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Senate

The Senate met at 2 p.m. and was called to order by the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia.

PRAYER

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

Let us pray.

Everlasting God, who commanded light from darkness and divided the waters into sea and dry land, great and wonderful are Your works. By Your power and might, sustain our Senators this day. Lord, give them the courage to embrace the good and to avoid the evil. When they are fainthearted, strengthen them. When they are weak, support them. When they feel doubts, infuse them with faith in Your power, mercy, and grace. Transform their work into an expression of their worship of You as You help them make a renewed commitment to excellence in words and deeds.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM WEBB led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

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

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM WEBB, a Senator

from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WEBB 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, the Senate will resume consideration of the motion to proceed to H.R. 146, which is the legislative vehicle for the lands bill. At 5:30 p.m. today, we will have a cloture vote on the motion to proceed.

On the lands bill issue, Dr. COBURN is supposed to give me some amendments today that we will take a look at and see whether we are going to be able to work something out to have some amendments offered. As my colleagues know, we are back again with this issue. This represents a number of bills that have been held up—a number of these bills have been held up for some time over the past year. In the House, an issue came up, and they amended it and put it on the consent calendar, and it failed by two votes. They didn't get the two-thirds, so it comes back here. I hope we can work something out; otherwise, we will just proceed as we have in the past. Sometime tomorrow, we will be on the bill, probably at about 4 o'clock. We will offer an amendment at that time and proceed to do what we need to do. Dr. COBURN has indicated to me that he won't require reading of the amendment, which could take a lot of time, but we will see what we can work out with him and move forward as quickly as we can.

ADDRESSING AMERICA'S PRIORITIES

Mr. REID. Mr. President, this week-end, we learned that AIG doled out \$165 million in bonuses to their senior executives—bonuses paid for with taxpayer-funded bailout dollars. With millions of Americans out of work, staying up nights trying to figure out how to make this week's paycheck last until the next paycheck, wondering how they will make the next mortgage payment or pay the overdue bill—maybe even a tuition bill—these executive bonuses are beyond even outrageous. I don't know what a term is that is more definitive than "outrageous," but "outrageous" does the trick. These bonuses being paid are outrageous.

President Obama has instructed Secretary Geithner to pursue every legal avenue to address this grievous abuse of taxpayer money. I applaud that effort. Our financial sector will never heal unless the financial companies that helped create this economic crisis begin to regain the public trust. The actions of AIG do just the opposite, and every American is justified in their outrage at this breach of public trust.

President Obama was asked recently about the role of bipartisanship in addressing America's priorities. He said that it is the job of the majority to be inclusive and of the minority to be constructive.

In the early days of the 111th Congress, Democrats have worked to be inclusive. We have achieved considerable legislative success: passing a major lands bill which we will return to later this week, as I have indicated; the children's health insurance bill to provide health coverage to millions of children of low-income families; the Lilly Ledbetter Fair Pay Act to ensure the principle of equal pay for equal work; the President's Economic Recovery Act to begin stabilizing our economy and addressing the fiscal crisis this President inherited; and, of course, we passed the Omnibus appropriations bill,

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



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which was unfinished business from the Bush Presidency. This important legislation funds Government for the rest of the fiscal year and provides funds to help meet the needs of the American people. This success has come when Democrats and Republicans have put politics aside to find common ground.

This week, we will return to consideration of a package of more than 160 public land bills, as I mentioned earlier, that will protect our environment and natural resources for generations to come. This lands package has been called, by editorial writers all over the country, the most significant environmental legislation in more than a quarter of a century.

Chairman BINGAMAN and Senator MURKOWSKI did an outstanding job of working together in the committee. The Senate followed their example by approving the bill earlier this year by a strong bipartisan majority of 73 votes. As we near the finish line on this legislation, I hope Senators from both parties will continue to follow the bipartisan example set by Senators BINGAMAN and MURKOWSKI by once again voting to pass this legislation.

We will also vote on several nominees to President Obama's administration. We hope to do it in the next few days. As our new President attempts to overcome the enormous burdens he inherited from the previous administration, it is critical that we help him succeed by providing him with all the tools, staff, and expertise he needs.

Starting this week, Members will begin to discuss President Obama's budget for the 2010 fiscal year.

Less than 2 months into his term, President Obama has already taken bold and necessary steps to begin the long climb out of the deep ditch that was left to him by the previous administration's fiscal policies. We have begun to take the necessary steps to get our economy back on track, save and create jobs, restore confidence in the markets, and help families keep their homes. President Obama's budget will build on those near-term investments by laying the groundwork for a longer term path back to broad prosperity for all Americans.

The President's budget is built on the promise that no matter how difficult our immediate challenge, we have to keep focused on the future. We will do that by investing in health care, education, and a cleaner more affordable energy policy, while providing tax relief and helping middle-class Americans afford to purchase and stay in their homes.

These are some of the most serious issues we have ever faced, and we face them together. We must all realize that. As we move forward, we have a choice to make. Those who are opposed can try to block us or they can work with us to accomplish the critical needs of the American people. I am confident it will be the latter.

RECOGNITION OF THE MINORITY LEADER

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

A THREATENING BUDGET

Mr. MCCONNELL. Mr. President, Americans are beginning to get a sense of what the administration's budget means to them. I think it is fair to say that most of them are worried that it spends too much, it taxes too much, and it borrows too much.

At a moment when the economy is already seriously challenged, when more people every day are struggling just to make ends meet, and when the national debt is already staggeringly high, Americans were hoping for relief. Instead, they got a budget that threatens the biggest tax hike in history, record spending, and massive debt. This budget literally shocked a lot of people. Spending in this budget is so massive that some estimate more than 250,000 Government workers will be needed to spend it all.

This is consistent with the approach the administration and the Democratically controlled Congress have taken since the beginning of the year. In just 50 days since Inauguration Day, the Democratically controlled Congress voted to spend \$1.2 trillion, which works out to \$24 billion a day or \$1 billion an hour—most of it borrowed—and we are doing this all, of course, in the midst of a recession.

People across the country are understandably nervous about this kind of spending which won't create the jobs that are promised and which will cause further tax hikes in the future to pay for all the borrowing.

Today, I wish to focus on the tax portion of the budget, the various tax hikes the administration, of course, will need in an attempt to cover the budget's \$3.6 trillion price tag.

The administration says that 95 percent of Americans will not see a tax increase under this budget plan. Well, Americans might not see an immediate increase in their income taxes, but there is more than one way, as they say, to skin a cat, and there is more than one way for Government to take money out of your pocket. I will mention just three that the administration has proposed.

First, there is the proposed new energy tax which would tax everyone who uses energy, which, of course, is 100 percent of the population.

The administration estimates that its cap-and-trade proposal would raise about \$650 billion from gas and electric companies and other businesses. The first thing to note about this tax is that no one, not even administration officials, thinks this figure is even close to the amount that will actually be raised, and no one, not even administration officials, believes that every cent of it won't be passed along to con-

sumers. The President himself said during the campaign that his cap-and-trade plan would cause utility rates to "skyrocket." This is President Obama himself who indicated during the campaign that he thought utility rates under his plan would skyrocket. More recently, OMB Director Orszag publicly reaffirmed the administration's view that cap and trade would increase energy taxes for everyone. This means that anybody who turns on a lightbulb will feel the pain. How bad will it be? Well, researchers at MIT were a little more specific than the President and Mr. Orszag. These researchers at MIT predicted that the proposal would cost the average American household \$3,128 a year. Now, this is the average American household under this budget and the energy taxes it will levy: \$3,128 per household.

Most of the utilities and manufacturers that take a direct hit from the energy tax are big businesses, but what about the small businesses which account for nearly three-fourths of all new private sector jobs? Well, there is a tax for them too. Thanks to an income tax hike on anyone earning more than \$200,000 a year, many will see their taxes go up significantly. Think of a general contractor, a family restaurant, a startup technology firm. These are the engines of our economy. They are struggling now. They will struggle even more once these tax hikes go into effect.

Businesses with 20 or more employees get hit particularly hard. These businesses account for two-thirds of the small business workforce. The President's budget includes a tax increase on more than half of those businesses.

It is an iron rule of economics that taxes influence the decisions of those who are taxed. And businesses that have less income as a result of higher taxes are likely to do three things: cut jobs, put off buying new or better equipment, and take fewer risks. The real-world consequences of those decisions are immense: more jobs lost, less innovation, fewer new products, and lower salaries for employees, almost all of whom are probably making less than \$200,000 a year.

Hundreds of thousands of Americans are losing their jobs every month. Millions fear losing their homes. In response, the administration has promised in this budget a tax hike on the Nation's biggest job creators. These businesses are shedding workers already. Higher taxes will force them to shed even more.

I understand the administration's desire to make good on its promise of reforms. Most Americans understand that reforms are needed in health care, education, energy, and other areas. But they want the administration to fix the crisis in the financial sector first. Until we devote our full attention to that crisis, all other recovery efforts will be in danger of coming undone. With the highest unemployment rate in 25 years, Americans simply don't see the sense in raising taxes on small business.

Americans from all walks of life—and both political parties—are worried about something else in the budget. They don't understand why charitable organizations and the people they serve should suffer in order to pay for new or expanded Government programs. Yet in an attempt to pay for all of its spending proposals, the Obama budget reduces the deductions for charitable donations.

At a time of economic distress, when more people than ever depend on these organizations, the administration's budget reduces the incentive for people to donate to them. This will affect donations everywhere, from the Salvation Army to the Juvenile Diabetes Research Association, to educational nonprofits such as universities and art museums. According to one study, this proposal can lead to \$9 billion less in charitable giving each year.

The proposal on charitable giving appears to follow the European model, where people rely on the state to support cultural institutions. In Europe, people rely on the State to support cultural institutions, but nonprofits across our country are mobilizing against the idea and for good reason: people who give money to these institutions should not be penalized for it, and charities and nonprofits themselves certainly should not be expected to subsidize the administration's policy dreams.

These are hard times. Why make them even harder? That is the question a lot of people who have seen this budget are beginning to ask. They are looking at the highest tax increase ever, higher taxes on small business, a proposal that would divert billions of dollars away from the Nation's charities, and a light-switch tax that will touch every single American, and they see a lot more hardship. These tax hikes are precisely the wrong prescription at a time of already serious economic distress.

The budget plan has a number of fatal flaws. But in the midst of a financial crisis, American workers don't need another reason to fear they will lose their jobs, small business owners shouldn't be further discouraged from investing, and the Nation's charities should not have to fear that even less money will come in. This budget doesn't just spend and borrow too much, it taxes too much.

AIG BONUSES

Mr. McCONNELL. Mr. President, regarding the AIG bonuses, it is hard to overstate the outrage that I and others experienced over the weekend to learn that AIG, which already has received nearly \$175 billion from the American taxpayer, is planning to hand out \$165 million in bonuses to its employees. This is absolutely appalling, and it is particularly disturbing given the fact that I sent a letter to Secretary Paulson more than 5 months ago insisting that if taxpayers were going to

help private businesses, then the Treasury would need to use its "full enforcement powers to prevent any misuse of taxpayer funds."

The administration needs to get the message from the taxpayers on this issue. Going forward, the American people need to have complete certainty that taxpayer money is not wasted in this particular manner again. It is my hope the administration will continue to press AIG on these bonuses and that it will pursue any and all lawful means of recovering these payments to the very people who were responsible for creating this mess in the first place.

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

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

The legislative clerk proceeded to call the roll.

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

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

Mr. SESSIONS. I thank the Chair.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Alabama is recognized.

AIG BONUSES

Mr. SESSIONS. Mr. President, the bonuses for thousands of employees at AIG, that huge insurance company to which the Government, the taxpayers of the United States, have shoveled \$170 billion into to keep that company afloat, makes me recall an old maxim. The Sessions maxim I call it—announced about 20 years ago when I was a Federal prosecutor attempting to faithfully enforce complex Federal regulations. I stated this:

Oh, what a tangled web we create when first we start to regulate.

The more we proceed with policies whereby the Government owns 80 percent of the stock of a private insurance company—or any company—especially after we poured \$170 billion in to buy that stock—the more we are inevitably compelled to direct how the company operates, to the point of deciding whom their executives should be. We basically picked Mr. Liddy, the chief executive—plus what the company's salary scale should be or what aircraft it can or cannot have or where and what kind of corporate retreat they might have or whether they can pay bonuses.

The size of our investment—"investment" is an absurd term when used to describe the reckless, gargantuan commitment of our citizens' money to AIG puts us, the American people into the

insurance business. Not long ago, I had occasion to meet an official of a healthy insurance company. In jest, I asked him—it is not one of the biggest in the country, but it is a sizable company with broad reach. I asked him how he liked competing with a company supported by the deep pockets of the taxpayers. He replied it wasn't a joke—AIG was their top competitor in several economic or insurance markets. At bottom, we extract tax money from this businessman to keep afloat his reckless competitor. The size of this commitment cannot and should not be lost on us. The entire Alabama State budget—we are about one-fiftieth of the national population, a State well and frugally run by our Governor, Bob Riley—including the State education budget for all the schools and all the teachers—thousands of schools—amounts to about \$7 billion a year. So how big is the \$170 billion we put into AIG? It is big.

The entire Federal highway budget, for our interstate system and all the pork projects that get added to the highway bill, and the billions we send to the States for their highway programs, since they are on an 80/20, 90/10 matched basis, with the majority Federal Government money, is \$40 billion a year. So that \$170 billion is a lot of money.

But here we are, and similar to that unwise banker, we face the dilemma: Do we pour more good money in to revive this corpse in a desperate effort to recoup our improvident "investment"?

It is not an investment because no rational investor would ever have invested this kind of money in this company. The bullet was already in its heart. It was a dead duck. Only the Government would have put in the kind of money we put into it.

So the facts are now becoming clear about some of the problems that go along with being in the private insurance business. The New York Times and the Washington Post have produced certain facts, with front-page stories yesterday, which, having read them, caused me indignation and provoked me to write these remarks for which I ask you to forgive me for delivering. But it makes me feel a bit better.

What was the purpose of this \$170 billion? The Washington Post said yesterday that it was to "keep the company afloat."

Treasury Secretary Geithner has had a "difficult" conversation, according to the papers, with AIG's leader, Mr. Edward M. Liddy, about Mr. Liddy's plan to award \$165 million in bonuses. Mr. Liddy says he finds that awarding the bonuses is "distasteful."

I am glad to hear him say that. But then he says they are required under previous contracts entered into before he came to AIG or was put there by Secretary Paulson, President Bush's Secretary of the Treasury.

As an aside, let me recall that had this matter been handled in the regular

order such as other businesses in America get handled; that is, by appeal to the bankruptcy court for protection and reorganization under chapter 11, which doesn't shut down a company entirely but allows it to operate under bankruptcy protection, such as Delta Airlines, which is now performing very finely after saving itself through reorganization in bankruptcy, these bonus contracts would surely have been invalidated. For how could any Federal judge hold that executives of the "same business unit that brought the company to the brink of collapse last year," said the New York Times, be given bonuses.

This was a unit that did these reckless insurance derivatives that got them into this fix. So why should they be given a bonus?

This has certainly been an embarrassment to, I will say not so much to the company which has by contract apparently awarded these bonuses, but to Secretary Geithner and President Obama, who I understand himself, his very self, today called for not awarding these bonuses. The President of the United States is now deciding the bonus policy of what was once at least a private company in the United States.

At bottom, our tax money is being used to pay bonuses to reward those responsible for one of the most colossal and reckless errors in the history of world finance.

I think this whole situation is one small but very revealing reason why I think that our Government—and I certainly include the Bush administration which started the process—should not have allowed itself to be drawn into, in fact, punching this tar baby, getting itself more and more deeply embedded in a situation that it has no real ability or capability to manage.

You see, we now own about 80 percent of AIG. It is ours—yours and mine. Who then is to run AIG? Secretary Geithner? I like to call these high finance guys such as Mr. Geithner "masters of the universe." He is now returning from Europe where he upbraided the Governments of France and Germany for not spending more money and for not invading deeper into the private sector and for not going into debt even more deeply to, as he would say, I guess, stimulate the economy. He thinks they ought to spend more and borrow more, and they are spending more and borrowing a lot. He thinks they should be spending more and borrowing more and they should be like us.

I suspect running AIG must be a bit distracting even for our fine master of the universe because he has taken on the duty of advising not only the President and our Congress on how to fix the economy, but he is now advising our big government friends in Europe who are concerned about taking on more debt. The world is his parish, it seems. All the while, the proud people of the United States, inheritors of a great

tradition of free enterprise and limited Government, watched this spectacle unfold in total mortification.

The irony of these events, the historical dissonance of these acts of the United States pushing Europe further toward socialism, seems to be lost on our smiling and brilliant young Secretary.

We are in a very difficult period financially, and there is only a limited number of actions prudent governments can take to fix it. But still in campaign mode, our Secretary declares it is the fault of the previous administration, and he promises that the new President will lead us out of it with bold action.

Our Secretary of the Treasury is now calling Mr. Liddy at AIG and the paper said "demands"—that he apparently violate contracts requiring these bonuses. I submit it is not so much because of the financial significance of these bonuses, but because it is an embarrassment politically. You see, the populace is getting a bit aroused about this, and the focus of their anger might cease to fall on the last administration and begin to fall on Secretary Geithner and his boss.

The "bonus" dustup in one sense was theater, flim flummery, mountebankery, of course. Apparently in accordance with contracts and law, Mr. Liddy, while properly effecting his distaste for having to pay these bonuses, reluctantly paid them. I think they were paid yesterday. It caused much ado.

Mr. Liddy, the Government—it is not fair to call him a stooge. He was actually placed in this position by the Government to take over this unfortunate, disastrous company. However, he could not resist one parting shot to his overlords, noting that he could not run "the AIG businesses—which are now being operated principally on behalf of the American taxpayers—if employees believe their compensation is subject to continued and arbitrary adjustment by the U.S. Treasury."

He says right there he is operating this company on behalf of the American taxpayers, but he cannot do so if the Secretary of Treasury is going to tell him what kind of employment policy he should execute. That was in the paper yesterday. Apparently he wrote that letter Saturday.

Oh, what a tangled web we create. Will Secretary Geithner now set policy on insurance premiums? We own the company. Why can't the Government cut everybody's premium? Maybe we could order the premiums to be lowered. We own 80 percent. That would be a nice stimulus, wouldn't it, lower everybody's premiums? That is a stimulus we have not tried yet.

Probably not. He is too busy running the world and advising the French and the Germans on how to conduct their business and telling them they need to borrow more money.

What is going to happen now that the President and Mr. Geithner have de-

manded that the bonuses be stopped? This is pretty interesting now. What is going to happen? The people at AIG said they have to award the bonuses or they will be sued. Are they going to sue Secretary Geithner and the President if the bonuses do not get awarded?

I suggest it is plainly obvious that the folks who destroyed the financial soundness of AIG should not in any just world get a bonus. The only thing free they may deserve is a free lunch and a free room in the Bastille.

One thing we know: Much of this money has passed through AIG to the benefit of other corporate interests. But one thing we don't know completely is who they are, although today's paper had some of them listed. The biggest one getting \$12 billion plus, almost twice the total 1-year funding for the State of Alabama, was Goldman Sachs—Secretary Paulson's company he left to join the Government and be Secretary of the Treasury. They were the biggest "bailoutee" of this whole mess. We are going to find out more about that. But it doesn't look good to me. I don't like this whole process.

Things were decided in secret without any kind of hearing, so far as I can tell, without in-depth taking of testimony under oath, such as would happen in a bankruptcy court. Apparently people came in to Secretary Paulson's and later Secretary Geithner's office. They sat in and asked for \$50 billion, \$100 billion, \$80 billion, and they would discuss it a little bit and would come out and say: We will give you \$60 billion.

How does this happen? I don't know. I think we have a right as Americans to be concerned—very concerned—about the recklessness on Wall Street that caused a major financial catastrophe for the country. And we need to be worried that our attempt in panic, I think, to fix it may cause more problems for our historical heritage of free enterprise. A lot of people have begun to think about it. Although when I talk with people in my home State, they think about it. They say: What are you guys doing? My 88-year-old great-aunt, whose eyes are failing and she cannot read now, but she tries to keep up on things, she put her hand on my arm a few weeks ago and said: Buddy—she calls me "Buddy"—ya'll don't know what you're doing up there, do you? She was so sympathetic. That is what most American people think and are probably right.

I will say again, if your Government, our Government had acted properly, we would have allowed this company to go forward in a controlled, orderly process through reorganization under chapter 11, and we would not have this bonus embarrassment. Those folks would have been ordered to tell the truth in a well-equipped Federal court process, and there would have been no reason for the healthy parts of AIG to fail at all. They are being pulled down by the bad part. They could have then dealt with that toxic part of the company in

a more responsible way, in a more public way, in a bankruptcy court before a Federal judge who took testimony under oath and could put people in jail who deserve to go to jail.

I conclude with this. This spectacular spasm should be a vivid warning to the danger of arrogance by those would-be masters of the universe. You are not as smart as you think you are. Market forces ultimately control in the real world. Nothing comes from nothing. Debts must be paid.

Secretaries Paulson and Geithner remind me of a man in an airplane off the gulf coast throwing out dry ice in an attempt to prevent a hurricane. Do you remember that? Or of Mr. Ludd in England taking a sledgehammer to the weaving looms of England to stop the Industrial Revolution. I have seen the force of real hurricanes. We are now seeing the force of a financial hurricane, and a lot of people are getting hurt.

But there is good news, really there is. Hurricanes do pass. We will recover. The greatest danger, though, is that in this time of trouble, our Government, in a burst of overreach, will permanently damage the great heritage of free enterprise, ordered liberty, and limited Government that has made this the freest, most productive economy in the history of the world. Why would we want to be lecturing France on how to conduct an economy by telling them they should be a bigger, more oppressive government than they already are?

I will certainly meet my colleagues in a bipartisan effort to work to mitigate the economic and emotional pain we are now suffering. But if bipartisanship means acquiescing in the wildest of economic chimeras that we have recently followed, count me out. If it means changing the legal and economic order that, through ups and downs, has formed the moral basis of the American dream and served us so well, count me out.

Oh, we are told by our leaders—and Mr. Geithner said this at the Budget Committee hearing when I asked him a few days ago—we would never want to do that. We are committed to the American heritage of economic order, he said. But one writer noted that at a time of rapid erosion of a nation's classical values, the leaders are most vociferous in proclaiming their adherence to them.

Count me a skeptic. I am watching what is being done, not what is being said. For me and for those who love liberty, limited Government, and free enterprise, these actions that are occurring today are troubling and frightening indeed.

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

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

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. HAGAN) Without objection, it is so ordered.

Mr. BINGAMAN. What is the business before the Senate?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

REVOLUTIONARY WAR AND WAR OF 1812 BATTLEFIELD PROTECTION ACT—MOTION TO PROCEED

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

The bill clerk read as follows:

A motion to proceed to H.R. 146, an act to amend the American Battlefield Protection Act of 1996 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 PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Madam President, earlier this year, the Senate passed S. 22, which is the Omnibus Public Lands Management Act, a collection of over 160 bills primarily from the Committee on Energy and Natural Resources. After a week of debate, the Senate passed S. 22 by a vote of 73 to 21. That vote occurred on January 15.

Unfortunately, the House of Representatives has not yet passed S. 22. In an effort to facilitate consideration of this package of bills in the other body, it is my hope that we will be able to attach the omnibus lands package to another bill that has already passed the House of Representatives and send it back where, hopefully, it can be quickly approved.

As the first step of this process this afternoon, the Senate will vote on whether to invoke cloture on the motion to proceed to H.R. 146, which is the Revolutionary War and War of 1812 Battlefield Protection Act. If cloture is invoked on the motion to proceed to that bill, and once we are on that bill, it is my intention to offer a substitute amendment that will essentially substitute the text of S. 22 as passed by the Senate.

In addition to making a few technical corrections to the previously passed bill text, the amendment incorporates one change that was not in the underlying Senate bill when it was previously passed.

Following Senate passage of S. 22, I understand that some Members in the House of Representatives expressed concern that the portion of the bill pertaining to Wild and Scenic Rivers and National Trails and National Heritage Areas might somehow be construed to limit access for authorized hunting, fishing, and trapping activities. While I

am confident the Senate bill in no way restricts those activities, in an attempt to make this completely clear, the substitute amendment I will propose to offer, if we are able to do that, adds a provision in title V which covers Wild and Scenic Rivers and National Trails language designations. The new language states that:

Nothing in this title shall be construed as affecting access for recreational activities otherwise allowed by law or regulation, including hunting, fishing, or trapping.

Furthermore:

Nothing in this title shall be construed as affecting the authority, jurisdiction, or responsibility of the several States to manage, control or regulate fish and resident wildlife under State law or regulations, including the regulation of hunting, fishing, and trapping.

The amendment adds similar language in title VIII, which is the title designating National Heritage Areas. I would like to thank Senator MURKOWSKI, who is the ranking member on the Energy Committee with me in this Congress, and also Senator CRAPO, for their assistance with this provision.

With this clarification, I believe all interested parties now agree that the bill is clear that access for recreational hunting, fishing, and trapping is not affected by the river, trail, or heritage area designations.

As we noted before, the Omnibus Public Land Management Act is collectively one of the most significant conservation bills to be considered by the Senate in this past decade. It will result in the addition of over 2 million new acres of the National Wilderness Preservation System. It will designate three new units to the National Park System, and it enlarges the boundaries of several existing parks. It creates a new national monument and three new national conservation areas. It adds over 1,000 new miles to the National Wild and Scenic Rivers System and over 2,800 miles of new trails that will be part of the National Trails System. It establishes in law the Bureau of Land Management's National Landscape Conservation System that protects over 1.2 million acres of the Wyoming Range.

In addition, the Omnibus Public Land Management Act authorizes numerous land exchanges and conveyances to help local communities throughout the West. It includes the Forest Landscape Restoration Act, which will help undertake collaborative landscape-scale restoration projects to help reduce both future fire risk and fire-associated costs. It incorporates over 30 bills which will help address critical water resource needs at both the national and local level. It authorizes several studies to help communities better understand their local water supplies and the best way to meet future water needs, and it includes several authorizations for local and regional water projects that enhance water use efficiencies, address water infrastructure needs, and help provide sustainable water supplies to rural communities.

Finally, the bill will ratify three important water settlements—settlements in California, Nevada, and New Mexico. These settlements will resolve literally decades of litigation between the affected States, Indian tribes, agricultural and municipal water users, and environmental interests.

The previous vote on S. 22 was 73 Senators voting to pass the bill—evidence of the strong bipartisan support for this package. Invoking cloture this afternoon on the motion to proceed to H.R. 146 is the first step necessary to move the Omnibus Public Land Management Act toward enactment into law.

In closing, I would like to, of course, thank our majority leader, Senator REID, for his continued commitment to pass this bill. I urge my colleagues to support invoking cloture on the motion to proceed when we have that vote at 5:30 today.

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. NELSON of Florida. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. NELSON of Florida. I ask unanimous consent to speak as in morning business.

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

AIG

Mr. NELSON of Florida. Madam President, every time I see you sitting in the presiding chair, I can't help but think how proud your uncle, the late senior Senator from Florida and the late former Governor of Florida, Lawton Chiles—your uncle, since your mom was Lawton's sister—how proud he would be and what an enormously wonderful contribution and addition you are to the Senate. Thank you for the recognition.

It is with a heavy heart that I have to speak on this continuing saga of Wall Street, the continuing saga that the executives of big corporations in this country—and I am not talking about all corporations but a limited number of corporations with high-flying executives who, in the midst of us trying to work out this economic devastation we are in, do not understand that what they do and what they say, whether it is reality, has perception to it. As a result, they have angered a lot of people.

A lot of that anger, that disbelief, that "oh my" moment comes when you hear about what we heard over the weekend about AIG, American Insurance Group, one of the largest insurance companies in the world, which got into trouble. Last fall, we were presented with what in effect became an \$85 billion bailout. I will never forget, as the new Secretary of the Treasury was coming through the confirmation

process and the members of the Finance Committee had a chance to talk to him, I asked him: Why did we let Lehman Brothers go down and yet we propped up AIG? The answer was that AIG was too big, the hole was too big, that it would have had too many ramifications across the global marketplace to let it go down, whereas contrasted with Lehman Brothers, the financial hole was too big that it just simply could not be repaired.

Originally, they were talking about \$40 or \$50 billion to bail out AIG. Then it became \$85 billion. If we had known that \$85 billion, when we first agreed to let this happen last fall, if we had known that was going to go in taxpayer money to upwards of \$170 billion, and if we had known that money was going to prop up other financial institutions to which they had an economic obligation, many of those financial institutions across the world, would we have done it? Well, I doubt we would have because \$85 billion was big enough, but now closing in on \$170 billion of taxpayer money, I don't think we would have agreed to that. I sure don't think we would have agreed if we knew that money was going to—now get this—almost \$13 billion to Goldman Sachs; to a French financial company almost \$12 billion, Societe Generale; almost \$12 billion—all of this taxpayer money—to Deutsche Bank of Germany; \$8.5 billion to Barclays; Merrill Lynch, which eventually bit the dust, \$6.8 billion; Bank of America, which is in deep trouble right now, \$5.2 billion, in deep trouble because they acquired Merrill Lynch; UBS, \$5 billion—the list goes on through DNP, HSBC, Citigroup, Calyon, Dresdner Kleinwort, Wachovia, ING, Morgan Stanley, and Bank of Montreal.

That is American taxpayers' hard-earned money that was going to pay off those insurance policies called credit default swaps that were a kind of guarantee, a derivative that if they made a wrong bet, they would be protected by that insurance company. And lo and behold, that insurance company, the full weight and credit and finances of the United States Government—re: the American taxpayer—is going in, you can't say it with any other word, to bail out these companies.

Would we, the Senate, had we known \$170 billion was going to bail out AIG, and of that money what I just listed was going to these corporations around the globe, half of which are foreign corporations? I don't think we would.

Is it any wonder people are upset? Is it any wonder the President of the United States has just had a press conference today saying he wants the Secretary of the Treasury to go back to find out what they can do to stop those bonuses from being paid or to get them back if they have already been paid? And, oh, by the way, why did AIG, last fall, when it made all of these payments, refuse to identify the individual financial institutions it was giving the money to? It all the more adds insult

to injury. No wonder people are so mad and upset.

Now, I just came from a townhall meeting in Ocoee, FL. It is little town west of Orlando. A lot of the towns' city councils, mayors in that region of west Orange County—the Chamber of Commerce—all came today. I can tell you, this was on their mind. But they want to know something more. They want to know what has happened to old-fashioned right and wrong? What has happened to old-fashioned ethics?

When this Senator went to high school, we did not have ethics classes. It now seems we have to teach ethics classes, not only in our elementary and secondary schools, but all the way in our universities now. What is it that has gotten our leadership so askew they cannot get beyond their own blinders to see what they are doing and how it is affecting everybody else?

Now, it is no—I was going to say it is no secret, but it is not a secret, it is just a fact that I have had the privilege of being a public servant virtually all of my adult life. When I was a kid growing up, that was one of the highest callings for a person. I am starting to see some of that rekindled in young people now. But, my goodness, when they hear about all of this stuff—banks and bankers are public servants. They are entrusted with the people's money, to use it and invest it wisely, and then to be accountable for what happens to it. We elected officials are not the only public servants. There are public servants in every walk of life. If you are a teacher, if you are a doctor, a nurse—whatever your field—you are a public servant, and you owe a responsibility and accountability to the society and the country that has given you the opportunities you have. That seems to be going out of control.

We read another story a couple days ago. Bank of America bit off something they could not chew, which was Merrill Lynch. They said they were duped. Merrill Lynch gave a whole bunch of bonuses. The CEO of Bank of America, which bought Merrill Lynch, said he told them not to, and yet they did anyway. Well, since when did the captain of the ship not control the ship?

And, oh, by the way, are the CEOs of these institutions that are receiving taxpayer money not reading the papers? Did they not hear about the backlash as to the three executives of the Detroit Big Three automakers when they came to testify for a bailout of Federal taxpayer money, and they all came in their private jets? There was so much scorn and derision. They could have, of course, gotten on one of the three jets. They seemed to learn the lessons, so the next time they came to Congress asking for a bailout again, they drove their own vehicles.

Well, what happened to the CEO of Bank of America, who has taken \$45 billion of taxpayer money? Of course, he is a busy man and very talented, but

he flies his Gulfstream V for a meeting in New York. It is perception. And that perception—I am not jumping on just him, I am trying to get people to understand, when you are dealing with the public's wheel, the public's business—and that certainly includes taxpayer money—then you have to be responsible and accountable. It seems somehow this goes over people's head.

Well, we all make mistakes. Certainly this Senator has made mistakes. One of the things about the American people is, they are a forgiving people. If someone, when they make a mistake, will admit it, people are very willing to give a person a second chance.

When you keep names secret, when you take billions and tens of billions of dollars of Federal taxpayer money, when you are insensitive to the perception of the high-flying style of life you are living, the American public is not very forgiving. That is what has happened over the weekend. That is what happened in that townhall meeting of mine today in Ocoee, FL.

That is another reason the President has again stood up and spoken out and said: We are going to stop this. Why do we want to stop it? Because we all seek the same goal; that is, the resuscitation of our economy, to get the banks lending again so dollars can go out to businesses and small businesses, so they can employ people and reverse the soaring unemployment rate. That is the goal: to get America back to work, to get America moving forward again economically.

It is my hope I do not have to have the kind of townhall meeting where people are upset as they were today and as they were over the weekend in the meetings.

SPACE SHUTTLE LAUNCH

There was one good thing I did attend over the weekend. I saw Government dollars at work, as the space shuttle soared into the night sky at Cape Canaveral at the Kennedy Space Center. That was one of the most beautiful launches I have ever seen. It was right on time. Of course, it had had its delays, but that is part of the space program, making sure when you get down to T minus zero and those solid rocket boosters light off, you have it right.

Indeed, NASA had it right, and they gave a little lift to the American people last night with that display of power: almost 7 million pounds of thrust, straight up, and then arching over into a low Earth orbit.

Those astronauts now will go out and take another big section of the truss, attach it to the Space Station, and then install the final solar arrays so that the International Space Station will be up and powered with the electricity it needs for all of the scientific experimentation that is going to be done on the International Space Station, which has been designated a national laboratory of the United States.

That was a moment of joy in an otherwise time of difficult economic circumstances.

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

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

Mr. ALEXANDER. Madam President, I ask unanimous consent that Senator KYL and I be permitted to engage in a colloquy for 20 minutes, and that I be informed when we have 2 minutes left.

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

Mr. ALEXANDER. Thank you, Madam President.

PRESIDENT OBAMA'S BUDGET

Madam President, President Obama's budget raises taxes by \$1.4 trillion over 10 years. It is the largest tax increase in history, right in the middle of a recession—a recession we all hope we can get out of soon.

I have with me today on the Senate floor my colleague Senator JON KYL, a member of the Finance Committee, who is, in our party, at least, and certainly within the entire Senate, one of the experts on taxation and jobs and progrowth Government policies.

I say to Senator KYL, I was looking through the history books a little bit this weekend. I noticed President Hoover, in 1932, raised taxes. He, in the Revenue Act of 1932, raised taxes across the board and raised the top tax rate from 25 percent to 63 percent. That was at a time when the unemployment rate was about 23 percent in this country. The effects of the 1932 tax increase were income tax revenues went down and the Federal deficit went up and unemployment stayed up all the way to 1940, when it was still 15 percent.

But President Kennedy, of course a Democratic President, came along after a little bit of a sluggish period of time, and he cut taxes in a variety of ways and tax revenues went up. President Reagan came in a few years later, after a difficult time in the late 1970s, which I remember very well, and he reduced taxes and tax revenues went up.

So I wonder what the lessons in history are. If we are in the middle of a recession and people are struggling for jobs—and in the Hoover and Kennedy and Reagan administrations we learned that tax increases often reduce revenues and impose costs—what is the lesson in history for the Obama budget?

Mr. KYL. Madam President, I would say to my friend from Tennessee, of course, he knows the answer, having been a great student of history himself. If anyone would like to get one of the definitive works on this, it is a book called "The Forgotten Man." The author is Amity Shlaes. It is very well written. One of the key points it makes is precisely the historical point that my colleague from Tennessee makes; namely, that about the time the United States began to come out of the

Depression, President Roosevelt's view was it was time to try to balance the budget and as a result—as Hoover had tried to do when he increased taxes and the economy tanked, which is exactly what happened again. So we didn't just have one Great Depression; we had a period of time when our country was in depression, it started to get out of the depression, and then went back into depression until World War II, largely because of this increase in taxes. The combination of the Smoot-Hawley tariffs—which are an increase in taxes of a different kind—and the income tax rates plunged the country back into the Depression.

If I could respond to the point about President Kennedy, he did exactly the opposite. We were in the doldrums, and he proposed, after he was elected in 1960, that we actually reduce the capital gains tax. Now, I remember this because I was taking a course in economics at the University of Arizona at the time and I wrote a paper on this. I went home, I believe it was over the Christmas recess, and I talked to my father about it. I said: President Kennedy is a Democrat, I am a Republican, but I think he is doing the right thing. My father said: He is doing the right thing. I remember writing that in the paper and my professor was kind of scratching his head because he looked at it in a more political way. Yet if you look at it in a purely economic point of view, when the economy is not doing so well, the last thing you want to do is to raise tax rates. In fact, you can do a lot of good by reducing taxes, which is what Kennedy did, and it had a very profound and positive impact. Those are the lessons history teaches.

Mr. ALEXANDER. I believe there is another lesson, too, if we look back 40 years to October of 1969. It sounds very good to say we are going to tax the rich people. There are just a few of them; they are not you. We are going to take their money. You will be all right. That is exactly what happened in 1969. That was the last time we had a millionaires tax—that is what they called it—because they found 155 people who had paid no income taxes, so they passed the millionaires tax. We have another name for it today; it is called the alternative minimum tax. This year, if Congress did not act, it would have taxed 28 million Americans. It started out to catch 155 rich Americans and now could catch 28 million, including a lot of the middle class.

Mr. KYL. Madam President, I would say to my colleague that is exactly right. That is one of the reasons why in this so-called stimulus package, a 1-year relief from the alternative minimum tax was included because we knew that the net was now casting so wide it would incorporate 20-plus million people into the category of millionaires—people who made \$50,000; \$60,000; \$70,000. The problem was the rates were never indexed for inflation, so what only caught millionaires at one time is now catching decidedly middle-class taxpayers.

The same thing could easily be done with the proposals that the administration has in the budget—a budget which, as we discussed last week, spends too much, taxes too much, and it borrows too much. We think we ought to spend less, tax less, and borrow less, which is one of the reasons we think the tax portions of the Obama budget are wrong.

Mr. ALEXANDER. One of the tax portions has to do with what Senator GREGG, the Senator from New Hampshire, who is our ranking Republican on the Budget Committee, calls the national sales tax on electricity, a tax that would be a so-called cap-and-trade system tax.

Mr. KYL. Madam President, that is exactly right.

Mr. ALEXANDER. It doesn't just get rich people.

Mr. KYL. No. Madam President, this is the so-called mandatory cap-and-trade system that is included within the budget under which the Government would set how much businesses could produce in the way of carbon by their activity, and then, of course, they would pass the costs of this limitation onto their customers. Now, that only applies to people who either directly use energy, such as electricity or gasoline or you buy something that has been made with energy. I think that covers just about everybody.

The point is, it will take, from every American family, at least \$800 a year, which is the amount of the so-called tax cut the President—I have forgotten what he calls that in the budget.

Mr. ALEXANDER. Madam President, I think he calls it the Making Work Pay credit.

Mr. KYL. That is correct, the Make Work Pay Act, which is actually nothing more than a spending program in the guise of a tax cut. But whatever that gives back to people, it only covers what has been taken from them in this energy tax, and, in fact, that is just the beginning. The energy tax, by all accounts, will explode to a far greater burden on every family than an initial burden of 800 bucks.

Mr. ALEXANDER. Madam President, it is not entirely clear how much a cap-and-trade system on the entire economy will raise. The President estimates in his budget \$646 billion over 10 years. Some observers think that is low; that it might be \$60, \$80, \$100, \$120 billion or even more over 10 years. The cap-and-trade system—the way of limiting the use of carbon in the economy—is the subject of a very important debate we should be having in the Senate. For the whole 6 years I have been in the Senate, I have recommended a cap-and-trade system just for powerplants, not for the whole economy. I see the distinguished Senator from New Mexico on the floor who is chairman of the Energy Committee. He has had his own bill there. But our point would be in the middle of a recession, you don't put on top of the American people a new tax on electric bills and gasoline purchases.

Just in December of last year, 10 percent of customers for Nashville Electric Service said they couldn't pay their electric bills, even with TVA's relatively low rates. So whatever the views are on cap-and-trade—and there are many views even within our conference: Our Presidential nominee, JOHN MCCAIN, supported cap-and-trade, and I support a limited one but not in the middle of a recession—the way to deal with a recession is not more taxes.

Mr. KYL. Madam President, if I could also talk about some of the other effects of this. The problem with this kind of an energy tax is that when people use less energy, obviously they buy less, they travel less, and all of this curtails economic activity. It has been estimated the gross domestic product of the United States would be roughly 1 percent lower at the end of 2014 and 2.6 percent lower by 2030, just by having to pay this tax. As economic activity would slow, employers wouldn't need to hire as many workers. In fact, it is estimated that employers would create 850,000 fewer jobs by 2014 and 3 million fewer jobs by 2030. The effect on household income would be dramatic. It would reduce, on average, household income adjusted for inflation by \$1,000 in 2014 and \$4,000 by 2030. Of course, it is also a problem because not everyone will bear the same burden, and it is a very regressive tax, given the fact that people at a lower economic income level have to pay a higher percentage of their family income for energy than do higher income folks.

So for a lot of different reasons, this is a very bad idea, and as my colleague from Tennessee points out, it is a terrible idea in the middle of a recession.

Mr. ALEXANDER. Our responsibility as the minority party is often to hold the administration accountable, to point out the other side of things, and to oppose things we think are wrong. Our responsibility also is to say what we are for. This week during the debate and over the next couple weeks you will hear Republicans offering different ideas for a clean energy agenda, one that begins with conservation, on which most of us agree. You will hear ideas including building 100 new nuclear powerplants, that is carbon free. You will hear ideas about finding more natural gas, that is low carbon and using plug-in electric cars, which we can plug in at night and we wouldn't have to build any more powerplants. So we could move toward more American energy, as clean as possible and as fast as possible, but what we want to remember—and this doesn't seem to be remembered in the budget—is to do so at as low a cost as possible because people are hurting today because of unemployment and high costs and a lack of jobs.

Mr. KYL. Madam President, let me turn to a slightly different aspect of this same problem. It is not just the energy tax in this budget that we are concerned about; it is also a variety of

tax policies that will clearly and dramatically impact business—again, not what you want to do at a time of a recession. For example, it heavily taxes American corporations that have operations overseas. Now, we want to compete overseas. We don't want to just have American businesses here in America. Anybody who would go overseas to do business would be heavily taxed here. That will have a dramatic impact on our exports, which have been a big part of our economy and on our gross domestic product in general.

Another thing it does at this time, which is dead wrong, is to indirectly impose a much higher cost on obtaining a mortgage because it limits the amount of mortgage interest deduction. One of the things that has enabled millions and millions of Americans to own their own home is because we have favorable tax treatment. They can take the mortgage interest deduction as a deduction from their Federal income taxes. So why would we limit the amount of deduction for your home mortgage, especially at this time when we are trying to encourage more people to buy homes and we don't want banks to end up with more bad loans on their books.

Then, in addition, there are other tax rates that are allowed to increase rather than to continue where they are, and these are the rates on the income tax for the top two marginal rate categories. These are exactly the people who are reporting small business income. We know small businesses create up to 80 percent of the jobs in the economy, so there again, directly imposing a greater burden on the people who run and operate the small businesses in this country; precisely the group who needs to have more income in order to hire more people so we don't have as many unemployed.

In all these ways, the budget is going to directly negatively impact our economic situation at exactly the wrong time.

Mr. ALEXANDER. Well, the Senator from Arizona brings up a very good point, which is the limitation on deductions people might take. Now, again, that sounds pretty good because one may say: Well, that applies just to someone with a lot of money, but let's think about this for a minute. That means charitable deductions in the United States would not receive the same sort of treatment under President Obama's plan that they do today. So we take a college such as Maryville College in my hometown, which is a small Presbyterian college that doesn't have a very large endowment; a faith-based college. It is having a tough time in the economy anyway. Then we come along and we say to people to whom it might turn for charitable contributions: Sorry, we are going to take away the incentive that Americans have to make charitable contributions to the colleges, to the Boy Scouts, to the Girl Scouts, to the pro-life groups, to the pro-choice groups, to all sorts of associations in America that are having a

hard time raising money for charitable activities, and we are going to make it that much harder.

This country leads the world in terms of charitable contributions. Typically, about 2 percent of our income goes to charitable contributions. No other country in the world has that sort of tradition of giving, and in the middle of a recession we would limit charitable contributions to nonprofit organizations who are already struggling.

Madam President, we have been asking the question: Why would someone who is interested in seeing an economic recovery propose these kinds of tax policies—to limit charitable deductions, limit the deduction on home mortgages, punish American companies doing business overseas, and put a mandatory energy tax on the American people?

All of these are policies that don't seem to make any sense. As my colleague pointed out in the very beginning, they run opposite to the lessons we have learned historically. Why would this be done? It turns out that a very interesting op-ed in the Wall Street Journal last Thursday, March 12, may have the answer. It was written by Daniel Henninger. It is called "The Obama Rosetta Stone." It is said that the Rosetta Stone is where you go to get the answer to the great mystery of life. The Rosetta Stone in the Obama budget Mr. Henninger finds is on page 5 of the budget. This, I think, provides the clue to why all of these negative policies are being introduced into the budget at this time.

Let me quote from page 5 of the Federal budget. He is referring to the amount of income the top 1 percent of earners in our country makes:

While middle-class families have been playing by the rules, living up to their responsibilities as neighbors and citizens, those at the commanding heights of our economy have not.

Prudent investments in education, clean energy, health care and infrastructure were sacrificed for huge tax cuts for the wealthy and well-connected.

There's nothing wrong with making money, but there is something wrong when we allow the playing field to be tilted so far in the favor of so few. . . . It's a legacy of irresponsibility, and it is our duty to change it.

I think what Mr. Henninger has found in the Obama budget is the rationale for these paradoxical tax provisions. It is not a matter of helping families or supporting small businesses to create more jobs or helping the economy grow out of the recession; rather, this is all being done to redistribute the wealth in the country because it is alleged that the people at the top end of our economy are making more money than they should.

The PRESIDING OFFICER. The Senators have 2 minutes.

Mr. KYL. The Senator from Tennessee can close after I finish my point.

The point is, this is not the purpose of tax policy. The purpose of tax policy

should be to raise the amount of money we need, and need legitimately, to run the Federal Government, and do so as fairly as possible.

As they point out here, while the top 1 percent of earners in our country has earned 22 percent of the income, they pay 40 percent of the Federal taxes. The people who would get the brunt of the tax—those making above \$200,000—pay 60 percent of the Federal income taxes in America. One wonders why a group that pays 60 percent of the taxes already and only comprises 2 percent of our population is being unfairly treated. As a result of the Bush tax policy, they are actually paying a higher percentage of income taxes than they did before the Bush tax cuts went into effect. I think maybe that is the answer to the question. If so, it is very distressing.

Mr. ALEXANDER. I thank the Senator. I ask unanimous consent for 30 seconds to conclude.

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

Mr. KYL. Madam President, before his conclusion, I ask unanimous consent to have the op-ed I referred to be printed in the RECORD.

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

[From the Wall Street Journal, Mar. 12, 2009]

THE OBAMA ROSETTA STONE

(By Daniel Henninger)

Barack Obama has written two famous, widely read books of autobiography—"Dreams from My Father" and "The Audacity of Hope." Let me introduce his third, a book that will touch everyone's life: "A New Era of Responsibility: Renewing America's Promise. The President's Budget and Fiscal Preview" (Government Printing Office, 141 pages, \$26; free on the Web). This is the U.S. budget for laymen, and it's a must read.

Turn immediately to page 11. There sits a chart called FIGURE 9. This is the Rosetta Stone to the presidential mind of Barack Obama. Memorize Figure 9, and you will never be confused. Not happy, perhaps, but not confused.

One finds many charts in a federal budget, most attributed to such deep mines of data as the Census Bureau or the Bureau of Labor Statistics. The one on page 11 is attributed to "Piketty and Saez."

Either you know instantly what "Piketty and Saez" means, or you don't. If you do, you spent the past two years working to get Barack Obama into the White House. If you don't, their posse has a six-week head start on you.

Thomas Piketty and Emmanuel Saez, French economists, are rock stars of the intellectual left. Their specialty is "earnings inequality" and "wealth concentration."

Messrs. Piketty and Saez have produced the most politically potent squiggle along an axis since Arthur Laffer drew his famous curve on a napkin in the mid-1970s. Laffer's was an economic argument for lowering tax rates for everyone. Piketty-Saez is a moral argument for raising taxes on the rich.

As described in Mr. Obama's budget, these two economists have shown that by the end of 2004, the top 1% of taxpayers "took home" more than 22% of total national income. This trend, Fig. 9 notes, began during the Reagan presidency, skyrocketed through the Clinton years, dipped after George Bush beat

Al Gore, then marched upward. Widening its own definition of money-grubbers, the budget says the top 10% of households "held" 70% of total wealth.

Alan Reynolds of the Cato Institute criticized the Piketty-Saez study on these pages in October 2007. Whatever its merits, their "Top 1%" chart has become a totemic obsession in progressive policy circles.

Turn to page five of Mr. Obama's federal budget, and one may read these commentaries on the top 1% datum:

"While middle-class families have been playing by the rules, living up to their responsibilities as neighbors and citizens, those at commanding heights of our economy have not."

"Prudent investments in education, clean energy, health care and infrastructure were sacrificed for huge tax cuts for the wealthy and well-connected."

"There's nothing wrong with making money, but there is something wrong when we allow the playing field to be tilted so far in the favor of so few. . . . It's a legacy of irresponsibility, and it is our duty to change it."

Mr. Obama made clear in the campaign his intention to raise taxes on this income class by letting the Bush tax cuts expire. What is becoming clearer as his presidency unfolds is that something deeper is underway here than merely using higher taxes to fund his policy goals in health, education and energy.

The "top 1%" isn't just going to pay for these policies. Many of them would assent to that. The rancorous language used to describe these taxpayers makes it clear that as a matter of public policy they will be made to "pay for" the fact of their wealth—no matter how many of them worked honestly and honorably to produce it. No Democratic president in 60 years has been this explicit.

Complaints have emerged recently, on the right and left, that the \$787 billion stimulus bill will produce less growth and jobs than planned because too much of it goes to social programs and transfer payments, or "weak" Keynesian stimulus. The administration's Romer-Bernstein study on the stimulus estimated by the end of next year it would increase jobs by 3.6 million and GDP by 3.7%.

One of the first technical examinations of the Romer-Bernstein projections has been released by Hoover Institution economists John Cogan and John Taylor, and German economists Tobias Cwik and Volker Wieland. They conclude that the growth and jobs stimulus will be only one-sixth what the administration predicts. In part, this is because people anticipate that the spending burst will have to be financed by higher taxes and so will spend less than anticipated.

New York's Mike Bloomberg, mayor of an economically damaged city, has noted the pointlessness of raising taxes on the rich when their wealth is plummeting, or of eliminating the charitable deduction for people who have less to give anyway.

True but irrelevant. Mayor Bloomberg should read the Obama budget chapter, "Inheriting a Legacy of Misplaced Priorities." The economy as most people understand it was a second-order concern of the stimulus strategy. The primary goal is a massive reflowing of "wealth" from the top toward the bottom, to stop the moral failure they see in the budget's "Top One Percent of Earners" chart.

The White House says its goal is simple "fairness." That may be, as they understand fairness. But Figure 9 makes it clear that for the top earners, there will be blood. This presidency is going to be an act of retribution. In the words of the third book from Mr. Obama, "It is our duty to change it."

Mr. ALEXANDER. Madam President, I hope all of us in the Chamber understand that people are hurting, and we

want to see jobs and see the economy moving again. I think our point is that the lessons of history show that raising taxes doesn't help create new jobs. Now is not the time to change inequities in the Tax Code. Now is the time to create new jobs and for people to have more money in their pockets.

We would like to join with the President in focusing attention on fixing the banks and getting credit flowing again in the same way President Eisenhower did when he said: I will go to Korea and concentrate my attention on this job until it is honorably done.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LIEBERMAN. Madam President, I ask unanimous consent that I be allowed to proceed as in morning business for no more than 10 minutes.

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

HALABJA ANNIVERSARY

Mr. LIEBERMAN. Madam President, it was exactly 21 years ago today that Saddam Hussein perpetrated one of modern history's most barbaric crimes. On the morning of March 16, 1988, the Iraqi Air Force dropped chemical weapons on Halabja, a Kurdish city in northeastern Iraq. Over the course of 3 days, tens of thousands of victims were exposed to mustard gas—which burns, mutates DNA, and causes malformations and cancer—as well as sarin gas—which can kill, paralyze, and cause lasting neurological damage—among other deadly chemical agents. Over the course of 3 days of bombing, it is believed that at least 5,000 civilians were murdered in Halabja.

The attack on Halabja was not the only instance in which the former Iraqi regime committed mass murder with chemical weapons. On the contrary, it was just one event in a large-scale campaign against the Iraqi Kurds called the Anfal, led by Saddam and his henchman, Ali Hassal Al Majid, also known as “chemical Ali.”

For 18 months between 1987 and 1988, it is estimated that Saddam's forces destroyed several thousand Iraqi Kurdish villages and murdered approximately 100,000 Iraqi Kurds, the majority of them unarmed civilians. At least 40 chemical weapon attacks have been documented—the first time in human history that a government has used weapons of mass destruction against its own citizens.

In her Pulitzer prize-winning book, “A Problem From Hell,” Samantha Power describes the assault on Halabja. It is a chilling account. The chemical weapons were dropped from aircraft that flew low over the city. In Samantha Power's words:

Many families tumbled into primitive air raid shelters they had built outside their homes. When the gases seeped through the cracks, they poured out into the streets in a panic.

There, they found friends and family members frozen in time like a modern version of Pompeii. Slumped a few yards behind a baby carriage, caught permanently holding the hand of a loved one or shielding a child from the poisoned air, or calmly collapsed behind a car steering wheel. Not everyone who was exposed died instantly. Some of those who inhaled the chemicals continued to stumble around town, blinded by the gas, giggling uncontrollably, or, because their nerves were malfunctioning, buckling at the knees.

On the anniversary of this horrific attack on Halabja, I urge my colleagues to pause and reflect on the lessons it teaches us.

What happened in Halabja should remind us that there is, unfortunately, such a thing as evil in the world, and that we in the United States not only protect our security but uphold our most cherished humanitarian values when we fight against it.

Halabja should also remind us that there are leaders in the world whose conduct is unconstrained by the most basic rules of humanity, whose only interest is their own power, and who are willing to do anything necessary—no matter how unspeakable or cruel—to perpetuate their power.

Halabja should remind us of the extraordinary danger posed by rogue states that possess weapons of mass destruction, and why we and our allies must be prepared to take extraordinary measures to prevent the world's most dangerous regimes from getting the world's most dangerous armaments.

Finally, Halabja should also remind us that despite the many mistakes and missteps the Bush administration made in the course of the war in Iraq, all who value human rights should be deeply grateful that Saddam Hussein and his terrible regime are gone and now consigned to the dustbin of history. If anyone doubts the world is a better, safer place with Saddam gone, they need only look to the history of what happened on this day 21 years ago in Halabja.

Two decades ago, the Kurdish-inhabited regions of Iraq were decimated and depopulated by one of the 20th century's most vicious and tyrannical despots. Fortunately, the story does not end there. Today, thanks in no small part to the protection provided by the United States, the Kurds of Iraq have rebuilt and their region is flourishing. The great Kurdish cities of Erbil, Sulaymaniyah, and Dohuk are the safest in Iraq today, and they are booming economically. The Kurdish people have emerged from the yoke of tyranny to become some of America's best and most loyal allies anywhere in the world.

The leaders of the Kurdistan Regional Government still face challenges. They need to pursue further political reform and economic liberalization. They must fight corruption, and they must continue to work with the

democratically elected Government in Baghdad to ensure that disputes over contested territory in northern Iraq, including in the city of Kirkuk, are resolved peacefully and not through violence. And I am confident they will.

Indeed, in a remarkable—I would say miraculous—turn of history, 21 years after the atrocity of Halabja, the Kurds of Iraq have at least assumed their rightful role in shaping the future of the great country of which they are a part. Today, the Kurds of Iraq enjoy the same rights and privileges as every other Iraqi citizen, and their representatives sit in a democratically elected Parliament in Baghdad.

Perhaps in the most miraculous of all turn of events and one of the great historical justices of our time, Saddam Hussein, that evil tyrant who ordered the mass murders of tens of thousands of Kurds, has been replaced as President of Iraq by a great Kurdish Iraqi patriot, a freedom fighter and a great friend of the United States, Jalal Talabani. That is something the survivors of Halabja 21 years ago could never possibly have imagined.

As we pause to remember the victims of Halabja today, we should also give thanks to the extraordinary progress that has been achieved since that terrible day 21 years ago—progress that has been made possible through the courage and sacrifice of Kurds, Iraqis, and Americans alike.

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

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

Mr. COBURN. Madam President, I ask unanimous consent to speak on the pending business.

The PRESIDING OFFICER. The Senator is recognized.

Mr. COBURN. Madam President, the American people should pay very close attention this week. We are going to have on the floor what the majority leader calls a “noncontroversial” bill; a noncontroversial bill, in that we are going to take 3 million acres and deem it untouchable for further energy for this country; noncontroversial in that we are going to spend—in mandatory spending yearly from now on out—\$900 million a year on things you will never see the benefit of; noncontroversial in terms of taking specific areas with known, proven oil and gas reserves—300 million by the Department of the Interior's estimation in one field alone—to the tune of 300 million barrels of oil and 13 trillion cubic feet of natural gas. Yet it is noncontroversial.

The other thing we should be aware of is that throughout this omnibus lands bill there are 150 different individual bills, 50 of which never had a hearing in the House—they were voted

on in the Senate in committee but most had never had a hearing—and we are going to step all over private property rights in this Nation. We are not going to do it directly, we are going to do it through laws that we refer to in this omnibus package that allows the bureaucracy—the faceless bureaucracy—to now utilize portions of pre-existing acts to take land by eminent domain.

You are going to hear: Well, that is a small portion. It is specifically prevented in certain portions of the bill. They do say that. But they do not obviate the law. In this omnibus bill are 70 or 80 bills that I would happily pass, because I don't think they have a profound negative impact on our future. But there are 70 or 80 of the bills which I think have a profound negative impact on the future, and I readily admit to trying to stop this bill in the past. I will put forward that I will do everything in my power as an individual Senator to, if not stop it, slow it down so that the American people will actually know every aspect of everything that is in this bill.

This bill is over 2,000 pages. There has never been one amendment. There has never been one amendment allowed on the Senate floor to alter this bill. So I look forward to a debate. I look forward to an open amendment process that does not allow veto by the other side of what we want to try to amend and when we want to try to amend it. But I pledge to use every parliamentary tactic I have at my disposal to defend the right to amend this bill.

Some may say: Well, you have a lost cause. Why don't you give it up, Senator COBURN, and let them have it. They are going to win. The reason we shouldn't let them win on this—although there are good things in this bill—is because we are setting a precedent with a very weak foundation underneath us for our future energy needs. Recently, in the last 6 weeks, we had a Federal judge in Utah abandon and prohibit energy exploration because it was close to a wilderness area. We have had the Department of the Interior rescind energy exploration permits that were duly granted under a full and proper process because it was not environmentally acceptable.

What is not acceptable is to deny the fact that even if we get to a totally green energy source, it is going to take us 20 years to do it. What is not acceptable is to continue to send our hard-earned dollars out of this country when in fact we could provide that same energy without sending those dollars out of this country and increase our own economic base and freedom and prosperity.

I look forward to the debate. I plan on voting no on the motion to proceed, and I plan on using every tool I can to delay and obstruct this piece of legislation because it is not in the best long-term interest of our country.

A bill that is 150 bills or 160 bills comes to the floor with many people as

proponents. The question Americans ought to ask their Senator is: Even though you get something for us, is this a good deal for us? Is this something with which we want to bless the other 149 bills throughout this mega, omnibus lands bill? Do you get something that is good for the country as a whole, that is good for the country in the long term, that benefits the next two generations; do we do so in a way that is prudent, efficient, effective, and manageable? The answer to that question is no. It is no today, it is going to be no tomorrow, and it will be no after we have done this and look back on it 10 years from now.

We live in a make-believe world where we think we can have our cake and eat it too. We can't. The fact is we are tremendously reliant on carbon sources of energy. We need to quit abandoning our own sources until we can be carbon free. This bill takes us a long way toward taking off multiple areas of both potential and proven reserves of natural gas, geothermal, and oil which we should be utilizing for our own benefit and our own future.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Ms. MURKOWSKI. Madam President, I rise today to speak in favor of cloture on the motion to proceed to H.R. 146, which is the Revolutionary War and War of 1812 Battlefield Protection Act. This is being used as a vehicle for the omnibus public lands package.

I think it is probably safe to say that none of us had hoped to be voting on this package here in the Senate again, but it has become clear that despite procedural obstacles this package has broad bipartisan support on both sides of the Hill and should become law, and that is why we are back yet again.

Although each individual bill in this package is not the kind of thing that perhaps makes national headlines, as a whole it is important enough to justify the time this body has committed to it, and I appreciate the majority leader bringing this back, and I appreciate the cooperation of my chairman, Senator BINGAMAN, as we work to advance the very important provisions that are contained in this omnibus public lands package.

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 the many facets 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.

Now, clearly, when you have a package that is comprised of this many bills—160 different public lands bills—it does a great deal; it covers a great many things. It covers the full range of the committee's public lands jurisdiction, whether it be from small boundary adjustments and land exchanges to large wilderness designations. There will be some who will suggest that the sheer number of bills that is contained in this package is a bad thing and that somehow or other this is new; it is unprecedented. But for those of us who come from western States, which contain large amounts of public lands—and in my State of Alaska about 1 percent of our lands are privately held, everything else is Federal, or State, or part of the native claims settlements—public land is an important aspect of how we operate within our respective States. We understand that legislation, such as that contained in this package, is necessary to the day-to-day functioning of the western economy.

I said during the first debate of this bill when it was before the Senate that in the West simple real estate transactions that are taken for granted in the East often literally take an act of Congress. And that is what we are here doing today. It is taking an act of Congress. This bill protects some of our natural landscape and historical treasures.

Now, there are some who oppose such protections, claiming that we are threatening access to our Nation's resources. But I do not believe that this is an either/or situation. We as a nation can maximize the development of our domestic energy and mineral resources while at the same time protecting our Nation's other natural treasures and wilderness. In fact, the Department of the Interior and the U.S. Forest Service have certified in testimony, in response to questions, that none of the wilderness proposed in this legislation will negatively impact on the availability of oil, gas, or national energy corridors.

There is one section I should mention that does restrict oil and gas development in Wyoming, but as my colleague from Wyoming has mentioned, it is fully supported by their State delegation and their Governor. Almost all of the lands in this bill are already federally managed lands, most to be designated as wilderness, are either within the Federal parks or have been managed with restrictions, such as wilderness study areas or roadless areas. So in that case a designation as Federal wilderness does not further restrict use beyond what has been in place for quite some time.

On the other hand, this bill actually transfers 23,226 acres of Federal lands to private and State sectors through conveyance, exchange, or sale. The bill does authorize the expenditure of funds, but each of those is dependent on future appropriations that depend on the oversight provided by the appropriations committees and the Presidential budget request.

I think it is fair to say that this process is not my preferred method for passing legislation—putting multiple measures in an omnibus bill—but I believe that overall this package will improve our Nation's management of its public lands and its parks and will be a long-term benefit for our Nation. Therefore, I respectfully request my fellow Members support the passage of this omnibus legislation.

With that, Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. SHAHEEN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

THE BUDGET

Mr. SESSIONS. Madam President, I wish to briefly begin discussion in the Senate about the President's budget that has been submitted to the Congress. We have had hearings under Chairman CONRAD, KENT CONRAD. His committee has had excellent hearings. We have had some good discussions. We have had some important witnesses, and we have been talking about some very important matters.

I wish to say now that I think the American people and the Members of the Senate need to get focused on the fact that the budget is not a good budget. The budget proposed by the President presents unsustainable spending, tax increases, and debt. It is just that way. It is right here in the book and the numbers cannot be changed. People can talk and spin any way they would like to, but if you look at these numbers, it is a chilling proposal for America that cannot be sustained.

One of the things the President promised, I think in his State of the Union and in his budget, was that we would have an honest budget and there would not be gimmicks in it. There have been, over the years, quite a number of times when Republicans and Democrats have put gimmicks into the budget. I would say I do not think this one is any better than the past. In fact, I think it is probably worse, maybe considerably worse. The budget, entitled "A New Era of Responsibility, Renewing America's Promise," says on page 43, the conclusion of the introductory summary:

The budget itself does not use budget gimmicks or accounting sleights of hand to hide our plans or the status of our economy. It is forthright in the challenges we face and the sacrifices we must make.

I do not think that is a fair statement of some of the things in here. We will be talking about some of the concerns as we go on. Fundamentally, the budget, as proposed, presents an overly rosy economic forecast. In fact, the numbers do not correspond with the best numbers we have on the economy from the Blue Chip indicator. That is

the top 51 economists in the country. It is considered the gold standard of economic forecasting that we should have used or been close to. The consensus view of the Blue Chip economists—why is this important? It is important because if you are projecting an overly healthy economy, you are projecting more revenue into the Treasury than you are actually going to receive. That is the big deal.

In a budget you assume certain things. If it assumes a level of growth that is too high or a level of unemployment that is lower than we can reasonably expect, then it provides the Government, for the purposes of a budget, the right to assume more income than we are going to have. The budget predicts our economic growth is going to only decline this year by 1.2 percent. That is what the budget has. It has these assumptions in it. That is how they reach the numbers they reach. According to the President's speeches, of course, we are facing one of the greatest economic crises in our Nation's history and things are not good at all. So I would say that is not a very honest evaluation.

The Blue Chip forecast shows that the economy will decline this year by 2.6 percent, more than twice that. That is hardly a depression, thank goodness. I like to see that number. It is not as bad as a lot of people have been predicting, 2.6, but it is way more negative than the President's budget.

Of the 51 economists who contributed to this forecast, only three said growth would decline less than 2 percent and not a single one said growth would only decline 1.2 percent. The closest that one came to 1.2 percent was one economist who predicted 1.4 percent, but the average was 2.6 percent and some, of course, higher than that. I do not think it is responsible. I think it is a gimmick or a misrepresentation to predict this economy will only contract by 1.2 percent in this year.

Let's look at unemployment. The administration forecasts it will only rise to 8.1 percent. That is in the budget. It says next year it has it coming down to 7.9 percent. That means more people are working, more people are paying taxes, we have less food stamps and less welfare and less unemployment insurance. It impacts how much money we are actually going to have to spend. So they are projecting 8.1 percent, which will be the peak of unemployment and that next year it will be lower, 7.9.

In the early 1980s, when President Reagan and one of President Obama's advisers, Paul Volcker—who was then head of the Federal Reserve—broke the back of 15 percent inflation, but it put us in a severe recession, unemployment hit 10.9 percent. We survived that without a \$800 billion stimulus bill, every penny of it going to the debt. But at any rate, they are predicting 8.1 percent on that.

What are these economists saying, the consensus? They project 9.2 percent

this year and 8.8 percent next year—not 7.9. That makes a big difference. This is a big difference. It matters as to whether we can reach the goal the President has stated of reducing the deficit in half by 2013. That is not a significant commitment, frankly. It, in itself, is a gimmick, and I will explain that too. Using the Blue Chip forecast, the deficit is going to be \$53 billion higher next year for fiscal year 2010 and about \$150 billion higher in 2013.

We will have opportunities as we go forward. We will have budget hearings this week, I think some more, and a markup in the Budget Committee next week. I think we have a good committee. Chairman CONRAD is asking some tough questions. He is not rubberstamping the administration's ideas, and I am proud of that because we are going to have to take some tough decisions.

Let me share, fundamentally, where we are in spending. After 9/11, the budget deficit was \$412 billion. That was one of the largest deficits we ever had. It fell in fiscal year 2007–2008 to \$161 billion. Last year, ending September of last year, that would be the 2008 budget—the previous one was 2007 at \$171—we came in at \$455 billion.

In 2004, a \$412 billion deficit; the \$455 billion deficit last year represented the highest deficits in our Nation's history. President Bush was roundly criticized for those and a good bit of that criticism was deserved, in my opinion.

Now that we have pumped another \$800 billion into the economy this year on top of the Wall Street bailout, that \$700 billion; on top of the \$200 billion that the Congressional Budget Office has scored that we pumped into Freddie and Fannie, those mortgage holding companies, we will total, hold your hat, this year when September 30 concludes, of this year, the estimate is projected to be \$1.8 trillion—not \$455 billion but \$1,800 billion.

They scored in that, I have to say, \$200 billion, about \$200 billion from the Wall Street bailout, \$200 billion for Freddie and Fannie, one-time expenditures. But they didn't score all the stimulus package. In fact, they have a portion of it scored as being spent this fiscal year and a portion of it the next and some the third year. Next year's fiscal situation, according to our own Congressional Budget Office, is that the deficit will be \$1.1 trillion.

I just wish to say to my colleagues and to those who might be listening outside this Chamber, it is not very hard to cut a budget deficit of \$1.8 trillion in half; \$1.8 trillion is almost four times the highest budget in the history of the Republic—unless perhaps during World War II we reached that deficit, I don't know. But certainly nothing has approached it in the last 30 or 40 years.

We are not doing well. Also, I have to tell you that the budget is a 10-year budget. All of us know that in the out-years it is hard to predict what is going to happen. I will just say, however, that President Obama's 10-year budget

projects that the deficit in the 10th year—you would think if we cut the annual deficit, the annual shortfall, if we cut it in half in 4 years, we would keep cutting it. He is projecting some \$500 billion in 2013, and that is certainly conceivable, if we do not continue spending. If we keep spending at the same level we have today, we would be well below \$500 billion, Lord willing and things continue the way we project them to continue.

But I will say in the 10th year under the budget, they are projecting \$712 billion in deficits. The lowest deficit they are projecting over the entire 10 years exceeds \$500 billion. As Senator GREGG said at the hearing with Secretary Geithner in the Budget Committee last week, that is not sustainable. I am just going to tell you, that is not sustainable. I think we all, as a nation, have to ask ourselves: Should we go forward with a budget that is composed of more taxes, more spending, and more debt?

I am worried about it. I know a lot of Members are worried about it. We believe, as a lot of people do, that we have to spend some money right now to help start this economy. I am prepared to support some of that too. But I think we have gone overboard. But regardless, if it was ended after 2 years, if there were the kind of projections in the future that show these programs to end and this excessive spending of today would not continue, that is one thing. But if we present a budget and ask this Congress to pass it, that calls for, over 10 years, each year having the highest deficits—higher than any deficits we have ever had before, ending up with a \$712 or \$720 billion deficit 20 years from now, I don't think we can support that.

It is time for a national discussion. As the President said, we need to talk about an honest evaluation of the challenges we face. And we face some tough challenges. But I have to tell you I am hoping CBO and the Blue Chip guys and the President are correct. I am hoping unemployment will not hit 10 percent.

I am hoping next year will be a better year. History tells us that is probably going to be the case. We have certainly had the Federal Reserve take some very aggressive action, most of it probably wise and needed.

We needed some stimulus from the Government. We certainly got that and more. It absolutely should give us some boost in the short run, although the Congressional Budget Office said the \$800 billion stimulus bill over 10 years would result in less growth of the economy over 10 years than if no bill at all was passed. But it will help us some in the short run. I am sure that is true. So we are going to hope this economy will come back. If we contain spending, if we watch the debt we are creating, we could end up with a lot better projection than this without a lot of pain because a big part of this debt increase is based on an increase of sizeable proportions in spending, more than we can sustain.

I yield the floor.

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

(The remarks of Mr. BINGAMAN pertaining to the introduction of S. 598 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

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

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The bill 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 Calendar No. 27, H.R. 146, the Revolutionary War and War of 1812 Battlefield Protection Act.

Harry Reid, Patty Murray, Benjamin L. Cardin, Kay R. Hagan, Byron L. Dorgan, Richard Durbin, Carl Levin, Jeanne Shaheen, John F. Kerry, Frank R. Lautenberg, Jeff Bingaman, Roland W. Burris, Robert Menendez, Amy Klobuchar, Jim Webb, Jack Reed, Bill Nelson.

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

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 146, the Revolutionary War and War of 1812 Battlefield Protection Act, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

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

Mr. KYL. The following Senators are necessarily absent: the Senator from Nebraska (Mr. JOHANNES), the Senator from Florida (Mr. MARTINEZ), the Senator from Louisiana (Mr. VITTER), and the Senator from Georgia (Mr. CHAMBLISS).

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

The yeas and nays resulted—yeas 73, nays 21, as follows:

[Rollcall Vote No. 99 Leg.]

YEAS—73

Akaka	Burris	Dorgan
Barrasso	Byrd	Durbin
Baucus	Cantwell	Enzi
Bayh	Cardin	Feingold
Begich	Carper	Feinstein
Bennet	Casey	Gillibrand
Bennett	Cochran	Hagan
Bingaman	Collins	Harkin
Bond	Conrad	Hatch
Boxer	Crapo	Inouye
Brown	Dodd	Johnson

Kaufman	Merkley	Snowe
Kerry	Mikulski	Specter
Klobuchar	Murkowski	Stabenow
Kohl	Murray	Tester
Kyl	Nelson (FL)	Udall (CO)
Landrieu	Nelson (NE)	Udall (NM)
Lautenberg	Pryor	Voinovich
Leahy	Reed	Warner
Levin	Reid	Webb
Lieberman	Risch	Whitehouse
Lincoln	Rockefeller	Wicker
Lugar	Sanders	Wyden
McCaskill	Schumer	
Menendez	Shaheen	

NAYS—21

Alexander	DeMint	Isakson
Brownback	Ensign	McCain
Bunning	Graham	McConnell
Burr	Grassley	Roberts
Coburn	Gregg	Sessions
Corker	Hutchison	Shelby
Cornyn	Inhofe	Thune

NOT VOTING—5

Chambliss	Kennedy	Vitter
Johanns	Martinez	

The PRESIDING OFFICER. On this vote, the yeas are 73, the nays are 21. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. DURBIN. I move to reconsider the vote.

Ms. STABENOW. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

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

(The remarks of Mr. KAUFMAN and Mr. ISAKSON pertaining to the introduction of S. 605 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

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

AIG BONUSES

Mr. BARRASSO. Mr. President, I rise to discuss the recent decision by AIG to pay out \$165 million in bonuses. In a year when Main Street has suffered dearly, it is disappointing to see that the culture of greed on Wall Street continues to prevail.

Every American ought to be outraged. Every person who has ever paid

taxes ought to be outraged by AIG's decision to pay out such bonuses.

I returned from Wyoming this morning, and in the airport and on the plane, this is the topic people are talking about—taxpayers who are expecting value for their hard-earned taxpayer dollars, people who are asking about accountability, and people who are asking about oversight, saying: What in the world is going on back there in New York and in Washington?

While I understand that AIG has contractual obligations to fulfill, they also have an obligation to the American taxpayer, who now holds nearly 80 percent of the ownership of AIG stock.

To date, AIG has received nearly \$175 billion in taxpayer assistance. Similar to any publicly traded company, AIG must be accountable to shareholders, and the shareholders here are the American people.

This money was intended to serve as a liferaft to keep the company afloat. It was never intended to reward AIG employees for the trouble they have caused for our economy.

It is insulting to all taxpayers to see that their hard-earned money is being spent to save a company that doesn't appear to be willing to make the necessary sacrifices to save itself.

Unfortunately, the same irresponsible behavior that got AIG into this mess appears likely to keep them there. They say it is a contract, but if the American public owns 80 percent of the stock, the American taxpayers are the owners. Therefore, I say, show us these contracts that allow for this sort of retention bonus. The American public, the taxpayers, have a right to expect to see each and every one of these contracts.

You may say: Why is it the Treasury didn't demand that these contracts be renegotiated when we sent that first pile of money to AIG last year, the \$85 billion? The people of America get it, and now they say: Who is watching this? There has been a response letter written from the AIG CEO—the chairman and CEO—talking about this contractual agreement, this decision to pay these kinds of bonuses. He talks about his commitment to the future. He says: AIG hereby commits to use best efforts to reduce expected 2009 retention payments by at least—listen to this—30 percent. They are going to use their best efforts, so 2009 bonus payments are reduced by at least 30 percent.

Are we still talking about \$100 million in bonus payments for a company we continue to bail out? Any American taxpayer who reads that has to be offended by this approach to say we are going to pay bonuses again in 2009.

He goes on to say in his letter that they cannot attract and retain the best and the brightest talent to lead and to staff the AIG business if the employees believe their compensation is subject to continued and arbitrary adjustment by the U.S. Treasury. Arbitrary? Continued? Bring it out there and let the

owners of the company—the American people—make that decision. The American public will say they want accountability, oversight, and they want value for their taxpayer dollars. It is not what the American taxpayers are getting today from AIG.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

WAKEFIELD ACT

Mr. HATCH. Mr. President, I wish today to speak in support of S. 408, legislation that I introduced along with my colleague, Senator INOUE, to reauthorize the Emergency Medical Services for Children, EMSC, Program administered by the Department of Health and Human Services', HHS, Health Resources and Services Administration's, HRSA, Maternal and Child Health Bureau, MCHB. It is fitting that we do this in the year of the program's 25th anniversary.

The purpose of the EMSC Program is straightforward: to ensure state-of-the-art emergency medical care for ill or injured children and adolescents. Children have different medical needs than adults, and that presents special challenges for emergency and trauma care providers. These differences do not solely relate to medical supplies. They are also physiological and emotional. Not only will an adult-sized facemask not adequately administer oxygen to a child; but, for example, children's respiratory systems function differently, so they are more at risk for inflammation and infection; and they maintain fluid balances differently and thus are more prone to dehydration and death due to blood and fluid loss. Kids even may not be old enough or sufficiently cognizant to communicate what exactly is wrong with them or how they got hurt.

The EMSC Program has helped educate and train medical professionals to provide emergency care for children appropriately, because children are not just small adults.

The program has made extraordinary contributions in its 25 years—but disparities in children's emergency care still exist. According to the Institute of Medicine, IOM's 2006 report: "Emergency Care for Children: Growing

Pains," children account for nearly one-third of all emergency department visits, yet many hospitals are simply not prepared to handle pediatric patients. The IOM reported that only 6 percent of EDs in the United States have all of the necessary supplies to appropriately handle children's emergency care.

I am proud that my home State of Utah has played a special role in advancing the level of emergency medical care for children and teenagers. Working with the EMSC Program, Utah has participated in the Intermountain Regional Emergency Medical Services for Children Coordinating Council. The University of Utah is home to both the National Emergency Medical Services for Children Data Analysis Resource Center, NEDARC, and the Central Data Management Coordinating Center, CDMCC, for the Pediatric Emergency Care Applied Research Network, PECARN. Utah-based projects also helped pioneer the development of training materials on caring for special needs pediatric patients.

Each year, representatives of Utah's medical workforce come to visit and talk about the wonderful accomplishments and importance of the EMSC Program.

The IOM report also recommended doubling the EMSC Program budget over the next 5 years. Over the past several years, there has been a heightened interest in emergency preparedness and emergency services coordination. Despite this, there has been little concern with pediatric emergency readiness. The interest and financial support has gone to predominately support communications and coordination of local, State, and Federal emergency resources. The focus has been on the general population, on adult care; there is not a national strategy to address the complex emergency care needs of children. In light of the recent and current events related to national readiness, such as a potential influenza outbreak, bioterrorist attack, or natural disaster, children's readiness must also be acknowledged and funded.

The EMSC Program last expired in 2005. EMSC remains the only Federal program dedicated to examining the best ways to deliver various forms of care to children in emergency settings. Its reauthorization is long overdue.

The House passed its version of the EMSC reauthorization bill in April of last year by an overwhelming vote of 390 to 1; but, unfortunately, the Senate was not able to take up the bill before the 110th Congress adjourned. While I surely understand the uncertainties of the Senate's legislative agenda, I am disappointed we were unable to pass this very important reauthorization legislation to which there was no opposition.

S. 408 contains the same language that received such tremendous bipartisan support, and I urge my colleagues to support its timely passage.

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:

Even before the almost (daily) increase in a gallon of gas, I tried to drive as little as possible and carpool when possible. And, when driving, to bunch errand together in the same area of the city, so as to use less gasoline.

It is summer, now, and I try to use my car just once a week, for church on Sunday (buses do not run on Sunday, bike helmet causes helmet hair-do, which is not cool for church).

When I do purchase gas, it shocks me how much I pay. I did not budget for \$4+/gallon much. I worry that the effect of escalating petroleum prices on all sectors of our commerce and so, my life (along with the incredible rise in health care costs), may severely compromise my carefully-planned retirement budget. Some days I wonder what will become of me.

However, I keep on trying to live lightly, use Boise's bare-bones bus system, and ride my bike whenever and wherever I can. I know I do not look chic with my old-lady Schwinn with side baskets, but at my age, I try not to be too vain.

I have more time than employed people to use the bus and ride my bike to the grocery, appointments, and other places. Unfortunately, I also have osteoarthritis, so riding my bike or walking any distance from the bus stops has become more difficult.

Nonetheless, I try to do my part to stay green and influence others to do the same. I am a little old lady who conserves water in my landscape and in my house (e.g., bucket of water in the shower to catch the cold water while waiting for the shower to heat up, buying/installing water saving fixtures and appliances), recycles and pulls recyclables out of others' trash cans, has implemented several recycling programs, has a mostly xeric landscape, eschews plastic water bottles and paper cups, and is pure in heart.

I wish I had more answers on what will become of all of us. On dark days, I think our civilization is going to implode because we do not seem to be able to get smart enough fast enough to save ourselves. We knew—as individuals, as a government, as a society—that we would run out of fossil fuels and

would need alternative energy sources. They are at least 20 years out from being viable.

I pray that God will let me die before the last catastrophic days of all our lives. Thank you for a chance to tell my story and express my opinion.

FRANCES, Boise.

It saddens me greatly that we Idahoans, along with all Americans are suffering like we are at the hands of big government and environmentalists. It is clear and has been for years that we can and should be accessing our own resources in the United States. We should not be dependent on other countries for our oil. It is simple really. No matter how long it takes it needs to be done and we should not put it off another minute. I fear greatly that our next president (the one most likely to be elected) will overlook this issue and it will rapidly get worse.

The general public, average hard working Americans are struggling. If one does not make \$100,000 a year, it is getting impossible to live. I look at my own situation (which is not good) and then wonder how those less fortunate are even surviving?

My husband is a small partner on a dairy. I lost my job in November of last year due to an office closure and I am now working from home. Yet, there is hardly any work. As a travel agent, money only comes in when people travel. And that is not happening much anymore. We have never had much left over after bills were paid; however a year ago if my kids needed socks, I could at least buy a package. This year, I have to use one credit . . . card to pay another just to keep afloat. In fact, I have to put my groceries on credit which is pretty much run out. Do you not find that sad? I fear greatly what is ahead. Should not people who have good jobs like us be able to live without worrying about food or socks? We are \$500 away from bankruptcy.

And the stimulus package? Really, what kind of joke was that? First of all, we were lied to about when we would receive it direct deposited, so a good chunk of it went to NSF fees. Then the rest went to barely put a dent in catching up bills. Save it? Whose idea (dream) was that? I do not know a person who saved it.

I am behind in my car payments which I guess if I lose my car, I will not need to worry much about gas now, will I? I am sick, insecure, and sad about what I know is coming. We Americans cannot hold on much longer. Why is not someone doing anything about this? Maybe because most government officials make enough money to live comfortably right? I bet you can afford socks right? I bet you can buy food for your family without maxing a credit card to do so. Why cannot I?

Please . . . help us . . . and soon.

MICHELLE.

I want to thank you for taking the time to read this e-mail and for contacting us about how energy prices are having an impact on us.

My wife and I are both college graduates; she is a teacher and I am a chiropractor at Saint Alphonsus Hospital. We have sky-high student loans we pay on and as such watch our budget close. The rise in gas as well as the result in increased prices in food has caused us to ride our bikes to work; we live almost in Eagle and I ride the Greenbelt all the way into downtown Boise to try and save money. We have also planted a garden in hopes that it will save us some money at the store.

Our overall shopping is down, we do not buy clothing, or "extras" anymore and we just buy what we need and then save up for fun items once in a while. Our shopping has turned from new items to more and more

used or discount so I know that if others are feeling this way too the major retail stores will be suffering a major blow, no wonder why the economy is slow? We love to travel, but we do not as much now due to the cost of gas, food and airline tickets. In short, our way of life is being crippled and will continue to be so till we wake up and start using our own natural resources.

BRIAN and AMY, Boise.

I have watched to rising cost of fuel affect everyone I know here in the Treasure Valley. My parents own a small trucking company in Emmett, and employed two other drivers. When the price of diesel fuel hit over \$3.50 a gallon, my stepfather had to lay off the other two drivers just to keep him in business. Now the price of diesel is over \$4.80 a gallon, and my stepfather is going to have to go out of business. My parents are too young to retire, but too old to get into any other line of work. What are they going to do to survive? Could you ask your other Senators that please? I have a friend who lives in Emmett, but works in Nampa at Buy MPC loyally for the past 12 years. He bought a house in Emmett at this time, and was living the American dream. Today he is starting to consider letting his home go into foreclosure. This is because he cannot afford the gasoline to drive his car to work and back, and he is thinking of renting an apartment in Nampa to be closer to work. He does not drive some gas-guzzling SUV, but a fuel-efficient compact, and his fuel expense is still more than he can afford. Many of my friends are in a very similar situation. Are the CEOs of the oil companies going to come in and fix things so my parents and friends get to keep their jobs and their homes? Could you ask them that for me? I wonder how many CEOs of oil companies, and the big city politicians, would be willing to come out here to Idaho and work for \$11.00 an hour and make the commute from Emmett to Boise five days a week? Maybe they should, so that way they know pain many hard working Idahoan's are going through right now.

I have some ideas for you and other Senators to think about. Do any of you watch the Discovery Channel? I have seen many solutions to our energy needs on this channel. In Europe they are testing a Hydrogen Fusion Reactor. This thing is environmentally safe, produces no waste, and cannot melt down. It also produces a lot more power than the old nuclear reactors that we have now. Why not look at doing this later on down the road, instead of going nuclear? During the last energy crisis of the latter 70s and early 80s, my grandfather showed me a solution. He ran his 1960s Farmal tractor on alcohol, and all he had to do was make a minor adjustment to the carburetor. He did the same thing with his 65 Ford pick-up. If this worked so well with 1960s technology, why would not it work with all the technology that has come after it? I turn on the news, and all I hear politicians and CEOs saying how we either cannot do these things, or it would be more expensive if we did these things. Yet, I know from personal knowledge, and from what I see and hear on the Discovery Channels, that this just is not the truth. Maybe the time has come for Idaho to stop waiting on the federal government to do something and take the bull by the horns. Why cannot Idaho fix Idaho's energy needs? Thank you for your time in reading this, and thank you for asking for these stories.

AARON.

My husband and three children live in Nampa. We both work in Boise. It is a 25-mile commute one way every day in the morning five days a week for my husband and three times a week for me. Going to the

gas pump so often does not make one happy. I cannot believe the lack of common sense our government officials have concerning most issues but right now but this is the issue affecting my family the most.

We try to live our lives in a way that is self-sufficient, trying to lower our debt, trying to not buy on credit, growing a big garden, canning food, storing water and a supply of food for the family and living within our means. We live in a 67-year-old farmhouse because that was all we could afford. It is beat up and needs to be torn down but this is our home so this is the way we live. My husband does not make a lot of money. I only can work in the evenings when he is home for the children because we do not want someone else raising our children who do not care for them in the least. I stopped working full-time five years ago to stay home full-time with the children. We lost our health benefits then and have been without since then. With a daughter who has pretty serious asthma and allergies with her medications every month costing about \$300 to me needing a \$40,000 surgery to reconstruct my knee so the intense pain I live with everyday recedes, any jump in our tight budget puts a strain on us.

Where do the extra fuel costs come from in my budget? It comes out of the money we buy food with. I cut down on fresh fruits and vegetables. I cut down on cuts of meat. I cut down on dairy products. We live very meagerly. Not in the world's standards mind you, I have lived in a third world country for about 14 months. I know what poor is. The standards we are talking about are our American society.

Our government does not live within its means; it spends to oblivion. They borrow money like it is monopoly money. They are in our lives too much and should not be. Then the answer they come up with for becoming self-reliant with our oil demands and our energy consumption is: "cut down on your driving, buy a more fuel efficient car. Do not build any more refineries, do not drill our own oil, do not build nuclear, do not convert coal to oil, do not convert shale to oil and for sure do not drill in ANWR or off our own coasts. Let us lease 100-year leases to China and India and let them take our oil. They will do it right for sure. They are so honest with us and keep us in their minds to try to help us for sure." What is wrong with all of our government officials?

My family lived in Anchorage, Alaska, for the previous eight years before moving to Nampa. We have been debating this ANWR thing since before I can remember. What will it take to knock some common sense into these elected officials? I am tired of them acting like they know what is best for us. I am tired of the environmentalists ruling the world. I am tired of these elected officials playing politics when I am suffering with my family in what I can buy for their dinner.

Do they worry about not having the right amount of vegetables and fruits for their children so they can grow and be well? No, they do not. I do. And then they vote on issues that like carbon taxes and credits. What the heck is that all about? I am so tired of this. If I could have them in a room for five minutes, I would let them know how I feel. Get your stinking head out of Washington, DC and listen to the people who elected you. Stop taking American's independence and trampling it under your feet. I am more angry than you know.

Build refineries, build coal plants, drill for oil wherever we can. Get the Chinese and India off our coasts and let us drill. Build nuclear power plants, get the coal and shale and convert it. Stop importing oil from terrorists that control our economy when they want to. Let the Americans be great again.

Stop listening to the environmentalists and listen to us. My family suffers because you cannot do the right thing. Beware of continuing in your ways. Some of us have you in our sights and can vote differently. I cannot take this stupidity much longer. I wish you would all just stop fighting, go to your rooms on time out and then think about what you are doing wrong. That is the mother in me. Do the right thing. There, I think that is it for now.

JODI and AARON, *Nampa*.

We are writing in response to your letter asking for Idahoans to tell their story about how high fuel prices are affecting them. First I want to say that my family has been expecting this for some time now. We have known that cheap oil is a dream funded by government subsidies working with the big oil companies.

Oil is not an infinite resource. The U.S. peaked in oil production in the 70s and we believe that the world supply has peaked already and we are now facing the fact that supply cannot keep up with demand. We have actually four things which are coming to a head at this moment in time;

1. Peak Oil
2. Peak Food
3. Climate Change
4. Economic downturn/recession

Number 2 through 4 are all due to number 1—peak oil. The world is also experiencing a population problem which has come about from cheap oil resulting in cheap food. It seems like many are in denial about what is happening—and the longer we are in denial, the harder things are going to be.

We have bought a car which gets 45–50 mpg. We are conscious of when we drive, combining our errands etc. We are growing much of our own food and are sourcing and eating local food as much as possible. We are very involved with the "Local" movement as we believe that this is the one thing that is going to save us from a meltdown. We want small government as we do not believe that BIG government is in the people's best interest. The only thing that really seems to matter with BIG government is the bottom line of the corporations and the lobbyists.

People want change. They want better leadership and leaders with common sense. If we all have to forgo our SUV's and the "old American lifestyle" then so be it. We do not see much choice in the matter. We all need to conserve energy and create ways to have renewable energy. This planet cannot handle growth unchecked—which has been the premise up til now. It is going to be painful, but in the long run it is going to be better.

JAMES and LESLEE, *Buhl*.

We think we are lucky to be living in Idaho, as the people who live here are resourceful and strong.

JAMES.

The high gas prices are killing me when I buy gas. I own a rather old American car. It is a 1998 Pontiac Grand Am with a 3.1 liter V6. It is well cared for and gets pretty good gas mileage. 27 mpg around town and 30 mpg on the interstate. With 167,000 miles on the odometer I want to buy a new car but with gas prices around \$4 a gallon I hesitate. I want to buy an American car that can use ethanol. General Motors is in the news joining with the Ethanol maker from the 60 Minutes TV show to make Ethanol at \$1.00 a gallon from old tires, wood chips and garbage. I went to GM dealers and none make or sell flex fuel cars that can be bought in Brazil. My car runs good because I care for it so I guess I will need to wait a few more years to buy myself a new flex fuel car that can run on either gasoline or ethanol.

I try everything to save gas. My tires are well-inflated and the engine is tuned. I use a Chase Bank credit card that pays me 5% back on gasoline purchases. But the price of gas is still killing me.

In the short term, I believe that we in the U.S. need to pass laws to permit drilling for oil off the coast and also process oil shale into gasoline. We need to do something now or our country will come to a sudden stop.

DAN.

ADDITIONAL STATEMENTS

TRIBUTE TO DEBRA CLOW

● Mr. JOHNSON. Mr. President, I wish today to recognize the work and career of Debra K. Clow of Sioux Falls, SD. Later this month, Debra will be retiring after nearly 37 years of Federal service in the Department of Veterans Affairs.

Debra grew up in Yankton, SD. She attended the University of South Dakota at Springfield and started her career with the ROTC at USD in August 1972. She began her career with the VA as a fee base clerk in January 1974 and over the years worked impressively in various capacities, including development clerk, claims examiner, authorizer, training and quality coordinator, and coach. In recent years, she also advised and updated South Dakota congressional staffs with the detailed status of cases involving numerous veterans.

While working at the VA Regional Office in Sioux Falls, Debra served as the women's veterans coordinator. She served as coordinator from 1990 to 2008, witnessing the evolving scope of care and attention to the unique issues affecting women veterans. She has also attended numerous VA outreach events to explain VA benefits to veterans and their dependents.

I want to commend Debra for her many years of service to this Nation's veterans and their families. Her honorable service has been marked by a true sense of dedication and commitment to the men and women who have served our Nation in the Armed Forces. Countless veterans have benefitted from her dedicated work, much of which was done behind the scenes but always with the best interests of the veterans in mind. I applaud her great service, and I am sure that she is retiring from the Department of Veterans Affairs with many rewarding experiences and memories.

I wish Debra and her husband, Jeff, all the best in retirement. As a life member of the Izaak Walton League of America, a 25-year member of the American Business Women's Association, and an avid gardener and dog lover, I am sure there are many endeavors awaiting her attention and effort. Again, I wish to recognize and commend Debra for her great service to our Nation.●

TRIBUTE TO NOLAN B. GIERE

● Mr. TESTER. Mr. President, I know my colleagues and the American people

agree we cannot adequately recognize the sacrifices of the men and women of what has been described as our "greatest generation"—the veterans of World War II. But today, I am going to try.

Today, I pay tribute to an obscure member of the greatest generation who has slipped the surly bounds to be with God—a simple farm boy, born and raised toiling on his father's farm in Hawley, MN, a youth who, in 1942, heard the calling of duty, honor, and country and enlisted in the U.S. Army Air Corps, a man and decorated airman who, after flying 35 combat missions over Europe, returned to the United States to restart his life in Missoula, MT.

Nolan B. Giere was a ball turret gunner in the B-24 Liberator—a simple staff sergeant upon his honorable discharge in 1945. Together with his wife Marge for almost 50 years, they lived in Missoula, MT, raised four children, and served as a foundation in the community, the business and church they both so loved.

On March 26, 2009, at the Western Montana Veterans Cemetery, a grateful Nation will place to rest another of the greatest generation—Nolan Giere—a simple farmer, a veteran, a local small businessman, and ultimately a loving father and husband. Nolan Giere epitomizes all that is great about America.

To Nolan Giere, and his wife Marge, we salute you. Godspeed.

Mr. President, I ask to have printed in the RECORD a letter from the Air Force Chief of Staff to Marjorie Giere, commemorating the life of her husband.

The information follows:

U.S. AIR FORCE,

Washington, DC, February 19, 2009.

Mrs. Marjorie H. Giere,
Missoula, MT.

DEAR MARJORIE: On March 26, 2009, at the Veterans Cemetery in Missoula, MT, a grateful nation will place to rest a fellow Airman. Volunteering to serve his country, your husband, Nolan Giere, flew 35 combat missions during World War II in the B-24 Liberator. Like others with him and after him, Nolan realized a greater duty, and did not hesitate to pick up the torch. We honor his life, his service, and his commitment to service and country.

On behalf of all Airmen, past and present, I commemorate the life of your husband, Staff Sergeant Nolan B. Giere, United States Army Air Corps, for his selfless contributions to his country.

Sincerely,

NORTON A. SCHWARTZ,
General, USAF, Chief of Staff.●

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 2:03 p.m., a message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1262. An act to amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1262. An act to amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes; to the Committee on Environment and Public Works.

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. WHITEHOUSE (for himself, Mr. REED, Mr. COCHRAN, Mr. KOHL, Mr. KERRY, and Mr. CASEY):

S. 595. A bill to authorize funds to the Local Initiatives Support Corporation to carry out its Community Safety Initiative; to the Committee on the Judiciary.

By Mr. WYDEN (for himself and Ms. SNOWE):

S. 596. A bill to require the Secretary of Commerce to establish an award program to honor achievements in nanotechnology, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. MURRAY (for herself, Mrs. HUTCHISON, Mr. ROCKEFELLER, Ms. MIKULSKI, Mrs. BOXER, Ms. SNOWE, Mr. WYDEN, Mr. JOHNSON, Mrs. LINCOLN, Ms. STABENOW, Ms. MURKOWSKI, Mr. BROWN, Ms. COLLINS, and Mr. LAUTENBERG):

S. 597. A bill to amend title 38, United States Code, to expand and improve health care services available to women veterans, especially those serving in operation Iraqi Freedom and Operation Enduring Freedom, from the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BINGAMAN (for himself and Ms. MURKOWSKI):

S. 598. A bill to amend the Energy Policy and Conservation Act to improve appliance standards, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CARPER (for himself and Ms. COLLINS):

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; to the

Committee on Homeland Security and Governmental Affairs.

By Mr. BENNETT (for himself and Mr. HATCH):

S. 600. A bill to protect public health and safety in the event that testing of nuclear weapons by the United States is resumed; to the Committee on Energy and Natural Resources.

By Mrs. HUTCHISON:

S. 601. A bill to establish the Weather Mitigation Research Office, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BROWN (for himself, Mr. KERRY, and Mr. LIEBERMAN):

S. 602. A bill to direct the Secretary of Homeland Security to conduct a survey to determine the level of compliance with national voluntary consensus standards and any barriers to achieving compliance with such standards, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. GRASSLEY:

S. 603. A bill to amend rule 11 of the Federal Rules of Civil Procedure, relating to representation in court and sanctions for violating such rule, and for other purposes; to the Committee on the Judiciary.

By Mr. SANDERS:

S. 604. A bill to amend title 31, United States Code, to reform the manner in which the Board of Governors of the Federal Reserve System is audited by the Comptroller General of the United States and the manner in which such audits are reported, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KAUFMAN (for himself, Mr. ISAKSON, and Mr. TESTER):

S. 605. A bill to require the Securities and Exchange Commission to reinstate the uptick rule and effectively regulate abusive short selling activities; to the Committee on Banking, Housing, and Urban Affairs.

ADDITIONAL COSPONSORS

S. 146

At the request of Mr. KOHL, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 146, a bill to amend the Federal antitrust laws to provide expanded coverage and to eliminate exemptions from such laws that are contrary to the public interest with respect to railroads.

S. 182

At the request of Ms. MIKULSKI, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of S. 182, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 211

At the request of Ms. MURKOWSKI, her name was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services and volunteer services, and for other purposes.

S. 213

At the request of Mrs. BOXER, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 213, a bill to amend title

49, United States Code, to ensure air passengers have access to necessary services while on a grounded air carrier, and for other purposes.

S. 254

At the request of Mrs. LINCOLN, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. 254, a bill to amend title XVIII of the Social Security Act to provide for the coverage of home infusion therapy under the Medicare Program.

S. 266

At the request of Mr. NELSON of Florida, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 266, a bill to amend title XVIII of the Social Security Act to reduce the coverage gap in prescription drug coverage under part D of such title based on savings to the Medicare program resulting from the negotiation of prescription drug prices.

S. 277

At the request of Mr. BENNET, 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. WARNER, his name was added as a cosponsor of S. 277, *supra*.

S. 298

At the request of Mr. ISAKSON, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 298, a bill to establish a Financial Markets Commission, and for other purposes.

S. 303

At the request of Mr. VOINOVICH, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 303, a bill to reauthorize and improve the Federal Financial Assistance Management Improvement Act of 1999.

S. 307

At the request of Mr. WYDEN, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Nebraska (Mr. JOHANNIS) were added as cosponsors of S. 307, a bill to amend title XVIII of the Social Security Act to provide flexibility in the manner in which beds are counted for purposes of determining whether a hospital may be designated as a critical access hospital under the Medicare program and to exempt from the critical access hospital inpatient bed limitation the number of beds provided for certain veterans.

S. 324

At the request of Mr. MENENDEZ, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 324, a bill to provide for research on, and services for individuals with, postpartum depression and psychosis.

S. 345

At the request of Mr. LUGAR, the name of the Senator from Rhode Island

(Mr. WHITEHOUSE) was added as a cosponsor of S. 345, a bill to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2012, to rename the Tropical Forest Conservation Act of 1998 as the "Tropical Forest and Coral Conservation Act of 2009", and for other purposes.

S. 353

At the request of Mr. BROWN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 353, a bill to amend title IV of the Public Health Service Act to provide for the establishment of pediatric research consortia.

S. 358

At the request of Mr. CORNYN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 358, a bill to ensure the safety of members of the United States Armed Forces while using expeditionary facilities, infrastructure, and equipment supporting United States military operations overseas.

S. 388

At the request of Ms. MIKULSKI, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 388, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 422

At the request of Ms. STABENOW, the names of the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Connecticut (Mr. DODD), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 422, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 427

At the request of Mrs. LINCOLN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 427, a bill to amend title XVI of the Social Security Act to clarify that the value of certain funeral and burial arrangements are not to be considered available resources under the supplemental security income program.

S. 462

At the request of Mrs. BOXER, the name of the Senator from Nevada (Mr. ENSIGN) 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. 467

At the request of Mr. DODD, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of

S. 467, a bill to amend the National and Community Service Act of 1990 to establish Encore Service Programs, Encore Fellowship Programs, and Silver Scholarship Programs, and for other purposes.

S. 469

At the request of Mr. VOINOVICH, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 469, a bill to amend chapter 83 of title 5, United States Code, to modify the computation for part-time service under the Civil Service Retirement System.

S. 475

At the request of Mr. BURR, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor 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. 482

At the request of Mr. FEINGOLD, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 482, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

At the request of Mr. CORNYN, his name was added as a cosponsor of S. 482, *supra*.

S. 483

At the request of Mr. DODD, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 483, a bill to require the Secretary of the Treasury to mint coins in commemoration of Mark Twain.

S. 484

At the request of Mrs. FEINSTEIN, the name of the Senator from Massachusetts (Mr. KENNEDY) 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 names of the Senator from Maine (Ms. SNOWE), the Senator from Florida (Mr. NELSON) and the Senator from Alabama (Mr. SHELBY) were added as cosponsors 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. 524

At the request of Mr. FEINGOLD, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 524, a bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority.

S. 527

At the request of Mr. THUNE, the names of the Senator from Missouri (Mr. BOND) and the Senator from Wyoming (Mr. ENZI) 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. 535

At the request of Mr. NELSON of Florida, the names of the Senator from California (Mrs. BOXER) and the Senator from Pennsylvania (Mr. CASEY) 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. 546

At the request of Mr. REID, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from California (Mrs. BOXER) were added as cosponsors 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. 571

At the request of Mr. MENENDEZ, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 571, a bill to strengthen the Nation's research efforts to identify the causes and cure of psoriasis and psoriatic arthritis, expand psoriasis and psoriatic arthritis data collection, and study access to and quality of care for people with psoriasis and psoriatic arthritis, and for other purposes.

S. 572

At the request of Mr. WEBB, the name of the Senator from Minnesota (Ms. KLOBUCHAR) 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. CON. RES. 6

At the request of Ms. STABENOW, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. Con. Res. 6, a concurrent resolution expressing the sense of Congress that national health care reform should ensure that the health care needs of women and of all individuals in the United States are met.

S. RES. 20

At the request of Mr. VOINOVICH, the name of the Senator from Nebraska (Mr. JOHANNIS) was added as a cosponsor of S. Res. 20, a resolution celebrating the 60th anniversary of the North Atlantic Treaty Organization.

S. RES. 37

At the request of Mr. LAUTENBERG, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. Res. 37, a bill calling on officials of the Government of Brazil

and the federal courts of Brazil to comply with the requirements of the Convention on the Civil Aspects of International Child Abduction and to assist in the safe return of Sean Goldman to his father, David Goldman.

S. RES. 64

At the request of Mrs. BOXER, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. Res. 64, a resolution recognizing the need for the Environmental Protection Agency to end decades of delay and utilize existing authority under the Resource Conservation and Recovery Act to comprehensively regulate coal combustion waste and the need for the Tennessee Valley Authority to be a national leader in technological innovation, low-cost power, and environmental stewardship.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN (for himself and Ms. SNOWE):

S. 596. A bill to require the Secretary of Commerce to establish an award program to honor achievements in nanotechnology, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. WYDEN. Mr. President, I am pleased to join today with my colleague from Maine, Senator SNOWE, to introduce the Nanotechnology Innovation and Prize Competition Act of 2009.

As Co-Chair of the Congressional Nanotechnology Caucus, and former Chair of the Subcommittee on Science, Technology, and Innovation, I have worked long and hard to advance U.S. competitiveness in nanotechnology. Nanotech is a rapidly developing field that offers a wide range of benefits to the country. It can create jobs, expand the economy, and strengthen America's position as a global leader in technological innovation. At this time, when older industries are faltering and the economy is struggling, Congress must act to open new doors, help industry to move into new fields, and work to unlock new manufacturing potential.

Nanotechnology is redefining the global economy and delivering revolutionary change through an amazing array of technological innovations. There is virtually no industry that will not be improved by the advances that are possible with nanotechnology. But to unlock the full benefits of nanotechnology's capabilities, the Federal Government must do more to partner with our nation's innovative entrepreneurs, engineers, and scientists. To that end, I am proposing, along with Senator SNOWE, legislation that will create an X-Prize competition in nanotechnology.

Many people have heard of the X-Prize, a recent and high-profile example of a prize competition like the one Sen. SNOWE and I are proposing today. The X-Prize was established in 1996 and set up a \$10 million prize fund for the

first team who could make civilian space flight a reality. The award was successfully claimed just eight years later. But that was not the only achievement the X-Prize accomplished. During that span of time, the \$10 million prize stimulated over \$100 million in research and development by the competitors.

Successful prize competitions are not limited to the X-Prize. We have seen the value of these kinds of competitions before. One of the most famous was the Orteig prize, which was to be awarded to the first person to fly non-stop across the Atlantic Ocean. Claimed, of course, by Charles Lindbergh in 1927, the Orteig prize stimulated private investment 16 times greater than the amount of the prize. Imagine what kind of explosion in investment and innovation we could achieve in nanotechnology with the competition we're proposing today.

By establishing this nanotechnology prize competition, the Federal Government will promote public-private cooperation to spur investment in key areas and help solve critical problems. The very first prize competition was, in fact, a Government sponsored competition that produced a revolutionary technological breakthrough. In 1714, the British Parliament established a prize for determining a ship's longitude at sea. At the time, the inability to accurately determine longitude was causing many ships to become lost. Solving this critical problem by creating a competition to find the answer paved the way to British naval superiority.

Today, other Government sponsored prize competitions are driving technological breakthroughs and successes. For example, the DARPA Grand Challenge and Urban Challenge have stimulated tremendous advances in remotely-controlled vehicle technology.

The Nanotechnology Innovation and Prize Competition Act is a vital tool to help ensure that public and private resources will be utilized in a coordinated way and will be devoted to solving the complex and pressing problems that America faces today. This bill will also spur technological investment and create jobs here at home. Through this prize competition, the government will be able to leverage its resources and focus the intellectual and economic capacity of our nation's best and brightest entrepreneurs on finding the big answers we need in the smallest of technologies—nanotechnology.

The Nanotechnology Innovation and Prize Competition Act creates four priority areas for the establishment of prize competitions: green nanotechnology, alternative energy applications, improvements in human health, and the commercialization of consumer products. In each of these areas, nanotechnology holds the promise of tremendous breakthroughs if the necessary resources are devoted. This competition will make sure we get started as soon as possible on finding those breakthroughs. We all know that the

competitive spirit is one of the strengths of our country. This bill will ignite that spirit in nanotech.

Again, I thank my colleague from Maine for her help and cooperation in introducing this bill. I also want to thank the Woodrow Wilson Center and the X-PRIZE Foundation for their work in helping to develop this bill. I look forward to working with the Commerce Committee, other members of the Congressional Nanotechnology Caucus, the Obama Administration, and the entire nanotech community to reauthorize the 21st Century Nanotechnology Research and Development Act in the 111th Congress.

I urge all my colleagues to support innovation and promote entrepreneurial competition by cosponsoring this 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 placed in the RECORD, as follows:

S. 596

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 “Nanotechnology Innovation and Prize Competition Act of 2009”.

SEC. 2. NANOTECHNOLOGY AWARD PROGRAM.

(a) PROGRAM ESTABLISHED.—The Secretary of Commerce shall, acting through the Director of the National Institute of Standards and Technology, establish a program to award prizes to eligible persons described in subsection (b) for achievement in 1 or more of the following applications of nanotechnology:

(1) Improvement of the environment, consistent with the Twelve Principles of Green Chemistry of the Environmental Protection Agency.

(2) Development of alternative energy that has the potential to lessen the dependence of the United States on fossil fuels.

(3) Improvement of human health, consistent with regulations promulgated by the Food and Drug Administration of the Department of Health and Human Services.

(4) Development of consumer products.

(b) ELIGIBLE PERSON.—An eligible person described in this subsection is—

(1) an individual who is—

(A) a citizen or legal resident of the United States; or

(B) a member of a group that includes citizens or legal residents of the United States; or

(2) an entity that is incorporated and maintains its primary place of business in the United States.

(c) ESTABLISHMENT OF BOARD.—

(1) IN GENERAL.—The Secretary of Commerce shall establish a board to administer the program established under subsection (a).

(2) MEMBERSHIP.—The board shall be composed of not less than 15 and not more than 21 members appointed by the President, of whom—

(A) not less than 1 shall—

(i) be a representative of the interests of academic, business, and nonprofit organizations; and

(ii) have expertise in—

(I) the field of nanotechnology; or

(II) administering award competitions; and

(B) not less than 1 shall be from each of—

(i) the Department of Energy;

(ii) the Environmental Protection Agency;

(iii) the Food and Drug Administration of the Department of Health and Human Services;

(iv) the National Institutes of Health of the Department of Health and Human Services;

(v) the National Institute for Occupational Safety and Health of the Department of Health and Human Services;

(vi) the National Institute of Standards and Technology of the Department of Commerce; and

(vii) the National Science Foundation.

(d) AWARDS.—Subject to the availability of appropriations, the board established under subsection (c) may make awards under the program established under subsection (a) as follows:

(1) FINANCIAL PRIZE.—The board may hold a financial award competition and award a financial award in an amount determined before the commencement of the competition to the first competitor to meet such criteria as the board shall establish.

(2) RECOGNITION PRIZE.—

(A) IN GENERAL.—The board may recognize an eligible person for superlative achievement in 1 or more nanotechnology applications described in subsection (a).

(B) NO FINANCIAL REMUNERATION.—An award under this paragraph shall not include any financial remuneration.

(C) NATIONAL TECHNOLOGY AND INNOVATION MEDAL RECOMMENDATIONS.—For each eligible person recognized under this paragraph, the board shall recommend to the Secretary of Commerce that the Secretary recommend to the President under section 16(b) of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3711) that the President award the National Technology and Innovation Medal established under section 16(a) of such Act to such eligible person.

(e) ADMINISTRATION.—

(1) CONTRACTING.—The board established under subsection (c) may contract with a private organization to administer a financial award competition described in subsection (d)(1).

(2) SOLICITATION OF FUNDS.—A member of the board or any administering organization with which the board has a contract under paragraph (1) may solicit gifts from private and public entities to be used for a financial award under subsection (d)(1).

(3) LIMITATION ON PARTICIPATION OF DONORS.—The board may allow a donor who is a private person described in paragraph (2) to participate in the determination of criteria for an award under subsection (d), but such donor may not solely determine the criteria for such award.

(4) NO ADVANTAGE FOR DONATION.—A donor who is a private person described in paragraph (2) shall not be entitled to any special consideration or advantage with respect to participation in a financial award competition under subsection (d)(1).

(f) INTELLECTUAL PROPERTY.—The Federal Government may not acquire an intellectual property right in any product or idea by virtue of the submission of such product or idea in any competition under subsection (d)(1).

(g) LIABILITY.—The board established under subsection (c) may require a competitor in a financial award competition under subsection (d)(1) to waive liability against the Federal Government for injuries and damages that result from participation in such competition.

(h) ANNUAL REPORT.—Each year, the board established under subsection (c) shall submit to Congress a report on the program established under subsection (a).

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated sums for the program established under subsection (a) as follows:

(A) For administration of prize competitions under subsection (d), \$750,000 for each fiscal year.

(B) For the awarding of a financial prize award under subsection (d)(1), in addition to any amounts received under subsection (e)(2), \$2,000,000 for each fiscal year.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) shall remain available until expended.

By Mr. BINGAMAN (for himself and Ms. MURKOWSKI):

S. 598. A bill to amend the Energy Policy and Conservation Act to improve appliance standards, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, today I join with my colleague and the ranking member of the Committee on Energy and Natural Resources, Senator MURKOWSKI, in introducing S. 598, which is entitled the “Appliance Standards Improvement Act of 2009.”

This legislation would enhance our economic and energy security, it would save consumers money, and it will reduce greenhouse gas emissions by strengthening two Federal programs that have a 20-year record of success; that is, the Department of Energy’s Appliance Standards Program and the joint DOE and EPA Energy Star Program.

The Department of Energy’s standards program establishes minimum energy efficiency standards for 35 products and phases out the manufacture and sale of the least efficient models for those products. The American Council for an Energy Efficient Economy, ACEEE, estimates that national electricity use by 2020 will be nearly 16 percent less than it would have been without this standards program, which we have had in law now for many years.

The Energy Star Program is a voluntary program that promotes the development and sale of highly efficient appliances through labeling and marketing. Among its success stories is the dramatic increase in refrigerator efficiency and cost savings. The annual operating cost for Energy Star-qualified refrigerators has dropped from \$243 in the 1970s to \$46 today. The Department of Energy estimates that in 2006, Energy Star saved almost 5 percent of the Nation’s electricity demand, helped avoid greenhouse gas emissions equivalent to 25 million automobiles, and saved consumers more than \$14 billion.

Notwithstanding this record of success, further increases in the efficiency of appliances remains one of the most cost-effective strategies we can pursue to enhance our economic and energy security.

The bill I am introducing, along with Senator MURKOWSKI, would expand the Department of Energy’s program by establishing programs for affordable light fixtures and table and floor lamps. These products are found

throughout the Nation's homes and businesses, and improving their efficiency can have enormous benefits. ACEEE estimates that annual savings would build up to about 4 billion kilowatt hours by 2020, 750 megawatts in peak-demand savings, and about \$4 billion of savings to consumers for purchases through the year 2030.

The bill would further strengthen the standards program by allowing stakeholders to directly petition the Department of Energy to update its test procedures and standards and reduce bureaucratic delays. The bill would strengthen the Energy Star Program by adopting several recommendations made by the EPA inspector general and Consumer Reports, such as improving monitoring and enforcement of Energy Star compliance.

Last month, President Obama recognized the value and potential of the standards program to meet the Nation's economic and energy challenges. He noted that standards:

will avoid the use of tremendous amounts of energy; over the next 30 years, the savings will approximate the total amount of energy produced over a 2-year period by all of the coal-fired power plants in the Nation.

This bill is a good foundation on which to expand our energy efficiency efforts. It should be part of any comprehensive national energy legislation. I look forward to working with energy efficiency advocates, with industry, my Senate colleagues, and the administration to achieve the full potential for these programs and the full benefits of energy efficiency.

We will be holding a hearing, as you know, Madam President, on this bill this Thursday, March 19. I hope we will be able to include this legislation as part of a more comprehensive energy bill when we are able to report such a bill out of the Senate Energy and Natural Resources Committee hopefully later this month.

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. 598

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Appliance Standards Improvement Act of 2009”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Test procedure petition process.
- Sec. 3. Energy Star program.
- Sec. 4. Petition for amended standards.
- Sec. 5. Portable light fixtures.
- Sec. 6. GU-24 base lamps.
- Sec. 7. Study of compliance with energy standards for appliances.
- Sec. 8. Study of direct current electricity supply in certain buildings.
- Sec. 9. Motor market assessment and commercial awareness program.

SEC. 2. TEST PROCEDURE PETITION PROCESS.

(a) CONSUMER PRODUCTS OTHER THAN AUTOMOBILES.—Section 323(b)(1) of the Energy

Policy and Conservation Act (42 U.S.C. 6293(b)(1)) is amended—

(1) in subparagraph (A)(i), by striking “amend” and inserting “publish in the Federal Register amended”; and

(2) by adding at the end the following:

“(B) PETITIONS.—

“(i) IN GENERAL.—In the case of any covered product, any person may petition the Secretary to conduct a rulemaking—

“(I) to prescribe a test procedure for the covered product; or

“(II) to amend the test procedures applicable to the covered product to more accurately or fully comply with paragraph (3).

“(ii) DETERMINATION.—The Secretary shall—

“(I) not later than 90 days after the date of receipt of the petition, publish the petition in the Federal Register; and

“(II) not later than 180 days after the date of receipt of the petition, grant or deny the petition.

“(iii) BASIS.—The Secretary shall grant a petition if the Secretary finds that the petition contains evidence that, assuming no other evidence was considered, provides an adequate basis for determining that an amended test method would more accurately or fully comply with paragraph (3).

“(iv) EFFECT ON OTHER REQUIREMENTS.—The granting of a petition by the Secretary under this subparagraph shall create no presumption with respect to the determination of the Secretary that the proposed test procedure meets the requirements of paragraph (3).

“(v) RULEMAKING.—

“(I) IN GENERAL.—Except as provided in subclause (II), not later than the end of the 18-month period beginning on the date of granting a petition, the Secretary shall publish an amended test method or a determination not to amend the test method.

“(II) EXTENSION.—The Secretary may extend the period described in subclause (I) for 1 additional year.

“(III) DIRECT FINAL RULE.—The Secretary may adopt a consensus test procedure in accordance with the direct final rule procedure established under section 325(p)(4).”.

(b) CERTAIN INDUSTRIAL EQUIPMENT.—Section 343 of the Energy Policy and Conservation Act (42 U.S.C. 6314) is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

“(1) AMENDMENT AND PETITION PROCESS.—

“(A) IN GENERAL.—At least once every 7 years, the Secretary shall review test procedures for all covered equipment and—

“(i) publish in the Federal Register amended test procedures with respect to any covered equipment, if the Secretary determines that amended test procedures would more accurately or fully comply with paragraphs (2) and (3); or

“(ii) publish notice in the Federal Register of any determination not to amend a test procedure.

“(B) PETITIONS.—

“(i) IN GENERAL.—In the case of any class or category of covered equipment, any person may petition the Secretary to conduct a rulemaking—

“(I) to prescribe a test procedure for the covered equipment; or

“(II) to amend the test procedures applicable to the covered equipment to more accurately or fully comply with paragraphs (2) and (3).

“(ii) DETERMINATION.—The Secretary shall—

“(I) not later than 90 days after the date of receipt of the petition, publish the petition in the Federal Register; and

“(II) not later than 180 days after the date of receipt of the petition, grant or deny the petition.

“(iii) BASIS.—The Secretary shall grant a petition if the Secretary finds that the petition contains evidence that, assuming no other evidence was considered, provides an adequate basis for determining that an amended test method would more accurately promote energy or water use efficiency.

“(iv) EFFECT ON OTHER REQUIREMENTS.—The granting of a petition by the Secretary under this paragraph shall create no presumption with respect to the determination of the Secretary that the proposed test procedure meets the requirements of paragraphs (2) and (3).

“(v) RULEMAKING.—

“(I) IN GENERAL.—Except as provided in subclause (II), not later than the end of the 18-month period beginning on the date of granting a petition, the Secretary shall publish an amended test method or a determination not to amend the test method.

“(II) EXTENSION.—The Secretary may extend the period described in subclause (I) for 1 additional year.

“(III) DIRECT FINAL RULE.—The Secretary may adopt a consensus test procedure in accordance with the direct final rule procedure established under section 325(p).”.

(2) by striking subsection (c); and

(3) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

SEC. 3. ENERGY STAR PROGRAM.

(a) DIVISION OF RESPONSIBILITIES.—Section 324A(b) of the Energy Policy and Conservation Act (42 U.S.C. 6294a(b)) is amended—

(1) by striking “Responsibilities” and inserting the following:

“(1) IN GENERAL.—Responsibilities”; and

(2) by adding at the end the following:

“(2) UPDATE.—Not later than 180 days after the date of enactment of this paragraph, the Secretary and the Administrator shall update the agreements described in paragraph (1), including agreements on provisions that provide—

“(A) a clear delineation of the roles and responsibilities of each agency that is based on the resources and areas of expertise of each agency;

“(B) a formal process for high-level decisionmaking that allows each agency to make specific programmatic decisions based on the program approaches of each agency;

“(C) a facilitated annual planning meeting that establishes strategic priorities and goals for the coming year;

“(D) a prescribed course of action to work through differences and disagreements;

“(E) a facilitated biannual program review conducted by a third-party that—

“(i) incorporates an assessment of program progress, partner acceptance, the achievement of program goals, and future strategic planning; and

“(ii) is evaluated by the Council on Environmental Quality, which shall appraise the findings in the review and work with the agencies to resolve any negative findings; and

“(F) a sunset date for the new agreement and a timetable for establishing future agreements based on priorities at that time.”.

(b) DUTIES.—Section 324A(c) of the Energy Policy and Conservation Act (42 U.S.C. 6294a(c)) is amended—

(1) in paragraph (6), by striking “and” after the semicolon at the end;

(2) in paragraph (7), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(8)(A) review each product category—

“(i) at least once every 3 years; or

“(ii) when market share for an Energy Star product category reaches 35 percent;

“(B) based on the review—

“(i) update and publish the Energy Star product criteria for the category; or

“(ii) publish a finding that no update is justified with the explanation for the finding; and

“(C) during the initial review for each product category, establish an alternative market share to trigger subsequent reviews, based on product-specific technology and market attributes;

“(9) require a demonstration of compliance with the Energy Star criteria by qualified products, except that—

“(A) the demonstration shall be conducted in accordance with appropriate methods determined for each product type by the Secretary or the Administrator of the Environmental Protection Agency (as appropriate), including—

“(i) third-party verification;

“(ii) third-party certification;

“(iii) purchase and testing of products from the market; or

“(iv) other verified testing and compliance approaches; and

“(B) the Secretary or Administrator may exempt specific types of products from the requirements of this subparagraph if the Secretary or Administrator finds that—

“(i) the benefits to the Energy Star program of verifying product performance are substantially exceeded by the burdens; or

“(ii) there are no benefits to the Energy Star program; and

“(10) develop and publish standardized building energy audit methods.”

(c) FUNDING.—Section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a) is amended by adding at the end the following:

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

“(1) to the Department of Energy \$25,000,000 for each fiscal year; and

“(2) to the Environmental Protection Agency \$100,000,000 for each fiscal year.”

SEC. 4. PETITION FOR AMENDED STANDARDS.

Section 325(n) of the Energy Policy and Conservation Act (42 U.S.C. 6295(n)) is amended—

(1) by redesignating paragraph (3) as paragraph (5); and

(2) by inserting after paragraph (2) the following:

“(3) NOTICE OF DECISION.—Not later than 180 days after the date of receiving a petition, the Secretary shall publish in the Federal Register a notice of, and explanation for, the decision of the Secretary to grant or deny the petition.

“(4) NEW OR AMENDED STANDARDS.—Not later than 3 years after the date of granting a petition for new or amended standards, the Secretary shall publish in the Federal Register—

“(A) a final rule that contains the new or amended standards; or

“(B) a determination that no new or amended standards are necessary.”

SEC. 5. PORTABLE LIGHT FIXTURES.

(a) DEFINITIONS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) is amended by adding at the end the following:

“(67) ART WORK LIGHT FIXTURE.—The term ‘art work light fixture’ means a light fixture designed only to be mounted directly to an art work and for the purpose of illuminating that art work.

“(68) LED LIGHT ENGINE.—The term ‘LED light engine’ or ‘LED light engine with integral heat sink’ means a subsystem of an LED light fixture that—

“(A) includes 1 or more LED components, including—

“(i) an LED driver power source with electrical and mechanical interfaces; and

“(ii) an integral heat sink to provide thermal dissipation; and

“(B) may be designed to accept additional components that provide aesthetic, optical, and environmental control.

“(69) LED LIGHT FIXTURE.—The term ‘LED light fixture’ means a complete lighting unit consisting of—

“(A) an LED light source with 1 or more LED lamps or LED light engines; and

“(B) parts—

“(i) to distribute the light;

“(ii) to position and protect the light source; and

“(iii) to connect the light source to electrical power.

“(70) LIGHT FIXTURE.—The term ‘light fixture’ means a product designed to provide light that includes—

“(A) at least 1 lamp socket; and

“(B) parts—

“(i) to distribute the light;

“(ii) position and protect 1 or more lamps; and

“(iii) to connect 1 or more lamps to a power supply.

“(71) PORTABLE LIGHT FIXTURE.—

“(A) IN GENERAL.—The term ‘portable light fixture’ means a light fixture that has a flexible cord and an attachment plug for connection to a nominal 120-volt circuit that—

“(i) allows the user to relocate the product without any rewiring; and

“(ii) typically can be controlled with a switch located on the product or the power cord of the product.

“(B) EXCLUSIONS.—The term ‘portable light fixture’ does not include—

“(i) direct plug-in night lights, sun or heat lamps, medical or dental lights, portable electric hand lamps, signs or commercial advertising displays, photographic lamps, germicidal lamps, or light fixtures for marine use or for use in hazardous locations (as those terms are defined in ANSI/NFPA 70 of the National Electrical Code); or

“(ii) decorative lighting strings, decorative lighting outfits, or electric candles or candelabra without lamp shades that are covered by Underwriter Laboratories (UL) standard 588, ‘Seasonal and Holiday Decorative Products’.”

(b) COVERAGE.—

(1) IN GENERAL.—Section 322(a) of the Energy Policy and Conservation Act (42 U.S.C. 6292(a)) is amended—

(A) by redesignating paragraph (20) as paragraph (21); and

(B) by inserting after paragraph (19) the following:

“(20) Portable light fixtures.”

(2) CONFORMING AMENDMENTS.—Section 325(1) of the Energy Policy and Conservation Act (42 U.S.C. 6295(1)) is amended by striking “paragraph (19)” each place it appears in paragraphs (1) and (2) and inserting “paragraph (21)”.

(c) TEST PROCEDURES.—Section 323(b) of the Energy Policy and Conservation Act (42 U.S.C. 6293(b)) is amended by adding at the end the following:

“(19) LED FIXTURES AND LED LIGHT ENGINES.—Test procedures for LED fixtures and LED light engines shall be based on Illuminating Engineering Society of North America test procedure LM-79, Approved Method for Electrical and Photometric Testing of Solid-State Lighting Devices.”

(d) STANDARDS.—Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) is amended—

(1) by redesignating subsection (ii) as subsection (kk); and

(2) by inserting after subsection (hh) the following:

“(ii) PORTABLE LIGHT FIXTURES.—

“(1) IN GENERAL.—Subject to paragraphs (2) and (3), portable light fixtures manufactured on or after January 1, 2012, shall meet 1 or more of the following requirements:

“(A) Be a fluorescent light fixture that meets the requirements of the Energy Star Program for Residential Light Fixtures, Version 4.2.

“(B) Be equipped with only 1 or more GU-24 line-voltage sockets and not be rated for use with incandescent lamps of any type, as defined in ANSI standards.

“(C) Be an LED light fixture or a light fixture with an LED light engine and comply with the following minimum requirements:

“(i) Minimum light output: 200 lumens (initial).

“(ii) Minimum LED light engine efficacy: 40 lumens/watt installed in fixtures that meet the minimum light fixture efficacy of 29 lumens/watt or, alternatively, a minimum LED light engine efficacy of 60 lumens/watt for fixtures that do not meet the minimum light fixture efficacy of 29 lumens/watt.

“(iii) All portable fixtures shall have a minimum LED light fixture efficacy of 29 lumens/watt and a minimum LED light engine efficacy of 60 lumens/watt by January 1, 2016.

“(iv) Color Correlated Temperature (CCT): 2700K through 4200K.

“(v) Minimum Color Rendering Index (CRI): 75.

“(vi) Power factor equal to or greater than 0.70.

“(vii) Portable luminaries that have internal power supplies shall have zero standby power when the luminaire is turned off.

“(viii) LED light sources shall deliver at least 70 percent of initial lumens for at least 25,000 hours.

“(D)(i) Be equipped with an ANSI-designated E12, E17, or E26 screw-based socket and be prepackaged and sold together with 1 screw-based compact fluorescent lamp or screw-based LED lamp for each screw-based socket on the portable light fixture.

“(ii) The compact fluorescent or LED lamps prepackaged with the light fixture shall be fully compatible with any light fixture controls incorporated into the light fixture (for example, light fixtures with dimmers shall be packed with dimmable lamps).

“(iii) Compact fluorescent lamps prepackaged with light fixtures shall meet the requirements of the Energy Star Program for CFLs Version 4.0.

“(iv) Screw-based LED lamps shall comply with the minimum requirements described in subparagraph (C).

“(E) Be equipped with 1 or more single-ended, non-screw based halogen lamp sockets (line or low voltage), a dimmer control or high-low control, and be rated for a maximum of 100 watts.

“(2) REVIEW.—

“(A) REVIEW.—The Secretary shall review the criteria and standards established under paragraph (1) to determine if revised standards are technologically feasible and economically justified.

“(B) COMPONENTS.—The review shall include consideration of whether—

“(i) a separate compliance procedure is still needed for halogen fixtures described in subparagraph (E) and, if necessary, what an appropriate standard for halogen fixtures shall be;

“(ii) the specific technical criteria described in subparagraphs (A), (C), and (D)(iii) should be modified; and

“(iii) certain fixtures should be exempted from the light fixture efficacy standard as of January 1, 2016, because the fixtures are primarily decorative in nature (as defined by the Secretary) and, even if exempted, are likely to be sold in limited quantities.

“(C) TIMING.—

“(i) DETERMINATION.—Not later than January 1, 2014, the Secretary shall publish amended standards, or a determination that

no amended standards are justified, under this subsection.

“(ii) STANDARDS.—Any standards under this subsection take effect on January 1, 2016.

“(3) ART WORK LIGHT FIXTURES.—Art work light fixtures manufactured on or after January 1, 2012, shall—

“(A) comply with paragraph (1); or
“(B)(i) contain only ANSI-designated E12 screw-based line-voltage sockets;

“(ii) have not more than 3 sockets;
“(iii) be controlled with an integral high/low switch;

“(iv) be rated for not more than 25 watts if fitted with 1 socket; and

“(v) be rated for not more than 15 watts per socket if fitted with 2 or 3 sockets.

“(4) EXCEPTION FROM PREEMPTION.—Notwithstanding section 327, Federal preemption shall not apply to a regulation concerning portable light fixtures adopted by the California Energy Commission on or before January 1, 2014.”.

SEC. 6. GU-24 BASE LAMPS.

(a) DEFINITIONS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) (as amended by section 5(a)) is amended by adding at the end the following:

“(72) GU-24.—The term ‘GU-24’ means the designation of a lamp socket, based on a coding system by the International Electrotechnical Commission, under which—

“(A) ‘G’ indicates a holder and socket type with 2 or more projecting contacts, such as pins or posts;

“(B) ‘U’ distinguishes between lamp and holder designs of similar type that are not interchangeable due to electrical or mechanical requirements; and

“(C) 24 indicates the distance in millimeters between the electrical contact posts.

“(73) GU-24 ADAPTOR.—

“(A) IN GENERAL.—The term ‘GU-24 Adaptor’ means a 1-piece device, pig-tail, wiring harness, or other such socket or base attachment that—

“(i) connects to a GU-24 socket on 1 end and provides a different type of socket or connection on the other end; and
“(ii) does not alter the voltage.

“(B) EXCLUSION.—The term ‘GU-24 Adaptor’ does not include a fluorescent ballast with a GU-24 base.

“(74) GU-24 BASE LAMP.—‘GU-24 base lamp’ means a light bulb designed to fit in a GU-24 socket.”.

(b) STANDARDS.—Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) (as amended by section 5(d)) is amended by inserting after subsection (i) the following:

“(jj) GU-24 BASE LAMPS.—

“(1) IN GENERAL.—A GU-24 base lamp shall not be an incandescent lamp as defined by ANSI.

“(2) GU-24 ADAPTORS.—GU-24 adaptors shall not adapt a GU-24 socket to any other line voltage socket.”.

SEC. 7. STUDY OF COMPLIANCE WITH ENERGY STANDARDS FOR APPLIANCES.

(a) IN GENERAL.—The Secretary of Energy shall conduct a study of the degree of compliance with energy standards for appliances, including an investigation of compliance rates and options for improving compliance, including enforcement.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report describing the results of the study, including any recommendations.

SEC. 8. STUDY OF DIRECT CURRENT ELECTRICITY SUPPLY IN CERTAIN BUILDINGS.

(a) IN GENERAL.—The Secretary of Energy shall conduct a study—

(1) of the costs and benefits (including significant energy efficiency, power quality, and other power grid, safety, and environmental benefits) of requiring high-quality, direct current electricity supply in certain buildings; and

(2) to determine, if the requirement described in paragraph (1) is imposed, what the policy and role of the Federal government should be in realizing those benefits.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report describing the results of the study, including any recommendations.

SEC. 9. MOTOR MARKET ASSESSMENT AND COMMERCIAL AWARENESS PROGRAM.

(a) FINDINGS.—Congress finds that—

(1) electric motor systems account for about half of the electricity used in the United States;

(2) electric motor energy use is determined by both the efficiency of the motor and the system in which the motor operates;

(3) Federal Government research on motor end use and efficiency opportunities is more than a decade old; and

(4) the Census Bureau has discontinued collection of data on motor and generator importation, manufacture, shipment, and sales.

(b) DEFINITIONS.—In this section:

(1) DEPARTMENT.—The term “Department” means the Department of Energy.

(2) INTERESTED PARTIES.—The term “interested parties” includes—

- (A) trade associations;
- (B) motor manufacturers;
- (C) motor end users;
- (D) electric utilities; and
- (E) individuals and entities that conduct energy efficiency programs.

(3) SECRETARY.—The term “Secretary” means the Secretary of Energy, in consultation with interested parties.

(c) ASSESSMENT.—The Secretary shall conduct an assessment of electric motors and the electric motor market in the United States that shall—

(1) include important subsectors of the industrial and commercial electric motor market (as determined by the Secretary), including—

- (A) the stock of motors and motor-driven equipment;
- (B) efficiency categories of the motor population; and
- (C) motor systems that use drives, servos, and other control technologies;

(2) characterize and estimate the opportunities for improvement in the energy efficiency of motor systems by market segment, including opportunities for—

- (A) expanded use of drives, servos, and other control technologies;
- (B) expanded use of process control, pumps, compressors, fans or blowers, and material handling components; and
- (C) substitution of existing motor designs with existing and future advanced motor designs, including electronically commutated permanent magnet, interior permanent magnet, and switched reluctance motors; and

(3) develop an updated profile of motor system purchase and maintenance practices, including surveying the number of companies that have motor purchase and repair specifications, by company size, number of employees, and sales.

(d) RECOMMENDATIONS; UPDATE.—Based on the assessment conducted under subsection (c), the Secretary shall—

(1) develop—

- (A) recommendations to update the detailed motor profile on a periodic basis;
- (B) methods to estimate the energy savings and market penetration that is attributable

to the Save Energy Now Program of the Department; and

(C) recommendations for the Director of the Census Bureau on market surveys that should be undertaken in support of the motor system activities of the Department; and

(2) prepare an update to the Motor Master+ program of the Department.

(e) PROGRAM.—Based on the assessment, recommendations, and update required under subsections (c) and (d), the Secretary shall establish a proactive, national program targeted at motor end-users and delivered in cooperation with interested parties to increase awareness of—

(1) the energy and cost-saving opportunities in commercial and industrial facilities using higher efficiency electric motors;

(2) improvements in motor system procurement and management procedures in the selection of higher efficiency electric motors and motor-system components, including drives, controls, and driven equipment; and

(3) criteria for making decisions for new, replacement, or repair motor and motor system components.

By Mr. CARPER (for himself and Ms. COLLINS):

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; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President, I am pleased to join Senator CARPER in introducing a bill that would provide Federal firefighters with the same disability protections that millions of local firefighters across the Nation currently enjoy. Federal firefighters put their lives on the line each day to protect some of our Nation’s most critical assets and infrastructure, and these brave men and women deserve the same occupational safeguards and benefits as their colleagues at the local level.

Our Nation’s Federal firefighters have some of the most hazardous jobs in the fire service, but the Federal Government does not presume that certain illnesses associated with firefighting are job-related. As a result, to qualify for disability retirement, a Federal firefighter who suffers from an occupational illness must specify the precise exposure that caused his or her illness—an almost insurmountable burden.

The Federal Firefighters Fairness Act of 2009 would alleviate this burden by creating a rebuttable presumption that cardiovascular disease, certain cancers, and certain infectious diseases contracted by Federal firefighters are job-related for purposes of workers’ compensation and disability retirement.

Such a presumption will not guarantee that Federal firefighters will receive any disability benefits. This legislation would simply switch the burden of proof from the sick Federal firefighter and his family to the Federal agency employing him.

Thus, as a practical matter, if the Federal employing agency can demonstrate that a firefighter's illness likely had another cause, then such an illness will not be considered job-related. For example, an agency that employs a firefighter who smokes and has contracted lung cancer would be able to rebut the presumption that the cancer was caused by firefighting. Therefore, I believe this legislation contains appropriate protections against those illnesses that may be caused by activities other than firefighting, providing agencies with a fair opportunity to challenge claims without requiring injured firefighters to meet the unreasonable burden of proof found in current law.

This legislation is important and long overdue. If enacted, it would relieve Federal fire service personnel of an unnecessary obstacle to receiving the badly needed benefits that they deserve when they fall ill as a result of their inherently hazardous work environment. Federal firefighters work at military installations, nuclear facilities, hospitals, and countless other types of Federal facilities. They are routinely exposed to toxic substances, biohazards, temperature extremes, and stress.

As a result, firefighters are far more likely to contract heart disease, lung disease and cancer than other workers. Indeed, a number of scientific studies have found that firefighters have a higher incidence of disease overall than the general population. For example, a 2006 study conducted by the University of Cincinnati found that exposure to soot and toxins creates an increased risk for various cancers among firefighters. Further, a 2007 Harvard study found that firefighters face a risk of death from heart attack up to 100 times higher when involved in fire suppression as compared to non-emergency duties.

It also would not be unprecedented to establish a presumption for Federal firefighters. Congress has already extended presumptive benefits to various groups, including Peace Corps volunteers, military veterans, and public safety officers.

Outside the Federal Government, 41 States have already enacted presumptive disability laws for their municipal firefighters. In Maine, for example, the State presumptive benefits law applies to heart, lung, and infectious diseases.

It is fundamentally unfair that firefighters employed by the Federal Government are not eligible for disability retirement for the same occupational diseases as their municipal counterparts. This disparity is especially glaring in instances where Federal firefighters work alongside municipal firefighters during mutual aid responses and are exposed to the same hazardous conditions, as was the case in the response to Hurricane Katrina.

If the Federal Government wants to be able to recruit and retain qualified firefighters, it must be able to offer a

benefits package that is competitive with the municipal sector, including having occupational illness covered by worker's compensation.

This legislation is supported by many of the fire service groups, such as the International Association of Firefighters, the International Association of Fire Chiefs, the National Volunteer Fire Council, the National Fire Protection Association, and the Congressional Fire Services Institute.

The Federal Firefighters Fairness Act is a straightforward matter of equity and sound policy. I believe this bill merits the support of every Senator, and I am proud to be an original cosponsor. It is for these and other reasons that I urge my colleagues to support the Federal Firefighter Fairness Act of 2009.

By Mr. KAUFMAN (for himself, Mr. ISAKSON, and Mr. TESTER):

S. 605. A bill to require the Securities and Exchange Commission to reinstate the uptick rule and effectively regulate abusive short selling activities; to the Committee on Banking, Housing, and Urban Affairs.

Mr. KAUFMAN. Mr. President, the American people have lost literally trillions of dollars as a result of the meltdown of our financial markets. This is a disaster of monumental and unprecedented proportions.

Think of the retirees who have lost more than half their savings and who lie awake at night worrying about how they are going to make it. Think of the parents who can no longer afford to send their children to the college of their choice or even to college at all. Think of the business men and women who will cancel investments or lay off workers because they cannot raise capital—hopes crushed, dreams denied, plans canceled, opportunities lost.

We need to restore the strength of the financial markets. We need to rebuild the confidence in our economy and in our markets so we can restore those losses. We all look forward to the day when wealth and employment in America are growing again. There are many things we must do to make that happen.

Foremost, we must rescue, reform, and recapitalize our banking system. In the Judiciary Committee, we moved on March 5 to restore investor confidence by reporting S. 386, the Fraud and Enforcement Recovery Act. Chairman LEAHY, Senator GRASSLEY, Senator SCHUMER, Senator KLOBUCHAR, and I pressed this legislation forward because we needed to ensure that the Justice Department, the FBI, and other law enforcement agencies have the resources they need to find, prosecute, and jail those who have committed financial fraud.

Our markets will flourish again only when investors are confident that the market will be held accountable to the law. This is one step we must take.

I am here today to talk about another urgently needed piece of the

much larger project of restoring confidence in our capital markets: We must stop the artificial manipulation of stock prices. We must stop the abusive short selling of securities.

I am convinced that the SEC must restore the uptick rule and issue regulations that effectively ban abusive short selling. Abusive short selling is tantamount to fraud and market manipulation and must be stopped. The uptick rule must be restored now.

There is a growing consensus that the SEC must move quickly to reinstate the uptick rule. Everyone is talking about it. Everyone seems to support it. Everyone believes the SEC needs to put on the brakes and stop those who dump millions of shares they don't own to drive prices down. Abusive short selling amounts to gasoline on the fire for distressed stocks and distressed markets. Abusive short selling happens when traders and hedge funds sell stock shares they don't have and won't be able to deliver.

Let me make myself clear: The problem isn't short selling itself. Short selling can actually enhance market efficiency and provide the market with information it needs to set prices at appropriate levels. The problem is that under current rules, short sellers are allowed to sell stocks they haven't actually borrowed in advance of their short sale and with no uptick rule in place as a circuit breaker. This in turn frequently means they all too often simply fail to deliver the stocks they have supposedly sold. Abusive short sales expose sellers and those linked to their short sales to the risk that when settlement day arrives, the short seller won't have the necessary shares available. That harms the market and market participants, particularly when failure to deliver persists for substantial periods as statistics show they clearly have.

We have the opportunity to have the SEC become a can-do agency once more. Under the leadership of Chairwoman SHAPIRO, the SEC needs to move at a pace to protect investors and restore investor confidence.

I believe the SEC must impose at least two important changes. It must reestablish the uptick rule and it must establish a mandatory, marketwide, pre-borrow requirement to sell shares short.

As for the uptick rule, that rule held us in good stead for 70 years. It was first established in 1938 and the SEC eliminated it in July 2007. In my view—and I am not alone—it should never have been repealed. The uptick rule is especially helpful when the market is falling. It simply requires short sellers to take a breath and wait for an increase in price before continuing to sell shares short. Establishing a mandatory, marketwide pre-borrow requirement would simply require short sellers to demonstrate at the time of the sale that they have a legally enforceable right to deliver the shares of stock at the required delivery date. To permit short sellers to sell shares they

don't have turns our capital markets into gambling casinos where these "naked" short sellers profit if the price goes down and fail to deliver if the price doesn't. The time has come for that practice to stop.

I wrote to the SEC Chair Mary Shapiro on March 3 making these same points. I understand she testified before the Banking Committee in February and that she intends, as quickly as possible, to engage in a full review of the SEC's actions with respect to short selling, including an evaluation of why the uptick rule should be reinstated. I also understand the SEC is scheduled to meet soon to discuss ways to reform short selling practices.

We need quick action to restore investor confidence. That is why I, along with Senator ISAKSON of Georgia, am introducing a bill today that would direct the SEC to write regulations addressing abusive short sales. We believe that restoring the uptick rule is necessary, but not sufficient, to end abusive short selling.

Our bipartisan bill would direct the SEC to write regulations within 60 days that accomplish five things to end the abusive short selling. One: Reinstate the substance of that portion of its prior regulations that prohibited short sales that are not made on an increase in the price of the stock. This prevents short sellers from piling on declining stock, driving prices down.

Two: Require trades by short sellers of securities to yield priority and preference to transactions effected by long sellers of securities. This would require exchanges and other trading venues to execute the trades of long sellers instead of short sellers, all other things being equal.

Third: With the concurrence of the Secretary of the Treasury and the Chairman of the Board of Governors of the Federal Reserve System, prohibit short sales of the securities of any financial institution unless the trade is effected at a price, in minimum lots specified by the Commission, at least 5 cents higher than the immediately preceding transaction in such securities. Our financial sector and financial stocks are in a fragile state and our taxpayers now hold substantial shares in many institutions. If the Treasury and the Fed believe they need additional protection in these times, this legislation permits it.

Four: Prohibit any person from selling securities short unless that person has at the time of the short sale a demonstrable legally enforceable right to deliver the securities at the required delivery date. Under current law, many short sellers fail to deliver. We must tighten up the rules.

Five: Require that all short sales settle in the same timeframe employed for long sales of the same securities. There is no reason short sellers should have 13 days to deliver shares when long sellers have only 3 days.

I look forward to hearing from Chair Shapiro soon about the conclusions of

her review and the actions the SEC intends to take to stop these harmful activities that are preventing our markets from returning to a sound footing. In the meantime, Senator ISAKSON and I believe the Senate should move forward with this legislation directing the SEC to take action now. In the end, I hope the SEC will move quickly on its own to take these actions urgently, and now.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I rise first to commend the distinguished Senator from Delaware, Mr. KAUFMAN, on a very appropriate bill at a very appropriate time in our country. I am proud to be an original cosponsor of this legislation.

History teaches us good lessons and, as the Senator said, for 70 years, until July of 2007, the uptick rule served the American investor, the American banking industry, and the traders of America well, because it protected it from a very dangerous thing happening which happened beginning in September of last year. Everybody in this room will remember the markets of last fall. What happened is we hit some unsettling times. We in fact passed the TARP stabilization bill. The markets began to climb. I e-mailed Chris Cox, who was the then-Chair of the SEC, the position Mrs. Shapiro now holds. I sent him an e-mail begging him to please reinstate the uptick rule. They took a brief look at it, suspended it for a few days, and then let it stay. What happened was hedge funds and other traders coming in to cash in were taking the downward spiral of stocks and banks and financial institutions in the country and making money off the demise and the decline of those stocks, all because there was no protection so that they couldn't feed off a downward spiral. The uptick rule, as well explained by the Senator from Delaware, simply provides a cushion to discourage those who would exploit a dangerous and difficult market and make money at the expense of the American people.

Senator KAUFMAN has introduced a piece of legislation that is right for America, it is right for America's investors, and it is right for our stock market as it still languishes today somewhere down near what we hope is the bottom. One way to ensure that bottom exists is to stop rewarding those who would feed off of it and instead reinstate good discipline that ensures good practices and allows the market to restore itself back to a good equilibrium.

I commend Senator KAUFMAN on the introduction of the legislation. I am honored that he asked me to cosponsor it and I am proud to do so. I hope the Senate will expeditiously deal with it, not in the interests of Senator KAUFMAN or myself, but in the interests of the American people who are looking to us for answers in difficult times.

Mr. KAUFMAN. Mr. President, I am honored to have the Senator from Georgia join me. The uptick rule and short selling is not a partisan issue; it is a bipartisan issue. We can work together to get this right.

It is time to send a clear message to investors, to people who want to invest in our markets, that the markets are fair and they have an opportunity and they are going to get a chance at a level playing field.

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. 605

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

SECTION 1. REINSTATEMENT REQUIRED.

Not later than 60 days after the date of enactment of this Act, the Securities and Exchange Commission (in this Act referred to as the "Commission") shall—

(1) reinstate the substance of that portion of the regulations in effect on July 5, 2007, that prohibited short sales not effected on a plus tick;

(2) rescind rule 201 of regulation SHO, at section 242.201 of title 17, Code of Federal Regulations, as in effect on the date of enactment of this Act;

(3) require trades by short sellers of securities to yield priority and preference to transactions effected by long sellers of securities;

(4) with the concurrence of the Secretary of the Treasury and the Chairman of the Board of Governors of the Federal Reserve System, prohibit short sales of the securities of any financial institution, unless that trade is effected at a price (in minimum lots, as specified by the Commission) that is at least 5¢ higher than the immediately preceding transaction in such securities;

(5) adopt such rules and regulations, consistent with paragraphs (1) through (4), as necessary to prohibit any person from engaging in any conduct that artificially would create a plus tick or satisfy the price requirements set forth in the short sales regulations of the Commission; and

(6) take such other actions as may be necessary or appropriate to make the regulation of short sales by the Commission consistent with the requirements of this Act.

SEC. 2. MANDATORY SETTLEMENT PREPAREDNESS REQUIREMENT.

Not later than 60 days after the date of enactment of this Act, the Commission shall issue regulations prohibiting any person from selling securities short, unless that person demonstrates, at the time of the sale, that such person possesses, at the time of the sale, a demonstrable, legally enforceable right to deliver the securities at the required delivery date.

SEC. 3. MANDATORY SETTLEMENT TIMES FOR SHORT SALES.

Not later than 60 days after the date of enactment of this Act, the Commission shall issue regulations to require that all short sales settle on the same time frame employed for long sales of the same securities.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and

Forestry be authorized to meet during the session of the Senate on Monday, March 16, 2009 at 5:30 p.m. in SC-4 of the Capitol.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Monday, March 16, 2009 at 10 a.m.

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

PRIVILEGE 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 Committee on Energy and Natural Resources this year, be granted the privilege of the floor for today and for the remainder of the Senate's consideration of H.R. 146.

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

JOINT REFERRAL

NOMINATION OF THOMAS L. STRICKLAND

Ms. MIKULSKI. Mr. President, as if in executive session, I ask unanimous consent that the nomination of Thomas L. Strickland to be Assistant Secretary of Fish and Wildlife, sent to the Senate by the President on March 12, 2009, be jointly referred to the Committees on Environment and Public Works and Energy and Natural Resources.

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

ORDERS FOR TUESDAY, MARCH 17, 2009

Ms. MIKULSKI. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, Tuesday, March 17; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there then be a period for the transaction 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 or their designees, with the majority controlling the first half and the Republicans controlling the second half; further, that following morning business, the Senate resume consideration of the motion to proceed to H.R. 146, the legislative vehicle for the lands package; and, finally, I ask unanimous consent that the Senate recess from 12:30 p.m. to 2:15 p.m. to allow for the weekly caucus luncheons.

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

PROGRAM

Ms. MIKULSKI. Mr. President, tomorrow the Senate will resume postcloture debate on the motion to proceed to the legislative vehicle for the lands package.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Ms. MIKULSKI. 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 6:27 p.m., adjourned until Tuesday, March 17, 2009, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF COMMERCE

GARY LOCKE, OF WASHINGTON, TO BE SECRETARY OF COMMERCE.

DEPARTMENT OF TRANSPORTATION

ROY W. KIENITZ, OF PENNSYLVANIA, TO BE UNDER SECRETARY OF TRANSPORTATION FOR POLICY, VICE JEFFREY SHANE, RESIGNED.

ENVIRONMENTAL PROTECTION AGENCY

REGINA MCCARTHY, OF MASSACHUSETTS, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE JEFFREY R. HOLMSTEAD, RESIGNED.

DEPARTMENT OF THE TREASURY

KIM N. WALLACE, OF TEXAS, TO BE A DEPUTY UNDER SECRETARY OF THE TREASURY, VICE KEVIN I. FROMER, RESIGNED.

DEPARTMENT OF STATE

DEMETRIOS J. MARANTIS, OF THE DISTRICT OF COLUMBIA, TO BE A DEPUTY UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR, VICE PETER F. ALLGEIER, RESIGNED.

EXECUTIVE OFFICE OF THE PRESIDENT

R. GIL KERLIKOWSKA, OF WASHINGTON, TO BE DIRECTOR OF NATIONAL DRUG CONTROL POLICY, VICE JOHN P. WALTERS, RESIGNED.

DEPARTMENT OF VETERANS AFFAIRS

LADDA TAMMY DUCKWORTH, OF ILLINOIS, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (PUBLIC AND INTERGOVERNMENTAL AFFAIRS), VICE LISETTE M. MONDELLO, RESIGNED.