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No. 5

## House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, January 13, 2009, at 12.30 p.m.

## Senate

SUNDAY, JANUARY 11, 2009

(Legislative day of Friday, January 9, 2009)

The Senate met at 1 p.m., on the expiration of the recess, and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

### PRAYER

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

Let us pray.

O God, in whose life we find life, give our Senators throughout this day a sense of Your nearness. As they wrestle with decisions, may they turn to You for wisdom, knowing that You are only a prayer away. When they feel discouragement, help them to find cheer in Your promise to always be with them, even until the end of time. May Your divine nearness purge them of all that blemishes, corrupts, or defies their common life. May Your divine companionship inspire them with wisdom and grace to build a better world.

We pray in the Redeemer's Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

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

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication

to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, January 11, 2009.

To the Senate:

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

ROBERT C. BYRD,  
President pro tempore.

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

### RECOGNITION OF THE MAJORITY LEADER

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

### SCHEDULE

Mr. REID. Mr. President, following leader remarks, if there be any, the Senate will resume consideration of the motion to proceed to S. 22, the lands bill. The time until 2 p.m. will be equally divided and controlled between the two leaders or their designees. At 2 p.m., the Senate will proceed to a roll-call vote on the motion to proceed to S. 22, the lands bill. I also remind all Democratic Senators there is a Democratic caucus at 2:45 p.m. in S. 207 of this building.

### RESERVATION OF LEADER TIME

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

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

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate shall resume consideration of the motion to proceed to S. 22, which the clerk will report.

The assistant legislative clerk read as follows:

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

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 2 p.m. shall be equally divided and controlled between the two leaders or their designees.

Who yields time?

The Senator from Michigan.

Mr. LEVIN. Mr. President, I understand I now will be proceeding as though in morning business for 5 minutes; is that correct?

Mr. REID. Mr. President, he may use the time to be charged against the majority.

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

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



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## OBAMA RECOVERY PLAN

Mr. LEVIN. Mr. President, President-elect Obama gave a powerful and visionary speech last Thursday on the Federal Government's role in creating short-term jobs and in making long-term investments for future jobs.

To be successful, that short- and long-term investment program must include programs to revitalize the American manufacturing sector. Many of us have urged the implementation of a national manufacturing policy for years without success during the 8 Bush years—years of neglect of this vital sector of our economy that saw our Nation lose 3.7 million manufacturing jobs.

An American Manufacturing Initiative requires a true government partnership with the private sector—a partnership that recognizes that our companies are not competing with companies overseas but instead competing with countries whose governments support manufacturing.

A prime example of that support is in the area of advanced technology vehicles and advanced batteries. The President-elect said last Thursday that we must spark the “creation of a clean energy” economy. He said further that “we will put Americans to work in new jobs,” including “constructing fuel efficient cars.”

Investing in green energy technologies will provide a double benefit of job creation and reduction of CO<sub>2</sub>. Wind and solar are repeatedly cited as the prime targets for such investment, and they should be. But there is another important technology that is not mentioned that should be at the top of the list, and that is batteries.

The production of future green vehicles in the United States will involve a significant number of green manufacturing jobs, and because transportation is one of the greatest sources of CO<sub>2</sub>, a major shift to these vehicles will result in a significant reduction in greenhouse gas emissions. Such a shift from our current gasoline-powered light duty fleet of cars and SUVs to electric drive vehicles such as hybrid electric, plug-in hybrids, and all-electric vehicles would cut our liquid fuel consumption by 83 percent, significantly reducing greenhouse gas emissions.

But while descriptions of economic recovery programs so far talk of tax credits for purchase of such vehicles, what is missing to date is commitment to fund grants for development and production of the batteries that will likely determine whether these vehicles are ultimately made in the U.S.

Because the heart of these green cars will be their batteries. As the Nation makes a serious push toward greater use of hybrid electric, plug-in hybrid vehicles, and all-electric vehicles, there will be increasing demand for the advanced batteries that will power these vehicles. We must ensure that we can meet the demand for production of these batteries here in the U.S.

The upcoming economic recovery package needs to devote a minimum of

\$1 billion to grants to support advanced battery production in the United States. The lithium ion battery is at the heart of that effort. While most of the technology was first invented in the U.S., nearly all of those batteries currently produced come from Pacific Rim countries as a result of years of financial support from their governments.

One may ask why we need additional funds for grants for advanced battery development and manufacturing, when the Congress has already provided funding for loans for the retooling of facilities to produce advanced technology vehicles and has provided funding for loan guarantees for advanced energy technologies. The answer is that we need grant funding now to jump start development of a U.S. manufacturing base for advanced batteries before all of their production goes off shore. Loans and loan guarantees can be important provided they are not just authorized but funded, but they cannot match grants other countries offer.

We took a step in this direction in sections 641, 132, and 136 of the Energy Independence and Security Act of 2007, when Congress authorized grants for advanced battery development, grants for conversion of domestic manufacturing capability to produce advanced technology vehicle components and grants for retooling of facilities to produce advanced technology vehicles. But we faltered because we failed to appropriate funds for the programs we had authorized. It is these grant programs that we must now fund to spur and assure that the production of the advanced batteries that are the heart of green cars will be here in the U.S.

The country or region that controls and dominates the production of batteries will also ultimately control green vehicle production. An example of this is already occurring today in the U.S. where production of the American-made Ford Escape hybrid is limited because Toyota controls the production of batteries and, therefore, the number of batteries provided for the Ford Escape.

We are at a critical juncture in the commercialization of advanced battery technology. Even as we deliberate an economic recovery bill, vehicle manufacturers are moving toward decisions on where to purchase the next generation of batteries. Battery manufacturers are at this moment assessing the battery production options in the U.S. and other countries.

Hope for a robust economic recovery in the industrial sector requires us to develop advanced batteries here in the U.S. We cannot afford to lose their development and production to other countries that are willing to offer greater financial incentives than we are. If we offer loans while other countries offer grants, we could lose the battle for green vehicle production to other countries, not because they produce more efficiently or cheaply or

produce better quality but because they are willing to offer attractive incentives such as grants.

We have the technology and ingenuity and infrastructure to build a thriving green manufacturing sector that can create millions of jobs here in America. But it will require significant government support to match the support other countries offer.

If we fail to provide major grants for advanced battery development and production, we will not only fail in an area of immediate and significant job creation. We will also end up substituting dependency on a different form of imported energy—batteries—for our current dependency on foreign oil.

I cannot overstate the critical urgency of this matter and will continue to press this matter in the days ahead.

I thank Senator BINGAMAN and others for the time and yield the floor.

The ACTING PRESIDENT pro tempore, The Senator from Oklahoma.

Mr. COBURN. Mr. President, I appreciate the cooperation and willingness to work with me of the Senator from New Mexico. He has been a gentleman throughout. We have always had conversations; we just haven't agreed on what we have done. It has been a pleasure to work with him.

Here is a 1,300-page bill. People are going to say a lot of this has been around for a long time, that it doesn't need any debate, that it certainly should not be amended, but it is 1,300 pages. The CBO has refused to score this one. The last one they scored was between \$6 and \$8 billion. This is somewhere between \$10 and \$12 billion, especially when we take the outyears beyond 10 years out of it. So here we sit with a 1,300-page bill that has 45 blatant earmarks in it with no ability to amend.

Since July 16, save one time in September, the minority has not been allowed to offer an amendment on any bill. In 180 days, we have had one amendment. No amendments could be offered. It was announced that cloture would be filed prior to even this vote so that we are going to cut off debate. We could have finished this bill last Friday with four or five amendments. We offered 12 amendments and the thought was that we shouldn't.

My concern is, is there reason to hope for change? A lot of my colleagues on my side of the aisle have things that are important to them in the bill. The question the American people ought to be asking is, with 165 bills, 1,300 pages, is now the time for us to set in motion to take an additional 2.2 million acres out of energy production and limit energy exposure to about 5 or 6 million more acres, and raise the total number of wilderness acres to 2 million greater than that we have in total development in the country? How long ago was it we had \$4-a-gallon gasoline? Do we not think that is going to come back?

So on process grounds, for the ability to amend or at least have a vote on an amendment to see whether we think we

ought to be long range in our thinking, I have no doubt President-elect Obama wants to see change, he wants to see change here, he has given our country renewed hope, but the first thing out of the box will be our same old habits.

For a good portion of this bill, there is nothing wrong. The chairman knows there are a large number of bills in this bill to which I do not have any objection. But I certainly have some objection to us tying our hand behind our back on energy in the future, which we will do in tremendous ways. My colleagues from Wyoming, and their plans for protecting a very pristine wild area, want to do a good thing, but it can be done better and still preserve tremendous amounts of oil and natural gas in this country.

So we are here today for the first time in 40 years on a new weekend of a first session—the first time in 40 years—and we are going to use it to force through a 1,300-page, \$10 billion bill with \$915 million in mandatory spending—at a minimum because we did not score it past that; it is going to go about \$3 billion total above that—without a single amendment being allowed to debate and vote on.

As I said, it has been 120 days since the last amendment, 180 days since the last two amendments the minority has been allowed to offer as an amendment to a bill. When you count Republican and Democratic Senators throughout the country, you have 156 million people represented by Republicans. Yet they are shut off from having an amendment on the floor of the Senate—the greatest deliberative body in the world—from having the ability to amend. That is not change.

The other problem is our priorities are wrong. We presently have a \$9.6 billion backlog in our national parks. They are hurting. The backlog since this time last year has grown by \$400 million. With this bill, we are going to load down the National Park Service with spending, administrative fees, doing all sorts of important things. The Clinton birthplace, one which today is run through private funds, we are going to ask the American taxpayer to now pay for it. We are going to spend \$3.5 million to help St. Augustine, FL, have a birthday party 6 years from now. That cannot be our priority. It cannot be.

But what we have done is we have put together a bill so we can build a broad basis of consensus to pass it, with everybody holding their nose on everything except on their own thing. Everybody would admit this is not a priority for this country at this time. As a matter of fact, if we were really doing what we should be doing, we should be working on getting out of the economic mess we are in rather than creating additional barriers and consequences from the actions we are going to take with this bill.

When you think about the national parks and you think about the visitor center in Hawaii with the USS *Arizona*

that is sinking—and in a couple years we are not even going to be able to honor that tremendous site because we do not have and will not have put the funds there to take care of the problems—how is that a priority? Mr. President, 1,117 Americans died on the USS *Arizona*, and the Senate sits today to spend \$10 billion on a large number of things that are not a priority and do not have anything to do with the heritage of sacrifice that so proudly and visibly is demonstrated by that memorial.

The Grand Canyon National Park has a \$299 million backlog. Trails are closed because we cannot maintain them. The National Mall, in this very city, has a \$700 million backlog in maintenance. Without even considering those things and putting them in priority—one of the things I love about Barack Obama is he gets it that you have to do the long-term things and you have to have a priority and you have to be transparent as you go about that so the American people can make a judgement on us. Yet, without a single effort to prioritize spending or honor commitment to our national resources, we are about to add to the burden 10 new heritage areas; 4 new units to the National Park Service; 14 studies to create and expand more National Park Service; 80 wilderness designations, which are an additional 2.2 million acres of Federal land—the Federal Government owns 660 million acres right now; it is the largest expansion in wilderness areas in the last 25 years—92 wild and scenic river designations affecting 1,100 miles of shoreline, and every one of those designations will markedly impact our attempts at some sort of energy independence. You cannot deny that it will have an impact. It will have an impact. It will make it much more difficult, even with clean technology and even with alternative energy, to bring that energy to the American people.

Another significant component of this bill is it massively threatens property rights in this country. Over 100 different property rights organizations are in opposition to this bill, and for good reason. Because even though several of the bills in here prohibit the use of eminent domain, the vast majority of them do not, and several recommend that eminent domain be used to accomplish their purpose. The Government owns 1 out of 3 acres in the U.S. and 1 out of 2 acres in the West. Eminent domain, whether it be from wilderness areas, heritage areas, national wild and scenic rivers, national trails, will have a major impact on anybody living close or in somewhat proximity to any of these new designations because, in fact, they are impacted, even outside of it. In testimony before the Energy Committee, it was stated by the Park Service and several others that, in fact, they will use that to lessen the effect and impact on these new designations.

Let me outline some of the other authorizations we are making in this bill.

I know my colleagues disagree with me on authorizing versus what they mean on appropriations, but the fact is, if you read the press releases of Members of this body, when we authorize, they tell the people at home we are going to spend it.

We are going to estimate \$1 billion for a water project in California that is 84 years old that will never accomplish what it is supposed to and will have a major impact on 10,000 agricultural entities and impact over \$2 billion worth of commerce—\$2 billion in commerce—and that \$1 billion is just the start of annual mandatory expenditures in the future.

There is \$5 million—and I know the Acting President pro tempore is very interested in this, but we have to ask the question—to create a way to limit the impact of wolves on our cattle ranchers in Montana, Wyoming, and Idaho. We created it. Is that a priority for us right now, to compensate ranchers who lose cattle to wild wolves? Should that be where we are spending our money right now, especially when everybody will agree at the end of this next year, on full accounting, at the end of the next fiscal year, we are going to be close to a \$1.8 trillion deficit? Should we annually spend that money? Should we create another Federal program that is going to dole out money—not that maybe we should not do that, but is now the time to do it? Is now the time to put it in the row of saying: Here is where we are going to spend our money.

There is \$250,000 to study whether Alexander Hamilton's boyhood home in Saint Croix, U.S. Virgin Islands, should be designated as a new national park. Should we spend that money now? Once we authorize that, that is going to come through the National Park Service and they are going to expend the money. They are going to do what Congress tells them to do.

There is \$12 or \$14 million for a new garden for our arboretum to make sure we have taken care of orchids. We should probably do that at some point in time, but is now the time to do that?

We have 100 environmental groups that think we should not challenge this road through the wilderness in Alaska to one city when we already have an alternate method of transportation. Yet we are going to do that in this bill because we have put it together. Everybody holds their nose and votes.

We are going to authorize the expenditure of money to discover old shipwrecks. We should be doing that now? That is a priority for the Congress and the country in the condition in which we find ourselves?

I believe many things in this bill, this 1,300 pages, we ought to do. But if you went through and polled the average American on everything in this bill, what they would say is: It is probably not worth it for me to get what my State wants and give on all these other things.

We are going to lose 300 million barrels of proven oil reserves. There is no

question about that. The data used by the U.S. Geological Survey is old data. They admitted it is old data. We are going to lose energy, the access to it. We are going to lose the ability to access future energy reserves. But, most of all, what we are going to do is we are going to disappoint the American people because things have not changed. What is a priority for us here in terms of political benefit at home is going to trump doing what is in the best interest, in the long-term interest of the country.

I reserve the remainder of my time.

Mr. FEINGOLD. Mr. President, today I will vote to invoke cloture on the motion to proceed so that we can debate, amend, and consider the Omnibus Public Lands Management Act of 2009, S. 22. I hope that my colleagues and I will be given the chance to amend this bill as I have reservations about supporting its final passage in its current form.

While I appreciate the chairman's efforts to make improvements, I intend to cosponsor an amendment to strike a troublesome provision that would authorize the transfer of Federal land in the Izembek National Wildlife Refuge—a designated wilderness area and internationally recognized Ramsar site—so that a road could be built. The road is purportedly to allow travel between two Alaskan communities in cases of medical emergencies. However, Congress has already appropriated more than \$36 million to provide a hovercraft, which I am told crosses Cold Bay in about 20 minutes and to date has met every medical evacuation need in all weather conditions—over 30. The road, on the other hand, would need to avoid the numerous ponds and priority wetland areas—taking one to two hours to drive—and would not provide safer, faster, or more cost-effective transportation than the hovercraft.

I am also troubled by the addition of a provision that has been considered by neither the House nor the Senate Energy and Natural Resources Committee, a prerequisite for all the other public lands bills in the package. The Washington County provision was air-dropped into this legislation. It is unfortunate that the wilderness designations in the provision fall well short of the wilderness-quality land in the county that should be protected. This public lands bill only proposes to designate 44 percent of what is included in the America's Red Rock Wilderness Act, which I have been pleased to join Senator DURBIN in supporting. Furthermore, this public lands package omits a wilderness unit, Dry Creek, that Senator BENNETT has previously agreed to protect in his Washington County Growth and Conservation Act of 2008, S. 2834.

This bill certainly has many good provisions, but I hope we can work to improve this important piece of legislation.

Mrs. BOXER. Mr. President, I would like to thank Senators BINGAMAN, Domenici, and MURKOWSKI for their ex-

cellent leadership in putting together this package, and Senator REID for his commitment to seeking its passage on the floor. I would just like to say a few words about my three wilderness bills in the package: the California Desert and Mountain Heritage Act, the Sequoia-Kings Canyon National Park Wilderness Act, and the Eastern Sierra and Northern San Gabriel Wild Heritage Act.

But first, since the economy is on all our minds right now, I just want to talk a little about the economic importance of these wilderness areas.

The Outdoor Industry Foundation estimates that outdoor recreation contributes \$730 billion per year to the United States' economy and supports nearly 6.5 million jobs. Recreation specifically in wilderness areas produces at least \$630 million annually, according to a report by Colorado State University resource economists.

The economic benefit of wilderness areas extends far beyond these types of direct uses. People are drawn to living in areas with scenic beauty, opportunities for recreation, and a high quality of life bringing new jobs and consumer spending to rural counties.

Articles in the journals "Population and Environment" and the "International Journal of Wilderness" have documented that population growth, increases in employment, and wage increases in rural counties of the western United States are all significantly correlated with the percent of wilderness land in these counties. And property values are almost 13 percent higher in locations adjacent to wilderness.

When you include indirect economic benefits and ecosystem services such as protecting watersheds or filtering waste, wilderness areas produce a staggering \$3 to \$4.5 billion per year. Colleagues, let me be clear—protecting wilderness does not hurt our economy—it is an investment into our future.

Now I want to tell you a little about each of my three wilderness bills and why it is so important that we pass them as part of this package. These are bipartisan, bicameral bills that will preserve some of California's and the nation's most magnificent places for generations to come. I have worked with Senator FEINSTEIN and our colleagues in the House on each of these bills for over 2 years, finding the right balance for the conservation, development, and recreational needs in these areas.

The California Desert and Mountain Heritage Act, written with Representative MARY BONO MACK, protects some of the last wild places in Riverside County—one of the fastest-growing counties in California.

My bill creates four new wilderness areas and expands six existing wilderness areas, including the Joshua Tree National Park Wilderness with its unique Mohave Desert ecosystem.

It designates segments of four rivers as wild and scenic—including the North

Fork of the San Jacinto Creek, and adds four parcels to the Santa Rosa and San Jacinto Mountains National Monument.

These areas exemplify the incredible diversity of desert and mountain habitats in southern California, ranging from the sandy, pristine deserts of the Palen-McCoy region, to the rugged, varied topography of the Orocochia Mountains, to aptly-named Beauty Mountain.

In total, the bill protects more than 220,000 acres of public lands and 31 miles of rivers in some of the most spectacular natural areas of California.

And according to estimates by the Wilderness Society based on data from the United States Forest Service, this legislation could generate an additional 120 to 157 jobs and \$3.6 to \$5.7 million in annual income in Riverside County.

The Sequoia-Kings Canyon National Park Wilderness Act, written with Representatives JIM COSTA and DEVIN NUNES, would protect spectacular high Sierra lands in the Sequoia and Kings Canyon National Parks, including the incomparable Mineral King Valley, majestic granite peaks, deep canyons, one of the largest cavern systems in the Western United States, and magnificent forests of ancient Sequoias.

The centerpiece of this bill is the 39,740-acre John Krebs Wilderness Area, which includes the Mineral King Valley. This wilderness area will be named after former Congressman Krebs, a man of extraordinary political courage, who wrote the 1978 law establishing a national park to protect this magnificent area from development as a ski resort.

The bill also designates 45,000 acres of public land within other areas of the Sequoia-Kings Canyon National Park as wilderness.

This area has some of California's most unique geological features, ranging from the largest grove of Sequoias on Redwood Mountain, to Lilburn Cave—part of the most extensive network of caverns in the western United States.

This legislation will ensure that these beautiful areas will be sustained and preserved as part of America's identity and rich natural heritage.

Applying the economic model of Colorado State University economist John Loomis to this bill, this bill could generate at least 50 jobs and \$1.3 million per year in Tulare County.

And finally, the Eastern Sierra and Northern San Gabriel Wild Heritage Act, written with Representative BUCK MCKEON, will preserve the magnificent mountains, rivers, and open spaces of California's Eastern Sierra and Northern San Gabriel Mountains.

The bill establishes approximately 470,000 acres of wilderness in Mono, Inyo, San Bernardino, and Los Angeles Counties through new designations and expansions.

These areas include the high desert mountain and alpine tundra of the majestic White Mountains, the classic

high Sierra landscape of the Hoover Wilderness area, the dramatic eastern escarpment and trout-producing streams of the John Muir Wilderness, and the pristine Owens River Headwaters in the Ansel Adams Wilderness.

The bill also designates approximately 74 miles of wild and scenic rivers, including the Upper Owens River—one of the most important river systems in the Eastern Sierras, which supports one of America's finest and most economically valuable trout fisheries—and the Amargosa River—the only major river flowing into Death Valley National Park.

In addition to the Eastern Sierra, the bill also protects about 40,000 acres in the Magic Mountain and Pleasant View Ridge areas, and seven miles of Piru Creek—one of the few year-round trout fishing streams in southern California. These areas are all located within Los Angeles County, one of the most urban and densely populated areas of our country.

While preserving some open spaces near these urban areas, we have been careful to accommodate their current and future development needs. We have worked closely with the Los Angeles Department of Water and Power and other utilities to exclude their facilities from these wilderness areas, ensuring that the water and power needs of California residents will continue to be met now and in the future.

And this bill will provide substantial economic benefits. According to estimates by the Wilderness Society based on data from the United States Forest Service, National Park Service, and Bureau of Land Management, this legislation could generate an additional 2800 jobs and over \$700 million per year in Mono and Inyo Counties.

These three bills protect some of the most breathtaking places in California, areas that provide a refuge for birdwatchers, hikers, campers, equestrians, fishermen, and other visitors looking to escape our crowded, fast-paced cities to enjoy the tranquility of nature.

These areas also provide critically important habitat for a multitude of wildlife and plants, many of which are found nowhere else on Earth. Bighorn sheep, mule deer, mountain lions, bald eagles, and desert tortoises are all found in areas protected by these bills.

Moreover, by protecting important source waters for California's drinking water and areas of open space and fresh air, these bills will help protect water and air quality for our ever-expanding urban areas.

And just as importantly, these bills will have economic benefits, not only protecting California's recreation economy but stimulating jobs and increasing property values in the regions surrounding these wilderness areas.

All of these bills have bipartisan, bicameral, and diverse support. They have been developed in close consultation with local communities, elected officials, recreational organizations, businesses, federal and state agencies,

and local property owners—and have received numerous endorsements from these groups.

These bills have broad support from local communities and would not impact the use of private lands in these counties. They would simply improve the protection of existing Forest Service, National Park Service, or Bureau of Land Management lands.

The areas in these bills are truly magnificent places representing California's incredible range of landscapes and habitats. I look forward to working with my colleagues on both sides of the aisle to enact this package into law and protect these treasures for future generations of Americans.

Ms. SNOWE. Mr. President, I rise today to support passage of S. 22, the Omnibus Public Land Management Act of 2009. In particular, I wish to express my thanks to the bill's managers for including title XII, consisting of five critical oceans bills: the Coastal and Ocean Observation System Act, the NOAA Ocean Exploration and Undersea Research Program Act, the Federal Ocean Acidification Research and Monitoring Act, the Coastal and Estuarine Lands Protection Act, and the Ocean and Coastal Mapping Integration Act. Together, these will have a substantial positive impact on management of our Nation's ocean and coastal resources and will enhance the efficiency of maritime industries and our ocean conservation efforts.

For over a decade, I have served as ranking member of the Senate subcommittee with jurisdiction over our oceans. In the 110th Congress, all five of these bills passed unanimously out of the Commerce Committee, but failed to pass the full Senate, despite the fact that their benefits will extend far beyond the coastal zone and accrue to the nation as a whole. From the enhanced weather and climate forecasting and efficiency of maritime transportation that will result from an improved ocean observing system to the discoveries waiting to be found in the depths of the world's seas, the programs authorized and enhanced by this legislation will deliver economic and scientific benefits for generations to come.

Oceans cover nearly three-quarters of the Earth's surface, and have great influence over our lives. They shape our weather and climate systems, provide highways for international and domestic commerce, sustain rich living and nonliving resources on which many of our livelihoods are based, and provide our nation over 95,000 miles of shoreline which is the backbone of tourist and recreational activities in many coastal states. Despite the constant, intricate interaction between our lives on land and the natural systems of the ocean, we know woefully little about the physical properties of the enormous liquid surface of our planet. We literally know more about the landscape of the moon than we do about the oceans' depths. What lies over the hori-

zon and beneath the waves remains, by most accounts, a mystery.

And yet, the effects of those mysterious systems can be devastating. In recent years, hurricanes, tsunamis, and other natural disasters have devastated regions of our Nation, and other parts of the world. Today, we have the technology to monitor a wide range of ocean-based threats, from destructive storms to quieter dangers such as harmful algal blooms and man-made pollution. The purpose of the Coastal Ocean Observing System Act is to put that technology to work predicting these threats more accurately and, when possible, mitigating their effects.

This bipartisan, science-based bill, derived from legislation I first introduced in 2003, would authorize the National Oceanic and Atmospheric Administration, or NOAA, to coordinate an interagency network of ocean observing and communication systems around U.S. coastlines. This system would collect instantaneous data and information on ocean conditions—such as temperature, wave height, wind speed, currents, dissolved oxygen, salinity, contaminants, and other variables—that are essential to marine science and resource management and can be used to improve maritime safety, transportation, and commerce. Such data would improve both short-term forecasting that can mitigate the effects of major disasters, and prediction and scientific analysis of long-term ocean and climate trends. A 2004 study of the Gulf of Maine Ocean Observing System showed that six dollars returned to the regional economy for every dollar invested. Passage of this legislation would allow this system and the others like it around the country and the globe to continue to grow and provide vital services to the world's maritime community.

Of course, the need to access this type of information is not limited to the Gulf of Maine. In June 2006, the Joint Ocean Commission Initiative, made up of members from the Pew Ocean Commission and the U.S. Commission on Ocean Policy, presented to Congress a list of the "top 10" actions Congress should take to strengthen our ocean policy regime. One of those priorities was "enact legislation to authorize and fund the Integrated Ocean Observing System."

While my ocean observing legislation will greatly enhance our ability to analyze and disseminate oceanographic and meteorological data, we also face a shortfall in our Nation's ability to explore vast regions of our undersea territory. Nearly 3 years ago, the U.S. Commission on Ocean Policy released its longwaited report, which noted that approximately 95 percent of the ocean's floor remains uncharted territory. If past experience is any indication, fascinating discoveries await us in these vast unexplored areas. These regions are sure to include species of marine life that are currently unknown to science, archaeological and historical

artifacts that can shed new light on our past, and marine resources that may support the ongoing quest for a sustainable future.

In 2004, the U.S. Ocean Policy Commissioners called for enhanced, comprehensive national programs in ocean exploration, undersea research, and ocean and coastal mapping. The vision of the Commissioners, one that I share, is for well-funded and interdisciplinary programs. Such programs are currently being led by NOAA, with significant input from partners in other agencies, academia, and industry, but currently they lack formal Congressional authorization. This legislation would establish those programs, and provide a strong foundation upon which we can continue to expand the quest for knowledge to areas of the planet that have literally never been seen by human eyes. I look forward to seeing these efforts enhanced under this legislation.

I would also like to acknowledge my support for three other oceans bills included in this package: the Federal Ocean Acidification Research and Monitoring Act, the Coastal and Estuarine Lands Protection Act, and the Ocean and Coastal Mapping and Integration Act. All will be integral to enhancing our Nation's coasts and oceans. Once more, I would like to thank Senator BINGAMAN for agreeing to include these bills in this package, and Senate leadership for bringing this vital package to the floor to give us the opportunity to pass these bills so critical to the future of our oceans.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, how much time remains on our side?

The ACTING PRESIDENT pro tempore. Nineteen minutes and 30 seconds.

Mr. BINGAMAN. Mr. President, I yield myself 9 minutes of that time. If the Acting President pro tempore would alert me when the 9 minutes is up, I would appreciate it.

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

Mr. BINGAMAN. Mr. President, this afternoon the Senate will vote on whether to invoke cloture on the motion to proceed to S. 22, the Omnibus Public Lands Act. This is a package of over 160 bills that primarily consists of public land, national park, and water development bills that were reported last Congress by our Committee on Energy and Natural Resources.

Consideration of these bills has been delayed for a long period, and I strongly support moving forward expeditiously with this package, beginning this afternoon with this vote to invoke cloture on the motion to proceed to consideration of the bill.

The package has been developed on a bipartisan basis. First, it was developed in consultation with Senator Domenici, who at the time was the ranking member of the Energy Com-

mittee, and this year it has been developed in consultation with Senator MURKOWSKI, who is expected to have that same position once our committee assignments are finalized.

As developed last Congress, this package includes roughly an even number of bills sponsored by Democrats and Republicans or by a combination of both. Although the package of bills was introduced just a few days ago, for purposes of transparency the entire text of this legislation was put on the Web site for the Energy Committee, which is [energy.senate.gov](http://energy.senate.gov), for anyone to review. It has been there now for several days. However, the history of the 160 bills that are incorporated in this legislation goes back much further.

Last Congress, almost 500 bills were referred to the Energy Committee, about half of which dealt with public land and water resource issues. Over the course of the last Congress, the committee held over 40 public hearings on those bills. They were marked up over the course of five separate business meetings. Up until the past few years, once a committee had approved a group of bills of this type—especially when that approval was unanimous, as was the case in most all of the legislation being considered—the bills would be taken up and passed by the Senate by unanimous consent. As everyone is aware, we are no longer able to move bills in that fashion in the Senate.

Some of my colleagues may remember that the Senate took up and passed a different package of public land bills last year in an effort to send as many bills to the President as possible and to do the work that needed doing out of our committee. That package included only the bills that had been passed already by the House of Representatives. It was my intent at that time—and I stated that it was—to bring to the Senate the Senate-introduced bills shortly thereafter—the ones that had passed our committee.

Unfortunately, the time demands in the Senate did not allow that to happen, so we are now trying to do the work of the last Congress in the first few days of this Congress. In my view, it is time to pass these bills and move on.

Some have suggested these bills are not a priority and not deserving of the Senate's time. I disagree strongly. Many of the bills in this package resolve major land and water policy issues that have been contested for many years and, in some cases, for decades. Ask any Senator who has spent years working through these issues. Ask Senator WYDEN about the Mount Hood wilderness bill or Senator CRAPO about the Owyhee Canyonlands bill or Senator BENNETT about his Washington County lands bills or the Navajo Indian Water Settlement Act, on which I worked hard and on which my colleague, Senator UDALL, has worked hard in his previous service in the House of Representatives.

While the individual bills in the package were initially developed at the

local level, the combination of these 160 bills reflects possibly the most significant conservation legislation passed by the Senate in the past decade. This Omnibus Public Lands Management Act will result in the addition of over 2 million new acres to the National Wilderness Preservation System. It will establish three new units of the National Park System. It will enlarge more than a dozen existing areas, establish a new national monument, and three new national conservation areas could be administered by the BLM. It adds over 1,000 miles to the National Wild and Scenic Rivers System, one of the largest additions to that system ever achieved. It will add four new trails to the National Trails System, a combined addition of over 2,800 miles of new trails. In addition to addressing important public land issues, S. 22 also includes 30 provisions that will help address water resource issues across the country and particularly in the West.

A few minutes ago I referred to the importance of the Navajo Indian Water Rights Settlement in the State of New Mexico. There is no more important legislation to the Navajo people than this legislation. The unfortunate reality is that nearly 40 percent of Navajo people today live below the poverty line and have no ready access to drinking water. We need to solve that problem. This legislation takes a major step in solving that problem. This is a high priority for my State of New Mexico, and for that reason I strongly support it.

Equally important, the bill includes numerous provisions to improve Federal land management and to help local communities throughout the West. The bill will establish a forest landscape restoration program to promote collaborative landscape restoration to reduce fire risks and fire costs.

Most of the newly designated wilderness areas are located in Western States. I understand and support the need to maintain a robust energy development program. The latest information we have from the Geological Survey is there are not 300 million barrels of oil per day being put at risk in this legislation; in fact, it is less than 5 million. So those figures are just erroneous from all that we have seen.

Action on this bill has been delayed for a very long time. In my view, it is time for the Senate to recognize the importance of the individual efforts Senators have made in trying to put forward legislation important to their States. The national significance of this bill is clear. For those reasons, I urge my colleagues to join me in voting to invoke cloture on the bill.

Mr. President, how much time remains on our side?

The ACTING PRESIDENT pro tempore. There remains 11 minutes 30 seconds.

Mr. BINGAMAN. Mr. President, I know Senator CRAPO had asked for 4 minutes. Let me yield the remaining 11

minutes to my colleague, Senator MURKOWSKI from Alaska, and she can divide that among the other Members as she chooses.

Ms. MURKOWSKI. Thank you, Mr. Chairman. My comments will be brief.

I, too, rise today to speak in favor of cloture on the motion to proceed to S. 22, the Omnibus Public Land Management Act of 2009.

The omnibus bill has been criticized as being large—and it is a large pile of paper. It is almost 1,300 pages. We acknowledge that. But this package of bills before us today also represents a huge commitment of time, a large commitment of resources by the Committee on Energy and Natural Resources, as well as the other four Senate committees. In the case of the Energy Committee, this package, along with a similar package that was passed by the Senate last spring, represents almost 2 years' worth of hearings, negotiations, and business meetings on all of these public lands issues.

This package contains over 160 public lands bills, the vast majority of which went through the regular committee process, and then sat individually on the Senate calendar at the end of last session. There were 20 Members on my side of the aisle who were the primary sponsors of the bills in this package. Many more of them are cosponsors. Clearly, when you have this many individual pieces of legislation, this bill—this package—does a great many things. It covers the full range of the committee's public lands jurisdictions, whether it be from small boundary adjustments and land exchanges to large wilderness designations.

Some will argue that the number of bills contained in this package is bad and that somehow this is new and unprecedented. The Committee on Energy and Natural Resources has traditionally been the most prolific committee in the Senate with regard to substantive legislation. The President pro tempore knows that; he serves on this committee. There are some who may claim it is bad to be advancing so much legislation, but for those of us from the Western States that contain large amounts of public lands, we understand legislation such as is contained in this package is necessary for the day-to-day functioning of the western economy.

Here, in the eastern part of the country, a farmer or a businessman who wants to acquire or sell new property can sign a contract. They can go to the courthouse. But in the West, simple transactions often take literally an act of Congress. That is what we see in so many of these individual bills that are part of S. 22.

This bill also designates those parts of our natural landscape and historical structures that deserve protection. I believe we as a nation can maximize the development of our domestic energy resources while at the same time protect our Nation's other natural resources and wilderness. In fact, the Department of the Interior and U.S. For-

est Service have testified that none of the wilderness designations proposed in this legislation will negatively impact on the availability of oil, gas, or national energy corridors.

Now, there is one section that does restrict oil and gas development in Wyoming, but it is fully supported by the Wyoming State delegation, as well as Governor Freudenthal, and as mentioned by the chairman, the amount of the potential oil is 5 million barrels, not 331 million as argued by some opponents.

Furthermore, every land designation in this package was considered at the request of the affected State's delegation. Almost all of the lands in this bill are already federally managed lands, and most to be designated as wilderness are either within Federal parks or have been managed with restrictions such as wilderness study areas or "roadless" areas. So, therefore, a designation as Federal wilderness does not further restrict uses beyond what has been in place for quite some time.

This bill actually transfers 23,226 acres of Federal lands to private and State sectors through conveyance, exchange, or sale.

Finally, any provisions that received a negative score from CBO have been removed from the bill. Now, the bill does authorize the expenditure of significant amounts of funding, but each of those is dependent on future appropriations that depend on the oversight provided by the Appropriations Committee and Presidential budget requests.

While this process we have in front of us may not be the preferred method for passing legislation, I do believe overall this package will improve our Nation's management of its public lands and parks and will be a long-term benefit to our Nation. So I do respectfully request my fellow Members' support for passage of this important legislation.

With that, I know Senator CRAPO from Idaho and Senator BENNETT also wish to add a few comments. How much time do we have remaining?

The ACTING PRESIDENT pro tempore. There remains 6 minutes.

Ms. MURKOWSKI. I yield 3 minutes to the Senator from Idaho.

Mr. CRAPO. Mr. President, I am pleased to speak today on behalf of S. 22, the Omnibus Public Lands Management Act.

To call this legislation bipartisan is an understatement. This bill, as has been mentioned, contains over 150 individual provisions, sponsored by almost 50 different Members of this Chamber—nearly half. It represents every region of the country and has an almost equal number of bills from each side of the aisle. It will provide significant protection to existing public lands, improve recreation, cultural, and historic opportunities, and provide important economic benefits for rural economies such as in my home State of Idaho.

Every bill in the package has gone through regular order. Most have had

multiple hearings and markups in the Energy Committee. All are fully supported by the committee chairman and the ranking member. In fact, many of the provisions, such as my top legislative priority—the Owyhee initiative—are the product of years of extensive collaboration at the Federal, State, county, and local levels, in conjunction with elected officials, tribes such as the Sho Pai, businesses, community leaders, outdoor enthusiasts, conservationists, ranchers, landowners, and other stakeholders.

Additionally, the package does not contain any bills that have a CBO score without an offset. This is not to say that the legislation is without controversy or that it is unanimously supported. Few pieces of legislation that pass through this Chamber are. However, while any omnibus package by nature will contain elements that are troubling to some, the Energy Committee has carefully negotiated the inclusion of each bill in this package to successfully reach a compromise on which all sides could agree.

As with my Owyhee wilderness legislation, not everyone got exactly what they wanted, but the broad array of collaborators achieved enough of their objectives to support the whole package and get behind legislation that offers significant improvement to land management practices and a reduction in decades-old conflict.

Similarly, this omnibus lands bill has broad support in every region of the country. As a result, on balance, this omnibus lands bill is widely supported and represents a diverse group of interests from every region. Recognizing this, I strongly urge my colleagues to vote in favor of cloture so that we can pass this legislation and move forward.

Mr. President, I yield the floor.

Ms. MURKOWSKI. I yield 3 minutes to the Senator from Utah.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. BENNETT. Mr. President, I rise to voice my support for this legislation even though there are bills in the package that I do not support.

I oppose the National Landscape Conservation System. I might have preferred that it be separated out so we could have that particular vote. But that is not the way the committee has decided to do it, and this committee, in leadership of both parties, has adopted the pattern of packaging bills together at the end of a Congress, and that is what we are faced with today.

Given that history, I rise to support the bill because most of it is acceptable to me, and one bill in particular is one on which I have been working for close to, if not more than, a decade. The issue of wilderness in southern Utah has been the most contentious issue I have had to deal with in the time I have been in the Senate. It was an issue in my campaign in 1992. It has aroused emotion, and, indeed, something stronger than emotion throughout the State for many years. Working



with Bill Meadows and members of the National Wilderness Society, working with the Washington County commissioners and those on the ground, I am honored to have been able to help craft a compromise with which no one is 100 percent satisfied but which both sides in good faith now say is the logical thing to do.

I would have preferred some other things in it. The chairman of the committee, Senator BINGAMAN, was rather firm in his opposition to those things. We will still debate those at a future time, but let's take what we have on the table before us. Let's consume it with gratitude and give thanks. It is time to see this issue put to bed and time to see resolution of it. People of good will acting in good faith on different sides of the argument have come together with an agreement that makes sense.

For that reason, I stand here urging my colleagues to support the motion to invoke cloture, and once cloture is invoked, to support all of the subsequent procedural motions that will be necessary for this bill to become law.

I hope it can become law while President Bush is still the President to demonstrate that this issue of dealing with difficult land use challenges in the West is not a partisan one, and a Democratic Congress working with a Republican President can bring closure to these challenges in a way that will benefit the entire country.

I yield the floor.

Mr. COBURN. I yield 6 minutes to the Senator from South Carolina.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. DEMINT. Mr. President, will you let me know when I am at 5 minutes?

The platform for the inauguration is almost complete. They are putting the finishing touches on it. I think America, with good reason, is excited with new hope, the idea of change. This is something we need in our country. We have obviously gotten bogged down in many areas. But I am afraid as I walked in the Senate Chamber today, I smelled the same stale air of good-ole'-boy, back-slapping, porkbarrel-lobbyist-driven politics.

We are here on a Sunday voting about something in the middle of a recession, very difficult economic times, many critical issues. But the majority has asked us to come back today to vote on a conglomeration of bills which no one has read. I know the chairman has said the committee has had it posted on the committee site for a few days, but as of Friday, if anyone in America wanted to go to the official Senate Web site or if the media wanted to find out what was in this bill, it was not available to them.

Most Members of the Senate—I suspect all except for maybe TOM COBURN and a few others—have not even read this bill. Last week, all of us came in here, and if we didn't take the oath of office ourselves, we listened to others

take it many times. That oath didn't say that I was to be here to defend and protect what is right for South Carolina or get everything I could for Oklahoma or Utah or Alaska. It asks us to defend and protect the Constitution, which prescribes a very limited Government, very limited function for the Federal Government. All of our freedoms are dependent on that. Yet we are about the old business today of how can we put together a bill that will almost force a majority of the Senate to vote for it.

I know that different Members know a section of this bill, the part that is for their State, and that is good. We need to look out for our States. But we need to look out for our country. We have never been in a time in our country when we have had so much debt and so much spending and so much uncertainty. How can we come here today and say: I got what I want. Do you have what you want? Let's everybody get what they want, and let's ball it up and vote for a bill on which we have had hardly any debate, no amendments are allowed, 1,300 pages that no one has read, 160 bills put together that none of us knows what is in here, and Americans don't know what is in here. We have all been asked to miss church, leave our families, and come here and vote on this bill.

As we think about change in our country, I hope we can all think about how we can change this place because the Senate seems to be that last obstacle for everything we need to change, because we cannot continue to pass bills by putting together a little bit of what everybody wants and forgetting what is good for our country.

We have been doing this for years, and that is how this country has gotten into so much debt and put such pressure on our economy, taken so much money in taxes out of the private sector that the private sector no longer works.

As Senator COBURN has said, I know there are many provisions in this bill that represent years of work and will do a lot of good. But in these times, when people are out of work and we are looking around to how can we find the money we need to fix the problems, if we actually took the time to read what is in this bill, the majority of Americans, I can say this with confidence, would say this is not right. We should not have to pass all of these things that are not needed in order to get those things that are.

We know we don't need \$5 million for botanical gardens in Hawaii and Florida. That may be a wonderful thing to do, but in these times, when we are asking Americans to sacrifice, when we are mortgaging the future of our children for what we are spending today, it doesn't make any sense to put that in a bill so we could get somebody's vote. We don't need \$14 million for tropical research in Panama. Senator COBURN has mentioned other items. We don't need \$12 million for the Orchid Museum

in Maryland. These are all good things, but this bill is full of these things, and there is nobody who is going to be voting today who knows all the things that are in here.

If we continue to do business this way, the change we are hoping for, that we are going to be looking at a historical spectacle in a couple of weeks with the inauguration of a new President that I hope will represent a new generation of thought in America, I plead with my colleagues: I know this is going to sail through today. Everybody has come back to vote because there have been press releases on so many different items in this bill. But if we continue to go through this year where anyone who asks for an amendment or a few moments of debate is made a spectacle of, saying we are going to be here this weekend to vote if you don't give me unanimous consent to vote when I want to, you can't have an amendment, if my colleagues on my side continue to accept this situation, there is going to be no such thing as a Republican Party, and the country we love will continue to deteriorate.

I encourage my colleagues to think twice. You may have something that works for you in this bill, but this bill does not work for America.

Mr. COBURN. Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. Six minutes.

Mr. COBURN. Mr. President, I don't know where to begin. In the last few moments, we have heard the following quotes: fully supported by those who have bills in this Omnibus bill. President-elect Obama says we need to work hard on earmarks. There are 45 earmarks in this bill. I know, I don't want to embarrass anybody. The fact is that most of us don't like the earmarks that are in the bill but are willing to tolerate the earmarks that are in the bill to get something that is good for us at home.

I believe we are at the ultimate tipping point in this country. I believe if we don't make drastic changes over the next year and a half, that 2012 will see the default of the U.S. Government on its bills. I honestly believe that. There are a lot of economists who agree with me on that point.

How do we then, if, in fact, any aspect of that is true, begin to start changing our direction where we start working on the issues that are a priority for America?

I have no doubt that there are key, significant things that need to get done that are in this bill, and a lot of them I am not opposed to. But I will tell you, I am always going to be opposed to wasting money. Another man's waste is somebody else's gold. But you cannot defend the directed earmarks in this bill in any way, shape, or form when we are doing such things that are so foolish, and the American people laugh at us and say: Why would you spend \$3.5 million for a birthday party 6 years from now or why would you



even authorize it in a time when nobody will disagree we are going to be close to a \$1.8 trillion deficit when we finish up in September 2009. Nobody is going to disagree with that point. We know the structural deficit is \$1.2 billion. We know we are going to spend \$400 billion of stimulus. And we know we are going to steal \$167 million from Social Security. Instead of us working on Social Security and trying to straighten it out, we are sitting here passing a parochial-based bill that in the long run for the country as a whole does not solve the major problems it faces. That is what it comes down to.

I know I won't come anywhere close to winning this vote, but every time in the future, as long as I am a Senator, we are going to take the time to debate. It is going to be painful, but we are going to debate it because the American people deserve to know what we are doing. And if it continues that the minority party in the greatest deliberative body in the world gets no amendments, then we are probably not going to do anything. There has been one amendment since July 16 in this body for a member of the minority that represents over half of the population in this country. This is not the greatest deliberative body in the world. This is the greatest chokehold body in the world.

We ought to have the right to offer amendments. If they are defeated, fine. What are we afraid of? We could have had the amendments done. We could have voted this bill on Friday. We could have had a time agreement and we wouldn't be here today or we could have been here actually doing something that is of massive importance to our long-term future. But we chose the politically expedient route, the politically expedient direction to the detriment of the future of this country.

There is a difference in thinking about the short term and the long term. We cannot ignore the short term, but it cannot be a priority anymore. It cannot be a priority. The long term has to be the priority. Our survival has to be the priority, not a political survival, not a parochial survival, but the very survival of this country.

So when we talk about what we are going to spend and how we are going to do it and we ignore the big issues that are in front of us because we are going to spend the time on the small issues, the country is getting the Senate it deserves.

It is time for us to refocus on the important issues in this country, and that is not our next election.

I yield back my time.

#### CLOTURE MOTION

The PRESIDING OFFICER (Mr. SANDERS). By unanimous consent, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the

Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to S. 22, the Omnibus Public Land Management Act of 2009.

Harry Reid, Jon Tester, Daniel K. Inouye, Robert Menendez, Ken Salazar, Jeff Bingaman, Robert P. Casey Jr., Mark L. Pryor, John F. Kerry, Richard Durbin, Ron Wyden, Dianne Feinstein, Ben Nelson, Evan Bayh, Thomas R. Carper, Carl Levin, Patrick J. Leahy.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 22, a bill to designate certain land as components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Ohio (Mr. BROWN), and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Missouri (Mr. BOND), the Senator from Kentucky (Mr. BUNNING), the Senator from North Carolina (Mr. BURR), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Texas (Mr. CORNYN), the Senator from Nevada (Mr. ENSIGN), the Senator from South Carolina (Mr. GRAHAM), the Senator from New Hampshire (Mr. GREGG), the Senator from Texas (Mrs. HUTCHISON), the Senator from Arizona (Mr. KYL), the Senator from Florida (Mr. MARTINEZ), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Kansas (Mr. ROBERTS), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Louisiana (Mr. VITTER), and the Senator from Ohio (Mr. VOINOVICH).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER), the Senator from South Carolina (Mr. GRAHAM), the Senator from Texas (Mr. CORNYN), and the Senator from Kentucky (Mr. BUNNING) would have voted "nay."

The yeas and nays resulted—yeas 66, nays 12, as follows:

#### [Rollcall Vote No. 1 Leg.]

#### YEAS—66

Akaka	Collins	Klobuchar
Barrasso	Conrad	Kohl
Baucus	Crapo	Landrieu
Bayh	Dodd	Lautenberg
Begich	Dorgan	Leahy
Bennett	Durbin	Levin
Bingaman	Enzi	Lieberman
Boxer	Feingold	Lincoln
Byrd	Feinstein	Lugar
Cantwell	Hagan	McCaskill
Cardin	Harkin	Menendez
Carper	Hatch	Merkley
Casey	Inouye	Mikulski
Clinton	Johnson	Murkowski
Cochran	Kerry	Murray

Nelson (FL)	Salazar	Udall (CO)
Nelson (NE)	Sanders	Udall (NM)
Pryor	Schumer	Warner
Reed	Shaheen	Webb
Reid	Snowe	Whitehouse
Risch	Stabenow	Wicker
Rockefeller	Tester	Wyden

#### NAYS—12

Brownback	Grassley	McCain
Coburn	Inhofe	Sessions
Corker	Isakson	Shelby
DeMint	Johanns	Thune

#### NOT VOTING—20

Alexander	Cornyn	Martinez
Biden	Ensign	McConnell
Bond	Graham	Roberts
Brown	Gregg	Specter
Bunning	Hutchison	Vitter
Burr	Kennedy	Voinovich
Chambliss	Kyl	

The PRESIDING OFFICER. On this vote, the yeas are 66, the nays are 12. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The majority leader is recognized.

#### PROGRAM

Mr. REID. Mr. President, there will be no votes today and likely not tomorrow. We are waiting for President Bush and/or President-elect Obama as to what, if anything, they are going to do on TARP, and that is occurring as we speak. We are going to have a Democratic caucus at 2:45. I ask Democratic Senators to attend. That will be in the LBJ Room, S-207.

We are going to work with Senator COBURN to see if we have to be in all night. He has indicated—to staff, at least—that may not be the case, so we will work out a convenient time tomorrow. If Senator COBURN or others demand a simple majority vote, we can do that. We will work out a convenient time for everyone. That likely will occur tomorrow, but we hope people will not require that vote to take place. We will keep everyone advised as we proceed through the next 24 hours. I appreciate everyone's cooperation.

I am sorry about the Sunday schedule. We have a lot to do. We already are looking to moving toward the next matter, which is Lilly Ledbetter. We have SCHIP, and then, of course, we move to the big one, and that is the economic recovery package. We look forward to having all the input the Democrats and Republicans have asked.

Senator INOUE has been working on the appropriations part. There will be input from the committee and others. Senator BAUCUS has been working, as have other committee chairs, with the committees.

I think we are in decent shape now to move forward on other things.

#### MESSAGE FROM THE PRESIDENT

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

REPORT RELATIVE TO PROVISION OF ATOMIC INFORMATION TO BULGARIA, ESTONIA, LATVIA, LITHUANIA, ROMANIA, SLOVAKIA, AND SLOVENIA, AS RECEIVED DURING RECESS OF THE SENATE ON JANUARY 9, 2009—PM-1

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

*To the Congress of the United States:*

I am pleased to transmit to the Congress, consistent with sections 123 and 144 b. of the Atomic Energy Act, as amended (42 U.S.C. 2153 and 2164(b)), the text of the Agreement between the Parties to the North Atlantic Treaty for Co-operation Regarding Atomic Information, including a technical annex and security annex (hereinafter collectively referred to as the ATOMAL Agreement), as a proposed agreement for cooperation within the context of the North Atlantic Treaty Organization (NATO) between the United States of America and each of the following seven new members of NATO: the Republic of Bulgaria, the Republic of Estonia, the Republic of Latvia, the Republic of Lithuania, Romania, the Slovak Republic, and the Republic of Slovenia, hereinafter the "New Parties." I am also pleased to transmit my approval, authorization, and determination concerning the ATOMAL Agreement with respect to the New Parties, together with a copy of the memorandum of the Secretary of Defense with respect to the agreement. The ATOMAL Agreement entered into force on March 12, 1965, with respect to the United States and the other NATO members at that time. The Czech Republic, the Republic of Hungary, the Republic of Poland, and Spain subsequently became parties to the ATOMAL Agreement. The New Parties have signed this agreement and have indicated their willingness to be bound by it. The ATOMAL Agreement with respect to the New Parties meets the requirements of the Atomic Energy Act of 1954, as amended. While the ATOMAL Agreement continues in force with respect to the United States and the other current parties to it, it will not become effective as an agreement for cooperation authorizing the exchange of atomic information with respect to the New Parties until completion of procedures prescribed by sections 123 and 144 b. of the Atomic Energy Act of 1954, as amended.

For more than 40 years, the ATOMAL Agreement has served as the framework within which NATO and the other NATO members that have become parties to this agreement have received the information that is necessary to an understanding and knowledge of and participation in the political and strategic consensus upon which the collective military capacity of the Alliance

depends. This agreement permits only the transfer of atomic information, not weapons, nuclear material, or equipment. Participation in the ATOMAL Agreement will give Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia the same standing within the Alliance with regard to nuclear matters as that of the other current parties to the ATOMAL Agreement. This is important for the cohesiveness of the Alliance and will enhance its effectiveness.

I have considered the views and recommendations of the Department of Defense and other interested agencies in reviewing the ATOMAL Agreement and have determined that its performance, including the proposed cooperation and the proposed communication of Restricted Data thereunder, with respect to the New Parties will promote, and will not constitute an unreasonable risk to, the common defense and security. Accordingly, I have approved the ATOMAL Agreement with respect to the New Parties and authorized the Department of Defense to cooperate with the New Parties in the context of NATO upon satisfaction of the requirements of section 123 of the Atomic Energy Act of 1954, as amended.

The 60-day continuous session period provided for in section 123 begins upon receipt of this submission.

GEORGE W. BUSH.  
THE WHITE HOUSE, January 9, 2009.

#### 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. LEAHY (for himself and Mr. SPECTER):

S. 200. A bill to authorize a cost of living adjustment for the Federal judiciary; to the Committee on the Judiciary.

#### ADDITIONAL COSPONSORS

S. 197

At the request of Mr. FEINGOLD, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 197, a bill to assist in the conservation of cranes by supporting and providing, through projects of persons and organizations with expertise in crane conservation, financial resources for the conservation programs of countries the activities of which directly or indirectly affect cranes and the ecosystem of cranes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

S. 200. A bill to authorize a cost of living adjustment for the Federal judiciary; to the Committee on the Judiciary.

Today I am again introducing legislation to authorize cost of living adjust-

ments, COLA, to the salaries of United States justices and judges. I thank Senator SPECTER for joining me as a cosponsor of this long overdue bill. This legislation would provide judges the COLA needed to keep pace with inflation. In the last Congress, I supported a cost of living increase for Federal judges; it was not enacted. We are introducing this measure early in this new Congress because of all Federal employees, judges were the only ones who did not receive a COLA in the continuing resolution passed last year.

This bill responds in part to issues raised by Chief Justice Roberts in his "Year End Report on the Federal Judiciary." Chief Justice Roberts noted that "Judges knew what the pay was when they answered the call of public service. But they did not know that Congress would steadily erode that pay in real terms by repeatedly failing over the years to provide even cost-of-living increases." The issue relates to judicial independence, which is critical for preserving our system of government and protecting the rights of all Americans.

In 1975, Congress enacted the Executive Salary Cost-of-Living Adjustment Act, intended to give judges, Members of Congress and other high-ranking Executive Branch officials automatic COLAs as accorded other Federal employees unless rejected by Congress. In 1981, Congress enacted Section 140 of Public Law 97-92, mandating specific congressional action to give COLAs to judges. With the end of the last Congress, however, the continuing resolution providing funding failed to suspend Section 140, thus ensuring that no COLA would be provided for Federal judges during the current fiscal year, unless additional action is taken now. Two years ago, the last time Congress missed making a scheduled cost-of-living adjustment for the judiciary, I sponsored remedial legislation, and it was enacted. We should do so again.

This bipartisan legislation provides a COLA for Federal judges consistent with the law and with fairness. It is vital to the independence of the judiciary and the administration of justice that the Federal bench continues to attract, and keep, the most talented lawyers in the country. I have been dedicated as both Ranking Member and now Chairman of the Judiciary Committee to ensuring the independence of our judiciary.

Some of us have tried over the years to improve the compensation of judges, and I intend again to do what I can to have Congress fairly evaluate this issue to see what solutions may be possible. I hope Congress and the President will reconsider this measure early this year and will do their duty when it comes to fair compensation for the independent judiciary. We can start now by taking up and passing this bill allowing for judicial COLAs.

AMENDMENTS SUBMITTED AND  
PROPOSED

SA 14. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 22, to designate certain land components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 14.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 22, to designate certain land components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . USE OF FIREARMS IN UNITS OF THE NATIONAL PARK SYSTEM AND THE NATIONAL WILDLIFE REFUGE SYSTEM.**

(a) CONGRESSIONAL FINDING.—Congress finds that the Second Amendment to the Constitution provides that “the right of the people to keep and bear Arms, shall not be infringed”.

(b) PROTECTING THE RIGHT OF INDIVIDUALS TO BEAR ARMS IN UNITS OF THE NATIONAL

PARK SYSTEM AND THE NATIONAL WILDLIFE REFUGE SYSTEM.—A person may possess, carry, and transport concealed, loaded, and operable firearms within a national park area or national wildlife refuge area in accordance with the laws of the State in which the national park area, or that portion thereof, is located, except as otherwise prohibited by applicable Federal law.

## PRIVILEGES OF THE FLOOR

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Michael Gauthier, who is a National Park Service fellow working on the staff of the Energy and Natural Resources Committee, be granted floor privileges today and for the remainder of the Senate’s consideration of S. 22.

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

ORDERS FOR MONDAY, JANUARY  
12, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m., Monday, January 12; 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 then there be a period for morning business for up to 1 hour designated for tributes to the Republican leader; that following that hour, the Senate resume the motion to proceed to S. 22, the lands bill, with the time during any adjournment or period of morning business counting postcloture.

If you wonder why we are doing this for the leader—of course, we do this oftentimes for the Republican leader. But on a serious note, tomorrow he will have served longer than any other Senator in the history of Kentucky. We will ask our colleagues to join in the celebration. We have time set aside for that so everyone can do that.

There is no objection; is that right, Mr. President?

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

ADJOURNMENT UNTIL 2 P.M.  
TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment pursuant to this order.

There being no objection, the Senate, at 2:24 p.m., adjourned until Monday, January 12, 2009, at 2 p.m.