

take dramatic strides to move our country toward energy independence. With David Hayes' help, he will ensure that our country is harnessing the wind, the Sun, and the geothermal potential that will set us free from our dangerous dependence on foreign oil. Secretary Salazar deserves the opportunity to have the best and most knowledgeable people around him to make this energy revolution happen.

On Secretary Salazar's list, the first is David Hayes. He is a graduate of Notre Dame University, Stanford Law School. He is experienced, pragmatic, and creative. For 30 years, he has worked in natural resources and environmental law. He has written dozens of articles and book chapters about water supply issues, clean energy, and land conservation, among other important topics. He has a long and impressive track record of negotiating the kinds of difficult issues the Department of Interior deals with every day. But he can't get this work done until this body confirms him.

In a repeat of a scene we have unfortunately become far too familiar with lately, Republicans are standing in the way. I know those holding up Mr. Hayes' nomination feel passionately about their priorities, but I also know that Secretary Salazar and Mr. Hayes believe just as strongly about finding common ground that serves all of our interests.

The real issue is the fact that in the last minutes of the Bush administration, the waning minutes, Secretary Kempthorne issued 77 oil and gas leases. These leases are next door to national parks. It was a concern of the National Park Service when it was done. The environmental community is up in arms. The people of Utah don't like it. No one else would. We have one national park in Nevada, Great Basin National Park. I know how the people of Nevada would feel if they had started bringing in oil rigs next to Great Basin National Park. They wouldn't like it. Ken Salazar, when he became Secretary of the Interior, withdrew those regulations. He didn't terminate them, he withdrew them for further study, further review. We have here an issue of the people of the State of Utah versus oil companies. For far too long, the oil companies have always won. Let's make it so that the people win for a change.

Every State has unique challenges. Mr. Hayes is prepared to travel across the West to confront them head-on, not so he can tell States what to do but, rather, so he can work with them to address each issue thoughtfully and respectfully. Working together toward such solutions is the answer. Robbing a Cabinet Secretary of his right-hand man is not.

Secretary Salazar knows the Senate, and his door is open to every Member of this body. Could you find a nicer person in the world than Ken Salazar? I don't think so. Mr. Hayes has his backing and his background. Mr. Hayes will

continue doing what Secretary Salazar directs him to do. Now is the time to move forward, not to drag our feet or posture or to try to score political points. Ask anyone who knows him. They will tell you that among the many skills he has is the ability to work cooperatively and in a bipartisan fashion on the most complex issues. I wish our Republican colleagues would show the same spirit on at least confirming such a clearly qualified candidate for such a political job. No one questions his qualifications. He is a man of high moral standards. He has an excellent academic background. No one questions his capabilities. The real issue is these oil and gas leases. He is a good and honest man. He is bright, successful, and a proven leader. Our country is fortunate that he has one again answered the call to serve.

I understand at their meeting yesterday there was a plea: We have to stop Democrats from confirming this man. I say to my friends: David Hayes will be confirmed. If I have to wait until Al Franken comes, he is going to be confirmed. We are going to confirm David Hayes. Everyone should understand that. If we happen to lose this today, I will just move to reconsider until we have the votes. Ken Salazar is going to have David Hayes working with him. Everyone should understand that. Secretary Salazar has bent over backward to answer the questions of Senators who are questioning these oil and gas leases and a few other things. Salazar is a man who is known for his ability to compromise. He is a consensus builder. I hope people will allow this nomination to go forward. If there were some question about Mr. Hayes having written a law review article where he is calling for something that is outlandish or if he had done something in the past that was out of line—I have never heard a single word about his qualifications. He is a man who is qualified for this job. The President has nominated him.

In fairness, I ask unanimous consent that my time be charged against the majority time, whatever time I used.

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

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#### RECOGNITION OF THE MINORITY LEADER

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

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#### TRUSTEES REPORT

Mr. McCONNELL. Mr. President, yesterday afternoon, the trustees of the Social Security and Medicare trust funds released their annual report. After reviewing its findings, it is clear that the future of Social Security and Medicare can be summed up in one word: unsustainable.

Even before the report was issued, we knew these programs could not remain

solvent for long under current conditions. Last year's report predicted that Social Security would start paying out more than it takes in by 2017, and that it would be bankrupt about two decades after that. Last year's report also predicted that Medicare would start paying out more than it takes in within a year and that the trust fund for this vital program would go bankrupt about a decade after that.

The report that was released yesterday presents a far graver scenario.

As a result of the current recession, Social Security will start paying out more than it takes in by 2016, and it will go bankrupt 4 years earlier than previously expected. The situation for Medicare is even more serious. Medicare is already paying out more than it takes in, and it will be bankrupt in just 8 years, 2 years earlier than expected, according to yesterday's report.

It would be irresponsible for Congress to wait any longer before addressing this problem. Some say we haven't reached a point of crisis yet, so we can continue to kick the problem down the road until these programs actually go bankrupt. They seem to think that if the house is on fire, it is OK to wait until the whole place burns down before you call the fire department.

Most Americans disagree. Most people think that if a program they depend on is falling apart, or is about to fall apart, then their elected representatives in Washington have an obligation to tell them about it, and to do something. The time to act is now, before these programs go bankrupt—not after.

The warning signs about Social Security and Medicare have been around us for years, and the problems with these programs are also at the core of the current record levels of government spending and debt. At the moment, programs like Social Security, Medicare, and Medicaid, as well as the interest we pay on the national debt, consume nearly seven out of every 10 dollars the Federal Government spends—Medicare, Social Security, Medicaid, and the national debt. Soon we will have little money left for anything else, including vital priorities such as defense, health care, transportation, and programs that fuel job creation.

Reform has been put off for too long. Take Medicare reforms, for example. By law, the President is required to submit legislation to lower Medicare spending levels if the cashflow of this program falls below a certain level. So last year, when Medicare cashflow fell below that level, the President submitted legislation to lower spending. Unfortunately, this legislation did not move forward in Congress.

Real leadership on entitlement reform will require action from both parties. And yesterday's report is the wake-up call. Reform is no longer just a good idea—it is absolutely necessary. It is the only way to restore these programs to fiscal health, and to get at

the root of our larger fiscal problems. Unless we act now, these programs will no longer be sustainable, and spending and debt will continue to spiral out of control.

The good news is that a solution actually exists. As I have said many times before, the best way to address this crisis is the Conrad-Gregg proposal, which would provide an expedited pathway for fixing the long-term challenges of entitlement spending and our unprecedented national debt—challenges that the Democratic budget and their economic policies of the past few months completely ignore.

There has never been a better time to adopt this sensible bipartisan proposal. This week we learned that the deficit for the current fiscal year will be nearly \$90 billion higher than previously estimated—bringing the deficit for this year to \$1.8 trillion. This is nearly four times—four times—higher than the record set last year. It also means that this year's deficit is higher than those of the past 5 years combined.

The danger of all this debt is simple: higher inflation that threatens to derail an economic recovery, and trillions in debt that our children and grandchildren will have to repay to countries such as China and nations in the Middle East.

Secretary Geithner said yesterday that when it comes to reforming Social Security, the administration will build a bipartisan consensus to ensure Social Security remains solvent. I welcome the statement, and I urge the administration to support the Conrad-Gregg proposal which is the best way and, I would argue, the only way to address entitlement spending and our unprecedented national debt. After yesterday's report, it is clear we cannot wait any longer to address this crisis.

Americans have relied on programs such as Medicare and Social Security for decades. It would be dishonest and unfair not to tell them the truth about these programs—that they are near collapse and that urgent reform is needed to bring them back to sustainability. More than 800,000 Kentuckians receive Social Security benefits, and nearly that many are enrolled in Medicare. They deserve our honesty. And they deserve action from lawmakers on both sides of the aisle. We need to make sure programs such as Social Security and Medicare remain viable for them and for their children and their grandchildren.

Mr. President, I yield the floor.

#### RESERVATION OF LEADER TIME

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

#### EXECUTIVE SESSION

#### NOMINATION OF DAVID J. HAYES TO BE DEPUTY SECRETARY OF THE INTERIOR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of David J. Hayes, of Virginia, to be Deputy Secretary of the Interior.

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 1 hour of debate equally divided and controlled between the two leaders of their designees.

The Senator from Utah.

Mr. BENNETT. Mr. President, I rise in opposition to the Hayes nomination. I am here with the Senator from Alaska, and I wish to be told after I have consumed 15 minutes so the Senator from Alaska and I can coordinate our presentations.

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

Mr. BENNETT. Mr. President, I listened with interest to the statement of the majority leader with respect to David Hayes, and I agree with much of what he had to say. I feel compelled to correct some of the things he had to say because they are some of the same things the Department of the Interior has been saying that I find are, in fact, not factual.

I agree with him that the President should be entitled to appoint whomever it is he wants. And I agree with him that David Hayes is qualified for this position. I also believe, however, that Members of this body, who have the responsibility of the confirmation vote, are entitled to clear answers to their questions before the confirmation should proceed.

It is my opinion we have been asking for clear answers to those questions—to legitimate questions—and those answers have not been forthcoming. Therefore, I am not willing to proceed with the confirmation vote until we get those answers.

This is not to say I am opposed to David Hayes and will do everything to see to it he is not confirmed. Indeed, I want to do everything I can to see that he is confirmed as rapidly as possible. But "as rapidly as possible" does not mean I must give up my rights to receive clear answers to legitimate questions.

Let me go to some of the items the majority leader covered in his statement because they are the same items the Secretary of the Interior has used, and that others have used in press releases, that I believe need to be set straight. They are simply not factually true.

Let's start with the question of leases. Numbers. How many leases were put up and sold by the BLM in the last month of the Bush administration in

the State of Utah? The answer to that question is 128. Not 77; 128. All of those 128 leases were subject to exactly the same kind of procedure. All of them went through the same kind of review. All of them were handled by the same team of experts: career people within the Department. And all of them ultimately were sold.

The majority leader said this happened in the midnight hours of the Bush administration, as if this whole thing were cobbled together in the last minute. In fact, much of the activity dealing with the sale of these leases occurred over a 7-year period. Why? Because all of the parties involved wanted to make sure they complied with all of the rules. If it had been handled in a "rush it through," "get it done during our political circumstance" sort of manner, they could have been granted in 2004 or 2007; it did not have to wait until the last months of 2008. The reason it waited until the last months of 2008 was because the plans were so meticulously reviewed to make sure they complied with every rule that it took that long. So let's get rid of the idea that this was a political decision on the part of the Bush administration. The record is very clear it was not.

All right. After the Obama administration took over, out of the 128 leases that were granted, suddenly 77 were withdrawn by the Secretary of the Interior. Why? If there was a flaw in the way these leases were handled, the entire 128 should have been withdrawn because they were all handled in exactly the same manner. The 77 were withdrawn because an environmental group filed a lawsuit. The environmental group decided which leases should be challenged, not the Department of the Interior. It was not a review by any career officer in the Department of the Interior that said these leases were flawed. It was a political decision by an environmental group that said we are going to file a lawsuit; and in response to that lawsuit, the Secretary of the Interior said: I am going to pull these 77 leases, and then gave the same justification for his actions that the majority leader has given here on the floor today; that is, they are right next door to the national parks and no one wants an oil rig next to a national park.

No. 1, most of the leases are natural gas; there are not oil rigs involved at all. And, No. 2, they are not right next door to the national parks. Some of them are as far as 60 miles away.

Let's look at a map I have in the Chamber and see where these leases are. On this map, shown in yellow are the national parks. This one is Arches National Park, and this one is Canyonlands National Park. Shown in green is existing oil and gas leases that were in place long before the December lease sale. Shown in red are the leases that were granted in the so-called midnight hours of the Bush administration.

A quick glance at the map makes it very clear that the challenged leases