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## Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

### PRAYER

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

Let us pray.

O merciful Lord, enlighten our lawmakers with a clear and shining inward light and remove the shadows from their hearts. Control their wandering thoughts and prepare them to face the inevitable temptations that come. Lord, give them the peace of knowing that their times are in Your hands and that You are willing to fight the battles of all who trust in the power of Your Name. Fill their hearts with Thanksgiving, and may they take time throughout this day to praise You for Your goodness. Help them to maintain a pure conscience as the light of Your truth illumines their path. Join them to You with cords of love, and may they rejoice as they remember Your direct involvement in all the details of their lives.

We pray in Your sacred Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

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

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, March 18, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

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

### SCHEDULE

Mr. REID. Mr. President, following leader remarks this morning, the Senate will be in a period of morning business for up to 1 hour. Senators will be recognized for up to 10 minutes each. Republicans will control the first half; the majority will control the second half. Following morning business, the Senate will proceed to executive session to debate the nomination of Ronald Kirk to be U.S. Trade Representative. There will be up to 90 minutes for debate on that nomination, with the majority controlling 30 minutes and the Republicans controlling 60 minutes. Upon conclusion of the debate, the Senate will resume consideration of H.R. 146, the lands bill. We expect to lock in the vote on confirmation on the Kirk nomination for 2 p.m. today. We also hope to be able to line up three votes on amendments that Senator COBURN has offered following the confirmation vote. Therefore, Senators should expect a series of up to four votes at 2 o'clock this afternoon.

### MIDDLE-CLASS TAX RELIEF

Mr. REID. Mr. President, President John Kennedy famously said that "a rising tide lifts all boats."

The economic policies of the past 8 years may have lifted the privileged few to greater wealth, but they left the rest of our country to drown in shallow waters. With this new President, with this new budget, we begin to turn the page. President Obama's 2010 budget honors the middle class. It honors the middle-class values of hard work, responsibility, and opportunity.

After years of falling incomes and rising costs across the board for health care, education, groceries, gas, and retirement, this budget finally begins to bring the American dream back within the grasp of middle-class families once again. We are cutting taxes for 95 percent of working families and ending the irresponsible tax giveaways the Bush administration doled out to the superwealthy. Ninety-five percent of American households will get to keep more of each paycheck to save or spend on a mortgage payment, a doctor bill, a new car, or maybe a used car. We will expand the child tax credit for all families and increase credits available for larger families, who are more likely to live in poverty. We will help families afford the rising cost of college by making a \$2,500 tuition tax credit permanent. We will help to encourage a new generation of savers by providing automatic enrollment in retirement accounts and expanding tax credits to reward the choice to save for retirement. Also, because we understand that every dollar the Federal Government invests comes from American taxpayers, we will ensure that high-level transparency and accountability exist. The taxpayers deserve this, and certainly taxpayer money deserves to be transparent and accounted for.

After 8 years of misplaced priorities, corporate greed, and failed oversight, we are facing a severe economic crisis. And that is an understatement. Senior

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



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citizens are delaying their retirement, workers are losing their jobs, and families are losing their homes. Although this hour is difficult, President Obama's budget sets the path toward recovery, and when our economy does recover, we will ensure that this time not just the yachts but all boats are lifted with the coming tide.

#### RECOGNITION OF THE MINORITY LEADER

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

#### AIG

Mr. McCONNELL. Mr. President, the situation at AIG is an offense to the taxpayers, and we are going to get to the bottom of it even if the Department of the Treasury hasn't.

Here is a company that has been taking billions and billions of dollars from taxpayers in the middle of what could be the worst economic downturn since the Depression. Now we hear that those taxpayer dollars were going in the front door, supposedly to keep the company afloat, and then right back out the back door into the hands of those corporate officials who got us into this mess in the first place.

The Treasury Department was supposed to be minding the store. They had the authority to disburse the funds and to provide oversight. It was Treasury's responsibility to watch how these funds were being used. Obviously, they fell asleep on the job. The Treasury Department was completely asleep on the job. They need to wake up. Americans are fed up with their hard-earned tax dollars going to people who got us into this mess in the first place. They deserve to know how this happened. The American people deserve to know how this happened. The administration and the Treasury Department need to reassure the American people that this will never, ever happen again.

#### THE BUDGET

Mr. McCONNELL. Mr. President, the American people are starting to get an idea about the administration's budget. They understand that it taxes too much, it spends too much, and it borrows too much, especially in the middle of an economic crisis.

On taxes, the budget includes the largest tax hike in history, diverts billions of dollars from charities here at home at a time when Americans are looking to those charities even more than they would be in normal times, and it raises taxes on small businesses.

Small businesses account for nearly three-fourths of all new private sector jobs here in our country. The budget's tax on small businesses would cause many of them to see their taxes go up significantly. This tax hits the general contractor down the street, the family

restaurant, the startup technology firm, and many other businesses people deal with or work at all across our country every single day. These businesses are the engines of our economy. They are struggling, and they will struggle even more once these tax hikes go into effect. Small businesses with more than 20 workers, which account for two-thirds—two-thirds—of the small business workforce, get hit particularly hard. The President's budget includes a tax increase on more than half of those businesses. These businesses are run by men and women who make decisions based on considerations such as how much they are taxed, and if they have less money coming in as a result of higher taxes, they cut jobs, put off buying new equipment, and they take fewer risks, the kinds of risks that have always made our economy so vibrant and so innovative. These risks will be squeezed out as a result of these higher taxes.

Hundreds of thousands of Americans are losing their jobs every month. Many of these jobs are with small businesses. Higher taxes will only force these businesses to shed even more jobs. I understand the administration's desire to make good on its promises, but taxes on job creators in a recession is not the right approach. With the highest unemployment rate in 25 years, most people don't see the sense of raising taxes on small businesses, and they are absolutely right.

Mr. President, I yield the floor.

#### RESERVATION OF LEADER TIME

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

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for up to 1 hour, with Senators permitted to speak therein for up to 10 minutes each and with the time equally divided, the Republicans controlling the first half hour and the majority controlling the second half hour.

The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, it is my understanding I have the first 15 minutes, and I would ask the Chair to advise me when I have 1 minute left.

The ACTING PRESIDENT pro tempore. The Chair will do so.

#### THE BUDGET

Mr. INHOFE. Mr. President, I don't think my State of Oklahoma is any different from any other State when you go home and you find out that people are looking at these monstrous expenditures never even dreamed of before in the history of this country. They talk

about the auto bailout, \$17 billion; the housing bailout—I think probably the worst one was the first one, the bank bailout that gave the authority to unelected bureaucrats to do what they are doing today. We have the economic bailout, the stimulus package. I am here today to say that as bad as all of this is, if you look at the one that is in the budget—the climate bailout—it is far worse because at least these are one-shot deals, and that would be a permanent tax every year. Over the next few weeks, we will be talking about it.

I spent nearly 10 years on this issue in the capacity of the ranking member and the chairman of the Environment and Public Works Committee. To tell the truth, for a long time I was a one-man truth squad, and now more and more people realize that the science that was supposed to be there really is not there. But that is not the important thing. As I said in the debate against the Boxer bill a year ago, let's go ahead and concede the science, even though it is not there, so that it doesn't take away from the economic arguments.

So, in my view, I think the President did a good thing, including an estimate in his budget as to how much this is going to cost. Now, his estimate was understated, I understand that, but it allows us to have an honest debate about the cost of a program of this magnitude to the American people, not to mention the enormous redistribution of wealth for pet projects and programs under the umbrella of clean energy. In fact, according to a new report by the Center for Public Integrity, the number of lobbyists seeking to influence Federal policy on climate change—that is what we are talking about here—has grown more than 300 percent in 5 years. This represents more than four lobbyists for every Member of Congress, with a slew of new interests from Main Street to Wall Street, clamoring for new taxpayer-funded subsidies.

I don't think anyone questions that in the Senate. Our Halls are inundated with people who want in on this deal. The administration's decision to include cap and trade, and the revenues it generates in the budget, forces my colleagues in the Senate to quit hiding from this issue. They are going to have to talk about it. They can no longer prevent a discussion of what a program of this magnitude is.

The public is finally beginning to pay attention. To put it simply, they are realizing cap and trade is a regressive energy tax that hits the Midwest and the South the hardest, and it hits the poor disproportionately. I don't think anyone now is questioning that because everyone has been talking about it.

While a number of lobbyists and the companies are lining up inside the beltway, Washington businesses and the consumers are coming to realize that cap and trade is designed to deliver

money and power to the Government, and there is nothing in it for the taxpayers or consumers or even for the climate.

Let me further explain at this time that with the recession and economic pain, the administration and the proponents of mandatory global warming controls now need to be honest with the American people. The purpose of these programs is to ration fossil energy by making it more expensive and less appealing to public consumption. It is so regressive in nature. All you have to do is calculate it in any State, including Colorado and Oklahoma. The poor people spend a larger percentage of their money on heating their homes and driving their vehicles—using energy.

If you need proof, the President's own OMB Director, Peter Orszag, is on record making the statement:

The rise in prices for energy and energy-intensive goods and services would impose a larger burden, relative to income, on low-income households than on high-income households.

That is the OMB Director, who also said:

Under a cap and trade program, firms would not ultimately bear most of the costs of the allowances, but instead would pass them along to their customers in the form of higher prices for products such as electricity and gasoline. The higher prices caused by the cap would lower real inflation-adjusted wages and real returns on capital, which would be equivalent to raising marginal tax rates on those sources of income.

No one questions this. Recently, there was an article in the Wall Street Journal—this month. It said:

Cap and trade, in other words, is a scheme to redistribute income and wealth—but in a very curious way. It takes from the working class and gives to the affluent; takes from Miami, Ohio, and gives to Miami, FL; and takes from an industrial America that is already struggling and gives to rich Silicon Valley and Wall Street “green tech” investors who know how to leverage the political class.

Warren Buffet said:

That tax is probably going to be pretty regressive. If you put a cost of issuing—putting carbon into the atmosphere—in the utility business, it's going to be borne by customers. And it's a tax hike like anything else.

Ben Stein had an op-ed piece in the Wall Street Journal in which he said:

Why add another element of uncertainty to energy production, especially if the goal of suppressing carbon-based fuel burning can be accomplished by another means? Energy companies have enough problems as it is—including reduced supplies, political risks, and wildly changing prices of raw materials.

Jim Cramer of CNBC said this:

Obama's budget is pushing an aggressive cap and trade program that could raise the price of energy for millions of people.

Detroit would really suffer. The Detroit News said this:

President Barack Obama's proposed cap and trade system on greenhouse gas emissions is a giant economic dagger aimed at the nation's heartland—particularly Michigan. It is a multibillion dollar tax hike on everything that Michigan does, including

making things, driving cars and burning coal.

So we have this awareness that wasn't there until this appeared in the President's budget. I have to say this. Back in the very beginning of this discussion, I was somewhat of a believer that manmade gas, anthropogenic gases, CO<sub>2</sub>, caused global warming, until we found out what the cost is going to be, and until we looked at the science.

In terms of the costs and how it is going to impact the various States such as Ohio, Pennsylvania, Indiana, and Michigan, these States will be impacted harder than most others.

All of these reports reflect the numbers released in the President's proposed budget which estimated that a cap-and-trade program would generate \$646 billion in Federal revenues through 2019. Keep in mind, that is a nice way of saying increase taxes by \$646 billion. However, we now know that figure is way low.

Nearly 10 years ago—and this was my first discovery—we came this close to ratifying the Kyoto Treaty, which would have mandated all these things they are talking about doing now. That was about 10 years ago. The Wharton Econometric Forecasting Associates did an analysis and said: What could it cost if we were to sign Kyoto and live by its provisions? They found it would cost 2.4 million U.S. jobs and reduce GDP by 3.2 percent or about \$300 billion a year in taxes.

Well, nearly 10 years later, we have come full circle. According to MIT, an analysis of similar legislation as the President's budget proposal suggests much higher revenues. We have gone through the Kyoto thing and then we had the Lieberman-McCain bill and then the Lieberman-Warner bill. Each time we do this, more people come in and do analyses, and they come to the same conclusion.

Then I looked at one of the more recent ones, the Sanders-Boxer bill, and that bill mandates even less aggressive emissions reduction targets, and that is 80 percent. Now they are talking about 83 percent. It would have cost approximately \$366 billion a year. So you have a consistent range from \$300 billion to \$366 billion. That is what everyone says it is actually going to cost. It is around \$350 billion if you round it off.

As bad as all this spending is—it is out of control—still, this is worse because this is something that is every year. To put it into perspective for my colleagues, I point to this chart that shows the largest tax increases in history—we remember these—in the last 50 years. I remember this one, the Clinton-Gore tax increase of 1993. I remember talking about this on the Senate floor—the inheritance tax, the marginal tax rates, the income tax, and the capital gains tax. It was a \$32 billion tax increase.

By contrast, look at what we have—a \$300 billion increase or 10 times

greater than the largest tax increase in the last 50 years. You are going to hear that some of these revenues will fund tax relief to be returned to the people.

For the purposes of this budget proposal, the administration plans to spend \$15 billion a year to fund clean energy technologies and allocate \$63 billion to \$68 billion per year for the making work pay tax credit campaign promise to give back to people who don't pay taxes. We have learned firsthand that, of course, this stuff wasn't true. We learned that in the consideration of the Warner-Lieberman bill, when they made the statement that they were going to give back a lot of this revenue to poor people—it turned out the same thing will be true in the case of this budget—that for each \$1 a person gets back, they are paying \$8.40. That is how the math works out.

You can try to make people believe they are going to be on the receiving end of this, but when it is over, the cost is \$6.7 trillion, and the refund—which wasn't guaranteed; it was legislative intent—was \$802 billion. I think we will have plenty of time to talk about this and bring this to the American people.

In his budget, the President wants to recycle \$525 billion through the making work pay tax credit that goes to many people who don't pay income taxes. The math is not good, as we noted. It doesn't work. My colleagues may argue that at least this money will be going to a good purpose, for the cause of fighting global warming, having America lead the way. I think many find it very difficult this would happen. I add that, at times, you have to be logical on these things.

Referring to this chart, these are the figures actually used in terms of how it would have an effect if we passed one of these programs. This was based on the Lieberman-Warner bill. If we had passed it in terms of the emissions of CO<sub>2</sub> worldwide, you can see it doesn't have an effect. Let's assume that—which is not true but assume—there is global warming, which is not happening, as we are in a cooling period now; global warming is a result of CO<sub>2</sub> coming into the atmosphere, and that we want to somehow reduce the emissions of CO<sub>2</sub>.

The problem we have with this is, if we do it unilaterally, then we in the United States are going to be paying these huge taxes.

The ACTING PRESIDENT pro tempore. The Senator has 1 minute remaining.

Mr. INHOFE. I thank the Chair. While we are paying these huge taxes, you have to keep in mind that China is not doing that, Mexico isn't doing it, and India isn't doing it. They are laughing at us. I wish there was time to finish. We document what China and Mexico are saying. They are going to be the beneficiary. If we were to limit CO<sub>2</sub> in our country, our jobs would have to go elsewhere. There would not be adequate energy.

In conclusion, if you look at how fast this is in terms of what happened so far, for those of us—I am not saying anything disparaging about the President; I like the guy—all of these things that are in yellow are expenditures that are unprecedented in the history of this country. Far worse than that would be if we were to pass a cap-and-trade bailout. It would cost some \$6.7 trillion, as opposed to the lower figures. It is something we cannot afford. It is all pain and no climate gain.

Let me briefly go back in history. It is my understanding that the other person who was going to use time is delayed, so we have more time. I mentioned a minute ago that when Republicans were in the majority, I was the chairman of the committee called Environment and Public Works. This committee has jurisdiction over most of the energy issues we deal with.

At that time—way back during the Kyoto consideration, about 10 years ago—most people didn't believe CO<sub>2</sub> or anthropogenic gases were causing global warming. We were in a warming period at that time. I have an interesting speech where I take magazines, such as *Time*, where back in the middle 1970s they were talking about another ice age coming, and we were all going to die. I wish I had it with me now.

About 2 years ago, the same *Time* magazine had this polar bear standing on the last piece of ice floating around on an icecap, saying that we were all going to die; global warming is coming.

A couple things, I believe, are the motivation for this. One is publications. Probably their two largest issues were those two. They made people walking by the news stands and seeing that “we are going to die” think: I better see how much time we have left. It started with the U.N. IPCC, Intergovernmental Panel on Climate Change, that came out with this idea that somehow greenhouse gases are causing global warming.

When you think about it—and this was in concert with the NAS—they had reports they started giving out, summaries for policyholders. They were not based on science. They talked about how the science is all settled. It was after we realized from the Wharton School how much money this is going to cost taxpayers. After that, we were in a position where we could start analyzing it, and then the scientists started coming out of the woodwork. They were no longer intimidated.

One of the problems we had was that the scientists who were dependent upon various sources of income, either from the Government or from various organizations, such as the Heinz Foundation and Pew Foundation—so long as they said they went along with this scheme that CO<sub>2</sub> is causing global warming, they were getting grants. This started changing, and they started telling the truth. We now have accumulated—later today or tomorrow, I will give a talk showing how the science now has grown, where over 700

scientists who were on the other side of this issue are now on the truth side of this issue.

So the science needs to be talked about even right now during the debate. It is probably more significant that we talk about the economics and what it is going to cost people.

I can remember when Claude Allegre, who is probably the most respected scientist in France, a Socialist, was a person who was very strongly on the Al Gore side of this issue and has recently come over and said, in reevaluating, in looking at this issue and in looking at what has happened to the climate, the science is not there.

David Bellamy, a similar scientist in Great Britain, was on the other side of this issue. He has now come over.

Nir Shaviv from Israel, a top scientist who was always on the other side of this issue until about 3 years ago—I don't have the quotes here—came out and said: We are wrong on this issue, the science is not there.

By the way, we have a lot of documentation, and I invite my colleagues to go to my Web site, [inhofe.senate.gov](http://inhofe.senate.gov). We document what has happened in terms of the science.

This has been a 10-year journey. I sometimes think of Winston Churchill, who said:

The truth is incontrovertible. Malice may attack it, ignorance may deride it, but in the end, there it is.

It has taken 10 years for the truth to come out so the American people realize, with all of the scary stuff going on, with Hollywood and the elitists pouring money into campaigns—and I am talking about [moveon.org](http://moveon.org), George Soros, Michael Moore, and all the millions of dollars that went into campaigns. They have influenced a lot of Members of the House and Senate. But the truth is coming out now.

As this issue moves forward, I invite all of us to look at all that has happened. It is hard for people to understand this sometimes until they get to my stage in life. I have 20 kids and grandkids. None of this stuff is going to affect me, but it is going to affect future generations. I look at that and think: How can we allow all this to take place and then pass a tax increase that will do absolutely nothing?

I repeat, those who are believers who have bought into this thing and have seen the science fiction movie “An Inconvenient Truth”—even if we do that, what good would it do for us to do it unilaterally in the United States, take the jobs and put them in countries that have no additional requirements? It would have a net increase of CO<sub>2</sub>. That is being logical even for those who are believers that this is a problem.

Yesterday, I pointed out something I thought should be pointed out; that is, the first bailout was the \$700 billion bailout. As much as I hate to say it, 74 Senators voted for that bailout. What is bad about that is this gave one person, an unelected bureaucrat, the power over \$700 billion to do with as he

wished. It is interesting because that was Hank Paulson, the Secretary of Treasury. Now we find the new Secretary of Treasury was in on that deal at the same time. So they put this together. A lot of this stuff was authorized by voting to give someone \$700 billion to do with as he wished. Now we are paying for that, and the costs are very great.

I believe, when we look at what is going on right now, there are some scary things over and above what I have been talking about. I had occasion to make several trips to Gitmo, Guantanamo Bay. That is an asset we have had in this country since 1903. In fact, it is one of the few good deals around. We are still paying the same rent now that we paid back then. It is \$4,000 a year, and we get this great big resource. It is a place to put the detainees and to go through the tribunals in a courtroom that is over there.

One of the scary things I am looking at now is a statement by President Obama that he wants to do away with the tribunals and he wants to close Gitmo or Guantanamo Bay. Here is the problem we have with that. Right now, we have 245 detainees—some call them terrorists—who are incarcerated there. Of the 245, 170 of them have no place to go. Their countries will not take them back. They cannot be repatriated anywhere. Of the 170, 110 are really like the Shaikh Mohammed-type individuals—really bad terrorists. If the President goes through with his statement that he is going to close Guantanamo Bay, there is no place else to put them, no place in the world.

This number is going to increase as we escalate in Afghanistan. It is going to be going up. Some might say: There are prisons in Afghanistan. Yes, there are two, but they will only take detainees who are Afghans. So if they are from Djibouti, Yemen, or Saudi Arabia, then they have to go someplace else. The only place we can put them right now is Guantanamo Bay.

The argument some make is there has been torture going on. That has been completely refuted. In fact, every publication, every television station, every newspaper that has gone and inspected the premises at Guantanamo Bay has come back with a report that it is better than anything in our prison system in the United States.

One of the suggestions was that we take these people and send them around to some 17 areas within the United States. One of those areas suggested is in my State of Oklahoma, which is Fort Sill. I went down to Fort Sill the other day to look at the place, trying to picture if we had a bunch of terrorist detainees there.

By the way, this will serve throughout the country as 17 magnets to bring in terrorist activity. Most people agree that would be the case.

If we were to distribute these people around, they would have to be coming into our court system since we could not use tribunals, and the rules of evidence are different in a court system.

It could be that some of these people would actually be turned loose.

It is very serious. It is something we need to keep. Every publication, every newspaper or television station that has gone to Guantanamo Bay has come back and said all these things just are not true, we need to keep Gitmo, and it has changed a lot of minds. I am hoping that is one area where we will be able to demonstrate clearly that it is a resource we must have and the world needs very much. We will be working to that cause.

Another issue that is not talked about very much in the budget is that almost everything is increased. We look at the size of the budget. We look at the deficits. The deficit for the year we are in right now could approach \$2 trillion. It is just unimaginable. People criticized George W. Bush during his tenure, but if you take all the deficits for those 8 years, add them up, and divide by eight, it averaged \$245 billion a year. Now we are talking about eight times that in 1 year. These amounts are horrible.

The other aspect of the budget I don't like is everything is going up, an increase in spending, except military. We have a serious problem right now that we are facing in the military; that is, during the decade of the nineties, we downgraded our military by about 40 percent. I might add that some countries that could be potential adversaries, such as China, increased tenfold during that time. We reduced. There was this euphoric attitude that the Cold War is over, we don't need a military anymore. So in the nineties, they brought down the military in terms of our force strength, in terms of our modernization program.

There were a few heroes back at that time who helped us out. One was a GEN John Jumper, before he became the Chief of the Air Force. He made a statement in 1998. He said: Now we are in a position where our best strike fighters, our best strike equipment, the F-15 and F-16, are not as good in many ways as what the Russians are making right now in the SU series. At that time, it was SU-30s, now SU-35s. We went ahead. That helped us get into the F-22 and the Joint Strike Fighter so we would again regain our superiority.

When I talk with people and tell them that when our kids go out in potential conflicts, they would be fighting people who have better equipment than we do, it is un-American, it is not believable. Right now, the best artillery piece we have is called a Paladin. It is World War II technology. You have to get out and swab the breech after every shot. Yet there are five countries, including South Africa, that make a better one than we have.

Because we lifted that awareness, we were able to step into an area of what we call Future Combat Systems, FCS, to modernize our ground equipment and other equipment they will use. There are 16 elements of the Future

Combat Systems. The first is NLOS-C, non-line-of-site cannon. This would replace the Paladin, so we will have something that is state of the art. But we are not there and will not be there for several more years.

We went through the decade of the nineties downgrading our military, and then, of course, when 9/11 came, all of a sudden we were in a war. I have to be sympathetic with former President George W. Bush because he inherited a military that had been taken down, and then all of a sudden he is confronted with one or two wars or fronts he had to fight. So it has been very difficult.

It is interesting to me that many of the liberal Members of the Senate during the years we were trying to enhance our military spending are the ones who objected to that and then complained about the overworking of our Guard and Reserve. They actually are responsible for that. Yes, we are now trying to do something about it. But in this budget, we increase spending everywhere except the military. That is an area where we are going to have to be doing something.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. INHOFE. I encourage us to look at the overall budget, not just the tax increases but also how it affects other programs, such as our military.

I thank the Chair and 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.

Ms. STABENOW. 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.

#### THE BUDGET

Ms. STABENOW. Mr. President, I left a wonderful meeting with a group of organizations—many of our national faith leaders—from around the country and those who have been deeply involved in the issues around the Federal budget and expenditures and what our priorities should be as a country. There was a new optimism in the room about the direction of the country because for the first time in a long time—certainly since 2001—we have actually been talking about how does a budget reflect what is right for the majority of the American people; how do we address what is happening for children and families; middle-class workers who have lost their jobs and are trying just to put food on the table; people who have been struggling and not doing well even before the recession; the poor who find themselves hit over and over again and need to know there is a ladder out of poverty and into the middle class.

It was wonderful to see the commitment in that room and to see the fact

that people around the country are coming together to focus on how we strengthen our country in very real ways. Not what has happened in the last 8 years—where it has been all about tax policies to help the privileged few, spending to help the privileged few—but how do we have a country where everybody has a chance to achieve the American dream for themselves and their families.

We talked about the fact that the budget we will be taking up next week, the week after, and every year is a moral document. It is about who we are as Americans: What do we believe in? What do we care about? I am very proud President Obama has given us a moral document that reflects the values and the priorities of the American people; the fact that he has focused on education, health care, getting us off our dependence on foreign oil so we can bring down the costs of energy and create jobs through the new green economy, and that we are turning the corner as we look at a tax policy to focus on the middle class and to focus on families who are working hard every day or trying to find a job. So these were all positive things.

But I also thought in that meeting this morning—when we were talking about the budget as a moral document—how there has been created in this country a culture of greed. Greed has been rewarded for too long at the expense of the majority of Americans—certainly at the expense of the people in my great State of Michigan. Nowhere is that more epitomized than looking at recent outrages, whether it be Bernie Madoff and what happened with all the people who were victimized and who lost their savings and all the people who have been impacted—wiped out—by a Ponzi scheme and the greed of one individual or a few individuals or turning closer to home and what we have been talking about for the last couple days, which is the outrageous bonuses—\$165 million in bonuses—to a group of people at AIG who actually created the situation we are in today—not only for this country but which has created a ripple effect that has caused a global credit crisis. We look at the morality of that—the morality of \$165 million in bonuses.

I am also outraged at the fact that we have put so much money into this company. Taxpayers now own 80 percent of it. Yet we have not seen the oversight, the accountability one would expect, whether it is the bonuses or anything else for that matter. Now, we all know President Obama inherited an incredible mess and is working with all of us to dig our way out, but we have to have accountability with AIG and every other entity that has stepped up to ask for or received taxpayer dollars. Bonuses? They are absolutely an outrage, especially for people who didn't deserve a bonus for their performance. In fact, many left, and should leave, because of what has been done. They should be fired, if they

haven't already left—the people who got us where we are today.

I am amazed when I look at the fact that we are providing such a different standard between those on Wall Street, who got us into this mess—AIG and others receiving taxpayer money—and what I see happening with my own auto industry in Michigan, employing directly or indirectly 3 million people. Where is the equivalent of the auto task force? I can tell you that every single line in every single budget, every single management plan, every part of the auto companies that has received a small fraction of what AIG has received has been gone through and is continuing to receive great scrutiny. I support that. They certainly are willing to do that. But where is the scrutiny on AIG? Where is the scrutiny on the other companies that have taken huge amounts of money from taxpayers?

I find it incredible when they say they can't renegotiate contracts. Somebody should tell that to the United Auto Workers, who are renegotiating contracts right now, who have opened their contracts over and over again, with workers taking more and more cuts, paying more and more in health care. Yet we hear from this company and these executives with AIG that they have contractual agreements and they can't reopen contracts? I don't think there is anybody in my State who believes that is not possible, given what our families have gone through over and over again, with people who thought they had jobs, thought they had contracts but suddenly do not.

Why is it the people who got us into this mess—with their complicated leveraging, the tools they put together that created this house of cards that has fallen and affected not only everyone in America but around the world—can't be asked to step up and reopen contracts? I don't understand that at all.

We are going to do everything we can in order to get that money back for the American taxpayers. We have seen bills introduced, and I am proud to be co-sponsoring one of those bills through the Finance Committee. Our leader, Senator REID, has asked us to move as quickly as possible, and I know the Speaker of the House has as well, as has the President of the United States, and we are going to do everything we can to be able to recoup those dollars.

When we talk about what is moral in this country, whether it is the budget, whether it is bonuses of millions of dollars for people who have hurt so many, caused so much damage, created such a crisis around the world or whether it is looking at what is happening to families every day, this is a moral issue. This is a question of right and wrong. It is a question of our priorities. The budget the President has proposed focuses us back on what is important for this country, and it is critical we get that budget passed. We have middle-

class families across the country right now, and really all families, who never thought they would have to worry about trying to decide whether to buy groceries or to buy medicine; worrying about what happens tomorrow—will there be food tomorrow. People are going to food banks who never thought they would have to go to a food bank. People who used to donate to the food bank are now going to the food bank, and others who have been relying on the food banks for a long time find it is getting tougher and tougher and tougher.

More than 11 percent—in fact, close to 12 percent—of the people in my State do not have jobs right now. They are unemployed. That is only the official number. That doesn't count those who have been long-term unemployed, unable to find work and are no longer counted. It also doesn't count the number of people who are working one, two, and three part-time jobs trying to hold it together. That is a moral issue.

The reason we tackled this recovery plan and so quickly brought it forward—to create jobs that we create in America, jobs in a green economy, focusing on job training and education and health care for people who have not been able to find a job so they will be able to keep health care going for their families—is because we understand what this is all about in terms of our values and priorities. Millions of families are in danger of losing their homes or have already lost their homes which is why we are focused on doing everything we can to help families, neighborhoods, and communities address the housing crisis. We know that education is the key to the future for all of us, for our children and our grandchildren. Keeping education a priority and investing in the future, in education and access to college, is a critical part of our budget because it is a critical part of the American dream.

Yes, I am outraged about AIG giving away millions in bonuses—absolutely. I am outraged about other injustices going on, about the focus over the last 8 years on those who are doing well and policies that made sure they were doing even better, oftentimes at the expense of middle-class Americans, at the expense of the majority of Americans in this country. I am outraged that billions of dollars are going to companies that do not have accountability attached to them. I know the people in Michigan are as well. But I also believe it is critical that we not only get the money back from these bonuses and provide the accountability but we redirect back to the priorities of the American people. That is what this budget is all about.

We need jobs. We need jobs in this country because, if people have money in their pockets and they can pay their bills and keep that mortgage and invest in their families' education, this country is going to turn around.

The budget the President has proposed, the budget the people with

whom I met this morning are so encouraged about, is, in fact, a moral document. It changes the way this country has been operating—from a culture of greed, where somehow bonuses for AIG made sense to somebody somewhere in AIG, to a situation where we are focused again on what is important for the majority of the American people, what will allow us to be strong as a country: putting people back to work; making sure we have access to health care, which is not only the moral thing to do but brings down costs; education and investing in a new energy economy that is not dependent on anybody else but American ingenuity. That is what is in this budget, and it is a budget that reflects the priorities and the values of the American people. We need to come together in a bipartisan way to pass this as quickly as possible.

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

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

The legislative clerk proceeded to call the roll.

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

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

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

#### EXECUTIVE SESSION

#### NOMINATION OF RONALD KIRK TO BE UNITED STATES TRADE REPRESENTATIVE

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Ronald Kirk, of Texas, to be U.S. Trade Representative.

The PRESIDING OFFICER. Under the previous order, there will be 90 minutes of debate on the nomination, with the majority controlling 30 minutes and the Republicans controlling 60 minutes.

The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, as you noted, we will consider the nomination of Mr. Ron Kirk as the next U.S. Trade Representative.

With some reluctance, I will vote to confirm Mr. Kirk's nomination. I think it is pretty obvious Mr. Kirk has been less than forthcoming on a number of trade issues that affect this country, and some of the positions he has articulated are very dangerous for this Nation's future. I have come to this floor on numerous occasions and argued against the provisions that have



been signed into law in omnibus bills recently, one of them "Buy American," the other, of course, the latest being the barring of Mexican trucks into the United States of America.

The signal that sends to the world is that the United States is on a path of protectionism. That shows at least a majority of Members of this body have ignored the lessons of history. That lesson, obviously, we learned in the Great Depression, when isolationism and protectionism turned our economy from a deep recession to the worst depression of modern times. That is what protectionism and isolationism does.

So we now have a predictable result of killing the program which would allow, in keeping with the North American Free Trade Agreement, a solemn treaty signed by then-President Clinton, that Mexican trucks would be allowed into the United States.

Before I go much further, though, I wished to comment on the issue that is consuming the American people and the Congress today; that is, the AIG bonuses paid to executives. The simple lesson is, if we had not bailed out AIG, we would not be worried about the bonuses. I spoke out against the bailout of AIG at the time when it was first proposed when AIG was in trouble.

I, along with every other American, share anger and obvious displeasure that these bonuses were given to executives who obviously did not deserve them. But we should not have bailed out AIG. We should have let them fail and reorganize.

I would also like to point out that another area of the bailout that Americans should be equally disturbed about is the \$20 billion that went to foreign banks. American taxpayers are paying now \$20 billion to bail out foreign banks. Have we not enough trouble here at home and enough areas of the country that need Government assistance than to send \$20 billion to foreign banks?

There is an obvious need for increased transparency, increased oversight, and far more careful stewardship of American tax dollars. The numbers we are talking about are, indeed, staggering. I would point out, again, we are committing generational theft by these kinds of expenditures of American taxpayers' dollars and mortgaging our children and grandchildren's future.

The direction of our trade policy has hardly been more important in recent years, given the enormous economic challenges we are facing today, with unemployment rising, consumer confidence dropping, and our growth rate stagnating, at best.

American exports. American exports have been one of the few bright spots in a terrible economic situation. Until last quarter, the export sector of our economy grew at a faster rate than other sectors during the past several years. In the face of this fact, and mindful of history lessons, Congress and the administration should be working to break down remaining barriers to trade.

However, we are doing the opposite. Since the beginning of this year, Congress and the administration have taken several steps designed to choke off access to the U.S. market which invites retaliation from our foreign trading partners.

American business and workers will suffer as the result of these ill-considered moves. Last month, as I mentioned, Congress adopted and the President signed into law—again, one of the consequences of these omnibus bills that are thousands of pages, that nobody knows what is included, they are designed to be a "stimulus" or "spending bill," and we stuff policy provisions in them, which people may not know about for weeks or even months.

We find out that these are egregious in the case of "Buy American" and in the case of the American trucks. Both of them send a signal to the world that America is going down the path of protectionism.

The results, as far as Mexico is concerned, are unfortunate, very unfortunate, but predictable. The reaction of our friends and allies throughout the world to the "Buy American" provisions is predictable. They are angry and they are upset. I cannot say I blame them.

Now, the "Buy American" provision required funds appropriated in that bill—this is a policy change, remember, adopted in a "stimulus package," that we purchase only American-made steel, iron, and manufactured goods.

As we debated this provision, many of our closest partners expressed great concerns about the implications of this course of action. The Canadian Ambassador to the United States wrote:

If Buy America becomes part of the stimulus legislation, the United States will lose the moral authority to pressure others not to introduce protectionist policies. A rush of protectionist actions could create a downward spiral like the world experienced in the 1930's.

When then-Candidate Obama said he would "unilaterally renegotiate" the North American Free Trade Agreement, the Canadian response was: Yes, and if you do that, then we will sell our oil to China. Then, later, Candidate Obama changed his position to saying: Well, that wasn't exactly what he meant. Then, President Obama said: Now we are in favor of free trade. But yet President Obama did not veto either one of these bills, which sends a signal to the world that the United States has embarked on a protectionist path. He should have vetoed those bills, especially the one on Mexican trucks.

A European Commission spokesman noted:

We are particularly concerned about the signal that these measures could send to the world at a time when all countries are facing difficulty. Where America leads, many others tend to follow.

Others lent their own voices to those cautioning against a terribly ill-timed protectionist act.

While some Senators may have taken comfort in last-minute language added

to require that implementation of the "Buy American" provisions be consistent with our international obligations, I worry very much about the effect this and other steps will have on the global trading system. For decades the United States has led global efforts toward free and open trade and investment. We abandon this leadership at our peril.

The "Buy American" provision was not the only step in the protectionist direction. There have been other protectionist measures, and we are already seeing the fallout from such unwise decisions. Mr. KIRK agreed during his confirmation hearing:

[I]f the United States raises barriers in our own market, other countries are more likely to raise barriers against our products.

We have that evidence already. On Monday, the Mexican Government announced it will increase tariffs on 90 American agricultural and manufactured goods in direct retaliation for our recent decision to ban Mexican trucks from traveling beyond commercial zones. Although the Mexican Government is yet to specify the 90 different goods, it has announced that its decision would affect \$2.4 billion worth of exports from 40 States. The Mexican Ambassador had an article in the Wall Street Journal this morning.

I ask unanimous consent that it be printed in the RECORD, along with an editorial from this morning from the Arizona Republic.

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

[From the Wall Street Journal, Mar. 18, 2009]

#### CONGRESS DOESN'T RESPECT NAFTA

Nobody can argue that Mexico hasn't worked tirelessly for more than a decade to avoid a dispute with the United States over Mexican long-haul trucks traveling through this country. But free and fair trade hit another red light this past week.

Back in 1995, the U.S. unilaterally blocked the implementation of the North American Free Trade Agreement's cross-border trucking provisions, just as they were about to enter into force. In response, and after three years of constant engagement, Mexico had no alternative but to request the establishment of an arbitration panel as allowed under NAFTA. A five-member panel, chaired by a Briton and including two U.S. citizens, ruled unanimously in February 2001 that Washington had violated the trucking provisions contained in NAFTA, authorizing Mexico to adopt retaliatory measures. Yet once again, Mexico exercised restraint and sought a resolution of this issue through further dialogue.

Unfortunately, Mexico's forbearance only seemed to make matters worse. In 2002, Congress introduced 22 additional safety requirements that Mexican trucks would have to meet, a measure that was clearly discriminatory as these requirements were not applied to U.S. and Canadian carriers operating in the U.S. Mexico worked assiduously with the U.S. administration to find a solution to this problem.

Finally, in 2007 an agreement was reached that included the implementation of a demonstration program in which up to 100 carriers from each nation would be allowed to participate. This program was designed precisely to address the concerns voiced by

those opposed to cross-border trucking. The demonstration program, launched in September 2007, was an unmitigated success. During the 18 months that the program was in operation, 26 carriers from Mexico (with 103 trucks) and 10 from the U.S. (with 61 trucks) crossed the border over 45,000 times without any significant incident or accident. Moreover, according to reports of both the Department of Transportation's inspector general and an independent evaluation panel, Mexico's carriers participating in the program have a safety record far better than that of all other carriers operating in the U.S.

The demonstration program also underscored the benefits of free and fair cross-border trade, given the lower costs that would result from ending the requirement that short-haul trucks be used to transfer cargo at the border from the long-haul trucks of one country to those of the other. Thus, for example, one participating carrier saved over \$600,000 a year by cutting trip times and fuel costs, while another saved an estimated \$188,000 in transfer fees in the nine months that it participated in the demonstration program.

These savings benefit consumers and enhance North American competitiveness. Moreover, a streamlined system would also cut pollution, since fewer and newer Mexican long-haul trucks would replace smaller and older trucks that now huff and puff their way to the border. Unfortunately, notwithstanding these benefits to businesses and workers, and to the safety of our roads and the health of our environment, a small but vocal group has consistently blocked progress on this issue. It has now finally managed to stop the demonstration program by defunding it through the 2009 omnibus spending bill.

In confronting this situation, the government of Mexico—after over a decade of dialogue and engagement in which it has asked for nothing more than U.S. compliance with its international commitments and with the rules of the game that provide for a level playing field—has had no alternative but to respond by raising tariffs on 90 U.S. products that account for approximately \$2.4 billion in trade.

Today, opponents within Congress continue to allege concerns related to the safety of America's roads—yet they cancelled the very program designed to address such concerns, and which had been producing positive results. After all, the cross-border trucking program that was defunded had been demonstrating not only compliance by Mexico's long-haul trucks with U.S. regulations, but a superb and unmatched record of safety. It is precisely because of our firm belief in the importance of cross-border services that the government of Mexico will continue, as a sign of good-faith and notwithstanding the countermeasures announced early this week, to allow U.S. carriers to provide trucking services into Mexico under the now-defunct demonstration program guidelines and criteria.

Mexico is the U.S.'s second-largest buyer of exports. It remains a steadfast supporter of free and fair trade, and will continue to work actively and responsibly during the coming weeks and months with Congress and the administration to find a solution that will allow safe Mexican trucks onto U.S. roads under Nafta rules.

[From the Arizona Republic, Mar. 18, 2009]

#### U.S. IN THE WRONG BY BLOCKING MEXICAN TRUCKS

America is picking a food fight with Mexico over trade. Congress set it off by canceling a pilot program that allowed Mexican

trucks to operate on U.S. highways—a blatant violation of the North American Free Trade Agreement.

Mexico responded Monday by announcing that it will jack up tariffs on 90 U.S. agricultural and manufactured products. About \$2.4 billion worth of exports from 40 states will be affected.

Under NAFTA, we agreed to give Mexican trucks access beginning in 1995, increasing efficiency and lowering costs for consumers.

But U.S. trucking interests and unions have been trying to block the move for years with scare stories about safety. Actually, thousands of Mexican trucks, which were grandfathered in, have operated safely here for years. The pilot program set high standards for vehicles and drivers. The real issue isn't safety but competition and profits.

President Barack Obama, who was cool to NAFTA during the campaign, must step up to ensure the United States finally follows its treaty obligations. The White House says he is working on a new version of the pilot program that responds to congressional concerns. It needs to happen quickly.

Sen. John McCain, R-Ariz., is sounding a timely warning that this dispute could lead to more protectionist measures.

Let the trucks roll.

Mr. MCCAIN. The Mexican Ambassador says, in part of his article:

The U.S. Congress, which has now killed a modest and highly successful U.S.-Mexico trucking demonstration program, has sadly left my government no choice but to impose countermeasures after years of restraint and goodwill.

Then and now, this was never about the safety of American roads or drivers; it was and has been about protectionism, pure and simple.

He is right. It is also a testimony to the influence of the Teamsters Union. Elections have consequences.

He goes on to say:

It is worth noting that this takes place shortly after Mexico announced it would unilaterally reduce its industrial tariffs from an average of 10.4% in 2008 to 4.3% by 2013, and that it has underscored its commitment, along with its other G-20 partners, to push back on protectionist pressures.

What has been particularly frustrating in this long and uphill battle has been the fact that the Congress continues to move the goalposts.

Importantly, he concludes:

Mexico is the U.S.'s second largest buyer of exports. It remains a steadfast supporter of free and fair trade, and will continue to work actively and responsibly during the coming weeks and months with Congress and the administration to find a solution that will allow safe Mexican trucks onto U.S. roads under Nafta rules.

Again, NAFTA was signed by President Clinton 14 years ago. Part of that agreement was that Mexican trucks would be allowed into the United States. Study after study has concluded that Mexican trucks operate as safely as U.S. trucks do.

Today, on goods America buys coming from Mexico, the truck, after crossing the border, if it is Mexican, has to stop. The goods are offloaded onto another truck, moved to another truck that is American-owned and loaded on-board that truck. Meanwhile, there are CO<sub>2</sub> emissions and the cost and expenses of the delay are passed on to the American consumer.

I repeat, Mexico is the third largest trading partner of the United States, behind Canada and China, and the United States ranks first among Mexico's trading partners. United States trade with Mexico totaled \$368 billion in 2008. We have close and growing ties between our two Governments. Right now there is an existential threat to our southern neighbor from drug cartels. The violence on the border is at unprecedented levels. Acts of cruelty and murder are taking place beyond belief. People are being beheaded. There is the assassination of police chiefs and others. The corruption is very high. Why should we care? One reason we should care is because of violence spilling over from the Mexican border into ours.

The other reason is, there is between, according to estimates, \$10 and \$13 billion worth of revenue in receipts from the sale of drugs in the United States. It is the United States that is creating the market that is creating the drug cartels and violence on the border that has ensued. The Mexican Government is trying—maybe for the first time in as serious a way as they are now—to bring under control these cartels. The corruption reaches to the highest level. The violence is incredibly high. We need to do what we can to help the Mexican Government bring these cartels under control and try to eradicate them because they do pose an existential threat. We cannot afford to have a government that is full of corruption and controlled by drug cartels on our southern border, not to mention the impact it has on illegal immigration.

What did we do? We took steps in violation of our obligations under the North America Free Trade Agreement that will have precisely the opposite effect and have prompted retaliation that will only serve to harm American workers, consumers, and our Nation's relationship with Mexico.

During these difficult economic times for many American businesses, the ability to sell products on the world market is essential to our economic recovery. The Financial Times wrote in an editorial published yesterday:

The retaliatory duties are a legitimate response to a U.S. violation of a trade deal . . . but this does not bode well for bilateral relations just under two months into the Obama administration.

It goes on:

We hope cooler heads prevail and prevent any deterioration of the bilateral relationship. Both nations have too much at stake—and trade as well as security issues.

I could not agree more.

The Arizona Republic published an editorial that reads:

With the economy in tatters, it's no time to mince words: The United States is in the wrong. Under NAFTA, we agreed to give Mexican trucks access beginning in 1995, increasing efficiency and lowering costs for consumers.

The editorial continues:

Around the world, countries are considering trade barriers that could have disastrous consequences for the world economy.



The United States must put the brakes on trade restrictions, not fuel them.

I am aware there is a sizable block of public opinion that believes we should close our borders to everybody and everything, that somehow Mexican trucks are unacceptable, that legal immigration is something we ought to do away with. I understand all those arguments. But I also urge those who say that trade with Mexico is not important to understand the facts: They are our third largest trading partner; we have a trade surplus; it is important to have our relationship good as we help them battle the drug cartels; and, most importantly, protectionism and high tariffs led to the Great Depression.

Congress passed NAFTA in 1993 and President Clinton signed it into law in 1994, which mandated the opening of our southern border to Mexican trucking operations to allow the free flow of goods and services between the two countries. Last year, language was slipped into a fiscal year 2008 spending bill that sought to strip funding for a pilot program with Mexico that would allow a limited number of Mexican trucks to enter the United States. Now the administration says it will try to create "a new trucking project that will meet the legitimate concerns" of Congress. I don't understand how the administration can create a new trucking project to comply with NAFTA, when Congress explicitly barred any money from being spent toward such activities. The President should not seek to create a new project to circumvent the terms of the legislative language. Rather, he should have vetoed it in the first place.

The administration's eliminating the Mexican cross-border trucking program will harm millions of American consumers who could benefit from lower prices on many goods manufactured in Mexico and then distributed in the United States.

According to the U.S. Department of Transportation, refusing entry into our country of Mexican trucks carrying Mexican-made goods adds \$400 million to the price of Mexican imports which is, of course, passed on to the American consumer. Mr. Kirk has made some statements broadly supportive of international trade, but he has also made comments suggesting protectionism might not be so bad after all. During his confirmation hearing, Mr. Kirk stated:

Not all Americans are winning from [trade] and our trading partners are not always playing by the rules.

He suggested the administration may abandon the free-trade agreement we have concluded with South Korea, one projected to increase the United States GDP by \$10 to \$12 billion. He said the pact "simply isn't fair." He emphasized he does not have "deal fever" when it comes to trade agreements. Again, it is up in the air as to what the fate of the Colombia Free Trade Agreement would be, sending a clear signal that we would be punishing the Colombian Gov-

ernment for their assistance in trying to combat drug cartels.

Our trading partners, including Canada and Mexico, don't seem interested in strengthening agreements that have served them and us well for years. Rather, they would like to see the United States fulfill its own trade obligations and look for further ways to open markets to the free flow of commerce. The free flow of commerce has been a founding principle of U.S. economic policy for many decades and a key factor in our rise to prosperity and greatness. It is for this reason I hope Mr. Kirk and his colleagues in the administration will reconsider their stance and help build, not damage, the consensus behind free trade. After all, we have seen a terribly destructive pattern unfold before.

In 1930, as the United States and the world were entering what would be known in history as the Great Depression, two men, Mr. Smoot and Mr. Hawley, led the effort to enact protectionist legislation in the face of economic crisis. Their bill, the Smoot-Hawley Tariff Act, raised duties on thousands of imported goods in a futile attempt to keep jobs at home. In the face of this legislation, 1,028 economists issued a statement to President Herbert Hoover, wherein they wrote:

America is now facing the problem of unemployment.

The proponents of higher tariffs would claim that an increase in rates will give work to the idle. This is not true. We cannot increase employment by restricting trade.

Mr. Smoot, Mr. Hawley, and their colleagues paid no attention to this wise admonishment, and the Congress went ahead with protectionist legislation. In doing so, they sparked an international trade war as countries around the world retaliated, raising their own duties and restricting trade, and they helped turn a severe recession into the greatest depression in modern history.

I do not intend to oppose the President's nominee for U.S. Trade Representative. I remain very concerned about the direction of our trade policies at a time of economic peril. I urge my colleagues and the administration to heed the lessons of economics and heed the lessons of history.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I ask unanimous consent that the vote on confirmation of the nomination of Ron Kirk occur at 2 p.m. today, with the remaining provisions of the previous order governing the consideration of this nomination in effect; that upon resuming legislative session, the Senate then proceed to vote in relation to the following amendments in the order listed; further, with respect to H.R. 146 and the provisions of the order governing vote sequences remaining in effect: Coburn amendment No. 680, Coburn amendment No. 679, Coburn amendment No. 675.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that I be allowed to speak for up to 8 minutes as in morning business and that the time not count against debate time on the Kirk nomination.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

ENDING STEALTH BONUSES

Mr. FEINGOLD. Mr. President, I come to the floor to discuss taxpayer-funded bonuses. These bonuses are paid every year, often without any public discussion or a recorded vote by those with the authority to approve or stop them. The people giving themselves these bonuses have made sure they get them regardless of their performance.

I am referring to the annual bonuses given to Members of Congress.

There is some good news to report on this issue today. Thanks to the leadership of majority leader HARRY REID, we took an important step yesterday. Senator REID moved legislation through the Senate that will end these annual stealth bonuses. I have introduced legislation similar to Senator REID's bill for the past six Congresses, and I am delighted, because of Senator REID's leadership, this proposal has finally passed the Senate.

Congress has the power to raise its own pay. While some corporate executives apparently have this power as well, it is something most of our constituents cannot do. Because this is such a singular power, I think Congress ought to exercise it openly and subject to regular procedures, including debate, amendment, and, of course, a vote on the record.

But current law allows Congress to avoid that public debate and vote. All that is necessary for Congress to get a pay raise is that they do nothing, that nothing be done to stop it. The annual bonus takes effect unless Congress acts.

As I noted in a statement yesterday, that stealth bonus mechanism began with a change Congress enacted in the Ethics Reform Act of 1989. In section 704 of that act, Members of Congress voted to make themselves entitled—entitled—to an annual raise equal to half a percentage point less than the employment cost index, which is one measure of inflation.

On occasion, Congress has actually voted to deny itself a bonus, and the traditional vehicle for the pay raise vote is the Treasury appropriations bill. But that vehicle is not always made available to those who want a public debate and vote on the matter. As I have noted in the past, getting a vote on the annual congressional pay raise is a haphazard affair, at best, and it should not be that way. The burden should not be on those who seek a public debate and a recorded vote on the Member pay raise. On the contrary,

Congress should have to act if it decides to award itself a hike in pay. This process of congressional bonuses without accountability must end.

I joined with the junior Senator from Louisiana in offering an amendment to the Omnibus appropriations bill recently. That amendment received strong support—support which was all the more remarkable because many of the amendment's potential supporters felt constrained to oppose it in order to keep the underlying legislation free of amendments. Now, thanks to our majority leader, we have a real chance to end this system in fact.

This issue is not a new question. It was something our Founders considered from the beginning of our Nation. In August of 1789, as part of the package of 12 amendments advocated by James Madison that included what has become our Bill of Rights, the House of Representatives passed an amendment to the Constitution providing that Congress could not raise its pay without an intervening election. On September 9, 1789, the Senate passed that amendment. In late September of 1789, Congress submitted the amendments to the States.

Although the amendment on pay raises languished for two centuries, in the 1980s, a campaign began to ratify it. While I was a member of the Wisconsin State Senate, I was pleased to help add Wisconsin to the States ratifying the amendment. Then its approval by the Michigan legislature on May 7, 1992, gave it the needed approval by three-fourths of the States.

So the 27th amendment to the Constitution now states:

No law, varying the compensation for the services of the senators and representatives, shall take effect, until an election of representatives shall have intervened.

I honor that limitation. Throughout my 6-year term, I accept only the rate of pay Senators receive on the date on which I was sworn in as a Senator. I return to the Treasury any cost-of-living adjustments or bonuses during my term. I do not take a raise until my bosses, the people of Wisconsin, give me one at the ballot box. That is the spirit of the 27th amendment, and, at the very least, the stealth pay raises permitted under the current system certainly violate that spirit.

This practice must end. I am so delighted to express my thanks to Majority Leader REID. Because of him, we have a real chance of ending it.

Today I am sending a letter to Speaker PELOSI asking that the other body take up and pass the Reid legislation to end the automatic congressional bonuses. Doing so would assure the American people that we are not only serious about going after the abusive bonuses paid to the executives of firms bailed out with taxpayer dollars, but we are also serious about ending a system that was devised to provide Members of Congress with bonuses without any accountability.

Mr. President, I yield back whatever time I have remaining.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BAUCUS. Mr. President, I might ask, what is the pending business?

The PRESIDING OFFICER. The Kirk nomination is before the Senate.

Mr. BAUCUS. I thank the Chair.

I would like to speak on the Kirk nomination.

Mr. President, Ralph Waldo Emerson said:

[T]he most advanced nations are always those who navigate the most.

Today, the Senate considers the nomination of Mayor Ron Kirk to be U.S. Trade Representative. As we consider the nomination, America is navigating a shifting economic landscape. And so are our trading partners.

As financial systems weaken, protectionist sentiments strengthen. As markets crumble, import barriers rise. And as jobs disappear, trade violations emerge.

Ron Kirk has been asked to navigate U.S. trade policy through these difficult waters. To ensure that America keeps moving forward, he must navigate the right course.

Many feel our trade policy has veered off course. They argue the Government has not safeguarded our workers. They argue the Government has not enforced our trade agreements. They argue the Government has not dismantled barriers to our exports.

I believe Mayor Kirk will chart the right course. He understands he must steady the tilting ship of public opinion. He will do so by rebuilding America's faith in the benefits of international trade. He will remain constantly on the lookout for America's workers. He will shine a spotlight on trade violations. He will vigilantly enforce our international agreements. He will speed our economic recovery by opening markets for American exports.

Let us chart the right course on international trade. Let us rebuild America's faith in our trade policy. Let us confirm Ron Kirk to be the U.S. Trade Representative.

Mr. President, I yield the floor.

Mr. GRASSLEY. Mr. President, the nomination before the Senate is critically important in this time of economic upheaval.

We need a U.S. Trade Representative to assert our rights, defend our interests, and negotiate new market opportunities for our exporters.

Trade can and should play an important role in our economic recovery. President Obama recently acknowledged this in his trade policy agenda.

If Mayor Kirk is confirmed today, I look forward to working with him to advance a progrowth trade agenda for the benefit of U.S. consumers and producers.

We have a lot of work to do, some of which is left over from the last Congress. By that I am referring to our three pending trade agreements with Colombia, Panama, and South Korea.

We also need to find a way to reinvigorate the Doha Development Round negotiations in the World Trade Organization.

I appreciate Mayor Kirk's engagement and enthusiasm to assume the responsibilities of the U.S. Trade Representative.

Based on his responses to my questions during the vetting process in the Finance Committee, there appear to be some policy areas in which our views converge.

There are some other areas in which I continue to have concerns, particularly where his responses provided insufficient detail to determine whether we can have a convergence of views.

But that said, if Mayor Kirk is confirmed, I believe that we will be able to work together on a positive trade agenda.

During the committee vetting process, several issues arose with respect to the nominee's tax returns.

I am grateful for Mayor Kirk's cooperation with me, Chairman BAUCUS, and the Finance Committee staff.

In the true spirit of transparency and cooperation, he responded to all questions about his taxes directly and honestly.

He also agreed in communications with the staff to release information about his tax issues, and that information was put into the record of the committee proceedings.

I believe that all nominees should be held to the same standard when it comes to compliance with the tax laws.

Mayor Kirk was required to amend his returns and pay additional tax as a result of the vetting process.

Each of the issues for which he amended his returns was considered by him and his preparer at the time the returns were prepared. However, upon further review of some of the calculations, he agreed that some of them needed to be changed. Those issues are now resolved.

In closing, Mayor Kirk is a strong nominee for the position of U.S. Trade Representative.

He brings enthusiasm and energy to the table, as well as first-hand experience and understanding of the benefits of liberalized trade.

I urge my colleagues to support his nomination.

Mrs. HUTCHISON. Mr. President, I rise today to speak about Ron Kirk, the nominee for whom we will vote in the next few minutes for U.S. Trade Representative. I wish to speak in strong support of Ron Kirk to serve as U.S. Trade Representative. I would have been here sooner, but as ranking member of the Committee on Commerce, I was holding a hearing with the chairman, JAY ROCKEFELLER, on Governor Locke to be Secretary of Commerce, and that was my responsibility that I certainly had to meet.

I will say that Governor Locke did a very good job before our Commerce Committee. We just, within the last hour, concluded that hearing. But I wanted to make sure that I am able to speak about Ron Kirk because, certainly, I know him. I have known him for many years. We both live in Dallas, and he and I enjoy a great relationship. I was in the Senate when Ron Kirk was the mayor of Dallas, and he did a wonderful job as mayor of our city. I worked with him as a Senator. I know he can get things done. He is very bright, very affable, really funny. He is the kind of person you want to sit next to in a very dull speech because he can make you laugh no matter how bad the summit or the speech or whatever the business of the day. He is a very rare, wonderful person.

During his time in office, Mayor Kirk expanded Dallas's reach to the world through a range of trade missions, trying to show that Dallas was open for business, and he traveled on trade missions to assure that would happen. While he was mayor he sponsored a competition every year for small businesses to highlight those competing in foreign markets and invited the winner to go on his trade mission trips. I think it is important as a former small business owner myself that we show how you can export to foreign countries, no matter how small your business is, if you just know how to pursue it. Mayor Kirk tried to ensure that small businesses in Dallas, as well as our big businesses, were able to have a place at the table when he was on trade missions, showing what could be done with trade.

Before becoming mayor of Dallas, Ron Kirk was secretary of state of Texas. He was an appointee of Gov. Ann Richards. He attended Austin College, graduating with a degree in political science and sociology in 1976 and then went to the University of Texas Law School, which is also my alma mater. Upon receiving his J.D. in 1979, he practiced law until 1981 when he went to work in the office of then Texas Senator Lloyd Bentsen who was my immediate predecessor in this Senate seat.

On a personal note, Ron is married to Matrice Ellis Kirk. She, in her own right, is a professional woman, a leader in Dallas, another very bright, affable person who has made her own impression in Dallas as well. They have two daughters, Elizabeth Alexandria and Catherine Victoria.

I know that Mayor Kirk's leadership and experience will make him a strong ambassador for U.S. trade policy. Last week in his testimony before the Senate Finance Committee, Mayor Kirk pledged that as U.S. Trade Representative, "I will work to increase opportunities for American entrepreneurs in the global marketplace."

These economic opportunities are critical to America's prosperity. In 2007, exports accounted for 40 percent of our economic growth.

The next U.S. Trade Representative will face a series of challenges, including revitalizing the stalled WTO talks and managing the Doha Round, which is preoccupied with topics such as export subsidies, tariffs, copyright issues, and keeping markets open to U.S. goods. Equally important, the next U.S. Trade Representative will face the worst economic downturn in decades in America and in the world.

As we face economic hardships, trade presents a tremendous opportunity to sustain and create jobs, expand economies, and stimulate growth. We must resist the temptation to close our borders and engage in protectionism, which always ends up harming our economy.

History is not kind to those who raise trade barriers during a recession. In 1930, President Hoover made the mistake of signing the Smoot-Hawley tariff, which dramatically increased the cost of imports and turned a serious recession into the Great Depression. We can't allow that to happen again. My heavens, if we know anything, it is that we should learn from history. The past is prologue.

I believe trade policy can play a leading role in getting the U.S. economy and the global economy back on track.

Currently, the United States has free-trade agreements in effect with 14 countries: Canada, Mexico, Israel, Jordan, Chile, Singapore, Australia, Morocco, the Dominican Republic, El Salvador, Guatemala, Honduras, Nicaragua, and Bahrain. However, we still have free-trade agreements with Colombia, Panama, and South Korea that await congressional approval.

The next U.S. Trade Representative must work with Congress to implement those trade agreements and ensure that American exports enter the global market on a level playing field. I am pleased that in his testimony before the Senate Finance Committee, Mayor Kirk committed to work with Congress to develop "benchmarks" that will allow these accords to move forward.

The Colombian Free Trade Agreement in particular will be tremendously beneficial to the United States, both economically and diplomatically. This accord would remove tariffs on the \$8.6 billion of U.S. agricultural exports to Colombia every year.

While America's economic growth is a primary objective of free-trade agreements, they also serve the broader purpose of bolstering our foreign policy.

At a time when Venezuelan dictator Hugo Chavez is trying to undermine U.S. security interests in Latin America, we must seek trade partnerships with allies such as Colombia.

As the Washington Post said in an editorial: "A vote for the Colombia deal would show Latin America that a staunch U.S. ally will be rewarded for improving its human rights record and resisting the anti-American populism of Venezuela's Hugo Chavez."

By helping Colombia and other countries thrive under the free market, we

will help them become less vulnerable to Chavez's petrodollars.

I am hopeful that Mayor Kirk will take the necessary steps to ensure that the Colombian Free Trade Agreement is approved.

Let me say that I think probably the first issue the U.S. Trade Representative will have to focus on and solve is with Mexico. This week Mexico threw up tariffs on 90 products that are imported to Mexico from the United States. Most of these are agricultural products. It will hurt our agriculture businesses if we have a trade war with Mexico; if we have tariffs that increase the price of American goods into Mexico. We all know this must be solved.

I will say that the person who understands this best is Ron Kirk. Ron Kirk, obviously, lives in Texas. He knows how important free trade is with Mexico. Mexico is Texas's largest trading partner. We export to Mexico, and he has been there. So he understands that this is a high priority for all of our States exporting into Mexico and that we must solve the trucking issue so that Mexico understands that there will be parity across the border and that Mexican trucks, like American trucks, will have the same safety standards and that they will have an ability to be inspected. He can solve this if we will confirm him today and let him start on this very important problem.

Throughout his career, Mayor Kirk has shown the character and leadership skills to bring people together on behalf of a good cause. For that reason, I am very confident he will make a great U.S. Trade Representative. He will seek exports of American goods all over the world. He will seek free and fair trade. That is very important—we don't want other countries to throw up barriers to our entry into their country—and he will do the right thing. I know he is a good negotiator. I know he will be a good representative of the United States in this very important position.

I urge my colleagues to support his nomination. I am pleased we are voting on him soon so that he can hit the ground running on the Doha Round and the many issues that are facing our country in this time of economic stress—when the last thing we should be doing is throwing up barriers to trade and exports from our country into other countries, where good trade makes good neighbors and partners.

Mr. FEINGOLD. Mr. President, I support the nomination of Ron Kirk to be our trade representative, despite my concerns with his position on trade policy. The tax matters that came to light during Mr. Kirk's vetting are not disqualifying, and because I am inclined to defer to any President on the choice of his closest advisers, I decided to support this nomination.

Having said that, I very much hope the President and his new trade representative will carefully review our current trade policies, and the impact

they have had on the lives of millions of Americans. The trade policies handed over to this administration are as fundamentally flawed and damaging to our economy as the fiscal disaster and financial market crisis they inherited.

The trade policies of the last two decades, under both Republican and Democratic administrations, and supported by both Republican and Democratic controlled Congresses, have undermined environmental protections, food safety and public health protections, subverted our democratic institutions, and helped ship millions of family-supporting decent paying jobs overseas. They have greatly disadvantaged thousands of small businesses in my home State of Wisconsin, exposed consumers to health risks, and decimated communities. They have accelerated the very worst aspects of globalization, and have not done nearly enough to advance its potential benefits.

Mr. President, I wish Mr. Kirk all the best in his new position, and hope he and the President will take a fresh look at our trade policy. As I noted earlier, the mess they have inherited is as big a problem as any presented to the new administration, and it deserves our full attention.

Mr. CORNYN. Mr. President, I rise today to congratulate Mayor Ron Kirk on his nomination to serve as President Obama's U.S. trade representative. I am proud to support the confirmation of my fellow Texan.

Following World War II, the United States recognized a need to engage foreign nations and harmonize global economic trade. President Kennedy recognized the value in placing a single chief U.S. trade negotiator in charge of these responsibilities. Later, President Ford elevated this important position to Cabinet rank. Since then, Congress has worked with many administrations to strengthen the ability of the U.S. trade representative to enforce existing trade agreements and open new markets for American workers, farmers, and consumers.

Mayor Kirk would lead the office of U.S. trade representative during the most challenging global financial crisis in history. The World Bank predicts that the global economy will shrink this year for the first time in more than six decades. People in many nations are suffering, and calls for new trade barriers grow louder. However, the U.S. trade representative must speak clearly and calmly against protectionism. He must show how open markets can renew global prosperity and lift millions in the developing world out of poverty.

I believe President Obama chose the right man for this job. As mayor of Dallas, Ron Kirk saw how open markets create new opportunities for our people. His trade missions to other nations encouraged new export growth. He engaged and recruited foreign investors thereby attracting new jobs into the city. And he recognized that the North American Free Trade Agreement

would bring additional export-related jobs to the region. While many roundly criticized that accord, Mayor Kirk put it to work for the residents of Dallas. His leadership in the late 1990s helped reenergize the local economy. By 2007, the Dallas-Fort Worth area was exporting more than \$22 billion of goods and services to foreign markets.

Mayor Kirk's confirmation will fill an important void in President Obama's Cabinet. Mayor Kirk has demonstrated that he will warn against protectionism. This voice is needed in the Cabinet.

Congress recently voted to suspend the cross-border transportation pilot program occurring at the southern border of my State of Texas. This short-sighted cancellation was met immediately with news that the government of Mexico will retaliate by levying new tariffs on U.S. made products.

This unfortunate situation was avoidable had my colleagues heeded warnings of the retaliation that this policy change would incur upon our economy. These tariffs amount to a \$2.4 billion tax increase on American made products, and one economist estimates a loss of approximately 40,000 jobs.

At a time when Congress should be working to expand markets for our goods and create jobs in the United States, Congress is instead provoking the ire of the customers who buy American products and services. Our workers and our consumers deserve a trade ambassador that will ensure economic policy is rooted in the best interest of the economy rather than political payback.

The President has three economic remedies available immediately. The pending trade agreements with Colombia, Panama, and Korea will create jobs in the United States. Consumers in these countries have a voracious appetite for American goods and services. My State of Texas is the top exporter to both Colombia and Panama and the second leading exporter to Korea. These destinations represented a \$9.5 billion market for Texas-made goods and services in 2008.

The hard work is over; these agreements have been negotiated and signed. I urge the administration to work with Congress and pass these beneficial accords.

Mayor Kirk is not the first choice of those who fail to recognize the benefits of free trade, but he's the first choice of the President—and a good choice for American exporters and consumers. The continuing global financial crisis demands a strong leader at USTR—and Mayor Kirk will fill this role well.

Mr. LEVIN. Mr. President, I will vote today to confirm Ronald Kirk to be U.S. Trade Representative. Although I have had serious concerns about our trade policies in the past, I am hopeful this administration will deal differently with trade.

I am reassured by some of the things that Mr. Kirk said at his confirmation

hearing. For instance, Mr. Kirk said he will put an emphasis on workers and the environment, something that his predecessors failed to do. He also has acknowledged that the pending U.S.-South Korea trade deal negotiated by the Bush administration "... just simply isn't fair." This acknowledgment is important because the U.S.-South Korea trade agreement as currently written is harmful to the U.S. auto industry and its workers and should not be pursued in its present form.

When it comes to automotive trade between the United States and Korea, the numbers speak for themselves. While Americans buy more than 770,000 Korean vehicles each year, fewer than 6,300 American autos are sold in Korea. Despite two bilateral memoranda of understanding in 1995 and 1998, Korea continues to use ever-changing standards to restrict auto imports. There is nothing in the pending agreement that guarantees Korea will open its market to U.S. automobiles even though it commits the U.S. to further opening its already open market to Korean vehicles. We should open our auto market further only after U.S. autos have gained measurable access to the Korean market but that is not how the agreement is currently written.

At his confirmation hearing Mr. Kirk agreed the U.S.-South Korea free trade agreement wasn't fair and said, "if we don't get that right we'll be prepared to step away from that." He also said, "I do not come to this job with 'deal fever.' We will not do trade deals just for the sake of doing deals."

I am pleased to hear these remarks because frankly some of the trade agreements the U.S. has entered into have not been in the best interests of the United States. The North American Free Trade Agreement, NAFTA, is a good example. NAFTA contained a number of unfair provisions that are discriminatory to Michigan workers and companies. For example, it restricted U.S.-made auto parts from entering Mexico for a decade and American used car exports for 25 years. Furthermore, the U.S. maintained small but stable trade deficits with Canada and Mexico in the 1980s and early 1990s. After NAFTA took effect in 1994, the U.S. developed large and rapidly growing deficits with Canada and Mexico. Since jobs are created by exports but displaced by imports, job losses occurred. The Economic Policy Institute found that total U.S. job displacement from NAFTA over 12 years was 1 million jobs.

Our trade policy should focus on opening markets in nations such as China, Japan, the European Union, and South Korea, where the most egregious trade barriers block the sale of U.S. goods and services and where we have the potential to export a larger quantity of goods and services. Mr. Kirk has promised to pry open foreign markets and enforce existing trade rules. I support his confirmation in the hope that he will.

I have not been satisfied with America's trade policy over the past 30 years. I believe in free trade, but I believe that with free trade we must have fair trade. The U.S. market is the most open in the world, but our policy has failed to insist that foreign markets be equally open to American products. We sorely need a new and just approach to trade.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally against both sides.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. I ask unanimous consent that the quorum call be rescinded.

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

Mrs. FEINSTEIN. Thank you, Mr. President. I understand that we are on the Kirk nomination; however, I ask unanimous consent to speak on the lands bill.

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

#### COBURN AMENDMENTS

Mrs. FEINSTEIN. Mr. President, the Senate will have before it a series of amendments to the lands bill made by Senator COBURN. I rise to oppose specifically two of these amendments, amendment No. 683 and amendment No. 675, and I do so on behalf of myself and my friend and colleague from California, Senator BOXER.

These amendments would essentially throw out a legal settlement agreement concerning the restoration of the San Joaquin River. The settlement agreement ends 18 years of costly litigation. It is the product of 4 years of negotiation by the Bush administration, the State of California, dozens of water agencies, the Friant water users—it affects Friant, and Friant is a Division of the Central Valley Project and 15,000 farmers draw their water from this Division; it is big, it is important, it is critical—and by environmental and fishing groups.

This was a suit brought by the Natural Resources Defense Council against the Federal Government saying that what was happening at Friant Dam was not sufficient in the release of water to protect the salmon.

I wish to have printed in the RECORD at the end of my remarks a letter by the Governor of the State of California, Arnold Schwarzenegger, supporting the settlement agreement, and a letter

from the U.S. Department of Justice supporting the settlement agreement. I also commend to my colleagues a Congressional Research Service Memorandum entitled "Institutional and Economic Context of the San Joaquin River Restoration Settlement," spelling out the institutional and economic context of this settlement agreement.

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

(See exhibit 1.)

Mrs. FEINSTEIN. Thank you very much.

So we have broad and strong support for the settlement agreement. Now, the question is, Why do we have it? The reason we have it is because it is my understanding that the Government has lost the case, and the result is that with or without the settlement, a Federal court will require restoration of the San Joaquin River. According to all of the parties, the court could—and we believe would—order a huge release of water from Friant Dam, negatively impacting the 15,000 farms in the Friant Division of the Central Valley Project.

In contrast, the settlement agreement allows orderly restoration of the river, with minimized impacts to irrigated agricultural and municipal water users. It provides negotiated flood control and other protections for private landowners. It represents a sensible and hard-fought consensus solution. I know, because these parties came to me and asked me if I would sit down with all of the parties and try to put together this settlement agreement, and we did, in fact, do this. It is virtually supported by all of these elements.

Also, the settlement would be far less costly to the taxpayers than returning to court and having the end result of having a Federal judge manage the river. That is what the alternative is. Here is why: The settlement provides almost \$400 million in non-Federal funds, so what would have had to have been funded by the Federal taxpayers will be lowered. Effectively, the costs are lowered to Federal taxpayers. The affected water districts have agreed to help fund the settlement with approximately \$200 million. The State of California will provide another \$200 million. If the Coburn amendment is successful and this is dropped from the bill, the Federal Government will have to pay an additional \$400 million and face the fact that the judge could well order a huge release of water, not staggered to any particular time, in no orderly manner, which could have tremendous adverse impacts on the farming community.

The settlement also minimizes economic costs to the region by providing water supply certainty for users, but without the settlement water users in Friant could face more severe water losses and potentially millions of dollars of lost income and lost jobs. As I say, this is 15,000 separate farming entities, so that is unacceptable.

Critics have argued that this provision is wasteful spending and that it would cost millions of dollars for every fish restored. But the facts prove them wrong. To get the number the critics use, they assume that only 500 fish will ever be restored; that is, salmon, instead of the 30,000 salmon that will eventually return to the river each year as a self-sustaining fishery. They ignore all the other benefits of the settlement.

According to the Congressional Research Service analysis I have referenced, it is "misleading" to disregard the "full array of likely project costs and benefits," including "the values that Californians and U.S. citizens place on improvements in environmental quality and restored runs of salmon."

The bottom line: The settlement offers the best possible solution to a longstanding water fight in my State. I do not believe there is anything wasteful about it. Remember, this suit has gone on for 18 years. I have talked with every one of the parties. They have all come together asking for a settlement agreement, including the Federal Government, the State of California, and actually the environmental group that sued, the NRDC, because they believe that if left to the judge, the action might be very adverse in terms of large amounts of water, rather than being staggered and done in a more sensible way, would be detrimental to the Friant farmers as well as, quite possibly, to the fish.

The other problematic amendment offered by Senator COBURN is amendment No. 675 which would remove the Government's eminent domain authority for the public lands omnibus bill, including the San Joaquin River settlement title of the lands bill.

Now, to be candid, none of us like the use of eminent domain. In the 9 years I was mayor, I refused to use eminent domain in San Francisco and, in fact, never did. But Senator COBURN's amendment ignores the basic reality that the use of eminent domain is sometimes necessary to carry out western water projects that are vital for an entire region because the water comes from one place, the State is vast, and it has to be moved to other places, and the public benefit of moving that water is enormous in the seventh largest economy on Earth.

These water projects need to have the use of eminent domain as a last resort for building water projects and flood channels on a willing seller-willing buyer basis. Otherwise, the Government clearly is not going to be able to build water conduits, water projects, and flood control elements where they are most needed. That may be different in small States, but in huge States such as California, where the water comes primarily either from the very north of the State, the Sierra Nevada mountain range, or the Colorado River—where we are being weaned off of the Colorado River, and have an

agreement to dramatically cut our take of water from the Colorado River—we have to have the conveyances to move the water around the State.

Private landowners also receive the benefit of upgraded flood protections and bypasses around key diversion points, so that fish are not diverted along with irrigation supplies. This is a very sensitive, very problematic area. It has taken a lot of work to know how to do this. The Federal Government could not build these flood and bypass measures to benefit third party landowners without the ability to acquire land through eminent domain. That is just a fact.

There is a great need for water projects in my State. If we don't move, I believe California will end up a desert State. We are faced with high wildfire potential, with warming climates, and reduced water. We are in the third year of a drought.

Mr. President, you might be interested in knowing that for the big Central Valley of California, which makes California the No. 1 agricultural producer in America, most of that valley's water allocation from the Central Valley Project for this year is zero, which means fallowing, which means cutting out trees and crops. So we are in a very sensitive situation.

I urge the Senate to vote no on these Coburn amendments. I think it is very easy to come in and second-guess a situation and not know anything about 18 years of litigation and the fact that the Government is going to lose the case and having to try to work out a settlement, which gets the best for all of the parties concerned. I believe we have done it, and it has taken hours and hours of negotiation.

This has been approved by this body once. To remove the bill and the eminent domain authority from the lands bill would be tragic. Again, the Federal Government would have to pick up the costs the State of California is willing to pay under this settlement—\$200 million—and the cost these water contractors are willing to provide—\$200 million—and do the whole job itself, which is going to cost an additional \$400 million.

These amendments are in no way, shape, or form, cost effective, and they will hamstring California's effort to solve what is an egregious problem, and that is an increasingly drying State, which is in drought almost on a perpetual basis and is trying to solve its problems.

On behalf of Senator BOXER and I, I urge a "no" vote on both of these amendments.

Mr. President, I ask unanimous consent that my time not count against the time allocated for the Kirk nomination.

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

Mrs. FEINSTEIN. I thank the Chair.

## EXHIBIT 1

STATE CAPITOL,  
Sacramento, CA, May 5, 2008.

Hon. DIANNE FEINSTEIN,  
U.S. Senate, Hart Senate Office Building,  
Washington, DC.

DEAR SENATOR FEINSTEIN: As Congress again considers legislation needed to implement the Settlement Agreement reached to restore the San Joaquin River, I write to reiterate my support of your leadership in this matter and to urge Congress to act now to take advantage of this historic opportunity. Restoring the San Joaquin River will provide vital benefits to the environment, to the people of the San Joaquin Valley, and to all Californians. I remain confident that this settlement can be implemented to provide these important benefits while minimizing impacts to the Friant water users and preserving the regional economy.

The state of California has already committed substantial funding to support the settlement effort. In November 2006, California voters approved Proposition 84, the Water Quality, Safety and Supply, Flood Control, Natural Resource Protection Bond, which earmarks \$100 million to support San Joaquin River restoration. Other bond funds are available to provide flood management improvements and to support regional water supply reliability projects. Moreover, I have directed my Administration to pursue all available opportunities to contribute to the dual restoration and water management goals of the Settlement Agreement.

Thank you again for your leadership to secure the passage of the necessary legislation to advance the restoration of the San Joaquin River. Please know that my Administration remains committed to this important effort and we look forward to continuing our work with the federal government on this significant restoration program.

Sincerely,

ARNOLD SCHWARZENEGGER,  
Governor.

DEPARTMENT OF JUSTICE,  
OFFICE OF LEGISLATIVE AFFAIRS,  
Washington, DC, November 7, 2007.

Hon. NICK J. RAHALL II,  
Chairman, Committee on Natural Resources,  
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Department of Justice (DOJ) strongly supports H.R. 4074, the San Joaquin River Restoration Settlement Act (originally introduced by Congressman Radanovich as H.R. 24). This bill provides necessary authorization and funding to carry out the terms of the San Joaquin River Settlement. The purpose of the settlement is to fully restore the San Joaquin River and to mitigate the impact of water losses on water districts in the Friant Division of the Central Valley Project who have long-term contractual rights and obligations with the Bureau of Reclamation. This settlement not only resolves litigation over the operation of the Bureau of Reclamation's Friant Dam east of Fresno, California, it provides a framework for the restoration of the San Joaquin River and its fishery in a way that protects the sustainability of farming in the Friant Division.

On October 23, 2006, the United States District Court for the Eastern District of California approved this settlement, ending eighteen years of litigation, Natural Resources Defense Council, et al. v. Kirk Rodgers, et al. The Administration previously announced its support for legislation implementing this settlement in testimony before your Committee on March 1, 2007, by Jason Peltier, Principal Deputy Assistant Secretary for Water and Science for the U.S. De-

partment of the Interior. The State of California has pledged its support for the Settlement in the amount of \$200 million.

Enactment of H.R. 4074 is essential to the implementation of this historic, court-approved settlement. Without this legislation, the Secretary of the Interior lacks sufficient authority to implement the actions in the settlement. Implementation of the San Joaquin River Settlement will avoid the high cost and uncertainty that will result from a return to litigation if the settlement is not implemented.

Thank you for the consideration of our views. Please do not hesitate to contact this office if we can be of further assistance in this matter. The Office of Management and Budget has advised that there is no objection to the submission of this letter from the standpoint of the Administration's program.

Sincerely,

BRIAN A. BENCZKOWSKI,  
Principal Deputy Assistant,  
Attorney General.

Mrs. FEINSTEIN. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time during the quorum call be charged equally.

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. BARRASSO. I ask unanimous consent to speak as in morning business.

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

## THE BUDGET

Mr. BARRASSO. Mr. President, today I wish to talk about this administration's proposed budget. I believe the President's proposed budget fails the American people. It fails small businesses, and it fails our economic future.

To me, this budget spends too much on bailouts and on wasteful Government programs. It raises the cost of energy, and it costs American jobs.

The spending in this budget is so massive that independent estimates say they are going to need another quarter million people—250,000 more Federal Washington bureaucratic workers—just to spend all the money.

Middle-class families and small businesses all across this country are taking notice. These are the people who are making the financial sacrifices every day to pay for these huge Government expenses. Yet Washington continues to spend trillions in taxpayers' dollars on bailouts and big Government programs.

This budget spends too much, it taxes too much, and it borrows too much.

This budget contains the largest tax increase in the history of our country. We need to help American industry promote growth and create jobs. I will tell you that raising taxes makes matters worse, especially in an economic downturn.



The President's plan takes money from small businesses and families in my home State of Wyoming. The President's budget will devastate the small businesses of America. The budget even limits itemized deductions for people who give money to charities. This effectively raises our Nation's top tax rate to 42 percent.

Our Treasury Secretary Geithner says the proposed changes in the tax rates would apply to only 2 or 3 percent of small business owners. But the reality is, those tax increases are going to hit hardest those small businesses which create the most jobs in our Nation.

Small businesses created a majority of new jobs in America over the last 10 years. Small businesses are responsible for 70 percent of the job creation in this Nation.

These jobs are being created by businesses similar to those that are now threatened by the administration's proposed tax increases. When we consider that the administration talks about a goal of job creation, why is this administration proposing a budget with costly tax hikes on those very engines that create the jobs in this Nation?

They say: We are going to delay the tax increases until 2010. That doesn't make those tax increases hurt any less. Small business owners plan ahead. They plan well in advance. They will not hire someone today if they know they are going to be forced to lay that person off in less than 2 years.

I want to talk a little bit about electric bills.

Electric bills and the cost of everything manufactured in America is going to skyrocket under this proposed budget. Under the Obama budget, gasoline prices are likely to go up as much as 145 percent.

The President from Duke Energy says the plan could increase energy prices for American households by as much as 40 percent.

People need to know under this plan, anything that emits carbon is going to be more expensive. This means the plastics we use, the cars we drive, the homes we heat—they are all going to be more expensive. Every time you flip the light switch, you are going to be paying much more.

The very building blocks of our Nation will be dramatically taxed. American families will experience a dramatic shift down the economic ladder.

Folks who are struggling to get by in my home State of Wyoming and all across America will fall through the cracks in this budget. It is wrong. It is time this administration leveled with the American people about the hidden details in this budget plan.

The President is proposing we spend scarce resources transferring income rather than promoting growth.

According to the President's climate proposal, taxes on carbon are projected to total over \$78 billion in 2012 and at least \$646 billion over the next 10 years.

Of that money, he proposes to spend \$1 out of every \$5—only \$1 of every \$5—on clean energy technologies. The other \$4 of every \$5 are going to go to bigger Government programs.

According to the President's budget document, his climate change proposal is more expensive than the \$646 billion he has suggested. He is hiding the true cost to the economy of his cap-and-trade scheme.

The President is also abandoning what I call 24-hour power. Under his cap-and-trade scheme, that is power that runs the factories and American homes 24 hours a day, 7 days a week. It is the power we need when renewable energy is not there—when the Sun is not shining or the wind is not blowing. We need all the energy. We need the coal. We need the nuclear. We need the natural gas. We need the hydropower. All are proven and affordable energy solutions. Those are the kinds of things that will help keep electric bills low.

If you eliminate these, you are automatically taxing all Americans with high energy bills—that is what you are doing—and that means making the cost of running a business more expensive. That means heating homes all across America will be much more expensive.

They have done some estimates, and they have estimated that the President's new energy tax will cost every household in America an additional \$250—not each year but \$250 each month.

Frankly, that is a tax increase that most American people cannot afford, and, frankly, I don't understand why the President is asking them to pay it.

In reality, the President's cap-and-trade scheme is another bailout, a trillion-dollar climate bailout.

This budget spends too much, it taxes too much, and it borrows too much.

This budget costs too much in dollars, and it costs too much in jobs. This budget hurts small businesses, and it hurts American families alike.

This budget provides for the largest tax increase in history to fund a trillion-dollar climate bailout. It is unfortunate that we are aiming and targeting small businesses because they are the very foundation of job creation in this country. It is unfortunate that this is the starting point of the debate of how to get our economy moving again.

The American people expect better. The American people demand better. The American people deserve better.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, how much time remains on the Democratic side on the nomination for USTR?

The PRESIDING OFFICER. There remains 16 minutes.

Mr. DORGAN. Mr. President, I intend to speak for 10 of the 16 minutes. I will reserve the 6 minutes for others.

Mr. President, we are dealing with the nomination of Mr. Kirk to be trade ambassador, the head of the trade office in our Government. I intend to support his nomination, but I wanted to come to the floor to take the opportunity to say that ambassador after ambassador after ambassador has left that trade office with large and growing trade deficits that I think weaken and undermine our country. And I want to make certain Mr. Kirk and others know what I think is the urgency to address these significant trade deficits.

We are a country that is consuming 3 percent more than we produce. No country can do that for a very long period of time. We are buying more from abroad than we are selling abroad—\$2 billion every single day. We import \$2 billion every day more than we export.

We are facing a very severe financial crisis in this country now. At least one of the causes of that crisis, which is never discussed by anybody, is an unbelievable trade deficit.

Our merchandise trade deficit last year was \$800 billion. You can take a look at what has happened in recent years. These red lines represent the deep hole of trade deficits. That is money we owe to other countries because we are buying more from them than we are selling to them.

Now, I am for trade, and plenty of it, but I insist it be fair, and I also believe there are mutual responsibilities of trading partners. The trade deficit, for example—in the \$800 billion merchandise trade deficit we have—with China is \$256 billion. Think of that: \$256 billion in a year. And we have very serious trade problems with China with respect to the issue of counterfeiting and piracy.

Part of what we are producing in this country these days is intellectual property—computer programming and software, various types of music and movies, and all kinds of inventions. Our intellectual property is being pirated and counterfeited on street corners all across China. And it is not as if China doesn't know how to deal with that. When China held the Olympics, they knew how to deal with their logo. There was an Olympic logo for the Chinese Olympics which belonged to the Government of China. All of a sudden, that had value, and they decided to protect that. People started showing up on street corners in China selling mugs and banners with the Chinese Olympic logo, and they shut them down just like that. They stopped it just like that because that belonged to the Government of China. Well, what about all the intellectual property that is pirated and counterfeited and reverse-engineered in China that is sold on their street corners in violation of everything, which helps result in this \$256 billion trade deficit with China?

That is something our U.S. trade ambassador has to confront.

Let me give an example—and this is just one; I could give a dozen—of part of our problem. We have a trade deficit with South Korea. Ninety-eight percent of the cars on the streets of South Korea are made in South Korea because that is what they want. They do not want foreign cars in South Korea. Our country signed two separate trade deals with Korea in the 1990s, which supposedly meant that Korea would open up their auto market. Those agreements are apparently not worth the paper they were written on. So Korea sent us 770,000 vehicles last year—770,000 Korean-made vehicles. Those are Korean jobs—vehicles made in Korea, sold in the United States. Yet we are able to sell 6,000 American vehicles in Korea. Now, think of that: 770,000 cars coming our way, and we get to sell 6,000 there. Why? Because the Korean Government doesn't want American cars on their roads. They want one-way trade, which I think results in unfairness to our country, lack of jobs in our country, and a growing trade deficit in our country that undermines our economy.

The same is true with respect to China. For example, we negotiated a bilateral trade agreement with China. Only much later did we learn the ingredients of that agreement. China is now creating a significant automobile export industry, and we will begin seeing Chinese cars on American streets in the not too distant future. They are gearing up for a very robust automobile export industry. Here is what our country agreed with in a bilateral agreement with China. We agreed that any American cars sold in China after a phase-in could have a 25-percent tariff imposed by the Chinese. Any Chinese cars sold in America would have a 2½-percent tariff. Think of the absurdity of that. A country with which we have a \$200 billion trade deficit—last year, \$260 billion—and we said: It is okay for you to impose a tariff that is 10 times higher on U.S.-made automobiles sold in your country than we will impose on your automobiles sold in our country. That is the kind of ignorance, in my judgment, and unfair trade provisions that result in our having an \$800 billion merchandise trade deficit.

Now, Warren Buffett has said—and Warren Buffett is a bright guy, and I like him, I have known him for a long while—this is unsustainable. You can't run these kinds of trade deficits year after year. It is unsustainable. Why? Because when we buy \$800 billion more from other countries than we sell to them, it means they end up with our money or a debt, and that debt will be repaid with a lower standard of living in our country.

My point is that the financial crisis in this country is caused by a lot of things, at least one of which is an unbelievable growing trade deficit that has gone on and festered for a long

while, and no administration has done much about it. Oh, the last administration, I think the last time they took action was against Europe, and they announced with big fanfare that they were going to impose tariffs on Roquefort cheese, truffles, and goose liver. That will scare the devil out of some country—Roquefort cheese, truffles, and goose liver. We not only negotiate bad trade agreements, but then we fail to enforce them. And when we do enforce them, we don't enforce them with any vigor.

Mr. President, I know there has been discussion in the last couple of days about trade with Mexico. Mexico had a \$66 billion surplus—or we a deficit with them—last year. We have had a nearly ½ trillion dollar trade deficit with Mexico in the last 10 years alone, and Mexico is accusing us of unfair trade? I am sorry. We have a ½ trillion dollar deficit with Mexico in trade relationship in 10 years, and they believe we are unfair?

The recent action by Mexico against the United States is due to the fact that a large bipartisan majority of both Chambers of Congress objected to a Mexican long-haul trucking pilot program that the Bush Administration wanted to establish. The inspector general of the Transportation Department had said that in Mexico there is no central repository of drivers' records, no central repository of accident reports, and no central repository of vehicle inspections. We don't have an equivalent system. Well, there is nothing in a trade agreement that requires us to diminish safety on our roads. When we have equivalent systems or when we have conditions in both countries that are equivalent, you will hear no complaint from me about any pilot program of this type, but that is not the case today.

Just as an aside, at a hearing I held last year, we were told that one of the rules for the cross-border trucking program was that the drivers who were coming in with the big trucks were going to be required to be fluent in English. One way they would determine whether they were fluent in English is they would hold up a highway sign, such as a stop sign, to the driver and ask him: What is this sign? And if the driver replied, "Alto," which means "stop" in Spanish, they would declare that driver fluent in English. Look, this made no sense at all. Let's make sure we protect the safety on America's roads. I have no problem with cross-border trucking as soon as we have equivalent standards. That is not now the case.

But my larger point with Mexico, as with other countries, is that we have a large and growing trade deficit—\$66 billion last year with Mexico; ½ trillion dollars in 10 years. This country can't continue that. We have to have fair trade with other countries and fair trade agreements. And when we do, it seems to me we should be aggressive in trying to sell worldwide. We are good

at this. We can prevail. We don't have to have an \$800 billion deficit that threatens our country's economy. No one talks about it much, but the fact is, this enormous deficit undermines the strength of the American economy. It sucks jobs out of our country and moves them overseas in search of cheap labor. We can do better than that.

I intend to support Ron Kirk. I think he will be a good choice. However, I hope this trade ambassador understands that while our country stands for trade and our country stands for open markets, we ought to, for a change, also stand for fair trade agreements and we ought to stand for balance in trade and get rid of an \$800 billion-a-year deficit in which we end up owing other countries a substantial amount of our future. It makes no sense to me.

So I am for trade, and plenty of it, but let's try to get it right for a change, to strengthen this country and put this country on the right track.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. COBURN. Mr. President, I ask unanimous consent to yield back all time on the Kirk nomination.

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

Mr. COBURN. Mr. President, I ask unanimous consent that H.R. 146 be the pending business.

## LEGISLATIVE SESSION

### REVOLUTIONARY WAR AND WAR OF 1812 BATTLEFIELD PROTECTION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 146, which the clerk will report by title.

The legislative clerk read as follows:

A bill (H.R. 146) to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Bingaman amendment No. 684, in the nature of a substitute;

Coburn amendment No. 680 to amendment No. 684, to ensure that the general public has full access to our national parks and to promote the health and safety of all visitors and employees of the National Park Service;

Coburn amendment No. 679 to amendment No. 684, to provide for the future energy needs of the United States and eliminate restrictions on the development of renewable

energy;

and Coburn amendment No. 675 to amendment No. 684, to prohibit the use of eminent domain and to ensure that no American has their property forcibly taken from them by authorities granted under this Act.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, first of all, I ask unanimous consent to have printed in the RECORD the statement of the Secretary of the Interior, Ken Salazar, given yesterday before the Senate Committee on Energy and Natural Resources. I think Members will find significant support for my amendment on alternative energy in his statement.

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

STATEMENT OF KEN SALAZAR, SECRETARY OF THE INTERIOR, BEFORE THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES ON ENERGY DEVELOPMENT ON THE PUBLIC LANDS AND OUTER CONTINENTAL SHELF

Thank you, Chairman Bingaman, Senator Murkowski, and Members of the Committee, for giving me the opportunity to come before you today to discuss energy development on public lands and the Outer Continental Shelf (OCS) under the Department of the Interior's jurisdiction. This is my first hearing before you since my confirmation as Secretary of the Interior and it is an honor to be here.

President Obama has pledged to work with you to develop a new energy strategy for the country. His New Energy for America plan will create a clean energy-based economy that promotes investment and innovation here at home, generating millions of new jobs. It will ensure energy security by reducing our dependence on foreign oil, increasing efficiency, and making responsible use of our domestic resources. Finally, it will reduce greenhouse gas emissions.

During his visit to the Department for our 160th anniversary celebration two weeks ago, the President spoke about the Department's major role in helping to create this new, secure, reliable and clean energy future. The vast landholdings and management jurisdiction of the Department's bureaus, encompassing 20 percent of the land mass of the United States and 1.7 billion acres of the Outer Continental Shelf, are key to realizing this vision through the responsible development of these resources.

These lands have some of the highest renewable energy potential in the nation. The Bureau of Land Management has identified a total of approximately 20.6 million acres of public land with wind energy potential in the 11 western states and approximately 29.5 million acres with solar energy potential in the six southwestern states. There are also over 140 million acres of public land in western states and Alaska with geothermal resource potential.

There is also significant wind and wave potential in our offshore waters. The National Renewable Energy Lab has identified more than 1,000 gigawatts of wind potential off the Atlantic coast, and more than 900 gigawatts of wind potential off the Pacific Coast.

Renewable energy companies are looking to partner with the government to develop this renewable energy potential. We should responsibly facilitate this development. Unfortunately, today, in BLM southwestern states, there is a backlog of over 200 solar energy applications. In addition, there are some 20 proposed wind development projects on BLM lands in the west. These projects

would create engineering and construction jobs.

To help focus the Department of the Interior on the importance of renewable energy development, last Wednesday, March 11, I issued my first Secretarial Order. The order makes facilitating the production, development, and delivery of renewable energy top priorities for the Department. Of course, this would be accomplished in ways that also project our natural heritage, wildlife, and land and water resources.

The order also establishes an energy and climate change task force within the Department, drawing from the leadership of each of the bureaus. The task force will be responsible for, among other things, quantifying the potential contributions of renewable energy resources on our public lands and the OCS and identifying and prioritizing specific "zones" on our public lands where the Department can facilitate a rapid and responsible move to significantly increased production of renewable energy from solar, wind, geothermal, incremental or small hydroelectric power on existing structures, and biomass sources. The task force will prioritize the permitting and appropriate environmental review of transmission rights-of-way applications that are necessary to deliver renewable energy generation to consumers, and will work to resolve obstacles to renewable energy permitting, siting, development, and production without compromising environmental values.

Accomplishing these goals may require new policies or practices or the revision of existing policies or practices, including possible revision of the Programmatic Environmental Impact Statements (PEISs) for wind and geothermal energy development and the West-Wide Corridors PEIS that BLM has completed, as well as their Records of Decision. The Department of Interior will work with relevant agencies to explore these options.

We will also, as I have said before, finalize the regulations for offshore renewable development authorized by section 388 of the Energy Policy Act of 2005, which gave the Secretary of the Interior authority to provide access to the OCS for alternative energy and alternate use projects. This rulemaking was proposed but never finalized by the previous Administration.

For these renewable energy zones to succeed, we will need to work closely with other agencies, states, Tribes and interested communities to determine what electric transmission infrastructure and transmission corridors are needed and appropriate to deliver these renewable resources to major population centers. We must, in effect, create a national electrical superhighway system to move these resources from the places they are generated to where they are consumed. We will assign a high priority to completing the permitting and appropriate environmental review of transmission rights-of-way applications that are necessary to accomplish this task.

Developing these renewable resources requires a balanced and mindful approach that addresses the impacts of development on wildlife, water resources and other interests under the Department's management jurisdiction. I recognize this responsibility, and it is not a charge I take lightly.

At the same time, we must recognize that we will likely be dependent on conventional sources—oil, gas, and coal—for a significant portion of our energy for many years to come. Therefore it is important that the Department continue to responsibly develop these energy resources on public lands.

In the past 7 weeks, the Department has held seven major oil and gas lease sales onshore, netting more than \$33 million for tax-

payers. And tomorrow I will be in New Orleans for a lease sale covering approximately 34.6 million offshore acres in the Central Gulf of Mexico. This sale includes 4.2 million acres in the 181 South Area, opened as a result of the Gulf of Mexico Energy Security Act. Continuing to develop these assets, through an orderly process and based on sound science, adds important resources to our domestic energy production.

Based on this approach, I announced last week that I would be hosting four regional public meetings next month in order to gather a broad range of viewpoints from all parties interested in energy development on the OCS. In addition, I directed the Minerals Management Service and the U.S. Geological Survey to assemble a report on our offshore oil and gas resources and the potential for renewable energy resources, including wind, wave, and tidal energy. The results of that report will be presented and discussed with the public.

The meetings will be held in Atlantic City, New Jersey, New Orleans, Louisiana, Anchorage, Alaska, and San Francisco, California, during the first two weeks in April.

These meetings are an integral part of our strategy for developing a new, comprehensive, and environmentally appropriate energy development plan for the OCS. I have also extended the comment period on the previous Administration's proposed 5-year Plan for development by 180 days. We will use the information gathered at these regional meetings to help us develop the new 5-year plan on energy development on the OCS.

Similarly, again based on sound science, policy and public input, we will move forward with a second round of research, development, and demonstration leases for oil shale in Colorado and Utah. While we need to move aggressively with these technologies, these leases will help answer the critical questions about oil shale, including about the viability of emerging technologies on a commercial scale, how much water and power would be required, and what impact commercial development would have on land, water, wildlife, communities and on addressing global climate change.

We are also proceeding with development onshore, where appropriate, on our public lands. As I noted above, the responsible development of our oil, gas and coal resources help us reduce our dependence on foreign oil, but this development must be done in a thoughtful and balanced way, and in a way that allows us to protect our signature landscapes, natural resources, wildlife, and cultural resources.

We also need to ensure that this development results in a fair return to the public that owns these federal minerals. That's why the President's 2010 Budget includes several proposals to improve this return by closing loopholes, charging appropriate fees, and reforming how royalties are set. Of course, I'll be happy to discuss these in more detail after the Administration's full budget request is released in the coming weeks.

Implementation of the President's energy plan will ultimately focus the nation on development of a new green economy and move us toward energy independence, and I and my team are working hard to put that plan into place.

Mr. Chairman, I know you and the Committee, along with the Majority Leader and others in Congress, are working hard on these issues. I believe we are being presented today with an historic opportunity to enhance our economy, our environment, and our national security. Too much is at stake for us to miss this opportunity.

Thank you, Mr. Chairman and Members of the Committee. I am happy to answer any questions that you may have.

Mr. COBURN. Mr. President, we are putting the cart before the horse, because one of the things the Secretary spoke about yesterday is that we have to figure out how to transfer all this renewable energy from Federal lands. What this bill and what a previous amendment that I have offered and that is now pending would do is to say this bill is going to offset that. We are not going to know where we need to send it or how we need to send it. With this bill, we are going to deny the options to the Secretary of the Interior in terms of transmission lines with geothermal, with solar, and with wind.

Mr. President, I also ask unanimous consent to have printed in the RECORD the opening statement of the chairman of the Energy and Natural Resources Committee, Senator BINGAMAN, because I am very pleased with his statements on oil and gas and renewables, and it again would support the amendment I have offered that we should not preclude renewables from this bill.

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

#### ENERGY PRODUCTION ON FEDERAL LANDS

I want to welcome my colleagues, our witnesses and especially Secretary Salazar to today's hearing on the important topic of energy development on public lands and the Outer Continental Shelf. Our Nation has abundant energy resources, a good portion of which are found on our onshore public lands and the Outer Continental Shelf. These resources are owned by all of the people of the United States, and their management is entrusted to the Federal Government.

That's why we're particularly pleased that our new Secretary of the Interior is here today to tell us about his vision for the development of our energy resources on public lands, both onshore and offshore. Secretary Salazar has important decisions to make—decisions that may prove essential to our Nation's energy security and economic well-being—but also decisions that will impact the landscape and our environment for generations to come.

I look forward to hearing more about the Administration's plans in this regard. I hope that Secretary Salazar can share with us his vision for how we can determine the best places for energy development on the OCS, and how we can move forward to get more energy production—both oil and gas and renewables—in a safe and environmentally sound manner from the Outer Continental Shelf.

I know that the Secretary is also interested in our onshore oil and gas leasing program. We recognize the contribution of that program to our energy supply. I hope that under his leadership, the BLM can resolve any resource conflicts up front, so that this important program can run smoothly and efficiently. To this end, it is also important that the inspection and enforcement program at the BLM be well-funded.

Finally, this Administration is clearly committed to renewable energy. I know Secretary Salazar is. The Department of the Interior and the Forest Service have a key role in the siting of generation and transmission facilities for wind and solar energy. I know that Secretary Salazar has already undertaken initiatives to bring about more renewable energy production on Federal lands.—Jeff Bingaman, Chairman, Committee on Energy and Natural Resources.

#### AMENDMENT NO. 682 TO AMENDMENT NO. 684

(Purpose: To protect scientists and visitors to federal lands from unfair penalties for collecting insignificant rocks)

Mr. COBURN. Mr. President, I ask unanimous consent that the pending amendment be set aside and amendment No. 682 be brought up and considered.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 682 to amendment No. 684.

Mr. COBURN. Mr. President, I ask unanimous consent that the amendment be considered as read.

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

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. COBURN. Mr. President, this is a very simple amendment. We do have a problem with thieves stealing significant fossil remains from public lands, but the way the bill is written currently is that we are going to hit a fly with a sledgehammer. What we are going to do is put Scout leaders and troops, graduate students, and the regular public in line for tremendously harsh penalties if they inadvertently or inconsequentially pick up a small rock that might have a fossil.

All this amendment does is it tells the Secretary that "they shall allow," without penalty, the insignificant capture of these small items—not to resell, not for going on the black market, but actually for educational purposes—by Scout troops, graduate students, college classes, and the like.

What we know from the history is that there have been significant difficulties in terms of the lack of law enforcement on public lands. This goes back to one of our other amendments we talked about earlier, which is not only is there a backlog in the repair and care of our public lands, but we don't have the money to enforce and protect the very assets which we think are paleontological assets, which we know are valuable both for history and science. We haven't had the forces capable of even enforcing what is already illegal. It is already illegal to steal those items from public land.

So what this amendment does is just change the wording from "may" to "shall"; that the Secretary "shall allow casual collecting" that will not harm any of our public lands and will not put the truly innocent—simply inquiring minds—at risk of the harsh penalties of this segment of the bill. It is as simple as that. All it does is lighten up on the inadvertent and the non-inappropriate looking for small fossils and small rocks that may not even contain fossils. We have already had testimony that the majority of the people who have been arrested under the illegal statute have not been those who have been in the black market. It has been Scout leaders and graduate

students and college professors who have actually been out there.

So I think it is a commonsense amendment, and I hope my colleagues will consider it and adopt it so that we don't overshoot on what is intended to be a solution to a very serious problem.

I would also like to spend a moment in rebutting some of the words of the Senator from California. I have not yet offered, but intend to offer, one amendment that will in fact strike some earmarks from this bill. The San Joaquin River has, no question, been engaged in a lawsuit. But if you go back to 1924 and see what the Federal Government said about the salmon run over this area, it was already in decline. As a matter of fact, it was in a decline to a level very close to what we have seen today.

What we have had is a lawsuit that has reached a settlement that now we are to pay \$1 billion with the specific goal not of 100,000 salmon, not of 30,000 salmon, but the goal in the settlement is 500 salmon. The likelihood of achieving that, for \$1 billion, first of all, is unlikely. The ultimate outside costs are going to be tremendous. What are the costs? Through this lawsuit, we are going to put at jeopardy, put at risk, \$20 billion worth of economic activity in one of the most fertile areas of California.

The Congressman who represents 85 percent of that district and his constituents are adamantly opposed to this settlement because they know what it is going to do in terms of the water resource for that agricultural community. Not everyone supports this settlement, as the Senator from California said, certainly not the Congressman representing the district.

The other claim Senator FEINSTEIN made is it would be less costly than the alternative litigation. If you use the two analyses done in the late 1990s regarding the economic impacts of water supply reductions, estimates paint the total costs of this settlement to the community at over \$10 billion; \$10 billion is the economic loss to be associated with this settlement.

At a time of economic difficulty, the last thing we need to be doing is cutting out another \$10 billion of economic productivity.

#### AMENDMENT NO. 677 TO AMENDMENT NO. 684

I ask the pending amendment be set aside and amendment No. 677 be called up.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 677 to amendment No. 684.

The amendment reads as follows:

(Purpose: To require Federal agencies to determine on an annual basis the quantity of land that is owned by each Federal agency and the cost to taxpayers of the ownership of the land)

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . ANNUAL REPORT RELATING TO LAND OWNED BY FEDERAL GOVERNMENT.**

**(a) ANNUAL REPORT.—**

(1) **IN GENERAL.**—Subject to paragraph (2), not later than May 15, 2009, and annually thereafter, the Director of the Office of Management and Budget (referred to in this section as the “Director”) shall ensure that a report that contains the information described in subsection (b) is posted on a publicly available website.

(2) **EXTENSION RELATING TO CERTAIN SEGMENT OF REPORT.**—With respect to the date on which the first annual report is required to be posted under paragraph (1), if the Director determines that an additional period of time is required to gather the information required under subsection (b)(3)(B), the Director may—

(A) as of the date described in paragraph (1), post each segment of information required under paragraphs (1), (2), and (3)(A) of subsection (b); and

(B) as of May 15, 2010, post the segment of information required under subsection (b)(3)(B).

(b) **REQUIRED INFORMATION.**—Except as provided in subsection (c), an annual report described in subsection (a) shall contain, for the period covered by the report—

(1) a description of the total quantity of—

(A) land located within the jurisdiction of the United States, to be expressed in acres;

(B) the land described in subparagraph (A) that is owned by the Federal Government, to be expressed—

(i) in acres; and

(ii) as a percentage of the quantity described in subparagraph (A); and

(C) the land described in subparagraph (B) that is located in each State, to be expressed, with respect to each State—

(i) in acres; and

(ii) as a percentage of the quantity described in subparagraph (B);

(2) a description of the total annual cost to the Federal Government for maintaining all parcels of administrative land and all administrative buildings or structures under the jurisdiction of each Federal agency; and

(3) a list and detailed summary of—

(A) with respect to each Federal agency—

(i) the number of unused or vacant assets;

(ii) the replacement value for each unused or vacant asset; and

(iv) the length of time that each type of asset described in clause (i) has been unused or vacant, organized in categories comprised of periods of—

(I) not more than 1 year;

(II) not less than 1, but not more than 2, years; and

(III) not less than 2 years; and

(B) the estimated costs to the Federal Government of the maintenance backlog of each Federal agency, to be—

(i) organized in categories comprised of buildings and structures; and

(ii) expressed as an aggregate cost.

(c) **EXCLUSIONS.**—Notwithstanding subsection (b), the Director shall exclude from an annual report required under subsection (a) any information that the Director determines would threaten national security.

(d) **USE OF EXISTING ANNUAL REPORTS.**—An annual report required under subsection (a) may be comprised of any annual report relating to the management of Federal real property that is published by a Federal agency.

Mr. COBURN. Mr. President, this is a simple amendment, too. It is a good housekeeping amendment. What this amendment does is requires the Federal Government every year to detail to the people of this country the

amount of the property that the Federal Government owns and the cost of that land ownership to taxpayers. Do you realize right now we have 21,000 buildings that are owned by the Federal Government sitting empty? We have 40 million square feet of excess space that is not being used, just by the Department of Energy alone.

The Federal Government currently does not disclose these assets. As a matter of fact, they do not even know what they are. What this amendment would do is ask the Federal Government, through the OMB, to create an inventory of Federal assets as far as land and buildings are concerned. We do not know what it costs us to maintain it. We don't know if it is economical for us to continue to maintain it as a Federal Government property or whether we ought to put it up for sale or we ought to cede it to the States, to an Indian tribe or some other Government agency where it can be utilized. We just don't have the knowledge. Without this kind of knowledge there is no way that Congress can manage Federal properties and Federal lands.

What this would specifically require is the Office of Management and Budget to issue a report detailing the following: the total amount of land in the United States that is owned by the Federal Government; the percentage of all U.S. property controlled by the Federal Government, that is controlled—maybe not owned but controlled; the total cost of operating and maintaining Federal real property, including land, buildings and structures; a list of all Federal property that is either unused or vacant—that is something we should know which we do not know—and the estimated cost of the maintenance backlog on Federal land, buildings, and properties by agency.

This will give taxpayers greater transparency. It allows the taxpayers to know what kind of poor stewards we are with Federal property and land. It will also give us a focus to direct the maintenance backlog that we have today, to create a priority for it. We can see it in light of all the maintenance problems by agency.

It also will help us when we are considering a bill like this one. Nobody knows the total impact of this bill—this bill, 170 bills. Nobody has done a study to say what the total impact is going to be. We don't know what the total impact is going to be on energy transmission. What we do know is it is going to hinder it greatly. What it does is it gives us a management tool.

According to the Congressional Research Service, the total amount of Federal land is unknown. In fact, different sources show significantly different estimates. This is their direct quote:

The estimate of \$650 million assumes the four Federal land management agencies have reasonably accurate data on lands under their jurisdiction, and the Department of Defense.

I would note that this amendment specifically excludes any properties

that should not be known publicly, that are of national security or defense nature.

It is interesting, the Government tracks property we own, but the taxpayers cannot track the property the Government owns. Let me repeat that. Government at all levels tracks the property we own, but the taxpayers are not allowed to track the property the Government owns through them—ridiculous. The Government should have to disclose exactly the same information, when it is not a national security issue, that we have to disclose on our own property.

What we do know is that the Federal Government controls more than one-fourth of the Nation's total land, and that continues to grow. It is going to grow by almost 3 million acres in this bill. Between 1997 and 2004, the latest years for which reliable information was available, Federal land ownership increased from 563 million to 654.7 million acres. In 7 years it grew 100 million acres. That is 100 million acres on which nobody is collecting any property tax. It is 100 million acres we are not taking care of. It is 100 million acres that have facilities and structures and backlogs on maintenance issues on it that are costing us dearly every year. As the Federal Government takes more land, the costs of maintaining the property increases and the maintenance backlogs continue to grow.

It also does something else. In this 100 million acres of growth in the 7 years up to 2004, that is 100 million acres that is not available to the American public to utilize in a productive way, in a way that could build capacity, could build wealth, could build jobs. None of that happens. The only jobs that come with Federal Government programs or Federal Government property is Federal jobs that are not necessarily productive of new assets, new wealth, and new job creation beyond it.

The other thing we know is, as this 100 million acres has been added over the previous 7 years, that the maintenance backlog of what we do own has fallen further and further behind. We know, according to the GAO, the maintenance backlog just at the Forest Service—not the national parks—we know that is somewhere between \$12 billion and \$19 billion. But the Forest Service has tripled.

The other problem I mentioned earlier, of the 21,000 buildings we have now that we are not utilizing, we could reduce the debt by \$18 billion just in the maintenance costs to those buildings. Think about that. We have 21,000 buildings sitting. We are not doing anything with them except maintaining them, and we are spending \$18 billion that we do not have taking care of buildings whereas we could get \$18 billion for those buildings if we would dispose of them. But we have been blocked in this body from proposing real property reform.

The first step, then, is to know what we have, and this is just a guess of what we have. I mentioned earlier that the Department of Energy—I said 40—it is 20 million square feet of excess capacity. That is three times the size of the Pentagon. So three times the size of the Pentagon, you could put five U.S. Capitols inside the Pentagon in terms of square footage.

The other benefit from this is transparency will help us every time in every way. Knowing what we need to know about Federal property, knowing what we need to know about maintenance backlogs, is key to us fixing the problem. We cannot manage Federal property unless we know what we are managing, unless we have the details and the data. My hope is this amendment will be accepted and that the American people can actually know what they own, much like the Government knows what they own.

I have one other amendment to offer, but I will defer that to a later point in time, and at this time I yield the floor.

The PRESIDING OFFICER (Mrs. McCASKILL). The Senator from New Mexico is recognized.

Mr. BINGAMAN. Madam President, I believe at 2 o'clock we are proceeding to vote on a nomination and then also on three of the six amendments that are being proposed by the Senator from Oklahoma to this omnibus lands bill. I just want to speak briefly about the three amendments that we are expected to vote on in the sequence of votes beginning at 2 o'clock.

#### AMENDMENT NO. 680

As I understand it, the first of those is an amendment, SA 680, prohibiting construction in the national parks. This amendment prohibits the National Park Service from beginning any new construction until the Secretary determines that "all existing sites, structures, trails, and transportation infrastructure of the National Park Service are—fully operational; fully accessible to the public; and propose no health or safety risk to the general public or employees of the National Park Service."

The amendment excludes from the new construction ban, first, "the replacement of existing structures in cases in which rehabilitation costs exceed new construction costs"; or, second, the second area that is excluded from the construction ban would be "any new construction that the Secretary determines to be necessary for public safety."

The amendment, as I read it, would eliminate the ability of Congress to determine what funds should be appropriated to each park. In all likelihood, the Secretary would never be able to make the certification called for in the amendment since there would always be some backlog. So this amendment would ensure that we would not proceed with new construction in our national parks.

The amendment also appears to prohibit the expenditure of already appro-

priated funds, if the construction has not yet begun, which would negate funds recently appropriated as part of the American Recovery and Reinvestment Act and also funds contained in the Omnibus Appropriations Act that was approved by this Congress.

For those reasons, I urge my colleagues to oppose that amendment.

#### AMENDMENT NO. 679

The second amendment I wanted to talk about is Coburn amendment No. 679. That amendment states:

Notwithstanding any other provision of this Act, nothing in this Act shall restrict the development of renewable energy on public land, including geothermal, solar and wind energy and related transmission infrastructure.

Madam President, the proponent of the amendment argues we should not designate the wilderness or national park or other conservation in the areas set out in this bill because they will restrict our sources of energy. I disagree with that.

For example, the bill, as it stands before us, designates 15 new wilderness areas. None of those areas have significant energy development potential. Three of the wilderness areas are within national parks where energy development is already not allowed. So the wilderness designation would not change that in any way.

The remaining wilderness areas are on land administered by the Bureau of Land Management or the Forest Service, and those agencies have provided information to our committee, the Energy Committee, that the new wilderness areas have low or no potential for energy development within the areas designated.

In addition to the wilderness areas, the amendment would undermine the designation of several other areas that are created to protect naturally significant features. For example, the bill designates a new national monument and a new national conservation area in my home State of New Mexico, one of which will protect a series of fossilized prehistoric trackways and the other which protects a large cave system. Neither site is appropriate for energy development. Neither designation would reduce the contribution made by New Mexico as a major energy provider.

We are currently working on an energy bill in our Energy and Natural Resources Committee that will encourage the development of renewable energy. However, the areas designated in this bill will not reduce our Nation's ability to develop these resources.

#### AMENDMENT NO. 675

The third amendment I wished to briefly describe or discuss is the amendment No. 675 offered by the Senator from Oklahoma. This amendment states that no land or interest in land shall be acquired under this act by eminent domain.

First, it is important to understand that there are no provisions in this act that grant the Federal Government

eminent domain authority. That authority already exists. It has existed since the founding of the country.

The use of eminent domain authority, however, is limited and controlled by the fifth amendment and by certain Federal statutes. These provisions require just compensation when eminent domain is actually used.

Secondly, there are no major land acquisitions in the bill. The amendment could impact the water projects that are authorized by the bill, particularly the Indian water rights settlement and rural water projects that are authorized in titles IX and X of the regulation.

Eminent domain, while sparingly used, has at times been a crucial tool for the Bureau of Reclamation in its attempts to complete important water projects. Examples that come to mind are the Central Arizona Project. My colleagues from Arizona are very familiar with the benefits that has brought to the State of Arizona.

The Central Utah Project, again, my colleagues from Utah undoubtedly know the value of that project. In such cases, without this tool, it likely would have been impossible to complete the reservoirs and drinking water pipelines and irrigation canals that are so crucial to the communities that are served by those projects.

The amendment that is being offered is problematic for several reasons. Let me recount those: First, it would impede the construction or increase the cost of several of the water projects provided for in this bill. This could result in the failure to complete projects or to implement one or more of the Indian water rights settlements that are being resolved.

The Navajo settlement, which includes a rural water project critical to the Navajo people, is one of particular importance to me. It needs to be fully implemented without delay, and elimination of this authority would impede that. The language of the amendment is not limited to Federal agencies. Accordingly, it would be interpreted to restrict eminent domain by State-based entities if Federal money is involved as part of a condemnation.

The Eastern New Mexico Project is an example of a project where the local water authority will be responsible for securing rights of way for the project. It does not intend to condemn any property rights, but it will have that power, if needed, to deliver much needed water to the communities in rural New Mexico that will be served by the project. The Coburn amendment could interfere with the authority of that local entity to complete that project.

Finally, the Bureau of Reclamation indicates it has at times used so-called friendly condemnation to acquire State and local lands when the relevant government entities do not have the authority to sell such land. This has been a valuable tool to the Bureau of Reclamation and could be prohibited by the Coburn amendment.



In sum, for well over 100 years, the Bureau of Reclamation, as one agency, has balanced public needs with private property rights to help address critical water needs throughout the West. I expect that Reclamation's approach will not change as a result of anything in this bill. The Coburn amendment is unnecessary, would likely complicate the work done by numerous communities to address the water issues that affect their future.

I urge my colleagues to oppose that amendment as well.

I yield the floor. I see my colleague from Oklahoma is here and would like to continue with his other amendments.

**THE PRESIDING OFFICER.** The Senator from Oklahoma is recognized.

**Mr. COBURN.** While I thank the chairman, the Senator from New Mexico, for his words and his comments, I would note that true eminent domain was not truly exercised in this country until the authority was given in 1960, not at the start of our founding. As a matter of fact, we believed in property rights in our founding. It is only since 1960 have we decided the Government knows better than a private landowner.

I ask unanimous consent to have printed in the RECORD the present ongoing debate on eminent domain between the Friars and the National Park Service on the Appalachian Trail, just to show you how controversial the taking of land of private homeowners, landowners is, when we, in our ultimate wisdom, say we know better than the people who own private land in this country.

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

FRIARS AND NATIONAL PARK SERVICE FACE  
OFF ON APPALACHIAN TRAIL  
EMINENT DOMAIN PROCEEDINGS HALTED  
(By Margaret O'Sullivan)

The Franciscan Friars and Sisters of the Atonement at Graymoor met with officials from the National Park Service: Judy Brumback, Chief of the Acquisitions Division and Pamela Underhill, Park Manager of the Appalachian Trail; US Senator Charles E. Schumer and Congresswoman Sue Kelly on August 7. The topic was the disputed 20-acre parcel the National Park Service wants as "a buffer area" for the Appalachian Trail. As reported in this paper on July 19, 2000 the Park Service obtained an easement on 58 acres of Friar land just north of the contested section in 1984 when the Friars sold the development rights of that parcel to the Park Service. The following year the agreement was violated when a pumphouse for a sewage treatment plant was built by the Franciscan Friars on the land.

After a private meeting on a hot and humid August 7, between the Friars and the Park Service, moderated by Senator Schumer and Congresswoman Kelly, Senator Schumer said that letters had been going back and forth to the Park Service since May this year and finally the situation had come to a head. He stated that "good news" is on the way: The lawsuit is on hold, the parties have come back to the table for talks and they have a basic agreement in that their goals are not really in conflict.

A further meeting is scheduled for August 23, 2000 when discussions will take place in

order to resolve the dispute. Senator Schumer further stated that it is great to have the Friary here—it is probably the best part of the Appalachian Trail, if one was caught in a storm or in need. The Friars welcome anyone who might need assistance, a shower or a meal while hiking the trail. As Senator Schumer indicated, there are many solutions short of legal action. He said he has "a nose" for when disputes will escalate or get resolved and it is positive for the community to bring both sides together. The situation should be resolved amiably; there are no gains by continued fighting.

Congresswoman Kelly said that recently the National Park Service had turned down a request from her office to arrange a meeting between the Friars and the Park Service to resolve the matter. Instead the National Park Service initiated eminent domain proceedings through the Justice Department. She hadn't thought another meeting would take place this soon but stated that "it appears that the Park Service is finally coming to its senses." "Their decision to pursue this case using such heavy-handed tactics is wrong. The Justice Department should play no role in this matter. The Friars contribute to our community every day. Their work has touched the lives of countless individuals and the Hudson Valley community as a whole. I don't want to see their work hindered in any way." She said it was a good sign that the Justice Department had withdrawn any legal action and emphasized that the dispute is not about development but about the use of land.

Rev. Arthur M. Johnson, Minister General of Graymoor, (Fr. Art) thanked both Senator Schumer and Congresswoman Kelly for "pressuring" the two factions to get together face to face. He felt that the Friary and the National Park Service actually had a common goal, and that is people. Hiking the Appalachian Trail gives people a natural experience while the Friary wants to continue their ministry to help those in need. Many hikers, over 400 a year in fact, have experienced the Franciscan hospitality while hiking the Trail, a service recognized by hikers and the Park Service alike. He felt it was a "win-win" situation for all.

Pamela Underhill, Park Manager of the Appalachian National Scenic Trail, agreeing in principle with Fr. Art, stated that it was rewarding to meet and felt that the lines of communication had vastly improved. She too touched on the common goal theme, which offered both a "Godly and natural retreat." She reiterated the need for a "buffer zone" along the trail, which is the heart of the matter. Although Ms. Underhill and Fr. Art had both hiked the Trail, they had never hiked together—August 7th was the first time.

They hit the trail along with other Friars, Senator Schumer, Congresswoman Kelly and members of the press. All agreed that it was very beneficial to actually see the site in question, and the position of the pumphouse in proximity to the Appalachian Trail. Putting their "worst fears" on the table, Pamela Underhill stated that she is concerned about the Trail and development of any land in close proximity to the Appalachian Trail. Fr. Art's concerns were about the future of their ministry. He did not want to see any plans they may have for the future undermined which could curtail their ability to sustain the needed infrastructure to minister to the thousands of men and women who come to Graymoor each year.

Both sides are optimistic about the upcoming meeting on August 23rd.

**Mr. COBURN.** I would also note the testimony yesterday given by the Secretary of the Interior on his idea that

we have to figure out where the transmission lines are going to run.

This bill goes against exactly his testimony before your committee yesterday. Because what he said was, we need to plan ahead where the transmission lines are going to go. We need to know that before we block off anything else. That was the implication of his testimony.

For these renewable energy sites to succeed, we need to work closely with other agencies, States, tribes, and interested communities to determine what electric transmission infrastructure and corridors are needed and appropriate to deliver the renewable resources to major population centers. Our own Secretary of the Interior, our former colleague, says we have the cart before the horse.

What we heard in opposition to the first amendment, No. 680, is a continued slight to the American people in terms of taking care of the properties we have. Now, the GAO says, and the IG of the Department of the Interior, it is somewhere between \$12 and \$19 billion in backlog.

What we hear is nobody wants to put a priority in taking care of what we have. What we want to do is build more new and let what we have crumble. The last thing we should be doing is building something new until we take care of what we have. Go to any of our national parks and talk to the people who are in charge of the maintenance and they will tell you: Congress never gives us the money to take care of it. And it is growing at \$1 billion a year in terms of backlog.

I understand the chairman's reluctance to accept these amendments. I respect him greatly. But we are going to continue on doing what we have been doing, which is a shame looking at our national parks.

I have not even talked seriously about the backlog at the Forest Service. So if we want to deny the amendment to not start new construction unless the Secretary certifies it is something for safety or that it would, in fact, help us build something that would cost more to fix than to repair, then we are going to keep on allowing this backlog to grow. That is exactly what this bill does. This amendment is not trying to stop or play any games, it is saying, let's catch up with the real need we have in our parks now. Let's catch up with the needs on the National Mall. Let's catch up with the \$200 million backlog at the Statue of Liberty. No, we are not going to do that. We are going to authorize all these new programs. Then we are going to fund the new programs because we look better doing it than taking care of the very valuable assets we have.

I disagree with my colleague from New Mexico on the importance and the intention of that amendment. The amendment is to cause us to focus on priorities which this body has not. One of the reasons we have not is because we do not have my other amendment

saying we need a list of what we have, where we have it, what the problems are, and what the backlogs are.

With that I yield the floor.

The PRESIDING OFFICER (Mr. BROWN.) The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak as in morning business.

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

#### 2010 BUDGET

Mr. GRASSLEY. Mr. President, yesterday I had an opportunity to address my colleagues on my concerns with the budget sent to us by President Obama, a bloated budget crawling with tax increases. Today, I would like to be more specific in that discussion.

Almost 3 weeks ago, President Obama sent his first budget up to Capitol Hill. The deficit and debt proposed in that budget are eye-popping. President Obama is correct when he says he inherited a record budget deficit of \$1.2 trillion. Let me repeat that because this Senator and the Senator from Idaho are willing to be very transparent on what the numbers are. You do not argue with them.

I can say we agree with what President Obama said, that he inherited a record budget deficit of \$1.2 trillion. This is a chart that shows the pattern of Federal deficits over the past few years. We go out to the year 2019 because the Congressional Budget Office always looks ahead in their projections. You can see what those deficits are—obviously, very high where we are right now because of the recession we are in and things of that nature.

But from the talk around here, especially the talk from the Congressional Democratic leadership, you would think they got majority power just this January, 2 months ago. You would think there was no role of the Democratic Party in creating deficits that President Obama inherited. Now we even have some in the administration who are joining this chorus. A very smart guy, a guy we all ought to respect for his understanding of economics, former Treasury Secretary Summers, now Director of the National Economic Council, said Sunday on a news show that a Republican President—and emphasis upon Republican Congress—had left President Obama with this inherited deficit.

Well, I am sure Senator McConnell would have liked to have been majority leader, but he would be glad to correct Dr. Summers and let him know he was not majority leader but was minority leader during the years of 2007 and 2008.

Likewise, Congressman Boehner, though he would like to be Speaker, was not Speaker. He would be glad to point out he was leader of the minority, the Republicans, within the minority in the House and not Speaker during 2007 and 2008.

So the correction comes from the fact that Congressional Democrats and the last Republican administration

agreed on the fiscal policy in the last Congress. The Congress, namely the Democratic leadership, together with former President George W. Bush and that administration, wrote the stimulus bill, wrote the housing bills, and had a great deal to do with financial bailouts.

The congressional Democratic leadership wrote the budgets and the spending bills of 2007 and 2008. So we need to set the facts straight. President Obama did, as I said twice—I will say again—inherited the deficit and debt. But—and a very important “but”—the inheritance had bipartisan origins, the Democratic Congress, on the one hand, and a Republican President on the other hand.

Now, what is more, the budget the President sent up would make this extraordinary level of debt an ordinary level of debt.

We have to think about the budget coming up because this is budget month. These issues are going to be driven home to the people. We have an extraordinary level of debt in this budget. It soon may look like an ordinary level of debt, and it will be. What is now an extraordinary burden on our children and grandchildren would become an ordinary burden.

I have a chart that shows this inherited debt. The inherited debt meaning what was inherited by this administration on the day they were sworn into office, January 20 of this year, is here. This black line is the percentage of gross national product. This is real dollars. So you see by 2019 how it grows and how it still is very big debt. But this inherited debt is not a pretty picture. But the picture gets uglier because in the last year of the budget, meaning the budget the President sent up here, debt held by the public would be two-thirds, 67 percent, of our gross national product. In other words, what was inherited has the national debt coming down to about 42 percent of gross national product, but what is happening from this point on with the budget we have, this black line will come up here at 67 percent. That is the legacy of this budget.

That number assumes also the return of a healthy economy, which we all hope happens. I suppose most Presidents would assume a healthy economy, but it is not a certainty. That means President Obama's budget assumes that a prosperous United States will carry the debt to more than two-thirds of the gross national product as we look out 10 years ahead, and the Congressional Budget Office does that on an automatic basis. That number, if the economy is healthy, will be 67 percent, right here, that black line. If the budget is not as healthy as what they project then, of course, that black line will be higher than 67 percent.

In terms of proposed tax policy, the President's budget does contain some common ground. If President Obama wants to pursue tax relief, he will find no better ally than we Republicans. If

President Obama wants to embrace fiscal responsibility and reduce the deficit by cutting wasteful spending, Republicans on Capitol Hill will have his back. From our perspective, good fiscal policy keeps the tax burden low on American families, workers and small businesses and keeps wasteful spending in check. For the hard-working American taxpayers, there is some good news in this budget. President Obama's budget proposes to make permanent about 80 percent of the bipartisan tax relief plans set to expire in less than 2 years. For 8 long years, Republicans have tried to make this bipartisan tax relief permanent. Now the Democratic leadership seems to have seen some of that light. They now agree with us Republicans that families should be able to count on marriage penalty relief, on a double child tax credit. Democratic leaders now seem to agree with decisions that were in the bipartisan tax bill of 2003, agree with us Republicans that low-income seniors who rely on capital gains and dividend income will be able to rely on low rates of taxation as they draw on their savings.

Democratic leaders now agree with Republicans that middle-income families will be able to count on relief from the alternative minimum tax. They were never supposed to be taxed in the first place, but it is not indexed. So they would agree that we protect middle-class taxpayers from the AMT which was not indexed. President Obama will find many Republican allies in his efforts to make these tax relief policies permanent.

I wish the budget I am referring to, the budget that came to the Hill a couple weeks ago, was as taxpayer friendly, but it is not. There is a lot of bad news for American taxpayers. If you put gas in a car, heat or cool your home, use electricity to cook a meal, turn on the lights, power a computer, there is a new energy tax for you in the budget from the President. This tax would exceed a trillion dollars. I better say “could” exceed because the figure in the budget is less than that, but most everybody around here thinks it is going to be over a trillion dollars.

This budget also raises taxes on those making more than \$250,000. That sounds like a lot of money to most Americans. If we were only talking about the idle rich, maybe the news wouldn't be so bad. But we are not talking about coupon clippers on Park Avenue. We are not talking about the high-paid, corporate jet-flying, well-paid hedge fund managers in Chicago, San Francisco or other high-income, liberal meccas. Many of the Americans targeted for this hefty tax hike are successful small business owners. Unlike the financial engineers of the flush, liberal meccas of New York, Chicago, and San Francisco, a lot of these small businesses add value beyond just shuffling paper. There is bipartisan agreement that small business and all these businesses are the main drivers

of our dynamic economy. Small businesses create 74 percent of all new private sector jobs, according to latest statistics. On Monday, my President, President Obama, used a similar figure of 70 percent. Whether it is 70 or 74 percent, it means the vast majority of small businesses create most of the new jobs in America. They are the employment machine. Both sides agree we ought to not hurt key job producers that small businesses are.

President Obama also mentioned his zero capital gains proposal for small business startups. It might surprise you, but we Republicans agree with President Obama on that issue. We are still trying to figure out why Democratic leadership doesn't agree with the President on that small business-friendly proposal, because we tried to get a better proposal in the stimulus bill. If we also agree that small business is the key to creating new jobs, why does the Democratic leadership and the President's budget propose a new tax increase directed at these small businesses of America that are most likely to create new jobs? Wait a minute, please. Many on the left side of the political spectrum say only 2 or 3 percent of the small businesses are affected by this tax increase. That figure was developed by a think tank, and it is based on a microsimulation model. Treasury studies show the figure to be considerably higher. But to focus solely on the filer percentage is to miss the forest for the trees. It is to assume that all small businesses have the same level of activity, that they employ the same workers, that they buy the same number of machines, that they make the same number of sales. Common sense has to prevail, and common sense will tell you that can't be the case.

In fact, it is not the case. The data on small business activity tells a different story. I come to that conclusion this way. According to a recent Gallup survey, over half the small business owners employing over 20 workers would pay higher taxes under the President's budget. This chart depicts the number of small businesses hit by this tax increase. We point to different levels of employment of small business being affected by this. We get to a point out here where we have 950,000 businesses, one-sixth of small businesses, with 1 to 499 employees are hit by it. Do we want to destroy that employment machine? I don't think so. But this tax proposal will do that.

I have another chart that shows that roughly half the firms that employ two-thirds of small business workers, those with 20 or more workers, are hit by the tax rate hikes in the President's budget. I will not go through all of them, but we can see here, 50 percent of the employers with employees of somewhere between 20 and 499 are hit by that big, fat tax increase.

According to Treasury Department data, not mine, these small businesses account for nearly 70 percent of small business income. So there is a big tax

hit on small businesses that employ 20 or more workers. It is a marginal tax rate increase of 20 percent. Everybody, Democrat or Republican, ought to think about how these dynamic small businesses, responsible for two-thirds of small businesses, will react. That 20 percent in new taxes has to come from somewhere.

We Republicans will also scrutinize the budget for other major new taxes. We have discussed the new cutbacks on itemized deductions. I am referring to home mortgage interest, charities and State and local taxes. We Republicans will question a broad-based energy tax that actually cuts jobs and could, according to the Massachusetts Institute of Technology, cost consumers and businesses trillions.

In these troubled economic times, we ought to err on the side of keeping taxes and spending low and reduce the deficit. Keeping taxes and spending low, along with reversing the growth in Federal debt, will push the economy back to growth. It is the only way we will provide more opportunities for all Americans.

Getting our private sector going, making small business strong is the basis for getting out of this recession and continuing to grow. I hope throughout this process of the budget debate, we will remember a firm fact that ought to be common sense, but I am not sure in this town it is seen as common sense: Government does not create wealth. Government consumes wealth.

I hope my colleagues will listen to my friend from Idaho as he gives his version of the budget. He is an outstanding member of our Finance Committee, and I appreciate his work.

I yield the floor.

The PRESIDING OFFICER (Mrs. HAGAN). The senior Senator from Idaho is recognized.

Mr. CRAPO. Madam President, I ask unanimous consent to speak as in morning business.

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

Mr. CRAPO. Thank you very much, Madam President.

I appreciate the opportunity to come to the floor this morning and join with my colleague, Senator GRASSLEY from Iowa, who is the ranking member of the Finance Committee. It is truly a pleasure to serve with him on that committee. He is one of those who, day in and day out, year in and year out, fights for fiscal responsibility at the Federal level. I appreciate his support and share in the comments he has made already today.

I wish to start my remarks by talking about a meeting I had this morning in my office with a couple of mayors from two Idaho cities and a number of young students whom they brought with them from their respective cities to come to Washington, DC. These two mayors have established a mayor's council of students in their cities and work with these students on public

issues and help these young people find an effective way to be active and involved.

As they came to visit with me today, they brought up two issues. The first issue they brought up was the alarming rate of high school dropouts and the need for us to pay attention to our educational system. They talked with me about a number of interesting ideas we should pursue as we try to regain America's lead in excellence in education. I am going to have more to say about that on the floor and in other contexts on another day.

But I thought it was very interesting; the second issue they brought up with me was directly relevant to the remarks I planned to make on the floor today; that is, they brought me a set of petitions—I am holding them in my hand right now—with the signatures of about 400 students in Idaho, whom I think properly reflect many, many, more than they, who have asked that we pay attention to our national debt and our inability—our inability in Congress—to achieve fiscal responsibility.

These young people said what I and many others have been saying, only they said it best; that is, that our inability to control our fiscal house here in Washington, DC, is jeopardizing their future and it is jeopardizing their children's future and their children's future.

Now, we often say that on the floor, but I had the opportunity today to meet with these young people who looked me in the eye and asked me to do everything I can to help protect them from what they see happening as a result of a runaway Congress and a runaway spending plan in this Congress that will specifically fall on their shoulders to bear.

Well, they talked with me about things such as who owns our national debt. They pointed out, as most Americans are starting to realize, that foreign nations own most of our national debt, which raises additional threats to our security.

Today, China and Japan are the primary holders of our national debt. As I think many Americans have noted recently, the Chinese are starting to wonder whether this investment in U.S. debt instruments is a viable investment because of the spending policies of our Nation.

Well, I am here to talk about the budget that this Senate and this Congress are now beginning to consider. In addition to sitting on the Finance Committee, I sit on the Budget Committee. In the next few weeks, the Budget Committee is going to begin its deliberations on the budget the President has submitted to us.

Every year, the President submits to Congress a budget. I do not think in any year I have served in Congress has the Congress actually adopted the exact budget the President has proposed. But the President's budget proposal acts as a guide from which the Congress then crafts its own budget.

I believe this year Congress must be very careful in following the proposals or using as a model or a guide the budget which we have been given.

As shown on this chart, the budget that has been proposed to us will increase taxes by approximately \$1.4 trillion. This number is hard to get at because we do not have the details yet. The reason I say that is because many—including myself—believe that is a very low number in terms of the actual amount of the tax increases. I will explain that in a moment.

It increases discretionary spending by \$725 billion. These are 10-year numbers. As my colleague from Iowa said, the budgets project out over a 10-year cycle, and it increases mandatory spending by \$1.2 trillion.

If you look at the spending side of this for a minute—for those who do not pay attention to our discussion of different pieces of the budget here in Washington, mandatory spending generally is spending that previous Congresses and previous Presidents have already debated, passed into law, and signed into law and is ongoing. I call it spending that is on autopilot because this spending will happen regardless of whether Congress ever votes or meets again. It is law, and regardless of the status of the economy, regardless of the demographics of our Nation and what is happening in the world in which we are living today, the law requires this spending occur. It is what often we call entitlement spending—“entitlement” because the law has created an entitlement, and if a person qualifies in a certain way, they are entitled to receive payment under the law.

Now, the vast majority of this entitlement spending, as most people know, is Medicare, Medicaid, and Social Security. There are other entitlement laws, mandatory spending laws, in the United States, but the vast majority—the vastly largest percentage—are Medicare, Medicaid, and Social Security. Also added into this category of mandatory spending is interest on the national debt because that also must be paid.

So you can think of the mandatory spending or autopilot spending as basically this column here, as shown on the chart, that represents about two-thirds—roughly, about two-thirds—of all the spending in each year's average budget.

The discretionary spending is everything else. That is what we actually vote on in Congress every year in our appropriations process. As I have said, it is roughly about a third of our budget. That spending can also be divided roughly in half. Approximately half of it is national defense and security spending; and approximately half of it is everything other than defense. So you often hear us talk about non-defense discretionary spending. That is what we are talking about: the things Congress actually votes on every year.

Together, our discretionary spending and our mandatory spending are the

spending side of our budget. As you can see on this chart, we are proposing in both categories dramatic increases over the next 10 years. The fiscal restraint is not there. At a time when Americans are tightening their belts, this budget grows the size of Government by 9 percent—9-percent growth for nondefense programs in just the year 2010 alone. If you go back to the 2009 budget we adopted and finalized in our appropriations process in this Congress and add the growth there into it as well, you will see a 20-percent growth—a 20-percent growth—in our nondefense spending in this country since the year 2008.

The fiscal restraint is lacking in this budget proposal. In fact, there is only one category of this budget in which there is any actual reduction in spending, and that is in the defense side of the ledger. There are actual proposed reductions in defense spending in the President's budget. But only in that category.

If we look at the tax side for a moment, you can see there is \$1.4 trillion of new taxes. As I said a minute ago, that number is kind of hard to quantify. Why is that hard to quantify?

Well, the President has said his tax policies would reduce taxes for 95 percent of American taxpayers. That statement can only be accurate if you only look at one kind of tax; namely, income taxes. I believe it is correct that in the income tax category, there will not be an increase for the vast majority of Americans, and, in fact, for most Americans we might actually see a reduction.

But if you look at all the other proposals for tax increases and tax adjustments in the President's budget, you see there is going to be a huge increase in tax payments by Americans in every category of income in this country.

Those taxes include things such as a brandnew—and this is the part that makes it difficult to give a final number—a brandnew tax on energy. It is part of what some have called the cap-and-trade proposal the President has made on carbon fuels. Others have called it a cap-and-tax approach.

The point, however, is, under this new energy proposal, somewhere between \$600 billion and \$2 trillion of new cost will be put on carbon-emitting energy sources, and Americans will pay those increased costs, primarily in their utility bills. The President himself has said this proposal would cause electricity rates to skyrocket. We do not know exactly to what level, but everyone who uses electricity, everyone who pumps gas at the gas station, everyone who uses natural gas can expect to see—and we do not know the details yet, which is why we cannot give the details on the numbers, but they can expect to see significantly increased costs for them in their household budgets.

Now, some would say that is not a tax. That is just a fee or it is just an increase in the price of your electricity

as a result of some national policies. But however you say it, the fact is, there is a projected revenue to the Federal Treasury to come from people who will pay more on their electricity bills and pay more on their gasoline and other fuel bills that will be somewhere in the neighborhood of \$1.4 trillion. Many of us think it is going to be closer to \$2 trillion.

The list goes on.

It is proposed the capital gains and dividends tax rates go up. Some argue that only hurts wealthy people. In fact, the argument made on this floor so often is: Any tax increase is justified as being a tax increase on only the wealthy. Well, if you look at dividends and capital gains and look at the kinds of people in this country who own stock, either in their own individual account or through a pension fund, it reaches far deeper than just the wealthy. The people who are impacted day in and day out by having to pay tax on dividends and capital gains are far more people than simply those who are the so-called wealthy.

The list goes on.

The bottom line is, the budget will raise taxes by about \$1.4 trillion and raise spending—both in discretionary and mandatory levels—a greater amount.

Now let me look at this last category shown on the chart. It is called mandatory savings. The number there is zero. Now, why do we have that column? In order to change—remember the law I told you about earlier: The entitlement programs are already the law. If we are going to change and gain savings in this category of mandatory spending, we have to literally vote to change the law. It takes 60 votes in the Senate to do that because we always face a filibuster when we try to find savings in this category of entitlement spending.

But in the budget proposal the Budget Committee will put forward, the Budget Committee is allowed to propose that there be savings here. And then, if the Budget Committee can get that proposal adopted in the budget, our respective committees of jurisdiction in the areas where the entitlements lie are required by the budget to find those savings and make law-change proposals to Congress so we can achieve some savings.

The reason I have this column on the chart is because in the budget that has been proposed, there are no savings proposed. There is not even a request that \$1 of savings be found in the entire entitlement system. That is wrong also.

Now, let's go to the next chart.

This is a chart that shows the deficits we expect to face—not the national debt but the deficits, the yearly deficits we expect to face. That means the amount of money we will spend beyond our projected revenue.

The blue line, as shown on the chart, is what we call the BEA baseline. What that means is that is current law. If we do not change any law and do not do

anything in Congress and do not put any more increased spending into place, what would our deficits look like? We can see there is a big spike here, in about 2009 and 2010, and then it drops off dramatically. Under current law, it tails down rather dramatically over the next 10 years.

Now, one of the reasons it goes down so dramatically over the next 10 years is that we have a number of tax cuts that were passed in the 2001 and 2003 timeframe that are going to expire, which means if we do nothing, taxes are going to go up dramatically, and we are going to see the deficit drop dramatically because everybody is going to be paying a lot more taxes. If we allow those tax cuts to stay in place—and I believe we are starting to get some consensus that we do that—then this line for what current law would be with those tax cuts staying in place would be somewhere between the red line and the blue line.

The point I wish to make, though, is the red line is the proposed budget we are now dealing with. As my colleagues can see, the spending in excess of revenue is dramatically higher than current law under the proposed budget.

There is another point that needs to be made, and I think this point shows it as well as anything. The President has said his goal is to reduce the deficit by half in the next 4 to 5 years, but as my colleagues can see by the chart, that will happen anyway under current law.

Now, why will that happen anyway under current law? That will happen anyway under current law because this spike we are looking at is the result of the phenomenal spending spree that Congress has been on since last fall. Actually, even going into the spring of last year, you may recall that Congress, to stimulate the economy, passed a \$158 billion bill, I think it was, for rebate checks, to send rebate checks out to Americans so they could stimulate the economy. Well, we have seen that those checks didn't actually stimulate the economy, but it did add \$158 billion to our spending.

Then we had the \$700 billion TARP bill, \$350 billion under President Bush and \$350 billion under President Obama. We had the \$800 billion stimulus package, much of which we will be spending out in this timeframe. We have had the auto bailout, and actually part of it—most of it, so far—has come from the TARP dollars. But we are seeing a spending spree by Congress which is driving these deficits up dramatically over the next 2 years.

But assuming—and this is an important assumption—assuming Congress does not continue this pattern of bailouts and Congress does not continue this pattern of \$800 billion stimulus spending bills, then we should see this spending rate of Congress drop back down. So assuming Congress doesn't continue this rampant spending spree it is on, the deficit will return itself to half without any real effort and, in fact, without any real cuts in spending.

The last thing this chart shows that is very notable is, in the outyears—again, current law starts seeing us get our deficit under control, but the proposed budget starts us growing this deficit and leaves it at a permanent level around \$600 billion. We are dealing with a proposed budget that leaves America with a proposed ongoing and growing deficit for the indefinite future of about \$600 billion. That is not good enough. We need to be following a line on our deficit that brings us toward balance, and we can't do that. We can't achieve that.

One last point: We had Secretary Geithner before our Budget Committee last week to talk about this budget. In his comments, Secretary Geithner acknowledged that the tax increases that are being proposed—the ones I had on the previous chart—are going to actually harm our economy in our effort to build back right now. He acknowledged the point that this is the wrong time to be increasing taxes and that taxes at this time would have a chilling effect on our ability to restimulate our economic activity. But he defended these tax increase proposals by saying that they are not projected to take place until the year 2011, at which point the economy is supposed to be back in good shape. Therefore, we can let the economy get healthy again, and then we can hit it with some tax increases and then it will be OK.

Well, first of all, I don't believe it is necessarily going to be OK to hit the economy as it is starting to stabilize again in 2011, even if it is starting to stabilize at that point. But there is no consensus that we will be out of this difficulty by that time. So I asked Secretary Geithner: If the economy is not strong by 2011, will you still push for these tax cuts—increases—or are these tax increases contingent on a strong economy? In other words, if we don't have the strength you are projecting we will have, will you still propose the tax increases? He ducked the question.

I think the reason he ducked the question is because the answer was, yes; the taxes are going to go up regardless of what happens with the economy, and we are just hoping and projecting that we are not going to have any problem there because we think the economy is going to be fine in 2011.

Well, I certainly hope the economy is fine in 2011, and I don't think that will be a good time to hit it with a huge tax burden again anyway, but it is clearly wrong to put into place a path toward tax increases when we don't know whether the economy is going to remain strong.

Let's put up the last chart. The last chart just shows the debt we are growing. The chart before was deficits. The debt is the accumulation of all of our deficits over time. You will see right in here and around the 2009 timeframe, we were at around \$6 trillion—actually, it was growing up into the \$7 trillion and \$8 trillion level, and Congress is start-

ing a spending spike that is starting to drive up our national debt. It is hard to get a handle on our national debt right now, but it is between \$10 trillion and \$11 trillion. It is projected that our national debt—excuse me, the debt held by the public, and there are different pieces of the debt—but the debt held by the public—that is the debt we talk about when we talk about China and Japan and other nations buying our bonds and pension plans and so forth. The debt held by the public under this proposed budget will double in 5 years and triple in 10 years. That is remarkable and it is scary that we could have a budget that proposes a wall of debt like this and does not put into place any kind of spending restraint proposals but adds increased taxes, which will make it harder for our economy to keep up with this spending level, and proposes no effort to address the entitlement growth that is probably the biggest driver of spending in the Federal budget.

I guess I should clarify that—the biggest driver except when Congress gets engaged in stimulus packages and bailouts, at which point Congress becomes the biggest driver. But assuming we can stop the tendency in Congress to spend as rapidly as we have been doing over the last 6 months, then we must turn our attention to the entitlement programs and begin to find a way to find savings in them.

So I will conclude with this: Many have said on this floor that this budget spends too much, taxes too much, and results in too much debt. It couldn't be said more succinctly or better. This budget jeopardizes the economic strength of our Nation. It taxes far too much, it spends far too much, and it leaves us with a legacy of debt that our children and our grandchildren will face to their detriment.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Madam President, I have been listening to Senator CRAPO's remarks, and I think he has made some excellent points. The Senator is pointing out the long-term consequences of this incredible spending proposal that has been put before us on top of two incredible spending proposals that we have passed in the last month in this Congress. So I do hope the people of America start looking at the long-term effects of this spending increase at a time when our economy is seriously in jeopardy. I hope we can stop it at the budget and start showing the American people that we know everyone is concerned about their future. Everyone is concerned about their jobs, their retirement. We need to act accordingly in Congress; and that is, to spend taxpayer dollars wisely and not continue to borrow as we have been just in the last 2 months. It is going to be a spiral that I don't know how we overcome. So we have to start overcoming it right now, and that is with the budget proposal that has been put before us.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

#### COBURN AMENDMENTS

Mr. CHAMBLISS. Madam President, I rise to speak in support of the three amendments filed by Senator COBURN that we are going to be voting on shortly to the omnibus lands package.

With this country in the dire economic straits we are in, with the housing market crumbling, and with all of the major issues we have on our plate, I am not sure I understand why we are here dealing with a lands package today but, more importantly, why we are dealing with this lands package.

This omnibus lands package is truly antistimulus because it will erect new barriers to energy exploration and squander billions of taxpayer dollars on low-priority, parochial programs and frivolous earmarks.

The bill is another direct challenge from Congress to President Obama's pledge to clean up the earmark process. Last week, the President pledged to eliminate earmarks that didn't serve a legitimate purpose. He also said that each earmark must be scrutinized at public hearings. None of the individual earmarks in this bill were subject to public hearings, nor would many Americans describe earmarks such as a \$3.5 million birthday bash for St. Augustine, FL, a legitimate public purpose.

The omnibus lands bill should be subject to a full and open amendment process. For months, the leader on the other side has argued that the bill is "noncontroversial" and should pass by a voice vote, with no amendments and no recorded rollcall votes. Yet, last week, 144 Members of the House of Representatives voted against the bill because it does need major revision. More than 100 organizations, ranging from the U.S. Chamber of Commerce to the National Wildlife Refuge Association, have expressed their opposition to this package.

The bill blocks the development of both renewable and oil and gas energy resources—one of the critical issues we are still facing in this country even with the price of a barrel of oil down and the price of a cubic foot of natural gas down. But they are not going to stay down. One bill in the package locks up at least 8.8 trillion cubic feet of natural gas and more than 300 million barrels of oil in a single field, which is equal to nearly twice as much natural gas as all Americans use in a year. All of that will be off limits at a time when we are seeking to take advantage of our natural resources in this country. The bill includes 92 National Wild and Scenic Rivers designations, covering over 1,100 miles that will prohibit any pipeline or transmission crossing. In 19 cases, the bill permanently withdraws Federal lands from future mineral and geothermal leasing.

Since the Senate last considered the lands bill, Secretary Salazar has withdrawn major energy leases in both Utah and Wyoming that were the sub-

ject of a coordinated lawsuit brought by extreme anti-energy groups.

The three amendments we are going to be voting on do three basic things to try to improve this package. First, amendment No. 679 strikes provisions that restrict the development of renewable energy on public lands, including but not limited to geothermal, wind, solar, biomass, and related transmission infrastructure. Amendment No. 680 bars new construction until all current sites are certified by the Secretary as fully operational, ensuring full access by the public and posing no health or safety threat. The National Park Service is currently facing a \$10 billion maintenance backlog. Yet we are going to be adding to their inventory. The third amendment prohibits the use of eminent domain for any provision authorized in the bill.

These are basic, commonsense amendments that ought to be supported by everybody here. If we are going to have this lands package debated and voted on—and, again, I am not clear as to exactly why we are dealing with this in the middle of our other crises—certainly we ought to make commonsense amendments applicable to basic provisions in this huge package that is going to be the most major acquisition of lands by the Federal Government, which is already the largest landowner in our country over the last two decades.

With that, I urge adoption of the Coburn amendments on which we are getting ready to vote.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### EXECUTIVE SESSION

#### NOMINATION OF RON KIRK TO BE UNITED STATES TRADE REPRESENTATIVE—Continued

Mr. CARDIN. Under the previous order, the question is, Will the Senate advise and consent to the nomination of Ronald Kirk, of Texas, to be the United States Trade Representative?

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from Illinois (Mr. DURBIN) and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 5, as follows:

[Rollcall Vote No. 100 Ex.]

#### YEAS—92

Akaka	Feingold	Merkley
Alexander	Feinstein	Mikulski
Barrasso	Gillibrand	Murkowski
Baucus	Graham	Murray
Bayh	Grassley	Nelson (FL)
Begich	Gregg	Nelson (NE)
Bennet	Hagan	Pryor
Bennett	Harkin	Reed
Bingaman	Hatch	Reid
Boxer	Hutchison	Risch
Brown	Inhofe	Roberts
Brownback	Inouye	Rockefeller
Burr	Johanns	Schumer
Burris	Johnson	Sessions
Cantwell	Kaufman	Shaheen
Cardin	Kerry	Shelby
Carper	Klobuchar	Snowe
Casey	Kohl	Specter
Chambliss	Kyl	Stabenow
Coburn	Landrieu	Tester
Cochran	Lautenberg	Thune
Collins	Leahy	Udall (CO)
Conrad	Levin	Udall (NM)
Corker	Lieberman	Vitter
Cornyn	Lincoln	Voinovich
Crapo	Lugar	Warner
DeMint	Martinez	Webb
Dodd	McCaain	Whitehouse
Dorgan	McCaskill	Wicker
Ensign	McConnell	Wyden
Enzi	Menendez	

#### NAYS—5

Bond	Byrd	Sanders
Bunning	Isakson	

#### NOT VOTING—2

Durbin	Kennedy
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The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table.

The President will be immediately notified of the Senate's action.

Mr. DURBIN. Mr. President, on vote No. 100, I was unavoidably detained. Had I been present for the vote, I would have voted to confirm the nomination of Ronald Kirk to be U.S. trade representative.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

#### REVOLUTIONARY WAR AND WAR OF 1812 BATTLEFIELD PROTECTION ACT—Continued

##### AMENDMENT NO. 680

The PRESIDING OFFICER. Under the previous order, there will now be 4 minutes of debate equally divided prior to a vote in relation to amendment No. 680 offered by the Senator from Oklahoma, Mr. COBURN.

Who yields time?

Mr. COBURN. Mr. President, the amendment we are going to be voting on next is amendment No. 680. If my colleagues have not read the GAO report on the Department of Interior released this month, they should as they consider this.

The national parks have—according to the national parks—a \$9 billion backlog. According to the GAO, it is



somewhere between \$13 billion and \$19 billion. This amendment is not intended to do anything except cause us to order a priority that we will take care of what we have now before we spend new money on new parks and new areas under the Department of the Interior. It is simple. It is straightforward. There is nothing underhanded about it.

The fact is, we cannot continue adding things when we are not taking care of the Statute of Liberty, the National Mall, and many of our national parks that are falling down and are a threat to health and safety of the visitors and the employees who work there.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I will take the first minute, and my colleague from Alaska will take the second minute.

This amendment would prohibit the National Park Service from beginning any new construction in national parks until the Secretary of the Interior can certify that the backlog of maintenance in all structures, trails, sites and transportation infrastructure has all been accomplished. I would argue he or she will never be able to certify that; therefore, we could not have new construction in our national parks. This would apply to funds we have already appropriated, including those in this American Recovery and Reinvestment Act that we voted on a couple of weeks ago.

I urge my colleagues to oppose the amendment, and at the appropriate time I will move to table the amendment.

I yield the remainder of the time to the Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Ms. MURKOWSKI. In addition to what the chairman of the Energy Committee has stated, we may be in a situation where you have a newly acquired national park or national historic facility and this amendment would prevent the Director of the Park Service from even putting in new facilities until the maintenance backlog is completed in older existing park units. It could also force the agency to expend funds on facilities they no longer need, such as trails or buildings that the agency would like to remove.

I think this is a well-intended amendment, but I believe it misses the mark by placing restrictions that could hamstring the National Park Service's effort to provide high-quality recreational opportunities, and I urge opposition.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, this does not limit the ability of the National Park Service to consider something they do not want to repair. In fact, there is an exact exemption in this amendment for that.

We are going to do the same thing. We are not going to take care of what we have and we are going to spend money on new things and we are going to put the employees and the people of this country at risk. Let's take care of what we have. Let's agree to this amendment.

I yield the remainder of my time and ask for the yeas and nays.

Mr. BINGAMAN. Mr. President, I move to table the amendment and ask for the yeas and nays on the motion to table.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 79, nays 19, as follows:

[Rollcall Vote No. 101 Leg.]

YEAS—79

Akaka	Feingold	Murkowski
Alexander	Feinstein	Murray
Barrasso	Gillibrand	Nelson (FL)
Baucus	Gregg	Nelson (NE)
Bayh	Hagan	Pryor
Begich	Harkin	Reed
Bennet	Hutchison	Reid
Bennett	Inouye	Risch
Bingaman	Johanns	Roberts
Bond	Johnson	Rockefeller
Boxer	Kaufman	Sanders
Brown	Kerry	Schumer
Brownback	Klobuchar	Sessions
Burr	Kohl	Shaheen
Byrd	Kyl	Snowe
Cantwell	Landrieu	Specter
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Cochran	Lieberman	Udall (NM)
Collins	Lincoln	Voinovich
Conrad	Lugar	Warner
Crapo	Martinez	Webb
Dodd	McCaskey	Whitehouse
Dorgan	Menendez	Wyden
Durbin	Merkley	
Enzi	Mikulski	

NAYS—19

Bunning	Ensign	McConnell
Burr	Graham	Shelby
Chambliss	Grassley	Thune
Coburn	Hatch	Vitter
Corker	Inhofe	Wicker
Cornyn	Isakson	
DeMint	McCain	

NOT VOTING—1

Kennedy

The motion was agreed to.

Mr. BINGAMAN. Mr. President, I move to reconsider the vote, and I move to table that motion.

The motion to table was agreed to.

AMENDMENT NO. 679

The PRESIDING OFFICER. Under the previous order, there will now be 4 minutes of debate, equally divided, on amendment No. 679 offered by the Senator from Oklahoma, Mr. COBURN.

Mr. COBURN. Mr. President, this is another amendment, the whole purpose of which is to think forward not think short term. What we are going to do in this collage of 170 bills is restrict, sig-

nificantly restrict, the availability of geothermal, solar, wind, and biomass energy.

We are doing that because we are going to limit the places where we can get that. Ninety percent of the geothermal capability in this country lies on Federal lands. What we are doing in this bill is not thinking about what we are going to do on transmission lines, not thinking how we are going to bring solar, wind, and geothermal, as well as biomass, to the population centers of this country.

Yesterday, the Secretary of the Interior outlined, in his testimony before the committee, the importance of getting transmission lines and grids right in anticipation of having this access for renewable energy that is clean and without a significant carbon footprint.

All this amendment does is say we are not going to allow it to prohibit our utilization of geothermal, our utilization of solar, and our utilization of wind by what we are doing in the bill.

So everything else stays the same, but we are not going to handicap ourselves and handcuff ourselves by eliminating the ability to gather these energy sources off these lands.

I reserve the remainder of my time.

Mr. BINGAMAN. Mr. President, I oppose this amendment as well. This would open the wilderness areas, the parks, and the wild and scenic rivers that are designated in the bill to potential development of new energy projects, renewable energy projects, as well as the associated facilities that go with those such as transmission lines, generating stations, access roads.

There are 2 million acres of new wilderness area here. We do not want wind farms in those wilderness areas. There are over 1,000 miles of wild and scenic rivers. We do not want hydroelectric powerplants on those wild and scenic rivers. I think this would be a major mistake for us to make an exception and say that renewable energy sources should go in regardless of the designation in the bill.

I yield the balance of my time to the Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I make a point that is worth mentioning that Senators may have forgotten. The 1964 Wilderness Act includes a provision that allows the President may declare an emergency and allow "water resources, reservoirs, water construction work, power plants, transmission lines and other facilities needed in the public interest, including road construction and maintenance essential to develop and use thereof."

So, therefore, other than a handful of declared wilderness areas in Colorado and Nevada, this protection is included in the law establishing every wilderness, including those in this bill. Therefore, I do not think there is a reason we need the amendment of the Senator from Oklahoma.

Mr. COBURN. Mr. President, what we are doing in this country is we are shutting off oil and gas energy that we

are going to need for the next 20 years. Now we are going to handicap the renewable, clean energy that is in the bill.

I disagree that the President has the ability only under an extreme national emergency. Well, we have an emergency right now and nobody is doing that. What we ought to do is make sure we do not limit further energy potential for this country. We are going to see petroleum prices rise. We are going to see energy costs double in the future.

This will eliminate some of that.

I yield back the time.

Mr. BINGAMAN. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The PRESIDING OFFICER (Mr. MERKLEY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 65, nays 33, as follows:

[Rollcall Vote No. 102 Leg.]

#### YEAS—65

Akaka	Feingold	Mikulski
Alexander	Feinstein	Murkowski
Baucus	Gillibrand	Murray
Bayh	Hagan	Nelson (FL)
Begich	Harkin	Pryor
Bennet	Inouye	Reed
Bingaman	Johnson	Reid
Boxer	Kaufman	Rockefeller
Brown	Kerry	Sanders
Burris	Klobuchar	Schumer
Byrd	Kohl	Shaheen
Cantwell	Kyl	Snowe
Cardin	Landrieu	Stabenow
Carper	Lautenberg	Tester
Casey	Leahy	Udall (CO)
Collins	Levin	Udall (NM)
Conrad	Lieberman	Voinovich
Corker	Lincoln	Warner
Crapo	Martinez	Webb
Dodd	McCaskill	Whitehouse
Dorgan	Menendez	Wyden
Durbin	Merkley	

#### NAYS—33

Barrasso	Ensign	McCain
Bennett	Enzi	McConnell
Bond	Graham	Nelson (NE)
Brownback	Grassley	Risch
Bunning	Gregg	Roberts
Burr	Hatch	Sessions
Chambliss	Hutchison	Shelby
Coburn	Inhofe	Specter
Cochran	Isakson	Thune
Cornyn	Johanns	Vitter
DeMint	Lugar	Wicker

#### NOT VOTING—1

Kennedy

The motion was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. BINGAMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Republican leader.

SENATOR LUGAR CASTS VOTE NO. 12,000

Mr. MCCONNELL. Mr. President, the majority leader and I would like to

make a few brief comments before this last vote in the tranche of votes we are having at the moment.

It is customary in the Senate to acknowledge one's colleagues on the occasion of a major legislative milestone, and so today we honor the senior Senator from Indiana on the occasion of his 12,000th vote. In our Nation's history, only 12 individuals have cast more votes in this body than Senator LUGAR, and this is well worth noting.

But it is a special pleasure to recognize someone who has always been so reluctant to speak about himself. Few Americans have more to brag about than Senator RICHARD LUGAR. Yet I know of no one who is less likely to do so. So it is an honor for me to take a moment to brag about my colleague, my neighbor, and my friend.

As a measure of Senator LUGAR's reputation for bipartisanship, historians will note that when our current President launched his Presidential campaign at the Illinois statehouse 2 years ago, he mentioned just one politician by name: RICHARD LUGAR. No one in the Senate commands more bipartisan respect.

As a measure of Senator LUGAR's reputation as a foreign policy expert, ask any television news producer for the first Senator they would think to look to to discuss an important international story. They would, of course, tell you: RICHARD LUGAR.

As a measure of Senator LUGAR's effectiveness as a lawmaker, just take a look at the results from his last election. During a year in which Democrats made significant gains in both the House and the Senate, Senator LUGAR won 87 percent of the vote—a victory so convincing that the State chairman of the Democratic Party in Indiana made the following statement: "Let's be honest," he said, "Richard Lugar is beloved not only by Republicans, but by Independents and Democrats."

Never has anyone provided his or her political opponent with a better script for a campaign ad than that—particularly since the comment had the added virtue of being absolutely true.

As a measure of my own personal esteem for Senator LUGAR, I would note that I have 12 framed photographs in my office in the Capitol marking various points in my own career, dating back to my days as a college Republican. One of those photographs is a picture of a young Senator LUGAR helping me in my first Senate campaign. Whenever I see it, I am reminded of what a public servant should be.

Senator LUGAR's life has been one of high achievement: high school valedictorian, a straight-A college student, Eagle Scout, Rhodes Scholar, big-city mayor at the age of 35, U.S. Senator. He has been a counselor to Presidents and one of the most widely respected voices on foreign relations within the Senate for decades. Before he finishes out his current term, he will have served almost twice as long as any In-

diana Senator before him—a milestone he has approached with characteristic humility.

In a long Senate career, perhaps none of Senator LUGAR's achievements has been more far reaching as the Nunn-Lugar Cooperation Threat Reduction Program, which has led to the dismantling of thousands of nuclear warheads and contributed immeasurably to the promotion of peace. For this achievement in particular, he has been considered for a Nobel Peace Prize.

But ask Senator LUGAR and he will probably tell you his greatest achievement was his marriage to Charlene. Senator LUGAR was recently asked about the demands of his work. Here is what he had to say:

I've been especially fortunate that my wife, Charlene, has shared my enthusiasm. It would not have been remotely possible if that had not been the case.

Senator LUGAR and Char have been married for more than 50 years. They are proud of their four sons and their 13 grandchildren, and they can be proud of the teamwork that has produced a brilliant career, carried out in the best traditions of the Senate and of our country.

Senator LUGAR, you are a treasure to the Senate and a model for anyone who wishes to pursue a career in public service.

It is an honor and a privilege for me to recognize my esteemed colleague on this latest of so many accomplishments in a truly distinguished Senate career.

(Applause, Senators rising.)

Mr. BYRD. Hear, hear.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I hesitate to jump in front of my friend from Indiana, but I feel I want to say, as I should, a few things about Senator LUGAR.

He is not only the most senior Republican currently serving in the Senate, he also will have served twice as long as any other Senator in the history of the State of Indiana, as mentioned by my colleague, Senator MCCONNELL.

Born in Indianapolis, he spent much of his boyhood focusing on things—as he is able to do—such as on becoming an Eagle Scout, and he did become an Eagle Scout.

He graduated first in his class—not just at Shortridge High School but also at Denison University. This is where he met Charlene, his wife.

RICHARD LUGAR is clearly one of the most intellectually sound Members of the Senate. After college, he earned a Rhodes Scholarship to study at Oxford University, where he received honors in various programs. He received honors degrees in politics, philosophy, and economics and was a member of Phi Beta Kappa. He has also earned honorary degrees from 41 universities and colleges—41.

When RICHARD LUGAR returned from Oxford, he and Charlene were married.

But just a few months later, Richard began his 3 years of volunteer service in the U.S. Navy, where he was ultimately assigned as intelligence briefer for ADM Arleigh Burke, the Chief of Naval Operations.

Back home in Indiana, after the Navy, RICHARD went into business with his brother, running a food machinery manufacturing company, before winning a seat on the school board, and then serving two terms as mayor of Indianapolis.

In the Senate, RICHARD LUGAR has been a national leader on the environment, foreign policy, and let's not forget agriculture.

He worked closely with then-Senator Obama on the Foreign Affairs Committee on the complex challenge of loose nukes.

He currently serves as ranking Republican and former chairman of the Foreign Relations Committee and as a member and former chairman of the Agriculture Committee.

Charlene and RICHARD have four sons: Mark, Robert, John, and David, and 14 grandchildren.

So, Senator LUGAR, congratulations in casting your 12,000th vote as a U.S. Senator. This milestone is the latest in a career filled with remarkable accomplishments.

(Applause, Senators rising.)

Mr. BYRD. Hear, hear.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Mr. President, I thank my very dear friends, MITCH MCCONNELL and HARRY REID, for overly generous comments, which give me great encouragement and inspiration.

I appreciate so much the Senate taking time for a moment in my life I will always cherish. I thank you for recognizing the importance of my sweetheart, Charlene, and our children and our grandchildren. They are the precious inspiration for me, as it is for each one of us who serves in this way and who enjoys and loves the Senate as I do.

I thank all of you so very much.

(Applause, Senators rising.)

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, this will be the last vote in the series of votes of amendments offered by Senator COBURN. There are three other amendments Senator COBURN has laid down, two of which we will have to vote on. On one I think there is agreement on this side it should be accepted, and Senator COBURN has acknowledged we would not need a vote on that. We are going to have those two votes. We are working on the appropriate time.

Senator COBURN has one more amendment on which he needs to speak. He has already spoken on the others I have mentioned.

I tell all Senators, we will likely do these votes when we first come in in the morning rather than this afternoon. There are a number of hearings and other things going on this after-

noon. I think that would be to everyone's advantage.

We are also working on a number of nominations we are trying to complete. We hope we can get those done tomorrow. I do not see any reason to do the votes tonight. We will do them in the morning, at a very early time in the morning.

AMENDMENT NO. 675

The PRESIDING OFFICER. Under the previous order, there will now be 4 minutes of debate equally divided on amendment No. 675, offered by the Senator from Oklahoma, Mr. COBURN.

The Senator from Oklahoma.

Mr. COBURN. Mr. President, I yield a minute to the minority whip.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I would ask for my colleagues' attention for just a moment.

This is a very good amendment. The staff has informed me all the land acquisition under this bill has been accomplished through the cooperation of all parties—willing sellers, willing buyers—and there is no need for condemnation of any property, no need for eminent domain.

Believing that to be true, my colleague has simply said, therefore, there will be no eminent domain used to purchase land under this bill; in other words, no acquisitions contrary to the wishes of the landowner.

Believing the staff is correct, and, therefore, that it is not necessary, it seems to me it establishes a good principle to say that where there is no need for it, we should not authorize eminent domain to acquire land against a landowner's wishes.

Therefore, I urge my colleagues to vote in support of this amendment.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, first, it is important to understand there are no provisions in the bill granting the Federal Government eminent domain authority. That authority already exists. It has existed for many years. The Supreme Court first recognized it in 1876 and acknowledged that the Government had that authority.

What I believe is important is that there are water projects in this bill which are very important—the San Joaquin project in California, various water projects throughout the West—and it is important the Bureau of Reclamation have authority, if it needs to use it, to proceed with eminent domain proceedings.

My colleague from Arizona, I am sure, takes great pride in the Central Arizona project. It is very doubtful that project could have been accomplished had not the Federal Government had eminent domain authority. That is true of these water projects in this legislation as well.

So we should not be writing provisions in here that take that tool away from our Federal land managers and particularly the Bureau of Reclama-

tion, and that is exactly what the effect of this amendment would be.

So I urge my colleagues to oppose the amendment.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, there is eminent domain, and then there is the threat of eminent domain. The threat of eminent domain is as powerful as eminent domain in itself because we cause people who have pure and sincere and guaranteed rights to their property to give up their property.

The fact is, this bill relates to all sorts of statutes that utilize eminent domain. If, in fact, we do not intend to utilize eminent domain, why won't we say it? We will not say it because we want to use the power of having that to intimidate property owners in this country and landowners.

This is about protecting one of the most important principles of our country: the right to have and hold property. This is an issue under which we either accept the rights of individuals to hold property or we say the Government knows better. Even though we are saying we are not going to use it, we are going to use it to intimidate landowners.

I would appreciate your vote.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 63, nays 35, as follows:

[Rollcall Vote No. 103 Leg.]

#### YEAS—63

Akaka	Feinstein	Mikulski
Alexander	Gillibrand	Murkowski
Baucus	Gregg	Murray
Bayh	Hagan	Nelson (FL)
Bennet	Harkin	Pryor
Bingaman	Inouye	Reed
Boxer	Johnson	Reid
Brown	Kaufman	Rockefeller
Burris	Kerry	Sanders
Cantwell	Klobuchar	Schumer
Cardin	Kohl	Shaheen
Carper	Landrieu	Snowe
Casey	Lautenberg	Specter
Cochran	Leahy	Stabenow
Collins	Levin	Tester
Conrad	Lieberman	Udall (CO)
Crapo	Lincoln	Udall (NM)
Dodd	Martinez	Voinovich
Dorgan	McCaskill	Warner
Durbin	Menendez	Whitehouse
Feingold	Merkley	Wyden

#### NAYS—35

Barrasso	Bennett	Brownback
Beigich	Bond	Bunning

Burr	Grassley	Nelson (NE)
Byrd	Hatch	Risch
Chambliss	Hutchison	Roberts
Coburn	Inhofe	Sessions
Corker	Isakson	Shelby
Cornyn	Johanns	Thune
DeMint	Kyl	Vitter
Ensign	Lugar	Webb
Enzi	McCain	Wicker
Graham	McConnell	

## NOT VOTING—1

Kennedy

The motion was agreed to.

Mr. DURBIN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DURBIN. Mr. President, I ask unanimous consent that after the Republican leader, Senator MCCONNELL, has an opportunity to be recognized and speak, that Senator CORKER be recognized at that point and that I then follow him with another unanimous consent recognition, and after that moment, Senator MCCASKILL be recognized to speak for 5 minutes, Senator MIKULSKI for 5 minutes, and Senator BURRIS for 5 minutes.

I wish to amend that UC request to include 10 minutes following Senator BURRIS for Senator SESSIONS and 10 minutes for Senator GRASSLEY.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Republican leader is recognized.

## DEPOSITOR PROTECTION ACT OF 2009

Mr. MCCONNELL. Mr. President, I know how important it is to our banking system, and especially our community banks, that the Senate pass S. 541, the Depositor Protection Act of 2009.

This is a bipartisan bill, led by Senators DODD and CRAPO, that we increase the borrowing authority of the Federal Deposit Insurance Corporation, thereby freeing up capital for banks to lend to small businesses and people who need it.

The Depositor Protection Act is co-sponsored by Senators across the political spectrum, including Senators SCHUMER, BROWN, AKAKA, BOND, GREGG, and CORKER, who is here on the floor with us. The fact that it has such diverse support underscores how important it is to our financial system. This is a bill we should pass without delay. Doing so would help our financial institutions, and thus our economy, during this economic downturn.

The bipartisan Dodd-Crapo bill should not be held hostage by efforts to attach much more controversial legislation on top of it. Specifically, I understand some of our Democratic colleagues want the Dodd-Crapo bill to pull to passage a controversial measure called cram-down, which would allow bankruptcy judges to basically rewrite mortgage contracts.

Politically and economically, cram-down is the opposite of the Dodd-Crapo bill because it has bipartisan opposition; it has bipartisan opposition because it would worsen our economic

situation. For example, last year, 11 Senate Democrats, along with every single Republican in the Senate, voted against cram-down because its passage would worsen housing markets by raising interest rates for everyone in order to benefit a very few. This, in turn, would make it more difficult for everyone, especially those of modest means, to own a home. This is the wrong prescription at the wrong time for an ailing housing market. These concerns, of course, have not gone away. This year, some Senate Democrats have publicly reiterated their opposition to cram-down. There are no such concerns with the bipartisan Dodd-Crapo Depositor Protection Act of 2009. We could pass it right now, Mr. President, on a bipartisan basis and help our financial situation.

I hope our friends on the other side of the aisle will let us pass this important bill. They should not hold it up so they can chase something that is fraught with problems and, according to a Senate Democrat, isn't going anywhere anytime soon.

I thank in particular one of the most knowledgeable Members of the Senate, who is thoroughly conversant with these issues and has recommended this approach, and that is my friend and colleague from Tennessee, Senator CORKER, whom I see is on the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

## UNANIMOUS CONSENT REQUEST—S. 541

Mr. CORKER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be discharged from further consideration of S. 541, a Dodd-Crapo bill, which would increase the borrowing authority of the FDIC, the Senate proceed to its immediate consideration, the bill be read the third time and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I am going to object to this unanimous consent request. The reason is that the provision that has been referred to by Senator MCCONNELL, the Republican leader, relative to the Bankruptcy Code is one that is in negotiation at this very moment.

When this measure was called before the Senate last year, there were some who ominously predicted we could be losing some 2 million homes to foreclosure in America. The most recent estimate of Goldman Sachs is that 13 million homes will be lost to mortgage foreclosure in the next 5 years.

The efforts underway to revise the bankruptcy law to provide for authority in that court in specialized circumstances is one to prevent and preclude these foreclosures from occurring. That is actively under consideration. It is included in the House bill

that I will subsequently ask to be approved by unanimous consent, and it is one supported by the chairman of the Banking Committee, Senator DODD, as well as many others.

I would hate to see us lose an opportunity to deal with this looming foreclosure crisis by agreeing to this unanimous consent request. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Tennessee is recognized.

Mr. CORKER. I will yield to the Senator from Illinois.

## UNANIMOUS CONSENT AGREEMENT—S. 541 AND

H.R. 1106

Mr. DURBIN. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of S. 541, the Depositor Protection Act, and that the Senate proceed to its immediate consideration; that an amendment at the desk, which contains the provisions of the House-passed bill, H.R. 1106, be agreed to; the bill, as amended, be read the third time and passed; and the motions to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Tennessee is recognized.

Mr. CORKER. I object to this, Mr. President. As was stated, we have a bipartisan solution that many banks across the country are clamoring for—the banking system is clamoring for. This bill I tried to call up would pass overwhelmingly in this body.

The Senator from Illinois—and I appreciate his persistence—has continued to pursue this cram-down bill, which meets with tremendous opposition in this body.

I just hate that what we are doing is in essence extorting community banks and extorting credit unions all across this country to provisions that everyone knows are very problematic.

I object, and I hope the Senator from Illinois will allow us, at some point soon, to take up this issue that is very important to credit unions, to community banks, to institutions across this country. As a result, it is very important to the men and women all across this country who are concerned about their jobs, concerned about credit. This is something we can do together to change the atmosphere of the banking community and change our country in the process. But it appears we are not going to have that opportunity today. I hope the Senator from Illinois will give us that opportunity in the near future.

The PRESIDING OFFICER. Objection is heard.

The Senator from Missouri is recognized.

Mrs. MCCASKILL. Mr. President, I ask unanimous consent to speak as in morning business.

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

## GREED

Mrs. MCCASKILL. Mr. President, as we look around at the problems we are

facing in this country now when it comes to our economy, all of us are trying to figure out what caused this mess, what is the root cause of this incredible meltdown in the financial sector of our economy, in our housing sector. It comes back to one simple concept: greed. It is just about a bunch of really greedy people, brought to you by the current executive pay structure we have on Wall Street and in some parts of corporate America. It is the largest part of the problem.

These potential payouts under this corporate structure of pay we have right now are so large that executives at financial institutions, including institutions such as Fannie Mae and Freddie Mac that were supposed to have a public purpose, had incentives to create rules that would reward them no matter what happens. Why did all these exotic derivatives and swaps start happening? Pay. Pay. And greed. Performance, not so much. It didn't matter whether you failed, you got paid anyway. That is the culture that caused the problem. Failure and you walk with huge money.

These AIG bonuses are just one symptom of this very serious illness that is gripping our economy and harming our competitiveness. The Merrill Lynch bonuses, which I stood on the floor and railed about a few short weeks ago, were exhibit B. Those guys failed, and they made sure they got the money and walked with it before Bank of America took over. They moved up their bonuses. Retention? Not so much. It doesn't have much to do with that. These AIG bonuses—52 of the people had already walked out the door when they got the money. We weren't paying them to stay; they had already left.

Our competitive disadvantage in this regard is real. Two of the most productive competitors to our country, Germany and Japan—their trade surplus per capita is the highest. Do you know what their average corporate pay is? It is 10 or 11 times the average worker's. What is it in the United States of America? It is 400 times the average worker's.

We need to get back to our American values of hard work equals success, equals financial reward—not failure and you get paid anyway. It is most insulting on the American taxpayer's dime when it comes to Merrill Lynch and AIG.

There is a great column in the New York Times today by David Leonhardt. I recommend it to my colleagues. In that column, he makes the following statement, and I paraphrase: Stop the deference to this culture. Stop the deference to Wall Street. Treasury, can you hear me? Stop the deference to the culture of Wall Street. Be bold, stand up to them.

That deference has now created a cold anger of populism that is going to make it very politically difficult for us to do anything else to free up our credit markets that are so essential for our economy to survive.

America's economy has a hangover from the drunken greed of high pay and bonuses for failure. Sober up. Sober up, folks, because the American people are paying too high a price.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, I ask unanimous consent to speak as in morning business.

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

#### AIG BONUSES

Ms. MIKULSKI. Mr. President, AIG is in the news. If you want to know what I think AIG stands for, it is "Ain't I Greedy." If there were ever a company that stands for "ain't I greedy," it is certainly AIG.

In the midst of one of the greatest economic turmoils to hit our country, we have a corporation that received \$170 billion in taxpayer money to keep them afloat, and now they want to pay themselves \$165 million in bonuses. Ain't I greedy?

You better believe they are greedy. The very people who helped bring the financial services and structure of the world economy to the brink of disaster now want to give themselves bonuses. That is like saying to the crew on the Titanic, after they hit the iceberg: We are going to give you a bonus for navigation.

What is this? I want people to know that I am mad as hell and, like the taxpayers, I don't want to take it anymore. We need to do something about this.

Right now, we see that over at that corporation, and others that are doing these self-enrichment bonuses, they are the very people who brought us near financial bankruptcy, and they are now demonstrating moral bankruptcy. They nearly bankrupted their companies, but they come with bankrupt values and a bankrupt approach to trying to help America out of this situation. If we want bankruptcy modification, let's throw those bums out. Let's make them wear a scarlet B. I am ready to put them in a stockade in Rockefeller Center so all the people who are losing their homes, losing their jobs, losing their health care can come and take a look at them.

You think I am frustrated? I am nowhere near frustrated compared to what my constituents are facing. They are very worried about their future. Senior citizens who saved all their lives and fought in great wars to protect America now have no one to protect their life savings as Wall Street sinks. People who played by the rules and are raising their families and trying to run a small business cannot have access to credit because these guys were busy being celebrity CEOs, celebrity chefs with celebrity wives, and now they want a celebrity bonus. You better believe they are celebrities. Everybody knows who they are.

Also, what so infuriates the people of Maryland and, I believe, this country

and we in Congress is there is no remorse about what they did. In a 12-step program, when you have been an addict—and they certainly were addicted to greed and they certainly were compulsive about failure—usually you say: I am sorry, I did wrong. I promise never to do it anymore, and I want to make amends by making it right.

Not these guys. They want more money to do the same. What is it they say to us? My way or the highway. We need to pay bonuses to get people to stay. Why would we want them to stay? They got us into this mess. They show no remorse, and I don't see a lot of competency in getting us out of it.

We need to use the power of our ownership. We own 80 percent of AIG. You know what I think an 80-percent owner ought to do? Goodbye to the people who either do not know how to work to get us out of this mess or are unwilling to help us get out of this mess unless they get a bonus.

Second, I think for those who took these bonuses, we are saying: Don't take the money or, if you have, give it back.

I signed a letter with other colleagues to Mr. Liddy, the CEO, saying: Don't give them the bonuses, and if they got any, to give it back. But if they will not do it, I am saying loudly and clearly that I will support the initiative to tax them at 90 percent of the money they got.

My belief is: You can take it, but we are not going to let you keep it. You can take it, but we are not going to let you keep it. We are going to tax you at 90 percent. If we are 80 percent owners, then we are going to exercise our influence.

I believe we need to show not only the taxpayers that we are serious about being stewards of their money, but we have to show corporate America they have to get serious about working with the Obama administration and us to get this economy back on track. Then we need to change not only the culture but help change the direction of our economy.

I wish to see change in this country. That is what the voters voted for. Let's start right now, today, by ending this culture of corruption, greed, and self-enrichment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. BURRIS. Mr. President, I ask unanimous consent to speak as in morning business.

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

#### AIG BONUSES

Mr. BURRIS. Mr. President, I rise to express my outrage that at a time of economic crisis in our Nation and around the world, at a time when so many Americans are losing jobs, defaulting on homes, and falling behind in their own payments, they are paying into a system doling out multimillion-dollar bonuses to employees at AIG.

Many of the same employees receiving these lavish payouts are the same

ones who brought their company to the edge of collapse and the economy into the depths of recession.

We cannot let their actions be rewarded—excessively rewarded—with the multimillion-dollar bonuses paid by the taxpayers.

Time and again, we have gone back to our constituents and asked them to sacrifice to make ends meet. Now we demand the corporate executives do the same.

As American families struggle to balance their own checkbooks at kitchen tables all across America, the employees of AIG walk out of their offices with \$165 million in bonuses so far and are on track to take home an estimated \$450 million by the end of this year—free money that they did not earn and certainly do not deserve.

It is now time for those executives who, through their reckless greed and irresponsible actions, have jeopardized our economic security to share the burden in rebuilding this economy. If this company and others like it fail to recognize the outrage and the frivolous nature of these taxpayer-funded bonuses, Congress will intervene and act on their behalf.

Yesterday, I joined my Democratic colleagues in sending a letter to the CEO of AIG, Edward Liddy. We asked that Mr. Liddy take a reasonable look at these excessive bonuses and requested that he act to renegotiate them.

We also warned that if he chooses not to act immediately, we will take action to recoup the American taxpayers' money through punitive legislation.

Chairman BAUCUS has signaled he is poised to move forward with legislation that he and Senators GRASSLEY, WYDEN, and SNOWE are drafting to allow the Government to recoup this money for taxpayers by subjecting the bonuses to severe tax penalties.

At the same time we are correcting the payouts of the past, we have been working with the current administration to put in place new standards of accountability for the future.

As part of the American Recovery and Reinvestment Act we passed last month, we asked the Treasury Department to establish new guidelines regarding executive pay and luxuries. Just last week, we reiterated the urgency in a second letter to the Treasury Department asking that they swiftly complete this project and announce these new standards.

In addition to these steps, let us resolve to work in partnership with the Obama administration and the Senate Banking Committee to take up a strong Wall Street accountability bill as soon as possible.

Our responsibilities lie with the citizens we represent. If we are successful in taming the greed of Wall Street, we will have gone a long way to safeguarding the economic interests of those we represent and those for whom we work—the people of the United States of America.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### HEALTH CARE REFORM

Mr. GRASSLEY. Mr. President, I think our colleagues know that the issue of health care reform is hopefully on a fast track in the sense of getting something done this year. This is a very big project to get underway. Senator BAUCUS and I have laid out an ambitious schedule for enacting a bipartisan health reform bill, and I think there are a lot of facets of it that we have to expect people who are not on the committees—Senator KENNEDY's committee on the one hand and Senator BAUCUS's committee on the other hand—will have to take into consideration. I am asking, through a series of speeches I will give this spring, for people who perhaps don't think about the issue of health care reform because they do not serve on the committees to think of various things.

Today, I wish to address an issue we often read about in newspaper accounts—and the most recent one comes from a Wall Street Journal article I had a chance to read—that comes up as a reminder when people think about health care reform that we ought to take into consideration. I often refer to Canada, I suppose because a lot of Americans are familiar with the health care system in Canada, and we have a lot of our constituents who ask us why we don't put in place what they have in Canada. We refer to that system as single payer. We often run into people who say: Well, don't do what they are doing in Canada. I think a lot of our colleagues here would support single payer. So obviously, when these things are discussed in America at the grass roots level, I think we ought to be constantly reminded of this here as we debate health care reform, and a lot of our colleagues need to be thinking about this a long time before legislation comes to the floor.

We have a lot of work ahead of us if we want to see meaningful legislation that will accomplish our three main goals of health care reform: lower cost, expanded coverage, and better quality.

Let me say that again: Lower cost, expanded coverage, and better quality.

As we roll up our sleeves, it is helpful to look to our neighbor to the north, Canada, for some lessons about what works and what does not work. Some of the proposals that are being discussed—the public plan option, rationing of care, and a Federal health board—will make our current market-based health care system that we have in the United States more similar to the Canadian health care system. Some

like that. Some do not like it. My purpose is to be raising questions that our colleagues ought to be considering.

The Canadian health care system might seem like a good idea to some of my colleagues, but this should make anyone who values access to care and the doctor-patient relationship very nervous. Canadian patients often wait months or even years for necessary care. It has become so bad that some patients are suing the Government in Canada to gain access to care. One Ontario man suffering from headaches and seizures was told he would have to wait 4½ months for an MRI. Instead of standing in line, he did what a lot of Canadians do. He traveled across the border to Buffalo for an MRI. It was there he discovered he had a malignant brain tumor. When he returned to Canada, he was told again it would be months before he could have surgery, so once again he traveled to Buffalo, for surgery. Another Canadian man waited in pain for a year before he could see a doctor about his arthritic hip. Once he finally saw the right specialist he was told that he would need a state-of-the-art procedure to resurface his hip, but sadly the Canadian Government told the 57-year-old gentleman he was “too old” to get the procedure. He was also prohibited from paying for the surgery with his own money. Similar to so many other Canadian patients, he is taking his case to court.

These court cases gained traction in 2005, when the Canadian supreme court ruled that patients suffer physically and psychologically while waiting for treatment in Canada's Government-run system. The court also concluded that the Government's controls over basic health care services impose a risk of irreparable harm and even death.

As some people propose that the Government take a more active role in our Nation's health care system, I hope we can agree that access to a waiting list is not access to health care. We all agree we need to fix our health care system but, as we try to fix it, let's not make it worse. Let's learn from our neighbors to the north. Let's not force patients in America into a one-size-fits-all Government-run system.

#### COMPARATIVE EFFECTIVENESS RESEARCH

I would like to speak on another matter, about an important provision tucked away in the \$1 trillion spending bill that passed last month. During the debate, Members spent a lot of time talking about big-ticket health care provisions—Medicaid, COBRA, Health IT. But one issue that did not receive enough attention was a term that a lot of our colleagues are not familiar with, but every colleague needs to become familiar with—this phrase “comparative effectiveness research.” I still haven't figured out how spending money on comparative effectiveness research is actually stimulative, but this is one of those things that probably should not have been in the stimulus bill—but it was there and is now law.



I am even willing to guess that a lot of Members do not even know what comparative effectiveness research actually is, but in the so-called stimulus bill, we increased our investment in this research from about \$30 million to \$1 billion. That is over a 3,000-percent increase for something a lot of Members don't know about and can't even define—and I am not sure I want anybody to ask me right now to define it in the purest sense. This makes me a little nervous.

Mr. President, \$1 billion is a lot of money, but maybe it is money that even people in comparative research might not even know what they are spending the money for.

Some policy experts have expressed concerns that this drastic increase in funding will help establish the United States version of England's National Institute for Health and Clinical Excellence, also referred to as—I don't know whether the English pronounce it "nice" or "niece," I am going to say NICE.

So you are not misled, many patient groups consider NICE to be anything but nice. NICE was created by the British Government in 1999 to decide what treatments, prescription drugs, and medical devices the British Government is going to pay for. In other words, you are having bureaucrats and/or politicians interfere in decisions that in America we normally leave to the doctor and the patient. Put another way, NICE was created for the Government to ration care and ultimately save money.

If the Congress of the United States was passing something to ration care, I will bet a good number of people in this country would get up in arms. For example, a news story printed in August entitled "UK's"—meaning United Kingdom's—"NICE says 'No' to four new cancer drugs." It detailed how the NICE panel concluded that the four drugs would extend people's lives, but somehow you cannot use them because they are not cost-effective.

So, under England's single-payer Government system, patients were prohibited from getting those drugs, regardless of what the patient or their doctor might have thought. It was not until there was public outrage about that decision that made newspaper headlines around the world that NICE then reversed its decision about at least one of those drugs. The three other drugs are still considered too costly to give to patients.

Another article in the New York Times on December 8, 2008, was entitled "British Balance Benefit vs. Cost of Latest Drugs." This article told the story of Bruce Hardy, a British citizen who was diagnosed with kidney cancer. Mr. Hardy was unable to get a particular drug that would have extended his life because NICE determined the drug was not "cost-effective." That is because NICE has decided the British Government can only afford to pay about \$22,000 for every 6 months of life.

Get this. The Government of England is putting a value on life of about \$22,000 for every 6 months of life. This may be acceptable in a government-run single-payer health care system, but here in the United States only two people should be involved in deciding what treatment, drug or device to use, and those two people would be, on the one hand, the doctor; on the other hand, the patient.

We do not need the Federal Government standing between patients and their doctors. We do not need bureaucrats in Washington denying patients with terminal cancer access to the newest and most promising experimental drugs. We do not need the drug companies to have undue influence over our system either.

I think my work overseeing, as congressional responsibility dictates, the Food and Drug Administration, gives me some authority to speak in this area, that drug companies should not have undue influence. I have been a leading advocate for increasing oversight of drugs and device manufacturers. In fact, I have introduced legislation to make manufacturers report payments to patients so we can make sure we do not have conflicts of interest getting in the way of high-quality care. I have also supported drug importation and legislation to prohibit brand-name manufacturers from gaming the system to prevent lower cost generic drugs from getting to the market. So I am not down here today to defend the drug companies or device industry. They can do that on their own, and I think they do it very well. But I think it is legitimate to be concerned about patients. I don't want some faceless, unelected Government panel keeping patients in Iowa or anywhere from getting the lifesaving treatment they need.

At this time, I ask unanimous consent to have printed in the RECORD a letter I received from 60 patient groups, from the breast cancer advocates to muscular dystrophy, to name two, expressing concerns about using comparative effectiveness to ration care.

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

JANUARY 26, 2009.

Hon. DANIEL INOUE, *Chairman*,  
Hon. THAD COCHRAN, *Ranking Member*,  
*Committee on Appropriations, The Capitol,*  
*Washington, DC.*

Hon. TOM HARKIN, *Chairman*,  
Hon. ARLEN SPECTER, *Ranking Member*,  
*Committee on Appropriations, Subcommittee on*  
*Labor, Health and Human Services, Education,*  
*and Related Agencies, Washington,*  
*DC.*

DEAR CHAIRMAN INOUE, RANKING MEMBER COCHRAN, CHAIRMAN HARKIN AND RANKING MEMBER SPECTER: We are writing to urge you to ensure that any comparative effectiveness research (CER) included in the economic stimulus package establish a legislative framework that is strong and patient-centered. The goal of CER should be to arm individual patients and their doctors with the best available information to help assess

the relative clinical outcomes of various treatment strategies and alternatives, recognizing that this will vary with circumstances. When used appropriately, comparative clinical effectiveness information can serve as a valuable tool that can contribute to improving health care delivery and outcomes by informing clinical decision making. By focusing on quality of patient care, such research also can help us achieve better health care value. However, we are very concerned that the House legislation and accompanying report language could have unintended and negative effects for patients, providers and medical innovators, leading to restrictions on patients' access to treatments and physicians' and other providers' ability to deliver care that best meets the needs of the individual patient. Rather, we believe any provisions related to comparative effectiveness should:

Focus CER on comparative clinical benefit, rather than cost-effectiveness. Any legislation should state that funding will be used only to support clinical comparative effectiveness research, and define clinical comparative effectiveness as research evaluating and comparing the clinical effectiveness of two or more medical treatments, services, items and care processes and management. Additionally, CER should not encourage a generalized, "one-size fits all" approach. Rather, it is necessary to design studies and communicate results in ways that reflect variation in individual patient needs, that help patients and doctors make informed choices, and account for differences among patients including co-morbidities, sex, race and ethnicity. Recognizing these differences is important to allowing patients optimal treatment today and to encouraging the development of innovative targeted therapies which will advance personalized medicine.

Be conducted through an open and transparent process that allows for patients, providers and other stakeholders to participate equally in governance and input, starting from the research planning stage. There are many challenges in successfully conducting and communicating high-quality, patient-centered CER. Therefore, comparative effectiveness programs should include transparent decision-making procedures and broad stakeholder representation to enhance the credibility and usefulness of such studies.

Ensure that research supports providers in delivering the best possible care to their patients. To maintain a focus on patient and provider needs, the research entity should not engage in making policy recommendations or coverage decisions. Patients may respond differently to the same intervention and the needs of the individual must be taken into consideration. Imposing rigid, federally-proscribed practice guidelines, which fail to recognize such variations, among patients can lead to poor patient outcomes and increased health care costs.

Comparative effectiveness information that reflects interactions among all of the various components of the health care system has the greatest potential to empower clinicians and patients to make more appropriate decisions. In addition to comparing scientific treatment interventions, research should also focus on how innovations in care delivery models, such as disease management programs, may produce better health outcomes.

We look forward to working with you to create a system that improves information about clinical outcomes, ensures that patients continue to have access to life-saving

treatments and the tools necessary to advance a better quality of life for all Americans. Thank you for your consideration.

Sincerely,

AACSA Foundation; The AIDS Institute; Alliance for Aging Research; Alliance for Better Medicine; Alliance for Patient Access; Alliance for Plasma Therapies; Alpha-1 Association; Alpha-1 Foundation; American Association for Cancer Research; American Association for Respiratory Care; American Association of Neurological Surgeons (AANS); American Association of Orthopaedic Surgeons; American Association of People with Disabilities; American Autoimmune Related Diseases Association; American College of Obstetricians and Gynecologists; American Institute for Medical and Biological Engineering (AIMBE); American Osteopathic Association; Association of Clinical Research Organizations (ACRO); Asthma and Allergy Foundation of America; Autism Society of America; Breast Cancer Network of Strength.

C3: Colorectal Cancer Coalition; Californians for Cures; Celiac Disease Center at Columbia University; Children's Tumor Foundation; Coalition of State Rheumatology Organizations; Colon Cancer Alliance; Congress of Neurological Surgeons (CNS); COPD Foundation; Cure Arthritis Now; Cutaneous Lymphoma Foundation; Easter Seals; FasterCures; Foundation for Sarcoidosis Research; Friends of Cancer Research; The Government Accountability Project; Intercultural Cancer Council Caucus; International Cancer Advocacy Network (ICAN); International Myeloma Foundation; International Prostate Cancer Education and Support Network; Kidney Cancer Association; Malecare Cancer Support.

Men's Health Network; Muscular Dystrophy Association; National Alliance for Hispanic Health; National Alliance on Mental Illness; National Alopecia Areata Foundation; National Foundation for Ectodermal Dysplasias; National Hemophilia Foundation; National Kidney Foundation; National Spinal Cord Injury Association; Ovarian Cancer National Alliance; Plasma Protein Therapeutics Association; Prostate Cancer International, Inc.; Prostate Health Education Network, Inc. (PHEN); RetireSafe; Society for Women's Health Research; Tuberos Sclerosis Alliance; United Spinal Association; VHL Family Alliance; Virginia Prostate Cancer Coalition; Vital Options International; ZERO—The Project to End Prostate Cancer.

Mr. GRASSLEY. I agree we need to lower the overall cost of our health care system. We need to improve quality. It is true we spend more money, about twice as much more than other developed nations in the world, and still rank poorly in many health care indicators. But having the Government ration care is not the answer. In fact, the Congressional Budget Office concluded that comparative effectiveness research would only save 1/10th of 1 percent of the total health care spending.

Let me remind you when I started out I was saying I want my colleagues to become familiar with comparative effectiveness research because this is something we are going to be dealing with in the legislation later on this year, and we just put \$1 billion into this project as opposed to \$30 million previously.

If Congress is going to spend this \$1 billion on this research, let's not bill it

as some magic bullet to control health care spending because the Congressional Budget Office—and I hope you know they are God around here, they are God around here because if they say something costs something, it costs something. If you want to overrule them, it takes 60 votes to overrule. So what they say counts. If we are going to spend that \$1 billion, we have to make sure it is improving quality and informing patients and providers. If Congress is going to spend \$1 billion on this, let's not establish the United States version of the United Kingdom's government-run National Institutes of Health and Clinical Excellence that I have been referring to by the acronym NICE. Let's not set up a system for Washington dictating to your doctor what treatment to prescribe. If we are going to do this, we have to do it right. Comparative effectiveness research should be about comparing clinical treatments and then letting your doctor decide the best way to treat it.

I am not up here saying there should not be any comparative effectiveness research. I am here to say it should not be a subterfuge for some bureaucrat or politician deciding who is going to live and who is going to die. It is information for doctors and patients. It should be done in the most open and transparent process possible.

Finally, the research should be used to get information to doctors and patients about the best treatment.

It should not be used for Washington to make policy or to decide what treatments the government will or will not cover. I hope we can agree the Federal Government should not be in the business of determining the value of a person's life, as I indicated to you this outfit in the United Kingdom decides that your life is worth \$22,000 per 6 months.

Clinical comparative effectiveness can be a valuable tool in creating a more efficient health care system, but let's make sure we use this tool wisely.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I ask unanimous consent to speak as in morning business.

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

#### AIG BONUSES

Mr. SESSIONS. Mr. President, I first would like to say a thing or two about the bonuses that have been paid to the AIG employees, those persons who are in the specific division whose actions led to the demise of what was once considered a great insurance company.

No doubt about it, that was a very serious error, and now as a result of agreements made, apparently sometime ago, they are going to receive bonuses. Everybody has been upset about it. So have I.

I said Monday on this floor the only thing I felt like giving them for free would be a free lunch and a free bed somewhere in a penitentiary. I know

the Presiding Officer is a former prosecutor and has sent some people to the penitentiary. I hope they are not guilty of criminal activities, but that is how I feel about it.

But the reason we are in this is because of an unwise act. That act was—beginning with Secretary Paulson, President Bush's Secretary of the Treasury, continued now under Secretary Geithner, President Obama's Secretary of the Treasury—taking over AIG.

We own 80 percent of AIG's stock. Secretary Paulson picked Mr. Liddy, who had a good record in the past and was off somewhere with his grandchildren, and asked him to come back and try to take over this company and start pumping billions of dollars into it. It now has totaled \$170 billion.

It is unbelievable how much that is, \$170 billion. I would repeat, that is, compared to the Alabama budget, including schools and teachers' pay, \$7 billion a year. We gave one private company, competing with a lot of other private insurance companies in America today that did not get themselves in trouble—we are bailing them out. So we should not have done that.

Now, when Mr. Paulson came before this body and asked for this power to get \$700 billion to spend as he wished, I objected. As just a Senator, I was flabbergasted that he would ask for such unlimited power. Not one time did he hint that he was going to buy stock in an insurance company. It was to buy the toxic assets from banks. Do you remember that?

So Secretary Paulson, within a few days, a week I believe, had gotten his authority. But it did not say: Mr. Secretary, you get to buy toxic assets in banks—which I did not think was very good anyway and voted against it—it gave him power to do virtually anything. That is another reason I voted against the legislation.

By the way, under oath in a House committee, Secretary Paulson said he had no intention of buying stock. Somebody asked him: What about buying stock in these banks?

He said, no, he did not want to buy stock; that we were just going to buy these toxic assets.

A week later he was buying stock in an insurance company and stock in banks. And to this day, we have not yet bought any of these toxic assets, these bad mortgages that are really the problem that have destabilized our financial situation and have not dealt with yet. That is why there is still instability out there.

OK. So here we are now; we own this corporation. So I asked the question about the bonuses at AIG. Apparently, they got a contract. By the way, when we passed legislation here, it was with a Democratic majority. Somewhere in conference they put in language in the legislation that basically said bonuses would be honored if they were entered into before a certain date. These bonus contracts were entered into before that date.

So now we have all of these protestations and all this angst and all this outrage about bonuses, and we have to do something about it. I am outraged, too, really but have a little perspective. The amount of the bonuses are one-thousandth, less than one-thousandth of the amount of money we put in this corporation that is at great risk today. And that is a galling issue for all of us, to have this division, the bad division in the whole fine insurance company, taking this company down, and they get the bonuses. It is outrageous. It really is. But the truth is, it appears there is some contractual right for them to have it.

So I would ask, what about the folks in these companies who are paid too much? Maybe we ought to have debate on the Senate floor about how much every employee of AIG should be paid or how their bathrooms should be configured or whether they should even have a private bathroom or how many businesses they ought to have or what kind of cars they should drive, whether they should have jet airplanes, whether they ought to be on Manhattan or some cheaper place in Brooklyn.

I mean, what we are going to enter into is these have become political decisions because politicians own the company. This is a warning for us. We have to be careful about buying stock in corporations. I am telling you, it is not a good policy. I do not believe it was justified in this circumstance. I think history is demonstrating that.

I am worried about it. We need to get out of AIG. How are we going to do it? I think the way you do it, and the way it should have been done from the beginning, is the company should have gone into chapter 11 under the Bankruptcy Code. You would have had a Federal bankruptcy judge bring all of them in, raise their hands under oath, testify to the financial condition, how this all happened, what parts of the company are good, valuable, prosperous, what parts are sick and in danger.

Then we could have figured out as a government how we could help with the sick and toxic parts, get rid of the others and let all of that go, and we would not have been running this company.

So now we are going to tax them. I am not sure how this has been written, but we are somehow going to identify the several hundred people who got bonuses, and we are going to tax them. We might as well put their names in the RECORD. I do not know; it is probably unconstitutional. It really is. It is a real constitutional question, certainly a policy question, that the Congress is going to abrogate a contract whether we like it or not. But a bankruptcy judge can. A bankruptcy judge has constitutional power to abrogate a contract. I am certain a bankruptcy judge would have invalidated the contract for bonuses for the people in this division. They do not have the money.

The only reason they are afloat today is because we bailed them out.

They would not have jobs if we had not bailed them out. This whole thing would have been done differently. So I am worried about what we are doing.

#### THE BUDGET

Mr. President, I am also worried about the budget. The President has submitted a budget. It has come over to us now. It is in a bound book, slick cover. It sets out his agenda for the future. It is an important document, and it sets out his priorities and his direction he wants the country to go.

I am a member of the Budget Committee, and we will be marking that up and offering amendments to it next week. But the American people need to know that the financial condition of our country will be altered to a historic degree if this budget is passed. I am not just saying that. I am saying, read the budget. That is what it says.

I will share some thoughts about it. I think there is a growing bipartisan consensus, and certainly at least a concern on both sides of the aisle, that the budget deficits and spending levels are unsustainable; that is, continuing these levels of spending will destabilize this country, weaken the value of our dollar, perhaps kick off inflation, and in many other ways erode confidence in the United States as a government of integrity and financial wisdom and management that can be relied on.

So while American families are out there right now saving a good bit more than they have in years past, watching their pennies, while American cities and towns who have been in my office this week and are telling me they are seeing a 6 or 7 or so percent reduction in sales tax revenues and revenues for their towns, they are managing well, and they are getting by. They are postponing some things they would like to have done this year until they get a little more money in, and they are not going out of business. They heard there was some free money in the stimulus package. They wanted as much of it as they can get. Fair enough. But, you know, they are getting by.

Our Government is increasing spending to a degree to which we have never seen before. This budget calls for \$3.6 billion in spending, which is, in effect, a 20-percent growth in nondefense programs. I am talking about the discretionary programs under our control that we deal with from 2008 levels to 2010 levels, 20 percent.

At that rate, of course, that is 10 percent a year, and with a 7-percent growth rate per year your money will double in 10 years. This is the track we are on. It is a huge baseline budget increase to pay for this expansion of Government.

The budget imposes or presumes \$1.4 trillion in new taxes. That includes a national energy tax similar to the one the MIT experts predict would cost working families \$3,100 per year. That is almost \$300 a month for the average family for this tax. So despite these taxes, the budget will require even more borrowing. We will go even further in debt despite the tax increase.

We would double the debt held by the public in 5 years. I mean, the total American debt we have today would double in 5 years and triple in 10 years. Our budget is a 10-year budget. It projects what this administration believes should happen over the next 10 years. That is what they project will happen.

Under this plan, starting in 2012, the United States will pay \$1 billion a day in interest to our creditors, the largest of which are China and Japan outside of our country. That is \$1 billion a day in interest on this surging debt we have.

So, in summary, I believe it is fair and honest to say this budget spends too much, it taxes too much, and it borrows too much. The administration has promised the budget would be free of accounting tricks and gimmicks, but they have not met that standard either. On the one hand, we have been told repeatedly by the administration that we face the gravest economic crisis since the Great Depression.

On the other hand, his budget assumes that unemployment will not rise beyond today's level and economic growth will not substantially fall. I cannot accept and I do not buy the rhetoric of imminent economic disaster. I have not believed that is likely. I still don't believe it is likely. I know we are in a difficult time, but few, if any, economists would agree with the budget's prediction and assumption that unemployment will stay at today's rate of 8.1 percent or that the gross domestic product this year will only decrease by 1.2 percent. The administration's rosy economic picture permits them to assume, therefore, greater revenue. If you assume you have a higher growth rate, a lower unemployment rate, more people are making money, more people are working and getting paid, less people are on unemployment compensation, you assume you have billions more dollars to spend on whatever you would like to spend it on.

An independent blue chip group that predicts unemployment and predicts GDP is predicting GDP will decline more than twice 1.2 percent, and they are also predicting the unemployment rate will hit 8.9. I believe our Congressional Budget Office is predicting unemployment will cap out at 9.1 percent. I have seen some figures of 9.4 percent. I am hopeful we will come in under 10 percent. I believe we will.

To build on good feelings here, I will note that under President Reagan, when Mr. Volcker was Secretary of the Treasury, they realized they had to confront and break the back of surging inflation. Unemployment hit 10.9 in the early 1980s. It kicked off, though, a sound economy, and for 20 years we have had steady growth after collapsing the unacceptable inflation rate.

The best estimates I am seeing do not predict economic disaster, but they

certainly don't predict the kind of minimum economic slowdown these numbers are assuming. When those numbers prove to be off the mark, the result will be deficits higher than the administration is predicting in their own budget. That is what I am saying. If you look at the budget over the next 10 years, that is what really worries me.

In 2004, President Bush, after 9/11 and after the recession that occurred there, his deficit hit \$412 billion. That was the biggest deficit we had since World War II. He was roundly criticized for that. I wasn't very happy with it either. I liked President Bush, but I thought that was too big a deficit. It dropped until 2007, when it hit \$161 billion.

Last year, President Bush sent out the \$300 checks and the \$150 billion in deficit spending on top of our other deficit to try to stimulate the economy. It didn't work. He sent out that money. Everybody got the little check. Whatever they did with it, it didn't do much good. The debt jumped to \$455 billion. So last year, September 30, the deficit was \$455 billion, the largest we have ever had, perhaps including World War II. This year, there is uniform agreement.

The Congressional Budget Office is scoring that at September 30, our deficit—the amount of money we spent, less the amount of money we have taken in in taxes—will be \$1.8 trillion, one thousand eight hundred billion, four times the highest deficit we ever had last year. That is a serious matter, not a little bitty matter. The budget the President sent us projects that next year—and he does this over 10 years—it will be \$1.1 trillion. It begins to drop down to that and hits \$533 billion in the fourth year. That is the year he said he cuts the budget deficit in half.

The reason the deficit was particularly high this year is the money we spent for the financial bailout of Wall Street that they bought AIG with and other bank stock. The Congressional Budget Office said we are going to lose about \$250 billion in that deal. We will get some of it back. They scored in this year's budget \$250 billion for that. We have bought Freddie and Fannie, taken over and guaranteed all those loans at those two huge financing institutions, which were quasi-private, basically private, we have taken those over now, and CBO has scored about another \$250 billion. They are putting all of that in this year. And then we passed, a few weeks ago, \$800 billion—pure stimulus spending to send out over the country. You heard it was for roads and bridges. Only 3 or 4 percent went for roads and bridges. The rest of it went for all kinds of nice ideas, not very stimulative in the minds of experts. So you add that over the next 2 years of spending, split that out. That is how we get such a high year this year.

One reason we are at a trillion dollars next year is because they are scoring some of that \$800 billion in next year's deficit. At any rate, it drops

down, OK? So the fourth year, we are hitting \$533 billion. That is still the highest deficit in the history of our Republic. Then it starts going up. And the budget President Obama gives us projects that in the 10th year, the deficit will be over \$700 billion.

That is why we need the American people to be engaged. Members of Congress are going to have to study the numbers. They are going to have to study the immensity of the requirements of this budget. We are going to have to reject it. We cannot pass such an automatic guaranteed surge in debt. It would triple our total national public debt in 10 years.

This is the beginning. The budget will begin to be marked up next week in committee. It is going to take more than just the committee members to decide what we do. I believe the American people and the Members of this Congress are going to have to get our heads together and figure out some ways to do like our cities and counties. Instead of having baseline spending increase at 7, 8, 10 percent a year, we might go for a year or two where we don't increase at all. Just a little bit of that would have a dramatic impact on the deficit. It is the increases that are killing us. They are projecting increased revenues in the years to come, but they are projecting substantially greater increases in spending.

That is not who we are as a people. We are a people of limited government. We are people of low taxes. We are people of individual responsibility. That is a fundamental American ethic, individual responsibility. The Europeans are more into this Socialist mentality, but we were faced with the spectacle over the weekend of our own Secretary of the Treasury going to Europe meeting with Europeans and upbraiding them because they aren't borrowing enough or spending enough, in his mind, going far enough into debt to stimulate the economy as much as he would like to see it done. They are being more conservative and responsible than we are. It is a matter of real concern.

These are important issues. I hope the debate will continue and all of us will look at the long-term interests of this great Nation and take the steps today that will protect our future.

I yield the floor.

THE PRESIDING OFFICER (Mr. SCHUMER). The Senator from Georgia.

Mr. ISAKSON. Mr. President, I ask unanimous consent to speak in morning business.

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

#### FINANCIAL MARKETS COMMISSION

Mr. ISAKSON. Mr. President, we were all reminded yesterday, when news of the AIG bonus payouts hit, of the frustration all of us have and all the American people have with the financial difficulties the Nation has had but also what appear to be at best irresponsible acts taking place by many of the financial institutions that, in fact, received Federal TARP money.

I rise to repeat a call that Senator CONRAD and I made 6 weeks ago on the floor of the Senate. We created a piece of legislation known as the Financial Markets Commission, a commission patterned after the 9/11 Commission, a commission of seven appointed members—two by the President, one by the Speaker of the House, one by majority leader of the Senate and one by the minority leader, one by the minority leader of the House, and then one by the chairman of the Federal Reserve—seven members given 360 days a year, empowered with a \$3 million budget and subpoena power to investigate every aspect of the financial collapse in the United States, whether it is insurance, investment bankers, mortgage bankers, individual managers such as Mr. Madoff in New York or anybody else, and to come back to the American people and to the President a year from now and tell us, to the best of their ability, in a forensic way, what happened. If, in the course of their investigation, they find inappropriate activities, there is the requirement that they refer those to the Attorney General of the United States of America.

It is important that we do this for four reasons. I will go about them briefly.

No. 1, it should be an independent panel that is fully funded and has subpoena power so there is no impediment to gathering facts, finding out the information necessary, and making that report.

No. 2, it should be created by the Congress, but the membership should be appointees who are experienced and knowledgeable in finance, banking, investment banking, and in law, not politicians but professionals who know, just as we had on the 9/11 Commission 2 years ago.

No. 3, there is no question that mistakes were made, but there is no question that some people took advantage of the system. The public expects, I expect, and we should demand that where we find wrongdoing, it is eliminated, pointed out, the individuals who did wrong are held accountable, and we restore some level of confidence in the oversight of our financial system.

No. 4, I think it is time that all of us recognize there is plenty of fault to go around. You could blame a hedge fund. You can blame a Madoff. You could blame an AIG. We have to look in the mirror as well. The second vote I ever cast in the Congress was the vote that repealed Glass-Steagall, put in the Gramm-Leach-Bliley bill. I thought it was good legislation. So did 99 percent of the House and Senate. In retrospect, by allowing the vertical integration of the financial system from insurance and mortgage banking to investment banking and regular banking, we blurred some of the lines that for so many years had protected the integrity of the financial system in America. As a result of that, situations happened, like AIG and Citibank, where vertical integration beyond the original mission of the financial services of the

company attracted more money but it also attracted more greed. And it had no transparency.

I think it is critical, at a time and place where we recognize we have had some significant problems, where the American people know it is going to take us time to recover, for us to have a forensic audit of the financial systems of the United States, the regulatory authorities, the legislative bodies, and any individuals who were part of it so that we can learn from the mistakes that have been made, we can put in the transparency that is necessary to prevent it happening in the future, and we can restore the confidence of the American people in the American financial system.

I urge colleagues to look at the Financial Markets Commission, join Senator CONRAD and myself as cosponsors. Let's begin finding the answers that all of us seek and that the American public demands.

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

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

AIG

Mr. HARKIN. Mr. President, I am sure my office is not the only one that has been flooded with calls, e-mails, and letters expressing anger—righteous anger—as to what happened at AIG. In fact, the person in charge of my mail told me our e-mails on this issue is running higher than anything that has happened in recent history.

Well, I am not just angry and disgusted at AIG, I am, frankly, kind of dumbfounded by how this has all happened. How in the world could AIG decide to pay retention bonuses worth millions of dollars to the very individuals whose reckless practices caused this meltdown on the global financial system? This truly sets a new gold standard for arrogance and being clueless.

Now, to add insult to injury, the CEO of AIG, Edward Liddy, told the House Financial Services Committee this morning that these bonuses were “distasteful” but “necessary” because of contractual obligations. Mr. Liddy said he asked the bonus recipients to return half of the money. But he rebuffed the demand of 44 Senators, including me, that he renegotiate those contracts and recoup all of the bonus payments.

Now, for the AIG unit specifically responsible for much of the financial difficulties we are in to receive \$170 billion in taxpayers' money, and then to give these extraordinary bonuses to people who should have been fired a long time ago, is shameful and inexcusable—inexcusable—since the Federal Reserve and the Treasury knew about these bonus payments before they went

out but did not act aggressively to stop them.

There is a broader context to the public's anger at AIG's misconduct. Bear in mind we are in the longest, deepest, most destructive economic downturn since the Great Depression. We are now losing jobs at a rate of about 650,000 a month. Millions of Americans are losing their jobs, their retirement savings, their pensions, their health insurance, and, yes, their homes.

But Americans look at Wall Street and Washington, and they see business as usual. They see alumni of Goldman Sachs and Citigroup arranging tens of billions in bailouts for their former Wall Street colleagues. They see corporate executives flying to Washington in expensive corporate jets to ask for taxpayer bailout money.

At a time when their incomes are stagnant, they see a rapidly rising concentration of wealth in the hands of a few, with the average CEO now making 430 times as much as the average worker. They see these hedge fund hotshots making tens of millions of dollars manipulating markets, while they get paid the minimum wage for doing some of the most difficult, draining work imaginable.

They see corporate executives getting gold-plated pensions worth tens of millions of dollars, while, in some cases, the very same corporation is slashing pensions for their rank-and-file employees.

Hard-working, ordinary Americans see these harsh realities and—with good reason—they get the idea there is one set of rules for the little people and a very different set of rules for the privileged and the well-connected and the wealthy. Call it the Leona Helmsley rule.

For instance, look at the double standard for key people at AIG. The Federal Government required union workers at GM and Chrysler—some making as little as \$14 an hour—to renegotiate their contracts and accept lower compensation as a condition for their employers getting taxpayer bailout money. But the compensation contracts at AIG are held up as somehow sacrosanct and untouchable. Well, this is complete nonsense. Why shouldn't multimillionaire employees at AIG be treated the same as line workers at GM or Chrysler? Why shouldn't they have been required in the first instance to renegotiate their compensation contracts, as well, before we gave AIG all that money? To me, it is a matter of basic fairness and equity.

So the anger of the American people at AIG must be seen in this broader context. Hard-working Americans are sick and tired of playing by the rules and falling further and further behind, while the privileged and the well connected break the rules and get richer and richer.

That is why the misconduct at AIG—these lavish bonus payouts to people who deserve to be fired—must not be

tolerated. It is time for a measure of fairness and common sense.

Mr. President, 73 AIG employees were paid bonuses of \$1 million or more, and 7 in excess of \$4 million. Now we find that a number of these people who got these bonuses already left the company. We were told before the reason for the bonuses was to retain people. Well, we see a lot of these people have already left. So now the reason is because of a contractual—a contractual—obligation.

Well, even if an AIG executive had a contractual claim to a multi million bonus, one would think that contract has been abrogated. It has been a few years since I have been in law school, but I do remember a few things from contracts. Contracts can be abrogated.

For example, Mr. President, if you and I have a contract, and one party does not perform, the contract is abrogated. Contracts also can be abrogated by bankruptcy. We know that. If we have a contract, and one party goes bankrupt, the contract can be abrogated.

Well, let's look at it from those two standpoints.

Nonperformance: Well, it is funny. We have been told about these contracts, but has anyone ever seen one? I am talking about the contracts AIG had with the people who were getting the bonuses. They say they had a contractual obligation. I would like to see one of those contracts. What did it say?

Well, to listen to Mr. Liddy, evidently all the contract said is, if you are alive at a certain date you get a bonus. Now, I say to the Presiding Officer, you know as well as I do, bonus contracts are not made that way. Bonus agreements are made on the basis of performance. Surely, AIG did not make a contract with one of their employees that said: No matter what you do, no matter how much money you lose for this company, no matter the circumstances, we are going to give you a bonus. No one believes that.

So, herewith, I call upon Mr. Liddy to show us the contracts. Let us see them. Let us see the contract that AIG had with all those people who got bonuses. I would like to see what it says. I would like to see if it just says: If you are alive on a certain date, you get the bonus no matter what you do.

I do not think it said that. I think those contracts said: If you do certain things, you get a bonus; or if you are here, we will give you a bonus to retain you; or you have to do certain performances. I would like to see those contracts.

Then I hear people in our own Government, in this administration, talking about the sanctity of contracts. Well, maybe they ought to go to law school—a couple of them—and find out that contracts can be abrogated. They can also be abrogated if they are unconscionable.

Public policy: This goes way back into British common law. But, again, that is a sort of maybe yes, maybe no.

But courts have held contracts to be abrogated if it is in the public good or if it is unconscionable, for example, that these contracts were made. I would say in this case it would be unconscionable for someone who has been in charge of bringing this company down and lost more money than any corporate enterprise in history to receive a bonus payment, especially since it comes from the taxpayers.

Now, it might not be unconscionable if it came from stockholders, shareholders, other equity partners. But when it comes from the taxpayer, I would suggest it is unconscionable in this circumstance. So I do not know who these people are, talking about the sanctity of these contracts, but, obviously, on any one of those three items, surely those contracts cannot be held to be valid.

Now, the only reason these contracts are worth anything at all is because we stepped in and gave them all this money. If we allowed AIG to go bankrupt, these executives would probably not have gotten one cent of bonus. They would not have gotten one cent. So it really is unconscionable they would then take taxpayer money and give these bonuses out.

But, again, I repeat, we need to see these contracts so we can make a judgment as to whether Mr. Liddy is telling the truth. I have gone beyond accepting his word. I want to see the contracts.

Now, again, since AIG seems to have the responsiveness of a mule, it is time to hit them in the head with a 2 by 4. Congress has to step in. And I know the Presiding Officer, the distinguished Senator from New York, Mr. SCHUMER, has worked on a bill that I support that would reach out and get this money back to our taxpayers. I want to compliment my good friend from New York, the Presiding Officer, right now for doing that because basically that is the way we have to get the money back.

Ideally, I would tax at close to all income above \$400,000 not only at AIG but at all other companies that have taken TARP money, bonus or otherwise. State, local and foreign income taxes plus payroll taxes and the federal tax should add up to 100 percent on whatever is over \$400,000.

Now, I know Mr. Liddy asked for them to give back half of the money. To me, that is not acceptable. If somebody got \$4 million, and they are going to give \$2 million back, I am sorry, that is not acceptable. Go tell that to the line workers at GM and Chrysler who was asked to gave up some of their \$14 per hour or gave up some of their pension rights and things like that to get the bailout money.

Well, at any rate, I think there are 44 Senators on a letter, if I am not mistaken, now, I say to my friend from New York that says take those bonuses back or we stand ready to recoup those bonus payments, perhaps with an income tax of 91 percent.

I also say there was an amendment that was added to the stimulus bill, the American Recovery and Reinvestment Act, that limited executive pay at bailed out companies to \$400,000 annually and voided any contracts providing compensation above that level. The Senator from Missouri was the lead sponsor on that. I was a cosponsor on that amendment. It was accepted on the stimulus bill here in the Senate, and then it went to conference. Then it got dropped. Why did it get dropped? When did it get dropped? Who advocated dropping that in conference? I would like to know the answer to that question.

Now, again, you might say \$400,000 annually? Well, that was put in there because that is the salary of the President of the United States. We said nobody working for are TARP receiving company should make over that. You could get \$400,000, but nobody over that. But that was put in the stimulus bill, and then it got dropped mysteriously in conference. I ask, why?

Well, again, I say to the Presiding Officer, I think your work on this issue and I hope we act on the concepts we are urging soon; I do not know when, but the sooner the better—that the tax be as close to 100 percent as we can get. But, obviously, we have to minus the State and other income and payroll taxes that might be owed on that sum. That has to be taken out. I understand that. And, ideally, if some lower paid person, a secretary or someone like that, got—you do not want to bother them either. But you want to get at these people who were meddling and moving these credit default swaps and other financial instruments around and ratcheting them up and giving phony valuations to them. These are the people who should not be getting any of the bonus money whatsoever.

I would also like to see the Treasury become a much more aggressive watchdog and defender of the taxpayers' interests. When Wall Street lawyers say that outrageous compensation contracts must be honored—even under dramatically changed circumstances and even when we know the contracts can be abrogated by certain circumstances such as nonperformance and things such as that—we need Treasury lawyers who will say no, who will push back hard, be creative and tough-minded, doing everything possible to protect the taxpayers' interests.

Likewise, when the lawyers say AIG—which we must say now is the Federal Government because we own 80 percent of it. So when you are talking about AIG, you are talking about the Federal Government and taxpayers. So when Wall Street lawyers and the Treasury lawyers say taxpayers must pay 100 percent of payouts to counterparties on derivatives contracts, we need a Treasury that will do all that they can to say no and who will see to it that those counterparts, including Deutsche Bank and other big banks in

Europe, have to take a haircut too. They have to share some of the pain. Again, after all, if we had let AIG go bankrupt, Deutsche Bank would have gotten nothing or very little. Yet to permit them to be made completely whole by the taxpayers of this country is not right.

We need to make it clear to AIG—and, again, we are focused on AIG, but we have to say this to all recipients of taxpayer bailout money that business as usual will not be tolerated. Incompetence, recklessness will not be rewarded. It is an insult and an affront to the American people that will not be allowed to stand. Not just at AIG but everyone else who is getting this so-called TARP money. It is time to be fair, and it is time to let the taxpayers of this country know we are going to stick up for them. We are not going to let this business as usual continue.

Again, I thank the Presiding Officer, for the time but also for his leadership on this issue, in making sure we go after these people and get this money back. I just hope we do it soon. The sooner we do it, the better off we are all going to be.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### FOLLOW AUTOWORKERS' EXAMPLE

Mr. LEVIN. Mr. President, much has already been made of the recent action by AIG to distribute \$165 million in bonuses for some of the very employees who contributed to the company's near collapse, the loss to our Treasury of tens of billions of dollars, and the severe damage to our economy. I joined with 43 colleagues yesterday in signing a letter, which our Presiding Officer was instrumental in writing, to the chief executive officer of AIG to express our outrage that this kind of money could go out the door, when the only reason the company survives today is the \$170 billion in U.S. taxpayer dollars that has been pumped into AIG over the past 6 months.

I recognize that my disgust with this situation is far from unique. I wish to briefly discuss the appalling double standard revealed by the treatment of hundreds of thousands of honest autoworkers who are victims of the current financial crisis, compared to the treatment of a few hundred overpaid financial executives whose poor judgment and greed helped cause AIG's and our Nation's financial crisis.

Right now, in large part because of the mortgage fraud, sleazy lending practices, outrageous financial engineering, and inadequate regulatory oversight that caused the financial crisis, we are in a deep recession. The recession means people aren't buying



cars, and many who want to buy a car cannot get a loan because credit is so tight. No one foresaw those circumstances back in 2007, when the UAW last negotiated a labor contract for this country's autoworkers. That 4-year contract was supposed to last through 2011. When the bottom fell out of the economy, the future of the big three auto companies was called into question. The auto industry came to the Federal Government for help, and we offered assistance in the form of bridge loans, with the understanding that all the stakeholders would have to sacrifice to make this a fair deal for taxpayers.

The autoworkers' response was not: We signed a 4-year contract and we are not changing a word.

They could have taken that position, but they didn't. Instead, the workers renegotiated their contract. They agreed to significant reductions in their pay and benefits. They are doing what they can to help their company survive and help get our Nation out of this economic ditch.

Contrast those autoworkers with the AIG executives. When the economy began tanking, AIG's stock nosedived, its assets plummeted in value, and the company lost its AAA credit rating. Due to hundreds of billions of dollars in commitments that AIG had issued, called credit default swaps, but which they failed to support with reserves, AIG's executives came hat in hand to the Government. The Government responded with billions of dollars in aid, not to protect AIG but to safeguard the U.S. economy from the threat posed by an AIG collapse.

AIG's executives, including the financial products division that helped bring AIG down, were saved from bankruptcy. To recovery from AIG's financial fiasco and repay the Government loans, it should have been clear that everybody at AIG would have to make sacrifices to sustain the company and rebuild the U.S. economy. Unlike the autoworkers, however, AIG's executives didn't step to the plate. The 400 or so AIG employees at the Financial Products division signed employment contracts in the spring of 2008 that promised millions of dollars in bonuses and retention payments. When AIG attempted to renegotiate those employment contracts, the Financial Products executives refused. They demanded their millions, and AIG complied at the same time the company is borrowing tens of billions of dollars from American taxpayers.

This week, according to the information of the New York attorney general, Andrew Cuomo, 73 AIG executives received so-called retention bonuses of \$1 million or more. That is 73 millionaires out of the AIG fiasco that is taking billions of taxpayer dollars to fix. Eleven of those millionaires took the money and ran—they don't even work at AIG anymore.

Wall Street has been out of control for years now, with high-risk financial

concoctions and with excessive compensation that is too often unrelated to performance or shareholder value. But the contrast between assembly line workers in the auto industry giving up their bonuses and benefits to keep the big three in business, while executives who drove AIG over a cliff thumb their noses at the very taxpayers bailing them out, is simply too much to go unnoticed.

The greed and chutzpah shown by these executives is reprehensible—unacceptable to me, unacceptable to my constituents and unacceptable to this body and to every American who believes, as I do, that our Nation perseveres through hard times by working toward our common interests and making shared sacrifice. American taxpayers are pouring billions into AIG, even as millions of Americans have lost their jobs. Many more have made sacrifices similar to the autoworkers to help their employers and their families survive.

AIG employees need to be clear: Without the U.S. Government, there would be no AIG, and they would have no job and no salary, let alone a bonus—let alone a \$1 million bonus. In these exceedingly difficult times, AIG executives should follow the example set by the American autoworkers and renegotiate their employment contracts and accept compensation that doesn't shock and offend the American taxpayers who are keeping their company and this economy afloat.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. COBURN. Mr. President, H.R. 146 is the pending business; is that correct?

The PRESIDING OFFICER. That is correct.

#### AMENDMENT NO. 683

Mr. COBURN. Mr. President, I call up amendment No. 683.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 683.

(Purpose: To prohibit funding for congressional earmarks for wasteful and parochial pork projects)

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ . PROHIBITION ON FUNDING FOR CONGRESSIONAL EARMARKS FOR WASTEFUL AND PAROCHIAL PORK PROJECTS.

Sections 7203, 7404, 13006, 10001 through 10011, and 12003(a)(3) shall have no effect and none of the funds authorized by this Act may be spent on a special resource study of Estate Grange and other sites and resources associated with Alexander Hamilton's life on

St. Croix in the United States Virgin Islands, a celebration of the 450th anniversary of St. Augustine, Florida, and its Commemoration Commission, the National Tropical Botanical Garden and the operation and maintenance of gardens in Hawaii and Florida, and a water project in California to restore salmon populations in the San Joaquin River or the creation of a new ocean exploration program to conduct scientific voyages to locate, define and document shipwrecks and submerged sites.

Mr. COBURN. Mr. President, this is the last of the amendments I will offer on this bill. These are specifically five particular directed authorizations and spending that really do not fit—maybe with the exception of one—that do not pass the smell test and do not pass the commonsense test. I have no delusions about how the Congress will handle this. We have demonstrated our inability to choke off our own parochial interests. These are five areas that, I believe, if the American people really knew what they were about, would reject out of hand.

This bill is going to cost the American taxpayers \$11 billion. If we adopt this amendment, we will reduce that by 10 percent.

In this bill is \$3.5 million for a birthday celebration for the oldest city in America, St. Augustine in Florida. That is going to occur 6 years from now. Think about that. We are in one of the most difficult financial times we have experienced. Families are being hit severely with unemployment, declining values of their savings, declining values of their No. 1 asset, their home, and we are going to authorize \$3.5 million to study how to best have a birthday party in a town in America. It may be a great thing to celebrate this early city in our country, but it is not a great thing to steal \$3.5 million from the next two generations to pay for it. Noting, and I have said this on the floor, that we will have a \$2.2 trillion deficit this year, any example of less than the tightest fiscal ship ought to be made fun of, it ought to be brought forward, it ought to be made public so people can see it.

There is not a whole lot of difference between this and somebody inserting something in a bill to say the people who got the \$176 million worth of bonuses will be able to keep them. That is what happened in the conference. That is why the AIG problem is there, because some Member of Congress made it happen that way. We should be just as outraged when we see these kinds of projects earmarked in an authorization bill that do not pass the smell test either.

There is \$5 million for botanical gardens in Hawaii and Florida. We don't have to spend that money. That is an option. This is directed authorization to make sure when it comes to appropriations we know where it is going to go. It is going to go to somebody's benefit—some Congressman's benefit or some Senator's benefit.

So in this bill is a birthday celebration, \$5 million for botanical gardens in

Hawaii and Florida, a controversial issue, to say the least, in terms of spending over \$1 billion on a settlement claim on a river. Prior to a dam being placed there, they already had a marked decline of the salmon run in it. That is what the historical records show. But we have a lawsuit and a Federal judge who says we are going to do this. By the way, we are going to put at risk \$11 billion worth of commerce in some of the most productive areas of California. The metric on spending the \$1 billion that has been agreed to is when you have 500 salmon. That comes out to over \$2 million a salmon. I have not figured that up by ounce, but it is pretty expensive salmon. It is not to say we should not do good things and right things to maintain fisheries and to maintain natural salmon runs. The fact is, this happened a long time ago, and it was diminished before there was ever an imprint in terms of damming in the waterway.

There is also \$250,000 to study Alexander Tyler's boyhood home in St. Croix, Virgin Islands, with the idea of making it a national landmark. First, it is not a priority—it cannot be a priority for us. It cannot be a priority that we would spend money right now at this time when we are facing these significant difficulties financially, when, in fact, we are going to borrow \$7,000 per person across the whole Nation more than we spend this year—\$7,000. That works out to almost \$30,000 a family that we are going to borrow against our kids and our grandkids. And then we have the gall to say it is OK to spend money on this.

The final aspect is a study and an authorization to allow an unspecified amount for a new national ocean exploration program and undersea research program within the National Oceanic and Atmospheric Administration that is tasked to conduct scientific voyages to locate, define, and document historic shipwrecks. There is \$320 million authorized to be spent over the next 7 years on that. It may be something we want to do when we have our ship afloat and our ship is not sinking, but to authorize and spend that money now on a new program to look for sunken ships does not pass the commonsense test this body ought to be about.

We already have the following that documents shipwrecks, old ones as well as new ones: the U.S. Coast Guard, the Library of Congress, 12 private museums, 8 libraries, 8 historical societies. And those are just a few. There are other Government sources, including the National Archives and Records Administration, Internal Revenue Service, Office of Distribution Services, the Defense Mapping Agency, the Smithsonian Institution, the Naval Historical Center, and the Federal Building, Great Lakes Courthouse papers. There are 12 separate museums and 8 other libraries and historical societies. There are 22 publications out this year on shipwrecks. Oh, there are nine U.S. Government shipwreck publications,

and there are eight other additional sets of records in custody of the National Archives.

The other thing that this bill does is it throws five earmarks right at President Obama and says: We don't care what you said, we are going to do it anyway. It goes against his pledge. It goes against our pledge. It goes against the idea of change you can believe in. It diminishes hope when we have items such as this in this bill. It is discouraging to the people who are out there struggling that we would put such things in this bill. I understand they are authorizations and they may not happen. I agree that you ought to authorize earmarks before we do them. But I can tell you, I don't think these pass any resemblance to anything that has common sense.

I will talk about this again in the morning. Tomorrow, I also plan, before the final vote on this bill, to list specifically over 30 wilderness areas that the wilderness study said should not be transferred into wilderness as we do in this bill. Hear me clearly: 30 new wilderness areas which the study said should not be included in the wilderness area that we have included in wilderness in this new bill. Why spend the money on a study if you are not going to pay attention to it? Why did we waste all that money?

I will go through a limited but thorough critique of the bill again tomorrow.

I know the ranking member would like to speak and to praise a species of stamina and courage that I would only hope we would reflect in the Senate.

I yield the floor.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Alaska.

TRIBUTE TO LANCE MACKEY

Ms. MURKOWSKI. Madam President, my colleague from Oklahoma has given me a fine lead-in this evening to rise and tell an amazing story of an Alaskan dog musher named Lance Mackey and the story of his dog teams that carried him to yet another record-breaking victory today in the toughest race on Earth, and that is the Iditarod.

The story of Lance Mackey is not only amazing because of his skill and his determination in the sport of dog mushing, but Lance Mackey has also overcome some very incredible personal challenges. He had a victory over cancer that preceded his victories in the sport of dog mushing.

Lance is a lifelong Alaskan. He married his high school sweetheart. He has four children.

He was diagnosed with throat cancer after finishing in 36th place in the 2001 Iditarod sled dog race. After that race—the man doesn't give up—he had extensive surgery and radiation treatment.

He attempted to complete the Iditarod the following year, in 2002, after this surgery, but he had to scratch. He had to drop out of that race, taking time off from dog mushing to recover from his cancer and the sur-

gery. He is now considered cancer free. He went on to win the Yukon Quest, one of the two major sled dog races in Alaska. He did this in 2005 and 2006. Then Lance Mackey went on to do what no one had done before and what most people consider absolutely impossible. In 2007 and 2008, he won both the Yukon Quest and the Iditarod, two incredibly grueling races, with only a week and a half in between each race to rest before he moved to the next event. For the first time in the history of the races, Lance had won both races, and he did so 2 years in a row. And today, Lance Mackey won the Iditarod yet again.

For those of you who may be unfamiliar with either the Iditarod or the Yukon Quest, these races are the world's two longest sled dog races. Both races span over 1,000 miles of really tough mountains, rugged mountains, frozen tundra, dense forests. These are true tests of dedication and determination. Not only does the rugged terrain pose immense obstacles, but they have the weather that factors in. It is starting to turn a little bit like spring around here, but back home it is still winter, and these mushers face temperatures which frequently drop to 30 or 40 degrees below zero. And then they have the wind that kicks up, winds gusting up to about 100 miles per hour. So you can imagine what the wind chill factor is as you are racing those dogs in the weather and the elements.

The annual Yukon Quest sled dog race is a 1,000-mile international trek. It goes from Fairbanks, AK, over to Whitehorse in Canada. Lance Mackey and his team of canine athletes have won this race 4 years in a row.

The race Lance won for the third consecutive year today is the 1,100-mile Iditarod sled dog race. This race starts in Willow, AK, and ends up in Nome, AK. The race commemorates the 1925 diphtheria serum relay. They ran dog teams in a relay to pass along a vaccine for diphtheria. They needed to get it from Anchorage, where it had come in by ship, to Nome. At that point in time, we didn't have the ability for air transport to get into Nome. So how do you move it and how do you move it quickly? Well, we resorted to a series of dog teams to move that serum north and to save the lives of those who were infected.

Today, the Iditarod is no longer run as a relay, but it is a race of individual dog sled teams. This 1,100-mile race takes the mushers into some incredibly beautiful areas. The journey they travel through—the Alaskan wilderness—is exceptionally beautiful. But as I mentioned, you not only have tough terrain but you have brutal weather. This year has been particularly tough, with the snow and the wind. It has caused delays, it has caused real setbacks with the mushers and the teams as they have been trying to go through high snowpack. There have been some accidents, there have been some sleds that have been lost, and it has been very difficult. We had some near hurricane-

force winds that forced dog musher Lou Packer and his dogs to be airlifted to safety, and he and his team had to quit the race. He described what I would call life-threatening weather conditions by saying:

We were climbing over this mountain and we got hit by this wind that hit us like a hammer. The temperature dropped—started plummeting—and I lost the trail. And the wind started to build and build, and then the wind got bad, so I climbed in my sled and it was pretty much a survival situation at this point. I threw all the gear out of my sled and climbed in and zipped it up; it was probably 30, 35 below, I have no idea.

These are the types of individuals who train all year long with their dogs to prepare for this incredible race. So it is not just the musher whose success we celebrate but it is these incredible four-legged athletes that are absolutely astounding.

Some of the other mushers out on the trail are pretty extraordinary folks, such as John Baker, out of Nome, Sebastian Schnuelle and Aaron Burmeister. They were describing other conditions along the trail. Schnuelle described it as brutal, but he said:

At times the wind was blowing so hard out of Shaktoolik that his dog team moved sideways.

Well, when you have about 15 or 16 dogs pulling a loaded sled and a musher and you have winds that are blowing you sideways, you know you are in some weather. He commented further:

First we had snow and wind. Now we have wind and wind.

Well, earlier this afternoon, thousands gathered at the famous burlwood arch on Front Street in Nome, AK, to cheer on Lance Mackey as his dogs carried him to victory over his extremely talented and resilient competitors from all over the world. This is an international race, most absolutely. Lance and his team of canines completed the race a little less than 3 hours short of 10 days.

Imagine yourself standing on the back of sled runners going over mountain ranges, going through ice and snow, in temperatures of 30 below and the wind howling at you. And that is fun, ladies and gentlemen. This is man and dog against Mother Nature, and the best teams sure are winning.

Alaskan newspapers tell a story of Lance's fired-up dog team after taking his only 24-hour break during the race. He broke in a town called Takotna. After the layover was completed—you have to rest for 24 hours, mandatory, because sometimes your teams don't want to rest; they want to keep moving. Well, after this layover was completed, Lance's 16 dogs were barking and pulling at their tug lines like they were leaving the race's starting line. Lance said he had this amazing run, and he was going to put the bale of straw out for the dogs to rest. He had every intention of stopping, but then he sees that his dogs are yelping and barking to get going, so he takes off. He said:

They're telling me what to do. So I dumped the straw, and it's been heaven ever since.

What you have here, with this individual musher, Lance Mackey, who cares so deeply for the health and the condition of these four-legged athletes, is a guy who has shown a great mastery of working with and training these canine athletes for the sport of dog mushing. The Anchorage Daily News last year, when he won, stated:

A musher doesn't win four straight 1,000 mile Yukon Quests and two straight Iditarods by making dogs run. He wins by making dogs want to run.

Lance describes working with his dogs this way: He says:

The biggest challenge working with a large team of dogs is the individual personalities. Like a classroom full of kids, all with issues, wants, questions, some barking wildly to get my attention, and then there are some who just do what needs to be done and require only a nod or a smile. Every dog is different. Every need is different. That is what I love. The reward is seeing them all come together as a team working for a common goal. It's just cool.

I had the opportunity last week—when I was up in the State for the ceremonial start of the Iditarod—to go around and talk with the mushers and see all their teams. I had a chance to see Larry, his lead dog. My favorite is Lippy. I just kind of like the name, but Lippy has great little eyebrows. My favorite picture is with Lippy, but these dogs all have personalities unto themselves. And when they do come together as a team to do these incredible athletic feats, we must acknowledge and respect them.

Lance Mackey continues to impress all of us with his remarkable achievements and record-setting performances. He is an inspiration to others who struggle with cancer. He named his dog kennel up north the Lance Mackey's Comeback Kennel. I think that is most appropriate.

So it is my honor today to stand before the Senate to congratulate Lance Mackey and his team of amazing dogs. Lance is a world-class dog musher and a true Alaskan hero, and I wish him and his team continued success and good health in the future.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. REID. I ask unanimous consent that tomorrow morning, March 19, following a period of morning business, the Senate proceed to H.R. 146; that upon the bill being reported, there be 20 minutes of debate equally divided and controlled between Senators BINGAMAN and COBURN or their designees; that upon the use or yielding back of this time, the Senate proceed

to vote in relation to the amendments as listed below and that the order with respect to time prior to votes and vote sequencing remain in effect: amendment No. 677, No. 682, No. 683; that upon disposition of all amendments, there be 30 minutes of debate with respect to the bill, equally divided and controlled between Senators BINGAMAN and COBURN or their designees; that upon the use or yielding back of that time, the Senate then proceed as provided for under the order of March 17, with all other provisions remaining in effect.

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

Mr. REID. I ask unanimous consent that upon disposition of H.R. 146, the Senate proceed to a period of morning business with Senators allowed to speak therein for up to 10 minutes each.

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

#### MORNING BUSINESS

Mr. REID. I ask unanimous consent that we now proceed to a period of morning business.

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

#### EARMARKS DEBATE

Mr. REID. Mr. President, for several months now we have been discussing earmarks or congressionally directed spending. This body has heard many false charges about earmarks. We have heard that earmarks amount to wasteful spending. We have heard that taxpayers should not support these projects. We have even heard that earmarks don't actually benefit our States.

Fortunately, my constituents understand that the rhetoric on earmarks doesn't match the facts.

Nevadans know that these projects are brought to me by their mayors, council members, and city managers. Nevadans know that, as their Senator, I understand their needs better than a faceless bureaucrat in Washington. And most importantly, Nevadans know how valuable earmarks are in a small State like ours to expand medical services, build infrastructure, and provide other services.

I ask unanimous consent to have printed in the RECORD the following editorial from Las Vegas Review-Journal columnist John L. Smith. Mr. Smith accurately points out the hypocrisy surrounding the earmarking debate and provides examples of many beneficial earmarks for Nevada.

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

[From Las Vegas Review-Journal, Mar. 18, 2009]

JOHN L. SMITH: LET'S DO RIGHT-WING THING AND SEND THAT PORK BACK TO WASHINGTON  
Here's your chance, Nevada.

This is your golden opportunity to unfurl old "Battle Born" and wave it proudly in the Libertarian breezes.

Come on, all you die-hard conservatives and daffy Obama critics who these days find yourselves chattering endlessly about the evils of pork barrel politics, "earmarks" and government waste in general. Take time out from calling into your favorite radio talk show and register your complaint.

This is the time to demand that your local and state officials return the \$100 million secured by Senate Majority Leader and Silver State Pork Farmer Supreme Harry Reid in the recent \$410 billion federal spending bill. (Meanwhile, Nevada's "hard-core conservative" John Ensign voted against the bill after putting his fingerprints on \$54 million in earmarks. And he didn't even blush.)

Many conservatives have assailed the latest federal shopping spree for being riddled with "earmarks" at a time Congress had supposedly sworn off pork. You can't turn on a television or open a newspaper without running into the criticism.

So here's your chance, Nevada. Demand that your community's portion of the money be returned.

If wicked old Clark County wants to keep its share of the loot, that doesn't preclude the state's rural counties from taking a righteous stand and marking the metaphorical envelopes containing those federal hand-out checks "Return to Sender." Even if it isn't effective, just think how much publicity your town will generate by tossing that federal handout back into Uncle Sam's face.

Of course, criticizing government waste is easy. Rejecting it when it's your turn at the trough is more difficult. A quick perusal of the particulars of Nevada's \$100 million proves this out.

There's \$807,500 for the Nevada Fair Housing Foreclosure Effort, and another \$507,000 for the Access to Healthcare Network for uninsured Nevadans.

Remember the hepatitis C scandal? There's \$523,000 earmarked for the Southern Nevada Health District to fight that battle.

There's nearly \$1 million to assist the University of Nevada Health Sciences System nursing program and \$856,000 each for the Clark County and Washoe County school districts for dropout prevention.

There's more than \$800,000 for University of Nevada, Reno agriculture-related programs, and another \$269,000 to help Carson City battle erosion that followed the 2004 Waterfall Fire.

Come on, Carson. Just say no.

While Clark and Washoe counties receive by far the greatest percentage of federal funding for public safety improvements for everything from training facilities to DNA labs, the city of Fernley in Lyon County is due to get \$300,000 for law enforcement equipment.

While I've never thought much about the need for invasive weed control, there's \$235,000 for those who do at the Nevada Department of Agriculture. Presumably, they'll be controlling invasive weeds somewhere in the middle of Great Basin cattle country.

There's \$4.78 million for the Truckee Meadows Flood Control Project, another \$2.5 million for Truckee Canal Reconstruction. There's more than \$3 million for water treatment at Lake Tahoe and \$18 million for "rural Nevada water infrastructure and water quality projects."

There's money to study wildlife habitat in central Nevada lakes and to restore the Lahontan cutthroat trout population.

Inside town limits, there's \$608,000 to help Wells recover from its earthquake, \$150,000 to restore St. Augustine's Church in Austin, \$475,000 for the Virginia & Truckee Railroad,

\$190,000 for the Amargosa Valley Community Center, \$300,000 for wastewater treatment in Goldfield, \$1.5 million for an interpretive center in Elko, \$285,000 for Truckee Meadows Community College low-income student recruitment, and \$24,000 to help poor schoolchildren in Lincoln County.

One of my serious favorites is \$381,000 for the Nevada Cancer Institute to fund the Hope Coach "mammovan," which will provide cancer screening for women in the state's many rural outposts.

This is a great project, but then I like pork spending.

Don't misunderstand: There's plenty to criticize about earmarks and federal spending. Nevada's list of big government projects made me scratch my head several times.

And there are compelling philosophical arguments to be made against wide-open government checkbooks and big deficits. Frankly, I'll be happy to have that discussion—as soon as lowly, care-worn Nevada finishes getting its share. Until then, I'll refrain from joining the Libertarian chorus.

That's the thing about pork.

It's easy to turn it down until the pig is roasted and the platter is passed to you.

### STEM CELL RESEARCH

Mr. KYL. Mr. President, in a recent column for the Washington Post, "Obama's 'Science' Fiction," Charles Krauthammer exposes President Obama's efforts to destabilize the delicate balance between moral concerns over destroying embryonic stem cells and advancing medical research that can be universally accepted.

President Obama's recent decision to authorize expanded and seemingly unlimited Federal funding for stem cell research eviscerates the delicate balance forged by President Bush by forcing taxpayers to support embryonic creation and destruction. Mr. Krauthammer observed that some may "favor moving that moral line to additionally permit the use of spare fertility clinic embryos," but "President Obama replaced it with no line at all. He pointedly left open the creation of cloned and noncloned sperm-and-egg derived—human embryos solely for the purpose of dismemberment and use for parts." What is most concerning to me, and what Mr. Krauthammer succinctly exposes, is that President Obama's new embryonic stem cell policy is devoid of any ethical standards or guidelines. President Obama's decision makes the federal government the final arbiter in a moral argument that defies many Americans' core beliefs about the creation of life.

I ask unanimous consent that his column be printed in the RECORD and I urge my colleagues to consider his thoughtful views.

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

[From the Washington Post, Mar. 13, 2009]

#### OBAMA'S 'SCIENCE' FICTION

(By Charles Krauthammer)

Last week, the White House invited me to a signing ceremony overturning the Bush (43) executive order on stem cell research. I assume this was because I have long argued in these columns and during my five years

on the President's Council on Bioethics that, contrary to the Bush policy, federal funding should be extended to research on embryonic stem cell lines derived from discarded embryos in fertility clinics.

I declined to attend. Once you show your face at these things you become a tacit endorser of whatever they spring. My caution was vindicated.

President Bush had restricted federal funding for embryonic stem cell research to cells derived from embryos that had already been destroyed (as of his speech of Aug. 9, 2001). While I favor moving that moral line to additionally permit the use of spare fertility clinic embryos, President Obama replaced it with no line at all. He pointedly left open the creation of cloned—and noncloned sperm-and-egg-derived—human embryos solely for the purpose of dismemberment and use for parts.

I am not religious. I do not believe that personhood is conferred upon conception. But I also do not believe that a human embryo is the moral equivalent of a hangnail and deserves no more respect than an appendix. Moreover, given the protean power of embryonic manipulation, the temptation it presents to science and the well-recorded human propensity for evil even in the pursuit of good, lines must be drawn. I suggested the bright line prohibiting the deliberate creation of human embryos solely for the instrumental purpose of research—a clear violation of the categorical imperative not to make a human life (even if only a potential human life) a means rather than an end.

On this, Obama has nothing to say. He leaves it entirely to the scientists. This is more than moral abdication. It is acquiescence to the mystique of "science" and its inherent moral benevolence. How anyone as sophisticated as Obama can believe this within living memory of Mengele and Tuskegee and the fake (and coercive) South Korean stem cell research is hard to fathom.

That part of the ceremony, watched from the safe distance of my office, made me uneasy. The other part—the ostentatious issuance of a memorandum on "restoring scientific integrity to government decision-making"—would have made me walk out.

Restoring? The implication, of course, is that while Obama is guided solely by science, Bush was driven by dogma, ideology and politics.

What an outrage. Bush's nationally televised stem cell speech was the most morally serious address on medical ethics ever given by an American president. It was so scrupulous in presenting the best case for both his view and the contrary view that until the last few minutes, the listener had no idea where Bush would come out.

Obama's address was morally unserious in the extreme. It was populated, as his didactic discourses always are, with a forest of straw men. Such as his admonition that we must resist the "false choice between sound science and moral values." Yet, exactly 2 minutes and 12 seconds later he went on to declare that he would never open the door to the "use of cloning for human reproduction."

Does he not think that a cloned human would be of extraordinary scientific interest? And yet he banned it.

Is he so obtuse as not to see that he had just made a choice of ethics over science? Yet, unlike Bush, who painstakingly explained the balance of ethical and scientific goods he was trying to achieve, Obama did not even pretend to make the case why some practices are morally permissible and others not.

This is not just intellectual laziness. It is the moral arrogance of a man who continuously dismisses his critics as ideological

while he is guided exclusively by pragmatism (in economics, social policy, foreign policy) and science in medical ethics.

Science has everything to say about what is possible. Science has nothing to say about what is permissible. Obama's pretense that he will "restore science to its rightful place" and make science, not ideology, dispositive in moral debates is yet more rhetorical sleight of hand—this time to abdicate decision-making and color his own ideological preferences as authentically "scientific."

Dr. James Thomson, the pioneer of embryonic stem cells, said "if human embryonic stem cell research does not make you at least a little bit uncomfortable, you have not thought about it enough." Obama clearly has not.

#### KENYA

Mr. FEINGOLD. Mr. President, two human rights defenders, Oscar Kamau Kingara and John Paul Oulu, were murdered in the streets of Nairobi, Kenya 2 weeks ago. I was deeply saddened to learn of these murders and join the call of U.S. Ambassador Ranneberger for an immediate, comprehensive and transparent investigation of this crime. At the same time, we cannot view these murders simply in isolation; these murders are part of a continuing pattern of extrajudicial killings with impunity in Kenya. The slain activists were outspoken on the participation of Kenya's police in such killings and the continuing problem of corruption throughout Kenya's security sector. If these and other underlying rule of law problems are not addressed, there is a very real potential for political instability and armed conflict to return to Kenya.

In December 2007, Kenya made international news headlines as violence erupted after its general elections. Over 1,000 people were killed, and the international community, under the leadership of Kofi Annan, rallied to broker a power-sharing agreement and stabilize the government. In the immediate term, this initiative stopped the violence from worsening and has since been hailed as an example of successful conflict resolution. But as too often happens, once the agreement was signed and the immediate threats receded, diplomatic engagement was scaled down. Now over a year later, while the power-sharing agreement remains intact, the fundamental problems that led to the violence in December 2007 remain unchanged. In some cases, they have even become worse.

Last October, the independent Commission of Inquiry on Post-Election Violence, known as the Waki Commission, issued its final report. The Commission called for the Kenyan government to establish a special tribunal to seek accountability for persons bearing the greatest responsibility for the violence after the elections. It also recommended immediate and comprehensive reform of Kenya's police service. Philip Alston, the U.N. Special Rapporteur on extrajudicial killings, echoed that recommendation in his report, which was released last month.

Alston found the police had been widely involved in the post-election violence and continue to carry out carefully planned extrajudicial killings. The Special Rapporteur also identified systematic shortcomings and the need for reform in the judiciary and Office of the Attorney General.

Despite these official reports, there has been very little action toward implementing these recommendations. The Kenyan government has not taken steps to establish the special tribunal. The police commissioner and attorney general, both heavily implicated in these problems, remain in their respective posts. Meanwhile, reported scandals involving maize and oil imports suggest that public corruption in Kenya remains pervasive and may be getting worse. This is generating increased public resentment that can easily be exploited by armed militias and turn violent. I am especially worried about these heightened hostilities given the tensions expected to surround Kenya's census, which is scheduled for later this year and the potential for them to flow over into next year's constitutional referendum, and ultimately the 2012 general elections.

There is a lot of talk these days about conflict prevention. I see no greater opportunity for conflict prevention in Africa right now than in Kenya. The international community needs to coordinate its efforts to ensure the Kenyan government addresses these fundamental problems of governance and rule of law. The United States has a key role to play in this regard, especially given our longstanding and historic partnership with Kenya. To that end, I was pleased that FBI Director Robert Mueller visited Kenya 2 weeks ago and delivered a very clear message: "Public corruption should be a priority for all investigation and prosecution agencies in the country." We need to consistently reiterate that message and we need to back it up with concrete actions that both support reform and sanction individuals found guilty of kleptocracy.

In the months ahead, Kenya must get more attention from our senior government officials. I hope the Obama administration's nominee for Assistant Secretary of State for African Affairs will be ready to give it that attention and develop an effective strategy for preventing conflict there. Allowing the status quo to persist will be far more costly in the long run. Kenya is an extremely important country for the stability of the Horn of Africa and East Africa; it is a country of great talent and entrepreneurship, rich history and diversity. With all those strengths, a promising and peaceful future is possible for Kenya and we must help its people to attain it.

#### 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:

Gas prices have not only affected our family for our vehicle but also in heating fuel. We live 15 miles from town and from our jobs, costing us an increase of \$400-500 a month. Our heating bills went from \$89 to \$389 a month. That has had great impact on our family. I am sure that it has on many families. Our hope is that our legislators will find us the resources that available to lower the costs. The cost of living is above our wages for many people. Be it the wind and solar power something needs to be done. Thank you for your time.

CINDY.

Thanks for the opportunity to comment. I am an architect and travel to construction sites. It is obvious. The cost goes up so I compromise with my clients; the price goes up a little to them and my already slim margin goes down. Everything is affected: transportation costs more so building materials cost more so we get less buildings and infrastructure for our money. My family gets to do less together.

The nonsense is everywhere. In Boise our Mayor wants to reinstitute a street car system. Why not create better bus schedules so people will ride and save billions? The "environmentalists" do not want us to recover our own resources because they are looking at the processes of oil, timber and mining of 50 and 100 years ago, not giving credit to the enormous progress those industries have made in their processes.

We have become a nation that consumes exponentially more than it produces. If we do not repair that imbalance, it will consume us destructively! Get the supply side in balance. Use our own resources. Bring much manufacturing home. (The unions have already priced themselves out of the market. They may have to give a little.) Extract our own resources in the environmentally safe and sound ways that are now known. Then do not export our resources.

Lastly, as I have been saying for 20 years, explore and support development of all logical alternative energy sources.

Thanks for the opportunity to do my own pontificating!!

DAVID, Boise.

Because all of the food in our area is trucked in the price of groceries is naturally going to go up. I worry about the young people that do not have large incomes and have

families to feed. Please be our voice of reason in this tough time our wages stay the same and everything else rises. Please do not let the rich run this country! Thank you for listening.

SHEILA, *Idaho Falls.*

Build nuclear energy plants.

Open ANWR, Wyoming, Utah and etc. The Great Salt Lake is covering a bed of oil, a little sludgy, but oil just the same, found by the only "off shore" rig set up there in the late 70s or early 80s.

Fight for our right to open up our off shore oil possibilities.

Tax incentives for solar energy for hot water, heating homes.

NANCY.

Thank you, Mr. Crapo, for this opportunity. In addition to my suggested impacts/solutions submitted yesterday, in addition to the obvious need to drastically streamline the NRC licensing process for nuclear reactors, perhaps the single largest improvement to dropping the costs of virtually all commodities, including crude oil, take all necessary measures to regain the value of the U.S. dollar. Its record weakness is impacting all market sectors virtually all commodities purchased abroad.

PAUL.

I think you should be pushing with all of your might to ramp up drilling for oil anywhere within our country and offshore. For too long, we have tried the policy of powder puff energy programs, ethanol, and environmentalist-led no drilling mandates. We are now trying to adjust our lives to survive the "raging successes" this policy has delivered to the American people. My family, my friends, and I are all getting really mad about this whole situation. It is blatantly obvious that our current policies are total failures. If this cannot be seen by our elected representatives, then maybe we need some new people capable of rational thought.

New technology, new power sources and innovative ways to address our energy needs are embraced and supported by the majority of Americans. However, the same majority fully understands that it will take years, even decades, to transition into these systems. While we are enduring this transition, why punish ourselves with ever-escalating energy costs by squandering our own natural resources.

Last September, I made a wonderful trip to Eastern Europe (former Iron Curtain countries). While enjoying a coffee at an outside café in "Old Warsaw", an old Polish gentleman walked up and politely asked if he could sit down and talk to me. He knew we were speaking English but was unsure if we were Americans, Canadians, Australians, etc. When I said we were Americans and he was most welcome to sit down, he was delighted. Without hesitation, he started in on me by saying "do not you Americans realize that oil is a global commodity"? We all pay the world price per barrel. He continued by saying that we were sitting on a ton of oil resources that we "smugly" refuse to develop and thereby raise the price of oil for everybody. Maybe, he said, you guys can afford it but we cannot. "We Poles simply cannot understand why it is not obvious to you what the production of 2 or 3 million barrels of oil per day by you Americans from your own resources would do to prices and your own reputation around the world". What could I say? He was right. Before leaving, the old man looked me straight in the eye and said "remember, no country is so rich that it can afford to squander it is natural resources".

Drilling is a winner in many ways. By increasing supply we will temper, even lower

prices for crude. We will decrease our dependence on hostile foreign suppliers whose production can be disrupted at any time by a few radical people. New, well-paying jobs for Americans will be developed. National security will be advanced by not depending on anyone for our energy needs. Last, but not least, we will always need petroleum. I do not care what energy source drives our cars in the future, they will roll on tires made from petroleum, their bearings and moving parts will be lubricated and cooled by petroleum based products. Our homes will be built with plumbing pipes made from petroleum. The plastics used in cars and untold millions of domestic uses are all petroleum based.

It is finally time we let the radical environmentalists know that we gave them their chance to lead us to the energy promised land and they have failed totally. The environmentalists have always been a noisy bunch while the rational thinkers have sat in the background. This is starting to change; the regular people are getting worked up and involved. Some meaningful new direction is now being demanded. The one thing we have not tried is drill and increase supply along with some new refining capability. We, at last, are getting tired of paying unbelievable prices and sending all the money offshore. We are getting tired of watching a bunch of pompous politicians hold stupid hearings and try to lay the whole problem at the feet of "Big Oil". Contrary to popular opinion, we are a little smarter than that. I do not think the politicians realize what absolute fools they are making of themselves. Are we supposed to take our business to "Little Oil"?

Bottom line, this issue is so big and important, something is going to happen, and you can count on it. Pie in the sky dreams will not make it, business as usual will not make it, and only straight forward policies that address our real energy needs in the shortest possible time will make it. It is popular among the liberal opposition to say that we cannot drill our way out of this problem. Our answer should be that we have tried all of your ideas and things have only gotten worse. It is people like you liberals who say we cannot drill and succeed, why should the average American believe your analysis when you have done nothing but fail in a huge way.

DENNY.

I have no answer to the problem other than I know doing nothing is not the answer. If 80% of Americans are in favor of offshore drilling, then why are we not doing it? I would like to see the government say to auto manufacturer who are building cars in America with only 100% American-made auto parts, build a car that can run with whatever fuel that does not need gas and we will do something to help you. I am 80 years old and not smart enough to know what that is or how to do it but if the incentive was there it would get done and make jobs for Americans.

HAROLD.

I send this letter and information speaking for myself as an individual and not the INL. I am a senior engineer at the Idaho National Laboratory with 19 years of experience working here doing heat transfer modeling. I received a Masters Degree in Mechanical Engineering from BYU in 1989. I just recently submitted a patent to the U.S. patent office through the INL concerning a method to create all of our liquid transportation fuels with a new process we are researching. The process uses high temperature steam electrolysis (HTSE) to produce hydrogen, with electricity supplied by non-fossil power plants. Biomass is used as the carbon source and heat source for this cycle. When combining

the biomass gasification products with the hydrogen produced from HTSE, liquid hydrocarbon fuels can be created with such processes as the Fischer-Tropsch process. With this process, we could make 13 million barrels of liquid hydrocarbon transportation fuel each day that would go along with 7 million barrels produced from U.S. oil supplies for the total of 20 million barrels per day that we currently use. This means that we would not need to import any oil from anyone. The success of this process includes a huge amount of fossil-free electricity. This can only be done with several hundred large nuclear electricity power plants. These plants do not need to be the NGNP or GEN-IV plants, but would be beneficial if they are. The biomass gasification would supply the heat source for the HTSE. We do not need an NGNP to supply the heat source for the HTSE. This process converts more than 90% of the carbon in the biomass to liquid fuels, while cellulosic ethanol converts only 30%.

I am absolutely convinced after many years of thinking about this that this will solve our nation's energy problems. In order to accomplish this feat, the following needs to occur:

(1) Increase the DOE funding for researching this promising cycle by:

(a) Analyze, Develop, and Build a small scale version of this production facility using Eastern Idaho biomass and create liquid hydrocarbon transportation fuels.

(b) Drastically increase the funding for High Temperature Steam Electrolysis performance, reliability, mass production, and cost.

(c) Send funding to solve the nuclear fuel cycle for recycling nuclear waste.

(2) With this huge increase in electrical power production capacity, drastically increase the fleet of U.S. vehicles using the plug-in hybrid methodology. These plug-in hybrids solve our social need to be able to use electricity for short trips to work each day, or liquid hydrocarbon fuels in a long trip across the country. These are absolutely the way to go as they are very fuel efficient and let us keep our wonderful life-style that we enjoy here in America.

(3) Absolutely under no circumstance invoke the "carbon tax". This will only send money from the rich nations to the poor nations. If I ever hear anyone use the phrase "carbon tax" again, it shows how uneducated they are on this topic. The only source of carbon to the earth's atmosphere is the combustion of fossil fuels. This is a one way street for the carbon from underground to the earth's atmosphere where it will stay for many hundreds if not thousands of years. This phrase needs to be renamed "fossil tax". You can only tax people that take the carbon out of the ground and sell it to be combusted and put in the atmosphere. All of the other carbon in the world like ethanol production needs to be left alone, because it only recycles carbon from the atmosphere back to the atmosphere again.

Thank you for your attention to this email. I would dearly love to go over all of this with you in person. Please let me know how we can meet together.

GRANT.

I thank you for the opportunity to share with you my views on climate change. My husband and I recently made the decision for me to stay home with our 9-month-old daughter. Even though this has impacted our monthly income, we nevertheless feel the increased fuel prices are a good thing for our nation. It is about time we start paying the real price of oil. When I hear stories of friends selling their trucks for smaller cars, I grin ear-to-ear. For me, the high prices have caused me to limit my trips to town



and purchase more goods online (especially from sites where the shipping is free). For my husband, he will begin commuting to work by bike two days/week. The concept of drilling for more domestic oil is a Band-aid approach to our need for more oil. We would not see the results for years and they would only be short-lived. Instead, states should be focused on building city infrastructure and public transportation systems to accommodate the new reality of high fuel prices. As a nation, we should provide incentives for alternative energy research. As a resident of Boise, I am more than willing to utilize the bus system. However, Valley Ride severely lacks what the Treasure Valley would need to make it an appealing option. I came from a city where I utilized two forms of public transportation a day (bus and light rail). It was a inconvenient in some ways but mostly wonderful considering I saved on gas money, read my book and felt great about doing 'my part' to help the environment. Besides helping residents, a new and innovative public transportation system appeals to those visiting our beautiful valley as well. Our infrastructure and public transportation system in the Treasure Valley lacks the innovation, efficiency and foresight to become a real option for those feeling the crunch of high gas prices. It is too bad that as a nation, state, and county we are so reactive to issues like this rather than leaders! Why not address the local changes that we can make right here and now that will only continue to benefit and serve us going forward?

ALLISON, Boise.

Thank you for giving me the opportunity to tell how the rising cost of gasoline is affecting my family. Just yesterday, I had to cancel reservations I had made back in March for a family vacation to the Oregon Coast in September. This "yurt" vacation was going to be the highlight of our year. In fact, we had been planning it since early in March. Already living on a tight budget, this simple vacation would have been an extravagance for us. But I was only able to budget up to \$4 a gallon for gas. Now that the price of gas has reached the \$4 mark and is expected to be much higher by September, we had no choice but to cancel. We will be taking a "staycation" instead.

My husband and I share one automobile and are already conservative with our driving. Most days, he drives from our house to the nearest bus stop (about 3 miles) to take a crowded bus to work in downtown Boise. On the one to two days a week that I need the car to drive to work, I have to get him to and from the bus. We have been doing this for over a year now. Our budget already required this of us when gas prices were under \$3 a gallon. We seem to have no other way to cut back. My husband has been trying to get a job near where we live which would enable him to ride his bicycle to work but, so far, he hasn't been able to. For us, driving less to save dollars at the pump means giving up some time we would usually spend visiting with family and friends, most of whom live 30 miles from us.

Perhaps the biggest way this has affected my family is that we have continued to be unable to afford health insurance. Though my husband has had a couple of good raises over the past year and a half (and is insured through his employer), those raises were eaten up in rising fuel and grocery prices. So, I have been unable to budget in the nearly \$400 month it would cost to put myself and our two boys on health insurance.

Again, thank you for this opportunity!

SUSAN, Meridian.

I do not know if this will really help you, but anything is worth a try, especially for the whole of the United States.

My story begins about a year ago, when I discovered I was pregnant. My husband is blind! He receives SSI. Because of this, if I work fulltime and gross \$1,400 in a month, the United States government takes away his SSI. OK, no problem. If I claim our daughter and my husband, then not enough taxes will be taken out, and I will owe at the end of the year and struggle to pay what I will owe. If I do not claim our daughter and my husband, then to survive every month will be a challenge because my net income (take home) will be roughly half and then that leaves little to pay the bills (as if we have enough now). So I work parttime, and we still cannot pay all our bills.

Our electricity bill was over \$200 in one month, during this last winter. With our daughter being a newborn, we just did not want to risk the temperature lower than 65 degrees, which is where we kept our thermostat, just to try to keep the electric bill down. We did receive energy assistance; that helped. However we are still behind in our electric bill, and, to be perfectly honest with you, if I was to work fulltime, I could not afford the fuel in the car. My car is a 1989 GEO Tracker which gets up to 25-28 miles per gallon. So where does that leave my husband, our daughter and me? Broke and completely reliant on the government to survive, especially with the cost of food going up. Our \$900 stimulus check is not going to the economy; it is going to pay credit card debt, just as my income tax return did.

Well, hopefully this will help you in your fight on Capitol Hill.

CHRISSEY, Sagle.

#### ADDITIONAL STATEMENTS

##### RECOGNIZING DUKE EYE CENTER

• Mr. BURR. Mr. President, today I recognize the Duke Eye Center in North Carolina for its determined efforts to promote awareness, treatment, and prevention of glaucoma. Glaucoma, an optic nerve disease, is the leading cause of incurable blindness in the United States. Worldwide, 70 million people suffer from the disease, 2.2 million of those in the United States. Because the disease does not usually show signs until the point that irreversible vision loss occurs, the development of early detection and prevention strategies is imperative.

We recently observed World Glaucoma Day, on March 12, 2009. In light of this important observance, I express my thanks for the researchers and staff at the Duke Eye Center, who are devoted to the task of uncovering the cause of glaucoma. Historically, most research and treatment has focused on reducing elevated pressure within the eye. However, not everyone with glaucoma has elevated pressure, and not everyone with elevated pressure develops glaucoma. Researchers at the Duke Eye Center are working diligently to uncover other possible causes of the disease. Researchers and clinicians have excellent working relationships, collaborating on genomics, oxidative stress, and even links to Alzheimer's disease. They are performing cutting edge research, while at the same time delivering cutting edge patient care.

In 2008, Ophthalmology Times ranked the Duke Eye Center fourth best

among U.S. ophthalmology programs. I applaud their hard work and achievements in the diagnosis, treatment, and prevention of glaucoma.●

#### HONORING BANCROFT CONTRACTING CORPORATION

• Ms. SNOWE. Mr. President, today I wish to recognize a Maine small enterprise that epitomizes the values and commitment necessary to excel not only as a business, but also as a leader in the community. Bancroft Contracting Corporation, located in the western Maine town of South Paris, is one of the leading general contractors in Maine, and does superb work in industrial and commercial markets throughout New England. I am extremely proud to report that the Small Business Administration has named Bancroft's president, Mark A. Bancroft, the 2009 Maine Small Business Person of the Year.

Bancroft Contracting is a second-generation, family-owned company that provides a wide range of construction and industrial maintenance services to an array of diverse markets. Founded in 1977 by Al Bancroft, the firm's customers include pulp and paper manufacturers, power-generating companies, State transportation departments, and cement and plastics manufacturers. Additionally, Bancroft Contracting supplies thousands of cubic yards of reinforced concrete every season for a variety of projects that include dams, bridges, and large commercial foundations. The company employs more than 130 construction professionals in the winter months and upwards of 200 in the summer. Bancroft's employees represent a wide spectrum of construction professions, from structural welders and pipe fitters, to riggers and ironworkers, and they all possess an extraordinary level of expertise in their specialized areas.

Bancroft Contracting prides itself on relationship-based customer service, and the company responds diligently to all customer requests in a prompt and efficient manner. In a similar vein, Bancroft takes care to contribute significantly to the well-being of the western Maine community. Organizations and institutions that have benefited from Bancroft's generous contributions and services over the years include the University of Maine, the area school department, the Boy Scouts, various local sports teams, Kiwanis, and the Rotary Club.

As Bancroft's president for the past 7 years, Mark Bancroft has had a significant impact on the company's direction. He is a graduate of the construction management technology program in the School of Engineering Technology at the University of Maine. Notable, he started his tenure at Bancroft Contracting at the age of 14 and continued working for the company throughout high school and college. Mr. Bancroft learned the business at an early age and received critical training

from many of the company's skilled craftsmen.

Mr. Bancroft's desire to roll up his sleeves and his ability to understand the business from the ground up has earned him the respect of both his employees and customers alike. Before becoming president in 2002, he worked in a variety of capacities throughout the years, serving as a project manager, human resources manager, operations manager, and vice president of operations. It is this intricate knowledge of the business, along with his distinguished leadership, that has resulted in Bancroft's tremendous 19 percent growth over the last 3 years, defying the downward trend of too many firms during these difficult economic times.

Additionally, Mr. Bancroft serves on several boards of trustees and directors, including, the Paris Utility District, University of Maine Construction Management Technology Industrial Advisory Council, Associated General Contractors of America Education Foundation Trust, and Self Insured Workers Compensation Group Trust. And just last week, Mr. Bancroft was elected chair of the Associated General Contractors of Maine.

On a personal note, in the winter of 2008, Mr. Bancroft donated the use of a crane and several employees to the town of Bethel to help the community construct Olympia SnowWoman. This architectural feat is now in the "Guinness Book of World Records" as the largest snowwoman at 122 feet and 1 inch tall—and what a record to hold! I am proud that Mr. Bancroft played such an integral part in a project that brought a great sense of community pride to Bethel and to Maine.

It is my distinct honor to congratulate Mark Bancroft, an immensely deserving individual, as the SBA's 2009 Small Business Person of the Year in Maine, and I extend my best wishes to everyone at Bancroft Contracting for their continued success.●

#### MESSAGES FROM THE PRESIDENT

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

#### EXECUTIVE MESSAGES REFERRED

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

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

#### MESSAGE FROM THE HOUSE

At 11:37 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed

the following bills, in which it requests the concurrence of the Senate:

H.R. 628. An act to establish a pilot program in certain United States district courts to encourage enhancement of expertise in patent cases among district judges.

H.R. 955. An act to designate the facility of the United States Postal Service located at 10355 Northeast Valley Road in Rollingbay, Washington, as the "John 'Bud' Hawk Post Office".

H.R. 1323. An act to require the Archivist of the United States to promulgate regulations regarding the use of information control designations, and for other purposes.

H.R. 1429. An act to provide for an effective HIV/AIDS program in Federal prisons.

H.R. 1512. An act to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 628. An act to establish a pilot program in certain United States district courts to encourage enhancement of expertise in patent cases among district judges; to the Committee on the Judiciary.

H.R. 955. An act to designate the facility of the United States Postal Service located at 10355 Northeast Valley Road in Rollingbay, Washington, as the "John 'Bud' Hawk Post Office"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1323. An act to require the Archivist of the United States to promulgate regulations regarding the use of information control designations, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 1429. An act to provide for an effective HIV AIDS program in Federal prisons; to the Committee on the Judiciary.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources:

Special Report entitled "History, Jurisdiction, and a Summary of Activities of the Committee on Energy and Natural Resources During the 110th Congress" (Rept. No. 111-8).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 146. A bill to amend the Federal anti-trust laws to provide expanded coverage and to eliminate exemptions from such laws that are contrary to the public interest with respect to railroads (Rept. No. 111-9).

By Ms. MIKULSKI, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 277. A bill to amend the National and Community Service Act of 1990 to expand and improve opportunities for service, and for other purposes.

#### EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. BINGAMAN for the Committee on Energy and Natural Resources.

\*David J. Hayes, of Virginia, to be Deputy Secretary of the Interior.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KOHL:

S. 627. A bill to authorize the Secretary of Education to make grants to support early college high schools and other dual enrollment programs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CONRAD (for himself, Mr. BROWNBACK, Ms. COLLINS, Mr. JOHNSON, and Mrs. MURRAY):

S. 628. A bill to provide incentives to physicians to practice in rural and medically underserved communities; to the Committee on the Judiciary.

By Ms. COLLINS (for herself, Mr. VOINOVICH, and Mr. KOHL):

S. 629. A bill to facilitate the part-time re-employment of annuitants, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LEAHY (for himself, Mr. SPECTER, Mr. WHITEHOUSE, and Mr. SESSIONS):

S. 630. A bill to make technical amendments to laws containing time periods affecting judicial proceedings; to the Committee on the Judiciary.

By Mr. KOHL (for himself, Ms. COLLINS, Mr. COCHRAN, Mr. KERRY, Mr. WHITEHOUSE, Mr. BINGAMAN, Mr. LEVIN, Mr. CASEY, Mrs. LINCOLN, Ms. KLOBUCHAR, Ms. STABENOW, and Mr. BAYH):

S. 631. A bill to provide for nationwide expansion of the pilot program for national and State background checks on direct patient access employees of long-term care facilities or providers; to the Committee on Finance.

By Mr. BAUCUS (for himself, Mr. CRAPO, Mrs. LINCOLN, Ms. SNOWE, Mr. ROBERTS, Mr. ENZI, and Mr. ENSIGN):

S. 632. A bill to amend the Internal Revenue Code of 1986 to require that the payment of the manufacturers' excise tax on recreational equipment be paid quarterly; to the Committee on Finance.

By Mr. TESTER (for himself, Mr. BAUCUS, Mr. JOHNSON, Mr. BINGAMAN, and Mr. DORGAN):

S. 633. A bill to establish a program for tribal colleges and universities within the Department of Health and Human Services and to amend the Native American Programs Act of 1974 to authorize the provision of grants and cooperative agreements to tribal colleges and universities, and for other purposes; to the Committee on Indian Affairs.

By Mr. HARKIN:

S. 634. A bill to amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. MURRAY:

S. 635. A bill to amend the Wild and Scenic Rivers Act to designate a segment of Illabot Creek in Skagit County, Washington, as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

By Mr. THUNE (for himself, Mr. TESTER, and Mr. CHAMBLISS):

S. 636. A bill to amend the Clean Air Act to conform the definition of renewable biomass to the definition given the term in the Farm Security and Rural Investment Act of 2002; to the Committee on Environment and Public Works.

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

S. 637. A bill to authorize the construction of the Dry-Redwater Regional Water Authority System in the State of Montana and a portion of McKenzie County, North Dakota, for other purposes; to the Committee on Energy and Natural Resources.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Ms. CANTWELL:

S. Res. 76. A resolution expressing the sense of the Senate that the United States and the People's Republic of China should work together to reduce or eliminate tariff and nontariff barriers to trade in clean energy and environmental goods and services; to the Committee on Finance.

By Ms. CANTWELL (for herself and Mr. VOINOVICH):

S. Res. 77. A resolution expressing the sense of the Senate that the United States and the People's Republic of China should negotiate a bilateral agreement on clean energy cooperation; to the Committee on Foreign Relations.

By Mr. CHAMBLISS (for himself and Ms. LANDRIEU):

S. Res. 78. A resolution designating March 22, 2009, as "National Rehabilitation Counselors Appreciation Day"; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 21

At the request of Mr. REID, the name of the Senator from Iowa (Mr. HARKIN) 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. 144

At the request of Mr. KERRY, the names of the Senator from Arkansas (Mr. PRYOR), the Senator from Alabama (Mr. SESSIONS), the Senator from Oklahoma (Mr. INHOFE) and the Senator from New Hampshire (Mr. GREGG) were added as cosponsors of S. 144, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 180

At the request of Mr. BENNET, his name was added as a cosponsor of S. 180, a bill to establish the Cache La Poudre River National Heritage Area, and for other purposes.

S. 183

At the request of Mr. BENNET, his name was added as a cosponsor of S. 183, a bill to establish the Dominguez-Escalante National Conservation Area and the Dominguez Canyon Wilderness Area.

S. 184

At the request of Mr. BENNET, his name was added as a cosponsor of S.

184, a bill to authorize the Secretary of the Interior to carry out the Jackson Gulch rehabilitation project in the State of Colorado.

S. 185

At the request of Mr. BENNET, his name was added as a cosponsor of S. 185, a bill to establish the Sangre de Cristo National Heritage Area in the State of Colorado, and for other purposes.

S. 186

At the request of Mr. BENNET, his name was added as a cosponsor of S. 186, a bill to establish the South Park National Heritage Area in the State of Colorado, and for other purposes.

S. 187

At the request of Mr. UDALL of Colorado, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 187, a bill to provide for the construction of the Arkansas Valley Conduit in the State of Colorado.

S. 188

At the request of Mr. UDALL of Colorado, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 188, a bill to provide for a study of options for protecting the open space characteristics of certain lands in and adjacent to the Arapaho and Roosevelt National Forests in Colorado, and for other purposes.

S. 189

At the request of Mr. UDALL of Colorado, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 189, a bill to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System, and for other purposes.

S. 190

At the request of Mr. UDALL of Colorado, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 190, a bill to designate as wilderness certain land within the Rocky Mountain National Park and to adjust the boundaries of the Indian Peaks Wilderness and the Arapaho National Recreation Area of the Arapaho National Forest in the State of Colorado.

S. 191

At the request of Mr. BENNET, his name was added as a cosponsor of S. 191, a bill to amend the Great Sand Dunes National Park and Preserve Act of 2000 to explain the purpose and provide for the administration of the Baca National Wildlife Refuge.

S. 243

At the request of Mr. CARDIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 243, a bill to amend the Internal Revenue Code of 1986 to allow the Secretary of the Treasury to establish the standard mileage rate for use of a passenger automobile for purposes of the charitable contributions deduction and to exclude charitable mileage reimbursements for gross income.

S. 277

At the request of Mr. REED, his name was added as a cosponsor of S. 277, a bill to amend the National and Community Service Act of 1990 to expand and improve opportunities for service, and for other purposes.

At the request of Mr. CASEY, his name was added as a cosponsor of S. 277, *supra*.

At the request of Mr. BYRD, his name was added as a cosponsor of S. 277, *supra*.

S. 407

At the request of Mr. AKAKA, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 407, a bill to increase, effective as of December 1, 2009, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

S. 423

At the request of Mr. AKAKA, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 423, a bill to amend title 38, United States Code, to authorize advance appropriations for certain medical care accounts of the Department of Veterans Affairs by providing two-fiscal year budget authority, and for other purposes.

S. 462

At the request of Mrs. BOXER, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 462, a bill to amend the Lacey Act Amendments of 1981 to prohibit the importation, exportation, transportation, and sale, receipt, acquisition, or purchase in interstate or foreign commerce, of any live animal of any prohibited wildlife species, and for other purposes.

S. 475

At the request of Mr. BURR, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from West Virginia (Mr. BYRD) were added as cosponsors of S. 475, a bill to amend the Servicemembers Civil Relief Act to guarantee the equity of spouses of military personnel with regard to matters of residency, and for other purposes.

S. 484

At the request of Mrs. FEINSTEIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 484, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 491

At the request of Mr. WEBB, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 491, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 506

At the request of Mr. LEVIN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 506, a bill to restrict the use of offshore tax havens and abusive tax shelters to inappropriately avoid Federal taxation, and for other purposes.

S. 511

At the request of Mr. BROWNBACK, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 511, a bill to amend part B of title XVIII of the Social Security Act to provide for an exemption of pharmacies and pharmacists from certain Medicare accreditation requirements in the same manner as such exemption applies to certain professionals.

S. 527

At the request of Mr. THUNE, the names of the Senator from Wyoming (Mr. BARRASSO) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 527, a bill to amend the Clean Air act to prohibit the issuance of permits under title V of that Act for certain emissions from agricultural production.

S. 528

At the request of Mr. WHITEHOUSE, the names of the Senator from Massachusetts (Mr. KENNEDY) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 528, a bill to prevent voter caging.

S. 535

At the request of Mr. NELSON of Florida, the names of the Senator from West Virginia (Mr. BYRD) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 535, a bill to amend title 10, United States Code, to repeal requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 542

At the request of Mr. REID, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 542, a bill to repeal the provision of law that provides automatic pay adjustments for Members of Congress.

S. 546

At the request of Mr. REID, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 546, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. 572

At the request of Mr. WEBB, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 572, a bill to provide for the issuance of a "forever stamp" to honor the sacrifices of the brave men and women of

the armed forces who have been awarded the Purple Heart.

S. 599

At the request of Ms. COLLINS, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 599, a bill to amend chapter 81 of title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any certain diseases is the result of the performance of such employee's duty.

S. 611

At the request of Mr. LAUTENBERG, the names of the Senator from California (Mrs. BOXER), the Senator from New York (Mrs. GILLIBRAND) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 611, a bill to provide for the reduction of adolescent pregnancy, HIV rates, and other sexually transmitted diseases, and for other purposes.

S. 620

At the request of Mr. REID, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 620, a bill to repeal the provision of law that provides automatic pay adjustments for Members of Congress.

S. RES. 49

At the request of Mr. LUGAR, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Res. 49, a resolution to express the sense of the Senate regarding the importance of public diplomacy.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KOHL:

S. 627. A bill to authorize the Secretary of Education to make grants to support early college high schools and other dual enrollment programs; to the Committee on Health, Education, Labor, and Pensions.

Mr. KOHL. Mr. President, today I am doing my part to end the growing crisis of high school dropouts. I am introducing the Fast Track to College Act, a bill to increase high school graduation rates and improve access to college through the expansion of dual enrollment programs and Early College High Schools. Such programs allow young people to earn up to two years of college credit, including an Associate's degree, while also earning their high school diploma.

As our country struggles with an economic recession, I believe we must continue to invest in our public schools. While we must carefully consider how taxpayer dollars are spent during these trying times, education is one of the wisest investments we can make, and it is an investment that must be made now, before our children fall farther behind.

Education provides an outstanding return on investment for taxpayers, and it builds the foundation for future economic growth. Young people who drop out of high school are at increased

risk for unemployment and incarceration, and they are more likely to depend on public assistance for healthcare, housing, and other basic needs. Conversely, adults with a bachelor's degree will earn two-thirds more than a high school graduate over the course of their working lives, and they are much less likely to experience unemployment or rely on social programs.

Our Nation's future depends on how we respond to the growing crisis in our schools, especially the rising number of high school dropouts. This generation of Americans is the first in history to be less likely to graduate from high school than their parents, and the U.S. is the only industrialized Nation where that is the case. This is not a sustainable trend if we hope to remain powerful and prosperous. Recent reports have illustrated the enormous challenge: the national graduation rate is only 70 percent, and is significantly lower in many large urban school districts. For example, my home state of Wisconsin has a relatively high graduation rate of 86 percent, but that rate drops to only 46 percent in the urban schools in Milwaukee. Such an achievement gap cannot continue.

As we work to reauthorize the No Child Left Behind Act, we must find solutions to the growing dropout crisis and provide opportunities for young people to pursue higher education. More funding is not the only answer for the problems in our schools—we must also reform our whole approach to education. We must ensure that young people are being equipped with the skills they need to compete in a 21st century economy. In particular, we can no longer view a high school diploma as a satisfactory goal for students. In today's world, students need at least two years of college or technical education in order to secure a well-paying job and provide for themselves and their families.

That is why I ask my colleagues to support this bill, which provides competitive grant funding for Early College High Schools and other dual enrollment programs that allow low-income students to earn college credit and a high school diploma at the same time. These programs put students on the fast track to college and increase the odds that they will not only graduate, but go on to continue their education and secure higher-paying jobs. The Gates Foundation has been funding evaluations of such programs for several years now, and they have shown incredible promise as a tool for increasing attendance, graduation, and college enrollment rates, particularly among low-income high school students. Students are motivated by a challenging curriculum and the tangible rewards of achievement, including free college credit and exposure to career opportunities. This free college credit is critically important, especially in this economy, as family savings dwindle and tuition costs continue

to rise. Dual enrollment programs can provide just enough costs savings to make college affordable, especially for low and middle-income families who might think it is out of their reach.

Specifically, this bill authorizes \$140,000,000 for competitive 6-year grants to schools, with priority given to schools that serve low-income students. The funding will help defray the costs of implementing new programs, strengthening existing programs, and providing students and teachers with the resources they need to succeed in early college high schools and other dual enrollment programs. The bill also includes \$10 million for states to provide support for these programs, as well as an evaluation component so we can measure the program's effectiveness.

I am proud to sponsor this legislation because I believe this investment in our schools will help solve the dropout crisis and secure America's future by ensuring that all young people can compete in today's global economy. Further, I believe that all children, regardless of income or other factors, deserve equal opportunities to fulfill their potential, and it is both morally and fiscally responsible for this Congress to invest in high-quality educational programs that help them reach that potential.

While our country faces unprecedented challenges at this moment in history, I believe we also face incredible opportunities to shape our future. I look forward to working with my colleagues in the Congress to reinvest in a world-class education system that will move our country forward into the 21st century.

I urge my colleagues to support this important legislation.

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

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

S. 627

*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 "Fast Track to College Act of 2009".

#### SEC. 2. PURPOSE.

The purpose of this Act is to increase high school graduation rates and the percentage of students who complete a recognized postsecondary credential by the age of 26, including among low-income students and students from other populations underrepresented in higher education.

#### SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) **DUAL ENROLLMENT PROGRAM.**—The term "dual enrollment program" means an academic program through which a high school student is able simultaneously to earn credit toward a high school diploma and a postsecondary degree or certificate.

(2) **EARLY COLLEGE HIGH SCHOOL.**—The term "early college high school" means a high school that provides a course of study that enables a student to earn a high school diploma and either an associate's degree or one

to two years of college credit toward a postsecondary degree or credential.

(3) **EDUCATIONAL SERVICE AGENCY.**—The term "educational service agency" has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(4) **ELIGIBLE ENTITY.**—The term "eligible entity" means a local educational agency, which may be an educational service agency, in a collaborative partnership with an institution of higher education. Such partnership also may include other entities, such as a nonprofit organization with experience in youth development.

(5) **INSTITUTION OF HIGHER EDUCATION.**—The term "institution of higher education" has the meaning given such term in section 101 of the Higher Education Act of 1965.

(6) **LOCAL EDUCATIONAL AGENCY.**—The term "local educational agency" has the meaning given such term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(7) **SECRETARY.**—The term "Secretary" means the Secretary of Education.

(8) **LOW-INCOME STUDENT.**—The term "low-income student" means a student described in section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(a)(5)).

#### SEC. 4. AUTHORIZATION OF APPROPRIATIONS; RESERVATIONS.

(a) **IN GENERAL.**—To carry out this Act, there are authorized to be appropriated \$150,000,000 for fiscal year 2010 and such sums as may be necessary for each of fiscal years 2011 through 2015.

(b) **EARLY COLLEGE HIGH SCHOOLS.**—The Secretary shall reserve not less than 45 percent of the funds appropriated under subsection (a) to support early college high schools under section 5.

(c) **OTHER DUAL ENROLLMENT PROGRAMS.**—The Secretary shall reserve not less than 45 percent of such funds to support other dual enrollment programs under section 5.

(d) **STATE GRANTS.**—The Secretary shall reserve 10 percent of such funds, or \$10,000,000, whichever is less, for grants to States under section 9.

#### SEC. 5. AUTHORIZED PROGRAM.

(a) **IN GENERAL.**—The Secretary is authorized to award six-year grants to eligible entities seeking to establish a new, or support an existing, early college high school or other dual enrollment program.

(b) **GRANT AMOUNT.**—The Secretary shall ensure that grants are of sufficient size to enable grantees to carry out all required activities and otherwise meet the purposes of this Act, except that a grant under this section may not exceed \$2,000,000.

(c) **MATCHING REQUIREMENT.**—

(1) **IN GENERAL.**—An eligible entity shall contribute matching funds toward the costs of the early college high school or other dual enrollment program to be supported under this section, of which not less than half shall be from non-Federal sources, which funds shall represent not less than the following:

(A) 20 percent of the grant amount received in each of the first and second years of the grant.

(B) 30 percent in each of the third and fourth years.

(C) 40 percent in the fifth year.

(D) 50 percent in the sixth year.

(2) **DETERMINATION OF AMOUNT CONTRIBUTED.**—The Secretary shall allow an eligible entity to satisfy the requirement of this subsection through in-kind contributions.

(d) **SUPPLEMENT, NOT SUPPLANT.**—An eligible entity shall use a grant received under this section only to supplement funds that would, in the absence of such grant, be made available from non-Federal funds for support

of the activities described in the eligible entity's application under section 7, and not to supplant such funds.

(e) **PRIORITY.**—In awarding grants under this section, the Secretary shall give priority to applicants—

(1) that propose to establish or support an early college high school or other dual enrollment program that will serve a student population of which 40 percent or more are students counted under section 1113(a)(5) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313(a)(5)); and

(2) from States that provide assistance to early college high schools or other dual enrollment programs, such as assistance to defray the costs of higher education, such as tuition, fees, and textbooks.

(f) **GEOGRAPHIC DISTRIBUTION.**—The Secretary shall, to the maximum extent practicable, ensure that grantees are from a representative cross-section of urban, suburban, and rural areas.

#### SEC. 6. USES OF FUNDS.

(a) **MANDATORY ACTIVITIES.**—An eligible entity shall use grant funds received under section 5 to support the activities described in its application under section 7, including the following:

(1) **PLANNING YEAR.**—In the case of a new early college high school or other dual enrollment program, during the first year of the grant—

(A) hiring a principal and staff, as appropriate;

(B) designing the curriculum and sequence of courses in collaboration with, at a minimum, teachers from the local educational agency and faculty from the partner institution of higher education;

(C) informing parents and the community about the school or program and opportunities to become actively involved in the school or program;

(D) establishing a course articulation process for defining and approving courses for high school and college credit;

(E) outreach programs to ensure that middle and high school students and their families are aware of the school or program;

(F) liaison activities among partners in the eligible entity; and

(G) coordinating secondary and postsecondary support services, academic calendars, and transportation.

(2) **IMPLEMENTATION PERIOD.**—During the remainder of the grant period—

(A) academic and social support services, including counseling;

(B) liaison activities among partners in the eligible entity;

(C) data collection and use of such data for student and instructional improvement and program evaluation;

(D) outreach programs to ensure that middle and high school students and their families are aware of the early college high school or other dual enrollment program;

(E) professional development, including joint professional development for secondary school personnel and faculty from the institution of higher education; and

(F) school or program design and planning team activities, including curriculum development.

(b) **ALLOWABLE ACTIVITIES.**—An eligible entity may also use grant funds received under section 5 otherwise to support the activities described in its application under section 7, including—

(1) purchasing textbooks and equipment that support the curriculum of the early college high school or other dual enrollment program;

(2) developing learning opportunities for students that complement classroom experiences, such as internships, career-based capstone projects, and opportunities to participate in the activities provided under chapters 1 and 2 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–11 et seq., 1070a–21 et seq.);

(3) transportation; and

(4) planning time for high school and college educators to collaborate.

#### SEC. 7. APPLICATION.

(a) IN GENERAL.—To receive a grant under section 5, an eligible entity shall submit to the Secretary an application at such time, in such manner, and including such information as the Secretary determines to be appropriate.

(b) CONTENTS OF APPLICATION.—At a minimum, the application described in subsection (a) shall include a description of—

(1) the budget of the early college high school or other dual enrollment program;

(2) each partner in the eligible entity and its experience with early college high schools or other dual enrollment programs, key personnel from each partner and such personnel's responsibilities for the school or program, and how the eligible entity will work with secondary and postsecondary teachers, other public and private entities, community-based organizations, businesses, labor organizations, and parents to ensure that students will be prepared to succeed in postsecondary education and employment, which may include the development of an advisory board;

(3) how the eligible entity will target and recruit at-risk youth, including those at risk of dropping out of school, first generation college students, and students from populations described in section 1111(b)(2)(C)(v)(II) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(v)(II));

(4) a system of student supports, including small group activities, tutoring, literacy and numeracy skill development in all academic disciplines, parental and community outreach and engagement, extended learning time, and college readiness activities, such as early college academic seminars and counseling;

(5) in the case of an early college high school, how a graduation and career plan will be developed, consistent with State graduation requirements, for each student and reviewed each semester;

(6) how parents or guardians of students participating in the early college high school or other dual enrollment program will be informed of the students' academic performance and progress and, subject to paragraph (5), involved in the development of the students' career and graduation plans;

(7) coordination between the institution of higher education and the local educational agency, including regarding academic calendars, provision of student services, curriculum development, and professional development;

(8) how the eligible entity will ensure that teachers in the early college high school or other dual enrollment program receive appropriate professional development and other supports, including to enable the teachers to utilize effective parent and community engagement strategies, and help English-language learners, students with disabilities, and students from diverse cultural backgrounds to succeed;

(9) learning opportunities for students that complement classroom experiences, such as internships, career-based capstone projects, and opportunities to participate in the activities provided under chapters 1 and 2 of subpart 2 of part A of title IV of the Higher

Education Act of 1965 (20 U.S.C. 1070a–11 et seq., 1070a–21 et seq.);

(10) how policies, agreements, and the courses in the program will ensure that postsecondary credits earned will be transferable to, at a minimum, public institutions of higher education within the State, consistent with existing statewide articulation agreements;

(11) student assessments and other measurements of student achievement, including benchmarks for student achievement;

(12) outreach programs to provide elementary and secondary school students, especially those in middle grades, and their parents, teachers, school counselors, and principals information about and academic preparation for the early college high school or other dual enrollment program;

(13) how the local educational agency and institution of higher education will work together, as appropriate, to collect and use data for student and instructional improvement and program evaluation;

(14) how the eligible entity will help students meet eligibility criteria for postsecondary courses and ensure that students understand how their credits will transfer; and

(15) how the eligible entity will access and leverage additional resources necessary to sustain the early college high school or other dual enrollment program after the grant expires, including by engaging businesses and non-profit organizations.

(c) ASSURANCES.—An eligible entity's application under subsection (a) shall include assurances that—

(1) in the case of an early college high school, the majority of courses offered, including of postsecondary courses, will be offered at facilities of the institution of higher education;

(2) students will not be required to pay tuition or fees for postsecondary courses offered as part of the early college high school or other dual enrollment program;

(3) postsecondary credits earned will be transcribed upon completion of the requisite coursework; and

(4) faculty teaching such postsecondary courses meet the normal standards for faculty established by the institution of higher education.

(d) WAIVER.—The Secretary may waive the requirement of subsection (c)(1) upon a showing that it is impractical to apply due to geographic considerations.

#### SEC. 8. PEER REVIEW.

(a) PEER REVIEW OF APPLICATIONS.—The Secretary shall establish peer review panels to review applications submitted pursuant to section 7 to advise the Secretary regarding such applications.

(b) COMPOSITION OF PEER REVIEW PANELS.—The Secretary shall ensure that each peer review panel is not comprised wholly of full-time officers or employees of the Federal Government and includes, at a minimum—

(1) experts in the establishment and administration of early college high schools or other dual enrollment programs from the secondary and postsecondary perspective;

(2) faculty at institutions of higher education and secondary school teachers with expertise in dual enrollment; and

(3) experts in the education of at-risk students.

#### SEC. 9. GRANTS TO STATES.

(a) IN GENERAL.—The Secretary is authorized to award five-year grants to State agencies responsible for secondary or postsecondary education for efforts to support or establish early college high schools or other dual enrollment programs.

(b) GRANT AMOUNT.—The Secretary shall ensure that grants are of sufficient size to enable grantees to carry out all required activities.

(c) MATCHING REQUIREMENT.—A State shall contribute matching funds from non-Federal sources toward the costs of carrying out activities under this section, which funds shall represent not less than 50 percent of the grant amount received in each year of the grant.

(d) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to States that provide assistance to early college high schools or other dual enrollment programs, such as assistance to defray the costs of higher education, such as tuition, fees, and textbooks.

(e) APPLICATION.—To receive a grant under this section, a State agency shall submit to the Secretary an application at such time, in such manner, and including such information as the Secretary determines to be appropriate.

(f) CONTENTS OF APPLICATION.—At a minimum, the application described in subsection (e) shall include—

(1) how the State will carry out all of the required State activities described in subsection (g);

(2) how the State will identify and eliminate barriers to implementing effective early college high schools and other dual enrollment programs after the grant expires, including by engaging businesses and non-profit organizations;

(3) how the State will access and leverage additional resources necessary to sustain early college high schools or other dual enrollment programs; and

(4) such other information as the Secretary determines to be appropriate.

(g) STATE ACTIVITIES.—A State receiving a grant under this section shall use such funds for—

(1) creating outreach programs to ensure that middle and high school students, their families, and community members are aware of early college high schools and other dual enrollment programs in the State;

(2) planning and implementing a statewide strategy for expanding access to early college high schools and other dual enrollment programs for students who are underrepresented in higher education to raise statewide rates of high school graduation, college readiness, and completion of postsecondary degrees and credentials, with a focus on at-risk students, including identifying any obstacles to such a strategy under State law or policy;

(3) providing technical assistance to early college high schools and other dual enrollment programs, such as brokering relationships and agreements that forge a strong partnership between elementary and secondary and postsecondary partners;

(4) identifying policies that will improve the effectiveness and ensure the quality of early college high schools and other dual enrollment programs, such as access, funding, data and quality assurance, governance, accountability, and alignment policies;

(5) planning and delivering statewide training and peer learning opportunities for school leaders and teachers from early college high schools and other dual enrollment programs, which may include providing instructional coaches who offer on-site guidance;

(6) disseminating best practices in early college high schools and other dual enrollment programs from across the State and from other States; and

(7) facilitating Statewide data collection, research and evaluation, and reporting to policymakers and other stakeholders.

#### SEC. 10. REPORTING AND OVERSIGHT.

(a) REPORTING BY GRANTEEES.—

(1) IN GENERAL.—The Secretary shall establish uniform guidelines for all grantees concerning information such grantees annually



shall report to the Secretary to demonstrate a grantee's progress toward achieving the goals of this Act.

(2) **CONTENTS OF REPORT.**—At a minimum, a report submitted under this subsection by an eligible entity receiving funds under section 5 for an early college high school or other dual enrollment program shall include the following information about the students participating in the school or program, for each category of students described in section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(1)(C)(i)):

(A) The number of students.  
(B) The percentage of students scoring advanced, proficient, basic, and below basic on the assessments described in section 1111(b)(3) of the Elementary and Secondary Education Act of 1965.

(C) The performance of students on other assessments or measurements of achievement.

(D) The number of secondary school credits earned.

(E) The number of postsecondary credits earned.

(F) Attendance rate, as appropriate.

(G) Graduation rate.

(H) Placement in postsecondary education or advanced training, in military service, and in employment.

(I) A description of the school or program's student, parent, and community outreach and engagement.

(b) **REPORTING BY SECRETARY.**—The Secretary annually shall—

(1) prepare a report that compiles and analyzes the information described in subsection (a) and identifies the best practices for achieving the goals of this Act; and

(2) submit the report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives.

(c) **MONITORING VISITS.**—The Secretary's designee shall visit each grantee at least once for the purpose of helping the grantee achieve the goals of this Act and to monitor the grantee's progress toward achieving such goals.

(d) **NATIONAL EVALUATION.**—Not later than 6 months after the date on which funds are appropriated to carry out this Act, the Secretary shall enter into a contract with an independent organization to perform an evaluation of the grants awarded under this Act. Such evaluation shall apply rigorous procedures to obtain valid and reliable data concerning participants' outcomes by social and academic characteristics and monitor the progress of students from high school to and through postsecondary education.

(e) **TECHNICAL ASSISTANCE.**—The Secretary shall provide technical assistance to eligible entities concerning best practices in early college high schools and other dual enrollment programs and shall disseminate such best practices among eligible entities and State and local educational agencies.

#### SEC. 11. RULES OF CONSTRUCTION.

(a) **EMPLOYEES.**—Nothing in this Act shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded to the employees of local educational agencies (including schools) or institutions of higher education under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employees and their employers.

(b) **GRADUATION RATE.**—A student who graduates from an early college high school supported under this Act in the standard number of years for graduation described in the eligible entity's application shall be con-

sidered to have graduated on time for purposes of section 1111(b)(2)(C)(6) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(6)).

By Mr. CONRAD (for himself, Mr. BROWNBACK, Ms. COLLINS, Mr. JOHNSON, and Mrs. MURRAY):

S. 628. A bill to provide incentives to physicians to practice in rural and medically underserved communities; to the Committee on the Judiciary.

Mr. CONRAD. Mr. President, today I am introducing the Conrad State 30 Improvement Act to extend and expand this program's success in bringing doctors to communities that would otherwise not have access to health care services. In the last Congress, a very similar version of this bill had extremely widespread support in the medical community and a diverse group of cosponsors in the Senate.

The Conrad State 30 program, which I helped create in 1994, has brought thousands of physicians to underserved communities in all 50 States, across our great country. Under the program, foreign doctors already in the country for medical training are granted a waiver from a visa requirement to return to their home country for 2 years. In exchange for this waiver, the doctors must commit to providing health care to underserved populations in the United States for 3 years.

By 2020, some projections show that the United States may have 200,000 fewer doctors than it needs; that is a staggering statistic, and one that cannot be taken lightly. If this shortfall is allowed to materialize, rural areas, like my State of North Dakota, will undoubtedly be among the hardest hit.

Given the looming deficit of doctors and an increasingly competitive global marketplace, it is vital that we maintain the incentives for qualified foreign physicians to serve patients in this country. The immigration benefits historically provided by the Conrad 30 program, and enhanced in this bill, provide crucial incentives to foreign doctors. When they do come to our country, it is vital that we make sure that they end up in the places that need them most.

This bill makes the Conrad 30 program permanent, something that I believe is long overdue. It also invites a new group of foreign doctors to take part in the program, a change that could dramatically expand the pool of doctors practicing in rural and underserved areas. Further, the bill creates a mechanism by which the current cap of 30 doctors per State can significantly expand, while protecting the interests of those States that have had difficulty recruiting doctors under the program. Finally, the bill creates an important new incentive for doctors to participate in the program by granting them a green card cap exemption when they have completed their service.

I strongly believe the Conrad State 30 Improvement Act can be of great benefit to every state in the country and help combat the growing shortage of health care providers in the U.S.

By Ms. COLLINS (for herself, Mr. VOINOVICH, and Mr. KOHL):

S. 629. A bill to facilitate the part-time reemployment of annuitants, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President, I rise to introduce a bill with my colleagues Senators VOINOVICH and KOHL that will strengthen the Federal Government's ability to serve the public at a time when Federal agencies face a wave of retirement of highly experienced employees.

When we think about the coming demographic shock of millions of Baby Boomers reaching retirement age, we usually focus on the cash-flow implications for the Social Security and Medicare programs. But their aging will also have a profound effect on the Federal workforce.

On average, retirements from the Federal workforce have exceeded 50,000 a year for a decade. The numbers will certainly rise in the near future. The Office of Personnel Management calculates that 60 percent of the current Federal workforce, whose civilian component approaches three million people, will be eligible to retire during the coming 10 years.

Federal agencies, which already must hire more than a quarter-million new employees each year, will need to work hard to replace those retirees, as the private sector and state and local governments will be facing the same problem and competing for qualified replacements.

The Baby Boom retirement wave will have another impact. It will cause a sudden acceleration in the loss of accumulated skills and mentoring capabilities that experienced workers possess.

Research has repeatedly shown that, in general, older workers equal or outperform younger workers in organizational knowledge, ability to work independently, commitment, productivity, flexibility, and mentoring ability. Making good use of their talents is, therefore, not charity. It is common sense and sound management.

Federal agencies recognize the value of older workers, as witnessed by the fact that nearly 4,500 retirees have been allowed to return to full-time work on a waiver basis.

Agencies could make use of even more Federal annuitants for short-term projects or part-time work, but for a disincentive in current law.

Current law mandates that annuitants who return to work for the Federal Government must have their salary reduced by the amount of their annuity during the period of reemployment. The bill I introduce today with Senators VOINOVICH and KOHL would provide a limited but vital measure of relief to agencies who could benefit from the skills and knowledge of Federal retirees. It provides an opportunity for Federal agencies to reemploy retirees without requiring them to take pay cuts based on their annuity payment.

This simple but powerful reform will provide some much needed hiring flexibilities for agencies, especially given the expertise the Federal Government will need to effectively implement the American Recovery and Reinvestment Act of 2009.

The Homeland Security and Governmental Affairs Committee held a hearing earlier this month where we discussed how oversight entities will meet their responsibilities to ensure that stimulus funds are spent effectively. Acting Comptroller General Gene Dodaro indicated that the reemployment of annuitants is an essential authority that the Government Accountability Office uses when circumstances arise that require rapid staffing increases. Using statutory authority possessed by GAO, the agency is able to attract and hire back their annuitants without offsetting their pay by the amount of their pension.

Most executive branch agencies do not enjoy similar flexibility as GAO. Instead, current law requires these agencies to offset an annuitant's salary, unless the agency can first obtain a waiver from OPM. This waiver will be granted if the agency demonstrates to OPM that only a particular annuitant is qualified to fill a particular need and the annuitant will only return if his or her salary is not offset. The waiver process is administratively cumbersome, and often prevents agencies from even considering a returning annuitant for an important position.

Whether at GAO or in our Government's Inspectors General offices, experienced, qualified former employees—with institutional knowledge—could play an important role in oversight of stimulus spending. This point was recently made by both Acting Comptroller General Dodaro and the Chair of the Council of Inspectors General on Integrity and Efficiency, CIGIE, Phyllis Fong, in testimony before the Homeland Security and Governmental Affairs Committee.

Inspectors General will have to quickly hire experienced auditors and investigators to ensure critical oversight of stimulus spending. This legislation will allow IG offices to bring back valuable and experienced employees to the Federal Government to ensure aggressive oversight, enhanced transparency, and accountability for taxpayer dollars.

Ensuring an experienced acquisition workforce is available to oversee stimulus spending is just as critical. The government spent \$532 billion on contracts last year—a 140 percent increase from 2001 to 2008. At the same time, the Federal Government entered the 21st century with 22 percent fewer federal civilian acquisition personnel than it had at the start of the 1990s. As early as 2012, 50 percent of this workforce will be eligible to retire. This means that as our contract spending continues to increase dramatically, our contracting workforce continues to shrink. This legislation will allow

agencies to bring in experienced acquisition personnel at a time when they are desperately needed—whether to ensure that stimulus funds are spent wisely or to help administer over \$500 billion in government contract spending.

Several organizations have endorsed the reforms in our bill, including the National Active and Retired Federal Employees Association, the Partnership for Public Service, and the Government Managers Coalition.

I would also note two important points about the bill.

First, it will not materially affect the necessary flow of younger workers into Federal agencies. The bill contemplates reemployment for part-time or project work of not more than 520 hours in the first six months following the start of annuity payments, not more than 1,040 hours in any 12-month period, and not more than 3,120 hours total for the annuitant's lifetime. In terms of eight-hour days, those figures are equivalent to 65, 130, and 390 days, respectively.

These limits will give agencies flexibility in assigning retirees to limited-time or limited-scope projects, including mentoring and collaboration, without evading or undermining the waiver requirement for substantial or full-time employment of annuitants.

I would also note that this bill gives no cause for concern about financial impact. Reemployed annuitants would be performing work that the agencies needed to do in any case, but would not require any additional contributions to pension or savings plans. Meanwhile, their retiree health and life insurance benefits would be unaffected by their part-time work. Even without making any allowance for the positive effects of their organizational knowledge, commitment, productivity, and mentoring potential, their reemployment is likely to produce net savings.

This measure offers benefits for Federal agencies, for Federal retirees who would welcome the opportunity to perform part-time work, and for taxpayers, especially during these tough economic times. I urge my colleagues to support it.

By Mr. LEAHY (for himself, Mr. SPECTER, Mr. WHITEHOUSE, and Mr. SESSIONS):

S. 630. A bill to make technical amendments to laws containing time periods affecting judicial proceedings; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today, we introduce the Statutory Time-Periods Technical Amendments Act of 2009. I thank Senator SPECTER, the Ranking Republican on the Judiciary Committee and Senators WHITEHOUSE and SESSIONS, the Chairman and Ranking Member of the Administrative Oversight and Courts Subcommittee for co-sponsoring.

This legislation incorporates recommendations from the Judicial Conference of the United States to alter

deadlines in certain statutes affecting court proceedings to account for recent amendments to the Federal time-computation rules. This bipartisan bill would provide judges and practitioners with commonsense deadlines that are less confusing and less complex than current deadlines, and also ensure that existing time periods are not shortened.

After much study and significant public comment, the Judicial Conference's Standing Committee on Rules of Practice and Procedure and the Advisory Committees on Appellate, Bankruptcy, Civil, and Criminal Rules arrived at proposed new rules intended to provide predictability and uniformity to the current process of calculating court deadlines. The proposed rules respond, in part, to findings from the Judicial Conference that the current time-computation process is confusing and can lead to missed deadlines and litigants' loss of important rights. Under the current time-calculation rules, weekends and holidays are not counted when calculating court deadlines of less than 30 days, but are counted for calculating court deadlines longer than 30 days. The proposed new rules simplify this process by counting holidays and weekends regardless of a court deadline's time period. According to the Judicial Conference, these proposed changes would respond to practitioners' complaints and criticism from judges.

This legislation would amend a number of Federal civil and criminal statutes affecting court proceedings and harmonize them with the proposed rules. First, this remedial bill would alter certain statutory court deadlines to counterbalance any shortening of the time period resulting from the "days are days" approach. For example, the bill changes 5 days to 7 days, and 10 days to 14 days, to prevent time periods from becoming shorter when a practitioner counts all days, including weekends. This change would, in effect, maintain the same time periods in the statutes. In addition, if a time period ends on a holiday or a weekend the time period would be extended to the next business day. The bill would also change some statutory deadlines that would otherwise be inconsistent with the amended rules deadlines and lead to confusion.

This bipartisan legislation is time-sensitive. Both the Department of Justice and Judicial Conference urge swift consideration of this proposal, to allow it to take effect on December 1, 2009, the same date as the amendments to the rules.

According to a letter the Department of Justice sent to the Judicial Conference last year: "Failure to adopt statutory changes that move in concert with the proposed rule changes will result in exactly the opposite effect of what is intended—changes to the rules alone will introduce greater confusion rather than desirable simplification." Although the Obama administration has not formally weighed

in on this legislation, I anticipate that the Justice Department will again support this proposal. In addition, this bill mirrors the proposal from the Judicial Conference which enjoyed broad support from numerous legal and bar organizations, including of the American College of Trial Lawyers, the Council of Appellate Lawyers, and the American Bar Association's Section of Litigation and Criminal Justice Section.

I hope we will consider this measure expeditiously and improve the effectiveness of our judicial system. Passing this bill will create a consistent and standard method for lawyers and judges to calculate court deadlines.

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. 630

*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 "Statutory Time-Periods Technical Amendments Act of 2009".

#### SEC. 2. AMENDMENTS RELATED TO TITLE 11, UNITED STATES CODE.

Title 11, United States Code, is amended—  
(1) in section 109(h)(3)(A)(ii), by striking "5-day" and inserting "7-day";

(2) in section 322(a), by striking "five days" and inserting "seven days";

(3) in section 332(a), by striking "5 days" and inserting "7 days";

(4) in section 342(e)(2), by striking "5 days" and inserting "7 days";

(5) in section 521(e)(3)(B), by striking "5 days" and inserting "7 days";

(6) in section 521(i)(2), by striking "5 days" and inserting "7 days";

(7) in section 704(b)(1)(B), by striking "5 days" and inserting "7 days";

(8) in section 749(b), by striking "five days" and inserting "seven days"; and

(9) in section 764(b), by striking "five days" and inserting "seven days".

#### SEC. 3. AMENDMENTS RELATED TO TITLE 18, UNITED STATES CODE.

Title 18, United States Code, is amended—  
(1) in section 983(j)(3), by striking "10 days" and inserting "14 days";

(2) in section 1514(a)(2)(C), by striking "10 days" each place it appears and inserting "14 days";

(3) in section 1514(a)(2)(E), by inserting after "the Government" the following: "excluding intermediate weekends and holidays";

(4) in section 1963(d)(2), by striking "ten days" and inserting "fourteen days";

(5) in section 2252A(c), by striking "10 days" and inserting "14 days";

(6) in section 2339B(f)(5)(B)(ii), by striking "10 days" and inserting "14 days";

(7) in section 2339B(f)(5)(B)(iii)(I), by inserting after "trial" the following: "excluding intermediate weekends and holidays";

(8) in section 2339B(f)(5)(B)(iii)(III), by inserting after "appeal" the following: "excluding intermediate weekends and holidays";

(9) in section 3060(b)(1), by striking "tenth day" and inserting "fourteenth day";

(10) in section 3432, by inserting after "commencement of trial" the following: "excluding intermediate weekends and holidays";

(11) in section 3509(b)(1)(A), by striking "5 days" and inserting "7 days"; and

(12) in section 3771(d)(5)(B), by striking "10 days" and inserting "14 days".

#### SEC. 4. AMENDMENTS RELATED TO THE CLASSIFIED INFORMATION PROCEDURES ACT.

The Classified Information Procedures Act (18 U.S.C. App.) is amended—

(1) in section 7(b), by striking "ten days" and inserting "fourteen days";

(2) in section 7(b)(1), by inserting after "adjudgment of the trial," the following: "excluding intermediate weekends and holidays"; and

(3) in section 7(b)(3), by inserting after "argument on appeal," the following: "excluding intermediate weekends and holidays".

#### SEC. 5. AMENDMENT RELATED TO THE CONTROLLED SUBSTANCES ACT.

Section 413(e)(2) of the Controlled Substances Act (21 U.S.C. 853(e)(2)) is amended by striking "ten days" and inserting "fourteen days".

#### SEC. 6. AMENDMENTS RELATED TO TITLE 28, UNITED STATES CODE.

Title 28, United States Code, is amended—

(1) in section 636(b)(1), by striking "ten days" and inserting "fourteen days";

(2) in section 1453(c)(1), by striking "not less than 7 days" and inserting "not more than 10 days"; and

(3) in section 2107(c), by striking "7 days" and inserting "14 days".

#### SEC. 7. EFFECTIVE DATE.

The amendments made by this Act shall take effect on December 1, 2009.

Mr. KOHL (for himself, Ms. COLLINS, Mr. COCHRAN, Mr. KERRY, Mr. WHITEHOUSE, Mr. BINGAMAN, Mr. LEVIN, Mr. CASEY, Mrs. LINCOLN, Ms. KLOBUCHAR, Ms. STABENOW, and Mr. BAYH):

S. 631. A bill to provide for nationwide expansion of the pilot program for national and State background checks on direct patient access employees of long-term care facilities or providers; to the Committee on Finance.

Mr. KOHL. Mr. President, I rise today to introduce the Patient Safety and Abuse Prevention Act along with my colleague, Senator COLLINS. This bill is the culmination of years of work and careful study, and would go a long way to ensuring the safety of vulnerable older Americans. We have hard evidence that this policy will work and will protect lives. It is vital that we consider getting this legislation moving soon, and I look forward to working with the Finance Committee, the elder justice community, and Congressman JOE SESTAK in the House to make that happen.

Thousands of individuals with a history of substantiated abuse or a criminal record are hired every year to work closely with exposed and defenseless seniors within our nation's nursing homes and other long-term care facilities. Because the current system of state-based background checks is haphazard, inconsistent, and full of gaping holes, predators can evade detection throughout the hiring process, securing jobs that allow them to assault, abuse, and steal from defenseless elders.

We can and must take action to stop this type of abuse by building on the resounding success of a seven-state background check pilot program, enacted as part of the 2003 Medicare Mod-

ernization Act, which enabled seven states to make major improvements in their existing screening procedures of individuals applying for jobs in long-term care settings. The results of this 3-year pilot program were a resounding success: more than 7,200 individuals with a history of abuse or violence were kept out of the workforce in Alaska, Idaho, Illinois, Michigan, Nevada, New Mexico, and Wisconsin.

The states who participated in the pilot have all chosen to continue their programs, and are taking additional steps to build on the success of the technological infrastructure they created. The Patient Safety and Abuse Prevention Act will expand these outstanding results nationwide by making it possible for all states to make these commonsense improvements. The cost of enabling states to efficiently connect registries and databases, expand the range of workers who are screened, and add a national criminal history check is very modest. If states take these steps, we can reduce the terrible toll of elder abuse. If we do not, experts tell us abuse rates will continue to rise.

Our straightforward approach is strongly endorsed by State Attorneys General across the country, the Elder Justice Coalition, which speaks for over 500 member organizations, AARP, the American Health Care Association, NCCNHR, the American Association of Homes and Services for the Aging, and advocates in hundreds of communities who work every day to protect the well-being of elders and individuals with disabilities.

Last Congress, the Patient Safety and Abuse Prevention Act was passed unanimously out of the Finance Committee. We are so close to getting this policy passed. I ask my colleagues to join Senators COLLINS, KERRY, WHITEHOUSE, BINGAMAN, LEVIN, CASEY, LINCOLN, KLOBUCHAR, STABENOW, BAYH, and COCHRAN in supporting our efforts to reduce and prevent abuse of our elders and loved ones.

Mr. President, I ask unanimous consent that support material be printed in the RECORD.

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

[From the PARADE Intelligence Report, Mar. 1, 2009]

PROTECTING THE ELDERLY FROM ABUSE  
(By Lyric Wallwork Winik)

In 2006, a 90-year-old New York grandmother was raped by a caregiver with a criminal record. The man worked in the nursing home where she lived. Similar incidents over the years have led many to wonder how criminals end up working with vulnerable populations in the first place.

While most states require background checks for nursing-home employees, there is no national database that allows employers to check for crimes committed in other states.

Sen. Herb Kohl (D., Wis.) has introduced legislation that would require the creation of a national cross-referencing system. According to the Senate Special Committee on

Aging, which Kohl leads, the Congressional Budget Office has estimated the cost at \$100 million over three years. A trial program in seven states found that 7000 applicants for eldercare positions had violent criminal records or a substantiated history of abuse. Says Kohl, "This policy is more than just a good idea in theory—we've implemented it in seven states and seen the results. Comprehensive background checks are routine for those who work with young children, and we should be protecting vulnerable seniors and disabled Americans in the same way."

By Mr. BAUCUS (for himself, Mr. CRAPO, Mrs. LINCOLN, Ms. SNOWE, Mr. ROBERTS, Mr. ENZI, and Mr. ENSIGN):

S. 632. A bill to amend the Internal Revenue Code of 1986 to require that the payment of the manufacturers' excise tax on recreational equipment be paid quarterly; to the Committee on Finance.

Mr. BAUCUS. Mr. President, I am pleased today to join with my friend Senator CRAPO to introduce an important piece of legislation that would help to strengthen the financial health of America's firearm and ammunition manufacturers, who in turn support wildlife conservation in America.

The firearm and ammunition industry pays a Federal excise tax of 11 percent on long guns and ammunition and 10 percent on handguns. The Tax and Trade Bureau in the Treasury Department collects this tax. The Bureau sends the proceeds to the U.S. Fish and Wildlife Service, where they are deposited into the Wildlife Restoration Trust Fund, also known as the Pittman-Robertson Trust Fund.

The tax is a major source of conservation funding in America. Since 1991, the firearm and ammunition industry has contributed about \$3 billion to the Pittman-Robertson Fund and since the inception of the tax, has contributed over \$5.5 billion. In 2008, over \$321 million was collected.

Of all the industries that pay excise taxes on the sale of their products to support wildlife conservation efforts, firearms and ammunition manufacturers are the only ones that have to pay excise taxes every 2 weeks. Other industries, such as archery and fishing, pay their tax every 3 months.

This frequent payment obligation imposes a costly and inequitable burden on the firearms and ammunition industry. Manufacturers spend thousands of additional man-hours just to administer the paperwork associated with making the bi-weekly excise payments.

According to the National Shooting Sports Foundation, changing the deposit schedule from a bi-weekly to quarterly payment would save the industry an estimated \$21.6 million dollars a year. That is money that the industry could use for investment in researching and developing new products, purchasing new manufacturing plants and equipment, and communicating with the hunting and shooting sports community.

Let me take a moment to explain what this legislation does not do. It

does not reduce the firearm and ammunition industry's excise tax rates. It simply adds fairness to the tax code.

It is important for my Colleagues to understand the history and nature of the firearm and ammunition excise tax. During the Great Depression, hunters and conservationists recognized that overharvesting of wildlife would destroy America's treasured wildlife and natural habitats. Sportsmen, state wildlife agencies, and the firearm and ammunition industries lobbied Congress to extend the existing 10 percent excise tax and impose a new 11 percent excise tax to create a new fund. The fund was called the Pittman-Robertson Trust Fund after Senator Key Pittman of Nevada and Representative A. Willis Robertson of Virginia. President Franklin D. Roosevelt signed the legislation into law in 1937.

The industry, hunters, and conservationists came together to create this structure. They recognized the importance of conservation. And they encouraged Congress to impose a tax on their guns and ammo. It is rare thing when taxpayers ask to be taxed. But preserving our country's wildlife habitat was and continues to be that important.

Today, more than \$700 million each year is generated and used exclusively to establish, restore, and protect wildlife habitats.

Now let me explain the effect that the bill we are introducing today would have on the Pittman-Robertson Trust Fund. As the Joint Committee on Taxation explained in its revenue estimate, the net budget effect to the fund is \$4 million. This is purely a result of the shift in the timing of collections, from bi-weekly to quarterly, over a 10-year budget window. Consumers of firearms and ammunition would still pay the exact same amount of tax.

The firearm and ammunition industry recognizes the ten-year \$4 million loss to the trust fund. The industry developed a comprehensive 5-year proposal to ease this effect. Under the proposal, the industry would contribute \$150,000 a year for the next 5 years, a total of \$750,000, to the fund.

These actions again show the partnership between hunters, conservation groups, and the firearm and ammunition industry to protect conservation programs and initiatives. That's why this legislation is supported by the following groups: Archery Trade Association; Association of Fish and Wildlife Agencies; Boon and Young; Congressional Sportsmen's Foundation; Delta Waterfowl; Ducks Unlimited; National Rifle Association; National Shooting Sports Foundation, Inc.; National Wild Turkey Federation; North American Wetlands Conservation Council; Pheasants Forever; Rocky Mountain Elk Foundation; Safari Club International; Wildlife Management Institute; U.S. Fish and Wildlife Service; and U.S. Sportsmen's Alliance.

I urge my Colleagues to support this legislation. I am very glad that Sen-

ators LINCOLN, SNOWE, ROBERTS, ENSIGN and ENZI have also signed onto this legislation as original cosponsors. I hope that we can come together, just as the industry, hunters, and conservation groups have, to pass this legislation. It is a matter of tax fairness. Let us do our part to correct this inequity in the tax code. Let us do our part to support an American industry that in turn supports wildlife habitat restoration and conservation.

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. 632

*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 "Firearms Fairness and Affordability Act".

#### SEC. 2. TIME FOR PAYMENT OF MANUFACTURERS' EXCISE TAX ON RECREATIONAL EQUIPMENT.

(a) IN GENERAL.—Subsection (d) of section 6302 of the Internal Revenue Code of 1986 (relating to mode or time of collection) is amended to read as follows:

"(d) TIME FOR PAYMENT OF MANUFACTURERS' EXCISE TAX ON RECREATIONAL EQUIPMENT.—The taxes imposed by subchapter D of chapter 32 of this title (relating to taxes on recreational equipment) shall be due and payable on the date for filing the return for such taxes."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to articles sold by the manufacturer, producer, or importer after the date of the enactment of this Act.

By Mr. TESTER (for himself, Mr. BAUCUS, Mr. JOHNSON, Mr. BINGAMAN, and Mr. DORGAN):

S. 633. A bill to establish a program for tribal colleges and universities within the Department of Health and Human Services and to amend the Native American Programs Act of 1974 to authorize the provision of grants and cooperative agreements to tribal colleges and universities, and for other purposes; to the Committee on Indian Affairs.

Mr. TESTER. Mr. President, my colleagues and I rise today to introduce the Tribal Health Promotion and Tribal Colleges and Universities Advancement Act of 2009.

Indian Education is perhaps the most important issue facing Indian Country today because education represents hope. Higher education leads to better job opportunities. Better jobs lead to higher income. Higher income leads to greater access to health care, adequate housing and overall, a higher quality of life. Higher quality of life leads to strong communities. Happy, healthy and strong communities are more resistant to the destructive forces of poverty such as chemical abuse, violence and neglect. This bill will improve Indian Country by addressing three of the most pressing issues facing it today: healthcare, job creation and education.

No one disagrees that 85 percent unemployment in Indian Country is unacceptable. No one disagrees that it is unacceptable that the majority of America's at-risk youth live in Indian Country. However, merely reciting these statistics over and over will not make the situation any better. We need to work together to make Indian Country a better place to live, work and raise a family.

We introduced this vital legislation to help advance the remarkable work of tribal colleges and universities. Through grants awarded under this bill, tribal colleges and universities will have additional resources necessary to strengthen Indian communities by providing healthy living and disease prevention education, outreach and workforce development programs, research, and capacity building. Not only will it improve education, but it will also improve the delivery of culturally appropriate health care services. In addition to good education and increased access to health care, this bill will also help create good jobs for tribal members living on American Indian reservations.

Tribal Colleges and Universities are accredited by independent, regional accreditation agencies, and like all institutions of higher education, must undergo stringent performance reviews to retain their accreditation status. In addition to offering postsecondary education opportunities, tribal colleges serve reservation communities by providing critical services including: libraries, community centers, cultural, historical and language programs; tribal archives, career centers, economic development and business centers; health and wellness centers, public meeting places, child and elder care centers. Despite their many obligations, functions, and notable achievements, tribal colleges remain the most poorly funded institutions of higher education in this country.

The continued success and future of the Nation's tribal colleges and universities depends on their ability to provide higher education and community outreach programs. For them to succeed however, they must have the financial resources to do so.

As a Montanan and member of the Senate Indian Affairs Committee, I am proud to introduce this legislation. I look forward to swift consideration and eventual passage.

By Mrs. MURRAY:

S. 635. A bill to amend the Wild and Scenic Rivers Act to designate a segment of Illabot Creek in Skagit County, Washington, as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

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

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

S. 635

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

**SECTION 1. DESIGNATION OF WILD AND SCENIC RIVER SEGMENTS.**

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

“(\_\_\_\_\_) ILLABOT CREEK, WASHINGTON.—The 14.3 mile segment from the headwaters of Illabot Creek to 1,000 feet south of and at no point closer than 200 feet from the Rockport-Cascade Road, flowing through lands managed by the U.S. Forest Service, Washington State Department of Natural Resources, and Seattle City Light, to be administered by the Secretary of Agriculture as follows:

“(A) The 4.3 mile segment from the headwaters of Illabot Creek to the boundary of Glacier Peak Wilderness Area as a wild river.

“(B) The 10 mile segment from the boundary of Glacier Peak Wilderness to 1,000 feet south of Rockport-Cascade Road as a recreational river.”.

**SUBMITTED RESOLUTIONS**

**SENATE RESOLUTION 76—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES AND THE PEOPLE'S REPUBLIC OF CHINA SHOULD WORK TOGETHER TO REDUCE OR ELIMINATE TARIFF AND NONTARIFF BARRIERS TO TRADE IN CLEAN ENERGY AND ENVIRONMENTAL GOODS AND SERVICES**

Ms. CANTWELL submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 76

Whereas the United States and the People's Republic of China are among the world's largest economies, are the world's largest producers, consumers, and importers of energy, and are the world's largest sources of energy-related greenhouse gas emissions;

Whereas future growth in the United States, China, and other countries should follow a model for energy use that does not further jeopardize the planet's climate and that presents numerous opportunities for significant economic growth;

Whereas a global transformation to the use of clean energy will require the adoption of renewable energy technologies to reduce carbon emissions and to build energy-efficient infrastructures;

Whereas that global transformation will also require substantial amounts of clean energy and environmental goods and services to be traded among the United States, China, and other countries;

Whereas tariffs imposed by foreign countries on renewable energy goods such as solar water heaters can be as high as 35 percent, tariffs on solar cells can be as high as 23 percent, and tariffs on wind power generating sets and hydraulic turbines can be as high as 25 percent; and

Whereas it is in the best interests of all countries to reduce or eliminate tariff and nontariff barriers to trade in clean energy and environmental goods and services: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) the United States and the People's Republic of China should—

(A) work together to reduce or eliminate tariff and nontariff barriers to trade in clean

energy and environmental goods and services; and

(B) work through the Asia Pacific Economic Cooperation and the World Trade Organization to reach a multilateral agreement to reduce or eliminate such barriers; and

(2) reducing or eliminating tariff and nontariff barriers to trade in clean energy and environmental goods and services will allow the United States, China, and other countries to develop, promote, and deploy clean energy technologies to meet global environmental challenges.

**SENATE RESOLUTION 77—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES AND THE PEOPLE'S REPUBLIC OF CHINA SHOULD NEGOTIATE A BILATERAL AGREEMENT ON CLEAN ENERGY COOPERATION**

Ms. CANTWELL (for herself and Mr. VOINOVICH) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 77

Whereas the United States and the People's Republic of China are the world's largest producers, consumers, and importers of energy and account for 36 percent of global primary energy use and 41 percent of global carbon dioxide emissions;

Whereas, in 2007, China surpassed the United States to become the world's largest emitter of greenhouse gases and China is projected to increase emissions of greenhouse gases by 3.3 percent annually during the next 2 decades;

Whereas, by working together to tackle shared economic, environmental, and security challenges, the United States and China can more quickly and cost-effectively develop and implement cleaner, 21st-century energy systems;

Whereas efforts to develop and implement such systems will benefit from a foundation in sound science and policies that rely on and augment the vast technical capabilities and resources of both the United States and China; and

Whereas an action plan resulting from a bilateral agreement on clean energy cooperation between the United States and China may serve as a catalyst for the economic growth of the United States, an expression of United States foreign policy with respect to mitigating climate change, and a means for accelerating the development of a global clean energy economy: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) the United States and the People's Republic of China should negotiate a bilateral agreement under which the United States and China agree to cooperate in the development and use of clean energy; and

(2) the negotiation of such an agreement would send a clear signal to the world community that the United States is ready to lead a robust effort to mitigate global climate change that involves all countries that are major emitters of greenhouse gases.

**SENATE RESOLUTION 78—DESIGNATING MARCH 22, 2009, AS “NATIONAL REHABILITATION COUNSELORS APPRECIATION DAY”**

Mr. CHAMBLISS (for himself and Ms. LANDRIEU) submitted the following resolution; which was considered and agreed to:

## S. RES. 78

Whereas rehabilitation counselors conduct assessments, provide counseling, support families, and plan and implement rehabilitation programs for those in need of rehabilitation;

Whereas the purpose of professional organizations for rehabilitation counseling and education is to promote the improvement of rehabilitation services available to individuals with disabilities through quality education for counselors and rehabilitation research;

Whereas various professional organizations, including the National Rehabilitation Association, Rehabilitation Counselors and Educators Association, the National Council on Rehabilitation Education, the National Rehabilitation Counseling Association, the American Rehabilitation Counseling Association, the Commission on Rehabilitation Counselor Certification, the Council of State Administrators of Vocational Rehabilitation, and the Council on Rehabilitation Education, have vigorously advocated up-to-date education and training and the maintenance of professional standards in the field of rehabilitation counseling and education;

Whereas on March 22, 1983, Martha Walker of Kent State University, who was President of the National Council on Rehabilitation Education, testified before the Subcommittee on Select Education of the Committee on Education and Labor of the House of Representatives, and was instrumental in bringing the need for qualified rehabilitation counselors to the attention of Congress; and

Whereas the efforts of Martha Walker led to the enactment of laws that require rehabilitation counselors to have proper credentials, in order to provide a higher quality of service to those in need of rehabilitation: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates March 22, 2009, as “National Rehabilitation Counselors Appreciation Day”; and

(2) commends—

(A) rehabilitation counselors, for their dedication and the hard work they provide to individuals in need of rehabilitation; and

(B) professional organizations, for the efforts they have made to assist those who require rehabilitation.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 685. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 146, to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 685.** Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 146, to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ . FLINT HILLS CONSERVATION EASEMENTS, KANSAS.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the

Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, shall offer to enter into such conservation easements as the Secretary determines to be necessary to protect the Flint Hills tallgrass prairie in eastern Kansas.

(b) WILLING OWNERS.—The Secretary shall offer to enter into conservation easements under subsection (a) with any willing owner of land or an interest in land located in a biologically significant area of the Flint Hills tallgrass prairie in eastern Kansas, as determined by the Secretary.

(c) TREATMENT.—A conservation easement entered into under this section shall be—

(1) a perpetual easement; and

(2) recorded on the deed of the relevant land or interest in land.

#### NOTICES OF HEARINGS

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Energy of the Senate Committee on Energy and Natural Resources. The hearing will be held on Wednesday, March 25, 2009, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the legislative hearing is to receive testimony on draft legislation to improve energy market transparency and regulation.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510-6150, or by e-mail to [Rosemarie\\_Calabro@energy.senate.gov](mailto:Rosemarie_Calabro@energy.senate.gov).

For further information, please contact Tara Billingsley at (202) 224-4756 or Rosemarie Calabro at (202) 224-5039.

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Energy of the Senate Committee on Energy and Natural Resources. The hearing will be held on Wednesday, March 25, 2009, at 2 p.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of the legislative hearing is to receive testimony on draft legislation to improve energy market transparency and regulation.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510-6150, or by e-mail to [Rosemarie\\_Calabro@energy.senate.gov](mailto:Rosemarie_Calabro@energy.senate.gov).

For further information, please contact Tara Billingsley at (202) 224-4756 or Rosemarie Calabro at (202) 224-5039.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, March 18, 2009 at 10 a.m., in room 253 of the Russell Senate Office Building.

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

##### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, March 18, 2009 at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

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

##### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate on Wednesday, March 18, 2009 at 10 a.m. in Dirksen 430.

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

##### COMMITTEE ON VETERANS' AFFAIRS

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Wednesday, March 18, 2009. The Committee will meet in room 334 of the Cannon House Office Building beginning at 9:30 a.m.

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

##### COMMITTEE ON THE JUDICIARY

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing entitled “The Need to Strengthen Forensic Science in the United States: The National Academy of Science’s Report on a Path Forward” on Wednesday, March 18, 2009, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building.

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

##### AD HOC SUBCOMMITTEE ON DISASTER RECOVERY

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on Disaster Recovery of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, March 18, 2009, at 2:30 p.m. to conduct a hearing entitled “A New Way Home: Findings from the Disaster Recovery Subcommittee Special Report and Working with the New Administration on a Way Forward.”

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



SECURITIES, INSURANCE, AND INVESTMENT  
SUBCOMMITTEE

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on March 18, 2009, at 2:30 p.m. to conduct a Securities, Insurance and Investment Subcommittee hearing entitled "Lessons Learned in Risk Management Oversight at Federal Financial Regulators."

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

## SUBCOMMITTEE ON HEALTH CARE

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Subcommittee on Health Care of the Committee on Finance will meet on Wednesday, March 18, 2009, at 2:30 p.m., in room 215 of the Dirksen Senate Office Building.

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

## SUBCOMMITTEE ON PERSONNEL

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, March 18, 2009, at 2:45 p.m.

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

UNANIMOUS CONSENT  
AGREEMENT—EXECUTIVE SESSION

Mr. REID. Mr. President, as if in executive session, I ask unanimous consent that on Thursday, March 19, at 2 p.m., the Senate proceed to executive session to consider Calendar No. 22, the nomination of Elena Kagan to be Solicitor General of the United States; that there be 6 hours of debate with respect to the nomination, with the time equally divided and controlled between Senators LEAHY and SPECTOR or their designees; that upon the use or yielding back of time, the Senate proceed to vote on confirmation of the nomination; that upon confirmation, the motion to reconsider be laid upon the table, no further motions be in order, the President be immediately notified of the Senate's action, and the Senate resume legislative session.

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

FEDERAL AVIATION ADMINISTRATION  
EXTENSION ACT OF 2009

Mr. REID. I ask unanimous consent that the Senate proceed to the consideration of H.R. 1512.

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

The assistant legislative clerk read as follows:

A bill (H.R. 1512) to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, to amend title 49, United States Code, to extend authorizations for the airport improvement program, and for other purposes.

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

Mr. REID. I ask unanimous consent the bill be read three times and passed; the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the measure be printed in the RECORD.

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

The bill (H.R. 1512) was ordered to be read a third time, was read the third time, and passed.

NATIONAL REHABILITATION  
COUNSELORS APPRECIATION DAY

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 78.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 78) designating March 22, 2009, as "National Rehabilitation Counselors Appreciation Day."

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

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

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

The resolution (S. Res. 78) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

## S. RES. 78

Whereas rehabilitation counselors conduct assessments, provide counseling, support families, and plan and implement rehabilitation programs for those in need of rehabilitation;

Whereas the purpose of professional organizations for rehabilitation counseling and education is to promote the improvement of rehabilitation services available to individuals with disabilities through quality education for counselors and rehabilitation research;

Whereas various professional organizations, including the National Rehabilitation Association, Rehabilitation Counselors and Educators Association, the National Council on Rehabilitation Education, the National Rehabilitation Counseling Association, the American Rehabilitation Counseling Association, the Commission on Rehabilitation Counselor Certification, the Council of State Administrators of Vocational Rehabilitation, and the Council on Rehabilitation Education, have vigorously advocated up-to-date education and training and the maintenance of professional standards in the field of rehabilitation counseling and education;

Whereas on March 22, 1983, Martha Walker of Kent State University, who was President of the National Council on Rehabilitation Education, testified before the Subcommittee on Select Education of the Committee on Education and Labor of the House of Representatives, and was instrumental in bringing the need for qualified rehabilitation counselors to the attention of Congress; and

Whereas the efforts of Martha Walker led to the enactment of laws that require rehabilitation counselors to have proper credentials, in order to provide a higher quality of service to those in need of rehabilitation: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 22, 2009, as "National Rehabilitation Counselors Appreciation Day"; and

(2) commends—

(A) rehabilitation counselors, for their dedication and the hard work they provide to individuals in need of rehabilitation; and

(B) professional organizations, for the efforts they have made to assist those who require rehabilitation.

ORDERS FOR THURSDAY, MARCH  
19, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow, Thursday, March 19; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders, with the majority controlling the first half and the Republicans controlling the second half; further, that following morning business, the Senate resume consideration of H.R. 146, under the previous order.

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

## PROGRAM

Mr. REID. Mr. President, under the previous order, at approximately 11 a.m., there will be up to three votes in relation to the remaining Coburn amendments, with a vote on passage of the bill shortly thereafter. This evening we were able to reach an agreement to consider the nomination of the Solicitor General to be of the United States, Elena Kagan. Senators should expect a vote on confirmation tomorrow afternoon or evening, depending on how much debate time is used.

ADJOURNMENT UNTIL 9:30 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 7:07 p.m., adjourned until Thursday, March 19, 2009, at 9:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate:

## DEPARTMENT OF AGRICULTURE

JAMES W. MILLER, OF VIRGINIA, TO BE UNDER SECRETARY OF AGRICULTURE FOR FARM AND FOREIGN AGRICULTURAL SERVICES, VICE MARK EVERETT KEENUM, RESIGNED.

## DEPARTMENT OF DEFENSE

ASHTON B. CARTER, OF MASSACHUSETTS, TO BE UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS, VICE JOHN J. YOUNG, JR.

## DEPARTMENT OF STATE

SUSAN FLOOD BURK, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR EXECUTIVE SERVICE, TO BE SPECIAL REPRESENTATIVE OF THE PRESIDENT, WITH THE RANK OF AMBASSADOR.

## DEPARTMENT OF EDUCATION

RUSSLYNN ALI, OF CALIFORNIA, TO BE ASSISTANT SECRETARY FOR CIVIL RIGHTS, DEPARTMENT OF EDUCATION, VICE STEPHANIE JOHNSON MONROE, RESIGNED.

CARMEL MARTIN, OF MARYLAND, TO BE ASSISTANT SECRETARY FOR PLANNING, EVALUATION, AND POLICY DEVELOPMENT, DEPARTMENT OF EDUCATION, VICE WILLIAMSON EVERS, RESIGNED.

CHARLES P. ROSE, OF ILLINOIS, TO BE GENERAL COUNSEL, DEPARTMENT OF EDUCATION, VICE KENT D. TALBERT, RESIGNED.

## DEPARTMENT OF JUSTICE

RONALD H. WEICH, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE WILLIAM EMIL MOSCHELLA.

## CONFIRMATION

Executive nomination confirmed by the Senate, Wednesday, March 18, 2009:

## EXECUTIVE OFFICE OF THE PRESIDENT

RONALD KIRK, OF TEXAS, TO BE UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.