

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

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

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

## LEGISLATIVE SESSION

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

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

The legislative clerk read as follows:

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

The Senate resumed consideration of the bill.

Pending:

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

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

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

energy;

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

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

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

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

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

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

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

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

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

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

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

would create engineering and construction jobs.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### ENERGY PRODUCTION ON FEDERAL LANDS

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

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

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

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

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

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

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

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

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

The legislative clerk read as follows:

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

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

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

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

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

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

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

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

students and college professors who have actually been out there.

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

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

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

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

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

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

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

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

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

The legislative clerk read as follows:

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

The amendment reads as follows:

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

At the appropriate place, insert the following:

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

**(a) ANNUAL REPORT.—**

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

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

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

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

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

(1) a description of the total quantity of—

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

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

(i) in acres; and

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

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

(i) in acres; and

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

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

(3) a list and detailed summary of—

(A) with respect to each Federal agency—

(i) the number of unused or vacant assets;

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

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

(I) not more than 1 year;

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

(III) not less than 2 years; and

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

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

(ii) expressed as an aggregate cost.

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

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

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

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

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

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

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

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

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

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

I would note that this amendment specifically excludes any properties

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

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

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

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

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

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

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

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

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

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

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

#### AMENDMENT NO. 680

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

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

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

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

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

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

#### AMENDMENT NO. 679

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

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

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

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

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

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

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

#### AMENDMENT NO. 675

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

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

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

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

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

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

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

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

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

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

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

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

I urge my colleagues to oppose that amendment as well.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

With that I yield the floor.

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

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

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

#### 2010 BUDGET

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

Together, our discretionary spending and our mandatory spending are the

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

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

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

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

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

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

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

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

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

The list goes on.

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

The list goes on.

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

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

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

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

Now, let's go to the next chart.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

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

The PRESIDING OFFICER. The Senator from Georgia is recognized.

#### COBURN AMENDMENTS

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

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

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### EXECUTIVE SESSION

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

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

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

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

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

[Rollcall Vote No. 100 Ex.]

#### YEAS—92

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

#### NAYS—5

Bond	Byrd	Sanders
Bunning	Isakson	

#### NOT VOTING—2

Durbin	Kennedy
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The nomination was confirmed.

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

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

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

#### LEGISLATIVE SESSION

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

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

##### AMENDMENT NO. 680

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

Who yields time?

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

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