills en bloc.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be placed on the calendar en bloc.

### MEASURE READ THE FIRST TIME—S. 22

Mr. REID. Mr. President, S. 22 was introduced earlier today by Senator BINGAMAN. It is my understanding that

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



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S153

is the case and is due for its first reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title for the first time.

The legislative clerk read as follows:

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

Mr. REID. Mr. President, I now ask for its second reading but object to my own request.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be read a second time on the next legislative day.

#### ORDER OF BUSINESS

Mr. REID. Mr. President, I have notified a number of Members—I had a meeting with them at 9 o'clock this morning—that because of a Senator not allowing us to move forward on this legislation last night and throwing every procedural hurdle in the way of these bills, which is now in the form of one bill, we are going to have a vote Sunday morning in the Senate. So everyone should understand, Sunday morning we are going to have a vote in the Senate.

I have had a number of meetings with President-elect Obama. We have a lot to do. I spoke with Senator MIKULSKI right before coming in. I have spoken with Senator KENNEDY today. The Ledbetter legislation, to make things more fair for people, especially women, is the next piece of legislation we are going to move to after this bill. We have just a few days to do all this work.

As President-elect Obama has said, there are people out there who would love to work on Sunday. We are going to have to spend time on Saturdays, Sundays, and nighttime, especially during the first several months of this difficult time in which we find ourselves in this country. Everything that should be up is down. Alcoa is laying off 13,500 people today. The word is out that they expected about 400,000 jobs to be lost this month. They are reporting within the next few hours almost 700,000 jobs were lost this month. Do you think we can work a weekend, maybe take a Saturday vote or a Sunday vote? I think we better do that. Senators should cancel their travel plans this weekend.

I have a family just like everyone else does, and I would rather not be here this weekend. But I want everyone to understand—I am glad Republicans are on their retreat. That is important. We are going to have one later on. I hope the staff will alert them that on Sunday we are going to have a vote. I am sorry for the inconvenience, but as President-elect Obama has said, there are people out there who would like to be able to work on Sunday. They would like to work anytime; they don't have

jobs. Mr. President, 670,000 people this month have lost jobs. Think about that—670,000 people have lost jobs.

Mr. President I want to say just one thing. This is Senator BYRD's 50th anniversary. I spoke at some length yesterday about his record. I don't want this day to go by without having acknowledged the 50th anniversary of Senator BYRD's service in the Senate. Senators will be coming to the floor today to talk about Senator BYRD's 50 years of service. At a later time, we will put that into a document and have that available for the public and individual Senators.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll

Mr. TESTER. 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.

#### RECESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will recess until 2:15 p.m.

Thereupon, the Senate, at 12:33 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARDIN).

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

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

Mr. CASEY. I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate at 2:15 p.m., recessed subject to the call of the Chair and reassembled 3:04 p.m., when called to order by the Presiding Officer (Mrs. MCCASKILL).

The PRESIDING OFFICER. The Senator from Maryland.

#### ISRAEL AND GAZA

Mr. CARDIN. Madam President, a nation's first responsibility is to defend its citizens against hostile threats. The United States exercised that responsibility when the Taliban Government of Afghanistan supported terrorist attacks against our country. Israel has the responsibility to protect its citizens from Hamas terrorist attacks.

I am deeply saddened by the continued violence and loss of innocent lives on both sides of the Israel-Gaza border.

I strongly support Israel's right to defend its citizens against threats to its security and its existence. I wholeheartedly agree with President-elect Obama who defined the problem very clearly:

If somebody was sending rockets into my house, where my family slept at night I'm going to do everything in my power to stop that.

The recent military action in Gaza is in direct response to numerous rocket and mortar attacks from militants in the Hamas-controlled Gaza, which have killed and injured Israeli citizens and currently paralyzes the southern regions of Israel.

Southern Israel cities have been the target of over 4,000 rockets and thousands of mortar shells since 2001, the majority of which were launched after Israel withdrew from Gaza in August 2005. During the more recent 6-month truce, more than 215 rockets were launched at Israel. Hamas has been extending the range of its striking capability, with new rockets supplied by Iran. The Israeli Government now knows that Hamas had acquired rockets that can reach Ashdod and even the outskirts of Beersheba.

Hamas' willingness to extend its reach deeper into Israel and its overall failure to end attacks exacerbates the already fragile humanitarian situation for the residents of Gaza and undermines efforts to attain peace and security in the region. As a result of the fighting, Gaza City and its main medical center, Shiffa Hospital, have been left without electricity and hospitals are pushed beyond their capacity to handle the number of victims. Hamas seems to care more about inflicting damage on Israel than the protection and welfare of its own citizens.

Hamas poses a critical challenge to the regional peace process. Labeled as a terrorist organization but holding seats in the Palestinian Government and acting as the controlling authority in Gaza, the organization's leaders encourage violence and cling to the belief that Israel itself should be destroyed. Questions remain as to whether or not the organization should even be included in peace negotiations, but the fact remains that the threat Hamas poses to Israel is an obstacle to any negotiation efforts.

I urge Israel and the Palestinians to take advantage of the current efforts to broker a sustainable cease-fire and a negotiated peaceful settlement. Any such cease-fire must include Hamas' ending its rocket and mortar attacks, recognize its neighbor's right to exist, renounce violence, and honor all past agreements in order to move toward a two-state solution based on mutual peace and security.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. KLOBUCHAR. I ask unanimous consent that the order for the quorum call be rescinded.

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

#### ECONOMIC STIMULUS

Ms. KLOBUCHAR. Madam President, we all know the American economy is in a challenged state. That is a nice

way of putting it. I spent about a week in December traveling around my State visiting 22 counties, meeting with people who had been working three jobs, had their hours reduced, were afraid they weren't going to be able to buy their grandkids Christmas presents. Letters coming to my office included a woman who said she inherited a small amount of money from her dad. She thought that would go to her daughter's wedding, but instead it was used to pay for her retirement because she had lost so much money from her retirement funds. We heard stories of a man and his wife who would put their daughters to bed at night and gather at the kitchen table, shaking their heads and wondering how they were going to make it. Those were the comments I heard when I was home in Minnesota in December.

I also saw some optimism and hope as I traveled the State and saw the growing energy economy and heard the enthusiasm for our new President-elect. Obviously, there was frustration with what has been going on with this administration for the past 8 years and how they have not had a forward-thinking plan for the economy. People have hope that is going to change.

I can tell there is widespread interest in the economic stimulus package proposed by the new President. There is widespread interest in my State for infrastructure spending, for the energy jobs. One thing I believe we need to devote some specific time to in the next few weeks—and I know the new President is interested in this—is the idea of looking not only at roads and bridges and infrastructure but to look at technological infrastructure, to figure out why we have had trouble competing with countries around the world.

When one talks to people in Park Rapids, MN, who go maybe a mile out of town, they can't get on the Internet or it costs them \$700 a month if they are going to do satellite, or they can be stuck with dial-up that is so slow they can hardly use it, you get to understand the need for better technological infrastructure. What I finally figured out, after this 22-county tour—I had been trying to figure out why some companies say they are offering Internet service. I finally figured out what the problem is. In many parts of my State, they may have Internet service, but it is either much too slow or much too expensive.

As a country we have ensured that every American has access to telephone service and electricity regardless of economic status. We must now do the same for broadband Internet access. Broadband not only creates educational and health care opportunities, it can create opportunities for businesses and employment that would otherwise not exist in rural communities.

In these tough economic times, broadband deployment creates jobs—not only the direct creation of jobs in the tech sector but also the creation of

even more indirect employment opportunities by increasing access to broadband.

After visiting 22 of Minnesota's counties, I convened a Broadband Roundtable in my State on December 29. I heard firsthand from people about the importance of making sure they have access to fast and affordable broadband. We have had success stories in our State, as well.

One story I heard when I was out in a small town in Minnesota—Sebeka—they began diversifying early into cutting-edge technologies, including fiber optic infrastructure, digital telephone switching, cable and satellite TV, broadband Internet service to 100 percent of their customers. They have a very high percentage—I think 70 to 80 percent—of people who are actually purchasing this high-speed Internet in a very small town in a remote area of Minnesota.

The government of Carver County, MN, is leading a collaborative effort to interconnect county facilities with cities, school districts, townships, and other entities in the development of high-speed communications.

Through a number of funding and technical assistance programs, Minnesota's Blandin Foundation's Broadband Initiative has worked in rural Minnesota communities to educate community leaders and to get these partnerships started.

Despite these local success stories, however, much more needs to be done. The overall reality is America has become an international laggard on broadband. In 2000, the United States ranked 4th among 30 nations surveyed in broadband subscribership, according to the Organization for Economic Cooperation and Development. Today, the United States is 15th on the list. So in the last 8 years, we have gone from 4th in the world to 15th in the world. That is not the kind of progress that is going to keep this country moving and get us back on track.

According to the International Telecommunications Union, the United States is now perched as 24th in the world in broadband penetration. Canada has a higher level of broadband penetration and digital opportunity than we do.

Broadband adoption in the United States does continue to grow—from 47 percent of homes in March 2007 to 55 percent in April 2008. But the figure is significantly lower for those living in rural America: only 38 percent.

Of course, we have to consider more than just access, as I noted earlier. We need to look at speed. We need to look at speed if we are going to compete with countries such as India and Japan.

So we have work ahead of us. All of us understand broadband is a critical infrastructure for the 21st century. By one estimate—to give you a sense of what we are talking about, jobs—every 1 percentage point increase in broadband penetration per year would lead to the creation of nearly 300,000 new

jobs. That is why it is essential that all communities, including our rural communities, have the opportunity to take advantage of the opportunities offered by this 21st-century infrastructure. I want these jobs in my State going to Thief River Falls or Lanesboro or Crookston instead of going off to other countries such as Japan and India. It is that simple. I want these jobs to stay in the United States. We have seen the challenge before to make sure our rural communities are not left behind as technology develops.

For example, there are still many Americans who can remember growing up in homes with no electricity and no telephone service. In 1935, about 80 percent of all homes and towns and cities in the United States had electricity, but fewer than 12 percent of farms in America had electricity, and only about 25 percent had telephone service, which was often unreliable.

In 1935, President Roosevelt created the Rural Electrification Administration, REA. The REA helped organize and support farmer-owned electric cooperatives to bring electricity to farms. By 1949—this was from 1935 to 1949—more than three-quarters of all farms in America had electricity. So with those standards that were put in place, it went from 12 percent to 75 percent. That is an amazing achievement during a time of crisis because people believed you could get this done.

The penetration of telephone service actually took longer. In 1949, only 36 percent of America's farms had telephone service. That year, a telephone amendment was added to the Rural Electrification Act, which made loan funds available to finance rural telephone systems. In just a little more than a decade, nearly 80 percent of farms had telephone service.

Even much of our modern transportation infrastructure—including paved roads and steel and concrete bridges—has come into existence only in the past 70 years, thanks to both the New Deal and President Eisenhower's Interstate Highway Program. Our broadband infrastructure presents us with the same challenge to make sure no one is left behind.

President-elect Obama understands that broadband must now be considered a basic part of our national infrastructure. He also understands that investment in our broadband infrastructure is essential to our long-term prosperity.

A few weeks ago, in a weekly address, President-elect Obama announced that a key part of his economic recovery plan would involve increasing broadband deployment and adoption, saying:

It is unacceptable that the United States ranks 15th in the world in broadband adoption.

On Monday of this week, I sent a letter to the President-elect applauding his efforts to include investment in our Nation's information infrastructure as

part of an economic stimulus package. I also asked that he consider these partnerships that we have seen work so well in our State, and that matching grants on the Federal level to work with the local communities would be one way to spur broadband development.

I finally asked him to look at the fact that this is not just about communities that have no access, it is also about communities that have bad access or slow access or too expensive access. If we really want to get the broadband infrastructure in place, we have to make it work for everyone, just as what Dwight D. Eisenhower did with the highway system in the 1950s, and just as President Roosevelt did with rural electrification in the 1930s and 1940s.

I believe any economic stimulus package must include mechanisms designed to bring affordable and fast broadband to this country. An economic stimulus package should fully fund the Broadband Data Improvement Act, which I cosponsored and which passed last Congress.

Any economic stimulus package, as I mentioned, must also fund matching grants for community-level partnerships that demonstrate strong cooperation among local governments, businesses, schools, health care, and others.

Finally, one aspect of the Nation's information infrastructure that may continue to elude us absent some type of Federal involvement is the creation of an advanced, interoperable communications network for public safety.

I still remember hearing when one of our police officers was shot and killed in St. Paul, MN, how those who were trying to apprehend the person, the murderer in this case, were trying to communicate. When they were up in the helicopter, they literally had to have multiple walkie talkies and telephones, sometimes six or seven, to try to match up with all the phone systems that were in use across the area.

Well, since then we have had improvements in the large metropolitan area of the Twin Cities in our interoperability, but we do not have that kind of matching and that kind of cooperation in the rural parts of our State, nor do we have it across the country.

The first responsibility of government is to protect its citizens. The fact that our Nation's police, fire, and other first responders, including those in our rural areas, still do not have access to such a network more than 7 years after the tragic events of September 11 is simply unacceptable. I believe consideration of this issue in the context of broadband stimulus measures may present the best chance to address this continuing problem.

I join the President-elect and so many in this Senate in calling for 21st-century technology to create jobs and help our economy be more robust and competitive in the long term. This is

about creating immediate jobs, and we can get that with technological infrastructure. But it is also about creating jobs in a way that leaves us with something that will actually move this economy forward.

This technological infrastructure, whether it be the electricity grid or whether it be the broadband I have spoken about today, is really our rural electrification. It is our interstate highway program. It is our generation's chance to build this infrastructure in a way that will fit the changing needs of this country and allow us to compete on the world stage.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### TRIBUTE TO SENATOR ROBERT BYRD

Mr. LEAHY. Madam President, I couldn't help thinking today, as we were sitting in our weekly caucus—that the senior member of our party here in the Senate and the most senior Member of the Senate, and the senior Senator from West Virginia, the distinguished ROBERT C. BYRD, has now served 50 years which is an all time record as the longest serving Senator in our country.

I have had the privilege of serving beside Senator BYRD for 34 years and am proud to call him a very good friend. When I first came to the Senate as a new Member, it was ROBERT BYRD who took me aside and talked to me about the rules of the Senate. Senator BYRD took the time to speak about the rules and history of the Senate, but he also talked about the customs, and practices of this body. He spoke of the way you treat each other, and how you treat members of the other party. He also explained the customary order of recognition, the kinds of courtesies you use and the importance of taking into consideration the needs of another Senator.

Senator BYRD and I have sat here through inaugurations of Presidents, and we have traveled together to funerals of colleagues with whom we have served. His late wife, Erma, and my wife, Marcelle, were friends and would often ride together down to the Senate for Senate gatherings. I know I would always enjoy running into Erma and BOB in the grocery store in McLean, VA. After a while, we would tend to forget what it was we had gone to the store for because we would be catching up on the news of the Senate. Throughout it all, BOB BYRD has always had that great sense of what it means to be a Senator.

I said many times on the floor of this Senate that there are only 100 of us

who have the privilege at any given time to serve here and the American people. BOB BYRD has always understood that better than most of us ever will. We can be and should be the conscience of the Nation.

We are, above all, a Senate of reasonable men and women who live by very specific rules, and we hurt both the Senate and the country if we ignore those rules. So many times I have heard Senator BYRD, who would see us moving away from the rules which guide us, stand up to address the Chair and remind each one of us what it means to be a Senator, what it means to protect those principals and what it means to serve this country.

Senators come and go. All of us will at some time leave this body. But those Senators who do the most to uphold and keep the functions and history of the Senate alive are the ones who will make it a better place for the next generation of Senators. Senator BYRD has authored histories of this Chamber, but then he has also lived the history of this Chamber.

I salute my good friend from West Virginia. I look forward to serving with him for years to come.

Mr. ROCKEFELLER. Madam President, I rise today to honor a giant of the Senate, my colleague and the senior Senator from West Virginia, ROBERT C. BYRD.

Yesterday we watched a number of new Senators take an enormously important oath to serve our country and to defend our Constitution. I was included in taking that oath and I couldn't help but think of my new colleagues. If these new Senators are looking for an inspiration, a guiding light, or a model, the way that I did some years ago, they need look no further than the seat directly behind our distinguished majority leader.

In that seat they will find a man who took that same oath that we did 50 years ago today. Senator BYRD has taken that oath a total of nine times. He has cast more votes than anyone in the history of the Senate. He has held more leadership positions than anyone in the history of the Senate. He has served longer than anyone in the Senate. He has literally written the book on the Senate and lived the story of the Senate over five decades.

ROBERT C. BYRD is nothing short of a legend. However, 50 years ago today he was a young man from West Virginia who married a coal miner's daughter. He had spent 4 years in the West Virginia Legislature and 6 years in the U.S. House of Representatives.

No one could know in 1959 that he would be a legend in 50 years. What they did know was ROBERT CARLYLE BYRD was an ambitious self-starter who would put himself through law school while serving in the U.S. Congress.

They knew Senator BYRD was always willing to help a colleague and to provide advice and guidance.

In 1959 they knew ROBERT BYRD had married his grade school sweetheart—

Erma Ora—who would stand with him her entire life and was just as beloved as he was in West Virginia and in Washington. Senator BYRD always knew Erma's greatness saying she was not only his wife but his best counselor.

Speaking of West Virginia, the Senate knew from his first days here that he would advocate fiercely for the citizens of our State and throughout the years would bring prosperity to West Virginia.

While they knew these things in 1959, today we know Senator BYRD as the conscience of the Senate. We know him as the Senator with the greatest longevity. In West Virginia we now know him as the West Virginian of the 20th century and I am glad the Nation has had the opportunity to get to know Senator BYRD over these last 50 years.

I know my colleagues join me in congratulating Senator BYRD on a record-setting 50 years in the Senate. Senator, I wish you many more.

Mr. DURBIN. Madam President, I want to join Senator REID and all of my colleagues in congratulating Senator ROBERT BYRD on reaching yet another historic milestone in his lifetime of public service.

In the history of the U.S. Senate, only one Senator, ROBERT CARLYLE BYRD, has served for 50 years.

A half century of service to his State, our Nation, this institution, and our Constitution. That is a remarkable achievement and one that we are not likely to see again for a very long time.

Senator BYRD is, of course, a great student of history and the author of the definitive work on the history of the Senate. In fact, one could say that ROBERT C. BYRD is Senate history.

Senator BYRD has served with (not under, with) 11 Presidents—very soon to be 12 Presidents.

He was the first U.S. Senator ever to cast 15,000 votes, and he is the only Senator ever to cast 18,000 votes.

Senator BYRD has served as majority leader, and held more leadership positions than any Senator in history.

To help put the length of his service in perspective, consider a few facts:

When Senator BYRD cast his first vote in the Senate—on January 8, 1959—his colleagues included Senators John Kennedy and Lyndon Johnson. Vice President Richard Nixon was the Presiding Officer. Hawaii was not yet a State. And a state-of-the-art computer would have taken up half of the space of this Chamber and had roughly the same amount of computing power as a Palm Pilot.

He has been a candidate for election 13 times—10 times as a candidate for the Senate and 3 times as a candidate for the House. He won every time.

And he has become perhaps the most popular political figure in West Virginia history. He was named West Virginian of the Century by the residents of his home State.

Senator BYRD's recent reelection to this body is a testimony to West Vir-

ginians' enduring respect and admiration for this proud son of "the Mountain State."

It is an honor to serve with this giant of Senate history, and to share with him this milestone. Again, I commend him and congratulate him.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mrs. FEINSTEIN. Madam President, I would like to offer my very sincere and heartfelt congratulations to the President pro tempore of this body, Senator ROBERT BYRD. He has served in the body for 50 years. I have had the privilege of working on the Appropriations Committee with him. There has been no one who has been more faithful to the Constitution, to the goals of the Senate or who has served this Senate more honorably. I wish to say congratulations, Mr. Chairman. May you have many more years.

#### LAWFUL INTERROGATION AND DETENTION ACT

Mrs. FEINSTEIN. Madam President, I would like to speak—and I am joined on the floor by my comember of the Intelligence Committee, Senator RON WYDEN, who will also speak on this issue—about the bill that Senators ROCKEFELLER, WYDEN and WHITEHOUSE and I introduced yesterday. It is the Lawful Interrogation and Detention Act.

I began this effort some time ago because I believe very strongly it is time to end the failed experiment at Guantanamo. It is time to repudiate torture and secret disappearances. It is time to end the outsourcing of coercive interrogations to outside contractors.

I believe it is time to return to the norms and values that have driven the United States to greatness since the days of George Washington but have been tarnished in the past 7 years. That is what both Senator WYDEN and I hope this bill will do.

I have sent a copy of it to President-elect Obama's transition team. I have had occasion to talk with him about it and indicated that we look to work closely with him.

What this bill would do is require the President to close the detention facilities at Guantanamo Bay within 12 months. The need to close this facility is clear. Along with the abuses at Abu Ghraib, Guantanamo has been decried throughout the world. It has helped our enemies recruit, it has reduced America's credibility worldwide, strained relationships with our allies, and created a misguided dual legal system.

Additionally, the Supreme Court now has ruled four times that the proce-

dures put in place at Guantanamo are illegal. First, in *Rasul v. Bush*, the Court ruled the administration could not hold detainees outside U.S. law on Guantanamo soil; second, *Hamdi v. Rumsfeld*, in which the Court ruled the Government could not detain a U.S. citizen without due process and struck down the executive's process of labeling detainees as unlawful enemy combatants; third, *Hamdan v. Rumsfeld*, in which the Court struck down the administration's process for trying detainees outside the civilian legal system or the Uniform Code of Military Justice; and most recently in *Boumediene*, in which the Court ruled that detainees must be afforded habeas corpus.

Guantanamo was explicitly created to be a separate and lesser system of justice, to hold people captured on or near the battlefield in Afghanistan indefinitely. In 7 years, it has produced three convictions, including Australian David Hicks—who agreed to a plea bargain to get off the island, and Osama bin Laden's driver, Salim Hamdan, whose sentence is almost already up.

The hard part about closing Guantanamo is not deciding to go do it; it is figuring out what to do with the remaining detainees. Under the Lawful Interrogation and Detention Act, the approximately 250 individuals now being held there would be handled in one of five ways.

No. 1, they can be charged with a crime and tried in the United States in the Federal civilian or military justice systems. These systems have handled terrorists and other dangerous individuals before and are capable of dealing with classified evidence and other unusual factors.

Second, individuals could be transferred to an international tribunal, if such a tribunal exists.

Third, detainees could be returned to their native countries or, if that is not possible, they could be transferred to a different country.

To date, more than 500 men have been sent from Guantanamo to the custody of other countries. Recently, Portugal and other nations have suggested they would be open to taking some of the remaining detainees as a way to help close Guantanamo. That is good news.

If there are detainees who cannot be charged with crimes or transferred to the custody of another country, there is a fourth option. If the Secretary of Defense and the Director of National Intelligence agree an individual poses no security threat to the United States, the U.S. Government may release him. This may work, for example, for the Chinese Uighurs remaining at Guantanamo. I believe five or six Uighurs have already been released. The District Court for the District of Columbia has ordered that the remaining 17 Uighurs be released into our country. That decision has been stayed upon appeal.

Finally, for detainees who cannot be addressed in any one of the other four

options, the executive branch could hold them under existing authorities provided by the law of armed conflict.

I believe these options provide sufficient flexibility to handle the 250 or so people now being held at Guantanamo. If the incoming Obama administration decides that other alternatives are needed, I hope they will come to the Congress, explain the specifics of the problem, and we will work toward a joint legislative solution.

The three other provisions in the legislation end parts of the CIA's secret detention and interrogation program.

Some of the details of the program are already publicly known, such as the use of waterboarding on three individuals some years ago. Other aspects remain secret, such as the other authorized interrogation techniques and how they are used.

There have been public allegations of multiple deaths of detainees in CIA custody. There was one conviction of a CIA contractor in the death of a detainee in Afghanistan, but other details remain classified.

But it is well known that on August 1, 2002, the Justice Department approved coercive interrogation techniques, including waterboarding, for the CIA's use. This, despite the fact that the Justice Department has prosecuted the use of waterboarding, and the State Department has decried it overseas.

The administration used what I believe to be faulty logic and faulty reasoning to say that waterboarding was not torture. In fact, it is.

We will never turn this sad page in our Nation's history until all coercive techniques are banned and are replaced with a single, clear, uniform standard across the U.S. Government. I cannot say that too strongly.

That standard established by this legislation is the interrogation set of protocols outlined in the Army Field Manual.

This is the field manual. It is not a casual document. It has been developed and revised over a period of time. It contains 19 specific interrogation techniques. They work for the military and operate under the same framework as the time-honored approach of the FBI. If the CIA would abide by its terms, it would work for the CIA as well.

These techniques were at the heart of former FBI Special Agent Jack Cloonan's successful interrogation of those involved in the 1993 World Trade Center bombing. They were also the tools used by Special Agent George Piro to get Saddam Hussein to provide the evidence that resulted in his death sentence.

We have powerful expert testimony that the Army Field Manual techniques work against terrorist suspects. The manual's use across the Government is supported by scores of retired generals and admirals, by GEN David Petraeus, and by former Secretaries of State and national security advisers of both parties.

Majorities in both Houses of Congress passed this provision last year as part of the fiscal year 2008 intelligence authorization bill. I offered that amendment, as I believe Senator WYDEN will remember, in the joint conference between the House and the Senate Intelligence Committees, and it was added to the bill.

It sends a clear message that we do not support coercive interrogations. But, regrettably, the President's veto of the bill stopped it from becoming law.

The President-elect agrees that we need to end coercive interrogations and to comply strictly to the terms of the Convention Against Torture and the Geneva Conventions. So we look forward to working with him to end this sad story in our Nation's history.

The third part of this legislation is a ban on contractor interrogators at the CIA. Now, this is interesting. Unlike the FBI, where FBI agents do their own interrogations, CIA agents do not carry out all their interrogations. They hire contractors to do so. As General Hayden has testified, the CIA hires and keeps on contract people who are not intelligence professionals and whose sole job is to break detainees and get them to talk.

Now, I firmly and staunchly believe that outsourcing interrogations, whether coercive or more appropriate ones, to private companies is a way to diminish accountability.

I also believe the use of contractors leads to more brutal interrogations than if they were done by Government employees.

Think about it. You can have a set of interrogation practices and, dependent upon who administers them and the length of time they are administered and the combination in which they are administered, they can have very different effects on an individual.

There are surely areas where paid contractors make practical and financial sense. Interrogation, a form of collecting intelligence, is not one of them.

The fourth and the final provision in this legislation requires that the CIA and other intelligence agencies provide notification to the International Committee of the Red Cross, the ICRC, of their detainees. Following notification, the CIA will be required to provide International Red Cross officials with access to detainees in the same way the military does.

Access by the ICRC is a hallmark of international law and is required by the Geneva Conventions. Access to a third party and the ICRC, in particular, was seen by the United States in 1947 as a guarantee that American men and women would be protected if they were ever captured overseas.

I believe it still remains that guarantee.

We remain a nation at war, and credible, actionable intelligence remains a cornerstone of our war effort. But this is a war that will be won by fighting smarter, not sinking to the depths of our enemies.

Our Nation has paid an enormous price because of these interrogations. They cast shadow and doubt over our ideals and our system of justice. Our enemies have used our practices to recruit more extremists. Our key global partnerships crucial to winning the war on terror have been strained. It will take time to resume our place as the world's beacon of liberty and justice. But I deeply believe, and the cosponsors believe, this bill will put us on that path and start the process.

So I urge its passage. I ask unanimous consent to have printed in the RECORD the history of this legislation and the matters it contains.

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

LEGISLATIVE ACTIVITY ON GUANTANAMO AND CIA INTERROGATIONS

April 30, 2007: Introduced the first Senate legislation to close Guantanamo (co-sponsors: Dodd, Whitehouse, Kennedy, Clinton, Kerry).

July 11, 2007: Introduced amendment to close Guantanamo to the FY08 Defense Authorization bill. Amendment blocked from receiving Floor consideration. (co-sponsors: Harkin, Dodd, Clinton, Brown, Bingaman, Kennedy, Whitehouse, Obama, Salazar, Durbin, Byrd, Biden, Hagel, Boxer, Feingold).

December 5, 2007: Offered amendment to restrict CIA to Army Field Manual interrogation techniques to the FY08 Intelligence Authorization conference report. Amendment adopted, passed in conference report by House and Senate, vetoed by President Bush March 8, 2008. (amendment co-sponsors: Hagel, Whitehouse, Feingold).

August 1, 2008: Introduced legislation restricting the CIA to the Army Field Manual, banning contractor interrogations, and providing access to detainees to the ICRC (co-sponsors: Rockefeller, Whitehouse, Hagel, Feingold, Wyden).

January 6, 2009: Introduced legislation to close Guantanamo, restricting the CIA to the Army Field Manual, banning contractor interrogations, and providing access to detainees to the ICRC (cosponsors: Rockefeller, Wyden, Whitehouse).

Mrs. FEINSTEIN. Now I will defer to my distinguished friend, my colleague, the Senator from Oregon, the Honorable RON WYDEN.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Madam President, I am very pleased to be able to be out on the Senate floor today with our incoming chair of the Intelligence Committee to discuss this legislation. Senator FEINSTEIN and I have sat next to each other on the Intelligence Committee now for I think about 8 years. We have talked about this issue on many occasions. I commend the Senator from California for all of her leadership.

This is the right way to start off our committee on breaking with the last 8 years of flawed policies that have been of dubious effectiveness and dubious legality. I am very pleased, honored to be one of our cosponsors, and I note that our outgoing chair, Senator ROCKEFELLER, is one of our cosponsors, and SHELDON WHITEHOUSE, the distinguished Senator from Rhode Island, is one of the cosponsors and is a great addition to our committee as well. So I

thank the chair for all of her leadership.

What I think Senator FEINSTEIN has touched upon, and very thoughtfully, is, if you share our view that it is possible to fight terrorism ferociously without compromising American laws or American values, you must, as Senator FEINSTEIN has correctly stated, you must be smarter in order to strike that balance in a dangerous world.

Regrettably, this administration has not been willing to show this sort of wisdom. All too often for the last 8 years the administration has engaged in complicated legal gymnastics to justify antiterrorism programs that, in my view, are of questionable effectiveness, questionable legality. Today, the incoming chair of our committee, Senator FEINSTEIN, is helping us with this important legislation. The Lawful Interrogation and Detention Act is helping us to right the balance and show the country that with smart antiterrorism policies we can effectively fight the war against terrorism and at the same time restore our moral authority and protect our values.

I will tell you, based on the information I have seen again and again, and what we are told by military leaders, these coercive techniques simply are not effective. General Petraeus, for example, has discussed with respect to soldiers in Iraq, that coercive techniques may be usable in terms of forcing someone to talk, but that does not necessarily mean the person will say something that protects American security.

Senator MCCAIN, our distinguished colleague from Arizona, has made much of the same point. Certainly, the use of these techniques in a number of instances can be detrimental to our national security. Certainly, the techniques have discouraged allies in the past from cooperating with us and, frankly, in my view, they serve as something of a recruiting poster for our enemies.

One of the areas I hope to pursue in the future, not as part of this legislation but working with our incoming chair, working with our ranking minority member, Senator BOND, and the administration of the President-elect, is I hope to be able to declassify a significant portion of the history of this program, particularly the legal underpinnings of this program, so the American people will actually be able to see that much of what has been done in the last 8 years simply is not as effective in the war against terrorism as the American people deserve.

Certainly, it is important to recognize that when Americans are captured abroad in the future, international standards of prisoner treatment, particularly the Geneva Convention, will sometimes be the only shield they have. These standards have evolved from hopeful ideals into widely observed rules of conduct, partly because the most powerful country on Earth has led by example.

Anytime our Government attempts to dodge these standards, it weakens them, and it increases the risk of abuse for our prisoners. The fact that our worst enemies have horrifying and barbaric methods for dealing with prisoners does not, in my view, make these methods useful or legitimate.

I am confident that President-elect Obama is not going to engage in many of the practices that we have seen in the last 8 years. But I certainly want to pass legislation that codifies these important principles and makes sure that none of his future successors engage in these practices. That means you have to make the laws plain; you have to make them strong. This legislation will make them plainer and stronger than they are today. I would submit that is essentially what Senator FEINSTEIN has been working for all these past years.

I want to mention a couple of the other provisions. I was struck by Senator FEINSTEIN's comment with respect to the use of contractor interrogators at the CIA. As Senator FEINSTEIN noted, we do not get to have a lot of open sessions in our Intelligence Committee. That is for obvious reasons; we are dealing with classified material. But I have felt, as Senator FEINSTEIN, very strongly about this topic and actually raised this concern with Admiral McConnell at his confirmation hearing to head our intelligence service. I remain concerned about this issue, and that provision in the Feinstein legislation is especially important, in my view, because interrogators must be accountable. Under the clear language with respect to these interrogators in the Feinstein legislation, that will be the case.

Finally, let me comment on the provision that closes the prison at Guantanamo. During the past 8 years, I was concerned about the potential impact of this legislation and this provision. I was concerned at that point because it was not clear to me that President Bush had a competent plan for dealing with all of the prisoners currently held there.

I was concerned that closing Guantanamo could simply lead to a massive upswing in extraordinary rendition. Fortunately, President-elect Obama is working on a different strategy for dealing with those prisoners at Guantanamo, so I no longer have the same concern that under his administration we would simply have prisoners handed over to foreign countries that would torture them. I have long believed that if you looked at the intent of the Bush administration in this area, they sought to create a prison at Guantanamo Bay that would be under U.S. control but beyond the reach of U.S. law. Now the Supreme Court has definitively ruled that constitutional protections apply to people at Guantanamo Bay. So I would hope that even the prison's strongest advocates would say it serves no useful purpose.

The combination of the clear language in the Feinstein legislation we

discuss today and that President-elect Obama is looking at a comprehensive plan for dealing with the prisoners at Guantanamo leaves me with a reassurance that there is a chance to close this prison and do it in a responsible fashion that will protect America's national security interests.

There are four of us who are sponsoring this legislation. We have sought for many months to get these issues of interrogation and Guantanamo right. We have consistently tried to pursue this in a bipartisan fashion. We are going to continue to do so in this session.

I believe, under the leadership of our incoming chair, it is going to be possible to get our Nation's counterterrorism program back on a firm legal and operational footing and prevent the mistakes of the past from being repeated.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, I thank the Senator. We are both westerners. We did sit together for about 8 years on the committee. As such, I have had a chance to discuss a great deal about this topic. It is a matter of very deep conscience and a sense of values of everything this Nation stands for, the thing that sets us apart from many other countries who pick people up and do horrible things to them. We don't do that. We have always had such pride in that. The Senator hit a nail on the head. People may talk, but they can say anything they want. It is not necessarily valuable. It is not necessarily actionable intelligence. Sometimes it might be. But there are other ways of doing this and not sacrificing the values we hold dear. The nearest tool to achieve that is the Army Field Manual.

It has been great for me to work with the Senator from Oregon, and I look forward to working with him in the future. I thank him very much.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that I be allowed to speak for such time as I may consume in morning business.

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

Mr. WHITEHOUSE. Thank you, Madam President.

I come to the floor today to offer my support for S. 147, the Lawful Interrogation and Detention Act, which my very distinguished colleagues, Senator FEINSTEIN of California and Senator WYDEN of Oregon, have just spoken about.

This bill would do three very important things. The first is force the closing of the interrogation and detention activities at the Guantanamo Base. I have supported previous legislation that would do this. I enthusiastically support this legislation to do it.

The Bush administration has created a pretty significant mess with the activities down at Guantanamo. Unfortunately, some things you can snarl up so tightly that it becomes very difficult to unsnarl them, and I am afraid that is exactly the situation with Guantanamo. It will be difficult to unsnarl. It is a real challenge for the incoming administration. But it is vital that we do so because it has become a symbol to the rest of the world of America's departure from our core principles. So I am enthusiastically in support of that provision.

Another provision would restrict our interrogation activities to those techniques that are permitted under the Army Field Manual. In effect, it would end our embrace of enhanced interrogation techniques—indeed, torture.

In support of this notion, I would cite GEN David Petraeus, the Commander of the Multi-National Force in Iraq in 2007, who at the time wrote a letter to all U.S. military forces in Iraq. In that letter, he said this:

Some may argue that we would be more effective if we sanctioned torture or other expedient methods to obtain information from the enemy. They would be wrong. Beyond the basic fact that such actions are illegal, history shows that they also are frequently neither useful nor necessary. Certainly, extreme physical action can make someone "talk;" however, what the individual says may be of questionable value. In fact, our experience in applying the interrogation standards laid out in the Army Field Manual . . . shows that the techniques in the manual work effectively and humanely in eliciting information from detainees.

We have heard arguments that, well, you can't really rely on military interrogators. They don't really know what they are doing. They are amateurish. They need the limitations of the Army Field Manual. By contrast, the interrogators of the CIA and of our intelligence community are experts and much more sophisticated and adept and don't need to have the Army Field Manual restricting them, as if it is some sort of a learner's permit for interrogation.

If you look at the facts, the reverse is actually true. It is the military that has officers with literally decades of experience interrogating enemy prisoners, interrogating enemy prisoners in situations where their fellow soldiers' lives are on the line, where men and women will die or live because of the information they are able to elicit. Notwithstanding those high stakes, they live by the terms of the Army Field Manual. By contrast, we know that the CIA really did not know much about interrogations, that when they got into the business, they had to learn about it. The place they chose to learn was from the SERE Program, a pro-

gram designed to train American soldiers, airmen, sailors and marines who are likely to be captured by enemies that engage in torture how to be prepared for that, how to withstand it. So for training purposes, to prepare them for these ordeals, they used the interrogation techniques of despot, tyrant nations—North Korea, Communist China, Soviet Russia. For some reason, that was where our intelligence community thought it needed to go for expertise in how you interrogate prisoners, never minding the fact that the purpose of those despot regimes was not to interrogate prisoners and get actionable intelligence information; it was to torture those prisoners so they would say things and produce propaganda for those tyrant regimes.

So the notion that the military is a bunch of amateurs in intelligence who need the constraint of the Army Field Manual to prevent them from making amateur errors and the CIA is a bunch of clever, crafty experts who can operate at a graduate level for all of this is absolutely backward.

The damage that has been done to our country by this decision is, in my opinion, incalculable. When I think of the choice that was made to go this road, I am reminded of a phrase of Winston Churchill's. He describes a bad and dangerous decision that leads to worsening consequences in this way. He describes it as going down "the stairway which leads to a dark gulf. It is a fine broad stairway at the beginning, but after a bit the carpet ends. A little farther on, there are only flagstones, and a little farther on still these break beneath your feet." That is where we stand now, in this dark, descending stairway, with flagstones crumbling beneath our feet and the world looking on in horror at our departure from our core principles. I believe this legislation will help turn us back away from that dark and descending stairway, back into the light of our own best principles and the good will of our fellow nations.

America has not only suffered grievous and lasting harm from this administration's embrace of torture but also from this administration's embrace of torture's handmaiden. Torture's handmaiden, of course, is secret detention.

The bill Senator FEINSTEIN and Senator WYDEN are proposing would require the International Committee for the Red Cross to have access to any prisoners held by the intelligence agencies. The ICRC has been visiting detainees in connection with armed conflict since 1915, nearly a century. In 2007, the ICRC visited over half a million detainees in 77 different countries to ensure respect for their life, dignity, and fundamental right to judicial guarantees. All of those notions are enshrined in our own Constitution. They are our national bedrock.

Thirty-eight retired military leaders, distinguished generals and admirals, have concluded that the ICRC access to

prisoners held by our Government is a "critical measure to ensure continuing respect for the norm that [ICRC] access must be provided to all captives in wartime." This letter comes from battle-field warriors and intelligence officers who participated in every major American conflict from World War II until today. One of them, less than 3 years ago, was a member of our Joint Chiefs of Staff. They understand that this is important, and they understand why.

If we go down the corridors of history and survey the evil practices of tyrant regimes, we find one of their most notorious methods of coercion and subjugation is holding prisoners secretly and incommunicado. From the oubliettes of the Bourbon Kings of France to Calcutta's Black Hole, from the Gestapo's secret prisons to the Soviet gulags, from medieval dungeons to the bamboo cages of the Cambodian killing fields, secret and anonymous imprisonment has always been the hallmark of the despot. And now the Bush administration has stamped America with this shameful mark.

Our military leaders who are in the best position to judge are pushing back and saying "enough." Why do they do that? I think they do that because they are not beguiled by the force of arms. They live with the likelihood of armed conflict, of injuries, of fatalities. They understand that we engage in that to defend principles, and to give away those principles without a shot fired accomplishes the very harm that we have a military, that we have intelligence services to protect us from.

What is it, we ask ourselves, that makes our country great? Whence cometh our strength? For centuries, America has been called a "shining city on a hill." We are a lamp in the darkness to other nations. One of our greatest Senators, our friend TED KENNEDY, on the occasion of I believe his 15,000th vote in this institution said America is not a land, it is a promise. Torture, anonymous detention, and secret cells break that promise, extinguish that lamp, and darken that city on a hill.

Our strength as Americans comes from the fact that we stand for something. Our strength comes from the aspirations of millions of people around the globe who want to be like us, who want their country to be like ours, who want to believe in what we believe in. Our strength comes when we embody the hopes and dreams of mankind. Our strength comes, as President Clinton said, not from the example of our power but from the power of our example.

I believe Senator FEINSTEIN's legislation will restore across this darkening world the power of America's example, turn us back from that dark and descending stairway, and restore us to the place where America belongs as an ideal and an example for other nations. I appreciate Senator FEINSTEIN's hard work in putting this legislation together. I appreciate the support of Senator WYDEN.

Many months ago, I offered the first amendment in the Intelligence Committee that would apply the Army Field Manual to interrogation techniques used by our intelligence agencies, and Senator FEINSTEIN was kind enough to cosponsor that amendment. We worked together in conference to get that amendment passed into legislation that was subsequently vetoed. I submitted the International Committee of the Red Cross access provision last year.

I cannot find words strong enough to explain the strength of my view about the things we sacrifice for whatever small, short-term, tactical intelligence advantage we may achieve from torture and secret cells, assuming there even are any. Most intelligence professionals believe that what you get from torture is people who will say anything to get away from the pain. But let's assume there is some value to it for the sake of argument. I cannot find words strong enough to explain how overwhelmed that small tactical value is by the loss of our reputation and our standing and the confidence and trust of our friends and allies when we engage in behaviors that have been associated with despots and tyrants and the worst of history's regimes.

Let's put this behind us. Let's support this bill. As we go through this time of transition in American Government, let's also go through a time of transition in America's reputation in the world.

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

The PRESIDING OFFICER (Mr. PRYOR). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### TRIBUTE TO SENATOR ROBERT BYRD

Mr. HARKIN. Madam President, I want to join my colleagues today in honoring the extraordinary service and accomplishments of the senior Senator from West Virginia, the Honorable ROBERT C. BYRD. It was exactly 50 years ago today, on January 7, 1958, that he was first sworn into the Senate. Senator BYRD is the longest serving Senator in U.S. history, and he truly is a living legend in this institution that he loves so dearly and defends so fiercely.

The Almanac of American Politics says: ROBERT BYRD "may come closer to the kind of Senator the Founding Fathers had in mind than any other."

I couldn't agree more. He is a person of wise and mature judgment, a patriot with a deep love of his country. He is passionately loyal to the Constitution and a fierce defender of the role and prerogatives of Congress and the Senate in particular.

Senator BYRD was once asked how many Presidents he had served under. He answered that he had not served under any President, that he had served with 10 Presidents as a proud member of a separate and coequal branch of Government. During his five decades in this body, Senator BYRD has witnessed many changes our country has gone through. Think about it. Our population since 1958 has grown by 125 million people. There have been new technologies.

I was thinking about this. In 1958, I graduated from high school in Des Moines, IA. The year before the Russians had launched Sputnik, and we were trying to catch up. We had not established ourselves in space. I was out of high school that summer, getting ready to go to college. I found a job working on this new construction project called the interstate highway system which was just beginning at that time. Jet air travel was just starting. I remember my first flight. The airplane was propeller driven. We didn't have jet aircraft. There were some in the military, but it hadn't started for commercial air travel at that time. We had no computers, no cell phones, and nine out of ten TV sets were black and white. That was 1958, the year ROBERT BYRD came to the Senate. There have been many changes that have happened over the last 50 years.

Across this half century of rapid change, there has been one constant—Senator BYRD's tireless service to this country, his passion for helping bring new opportunities to the people of West Virginia, and his dedication to this institution, the Senate of the United States.

Senator BYRD is a person of many accomplishments and a rich legacy. But above all, I will mention his commitment to improving public education and expanding access to higher education, especially for kids from poorer families. As many of my colleagues know, ROBERT C. BYRD was raised in the hardscrabble coalfields of southern West Virginia. That is one thing he and I have always talked about. My father was a coal miner also in the State of Iowa. His family was poor but rich in values and faith. His parents nurtured in ROBERT BYRD a lifelong passion for education and learning. He was valedictorian of his high school class but too poor to go to college right away. Those were the days before Pell grants and Byrd scholarships. So he worked as a welder in a shipyard, later as a butcher in a coal company town. It took him 12 years to save enough money to start college. He was a U.S. Senator when he earned his law degree.

No other Member of Congress before or since has started and completed law school while serving in the Congress. But degrees don't begin to tell the story of the education of ROBERT C. BYRD. He is the ultimate lifetime learner. It is as though for the last 50 years he has been enrolled in the Rob-

ert C. Byrd school of continuing education. You won't get a better, more thorough education at any school, Harvard, Yale, or anywhere else.

Senator BYRD's erudition has borne fruit in no less than nine books he has written and published over the last two decades. He literally wrote the book on the Senate, a masterful four-volume history of the institution that has become a classic. What my colleagues may not know is that he also authored a highly respected history of the Roman Senate. For those of us who have been here—in my case 24 years—we have listened, either here on the floor or later when we got television, on closed circuit in our offices, to the many speeches ROBERT BYRD gave about the Roman Senate, wonderful descriptions of the Roman Senate and how it operated. We could hear how he weaved in the operations of our own Senate. There are some who think ROBERT C. BYRD actually served in the Roman Senate. But that part of the BYRD legend I can absolutely say is not true.

I have talked at length about Senator BYRD's education because it explains why he is so passionate about ensuring that every American has access to quality public education, both K-12 and higher. The one thing Senator BYRD and I have in common is our fathers were coal miners with very little formal education. Coming from a poor background, Senator BYRD believes, as do I, that a cardinal responsibility of Government is to provide a ladder of opportunity so that everyone, no matter how humble their background, has a shot at the American dream. I said ladder of opportunity; I didn't say an escalator. On an escalator, you get a free ride. You get on and you get a free ride. But with a ladder of opportunity, you still have to exert energy and effort and responsibility to get to the top. But with that ladder there have to be rungs so you can actually climb.

The most important rungs on that ladder of opportunity involve education, early childhood education, Head Start programs, quality K-12 public schools, access to college and other forms of higher education. During my 24 years in the Senate, no one has fought harder for public education than Senator ROBERT BYRD. As chairman of the Appropriations Committee, he has been the champion of education at every turn, fighting to reduce class size, improving teacher training, bringing new technologies into the classroom, boosting access to higher education.

In 1985, my first year in the Senate, he created the only national merit based college scholarship program funded through the U.S. Department of Education. Congress later named them in his honor. Originally, the Byrd scholarships consisted of a 1-year \$1,500 award to outstanding students. Today, Byrd scholarships provide grants of up to \$6,000 over 4 years. How many kids

of meager means, coming from low-income families but very bright, very capable, have received these Byrd scholarships which got them through college.

Senator BYRD has also been outspoken in challenging the current administration for failing to keep its commitments under the No Child Left Behind Act. To the last fiscal year, No Child Left Behind has been underfunded since 2002, when it first came into existence. It has been underfunded by over \$70 billion.

Think what that would mean for our local school systems in America had we kept our commitment to funding No Child Left Behind. But I will tell you this: It would have been a lot worse if Senator BYRD had not been here on our Appropriations Committee, either as chairman or ranking member, sponsoring the key amendments to boost the funding above what the Bush administration had proposed.

Senator BYRD is a great student of literature, and I am sure he knows "The Canterbury Tales"—probably a lot of it by heart, as he knows a lot of things by heart, by memory. Describing the Clerk of Oxford, Chaucer might just as well have been describing ROBERT C. BYRD. Here is what Chaucer said about the Clerk of Oxford:

Filled with moral virtue was his speech;  
And gladly would he learn and gladly teach.

Madam President, Senator BYRD is a great Senator, a great American, a great friend. He has both written our Nation's history and left his mark on it.

It has been an honor to serve both in the Senate and on his Committee of Appropriations with Senator BYRD for the last 24 years. The good people of Iowa have now reelected me, so I will be here for another term. I look forward to serving with Senator BYRD in this body and on the Appropriations Committee for many years to come.

So today on this historic anniversary, we honor his service, we express our respect and our love for this very remarkable Senator, ROBERT C. BYRD, from the great State of West Virginia.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### OMNIBUS PUBLIC LAND MANAGEMENT ACT OF 2009 RULE XLIV COMPLIANCE

Mr. BINGAMAN. Mr. President, pursuant to rule XLIV of the Standing Rules of the Senate, I hereby certify

that, to the best of my knowledge and belief, the Omnibus Public Land Management Act of 2009 does not contain any limited tax benefits, limited tariff benefits, or congressionally directed spending items, as those terms are defined in rule XLIV.

Rule XLIV broadly defines the term "congressionally directed spending item" to include "a provision . . . included primarily at the request of a Senator . . . authorizing . . . a specific amount of discretionary budget authority . . . for . . . expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process."

The Omnibus Public Land Management Act of 2009 is a collection of over 150 public land bills that were reported from the Committee on Energy and Natural Resources during the 110th Congress, for which we have not been able to get unanimous consent to take up and pass during the 110th Congress. I have included them in the Omnibus Public Land Management Act of 2009 to facilitate their early consideration in the new Congress, and not "primarily at the request of a Senator."

Nevertheless, even though no Senator has specifically requested me to include a congressionally directed spending item in the Omnibus Public Land Management Act of 2009, in the interest of furthering the transparency and accountability of the legislative process, I have posted on the Web site of the Committee on Energy and Natural Resources a complete list of all provisions in the Omnibus Public Land Management Act of 2009 that authorize a specific amount of spending authority that is targeted to a specific State or locality, other than through a statutory or administrative formula-driven or competitive award process. The list includes the name of the principal sponsors of the Senate bills in the 110th Congress that have been incorporated in the Omnibus Public Land Management Act.

In addition, I have added several other non-public-land measures from the 110th Congress at the request of the majority leader. Most of these provisions were included in the Advancing America's Priorities Act—S. 3297—in the 110th Congress. They include: the Christopher and Dana Reeve Paralysis Act, subtitle B of title I of S. 3297; four parts of subtitle B, relating to oceans, of title V of S. 3297; and title VII of S. 3297, relating to the authorization of a greenhouse facility for the Smithsonian Institution. These provisions were determined not to constitute "congressionally directed spending items" in the Advancing America's Priorities Act. See 153 Cong. Rec. S7509-7510, July 26, 2008.

In addition, I have added the Coastal and Estuarine Land Conservation Program Act, H.R. 1907 in the 110th Con-

gress, and the Smithsonian Institution Facilities Authorization Act of 2008, H.R. 6627 in the 110th Congress, at the request of the majority leader. The grant program established under Coastal and Estuarine Land Conservation Program Act, section 12507 in the Omnibus Public Land Management Act, does not constitute a congressionally directed spending item because the funds are to be allocated through a competitive grant process. The authorizations in the Smithsonian Institution Facilities Authorization Act, sections 15101 and 15102 of the Omnibus Public Land Management Act, do not appear to constitute congressionally directed spending items because they were requested by the Board of Regents of the Smithsonian Institution, and because they originated in the House of Representatives, where the committees of jurisdiction determined they did not constitute congressional earmarks. See H. Rept. 110-842, part 1, at 5, 2008, Committee on House Administration, and H. Rept. 110-282, part 2, at 4, 2008, Committee on Transportation and Infrastructure.

Finally, I have added the Shoshone-Paiute Tribes of the Duck Valley Reservation Water Rights Settlement Act, H.R. 5293 in the 110th Congress, at the request of the majority leader. This act ratifies a water rights settlement among the Shoshone-Paiute Tribes of the Duck Valley Reservation, individual water users, and the State of Nevada. Section 8 of H.R. 5293, section 10807 of the Omnibus Public Land Management Act, creates two trust funds to settle the legal claims of the Shoshone-Paiute Tribes against the United States for compromising tribal water rights and failing to maintain the Duck Valley Indian Irrigation Project. They do not appear to constitute congressionally directed spending items because they were included to settle pending legal claims rather than "primarily at the request of a Senator," and because they originated in the House of Representatives, where the committee of jurisdiction determined that they did not constitute congressional earmarks. See H. Rept. 110-815 at 11, 2008, Committee on Natural Resources.

I ask unanimous consent that the list be printed in the RECORD.

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

#### THE OMNIBUS PUBLIC LAND MANAGEMENT ACT OF 2009—S. 22

Provisions in the Omnibus Public Land Management Act of 2009 authorizing appropriations in a specific amount for expenditure with or to an entity or targeted to a specific State, locality, or congressional district, other than through a statutory or administrative formula-driven or competitive award process:

Section	Program or entity	State	Principal sponsor of Senate bill in 110th Cong. (or requester)
2501(b)	Rio Puerco Watershed	NM	Bingaman/Domenici
7101(c)	Keweenaw National Historical Park	MI	Levin
7111	Women's Rights National Historical Park	NY	Clinton
7405(g)	St. Augustine Commemoration Commission	FL	Martinez/Nelson
8001(h)	Sangre de Cristo National Heritage Area	CO	Salazar/Allard
8002(h)	Cache La Poudre National Heritage Area	CO	Allard/Salazar
8003(h)	South Park National Heritage Area	CO	Salazar
8004(h)	Northern Plains National Heritage Area	ND	Dorgan/Conrad
8005(h)	Baltimore National Heritage Area	MD	Mikulski/Cardin
8006(i)	Freedom's Way National Heritage Area	MA & NH	Kerry
8007(h)	Mississippi Hills National Heritage Area	MS	Cochran
8008(h)	Mississippi Delta National Heritage Area	MS	Cochran
8009(i)	Muscle Shoals National Heritage Area	AL	none
8010(h)	Kenai Mountains—Turnagain Arm NHA	AK	Murkowski
8201(c)	Quinebaug & Shetucket Nat. Heritage Corridor	CN	Dodd
9001(c)	Snake, Boise & Payette River Systems Study	ID	Craig
9002(b)	Sierra Vista Subwatershed Study	AZ	Kyl/McCain
9003(c)	San Diego Intertie Study	CA	none
9101(c)	Tumalo Irrigation Project	OR	Smith/Wyden
9102(d)	Madera Water Supply Project	CA	Feinstein
9103(e)	Eastern New Mexico Rural Water Project	NM	Bingaman/Domenici
9105(b)	Jackson Gulch Rehabilitation Project	CO	Salazar/Allard
9106(g)	Rio Grande Pueblos	NM	Bingaman
9108(j)	Santa Margarita River	CA	none
9109(a)	Elsinore Valley Municipal Water District	CA	none
9110(a)	North Bay Water Reuse Authority	CA	Feinstein/Boxer
9111(a)	Prado Basin Treatment Project	CA	Feinstein
9112(b)	Bunker Hill Groundwater Basin	CA	Feinstein
9114(a)	Yucaipa Valley Water District	CA	none
9301(3)	San Gabriel Basin Restoration Fund	CA	none
10009	San Joaquin Restoration Settlement	CA	Feinstein/Boxer
10203	Friant Division Improvements	CA	Feinstein/Boxer
10501	Reclamation Water Settlement Funds	NM	Bingaman/Domenici
10609	(a) Navajo-Gallup Water Supply Project	NM	Bingaman/Domenici
10609(b)	San Juan Conjunctive Use Wells	NM	Bingaman/Domenici
10609(c)	San Juan River Irrigation Projects	NM	Bingaman/Domenici
10609(d)	Other Irrigation Projects	NM	Bingaman/Domenici
10702(f)	Navajo Nation Water Trust Fund	NM	Bingaman/Domenici
10807(b)	Duck Valley Development Fund	NV	Reid/Ensign
10807(c)	Duck Valley Maintenance Fund	NV	Reid/Ensign
12107	National Institute for Undersea Science and Technology	MS	Reid (Cochran)
13006	National Tropical Botanical Garden	HI	Akaka
15101	Smithsonian Institution Mathias Laboratory	MD	Leahy (Dodd)
15102	Smithsonian Institution Panama Laboratory	Panama	Leahy (Dodd)
15103	Smithsonian Institution greenhouse	MD	Reid (Leahy/Dodd)

**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:

Thank you for your newsletter regarding the current problem of gasoline prices. I am a widow living on Social Security income. My car is a 1981 Volvo. Driving my car has almost come to a standstill. I drive only for necessities. I feel like a bear hibernating over the winter. The idea of buying a new car with better mileage is out of the question for me.

As to the things our Nation should be doing—these include drilling for oil wherever available, using oil shale, developing nuclear power, windmills, biofuels. Using corn for ethanol is the craziest idea of all. The com-

modities market is hitting new highs almost daily. With the floods in Iowa, we cannot afford to use corn for oil. The animals that need corn for food are affecting our prices in the grocery store. Get rid of regulations that cause energy companies to take years to develop energy or cause no action because of the red tape of government.

Blaming the oil companies for so-called obscene profits is nonsense. Taxes on gasoline are more than profits per gallon of gas that the oil companies collect. Exxon has even said that they are closing some stations because of non profit. It is sad that many do not understand the basics of economics.

The American public has spoken. Stop listening to the environmentalists. Because there has been no foresight, we are suffering now for the lack of action by those in the past who we elected to represent us. Both parties are responsible, but blaming does not get the job done.

It is embarrassing to read that France has developed their nuclear power while we just sit and talk about it. It is sad knowing that foreign countries are acquiring leases to drill for oil in our backyard, while we just sit and watch what is going on in the Gulf of Mexico and grumble about it. It is humiliating to hear those who say we are becoming a third world nation. Americans are known for their innovation.

Gasoline prices are affecting food prices, small businesses and the cost of all goods and services. Independent truckers are suffering. We rely on them for delivery of our food and goods to market. If their numbers decrease because of their cost of doing business, it will cause an additional increase in prices or possibly the disappearance of some goods. I do not think we want that to happen to our food supplies.

The time has come to act. Now is the time. We must not waste time. The public is begging for some common sense to solve these problems. Egos must be ignored lest we suffer more. Corporate America knows how to solve these problems. Do not hinder them any more with government red tape.

LAVERGNE, Hayden.

Our family lives about 30 miles from Idaho Falls where we do most of our business. My daughter and I also drive about 32 miles each way to our places of work so we are impacted every day. Our best guess is that we are spending about \$400 per month more now than we did when gas was \$2 per gallon. So far our response has been to curtail vacation traveling and reduce other unnecessary purchases.

Solutions (in order of preference):

1. Pursue increased domestic oil drilling including off-shore and ANWR and encourage construction of more refineries. I believe environmental concerns have been greatly exaggerated and need to be evaluated based on their cost effectiveness relative to their impact on the cost of living versus risk to our quality of life.

2. Pursue alternative energy sources only as far they are cost-effective. If bio-fuels need to be subsidized in order to maintain production, they are obviously not cost-effective.

3. Pursue nuclear power generation (we are 20 years behind). There is also potential for hydrogen as a by-product that could be used as an alternative to gasoline. I have doubts about wind generation as a cost-effective alternative energy source, and I personally do not care for it is adverse effect on the natural beauty of Idaho's landscapes.

4. Pursue improved coal-fired electrical generation. I also have serious concerns regarding the apparent race to reduce CO<sub>2</sub> emissions at any cost when there is so little real evidence that proves a correlation with global warming (also unverified).

5. Encourage more mass transit systems in our larger cities and offer incentives for their use. I was in San Diego, California last week and the traffic was absolutely mind-boggling.

6. Encourage better individual planning and carpooling across the nation. There are way too many of us making unnecessary trips to the store and letting our kids drive to school every day when we have buses making the same trip, but I suppose this will

take care of itself eventually when the price of gas gets to around \$6 per gallon.

Thanks for asking and thanks for your service to Idaho,

WADE, *Hamer*.

We are an independent pharmacy and offer free delivery service to our customers. Medicare, Medicaid, uninsured and indigent customers are all included. We are seriously considering charging for this service or eliminating it all together due to excessively high fuel prices.

Along with fuel cost, Medicare issues, such as slow pay and low pay, are making it really difficult to stay in business. We have no control over our reimbursement prices and are told to take it or leave it. All of these price increases must be passed on to the consumer somehow if we are to survive. Drug companies are raising prices too.

Thanks for asking for input.

KENT, *Twin Falls*.

We appreciate your concern about the rising costs of energy. As you say in Idaho we live quite a distance from most of the things we do. So the rising cost of gas has made a big impact on what we spend for transportation. We would encourage you to do whatever is necessary to make the changes in the current laws to allow exploration and drilling for oil including oil shale process. We have billions of gallons that cannot be tapped because of all the government red tape. We have supported the foreign suppliers long enough. Many of them are supporting terrorists who are enemies to us and our way of life. It is way passed time Congress became accountable for the restrictions they have placed on exploration and oil production. Do all you can to help this situation.

BOYD and LADENE, *Ucon*.

While the rise in petroleum prices is certainly a hardship to many people in Idaho, I do not know what else would have finally prompted a serious discussion about alternate energy sources and about seriously conserving energy. I usually ride a bicycle to work and drive an 18-year-old Honda Civic, which gets 44 mpg on the highway. If the entire U.S. auto fleet got similar mileage, I believe we could drastically cut our oil imports. The technology for more fuel efficient vehicles has been around for quite a while—that technology has not been encouraged and is currently not utilized. Here is an excerpt from Miller's *Living in the Environment* (8th edition) textbook written 10 years ago: "Since 1985 at least 10 companies including Volvo, Volkswagon, Renault, Peugeot, Honda, Mazda, Toyota and General Motors have had peppy prototype cars that meet or exceed current safety and pollution standards with fuel efficiencies of 67 to 138 mpg. If they were mass produced their slightly higher costs would be more than offset by their fuel savings . . . We can have roomy, peppy, safe, gas sippers, but only if consumers begin demanding them and buying them. (p 452)."

With encouragement from the government, we could do even better than this. However, we do not seem to change our wasteful energy behavior because it is logical or because it harms the environment. We do it because we have to and cannot afford to do otherwise. Only economic pressure will force us to let go of our addiction to driving 2-3 ton SUVs, usually with only one person inside, commuting 20 miles to work and 1 mile to the store when walking or biking would do. People in Europe drive smaller cars and use much less oil per capita—but they have been paying \$5 or more per gallon for a long time. Drilling more holes in the ground to extract the remaining reserves of oil in the U.S. fast-

er, would only serve to delay the change in consumption of petroleum that we all must make. Subsidizing alternative energy development makes good sense. Solar, wind, and biofuels, along with conservation should receive highest priority. Nuclear power would seem to be the best "bridging" source of energy—if it were not for the problem of handling wastes. You might want to look at the International Society of Doctors for the Environment's resolution on nuclear energy, March 2007 (<http://201.116.215.170/isde.org>). Further research on handling nuclear waste should be encouraged before constructing more nuclear power plants. Had we put significant effort and resources on alternate energy during the past 20 years, the adjustment to higher oil prices now would not have been so painful. We will need to use a wide variety of energy sources to replace the declining and increasingly expensive petroleum. People will adjust to the higher prices of gasoline by car pooling, taking public transportation, moving closer to work, buying more fuel efficient vehicles, making less needless trips, and many other ways. I recognize that this is not the kind of personal story about how high oil prices are hurting me, but I thought you should be aware of a different view of the oil price crisis.

Thank for asking for input.

ROGER.

My husband and I live in Salmon. He will be 69 June 22nd; I am 70. He is a recovering heart patient; I am a declining COPD patient. We are on a fixed income (Social Security) and are both under the care of specialists, who practice in Missoula, Montana, 170 miles away. We cancelled our appointments last month with our doctors because we simply do not have the money for gas. It is a sad state of affairs when a person cannot afford to visit their physician because gas is (as of today here in Salmon) \$4.25. I think it is time to start drilling. Perhaps even open some of our reserves.

Thank you for offering this site for folks like us to share the hardship this is causing not only in our lives but everyone in our community.

CONNIE.

One of the ways that my husband and I are coping with the increasing gasoline prices is that my husband is riding his motorcycle to work to reduce gasoline consumption. What I do not like about this situation is that it increases his chances for a fatal accident while commuting because of the increased danger of not being seen by the numerous other drivers in a high traffic time.

We should be using our own domestic resources for oil in all ways possible (drilling and shale) and we should build nuclear power plants. France is a good model for very safe and productive nuclear resources.

DEBRA, *Boise*.

Thank you for asking us everyday Idahoans how high fuel prices are affecting us on a daily basis. My husband and I were just discussing this two days ago, about how and where we can cut down in order to shift the dollars to gasoline. First off, we are retired and on a fixed income; so that means when the price of one thing goes up, another thing will have to go down. We spend an average of \$100 a month on gas. That, I know, is small compared to other Idahoans, and that is because we do not have to drive to work.

Since gas has doubled in one year, we have to come up with another \$100 a month to cover the increase. First, we ended our gym membership, which was costing \$45 a month. Well, that is as far as we got. We do not know what else to cut down on. So we are in the hole \$65 monthly. I am going to see if I

can cut down on food, as I have seen the prices of food going up, too. I know my electric bill, water bill, and gas bill will be going up, too. It is very scary for us.

Other things we are doing is grouping our trips together. This does offer a challenge due to logistics and time. And the impact of this cannot be calculated by any means, so I do not know what the effect of that will be.

Other things we are trying is not eating fast food anymore. This is upsetting especially to me, because sometimes I just do not have the energy or the desire to cook. Going to a fast food was my respite.

We also are not planning to make any day trips to other cities in Idaho anymore. We are new residents of Idaho, and wanted to explore its beauty this summer, when the weather was warmer. Last year, we were able to drive to Bogus Basin, Silver City, McCall, and Tamarack, and also explore the Boise National Forest. After all, is not that what retirement is supposed to be? However, we stopped talking about those trips. We even opted not to go to the next city over, Eagle, to experience our first Eagle Days fair, due to the drive.

In other words, Senator, our driving today has been limited to just essential places, such as the grocery store and taking our Labradors to the nearby creek for a swim, which is the highlight of their day and we just cannot take that away from them.

We were planning on buying life insurance for my husband, who is 63 and 13 years older than I am. Currently he has no life insurance. We are newlyweds (just 1 year), and I am always worried about what will happen to me when he dies. We have bills to pay, and the funeral costs alone average \$7,000. After doing research comparisons, the best insurance we could get was \$125 a month for just \$100,000 of life insurance. We wanted to buy more insurance, but at \$125 a month, that was all we can afford. Now, even that is on hold. That presents a daily worry for me, as my husband is active and can get hurt anytime.

We must open up America for the oil companies to dig. I am so upset with the current EPA guidelines, which seem to be more concerned about protecting animals (like the caribou and the polar bear) than of the survival of the human race, especially the elderly like my husband and myself. Quality of life? There is none anymore, but the caribou and the polar bears have a great quality of life, do not they? I remember my early Bible days when in Genesis, God told Adam, "All this is yours for your use" (paraphrasing). Man is the highest earth form yesterday, today, and always will be. I truly believe that everything around us is meant to be used to our advantage, with minimum and common sense protection.

I would also like to see a nuclear plant in Idaho. We have so much land here, with the nearest civilization miles away. Nuclear plants are safe. I know that. If having a nuclear plant here in Idaho will help Idahoans with lower energy costs, then that is what I want. My husband agrees, too. If the other states are too liberal or too scared to put one up, then that is their problem. Right now, my concern is for me, my husband, and Idaho.

Thank you so much for letting me speak. I really appreciate that. In my last state, that is unheard of. That is one of the reasons I love living in Idaho.

STELLA, *Meridian*.

A few years ago when we had another crisis with fuel, the Feds stepped in and made a national speed limit to help conserve fuel. I think it is needed more now than then. Stiff enforcement penalties would need to be set up for each state for enforcement.

Also many years ago we had glass bottles and people employed in glass factories making them. We could save a lot of petrol by getting away from so much plastic. Glass is far easier to recycle than plastic and it is reusable.

It is time [Congress got past partisanship and figured out how to solve these problems]. They should be paying us by now not the other way around. Let us put an end to the financial handout to them and start using those funds to build our own country.

LUCIAN.

Thank you for your recent communication regarding your vote on the climate change bill. I must say that I disagree with your decision, despite being spared an increase in gasoline costs. With 5 kilowatt-h/sq meter of solar income, in addition to our hydroelectric power and category 4-5 wind, Idaho should be a net green energy exporter. Just because the oil companies, in times of record profits, decide to squeeze the consumer, does not mean we can make the short-sighted choice to think only with our wallets. We need an energy policy that provides true security—a diversified portfolio of energy sources—not continued investment in a delivery system that is outmoded, wasteful, and polluting. I am stretched in this economy, but I would gladly put out the extra money for the long term solution of improved air quality (have you seen the brown air over the Treasure Valley recently), cutting off money supply to unstable Mideast regimes, and a chance for my son to have a functional environment in which to live. Please stop making short-term political decisions when you have the opportunity to show true leadership and thoughtfully consider how to achieve a sustainable future for our country. It is not too hard for us, for heaven's sake, we are Americans!

LISA, Boise.

The cost for fuel oil has gone from \$.60 per gal. to over \$4 per gallon, raising my monthly heating costs in the winter from \$85 to \$353 per month. I also drive around 40,000 miles per year for my job and while costs have skyrocketed, the business deduction has not, which is, in fact, a tax increase to go with the punishing costs. To add to these problems, my wife's mother, who lives in Dillon, Montana, has cancer, and lives at her trailer home for now. She is on Medicaid, has limited options for care and depends on us for many things. It is a six-hour drive. We get reasonable good mileage but that country, with the unpredictable weather, has a negative impact on our 26 miles per gallon. The cost of the trip has gone from \$100 to \$400 in just the last year and ½. My wife stayed home and raised our children while I provided for them so she has no Social Security. I am self-employed, so there is no retirement waiting except for what I can provide and I have used that to pay my taxes till it ran out. My wife was injured very badly 2½ years ago without insurance and I must pay the county back over the next 15 years. I realize that these things are adversity and I can, with hard work and the blessings of God, overcome them and still succeed. The biggest obstacle in my way is the very government that has sworn to uphold and defend the constitution that was inspired to protect me. Those who are bent on a socialistic society are destroying my hope for a future and the hope of my children.

RICHARD, Caldwell.

#### TRIBUTE TO ST. MICHAEL'S COLLEGE STUDENT VOLUNTEERS

Mr. LEAHY. Mr. President, I wish to draw the attention of the Senate to a

group of selfless volunteers at St. Michael's College in Colchester, VT, who sacrificed time with their families and friends this past holiday season to ensure that Vermonters in need of emergency services had someone to call upon even on the Christmas holiday.

St. Michael's Fire and Rescue was founded in 1969 and has been staffed and operated by student volunteers ever since. Donald Sutton, affectionately known as "Pappy" around the firehouse, helped start the organization as dean and director of campus security following the untimely death of a student athlete on campus. Nearly 40 years later, the organization serves as the primary ambulance and fire service for a large portion of the State's most populous region, Chittenden County.

The student volunteers who make this organization run find time outside of their rigorous course work to not only be on call but also to complete hundreds of hours of Emergency Medical Technician training and Firefighter training. While their classmates may be battling another school on the ice, on the field, or on the court—St. Michael's Fire and Rescue members are risking their lives in real-life emergency situations, aiding the sick, and putting out fires. Even during the holidays, when schools shut down and students usually go home to visit with family, these students stand watch for their community.

While I was at my family farm in Middlesex this holiday season, I came across a Christmas Day Burlington Free Press article highlighting the sacrifice of these students. I ask unanimous consent that the text of that article be printed in the RECORD.

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

[From the Burlington Free Press, Dec. 25, 2008]

#### NO BREAK FOR STUDENTS ON RESCUE SQUAD (by Joel Banner Baird)

COLCHESTER.—Their classmates might delight in holiday downtime: late nights, late mornings, heavy meals and torpor.

On the night before Christmas, a student-staffed rescue squad at St. Michael's College remains on-call and alert—by choice. Time off will come to squad Capt. Kristen Dalton, 21, later this week, after a 90-hour week at the College Parkway station.

Her fellow St. Mike's seniors, Mark Petersen and Peter Cronin, both 21, opted for holiday duty, too.

This is more than a club. The squad's 20 members are first-responders who you see tending to car-wreck victims and heart-attack patients. They respond to more than 2,700 calls every year from Chittenden County residents, most of them in Colchester, Winooski and Hinesburg. Dalton looked cheerful on a slow Wednesday morning.

The biology major and pre-med student said she typically logs 40 to 50 hours per week at St. Michael's Fire and Rescue.

Each volunteer, certified as an Emergency Medical Technician, puts in at least 24 hours per week, including a 12-hour overnight shift at the station.

"We hold ourselves to a 3-minute response time," Dalton said. "I throw a jumpsuit over

my pajamas, I'm in my boots, and I'm out the door."

Like his captain, Petersen joined the squad as a freshman. He said the commitment taught him how to juggle academic commitments.

"It really, really forces you into time management," he said.

Another learning curve brought him up to speed as a member of a larger, adult community.

"What we do here is a lot of consequence-based decision-making," he said. "You see the results of your actions right away. It makes you step back and say, 'Hey—I'm not a kid anymore.'"

Interrupting him, a call came through dispatch: An infant in Plattsburgh, N.Y., needed to be transported to Fletcher Allen.

Petersen and Cronin did a final inspection of the neo-natal intensive care truck—one of the station's three ambulances—and headed out to pick up a specialist at the hospital en route to New York.

Christmas Eve's activities would be anybody's guess. Wrapped packages lay beneath a decorated tree in the ready room. Cronin's parents said they'd cook breakfast for the volunteers on Christmas morning.

Dalton said the squad would lose almost half of its members after graduation. She's already planning a spring recruitment drive.

"This attracts a lot of different people—people who want to do something good with their time," she said.

As if on cue, Kate Soons of Colchester, a self-described "lingering alum," entered with an overnight bag. She'd heard about the Plattsburgh call and wanted to provide backup.

Soons served with the squad in the 1980s, and now is a nurse at Fletcher Allen. She also coordinates regional emergency care training, and keeps tabs on St. Mike's graduates who have chosen to stay active in the field.

Begun in 1969, the rescue squad is the busiest volunteer ambulance unit in the state, she said.

"It's a big family," she said.

Soons' husband, Pete Soons, also served with rescue volunteers as an undergraduate. He directs the college's department of public safety, overseeing campus security, rescue and fire squads.

Unlike the rescue volunteers, St. Michael's 25 firefighters have an off-campus affiliation; they're a battalion in the Colchester Center Volunteer Fire Company.

Standing between a hose truck and an engine, company firefighter Gary Zeno discussed hydrant fittings with freshman Andrea Dillner, 19. Still in training, Dillner will accompany squads as a rookie until she qualifies for hands-on work.

Nonetheless, she volunteered.

After a briefing with Zeno, she headed upstairs, past a wall-sized calendar of shift schedules and birthdays, to take a nap.

Dalton, coffee in hand, looked as wide-awake as ever on the night before Christmas.

#### ADDITIONAL STATEMENTS

##### RETIREMENT OF CHARLENE DAVIS

• Mr. BOND. Mr. President, today I acknowledge and pay tribute to Charlene Davis's dedication and service to the people of Missouri as she retires from the Jackson County Election Board of Election Commissioners after 34 years.

During her tenure with the board, Charlene has helped modernize our election technology, improving the reliability and integrity of elections.

Charlene had the opportunity to design the program to implement punch card voting; to design, implement, and monitor the computerized database for voter registration; and to implement the National Voting Rights Act, making modifications to the database to conform. Charlene has been instrumental to making the voting process in the State of Missouri a secure one.

Charlene was also instrumental in securing the new electronic voting system required by Help America Vote Act. As a sponsor of the Help America Vote Act, I express my gratitude to Charlene in executing this program.

She has been an active member of The International Association of Clerks, Recorders, Election Officials & Treasurers since 1981, serving as State director from Missouri for 10 years, treasurer of IACREOT and special assistant to the president in 2004.

Charlene received her formal education from the University of Missouri, in Columbia, MO, where she majored in math and physics.

She and her husband Wade are the parents of three married children, and they have eight grandchildren.

Charlene, congratulations on your well-deserved retirement and best wishes for your future endeavors.●

#### TRIBUTE TO DICK HOXWORTH

● Mr. CASEY. Mr. President, I would like to take a moment today to recognize the career of journalist Dick Hoxworth who, after serving the residents of central Pennsylvania for 40 years, retired from his post as anchor on WGAL-TV on Christmas Eve.

The longest serving anchor in the Harrisburg media market, Dick covered some of the most newsworthy events in the region's history. Most notably, he covered the Agnes flood in 1972 and was one of the first reporters on the scene at the Three Mile Island nuclear accident. During the Vietnam war he reported on the return of the first American prisoners of war, as well as the arrival of the first Vietnamese refugees to the United States. In the political arena, Dick Hoxworth covered stories at both the Pennsylvania State Capitol and the White House.

Dick was a highly decorated newsmen. Over the course of his distinguished career, he received awards from the Associated Press, the Pennsylvania Association of Broadcasters, and was nominated for 29 regional Emmy Awards, winning 3 times.

But simply listing Dick Hoxworth's accomplishments and accolades within the field of journalism doesn't tell his full story. Dick was an old-fashioned "news man," getting his start before blogs, the Internet, 24-hour cable news, and live satellite feeds. However, as time went on, he did one of the most difficult things to do in a profession he transcended the changes that were taking place in his field. Dick continued broadcasting, writing, and reporting even as the faces and technology

around him changed with the times. Rather than be deterred by these changes, he embraced them and continued to thrive.

Edward R. Murrow once said, "the newest computer can merely compound, at speed, the oldest problem in the relations between human beings, and in the end the communicator will be confronted with the old problem, of what to say and how to say it."

For 40 years, Dick Hoxworth knew what to say and how to say it. And, in doing so, he has made Pennsylvania proud. Today I would like to recognize and pay tribute to that service and his long and successful career. ●

#### TRIBUTE TO JAMES A. TEGNELIA

● Mr. LUGAR. Mr. President, today I wish to honor the accomplishments and leadership of Dr. James Tegnalia for his service to the Defense Threat Reduction Agency—DTRA—and the Nunn-Lugar Cooperative Threat Reduction Program. DTRA is a 2,000-member combat support agency which is charged by the Department of Defense to safeguard the United States and its allies from weapons of mass destruction.

I have had the pleasure of working closely with Jim and DTRA in their role as the primary implementers of the Nunn-Lugar program. I am thankful to have had such a strong ally in the fight against nuclear proliferation. The agency is an integral actor in the fight to reduce WMD proliferation worldwide and has proven to be an extraordinary source of leadership in reducing the threats posed by weapons of mass destruction.

Dr. James Tegnalia, of Albuquerque, NM, has served as the Director of the Defense Threat Reduction Agency since February 2005, and will leave that post in February 2009, after 4 years of dedicated service. Dr. Tegnalia's accomplishments are as wide in scope as they are large in number, and for this we honor him today on the floor of the U.S. Senate.

Dr. Tegnalia was instrumental in institutionalizing and integrating the mission of combating weapons proliferation across the Department of Defense and in guiding agency support to the global war on terrorism. The integration of Department of Defense missions in both fighting terror and WMD proliferation has allowed both agencies to share valuable resources and seek common purpose in our efforts on both important fronts.

Jim has been a tireless champion of international efforts to curb the proliferation of nuclear weapons, and his understanding of the threat of weapons of mass destruction to our nation and U.S. interests abroad is unparalleled. This expertise and dedication manifested itself in a leadership role for the agency in the establishment of regional and global nonproliferation partnerships. Working closely with the Department of State, Dr. Tegnalia has

been a vocal advocate of the President's Global Initiative to Combat Nuclear Terrorism, a program designed to prevent terrorists and dangerous regimes from threatening the United States and its allies with the world's most deadly weapons.

I have had the opportunity to travel extensively with Dr. Tegnalia and the experts at DTRA to Nunn-Lugar dismantlement sites all over the world. I remember fondly a trip we took just 2 years ago. He joined Sam Nunn and I in celebrating the 15th anniversary of the program on a trip to Russia, Ukraine, and Albania. We enjoyed good conversation on the program's significant contributions to international security and Nunn-Lugar's future prospects in countries outside the former Soviet Union. Jim has been an immensely successful leader and colleague in the fight to keep the United States safe and secure against the threats of weapons of mass destruction. We are indebted for his service and honor his commitment to this country.

I ask my colleagues to join me in wishing him good luck in his future endeavors and thanks for a job well done.●

#### HONORING MAINE ENERGY SYSTEMS

● Ms. SNOWE. Mr. President, while many hold an idyllic notion of Maine in the winter as a haven for skiers and snow enthusiasts, Mainers know that the cold winter months bring with them many dangers, particularly when it comes to heating homes. That is why I wish to recognize Maine Energy Systems of Bethel, a small business that is using technology and innovative thinking to help solve our Nation's energy crisis and keep Mainers warm during the State's lengthy winter.

Maine Energy Systems is the product of three men: Les Otten, Dr. Harry "Dutch" Dressler, and William Strauss. They came together in 2007 to brainstorm a way to reduce energy costs for Mainers and for the Nation. When the trio formed Maine Energy Systems they agreed that any solution had to: Reduce dependency on foreign oil; be environmentally sensitive; be renewable; and be affordable. With these goals in mind, they spent 14 months researching every aspect of energy delivery and production. These efforts eventually bore fruit when they partnered with German manufacturer Bosch to create a wood pellet fueled boiler system suitable for sale in America.

Bosch created a boiler fueled by high-grade wood pellets that are pumped through an automatic feeder into the boiler itself. The wood pellets are made directly from trees or from the byproducts of other wood manufacturing processes before undergoing a unique and exciting process. The wood is first dried, pulverized and forced under high pressure through the holes in a die, a specialized manufacturing tool. The

holes force the wood into a tightly compact pellet shape that stores energy without wasting space. These pellets are extremely versatile and can be made from either hardwood or softwood.

Once inside the boiler, the pellets are fanned in order to ensure maximum combustibility. Finally, the pellets are burned, generating heat that can be used as a home heating source. The boiler has already been approved by the Underwriters Laboratories and proven reliable by the American Society of Mechanical Engineers. In addition to their dependability, wood pellets are also environmentally friendly.

The wood pellets have very little ash content. Unlike traditional log fires, burning pellets do not appear to create chimney deposits and in fact, burning wood pellets creates no visible smoke. The only byproduct left after burning is wood ash, which is actually beneficial to garden and lawn soil. Wood pellets are a local renewable resource, and many of the pellets used by Maine Energy Systems come from trees in the small Maine town of Athens. In this way, Maine's abundant forests can help reduce our Nation's dependence on foreign sources of energy, in particular Middle Eastern oil. The carbon footprint created by wood pellet burning stoves is only 28.6 lbs. per million British thermal units, which ranks as one of the most efficient ways to heat a home.

Maine Energy Systems is at the vanguard of the "green" product revolution, creating a product that is beneficial to the environment, saves consumers money, and produces profits and jobs. Entrepreneurs in the purest sense of the word, Maine Energy Systems' founders have provided our country a tremendous opportunity for a better future. I wish Les Otten, Dr. Harry "Dutch" Dressler, William Strauss, and Maine Energy Systems continued success as they help Mainers save money, energy, and the environment.

#### MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mrs. Neiman, one of his secretaries.

#### EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting nominations which were referred to the Committee on Armed Services.

(The nomination received today is printed at the end of the Senate proceedings.)

#### MESSAGE FROM THE HOUSE

At 12:16 p.m., a message from the House of Representatives, delivered by

Mrs. Cole, one of its reading clerks, announced that the House has agreed to the following concurrent resolutions, without amendment:

S. Con. Res. 1. Concurrent resolution to provide for the counting on January 8, 2009, of the electoral votes for President and Vice President of the United States.

S. Con. Res. 2. Concurrent resolution extending the life of the Joint Congressional Committee on Inaugural Ceremonies.

The message also announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 3. Joint resolution ensuring that the compensation and other emoluments attached to the Office of Secretary of the Interior are those which were in effect on January 1, 2005.

#### MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 1. A bill to create jobs, restore economic growth, and strengthen America's middle class through measures that modernize the Nation's infrastructure, enhance America's energy independence, expand educational opportunities, preserve and improve affordable health care, provide tax relief, and protect those in greatest need, and for other purposes.

S. 2. A bill to improve the lives of middle class families and provide them with greater opportunity to achieve the American dream.

S. 3. A bill to protect homeowners and consumers by reducing foreclosures, ensuring the availability of credit for homeowners, businesses, and consumers, and reforming the financial regulatory system, and for other purposes.

S. 4. A bill to guarantee affordable, quality health coverage for all Americans, and for other purposes.

S. 5. A bill to improve the economy and security of the United States by reducing the dependence of the United States on foreign and unsustainable energy sources and the risks of global warming, and for other purposes.

S. 6. A bill to restore and enhance the national security of the United States.

S. 7. A bill to expand educational opportunities for all Americans by increasing access to high-quality early childhood education and after school programs, advancing reform in elementary and secondary education, strengthening mathematics and science instruction, and ensuring that higher education is more affordable, and for other purposes.

S. 8. A bill to return the Government to the people by reviewing controversial "midnight regulations" issued in the waning days of the Bush administration.

S. 9. A bill to strengthen the United States economy, provide for more effective border and employment enforcement, and for other purposes.

S. 10. A bill to restore fiscal discipline and begin to address the long-term fiscal challenges facing the United States, and for other purposes.

S. 33. A bill to amend the Internal Revenue Code of 1986 with respect to the proper tax treatment of certain indebtedness discharged in 2009 or 2010, and for other purposes.

S. 34. A bill to prevent the Federal Communications Commission from repromulgating the fairness doctrine.

#### MEASURES READ THE FIRST TIME

The following bill was read the first time:

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

#### 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-221. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Big Spring, TX" ((Docket No. FAA-2008-0757)(Airspace Docket No. 08-ASW-13)) received in the Office of the President of the Senate on December 11, 2008; to the Committee on Commerce, Science, and Transportation.

EC-222. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the economic benefits of recreational boating in the Great Lakes basin; to the Committee on Environment and Public Works.

EC-223. A communication from the Assistant Administrator, Office of Administration and Resources Management, Environmental Protection Agency, transmitting, pursuant to law, a report relative to the Agency's competitive sourcing activities during fiscal year 2008; to the Committee on Environment and Public Works.

EC-224. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "2, 4-D, Bensulide, Chlorpyrifos, DCPA, Desmedipham, Dimethoate, Fenamiphos, Metolachlor, Phorate, Sethoxydim, Terbufos, Tetrachlorvinphos, and Triallate; Technical Amendment" (FRL-8393-9) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Environment and Public Works.

EC-225. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Quality Designations for the 2006 24-Hour Fine Particle (PM2.5) National Ambient Air Quality Standards" (RIN2060-AO02) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Environment and Public Works.

EC-226. 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; Texas; Attainment Demonstration for the Dallas/Fort Worth 1997 8-Hour Ozone Nonattainment Area" (FRL-8758-7) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Environment and Public Works.

EC-227. 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; Illinois and Indiana; Finding of Attainment for 1-Hour Ozone for the Chicago-Gary-Lake County, IL-IN Area" (FRL-8757-8) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Environment and Public Works.

EC-228. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Texas; Control of Emissions of Nitrogen Oxides (NOx) From Cement Kilns" (FRL-8758-8) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Environment and Public Works.

EC-229. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Georgia; Nonattainment New Source Review Rules" (FRL-8757-9) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Environment and Public Works.

EC-230. 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 State Implementation Plans; Oregon; Salem Carbon Monoxide Nonattainment Area; Designation of Areas for Air Quality Planning Purposes" (FRL-8747-7) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Environment and Public Works.

EC-231. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Extension of Cross-Media Electronic Reporting Rule Deadline for Authorized Programs" (FRL-8757-2) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Environment and Public Works.

EC-232. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Clean Water Act Regulatory Definition of 'Discharge of Dredged Material'; Final Rule" (FRL-8757-7) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Environment and Public Works.

EC-233. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Multiple Chemicals; Extension of Tolerances for Emergency Exemptions" (FRL-8392-3) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Environment and Public Works.

EC-234. 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; The Metropolitan Washington Nonattainment Areas; Determination of Attainment of the Fine Particle Standard" (FRL-8759-7) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Environment and Public Works.

EC-235. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Ambient Air Quality Standards" (FRL-8759-6) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Environment and Public Works.

EC-236. 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 "Research Credit Claims Audit Techniques Guide: Credit for Increasing Research Activities IRC Section 41—Exhibit E" (LMSB-4-1208-057) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Finance.

EC-237. 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—January 2009" (Rev. Rul. 2009-1) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Finance.

EC-238. 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 "Permitted disparity in employer-provided contributions or benefits" (Rev. Rul. 2009-2) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Finance.

EC-239. 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 "Petroleum Industry Overview Guide" (LMSB-4-1208-056) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Finance.

EC-240. A communication from the Program Manager of the Center for Medicaid and State Operations, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicaid Program; Disproportionate Share Hospital Payments" (RIN0938-AO45) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Finance.

EC-241. A communication from the Program Manager of the Center for Medicaid and State Operations, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Surety Bond Requirement for Suppliers of Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS)" (RIN0938-AO84) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Finance.

EC-242. A communication from the Assistant Secretary, Veterans' Employment and Training Service, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Priority of Service for Covered Persons" (RIN1293-AA15) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-243. A communication from the Director of Interpretations and Regulatory Analysis, Employment Standards Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Protecting the Privacy of Workers: Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction" (RIN1215-AB67) received in the Office of the President of the Senate on January 5, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-244. A communication from the Program Manager, Office of Global Health Affairs, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Office of Global Health Affairs; Regulation on the Organizational Integrity of Entities that are Implementing Programs and Activities Under the Leadership Act" (RIN0991-AB46) received in

the Office of the President of the Senate on January 5, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC-245. A communication from the Chairman, Merit System Protection Board, transmitting, pursuant to law, a report entitled "The Federal Government: A Model Employer or a Work In Progress?"; to the Committee on Homeland Security and Governmental Affairs.

EC-246. A communication from the National Executive Secretary, Navy Club of the United States of America, transmitting, pursuant to law, a report relative to the national financial statement of the organization and national staff and convention minutes for the year ending July 31, 2008; to the Committee on the Judiciary.

EC-247. A communication from the General Counsel, Office of Justice Programs, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Public Safety Officers' Benefits Program" (RIN1121-AA75) received in the Office of the President of the Senate on January 5, 2009; to the Committee on the Judiciary.

EC-248. A communication from the Deputy Chief of the Regulatory Management Division, Citizenship and Immigration Services, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes to Requirements Affecting H-2B Nonimmigrants and Their Employers" (RIN1615-AB67) received in the Office of the President of the Senate on January 5, 2009; to the Committee on the Judiciary.

EC-249. A communication from the Administrator of the Office of Policy Development and Research, Employment and Training Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Labor Certification Process and Enforcement for Temporary Employment in Occupations Other Than Agriculture or Registered Nursing in the United States (H-2B Workers), and Other Technical Changes" (RIN1205-AB54) received in the Office of the President of the Senate on January 5, 2009; to the Committee on the Judiciary.

EC-250. A communication from the Administrator of the Office of Policy Development and Research, Employment and Training Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Temporary Agricultural Employment of H-2A Aliens in the United States; Modernizing the Labor Certification Process and Enforcement" (RIN1205-AB55) received in the Office of the President of the Senate on January 5, 2009; to the Committee on the Judiciary.

## 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. BINGAMAN:

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

By Ms. CANTWELL (for herself, Mr. ENSIGN, Mrs. MURRAY, Mr. REID, Mr. ALEXANDER, and Mr. NELSON of Florida):

S. 23. A bill to amend the Internal Revenue Code of 1986 to permanently extend the election to deduct State and local sales taxes; to the Committee on Finance.

By Mr. KERRY (for himself and Mr. ROCKEFELLER):

S. 24. A bill to amend the Internal Revenue Code of 1986 to strengthen the earned income tax credit; to the Committee on Finance.

By Mr. SANDERS:

S. 25. A bill to ensure access to basic broadcast television after the Digital Television Transition, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. LINCOLN:

S. 26. A bill to amend the Internal Revenue Code of 1986 to reset the income threshold used to calculate the refundable portion of the child tax credit and to repeal the sunset for certain prior modifications made to the credit; to the Committee on Finance.

By Mr. SCHUMER (for himself, Mrs. CLINTON, and Mr. KENNEDY):

S. 27. A bill to establish the Daniel Webster Congressional Clerkship Program; to the Committee on Rules and Administration.

By Mr. SCHUMER:

S. 28. A bill to ensure that the courts of the United States may provide an impartial forum for claims brought by United States citizens and others against any railroad organized as a separate legal entity, arising from the deportation of United States citizens and others to Nazi concentration camps on trains owned or operated by such railroad, and by the heirs and survivors of such persons; to the Committee on the Judiciary.

By Mr. BROWN:

S. 29. A bill to amend the Internal Revenue Code of 1986 to increase the credit for the health insurance costs of eligible individuals, to expand such credit to individuals covered under COBRA, and to extend the period of COBRA continuation coverage for certain individuals; to the Committee on Finance.

By Mr. NELSON of Florida (for himself, Ms. SNOWE, Mrs. MCCASKILL, and Ms. KLOBUCHAR):

S. 30. A bill to amend the Communications Act of 1934 to prohibit manipulation of caller identification information; to the Committee on Commerce, Science, and Transportation.

By Mr. ENSIGN (for himself, Mr. BAYH, Mr. ISAKSON, Mrs. MCCASKILL, and Mr. SPECTER):

S. 163. A bill to amend the National Child Protection Act of 1993 to establish a permanent background check system; to the Committee on the Judiciary.

By Mr. ENSIGN:

S. 164. A bill to improve consumer access to passenger vehicle loss data held by insurers; to the Committee on Commerce, Science, and Transportation.

By Mr. KOHL (for himself and Mr. DURBIN):

S. 165. A bill to amend the Truth in Lending Act, to prevent credit card issuers from taking unfair advantage of college students and their parents, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. HUTCHISON (for herself, Mr. CORNYN, Mr. BURR, Mr. ALEXANDER, Mr. ENZI, and Mr. VOINOVICH):

S. 166. A bill to amend title VII of the Civil Rights Act of 1964 to clarify the filing period applicable to charges of discrimination, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

S. Res. 9. A resolution commemorating 90 years of U.S.-Polish diplomatic relations, during which Poland has proven to be an exceptionally strong partner to the United States in advancing freedom around the world; to the Committee on Foreign Relations.

#### ADDITIONAL COSPONSORS

S. 1

At the request of Mr. REID, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1, a bill to create jobs, restore economic growth, and strengthen America's middle class through measures that modernize the nation's infrastructure, enhance America's energy independence, expand educational opportunities, preserve and improve affordable health care, provide tax relief, and protect those in greatest need, and for other purposes.

S. 2

At the request of Mr. REID, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 2, a bill to improve the lives of middle class families and provide them with greater opportunity to achieve the American dream.

S. 3

At the request of Mr. REID, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 3, a bill to protect homeowners and consumers by reducing foreclosures, ensuring the availability of credit for homeowners, businesses, and consumers, and reforming the financial regulatory system, and for other purposes.

S. 4

At the request of Mr. REID, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 4, a bill to guarantee affordable, quality health coverage for all Americans, and for other purposes.

S. 5

At the request of Mr. REID, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 5, a bill to improve the economy and security of the United States by reducing the dependence of the United States on foreign and unsustainable energy sources and the risks of global warming, and for other purposes.

S. 6

At the request of Mr. REID, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 6, a bill to restore and enhance the national security of the United States.

S. 7

At the request of Mr. REID, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 7, a bill to expand educational opportunities for all Americans by increasing access to high-quality early childhood education and after school programs, advancing reform in elementary and secondary education, strengthening mathematics and science instruction, and ensuring that higher education is more affordable, and for other purposes.

S. 8

At the request of Mr. REID, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 8, a bill to return the Government to the people by reviewing controversial "midnight regulations" issued in the waning days of the Bush Administration.

S. 9

At the request of Mr. REID, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 9, a bill to strengthen the United States economy, provide for more effective border and employment enforcement, and for other purposes.

S. 10

At the request of Mr. REID, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 10, a bill to restore fiscal discipline and begin to address the long-term fiscal challenges facing the United States, and for other purposes.

S. 21

At the request of Mr. REID, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 21, a bill to reduce unintended pregnancy, reduce abortions, and improve access to women's health care.

S. 35

At the request of Mrs. HUTCHISON, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of S. 35, a bill to provide a permanent deduction for State and local general sales taxes.

S. 42

At the request of Mr. ENSIGN, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 42, a bill to amend title II of the Social Security Act to preserve and protect Social Security benefits of American workers and to help ensure greater congressional oversight of the Social Security system by requiring that both Houses of Congress approve a totalization agreement before the agreement, giving foreign workers Social Security benefits, can go into effect.

S. 45

At the request of Mr. ENSIGN, the names of the Senator from Tennessee (Mr. ALEXANDER) and the Senator from South Carolina (Mr. DEMINT) were added as cosponsors of S. 45, a bill to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system.

At the request of Mr. THUNE, his name was added as a cosponsor of S. 45, supra.

S. 46

At the request of Mr. ENSIGN, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 46, a bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. LUGAR (for himself, Mr. VOINOVICH, and Ms. MIKULSKI):

S. 47

At the request of Mr. ENSIGN, the names of the Senator from South Dakota (Mr. THUNE) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. 47, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services.

S. 132

At the request of Mrs. FEINSTEIN, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 132, a bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs, and for other purposes.

S. 133

At the request of Mrs. FEINSTEIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 133, a bill to prohibit any recipient of emergency Federal economic assistance from using such funds for lobbying expenditures or political contributions, to improve transparency, enhance accountability, encourage responsible corporate governance, and for other purposes.

S. 160

At the request of Mr. LIEBERMAN, the names of the Senator from Missouri (Mrs. MCCASKILL), the Senator from Delaware (Mr. CARPER) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 160, a bill to provide the District of Columbia a voting seat and the State of Utah an additional seat in the House of Representatives.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS ON JANUARY 6, 2009

By Mr. SPECTER (for himself and Mr. CASEY):

S. 32. A bill to require the Federal Energy Regulatory Commission to hold at least 1 public hearing before issuance of a permit affecting public or private land use in a locality; to the Committee on Energy and Natural Resources.

Mr. SPECTER. Mr. President, I seek recognition to speak on legislation I am introducing that will require the Federal Energy Regulatory Commission to hold at least one public hearing before issuance of a permit affecting public or private land use in a locality. I introduced legislation on this issue at the end of the 110th Congress, and fully expect it to remain relevant as we move forward with upgrades to our energy infrastructure, possibly as part of an economic stimulus package. The legislation has been updated; namely, it now allows for a second hearing when officially requested by a county or local government to address issues not addressed at the original hearing.

Increasing demand for electricity throughout the Northeast is putting a strain on energy infrastructure in my State, necessitating new transmission lines and natural gas pipelines and the expansion of existing ones. In southwestern and northeast Pennsylvania transmission line expansions are planned over hundreds of miles of private property, while in the southeast natural gas pipeline expansions are underway.

There is no doubt these projects can be invasive, and rarely do they fail to be controversial. I make a point of touching all of Pennsylvania's 67 counties each year. In traveling Pennsylvania this Fall I heard a lot of complaints, which didn't come as a surprise. I heard frequently from constituents who oppose these infrastructure projects, and who felt their concerns were being ignored by the energy companies and by FERC.

I realize there will always be some opposition to large infrastructure projects. What is unacceptable, however, is for the people of my State to feel that their voices were not heard, that their issues were ignored. It may be the case that these projects are necessary. The Federal Energy Regulatory Commission is the authority, and in exercising its authority it must be sensitive to local concerns.

To address this I propose simply that FERC hold a hearing in these affected communities. In many cases this is already done, but my legislation makes it mandatory. State Public Utility Commissions, who have a great say in these matters, are beyond Congress' reach. But where the Federal Energy Regulatory Commission is involved we can take steps to ensure that our constituents' concerns receive due consideration. Holding a hearing may not lead to all sides agreeing on the proper route forward, but at the very least my Pennsylvania constituents will come away with the satisfaction of having publicly aired their grievances.

To ensure that constituent concerns are given all due consideration, my legislation allows for affected parties to petition for a second hearing, provided certain conditions are met. In order for a second hearing to occur, a county government, or a municipal government within the affected county, must petition the Federal Energy Regulatory Commission for a second hearing. A second hearing will only occur to address an issue that was not addressed at the initial hearing, and the hearing shall occur between 30 and 60 days after approval by the Federal Energy Regulatory Commission.

The safeguards included in this legislation are critical to protecting individual property rights. As the Nation moves forward in making needed updates to its infrastructure, defending citizens' constitutional right to redress their government with their concerns should be paramount for this Congress. I will continue to fight to allow my constituents to be heard when Federal

projects will affect their rights as homeowners and landowners.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN:

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

Mrs. FEINSTEIN. Mr. President, I rise to speak to Senator BINGAMAN's introduction today of the Omnibus Public Land Management Act of 2009. I strongly support this bill and Senator BINGAMAN's leadership in sponsoring it, and urge my colleagues to vote for its prompt passage.

This omnibus legislation includes no fewer than 20 bills of interest to California, including 14 bills to increase our water supply and to restore our rivers and groundwater quality, 3 bills to designate additional wilderness areas, and 3 other National Park Service, Bureau of Land Management, and Forest Service bills.

I would like to speak at some length about one of these bills, the San Joaquin River Restoration Settlement Act, which I have introduced with Senator BOXER to bring to a close 18 years of litigation between the Natural Resources Defense Council, the Friant Water Users Authority and the U.S. Department of the Interior. Before I discuss the San Joaquin bill, however, I would like to review the other 19 California bills in the omnibus legislation introduced today. These include the following:

##### ADDITIONS TO NATIONAL WILDERNESS PRESERVATION SYSTEM

Eastern Sierra and Northern San Gabriel Wilderness,  
Riverside County Wilderness, and the Sequoia and Kings Canyon National Parks Wilderness;

##### BUREAU OF LAND MANAGEMENT

Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria land exchange;

##### FOREST SERVICE

Mammoth Community Water District land conveyance;

##### NATIONAL PARK SERVICES

Tule Lake Segregation Center Resource Study;

##### BUREAU OF RECLAMATION

San Diego Intertie feasibility study,  
Madera Water Supply Enhancement Project authorization,  
Rancho California Water District project authorization,  
Santa Margarita River project authorization,  
Elsinore Valley Municipal Water District project authorization,  
North Bay Water Reuse Authority project authorization,  
Prado Basin Natural Treatment System Project authorization,  
Bunker Hill Groundwater Basin project authorization,

GREAT Project authorization,  
Yucaipa Valley Water District  
project authorization,  
Goleta Water District Water Dis-  
tribution System title transfer,  
San Gabriel Basin Restoration Fund,  
and the

Lower Colorado River Multi-Species  
Conservation Program

I would like to say a few words about  
the water project authorizations and  
wilderness bills, in addition to the San  
Joaquin River Settlement legislation.

In the Western U.S., drought, popu-  
lation growth, increasing climate vari-  
ability, and ecosystem needs make  
managing water supplies especially  
challenging. The 9 California water re-  
cycling projects included in the omni-  
bus bill offer a proven means to de-  
velop cost effective alternative water  
supply projects. Together they will  
help the state reduce its dependence on  
imported water from both the Lower  
Colorado River and Sacramento/San  
Joaquin Delta.

Among the other bills to benefit Cali-  
fornia water supply and quality, one  
codifies the Lower Colorado River  
Multi-Species Conservation Program,  
MSCP, a 50 year plan to protect endan-  
gered species and preserve wildlife  
habitat along the Colorado River.

The three wilderness bills in this  
package would together protect a wil-  
derness about 735,000 acres of land in  
Mono, Riverside, Inyo, and Los Angeles  
Counties, and within Sequoia-Kings  
Canyon National Park. This will pro-  
tect spectacular lands ranging from the  
High Sierras to the magnificent Cali-  
fornia deserts. I want to thank Senator  
BOXER in particular for her leadership  
on these bills.

I would like to devote most of my re-  
marks to the San Joaquin River Res-  
toration Settlement Act, a bill Senator  
BOXER and I have cosponsored that ap-  
proves, authorizes and helps fund an  
historic Settlement on the San Joa-  
quin River in California. This Settle-  
ment restores California's second long-  
est river, while maintaining a stable  
water supply for the farmers who have  
made the San Joaquin Valley the rich-  
est agricultural area in the world. One  
of the major benefits of this settlement  
is the restoration of a long-lost salmon  
fishery. The return of one of Califor-  
nia's most important salmon runs will  
create significant benefits for local  
communities in the San Joaquin Val-  
ley, helping to restore a beleaguered  
fishing industry while improving recre-  
ation and quality of life.

This San Joaquin Settlement bill is  
nearly identical to the bill that we in-  
troduced in the waning days of the  
109th Congress, and reintroduced at the  
beginning of the 110th Congress as S.  
27. However, the bill we are introducing  
today does reflect a few significant  
changes resulting from discussions  
among the numerous Settling Parties  
and various "Third Parties" in the San  
Joaquin Valley of California. During  
the past year the parties to the settle-  
ment and these affected third parties,

such as the San Joaquin River Ex-  
change Contractors, have agreed to  
certain changes to the legislation to  
make the measure PAYGO neutral and  
to enhance implementation of the set-  
tlement's "Water Management Goal"  
to reduce or avoid adverse water supply  
impacts to Friant Division long-term  
water contractors. The legislation that  
we are introducing today incorporates  
these changes, which are supported by  
the State of California and major water  
agencies on the San Joaquin River and  
its tributaries.

The Settlement has two goals: to re-  
store and maintain fish populations in  
the San Joaquin River, including a  
self-sustaining salmon fishery, and to  
avoid or reduce adverse water supply  
impacts to long-term Friant water con-  
tractors. Consistent with the terms of  
the Settlement, we expect that both of  
these goals will be pursued with equal  
diligence by the Federal agencies.

Without this consensus resolution of  
a long-running western water battle  
the parties will continue the fight, re-  
sulting in a court-imposed judgment. It  
is widely recognized that an outcome  
imposed by a court is likely to be  
worse for everyone on all counts: more  
costly, riskier for the farmers, and less  
beneficial for the environment.

The Settlement provides a frame-  
work that the affected interests can ac-  
cept. As a result, this legislation has  
enjoyed the strong support of the Bush  
Administration, California Governor  
Schwarzenegger's Administration, the  
environmental and fishing commu-  
nities and numerous California farmers  
and water districts, including the  
Friant Water Users Authority and its  
member districts that have been part  
of the litigation.

When the Federal Court approved the  
Settlement in late October, 2006, Sec-  
retary of the Interior Dirk Kempthorne  
praised the Settlement for launching  
"one of the largest environmental res-  
toration projects in California's his-  
tory." The Secretary further observed  
that "This Settlement closes a long  
chapter of conflict and uncertainty in  
California's San Joaquin Valley . . .  
and open[s] a new chapter of environ-  
mental restoration and water supply  
certainty for the farmers and their  
communities."

I share the Secretary's strong sup-  
port for this balanced and historic  
agreement, and it is my honor to join  
with Senator BOXER and a bipartisan  
group of California House Members  
who have previously introduced and  
supported this legislation to authorize  
and help fund the San Joaquin River  
Restoration Settlement.

During the past year we have worked  
with the parties to the settlement, af-  
fected third party agencies and the  
State of California to ensure that the  
legislation complies with congressional  
PAYGO rules.

In May of 2008, the Energy and Nat-  
ural Resources Committee approved  
amendments agreed to by the parties  
that allow most Friant Division con-

tractors to accelerate repayment of  
their construction cost obligation to  
the Treasury. This change both in-  
creases the amount of up-front funding  
available for the settlement and de-  
creases the bill's PAYGO "score" by  
\$88 million, according to the Congres-  
sional Budget Office. In exchange for  
agreeing to early re-payment of their  
construction obligation, Friant water  
agencies will be able to convert their  
25-year water service contracts to per-  
manent repayment contracts.

The amendments also included new  
provisions to enhance the water man-  
agement efforts of affected Friant  
water districts. Specifically, the legis-  
lation now includes new authority to  
provide improvements to Friant Divi-  
sion facilities, including restoring ca-  
pacity in canals, reverse flow pump-  
back facilities, and financial assistance  
for local water banking and ground-  
water recharge projects, all for the pur-  
pose of reducing or avoiding impacts on  
Friant Division contractors resulting  
from additional River flows called for  
by the Settlement and this Legislation.

Near the end of the 110th Congress,  
parties to the Settlement and affected  
third parties came to agreement on ad-  
ditional provisions that would greatly  
facilitate passage of the bill by making  
it PAYGO-neutral. The legislation we  
are introducing today includes sub-  
stantial funding, including direct  
spending on settlement implementa-  
tion during the first ten year period of  
\$88 million gained by early repayment  
of Friant's construction obligation,  
and substantial additional funding au-  
thorized for annual appropriation until  
2019, after which it then becomes avail-  
able for direct spending again. This ad-  
ditional funding is generated by con-  
tinuing payments from Friant water  
users and will become directly avail-  
able to continue implementing the set-  
tlement by 2019 if it has not already  
been appropriated for that purpose be-  
fore then.

In 2006, California voters showed  
their support for the settlement by ap-  
proving Propositions 84 and 1E, that  
will help pay for the Settlement, with  
the State of California now commit-  
ting at least \$200 million toward the  
Settlement costs during the next 10  
years. When State-committed funding,  
direct spending authorized by the bill,  
and other highly reliable funding in-  
cluding pre-existing payments by water  
users are added together, there is at  
least \$380-390 million available for im-  
plementing the Settlement over the  
next 10 years, with additional dollars  
possible from additional federal appro-  
priations.

Nevertheless, it is my intention to  
work with the Chairman of the Energy  
and Natural Resources Committee dur-  
ing the 111th Congress to find a suit-  
able offset that will allow restoration  
of all of the direct spending envisioned  
by the settlement without waiting  
until 2019.

Today's legislation continues to in-  
clude substantial protections for other

water districts in California who were not party to the original settlement negotiations. These other water contractors will be able to avoid all but the smallest water impacts as a result of the settlement, except on a voluntary basis. These protections are accomplished while ensuring a timely and robust restoration of the River and without creating any new precedents for implementing the Endangered Species Act. Similarly, there is no preemption of State law and nothing in the bill changes any existing obligations of the United States to operate the Central Valley Project in conformity with state law.

The bill we are introducing today contains several new provisions to strengthen these third-party protections in light of the changes made to address PAYGO. These include safeguards to ensure that the San Joaquin River Exchange Contractors and other third parties will not face increased costs or regulatory burdens as a result of the PAYGO changes.

Support of this agreement is almost as far reaching as its benefits. This historic agreement would not have been possible without the participation of a remarkably broad group of agencies, stakeholders and legislators, reaching far beyond the settling parties. The Department of the Interior, the State of California, the Friant Water Users Authority, the Natural Resources Defense Council on behalf of 13 other environmental organizations and countless other stakeholders came together and spent countless hours with legislators in Washington to ensure that we found a solution that the large majority of those affected could support.

At the end of the day, I believe that this San Joaquin bill is something that we can all feel proud of, and I urge my colleagues to move quickly to approve this omnibus public lands legislation and provide the administration the authorization it needs to fully carry out the extensive restoration opportunities and other actions called for under the Settlement.

By Mr. KERRY (for himself and Mr. ROCKEFELLER):

S. 24. A bill to amend the Internal Revenue Code of 1986 to strengthen the earned income tax credit; to the Committee on Finance.

Mr. KERRY. Mr. President, today Senator ROCKEFELLER and I are introducing the Strengthen the Earned Income Tax Credit Act of 2009. Since 1975, the earned income tax credit, EITC, has been an innovative tax credit which helps low-income working families. President Reagan referred to the EITC as "the best antipoverty, the best pro-family, the best job creation measure to come out of Congress." According to the Center on Budget and Policy Priorities, the EITC lifts more children out of poverty than any other government program.

It is time for us to reexamine the EITC and determine where we can

strengthen it. Census data and the events of Hurricane Katrina reiterated the fact that there is a group of Americans that are falling behind. The poverty rate for 2007 was 12.5 percent and this is basically the same as the rate for 2006. In 2007, there were 37.3 million living in poverty.

We need to help the low-income workers who struggle day after day trying to make ends meet. They have been left behind in the economic policies of the last 8 years. We need to begin a discussion on how to help those that have been left behind. The EITC is the perfect place to start.

The Strengthen the Earned Income Tax Credit Act of 2009 strengthens the EITC by making the following four changes: reducing the marriage penalty; increasing the credit for families with three or more children; expanding credit amount for individuals with no children; and simplifying the credit.

First, the legislation increases marriage penalty relief and makes it permanent. In the way that the EITC is currently structured, many single individuals that marry find themselves faced with a reduction in their EITC. The tax code should not penalize individuals who marry.

Second, the legislation increases the credit for families with three or more children. Under current law, the credit amount is based on one child or two or more children. This legislation would create a new credit amount based on three or more children. One of the purposes of the EITC is to lift families above the poverty level. Because the EITC adjustment for family size is limited to two children, over time large families will not be kept above the poverty threshold.

Under current law, the maximum EITC for an individual with two or more children is \$5,028 and under this legislation, the amount would increase to \$5,656 for an individual with three or more children. Increasing the credit amount would make more families eligible for the EITC. Currently, an individual with three children and income at and above \$40,295 would not benefit from the credit. Under this legislation, an individual with children and income under \$43,276 would benefit from the EITC.

Third, this legislation would increase the credit amount for childless workers. The EITC was designed to help childless workers offset their payroll tax liability. The credit phase-in was set to equal the employee share of the payroll tax, 7.65 percent. However, in reality, the employee bears the burden of both the employee and employer portion of the payroll tax.

For 2008, the EITC will fully offset the employee share of payroll taxes only for childless workers earning less than \$5,720. A typical single childless adult will begin to owe Federal income taxes in addition to payroll taxes when his or her income is only \$10,655, which is below the poverty line.

The decline in the labor force of single men has been troubling. Boosting

the EITC for childless workers could be part of solution for increasing work among this group. Increasing the EITC for families has increased labor rates for single mothers and hopefully, it can do the same for this group.

This legislation doubles the credit rate for individual taxpayers and married taxpayers without children. The credit rate and phase-out rate of 7.65 percent is doubled to 15.3 percent. For 2007, the maximum credit amount for an individual would increase from \$457 to \$913. The doubling of the phase-out results in taxpayers in the same income range being eligible for the credit. In addition, the legislation would increase the credit phase-out income level from \$7,470 to \$13,800 for 2009 and \$14,500 for 2010.

Under current law, workers under age 25 are ineligible for the childless workers EITC. The Strengthen the Earned Income Tax Credit Act of 2009 would change the age to 21. This age change will provide an incentive for labor for less-educated younger adults.

Fourth, the Strengthen the Earned Income Tax Credit Act of 2009 simplifies the EITC by modifying the abandoned spouse rule, clarifying the qualifying child rules, and repealing the disqualified investment test. Current rules require parents to file a joint tax return to claim the EITC. This can create difficulty for separated parents. If parents are separated and not yet divorced, complex rules govern whether the custodial parent may claim the EITC if a separate return is filed. The custodial parent must be able to claim head-of-household filing status. This test requires that a parent must pay more than half of household expenses from her own earnings, rather than from child support payments or program benefits. Under this legislation, the requirements by permitting a separated parent who lives with for more than six months of the year and also lives apart from his/her spouse for at least the final six months of the year to claim the EITC.

Under current law, two adults who live in the same household with a child may each qualify to claim the child for the EITC, but only one taxpayer may claim the child and the other taxpayer is not eligible to claim the childless worker EITC. Under this legislation, filers who are eligible to claim a child for the EITC but do not do so are eligible to claim the smaller EITC for workers not raising a child. For example, a mother and aunt living in the same house who are both qualified to claim the child would be able to receive the EITC. The one who claims the child would get the larger amount and the other would be eligible for the smaller childless worker credit.

Under current law, low-income filers are ineligible for the EITC if they have investment income such as interest, dividends, capital gains, rent or royalties that exceeds \$3,950 a year. Very few EITC claimants have investment income above this level. This income

test creates a “cliff” because those workers with investment income of \$2,951 would be unable to claim any EITC. This provision discourages savings among low- and moderate-income families. Under this legislation, the investment income test would be repealed.

This legislation will help those who most need our help. It will put more money in their pay check. We need to invest in our families and help individuals who want to make a living by working. I urge my colleagues to support an expansion of the EITC.

By Mrs. LINCOLN:

S. 26. A bill to amend the Internal Revenue Code of 1986 to reset the income threshold used to calculate the refundable portion of the child tax credit and to repeal the sunset for certain prior modifications made to the credit; to the Committee on Finance.

Mrs. LINCOLN. Mr. President, I come before the Senate to once again raise an issue that is near and dear to my heart—an issue that is of great importance to working families across this country. In 2001 and again in 2003, Senator SNOWE and I worked together to ensure that low-income working families with children receive the benefit of the Child Tax Credit. Last year, we were successful in improving the credit to ensure that more working families are able to receive its benefit for the tax year 2008, and I come here today to introduce legislation that will ensure this important provision continues to provide tax relief for our working families in the future.

The change we made to the credit last year will ensure the Child Tax Credit is available for all working families. As some of my colleagues may be aware, to be eligible for the refundable child tax credit, working families must meet an income threshold. If they don't earn enough, then they don't qualify for the credit. The problem is that some of our working parents are working full-time and yet they still don't earn enough to receive a meaningful benefit from this provision because they just don't have a high enough income.

It is wrong to provide the credit to some hardworking Americans, while leaving others behind. That is why we temporarily lowered the income threshold to \$8,500 in the Emergency Economic Stabilization Act last Fall. As a result, the single, working parent that is stocking shelves at your local grocery store for minimum wage will receive a meaningful credit this year.

This improvement to the credit must be made permanent to ensure that our tax code works for all Americans, especially those working parents forced to get by on the minimum wage. Today, we are introducing the Working Family Child Assistance Act, legislation which makes the refundable Child Tax Credit permanent and sets the income threshold at a reasonable level so that all working parents, including those

making the minimum wage, receive the benefit of the credit.

I look forward to working with my colleagues and the Administration to ensure that those low-income, hard-working families that need this credit the most do receive its benefits.

By Mr. NELSON, of Florida (for himself, Ms. SNOWE, Mrs. MCCASKILL, and Ms. KLOBUCHAR):

S. 30. A bill to amend the Communications Act of 1934 to prohibit manipulation of caller identification information; to the Committee on Commerce, Science, and Transportation.

Mr. NELSON of Florida. Mr. President, American consumers and public safety officials increasingly find themselves confronted by scams in the digital age. One of the most recent scams is known as caller I.D. “spoofing.” Today, I am introducing a bipartisan bill with Senators SNOWE, MCCASKILL and KLOBUCHAR—The Truth in Caller I.D. Act of 2009—to put an end to fraudulent caller I.D. spoofing.

What is caller I.D. spoofing? It's a technique that allows a telephone caller to alter the phone number that appears on the recipient's caller I.D. system. In other words, spoofing allows someone to hide behind a misleading telephone number to try to scam consumers or trick law enforcement officers.

Let me give you a few shocking examples of how caller I.D. spoofing has been exploited during the past 4 years:

In one very dangerous hoax, a sharpshooting SWAT team was forced to shut down a neighborhood in New Brunswick, NJ, after receiving what they believed was a legitimate distress call. But what really happened was a caller used spoofing to trick law enforcement into thinking that the emergency call was coming from a certain apartment in that neighborhood. It was all a cruel trick perpetrated with a deceptive telephone number.

In another example, identity thieves bought a number of stolen credit card numbers. They then called Western Union, set up caller I.D. information to make it look like the call originated from the credit card holder's phone line, and used the credit card numbers to order cash transfers, which the thieves then picked up.

In other instances, callers have used spoofing to pose as Government officials. In the past year, there have been several instances of fraudsters using caller I.D. fraud to pose as court officers calling to say that a person has missed jury duty. The caller then says that a warrant will be issued for their arrest, unless a fine is paid during the call. The victim is then induced to provide credit card or bank information over the phone to pay the “fine.”

Furthermore, while these examples are serious enough, think about what would happen if a stalker used caller I.D. spoofing to trick his victim into answering the telephone, giving out

personal information, or telling the person on the other end of the line about their current whereabouts. The results could be tragic.

There are a number of Internet Web sites—with names like Tricktel.com and SpoofTel.com—that sell their services to criminals and identity thieves. Any person can go to one of these Web sites, pay money to order a spoofed telephone number, tell the Web site which phone number to reach, and then place the call through a toll-free line. The recipient is then tricked when he or she sees the misleading phone number on his or her caller I.D. screen.

A new Web site—Dramatel.com—even offers a prepaid calling card platform that combines a caller I.D. spoofing service with other features that allow a fraudster to disguise their voice and record the entire call. It's hard to imagine what legitimate purpose this service could possibly offer—other than providing a tailor-made mechanism for criminals to prey on innocent victims.

In essence, these Web sites provide the high-tech tools that criminals need to do their dirty work. Armed with a misleading phone number, an identity thief can call a consumer pretending to be a representative of the consumer's credit card company or bank. The thief can then ask the consumer to authenticate a request for personal account information. Once a thief gets hold of this sensitive personal information, he can access a consumer's bank account, credit card account, health information, and who knows what else.

Furthermore, even if a consumer does not become a victim of stalking or identity theft, there is a simple concept at work here. Consumers pay money for their caller I.D. service. Consumers expect caller I.D. to be accurate because it helps them decide whether to answer a phone call and trust the person on the other end of the line.

In June 2007, I chaired a Senate Commerce Committee hearing on caller I.D. spoofing. At that hearing, there was broad consensus that caller I.D. spoofing was quickly developing into a major area of consumer abuse and criminal fraud. Unfortunately, the Federal Communications Commission and the Federal Trade Commission have been slow to act on this latest scam. In the meantime, many spoofing companies and the fraudsters that use them believe their activities are, in fact, legal. Well, it's time to make it crystal clear that spoofing is a scam and is not legal.

How does the bipartisan Truth in Caller I.D. Act of 2009 address the problem of caller I.D. spoofing?

Quite simply, this bill plugs the hole in the current law and prohibits fraudsters from using caller identification services to transmit misleading or inaccurate caller I.D. information with the intent to defraud, cause harm, or wrongfully obtain anything of value. This prohibition covers both traditional telephone calls and calls made

using Voice-Over-Internet, VoIP, service.

Anyone who violates this anti-spoofing law would be subject to a penalty of \$10,000 per violation or up to one year in jail, as set out in the Communications Act. Additionally, this bill empowers States to help the Federal Government track down and punish these fraudsters.

I invite my colleagues to join Senators SNOWE, MCCASKILL, KLOBUCHAR and myself in supporting the Truth in Caller I.D. Act of 2009. We should not waste any more time in protecting consumers and law enforcement authorities against caller I.D. spoofing.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 30

*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 "Truth in Caller ID Act of 2009".

#### SEC. 2. PROHIBITION REGARDING MANIPULATION OF CALLER IDENTIFICATION INFORMATION.

Section 227 of the Communications Act of 1934 (47 U.S.C. 227) is amended—

(1) by redesignating subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively; and

(2) by inserting after subsection (d) the following new subsection:

“(e) PROHIBITION ON PROVISION OF INACCURATE CALLER IDENTIFICATION INFORMATION.—

“(1) IN GENERAL.—It shall be unlawful for any person within the United States, in connection with any telecommunications service or IP-enabled voice service, to cause any caller identification service to knowingly transmit misleading or inaccurate caller identification information with the intent to defraud, cause harm, or wrongfully obtain anything of value, unless such transmission is exempted pursuant to paragraph (3)(B).

“(2) PROTECTION FOR BLOCKING CALLER IDENTIFICATION INFORMATION.—Nothing in this subsection may be construed to prevent or restrict any person from blocking the capability of any caller identification service to transmit caller identification information.

“(3) REGULATIONS.—

“(A) IN GENERAL.—Not later than 6 months after the date of enactment of the Truth in Caller ID Act of 2009, the Commission shall prescribe regulations to implement this subsection.

“(B) CONTENT OF REGULATIONS.—

“(i) IN GENERAL.—The regulations required under subparagraph (A) shall include such exemptions from the prohibition under paragraph (1) as the Commission determines is appropriate.

“(ii) SPECIFIC EXEMPTION FOR LAW ENFORCEMENT AGENCIES OR COURT ORDERS.—The regulations required under subparagraph (A) shall exempt from the prohibition under paragraph (1) transmissions in connection with—

“(I) any authorized activity of a law enforcement agency; or

“(II) a court order that specifically authorizes the use of caller identification manipulation.

“(iii) EFFECT ON OTHER LAWS.—Nothing in this subsection shall be construed to author-

ize or prohibit any investigative, protective, or intelligence activities performed in connection with official duties and in accordance with all applicable laws, by a law enforcement agency of the United States, a State, or a political subdivision of a State, or by an intelligence agency of the United States.

“(4) REPORT.—Not later than 6 months after the enactment of the Truth in Caller ID Act of 2009, the Commission shall report to Congress whether additional legislation is necessary to prohibit the provision of inaccurate caller identification information in technologies that are successor or replacement technologies to telecommunications service or IP-enabled voice service.

“(5) PENALTIES.—

“(A) CIVIL FORFEITURE.—

“(i) IN GENERAL.—Any person that is determined by the Commission, in accordance with paragraphs (3) and (4) of section 503(b), to have violated this subsection shall be liable to the United States for a forfeiture penalty. A forfeiture penalty under this paragraph shall be in addition to any other penalty provided for by this Act. The amount of the forfeiture penalty determined under this paragraph shall not exceed \$10,000 for each violation, or 3 times that amount for each day of a continuing violation, except that the amount assessed for any continuing violation shall not exceed a total of \$1,000,000 for any single act or failure to act.

“(ii) RECOVERY.—Any forfeiture penalty determined under clause (i) shall be recoverable pursuant to section 504(a).

“(iii) PROCEDURE.—No forfeiture liability shall be determined under clause (i) against any person unless such person receives the notice required by section 503(b)(3) or section 503(b)(4).

“(iv) 2-YEAR STATUTE OF LIMITATIONS.—No forfeiture penalty shall be determined or imposed against any person under clause (i) if the violation charged occurred more than 2 years prior to the date of issuance of the required notice or notice or apparent liability.

“(B) CRIMINAL FINE.—Any person who willfully and knowingly violates this subsection shall upon conviction thereof be fined not more than \$10,000 for each violation, or 3 times that amount for each day of a continuing violation, in lieu of the fine provided by section 501 for such a violation. This subparagraph does not supersede the provisions of section 501 relating to imprisonment or the imposition of a penalty of both fine and imprisonment.

“(6) ENFORCEMENT BY STATES.—

“(A) IN GENERAL.—The chief legal officer of a State, or any other State officer authorized by law to bring actions on behalf of the residents of a State, may bring a civil action, as *parens patriae*, on behalf of the residents of that State in an appropriate district court of the United States to enforce this subsection or to impose the civil penalties for violation of this subsection, whenever the chief legal officer or other State officer has reason to believe that the interests of the residents of the State have been or are being threatened or adversely affected by a violation of this subsection or a regulation under this subsection.

“(B) NOTICE.—The chief legal officer or other State officer shall serve written notice on the Commission of any civil action under subparagraph (A) prior to initiating such civil action. The notice shall include a copy of the complaint to be filed to initiate such civil action, except that if it is not feasible for the State to provide such prior notice, the State shall provide such notice immediately upon instituting such civil action.

“(C) AUTHORITY TO INTERVENE.—Upon receiving the notice required by subparagraph (B), the Commission shall have the right—

“(i) to intervene in the action;

“(ii) upon so intervening, to be heard on all matters arising therein; and

“(iii) to file petitions for appeal.

“(D) CONSTRUCTION.—For purposes of bringing any civil action under subparagraph (A), nothing in this paragraph shall prevent the chief legal officer or other State officer from exercising the powers conferred on that officer by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

“(E) VENUE; SERVICE OR PROCESS.—

“(i) VENUE.—An action brought under subparagraph (A) shall be brought in a district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

“(ii) SERVICE OF PROCESS.—In an action brought under subparagraph (A)—

“(I) process may be served without regard to the territorial limits of the district or of the State in which the action is instituted; and

“(II) a person who participated in an alleged violation that is being litigated in the civil action may be joined in the civil action without regard to the residence of the person.

“(7) DEFINITIONS.—For purposes of this subsection:

“(A) CALLER IDENTIFICATION INFORMATION.—The term ‘caller identification information’ means information provided by a caller identification service regarding the telephone number of, or other information regarding the origination of, a call made using a telecommunications service or IP-enabled voice service.

“(B) CALLER IDENTIFICATION SERVICE.—The term ‘caller identification service’ means any service or device designed to provide the user of the service or device with the telephone number of, or other information regarding the origination of, a call made using a telecommunications service or IP-enabled voice service. Such term includes automatic number identification services.

“(C) IP-ENABLED VOICE SERVICE.—The term ‘IP-enabled voice service’ has the meaning given that term by section 9.3 of the Commission’s regulations (47 C.F.R. 9.3), as those regulations may be amended by the Commission from time to time.

“(8) LIMITATION.—Notwithstanding any other provision of this section, subsection (f) shall not apply to this subsection or to the regulations under this subsection.”.

By Mr. KOHL (for himself and Mr. DURBIN):

S. 165. A bill to amend the Truth in Lending Act, to prevent credit card issuers from taking unfair advantage of college students and their parents, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. KOHL. Mr. President, I rise today to introduce the Student Credit Card Protection Act of 2009 with my colleague Senator DURBIN. This legislation will help prevent college students from compiling massive credit card debt while in school.

College students have become the target of credit card companies advertising campaigns over the past 15 years. Many universities allow credit card companies to set up tables on campus and offer students free gifts in exchange for filling out a credit card

application. Additionally, students receive card solicitations through mail to their on-campus mailbox or at their home address even before they arrive at the university in the fall. These aggressive marketing strategies have worked and now close to 96 percent of college graduates hold a credit card, compared to 1994, when only half had one. The average college student graduates with close to \$3,000 in credit card debt, double the amount in 1994. In some very extreme cases, students are leaving school with multiple credit cards and debts amounting upwards of \$10,000.

Credit card debt can make it harder for graduates to rent an apartment, receive a car loan, or obtain a job after college. Due to the lack of financial education and complicated terms and conditions, many students find themselves in over their heads. The Student Credit Card Protection Act will help students avoid large credit card debt while forcing issuers to make more responsible loans. The bill requires credit card issuers to verify annual income of a full-time student and then extends a line of credit based on the income. For a student without a verifiable income, a parent, legal guardian or spouse must cosign the credit card and approve any increase in the credit limit. These simple underwriting requirements will make it more difficult for credit card companies to approve loans that are beyond a students' ability to repay and return to a more responsible lending policy.

It is imperative that we help minimize the amount of debt young consumers incur before entering into the workforce. On average, a student with a bachelors degree will leave school with \$18,000 in student loan debt. Paying for housing, health-care and student loans already place a financial strain on a recent college graduate. A huge credit card payment on top of all of the other bills can lead to financial ruin before young people even have a chance to get on their feet. This bill gives students the protection they deserve from irresponsible lending that can trap them in years of crushing debt repayment.

The current economic situation has exposed many bad habits of both the financial industry and the average consumer. The savings rate of our country has significantly declined over the past decade as consumer spending and borrowing steadily increased. While it is necessary for Congress to implement policies which will allow Americans to save more of their income, it is equally important for consumers to put into practice controlled and prudent spending habits.

## SUBMITTED RESOLUTIONS

SENATE RESOLUTION 9—COMMEMORATING 90 YEARS OF U.S.-POLISH DIPLOMATIC RELATIONS, DURING WHICH POLAND HAS PROVEN TO BE AN EXCEPTIONALLY STRONG PARTNER TO THE UNITED STATES IN ADVANCING FREEDOM AROUND THE WORLD

Mr. LUGAR (for himself, Mr. VOINOVICH, and Ms. MIKULSKI) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 9

Whereas the United States established diplomatic relations with the newly-formed Polish Republic in April 1919;

Whereas the year 2009 marks the 20th anniversary of democracy in Poland, as well as the 20th anniversary of the fall of communism in Poland;

Whereas the year 2009 marks the 10th anniversary of Poland's accession to the North Atlantic Treaty Organization (NATO);

Whereas the year 2009 marks the 50th anniversary of the Fulbright Educational Exchange Program in Poland;

Whereas Poland has overcome a legacy of foreign occupation and period of communist rule to emerge as a free and democratic nation;

Whereas Poland has strongly supported the United States diplomatically and militarily, as well as supporting United States-led efforts in combating global terrorism, and has contributed troops to the coalitions led by the United States in both Afghanistan and Iraq; and

Whereas Poland has cooperated closely with the United States on issues such as democratization, nuclear proliferation, human rights, regional cooperation in Eastern Europe, and reform of the United Nations: Now, therefore, be it

*Resolved*, That the Senate—

(1) celebrates the 90th anniversary of U.S.-Polish diplomatic relations;

(2) congratulates the Polish people on their great accomplishments as a free democracy; and

(3) expresses appreciation for Poland's steadfast partnership with the United States.

Mr. LUGAR. Mr. President, I rise today to offer a resolution commemorating several remarkable milestones in the U.S.-Poland partnership. This year marks the 90th anniversary of diplomatic relations between the United States and Poland, the 50th anniversary of the Fulbright Exchange Program with Poland, and the 10th anniversary of Poland's accession to NATO.

The U.S.-Polish friendship formally began in 1919 and has endured through two world wars, the Cold War, and the emergence of a vibrant democracy after the fall of communism. This partnership has been bolstered by two unqualified successes of U.S. diplomacy. The Fulbright Exchange Program has nurtured the pursuit of higher learning for Polish and American students, professors, and researchers, for many decades offering Poles a rare window into the opportunities afforded by democratic society. Such exchanges invigorated intellectual thought and creativity in Poland, Eastern Europe, and

the West and helped to hasten the dissolution of the Warsaw Pact.

Poland exhibited great energy in undertaking economic, political, and military reforms, and the NATO alliance was strengthened by Polish membership in 1999. Poland today remains the closest of our allies, having contributed great wherewithal to combating global terrorism and bringing stability to Afghanistan and Iraq. In recognition of the profound successes of the U.S.-Polish alliance, I am pleased to introduce this resolution congratulating the Polish people on their great accomplishments as a free democracy and expressing our country's appreciation for Poland's steadfast partnership.

I am hopeful that my colleagues will join me in supporting this important legislation.

## PRIVILEGES OF THE FLOOR

Ms. KLOBUCHAR. I ask unanimous consent that John Branscome, a detailee in my office, be granted the privileges of the floor for the duration of today's session.

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

UNANIMOUS CONSENT AGREEMENT—NOMINATIONS TO OFFICE OF INSPECTOR GENERAL

Mr. REID. Mr. President, as in executive session, I ask unanimous consent that the nominations to the Office of Inspector General, except the Office of Inspector General of the Central Intelligence Agency, be referred in each case to the committee having primary jurisdiction over the department, agency, or entity and, if and when reported in each case, then to the Committee on Homeland Security and Governmental Affairs for not to exceed 20 calendar days, except in cases when the 20-day period expires while the Senate is in recess or adjournment the committee shall have 5 additional calendar days after the Senate reconvenes to report the nomination, and that if the nomination is not reported after the expiration of that period, the nomination be automatically discharged and placed on the Executive Calendar.

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

## WEEKEND SESSION

Mr. REID. Mr. President, we are going to be in a weekend session. All Democratic Senators have been told this, and Republican Senators have been notified. We earlier anticipated that the vote would be early Sunday, but I have worked with the Senate staff and we are going to be protected with postcloture time by having that vote at 2 p.m. So what we will do is come in Sunday at 1 p.m. and have a vote at 2 p.m.

There are a few procedural games people can play, if they desire, and I

am confident they won't, but if they do, we are protected, and we will have that vote so that the 30 hours expires during the next day, which would be Monday. We are working toward not being in session on Saturday. We think we can do that because some people have issues that they want to be protected, and I think we can do that. But at least for now—not for now; period—we are going to vote at 2 p.m. on Sunday, and everyone should know that. I know there are a lot of people who have plans, but there has been adequate notice.

I mentioned here this morning, and I repeat, that President-elect Obama has said that there are people out there who would love to be able to work on a Sunday but they do not have a job, and this is the least we can do. The reason we are doing it is we have to move this large number of issues as quickly as we can.

This one matter we will finish early next week will be the result of 164 bills that have been held up. We are going to move then to Lilly Ledbetter, an important piece of legislation. When we finish that, we are going to do the children's health initiative, which doesn't take care of all the health care problems in this country, but it does solve the problem for millions of our children. Then we are going to move to the economic recovery plan, and there may be other things we have to do. For example, if President Bush sends us the TARP—that is the matter dealing with the financial bailout—we will have to deal with that. So we have a lot to do, and I hope everyone is understanding of the fact we have to vote on Sunday.

#### ORDERS FOR THURSDAY, JANUARY 8, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10:30 a.m., Thursday, January 8; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there then be a period of morning business, with Senators permitted to speak for up to 10 minutes each. I further ask that the Senate recess from 3:30 p.m. until 4:45 p.m. tomorrow to accommodate a special Democratic caucus meeting.

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

#### PROGRAM

Mr. REID. As a reminder, Senators will gather in the Senate Chamber at 12:45 p.m. to proceed to the House Chamber for a joint session to count the electoral ballots. The joint session will commence at 1 p.m.

#### ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

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

There being no objection, the Senate, at 7:09 p.m., adjourned until Thursday, January 8, 2009, at 10:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

##### To be major general

BRIGADIER GENERAL DONALD A. HAUGHT  
BRIGADIER GENERAL THOMAS J. HAYNES  
BRIGADIER GENERAL CRAIG D. MCCORD  
BRIGADIER GENERAL ROBERT M. STONESTREET  
BRIGADIER GENERAL EDWARD W. TONINI  
BRIGADIER GENERAL FRANCIS A. TURLEY

##### To be brigadier general

COLONEL MARGARET H. BAIR  
COLONEL JAMES H. BARTLETT  
COLONEL JORGE R. CANTRES  
COLONEL SANDRA L. CARLSON  
COLONEL STEPHEN D. COTTER  
COLONEL JAMES T. DAUGHERTY  
COLONEL GRETCHEN S. DUNKELBERGER  
COLONEL ROBERT A. HAMRICK  
COLONEL CHRIS R. HELSTAD  
COLONEL CECIL J. HENSEL, JR.  
COLONEL FRANK D. LANDES  
COLONEL ROBERT L. LECKER  
COLONEL RICKIE B. MATTSOON  
COLONEL MAUREEN MCCARTHY  
COLONEL JOHN E. MCCOY  
COLONEL JOHN W. MERRITT  
COLONEL THOMAS R. SCHIESS  
COLONEL RODGER F. SEIDEL  
COLONEL GLENN K. THOMPSON  
COLONEL DEAN L. WINSLOW  
COLONEL WILLIAM M. ZIEGLER

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

##### To be major

EDMUND P. ZYNDA II

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

##### To be major

DANIEL C. GIBSON

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

##### To be major

DONALD L. MARSHALL  
CHARLES E. PETERSON

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

##### To be major

PAUL J. CUSHMAN  
DAMANI K. MITCHELL  
LUIS F. SAMBOLIN

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

##### To be lieutenant colonel

CHRISTOPHER S. ALLEN  
RAY H. KRUEGER

##### To be major

LYMAN C. FOSTER  
DEEPA HARIPRASAD

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

##### To be lieutenant colonel

RYAN R. PENDLETON

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

##### To be lieutenant colonel

HOWARD L. DUNCAN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

##### To be colonel

JEFFREY R. GRUNOW  
DONA M. IVERSEN  
JAN LOUISE PHOADS  
MARGARET W. SCHMIDT  
FAMELA T. SCOTT

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

##### To be colonel

EUGENE M. GASPARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

##### To be colonel

MICHAEL R. POWELL  
VALERIE R. TAYLOR

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

##### To be colonel

MARY ELIZABETH BROWN  
GERALD J. LAURSEN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

##### To be colonel

GARY R. CALIFF  
GEORGE E. MEISTER  
C. MICHAEL PADAZINSKI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

##### To be colonel

STEPHEN SCOTT BAKER  
ROBERT CHARLES DORMAN  
BRIAN F. HASKINS  
FRANK R. MILLER  
PHILLIP E. PARKER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

##### To be colonel

JOSEPH ALLEN BANNA  
TRACI D. GUARNIELLO  
PATRICIA J. HAMMON  
WILLIAM E. MOXLEY  
MICHAEL W. MUMBACH  
ERIC D. PLACKE  
CAROL A. POWERS  
DAVID C. STEWART  
JOSEPH TOCK

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

##### To be colonel

KEITH A. ACREE  
TODD S. BAKITA  
WILLIAM JOHN BANKS  
BRIAN SCOTT BRANDNER  
THOMAS M. BUCKNER  
CATHLEEN M. BULLARD  
THOMAS D. CHALEKI  
DAVID A. CLOSIN  
PATRICK LOUIS CLOUTIER  
JOHN J. COLLINS, JR.  
ANTHONY J. COMTOIS  
JOETTE D. DAUGHERTY  
GARY M. DOBBINS  
GERARD A. DUBLIN  
TIMOTHY W. FARQUHAR  
WILLIAM R. FINGAR  
DALE C. FRIDLEY  
STEVEN B. FULAYTAR  
JOSEPH JOHN GLEBOCKI  
JOHN RAYMOND GREENE  
MICHAEL C. GRIECO  
DOUGLAS E. HALL  
JEFFREY W. HIGGINS  
KENNETH D. HONAKER  
JOHN D. HUNT  
SCOTT F. HUTCHINS  
GREGORY C. JONES  
KURT D. JONES  
NICHOLAS KOSKIVACIRCA  
BRIAN J. KRAMER  
GREGORY D. LEE  
JAMES E. LEHMAN  
ROBERT M. LINDELL  
ROBERT S. LIPIRA  
PAUL A. LOMIS  
JULIO R. LOPEZ  
CINDY G. LUNHAGEN  
WILLIAM H. MASON, JR.  
THEODORE S. MATHEWS, JR.  
GALEN W. MAYES  
ROBERT K. MCCUTCHEEN, JR.  
STEPHEN V. MOTYLINSKI

TIMOTHY E. NELSON  
BRETT A. NEWMAN  
JOHN E. PATCHETT  
THOMAS O. PEMBERTON  
EDWARD P. PERNOTTO  
ROY A. PETERSON  
RAYMOND F. PIJMA  
BRIAN A. RENO  
MICHAEL L. RICCI  
JOHN S. RUSSELL  
KEITH D. SCHULTZ  
STEPHEN L. SEAMAN  
MICHAEL C. SHIEH  
DARRIN SIMMONDS  
ROBERT J. STANTON  
JOHN P. STOKES  
STEVEN J. TALLEY  
ROGER J. TANNER  
BRUCE R. TAYLOR  
DAVID L. THIRTYACRE  
MARK C. WESTON  
GREGORY G. WEYDERT  
RONALD A. WILT  
ROBERT J. WITTMANN  
DERIC K. WONG  
JAMES R. WYATT, JR.  
STEVEN L. YOUSSEI

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

SCOTT A. GRONEWOLD

THE FOLLOWING NAMED INDIVIDUALS TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

ROBERT L. KASPAR, JR.  
DAVID K. SCALES

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

*To be colonel*

EMMETT W. MOSLEY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

*To be colonel*

ANDREW C. MEVERDEN  
APRIL M. SNYDER

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be lieutenant colonel*

DOUGLAS M. COLDWELL  
WAYNE W. KIM

*To be major*

REGINA S. BAHTEN  
CHARLES DODSON  
EUGENE L. HART  
STEPHEN MONTALDI

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be major*

THOMAS S. CAREY

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be major*

SCOTTIE M. EPPLER

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be major*

PIERRE R. PIERCE

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be major*

CHERYL A. CREAMER  
AGA E. KIRBY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

*To be major*

KATHRYN A. BELILL

JOCELIN S. BLAKE  
MARLA K. BRUNELL  
NICHOLAS R. CABANO  
SCOTT C. CHAMBERLIN  
BARBARA CLOUTIER  
DAVID COX  
THOMAS H. EDWARDS  
SCOTT J. GOLDMAN  
PATRICK J. GRIMM  
LANE A. HANSEN  
KATHERYN E. HANSON  
ROBERT V. HAWLEY  
ERIN H. HUISINGA  
MICHELLE A. JEFFERSON  
EILEEN K. JENKINS  
SHANNON H. LACY  
GREGORY S. LAUGHLIN  
ERIC D. LEE  
JAMES PRATT  
CHRISTOPHER SCHELLHASE  
JUSTIN R. SCHLANSER  
DANIELLE M. TACK  
SUZANNE R. TODD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

*To be major*

CHRISTOPHER ALLEN  
JOHN S. BARNETT  
SCOTT J. BAUMGARTNER  
RONNY P. BIGHAM  
CHARLES G. BLAKE  
ROBERT W. BRADLEY  
DARREN C. BRISSEN  
DAVID W. BROUSSARD  
JAMES M. BRUMLEY  
KEVIN W. BURNHAM  
JAMES P. BURNS  
TED T. CHAPMAN  
MAE H. CISNEROS  
JEFFREY W. CLARK  
CHRISTOPHER B. COLE  
ANDREW D. CONTRERAS  
ROBERT J. CROUCH III  
MICHAEL A. DAVIDSON  
EARL K. DOWNS  
JOSEPH S. ESTRADA  
THOMAS D. FELDMAN  
LORIE L. FIKE  
CHRISTOPHER A. FLAUGH  
WILLIAM P. GAFFNEY  
DAVID M. GANN  
SCOTT M. GILPATRICK  
LYNN L. GROSVENOR  
EDWARD A. HAIRSTON  
ROBERT R. HOWES  
COLEEN M. HURST  
ANTHONY A. JAMES  
NICHELLE A. JOHNSON  
JAMES J. JONES  
JOSEPH R. KARDOUNI  
MICHAEL S. KIM  
JOHN L. KINKEAD  
JOSEPH T. KLAPPERICH  
DAVID LARRES  
WILLIAM A. LORO  
DUSTIN S. MARTIN  
VANCE L. MCNULTY  
CYNTHIA MCPHERSON  
BRYAN W. MECE  
GEORGE S. MIDLA  
JONATHAN D. MONTE  
ALEX MORALES  
PHILIP B. OSSOWSKI  
MICHAEL J. PAGEL  
WAYNE F. PILZ  
YURI O. RIVERA  
DOUGLAS R. ROACH  
DAVID P. ROBBINS  
HOLLY J. ROBERTS  
MARTIN P. ROSE  
LUIS A. SANTIAGO  
JAMES R. SCHMID  
HEATHER L. SCHOPF  
CINDI J. SCHULER  
STEPHEN W. SEWARD  
MARK S. SHORT  
FORBES E. SMITH  
LISA M. SMURR  
MICHELLE R. SMYTH  
ZACK T. SOLOMON  
CHARLES L. STANLEY  
JERRY L. STARR  
RAYMOND A. STERLING  
CARRIE A. STORER  
YUN Y. UGAITAFA  
BRADLEY J. WARR  
RICK E. WHITLEY  
MICHAEL V. WINTERS  
D060522

DEREK A. BOWLS  
JASON J. BROOKHART  
KRISTAL R. BRYANT  
EDWARD F. BURKE  
LORI K. BURRELL  
RENEE L. BUSSE  
RUSSELL B. CARROLL  
SAWYER G. CASLEY  
MARGARET D. CECIL  
RHONDA L. CENTUOLO  
JO A. CLABAUGH  
RICHARD CLARK  
SHANNON M. COLE  
ADAMS J. COLEMAN  
YETTA E. CONCINA  
CHRISTOPHER L. CONNORS  
MICHAEL R. CORBIN  
ROBERT L. CORSON  
SARAH R. CREASON  
MARY A. CRISPIN  
NOVELLA L. CURRINGTON  
SHIRLEY DANIEL  
MIGUEL L. DELEON  
DAVID D. DEWITT  
TERRY R. DICKINSON  
TIM N. DINH  
BRENT L. DONMOYER  
LAUREN L. DOWLESS  
EDWARD E. DUNTON II  
JUDY J. ELSBURY  
MICHAEL S. FISHER  
JENNIFER L. FLORENT  
DREXEL D. FORBES  
CLAUDE E. FOURROUX  
MICHAEL S. FRANZ  
ROBERT K. FREDREGILL  
SILVANA R. FRENCH  
LAURA M. GALLAWAY  
RUBEN GARCIA  
RACHEL GEORGE  
ALVIN J. GIBSONS  
JAYNE A. GIBSON  
THURAYYA C. GILLIS  
CARRIE L. GIPSON  
LESLIE A. GOODWIN  
WENDY L. GRAY  
YVONNE M. HEIB  
WILLIAM R. HERRMANN  
REGINALD A. HILLS  
LINDA G. HUSTON  
INGRID L. HUFFMAN  
JEFFREY T. HULEN  
SARAH T. HUML  
JENNIFER R. HUXEL  
MARY E. ITTNER  
DETRA T. JACKSON  
LISA G. JACKSON  
RICHARD Y. JACOBSON, JR.  
KRISTIN D. JAUREGUI  
HYUN J. KANG  
STEVEN S. KERTES  
ANN K. KETZ  
MELODY A. KONGNDUMBE  
KJIA A. KOROWICKI  
ROBERT E. LAJERET  
DAVID D. LAMBERT  
GERALD G. LANGSTON  
THERESA L. LEWIS  
LARRY J. LINVILLE, JR.  
LAURA O. LORENSON  
MARY M. MARAN  
STEPHANIE K. MARTINSON  
REINALDO MASGONZALEZ  
BILLIE J. MATTHEWS  
DORIANNE C. MAY  
REBECCA K. MCARTHUR  
MICHAEL C. MCKINNEY  
DEREK L. MEAUX  
EILEEN C. MELVILLE  
CHRISTOPHER G. METCALF  
LORI M. METCALF  
STEVEN T. MEYER  
JOHN L. MITCHELL, JR.  
IDA S. MONTGOMERY  
PILLY A. MORALESMATEO  
VINCENT B. MYERS  
LESLIE J. NANCE  
BIRGIT B. NOSALIK  
BRADLEY P. O'BRIEN  
TRACY J. OSTROM  
OMETRIS M. PARKER  
LILLIAN S. PERKINS  
LISA D. PHILLIPS  
PAULINE A. POTTER  
LORI E. POYNTER  
CHRISTINE M. QUINTANA  
JAY M. RAMES  
BRENT K. RAMSEY  
DARRELL G. REAMER  
BRIAN H. REASONER  
ANGELA R. REDMOND  
COLLEEN M. REID  
RICHARD E. RICKLEY  
JENNIFER L. ROBINSON  
TORRES J. RODRIGUEZ  
JOSEPH A. ROMEO  
THERESA A. ROSS  
LINDA K. SCOTT  
WILLIAM S. SEDGWICK  
MARIA H. SHELTON  
DOUGLAS A. SIMMONS  
WYLIE K. SIMMONS  
DONNA C. SMAWLEY  
CHRISTOPHER T. STAKE  
MARK R. STIPSITS  
ROBERT M. STOHLER  
CATHERINE E. SUNDERLAND

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

*To be major*

JOHN L. AMENT  
MARIA O. ANGELES  
ANGELIKA R. AVERY  
KENNY BARAJAS  
DAVID E. BENNETT  
DWIGHT R. BERRY  
ALLAN J. BOUDREAUX

ALICIA D. SURREY  
RUBY J. THOMAS  
SAFIYA S. THOMAS  
JEFFREY D. THOMPSON  
TRACY A. THORNTON  
JUSTIN T. VAUGHN  
DWAYNE D. WATSON  
SHELLA J. WEBB  
MATTHEW D. WELDER  
STEPHEN WELLINGTON  
JAMES H. WILSON  
MICHAEL W. WISSEMANN  
WENDY G. WOODALL

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

*To be major*

TERRYL L. AITKEN  
ERIC J. ANSORGE  
JUSTIN AVERY  
MATTHEW T. BELL  
KENNETH R. BERRY  
ROBYN BETHEA  
AMY M. BIRD  
VAZQUEZ P. BONILLA  
KEVA R. BROWN  
LESLY C. CALIX  
COLLEEN E. CANNONE  
DONALD W. CARDEN  
TELLIS L. CARR  
JOHN D. CARTER  
LAKISHA T. CHEEFUS  
TROY D. CHINEVERE  
RICKEY CHRISTOPHER  
SIDNEY M. COBB  
MICHELLE COLACICCOMAYHUGH  
BRADLEY M. DAMSCHEN  
TAMBA DAUDA  
KATHRYN M. DAVIS  
KYMBERLY A. DEBEAUCLAIR  
GRACE M. DENKE  
MICHAEL R. DEVRIES  
ERICA R. DIJOSEPH  
CHRISTOPHER N. DUNCAN  
LIQUORI L. ETHERIDGE  
CHRISTOPHER C. EVERITT  
AMANDA J. FARLEY  
ERICH T. FELPS  
VANESA D. FINKLEA  
ERIC R. FLEMING  
CHADWICK B. FLETCHER  
ANTONIO FLORES  
RICHARD K. FLOYD  
BRIAN T. FREIDLINE  
JOLANDA L. J. GARDNER  
ROBERT G. GATES  
ANTHONY J. GENTILIA  
JALEH GHALANDARYSAFAVI  
DAVID L. GLAD  
TAMMY D. GLASCOE  
BRYAN T. GNADE  
RAINIER A. GONZALES  
MICHELLE J. GRADNIGO  
ANDREW R. GREGORY  
MATTHEW J. GRIESER  
BRENT W. GRUVER  
DANIEL M. GRUVER  
JIAN GUAN  
CASEY E. HAINES  
JAMES P. HALSTEAD  
CERISE R. HAMLIN  
CHRISTOPHER L. HANSEN  
JONATHAN M. HARTMAN  
NORVIS HAYGOOD  
TIFFANY N. HEADY  
MARK C. HEARD  
MICHAEL D. HIETT  
ADAM N. HOUE  
NORLAND V. JAMES  
THWANA JOHNSON  
DONALD C. JOHNSTON  
ALAN A. JONES  
JASON M. JONES  
PAUL J. KASSEBAUM  
MARILYN V. KEENE  
TODD M. KLEK  
CHRISTOPHER W. KISS  
KEL H. KRATZER  
ROBERT D. KUNDEL  
JOSEPH E. LABRIE III  
LESLIE M. LATIMORELORFILS  
JASON D. LING  
HERBERT LORFILS  
JOHN E. LOUGH  
ELIASIB LOZANO  
CLAUDIA S. LUNA  
LUCINDA LYONS  
MARILYN C. MACALOS  
JAMES C. MAKER  
DAVID R. MALDONADOLOPEZ  
JALALUDDIN A. MALIK  
MATTHEW J. MAPES  
JEFFREY J. MCCONIHAY  
HARRY MCDONALD, JR.  
SEAN P. MCDONALD  
PETER A. MIELO  
CASSANDRA L. MIMS  
ZENITA E. MITCHELL  
ELLIS R. MOFFETT  
COHN R. MOON  
SEQUIN H. MOSLEY  
ALFRED H. NADER III  
CLAUDIA G. NOYOLA  
JAMES A. NUCE

KATHERINE M. NYGREN  
CHRISTOPHER J. OLIVER  
CHRISTIAN K. OLSON  
TRAVIS D. PAMENTER  
ANTHONY W. PATTERSON  
SHAWN M. PECINOVSKY  
LORENZA L. PETERSON  
NAOMI S. PETTYMADISON  
LALINI PILLAYCLARKE  
MARTIN J. REIDY III  
NATHANIEL J. ROBERTS  
DAVINA M. ROBINSON  
CZARVITTO J. ROGERS  
PAUL R. ROLEY  
SABRINA R. ROOKSTHWEATT  
EDUARDO J. ROSA III  
MARTIN A. RUSSELL  
ALAN G. SCHILANSKY II  
ANDREW T. SCHNAUBELT  
JEFFREY B. SCHNOOR  
STEPHANIE A. SIDO  
TRACY C. SMALL  
ANNETTE M. SMITH  
ROSE L. SMYTH  
SUSAN L. SNOW  
ERIC F. STEEN  
KIRSTEN F. SWANSON  
MATTHEW T. SWINGLOLM  
XIAOLIAN TAN  
MATTHEW P. TARJICK  
TERESA M. TERRY  
WILLIAM A. TUDOR, JR.  
SORAYA TURNER  
BRIAN M. VANHALL  
MICHAEL L. VANZILE  
JOSE M. VELAZQUEZ  
DARRIN M. VICSIK  
DAVID V. WALSH  
BRENDAN L. WATSON  
FRED K. WEIGEL  
MARC R. WELDE  
MICHAEL S. WHIDDON  
RACHEL J. WIENKE  
EMILE K. WIJNANS  
ROBERT V. WILLIAMS II  
SARAHYAH T. WILSON

IN THE MARINE CORPS

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

*To be lieutenant colonel*

MATTHEW E. SUTTON

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

*To be lieutenant colonel*

ANDREW N. SULLIVAN

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

*To be lieutenant colonel*

TRACY G. BROOKS

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

PETER M. BARACK, JR.  
JACOB D. LEIGHTY III

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

DAVID G. BOONE  
JAMES A. JONES

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

WILLIAM A. BURWELL  
BALWINDAR K. RAWALAYVANDEVOORT

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

KURT J. HASTINGS  
CALVIN W. SMITH

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

JAMES P. MILLER, JR.  
WALTER D. ROMINE, JR.

MARC TARTER

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

*To be major*

DAVID S. PUMMELL

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

*To be major*

ROBERT M. MANNING

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

*To be major*

MICHAEL A. SYMES

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

*To be major*

PAUL A. SHIRLEY

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

*To be major*

RICHARD D. KOHLER

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

JULIE C. HENDRIX  
MAURO MORALES

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

CHRISTOPHER N. NORRIS  
RICHARD P. OWENS  
MARK S. ROY  
SAMUEL W. SPENCER III

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

ANTHONY M. NESBIT  
PAUL E. RICHARD  
PAUL ZACHARZUK

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

GREGORY R. BIEHL  
JOHN F. REYNOLDS, JR.  
BRYAN S. TEET

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

TRAVIS R. AVENT  
GREGG R. EDWARDS

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

JOSE A. FALCHE  
CHRISTOPHER L. FIELDS  
DONALD A. JOHNSON  
CLENNON ROE III

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

KEITH D. BURGESS  
CHRISTOPHER S. EICHNER  
GERALD D. HABIGER  
TROY A. KACZMARSKI  
DANIEL C. KOCH  
BRIAN J. SPOONER

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE

UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

MARK L. HOBIN  
GARY S. LIDDELL  
TERRY G. NORRIS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

KEVIN J. ANDERSON  
WALTER W. AUDSLEY  
LANCE S. BOOKLESS  
BRUCE L. BROWN  
ROBERT G. CAGLE, JR.  
LOUIS CALA  
VINCENT P. CODISPOTI  
DEAN E. CRAFT  
ERIC P. CRUDO  
LEONARD J. DEFRANCISCI  
THOMAS H. GOESSMAN  
MICHAEL A. HALT  
GARRET H. HUBBARD  
JAY J. KRAIL  
JOSEPH R. MAGUIRE  
SCOTT E. MAKER  
MICHAEL A. MARTIN  
KEVIN J. MULLALLY  
JAMES M. MUMMA

DAVID E. OBRIEN  
SEAN E. PECHON  
SCOTT T. PETERSON  
GERARDO L. PISCOPO  
MICHAEL J. STOUGHTON  
THOMAS W. WHITEHOUSE  
EDWARD P. WOJNAROSKI, JR.

IN THE NAVY

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

*To be commander*

DEANDREA G. FULLER

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

*To be lieutenant commander*

STEVEN J. SHAUBERGER

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

*To be lieutenant commander*

KAREN M. STOKES

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be captain*

SCOTT D. SHIVER

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

*To be commander*

CRAIG W. AIMONE  
DIRK B. PADGETT

*To be lieutenant commander*

DAVID R. COLEMAN  
JAMES B. EASTON  
RICHARD C. PLEASANTS  
HIEN T. TRINH  
MATTHEW M. WILLS

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

*To be captain*

DANIEL G. CHRISTOFFERSON  
JAMES L. GRAY, JR.  
DENNIS J. MCKELVEY  
RODNEY A. MILLS  
GLENN W. PENDRICK  
ALBERT D. PERPUSE