

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	McCain	Whitehouse
Dorgan	McCaskill	Wicker
Ensign	McConnell	Wyden
Enzi	Menendez	

## NAYS—5

Bond	Byrd	Sanders
Bunning	Isakson	

## NOT VOTING—2

Durbin	Kennedy
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The nomination was confirmed.

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

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

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

## LEGISLATIVE SESSION

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

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

## AMENDMENT NO. 680

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

Who yields time?

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The Senator from Alaska is recognized.

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

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

The PRESIDING OFFICER. The Senator from Oklahoma.

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

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

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

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

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

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

The legislative clerk called the roll.

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

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

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

[Rollcall Vote No. 101 Leg.]

YEAS—79

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

NAYS—19

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

NOT VOTING—1

Kennedy

The motion was agreed to.

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

The motion to table was agreed to.

AMENDMENT NO. 679

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

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

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

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

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

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

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

I reserve the remainder of my time.

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

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

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

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

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

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

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

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

This will eliminate some of that.

I yield back the time.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

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

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

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

[Rollcall Vote No. 102 Leg.]

YEAS—65

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

NAYS—33

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

NOT VOTING—1

Kennedy

The motion was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Republican leader.

SENATOR LUGAR CASTS VOTE NO. 12,000

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Applause, Senators rising.)

Mr. BYRD. Hear, hear.

The PRESIDING OFFICER. The majority leader is recognized.

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

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

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

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

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

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

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

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

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

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

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

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

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

(Applause, Senators rising.)

Mr. BYRD. Hear, hear.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

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

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

I thank all of you so very much.

(Applause, Senators rising.)

The PRESIDING OFFICER. The majority leader is recognized.

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

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

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

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

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

AMENDMENT NO. 675

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

The Senator from Oklahoma.

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

The PRESIDING OFFICER. The Senator from Arizona.

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

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

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

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

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

The PRESIDING OFFICER. The Senator from New Mexico.

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

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

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

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

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

So I urge my colleagues to oppose the amendment.

The PRESIDING OFFICER. The Senator from Oklahoma.

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

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

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

I would appreciate your vote.

The PRESIDING OFFICER. The Senator from New Mexico.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

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

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

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

[Rollcall Vote No. 103 Leg.]

YEAS—63

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

NAYS—35

Barrasso	Bennett	Brownback
Begich	Bond	Bunning

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

NOT VOTING—1  
Kennedy

The motion was agreed to.

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

The motion to lay on the table was agreed to.

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

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Republican leader is recognized.

#### DEPOSITOR PROTECTION ACT OF 2009

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

#### UNANIMOUS CONSENT REQUEST—S. 541

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

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I am going to object to this unanimous consent request. The reason is that the provision that has been referred to by Senator MCCONNELL, the Republican leader, relative to the Bankruptcy Code is one that is in negotiation at this very moment.

When this measure was called before the Senate last year, there were some who ominously predicted we could be losing some 2 million homes to foreclosure in America. The most recent estimate of Goldman Sachs is that 13 million homes will be lost to mortgage foreclosure in the next 5 years.

The efforts underway to revise the bankruptcy law to provide for authority in that court in specialized circumstances is one to prevent and preclude these foreclosures from occurring. That is actively under consideration. It is included in the House bill

that I will subsequently ask to be approved by unanimous consent, and it is one supported by the chairman of the Banking Committee, Senator DODD, as well as many others.

I would hate to see us lose an opportunity to deal with this looming foreclosure crisis by agreeing to this unanimous consent request. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Tennessee is recognized.

Mr. CORKER. I will yield to the Senator from Illinois.

#### UNANIMOUS CONSENT AGREEMENT—S. 541 AND H.R. 1106

Mr. DURBIN. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of S. 541, the Depositor Protection Act, and that the Senate proceed to its immediate consideration; that an amendment at the desk, which contains the provisions of the House-passed bill, H.R. 1106, be agreed to; the bill, as amended, be read the third time and passed; and the motions to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Tennessee is recognized.

Mr. CORKER. I object to this, Mr. President. As was stated, we have a bipartisan solution that many banks across the country are clamoring for—the banking system is clamoring for. This bill I tried to call up would pass overwhelmingly in this body.

The Senator from Illinois—and I appreciate his persistence—has continued to pursue this cram-down bill, which meets with tremendous opposition in this body.

I just hate that what we are doing is in essence extorting community banks and extorting credit unions all across this country to provisions that everyone knows are very problematic.

I object, and I hope the Senator from Illinois will allow us, at some point soon, to take up this issue that is very important to credit unions, to community banks, to institutions across this country. As a result, it is very important to the men and women all across this country who are concerned about their jobs, concerned about credit. This is something we can do together to change the atmosphere of the banking community and change our country in the process. But it appears we are not going to have that opportunity today. I hope the Senator from Illinois will give us that opportunity in the near future.

The PRESIDING OFFICER. Objection is heard.

The Senator from Missouri is recognized.

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

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

#### GREED

Mrs. MCCASKILL. Mr. President, as we look around at the problems we are

facing in this country now when it comes to our economy, all of us are trying to figure out what caused this mess, what is the root cause of this incredible meltdown in the financial sector of our economy, in our housing sector. It comes back to one simple concept: greed. It is just about a bunch of really greedy people, brought to you by the current executive pay structure we have on Wall Street and in some parts of corporate America. It is the largest part of the problem.

These potential payouts under this corporate structure of pay we have right now are so large that executives at financial institutions, including institutions such as Fannie Mae and Freddie Mac that were supposed to have a public purpose, had incentives to create rules that would reward them no matter what happens. Why did all these exotic derivatives and swaps start happening? Pay. Pay. And greed. Performance, not so much. It didn't matter whether you failed, you got paid anyway. That is the culture that caused the problem. Failure and you walk with huge money.

These AIG bonuses are just one symptom of this very serious illness that is gripping our economy and harming our competitiveness. The Merrill Lynch bonuses, which I stood on the floor and railed about a few short weeks ago, were exhibit B. Those guys failed, and they made sure they got the money and walked with it before Bank of America took over. They moved up their bonuses. Retention? Not so much. It doesn't have much to do with that. These AIG bonuses—52 of the people had already walked out the door when they got the money. We weren't paying them to stay; they had already left.

Our competitive disadvantage in this regard is real. Two of the most productive competitors to our country, Germany and Japan—their trade surplus per capita is the highest. Do you know what their average corporate pay is? It is 10 or 11 times the average worker's. What is it in the United States of America? It is 400 times the average worker's.

We need to get back to our American values of hard work equals success, equals financial reward—not failure and you get paid anyway. It is most insulting on the American taxpayer's dime when it comes to Merrill Lynch and AIG.

There is a great column in the New York Times today by David Leonhardt. I recommend it to my colleagues. In that column, he makes the following statement, and I paraphrase: Stop the deference to this culture. Stop the deference to Wall Street. Treasury, can you hear me? Stop the deference to the culture of Wall Street. Be bold, stand up to them.

That deference has now created a cold anger of populism that is going to make it very politically difficult for us to do anything else to free up our credit markets that are so essential for our economy to survive.

America's economy has a hangover from the drunken greed of high pay and bonuses for failure. Sober up. Sober up, folks, because the American people are paying too high a price.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

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

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

#### AIG BONUSES

Ms. MIKULSKI. Mr. President, AIG is in the news. If you want to know what I think AIG stands for, it is "Ain't I Greedy." If there were ever a company that stands for "ain't I greedy," it is certainly AIG.

In the midst of one of the greatest economic turmoils to hit our country, we have a corporation that received \$170 billion in taxpayer money to keep them afloat, and now they want to pay themselves \$165 million in bonuses. Ain't I greedy?

You better believe they are greedy. The very people who helped bring the financial services and structure of the world economy to the brink of disaster now want to give themselves bonuses. That is like saying to the crew on the Titanic, after they hit the iceberg: We are going to give you a bonus for navigation.

What is this? I want people to know that I am mad as hell and, like the taxpayers, I don't want to take it anymore. We need to do something about this.

Right now, we see that over at that corporation, and others that are doing these self-enrichment bonuses, they are the very people who brought us near financial bankruptcy, and they are now demonstrating moral bankruptcy. They nearly bankrupted their companies, but they come with bankrupt values and a bankrupt approach to trying to help America out of this situation. If we want bankruptcy modification, let's throw those bums out. Let's make them wear a scarlet B. I am ready to put them in a stockade in Rockefeller Center so all the people who are losing their homes, losing their jobs, losing their health care can come and take a look at them.

You think I am frustrated? I am nowhere near frustrated compared to what my constituents are facing. They are very worried about their future. Senior citizens who saved all their lives and fought in great wars to protect America now have no one to protect their life savings as Wall Street sinks. People who played by the rules and are raising their families and trying to run a small business cannot have access to credit because these guys were busy being celebrity CEOs, celebrity chefs with celebrity wives, and now they want a celebrity bonus. You better believe they are celebrities. Everybody knows who they are.

Also, what so infuriates the people of Maryland and, I believe, this country

and we in Congress is there is no remorse about what they did. In a 12-step program, when you have been an addict—and they certainly were addicted to greed and they certainly were compulsive about failure—usually you say: I am sorry, I did wrong. I promise never to do it anymore, and I want to make amends by making it right.

Not these guys. They want more money to do the same. What is it they say to us? My way or the highway. We need to pay bonuses to get people to stay. Why would we want them to stay? They got us into this mess. They show no remorse, and I don't see a lot of competency in getting us out of it.

We need to use the power of our ownership. We own 80 percent of AIG. You know what I think an 80-percent owner ought to do? Goodbye to the people who either do not know how to work to get us out of this mess or are unwilling to help us get out of this mess unless they get a bonus.

Second, I think for those who took these bonuses, we are saying: Don't take the money or, if you have, give it back.

I signed a letter with other colleagues to Mr. Liddy, the CEO, saying: Don't give them the bonuses, and if they got any, to give it back. But if they will not do it, I am saying loudly and clearly that I will support the initiative to tax them at 90 percent of the money they got.

My belief is: You can take it, but we are not going to let you keep it. You can take it, but we are not going to let you keep it. We are going to tax you at 90 percent. If we are 80 percent owners, then we are going to exercise our influence.

I believe we need to show not only the taxpayers that we are serious about being stewards of their money, but we have to show corporate America they have to get serious about working with the Obama administration and us to get this economy back on track. Then we need to change not only the culture but help change the direction of our economy.

I wish to see change in this country. That is what the voters voted for. Let's start right now, today, by ending this culture of corruption, greed, and self-enrichment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

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

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

#### AIG BONUSES

Mr. BURRIS. Mr. President, I rise to express my outrage that at a time of economic crisis in our Nation and around the world, at a time when so many Americans are losing jobs, defaulting on homes, and falling behind in their own payments, they are paying into a system doling out multimillion-dollar bonuses to employees at AIG.

Many of the same employees receiving these lavish payouts are the same

ones who brought their company to the edge of collapse and the economy into the depths of recession.

We cannot let their actions be rewarded—excessively rewarded—with the multimillion-dollar bonuses paid by the taxpayers.

Time and again, we have gone back to our constituents and asked them to sacrifice to make ends meet. Now we demand the corporate executives do the same.

As American families struggle to balance their own checkbooks at kitchen tables all across America, the employees of AIG walk out of their offices with \$165 million in bonuses so far and are on track to take home an estimated \$450 million by the end of this year—free money that they did not earn and certainly do not deserve.

It is now time for those executives who, through their reckless greed and irresponsible actions, have jeopardized our economic security to share the burden in rebuilding this economy. If this company and others like it fail to recognize the outrage and the frivolous nature of these taxpayer-funded bonuses, Congress will intervene and act on their behalf.

Yesterday, I joined my Democratic colleagues in sending a letter to the CEO of AIG, Edward Liddy. We asked that Mr. Liddy take a reasonable look at these excessive bonuses and requested that he act to renegotiate them.

We also warned that if he chooses not to act immediately, we will take action to recoup the American taxpayers' money through punitive legislation.

Chairman BAUCUS has signaled he is poised to move forward with legislation that he and Senators GRASSLEY, WYDEN, and SNOWE are drafting to allow the Government to recoup this money for taxpayers by subjecting the bonuses to severe tax penalties.

At the same time we are correcting the payouts of the past, we have been working with the current administration to put in place new standards of accountability for the future.

As part of the American Recovery and Reinvestment Act we passed last month, we asked the Treasury Department to establish new guidelines regarding executive pay and luxuries. Just last week, we reiterated the urgency in a second letter to the Treasury Department asking that they swiftly complete this project and announce these new standards.

In addition to these steps, let us resolve to work in partnership with the Obama administration and the Senate Banking Committee to take up a strong Wall Street accountability bill as soon as possible.

Our responsibilities lie with the citizens we represent. If we are successful in taming the greed of Wall Street, we will have gone a long way to safeguarding the economic interests of those we represent and those for whom we work—the people of the United States of America.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### HEALTH CARE REFORM

Mr. GRASSLEY. Mr. President, I think our colleagues know that the issue of health care reform is hopefully on a fast track in the sense of getting something done this year. This is a very big project to get underway. Senator BAUCUS and I have laid out an ambitious schedule for enacting a bipartisan health reform bill, and I think there are a lot of facets of it that we have to expect people who are not on the committees—Senator KENNEDY's committee on the one hand and Senator BAUCUS's committee on the other hand—will have to take into consideration. I am asking, through a series of speeches I will give this spring, for people who perhaps don't think about the issue of health care reform because they do not serve on the committees to think of various things.

Today, I wish to address an issue we often read about in newspaper accounts—and the most recent one comes from a Wall Street Journal article I had a chance to read—that comes up as a reminder when people think about health care reform that we ought to take into consideration. I often refer to Canada, I suppose because a lot of Americans are familiar with the health care system in Canada, and we have a lot of our constituents who ask us why we don't put in place what they have in Canada. We refer to that system as single payer. We often run into people who say: Well, don't do what they are doing in Canada. I think a lot of our colleagues here would support single payer. So obviously, when these things are discussed in America at the grassroots level, I think we ought to be constantly reminded of this here as we debate health care reform, and a lot of our colleagues need to be thinking about this a long time before legislation comes to the floor.

We have a lot of work ahead of us if we want to see meaningful legislation that will accomplish our three main goals of health care reform: lower cost, expanded coverage, and better quality.

Let me say that again: Lower cost, expanded coverage, and better quality.

As we roll up our sleeves, it is helpful to look to our neighbor to the north, Canada, for some lessons about what works and what does not work. Some of the proposals that are being discussed—the public plan option, rationing of care, and a Federal health board—will make our current market-based health care system that we have in the United States more similar to the Canadian health care system. Some

like that. Some do not like it. My purpose is to be raising questions that our colleagues ought to be considering.

The Canadian health care system might seem like a good idea to some of my colleagues, but this should make anyone who values access to care and the doctor-patient relationship very nervous. Canadian patients often wait months or even years for necessary care. It has become so bad that some patients are suing the Government in Canada to gain access to care. One Ontario man suffering from headaches and seizures was told he would have to wait 4½ months for an MRI. Instead of standing in line, he did what a lot of Canadians do. He traveled across the border to Buffalo for an MRI. It was there he discovered he had a malignant brain tumor. When he returned to Canada, he was told again it would be months before he could have surgery, so once again he traveled to Buffalo, for surgery. Another Canadian man waited in pain for a year before he could see a doctor about his arthritic hip. Once he finally saw the right specialist he was told that he would need a state-of-the-art procedure to resurface his hip, but sadly the Canadian Government told the 57-year-old gentleman he was “too old” to get the procedure. He was also prohibited from paying for the surgery with his own money. Similar to so many other Canadian patients, he is taking his case to court.

These court cases gained traction in 2005, when the Canadian supreme court ruled that patients suffer physically and psychologically while waiting for treatment in Canada's Government-run system. The court also concluded that the Government's controls over basic health care services impose a risk of irreparable harm and even death.

As some people propose that the Government take a more active role in our Nation's health care system, I hope we can agree that access to a waiting list is not access to health care. We all agree we need to fix our health care system but, as we try to fix it, let's not make it worse. Let's learn from our neighbors to the north. Let's not force patients in America into a one-size-fits-all Government-run system.

#### COMPARATIVE EFFECTIVENESS RESEARCH

I would like to speak on another matter, about an important provision tucked away in the \$1 trillion spending bill that passed last month. During the debate, Members spent a lot of time talking about big-ticket health care provisions—Medicaid, COBRA, Health IT. But one issue that did not receive enough attention was a term that a lot of our colleagues are not familiar with, but every colleague needs to become familiar with—this phrase “comparative effectiveness research.” I still haven't figured out how spending money on comparative effectiveness research is actually stimulative, but this is one of those things that probably should not have been in the stimulus bill—but it was there and is now law.

I am even willing to guess that a lot of Members do not even know what comparative effectiveness research actually is, but in the so-called stimulus bill, we increased our investment in this research from about \$30 million to \$1 billion. That is over a 3,000-percent increase for something a lot of Members don't know about and can't even define—and I am not sure I want anybody to ask me right now to define it in the purest sense. This makes me a little nervous.

Mr. President, \$1 billion is a lot of money, but maybe it is money that even people in comparative research might not even know what they are spending the money for.

Some policy experts have expressed concerns that this drastic increase in funding will help establish the United States version of England's National Institute for Health and Clinical Excellence, also referred to as—I don't know whether the English pronounce it "nice" or "niece," I am going to say NICE.

So you are not misled, many patient groups consider NICE to be anything but nice. NICE was created by the British Government in 1999 to decide what treatments, prescription drugs, and medical devices the British Government is going to pay for. In other words, you are having bureaucrats and/or politicians interfere in decisions that in America we normally leave to the doctor and the patient. Put another way, NICE was created for the Government to ration care and ultimately save money.

If the Congress of the United States was passing something to ration care, I will bet a good number of people in this country would get up in arms. For example, a news story printed in August entitled "UK's"—meaning United Kingdom's—"NICE says 'No' to four new cancer drugs." It detailed how the NICE panel concluded that the four drugs would extend people's lives, but somehow you cannot use them because they are not cost-effective.

So, under England's single-payer Government system, patients were prohibited from getting those drugs, regardless of what the patient or their doctor might have thought. It was not until there was public outrage about that decision that made newspaper headlines around the world that NICE then reversed its decision about at least one of those drugs. The three other drugs are still considered too costly to give to patients.

Another article in the New York Times on December 8, 2008, was entitled "British Balance Benefit vs. Cost of Latest Drugs." This article told the story of Bruce Hardy, a British citizen who was diagnosed with kidney cancer. Mr. Hardy was unable to get a particular drug that would have extended his life because NICE determined the drug was not "cost-effective." That is because NICE has decided the British Government can only afford to pay about \$22,000 for every 6 months of life.

Get this. The Government of England is putting a value on life of about \$22,000 for every 6 months of life. This may be acceptable in a government-run single-payer health care system, but here in the United States only two people should be involved in deciding what treatment, drug or device to use, and those two people would be, on the one hand, the doctor; on the other hand, the patient.

We do not need the Federal Government standing between patients and their doctors. We do not need bureaucrats in Washington denying patients with terminal cancer access to the newest and most promising experimental drugs. We do not need the drug companies to have undue influence over our system either.

I think my work overseeing, as congressional responsibility dictates, the Food and Drug Administration, gives me some authority to speak in this area, that drug companies should not have undue influence. I have been a leading advocate for increasing oversight of drugs and device manufacturers. In fact, I have introduced legislation to make manufacturers report payments to patients so we can make sure we do not have conflicts of interest getting in the way of high-quality care. I have also supported drug importation and legislation to prohibit brand-name manufacturers from gaming the system to prevent lower cost generic drugs from getting to the market. So I am not down here today to defend the drug companies or device industry. They can do that on their own, and I think they do it very well. But I think it is legitimate to be concerned about patients. I don't want some faceless, unelected Government panel keeping patients in Iowa or anywhere from getting the lifesaving treatment they need.

At this time, I ask unanimous consent to have printed in the RECORD a letter I received from 60 patient groups, from the breast cancer advocates to muscular dystrophy, to name two, expressing concerns about using comparative effectiveness to ration care.

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

JANUARY 26, 2009.

Hon. DANIEL INOUYE, *Chairman*,  
Hon. THAD COCHRAN, *Ranking Member*,  
Committee on Appropriations, *The Capitol*,  
*Washington, DC*.

Hon. TOM HARKIN, *Chairman*,  
Hon. ARLEN SPECTER, *Ranking Member*,  
Committee on Appropriations, *Subcommittee on*  
*Labor, Health and Human Services, Education,*  
*and Related Agencies, Washington, DC*.

DEAR CHAIRMAN INOUYE, RANKING MEMBER COCHRAN, CHAIRMAN HARKIN AND RANKING MEMBER SPECTER: We are writing to urge you to ensure that any comparative effectiveness research (CER) included in the economic stimulus package establish a legislative framework that is strong and patient-centered. The goal of CER should be to arm individual patients and their doctors with the best available information to help assess

the relative clinical outcomes of various treatment strategies and alternatives, recognizing that this will vary with circumstances. When used appropriately, comparative clinical effectiveness information can serve as a valuable tool that can contribute to improving health care delivery and outcomes by informing clinical decision making. By focusing on quality of patient care, such research also can help us achieve better health care value. However, we are very concerned that the House legislation and accompanying report language could have unintended and negative effects for patients, providers and medical innovators, leading to restrictions on patients' access to treatments and physicians' and other providers' ability to deliver care that best meets the needs of the individual patient. Rather, we believe any provisions related to comparative effectiveness should:

Focus CER on comparative clinical benefit, rather than cost-effectiveness. Any legislation should state that funding will be used only to support clinical comparative effectiveness research, and define clinical comparative effectiveness as research evaluating and comparing the clinical effectiveness of two or more medical treatments, services, items and care processes and management. Additionally, CER should not encourage a generalized, "one-size fits all" approach. Rather, it is necessary to design studies and communicate results in ways that reflect variation in individual patient needs, that help patients and doctors make informed choices, and account for differences among patients including co-morbidities, sex, race and ethnicity. Recognizing these differences is important to allowing patients optimal treatment today and to encouraging the development of innovative targeted therapies which will advance personalized medicine.

Be conducted through an open and transparent process that allows for patients, providers and other stakeholders to participate equally in governance and input, starting from the research planning stage. There are many challenges in successfully conducting and communicating high-quality, patient-centered CER. Therefore, comparative effectiveness programs should include transparent decision-making procedures and broad stakeholder representation to enhance the credibility and usefulness of such studies.

Ensure that research supports providers in delivering the best possible care to their patients. To maintain a focus on patient and provider needs, the research entity should not engage in making policy recommendations or coverage decisions. Patients may respond differently to the same intervention and the needs of the individual must be taken into consideration. Imposing rigid, federally-proscribed practice guidelines, which fail to recognize such variations, among patients can lead to poor patient outcomes and increased health care costs.

Comparative effectiveness information that reflects interactions among all of the various components of the health care system has the greatest potential to empower clinicians and patients to make more appropriate decisions. In addition to comparing scientific treatment interventions, research should also focus on how innovations in care delivery models, such as disease management programs, may produce better health outcomes.

We look forward to working with you to create a system that improves information about clinical outcomes, ensures that patients continue to have access to life-saving

treatments and the tools necessary to advance a better quality of life for all Americans. Thank you for your consideration.

Sincerely,

AACSA Foundation; The AIDS Institute; Alliance for Aging Research; Alliance for Better Medicine; Alliance for Patient Access; Alliance for Plasma Therapies; Alpha-1 Association; Alpha-1 Foundation; American Association for Cancer Research; American Association for Respiratory Care; American Association of Neurological Surgeons (AANS); American Association of Orthopaedic Surgeons; American Association of People with Disabilities; American Autoimmune Related Diseases Association; American College of Obstetricians and Gynecologists; American Institute for Medical and Biological Engineering (AIMBE); American Osteopathic Association; Association of Clinical Research Organizations (ACRO); Asthma and Allergy Foundation of America; Autism Society of America; Breast Cancer Network of Strength.

C3: Colorectal Cancer Coalition; Californians for Cures; Celiac Disease Center at Columbia University; Children's Tumor Foundation; Coalition of State Rheumatology Organizations; Colon Cancer Alliance; Congress of Neurological Surgeons (CNS); COPD Foundation; Cure Arthritis Now; Cutaneous Lymphoma Foundation; Easter Seals; FasterCures; Foundation for Sarcoidosis Research; Friends of Cancer Research; The Government Accountability Project; Intercultural Cancer Council Caucus; International Cancer Advocacy Network (ICAN); International Myeloma Foundation; International Prostate Cancer Education and Support Network; Kidney Cancer Association; Malecare Cancer Support.

Men's Health Network; Muscular Dystrophy Association; National Alliance for Hispanic Health; National Alliance on Mental Illness; National Alopecia Areata Foundation; National Foundation for Ectodermal Dysplasias; National Hemophilia Foundation; National Kidney Foundation; National Spinal Cord Injury Association; Ovarian Cancer National Alliance; Plasma Protein Therapeutics Association; Prostate Cancer International, Inc.; Prostate Health Education Network, Inc. (PHEN); RetireSafe; Society for Women's Health Research; Tuberous Sclerosis Alliance; United Spinal Association; VHL Family Alliance; Virginia Prostate Cancer Coalition; Vital Options International; ZERO—The Project to End Prostate Cancer.

Mr. GRASSLEY. I agree we need to lower the overall cost of our health care system. We need to improve quality. It is true we spend more money, about twice as much more than other developed nations in the world, and still rank poorly in many health care indicators. But having the Government ration care is not the answer. In fact, the Congressional Budget Office concluded that comparative effectiveness research would only save 1/10th of 1 percent of the total health care spending.

Let me remind you when I started out I was saying I want my colleagues to become familiar with comparative effectiveness research because this is something we are going to be dealing with in the legislation later on this year, and we just put \$1 billion into this project as opposed to \$30 million previously.

If Congress is going to spend this \$1 billion on this research, let's not bill it

as some magic bullet to control health care spending because the Congressional Budget Office—and I hope you know they are God around here, they are God around here because if they say something costs something, it costs something. If you want to overrule them, it takes 60 votes to overrule. So what they say counts. If we are going to spend that \$1 billion, we have to make sure it is improving quality and informing patients and providers. If Congress is going to spend \$1 billion on this, let's not establish the United States version of the United Kingdom's government-run National Institutes of Health and Clinical Excellence that I have been referring to by the acronym NICE. Let's not set up a system for Washington dictating to your doctor what treatment to prescribe. If we are going to do this, we have to do it right. Comparative effectiveness research should be about comparing clinical treatments and then letting your doctor decide the best way to treat it.

I am not up here saying there should not be any comparative effectiveness research. I am here to say it should not be a subterfuge for some bureaucrat or politician deciding who is going to live and who is going to die. It is information for doctors and patients. It should be done in the most open and transparent process possible.

Finally, the research should be used to get information to doctors and patients about the best treatment.

It should not be used for Washington to make policy or to decide what treatments the government will or will not cover. I hope we can agree the Federal Government should not be in the business of determining the value of a person's life, as I indicated to you this outfit in the United Kingdom decides that your life is worth \$22,000 per 6 months.

Clinical comparative effectiveness can be a valuable tool in creating a more efficient health care system, but let's make sure we use this tool wisely.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

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

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

#### AIG BONUSES

Mr. SESSIONS. Mr. President, I first would like to say a thing or two about the bonuses that have been paid to the AIG employees, those persons who are in the specific division whose actions led to the demise of what was once considered a great insurance company.

No doubt about it, that was a very serious error, and now as a result of agreements made, apparently sometime ago, they are going to receive bonuses. Everybody has been upset about it. So have I.

I said Monday on this floor the only thing I felt like giving them for free would be a free lunch and a free bed somewhere in a penitentiary. I know

the Presiding Officer is a former prosecutor and has sent some people to the penitentiary. I hope they are not guilty of criminal activities, but that is how I feel about it.

But the reason we are in this is because of an unwise act. That act was—beginning with Secretary Paulson, President Bush's Secretary of the Treasury, continued now under Secretary Geithner, President Obama's Secretary of the Treasury—taking over AIG.

We own 80 percent of AIG's stock. Secretary Paulson picked Mr. Liddy, who had a good record in the past and was off somewhere with his grandchildren, and asked him to come back and try to take over this company and start pumping billions of dollars into it. It now has totaled \$170 billion.

It is unbelievable how much that is, \$170 billion. I would repeat, that is, compared to the Alabama budget, including schools and teachers' pay, \$7 billion a year. We gave one private company, competing with a lot of other private insurance companies in America today that did not get themselves in trouble—we are bailing them out. So we should not have done that.

Now, when Mr. Paulson came before this body and asked for this power to get \$700 billion to spend as he wished, I objected. As just a Senator, I was flabbergasted that he would ask for such unlimited power. Not one time did he hint that he was going to buy stock in an insurance company. It was to buy the toxic assets from banks. Do you remember that?

So Secretary Paulson, within a few days, a week I believe, had gotten his authority. But it did not say: Mr. Secretary, you get to buy toxic assets in banks—which I did not think was very good anyway and voted against it—it gave him power to do virtually anything. That is another reason I voted against the legislation.

By the way, under oath in a House committee, Secretary Paulson said he had no intention of buying stock. Somebody asked him: What about buying stock in these banks?

He said, no, he did not want to buy stock; that we were just going to buy these toxic assets.

A week later he was buying stock in an insurance company and stock in banks. And to this day, we have not yet bought any of these toxic assets, these bad mortgages that are really the problem that have destabilized our financial situation and have not dealt with yet. That is why there is still instability out there.

OK. So here we are now; we own this corporation. So I asked the question about the bonuses at AIG. Apparently, they got a contract. By the way, when we passed legislation here, it was with a Democratic majority. Somewhere in conference they put in language in the legislation that basically said bonuses would be honored if they were entered into before a certain date. These bonus contracts were entered into before that date.

So now we have all of these protestations and all this angst and all this outrage about bonuses, and we have to do something about it. I am outraged, too, really but have a little perspective. The amount of the bonuses are one-thousandth, less than one-thousandth of the amount of money we put in this corporation that is at great risk today. And that is a galling issue for all of us, to have this division, the bad division in the whole fine insurance company, taking this company down, and they get the bonuses. It is outrageous. It really is. But the truth is, it appears there is some contractual right for them to have it.

So I would ask, what about the folks in these companies who are paid too much? Maybe we ought to have debate on the Senate floor about how much every employee of AIG should be paid or how their bathrooms should be configured or whether they should even have a private bathroom or how many businesses they ought to have or what kind of cars they should drive, whether they should have jet airplanes, whether they ought to be on Manhattan or some cheaper place in Brooklyn.

I mean, what we are going to enter into is these have become political decisions because politicians own the company. This is a warning for us. We have to be careful about buying stock in corporations. I am telling you, it is not a good policy. I do not believe it was justified in this circumstance. I think history is demonstrating that.

I am worried about it. We need to get out of AIG. How are we going to do it? I think the way you do it, and the way it should have been done from the beginning, is the company should have gone into chapter 11 under the Bankruptcy Code. You would have had a Federal bankruptcy judge bring all of them in, raise their hands under oath, testify to the financial condition, how this all happened, what parts of the company are good, valuable, prosperous, what parts are sick and in danger.

Then we could have figured out as a government how we could help with the sick and toxic parts, get rid of the others and let all of that go, and we would not have been running this company.

So now we are going to tax them. I am not sure how this has been written, but we are somehow going to identify the several hundred people who got bonuses, and we are going to tax them. We might as well put their names in the RECORD. I do not know; it is probably unconstitutional. It really is. It is a real constitutional question, certainly a policy question, that the Congress is going to abrogate a contract whether we like it or not. But a bankruptcy judge can. A bankruptcy judge has constitutional power to abrogate a contract. I am certain a bankruptcy judge would have invalidated the contract for bonuses for the people in this division. They do not have the money.

The only reason they are afloat today is because we bailed them out.

They would not have jobs if we had not bailed them out. This whole thing would have been done differently. So I am worried about what we are doing.

#### THE BUDGET

Mr. President, I am also worried about the budget. The President has submitted a budget. It has come over to us now. It is in a bound book, slick cover. It sets out his agenda for the future. It is an important document, and it sets out his priorities and his direction he wants the country to go.

I am a member of the Budget Committee, and we will be marking that up and offering amendments to it next week. But the American people need to know that the financial condition of our country will be altered to a historic degree if this budget is passed. I am not just saying that. I am saying, read the budget. That is what it says.

I will share some thoughts about it. I think there is a growing bipartisan consensus, and certainly at least a concern on both sides of the aisle, that the budget deficits and spending levels are unsustainable; that is, continuing these levels of spending will destabilize this country, weaken the value of our dollar, perhaps kick off inflation, and in many other ways erode confidence in the United States as a government of integrity and financial wisdom and management that can be relied on.

So while American families are out there right now saving a good bit more than they have in years past, watching their pennies, while American cities and towns who have been in my office this week and are telling me they are seeing a 6 or 7 or so percent reduction in sales tax revenues and revenues for their towns, they are managing well, and they are getting by. They are postponing some things they would like to have done this year until they get a little more money in, and they are not going out of business. They heard there was some free money in the stimulus package. They wanted as much of it as they can get. Fair enough. But, you know, they are getting by.

Our Government is increasing spending to a degree to which we have never seen before. This budget calls for \$3.6 billion in spending, which is, in effect, a 20-percent growth in nondefense programs. I am talking about the discretionary programs under our control that we deal with from 2008 levels to 2010 levels, 20 percent.

At that rate, of course, that is 10 percent a year, and with a 7-percent growth rate per year your money will double in 10 years. This is the track we are on. It is a huge baseline budget increase to pay for this expansion of Government.

The budget imposes or presumes \$1.4 trillion in new taxes. That includes a national energy tax similar to the one the MIT experts predict would cost working families \$3,100 per year. That is almost \$300 a month for the average family for this tax. So despite these taxes, the budget will require even more borrowing. We will go even further in debt despite the tax increase.

We would double the debt held by the public in 5 years. I mean, the total American debt we have today would double in 5 years and triple in 10 years. Our budget is a 10-year budget. It projects what this administration believes should happen over the next 10 years. That is what they project will happen.

Under this plan, starting in 2012, the United States will pay \$1 billion a day in interest to our creditors, the largest of which are China and Japan outside of our country. That is \$1 billion a day in interest on this surging debt we have.

So, in summary, I believe it is fair and honest to say this budget spends too much, it taxes too much, and it borrows too much. The administration has promised the budget would be free of accounting tricks and gimmicks, but they have not met that standard either. On the one hand, we have been told repeatedly by the administration that we face the gravest economic crisis since the Great Depression.

On the other hand, his budget assumes that unemployment will not rise beyond today's level and economic growth will not substantially fall. I cannot accept and I do not buy the rhetoric of imminent economic disaster. I have not believed that is likely. I still don't believe it is likely. I know we are in a difficult time, but few, if any, economists would agree with the budget's prediction and assumption that unemployment will stay at today's rate of 8.1 percent or that the gross domestic product this year will only decrease by 1.2 percent. The administration's rosy economic picture permits them to assume, therefore, greater revenue. If you assume you have a higher growth rate, a lower unemployment rate, more people are making money, more people are working and getting paid, less people are on unemployment compensation, you assume you have billions more dollars to spend on whatever you would like to spend it on.

An independent blue chip group that predicts unemployment and predicts GDP is predicting GDP will decline more than twice 1.2 percent, and they are also predicting the unemployment rate will hit 8.9. I believe our Congressional Budget Office is predicting unemployment will cap out at 9.1 percent. I have seen some figures of 9.4 percent. I am hopeful we will come in under 10 percent. I believe we will.

To build on good feelings here, I will note that under President Reagan, when Mr. Volcker was Secretary of the Treasury, they realized they had to confront and break the back of surging inflation. Unemployment hit 10.9 in the early 1980s. It kicked off, though, a sound economy, and for 20 years we have had steady growth after collapsing the unacceptable inflation rate.

The best estimates I am seeing do not predict economic disaster, but they

certainly don't predict the kind of minimum economic slowdown these numbers are assuming. When those numbers prove to be off the mark, the result will be deficits higher than the administration is predicting in their own budget. That is what I am saying. If you look at the budget over the next 10 years, that is what really worries me.

In 2004, President Bush, after 9/11 and after the recession that occurred there, his deficit hit \$412 billion. That was the biggest deficit we had since World War II. He was roundly criticized for that. I wasn't very happy with it either. I liked President Bush, but I thought that was too big a deficit. It dropped until 2007, when it hit \$161 billion.

Last year, President Bush sent out the \$300 checks and the \$150 billion in deficit spending on top of our other deficit to try to stimulate the economy. It didn't work. He sent out that money. Everybody got the little check. Whatever they did with it, it didn't do much good. The debt jumped to \$455 billion. So last year, September 30, the deficit was \$455 billion, the largest we have ever had, perhaps including World War II. This year, there is uniform agreement.

The Congressional Budget Office is scoring that at September 30, our deficit—the amount of money we spent, less the amount of money we have taken in in taxes—will be \$1.8 trillion, one thousand eight hundred billion, four times the highest deficit we ever had last year. That is a serious matter, not a little bitty matter. The budget the President sent us projects that next year—and he does this over 10 years—it will be \$1.1 trillion. It begins to drop down to that and hits \$533 billion in the fourth year. That is the year he said he cuts the budget deficit in half.

The reason the deficit was particularly high this year is the money we spent for the financial bailout of Wall Street that they bought AIG with and other bank stock. The Congressional Budget Office said we are going to lose about \$250 billion in that deal. We will get some of it back. They scored in this year's budget \$250 billion for that. We have bought Freddie and Fannie, taken over and guaranteed all those loans at those two huge financing institutions, which were quasi-private, basically private, we have taken those over now, and CBO has scored about another \$250 billion. They are putting all of that in this year. And then we passed, a few weeks ago, \$800 billion—pure stimulus spending to send out over the country. You heard it was for roads and bridges. Only 3 or 4 percent went for roads and bridges. The rest of it went for all kinds of nice ideas, not very stimulative in the minds of experts. So you add that over the next 2 years of spending, split that out. That is how we get such a high year this year.

One reason we are at a trillion dollars next year is because they are scoring some of that \$800 billion in next year's deficit. At any rate, it drops

down, OK? So the fourth year, we are hitting \$533 billion. That is still the highest deficit in the history of our Republic. Then it starts going up. And the budget President Obama gives us projects that in the 10th year, the deficit will be over \$700 billion.

That is why we need the American people to be engaged. Members of Congress are going to have to study the numbers. They are going to have to study the immensity of the requirements of this budget. We are going to have to reject it. We cannot pass such an automatic guaranteed surge in debt. It would triple our total national public debt in 10 years.

This is the beginning. The budget will begin to be marked up next week in committee. It is going to take more than just the committee members to decide what we do. I believe the American people and the Members of this Congress are going to have to get our heads together and figure out some ways to do like our cities and counties. Instead of having baseline spending increase at 7, 8, 10 percent a year, we might go for a year or two where we don't increase at all. Just a little bit of that would have a dramatic impact on the deficit. It is the increases that are killing us. They are projecting increased revenues in the years to come, but they are projecting substantially greater increases in spending.

That is not who we are as a people. We are a people of limited government. We are people of low taxes. We are people of individual responsibility. That is a fundamental American ethic, individual responsibility. The Europeans are more into this Socialist mentality, but we were faced with the spectacle over the weekend of our own Secretary of the Treasury going to Europe meeting with Europeans and upbraiding them because they aren't borrowing enough or spending enough, in his mind, going far enough into debt to stimulate the economy as much as he would like to see it done. They are being more conservative and responsible than we are. It is a matter of real concern.

These are important issues. I hope the debate will continue and all of us will look at the long-term interests of this great Nation and take the steps today that will protect our future.

I yield the floor.

The PRESIDING OFFICER (Mr. SCHUMER). The Senator from Georgia.

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

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

#### FINANCIAL MARKETS COMMISSION

Mr. ISAKSON. Mr. President, we were all reminded yesterday, when news of the AIG bonus payouts hit, of the frustration all of us have and all the American people have with the financial difficulties the Nation has had but also what appear to be at best irresponsible acts taking place by many of the financial institutions that, in fact, received Federal TARP money.

I rise to repeat a call that Senator CONRAD and I made 6 weeks ago on the floor of the Senate. We created a piece of legislation known as the Financial Markets Commission, a commission patterned after the 9/11 Commission, a commission of seven appointed members—two by the President, one by the Speaker of the House, one by majority leader of the Senate and one by the minority leader, one by the minority leader of the House, and then one by the chairman of the Federal Reserve—seven members given 360 days a year, empowered with a \$3 million budget and subpoena power to investigate every aspect of the financial collapse in the United States, whether it is insurance, investment bankers, mortgage bankers, individual managers such as Mr. Madoff in New York or anybody else, and to come back to the American people and to the President a year from now and tell us, to the best of their ability, in a forensic way, what happened. If, in the course of their investigation, they find inappropriate activities, there is the requirement that they refer those to the Attorney General of the United States of America.

It is important that we do this for four reasons. I will go about them briefly.

No. 1, it should be an independent panel that is fully funded and has subpoena power so there is no impediment to gathering facts, finding out the information necessary, and making that report.

No. 2, it should be created by the Congress, but the membership should be appointees who are experienced and knowledgeable in finance, banking, investment banking, and in law, not politicians but professionals who know, just as we had on the 9/11 Commission 2 years ago.

No. 3, there is no question that mistakes were made, but there is no question that some people took advantage of the system. The public expects, I expect, and we should demand that where we find wrongdoing, it is eliminated, pointed out, the individuals who did wrong are held accountable, and we restore some level of confidence in the oversight of our financial system.

No. 4, I think it is time that all of us recognize there is plenty of fault to go around. You could blame a hedge fund. You could blame a Madoff. You could blame an AIG. We have to look in the mirror as well. The second vote I ever cast in the Congress was the vote that repealed Glass-Steagall, put in the Gramm-Leach-Bliley bill. I thought it was good legislation. So did 99 percent of the House and Senate. In retrospect, by allowing the vertical integration of the financial system from insurance and mortgage banking to investment banking and regular banking, we blurred some of the lines that for so many years had protected the integrity of the financial system in America. As a result of that, situations happened, like AIG and Citibank, where vertical integration beyond the original mission of the financial services of the

company attracted more money but it also attracted more greed. And it had no transparency.

I think it is critical, at a time and place where we recognize we have had some significant problems, where the American people know it is going to take us time to recover, for us to have a forensic audit of the financial systems of the United States, the regulatory authorities, the legislative bodies, and any individuals who were part of it so that we can learn from the mistakes that have been made, we can put in the transparency that is necessary to prevent it happening in the future, and we can restore the confidence of the American people in the American financial system.

I urge colleagues to look at the Financial Markets Commission, join Senator CONRAD and myself as cosponsors. Let's begin finding the answers that all of us seek and that the American public demands.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AIG

Mr. HARKIN. Mr. President, I am sure my office is not the only one that has been flooded with calls, e-mails, and letters expressing anger—righteous anger—as to what happened at AIG. In fact, the person in charge of my mail told me our e-mails on this issue is running higher than anything that has happened in recent history.

Well, I am not just angry and disgusted at AIG, I am, frankly, kind of dumbfounded by how this has all happened. How in the world could AIG decide to pay retention bonuses worth millions of dollars to the very individuals whose reckless practices caused this meltdown on the global financial system? This truly sets a new gold standard for arrogance and being clueless.

Now, to add insult to injury, the CEO of AIG, Edward Liddy, told the House Financial Services Committee this morning that these bonuses were “distasteful” but “necessary” because of contractual obligations. Mr. Liddy said he asked the bonus recipients to return half of the money. But he rebuffed the demand of 44 Senators, including me, that he renegotiate those contacts and recoup all of the bonus payments.

Now, for the AIG unit specifically responsible for much of the financial difficulties we are in to receive \$170 billion in taxpayers' money, and then to give these extraordinary bonuses to people who should have been fired a long time ago, is shameful and inexcusable—inexcusable—since the Federal Reserve and the Treasury knew about these bonus payments before they went

out but did not act aggressively to stop them.

There is a broader context to the public's anger at AIG's misconduct. Bear in mind we are in the longest, deepest, most destructive economic downturn since the Great Depression. We are now losing jobs at a rate of about 650,000 a month. Millions of Americans are losing their jobs, their retirement savings, their pensions, their health insurance, and, yes, their homes.

But Americans look at Wall Street and Washington, and they see business as usual. They see alumni of Goldman Sachs and Citigroup arranging tens of billions in bailouts for their former Wall Street colleagues. They see corporate executives flying to Washington in expensive corporate jets to ask for taxpayer bailout money.

At a time when their incomes are stagnant, they see a rapidly rising concentration of wealth in the hands of a few, with the average CEO now making 430 times as much as the average worker. They see these hedge fund hotshots making tens of millions of dollars manipulating markets, while they get paid the minimum wage for doing some of the most difficult, draining work imaginable.

They see corporate executives getting gold-plated pensions worth tens of millions of dollars, while, in some cases, the very same corporation is slashing pensions for their rank-and-file employees.

Hard-working, ordinary Americans see these harsh realities and—with good reason—they get the idea there is one set of rules for the little people and a very different set of rules for the privileged and the well-connected and the wealthy. Call it the Leona Helmsley rule.

For instance, look at the double standard for key people at AIG. The Federal Government required union workers at GM and Chrysler—some making as little as \$14 an hour—to renegotiate their contracts and accept lower compensation as a condition for their employers getting taxpayer bailout money. But the compensation contracts at AIG are held up as somehow sacrosanct and untouchable. Well, this is complete nonsense. Why shouldn't multimillionaire employees at AIG be treated the same as line workers at GM or Chrysler? Why shouldn't they have been required in the first instance to renegotiate their compensation contracts, as well, before we gave AIG all that money? To me, it is a matter of basic fairness and equity.

So the anger of the American people at AIG must be seen in this broader context. Hard-working Americans are sick and tired of playing by the rules and falling further and further behind, while the privileged and the well connected break the rules and get richer and richer.

That is why the misconduct at AIG—these lavish bonus payouts to people who deserve to be fired—must not be

tolerated. It is time for a measure of fairness and common sense.

Mr. President, 73 AIG employees were paid bonuses of \$1 million or more, and 7 in excess of \$4 million. Now we find that a number of these people who got these bonuses already left the company. We were told before the reason for the bonuses was to retain people. Well, we see a lot of these people have already left. So now the reason is because of a contractual—a contractual—obligation.

Well, even if an AIG executive had a contractual claim to a multi million bonus, one would think that contract has been abrogated. It has been a few years since I have been in law school, but I do remember a few things from contracts. Contracts can be abrogated.

For example, Mr. President, if you and I have a contract, and one party does not perform, the contract is abrogated. Contracts also can be abrogated by bankruptcy. We know that. If we have a contract, and one party goes bankrupt, the contract can be abrogated.

Well, let's look at it from those two standpoints.

Nonperformance: Well, it is funny. We have been told about these contracts, but has anyone ever seen one? I am talking about the contracts AIG had with the people who were getting the bonuses. They say they had a contractual obligation. I would like to see one of those contracts. What did it say?

Well, to listen to Mr. Liddy, evidently all the contract said is, if you are alive at a certain date you get a bonus. Now, I say to the Presiding Officer, you know as well as I do, bonus contracts are not made that way. Bonus agreements are made on the basis of performance. Surely, AIG did not make a contract with one of their employees that said: No matter what you do, no matter how much money you lose for this company, no matter the circumstances, we are going to give you a bonus. No one believes that.

So, herewith, I call upon Mr. Liddy to show us the contracts. Let us see them. Let us see the contract that AIG had with all those people who got bonuses. I would like to see what it says. I would like to see if it just says: If you are alive on a certain date, you get the bonus no matter what you do.

I do not think it said that. I think those contracts said: If you do certain things, you get a bonus; or if you are here, we will give you a bonus to retain you; or you have to do certain performances. I would like to see those contracts.

Then I hear people in our own Government, in this administration, talking about the sanctity of contracts. Well, maybe they ought to go to law school—a couple of them—and find out that contracts can be abrogated. They can also be abrogated if they are unconscionable.

Public policy: This goes way back into British common law. But, again, that is a sort of maybe yes, maybe no.

But courts have held contracts to be abrogated if it is in the public good or if it is unconscionable, for example, that these contracts were made. I would say in this case it would be unconscionable for someone who has been in charge of bringing this company down and lost more money than any corporate enterprise in history to receive a bonus payment, especially since it comes from the taxpayers.

Now, it might not be unconscionable if it came from stockholders, shareholders, other equity partners. But when it comes from the taxpayer, I would suggest it is unconscionable in this circumstance. So I do not know who these people are, talking about the sanctity of these contracts, but, obviously, on any one of those three items, surely those contracts cannot be held to be valid.

Now, the only reason these contracts are worth anything at all is because we stepped in and gave them all this money. If we allowed AIG to go bankrupt, these executives would probably not have gotten one cent of bonus. They would not have gotten one cent. So it really is unconscionable they would then take taxpayer money and give these bonuses out.

But, again, I repeat, we need to see these contracts so we can make a judgment as to whether Mr. Liddy is telling the truth. I have gone beyond accepting his word. I want to see the contracts.

Now, again, since AIG seems to have the responsiveness of a mule, it is time to hit them in the head with a 2 by 4. Congress has to step in. And I know the Presiding Officer, the distinguished Senator from New York, Mr. SCHUMER, has worked on a bill that I support that would reach out and get this money back to our taxpayers. I want to compliment my good friend from New York, the Presiding Officer, right now for doing that because basically that is the way we have to get the money back.

Ideally, I would tax at close to all income above \$400,000 not only at AIG but at all other companies that have taken TARP money, bonus or otherwise. State, local and foreign income taxes plus payroll taxes and the federal tax should add up to 100 percent on whatever is over \$400,000.

Now, I know Mr. Liddy asked for them to give back half of the money. To me, that is not acceptable. If somebody got \$4 million, and they are going to give \$2 million back, I am sorry, that is not acceptable. Go tell that to the line workers at GM and Chrysler who was asked to give up some of their \$14 per hour or gave up some of their pension rights and things like that to get the bailout money.

Well, at any rate, I think there are 44 Senators on a letter, if I am not mistaken, now, I say to my friend from New York that says take those bonuses back or we stand ready to recoup those bonus payments, perhaps with an income tax of 91 percent.

I also say there was an amendment that was added to the stimulus bill, the American Recovery and Reinvestment Act, that limited executive pay at bailed out companies to \$400,000 annually and voided any contracts providing compensation above that level. The Senator from Missouri was the lead sponsor on that. I was a cosponsor on that amendment. It was accepted on the stimulus bill here in the Senate, and then it went to conference. Then it got dropped. Why did it get dropped? When did it get dropped? Who advocated dropping that in conference? I would like to know the answer to that question.

Now, again, you might say \$400,000 annually? Well, that was put in there because that is the salary of the President of the United States. We said nobody working for are TARP receiving company should make over that. You could get \$400,000, but nobody over that. But that was put in the stimulus bill, and then it got dropped mysteriously in conference. I ask, why?

Well, again, I say to the Presiding Officer, I think your work on this issue and I hope we act on the concepts we are urging soon; I do not know when, but the sooner the better—that the tax be as close to 100 percent as we can get. But, obviously, we have to minus the State and other income and payroll taxes that might be owed on that sum. That has to be taken out. I understand that. And, ideally, if some lower paid person, a secretary or someone like that, got—you do not want to bother them either. But you want to get at these people who were meddling and moving these credit default swaps and other financial instruments around and ratcheting them up and giving phony valuations to them. These are the people who should not be getting any of the bonus money whatsoever.

I would also like to see the Treasury become a much more aggressive watchdog and defender of the taxpayers' interests. When Wall Street lawyers say that outrageous compensation contracts must be honored—even under dramatically changed circumstances and even when we know the contracts can be abrogated by certain circumstances such as nonperformance and things such as that—we need Treasury lawyers who will say no, who will push back hard, be creative and tough-minded, doing everything possible to protect the taxpayers' interests.

Likewise, when the lawyers say AIG—which we must say now is the Federal Government because we own 80 percent of it. So when you are talking about AIG, you are talking about the Federal Government and taxpayers. So when Wall Street lawyers and the Treasury lawyers say taxpayers must pay 100 percent of payouts to counterparties on derivatives contracts, we need a Treasury that will do all that they can to say no and who will see to it that those counterparts, including Deutsche Bank and other big banks in

Europe, have to take a haircut too. They have to share some of the pain. Again, after all, if we had let AIG go bankrupt, Deutsche Bank would have gotten nothing or very little. Yet to permit them to be made completely whole by the taxpayers of this country is not right.

We need to make it clear to AIG—and, again, we are focused on AIG, but we have to say this to all recipients of taxpayer bailout money that business as usual will not be tolerated. Incompetence, recklessness will not be rewarded. It is an insult and an affront to the American people that will not be allowed to stand. Not just at AIG but everyone else who is getting this so-called TARP money. It is time to be fair, and it is time to let the taxpayers of this country know we are going to stick up for them. We are not going to let this business as usual continue.

Again, I thank the Presiding Officer, for the time but also for his leadership on this issue, in making sure we go after these people and get this money back. I just hope we do it soon. The sooner we do it, the better off we are all going to be.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### FOLLOW AUTOWORKERS' EXAMPLE

Mr. LEVIN. Mr. President, much has already been made of the recent action by AIG to distribute \$165 million in bonuses for some of the very employees who contributed to the company's near collapse, the loss to our Treasury of tens of billions of dollars, and the severe damage to our economy. I joined with 48 colleagues yesterday in signing a letter, which our Presiding Officer was instrumental in writing, to the chief executive officer of AIG to express our outrage that this kind of money could go out the door, when the only reason the company survives today is the \$170 billion in U.S. taxpayer dollars that has been pumped into AIG over the past 6 months.

I recognize that my disgust with this situation is far from unique. I wish to briefly discuss the appalling double standard revealed by the treatment of hundreds of thousands of honest autoworkers who are victims of the current financial crisis, compared to the treatment of a few hundred overpaid financial executives whose poor judgment and greed helped cause AIG's and our Nation's financial crisis.

Right now, in large part because of the mortgage fraud, sleazy lending practices, outrageous financial engineering, and inadequate regulatory oversight that caused the financial crisis, we are in a deep recession. The recession means people aren't buying

cars, and many who want to buy a car cannot get a loan because credit is so tight. No one foresaw those circumstances back in 2007, when the UAW last negotiated a labor contract for this country's autoworkers. That 4-year contract was supposed to last through 2011. When the bottom fell out of the economy, the future of the big three auto companies was called into question. The auto industry came to the Federal Government for help, and we offered assistance in the form of bridge loans, with the understanding that all the stakeholders would have to sacrifice to make this a fair deal for taxpayers.

The autoworkers' response was not: We signed a 4-year contract and we are not changing a word.

They could have taken that position, but they didn't. Instead, the workers renegotiated their contract. They agreed to significant reductions in their pay and benefits. They are doing what they can to help their company survive and help get our Nation out of this economic ditch.

Contrast those autoworkers with the AIG executives. When the economy began tanking, AIG's stock nosedived, its assets plummeted in value, and the company lost its AAA credit rating. Due to hundreds of billions of dollars in commitments that AIG had issued, called credit default swaps, but which they failed to support with reserves, AIG's executives came hat in hand to the Government. The Government responded with billions of dollars in aid, not to protect AIG but to safeguard the U.S. economy from the threat posed by an AIG collapse.

AIG's executives, including the financial products division that helped bring AIG down, were saved from bankruptcy. To recover from AIG's financial fiasco and repay the Government loans, it should have been clear that everybody at AIG would have to make sacrifices to sustain the company and rebuild the U.S. economy. Unlike the autoworkers, however, AIG's executives didn't step to the plate. The 400 or so AIG employees at the Financial Products division signed employment contracts in the spring of 2008 that promised millions of dollars in bonuses and retention payments. When AIG attempted to renegotiate those employment contracts, the Financial Products executives refused. They demanded their millions, and AIG complied at the same time the company is borrowing tens of billions of dollars from American taxpayers.

This week, according to the information of the New York attorney general, Andrew Cuomo, 73 AIG executives received so-called retention bonuses of \$1 million or more. That is 73 millionaires out of the AIG fiasco that is taking billions of taxpayer dollars to fix. Eleven of those millionaires took the money and ran—they don't even work at AIG anymore.

Wall Street has been out of control for years now, with high-risk financial

concoctions and with excessive compensation that is too often unrelated to performance or shareholder value. But the contrast between assembly line workers in the auto industry giving up their bonuses and benefits to keep the big three in business, while executives who drove AIG over a cliff thumb their noses at the very taxpayers bailing them out, is simply too much to go unnoticed.

The greed and chutzpah shown by these executives is reprehensible—unacceptable to me, unacceptable to my constituents and unacceptable to this body and to every American who believes, as I do, that our Nation perseveres through hard times by working toward our common interests and making shared sacrifice. American taxpayers are pouring billions into AIG, even as millions of Americans have lost their jobs. Many more have made sacrifices similar to the autoworkers to help their employers and their families survive.

AIG employees need to be clear: Without the U.S. Government, there would be no AIG, and they would have no job and no salary, let alone a bonus—let alone a \$1 million bonus. In these exceedingly difficult times, AIG executives should follow the example set by the American autoworkers and renegotiate their employment contracts and accept compensation that doesn't shock and offend the American taxpayers who are keeping their company and this economy afloat.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. COBURN. Mr. President, H.R. 146 is the pending business; is that correct?

The PRESIDING OFFICER. That is correct.

AMENDMENT NO. 683

Mr. COBURN. Mr. President, I call up amendment No. 683.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 683.

(Purpose: To prohibit funding for congressional earmarks for wasteful and parochial pork projects)

At the appropriate place, insert the following:

**SEC. \_\_\_\_\_. PROHIBITION ON FUNDING FOR CONGRESSIONAL EARMARKS FOR WASTEFUL AND PAROCHIAL PORK PROJECTS.**

Sections 7203, 7404, 13006, 10001 through 10011, and 12003(a)(3) shall have no effect and none of the funds authorized by this Act may be spent on a special resource study of Estate Grange and other sites and resources associated with Alexander Hamilton's life on

St. Croix in the United States Virgin Islands, a celebration of the 450th anniversary of St. Augustine, Florida, and its Commemoration Commission, the National Tropical Botanical Garden and the operation and maintenance of gardens in Hawaii and Florida, and a water project in California to restore salmon populations in the San Joaquin River or the creation of a new ocean exploration program to conduct scientific voyages to locate, define and document shipwrecks and submerged sites.

Mr. COBURN. Mr. President, this is the last of the amendments I will offer on this bill. These are specifically five particular directed authorizations and spending that really do not fit—maybe with the exception of one—that do not pass the smell test and do not pass the commonsense test. I have no delusions about how the Congress will handle this. We have demonstrated our inability to choke off our own parochial interests. These are five areas that, I believe, if the American people really knew what they were about, would reject out of hand.

This bill is going to cost the American taxpayers \$11 billion. If we adopt this amendment, we will reduce that by 10 percent.

In this bill is \$3.5 million for a birthday celebration for the oldest city in America, St. Augustine in Florida. That is going to occur 6 years from now. Think about that. We are in one of the most difficult financial times we have experienced. Families are being hit severely with unemployment, declining values of their savings, declining values of their No. 1 asset, their home, and we are going to authorize \$3.5 million to study how to best have a birthday party in a town in America. It may be a great thing to celebrate this early city in our country, but it is not a great thing to steal \$3.5 million from the next two generations to pay for it. Noting, and I have said this on the floor, that we will have a \$2.2 trillion deficit this year, any example of less than the tightest fiscal ship ought to be made fun of, it ought to be brought forward, it ought to be made public so people can see it.

There is not a whole lot of difference between this and somebody inserting something in a bill to say the people who got the \$176 million worth of bonuses will be able to keep them. That is what happened in the conference. That is why the AIG problem is there, because some Member of Congress made it happen that way. We should be just as outraged when we see these kinds of projects earmarked in an authorization bill that do not pass the smell test either.

There is \$5 million for botanical gardens in Hawaii and Florida. We don't have to spend that money. That is an option. This is directed authorization to make sure when it comes to appropriations we know where it is going to go. It is going to go to somebody's benefit—some Congressman's benefit or some Senator's benefit.

So in this bill is a birthday celebration, \$5 million for botanical gardens in

Hawaii and Florida, a controversial issue, to say the least, in terms of spending over \$1 billion on a settlement claim on a river. Prior to a dam being placed there, they already had a marked decline of the salmon run in it. That is what the historical records show. But we have a lawsuit and a Federal judge who says we are going to do this. By the way, we are going to put at risk \$11 billion worth of commerce in some of the most productive areas of California. The metric on spending the \$1 billion that has been agreed to is when you have 500 salmon. That comes out to over \$2 million a salmon. I have not figured that up by ounce, but it is pretty expensive salmon. It is not to say we should not do good things and right things to maintain fisheries and to maintain natural salmon runs. The fact is, this happened a long time ago, and it was diminished before there was ever an imprint in terms of damming in the waterway.

There is also \$250,000 to study Alexander Tyler's boyhood home in St. Croix, Virgin Islands, with the idea of making it a national landmark. First, it is not a priority—it cannot be a priority for us. It cannot be a priority that we would spend money right now at this time when we are facing these significant difficulties financially, when, in fact, we are going to borrow \$7,000 per person across the whole Nation more than we spend this year—\$7,000. That works out to almost \$30,000 a family that we are going to borrow against our kids and our grandkids. And then we have the gall to say it is OK to spend money on this.

The final aspect is a study and an authorization to allow an unspecified amount for a new national ocean exploration program and undersea research program within the National Oceanic and Atmospheric Administration that is tasked to conduct scientific voyages to locate, define, and document historic shipwrecks. There is \$320 million authorized to be spent over the next 7 years on that. It may be something we want to do when we have our ship afloat and our ship is not sinking, but to authorize and spend that money now on a new program to look for sunken ships does not pass the commonsense test this body ought to be about.

We already have the following that documents shipwrecks, old ones as well as new ones: the U.S. Coast Guard, the Library of Congress, 12 private museums, 8 libraries, 8 historical societies. And those are just a few. There are other Government sources, including the National Archives and Records Administration, Internal Revenue Service, Office of Distribution Services, the Defense Mapping Agency, the Smithsonian Institution, the Naval Historical Center, and the Federal Building, Great Lakes Courthouse papers. There are 12 separate museums and 8 other libraries and historical societies. There are 22 publications out this year on shipwrecks. Oh, there are nine U.S. Government shipwreck publications,

and there are eight other additional sets of records in custody of the National Archives.

The other thing that this bill does is it throws five earmarks right at President Obama and says: We don't care what you said, we are going to do it anyway. It goes against his pledge. It goes against our pledge. It goes against the idea of change you can believe in. It diminishes hope when we have items such as this in this bill. It is discouraging to the people who are out there struggling that we would put such things in this bill. I understand they are authorizations and they may not happen. I agree that you ought to authorize earmarks before we do them. But I can tell you, I don't think these pass any resemblance to anything that has common sense.

I will talk about this again in the morning. Tomorrow, I also plan, before the final vote on this bill, to list specifically over 30 wilderness areas that the wilderness study said should not be transferred into wilderness as we do in this bill. Hear me clearly: 30 new wilderness areas which the study said should not be included in the wilderness area that we have included in wilderness in this new bill. Why spend the money on a study if you are not going to pay attention to it? Why did we waste all that money?

I will go through a limited but thorough critique of the bill again tomorrow.

I know the ranking member would like to speak and to praise a species of stamina and courage that I would only hope we would reflect in the Senate.

I yield the floor.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Alaska.

#### TRIBUTE TO LANCE MACKEY

Ms. MURKOWSKI. Madam President, my colleague from Oklahoma has given me a fine lead-in this evening to rise and tell an amazing story of an Alaskan dog musher named Lance Mackey and the story of his dog teams that carried him to yet another record-breaking victory today in the toughest race on Earth, and that is the Iditarod.

The story of Lance Mackey is not only amazing because of his skill and his determination in the sport of dog mushing, but Lance Mackey has also overcome some very incredible personal challenges. He had a victory over cancer that preceded his victories in the sport of dog mushing.

Lance is a lifelong Alaskan. He married his high school sweetheart. He has four children.

He was diagnosed with throat cancer after finishing in 36th place in the 2001 Iditarod sled dog race. After that race—the man doesn't give up—he had extensive surgery and radiation treatment.

He attempted to complete the Iditarod the following year, in 2002, after this surgery, but he had to scratch. He had to drop out of that race, taking time off from dog mushing to recover from his cancer and the sur-

gery. He is now considered cancer free. He went on to win the Yukon Quest, one of the two major sled dog races in Alaska. He did this in 2005 and 2006. Then Lance Mackey went on to do what no one had done before and what most people consider absolutely impossible. In 2007 and 2008, he won both the Yukon Quest and the Iditarod, two incredibly grueling races, with only a week and a half in between each race to rest before he moved to the next event. For the first time in the history of the races, Lance had won both races, and he did so 2 years in a row. And today, Lance Mackey won the Iditarod yet again.

For those of you who may be unfamiliar with either the Iditarod or the Yukon Quest, these races are the world's two longest sled dog races. Both races span over 1,000 miles of really tough mountains, rugged mountains, frozen tundra, dense forests. These are true tests of dedication and determination. Not only does the rugged terrain pose immense obstacles, but they have the weather that factors in. It is starting to turn a little bit like spring around here, but back home it is still winter, and these mushers face temperatures which frequently drop to 30 or 40 degrees below zero. And then they have the wind that kicks up, winds gusting up to about 100 miles per hour. So you can imagine what the wind chill factor is as you are racing those dogs in the weather and the elements.

The annual Yukon Quest sled dog race is a 1,000-mile international trek. It goes from Fairbanks, AK, over to Whitehorse in Canada. Lance Mackey and his team of canine athletes have won this race 4 years in a row.

The race Lance won for the third consecutive year today is the 1,100-mile Iditarod sled dog race. This race starts in Willow, AK, and ends up in Nome, AK. The race commemorates the 1925 diphtheria serum relay. They ran dog teams in a relay to pass along a vaccine for diphtheria. They needed to get it from Anchorage, where it had come in by ship, to Nome. At that point in time, we didn't have the ability for air transport to get into Nome. So how do you move it and how do you move it quickly? Well, we resorted to a series of dog teams to move that serum north and to save the lives of those who were infected.

Today, the Iditarod is no longer run as a relay, but it is a race of individual dog sled teams. This 1,100-mile race takes the mushers into some incredibly beautiful areas. The journey they travel through—the Alaskan wilderness—is exceptionally beautiful. But as I mentioned, you not only have tough terrain but you have brutal weather. This year has been particularly tough, with the snow and the wind. It has caused delays, it has caused real setbacks with the mushers and the teams as they have been trying to go through high snowpack. There have been some accidents, there have been some sleds that have been lost, and it has been very difficult. We had some near hurricane-

force winds that forced dog musher Lou Packer and his dogs to be airlifted to safety, and he and his team had to quit the race. He described what I would call life-threatening weather conditions by saying:

We were climbing over this mountain and we got hit by this wind that hit us like a hammer. The temperature dropped—started plummeting—and I lost the trail. And the wind started to build and build, and then the wind got bad, so I climbed in my sled and it was pretty much a survival situation at this point. I threw all the gear out of my sled and climbed in and zipped it up; it was probably 30, 35 below, I have no idea.

These are the types of individuals who train all year long with their dogs to prepare for this incredible race. So it is not just the musher whose success we celebrate but it is these incredible four-legged athletes that are absolutely astounding.

Some of the other mushers out on the trail are pretty extraordinary folks, such as John Baker, out of Nome, Sebastian Schnuelle and Aaron Burmeister. They were describing other conditions along the trail. Schnuelle described it as brutal, but he said:

At times the wind was blowing so hard out of Shaktoolik that his dog team moved sideways.

Well, when you have about 15 or 16 dogs pulling a loaded sled and a musher and you have winds that are blowing you sideways, you know you are in some weather. He commented further:

First we had snow and wind. Now we have wind and wind.

Well, earlier this afternoon, thousands gathered at the famous burled wood arch on Front Street in Nome, AK, to cheer on Lance Mackey as his dogs carried him to victory over his extremely talented and resilient competitors from all over the world. This is an international race, most absolutely. Lance and his team of canines completed the race a little less than 3 hours short of 10 days.

Imagine yourself standing on the back of sled runners going over mountain ranges, going through ice and snow, in temperatures of 30 below and the wind howling at you. And that is fun, ladies and gentlemen. This is man and dog against Mother Nature, and the best teams sure are winning.

Alaskan newspapers tell a story of Lance's fired-up dog team after taking his only 24-hour break during the race. He broke in a town called Takotna. After the layover was completed—you have to rest for 24 hours, mandatory, because sometimes your teams don't want to rest; they want to keep moving. Well, after this layover was completed, Lance's 16 dogs were barking and pulling at their tug lines like they were leaving the race's starting line. Lance said he had this amazing run, and he was going to put the bale of straw out for the dogs to rest. He had every intention of stopping, but then he sees that his dogs are yelping and barking to get going, so he takes off. He said:

They're telling me what to do. So I dumped the straw, and it's been heaven ever since.

What you have here, with this individual musher, Lance Mackey, who cares so deeply for the health and the condition of these four-legged athletes, is a guy who has shown a great mastery of working with and training these canine athletes for the sport of dog mushing. The Anchorage Daily News last year, when he won, stated:

A musher doesn't win four straight 1,000 mile Yukon Quests and two straight Iditarods by making dogs run. He wins by making dogs want to run.

Lance describes working with his dogs this way: He says:

The biggest challenge working with a large team of dogs is the individual personalities. Like a classroom full of kids, all with issues, wants, questions, some barking wildly to get my attention, and then there are some who just do what needs to be done and require only a nod or a smile. Every dog is different. Every need is different. That is what I love. The reward is seeing them all come together as a team working for a common goal. It's just cool.

I had the opportunity last week—when I was up in the State for the ceremonial start of the Iditarod—to go around and talk with the mushers and see all their teams. I had a chance to see Larry, his lead dog. My favorite is Lippy. I just kind of like the name, but Lippy has great little eyebrows. My favorite picture is with Lippy, but these dogs all have personalities unto themselves. And when they do come together as a team to do these incredible athletic feats, we must acknowledge and respect them.

Lance Mackey continues to impress all of us with his remarkable achievements and record-setting performances. He is an inspiration to others who struggle with cancer. He named his dog kennel up north the Lance Mackey's Comeback Kennel. I think that is most appropriate.

So it is my honor today to stand before the Senate to congratulate Lance Mackey and his team of amazing dogs. Lance is a world-class dog musher and a true Alaskan hero, and I wish him and his team continued success and good health in the future.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. REID. I ask unanimous consent that tomorrow morning, March 19, following a period of morning business, the Senate proceed to H.R. 146; that upon the bill being reported, there be 20 minutes of debate equally divided and controlled between Senators BINGAMAN and COBURN or their designees; that upon the use or yielding back of this time, the Senate proceed

to vote in relation to the amendments as listed below and that the order with respect to time prior to votes and vote sequencing remain in effect: amendment No. 677, No. 682, No. 683; that upon disposition of all amendments, there be 30 minutes of debate with respect to the bill, equally divided and controlled between Senators BINGAMAN and COBURN or their designees; that upon the use or yielding back of that time, the Senate then proceed as provided for under the order of March 17, with all other provisions remaining in effect.

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

Mr. REID. I ask unanimous consent that upon disposition of H.R. 146, the Senate proceed to a period of morning business with Senators allowed to speak therein for up to 10 minutes each.

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

#### MORNING BUSINESS

Mr. REID. I ask unanimous consent that we now proceed to a period of morning business.

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

#### EARMARKS DEBATE

Mr. REID. Mr. President, for several months now we have been discussing earmarks or congressionally directed spending. This body has heard many false charges about earmarks. We have heard that earmarks amount to wasteful spending. We have heard that taxpayers should not support these projects. We have even heard that earmarks don't actually benefit our States.

Fortunately, my constituents understand that the rhetoric on earmarks doesn't match the facts.

Nevadans know that these projects are brought to me by their mayors, council members, and city managers. Nevadans know that, as their Senator, I understand their needs better than a faceless bureaucrat in Washington. And most importantly, Nevadans know how valuable earmarks are in a small State like ours to expand medical services, build infrastructure, and provide other services.

I ask unanimous consent to have printed in the RECORD the following editorial from Las Vegas Review-Journal columnist John L. Smith. Mr. Smith accurately points out the hypocrisy surrounding the earmarking debate and provides examples of many beneficial earmarks for Nevada.

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

[From Las Vegas Review-Journal, Mar. 18, 2009]

JOHN L. SMITH: LET'S DO RIGHT-WING THING AND SEND THAT PORK BACK TO WASHINGTON  
Here's your chance, Nevada.