classified and awarded the right way, with less bureaucratic redtape.

This will make the system more efficient, and it will increase the impact this program can have on people's lives.

More than 250 AIDS organizations have already expressed support for these changes, and for the reauthorization of this program.

It is time to stand with them.

It is time to stand with all the people who need treatment.

Let us send a strong message to those who are counting on us to keep the money flowing:

We will not abandon you in your time of need.

If this Senate fails to act by September 30, the aid will stop.

These successful programs—which enjoy broad, bipartisan support—will simply cease to exist.

We cannot let that happen on our watch.

I ask my colleagues to join with me in updating and reauthorizing the Ryan White Act.

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

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 President, I ask unanimous consent that the order for the quorum call be rescinded.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

INTERIOR APPROPRIATIONS

Mr. REID. Mr. President, first of all, we have a unanimous consent agreement that has taken a lot of work. I appreciate the work of the two managers, Senator FEINSTEIN and Senator ALEXANDER. It is not easy, but this is an important piece of legislation. I think it is good for the body.

I heard my friend—I will be real quick; I know we are in a hurry—commenting on the dinner we had last night. I think that was such a timely, fortuitous event we had with Senators getting together to, in effect, cut the ribbon on this wonderful picture out there, 147 years old.

I did not know much about Henry Clay other than he is a famous man but a great compromiser. He said everything legislatively you need to develop a consensus. Legislation is the art of compromise. This is a smaller piece; it is not Henry Clay stuff, but it is good stuff. I appreciate the two managers following in the footsteps of Henry Clay and we were able to work this out.

I ask unanimous consent that the following be the only first-degree amendments and an Ensign motion to recommit, other than the pending amendments, remaining in order to H.R. 2996, Interior appropriations; and that no second-degree amendments be in order to any of the listed amendments prior to a vote in relation to the amendment, except as noted with respect to Coburn amendment No. 2511; that a managers' amendment also be in order that has been cleared by the managers and the leaders, and that if that amendment is offered, then the vote on adoption of the amendment occur immediately; and that if agreed to, then the motion to reconsider be considered made and laid upon the table:

Carper No. 2456, pending, to be withdrawn once a managers' amendment has been agreed to; Collins No. 2498, pending; Isakson No. 2504, as modified, pending; Vitter No. 2549; Ensign motion to recommit; Coburn amendment Nos. 2482, 2463, 2480, 2523, 2466, 2483, 2468, and 2511, with a Feinstein second-degree amendment in order to No. 2511; Feingold No. 2522, to be withdrawn upon the adoption of the managers' amendment; Reid No. 2531; Bingaman No. 2493, with a modification; further, that during the consideration of the bill, Senators Murkowski and Thune each be provided up to 30 minutes, and Senator BOXER for up to 60 minutes for debate only; that upon disposition of all amendments and the motion to recommit, the substitute amendment, as amended, be agreed to, the motion to reconsider be considered made and laid upon the table; that the bill, as amended, be read a third time, and the Senate then proceed to vote on passage of the bill; that upon passage, the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees on the part of the Senate, and that the subcommittee plus Senators Inouye and Bond be appointed as conferees; further, that if a point of order is raised against the substitute amendment, then it be in order for another substitute amendment to be offered minus the offending provisions but including any amendments which had been agreed to prior to the point of order; that no further amendments be in order; that the new substitute amendment be agreed to, and the motion to reconsider be considered made and laid upon the table; and that the remaining provisions beyond adoption of the substitute amendment remain in effect; that if there is a sequence of votes, then after the first vote, the succeeding votes be limited to 10 minutes each and that there be 2 minutes of debate prior to each vote, equally divided and controlled in the usual form; that once this agreement is entered, the cloture motions be withdrawn.

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2996, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 2996) making appropriations for the Department of the Interior, Environment, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

Pending:

Carper amendment No. 2456, to require the Administrator of the Environmental Protection Agency to conduct a study on black carbon emissions.

Collins amendment No. 2498, to provide that no funds may be used for the administrative expenses of any official identified by the President to serve in a position without express statutory authorization and which is responsible for the interagency development or coordination of any rule, regulation, or policy unless the President certifies to Congress that such official will respond to all reasonable requests to testify before, or provide information to, any congressional committee with jurisdiction over such matters, and such official submits certain reports biannually to Congress.

Isakson modified amendment No. 2504, to encourage the participation of the Smithsonian Institution in activities preserving the papers and teachings of Dr. Martin Luther King, Jr., under the Civil Rights History Project Act of 2009.

AMENDMENTS NOS. 2492, 2501, 2505, 2509, 2518, 2519, 2522, 2534, AS MODIFIED; 2491, AS MODIFIED; 2495, 2507, 2493, AS MODIFIED, EN BLOC

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, as part of the unanimous consent agreement entered into this morning by the leader, a managers' package of amendments to the Interior bill is in order.

I would like to proceed to that business now because of yesterday's filing deadline for all first-degree amendments. Each of these amendments which constitute the managers' package have been filed at the desk.

Therefore, I ask unanimous consent that the pending amendment be set aside, and that the following amendments be called up and considered en bloc, and where modifications are noted, that those modifications be agreed to: Bingaman amendment No. 2492; Risch amendment No. 2501; Carper amendment No. 2505; Roberts amendment No. 2509; Feinstein amendment No. 2518; Feinstein amendment No. 2519; Feingold amendment No. 2522; Whitehouse amendment No. 2534, as modified; Bingaman amendment No. 2491, as modified; Schumer/Durbin amendment No. 2495; Tester/Crapo amendment No. 2507; and, Bingaman amendment No. 2493, as modified.

Let me make one note with respect to Carper amendment No. 2505. The amendment being included in the managers' package is very similar to pending Carper amendment No. 2456. But the version we are adopting now is the version that has been agreed to by both

sides. At the proper time, then, I believe we will be in a position to withdraw the pending Carper amendment No. 2456.

In order to comply with Senate rule XLIV, which requires Members to certify that they have no financial interest in congressionally designated spending items, I also ask unanimous consent to have printed in the RECORD financial disclosure letters associated with amendments Nos. 2501 and 2518.

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

U.S. SENATE,
Washington, DC, September 16, 2009.

Hon. DANIEL K. INOUYE,
Chairman, Senate Committee on Appropriations, U.S. Capitol, Washington, DC.

Hon. THAD COCHRAN,
Ranking Member, Senate Committee on Appropriations, U.S. Capitol, Washington, DC.

Hon. DIANNE FEINSTEIN,
Chairman, Appropriations Subcommittee on Interior, Environment, and Related Agencies, Dirksen Senate Office Building, Washington, DC.

Hon. LAMAR ALEXANDER,
Ranking Member, Appropriations Subcommittee on Interior, Environment, and Related Agencies, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMEN AND RANKING MEMBERS: I am writing to request your assistance in making a technical correction to the below projects in House Report 107–272, House Report 108–10, and House Report 108–401 so that the funds referenced may be made available to the City of Thomasville, Alabama. The awards in question are:

$2,500,000 STAG award to the Southwest AL/Rural Municipal Water System in FY02; $1,000,000 STAG award to the Southeast Alabama Regional Water Authority in FY02; $450,000 STAG award to the Southwest Alabama Regional Water Authority in FY03; $450,000 STAG award to the Southwest Alabama Regional Water Supply District in FY04.

I certify that neither I nor my immediate family has a pecuniary interest in the congressionally directed spending item(s) that I have requested for Fiscal Year 2010, consistent with the requirements of paragraph 9 of Rule XLIV of the Standing Rules of the Senate.

Very Truly Yours,

JEFF SESSIONS,
United States Senator.

Hon. DIANE FEINSTEIN,
Chairwoman, Subcommittee on Interior, Environment, and Related Agencies, Dirksen Senate Office Building, Washington, DC.

DEAR MADAM CHAIRMAN: I am writing to seek your assistance in a technical correction for the City of Thomasville in the Fiscal Year 2010 Interior, Environment, and Related Agencies Appropriations bill.

The City of Thomasville is constructing a water treatment facility. The project began under the auspices of the Southwest Regional Water Authority and was composed of the City of Thomasville and the City of Jackson. Therefore, funds were appropriated in 2002, 2003, and 2004 under this name.

2002—AL Regional Water Authority for AAL/Rural Municipal Water System, $2.425M; 2002—Southeast Alabama Regional Water Authority, $970,000; 2003—Southwest Alabama Regional Water Authority, $433,700; 2004—Southwest Alabama Regional Water Supply District, $433,900.

Since that time, the City of Jackson has withdrawn from the authority and the City of Thomasville remains the only active partner. To meet eligibility qualifications of USDA/Rural Development and EPA to proceed with the development of the Thomasville water supply project, we were told that the earmarks from 2002–2004 would need to be amendment and replaced with the name ''City of Thomasville.''

Finally, I certify that neither I nor my immediate family has a pecuniary interest, consistent with the requirements of Paragraph 9 of Rule XLIV of the Standing Rules of the Senate, in any congressionally directed spending item I requested that is contained in the Fiscal Year 2010 Interior, Environment, and Related Agencies Appropriations bill or accompanying report. I further certify that I have posted a description of the items requested on my official website, along with the accompanying justification.

I greatly appreciate your assistance in this matter. As always, please do not hesitate to contact me or Laura Friedel in my office should you or your staff have any questions.

Sincerely,

RICHARD SHELBY.

U.S. SENATE,
Washington, DC, September 17, 2009.

Hon. DIANNE FEINSTEIN
Chairman, Subcommittee on Interior, Environment, and Related Agencies, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN FEINSTEIN: I am writing to request your support for the enclosed amendment to the Fiscal Year 2010 Interior, Environment, and Related Agencies Appropriations bill.

Furthermore, I certify that neither I nor my immediate family has a pecuniary interest consistent with the requirements of Paragraph 9 of Rule XLIV of the Standing Rules of the Senate, in this or any other congressionally directed spending item I requested that is contained in the Fiscal Year 2010 Interior, Environment, and Related Agencies Appropriations bill or accompanying report. I further certify that I have posted a description of the amendment requested on my official website, along with the accompanying justification.

Thank you for your consideration of my request, As always, please do not hesitate to contact me or Laura Friedel in my office should you or your staff have any questions.

Sincerely,

RICHARD SHELBY.

Enclosure.

AMENDMENT

(Purpose: To provide for the use of certain funds for water system upgrades in Fayette County, Alabama)

On page 190, line 10, insert before the period at the end the following: '': *Provided further*, That, notwithstanding House Report 108–401, the amount of $2,000,000 made available to the Tom Bevill Reservoir Management Area Authority for construction of a drinking water reservoir in Fayette County, Alabama, shall be made available to Fayette County, Alabama, for water system upgrades''.

U.S. SENATE,
Washington, DC, September 16, 2009.

Hon. DANIEL K. INOUYE,
Committee on Appropriations, U.S. Senate, Washington, DC.

Hon. DIANNE FEINSTEIN,
Subcommittee on Interior, Committee on Appropriations, U.S. Senate, Washington, DC.

Hon. THAD COCHRAN,
Committee on Appropriations, U.S. Senate, Washington, DC.

Hon. LAMAR ALEXANDER,
Subcommittee on Interior, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR CHAIRMEN AND RANKING MEMBERS, I am offering three amendments regarding congressionally directed spending items on the Senate floor to the Fiscal Year 2010 Interior, Environment, and Related Agencies Appropriations Bill.

Consistent with the requirements of paragraph 9 of Rule XLIV of the Standing Rules of the Senate, I certify that neither I nor my immediate family has a pecuniary interest in the congressionally directed spending items that I have requested for Fiscal Year 2010. I further certify that I have posted a description of the items requested on my official website, along with the accompanying justification.

Project Title: Lake County, California, for wastewater system improvements

Recipient: Lake County, CA
Location: 230 A Main Street, Lakeport, CA 95453
Amount Requested: $500,000

Lake County is upgrading the Kelseyville wastewater system to eliminate effluent and high nutrient pollution from entering Clear Lake. The facility, which is located on the south shore of Clear Lake, is under cease and desist orders to meet clean water standards, and requires expansion overflows into Clear Lake. This important project will improve sanitation and water quality for County residents by limiting sewage overflow.

Project Title: Tahoe Basin Vessel Inspection Station

Recipient: U.S. Fish and Wildlife Service
Location: Lake Tahoe, California and Nevada
Amount Requested: $800,000

The requested funding will be used for study, construction, staffing, and other expenses necessary to conduct water vessel inspection and decontamination at stations located away from boat and vessel ramps at Lake Tahoe and Echo Lake and Fallen Leaf Lake in California. The Tahoe Basin is under threat of Quagga and zebra mussel infestations because of its high-use by recreational boaters. An infestation could have devastating impacts on the regional economy, including recreation, tourism, property values, and other infrastructure equaling approximately $22 million a year. If introduced, Quagga and zebra mussels could destroy the region's fisheries, alter the food web and ecosystem, jeopardize the public drinking supply, and ruin the shoreline and public access points. An infestation would also jeopardize more than $1.43 billion that has already been invested in environmental restoration and water clarity improvements in Lake Tahoe, including $424 million from the Federal government.

Project Title: Inland Empire Alternative Water Supply

Recipient: City of San Bernardino Municipal Water Department
Location: 300 North ''D'' Street, San Bernardino, CA 92418
Amount Requested: Technical Correction

The Rialto-Colton Basin is seriously contaminated by perchlorate, and the cities and water districts in the area have had to abandon wells or install wellhead treatment

equipment to use their groundwater. Local water providers have found a temporary source of 20,000–30,000 acre-feet in the Bunker Hill Basin, within the incorporated limits of the City of San Bernardino, which will use this water source in the long-term. I secured $500,000 in the Fiscal Year 2009 Omnibus Appropriations Act, but the San Bernardino Municipal Water Department has been unable to access these funds and this technical correction will clarify that the city is the recipient of this funding.

Thank you for your consideration of my requests. If you have any questions, please do not hesitate to contact me, or have your staff contact Ryan Hunt in my office.

Sincerely,

DIANNE FEINSTEIN,
United States Senator.

U.S. SENATE,
Washington, DC, September 16, 2009.

Hon. DANIEL K. INOUYE,
Chairman, Senate Committee on Appropriations, The Capitol, Washington, DC.
Hon. DIANNE FEINSTEIN,
Chairman, Subcommittee on Interior, Environment, and Related Agencies, Senate Committee on Appropriations, Washington, DC.
Hon. THAD COCHRAN,
Ranking Member, Senate Committee on Appropriations, The Capitol, Washington, DC.
Hon. LAMAR ALEXANDER,
Ranking Member, Subcommittee on Interior, Environment, and Related Agencies, Senate Committee on Appropriations, Washington, DC.

DEAR CHAIRMAN INOUYE AND RANKING MEMBER COCHRAN, CHAIRMAN FEINSTEIN AND RANKING MEMBER ALEXANDER: As the Fiscal Year 2010 Interior, Environment, and Related Agencies Appropriations bill moves to the floor, I respectfully request your consideration of the technical corrections for projects from previous bills listed in this letter. These technical corrections are also listed on my website. I look forward to working with you through enactment of this bill.

I certify that neither I nor my immediate family has a pecuniary interest in any of the congressionally directed spending item(s) that I have requested, consistent with the requirements of paragraph 9 of Rule XLIV of the Standing Rules of the Senate. I further certify that I have posted a description of the items requested on my official website, along with the accompanying justification.

Line 96 of the list of STAG Infrastructure Grants/Congressional Priorities in the Explanatory Statement for Title II of Division F of Public Law 110–161 is revised to read ''The City of Prescott for wastewater treatment plant construction project, $170,800; and The City of Wichita for storm water technology pilot project, $129,200.''

Line 108 of the list of STAG Infrastructure Grants/Congressional Priorities in the Explanatory Statement for Title II of Division E of Public Law 111–8 is revised to read ''City of Manhattan for water mainline extension project, $185,000.''

Line 111 of the list of STAG Infrastructure Grants/Congressional Priorities in the Explanatory Statement for Title II of Division E of Public Law 111–8 is revised to read ''City of Manhattan for Konza water main extension project, $290,000.''

Sincerely,

SAM BROWNBACK,
United States Senator.

Hon. DANIEL INOUYE,
Chairman, Senate Appropriations Committee.
Hon. THAD COCHRAN,
Vice Chairman, Senate Appropriations Committee.
Hon. DIANNE FEINSTEIN,
Chairman, Subcommittee on Interior, Environment, and Related Agencies, Appropriations.
Hon. LAMAR ALEXANDER,
Ranking Member, Subcommittee on Interior, Environment, and Related Agencies, Appropriations.

DEAR CHAIRMAN INOUYE, VICE CHAIRMAN COCHRAN, CHAIRMAN FEINSTEIN AND RANKING MEMBER ALEXANDER: I write to respectfully request a technical correction to my requests for congressionally directed appropriations in the Fiscal Year 2010 Interior and Environment Appropriations Bill. I have attached the legislative language for my amendment, which would provide for the use of certain funds for certain water projects to be carried out by the cities of Prescott, Wichita, and Manhattan. I know that this year's budget situation is extremely tight, and I appreciate your consideration of these requests.

In addition, I certify that neither I nor my immediate family has a pecuniary interest in the congressionally directed spending items that I have requested, consistent with the requirements of paragraph 9 of rule XLIV of the Standing Rules of the Senate. I further certify that I have posted a description of the items requested on my official website, along with the accompanying justification.

Again, I thank you for your consideration of these requests. Should you have an questions, please do no hesitate to contact my Legislative Director Mike Seyfert.

With every best wish,

Sincerely,

PAT ROBERTS.

AMENDMENT

(Purpose: To provide for the use of certain funds for certain water projects to be carried out by the cities of Prescott, Wichita, and Manhattan)

On page 190, line 10, insert before the period at the end the following: '': *Provided further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying the Consolidated Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 1844), from funds made available by that Act for the State and Tribal Assistance Grants program, $170,800 shall be made available to the city of Prescott for a wastewater treatment plant construction project and $129,200 shall be made available to the city of Wichita for a storm water technology pilot project: *Provided further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 524), the amount of $185,000 made available to the city of Manhattan for the sewer mainline extension project (as described in the table entitled 'Congressionally Designated Spending' contained in section 430 of that joint explanatory statement) shall be made available to the city of Manhattan for a water mainline extension project: *Provided further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 524), the amount of $290,000 made available to the Riley County Board of Commissioners for the Konza Sewer Main Extension project (as described in the table entitled 'Congressionally Designated Spending' contained in section 430 of that joint explanatory statement) shall be made available to the city of Manhattan for the Konza Water Main Extension project''.

U.S. SENATE,
Washington, DC, September 16, 2009.

Hon. ROBERT C. BYRD, *Chairman,*
Hon. THAD COCHRAN, *Ranking Member,*
Senate Committee on Appropriations, U.S. Capitol, Washington, DC.
Hon. DIANNE FEINSTEIN, *Chairman,*
Hon. LAMAR ALEXANDER, *Ranking Member,*
Senate Appropriations Subcommittee on Interior, Environment, and Related Agencies, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMEN AND RANKING MEMBERS, Please find enclosed amendments I will offer to the FY 2010 Interior appropriations bill making technical changes to previously enacted provisions. All changes are a result of requests by the U.S. Environmental Protection Agency for clarification on the specific funds recipient, and none involve appropriation of additional funds.

I certify that neither I nor my immediate family has a pecuniary interest in these items, consistent with the requirements of paragraph 9 of Rule XLIV of the Standing Rules of the Senate.

Thank you in advance for your attention to this matter.

Sincerely,

CHRISTOPHER S. BOND.

AMENDMENT

(Purpose: To provide for the use of certain funds for Johnson County, Missouri for a drinking water and wastewater infrastructure project)

On page 190, line 10, insert before the period at the end the following: *Providing further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 111–8 (123 Stat. 524), the amount of $1,300,000 made available to the City of Warrensburg, Missouri for a drinking water and wastewater infrastructure project (as described in the table entitled 'Congressionally Designated Spending' contained in section 430 of that joint explanatory statement) shall be made available to Johnson County, Missouri for that project''.

AMENDMENT

(Purpose: To provide for the use of certain funds for the Gravois Arm Sewer District for a wastewater infrastructure project)

On page 190, line 10, insert before the period at the end the following: '': *Providing further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 111–8 (123 Stat. 524), the amount of $1,000,000 made available to the City of Gravois Mills for wastewater infrastructure (as described in the table entitled 'Congressionally Designated Spending' contained in section 430 of that joint explanatory statement) shall be made available to the Gravois Arm Sewer District for that project''.

AMENDMENT

(Purpose: To provide for the use of certain funds for PWSD #1 of McDonald County, Missouri for a wastewater infrastructure project)

On page 190, line 10, insert before the period at the end the following: '': *Providing further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 111–8 (123 Stat. 524), the amount of $500,000 made available to McDonald County, Missouri for a

wastewater infrastructure expansion project (as described in the table entitled 'Congressionally Designated Spending' contained in section 430 of that joint explanatory statement) shall be made available to PWSD #1 of McDonald County, Missouri for that project''.

U.S. SENATE,
Washington, DC, September 17, 2009.

Hon. ROBERT C. BYRD, *Chairman,*
Hon. THAD COCHRAN, *Ranking Member,*
Senate Committee on Appropriations, U.S. Capitol, Washington, DC.
Hon. DIANNE FEINSTEIN, *Chairman,*
Hon. LAMAR ALEXANDER, *Ranking Member,*
Senate Appropriations Subcommittee on Interior, Environment and Related Agencies, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMEN AND RANKING MEMBERS, Please find enclosed an amendment I will offer to the FY 2010 Interior appropriations bill making a technical change to a previously enacted provision. The change retains the drinking water infrastructure purpose of the project, does not increase the amount of funds appropriated and does not change the funding recipient.

I certify that neither I nor my immediate family has a pecuniary interest in this item, consistent with the requirements of paragraph 9 of Rule XLIV of the Standing Rules of the Senate.

Thank you in advance for your attention to this matter.

Sincerely,

CHRISTOPHER S. BOND.

AMENDMENT

(Purpose: To provide for the use of certain funds for the Pemiscot Consolidated Public Water Supply District #1 for a drinking water source protection infrastructure project)

On page 190, line 10, insert before the period at the end the following: '': *Providing further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 110–161 (121 Stat. 1844), the amount of $150,000 made available to the City of Hayti, Pemiscot Consolidated Public Water Supply District #1 for a water storage tank (as described in the section entitled 'STAG Infrastructure Grants/Congressionally Priorities' on page 1264 of the joint explanatory statement) shall be made available to Pemiscot Consolidated Public Water Supply District #1 for a drinking water source protection infrastructure project''.

U.S. SENATE,
Washington, DC, September 16, 2009.

Senator DIANNE FEINSTEIN,
Chairman, Subcommittee on Interior, Environment, and Related Agencies, Senate Committee on Appropriations, Washington, DC.
Senator LAMAR ALEXANDER,
Ranking Member, Subcommittee on Interior, Environment, and Related Agencies, Senate Committee on Appropriations, Washington, DC.

DEAR CHAIRMAN FEINSTEIN AND RANKING MEMBER ALEXANDER: I am writing to request your assistance in making a technical correction to the Joint Explanatory Statement accompanying the Interior portion of the Omnibus Appropriations Act for Fiscal Year 2009. The Joint Explanatory Statement mistakenly directs $400,000 from the Environmental Protection Agency's (EPA) State and Tribal Assistance Grants (STAG) account to the City of Lake Norden in South Dakota for wastewater infrastructure improvements. I request your assistance in correcting this description to reflect the fact that the Lake Norden project involves drinking water infrastructure.

I certify that neither I nor my immediate family has a pecuniary interest, consistent with the requirements of Paragraph 9 of Rule XLIV of the Standing Rules of the Senate, in any congressionally directed spending item that I requested from the Committee on Appropriations for Fiscal Year 2009.

Thank you for consideration of this request, and please contact me if you require any additional information.

Sincerely,

TIM JOHNSON,
United States Senate.

U.S. SENATE,
Washington, DC, September 24, 2009.

Hon. DIANNE FEINSTEIN,
Chairman, Appropriations Subcommittee on the Interior, Environment and Related Agencies, Washington, DC.
Hon. LAMAR ALEXANDER,
Ranking Member, Appropriations Subcommittee on The Interior, Environment and Related Agencies, Washington, DC.

DEAR CHAIRMAN FEINSTEIN AND RANKING MEMBER ALEXANDER: I certify that neither I nor my immediate family has a pecuniary interest in any of the congressionally directed spending items that I have requested, including Senate Amendment # 2501, consistent with the requirements of paragraph 9 of Rule XLIV of the Standing Rules of the Senate for the FY 2010 Department of Interior, Environment, and Related Agencies Appropriations bill.

Sincerely,

JAMES E. RISCH,
United States Senator.

Mrs. FEINSTEIN. Mr. President, all of these amendments have been cleared on both sides, and I believe we are in a position to voice vote the package.

Before voting, through, I would yield to my distinguished ranking member for any comments he may wish to make.

Mr. ALEXANDER. Mr. President, I concur with the remarks of the distinguished chairman of the subcommittee. I believe these are good amendments. We are able to clear them with the relevant members and their staffs. I support their adoption.

Beyond that, I would like to say to the chairman, I appreciate her willingness to accommodate the amendments and the positions of a large number of Republican Senators who have important issues that we will have a chance to vote on, and for including us in the process. I thank her for that, and we look forward to the rest of the day and concluding work on the bill.

Mrs. FEINSTEIN. I ask for a voice vote.

The PRESIDING OFFICER. The question is on agreeing to the managers' package of amendments en bloc.

The amendments were agreed to en bloc, as follows:

AMENDMENT NO. 2492

(Purpose: To provide funds for the Collaborative Forest Landscape Restoration Fund, with an offset)

On page 197, line 11, strike ''$2,586,637,000'' and insert ''$2,576,637,000''.

On page 198, line 10, strike ''$350,285,000'' and insert ''$340,285,000''.

On page 200, between lines 13 and 14, insert the following:

COLLABORATIVE FOREST LANDSCAPE RESTORATION FUND

For expenses authorized by section 4003(f) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7303(f)), $10,000,000, to remain available until expended.

AMENDMENT NO. 2501

(Purpose: To provide for the use of certain funds for the Upper Snake/South Fork River Area of Critical Concern)

On page 122, line 11, insert before the period at the end the following: '': *Provided*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 111–8 (123 Stat. 524), the amount of $2,000,000 made available for the Henry's Lake ACEC in the State of Idaho (as described in the table entitled ''Congressionally Designated Spending'' contained in section 430 of that joint explanatory statement) shall be made available for the Upper Snake/South Fork River ACEC/SRMA in the State of Idaho''.

AMENDMENT NO. 2505

(Purpose: To require the Administrator of the Environmental Protection Agency to conduct a study on black carbon emissions)

On page 192, between lines 6 and 7, insert the following:

GENERAL PROVISIONS, ENVIRONMENTAL PROTECTION AGENCY

BLACK CARBON

SEC. 201. (a) Not later than 18 months after the date of enactment of this Act, the Administrator, in consultation with other Federal agencies, may carry out and submit to Congress the results of a study to define black carbon, assess the impacts of black carbon on global and regional climate, and identify the most cost-effective ways to reduce black carbon emissions—

(1) to improve global and domestic public health; and

(2) to mitigate the climate impacts of black carbon.

(b) In carrying out the study, the Administrator shall—

(1) identify global and domestic black carbon sources, the quantities of emissions from those sources, and cost-effective mitigation technologies and strategies;

(2) evaluate the public health, climate, and economic impacts of black carbon;

(3) identify current and practicable future opportunities to provide financial, technical, and related assistance to reduce domestic and international black carbon emissions; and

(4) identify opportunities for future research and development to reduce black carbon emissions and protect public health in the United States and internationally.

(c) Of the amounts made available under this title under the heading ''ENVIRONMENTAL PROGRAMS AND MANAGEMENT'' for operations and administration, up to $2,000,000 shall be—

(1) transferred to the account used to fund the Office of Air Quality Planning and Standards of the Environmental Protection Agency; and

(2) used by the Administrator to carry out this section.

AMENDMENT NO. 2509

(Purpose: To encourage the Administrator of the Environmental Protection Agency to reassess the cost-effectiveness of the buyout and relocation of residents of certain properties in Treece, Kansas)

At the end of title IV, add the following:

BUYOUT AND RELOCATION

SEC. 4___. (a) As soon as practicable after the date of enactment of this Act, the Administrator of the Environmental Protection Agency (referred to in this section as the ''Administrator'') is encouraged to consider

all appropriate criteria, including cost-effectiveness, relating to the buyout and relocation of residents of properties in Treece, Kansas, that are subject to risk relating to, and that may endanger the health of occupants as a result of risks posed by, chat (as defined in section 278.1(b) of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act)).

(b) For the purpose of the remedial action under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) that includes permanent relocation of residents of Treece, Kansas, any such relocation shall not be subject to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

(c) Nothing in this section shall in any way affect, impede, or change the relocation or remediation activities pursuant to the Record of Decision Operable Unit 4, Chat Piles, Other Mine and Mill Waste, and Smelter Waste, Tar Creek Superfund Site, Ottawa County, Oklahoma (OKD980629844) issued by the Environmental Protection Agency Region 6 on February 20, 2008, or any other previous Record of Decision at the Tar Creek, Oklahoma, National Priority List Site, by any Federal agency or through any funding by any Federal agency.

AMENDMENT NO. 2518

(Purpose: To make technical corrections to certain State and tribal assistance grants)

On page 190, line 10, insert before the period at the end the following: '': *Provided further*, That, notwithstanding House Report 107–272, the amount of $1,000,000 made available to the Southeast Alabama Regional Water Authority for a water facility project and the amount of $2,500,000 made available to the Alabama Regional Water Authority for the Southwest Alabama Rural/Municipal Water System may, at the discretion of the Administrator, be made available to the city of Thomasville for those projects: *Provided further*, That, notwithstanding House Report 108–10, the amount of $450,000 made available to the Southwest Alabama Regional Water Authority for water infrastructure improvements may, at the discretion of the Administrator, be made available to the city of Thomasville for that project: *Provided further*, That, notwithstanding House Report 108–401, the amount of $450,000 made available to the Southwest Alabama Regional Water supply District for regional water supply distribution in Thomasville, Alabama, may, at the discretion of the Administrator, be made available to the city of Thomasville for that project: *Provided further*, That, notwithstanding House Report 108–401, the amount of $2,000,000 made available to the Tom Bevill Reservoir Management Area Authority for construction of a drinking water reservoir in Fayette County, Alabama, may, at the discretion of the Administrator, be made available to Fayette County, Alabama, for water system upgrades: *Provided further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 111–8 (123 Stat. 524), the amount of $500,000 made available to the San Bernardino Municipal Water District for the Inland Empire alternative water supply project (as described in the table entitled 'Congressionally Designated Spending' contained in section 430 of that joint explanatory statement) may, at the discretion of the Administrator, be made available to the city of San Bernardino municipal water department for that project: *Provided further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying the Consolidated Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 1844), from funds made available by that Act for the State and Tribal Assistance Grants program, $170,800 may, at the discretion of the Administrator, be made available to the city of Prescott for a wastewater treatment plant construction project and $129,200 may, at the discretion of the Administrator, be made available to the city of Wichita for a storm water technology pilot project: *Provided further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 524), the amount of $185,000 made available to the city of Manhattan for the sewer mainline extension project (as described in the table entitled 'Congressionally Designated Spending' contained in section 430 of that joint explanatory statement) may, at the discretion of the Administrator, be made available to the city of Manhattan for a water mainline extension project: *Provided further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying the Omnibus Appropriations Act, 2009 (Public Law 111–8; 123 Stat. 524), the amount of $290,000 made available to the Riley County Board of Commissioners for the Konza Sewer Main Extension project (as described in the table entitled 'Congressionally Designated Spending' contained in section 430 of that joint explanatory statement) may, at the discretion of the Administrator, be made available to the city of Manhattan for the Konza Water Main Extension project: *Provided further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 111–8 (123 Stat. 524), the amount of $1,300,000 made available to the City of Warrensburg, Missouri for a drinking water and wastewater infrastructure project (as described in the table entitled 'Congressionally Designated Spending' contained in section 430 of that joint explanatory statement) may, at the discretion of the Administrator, be made available to Johnson County, Missouri for that project: *Provided further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 111–8 (123 Stat. 524), the amount of $ 1,000,000 made available to the City of Gravois Mills for wastewater infrastructure (as described in the table entitled 'Congressionally Designated Spending' contained in section 430 of that joint explanatory statement) may, at the discretion of the Administrator, be made available to the Gravois Arm Sewer District for that project: *Provided further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 111–8 (123 Stat. 524), the amount of $500,000 made available to McDonald County, Missouri for a wastewater infrastructure expansion project (as described in the table entitled 'Congressionally Designated Spending' contained in section 430 of that joint explanatory statement) may, at the discretion of the Administrator, be made available to PWSD #1 of McDonald County, Missouri for that project: *Provided further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 110–161 (121 Stat. 1844), the amount of $150,000 made available to the City of Hayti, Pemiscot Consolidated Public Water Supply District 1 for a Water Storage Tank (as described in the section entitled 'STAG Infrastructure Grants/Congressional Priorities' on page 1264 of the joint explanatory statement) may, at the discretion of the Administrator, be made available to Pemiscot Consolidated Public Water Supply District 1 for a drinking water source protection infrastructure project: *Provided further*, That, notwithstanding the joint explanatory statement of the Committee on Appropriations of the House of Representatives accompanying Public Law 111–8 (123 Stat. 524), the amount of $400,000 made available to the City of Lake Norden, South Dakota, for wastewater infrastructure improvements (as described in the table entitled 'Congressionally Designated Spending' contained in section 430 of that joint explanatory statement) may, at the discretion of the Administrator, be made available to the City of Lake Norden, South Dakota, for drinking water infrastructure improvements''.

AMENDMENT NO. 2519

(Purpose: To extend a special use permit for Drake's Estero at Point Reyes National Seashore, California)

On page 179, strike line 7 and all that follows through page 180, line 9, and insert the following:

SEC. 120. Prior to the expiration on November 30, 2012 of the Drake's Bay Oyster Company's Reservation of Use and Occupancy and associated special use permit (''existing authorization'') within Drake's Estero at Point Reyes National Seashore, notwithstanding any other provision of law, the Secretary of the Interior is authorized to issue a special use permit with the same terms and conditions as the existing authorization, except as provided herein, for a period of 10 years from November 30, 2012: *Provided*, That such extended authorization is subject to annual payments to the United States based on the fair market value of the use of the Federal property for the duration of such renewal. The Secretary shall take into consideration recommendations of the National Academy of Sciences Report pertaining to shellfish mariculture in Point Reyes National Seashore before modifying any terms and conditions of the extended authorization.

AMENDMENT NO. 2522

(Purpose: To clarify the authority of the Secretary of Agriculture regarding the coordination of biobased product activities)

On page 240, between lines 13 and 14, insert the following:

SEC. 4____. Section 404(c) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7624(c)) is amended—

(1) in paragraph (1), by striking ''Agricultural Research Service'' and inserting ''Department of Agriculture''; and

(2) by adding at the end the following:

''(3) AUTHORITY OF SECRETARY.—To carry out a cooperative agreement with a private entity under paragraph (1), the Secretary may rent to the private entity equipment, the title of which is held by the Federal Government.''.

AMENDMENT NO. 2534, AS MODIFIED

At the appropriate place, insert the following:

SEC. . (a) It is the sense of the Senate that the Senate—

(1) Supports the National Vehicle Mercury Switch Recovery Program as an effective way to reduce mercury pollution from electric arc furnaces used by the steel industry to melt scrap metal from old vehicles; and

(2)Urges the founders of the Program to secure private sector financial support so that the successful efforts of the Program to reduce mercury pollution may continue.

AMENDMENT NO. 2491, AS MODIFIED

On page 240, between lines 13 and 14, insert the following:

SEC. 423. NATIONAL FOREST FOUNDATION.

Section 403(a) of the National Forest Foundation Act (16 U.S.C. 583j-1(a)) is amended, in the first sentence, by striking ''fifteen Directors'' and inserting ''not more than 30 Directors''.

AMENDMENT NO. 2495

(Purpose: To support the Pest and Disease Revolving Loan Fund)

On page 193, line 13, insert before '': *Provided*'' the following: ''and of which $2,000,000 may be made available to the Pest and Disease Revolving Loan Fund established by section 10205(b) of the Food, Conservation, and Energy Act of 2008 (16 U.S.C. 2104a(b))''.

AMENDMENT NO. 2507

(Purpose: To limit the increase in cabin user fees, with an offset)

On page 193, line 9, strike ''$1,556,329,000'' and insert ''$1,552,429,000''.

On page 193, line 20, insert before the period at the end the following: '': *Provided further*, that $282,617,000 shall be made available for recreation, heritage, and wilderness''.

On page 240, between lines 13 and 14, insert the following:

SEC. 423. CABIN USER FEES.

Notwithstanding any other provision of law, none of the funds made available by this Act shall be used to increase the amount of cabin user fees under section 608 of the Cabin User Fee Fairness Act of 2000 (16 U.S.C. 6207) to an amount beyond the amount levied on December 31, 2009.

AMENDMENT NO. 2493, AS MODIFIED

On page 159, line 25, strike ''$979,637,000'' and insert ''$904,637,000''.

On page 197, line 11, strike ''$2,576,637,000'' and insert ''$1,817,637,000''.

On page 240, between lines 13 and 14, insert the following:

SEC. 423. FLAME FUND FOR EMERGENCY WILDFIRE SUPPRESSION ACTIVITIES.

(a) DEFINITIONS.—In this section:

(1) FEDERAL LAND.—The term ''Federal land'' means—

(A) public land, as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702);

(B) units of the National Park System;

(C) refuges of the National Wildlife Refuge System;

(D) land held in trust by the United States for the benefit of Indian tribes or members of an Indian tribe; and

(E) land in the National Forest System, as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

(2) FLAME FUND.—The term ''Flame Fund'' means the Federal Land Assistance, Management, and Enhancement Fund established by subsection (b).

(3) SECRETARIES.—The term ''Secretaries'' means the Secretary of the Interior and the Secretary of Agriculture, acting jointly.

(4) SECRETARY CONCERNED.—The term ''Secretary concerned'' means—

(A) the Secretary of the Interior, with respect to Federal land described in subparagraphs (A), (B), (C), and (D) of paragraph (1); and

(B) the Secretary of Agriculture, with respect to National Forest System land.

(b) ESTABLISHMENT OF FLAME FUND.—There is established in the Treasury of the United States a fund to be known as the ''Federal Land Assistance, Management, and Enhancement Fund'', consisting of—

(1) such amounts as are appropriated to the Flame Fund; and

(2) such amounts as are transferred to the Flame Fund under subsection (d).

(c) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There are authorized to be appropriated to the Flame Fund such amounts as are necessary to carry out this section.

(B) CONGRESSIONAL INTENT.—It is the intent of Congress that the amounts appropriated to the Flame Fund for each fiscal year should be not less than the combined average amount expended by each Secretary concerned for emergency wildfire suppression activities over the 5 fiscal years preceding the fiscal year for which amounts are appropriated.

(C) AVAILABILITY.—Amounts appropriated to the Flame Fund shall remain available until expended.

(2) APPROPRIATION.—There is appropriated to the Flame Fund, out of funds of the Treasury not otherwise appropriated, $834,000,000.

(3) SENSE OF CONGRESS ON DESIGNATION OF FLAME FUND APPROPRIATIONS AS EMERGENCY REQUIREMENT.—It is the sense of Congress that further amounts appropriated to the Flame Fund should be designated as amounts necessary to meet emergency needs.

(4) NOTICE OF INSUFFICIENT FUNDS.—The Secretaries shall notify the congressional committees described in subsection (h)(2) if the Secretaries estimate that only 60 days worth of funding remains in the Flame Fund.

(d) TRANSFER OF EXCESS WILDFIRE SUPPRESSION AMOUNTS INTO FLAME FUND.—At the end of each fiscal year, the Secretary concerned shall transfer to the Flame Fund amounts that—

(1) are appropriated to the Secretary concerned for wildfire suppression activities for the fiscal year; but

(2) are not obligated for wildfire suppression activities before the end of the fiscal year.

(e) USE OF FLAME FUND.—

(1) IN GENERAL.—Subject to paragraphs (2), (3), and (4), amounts in the Flame Fund shall be available to the Secretary concerned to pay the costs of emergency wildfire suppression activities that are separate from amounts annually appropriated to the Secretary concerned for routine wildfire suppression activities.

(2) DECLARATION REQUIRED.—

(A) IN GENERAL.—Amounts in the Flame Fund shall be made available to the Secretary concerned only after the Secretaries issue a declaration that a wildfire suppression activity is eligible for funding from the Flame Fund.

(B) DECLARATION CRITERIA.—A declaration by the Secretaries under subparagraph (A) may be issued only if—

(i) in the case of an individual wildfire incident—

(I) the fire covers 300 or more acres; and

(II) the Secretaries determine that the fire has required an emergency Federal response based on the significant complexity, severity, or threat posed by the fire to human life, property, or resources; or

(ii) the cumulative costs of wildfire suppression activities for the Secretary concerned have exceeded the amounts appropriated to the Secretary concerned for those activities (not including funds deposited in the Flame Fund).

(3) TRANSFER OF AMOUNTS TO SECRETARY CONCERNED.—After issuance of a declaration under paragraph (2) and on request of the Secretary concerned, the Secretary of the Treasury shall transfer from the Flame Fund to the Secretary concerned such amounts as the Secretaries determine are necessary for wildfire suppression activities associated with the declaration.

(4) STATE, PRIVATE, AND TRIBAL LAND.—Use of the Flame Fund for emergency wildfire suppression activities on State land, private land, and tribal land shall be consistent with any existing agreements in which the Secretary concerned has agreed to assume responsibility for wildfire suppression activities on the land.

(f) TREATMENT OF ANTICIPATED AND PREDICTED ACTIVITIES.—

(1) IN GENERAL.—Subject to subsection (e)(2)(B)(ii), the Secretary concerned shall continue to fund routine wildfire suppression activities within the appropriate agency budget for each fiscal year.

(2) CONGRESSIONAL INTENT.—It is the intent of Congress that funding made available through the Flame Fund be used—

(A) to supplement the funding otherwise appropriated to the Secretary concerned; and

(B) only for purposes in, and instances consistent with, this section.

(g) PROHIBITION ON OTHER TRANSFERS.—Any amounts in the Flame Fund and any amounts appropriated for the purpose of wildfire suppression on Federal land shall be obligated before the Secretary concerned may transfer funds from non-fire accounts for wildfire suppression.

(h) ACCOUNTING AND REPORTS.—

(1) ACCOUNTING AND REPORTING SYSTEM.—The Secretaries shall establish an accounting and reporting system for the Flame Fund that is compatible with existing National Fire Plan reporting procedures.

(2) ANNUAL REPORT.—Annually, the Secretaries shall submit to the Committee on Natural Resources, the Committee on Agriculture, and the Committee on Appropriations of the House of Representatives and the Committee on Energy and Natural Resources, the Committee on Indian Affairs, and the Committee on Appropriations of the Senate and make available to the public a report that—

(A) describes the use of amounts from the Flame Fund; and

(B) includes any recommendations that the Secretaries may have to improve the administrative control and oversight of the Flame Fund.

(3) ESTIMATES OF WILDFIRE SUPPRESSION COSTS TO IMPROVE BUDGETING AND FUNDING.—

(A) IN GENERAL.—Consistent with the schedule provided in subparagraph (C), the Secretaries shall submit to the committees described in paragraph (2) an estimate of anticipated wildfire suppression costs for the applicable fiscal year and the subsequent fiscal year.

(B) PEER REVIEW.—The methodology for developing the estimates under subparagraph (A) shall be subject to periodic peer review to ensure compliance with subparagraph (D).

(C) SCHEDULE.—The Secretaries shall submit an estimate under subparagraph (A) during—

(i) the first week of February of each year;

(ii) the first week of April of each year;

(iii) the first week of July of each year; and

(iv) if a bill making appropriations for the Department of the Interior and the Forest Service for the following fiscal year has not been enacted by September 1, the first week of September of each year.

(D) REQUIREMENTS.—An estimate of anticipated wildfire suppression costs shall be developed using the best available—

(i) climate, weather, and other relevant data; and

(ii) models and other analytic tools.

(i) TERMINATION OF AUTHORITY.—The authority under this section shall terminate at the end of the third fiscal year in which no appropriations to or withdrawals from the Flame Fund have been made for a period of 3 consecutive fiscal years.

SEC. 424. COHESIVE WILDFIRE MANAGEMENT STRATEGY.

(a) STRATEGY REQUIRED.—Not later than 1 year after the date of enactment of this Act,

the Secretary of the Interior and the Secretary of Agriculture, acting jointly, shall submit to Congress a report that contains a cohesive wildfire management strategy, consistent with the recommendations described in recent reports of the Government Accountability Office regarding management strategies.

(b) ELEMENTS OF STRATEGY.—The strategy required by subsection (a) shall provide for—

(1) the identification of the most cost-effective means for allocating fire management budget resources;

(2) the reinvestment in non-fire programs by the Secretary of the Interior and the Secretary of Agriculture;

(3) employing the appropriate management response to wildfires;

(4) assessing the level of risk to communities;

(5) the allocation of hazardous fuels reduction funds based on the priority of hazardous fuels reduction projects;

(6) assessing the impacts of climate change on the frequency and severity of wildfire; and

(7) studying the effects of invasive species on wildfire risk.

(c) REVISION.—At least once during each 5-year period beginning on the date of the submission of the cohesive wildfire management strategy under subsection (a), the Secretaries shall revise the strategy submitted under that subsection to address any changes affecting the strategy, including changes with respect to landscape, vegetation, climate, and weather.

AMENDMENTS NOS. 2456 AND 2522 WITHDRAWN

The PRESIDING OFFICER. Under the previous order, amendments Nos. 2456 and 2522 are withdrawn.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2522

The PRESIDING OFFICER. For the clarification of the Senate, amendment 2522 was not withdrawn. It was part of the managers' package.

The majority leader.

HEALTH CARE DEBATE

Mr. REID. Mr. President, this past April, as the health care debate was getting underway, I sent my Republican counterpart, Senator MCCONNELL, a letter outlining our priorities for the debate. I wrote, of course, that Democrats are committed to lowering health care costs, expanding access, and improving the quality of care. I said that we look forward to a dialog about how to prevent diseases, reduce health disparities, and encourage both early detection and effective treatments that save lives. But in that letter of 5 months ago, I also said that in order to help struggling Americans, we cannot drown in distractions and distortions. I made clear that bipartisanship depended on Republicans demonstrating a sincere interest in legislating. It depends on their joining us to offer concrete and constructive proposals, even if we disagree on the content of those ideas. It depends on us working together in our common interests rather than against each other and against the interests of the American people.

I stand by that assessment as strongly today as I did this spring. It is painfully clear to everyone who has seen this debate's disturbing turns and dishonest tactics that more than ever, we now need people willing to work together in good faith. If we have learned anything from the recent rhetoric, both in our respective States and here in the Senate, it is that we need honest debate. It is regrettable that we have seen far too little of that lately.

Today, I want to talk about one area of the debate that has seen particularly reckless rumors and scare tactics—what health insurance reform will mean to seniors.

A Republican Congresswoman recently claimed that our plan to improve health care would ''put seniors in a position of being put to death by their government.'' That was wrong when it was said, and it is wrong now. A Republican Senator made a similar statement to mislead his constituents. He actually accused Democrats of proposing a plan that would kill Americans. Others pretend our reforms will cut benefits when, in fact, the only thing they cut is waste. Is this any way to have an honest debate? I don't think so. Is this what our constituents sent us here to do? I don't think so. Some of our friends on the other side may not want to let reality get in the way of a good sound bite, but I think it is crucial that we get the facts straight.

The fact is, ever since a Democratic Congress and Democratic President created Medicare, Democrats have spent the past 40 years protecting seniors.

I know a little bit about Medicare. My first elective job in Nevada was on a countywide hospital board. It was then called the Southern Nevada Memorial Hospital. It is now called the University Medical Center. When I started my job, 40 percent of seniors who came into that hospital had no insurance. We had an aggressive plan to go after their fathers, mothers, brothers, sisters, whoever signed for them. That is no longer the case with Medicare. Virtually every senior who comes into that institution and all institutions has insurance to cover their hospitalizations. It is called Medicare. By the time I left that job, Medicare had come into existence.

The fact is, ever since Republicans opposed the creation of Medicare, they have spent the past 40 years on the wrong side of history when it comes to helping seniors. They were wrong then, and they are wrong now.

I don't carry much in my wallet. I have three credit cards. I have a few dollars. One thing I always carry with me is something I think is pretty important. I have carried this for years. You can see how wilted it is. I have done it for many years because I want to be able to quote accurately what I am talking about here. Republicans have hated Medicare from the very beginning, and they still hate it.

I was there fighting the fight, one of twelve voting against Medicare because we knew it wouldn't work in 1965.

Robert Dole, former leader of the Republicans in the Senate, candidate for President on the Republican ticket, that is what he said.

Now, we didn't get rid of it in round one because we don't think it is politically smart, but we believe Medicare is going to wither on the vine.

Newt Gingrich. I am not making this up. This is what they said.

Dick Armey, majority leader a few years ago in the House of Representatives:

Medicare has no place in a free world.

When I say that since Democrats created Medicare, we have spent 40 years protecting America's seniors, the fact is, ever since the Republicans opposed the creation of Medicare, they have spent the past 40 years on the wrong side of history when it comes to helping seniors. They were wrong then. They are wrong now. They conveniently ignore facts such as that in 1965, only half the Nation's seniors had health insurance. Today, virtually every senior has health insurance. It is called Medicare. Is it a perfect program? Of course, it is not. But it is a pretty good program. Seniors' life expectancy has gone up and the number of seniors living in poverty has gone down. Those on Medicare universally like it.

People complain about this program. Do you know what the overhead is on this program? It is less than 3 percent. It is one of the most effective programs in the history of the country. But that hasn't stopped Republicans from bragging about trying to kill Medicare. It hasn't stopped them from looking out for insurance companies instead of their constituents. And in the past 10 years, it hasn't stopped Republicans from voting against protecting and strengthening Medicare 59 times. Look at this. These are the votes by year. Just last year, these are the votes. I hope this year's reform will not be No. 60 because this bill will also protect and strengthen Medicare.

There will be an opportunity for Democrats and Republicans to offer amendments to whatever bill comes out of the Finance Committee and out of the HELP Committee, and they will be melded together. What our legislation does is lower the cost of medicine. It provides a free yearly checkup, makes preventive care for seniors free. It will give doctors who treat seniors a raise, and it will cut waste from Medicare. For seniors, health insurance reform will mean all of that.

Rather than having a serious and real debate about a serious and real crisis, some would prefer to deploy tactics to frighten the American people. But what really frightens them is that under the status quo, they live just one

illness, one accident, one pink slip away from losing everything they have.

This is no time to let partisanship get the best of us. This is no time to obsess over rumors or oppose ideas simply because they were proposed by people who sit on a different side of this Chamber. This is no time to instill unfounded fears or incite hope that our Nation's leaders fail.

This is the time to get serious about making it easy for American citizens to afford and live healthy lives. When it comes to Republicans' attacks on Medicare, the messenger has no credibility and the message is nothing more than an excuse. At the end of the day, the other side's insistence on spreading fear above all else is what will truly hurt seniors and all Americans.

Our opponents' claims this time around are as disingenuous as they have been and phony at worst—disingenuous because they have a long track record of standing in the way of giving America's seniors what they need, phony because they completely and willfully misrepresent what the bills we are considering will actually do for seniors. Our bill will lower the cost of medicine, provide a free yearly checkup, make preventive care free, give doctors who treat seniors a raise, and cut waste from Medicare. That is what it is all about.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I thank the majority leader, Mr. President, because a lot has been said in this health care debate that needs to be clarified. I have been on the floor—how many times—when the Republican leadership has come to the floor and told us that if we are not careful in health care reform, we will end up with a government-run health insurance program. They have warned us: Be careful. Government run health insurance, it is socialism, too much government. I am waiting for the first Republican Senator to come to the floor and say: So we should abolish Medicare; we ought to get rid of Medicaid, which is for the poorest people, and we ought to get rid of veterans health care, another government program, and the Children's Health Insurance Program that makes health insurance affordable all across the United States. If one follows the Republican logic, they are all government health insurance programs.

Traditionally, the Republican Party has not embraced the concept. Let's be honest about it. They have a different view. They would like government to step aside and let the market work its will. Have you noticed what the market is working? The market is working its will in health insurance, and we are seeing private, for-profit health insurance companies making a fortune, denying one out of five people the coverage they thought they had, raising their costs every single year. That is the reality of the private market.

When it comes to Medicare, a program created under President Lyndon Johnson more than 40 years ago, 45 million Americans have the peace of mind to know they have basic health insurance protection. Do you know who these people are? They are folks who worked their whole lives, paid money out of their paychecks to be part of Medicare so that they would have not only the peace of mind but quality health care in their retirement years. It is not just the peace of mind of having access to good health care, it is the peace of mind of knowing that all the money you worked for your entire life to save, the money you wanted to live on in comfort after retirement would not disappear because of medical bills. Medicare gives people peace of mind and protects their assets so they can live independently, comfortably, in the kind of style most of us dream of for all Americans who have worked so hard for many years.

We hear the other side tell us how bad those government health insurance programs are. The administrative costs of Medicare are dramatically lower than the cost of private health insurance. It is obvious. Medicare is a not-for-profit entity. It is managed at a cost of about 3 percent. Do you know what happens with health insurance companies? They load up with costs for profit. They load up with costs for advertising and marketing.

They load up with people who get on the telephone to say: No—no to your doctor. You know what I am talking about. When the doctor says: I think the best thing for you is this procedure, and you are under private health insurance, that last stop in that medical decision is not at the hospital or in the doctor's office; the last stop is a long-distance phone call to some clerk sitting out in Omaha, NE, with a manual in front of him or her, and the first words at the top of the page say: Say no. Raise questions. Tell them you will get back to them.

Am I making this up? I am not. I have example after example from my home State of Illinois, from people I have met during the course of my service in the Senate and the House, and people I met this last summer who will verify that.

So when the Republicans come to the floor to criticize us and say they are the guardians of Medicare, it does not square with their traditional position of opposing Medicare, with their efforts to cut Medicare over the years and the fact that when we talk about Medicare and its future, they are nowhere to be found.

This is a critical health care debate we are facing. I admit the President has stuck his neck out a mile. It takes some courage to do it because he knows it is a controversial issue. President Obama said to us in a joint session of Congress: If this were easy somebody would have done it a long time ago. But he is going to take this on, and he said to us publicly and privately he will spend every penny of political capital he has to get it done. It means that much to him and to our Nation.

So for seniors this is a critical debate. A lot of seniors are being misled by things that are downright awful. I saw the videotape. This Republican Congresswoman went to the floor of the U.S. House of Representatives and said that: Oh, these Democrats want to create death panels. Sarah Palin said that those death panels would take the life of one of her children or something. That is an outrageous statement and not true.

Do you know what they are talking about? They are talking about an amendment offered by a Georgia Senator—a Republican Georgia Senator—JOHNNY ISAKSON—a reasonable amendment. Do you know what it said? Under our health care reform, people should be allowed to go to a doctor and, in privacy and in confidence, sit down and say the words that need to be said—words like: Listen, I don't want to be hooked up to some machine. When the time comes, I want to go peacefully. I don't want extraordinary things done for me. That is my wish and, doctor, I want you to know that wish. I am going to tell my family, but I want you to know.

Is that an important conversation? Any one of us—and so many of us fit in this category, who have been through one of those situations with a parent, a member of our family, or someone we love—wants to know what they want.

So Senator ISAKSON proposed that amendment. It was a thoughtful, reasonable amendment that we brought into this debate. What happened to it? You know what happened: death panels. Oh, they are going in there. They are going to mandate that they pull the plug on Granny. That is sad. It is unfortunate. It shows a lack of maturity and judgment by those who are making those charges. And we have heard them from the halls of Congress and outside. What we are talking about here is health care reform this country needs but health care reform that will actually benefit Medicare beneficiaries.

As shown on this chart, this is basically what we hope to do for seniors when it comes to health insurance reform.

First, we want to lower the cost of medicine. Ask seniors about Medicare's prescription drug plan, and they will tell you: Well, it is good, but if you have a lot of drugs and they are very expensive—somehow or other Congress dreamed up something called the ''doughnut hole.'' What it basically means is, for some period of time each year, those seniors who need drug protection the most are on their own. They have to start spending out of their pocket. We close the doughnut hole, lowering the cost of medicine for seniors under Medicare.

We provide for that free yearly checkup that can make all the difference in the world. A senior who gets to go in and check up with the doctor regularly is one who is likely going to

spot something before it becomes serious where it can be treated successfully. That makes good sense. Seniors across America will appreciate that. That is part of our plan.

Preventive care is free. We are talking about mammograms, colonoscopies, blood tests for prostate cancer. These things will be free under the health care reform we are talking about for senior citizens and for virtually everyone in America.

Giving doctors who treat seniors compensation for the care they are providing. We want doctors who are professional enough to include Medicare patients in their practice to be compensated fairly.

Finally, cut waste from Medicare. I want to say a word about this. I got on this ''Meet The Press'' program. I get on there once in a while on Sunday mornings. I think they put me on because I am free. But for whatever reason, I was on there, and I was in debate with Newt Gingrich. You know Newt Gingrich, former Republican Speaker of the House of Representatives, the spokesman for many parts of his party today.

I said: It bothers me when people say health care reform is going to cut Medicare. Let me tell you what we have in mind. A few years ago, the private insurance companies came to us and said: We can do a better job at a lower cost in providing Medicare benefits. Well, some people were skeptical.

They said: Let us prove it. The government is doing this all wrong. Let the private health insurance companies do it. We will show you, and we will call it Medicare Advantage.

Off they went providing these Medicare Advantage programs that were to match the benefits under Medicare. The jury came in a few years later, and, do you know what, many of these plans cost up to 14 percent more than Medicare. They did not save us money. It ended up these private health insurance companies not only did not make their point about being cheaper, they cost the taxpayers more money than we should have paid out. They did not provide additional benefits for Medicare recipients that they needed.

They want us to continue to subsidize these private health insurance companies that have failed in their offer to beat Medicare at its own game. So when we say, and the President says, we want to cut the subsidy to health insurance companies under Medicare, that is what he and we are talking about. If they did not keep their end of the bargain to provide medical care at the same cost or less cost than Medicare, why should we continue to subsidize them? I do not think we should.

I said that on the show, and the next person to speak was former Speaker Newt Gingrich, who said: Well, that proves our point. DURBIN wants to cut Medicare.

Well, fortunately for me, Dr. Howard Dean, the former Governor of Vermont, was on the panel, and he corrected him. He said: Mr. Gingrich, he didn't say cut Medicare. He said cut the subsidy to the health insurance companies that are taking advantage of Medicare to profiteer, take that extra money and provide the kind of care we need for seniors, and make sure, in the process, we save the Medicare Program.

Untouched, our Medicare Program is going to suffer from the same thing everybody else suffers from in America: the escalating cost of health care. We have to do something. We have to keep our promise, not only to the seniors today, but to the many who will come after them, that Medicare will be there when they need it, that when they reach the age of 65, they will have the peace of mind of knowing they can still go to their doctor, still go to their hospital, get quality care, and not have a catastrophic illness that wipes out their savings.

This is a debate which is worth getting into. I hope those who follow it understand this party on this side of the aisle fought to create Medicare, fought to protect Medicare, and now is fighting to save Medicare. Do not let those who come before us, misleading us about what we are trying to achieve here, mislead the American people.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I am not so sure, given what is happening in the country these days, it would be very easy to enact the Medicare Program, had we not done so previously. The Medicare Program was enacted at a time when one-half of the senior citizens in this country had no health care—none. That is not surprising because the fact is, insurance companies do not go running after elderly people to say: Can we provide health insurance coverage to you? We know you are in your seventies or eighties, and we know you are probably going to need coverage for various things in the years ahead. We would like to provide that coverage.

In the mid-1960s, this country and the Congress said: People in their elderly years should not have to lay their head on their pillow at night and wonder whether tomorrow might be the day when they become ill, have a disease, have an accident, and go to a hospital with no health insurance to cover their needs.

This Congress did something very important, and, as is usually the case, when it created Medicare, there were plenty of people saying: Don't do it. It won't work. It is socialism. It shouldn't happen. But it did happen.

There is a health care bill being written in the Finance Committee now. I am not part of a gang of two or a gang of six or a gang of eight. I am part of a gang of 99 Senators, as of today, who will consider the bill they come up with. I do not know what it will look like, and I wish to see all of it before I make a judgment about its merits, but I will say this: Even as it is being written, we hear of efforts to cold call into homes of senior citizens to tell them that what is happening is an attempt to injure and take away services from Medicare for senior citizens. It is not true. It is false.

It is hard to make the case, it seems to me, but some are trying, that if you try to reduce the cost of Medicare by getting rid of waste and fraud and abuse, somehow that results in less health care services for senior citizens, yet that is exactly what is being represented by some.

I have watched very carefully and been very concerned about the issue of waste and fraud and abuse in Medicare.

There should be aggressive oversight, with respect to those who are providing Medicare benefits to senior citizens. There is too much fraud. My hope is—and my understanding from what is being written with respect to preventing fraud—it is going to be a new day. If you want to sign up as a provider and get reimbursement from Medicare for helping senior citizens, you better be providing the service. All too often that has not been the case.

So when we decide we are going to try to cut waste and fraud and abuse in a very serious and relentless and aggressive way, we have people who say: Aha, what they are going to do will harm senior citizens. It is not going to harm senior citizens in the delivery of health care to those who are entitled to it if we take on the waste and the fraud and the abuse and start putting the crooks in jail. That is not going to hurt senior citizens. That is going to help America's elderly.

Let me describe what I am talking about. In 2007, the Department of Justice randomly visited 1,600 durable medical equipment suppliers that bill Medicare for services. They found that one-third of the businesses did not exist. Think of that. They randomly visited 1,600 durable medical equipment suppliers that provide services to beneficiaries, we are told—they are billing the government for it—and they found out that one-third of them did not exist. They were mailboxes to collect fraudulent checks. They billed Medicare, combined, $237 million in 2007.

Putting those people in jail and stopping that kind of fraud does not injure Medicare. It strengthens it. It does not hurt senior citizens.

A man named Mr. Alcides Garcia was sentenced to 8 years in prison. Here is a picture of him, so we can give him a little credit for what he did. He was sentenced to 8 years in prison after his medical equipment company made millions in false Medicare claims.

Mr. Thomas Fiore, as shown in this picture, was indicted with 10 others on racketeering charges in south Florida for identity theft and Medicare fraud and much more.

In April of this year, just months ago, officials in Oregon wrapped up a lengthy fraud case. Again, to give credit where credit's due, this is a man

named Richard Vanderschuere. He faked disability. His wife Karen and son Richard, Jr. claimed to be full-time care providers. His mother claimed to be a weekend backup assistant. The so-called caretakers received payments for providing home health care while he received Social Security disability benefits. His mother was employed. By the way, this person's mother was employed as a fraud investigator for a State agency in the State of Oregon at the time. Here is his wife, to make sure she gets proper credit. We don't want to leave out the kid because they were all involved in this—trying to fleece the American taxpayers and defraud the American Government.

My point is very simple. My point is that when we take on waste, fraud, and abuse—and this is a new day; this is not part of the lost decade when we had a whole lot of people fleecing this program—when we do that, when we cut down on the waste, fraud and abuse and reduce the costs of Medicare, it is not about reducing Medicare for senior citizens.

I was in a little ice cream shop about 6 weeks ago in a little town in North Dakota. Two elderly women came up to me and said: BYRON, please don't let them take my Medicare benefits away. I understand that is what they are going to try to do.

I said: Well, they are not going to do that, but who told you that?

They said: We got telephone calls from some organization that said you have to be aware they are trying to take your Medicare Program away.

I said: Well, that is not true.

They said: Well, we got the telephone calls.

I said: You might have gotten the calls, but it is not true. It is false.

But what is happening around here—again, I don't know what the health care plan will be that comes out of the Finance Committee, but I will guarantee this: Whatever it is, it would not have a ghost of a chance of passing this Chamber if it begins to harm Medicare Programs for the elderly in this country. This is a very important program. We are the ones who created Medicare. We believe it is important. Those naysayers, those people who have always opposed everything—and there are plenty of them, by the way—they are the ones who are saying: If you cut waste, fraud, and abuse, you are going to cut X billions of dollars of costs; therefore, you are cutting health care for senior citizens. That is false. I think it ought to stop. We have groups out there that are making cold calls into homes trying to scare senior citizens.

The fact is Medicare is a very important program. It has enriched the lives of the elderly in this country. Would we want to go back to a time when half the senior citizens reached the point in their lives where they were finished with their work life, didn't have much in assets, and then sat around thinking: Oh, my God, I hope I don't get sick because I don't have health care, and I can't find an insurance company that wants to cover me because they know what I know; that when you get older, sometimes you have those health issues that are most acute.

In North Dakota, I recently met a 111-year-old woman named Mary—111 years old. She is acutely aware of everything; she can visit with you about everything. She described to me when the barn burned down in 1904 when she was 6 years old. This is a wonderful, remarkable woman. She is certainly the oldest person in my State and I assume one of the oldest people in our country. But think of what she has experienced in 111 years. Unbelievable things: the automobile, the airplane, walking on the Moon, you name it. But then think of this: In the middle of all this, after she was well into her sixties, Medicare was provided to say to America's senior citizens: You don't have to be frightened anymore. We are going to provide health care coverage in your older years.

Now 99 percent of the senior citizens in this country have health care. They are our parents, our grandparents, those who raised us, those who loved us, those who cared about us. This country then provided a program called Medicare which said: You don't have to be afraid in your older years. You are going to be able to get health care. That is what Medicare is about. Is it perfect? No, it is not perfect. Is there waste, fraud, and abuse? Yes, there is, and we are determined to shut it down. It will be shut down with the right kinds of programs to prevent fraud. And if you try to cheat the Medicare Program, we are going to aggressively prosecute.

Again, I wish to make sure everybody understands, when we hear people say: If you reduce the cost of Medicare by getting rid of waste, fraud, and abuse you are hurting senior citizens and you are trying to cut senior citizens' benefits, that is false and it ought to stop. It is going on right now and it ought to stop. Organizations doing cold calls into homes of senior citizens ought to stop. And it is parroted by politicians and others who think it is an interesting message to scare senior citizens and it ought to stop.

Let me finish as I started. I don't know what kind of health care bill is going to come to the Senate, and I want to see it before I evaluate it. It is important. It is important to everybody. But I do know this: The Medicare Program is something that has very substantial support in this Chamber. I don't believe there is anything being written in any one of the committees in the Senate that would begin to diminish or in any other way weaken Medicare coverage for America's senior citizens. If that was the case, it wouldn't have a ghost of a chance of getting through this Senate.

I yield the floor.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent to modify the previously agreed to list of amendments to be considered in order to include my amendment No. 2530 and to set aside the pending amendment so mine may be called up.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. On behalf of the majority leader, I object.

The PRESIDING OFFICER. Objection is heard.

Ms. MURKOWSKI. Mr. President, I believe it is truly unfortunate that we are not allowed to consider this amendment. The amendment I was hoping to be able to bring up and consider is one that would prohibit the use of funds that has the effect of making carbon dioxide a pollutant subject to regulation under the Clean Air Act for any source other than a mobile source.

It is unfortunate that the majority will not allow us to consider this amendment. The problem it seeks to address is significant. I don't believe it is going to go away if we choose to ignore it. As disappointed as I am, this amendment has clearly received considerable attention, so I wish to take this time this afternoon to fully explain its intent, my efforts to ensure its bipartisan nature, as well as the reasons I believe it is so incredibly important for the Senate to be given an opportunity to vote in favor of its adoption, if not now, then at some other point.

In writing this amendment over this past week, I have listened to the concerns of many of my colleagues and the concerns of the environmental community, as well as the concerns expressed by the administration. My colleagues don't have to take my word for this. Look at the text of the amendment and see how it reflects—I think it so reflects—very seriously the comments and the criticisms from those who have weighed in. All I ask, at this time, is that for the next few minutes, my colleagues and my critics return the favor and listen to what I have to say.

For context, let's start back at the beginning. Back in April of 2007, the Supreme Court declared, in the case of Massachusetts v. EPA, that carbon dioxide is a pollutant that can be regulated under the Clean Air Act. The Court held that the EPA must regulate emissions from mobile sources—meaning vehicles—if the Agency determined that carbon dioxide posed a threat to public health and welfare.

In the wake of that decision, EPA began to lay the groundwork for Federal regulation of greenhouse gas emissions. Through its proposed ''endangerment finding,'' the Agency has sought to confirm that greenhouse gas emissions are, indeed, a threat to the public health and welfare. That proposal is now under review and most expect that it will be finalized in the very near future.

The EPA has also released its draft rule to regulate mobile source emissions as required by the Supreme Court, and this will be accomplished

through a dual standard that includes increased vehicle fuel economy and reduced tailpipe emissions.

I am not putting the brakes on that proposal, despite some assertions to the contrary, but I am deeply concerned about the reach it may ultimately have. Under the ''Prevention of Significant Deterioration'' provisions within the Clean Air Act, anything found to be a pollutant under one section will be subject to regulation under all other sections of the statute.

So what exactly does this mean in plain English? The EPA's decision to regulate carbon dioxide legally covers not only mobile sources but also stationary sources. We tend to think of powerplants when we think of stationary sources, but also we think of office buildings, hospitals, schools, and apartment buildings. If you follow along those lines, you get the right idea. Very clearly, stationary sources must reduce emissions in order to bring our Nation to its climate goals, but forcing them to do so through the Clean Air Act would be one of the least efficient and most damaging ways to pursue that goal. It would be rife with unintended consequences and, I believe, potentially devastating for our economy.

Under the Clean Air Act, any stationary source that emits more than 250 tons of pollutants each year is subject to regulation. Unlike other pollutants, pretty much every form of economic activity generates some level of carbon dioxide emissions. So these add up relatively quickly. In fact, the U.S. Chamber of Commerce has looked at this very closely. They believe that more than 1.2 million buildings that have never before been regulated under the Clean Air Act would come under this regulation if Congress does not intervene and if EPA moves forward.

The 250-ton threshold would encompass more than just our major emitters. Caught in the same net would be dry cleaners, restaurants, the local Barnes & Noble bookstore. Realistically, we are probably talking about any facility that is heated or cooled by conventional means that is more than 65,000 square feet in size.

I think there are some very grave concerns about the path the EPA would lead us down. I think they are apparent. I think others are seeing this as well and are expressing their concerns. Just this week, I received letters from over 11 different agricultural groups, including the American Farm Bureau Federation. I have received letters from the American Council of Engineering Companies; NFIB, the National Federation of Independent Businesses; the National Association of Manufacturers and the U.S. Chamber of Commerce.

I ask unanimous consent that the letters from these organizations be printed in the RECORD.

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

NATIONAL FEDERATION OF INDEPENDENCE BUSINESS,
Washington, DC, September 23, 2009.

Senator LISA MURKOWSKI,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR MURKOWSKI, On behalf of the National Federation of Independent Business (NFIB), the nation's leading small business advocacy organization, I am writing to support your amendment to the Fiscal Year 2010 Interior/Environment Appropriations bill to prohibit the Environmental Protection Agency for one year from using federal funds to regulate stationary sources of carbon dioxide (CO2).

As you know, the EPA proposed that six greenhouse gasses (GHGs), including CO2, endanger public health and welfare. These findings would trigger stringent new regulations under the Clean Air Act (CAA) that would disproportionately affect small entities that are not major polluters and least able to handle or even understand new restrictions. Regulation of GHGs under the CAA will create new burdens such as federal permitting requirements, restrictions on fuel choices and energy use, and requirements for installation of new energy efficient equipment.

Small business routinely cites unreasonable government regulations as a top problem, ranking number six on the 2008 NFIB Small Business Problems and Priorities publication. Regulatory costs are significant and small businesses pay disproportionately more than larger businesses. According to the 2001 NFIB study on Coping with Regulation, small businesses cite many reasons for being frustrated by government regulations, including dealing with the extra paperwork, understanding what is needed to be in compliance, and the dollars spent to comply with government regulations.

The cost of regulation for small business has risen by 10 percent, to $7,647 per employee per year (according to the Small Business Administration's Office of Advocacy). This means that for the average member at NFIB with ten employees, the cost of regulation now exceeds $75,000 annually. Adding more regulatory costs would be a serious blow to already overburdened small business owners, who according to the September 2009 NFIB Small Business Economic Trends survey, are still suffering from weak sales and profits numbers.

NFIB supports the Murkowski amendment because it would delay for one year the use of federal funds by the EPA to regulate stationary sources of CO2. As the 111th Congress continues, I look forward to working with you to address energy issues in a way that is not disruptive to the small business community.

Sincerely,

SUSAN ECKERLY,
Senior Vice President, Public Policy.

SEPTEMBER 23, 2009.

U.S. Senate.

DEAR SENATOR: The undersigned agricultural organizations urge your support for an amendment to be offered by Senator Murkowski that would prevent unintended and unwanted consequences from regulation by the Environmental Protection Agency (EPA) of greenhouse gases under the Clean Air Act.

The Supreme Court, in Massachusetts v. EPA, held that EPA was not precluded from regulating greenhouse gases under section 202(a) of the Clean Air Act, which addresses new motor vehicle emission standards. This amendment would not affect the rulemaking since the rulemaking is still pending.

We do not believe it is sound policy for the EPA to extend this pending regulation beyond motor vehicles into activities like the production of crops, livestock and poultry. We urge your support for the Murkowski amendment.

Sincerely,

American Farm Bureau Federation®, American Soybean Association, National Association of Wheat Growers, National Barley Growers Association, National Cattlemen's Beef Association, National Cotton Council, National Council of Farmer Cooperatives, Public Lands Council, United Egg Producers, US Dry Pea and Lentil Council, USA Rice Federation.

NATIONAL ASSOCIATION OF MANUFACTURERS,
Washington, DC, September 23, 2009.

U.S. Senate,
Washington, DC.

DEAR SENATOR: The National Association of Manufacturers (NAM), the nation's largest industrial trade association representing small and large manufacturers in every industrial sector and in all 50 states, urges, you to support the Murkowski Amendment to H.R. 2996, the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010.

At a time when our economy is attempting to recover from the most severe recession since the 1930s, Environmental Protection Agency (EPA) regulations, with no guidance from Congress, will establish disincentives for the long-term investments that would be necessary to grow jobs and expedite economic recovery. The Murkowski Amendment seeks to ensure a healthy and productive discussion in Congress on harmonizing our nation's energy, environmental and economic needs before the EPA starts regulating carbon dioxide (CO2) emissions from stationary sources, including manufacturing facilities.

Manufacturers support a comprehensive, federal climate policy within a framework that will cause no economic harm while granting sufficient time to deploy low-carbon technologies, such as carbon capture and sequestration, renewable energy and a renewed and large-scale deployment of nuclear power plants.

Prior to the onset of the financial crisis in 2008, energy inflation and price volatility were major contributors to a loss of approximately 3.7 million high-wage manufacturing jobs. As you may know, manufacturers use one-third of our nation's energy. Because of the impact a federal climate policy will have on the nation's energy future, this is an issue that must be debated by Congress without preemption from a federal agency.

Supporting the Murkowski Amendment does not convey opposition to climate change policy; it merely allows Congress to do its job. We concur with the sentiment in a Washington Post September 21 editorial, ''Regulating Carbon.'' It noted that the EPA ''is preparing to regulate carbon under the Clean Air Act,'' which ''is breathtakingly unsuited to the great task of battling global warming. . . . Yet if Congress does not act, it's likely that the EPA will. It won't be pretty.''

The NAM's Key Vote Advisory Committee has indicated that votes on the Murkowski Amendment, including potential procedural motions, may be considered for designation as Key Manufacturing Votes in the 111th Congress. Thank you for your consideration.

Sincerely,

JAY TIMMONS.

AMERICAN COUNCIL OF ENGINEERING COMPANIES,
Washington, DC, September 23, 2009.

Hon. LISA MURKOWSKI,
U.S. Senate,
Washington, DC.

DEAR SENATOR MURKOWSKI: The American Council of Engineering Companies (ACEC) is

pleased to support your amendment to the FY 2010 Interior Appropriations bill disallowing for one year the U.S. Environmental Protection Agency (EPA) from regulating under the Clean Air Act greenhouse gas (GHG) emissions from stationary sources. Without taking an overall position on comprehensive climate change legislation, we agree that Clean Air Act regulation of GHGs for stationary sources is not the appropriate way to manage carbon emissions.

ACEC is the business association of America's engineering industry, representing more than 5,000 independent engineering companies throughout the United States engaged in the development of America's infrastructure. ACEC member firms represent the broad spectrum of the industry, from very large firms to small, family-owned businesses.

We think it is wise public policy to delay for one year potentially premature EPA regulatory actions under the Clean Air Act before the Congress decides on its course of action. The breadth of the issues in a comprehensive climate change-energy bill requires thoughtful debate with ample time to negotiate differences between senators from all regions of the country, which has just begun in the Senate and should not be hindered by concerns that EPA could be developing a regulatory program for stationary sources that may be entirely inappropriate for GHG emissions. Even the EPA Administrator has indicated that she would prefer that the Congress work its will on a climate change bill rather than ceding authority to EPA.

It is also important to note that your amendment does not permanently take away any authority from EPA, but simply asks for a one-year delay in stationary source regulations. Given that the House-passed climate change bill makes it clear that stationary sources are subject only to the provisions of the legislation and not to Clean Air Act regulations, your amendment is eminently reasonable as the debate continues.

At the same time, we are hopeful that the amendment can be carefully tailored to limit EPA's GHG regulatory authority under the Clean Air Act to only mobile sources. We thank you for the opportunity to express our views. If you have any questions or would like to discuss our comments, please feel free to contact me or our environment and energy director, Diane S. Shea.

Sincerely,

DAVID A. RAYMOND,
President and CEO.

CHAMBER OF COMMERCE
OF THE UNITED STATES OF AMERICA,
Washington, DC, September 23, 2009.

TO THE MEMBERS OF THE UNITED STATES SENATE: The U.S. Chamber of Commerce, the world's largest business federation representing more than three million businesses and organizations of every size, sector and region, strongly supports an amendment expected to be offered by Sen. Murkowski and strongly opposes an amendment expected to be offered by Sen. Feinstein to the FY2010 Interior, Environment and Related Agencies Appropriations Act, both related to greenhouse gas emissions. The Murkowski amendment would ensure that should the U.S. Environmental Protection Agency seek to regulate greenhouse gases under the Clean Air Act absent specific authorization from Congress, that EPA limit such regulation to mobile sources. This was the issue decided by the U.S. Supreme Court in Massachusetts v. EPA. The Feinstein amendment would seek to ''tailor'' a small subset of EPA regulations, but in a manner far less comprehensive than the Murkowski amendment.

The House has approved climate change legislation, and the Senate may take up the matter this Congress. It would be inappropriate for EPA to usurp ongoing congressional action on a major policy decision and regulate the very same sources (and the very same emissions) that would be covered by greenhouse gas legislation. Yet that is precisely what would happen if EPA were allowed to proceed.

Since the Massachusetts v. EPA decision, EPA has issued regulations implementing a federal greenhouse gas registry, has proposed ''endangerment'' for the motor vehicle sector, and has proposed a rule to regulate motor vehicle greenhouse gas emissions.

EPA is also likely to issue and enforce as early as spring 2010 a suite of regulations applying to stationary sources, New Source Performance Standards for equipment, Prevention of Significant Deterioration construction permits, and Title V operating permits.

EPA asserts it can use the Clean Air Act to ''tailor'' its rules to large industrial sources, despite the Act's clear language. The Chamber disagrees, believing only Congress can determine the scope of the Clean Air Act. As raised repeatedly in correspondence from the Chamber, EPA could cripple the economy if it opens greenhouse gas regulation beyond mobile sources. EPA should remain within the bounds of the Massachusetts v. EPA decision, which dealt with mobile, not stationary, sources.

The Murkowski amendment would allow EPA to move forward with its greenhouse gas registry and to take public comment on its motor vehicle rule, but it would hold in abeyance EPA's efforts to regulate stationary sources while Congress considers greenhouse gas legislation and the Obama administration negotiates an international accord. If enacted, the Murkowski amendment would allow Congress to consider meaningful and pragmatic greenhouse gas legislation free from any EPA-imposed threat of a regulatory cascade.

The Chamber opposes the Feinstein amendment, which would only exempt farms and other small stationary sources from Clean Air Act Title V regulation. While the Chamber has long argued that the Clean Air Act is a poor tool to address greenhouse gas emissions because it would trigger regulation of smaller sources, like farms, hospitals and small businesses, it would be unwise policy for Congress to react to an attempt by EPA to assert jurisdiction over greenhouse gas emissions from stationary sources with piecemeal, temporary, and wholly incomplete fixes.

The Chamber reiterates its call for Congress to approve bipartisan, comprehensive greenhouse gas legislation in a manner that adequately addresses environmental, energy security, economic, and international aspects of the issue. The Murkowski amendment would facilitate a bipartisan, sensible framework for greenhouse gas legislation and ensure that EPA does not exceed the Court's Massachusetts v. EPA decision.

Sincerely,

R. BRUCE JOSTEN,
Executive Vice President,
Government Affairs.

Ms. MURKOWSKI. To its credit, the EPA realized that regulations at the 250-ton level are simply not feasible. So to try and resolve this issue, the Agency is apparently considering what they are calling a tailoring proposal. This would lift the Clean Air Act's regulatory threshold to 25,000 tons. That is a hundredfold increase.

I shared the Agency's concern about a 250-ton carbon dioxide limit, but this 250-ton proposal moving up to a 25,000-ton proposal, this tailoring issue, is simply not going to hold. It has no legal basis. I think we expect it would be swiftly rejected by the courts. The EPA cannot constitutionally legislate a major change in the Clean Air Act. Ultimately, once this has all played out, the Agency's carbon dioxide regulations would remain in effect, but the threshold would be triggered at a level 100 times lower than the Agency had planned.

That brings us to the tremendous consequences we can expect as a result. There is widespread agreement that the regulation of carbon dioxide emissions under the Clean Air Act would be absolutely unworkable and, at the same time, economically devastating. In the words of a long-term Democrat over in the House, it will create a ''glorious mess.'' Another observed it could result in ''one of the largest and most bureaucratic nightmares that the U.S. economy and Americans have ever seen.''

Just this week, the editors of the Washington Post argued that the Clean Air Act is ''breathtakingly unsuited to the great task of battling global warming.'' The Wall Street Journal's editors cast it as ''reckless endangerment.'' They went on to assert that the regulation would be like putting ''a gun to the head of Congress'' to ''play cap and trade roulette with the U.S. economy.''

That may sound over the top, but even some members of the environmental community have agreed with the metaphor, as one clean air advocate affirmed this by saying this regulation is ''the legal equivalent of a .44 magnum.''

This regulation is a train that could wreck our fragile economy. It is our own creation, and it is barreling toward us at full speed. I recently saw an ironic motivational poster that said: ''Government—if you think the problems we create are bad, wait until you see our solutions.'' It is fair to say that this issue, the regulation of carbon dioxide under the Clean Air Act, is one of the many examples of why that poster was created and, sadly, it occasionally rings true.

Today, however, the Senate can choose another course for the debate over energy and climate policy. The Clean Air Act is one of our worst options to regulate carbon dioxide emissions, but it is not our only option for that cause.

Those of us in Congress can and should step up and pass workable, intellectually honest climate legislation—whether it is a system of cap and trade, a carbon tax, or something else that removes the Clean Air Act from the equation. Nearly every participant in this debate, from elected officials to businesses and the environmental community, has stated their preference for legislation over regulation.

That is where my amendment comes in. For exactly 1 year, it would limit the EPA's ability to regulate carbon dioxide emissions to just the mobile

sources that were the subject of the 2007 Massachusetts v. EPA lawsuit. This is nothing more than a temporary timeout that will give us the breathing room in an already heated debate. It will give us the time we need to develop a sensible, effective policy that achieves the same result at a much lower cost.

Anyone who takes the time to read my amendment will see I have gone to great lengths here to ensure it does not lead to any unintended or adverse consequences. It has been drafted and redrafted to limit one action by the EPA for 1 year, and nothing else. I have been responsive to bipartisan requests, even from Members who I knew would not be able to support this amendment, because I am committed to avoiding any overreach.

So the result we have is an amendment that will not interfere or conflict with any other regulation or action that EPA is obliged to complete. That goes for the preparatory work for the regulation of carbon dioxide emissions. It holds true for the rule to expand the renewable fuel standard, for construction permits, and for regulations to foster the development of clean coal technologies.

My amendment will not in any way impact EPA's authority relating to the reporting of greenhouse gas emissions, its ability to develop a voluntary carbon offset program, to issue permits for energy infrastructure on or near Federal land, permit carbon sequestration projects, or to move forward with very important work of both exploring for and producing the vast reserves of domestic energy on our Outer Continental Shelf.

All of these concerns have been raised over the past several days, before this amendment was even introduced. All of these concerns are explicitly addressed within it. Some of our Nation's leading Clean Air Act attorneys—among the best and brightest legal minds—have assisted us in its preparation. They agree it will do exactly as it says, and that leaves very little ground for the claims that have been made against it.

Given how devastating the EPA's regulation of carbon dioxide emissions could be, many casual viewers are probably left wondering why, exactly, my amendment has drawn such fierce opposition. Well, again, let me be clear. As much as anything else, the regulation of carbon dioxide under the Clean Air Act is being used as a thinly veiled threat to force the Senate to act on climate legislation, regardless of where we are in what remains an ongoing and incredibly important debate.

The possibility that our worst option to reduce emissions will move forward, despite its consequences, is supposed to somehow compel us to move faster. We are expected to push through a climate bill, perhaps regardless of its content, in order to stave off this regulation. If the House debate is any indication of how our own will proceed, we will be asked to rush to judgment, cut off debate on one of the greatest challenges of our time, and to pass a bill—any bill—that purports to reduce emissions.

In my mind, this situation has created a false dilemma, a proverbial Morton's Fork on Capitol Hill—meaning between a rock and a hard place. Right now, those of us in the Senate are clearly left with two bad choices—the EPA's endangerment regulation or the House's energy and climate bill—neither of which will end well for the American people. Making matters worse, we are told there isn't enough time to consider our options and develop a more viable path forward.

By voting ''yes'' on my amendment, we could easily change this unfortunate dynamic. But we will not halt or hinder progress on climate legislation, as some have suggested. Not one of the climate bills that has been introduced so far would take effect until 2012—2 full years after the limitation imposed by my amendment would expire.

If my amendment were to be accepted, the EPA will continue its work to regulate emissions from mobile sources. The agency and its employees will go about their business exactly as normal. They can even continue developing regulations for carbon dioxide emissions from stationary sources. For the next year, they simply cannot put those regulations into effect. One year after this bill is signed into law, that limitation would expire, and the EPA would have every authority to proceed if Congress has still not acted.

For those who have expressed concern that my amendment would become a long-term fixture in appropriations legislation, be assured that I will work with you to ensure that the climate debate not only proceeds but reaches a conclusion in the form of a responsible bill that a majority of us can support. As an elected representative of the State that has been hit hardest by climate change, I will work in good faith with all who want to address climate change in an effective way, while protecting our fragile economy from further harm.

To those who have claimed I am trying to put the brakes on climate legislation, I simply remind you of my longstanding support for renewable, nuclear, and alternative energies as part of the solution. There is a right way and there is a wrong way to moving forward in addressing climate change. EPA regulation of greenhouse gas emissions is simply the wrong way. We must reduce emissions, but it is unacceptable to do so at any cost and by any means. While Congress has not yet developed a workable bill, I will continue to work as hard as I can to make sure that, in fact, we do.

Unlike many Members of the Senate, I have also cosponsored cap-and-trade legislation. I cosponsored the Low Carbon Economy Act that was offered last Congress by Senator BINGAMAN and Senator SPECTER. This year, recognizing that our work is far from finished, Senator BINGAMAN and I worked together, very cooperatively and collaboratively, on another comprehensive measure—the American Clean Energy Leadership Act. We reported that bill from the Energy Committee more than 3 months ago. It would significantly reduce greenhouse gas emissions, without causing economic harm, and yet it is still waiting to be heard on the Senate floor.

The 23 members of the Energy Committee produced a bipartisan energy bill in the first 6 months of Congress. I have every reason to believe that the full Senate can, over a time period twice as long, develop an effective climate policy that will further reduce greenhouse emissions, without disrupting our economy. But that will require us to base our decisions more than on vote counts and special requests. It will require us to set aside politics and focus on substance. It will force us to cross the aisle instead of closing ranks, and it will mean acting on behalf of the American people, in their best interests, rather than our own or our party's.

With regard to my amendment, the majority has again objected to calling it up. They have done everything they can to prevent a vote from occurring on the amendment, culminating in the objection that we not even have debate on the matter today. I want my colleagues to know, however, that this issue will not go away. Neither will my commitment to seeing it addressed head-on in a responsible and, if at all possible, bipartisan way.

I ask unanimous consent that Senators BARRASSO, JOHANNS, and CHAMBLISS be added as cosponsors to my amendment.

With that, I yield the floor.

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

The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I know Senator BOXER, the chairman of the Environment and Public Works Committee, has an hour reserved to come and speak.

First, I will respond to the comments of the distinguished Senator from Alaska. I hope she will understand there are many of us who have viewed her amendment with substantial alarm, for reasons that I thought I might spend a few moments speaking about.

Essentially, as I understood the amendment, which was blocked from coming to the floor, it attempted to prohibit the EPA from using any funds to enforce the Clean Air Act to reduce greenhouse gas emissions from stationary sources.

The proponents have argued that their only goal was to protect small family-owned farms and businesses from overly burdensome regulations. Yet the amendment would have gone much further. In fact, it would actually exempt some of the Nation's largest commercial emitters from climate

change regulation, including huge industrial facilities, such as powerplants and refineries.

I am very pleased that this amendment is not before us today. The underlying rationale, as I understand it from the amendment, is groundless. EPA Administrator Lisa Jackson has made it clear that the agency will not use the Clean Air Act to regulate either small businesses or family-owned farms. I was prepared, should the amendment have come up, to put down a side-by-side amendment that would have clearly exempted any farm, as well as any business, that emits under 25,000 tons of carbon dioxide per year.

Let me point this out. Stationary industrial sources account for over half of the U.S. greenhouse gas emissions, according to EPA. These are the leading cause of climate change, and they must be reduced if we have any hope of containing the worst impact of climate change. The amendment would have hampered the administration's effort to tackle one of the biggest pieces of the emissions puzzle: large industrial facilities. It would have been a major setback.

Thirdly, the amendment would effectively overturn the Supreme Court's landmark decision in Massachusetts v. EPA. In that decision, the Court found that the Clean Air Act requires the EPA to determine whether the emissions of greenhouse gases may be reasonably anticipated to endanger public health or welfare and then comply with the Clean Air Act requirements designed to protect public health from dangerous pollution.

Upon completion of an endangerment finding, the Clean Air Act requires EPA to control greenhouse gases from both stationary and mobile sources.

Many argue—and I happen to agree—that regulating the largest greenhouse gas emitters through new legislation, establishing a cap-and-trade system, would be more efficient and less expensive than regulating these sources under the existing Clean Air Act.

But until Congress enacts climate change legislation, EPA has a legal obligation to follow the Clean Air Act. So if one does not want EPA to take action under the Clean Air Act, then this body should want to pass a cap-and-trade bill.

The chairman of the EPW Committee, Senator BOXER, has been working very hard to put together a bill which has an opportunity to pass this Senate.

The point is, if we do not want the Clean Air Act to prevail, then the cap-and-trade bill is the only way to go. That is a clear incentive for the Senate and the House to pass a bill.

EPA has released a draft endangerment finding which it is going to soon finalize. Yet the amendment would have blocked EPA from completing the endangerment finding and from complying with its legal obligations to protect public health. The repercussions would have been major. It means EPA would not be able to complete a joint rulemaking with the Department of Transportation to increase corporate average fuel economy, which we call CAFÉ, and create a tailpipe emissions standard for automobiles.

That would have been a major problem. It would block implementation of the 2007 fuel economy law which I authored with Senator SNOWE and which took us a long time to get passed and enacted.

By undermining the negotiated agreement between States and the Obama administration, the Murkowski amendment would also have likely resulted in States moving forward with their own tailpipe emissions standards which automakers have fought for years as too onerous. This would have stopped California and 14 other States and the District of Columbia from moving forward with implementing tailpipe emissions standards.

This amendment is vigorously opposed by the Alliance of Automobile Manufacturers, which includes General Motors, Ford, and Chrysler, the Association of International Automobile Manufacturers, and the United Auto Workers. To that end, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks a letter from the Auto Alliance and the Association of International Automobile Manufacturers.

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

(See exhibit 1.)

Mrs. FEINSTEIN. Mr. President, finally, the amendment would send the wrong signal to the rest of the world about the Senate's intentions on climate change. It would suggest that we want to ignore the clear imperative to act, despite the efforts of the administration to motivate the international community in advance of the Copenhagen summit.

There is some concern also about small emitters. EPA is not planning to regulate small emitters. EPA Administrator Lisa Jackson has clearly stated on several occasions that the agency will not regulate small emitters. She said it in her confirmation hearings, she said it again at Senate budget hearings, and she reiterated that comment when she appeared before the Senate Interior Appropriations Subcommittee hearing on EPA's fiscal year 2010 budget just a few months ago.

In fact, Administrator Jackson has sent a draft deregulatory rule to the Office of Management and Budget for review which would establish clearly that all but the very largest sources of greenhouse gas will be preemptively exempted from the stationary source permitting requirements in the Clean Air Act.

She has no intention of regulating small sources that emit under 25,000 tons of carbon dioxide or any small farm.

Mr. President, 25,000 metric tons is a very high threshold. According to EPA, it is equivalent to the emissions from burning 131 trainloads of coal per year—these would be exempted—or burning 2.8 million gallons of gasoline annually.

The 25,000-ton threshold would exempt every small source, focusing only on 13,000 of the largest emitters in the United States.

Let me say that again. The 25,000-ton threshold which EPA intends to proceed with, and which my side-by-side amendment would have had as one of the two criteria, would exempt every small source, focusing only on the 13,000 largest emitters in the United States.

EPA intends to only regulate the largest facilities, and these facilities are, almost without exception, already regulated under the Clean Air Act for emissions of other pollutants such as soot, smog-forming nitrous oxides, or acid-rain-inducing sulfur dioxide.

Let me now explain why the Murkowski Amendment would impact the joint EPA-Department of Transportation rulemaking on automobile greenhouse gas emissions.

This rulemaking is of critical importance, and the regulation implementing this law was negotiated by the White House in cooperation with automakers, the States, and labor.

But according to a letter I received from EPA Administrator Lisa Jackson last night, the impact of the Murkowski amendment ''would be to make it impossible for the EPA to promulgate the light-duty vehicle greenhouse-gas emissions standards that the agency proposed on September 15, 2009.''

She writes:

Because of the way the Clean Air Act is written, promulgation of the proposed light-duty vehicle rule will automatically make carbon dioxide a pollutant subject to regulation under the Clean Air Act for stationary sources, as well as for light-duty vehicles. The only way that EPA could comply with the prohibition in Senator MURKOWSKI's amendment would be to not promulgate the light-duty vehicle standards.

These standards are something Senator SNOWE and I have worked on for at least 7 years now, beginning with the SUV loophole and ending with the bill that became law, would be totally undermined. By undermining the negotiated agreement between States, the amendment would also likely result in States moving forward with their own tailpipe emissions standards.

As I indicated before, in 2002 California enacted a landmark law to reduce tailpipe emissions standards by 30 percent for all new sedans, trucks, and SUVs by 2016.

I also stated that 14 other States—namely, Arizona, Connecticut, Florida, Maine, Maryland, Massachusetts, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, Vermont, Washington, and the District of Columbia—have adopted or announced their intention to adopt California's greenhouse gas emissions controls.

The amendment would have been a major roadblock in efforts to improve fuel economy standards for vehicles.

I don't think we can bury our head in the sand when it comes to climate change.

I would like to conclude by reminding my colleagues that it makes no sense at this particular point in time to put on the floor a major amendment which well could have devastated both the EPA and any effort to get to cap-and-trade legislation when, in fact, the EPW Committee is struggling to write a comprehensive bill which has an opportunity to pass this body.

Again I say, if people do not want the Clean Air Act prevailing, then the only way you can do that is with a cap-and-trade bill. That is the way the committee of this body is proceeding. I believe it is the correct way.

I believe our Nation is in serious jeopardy, as is the rest of planet Earth, with global warming. I believe it is real. Just this week, the Journal Nature published a new paper that found rapid deterioration of the ice sheets on Greenland and Antarctica. Yesterday on this floor, I showed the deterioration in the Arctic. I showed the deterioration in Greenland. I showed the deterioration in the Chukchi Sea. I showed the deterioration off Barrow, AK. It is happening all over the world.

The Flat Earth Society cannot prevail. I think there is a real danger signal out there for planet Earth. We know we cannot reverse it. We know that greenhouse gases do not dissipate and go away after a period of time in the atmosphere. We now know these gases that began during the Industrial Revolution are still present in the atmosphere, and we know that the Earth is not immutable, that it can change. We look at other planets and we see that they have changed over the millennia. What we do here to protect our planet Earth for the next generations is so key and critical.

This discussion has to be joined in an appropriate way, and an appropriate way is when a cap-and-trade bill is produced by the Environment and Public Works Committee and the chairman of that committee is on this floor and the bill is open for amendments and there is a free flow of debate and discussion.

I believe the science is real. I pointed out yesterday we have a project in intelligence whereby the satellites are tracking deterioration in the ice shelves of the world. I hope to present more of that information when there is a bill on the Senate floor.

I ask unanimous consent to have printed in the RECORD Administrator Lisa Jackson's letter.

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

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, September 23, 2009.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: Thank you for your letter about Senator Lisa Murkowski's Amendment Number 2530 to H.R. 2996, the Department of the Interior, Environment, and Related Agencies Appropriations Act. As you noted in your letter, Senator Murkowski's amendment would prohibit the Environmental Protection Agency from using any funds made available under the Act to take any action that would have the effect of making carbon dioxide a pollutant subject to regulation under the Clean Air Act for any source other than a mobile source.

You asked me what the practical impact would be if Congress enacted Senator Murkowski's amendment. Perhaps the most striking impact would be to make it impossible for the Environmental Protection Agency to promulgate the light-duty vehicle greenhouse-gas emissions standards that the agency proposed on September 15, 2009. Because of the way the Clean Air Act is written, promulgation of the proposed light-duty vehicle rule will automatically make carbon dioxide a pollutant subject to regulation under the Clean Air Act for stationary sources, as well as for light-duty vehicles. The only way that EPA could comply with the prohibition in Senator Murkowski's amendment would be to not promulgate the light-duty vehicle standards.

As you know, promulgation of EPA's light-duty vehicle greenhouse-gas emissions standards is an essential part of the historic agreement that President Obama announced earlier this year with the nation's auto-makers, the State of California, the Department of Transportation, and EPA. That agreement attracted broad, bi-partisan support. The joint DOT–EPA standards are projected to save 1.8 billion barrels of oil over the life of the program, which is twice the amount of oil (crude oil and products) imported in 2008 from the Persian Gulf countries, according to the Department of Energy's Energy Information Administration Office. Additionally, the standards are projected to help save consumers more than $3,000 over the lifetime of a model year 2016 vehicle and reduce approximately 900 million metric tons of greenhouse gas emissions. Enactment of Senator Murkowski's amendment would pull the plug on those extraordinary accomplishments.

Sincerely,

LISA P. JACKSON,
Administrator.

EXHIBIT 1

SEPTEMBER 24, 2009.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR FEINSTEIN: We are writing regarding Senator Murkowski's Amendment Number 2530 to H.R. 2996, the Department of the Interior, Environment, and Related Agencies Appropriations Act. As manufacturers, we are sympathetic to the thrust of Senator Murkowski's amendment that the Congress—and not simply EPA acting under the provisions of the current Clean Air Act—should determine how best to reduce U.S. greenhouse gas emissions economy-wide.

However, the amendment raises additional issues that must be considered where complicated and interconnected environmental and legal issues are at stake. We are concerned that due to the complex interactions among regulations under the various sections of the Clean Air Act, the amendment may impact significantly pending regulations in the mobile source sector—despite language in the amendment that would appear to leave the sector unaffected. In a letter to Senator Feinstein dated September 23, Administrator Jackson stated EPA's interpretation that the Murkowski amendment as filed would ''make it impossible for the Environmental Protection Agency to promulgate the light-duty vehicle greenhouse-gas emissions standards that the agency proposed on September 15, 2009.''

While the author of the amendment appears not to intend this outcome, we feel compelled to express our concerns. It is critical that the national program for regulating greenhouse gas emissions from autos be finalized early next year. Failure to do so would subject automakers to a patchwork of conflicting state and federal regulations.

Therefore, we respectfully oppose the adoption of the Murkowski amendment as written to H.R. 2996.

Sincerely,

DAVE MCCURDY,
President & CEO, Alliance of Automobile Manufacturers.

MICHAEL STANTON,
President & CEO, Association of International Automobile Manufacturers.

Mrs. FEINSTEIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, under the unanimous consent agreement, I apparently had 30 minutes. Can the Chair tell me if I have time remaining?

The PRESIDING OFFICER. The Senator from Alaska has 11 minutes remaining.

Ms. MURKOWSKI. Mr. President, I know the Senator from Oklahoma had wanted to make a couple comments, but I would like to take a couple extra minutes before I turn to him in response to my friend and colleague from California.

In many ways, she has made my point or supported the argument. I would agree that, in fact, in order to deal with this very timely issue, this very significant issue, we must act. I just do not believe that utilizing the regulation, moving a climate change regulation through the EPA, is the best instrument, the most effective instrument.

The people I represent back home are very concerned about this, as I have indicated, and are expecting their Congress to act. But they do not feel very comfortable with unelected bureaucrats in the Environmental Protection Agency telling them that, in fact, this is the road we are going to be going down, with no real appreciation or sensitivity to the environmental factors that we in this body assess as we are trying to advance policy. We need to be driving forward good, thoughtful, considered, reasonable policy on the issue of climate change.

I am not disagreeing we stop on this issue. I am simply suggesting we need to make sure it is Congress, it is through the legislative process that we advance these very important policy initiatives.

I do want to also make a comment about the concern that somehow or another my legislation would pull back on what the EPA is currently doing with mobile sources, the emissions from tailpipes. I don't think we could have drafted the amendment any more clear to ensure that it is specific as to the stationary sources.

Again, I urge my colleagues to make sure they are looking at the draft of

the amendment we have proposed and not some previous initiatives.

One final point before I turn to Senator INHOFE. The point has been made by my colleague from California that the Administrator for EPA has said it is not her intention to be regulating the small emitters—the farms, the small businesses. She has made those statements, and I appreciate that, but the problem we face is the Clean Air Act, which doesn't give her that flexibility to change the Clean Air Act. She is obligated to regulate those entities that emit in excess of 250 tons. These are our smaller emitters. So even though she may have suggested or stated this is not her intention to go down that road—she can perhaps move forward with this tailoring proposal, but as I stand before you, I can almost bet that will be challenged in court and it will not pass the test and we will be stuck with what we are all attempting to avoid, which is capturing the smaller businesses—the restaurants, the drycleaners, et cetera—into this net as we try to provide for the regulation of the major emitters.

I am sure we will have plenty of opportunity on this floor to continue this debate, but at this time, Mr. President, I yield the remainder of my time to my colleague from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I only want to be here to thank the Senator from Alaska and Senator THUNE for trying to bring to our attention the issue of the endangerment findings. I have been discussing the incoming economic train wreck that can result from these regulations since the case of Massachusetts v. EPA was decided back in 2007. The EPA's regulatory reach could go everywhere. It could go into schools, hospitals, assisted-living facilities, and just about any activity that meets the minimum thresholds of the Clean Air Act.

Despite the attempts to draft an exemption for small businesses by the senior Senator from California, this effort would be hollow at best. Upon issuance of mobile source regulations the EPA has proposed in its light-duty vehicle greenhouse gas emission standards, the farmers and small sources still retain the obligation under the Clean Air Act, and this obligation is enforceable through citizen suits which we have confirmed through environmental groups will follow. So we know that is going to happen.

I would have to say, as the ranking member on the Environment and Public Works Committee, the more we get into this, the more complications we find. In the process of coming up with some type of an endangerment finding, we find that the information science has been suppressed. We know of the case of Dr. Alan Carlin, who claims his assessment of the latest science on global warming wasn't considered in the endangerment proposal. So we have the endangerment proposal. And some people are not aware of how this process works; that ultimately, if the findings are there, that is when they reach into every life in America. However, this Dr. Carlin has been with the EPA for a long period of time, and he was upset that his information was intentionally suppressed.

Then we find out that information concerning the economics, such as we found through the U.S. Treasury's assessment when they were trying to say, during the consideration of, perhaps this modified bill that it would be the cost of a postage stamp a day, that in fact it would have been some $1,761 per family every year—we tried to relate that back to what kind of a tax increase this is. If you remember back in the year 1993, we had the Clinton-Gore tax increase—the largest tax increase in decades. It was the inheritance tax, marginal rates, capital gains, and every kind of tax imaginable. If you add all that up, that was a $32 billion tax increase. This would be almost 10 times that much.

So I think, as we progress along the lines of the endangerment finding, we know how it will be life changing for every element of our society. So I appreciate the efforts of both Senator MURKOWSKI and Senator THUNE to bring this issue of endangerment findings to the forefront. I am not sure it is the best idea to try to get a 1-year moratorium because in a way that might suppress some of the activity that is going on to expose how bad this is to the public.

Having said that, I appreciate being yielded a small amount of time, and I yield the floor.

AMENDMENT NO. 2549

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I stand to briefly discuss my amendment, No. 2549, which is about the so-called czar issue that has a number of Members on both sides of the aisle very concerned.

As I introduce this amendment, Mr. President, let me ask unanimous consent to add Senators GRASSLEY, BUNNING, ROBERTS, and BROWNBACK as coauthors of the amendment.

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

Mr. VITTER. Mr. President, at this point, I call up amendment No. 2549.

The PRESIDING OFFICER. Without objection, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER], for himself and Mr. GRASSLEY, Mr. BUNNING, Mr. ROBERTS, and Mr. BROWNBACK, proposes an amendment numbered 2549.

Mr. VITTER. Mr. President, I ask unanimous consent that reading of the amendment be disposed with.

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

The amendment is as follows:

(Purpose: To ensure that the Assistant to the President for Energy and Climate Change (commonly known as the ''White House Climate Change Czar'') is not directing actions of departments and agencies funded by this Act)

At the appropriate place, insert the following:

FUNDING LIMITATION

SEC. ____. None of the funds made available by this Act may be obligated for the purpose of departments or agencies funded by this Act and lead by Senate-confirmed appointees implementing policies of the Assistant to the President for Energy and Climate Change (commonly known as the ''White House Climate Change Czar'').

Mr. VITTER. Mr. President, I did just waive reading of the amendment, but I am going to read it. It is very short and very to the point, and I think simply reading the language is the best way to introduce the concept.

The language is very clear:

None of the funds made available by this Act may be obligated for the purpose of departments or agencies funded by this Act and led by Senate-confirmed appointees implementing policies of the Assistant to the President for Energy and Climate Change (commonly known as the ''White House Climate Change Czar'').

That is the entire amendment, and the amendment is, again, very simple and straightforward. The point it is making is that we have Cabinet-level appointees. They come before the Senate for vetting and they come before the Senate for confirmation. After they are confirmed, they come before the House and Senate on a regular basis as part of our oversight responsibilities. This constitutional structure should not be superceded by these so-called czars which have grown enormously under this administration.

In making this argument, let me say that this argument has nothing to do with Carol Browner and her qualifications. It is not an attack on her. It is an attack, quite frankly, on the concept of these multitude of czars and the fact that they are an end run around the constitutional process by which top Cabinet and other officials of any administration are confirmed by the Senate and regularly come before the House and Senate as part of our oversight process.

We all know this particular administration has developed an unprecedented number of these so-called czars. We have seen a dramatic increase in this phenomenon. Politico wrote that President Obama ''is taking the notion of a powerful White House staff to new heights'' and that he is creating ''perhaps the most powerful staff in modern history.'' Specifically, the President has created 18 new czar positions, and I want to focus on those 18 positions.

This czar concept is obviously very general and somewhat undefined. What I am talking about are those 18 positions because none of those positions are established by statute. Congress has not authorized or established any of those positions, No. 1; No. 2, none of those individuals have come before the

Senate for confirmation; and No. 3, none of those positions preexisted this administration. As I said a while ago, this has raised concerns among a number of Senators and certainly among the American people.

As I began my remarks, I added as coauthors of this amendment Senators GRASSLEY, BUNNING, ROBERTS, and BROWNBACK. In addition, the distinguished Senator from Maine, Ms. COLLINS, who chairs the relevant authorization committee, has expressed grave concern about this same phenomenon and, in fact, has another amendment about this very issue. Unfortunately, that amendment is going to be struck down as legislating on an appropriations bill. But she has expressed concern. She spearheaded a letter signed by herself and Senator ALEXANDER and others which she sent to the President.

In addition, and this is very important, this has been a bipartisan concern. Going back to February of this year, the distinguished Senator from West Virginia, Mr. BYRD, wrote the administration expressing strong and grave concern about the constitutional implications of all of these czars. Again, the 18 I am talking about are not created by statute, have not been confirmed by the Senate, and never existed prior to this administration. Also, within the last 2 weeks, Senator FEINGOLD, in addition, has expressed strong and serious concern about exactly the same issue and has written to the administration.

The purpose of my amendment is to say quite simply that when we have an agency, when we have a department that is led by a Senate-confirmed appointee, we shouldn't have a so-called White House czar ordering that appointee or ordering that agency or that department to do things, particularly when that White House czar is not an office created by law through Congress, is not a Senate-confirmed position, and did not exist in any form or fashion prior to this administration.

In terms of my specific amendment, I have chosen to focus on the Assistant to the President for Energy and Climate Change, commonly known as the White House climate change czar, for one simple reason: First, she is among this 18 never created by statute, never confirmed by the Senate, never existing prior to this administration, and she is clearly in a very powerful position—apparently giving orders to Senate-confirmed appointees such as the head of EPA. Of course, the EPA is governed by this appropriations bill now on the floor, so that is why I chose to focus on this particular czar position.

Clearly, this particular czar meets all of those criteria which give rise to my concerns. The President himself, when he appointed this czar, said, ''She will be indispensable in implementing an ambitious and complex energy policy.''

In addition, there have been several media reports about her dominant stature and dominant role in these sorts of considerations. The Wall Street Journal, for instance, on September 11 of this year, reported:

> Ms. Browner helped broker a fuel-standards deal between the administration and automakers earlier this year and has been a conspicuous presence in climate negotiations with Congress. Energy Secretary Steven Chu, meanwhile, has been largely tied up administering billions of dollars in stimulus projects. Ms. Browner, through a spokesman, declined to comment.

Also, Mary Nichols, the head of the California Air Resources Board, and Carol Browner were key in crafting a plan to impose the first-ever national carbon limits on cars and trucks.

On May 20, the New York Times reported the following:

> In an interview yesterday, Nichols said Browner quietly orchestrated private discussions from the White House with auto industry officials.

The obvious question this gives rise to is, What about the head of the Senate-confirmed Energy Department? What about the head of the EPA, Senate confirmed? Those folks seem to be shoved to the side, and this new super agency head, a super Cabinet Member seems to be playing a far more dominant role in key issues that are clearly under the purview of the Energy Department and the EPA. Again, this gives rise to serious constitutional concerns. A number of Senators, Republicans and Democrats, have expressed these concerns—Senator COLLINS, Senator BYRD, Senator FEINSTEIN, Senator ALEXANDER. So this is a germane limitation amendment that goes absolutely to the heart of the matter: Should these czars, positions never created by Congress or by statute, never confirmed by the Senate, never existing prior to this administration—should these czars have a role that is more significant than Senate-confirmed Cabinet Secretaries or agency heads?

Again, I have very carefully crafted an amendment to go specifically to this point. Let me read it word for word. It is not long.

> None of the funds made available by this Act may be obligated for the purpose of departments or agencies funded by this Act and led by Senate-confirmed appointees implementing policies of the Assistant to the President for Energy and Climate Change (commonly known as the ''White House Climate Change Czar'').

It does not say you cannot implement policies of the President of the United States. Obviously, the President is elected by the people and the President obviously ranks higher than the head of EPA or anyone else. But it does say the head of EPA, a Senate-confirmed position, should not be ranked below some so-called czar, a position never before created by Congress, never confirmed by the Senate, never existing prior to this administration.

I encourage all my colleagues to stand up for the rights and the proper constitutional role of the Senate. We play a vital role, particularly with regard to Presidential appointments because only the Senate has advice and consent powers. I urge my colleagues to stand up for that constitutional role, to preserve that vital constitutional role, and not to allow so-called White House czars to be an end-run around it and to minimize that role in a significant way.

This is a significant constitutional issue, it is a significant bipartisan issue, and I urge support of my amendment.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I rise to oppose the amendment offered by the Senator from Louisiana. Over the past several weeks we have seen issues raised with increasing frequency and volume around the use of the word ''czar'' by the Obama administration.

I do believe it is unfair to suggest that the White House has a climate czar directing EPA's actions behind the scenes. I do not believe that is true. Effectively, the title ''czar,'' as we all know, does not exist. The current Assistant to the President for Energy and Climate is there to serve as an adviser to the President and to Administrator Jackson on energy and environmental issues. She also coordinates the work of multiple Cabinet level agencies on one of President Obama's key policy priorities—clean energy and jobs that are essential for long-term economic growth.

In a way, this is becoming quite political because it is not unusual for a President to have high-level staff members in the White House who help to coordinate policy issues that touch a number of Federal agencies. We have heard a lot about it. What we do not hear is that President Bush had 47 such advisers for other issues. We Democrats did not make a huge issue about it. So I have a hard time understanding, with all of the concern over climate change and the rapidity with which it is moving, that a Special Assistant to the President who was head of the EPA during the Clinton administration is somebody who is spurious. She is steeped in this. She can give the President good advice. He wants her to be an assistant. So I do not understand quite why she is being picked on.

I still believe the day-to-day work of protecting the environment is very much driven by Administrator Jackson and the EPA staff. I have met with the Administrator. I spoke with her on the phone this morning. I read into the RECORD a letter she wrote yesterday. She is very much hands-on. So I think all of the energy going into these attacks ought to be put into perspective, and that perspective is that the former President of the United States had 47 special assistants. We didn't make a big deal of it. So I do not understand why this one position is now taken and an amendment is there to eliminate it.

I urge a ''no'' vote on the Vitter amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. VITTER. Mr. President, I want to very briefly rebut some of the arguments of the distinguished Senator from California. First of all, in her last sentence she characterized the amendment as an amendment to eliminate the position. Of course it does not eliminate the position in any way.

She said earlier that Carol Browner does not tell EPA what to do. If that is the case, then this amendment will not have to change anything she does or how she operates and we should all come together to support the amendment to help allay concerns of the public. The amendment does not prohibit her from advising the President. The amendment does not prohibit her from coordinating multiagency meetings. The amendment is very clear, and it simply prohibits her from ordering around the EPA, which has its own Senate-confirmed head.

Again, I underscore the fact that this amendment is very carefully and narrowly written and does not prevent any of the legitimate advisory responsibilities that Senator FEINSTEIN has discussed.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Perhaps I can engage the Senator from Louisiana. Candidly, I do not understand the wording of the amendment. Let me read it. You have read it, and I appreciate that. It does not make sense to me. Here is how it reads.

None of the funds made available by this Act may be obligated for the purpose of departments or agencies funded by this Act—

So none of the funds may be obligated for the purpose of departments or agencies funded by this act—

and lead—

It says ''lead'' but led, I think that is a misspelling—

by Senate-confirmed appointees, implementing policies of the Assistant to the President for Energy and Climate Change.

I don't know what that means on its face.

Mr. VITTER. I would be happy to explain through the Chair what it means. The agency I have in mind, which is funded by this act and led by a Senate-confirmed position, is EPA. So it simply means that EPA cannot use any of its funds to implement orders, policies, from Carol Browner—the White House czar's policies. If the President wants to direct them, obviously the President outranks the head of EPA. But a White House czar, in a position not created by Congress, not confirmed by the Senate, never existing prior to this administration, should not be giving orders to a Senate-confirmed Cabinet Member.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, Carol Brown's title is not czar, it is Assistant to the President. The President has chosen to appoint an assistant to assist him in evaluating, I assume, various issues pertaining to climate change. It is a complicated subject. She has experience. She has been in government. She has served as head of a department. But the actual policies come over the signature of the Administrator of the EPA.

What you are saying is, essentially, then, the President cannot have any special assistant for the purpose of coordination, asking questions, informing, helping produce—it does not make sense to me. I think on its face it is not clear.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. VITTER. Mr. President, to wrap up, my amendment says none of that. My amendment does not prevent this climate change czar from informing and assisting the President. My amendment does not prevent her from convening multiagency and multidepartment meetings. My amendment doesn't say any of that and doesn't prevent any of that. It simply prevents her from ordering the EPA, headed by a Senate-confirmed appointee, to do certain things.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. If I may, I would like to respond to that. Let me give an example. The CIA is headed by a Senate-confirmed Director, Leon Panetta. He carries on policies from the National Security Council led by General Jones, a nonconfirmed official. Does the Senator from Louisiana believe that the National Security Adviser to the President should not have any role in intelligence and national security matters? What is sauce for the goose is sauce for the gander.

Mr. VITTER. Through the Chair, my answer is no, I don't believe that. My amendment has nothing to do with that, and, by the way, that position is created by statute.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. If I may, I know the Senator from Missouri is waiting to speak because he has an important meeting to go to. But if I could take 2 minutes, I think the Senator from Louisiana is making a point that concerns not just him but a number of us in the Senate on both sides of the aisle. Maybe the best way to suggest that is this way.

No. 1, the focus should be on the 18 new czars appointed by this President who were not confirmed, never have existed before, and the number of them.

No. 2, it was not the Republican side of the aisle that raised these concerns first. Perhaps this would best express the concern that many of us have. It was offered by Senator BYRD, senior Member of the Senate, the constitutional conscience of the Senate, who in a letter on February 23 said—this was a letter to President Obama—

The rapid easy accumulation of power by White House staff can threaten the constitutional system of checks and balances. At the worst, White House staff have taken direction and control of problematic areas that are the statutory responsibility of Senate-confirmed officials.

That would be exactly the point in terms of an environment or energy czar and energy or environment Secretary.

As Presidential assistants and advisers,

Senator BYRD goes on to say—

these White House staffers are not accountable for their actions to Congress, to cabinet officials, and to virtually anyone but the President. They rarely testify before Congressional committees—

Et cetera.

Then, Senator COLLINS, on behalf of six Senators, wrote the President a very respectful letter focusing on the 18 new czars who had been appointed by the President simply asking what their authorities and duties are, how they are appointed, whether they are willing to testify, whether they would consult with us. Senator FEINGOLD, the Democratic chairman on the constitution subcommittee, has expressed his concern and indicated he might hold hearings.

I think Senator VITTER is selecting a single example of this unusual number of new czars and raising the question of the constitutional checks and balances that is the same issue that Senator BYRD and Senator FEINGOLD and many of the rest of us raised.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, through the Chair, I thank my colleague from South Dakota, Senator THUNE, for allowing me to speak for a minute. We agreed to do that rather than to offer amendments that I intended to propose to this bill. I want to make sure everybody understands a concern that Senator THUNE, many others, and I have; that is, the U.S. Environmental Protection Agency's potential efforts to push through back-door carbon regulations which they cannot achieve legislatively on the Senate floor.

EPA, over the next several years, may attempt to impose trillions of dollars in new energy taxes that will kill millions of jobs. Of course they will say that is not their intent. They want to control climate. But that will be the impact of regulations they could issue over the next few years to control carbon emissions.

Experts have told us the House-passed Waxman-Markey legislation would kill 2.4 million American jobs and impose new energy taxes on the American people. Even President Obama has previously confirmed that under his plan for carbon emission mandates, electricity prices will ''necessarily skyrocket.''

''Necessarily skyrocket''. Those are the President's words. In the EPW Committee, I presented information from the Missouri University Food and Agricultural Policy Research Institute which determined that the Waxman-Markey legislation would raise farm production for an average family-run

commercial production farmer who grows corn and soybeans by about $11,000 in 2020 and rising to over $30,000 by 2050.

In this time of suffering, when so many people are out of work and so many family budgets are stretched thin, I cannot, in good conscience, stand by and remain quiet when there is a potential that such new energy taxes would be imposed on American families, farmers, and workers. It is no wonder the Senate is pausing before we jump off the cliff.

Senators, especially from manufacturing and the coal-dependent heartland where I am from, know how much this bill will punish the Midwest, South, and Great Plains. This spring, EPA began the process to start limiting carbon emissions through regulations, and they will do it through expensive plant-by-plant command-and-control regulations, not a cap-and-trade system.

Some say we could limit this problem by not regulating small emitters. But that is no different than Waxman-Markey, which already exempts small emitters. Thus, similar to Waxman-Markey's national energy tax, regulations that exempt small emitters would still impose a national energy tax and kill millions of jobs. Every family will be hit by higher electricity prices when they go after the large electricity-producing companies.

They will face more money for heating, more money for gasoline, more money for diesel fuel—if you are on the farm—more money for almost everything they buy that is produced with energy, which is just about everything that is not in the IT world, although there will be costs there too.

Businesses will face large increases in backdoor costs put on them by higher prices they must pay, even if they fall below the threshold. These costs, the backdoor impact of these costs, will be felt on families, on workers who can lose their jobs.

That is why I proposed two amendments to prevent EPA from imposing backdoor carbon regulations when they result in lost American jobs or raise costs unacceptably for farmers. I was gratified when the Senate earlier passed a version of my jobs amendment during the budget debate. But the leaders on the majority side stripped the job protection out of the bill, leaving workers vulnerable again.

They again, during this debate, will not allow us to protect workers from job-killing carbon proposals, but we will continue to educate the American people on how much they will suffer under proposed carbon legislation and regulation.

I have to add one last word about my friends and majority colleagues, Senators KERRY and BOXER. There continue to be reports that their bill will not include, in writing, before anybody votes on it, crucial sections on how they would distribute their program carbon allowances.

This, regrettably, would hide, not only from us but from the American people, the true costs of the energy tax they propose to impose.

If my Senator friends from Massachusetts and California believe truly in what they are doing, they should not hide the provisions from us. They should give us the time and the American people the time they need to determine the bill's impact.

With millions of jobs on the line and trillions of dollars in tax increases at stake, the American people deserve no less. I call on my colleagues to stand for the suffering people of America who are burdened already by energy costs and could pay much more. I call on people who may be affected to let their Members of Congress know how they feel.

Nobody is going to put out a mandate saying we cannot encourage them to speak. Nobody, no czar is going to come down and say: You cannot express your opinion. I have expressed mine. I have found a lot of people—almost everybody I talk to who raised the subject in my State of Missouri agrees.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWN). The Senator from California.

Mrs. FEINSTEIN. I move to table the Vitter amendment No. 2549. I ask for the yeas and nays.

Mr. President, I withdraw that request.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, I wish to speak in support of an amendment that was offered earlier today, actually it was filed, I think it was attempted to be called up by Senator MURKOWSKI. The Democratic majority objected to getting a vote on that amendment, which, I think, suggests they do not want to have a vote on that amendment. Frankly, I can see why.

From what I hear about the whole debate on climate change and cap-and-trade legislation that has passed in the House, it will not be voted on in the Senate this year. The reason it will not be voted on is because there are a lot of people in this Chamber who, I think, do not want to have that vote because they know it is a bad vote for them to make.

Fear not, EPA has come to the rescue of people who want to see a lot of this stuff accomplished but do not want to have to make a tough political vote on it. So what we are now faced with is the Environmental Protection Agency deciding they are going to regulate carbon emissions under the Clean Air Act and moving forward with the regulations to do that.

The Murkowski amendment would essentially prevent funds from being used to do that. It weighs in favor of having Congress deal with this very complex, very weighty, very consequential, and very costly issue to the American people.

This legislation, as we all know, would increase energy prices, cost us jobs, be unfair to entire regions of the country, mine included, enlarge an already bloated bureaucracy in Washington, DC, and put our Nation at a certain economic disadvantage.

I have been skeptical of that controversial legislation that has passed the House, the cap-and-trade bill over there, for some time, for the reasons I have mentioned.

Additionally, I think it is fair to say there would be very little environmental benefit derived from that legislation, were it enacted, without binding, enforceable commitments by China, by India, and other developing countries that are now significant sources of carbon emissions.

I find it disappointing that in the middle of this important debate the administration wants to use the back door—issuing regulations to cap carbon dioxide under the Clean Air Act because they cannot get a Waxman-Markey type climate bill through the front door.

Instead, the relevant committees of this body and the Senate as a whole should be able to consider whether now is the right time for a new massive energy tax disguised as an EPA regulation.

During the previous administration, the EPA had published an Advanced Notice of Proposed Rulemaking that showed just how impractical it would be to regulate carbon dioxide and other greenhouse gases under the Clean Air Act.

These onerous regulations covered homes, schools, churches, hospitals, small businesses and potentially even small farms with livestock.

Under the Clean Air Act, the primary mechanism for regulating carbon emissions would be a fee placed on each ton of covered pollutant emitted above a certain threshold.

This fee, if applied to carbon emissions, is nothing more than a tax on energy that would have severe consequences as our economy struggles to recover from a long recession.

While the Bush administration regulations never made it past an initial draft, the Obama EPA is moving quickly to finalize an endangerment finding and regulate carbon dioxide emissions.

In April 2009, the EPA issued a draft endangerment finding that linked emissions from motor vehicles to an endangerment of human health.

The comment period has closed on this draft endangerment finding, and when the EPA issues a final ruling it will trigger an array of regulations under the Clean Air Act.

These command and control regulations will have far reaching consequences for our economy at a time when we can least afford it.

According to media reports, EPA will eventually propose regulations for not just mobile sources, but stationary sources that emit over 25,000 tons of carbon dioxide.

The first round of regulations on stationary sources would cover approximately 13,000 facilities in the United States.

These include powerplants, large manufacturing facilities, refineries, fertilizer manufacturers, and a long list of other facilities that are critical to the health of our economy.

In South Dakota, these regulations would place a tax on powerplants, ethanol refineries, and even our largest public university.

And we need to remember that these companies will pass these new costs on to you and me. Now is an especially bad time to saddle the American people with what is in effect a gigantic new energy tax that would cause electricity, gasoline, and home heating costs to skyrocket.

Additionally, pending the outcome of the final endangerment finding, the EPA might be legally bound to regulate all sources that emit over 250 tons of carbon dioxide.

If this statutory threshold of the Clean Air Act is enforced, over 1 million carbon-emitting entities would be faced with a new tax, including commercial buildings, churches, homes, schools, restaurants, and manufacturing facilities both big and small.

Regulation of carbon dioxide is far too important for EPA and the administration to craft expensive, cumbersome, top-down regulations under the Clean Air Act.

Republicans in the Senate know this, Democrats in the Senate know this, the EPA knows this and the White House knows this.

Last year, Congressman JOHN DINGELL said that EPA greenhouse gas regulations would lead to ''a glorious mess.'' He continued by stating that ''As a matter of national policy, it seems . . . insane that we would be talking about leaving this kind of judgment, which everybody tells us has to be addressed with great immediacy, to a long and complex process of regulatory action.''

Congressman DINGELL said it best when he concluded that carbon regulation under EPA had ''the potential for shutting down or slowing down virtually all industry and all economic activity and growth.''

According to an OMB memo associated with EPA's endangerment finding, ''Making the decision to regulate CO_2 under the [Clean Air Act] for the first time is likely to have serious economic consequences for regulated entities throughout the U.S. economy, including small businesses and small communities.''

Representative COLLIN PETERSON, chairman of the House Agriculture Committee, noted in a recent op-ed that EPA regulations of greenhouse gas emissions would result ''in one of the largest and most bureaucratic nightmares that the U.S. economy and Americans have ever seen.''

Senator MURKOWSKI and I have filed an amendment to the fiscal year 2010 Interior and Environment appropriations bill that would prohibit the EPA from moving forward with regulations on carbon dioxide emitted from stationary sources for 1 year.

This amendment is not intended to impact the recent announcement from EPA and the Department of Transportation regarding new tailpipe emission requirements for new cars and light trucks.

Additionally, this amendment is not intended to impact the regulation of other greenhouse gasses, such as hydrofloural carbons, which are also included in the proposed endangerment finding.

This amendment would simply delay the expensive, top-down regulation of carbon emissions from thousands if not 1 million stationary sources in the United States.

For those Senators who wish to regulate carbon emissions through a cap-and-trade system, I encourage you to support this amendment as well . You should be supporting this amendment.

This amendment is not about whether carbon dioxide emissions should be regulated or whether the Federal Government should take any action to reduce carbon emissions. Rather, this amendment is about the process of regulating carbon dioxide emissions.

Should regulations as far reaching and expensive as taxing carbon dioxide be determined by EPA bureaucrats behind closed doors? Or should carbon regulations be openly debated on the floor of the U.S. Senate?

The Murkowski amendment gives the Senate a clear choice.

Constituents, through their elected representatives, should have a voice in that debate. If carbon dioxide regulations moved through the EPA unchanged, the American people would be deprived of their opportunity to be heard on this very important subject. Meanwhile the cost of gasoline, food, and manufactured goods will skyrocket. I urge colleagues on both sides to acknowledge the extremely dangerous consequences of allowing the administration to unilaterally regulate carbon dioxide under the Clean Air Act. I understand the Murkowski amendment will not be allowed to be voted on. I believe the regulations that amendment addresses should be delayed until Congress has the opportunity to debate the consequences. I will continue to work with Senator MURKOWSKI and other colleagues, families, and small business, to make them aware of what the EPA intends to do by regulation.

In addition to speaking on the Murkowski amendment, as I have filed an amendment which is similar, I ask unanimous consent to call up my amendment and ask that it be made pending.

The PRESIDING OFFICER. Is there objection?

Mrs. FEINSTEIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. THUNE. Let me briefly speak to the amendment because it simply addresses this subject in a slightly different way. It is clear the majority does not want to have a vote on either the Murkowski amendment or my amendment because they get at the fundamental issue which is whether we are going to have a debate in Congress about regulating CO_2 emissions or whether we will allow an administrative agency, the EPA, to do that for us. I understand my amendment, which has now been objected to, will not have a vote. We know where the votes are on this. But like the Murkowski amendment, what my amendment is designed to do is to shed daylight on harmful regulations that are taking shape behind the closed doors of the EPA. My amendment is designed to give our constituents a greater say in climate change regulations.

The amendment is also designed to force the EPA to consider the dramatic impact these new Clean Air Act regulations on carbon dioxide will have on electricity and gasoline prices. If these regulations move forward, I am concerned that many families, especially those who rely on coal-generated electricity, will see skyrocketing electricity bills. I am also concerned for families and truckdrivers who could see gasoline and diesel prices go up. EPA regulation of CO_2 would amount to a tax on millions of working-class families.

During debate on the climate change bill, proponents of cap and trade claimed that lower income families will be made whole by giving local distribution companies free allowances to meet the new carbon regulations. Aside from whether this mechanism would actually limit the impact on working families, it is clear such a safeguard is simply not possible under the Clean Air Act. Carbon regulations under the Clean Air Act would effectively be a huge new tax on electricity and gasoline prices paid by families and small businesses.

Additionally, new taxes under the Clean Air Act would apply to oil and ethanol refineries. In South Dakota, we produce approximately a billion gallons annually of ethanol. If the EPA moves forward with carbon caps under the Clean Air Act, 12 ethanol plants in South Dakota will be subject to this new tax. Additionally, we have a large soybean processing facility hoping to soon produce biodiesel that would also be covered. Not only will these costs be passed on to consumers in the form of higher prices at the pump, but the new regulations will be a major setback to renewable fuel production. In the end, the energy security benefits of domestic renewable fuel production will be negatively impacted by these new regulations.

My amendment 2540 asks EPA to consider the costs and the adverse impacts these regulations will have on the economy before moving forward with an endangerment finding.

It is clear that neither the Murkowski amendment nor mine will be voted on. This issue is not going away. The EPA is moving forward. The House has acted on this issue. The Senate

doesn't want to take the hard votes on this so they have punted it to the EPA. The EPA is now moving forward by regulation to do what Congress doesn't have the courage or the will to do, and that is to have a debate about the relative costs and, perhaps, benefits of climate change legislation. It is wrong for us to allow the bureaucracy at the EPA to move forward with these regulations that could be so harmful to our economy, so harmful to jobs, so disastrous when it comes to the energy prices paid by families and small businesses.

This issue will be back. Senator MURKOWSKI will bring it back. I will bring it back. Others of my colleagues who care about the impact of this particular regulation on small businesses and families will be back to debate the issue even though the Democratic majority will not allow us to get a vote today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mrs. FEINSTEIN. Mr. President, I know the Senator from Louisiana wishes to speak in morning business, which is fine. I wonder if I could make one brief announcement. Members are interested in bringing this bill to a conclusion. There are a number of amendments that were listed in the consent order. I ask that Members come to the floor to call up their amendments shortly. Senator COBURN has a number, Senator REID, Senator COLLINS. Senator ENSIGN has a motion to recommit. If these Members could come to the floor and call up their amendments, it would be appreciated. We would be able to, hopefully, conclude the bill.

Mrs. BOXER. Will the Senator yield for a question?

Mrs. FEINSTEIN. I certainly will.

Mrs. BOXER. I am here to make a few comments addressing the points raised by Senator THUNE and Senator MURKOWSKI. They were going to offer an amendment.

Mrs. FEINSTEIN. The Senator has an hour.

Mrs. BOXER. I won't be taking that. At what point would the Senator like me to use the time?

Mrs. FEINSTEIN. I think directly following Senator LANDRIEU.

Mrs. BOXER. That is fine. And how long is Senator LANDRIEU speaking?

Ms. LANDRIEU. Ten minutes.

Mrs. BOXER. I ask unanimous consent that I be recognized following Senator LANDRIEU.

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

The Senator from Louisiana.

Ms. LANDRIEU. I appreciate the leadership of the Senators from California and Tennessee, trying to move this important appropriations bill through the process. As we heard this morning, there are lots of important issues pending. I came to speak for a few minutes not about a pending amendment but about an issue bubbling up and brewing in a fairly significant way that we will have to address sometime soon, not necessarily on this bill today, not necessarily through an amendment process to the Interior appropriations, but a program that is in the Interior appropriations bill that is screaming for attention. That is the program having to do with the management of wild horses. It is not a major issue in all 50 States, but it is a big issue to a handful of western States and of interest to several of us in this body.

Let me thank Senator FEINSTEIN and her staff for the leadership they are providing in helping us shape policy. She has been extremely attentive over the last several months. I thank her. I acknowledge the interest of former Senator Salazar, now Secretary of Interior, and his top leadership. They have a tremendous amount of issues before them, issues that will take a lot of their time. For them to make this a priority because some of us have asked them to, I acknowledge that and thank them, all the assistant secretaries and staff from the Interior Department who are working on this.

There are two aspects to this important issue. One involves the fiscal element which taxpayers are alarmed about. The wild horse program, because of its mismanagement and poor, old-fashioned way of operating, is chewing up or taking up about three-quarters of the budget of the Bureau of Land Management. From a fiscal perspective and a financial management perspective, it is crying out for reform.

On the other hand, there is the view of the inhumaneness of some of the practices going on that also cries out for attention. I come to speak briefly about both.

As to the big picture, at the turn of the century, we had about a million wild horses in the territory of the United States. It is sad, from the perspective of most people, that we are now down to 66,000 wild horses and burros basically forced, through policies developed in the 1970s, to stay in relatively small places, grouped in a few States, most notably the States of Nevada, Wyoming, and California, and a few other western States. We also are down to a few herds of horses. The reason I believe this is important not only to western States or ranchers or landowners or humane societies and others is because for the American people generally, the idea of wild spaces with wild horses is something that is part of our heritage. We want to make sure that heritage is not lost, that we are being responsible in terms of the way the land is being used for multiple purposes and, from the perspective of horse advocates, that the horses themselves are being treated well.

None of that is now being done in the way that most people would appreciate or would be satisfied with. There have been any number of studies I will submit for the record. Most recently, the Congressional Research Service, as well as the Government Accounting Office, suggested major changes to the program. I am going to go through a few possible options. One is the creation of several public/private sanctuaries. This has been suggested by a few fairly high-profile individuals. The idea has merit. We are working with a variety of groups, along with the Department, to think about the possibility of creating public/private partnerships, large sanctuaries, maybe 500,000 or a million acres, where thousands of wild horses could not only roam freely in a healthy way but could potentially become ecotourist opportunities for some of the States and communities, as it would be an attraction that could potentially make money and attract people to some of the western areas or, for that matter, rural areas in other parts of the country.

There is the possibility of making some smart investments to step up some of the adoption programs that might work. There are any number of scientific and new technologies that can be brought to bear in terms of breed management, reproductive issues that could help us to get a much more cost-effective, sane, and humane approach to this problem.

I wanted to let the managers of this legislation know that while we will not have an amendment at this time on the Interior bill, I am looking forward to working with members of the Energy Committee who have jurisdiction over this matter to review in detail a bill that has come over from the House, the ROAM Act, by the chairman of that subcommittee, whom I commend for taking the committee's time, Congressman RAHALL, who sent the bill over here to the Senate. As we begin to discuss the ways that bill could potentially be modified, working with the Department of Interior to find a long-term solution, one that is cost effective, one that is humane, and one that honors the great history of wild horses, not just pleasant to look at but helped us to settle the West, helped us to open transport and commerce for the Nation, have carried us into war, into battle, helped to feed and clothe this Nation in our history, needs a bit more attention than what they are getting right now.

In conclusion, there was a disturbing roundup conducted not too long ago—just a few weeks ago—and I thank the advocates who brought this to my attention and commit to them to continue to work until we find a better way forward; again, a way that is good for the wild horses, that honors our heritage but is also very respectful of these Western lands and the ranchers who have multiple uses of this property.

I am certain in the Nation God has bequeathed to us we can find enough space for everyone if we keep an open mind. I know the Senator from Tennessee would agree with that; that if we work hard enough, we can find some common ground solutions to this issue.

I thank the Chair and yield the time. I understand my colleague from California is here to speak on a different issue.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, thank you very much.

I am on the floor, along with Senator WHITEHOUSE—there may be some others—to respond to the remarks made by Senators MURKOWSKI and THUNE regarding an amendment they very much wanted to put before this body. That amendment, simply stated, would stop the Environmental Protection Agency from enforcing the Clean Air Act as it relates to the pollutant carbon.

Some of the things they said are so reminiscent of what was said before the Clean Air Act passed, that: Oh, this is going to be a terrible thing for our people; and the same thing that was said when the Clean Water Act was passed: Oh, this is going to be a burden on business. I have to say to this body, the day we turn our back on these landmark environmental laws is the day the health of our people will suffer. We do not want that to happen.

I wish to be clear, I know this amendment will come back again and again. I know there will be attacks on the Clean Air Act and the Clean Water Act. That is an attack on our families. It is particularly an attack on our children and on our vulnerable senior citizens and our citizens who may have disabilities and who are ill. I will fight it with every ounce of my strength every time it rears its ugly head in this Chamber.

The interesting thing is, most of these environmental laws started with a Republican President named Richard Nixon. What happened to the days when environmental laws were supported on both sides? Those days appear to be gone.

What I would like to do is—I am going to yield up to 20 minutes to the Senator from Rhode Island. He is so eloquent on this point. Before I do, I wish to place some letters in the RECORD.

One letter is from the Environmental Protection Agency, saying they would have a very difficult time making sure the air was clean if that Murkowski amendment had been offered and passed and become law.

Interestingly, we have a letter from the Alliance of Automobile Manufacturers, also opposing that Murkowski amendment.

We have two more letters to put in the RECORD—and this just happened in 24 hours—one from a coalition made up of the Alliance for Climate Protection, Center for American Progress Action Fund, Center for Auto Safety, Center for Biological Diversity, the Clean Air Task Force, Clean Water Action, the Defenders of Wildlife, Environment America, the Environmental Defense Fund, League of Women Voters of the United States, National Audubon Society, the Natural Resources Defense Council, Oceana, the Sierra Club, Southern Alliance for Clean Energy, Southern Environmental Law Center, and Union of Concerned Scientists—all saying they oppose this amendment, which concerns not enforcing the Clean Air Act as it relates to carbon dioxide.

Lastly, we have a very well put together letter by the National Wildlife Federation, in which they quote a poll that says 75 percent of Americans believe our government should, in fact, regulate global warming pollution, which, of course, is mostly carbon.

Mr. President, I ask unanimous consent those letters be printed in the RECORD.

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

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, September 23, 2009.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: Thank you for your letter about Senator Lisa Murkowski's Amendment Number 2530 to H.R. 2996, the Department of the Interior, Environment, and Related Agencies Appropriations Act. As you noted in your letter, Senator Murkowski's amendment would prohibit the Environmental Protection Agency from using any funds made available under the Act to take any action that would have the effect of making carbon dioxide a pollutant subject to regulation under the Clean Air Act for any source other than a mobile source.

You asked me what the practical impact would be if Congress enacted Senator Murkowski's amendment. Perhaps the most striking impact would be to make it impossible for the Environmental Protection Agency to promulgate the light-duty vehicle greenhouse-gas emissions standards that the agency proposed on September 15, 2009. Because of the way the Clean Air Act is written, promulgation of the proposed light-duty vehicle rule will automatically make carbon dioxide a pollutant subject to regulation under the Clean Air Act for stationary sources, as well as for light-duty vehicles. The only way that EPA could comply with the prohibition in Senator Murkowski's amendment would be to not promulgate the light-duty vehicle standards.

As you know, promulgation of EPA's light-duty vehicle greenhouse-gas emissions standards is an essential part of the historic agreement that President Obama announced earlier this year with the nation's auto-makers, the State of California, the Department of Transportation, and EPA. That agreement attracted broad, bi-partisan support. The joint DOT-EPA standards are projected to save 1.8 billion barrels of oil over the life of the program, which is twice the amount of oil (crude oil and products) imported in 2008 from the Persian Gulf countries, according to the Department of Energy's Energy Information Administration Office. Additionally, the standards are projected to help save consumers more than $3,000 over the lifetime of a model year 2016 vehicle and reduce approximately 900 million metric tons of greenhouse gas emissions. Enactment of Senator Murkowski's amendment would pull the plug on those extraordinary accomplishments.

Sincerely,

LISA P. JACKSON.

SEPTEMBER 24, 2009.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: We are writing regarding Senator Murkowski's Amendment Number 2530 to H.R. 2996, the Department of the Interior, Environment, and Related Agencies Appropriations Act. As manufacturers, we are sympathetic to the thrust of Senator Murkowski's amendment that the Congress—and not simply EPA acting under the provisions of the current Clean Air Act—should determine how best to reduce U.S. greenhouse gas emissions economy-wide.

However, the amendment raises additional issues that must be considered where complicated and interconnected environmental and legal issues are at stake. We are concerned that due to the complex interactions among regulations under the various sections of the Clean Air Act, the amendment may impact significantly pending regulations in the mobile source sector—despite language in the amendment that would appear to leave the sector unaffected. In a letter to Senator Feinstein dated September 23, Administrator Jackson stated EPA's interpretation that the Murkowski amendment as filed would ''make it impossible for the Environmental Protection Agency to promulgate the light-duty vehicle greenhouse-gas emissions standards that the agency proposed on September 15, 2009.''

While the author of the amendment appears not to intend this outcome, we feel compelled to express our concerns. It is critical that the national program for regulating greenhouse gas emissions from autos be finalized early next year. Failure to do so would subject automakers to a patchwork of conflicting state and federal regulations.

Therefore, we respectfully oppose the adoption of the Murkowski amendment as written to H.R. 2996.

Sincerely,

DAVE MCCURDY,
President & CEO, Alliance of Automobile Manufacturers.
MICHAEL STANTON,
President & CEO, Association of International Automobile Manufacturers.

SEPTEMBER 24, 2009.

DEAR SENATOR: We are writing in opposition to Senator Murkowski's revised appropriations amendment (No. 2350) to the FY 2010 Interior Appropriations bill, H.R. 2996, which concerns carbon dioxide pollution and the Clean Air Act.

The filed amendment's spending limitation would go well beyond blocking the Environmental Protection Agency (EPA) from curbing carbon dioxide pollution from power plants, refineries, and other big ''stationary sources.'' It also would block EPA from implementing the Supreme Court's landmark decision in Massachusetts v. EPA by curbing carbon pollution from cars and trucks. If this amendment passes, EPA could not issue the historic consensus standards that the President announced in May with the support of the auto makers, the UAW, states, and the environmental community. Here is why:

The first sentence of the amendment says: ''No action taken by the Environmental Protection Agency using funds made available under this Act shall have the effect of making carbon dioxide a pollutant subject to regulation under the Clean Air Act . . . for any source other than a mobile source. . . .'' This is a reference to Section 169 of the Act, which says that every new or modified major stationary source needs to install best available control technology (BACT), considering costs, for each pollutant ''subject to regulation under this chapter,'' i.e., under the Clean Air Act.

When EPA issues final vehicle carbon dioxide standards under Section 202 of the Act as

planned next March, carbon dioxide will automatically become a pollutant ''subject to regulation'' under Section 169. From that point on, new or modified major stationary sources will need to install BACT for carbon dioxide, just as they currently do for other dangerous pollutants. This is automatic; there is no way around it without blocking the vehicle rules. Since the Murkowski amendment would bar any action that has the effect of making carbon dioxide ''subject to regulation'' under Section 169, EPA would be barred from issuing the vehicle standards.

This is why EPA Administrator Lisa Jackson said yesterday that the amendment would be ''a death knell to the historic agreement between the President and automakers to increase gas mileage and reduce emissions from cars and trucks.''

Congress should not take any action that would undo the progress already made on carbon pollution from motor vehicles.

Later paragraphs of the revised amendment attempt to limit other collateral damage done by the amendment. But those provisions cannot overcome the effect of the amendment's first sentence.

We believe common ground can be found to ensure that the Clean Air Act's stationary source requirements apply only to power plants and other big sources, not smaller sources, and to incorporate this approach in comprehensive energy and climate legislation. But it cannot be accomplished through this rider.

The Murkowski amendment would only move us farther from, not closer to, a bipartisan consensus on comprehensive clean energy and climate legislation that the Senator says she seeks. We strongly urge you to oppose Senator Murkowski's amendment as well as any other amendments to the Interior Appropriations bill that would delay America's progress toward a clean energy economy that would create jobs, increase America's energy security, and cut pollution.

Alliance for Climate Protection, Center for American Progress Action Fund, Center for Auto Safety, Center for Biological Diversity, Clean Air Task Force, Clean Water Action, Defenders of Wildlife, Environment America, Environmental Defense Fund, League of Women Voters of the United States, National Audubon Society, Natural Resources Defense Council, Oceana, Sierra Club, Southern Alliance for Clean Energy, Southern Environmental Law Center, Union of Concerned Scientists.

NATIONAL WILDLIFE FEDERATION,
NATIONAL ADVOCACY CENTER,
Washington DC, September 24, 2009.

DEAR SENATOR: National Wildlife Federation asks you to oppose Amendment 2530, sponsored by Sen. Murkowski, on HR 2996 (the Fiscal Year 2010 Interior and Environment appropriations bill).

America and the world are poised to take long overdue action to reduce global warming pollution. As President Obama said this week in a climate address to the United Nations, there are ''no excuses for inaction. . . . we don't have much time left.'' At this historic juncture, Senators should not hit the ''snooze button'' to delay enforcement of the Clean Air Act and extend the government's long nap on global warming. Year after year, Congress has debated whether or not to act on global warming, but little has been done. Over the past two decades, as the impacts of warming became increasingly severe and the scientific warnings increasingly urgent, U.S. emissions of global warming pollution increased 17%.

National Wildlife Federation, which represents over four million members and supporters, and Americans across the nation strongly and overwhelmingly support action by the Environmental Protection Agency. A recent Washington Post poll found that 75% of Americans believe the government should regulate global warming pollution from power plants and factories.

Amendment 2530 has been revised from earlier drafts and now has a fatal flaw that would extend the amendment's damage beyond what is intended, undoing the recent progress made by automakers, environmental groups and the Obama administration to reach agreement on reducing vehicle emissions. The regulation of a pollutant under the Clean Air Act for vehicles automatically triggers regulation of stationary sources. By blocking action on stationary sources, the amendment would block the Environmental Protection Agency from implementing the new vehicle tailpipe standards as well.

The Clean Air Act has a strong and proven track record of cleaning the air we breathe while allowing our economy to prosper. The Supreme Court has spoken clearly on the government's neglected responsibility to address global warming under the Clean Air Act. And the Environmental Protection Agency is already taking commonsense steps to meet the requirements of the Clean Air Act, focusing on the biggest corporate polluters and limiting the reach of any new regulations.

We appreciate Sen. Murkowski's commitment to advance global warming legislation in Congress, and look forward to pursuing that common effort with her and other Senators this year. But we strongly oppose this amendment.

Please support action on global warming and vote ''no'' on Murkowski Amendment 2530.

Sincerely,

LARRY J. SCHWEIGER,
President and CEO.

Mrs. BOXER. So here we had a situation where I am very pleased the rules of this Senate did not allow this very dangerous amendment to be brought before the body. We would have talked about it for days because, before I would allow a vote on that, I would want to make sure every single Senator understood it is a repeal of the Clean Air Act through the backdoor, even after the Bush Supreme Court said the Clean Air Act covers carbon and greenhouse gases.

With that, Mr. President, I yield 20 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Mr. President, first, let me thank my distinguished Environment and Public Works Committee chairman, Senator BOXER, for her passionate defense of this statute, which has improved the quality of life and the quality of our air for a generation now of Americans against this assault. I appreciate that she has given me a few moments to discuss the amendment the Senator from Alaska wanted to offer. I know it was not offered, but, nevertheless, I feel we need to respond, given the message that amendment sends to this body, to the Nation, and to the world regarding America's position on the need to curb global warming and our move toward a clean energy economy.

This amendment would have tied the hands of the Environmental Protection Agency at the very time we need its help to protect the American public from the dangers of climate change—dangers to America's public health, to our national security, and to our economy.

A little history is in order here.

In 2007, the U.S. Supreme Court overrode the Bush administration and ruled, in a case called Massachusetts v. EPA, that the Clean Air Act requires the Environmental Protection Agency to regulate greenhouse gas emissions as pollutants, if the Agency determined that greenhouse gases posed a danger to public health, and the Court further obliged the EPA to go ahead and make that determination, yes or no.

The Bush administration, of course, did everything in its power to avoid the duty ordered by the Supreme Court, and it was only this April that the EPA, under Administrator Jackson, finally issued its proposed endangerment finding. The finding, unsurprisingly, acknowledged what every reasonable scientist—in fact, every reasonable person—has known for years: That carbon dioxide and other so-called greenhouse gas emissions cause our planet's atmosphere to warm and pose a threat to the public health.

The conclusion that these gases should be regulated under the Clean Air Act logically and inevitably followed, as required by law, from the determination that these pollutants threaten public health. Thankfully, this administration has already begun this important work. Senator MURKOWSKI's amendment would have required EPA to take what is called a timeout while Congress crafted a legislative solution to global warming. Unfortunately, time is not on our side as we race to protect our planet from the effects of carbon pollution.

Just yesterday, our President spoke before the United Nations about the challenges to all nations from unchecked global climate change and the opportunities we have to revive the world economy through the advancement of clean energy and clean energy jobs. The world community needs the United States to be a leader in this effort, and the world is watching our actions closely.

President Obama pledged that our steps so far—investments in alternative energy, efficiency measures, tougher fuel standards—and our steps to come ''represent an historic recognition on behalf of the American people and their government.'' He said:

We understand the gravity of the climate threat. We are determined to act. And we will meet our responsibility to future generations.

Forcing the EPA to take a timeout now would have sent exactly the opposite message; would tell the world we do not truly care about climate change; that we are not ready to step up, let alone lead; would say we would prefer to leave a polluted world to our

children and grandchildren, a world far worse off than the world our parents and grandparents left to us. Any timeout now would have damaged our international progress and our leadership.

Moreover, a timeout of the sort proposed in the Murkowski amendment would have hurt our legislative efforts. Supporters of the timeout idea profess to want a legislative solution to address climate change. Well, maybe. But doing so would have set back that very goal.

To the extent some of the big polluters are working with us in this legislative process, it is because they feel the hot breath of the future on their necks, and they know they had better participate or be left to their fate. Give them an artificial reprieve from those consequences—real consequences of science, of fact, of law, and of nature—and their motivations would change. Delay would become their friend, indeed their purpose, because of the artificial, false status quo that a timeout would create for them.

Let me tell you how these polluters affect Rhode Island, my home.

Let's start back in 1972, when EPA authorized the use of tall smokestacks instead of emissions limits. By the mid-1970s, four different circuit courts of appeal had ruled that the Clean Air Act required real emissions controls and not just increased stack heights. A tall smokestack only curbs local emissions, but it spreads the poisons widely.

In 1977, Congress enacted section 123 of the Clean Air Act, which barred the construction of smokestacks taller than called for by good engineering practice. Notwithstanding, Midwestern powerplants continued to increase the height of their stacks. The average smokestack height increased from 200 feet tall in 1956 to over 500 feet tall in 1978. In 1970, there were two smokestacks in the United States taller than 500 feet. By 1985, 180 smokestacks stood taller than 500 feet. Twenty-three of these were over 1,000 feet. Once you get over 1,000 feet tall, you actually have to put that smokestack on the aviation safety maps because it becomes a hazard to aviation. Local interests, of course, were happy because less of the smokestack-emitted poisons fell locally and more were spread abroad.

What did this mean for downwind States, such as my State of Rhode Island? Well, all other things being equal, the taller the stack, the farther the poisons travel. According to a 2001 report by the Clean Air Act Task Force entitled ''Power to Kill: Death and Disease from Power Plants Charged with Violating the Clean Air Act,'' pollution spewed from just 51 plants has shortened the lives of as many as 9,000 people nationwide annually, including about 1,500 to 2,100 people in our downwind States such as Rhode Island.

These plants have also caused tens of thousands of asthma attacks each year and hundreds just in Rhode Island. This is just from 51 plants. Physicians for Social Responsibility has estimated that all coal plants in the United States together cause about 23,600 premature deaths and 554,000 asthma attacks each year.

The Centers for Disease Control tells us that between 1980 and 1995 the incidence of childhood asthma increased over 100 percent—the increase of childhood asthma more than doubled—from 3.6 percent to 7.5 percent of all children.

By 2005, nearly 9 percent of all children were reported to have asthma. In African-American children, the rate soared to 19.2 percent—nearly one in five African-American children.

Massachusetts, Maryland, and my State of Rhode Island—all downwind States—were among the five States with the highest incidence of asthma. The Rhode Island Lung Association estimates that 15,000 children—15,000 children in my State of less than 1 million population—have asthma. Nationally, every year more than 40 kids 4 years old and under will die from asthma. Another 115 kids 5 to 15 years old will die, and nearly 400 more age 15 to 34 will die every year. This is what upwind polluters have helped cause.

When I was attorney general for the State of Rhode Island, I joined EPA's lawsuit against American Electric Power for its illegal modification of 16 plants. In 2008, the utility company settled the lawsuit by installing billions of dollars of pollution-control equipment which slashed NO_X and SO_2 emissions by 813,000 tons each year—813,000 tons of pollution each year. American Electric Power also paid a $15 million penalty, nearly five times what ExxonMobil has paid so far for the Exxon Valdez oil spill in 1990, and it invested another $60 million in environmental mitigation projects. So don't tell me things can't be done.

But in Rhode Island, the danger continues, and still every summer in Rhode Island the morning radio announces several days that are unsafe air days, when infants and seniors and people with breathing difficulties are told they should stay home, that they should stay indoors because the summer air in Rhode Island is not safe, and one of the prime reasons it isn't safe is because we are downwind. So don't expect a lot of sympathy from me for these polluters, with their belching smokestacks, that want a free pass to endanger the public, timeout or not.

Here is a little description of how tall some of these stacks go. The tallest building is Willis Tower in Chicago. A lot of its radio towers are on the top, but it is still a heck of a big building. The Empire State Building is 1,250 feet. The Washington Monument is 555 feet. The Statue of Liberty is 305 feet. In Marshall, WV, there is a smokestack 1,204 feet tall. In Rockport, IN, there is a smokestack 1,038 feet tall. In Jefferson, OH, there is a smokestack exactly 1,000 feet tall. I don't know whether that has to go on the aviation safety maps. That is just at the boundary. What these things do is they solve the local problem of pollution by pushing the poisons so far up into the atmosphere that they don't fall in West Virginia, in Indiana, and in Ohio, but they move elsewhere and they land often in Rhode Island, and we face the health consequences every day. So if anybody is looking for a sympathetic ear for these powerplants, they have come to the wrong place if they have come to Rhode Island.

Today, we are facing perhaps the greatest environmental threat of our time: Global climate change triggered by increased concentrations of carbon dioxide in our atmosphere. We have supersaturated the atmosphere with carbon dioxide, and it is having an effect. Coal-fired powerplants share much of the blame. Forty percent of all carbon dioxide emissions come from coal powerplants. And the polluters will fight—they are fighting—any effort to control their carbon dioxide emissions. The polluter opponents of climate change who are resisting our change to a clean energy economy are strong and wealthy, and they will stop at nothing. We have even recently seen forged letters to Congress opposing climate change legislation in the names of groups that never authorized the letters.

Just like the polluters fought the Clean Air Act in the past, just like the polluters built taller stacks rather than making what comes out of the stacks cleaner, just like the polluters manipulated their flunkies in the Bush administration, today the polluters wanted a timeout. They may say they support a legislative solution to climate change, but if they could fool us so that we defunded and stopped and weakened all of the other available tools for pollution control, that would not help in passing a climate bill. That would give those polluters every incentive in the world to defect, to delay, and ultimately to defeat our efforts to move this country toward a clean energy economy, to stop subsidizing their pollution of our air, and our efforts to start solving this great problem of our day. To protect ourselves, we have to keep all of our tools available, all options for curbing greenhouse gas emissions working to protect us.

I thank the chairman very much for yielding me this time, and I look forward to working with her as we continue to find ways to support this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I wish to thank the Senator from Rhode Island. He gets us to where we need to be, which is focusing on what happens to our people when we walk away from protecting them from pollution.

I know Senator BROWN is in the chair. I wanted to share with him the fact that he knows well that after the Cuyahoga River caught fire in Ohio in 1969 and many of our lakes and rivers

appeared to be more like sewers, the committee, which I now chair so proudly and on which Senator WHITEHOUSE sits, responded by enacting the Clean Water Act. That was 1972. I don't know if Senator BROWN was born yet. The fact is, that incident of a river catching fire really caught the attention of the people of this Nation. Whether it was our water or our air or endangered species, we decided to take control of our communities, of our health, of our environment.

There is a lot about America that makes us proud. There is a lot about America that makes us great. I believe one of our values is caring about the health of our families. I thought Senator WHITEHOUSE was very clear that we are not just debating a regulation on page 4 or 5 or 20 or 50. We are talking about the ability of our kids to breathe the air. We are talking about the ability of this planet to survive without the ravages of global warming, which the Bush administration's CDC told us would have unbelievable effects on the health and safety of our people.

The laws we passed are the landmark laws. So therefore I just want to be put on record, along with Senator WHITEHOUSE, that if this amendment that wasn't offered today comes back in any other form, we are going to have to open up the debate pretty wide—pretty wide—because a repeal of an environmental law can't be done on an appropriations bill. In essence, when you don't enforce a law—that is what the Murkowski amendment would have done—when you don't enforce it, it is the same as not really having it. But you don't have to look in the eyes of your constituents and say: Oh, by the way, today I repealed the Clean Air Act. What you say instead is: Today I fought to have a pause—no enforcement. Well, let me tell my colleagues, when that child gets asthma, she is not going to ask her mom: Did I get asthma because there was a pause in the Clean Air Act or because they repealed the Clean Air Act? That child will get asthma. I swear to my colleagues that I am not going to let more kids get asthma, not on my watch. It is wrong. It is wrong.

Here is the great news. The great news is, if we decide to be the leader in this clean energy revolution, we will see our people get healthy. We will see millions of jobs created. We will move off of these dirty energy sources. We will create American jobs, 21st-century jobs, building wind turbines, installing solar panels, producing a new fleet of electric cars, hybrid vehicles. We see it in Ohio already where they are building solar panels. This is the one area of growth.

We are having a tough time in our State—people laid off, terribly high unemployment rate. The stimulus is helping us. We are getting some jobs back, but we are suffering. The one area of growth, I say to the Chair, 125,000 new green jobs that can't be taken away. You can't take a job of putting a solar rooftop on a home in Los Angeles or Riverside or San Bernardino or San Diego or Akron, OH—you can't have that person in China putting on a solar rooftop. They have to be here. These are good jobs. That is what we ought to be doing, not repealing the laws that protect the health of our citizens but trying to figure out a way to work together to have a bill that will create these new clean energy jobs, that will protect our kids from carbon pollution, and that will make sure the ravages of global warming won't occur.

At the end of the day, our competitiveness depends on how we face this challenge. I believe Thomas Friedman got it right. If you haven't read his book ''Hot, Flat, and Crowded,'' I think you should read it because he is so eloquent on the point. He is not on the defense on this, he is on the offense. He says that if we don't grab this mantle of leadership on clean energy, then other countries will grab it and they will create the technologies, they will create the jobs, and we will fall behind.

America is a leader. We are not a follower. We will have many more opportunities to debate this in the future, but, my goodness, if we are facing legislation that does not move us forward but takes us back to before Richard Nixon was President by not enforcing the Clean Air Act—I have heard of the party of no, but this is the party of yesterday if those are the kinds of amendments we are going to face, dangerous amendments that will hurt the health of our children.

So I wanted to make sure that America takes control of its energy future and that it doesn't cower in the corner and repeal laws that protect our citizens, landmark laws such as the Clean Air Act. I am so glad that today we avoided having to have this long debate. I am glad this amendment was disallowed because it doesn't belong on an appropriations bill. It is a repeal of the Clean Air Act. Let's face it, you don't do that in 15 minutes on the floor of the Senate and call it a timeout. Call it whatever you want, but when you tell an agency: Don't enforce the law that protects the health of our children and our families, that is a repeal through the back door.

So I thank you very much for the time. I know I have additional time. I will not be using it. I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, in just a few minutes, the Senator from Maine will have the floor. Senator FEINSTEIN has asked those Senators who have amendments which are part of the unanimous consent agreement to come on over and call them up. I think Senator COBURN is probably coming following Senator COLLINS from Maine.

I listened carefully to Senator WHITEHOUSE and to the distinguished chairman of the Environment and Public Works Committee. I wish to make an observation, if I may, which will take only 3 or 4 minutes, not to prolong the debate.

First, what Senator THUNE and Senator MURKOWSKI were saying is that the question of climate change is so important that we in the Congress ought to deal with it, not the Environmental Protection Agency. That is the point of the amendment.

Second, I am one Senator who believes we need to deal with climate change and who believes humans are contributing to it, and we need to stop stuffing so much carbon into the atmosphere. But while my friends on the other side often speak in great rhetorical flourishes about the inconvenient problem of climate change that my friend and fellow Tennessean Al Gore talks about, they are conspicuously silent about the inconvenient solution, which is nuclear power.

Even the President of the United States went to New York this week and made an entire speech talking about our commitment to climate change and lecturing the developing countries of the world about climate change when they are ahead of us on nuclear power and the President, in his entire remarks, didn't mention it once. I simply think that ought to be noted in the midst of this debate.

The largest contributors to carbon in the air are China, the United States, Russia, India, and Japan. There are 44 nuclear reactors under construction this minute, almost all of them in Asia. China has 4 reactors under construction and has announced plans for 130 more reactors. Why? Because nuclear power is carbon free. The United States hasn't built a new nuclear plant in 30 years. Russia intends to build 2 reactors a year in order to replace the 30 percent of electricity they get from natural gas so they can sell that gas to Europe at a big profit.

Japan is building two nuclear reactors a year. They derive 36 percent of their electricity from nuclear. South Korea gets nearly 40 percent of its electricity from nuclear, and they are planning 8 more reactors by 2015. India is developing thorium reactors instead of uranium. France is 80 percent nuclear and is selling electricity to Germany, which is the only major European country still renouncing nuclear power. And here we sit worried about climate change, having 104 reactors that we built before 30 years ago, which produce 20 percent of our electricity, but 70 percent of our carbon-free electricity, and the President goes to New York and doesn't say one word about nuclear power. He wants to build 186 50-story wind turbines, which will operate about a third at a time, and not at all in our part of the country, instead of taking the greatest technological advance of the last century, which we already use to produce 70 percent of our carbon-free electricity, and say let's do more of that.

I am hopeful that as this debate proceeds, the President will say let's double our nuclear production and build

100 new nuclear plants in the next 20 years. We should be able to agree on 100 new nuclear plants and electrifying our cars and trucks. If we do those two things alone, we would meet the Kyoto Protocol by 2030. But we don't hear a word about it.

Let's bring up the inconvenient problem of climate change and let's deal with it here. But let's bring up the inconvenient solution of nuclear power. As far as science goes, the chief scientist in the Obama administration, a Nobel Prize winner, Dr. Chu, says nuclear power is safe and nuclear waste—used nuclear fuel—can be safely dealt with for the next 40 to 60 years by having it stored onsite, while we have a mini Manhattan Project over the next 20 years to find the best way to recycle used nuclear fuel that doesn't produce plutonium.

This is a good debate. I am glad Senators have come to the floor to talk about this, and this is an appropriate amendment on which to have the discussion. The point of the Republican amendments were, let's do it in Congress, not the agency. If we are going to talk about the inconvenient problem, climate change—and I agree it is a problem and we need to deal with it—let's talk about the inconvenient solution, nuclear power, which today provides 70 percent of our carbon-free electricity, which is what we are debating.

The PRESIDING OFFICER (Mr. FRANKEN). The majority leader is recognized.

AMENDMENT NO. 2531

Mr. REID. Mr. President, I have an amendment No. 2531, and I ask that it be brought before the Senate.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2531.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To make funds available for preliminary planning and design of a high-performance green building to consolidate the multiple offices and research facilities of the Environmental Protection Agency in Las Vegas, Nevada)

On page 183, line 14, before the period, insert the following: '': *Provided*, That, at the discretion of the Administrator of the Environmental Protection Agency, from the funds included under this heading, $500,000 may be made available for preliminary planning and design of a high-performance green building to consolidate the multiple offices and research facilities of the Environmental Protection Agency in Las Vegas, Nevada''.

Mr. REID. Mr. President, I appreciate my friend from Maine allowing me to speak for a couple minutes prior to her being recognized.

The amendment I have called up allows, not directs, the EPA Administrator to use $500,000 of the funds provided in the bill for preliminary planning and design to work to consolidate the many agency offices and labs in Las Vegas into one high-performance green building.

It doesn't make a lot of sense to continue spending money on aging facilities spread across several buildings in need of repair and rehabilitation, particularly with the leases that are not far from ending. Current costs associated with these facilities' leases and their operation cost over $5.5 million annually.

Consolidation would improve administrative efficiencies and reduce agency energy, water, and other costs over time. Developing a more precise estimate of total savings would be part of the preliminary planning effort my amendment authorizes.

The people in the offices and labs I think could be consolidated would also greatly benefit from their being able to work more closely together, given their mission and activities. These include the agency's National Exposure Research Laboratory, the Emergency Response Team—when something bad happens with a nuclear device, they are able to move on that—the Radiation and Indoor Environments National Laboratory, the Financial Management Center, the Human Resources Office, the National Environmental Research Center, and the Environmental Services Division's various laboratories and Technical Reference Center.

As we know, the Energy Independence and Security Act of 2007 and the Recovery Act strongly direct the Federal Government to be a leader, not a follower, in adopting green building technologies. EPA should be at the top of the list, given its important role, and I think its labs and facilities in Las Vegas should serve as a shining example of environmental leadership that saves the Federal Government and taxpayers money.

I ask unanimous consent to have printed in the RECORD following my statement a letter to the Appropriations Committee regarding this request, in compliance with paragraph 9 of rule XLIV of the Standing Rules of the Senate.

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

U.S. SENATE,
Washington, DC, September 22, 2009.

Hon. DANIEL K. INOUYE,
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

Hon. DIANNE FEINSTEIN,
Chairwoman, Subcommittee on Interior, Environment, and Related Agencies, U.S. Senate, Washington, DC.

Hon. THAD COCHRAN,
Vice Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

Hon. LAMAR ALEXANDER,
Ranking Member, Subcommittee on Interior, Environment, and Related Agencies, U.S. Senate, Washington, DC.

DEAR CHAIRMAN INOUYE, VICE CHAIRMAN COCHRAN, CHAIRWOMAN FEINSTEIN, AND RANKING MEMBER ALEXANDER: I am writing to request that the Interior Appropriations bill for fiscal year 2010 include the discretion for the Administrator of the U.S. Environmental Protection Agency to use up to $500,000 from the amounts identified for buildings and facilities for the purpose of preliminary planning and design work to consolidate the Agency's Las Vegas offices into one high-performance green building.

Such a consolidation would save taxpayers money, reduce energy and water use, and improve administrative efficiency. The current facilities used by the EPA offices and laboratories are in need of rehabilitation and repair and their leases expire in the near future, so it is essential that the Agency begin making plans for their future use.

Consistent with paragraph 9 of Rule XLIV of the requirements of the Standing Rules of the Senate, I certify that neither I nor my immediate family has a pecuniary interest in the congressionally directed spending items I have requested. I further certify that I have posted a description of the items requested on my official website, along with the accompanying justification.

Thank you for your attention to this request

Sincerely,

HARRY REID,
United States Senator.

Mr. REID. Mr. President, on the University of Nevada-Las Vegas campus we have EPA buildings. They are so old. We have been talking about doing something about them for decades. They have been so terribly important over the years with what has been going on at the Nevada Test Site and Yucca Mountain. The leases are about to run out. It is not fair to the Federal Government or the university. It would save the government huge amounts of money and it would be the right thing to do. This would be the beginning of accomplishing what EPA wanted to do for decades. I hope that Senators will look favorably on this amendment.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, what is the pending amendment?

The PRESIDING OFFICER. The Reid amendment.

AMENDMENT NO. 2498

Ms. COLLINS. Mr. President, prior to Senator REID offering his proposal, the pending business before the Senate was an amendment I offered earlier this week, which was designed to promote better transparency, accountability, and oversight within our government.

I am deeply disappointed that a procedural tactic will be invoked to prevent an up-or-down vote on my amendment, which is designed to bring the proliferation of czars under the normal process.

The amendment I proposed would have ensured that the 18 new czar positions appointed by this administration could be held accountable to Congress and to the American people. The proliferation of czars under the current administration to manage some of the most complex and important issues facing our country has created serious problems in oversight, accountability, and transparency. It is of great concern to me that these positions circumvent the congressional requirements for

oversight. They circumvent the constitutional process by which the Senate is supposed to give advice and consent to major policy positions within our government.

I have a list of the 18 new czar positions that have been created by this administration. I ask unanimous consent that it be printed in the RECORD.

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

CZARS

POSITIONS IN THE EXECUTIVE OFFICE OF THE PRESIDENT (10)

Central Region Czar: Dennis Ross. Official Title. Special Assistant to the President and Senior Director for the Central Region. Reports to: National Security Adviser Gen. James L. Jones.

Cybersecurity Czar: TBD. Reported Duties: Will have broad authority to develop strategy to protect the nation's government-run and private computer networks. Reports to: National Security Advisor Gen. James L. Jones and Larry Summers, the President's top economic advisor.

Domestic Violence Czar: Lynn Rosenthal. Official Title: White House Advisor on Violence Against Women. Reported Duties: Will advise the President and Vice President on domestic violence and sexual assault issues. Reports to: President Obama and Vice President Biden.

Economic Czar: Paul Volcker. Official Title: Chairman of the President's Economic Recovery Advisory Board. Reported Duties: Charged with offering independent, nonpartisan information, analysis and advice to the President as he formulates and implements his plans for economic recovery. Reports to: President Obama.

Energy and Environment Czar: Carol Browner. Official Title: Assistant to the President for Energy and Climate Change. Reported Duties: Coordinate energy and climate policy, emphasizing regulation and conservation. Reports to: President Obama.

Health Czar: Nancy-Ann DeParle. Official Title: Counselor to the President and Director of the White House Office of Health Reform. Reported Duties: Coordinates the development of the Administration's healthcare policy agenda. Reports to: President Obama.

Senior Director for Information Sharing Policy: Mike Resnick. Reported Duties: Lead a comprehensive review of information sharing and lead an interagency policy process to identify information sharing and access priorities going forward. (Perhaps performing functions statutorily assigned to the Program Manager for the Information Sharing Environment). Reports to: Unknown.

Urban Affairs Czar: Adolfo Carrion Jr. Official Title: White House Director of Urban Affairs. Reported Duties: Coordinating transportation and housing initiatives, as well as serving as a conduit for federal aid to economically hard-hit cities. Reports to: President Obama.

WMD Policy Czar: Gary Samore. Official Title: White House Coordinator for Weapons of Mass Destruction, Security and Arms Control. Reported Duties: Will coordinate issues related to weapons of mass destruction across the government, including: proliferation, nuclear and conventional arms control, threat reduction, and terrorism involving weapons of mass destruction. Reports to: National Security Advisor Gen. James L. Jones.

Green Jobs Czar: TBD (Van Jones—Resigned). Official Title: Special Adviser for Green Jobs, Enterprise, and Innovation at the White House Council on Environmental Quality. Reported Duties: Will focus on environmentally-friendly employment within the administration and boost support for the idea nationwide. Reports to: Head of Council on Environmental Quality.

POSITIONS IN A DEPARTMENT OR AGENCY (8)

Afghanistan Czar: Richard Holbrooke. Official Title: Special Representative for Afghanistan and Pakistan. Reported Duties: Will work with CENTCOM head to integrate U.S. civilian and military efforts in the region. Reports to: Secretary of State (position is within the Department of State).

Auto Recovery Czar: Ed Montgomery. Official Title: Director of Recovery for Auto Communities and Workers. Reported Duties: Will work to leverage government resources to support the workers, communities, and regions that rely on the American auto industry. Reports to: Labor Secretary and Larry Summers, the President's top economic advisor (position is within the Department of Labor).

Car Czar (Manufacturing Policy): Ron Bloom. Official Title: Counselor to the Secretary of the Treasury. Reported Duties: Leader of the White House task force overseeing auto company bailouts; worked on the restructuring of General Motors and Chrysler LLC. Reports to: Treasury Secretary and Larry Summers, the President's top economic advisor (position is within the Department of Treasury).

Great Lakes Czar: Cameron Davis. Official Title: Special advisor to the U.S. EPA overseeing its Great Lakes restoration plan Reported Duties: Oversees the Administration's initiative to restore the Great Lakes' environment. Reports to: Environmental Protection Agency Administrator (position is within the Environmental Protection Agency).

Pay Czar: Kenneth Feinberg. Official Title: Special Master on executive pay. Reported Duties: Examines compensation practices at companies that have been bailed out more than once by the federal government. Reports to: Treasury Secretary (position is within the Department of the Treasury).

Guantanamo Closure Czar: Daniel Fried. Official Title: Special Envoy to oversee the closure of the detention center at Guantanamo Bay. Reported Duties: Works to get help of foreign governments in moving toward closure of Guantanamo Bay. Reports to: Secretary of State (position is within the Department of State).

International Climate Czar: Todd Stern. Official Title: Special Envoy for Climate Change. Reported Duties: Responsible for developing international approaches to reduce the emission of greenhouse gases. Reports to: Secretary of State (position is within the Department of State).

Special Representative for Border Affairs and Assistant Secretary for International Affairs (dubbed ''Border Czar''): Alan Bersin. Official Title: Assistant Secretary for International Affairs. Reported Duties: Will coordinate all of the Department's border security and law-enforcement efforts. Reports to: Homeland Security Secretary (position is within the Department of Homeland Security).

Ms. COLLINS. Many of the czars on the list seem to either duplicate or dilute the statutory authority and responsibilities that Congress has already conferred upon Cabinet level officials and other senior executive branch officials who go through the normal constitutional process whereby the Senate gives its consent to these nominees.

As I said when I first introduced this amendment, I do not consider every position that has been identified as a czar in various media reports to be problematic. Some of those positions are established by law. Some of them are subject to Senate confirmation. Rather, my amendment is carefully tailored so it would not cover and would not apply to positions recognized in law or subject to Senate confirmation.

For example, the proposal I have would not apply to the Director of National Intelligence, to the National Security Advisor, to the Homeland Security Advisor, to the Chairman of the Recovery Accountability and Transparency Board, or to the so-called information or regulatory czar within OMB. These positions, because they are recognized in law, or they are subject to Senate confirmation, simply do not raise the same kinds of concerns about accountability, transparency, oversight, and vetting.

Instead, my amendment has been carefully tailored to cover officials that the President has unilaterally designated as responsible for significant policy matters. It would not have covered the President's Chief of Staff, for example, and it would not cover less senior White House officials, despite some misinformation to the contrary.

Because the White House has raised so many objections to my amendment, I have offered to sit down with the White House counsel and narrow the scope of the amendment further, to address any concerns the White House might have. Unfortunately, the White House has failed to provide any modification to the text of my amendment. Instead, they said they did not want any of these officials to be called to testify before Congress.

Let me explain exactly what my amendment would have done, so you can see how modest indeed the amendment was.

The amendment simply would have required that the President certify to Congress that officials in these important positions would respond to all reasonable requests to testify before or provide information to congressional committees with jurisdiction over the issues involved.

Second, it simply would have required these officials to submit a biannual report to the congressional committee with jurisdiction, describing the activities of the official and his or her office, and any rule, regulation, or policy that the official participated in or assisted in the development of.

That is it. How can we possibly be against that kind of accountability, transparency, and oversight? It is our job as Members of Congress to conduct such oversight.

We cannot do so when the administration sets up a structure where there is an energy czar, an urban affairs czar, an environmental czar, a cyber-security czar—the list goes on and on. It creates confusion over who is in charge, who is making policy.

Let's take the area of health care. Is the top policy position in this administration Nancy-Ann DeParle, who is the

health care czar within the Executive Office of the President—a person, by the way, for whom I have the greatest respect—or is it Senate-confirmed Kathleen Sebelius, the Secretary of Health and Human Services? Who is in charge? Whom do we hold accountable?

What the President has done by creating so many czar positions within the White House that appear to duplicate the executive branch officials who are subject to Senate confirmation is to blur the lines of authority. That is not good for our system of government, and it is not in keeping with this administration's pledge to be the most transparent administration ever—a pledge for which I salute the President.

Mr. DURBIN. Mr. President, will the Senator yield for a question?

Ms. COLLINS. I will be happy to yield.

Mr. DURBIN. Mr. President, I would like to ask the Senator about her amendment. The first thing I would like to ask is, her amendment does not specify how many czars—I think that is the term she used on the floor—how many czars she thinks there are in the administration or what their titles are. Could the Senator from Maine tell me how many czars we are going to try to impact with her amendment?

Ms. COLLINS. I will be happy to. Mr. President, I say to my friend that I have a list of 18 positions which I have talked repeatedly about and which I have inserted into the RECORD. As I have said, I am not one who has used this term in the way some have to include individuals with broad authority across various agencies, such as the Director of National Intelligence. But that is the position that is established or recognized in law and is subject to Senate confirmation. I did not include those. In fact, in the language of my amendment, I specifically say it does not apply to positions established in law.

Mr. DURBIN. Mr. President, if the Senator will yield and share a copy of that list with me, I would appreciate it. But in the meantime, I ask the Senator, it seems that the czar watchers on her side of the aisle, Senator HUTCHISON, for example, found 32 czars when she went looking. One of the advisers to some politicians—and I will not include the Senator from Maine; she can speak for herself—the noted guru Glenn Beck has identified 32 czars as well.

I ask the Senator from Maine before we get into the propriety of her amendment under Senate rules, who is going to define who is covered by her amendment, if her colleague from Texas found 32, Glenn Beck found 32, and she found 18?

Ms. COLLINS. Mr. President, I will be glad to respond to the question of my colleague. My colleague did not have the benefit of being on the Senate floor when I first presented my amendment, and I addressed this very issue.

I was very careful in drafting this amendment to make clear that I was not talking about positions that are recognized in law. Some of my colleagues legitimately have taken a different approach. But that is not the approach that is before the Senate now. Rather, I have taken into account the issues that have been raised by my colleagues on the other side of the aisle, such as Senator BYRD—who certainly knows more about the Constitution than I think any of us who are serving at the present time—who has expressed concerns about the proliferation of czars. I have taken into account concerns expressed by Senator FEINGOLD, by Senator FEINSTEIN. I have done a careful, narrowly tailored amendment that does not attempt to sweep in positions that are recognized in law, nor does it sweep in positions that are subject to Senate confirmation.

That is why it is so disappointing to me that my colleagues are not unanimously adopting my amendment, which it looked like they were going to do earlier this week before the White House weighed in, because I did not take a broad sweeping approach. I took a very narrow, careful approach that aimed at the promise the President talked about, the lack of oversight, transparency, and accountability.

Mr. DURBIN. If the Senator will yield further for a question, I would like to ask the Senator—I have been told that using the definition of ''czar'' that Mr. Beck, political adviser to some, and Senator HUTCHISON, and even you use, that under President George W. Bush, the previous Republican administration, one could characterize his officials and advisers in the Executive Office of the President and other agencies as an Afghanistan czar, an AIDS czar, a drug czar, a faith-based czar, an intelligence czar, a Mideast peace czar, a regulatory czar, a science czar, a Sudan czar, a TARP bailout czar, a terrorism czar, and a weapons czar, under the previous administration. I ask the Senator from Maine if she proposed this amendment under a Republican President who clearly had his own stable of Muscovite czars of a lot of different versions?

Ms. COLLINS. Mr. President, I, again, will be happy to attempt to clarify this issue for my colleague and friend—and he is my friend—from Illinois. I realize he has his role to play in this debate. But the fact is, he has just listed several positions that are established by law. The intelligence czar is the Director of National Intelligence, Dennis Blair. Joe Lieberman and I wrote the law that established that position in 2004, and he is confirmed by the Senate.

The regulatory czar—he is referring to Cass Sunstein in this administration and John Graham in the previous one—it is established by law. It is part of the Office of Information and Regulatory Affairs within OMB. I am not talking about those positions no matter in whose administration it is. I am talking about perhaps other positions on his list. Regardless of whose administration they are in, I would apply the same standards.

The Senator may say why didn't I offer this amendment in the previous administration. The answer is, we did not have this proliferation of czar positions in the previous administration. But I would say to my colleagues, regardless of whether it is a Democratic President or a Republican President, a Democratic Congress or a Republican Congress, I think this is an institutional issue, and I think all of us as Members of Congress should be very concerned about organizational structures that make it impossible for us to conduct effective congressional oversight; that insulate these officials who have significant policy responsibilities from ever coming to testify, from going through the vetting and the confirmation process.

I think that is a problem regardless of who the President is, and I am not the only one who thinks it. That is why Senator ROBERT C. BYRD wrote to the White House, wrote to the President, as this press release says, questioning the Obama administration on the role of White House czar positions because, as he says:

> Too often, I have seen these lines of authority and responsibility become tangled and blurred, sometimes purposely, to shield information and to obscure the decision-making process.

I am not saying this is part of a plot to obscure information, but what I am saying is we have an obligation to exercise our constitutional duties, and the proliferation of these unaccountable positions in any administration makes that impossible for us to do so.

Mr. President, if I may complete the end of my statement—before we got into this good little colloquy. And I do appreciate the opportunity to clarify whom my amendment would cover, who would be covered by it and who would not. As I said, I was willing to work with the White House to make this even clearer. My staff was here many hours last night. I had conversations with White House officials and, unfortunately, at the last moment, they decided not to try to propose revisions to the text.

I am not going to seek to overturn the Chair's ruling on this amendment which will be forthcoming, and I know how it will go. But I do think it is unfortunate that a procedural tactic is being used to block a vote on this amendment. I do want to tell my colleagues that I think this is a real issue. I am very pleased the Homeland Security and Governmental Affairs Committee, under Chairman LIEBERMAN, is going to hold a hearing to explore this issue because it does have constitutional ramifications and it does involve the balance of power between the executive and legislative branches. The ruling the Chair is going to make is not going to be the last word on this subject.

The administration needs—any administration—to fully explain the responsibilities and authorities of these

czars. Until all of these czars are made available to testify before and provide information to Congress, until Congress is fully consulted on the decisions to create these positions in the first place, I will continue to press forward on this issue.

I believe the amendment I drafted is a very reasonable, balanced one, and it would have been a significant step toward establishing an oversight structure for these positions that would provide the transparency, accountability, and oversight our Nation expects from its leaders. I am dismayed the Senate is about to choose a point of order over these principles.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, let me point out at the outset my friendship and respect for Senator COLLINS. These are terms tossed around on the Senate floor sometimes in meaningless context, but this is meaningful. We have worked together on many issues. I respect her very much and believe when she was chairman of the then Governmental Affairs Committee, later to be the Homeland Security Committee, that she did extraordinary work with Senator LIEBERMAN, particularly when it came to the creation of a new intelligence agency. After 9/11, it was one of the toughest political assignments ever given, and Senator COLLINS handled it with professionalism, in a bipartisan way. I commend her for it. I think she is exceptionally talented, and I am happy to have her as my ranking member on the Financial Services and General Government Appropriations Subcommittee where we continue to work closely together.

She raises a legitimate inquiry. The legislative branch should ask whether the executive branch has gone beyond its constitutional authority. I think it is a legitimate question. Unfortunately, before she came to the Senate floor, the waters had been muddied by statements made by our colleague, Senator HUTCHISON, in the Washington Post on September 13 as to when she went searching for czars in the Obama administration, she found 32 of them. The political wise man, Glenn Beck, found 32 as well but went on to say on his Web site—he is a major champion on this issue, incidentally—''since czar isn't an official job title, the number [of czars in the Obama administration] is somewhat in the eye of the beholder.''

That is why this becomes a pretty difficult amendment to consider at this moment in time. The Senator from Maine has been kind enough to add a page in the RECORD that lists her findings of 18 of these so-called czars. I don't know if others would find the same number, more or less. Whether there are 57 known czars or whether there are 18, I just don't know.

This amendment would prohibit funds for the administrative expenses of White House advisers—and that is a term usually used by those not partial to Russian history—unless those positions were created through express statutory authorization.

Further, the amendment requires the President to certify to Congress that the adviser will respond to all reasonable requests to testify before or provide information to any congressional committee with jurisdiction over such matter.

The adviser must give a report every 6 months, kind of a work-in-progress report, a diary of what they are doing. So in addition to working on issues such as health care reform, they need to prepare a report sent to Congress every 6 months to let us know they are showing up on time at their desks and actually doing what they are supposed to do. The President doesn't need statutory authority to appoint advisers, and it doesn't make sense to require an assistant to the President, who has an otherwise pretty serious workload, to fill out these reports to Congress every 6 months to make sure they are showing up as promised.

But the amendment does touch on accountability in a way that I agree with. Public officials, including those who serve at the pleasure of the President, should be responsive to congressional inquiries. That is why Senator COLLINS and I, through our appropriations subcommittee, bring in leaders from the administration. And I can't say for certain, but I am virtually certain we have not been turned down by any at this point. The committee expects officials employed in whole or in part by the Executive Office of the President and designated by the President to coordinate policy agendas across executive departments and agencies to keep Congress fully and currently informed. We ask that of them, and so far we have received their cooperation.

Over the past several weeks, there has been this new interest in the czars and czarinas in the Obama administration, according to Mr. Beck and others. Some Members have asked serious questions about the makeup of the White House staff. The bulk of the noise being heard right now began with partisan commentators like Mr. Beck, suggesting this is somehow a new and sinister development that threatens our democracy.

Unfortunately, this czar issue didn't start with the Obama administration. It goes back much further in history, and it certainly includes the previous Bush administration, which was not subjected to an amendment such as is being offered at this moment. Many of the officials cited by conservative commentators—and I don't include Senator COLLINS because I haven't seen her list of 18—are Senate-confirmed appointees or advisory roles carried over from the Bush White House. Many are advisers to the President's Cabinet Secretaries. Many hold policy jobs that existed in the Bush administration. Some hold jobs that involve coordinating the work of agencies on President Obama's key policy priorities: health insurance reform, energy and green jobs, and building a new foundation for a longlasting economic growth.

I might say that in the past the same concern and furor hasn't arisen. DARRELL ISSA, a Congressman from California, was recently on FOX News and was asked what kind of investigation he had made into the Bush administration about czars, and he said he hadn't done so. He hadn't raised any objection, although he now thought it was a pretty important issue under President Obama. In fact, if you adhere to the definition of czar held by many Members—and I won't include Senator COLLINS in this group but other Members in the Senate—the Bush administration had 47 czars—budget czars, faith czars, manufacturing czars, to name a few.

Many of the Members who now decry the practice have called on Presidents in the past to appoint czars. Senator ROBERT BENNETT of Utah, a friend and recognized colleague who worked hard on the Y2K concern, asked for a czar to be appointed, and he said he had worked with that person to maintain ''bipartisan and across-the-government communication.'' Even the ranking member of the Appropriations Interior Subcommittee, Senator ALEXANDER of Tennessee, has had words said about czars in this administration. But during remarks delivered on the Senate floor in 2003, captured in the CONGRESSIONAL RECORD, Senator ALEXANDER said, ''I would welcome [President Bush's] manufacturing job czar.'' That same day in the Senate, he also expressed support for President Bush's AIDS czar, Randall Tobias.

Mr. ALEXANDER. Mr. President, will the Senator yield for a question?

Mr. DURBIN. I would be happy to yield.

Mr. ALEXANDER. Mr. President, I would ask the distinguished assistant Democratic leader if he is aware that the manufacturing czar in President Bush's time was appointed by the President and confirmed by the Senate and testified before the Senate? And I wonder if he is also aware that the AIDS czar was appointed by the President and confirmed by the Senate and testified before the Senate?

Senator COLLINS has been careful—I believe he is aware; I wonder if he is aware—that she is not talking about any czars whom we confirm and the President appoints and who testify, and she is only talking about the 18 new czars under the Obama administration, just as Senator BYRD did in February.

I wonder if the Senator is aware of those things?

Mr. DURBIN. I thank the Senator from Tennessee for the question, and I am aware of that fact, and I would respond to him, that is why I was trying to clarify how many czars are in this Muscovite conspiracy because one of his colleagues from Texas, Senator HUTCHISON, identified 32, as did Mr.

Glenn Beck, and they included 16—pardon me, 7 of these so-called czars are people who have—pardon me, 9 have been confirmed by the Senate. So it appears that some of your colleagues do not share your definition that Senator COLLINS referred to on the floor.

The point I am trying to make is that this is a legitimate inquiry, it is an important inquiry, but it has been muddled by statements made by some Members of Congress and certainly by those in the political commentary realm.

The good news for Senator ALEXANDER and Senator COLLINS and everyone else concerned about this issue is that a trusted friend and colleague, Senator JOE LIEBERMAN, chairman of the Homeland Security Committee, has promised a hearing on this issue. I know he will engage Senator COLLINS, as ranking Republican member, on it, and serious questions which have been presented will be considered by Senator LIEBERMAN. We respect him in that capacity.

So the reason I am objecting to this amendment isn't because I don't think Senator COLLINS has at least a legitimate inquiry, but I think it should be taken in the greater order of things rather than considered in this fashion on an appropriations bill.

So, Mr. President, I make a point of order that the Collins amendment, No. 2498, violates rule XVI, paragraph 4, legislating on an appropriations bill.

Excuse me, Mr. President, I missed one procedural step.

I call for regular order on the pending Collins amendment.

The PRESIDING OFFICER. The amendment is now pending.

Mr. DURBIN. Mr. President, I now make a point of order that the Collins amendment, No. 2498, violates rule XVI, paragraph 4, in that it legislates on an appropriations bill.

The PRESIDING OFFICER. The point of order is sustained. The amendment falls.

The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the assistant Democratic leader for his comments, and I want to especially thank the Senator from Maine.

The Senator from Illinois suggested that the waters had gotten muddied because some of us didn't count very well in terms of the number of czars who might exist in the Obama administration. That is why we are so fortunate to have the Senator from Maine, who is always careful, always thoughtful, and always experienced. What she has done is gone back to Senator BYRD's first letter in February, in which he expressed his concern about the constitutional issues here, and then she has counted 18 new czars in the Obama administration. Her letter of September 14 to the President is limited, thoughtful and respectful, and she simply asks that the President identify the specific authorities and responsibilities of those positions, the process by which the administration examines these people, and whether they are willing to testify before us. She is the ranking member of the committee Senator LIEBERMAN chairs and will have an opportunity during the hearings to explore this.

Some of us are concerned that the administration is too dedicated to too many Washington takeovers, and the unusual number of new czars is the most visible symbol of the large number of Washington takeovers. I think we are fortunate that we have as thoughtful a Senator as the Senator from Maine and an independent Senator from Connecticut, JOE LIEBERMAN, who will look into it. I am sure Senator BYRD will want to weigh in. Senator FEINGOLD may want to have a hearing. So we will have an opportunity to have a thoughtful resolution.

I thank the Senator from Maine for her amendment and her leadership on this issue, and I look forward to hearing more from her on it.

Madam Chairman, if I could say to the Senator from California, the Senator from New Mexico has been waiting and the Senator from Louisiana has been waiting.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I ask unanimous consent for 2 minutes of recognition before we move away from this issue.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, it is so ordered.

Mr. VITTER. Mr. President, I will be brief. I wish to compliment my distinguished colleague from Maine on her amendment. It was very well tailored and very carefully put together. I do think it is a shame that it won't be able to come to any vote because of this procedural move by the assistant majority leader.

I want to underscore three points:

No. 1, maybe we can talk about some other universe when we debate the Beck amendment, but we are not debating the Glenn Beck amendment, we are talking about the Collins amendment, and we will get to vote on the Vitter amendment. What all of us have been talking about are appointees of the President whose offices were not created by statute in any way and who were never Senate confirmed.

No. 2, I also want to underscore the point that this is clearly a bipartisan concern, as evidenced by Senator BYRD's letter of February and the recent comments of Senator Russ Feingold. It is a very serious and very bipartisan concern.

No. 3, we will have an opportunity to vote on this issue today under my amendment. The climate change czar is one of those 18, and she clearly threatens to supercede and overshadow Senate-confirmed Cabinet members such as the head of EPA. My amendment is very simple. It says EPA shouldn't have to carry out orders of the climate change czar when it is supposed to be headed by a Cabinet member, a Senate-confirmed appointee, directly at EPA.

So again I compliment the Senator from Maine on her efforts. I will certainly pledge ongoing support on the issue, including through my amendment.

I yield back my time.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL of New Mexico. Mr. President, I rise today to oppose the Murkowski amendment. The Murkowski amendment would prohibit the EPA from using funds under the Clean Air Act to deal with climate change.

I listened earlier today, and I heard the Senator from California, the chairman of the Appropriations Interior, Environment Subcommittee, speaking about the issue, and she spoke eloquently. I heard Senator BOXER, the chairman of the Environment and Public Works Committee, speaking about this issue. She also made the very strong point that this amendment would be ill-advised and irresponsible. And I rise today to speak to this amendment and to oppose it.

America and the world are face-to-face with a perfect storm—an energy crisis and a climate crisis that require a do-it-all energy policy. These two crises are closely linked, and today I would like to raise one facet of the solution: clean energy incentives.

I strongly believe we should resist efforts to block the Obama administration actions on clean energy on the fiscal year 2010 Interior and Environment Appropriations Act or other legislation, for that matter. If that were to happen, American families and the men and women in our Armed Forces would be stuck with the bill.

Concerns about the cost of the administration's actions to address our energy and climate crisis have it exactly backward. The biggest cost is the cost of inaction—costs families pay at the pump in energy bills every day; money from their hard-earned paychecks that end up in the treasuries of foreign countries or foreign oil companies, some of which are hostile to the United States. In the end, the only people who will benefit from efforts to block clean energy solutions are members of OPEC and other special interests in the fossil fuel industry.

To put it simply, our dependence on fossil fuels is a huge drag on families' pocketbooks and a clear and present danger to our national security. In 2008, American families and businesses sent $475 billion overseas to pay for foreign oil. That works out to over $4,000 per household in America—a massive transfer of wealth from hard-working families in New Mexico and the other 49 States to the treasuries of foreign nations. The largest consumer of foreign oil is the U.S. military, which is engaged in two major conflicts in the Middle East—an area of strategic importance largely due to its massive oil reserves.

Making matters worse, this same reliance on fossil fuels pollutes our atmosphere with toxic compounds such as sulfur dioxide, soot, and mercury, alongside greenhouse gases such as carbon dioxide. The global climate crisis is real. Strong scientific evidence shows unless we transition to clean energy sources, our home States will pay a heavy price.

In New Mexico, scientific evidence indicates more devastating forest fires, droughts, and invasive species caused by climate change.

Luckily, we have numerous cost-effective solutions at hand to address the energy and climate crisis. My home State of New Mexico and many other States across the Nation are rich in much cleaner domestic sources of energy, sources such as wind and solar, geothermal and natural gas. Several years ago, wind energy was unusual but today these projects are quite common. Wind projects create thousands of U.S. jobs in the steel, manufacturing, and construction sectors.

The United States is now installing over a gigawatt of solar power each year and there are six other gigawatts of concentrated solar power projects planned nationally, particularly in the Southwest.

U.S. natural gas reserves have also increased by 35 percent in 1 year, an increase that gives our Nation a century's worth of supply. While natural gas is a fossil fuel, it is significantly cleaner than either coal or oil, and much more abundant.

Despite these improvements, we continue to waste tremendous amounts of energy. Government and industry studies have found that the right investments could save energy and more than $1 trillion at the same time. Energy efficiency does not mean turning down the heater in the winter. Rather, efficiency means investments in building technologies such as advanced windows, insulation, and smart electric grids that do not waste energy or money. Improving our efficiency on a major scale would also save more than 1 billion tons of greenhouse gases, proving we can address the global climate crisis without increasing costs on families.

The U.S. Supreme Court ruled that the Bush administration was required by the Clean Air Act to reduce air pollution that is causing our climate crisis, but the Bush administration failed to act. Congress should not put the Obama administration in handcuffs when the President is trying to change course and follow the law. To those who worry that the administration action could short circuit debate on these issues in Congress, nothing could be further from the truth. I agree that Congress should act and set a comprehensive clean energy incentive policy. Numerous Cabinet Secretaries from the administration have testified that they welcome congressional action to create a path forward on clean energy. For Congress to block the administration and to fail to act itself would be the height of irresponsibility.

Our energy and climate crisis have the same root cause. The Senate should address both challenges with the same cost-effective solutions—incentives for renewable energy and energy efficiency. That is why efforts to block the Obama administration from acting on climate change are so dangerous. Such efforts continue our reliance on fossil fuels that hurt family budgets, threaten our national security, and pollute our atmosphere.

The bottom line is America needs a ''do it all'' energy policy, one that includes all the tools in our energy toolbox—more alternative energies and a commitment to conservation; increased domestic oil production, including offshore; investments in clean coal research and technology; and nuclear power has to be part of the mix. Energy and climate change are one of the defining challenges of our time—our perfect storm. We have the tools to fix the problem. Now we need the will to act, not to obstruct.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I wanted to make some comments based on the comments the Senator from New Mexico raised.

He talked about $4,000 a year in terms of imported oil into this country and then he talked about we needed to do offshore exploration, but I note for the RECORD he voted against an opportunity to expand offshore exploration yesterday. You can't have it both ways. If we are going to get off oil and hydrocarbons, it is going to take us 25 years. But when we have an opportunity to decrease that cost of $4,000 per family and use American oil, we do not have the same consistency as the rhetoric when it comes to the votes. I think the RECORD needs to show that although the Senator claims that, when he had the opportunity yesterday to vote in a way to expand domestic offshore exploration, he voted against that opportunity.

I wish to take this time to bring up several amendments and make them pending. I thank the chairman of the committee and staff for working with us. We will try to make this as painless as possible and do it in as short a period of time as possible, but I have been down here for the last 4 days, every day, trying to get things done and unable to get them done. So I am going to take adequate time to explain these amendments and also explain a couple of amendments I agreed not to offer but I think it pertinent the American people hear about.

AMENDMENT NO. 2463

First, I ask the pending amendment be set aside and amendment No. 2463 be called up.

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

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2463.

Mr. COBURN. I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To require public disclosure of certain reports)

At the appropriate place, insert the following:

SEC. _____. (a) Notwithstanding any other provision of this Act and except as provided in subsection (b), any report required to be submitted by a Federal agency or department to the Committee on Appropriations of either the Senate or the House of Representatives in this Act shall be posted on the public website of that agency upon receipt by the committee.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

AMENDMENT NO. 2523

Mr. COBURN. I ask unanimous consent the pending amendment be set aside and amendment No. 2523 be called up.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2523.

Mr. COBURN. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To secure our borders and protect our environment)

At the appropriate place, insert the following:

SEC. ___. PROHIBITION ON USE OF FUNDS TO IMPEDE OPERATIONAL CONTROL.

None of the funds made available by this Act may be used to impede, prohibit, or restrict activities of the Secretary of Homeland Security on public lands to achieve operational control (as defined in section 2(b) of the Secure Fence Act of 2006 (8 U.S.C. 1701 note; Public Law 109–367)) over the international land and maritime borders of the United States.

AMENDMENT NO. 2483

Mr. COBURN. I ask unanimous consent the pending amendment be set aside and amendment No. 2483 be called up.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2483.

Mr. COBURN. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To help preserve America's national parks and other public land treasures by reducing maintenance backlogs that threaten the health and safety of visitors)

At the appropriate place, insert the following:

SEC. ___. MAINTENANCE BACKLOG.

Notwithstanding any other provision of this Act, any funds provided from the land and water conservation fund established under section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–5) to an agency under this Act for federal land acquisition shall be used by the agency for maintenance, repair, or rehabilitation projects for constructed assets.

AMENDMENT NO. 2482

Mr. COBURN. I ask unanimous consent the pending amendment be set aside and amendment No. 2482 be called up.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2482.

Mr. COBURN. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To protect property owners from being included without their knowledge or consent in the Federal preservation and promotion activities of any National Heritage Area)

Beginning on page 173, strike line 1 and all that follows through page 174, line 5, and insert the following:

NORTHERN PLAINS HERITAGE AREA, AMENDMENT

SEC. 115. (a) IN GENERAL.—Section 8004 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1240) is amended—

(1) by redesignating subsections (g) through (i) as subsections (h) through (j), respectively;

(2) in subsection (h)(1) (as redesignated by paragraph (1)), in the matter preceding subparagraph (A), by striking ''subsection (i)'' and inserting ''subsection (j)''; and

(3) by inserting after subsection (f) the following:

''(g) REQUIREMENTS FOR INCLUSION AND REMOVAL OF PROPERTY IN A NATIONAL HERITAGE AREA.—

''(1) PRIVATE PROPERTY INCLUSION.—No privately owned property shall be included in a National Heritage Area unless the owner of the private property provides to the management entity a written request for the inclusion.

''(2) PROPERTY REMOVAL.—

''(A) PRIVATE PROPERTY.—At the request of an owner of private property included in a National Heritage Area pursuant to paragraph (1), the private property shall be immediately withdrawn from the National Heritage Area if the owner of the property provides to the management entity a written notice requesting removal.

''(B) PUBLIC PROPERTY.—

''(i) INCLUSION.—Only on written notice from the appropriate State or local government entity may public property be included in a National Heritage Area.

''(ii) WITHDRAWAL.—On written notice from the appropriate State or local government entity, public property shall be immediately withdrawn from a National Heritage Area.''.

(b) PROHIBITION ON USE OF FUNDS.—None of the funds made available by this Act shall be made available for a Heritage Area that does not comply with section 8004(g) of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1240) (as amended by subsection (a)).

AMENDMENT NO. 2511

Mr. COBURN. I ask it be set aside and amendment No. 2511 be called up.

The PRESIDING OFFICER. Is there objection?

Mrs. FEINSTEIN. Mr. President, if I may, if the Senator would be good enough to mention the subject of the amendment as he reads the number, it would be appreciated. We could keep it straight that way.

Mr. COBURN. This is the last one. These are all in the agreement the Senator and I had that I would bring up and this is the last one.

Mr. FEINSTEIN. Good. I just want to know about which one the Senator is speaking when he is speaking.

Mr. COBURN. I will be happy to do that. No. 2511.

The PRESIDING OFFICER. The clerk will report the amendment.

Mr. COBURN. This amendment is as modified without the second degree, with agreement of the chairman of the committee, and you should have the modified amendment at the desk.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2511.

The amendment is as follows:

(Purpose: To prohibit no-bid contracts and grants)

At the appropriate place, insert the following:

SEC. ___. PROHIBITION ON NO-BID CONTRACTS AND GRANTS.

(a) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be—

(1) used to make any payment in connection with a contract not awarded using competitive procedures in accordance with the requirements of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), section 2304 of title 10, United States Code, and the Federal Acquisition Regulation; or

(2) awarded by grant not subjected to merit-based competitive procedures, needs-based criteria, and other procedures specifically authorized by law to select the grantee or award recipient.

(b) This prohibition shall not apply to the awarding of contracts or grants with respect to which—

(1) no more than one applicant submits a bid for a contract or grant; or

(2) Federal law specifically authorizes a grant or contract to be entered into without regard for these requirements, including formula grants for States.

AMENDMENT NO. 2511, AS MODIFIED

Mr. COBURN. I ask unanimous consent this amendment be as modified, and I yield to the chairman of the committee.

Mrs. FEINSTEIN. Mr. President, with respect to amendment No. 2511, Senator COBURN and I have come to an agreement. Therefore, there is no need for me to offer a second degree.

I ask unanimous consent that the Coburn amendment No. 2511 be modified with the changes at the desk, and that the amendment, as modified, be agreed to and the motion to reconsider be laid upon the table.

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

The amendment (No. 2511), as modified, was agreed to, as follows:

(Purpose: To prohibit no-bid contracts and grants)

At the appropriate place, insert the following:

SEC. ___. PROHIBITION ON NO-BID CONTRACTS AND GRANTS. (a) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be—

(1) used to make any payment in connection with a contract not awarded using competitive procedures in accordance with the requirements of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), section 2304 of title 10, United States Code, and the Federal Acquisition Regulation; or

(2) awarded by grant not subjected to merit-based competitive procedures, needs-based criteria, or other procedures specifically authorized by law to select the grantee or award recipient.

(b) This prohibition shall not apply to the awarding of contracts or grants with respect to which—

(1) no more than one applicant submits a bid for a contract or grant; or

(2) Federal law specifically authorizes a grant or contract to be entered into without regard for these requirements, including formula grants for States, or Federally recognized Indian tribes; or

(3) Such contracts or grants are authorized by the Indian Self-Determination and Education and Assistance Act (P.L. 93–638, 25 U.S.C. 450 et seq., as amended) or by any other Federal laws that specifically authorize a grant or contract with an Indian tribe as defined in section 4(e) of that Act (25 U.S.C. 450b(e)).

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I will try to do this, to save some time, in the shortest amount of time I can. I also thank the chairman of this committee for working with me.

There are several amendments I did not offer. I want to spend a couple of minutes talking about those because I think the American people need to hear about them.

Less than a block from this building is the Belmont House. It is a foundation. It is a beautiful building. It has $4 million in the bank, the foundation does. There is an earmark in this bill at this time of a $1.8 trillion deficit, of a 16-percent increase in this bill. The Senator, Senator LANDRIEU from Louisiana, is sending $1 million to that building. They have the money in the bank but we are still going to take $1 million from our grandkids and send it there. I am not offering that amendment in conjunction with having the pleasure of the chairman consider my other amendments. But the American people need to know that kind of thing is going on. It is absolutely not indicated. Who uses that building? We do,

for fundraisers. We do for events. We do for social events. In fact, there is a high price paid when you rent it. But what we are going to do, without regard to what our fiscal situation is, is we are going to send another $1 million as though it is a peanut and send it to that building. That is all I will say on it, but to me it is one of the reasons why this Congress, and we in particular as Members of the Senate, lack the respect of the American people.

The other amendment I am not going to offer that was objected to by the chairman of the Resources Committee is for us to know what kind of land we own. We don't know, since 2005, how much land we have or where we own it.

Supposedly the BLM puts out something. Supposedly the Geological Survey puts something out. But there is not a concise list of the land that the Federal Government owns—and it is somewhere in excess of a third of all the land of this country—and it is 650 million acres. In this bill is another $300 million—almost $400 million—to buy more land. At the same time, the National Park Service has a backlog of $11 billion. We do not have one national park that does not have significant factors of erosion and dilapidation that is now putting both the employees and park visitors at risk. Yet we are going to spend $400 million to buy more land, to require more of their services to take care of, rather than to take care of what we have. It does not fit with common sense.

There is no way the American people as a whole would embrace that kind of stupidity. Yet that is in this bill. We are going to buy more land, we are going to take more land off the tax rolls, we are going to hurt the States, we are going to limit the ability of property owners, and we are going to continue—the Park Service, this year, their backlog grew by over $400 million.

We have the Carlsbad Caverns where we had sewage leaking into the cavern. I won't spend the time to go through the hundreds of examples the Park Service has given us, that they cannot maintain the parks because we will not send them the money to do it. We would rather spend it on an earmark or buy more land. The priorities here are amazing.

Let me talk about amendment No. 2511. I will spend a short period on it. That is the competitive bidding amendment. We have carefully crafted that with the concerns of both staff and the chairman and ranking member of this committee. What it says is we are going to use competitive bidding, much like the President campaigned, when we go to buy things that are approved in this bill. We very carefully exempted the sections of the Native Americans where their sovereignty reigns, where we would not step on their sovereignty—although I am not sure we should not require them to competitively bid, but we agreed not to do that.

Here is what we do know. If you take different branches of the Federal Government, about 5 percent of the costs are excessive because we do not have competitive bidding. If you take the Pentagon, it is about $20 billion a year because we do not have competitive bidding. In the Interior it is much smaller. But any penny we can save, in terms of enhancing the value of the American taxpayers' dollars by saying what we buy is going to be competitively bid, we ought to do that. We ought to get the best value we can. We may not always get great value but at least we are going to have a competitive bid and we are at least going to have everybody in that who is qualified to have a shot at some of that business. So it is a ''two-fer.'' It is, No. 1, better value for the American people but also opening up all this to everybody who has a opportunity to offer a service when the Federal Government buys it.

With that, we have an agreement and I appreciate the chairman accepting that amendment.

Amendment No. 2463 is an amendment for the public to see all the reports required by this bill if, in fact, that will not in any way compromise national security. I think we have worked out an agreement on that amendment to where that is going to be accepted. It is about transparency.

We ought to make sure the American people see what we are doing, and if we ask for a report that will not in any way endanger the security of this country that comes back to us, there is no reason the American people should not be able to see that and we make it available to them so they can make a judgment to judge us on what we are doing and whether we are responding properly to problems identified in such reports.

So I am very thankful for the chairman in terms of accepting this amendment. I look forward to her comments on it. We should do the same thing with this amendment as we did with the last one.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I would be happy to do the same thing. If I may, Senator COBURN's amendment No. 2463, he and I have come to an agreement.

I ask unanimous consent that the Coburn amendment be agreed to and the motion to reconsider be laid upon the table.

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

The amendment (No. 2463) was agreed to.

The PRESIDING OFFICER (Mrs. MCCASKILL.) The Senator from Oklahoma is recognized.

AMENDMENT NO. 2523

Mr. COBURN. Madam President, I switch now to amendment No. 2523, which is a prohibition on funds being spent in this act that would actually limit the effectiveness of the Homeland Security Department in terms of securing our borders and protecting us.

This amendment basically ensures that the wilderness areas and other public lands are protected from crime and pollution. I know it is not seen that way, but what is happening is a very big and sad story about what is happening in our wilderness areas.

Border violence and trafficking is at an all-time high. Our public lands along the border are being exploited by drug and human smugglers. Wilderness concerns hinder law enforcement efforts. How do we balance properly our concerns for the environment and still secure our borders and still protect our population from both drug smuggling and human trafficking?

Wilderness areas also are being destroyed by these very smugglers because we do not allow the enforcement agencies access to be able to make a difference. We have not acted on it; we have not acted on it in this bill. We have to make sure there is the proper balance between protecting our wilderness areas and protecting our country and our citizens.

We have sought to address in the last couple of years our border security concerns by appropriating a large increase in Federal funds for law enforcement and for significant legislation to construct infrastructure along the southern border.

In the Secure Fence Act of 2006, Congress sought to ensure that the Secretary of the Department of Homeland Security was able to take the actions necessary and appropriate to achieve and maintain the operational control over the entire international land and maritime borders of the United States.

The goal of the act was to prevent all unlawful entries into the United States, including entries by terrorists, narcotics, and other contraband, except it has not had the desired impact, and in large part, to the unwelcome increase of illegal human and drug trafficking through public lands, along our southern border. So we have a conflict of desires by agencies to do their jobs.

Amendment No. 2523 would prohibit any funds from within the Interior appropriations bill to be used to prohibit or restrict the activities of Homeland Security on public lands to secure our borders. The effect of this amendment would be to ensure that DHS is able to further secure our borders from terrorists and other national security threats and protect the environment of these lands.

I know there is some concern on the other side with the language, the way we have written it. I am more than willing to work with the chairman of both the Resources Committee, Interior Committee, and the Appropriations Committee to try to put that in a way that properly balances it. I know this is a tough amendment. I do not deny that.

But when you hear the testimony—and I am going to ask that this be printed in the RECORD. This is former

Border Patrol officers and field supervisory Border Patrol agents who testified in Congress last April about what is going on in our wilderness areas.

Do you realize that these people, because we do not have law enforcement in there, they are setting fires in our wilderness areas to distract us to the fire so they can smuggle contraband and humans while we are addressing the fire?

Our wilderness areas are being defiled near McAllen, TX. It relates: When a wilderness area or refuge is established near the border, the criminal element moves in and trashes it because the restrictive wilderness or refuge status accorded to these lands effectively prevents all law enforcement from effectively working the area.

This is Border Patrol:

In other words, refuge or wilderness designation actually serves to put the environment at a greater risk of being seriously damaged and defaced. Law enforcement must have common, unrestricted, free access to all lands near the U.S. border.

He goes on to clarify that it needs to be at least 50 miles. The other thing that was especially telling and which is horrific is the comments about what is going on along Interstate 8 and Interstate 10 in Arizona: numerous reported ''rape trees'' have been identified in and near the current Pajarita Wilderness near the U.S.-Mexican border.

Rape trees mark the location where drug and alien smugglers habitually sexually assault and rape illegal alien females that are being brought into the United States across the Mexican border. These locations are marked by the perpetrators who prominently display and hang—

I will not use the words that he does.

the underwear of their victims on a particular tree. I visited one such reported tree on March 27, 2008, and noticed 30 sets of underwear. These rape-tree trails begin at the Mexican border and travel all of the way through the Pajarita Wilderness.

In southern Arizona we are experiencing increased incidents of wildfires from two primary sources. The first source is illegal aliens who cross into the United States illegally and start fires through carelessness. The second is from illegal aliens engaged in other criminal enterprises who start wildfires intentionally to create a diversion so they can smuggle things into or out of the United States.

You cannot deny the fact that we are having a conflict between the Department of Interior and the Department of Homeland Security in terms of law enforcement along our border. The tragedy is that the very intent of the Department of Interior to protect the environment is actually being made worse by their policy of not allowing law enforcement efforts, i.e., the Border Patrol, into those areas.

So this amendment is intended to do a couple of things. Let me talk about what the claims against this amendment are first, and that I am more than willing to try to work out a sensible agreement. What is driving me nuts is those two Departments have not worked out a sensible agreement themselves, which we ought to have significant oversight hearings on the fact that we are having to do something that they should be taking care of.

The claim is that if this amendment passes it will devastate the environment and give the Department of Homeland Security the mandate to show no regard for the environment. Nothing can be further from the truth. The interpretation of congressional intent that we currently have has led to the destruction of much of our wilderness area because human and drug smugglers have been able to use these lands as major thoroughfares without fear of law enforcement.

Additionally, the Department of Homeland Security will still be obligated to conduct its law enforcement activities in a manner that seeks to minimize or mitigate any negative environmental impact. Do you realize in Arizona they are cutting down 150-year-old cactuses to block the road to inhibit anybody following them? And the fact that we do not have significant law enforcement, i.e., Border Patrol there, these majestic, 100-year-old cactuses, which are protected, are intentionally being destroyed to protect the smugglers.

In the past, when the Secretary of Homeland Security waived 30 environmental and other laws and regulations associated with the construction of tactical infrastructure along the southwest border in compliance with the Federal law, he still required the Department to practice responsible stewardship of natural and cultural resources.

The U.S. Customs and Border Patrol is also committed to do that. I will stop with this: I do want to have printed in the RECORD a letter from the National Border Patrol Council, which is the AFL–CIO representative of our Border Patrol agents who fully endorse this amendment because they are the people actually on the ground seeing the problem, and we are not allowing them to do their job.

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

EAGLE FORUM,
September 23, 2009.

U.S. Senate,
Washington, DC.

DEAR SENATOR: On behalf of the many thousands of American families we represent, I urge you to support Senator Tom Coburn's (R–OK) Secure Our Borders and Protect the Environment amendment (#2523) to the Interior Appropriations bill, H.R. 2996, currently being debated on the Senate floor.

The Coburn amendment would simply prevent any funds in this bill from going to any Department of the Interior efforts or activities to impede or stall the Department of Homeland Security's progress of the border fence or to prevent the enforcement of U.S. law on public lands near the border. Yesterday, the House passed a motion to recommit to the Santa Cruz Valley National Heritage Area Act (H.R. 324) by a vote of 259 to 167 that included this same amendment language.

In 2006, the U.S. Senate overwhelmingly passed the Secure Fence Act of 2006 by a vote of 80 to 19 to construct 700 miles of border fence between the U.S. and Mexico—even then-Senator, President Barack Obama, voted in favor of the fence. Despite the enactment of this law and billions of taxpayer dollars for law enforcement efforts, our border remains vulnerable and the increase in violence in Mexico has begun to spill over into the United States. Even worse, our national parks and other federal public lands are being easily targeted by and used as sanctuaries for illegal drug smugglers because environmental concerns limit the range of U.S. Border Patrol agents and also complicate efforts to build the barrier ordered by Congress.

Not only do these restrictions on enforcement endanger our border guards, but the increased illegal activity as a result of reduced law enforcement has led to adverse environmental impacts on these lands, including contamination of pristine areas with bio-hazardous waste and communicable diseases, contamination of water supplies for animals and local ranchers, and an increase in wildfires.

We need the Coburn amendment because it is a common-sense step in our fight against the illegal drug and human trade, to secure our border, and to restore our wilderness areas that border Mexico. I urge you to vote in favor of the Coburn amendment when it comes up for a floor vote today. Eagle Forum will score this vote, which will appear in our scoreboard, published annually, for the 1st session of the 111th Congress.

Sincerely,

SUZANNE BIBBY,
Legislative Director, Eagle Forum.

NATIONAL BORDER PATROL COUNCIL OF THE AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFFILIATED WITH AFL–CIO,
September 24, 2009.

Hon. TOM COBURN,
U.S. Senate,
Washington, DC.

DEAR SENATOR COBURN: The United States Border Patrol is charged with the formidable task of securing our Nation's borders, and confronts numerous obstacles that hinder the accomplishment of that goal, including rugged terrain, extreme climatic conditions, an overwhelming number of people crossing the border illegally, and violence perpetrated by smugglers and other criminals. Bureaucratic regulations that prevent Border Patrol agents from utilizing vehicles and technology on public lands should be the least of their concerns, but unfortunately are not.

Your amendment to the Fiscal Year 2010 appropriations bill for Interior, Environment and Related Agencies that would preclude the use any of those funds to impede, prohibit, or restrict any activities of the Department of Homeland Security on public lands that are undertaken to achieve operational control of our borders is therefore greatly appreciated by the dedicated men and women of the U.S. Border Patrol.

Sincerely,

T.J. BONNER,
President.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, if I may say through the Chair to the distinguished Senator from Oklahoma, the manager of the amendment and I are prepared to take the amendment. Moreover, we are prepared to convene a meeting between the two Department heads, have you present, and sit down and see what we can work out.

Mr. COBURN. Well, that is perfectly acceptable to me. I want the problem solved. I think security is just as important as protecting our environment. We are not going to allow one to trump the other.

Mrs. FEINSTEIN. We will accept the amendment on both sides with the stricture I just added to it on the pending amendment.

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

The amendment (No. 2523) was agreed to.

Mrs. FEINSTEIN. Thank you, Madam President.

AMENDMENT NO. 2483

Mr. COBURN. I would next like to talk about amendment No. 2483. This is the amendment that moves the Federal Land Acquisition Fund to backlog.

There is no question my colleagues in this body know of my concern about an ever-expanding, ever-enlarging Federal role in terms of land ownership. In fact, I have had a lot of conflicts with the chairmen, whether it was a Republican chairman or a Democratic chairman, in terms of expanding the amount of property the Federal Government owns.

It is not just about expanding. When we expand it costs more money. It costs our kids more money. But in this bill, we have almost $400 million that is going to be put in to buy more land where we cannot take care of the land that we have today.

What we know is the following: Federal land management agencies across all these different branches of government, as well as within this bill, are responsible for a large and aging number of structures. As we have continued, through the Federal Government, to consume more private land nationwide, Federal agencies have increasingly been unable to maintain the existing land holdings.

All one has to do is talk to any park ranger. Go up to the Statue of Liberty, they have an $800 million backlog. Go to the Washington Mall, well over $1 billion in maintaining some of our most significant structures. If you go to the Grand Canyon National Park, people are continually being limited because we can't maintain the trails and because we don't put the money in to do it. The National Park Service, which receives most of the money to buy more land in this bill, faces an $11 billion backlog.

When I first started talking about the issue, the backlog was $6 billion. In 4 years, we have seen the backlog with the National Park Service almost double. Although I am thankful for the increase in maintenance funds this bill does add to the national parks, it does not come sufficiently close.

What is the priority? Is the priority for the Federal Government to consume more land, restrict more access, limit the freedom of people around that land and on that land, or is it to let Americans own the land and take care of the land the Federal Government already has? It owns a third of the land. How much land is enough for the Federal Government to own? How much is enough, especially when most of the land we own we are not taking care of. We are letting it fall down. The question has to be: What are the priorities?

The committee says the priority is to buy more land. This amendment says the priority is to repair and take care of the land we have. It specifically directs this money to the National Park Service to help with a backlog of falling down structures and the increased risk of safety for both park employees and visitors.

I obviously don't have all the information the committee has, but as the Senator from New Mexico knows, I have been looking at land acquisition and land bills for the last few years. I have not been successful in slowing them down, but I think the American people need to know about this. They need to recognize that our priorities are screwed up and that, in fact, we ought to be about taking care of what we have before we add to it.

I yield the floor.

Mrs. FEINSTEIN. Madam President, regretfully, I have to oppose this amendment. The fact is, we would lose opportunities to conserve valuable lands because within national parks there are inholdings, and inholdings, when they become available—these are private properties that people own—the Federal Government buys them and adds to the public land. Let me name a few: In Georgia, I am told the Chattahoochee National Recreation Area would be involved; in many States, Civil War battlefield sites; in Ohio, the Cuyahoga Valley National Park; in the State of Washington, Mount Rainier, Olympic, and San Juan National Parks; in Texas, Big Thicket National Preserve; in Indiana, the Hoosier National Forest; in Utah, Dixie National Forest; in South Dakota, the Black Hills National Forest.

The point I wish to make is, on occasion, there are families who have large land holdings, and these are valuable, pristine land holdings. Their first preference might be to have the Federal Government buy these lands to hold them for the future and to conserve the lands. If the Federal Government can't do that, the lands go on the market, generally, for the highest and best use. With some of our prized and treasured possessions, that is not the way to go.

I will oppose this amendment. I am sure it will be in line for a vote.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. The chairman makes my point for me. Yes, we might miss an opportunity. But we don't have the courage to put the priorities right. We are going to miss an opportunity while structures fall down at Yellowstone. That is what the choice is. We are going to take large, valuable land segments that are now paying property taxes and, because they are up for sale, we are going to spend that money rather than repair Carlsbad Caverns. That is the choice. The chairman made my argument for me. We are not going to do the sensible thing.

Many of these things will come back. They are not gone forever. What we are saying is, because we don't have any limitation on what we spend or how we spend it, we therefore have no limitation in worrying about whether things fall down. The fact is, now an $11 billion backlog, which grew $400 million last year alone in the Forest Service, documented by the Forest Service—those are not my numbers—we are going to say these are more important now than putting back in proper order things that relate to safety or security in the national parks. I will end with the fact that if we don't do this, what we have done is earned the reputation we are garnering, that we refuse to make tough choices. Life is about tough choices. Maybe we don't get to add to one of these parks right now. But how about taking care of what we have? Why not make that a priority?

It is kind of like when your front porch is falling down and that is the only entrance to your house, you start building a garage rather than fix your front porch or you buy an extra five acres so you can have a big garden. We wouldn't do that. The American people wouldn't do that. We need to respond with some commonsense solutions. Instead, we are adding to the cost as the backlog grows.

I am uncomfortable with the fact that that is how we think here. I know the American people are uncomfortable with that fact. I am disappointed we will not have the support of the committee. I look forward to the vote.

The next amendment I will call up is pending, but I will discuss amendment No. 2482.

Mrs. FEINSTEIN. Will the Senator yield? I know he is a gentleman.

Mr. COBURN. I am happy to.

Mrs. FEINSTEIN. Madam President, when we did the stimulus, we put in the maximum amount that the departments could use for maintenance and rehabilitation. I have the breakdown. It is hard to add it all up quickly, but I can give some idea. Bureau of Land Management deferred maintenance, $35 million; recreation maintenance, 25; trail maintenance, 20; abandoned mine site remediation, $30 million; habitat restoration, 25. It goes on. I recall as we did this, what we were told by our staffs is that was the maximum amount these departments could absorb in the length of time covered by the stimulus. I will leave my colleagues with that.

Mr. COBURN. I would be happy to have a UC on this amendment that would exclude the inholdings, if that would satisfy the chairman.

In fact, the inholdings are a very small amount of the $400 million. A very small amount of the money for land acquisitions is inholdings. I would be happy to accept a second degree that would exclude the inholdings from this.

Mrs. FEINSTEIN. I appreciate that, but I cannot accept that. We believe the Land and Water Conservation Fund is working as it is supposed to. If anything, it has been underfunded. This bill proposes to appropriate $420 million of the $900 million that is authorized. That is less than 50 percent. The Land and Water Conservation Fund, we believe, is extraordinarily important. We would try to get it higher if we could, but we cannot.

Mr. COBURN. I thank the chairman for her comments on that. I am sure it is important. It is important to preserve what we have. You can't go to one national park and talk to the park rangers and talk to the person in charge without hearing them talk about the declining status of their individual parks. We have to start making some choices. We are going to refuse to do that. So next year, instead of it being $11 billion, it is going to be $11.6 billion, and then it is going to grow. What is happening right now is, we are shutting off parts of our parks. We are saying, since it is dangerous or it is in disrepair, we cannot let people experience it.

I will put in the RECORD hundreds of examples where that is happening right now. We have researched and the parks have told us where they are limiting access because of the lack of maintenance funds and funds for repair of required things in the parks.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2504, AS MODIFIED

Mrs. FEINSTEIN. Madam President, I ask unanimous consent that the pending amendment be set aside and amendment No. 2504, as modified, be called up.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment, as modified, is pending.

AMENDMENT NO. 2504, AS FURTHER MODIFIED

Mrs. FEINSTEIN. Madam President, there is a further modification at the desk, and I ask unanimous consent that the amendment be further modified.

The PRESIDING OFFICER. Without objection, the amendment is further modified.

The amendment, as further modified, is as follows:

(Purpose: To encourage the participation of the National Park Service in activities preserving the papers and teachings of Dr. Martin Luther King, Jr., under the Civil Rights History Project Act of 2009)

On page 135, line 2, before the period, insert the following: ''of which $200,000 may be made available by the Secretary of the Interior to develop, in conjunction with Morehouse College, a program to catalogue, preserve, provide public access to and research on, develop curriculum and courses based on, provide public access to, and conduct scholarly forums on the important works and papers of Dr. Martin Luther King, Jr. to provide a better understanding of the message and teachings of Dr. Martin Luther King, Jr.;''.

Mrs. FEINSTEIN. Madam President, this modification, which has been agreed to on both sides, allows the Secretary of the Interior to make $200,000 available for preservation of the Martin Luther King papers. It is an amendment offered by Senator ISAKSON. I fully support the amendment.

Madam President, I ask unanimous consent that the amendment as further modified, be agreed to.

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

The amendment (No. 2504), as further modified, was agreed to.

Mrs. FEINSTEIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2535

Mrs. FEINSTEIN. Madam President, I ask unanimous consent to call up amendment No. 2535.

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

The assistant bill clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for Mr. BARRASSO, proposes an amendment numbered 2535.

The amendment is as follows:

(Purpose: To provide for the use of certain funds for an Indian estate planning assistance program)

In the matter under the heading ''FEDERAL TRUST PROGRAMS (INCLUDING TRANSFER OF FUNDS)'' under the heading ''OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN INDIANS'' under the heading ''DEPARTMENT OF THE INTERIOR'' of title I, insert '', and of which $1,500,000 shall be available for the estate planning assistance program under section 207(f) of the Indian Land Consolidation Act (25 U.S.C. 2206(f))'' after ''historical accounting''.

Mrs. FEINSTEIN. Madam President, this amendment has been accepted by both sides. I ask unanimous consent that the amendment be agreed to.

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

The amendment (No. 2535) was agreed to.

AMENDMENT NO. 2527

Mrs. FEINSTEIN. Madam President, I ask unanimous consent to call up amendment No. 2527.

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

The assistant bill clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for Mr. BENNETT, proposes an amendment numbered 2527.

Mrs. FEINSTEIN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To modify the definition of the term ''Beaver Dam Wash National Conservation Area Map'')

On page 240, between lines 13 and 14, insert the following:

SEC. 4___. Section 1971(1) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 460www note; Public Law 111–11) is amended by striking ''December 18, 2008'' and inserting ''September 20, 2009''.

Mrs. FEINSTEIN. Madam President, I ask unanimous consent that the amendment be agreed to.

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

The amendment (No. 2527) was agreed to.

Mrs. FEINSTEIN. Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LAUTENBERG. Madam President, I come to the floor because we were looking at an amendment earlier today that would have stopped the EPA from exercising its obligation to combat global warming pollution. There are those here who would choose to defer taking action to deal with this enormous threat where future generations' lives and well-being would be at risk. But the time for delay is a luxury we don't have. We can't afford to wait any longer and we cannot afford to limit our options.

Every day the science makes it more clear we are on a dangerous course. In fact, the scientific community has recently had to revise its own estimates because rising temperatures are destabilizing our planet far faster than originally expected. For instance, 2 years ago, scientists warned us that summers in the Arctic would be completely ice free by 2050. Now they are saying summers in the Arctic will be completely ice free in 3 years. Two years ago they said sea levels would rise less than 2 feet by the end of this century and now it is being said sea levels will rise by 6 feet. The risks of inaction are too great.

We have to look also at the national security risks we face by continuing to do nothing about climate change. According to the CIA's National Intelligence Council, if we fail to act, nearly 1 billion people may face water and food shortages in the next 15 years. These shortages will set the stage for conflict and breed conditions for terrorism. At the same time, with 20 percent of the world's population living in

coastal zones, rising sea levels and stronger hurricanes could displace more than 150 million people by 2050. When it is expressed in percentages such as that and talking about numbers that are almost beyond the imagination, it sometimes loses its impact. But what we are talking about are people seeking higher-level places to take themselves and their families so they are not overwhelmed by floods.

Border pressures created by these mass migrations will increase tensions and lay the groundwork for armed conflict. The U.S. Navy has looked at this problem in the past and issued a report that in the last half of the 21st century we could be looking at a different structure for naval engagements with smaller boats, higher speeds, and so forth to keep people from flooding our shores because they are trying to get away from higher water. Nations will look to us, to the United States, as a first responder in the aftermath of these major natural emergencies and humanitarian disasters.

Retired GEN Anthony Zinni put it this way, that if we don't begin reducing carbon emissions now, we will ''pay the price later in military terms and that will involve human lives.''

Delay is not a substitute for confronting this growing problem. It is no surprise that many of those who want to shelve the Clean Air Act and stop EPA from doing its duty are the same ones who close their eyes to the overwhelming scientific evidence that says, Wake up, hear the alarm. They have dismissed the ominous forecasts of life changes for plants, animals, and humans. They called global warming ''the greatest hoax ever perpetrated on the American people.'' A hoax is a joke. That is a bad joke.

Let's not forget, the EPA's power to curb greenhouse gas emissions under the Clean Air Act was recently affirmed by the Supreme Court. The Clean Air Act has been one of the great success stories of our lifetime and it is one of the few tools we have to overcome climate change. For the last 40 years, this law has led to cleaner skies and healthier children. If it weren't for the Clean Air Act, 225,000 Americans would have died prematurely, according to an EPA study. Imagine, we would have lost 225,000 people if it weren't for the Clean Air Act.

While the gains have been enormous, the cost to polluters has been minimal. In fact, the total benefits to our economy have been identified as high as $49 trillion, putting the benefit at 100 times greater than the cost for action. Even so, history shows that opponents often dramatically overstate the costs of environmental improvement. The last time we strengthened the Clean Air Act, our adversaries rang the alarm that these changes would cost too much and damage the economy. But as it turned out, the actual costs were less than one-fifth of what these opponents estimated. Today, even though EPA has a proven track record of producing trillions in benefits for our economy and our country under the Clean Air Act, we are hearing the same kinds of warnings. It makes no sense.

There is no doubt our opponents prefer to endorse inaction and will reward failure. That is why I urge my colleagues to stand up to the special interests and stand for the public interest. It is time to say from our hearts that we are willing to stand firm against those who claim the overstated cost of change outweighs the risk of disappearing species, poor health, and international unrest.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

Mr. COBURN. Madam President, I wish to put my colleagues on notice that we are trying to work out an amendment so it can be acceptable to all parties concerned. It has to do with the heritage areas. If, in fact, you are a landowner in this country or you are a farmer or you are a rancher or you happen to have 20 acres in the country, you ought to be very worried about the implications and the consequences of those who come in and change the zoning laws on heritage areas.

Most people in this country have no idea they are in a heritage area. They have no knowledge that they are in a heritage area. As a matter of fact, the whole State of Tennessee is a heritage area. So what we are attempting to do is to create a mechanism where anybody in the country who is in a heritage area who doesn't want to be in it can be out of it with their property.

We also want to respectfully protect some efforts in North Dakota on one specifically where they would have to opt in. So we are working on an agreement. We will come back and talk about this when this is finished. Hopefully, this is the start of restoring property rights to Americans that have been trampled, in my opinion, by those who are empowered through the heritage area name.

My hope is we are going to make good progress on this with this bill. It is important. If you are a farmer or a rancher, if you are a farm bureau member, if you are a cattleman or if you are a dairy farmer, it is time to make sure this stays—whatever agreement we come to—in this bill as it goes to conference. Because real property rights are at risk. They have been at risk. They have been trampled on. This is a great solution in terms of solving it.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I wish to thank the Senator from Oklahoma, the Senator from California, the Senator from North Dakota, and the Senator from New Mexico for their work on this amendment. The Senator from Oklahoma stated it exactly right, and that is our intention. I wish to thank the Senators involved.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, I am in support of the amendment offered by the Senator from Oklahoma. I also offered an amendment which I understand will be accepted. It allows for something called an ''opt in'' for private property. It means that for the Northern Plains Heritage Area, private property would be involved only if someone wishes to be included. My understanding is, after having worked with the Senators from Tennessee and Oklahoma, and the Senator from California, who is managing this bill, my amendment will also be accepted by unanimous consent.

My amendment is amendment No. 2441 which has previously been filed.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, in the interest of moving things along—Members are impatient. We have been on this bill for a long time. We wish to conclude. It is my understanding both sides are agreeable to take the Dorgan amendment No. 2441, so I ask for unanimous consent.

Mr. ALEXANDER. Madam President, the Senator from Oklahoma has asked to be present when we do that, so I wonder if it might not be possible to take up other amendments at this time.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I withdraw my prior request and I ask unanimous consent that at 5 o'clock tonight, the Senate proceed to vote in relation to the following amendments and motion to recommit remaining in order to H.R. 2996, the Interior Appropriations Act, and in the following order:

The Vitter amendment, No. 2549; the Ensign motion to recommit; the Coburn amendment No. 2482; the Coburn amendment No. 2483; and the Reid amendment No. 2531; that the remaining provisions of the previous order are still in effect.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Is there objection?

Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, the exercise of governmental authority by White House advisers, sometimes called ''czars,'' is a serious issue that deserves serious consideration by the Senate. Our ability to conduct meaningful oversight of those who hold the levers of power and to evaluate whether they have the qualifications and character to carry out their duties may be undermined by the centralization of power in the White House. That is why I wrote to the President recently and plan to chair a hearing in the Constitution Subcommittee on this topic in the very near future. We need to know

more about the role of these advisers and what powers they have. There is a core issue here that concerns me. At this point, however, it is premature to pass legislation on this topic before fully understanding the constitutional and policy ramifications. I am also uncomfortable with singling out a single policy adviser, the Assistant to the President for Energy and Climate Change, particularly since I am not aware of any evidence that she is acting inappropriately. Therefore, I will vote against the Vitter amendment.

Mrs. FEINSTEIN. Mr. President, I yield back the time remaining on the Vitter amendment No. 2549, and I move to table it. I ask for the yeas and nays.

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 West Virginia (Mr. BYRD) is necessarily absent.

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

The result was announced—yeas 57, nays 41, as follows:

[Rollcall Vote No. 295 Leg.]

YEAS—57

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

NAYS—41

Alexander	DeMint	McCain
Barrasso	Ensign	McCaskill
Bennett	Enzi	McConnell
Bond	Graham	Murkowski
Brownback	Grassley	Nelson (NE)
Bunning	Gregg	Risch
Burr	Hatch	Roberts
Chambliss	Hutchison	Sessions
Coburn	Inhofe	Shelby
Cochran	Isakson	Thune
Collins	Johanns	Vitter
Corker	Kyl	Voinovich
Cornyn	LeMieux	Wicker
Crapo	Lugar	

NOT VOTING—1

Byrd

The motion was agreed to.

Mrs. FEINSTEIN. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

MOTION TO RECOMMIT

Mr. ENSIGN. Mr. President, I have a motion at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN] moves to recommit H.R. 2996 to the Committee on Appropriations with instructions to report the same back to the Senate with changes that reduce the aggregate level of discretionary appropriations in the Act for fiscal year 2010 by $4,270,000,000 from the level currently in the Act.

The PRESIDING OFFICER. There is 2 minutes equally divided.

Mr. ENSIGN. Mr. President, this is a very simple motion. It just says that at this time of runaway deficits, of out-of-control Federal spending, we are going to try to do a little something. We are just going to take this appropriations bill and say with regard to last year's level, which was increased fairly substantially, we are going to freeze it to last year's level.

As State budgets, local budgets, and family budgets are all being cut, trimmed, and tightened around the country, Washington says: You know what, we are going to print money. We are just going to borrow from our children and grandchildren and continue to print money and print money and push it off onto the next generation.

It is time for this body to show some fiscal restraint. So let's cut $4 billion out of this spending bill and bring it back to last year's level. Let the Appropriations Committee determine where that spending is, but let's actually show some fiscal responsibility.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

The Senator from California.

Mrs. FEINSTEIN. Mr. President, I urge a ''no'' vote. I am going to move to table at the appropriate time. If we adopt the Ensign motion, we cut Park Service dollars, Indian health dollars, particularly water infrastructure. Mr. President, $2.5 billion in this bill is for sewer grants; $1.8 billion is for fire suppression. It is the first time we have met the fire suppression need fully so that they do not have to take from other accounts to fight fires.

I move to table the motion to recommit.

Mr. ENSIGN. I 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 to table the motion to recommit.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

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

The result was announced—yeas 64, nays 34, as follows:

[Rollcall Vote No. 296 Leg.]

YEAS—64

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

NAYS—34

Barrasso	Enzi	McCain
Bayh	Graham	McCaskill
Brownback	Grassley	McConnell
Bunning	Gregg	Risch
Burr	Hatch	Roberts
Chambliss	Hutchison	Sessions
Coburn	Inhofe	Snowe
Corker	Isakson	Thune
Cornyn	Johanns	Vitter
Crapo	Kyl	Wicker
DeMint	LeMieux	
Ensign	Lugar	

NOT VOTING—1

Byrd

The motion to table the motion to recommit was agreed to.

Mrs. FEINSTEIN. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

AMENDMENT NO. 2482, AS MODIFIED

Mr. COBURN. Mr. President, I think we can dispense with two fairly quickly, one with a vote and one without. We have worked out an agreement on amendment No. 2482. I believe the modification is at the desk. We have an agreement between the chairman and ranking member of the committee and the Senator from New Mexico, who is chair of the appropriate authorizing committee, which allows private property owners to opt out of heritage areas. I ask for its consideration now, rather than spending more time on it, and ask unanimous consent it be accepted.

Mrs. FEINSTEIN. The Senator is correct. We are prepared to accept the amendment.

The PRESIDING OFFICER. If there is no objection, the amendment will be modified and agreed to as modified.

The amendment (No. 2482), as modified, was agreed to, as follows:

At the appropriate place insert the following:

Any owner of private property within an existing or new National Heritage Area may opt out of participating in any plan, project, program, or activity conducted within the National Heritage Area if the property owner provides written notice to the local coordinating entity.

AMENDMENT NO. 2441

Mrs. FEINSTEIN. A corollary part of this is Dorgan amendment No. 2441, which also moves along with this. So we are prepared to accept Dorgan No. 2441 as well.

Mr. DORGAN. Mr. President, let me say I think this has been cleared by both sides. It does have a connection to the previous amendment. I appreciate the cooperation of the Senator from California, the Senator from Tennessee, and the Senator from Oklahoma.

I ask for its immediate consideration and approval.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself, and Mr. CONRAD, proposes an amendment No. 2441.

The amendment is as follows:

(Purpose: To provide for the inclusion of property in, or removal of property from, the Northern Plains Heritage Area)

Beginning on page 173, strike line 12 and all that follows through page 174, line 5, and insert the following:

''(g) REQUIREMENTS FOR INCLUSION AND REMOVAL OF PROPERTY IN HERITAGE AREA.—

''(1) PRIVATE PROPERTY INCLUSION.—No privately owned property shall be included in the Heritage Area unless the owner of the private property provides to the management entity a written request for the inclusion.

''(2) PROPERTY REMOVAL.—

''(A) PRIVATE PROPERTY.—At the request of an owner of private property included in the Heritage Area pursuant to paragraph (1), the private property shall be immediately withdrawn from the Heritage Area if the owner of the property provides to the management entity a written notice requesting removal.

''(B) PUBLIC PROPERTY.—On written notice from the appropriate State or local government entity, public property included in the Heritage Area shall be immediately withdrawn from the Heritage Area.''.

The PRESIDING OFFICER. Without objection, the amendment will be accepted.

The amendment (No. 2441) was agreed to.

Mrs. FEINSTEIN. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

AMENDMENT NO. 2483

Mr. COBURN. We are on amendment No. 2483, which was not agreed to. We could not work out an agreement. I want to take a minute or two—we don't have a time agreement on this—to talk about this amendment, what amendment No. 2483 will do.

The PRESIDING OFFICER. There is 2 minutes equally divided on this amendment.

Mr. COBURN. I am not sure I was present. Do we have a unanimous consent in that regard?

The PRESIDING OFFICER. Yes.

Mr. COBURN. I should have been here to object.

We have an $11 billion backlog in the national parks. It grew by $400 million this year. The Land and Water Conservation Act of 1965 was not meant just to buy land. It was meant to take care of the backlogs and the problems associated with outdoor recreation enjoyment by the American people. There is almost $400 million in this bill to buy more land rather than take care of the things we have today. This amendment simply moves that to take care of the backlog at every national park we have. If we do not do that, we are soon going to be at $12 billion, soon at $13 billion.

The PRESIDING OFFICER. The Senate will be in order.

Mr. COBURN. The fact is, it is common sense. Every American knows you do not build a garage when your front porch is falling down and that is the only way to get into your house. That is what is happening to our parks. I know there is some increased funding for the parks but the fact is they are falling down, whether it is Yellowstone—I don't care where it is, there are significant maintenance problems in the parks. That ought to be a priority before we add 1 more acre to 650 million acres we already own.

The PRESIDING OFFICER. Who yields time?

The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, we oppose this amendment. We oppose it because it takes $420 million out of the Land and Water Conservation Fund. We oppose it because the committee in the stimulus bill put in as many dollars as these departments could absorb in the period of time for maintenance.

I move to table. I ask for the yeas and nays.

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 West Virginia (Mr. BYRD) is necessarily absent.

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

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

[Rollcall Vote No. 297 Leg.]

YEAS—79

Akaka	Cochran	Kaufman
Alexander	Collins	Kerry
Baucus	Corker	Klobuchar
Bayh	Dodd	Kohl
Begich	Dorgan	Landrieu
Bennet	Durbin	Lautenberg
Bennett	Feingold	LeMieux
Bingaman	Feinstein	Leahy
Bond	Franken	Levin
Boxer	Gillibrand	Lieberman
Brown	Graham	Lincoln
Brownback	Gregg	McCain
Burr	Hagan	McCaskill
Burris	Harkin	McConnell
Cantwell	Hutchison	Menendez
Cardin	Inouye	Merkley
Carper	Isakson	Mikulski
Casey	Johnson	Murkowski
Murray	Schumer	Udall (NM)
Nelson (NE)	Sessions	Vitter
Nelson (FL)	Shaheen	Voinovich
Pryor	Shelby	Warner
Reed	Snowe	Webb
Reid	Specter	Whitehouse
Roberts	Stabenow	Wyden
Rockefeller	Tester	
Sanders	Udall (CO)	

NAYS—19

Barrasso	DeMint	Kyl
Bunning	Ensign	Lugar
Chambliss	Enzi	Risch
Coburn	Grassley	Thune
Conrad	Hatch	Wicker
Cornyn	Inhofe	
Crapo	Johanns	

NOT VOTING—1

Byrd

The motion was agreed to.

Mrs. FEINSTEIN. Mr. President, I move to reconsider the vote.

Mr. ALEXANDER. I move to lay that motion upon the table.

The motion to lay upon the table was agreed to.

AMENDMENT NO. 2531

The PRESIDING OFFICER. The question is on agreeing to the Reid amendment No. 2531.

Mrs. FEINSTEIN. I yield back all time on the Reid amendment. It has been cleared on both sides. I ask for its adoption by unanimous consent.

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

The amendment (No. 2531) was agreed to.

TAHOE RIM TRAIL

Mrs. FEINSTEIN. Mr. President, I rise to provide additional clarification regarding a congressionally directed spending items included in the fiscal year 2010 Senate Interior Appropriations Subcommittee. At Senator REID'S request, the committee included $100,000 for the U.S. Forest Service to fund trail improvements in Nevada. It is my understanding that Senator REID intended those funds to be used for improvements for the Tahoe Rim Trail, to be conducted through a partnership with the Tahoe Rim Trail Association. Due to a clerical error, the project is not listed correctly in the committee report, and I would like to ensure that the RECORD clearly reflects Senator REID'S intended use for these funds. Through the chair, I would like to ask my colleague from Nevada, the distinguished majority leader, if my understanding of his intent is correct?

Mr. REID. I would like to thank the chairman for her efforts to clarify this matter Chairman FEINSTEIN is correct, I do intend that the funds recommended by the committee be used by the U.S. Forest Service for improvements to the Tahoe Rim Trail through their partnership with the Tahoe Rim Trail Association. I would also note for the record that my request complies fully with all disclosure requirements relating to congressionally directed spending.

Mrs. FEINSTEIN. Mr. President, I thank the majority leader for his clarification and I look forward to working with him to support his project as we move through the annual appropriations process.

FUNDING RCAPS

Mr. LEAHY. Mr. President, as the Chair knows, I have long been a supporter of improving the quality of drinking water in rural America. There is a lot of work to be done. While small rural communities are home to fewer than 20 percent of America's population, they account for more than 85 percent of the Nation's community water systems, and are more likely than larger systems to report major drinking water violations. According to EPA data, 93 percent of the maximum contaminant level, MCL, and treatment technique, TT, violations reported in 2002 affected community water systems serving fewer than 10,000 people. MCL and TT violations include higher than allowable levels of organic and inorganic contaminants such as arsenic, benzene, atrazine, lead, copper and nitrate.

One significant reason for these high numbers is the lack of capacity among local elected officials to deal with the complexities of maintaining a safe and clean supply of drinking water. For this reason I have supported funding for RCAPs—six regional nonprofit organizations that help rural communities with facilities needs.

The technical assistance and training activities the RCAPs provide focus on helping communities comply with the Clean Water Act and the Safe Drinking Water Act. Last year alone, the RCAPs assisted more than 2,000 communities, leveraged over $200,000,000 in funding, conducted 78 training sessions for almost 2,000 community water officials, and assisted nearly 3 million people to access safe and clean water. Most of the communities the RCAPs work with have populations of less than 1,500.

Funding for the RCAPs has been included in this bill for more than 20 years. I understand that the committee was limited by rules regarding earmarks, and I note that funding for the RCAPs is not included in the fiscal year 2010 Senate bill. However, I understand that the House bill includes funding for the RCAPs at the current rate and it my hope that in conference the Senate will move toward the House position on this.

Mrs. FEINSTEIN. I thank the Senator for his comments on this. I appreciate the difficulties faced by rural communities in gaining and maintaining access to adequate drinking water. I also know well the good work of the RCAPs in assisting those communities. As we move into conference on this legislation I look forward to working with my colleague to see if we can maintain funding for this important program.

WHITE NOSE SYNDROME

Mr. LAUTENBERG. I would like to discuss with the Senator a serious issue that deserves our attention. White nose syndrome, WNS, is a fungus that is causing an extraordinary number of bat deaths, particularly in the Northeast. This disease has the potential to inflict widespread ecological, agricultural, and economic damage throughout our country. More than 1 million bats have died from New Hampshire to Virginia over the last two winters, and scientists report mortality rates as high as 100 percent in some affected caves. Experts fear that WNS could lead to the extinction of many bat species as the disease spreads across the country.

WNS not only has ecological effects, but it also has severe economic and environmental implications. Bats consume vast quantities of insects, protecting crops and reducing pesticide use. A single bat can easily eat more than 3,000 insects a night and an entire colony will consume hundreds of millions of insects per year. Bats prey on mosquitoes, which spread disease, and moths and beetles, which damage agriculture.

With the Senator's leadership, the fiscal year 2010 Interior appropriations bill has included $500,000 for research to prevent the spread of WNS, and I thank the Senator for that.

Mrs. FEINSTEIN. I thank Senator LAUTENBERG. Our offices have worked together on efforts to provide funding to fight WNS, and I share his concerns about this issue.

Mr. LAUTENBERG. As the Senator knows, the U.S. Fish and Wildlife Service, FWS, is spearheading efforts to better understand this deadly disease and learn how to control its spread. FWS is working in conjunction with the U.S. Geological Survey, National Park Service, and U.S. Forest Service and with State and local partners, scientists, and conservation organizations. Due to the high mortality rate and the rapid spread of the disease, time is of the essence.

Mrs. FEINSTEIN. I agree with the Senator. We must tackle this issue head-on and make sure all stakeholders are working together to combat this challenge.

Mr. LAUTENBERG. Experts estimate that much more funding is needed for research on WNS. Accordingly, I filed an important amendment to this bill, amendment No. 2476, to shift $1.4 million in additional funding to WNS research. My amendment would not put any other projects or programs at risk, and it would provide critical resources to fight this disease. I ask for the chairman's assurance that she will work in conference to implement my amendment.

Mrs. FEINSTEIN. As I mentioned earlier, I share the Senator's concerns and agree that we need to focus more attention and resources on WNS. I commit to work in conference to increase funding for this disease as called for in his amendment.

CLEAN AUTOMOTIVE TECHNOLOGY

Mr. LEVIN. Mr. President, I want to bring to the attention of the distinguished chair of the Appropriations Subcommittee on Interior, Environment and Related Agencies a very important program in my State. The Environmental Protection Agency's National Vehicle and Fuel Emissions Laboratory in Ann Arbor, MI, leads EPA's Clean Automotive Technology Program by facilitating collaboration with the automotive industry through innovative research to achieve ultra low-pollution emissions, increase fuel efficiency and reduce greenhouse gases.

One of the programs that has been developed collaboratively through the Ann Arbor laboratory and its industry partners is the hydraulic hybrid technology which has come out of the laboratory's focus areas in hydraulic hybrid research, engine research, alternative fuels research and technical and analytical support. This technology offers potential to reduce greenhouse gas emissions by 50 percent.

The President's fiscal year 2010 budget increases the Climate Protection Program line in EPA's budget, which includes this facility, and I appreciate the subcommittee's concurrence with the request in the bill before the Senate.

It is my understanding that the version of the bill adopted by the House of Representatives provides an additional $1.6 million over the fiscal year 2010 budget request. Is that also the understanding of the Senator from California?

Mrs. FEINSTEIN. The Senator is correct. The President's budget proposed $18.975 million for the Climate Protection Program, and that is the same amount proposed in this bill. The House of Representatives approved $20.575 million.

Mr. LEVIN. I hope to provide additional funding for this program in order to fund a demonstration program to deploy hybrid hydraulic technology in larger fleet vehicles, such as school buses. Demonstration of this hybrid hydraulic technology, through its incorporation into a fleet of school buses, would not only bring these fuel-efficient and environmentally friendly technologies closer to wide-scale viability and acceptance but also provide EPA with important data to support its work in developing achievable standards for fuel economy and greenhouse gas emissions.

As the conference committee considers the differences between the House and Senate bills, I am hopeful that the additional $1.6 million included in the House bill will be maintained and that serious consideration will be given to directing this funding to demonstration of the hybrid hydraulic technology I have described.

Mrs. FEINSTEIN. I appreciate the Senator from Michigan bringing this to my attention and I assure him that I will keep his suggestions in mind as this bill progresses.

Mr. LEVIN. I thank the distinguished Senator.

NEW YORK'S NORTHEASTERN STATES RESEARCH COOPERATIVE FUNDING

Mrs. FEINSTEIN. I would like to enter into a colloquy with my colleague from New York.

Mrs. GILLIBRAND. I thank the chairman for entering into a colloquy

with me and for her hard work on this bill. I want to discuss the need to add New York to the list of States included for Northeastern States Research Cooperative Funding.

The Northeastern States Research Cooperative, NSRC, was originally authorized by Congress in the Forest and Rangeland Renewable Resources Research Act of 1978 and is managed by the U.S. Forest Service. The clear intent of Congress in creating the NSRC was to fund a competitive grants research program shared by the four states of the cooperative, New Hampshire, Vermont, Maine and New York.

The original intent of Congress was to have all four States jointly funded by the enacted authorization of this act. Unfortunately, New York has been left out of the Forest Service budget requests this year.

Funding through this cooperative will maintain critical forestry research programs in New York State. For instance, the State University of New York, College of Environmental Science and Forestry has received funding through this program in the past that has provided research, technology transfer and outreach to coordinate and improve ecological and economic vitality of the northeastern forests of New York, Vermont, New Hampshire and Maine.

The NSRC's research is critical to the economic vitality of and quality-of-life in the 18.5 million acres of the New York's forested land.

Mrs. FEINSTEIN. I would like to thank my colleague for bringing this to my attention and I will certainly look into this matter during conference negotiations.

Mrs. GILLIBRAND. I thank the chairman for her help and for her leadership.

Mr. UDALL of New Mexico. Mr. President, I would like to correct the record regarding some recent remarks of Senator TOM COBURN of Oklahoma regarding offshore drilling. Senator COBURN stated in today's debate that I ''voted against an opportunity to expand offshore exploration yesterday.''

First, the Senator's comments are somewhat confusing because there were no votes yesterday that would have opened up even one acre of our offshore public lands to oil exploration. Instead, I believe that Senator COBURN may have been referring to yesterday's motion to recommit by Senator VITTER of Louisiana.

I opposed the Vitter motion yesterday because it was counter-productive. By using political interference in offshore permitting, it would have actually created serious delays. Supporters of the Vitter motion talked about their desire to expand offshore oil drilling, but the motion set up major legal obstacles to developing our natural resources.

The motion was vaguely drafted, but it could have blocked funding from being used to review the over 300,000 public comments received. The motion also could have blocked the Secretary from considering facts and scientific evidence regarding the decision he needs to make.

I opposed the Vitter motion because the only way that we can legally access our public lands for natural resources is by due process. If we block the Department of Interior from following due process, that only serves to delay the process with litigation.

Mr. HATCH. Mr. President, I rise today to discuss an amendment I filed to the Interior appropriations bill, and in doing so, I hope to remind my colleagues about their responsibility as federally elected representatives of the citizens of the United States. The U.S. Constitution, the document written by the people to empower and limit government, specifically gives the Congress the power to make the laws that direct this government. The first section of the first article of the Constitution states ''All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.'' The people also established an executive power and a judicial power, but put the lawmaking power specifically into the hands of Congress

I would invite my colleagues to consider for a moment, and to remind themselves, why the people put the control of the Nation's laws into the hands of Congress, and not to the other branches of government. It is because Congress is directly answerable to the people. For members of Congress, there is no escape from the people. Our founding document ensures that we routinely have elections whereby lawmakers face the citizens who sent them here. By limiting legislative powers to Congress, the people have secured this power to themselves. So we see that the people are willing to live under laws, but only to the extent that those laws are their own.

This is a principle upon which our Nation was founded. This is a principle upon which we have achieved our status as a great nation. It is a principle that has made our government an inspiration to generations of free minds throughout the world. And I believe it is a principle that is being weakened on our watch during the 111th Congress.

In April of 2007, the Supreme Court ruled in Massachusetts v. EPA, by a 5 to 4 margin, that the Environmental Protection Agency could act to regulate carbon dioxide emissions as a pollutant from vehicles under the Clean Air Act without further authorization from Congress. And it is widely believed that this decision allows the EPA to also regulate carbon dioxide emissions from all other sources, as well, without further action from Congress.

I disagree with the Supreme Court's decision in Massachusetts v. EPA and even consider it ill-informed in some respects. However, I don't question the role of the Court to make such a decision. After all, the people did, in fact, give the Supreme Court the jurisdiction to interpret the laws of Congress.

Furthermore, I disagree with the EPA's finding that carbon dioxide poses an endangerment to humans and that it is a pollutant. Unlike conventional pollutants, CO_2 does not normally cause direct harm to our environment or to our bodies. It is considered an endangerment only because it has the potential as a greenhouse gas to warm the planet. What seems to be completely lost by the EPA, is that most scientists will tell you that a warming climate is a net benefit, while a cooling climate is a net detriment to life on Earth.

If greenhouse gases and warming are detrimental to life, then why doesn't the EPA propose to regulate water vapor? Water vapor makes up 95 percent of all greenhouse gases, and a cubic foot of water vapor has a much stronger warming factor than a cubit foot of carbon dioxide?

Those are just a couple questions that haven't been answered sufficiently, in my view. And so I disagree with the EPA's finding that carbon dioxide is an endangerment. In spite of that, I do recognize that the Supreme Court has the ability to interpret the Clean Air Act in a way that allows the EPA to make this finding.

However, I doubt that any of my colleagues can honestly say that when Congress voted for the Clean Air Act in 1970, that we intended that carbon dioxide should be regulated as a pollutant. But now we are witnessing the EPA initiating a process to that end which will lead to the most sweeping, and probably most expensive set of regulations in our nation's history, with no specific authorization from Congress to do so.

Is it the proper role of Congress to sit by and allow an independent agency, with nary an elected official within its walls to take over every single energy producing activity in the Nation? Could there be a more dramatic and sweeping centralization of government power than the move to control all carbon dioxide emissions? And are we, as the elected body representing the people going to hide behind a decision by a Supreme Court and just watch it happen? While technically, the Supreme Court and the EPA are acting within their jurisdictions and authority. Certainly, though, with such far reaching regulations, Congress has a responsibility to put these actions back under the direct authority of Congress, and thus back into the hands of the people.

My amendment would do just that. It would bar the EPA from moving forward with these far reaching regulations until Congress has expressly authorized such an action. I urge my colleagues to restore Congress and the people to their proper role over laws that relate to the regulation of carbon dioxide, and support my amendment.

Mr. AKAKA. Mr. President, I rise today to speak in support of the fiscal

year 2010 Department of the Interior, Environment, and Related Agencies Appropriations Act. I wish to thank subcommittee Chairman FEINSTEIN and Ranking Member ALEXANDER, as well as committee Chairman INOUYE and Vice Chairman COCHRAN, for their work on this bill.

This bill will fund important programs at the Environmental Protection Agency, Department of the Interior, Indian Health Service, Forest Service, Smithsonian Institution, National Endowment for the Arts, and National Endowment for the Humanities. Consequently, it addresses critical needs related to public lands management, environmental protection, Indian Country, and cultural education. I am pleased with the inclusion of a number of initiatives for which I requested funding and that I believe will be of great benefit to Hawaii and our Nation. Therefore, I am very thankful that my colleagues on the Appropriations Committee recognized the need of these programs and backed them with unanimous committee approval. I would like to take this opportunity to discuss these important initiatives.

The Omnibus Public Lands Management Act of 2009, which was signed into law earlier this year, includes a bill I introduced in the 110th Congress to authorize appropriations for the National Tropical Botanical Garden, NTBG. Chartered by Congress in 1964, the NTBG collects, cultivates, and preserves tropical flora and conducts research in tropical botany. The NTBG's work has advanced disease treatment, world hunger prevention, and medical education. Funding in this appropriations bill will allow the NTBG to continue to help protect, propagate, and study tropical species that could permit additional scientific advances but are threatened with extinction.

The bill will also fund the establishment and construction of a research and education center for the Hawaii Experimental Tropical Forest, HETF. The Hawaii Tropical Forest Recovery Act, which I sponsored and became law in 1992, authorized the establishment of the HETF to be managed as a site for research and education on tropical forestry, conservation biology, and natural resource management. HETF has been home to dozens of research projects since its establishment, and it has been selected as one of the National Science Foundation's 20 core wildland sites of the National Ecological Observatory Network and a site of the Forest Service's Experimental Forest and Range Synthesis Network. Construction of the center will further HETF's mission to improve the conservation and scientific understanding of tropical forests, a natural resource of global significance.

The James Campbell National Wildlife Refuge will receive funding in this bill to help provide for the acquisition of the remaining parcels on Oahu's northern shore to complete the expansion of the Refuge. The expansion would add approximately 1,100 acres and ensure protection of the largest natural coastal wetland and last remaining natural coastal dune ecosystem on Oahu. It is a premier endangered Hawaiian waterbird recovery area and supports four endangered Hawaiian waterbirds and a variety of migratory shorebirds and waterfowl. I was pleased to be an original cosponsor of the 2005 legislation that authorized such expansion and believe that securing the remaining parcels will aid in preserving the wetland's natural floodwater retention function.

In addition, the invasive species management project in Hawaii included in this bill will help to reduce the impact of established invasive species in the State and support ongoing efforts to prevent the introduction of new ones. Hawaii's delicate insular ecosystems are home to over 300 endangered species, which is more than any other State, and the primary factor limiting their recovery and contributing to their decline in Hawaii is the continued presence of ecologically harmful invasive species. Thus, continued vigilance and action is needed to safeguard these species and their habitats, which are so important both nationally, in terms of biodiversity, and locally, in terms of agriculture, tourism, and culture.

I am also pleased the funding in this appropriations bill that will support the Native Hawaiian Culture and Arts Program, NHCAP, which preserves, supports, revitalizes, and develops Native Hawaiian arts and culture. NHCAP's efforts are focused on assisting Native Hawaiians to be practitioners of their culture and to share knowledge of and celebrate Hawaiian art and culture. NHCAP projects include educational programs, exhibits, publications, and increased access to the Bishop Museum's vast cultural collections of artifacts, documents, and images. These projects foster Native Hawaiian cultural preservation, create important educational opportunities for youth, and promote the sort of understanding necessary in a multicultural nation and increasingly interconnected world.

As population grows on islands with limited freshwater resources, information to evaluate the sustainability of water resources is needed to make informed decisions that balance environmental protection with economic opportunity. The resources that this bill supports for well monitoring and water assessment in my State will enable continued work with stakeholders to provide information on water resources so that they can be managed in a sustainable and legally compliant basis. It will also provide for the operation of stream gauges, which supply data important to signaling flood conditions, improving long-term planning, examining climate change, and measuring water availability and quality.

In all, funding for our national priorities in such areas as environmental protection, Federal lands, and cultural education is complemented in this bill by these six Hawaii programs that drive progress on research, education, planning, and preservation related to natural and cultural resources across my home state for the benefit of my constituents and the country as a whole. Again, I thank my colleagues for their support of these initiatives and urge continued support in conference.

Mr. LEVIN. Mr. President, I will vote for this bill to provide $32 billion in funding for a variety of important environmental and infrastructure purposes. This bill would provide clean drinking water, prevent pollution from contaminating our precious natural resources, clean up hazardous waste sites, protect lands for habitat preservation and recreation, improve vehicle efficiency, and help restore the Great Lakes.

I am pleased this bill includes $400 million for Great Lakes restoration and protection efforts through a new effort called the Great Lakes Restoration Initiative, GLRI. The GLRI is a multiagency effort to address the array of current and historic threats facing the Great Lakes including invasive aquatic species, nonpoint source pollution, and contaminated sediment.

While I appreciate the significant investment in the Great Lakes, I have encouraged the bill managers to provide the full funding requested for the GLRI. The President requested $475 million for the GLRI, and the Environmental Protection Agency has prepared a spending plan for the full funding. Full funding is needed now and would be well spent.

A 2003 GAO report on Great Lakes federal restoration programs stated: ''Despite early success in improving conditions in the Great Lakes Basin, significant environmental challenges remain, including increased threats from invasive species and cleanup of areas contaminated with toxic substances that pose human health threats.'' More recently, scientists report that the Great Lakes are exhibiting signs of stress due to a combination of sources, including toxic contaminants, invasive species, nutrient loading, shoreline and upland land use changes, and changes to how water flows. A 2005 report from a group of Great Lakes scientific experts states that ''historical sources of stress have combined with new ones to reach a tipping point, the point at which ecosystem-level changes occur rapidly and unexpectedly, confounding the traditional relationships between sources of stress and the expected ecosystem response.''

The Great Lakes are a unique American treasure. We must recognize that we are only their temporary stewards. If Congress does not act to keep pace with the needs of the lakes, and the tens of millions of Americans dependent upon them and affected by their condition, the problems will continue

to build and we may start to undo some of the important work that has already been done and is underway. We must be good stewards by providing the resources that the Federal Government needs to meet its ongoing obligation to protect and restore the Great Lakes. This bill will help us meet that great responsibility to future generations.

Importantly, the bill would provide $1.4 billion to capitalize the Drinking Water State Revolving Fund and $2.1 billion for the Clean Water State Revolving Fund for wastewater projects. The funding in the Senate bill more than doubles the amount provided in the fiscal year 2009 bill. I had urged appropriators to provide this increase because Michigan's water infrastructure needs are sizable. Michigan would receive about $41 million for drinking water and $88 million for wastewater projects, protecting public health, improving the environment, and creating a stronger economic climate.

I am also pleased this bill provides $2.7 billion for our National Park Service, an increase of $200 million from last year's level, which I supported. Michigan has six national park units, and this funding would help ensure these resources are adequately maintained and protected. The national parks have been struggling for years with inadequate funding and large maintenance and construction backlogs. This funding would help meet these needs so that our Nation's natural and cultural heritage is preserved. Over a million people visited Michigan's national parks last year, and it is important that visitors find our parks in good condition and that we do the same for future generations.

I am pleased to see this bill includes the President's fiscal year 2010 budget request for the Environmental Protection Agency's Climate Protection Program, which includes the Clean Automotive Technology Program. EPA's National Vehicle and Fuel Emissions Laboratory in Ann Arbor, MI, leads the Clean Automotive Technology Program by facilitating collaboration with the automotive industry through innovative research to achieve ultra low-pollution emissions, increase fuel efficiency and reduce greenhouse gases. An example of the work done collaboratively through this program at the Ann Arbor laboratory with its industry partners is development of hydraulic hybrid technology that offers potential to reduce greenhouse gas emissions by 50 percent. The House bill includes an additional $1.6 million for the Climate Protection Program, and I am hopeful this additional funding will be maintained in conference and that serious consideration will be given to directing this funding to deployment of hybrid hydraulic technology in larger fleet vehicles, such as schoolbuses.

Mr. President, this appropriations bill would protect our natural resources and the Great Lakes in particular, provide communities with safe drinking water and wastewater infrastructure, improve fuel efficiency and reduce greenhouse gases, and protect and improve public lands and parks, and I support its passage.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, my understanding is that the next vote will be final passage on the Interior appropriations bill. I want to alert all Members and give them kind of a suggestion of what the schedule is going to be.

First of all, people are asking about the Finance Committee. I have spoken to Chairman BAUCUS. The Finance Committee is going to work late tonight. They are going to come in in the morning and work, and then they will make a decision how long they are going to work tomorrow and whether they go into the weekend.

The next item of business will be the Department of Defense appropriations bill. Tonight will be debate only. There will be no votes on Friday. The Defense appropriations managers will be here for amendments and debate.

This is one of the most important bills we deal with every year. There will be no votes on Monday. It is one of the high holidays, Yom Kippur. The Defense managers will be here to continue consideration of the bill. We are not going to be in session on Monday, not on the holiday. I do not think that would be appropriate. People are traveling that day. I do not think it is fair.

There will be votes on Tuesday. It will be like a regular Monday. There will be no votes before 5:30. I would hope if people have amendments on this Defense bill they will lay them down. We want to move on this as quickly as possible. We know there are lots of important subjects people want to talk about.

Wednesday, September 30, is the end of the fiscal year. We have a number of things we must do before the end of the fiscal year. We are going to have a CR. We have to extend FAA authority and other issues. All of the chairmen and ranking members know what they are and we have discussed them on the Senate floor.

Next week will be an extremely busy week. I am hopeful in the next few days the Finance Committee will complete their work on the Finance health care bill, and I hope we do not have to do anything dealing with reconciliation on that. We have made progress this week.

Members this week working on this bill have been very cooperative. We have two wonderful managers on this Interior appropriations bill. They have worked well together and done a good job.

Mrs. FEINSTEIN. Before you call the roll, I just want to thank the distinguished ranking member. A lot of cooperation went into this bill or it would have taken a lot longer.

I thank particularly the staff: Peter Kiefhaber, Virginia James, Scott Dalzell, Rachael Taylor, Chris Watkins; on the Republican side, Lee Fonnesbeck, Rachelle Schroeder, and Rebecca Benn. We thank you very much.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. In 60 seconds I would like to thank Chairman FEINSTEIN for being so accommodating working with Republican Members. I would like to thank my colleagues for moving this bill along. Senators COCHRAN, INOUYE, REID, and MCCONNELL have been terrific. The staff members, Peter and Rachael and Scott; on our side, Leif and Rachelle and Rebecca. We thank you for your hard work.

The PRESIDING OFFICER. Under the previous order, the committee substitute, as amended, is agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2445

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that Inhofe amendment No. 2445 be in order.

The PRESIDING OFFICER. Notwithstanding the adoption of the substitute, the clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE] proposes an amendment numbered 2445.

Mrs. FEINSTEIN. This amendment has been cleared on both sides. I ask unanimous consent the amendment be agreed to.

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

The amendment (No. 2445) was agreed to, as follows:

AMENDMENT NO. 2445

(Purpose: To provide for the expedited cleanup of the Tar Creek Superfund Site)

On page 240, between lines 13 and 14, insert the following:

SEC. 423. TAR CREEK SUPERFUND SITE.

(a) IN GENERAL.—To expedite the cleanup of the Federal land and Indian land at the Tar Creek Superfund Site (referred to in this section as the ''site''), any purchase of chat (as defined in section 278.1(b) of title 40, Code of Federal Regulations (or a successor regulation)), from the site shall be—

(1) counted at twice the purchase price of the chat; and

(2) eligible to be counted toward meeting the federally required disadvantaged business enterprise set-aside on federally funded projects.

(b) RESTRICTED INDIAN OWNERS.—Subsection (a) shall only apply if the purchase of chat is made from 1 or more restricted Indian owners or an Indian tribe.

(c) APPLICABLE LAW.—The use of chat acquired under subsection (a) shall conform with applicable laws (including the regulations for the use of chat promulgated by the Administrator of the Environmental Protection Agency).

The PRESIDING OFFICER. The question is on the engrossment of the committee amendment in the nature of

a substitute, as amended, and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. MENENDEZ. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) is necessarily absent.

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

The result was announced—yeas 77, nays 21, as follows:

[Rollcall Vote No. 298 Leg.]

YEAS—77

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

NAYS—21

Barrasso	Cornyn	Kyl
Bayh	DeMint	LeMieux
Bunning	Ensign	McCain
Burr	Enzi	McConnell
Chambliss	Graham	Sessions
Coburn	Grassley	Thune
Corker	Inhofe	Vitter

NOT VOTING—1

Byrd

The bill (H.R. 2996), as amended, was passed, as follows:

(The bill will be printed in a future edition of the RECORD.)

Mr. REID. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER appointed Mrs. FEINSTEIN, Mr. BYRD, Mr. LEAHY, Mr. DORGAN, Ms. MIKULSKI, Mr. KOHL, Mr. JOHNSON, Mr. REED, Mr. NELSON of Nebraska, Mr. TESTER, Mr. INOUYE, Mr. ALEXANDER, Mr. COCHRAN, Mr. BENNETT, Mr. GREGG, Ms. MURKOWSKI, Ms. COLLINS and Mr. BOND conferees on the part of the Senate.

ENHANCED PARTNERSHIP WITH PAKISTAN ACT OF 2009

Mr. DORGAN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1707, introduced earlier today.

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

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1707) to authorize appropriations for fiscal year 2010 through 2014 to promote an enhanced strategic partnership with Pakistan and its people, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. DORGAN. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

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

The bill (S. 1707) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1707

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Enhanced Partnership with Pakistan Act of 2009''.

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

SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—Except as otherwise provided in this Act, the term ''appropriate congressional committees'' means the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Foreign Affairs of the House of Representatives.

(2) COUNTERINSURGENCY.—The term ''counterinsurgency'' means efforts to defeat organized movements that seek to overthrow the duly constituted Governments of Pakistan and Afghanistan through violent means.

(3) COUNTERTERRORISM.—The term ''counterterrorism'' means efforts to combat al Qaeda and other foreign terrorist organizations that are designated by the Secretary of State in accordance with section 219 of the Immigration and Nationality Act (8 U.S.C. 1189), or other individuals and entities engaged in terrorist activity or support for such activity.

(4) FATA.—The term ''FATA'' means the Federally Administered Tribal Areas of Pakistan.

(5) FRONTIER CRIMES REGULATION.—The term ''Frontier Crimes Regulation'' means the Frontier Crimes Regulation, codified under British law in 1901, and applicable to the FATA.

(6) IMPACT EVALUATION RESEARCH.—The term ''impact evaluation research'' means the application of research methods and statistical analysis to measure the extent to which change in a population-based outcome can be attributed to program intervention instead of other environmental factors.

(7) MAJOR DEFENSE EQUIPMENT.—The term ''major defense equipment'' has the meaning given the term in section 47(6) of the Arms Export Control Act (22 U.S.C. 2794(6)).

(8) NWFP.—The term ''NWFP'' means the North West Frontier Province of Pakistan, which has Peshawar as its provincial capital.

(9) OPERATIONS RESEARCH.—The term ''operations research'' means the application of social science research methods, statistical analysis, and other appropriate scientific methods to judge, compare, and improve policies and program outcomes, from the earliest stages of defining and designing programs through their development and implementation, with the objective of the rapid dissemination of conclusions and concrete impact on programming.

(10) SECURITY FORCES OF PAKISTAN.—The term ''security forces of Pakistan'' means the military and intelligence services of the Government of Pakistan, including the Armed Forces, Inter-Services Intelligence Directorate, Intelligence Bureau, police forces, levies, Frontier Corps, and Frontier Constabulary.

(11) SECURITY-RELATED ASSISTANCE.—The term ''security-related assistance''—

(A) means—

(i) grant assistance to carry out section 23 of the Arms Export Control Act (22 U.S.C. 2763); and

(ii) assistance under chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et. seq); but

(B) does not include—

(i) assistance authorized to be appropriated or otherwise made available under any provision of law that is funded from accounts within budget function 050 (National Defense); and

(ii) amounts appropriated or otherwise available to the Pakistan Counterinsurgency Capability Fund established under the Supplemental Appropriations Act, 2009 (Public Law 111–32).

SEC. 3. FINDINGS.

Congress finds the following:

(1) The people of the Islamic Republic of Pakistan and the United States share a long history of friendship and comity, and the interests of both nations are well-served by strengthening and deepening this friendship.

(2) Since 2001, the United States has contributed more than $15,000,000,000 to Pakistan, of which more than $10,000,000,000 has been security-related assistance and direct payments.

(3) With the free and fair election of February 18, 2008, Pakistan returned to civilian rule, reversing years of political tension and mounting popular concern over military rule and Pakistan's own democratic reform and political development.

(4) Pakistan is a major non-NATO ally of the United States and has been a valuable partner in the battle against al Qaeda and the Taliban, but much more remains to be accomplished by both nations.

(5) The struggle against al Qaeda, the Taliban, and affiliated terrorist groups has