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

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SPEAKER: Mr. BINGAMAN; Mr. NELSON of Florida; Mr. ALEXANDER; Mr. KYL; Mr. LIEBERMAN; Mr. COBURN; Ms. MURKOWSKI; Mr. SESSIONS; Mr. DURBIN; Ms. STABENOW; Mr. KAUFMAN; Mr. BARRASSO; Ms. MIKULSKI

TEXT: [*3101]

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

The bill clerk read as follows:

A motion to proceed to [H.R. 146](#), an act to amend the American Battlefield Protection Act of 1996 to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes.

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

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

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

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

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

Following Senate passage of [S. 22](#), I understand that some Members in the House of Representatives expressed concern that the portion of the bill pertaining to Wild and Scenic Rivers and National Trails and National Heritage Areas might somehow be construed to limit access for authorized hunting, fishing, and trapping activities. While I am confident the Senate bill in no way restricts those activities, in an attempt to make this completely clear, the substitute amendment I will propose to offer, if we are able to do that, adds a provision in title V which covers Wild and Scenic Rivers and National Trails language designations. The new language states that:

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

Furthermore:

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

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

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

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

In addition, the Omnibus Public Land Management Act authorizes numerous land exchanges and conveyances to help local communities throughout the West. It includes the Forest Landscape Restoration Act, which will help undertake collaborative landscape-scale restoration projects to help reduce both future fire risk and fire-associated costs. It incorporates over 30 bills which will help address critical water resource needs at both the national and local level. It authorizes several studies to help communities better understand their local water supplies and the best way to meet future water needs, and it includes several authorizations for local and regional water projects that enhance water use efficiencies, address water infrastructure needs, and help provide sustainable water supplies to rural communities. [*3102]

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

The previous vote on [S. 22](#) was 73 Senators voting to pass the bill—evidence of the strong

bipartisan support for this package. Invoking cloture this afternoon on the motion to proceed to [H.R. 146](#) is the first step necessary to move the Omnibus Public Land Management Act toward enactment into law.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

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

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

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

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

A lot of that anger, that disbelief, that "oh my" moment comes when you hear about what we heard over the weekend about AIG, American Insurance Group, one of the largest insurance companies in the world, which got into trouble. Last fall, we were presented with what in effect became an \$85 billion bailout. I will never forget, as the new Secretary of the Treasury was coming through the confirmation process and the members of the Finance Committee had a chance to talk to him, I asked him: Why did we let Lehman Brothers go down and yet we propped up AIG? The answer was that AIG was too big, the hole was too big, that it would have had too many ramifications across the global marketplace to let it go down, whereas contrasted with Lehman Brothers, the financial hole was too big that it just simply could not be repaired.

Originally, they were talking about \$40 or \$50 billion to bail out AIG. Then it became \$85 billion. If we had known that \$85 billion, when we first agreed to let this happen last fall, if we had known that was going to go in taxpayer money to upwards of \$170 billion, and if we had known that money was going to prop up other financial institutions to which they had an economic obligation, many of those financial institutions across the world, would we have done it? Well, I doubt we would have because \$85 billion was big enough, but now closing in on \$170 billion of taxpayer money, I don't think we would have agreed to that. I sure don't think we would have agreed if we knew that money was going to-now get this-almost \$13 billion to Goldman Sachs; to a French financial company almost \$12 billion, Societe Generale; almost \$12 billion-all of this

taxpayer money-to Deutsche Bank of Germany; \$8.5 billion to Barclays; Merrill Lynch, which eventually bit the dust, \$6.8 billion; Bank of America, which is in deep trouble right now, \$5.2 billion, in deep trouble because they acquired Merrill Lynch; UBS, \$5 billion-the list goes on through DNP, HSBC, Citigroup, Calyon, Dresdner Kleinwort, Wachovia, ING, Morgan Stanley, and Bank of Montreal.

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

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

Is it any wonder people are upset? Is it any wonder the President of the United States has just had a press conference today saying he wants the Secretary of the Treasury to go back to find out what they can do to stop those bonuses from being paid or to get them back if they have already been paid? And, oh, by the way, why did AIG, last fall, when it made all of these payments, refuse to identify the individual financial institutions it was giving the money to? It all the more adds insult to injury. No wonder people are so mad and upset.

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

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

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

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

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

they came to Congress asking for a bailout again, they drove their own vehicles.

Well, what happened to the CEO of Bank of America, who has taken \$45 billion of taxpayer money? Of course, he is a busy man and very talented, but [*3103]

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

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

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

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

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

Space Shuttle Launch

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

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

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

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

Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

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

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

Mr. ALEXANDER. Thank you, Madam President.

President Obama's Budget

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

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

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

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

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

Mr. KYL. Madam President, I would say to my friend from Tennessee, of course, he knows the answer, having been a great student of history himself. If anyone would like to get one of the definitive works on this, it is a book called "The Forgotten Man." The author is Amity Shlaes. It is very well written. One of the key points it makes is precisely the historical point that my colleague from Tennessee makes; namely, that about the time the United States began to come out of the Depression, President Roosevelt's view was it was time to try to balance the budget and as a result—as Hoover had tried to do when he increased taxes and the economy tanked, which is exactly what happened again. So we didn't just have one Great Depression; we had a period of time when our country was in depression, it started to get out of the depression, and then went back into depression until World War II, largely because of this increase in taxes. The combination of the Smoot-Hawley tariffs—which are an increase in taxes of a different kind—and the income tax rates plunged the country back into the Depression.

If I could respond to the point about President Kennedy, he did exactly the opposite. We were in the doldrums, and he proposed, after he was elected in 1960, that we actually reduce the capital

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

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

Mr. KYL. Madam President, I would say to my colleague that is exactly right. That is one of the reasons why in this so-called stimulus package, a 1-year relief from the alternative minimum tax was included because we knew that the net was now casting so wide it would incorporate 20-plus million people into the category of millionaires-people who made \$50,000; \$60,000; \$70,000. The problem was the rates were never indexed for inflation, so what only caught millionaires at one time is now catching decidedly middle-class taxpayers. [*3104]

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

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

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

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

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

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

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

Mr. KYL. That is correct, the Make Work Pay Act, which is actually nothing more than a spending program in the guise of a tax cut. But whatever that gives back to people, it only covers what

has been taken from them in this energy tax, and, in fact, that is just the beginning. The energy tax, by all accounts, will explode to a far greater burden on every family than an initial burden of 800 bucks.

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

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

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

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

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

Mr. KYL. Madam President, let me turn to a slightly different aspect of this same problem. It is not just the energy tax in this budget that we are concerned about; it is also a variety of tax policies that will clearly and dramatically impact business-again, not what you want to do at a time of a recession. For example, it heavily taxes American corporations that have operations overseas. Now, we want to compete overseas. We don't want to just have American businesses here in America. Anybody who would go overseas to do business would be heavily taxed here. That will have a dramatic impact on our exports, which have been a big part of our economy and

on our gross domestic product in general.

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

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

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

Mr. ALEXANDER. Well, the Senator from Arizona brings up a very good point, which is the limitation on deductions people might take. Now, again, that sounds pretty good because one may say: Well, that applies just to someone with a lot of money, but let's think about this for a minute. That means charitable deductions in the United States would not receive the same sort of treatment under President Obama's plan that they do today. So we take a college such as Maryville College in my hometown, which is a small Presbyterian college that doesn't have a very large endowment; a faith-based college. It is having a tough time in the economy anyway. Then we come along and we say to people to whom it might turn for charitable contributions: Sorry, we are going to take away the incentive that Americans have to make charitable contributions to the colleges, to the Boy Scouts, to the Girl Scouts, to the pro-life groups, to the pro-choice groups, to all sorts of associations in America that are having a [*3105]

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

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

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

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

Let me quote from page 5 of the Federal budget. He is referring to the amount of income the top

1 percent of earners in our country makes:

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

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

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

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

The PRESIDING OFFICER. The Senators have 2 minutes.

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

The point is, this is not the purpose of tax policy. The purpose of tax policy should be to raise the amount of money we need, and need legitimately, to run the Federal Government, and do so as fairly as possible.

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

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

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

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

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

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

The Obama Rosetta Stone

(By Daniel Henninger)

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

Turn immediately to page 11. There sits a chart called Figure 9. This is the Rosetta Stone to the

presidential mind of Barack Obama. Memorize Figure 9, and you will never be confused. Not happy, perhaps, but not confused.

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

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

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

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

As described in Mr. Obama's budget, these two economists have shown that by the end of 2004, the top 1% of taxpayers "took home" more than 22% of total national income. This trend, Fig. 9 notes, began during the Reagan presidency, skyrocketed through the Clinton years, dipped after George Bush beat Al Gore, then marched upward. Widening its own definition of money-grubbers, the budget says the top 10% of households "held" 70% of total wealth.

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

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

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

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

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

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

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

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

on the stimulus estimated by the end of next year it would increase jobs by 3.6 million and GDP by 3.7%.

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

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

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

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

Mr. ALEXANDER. Madam President, I hope all of us in the Chamber understand that people are hurting, and we [*3106]

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

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

Halabja Anniversary

Mr. LIEBERMAN. Madam President, it was exactly 21 years ago today that Saddam Hussein

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

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

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

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

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

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

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

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

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

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

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

Two decades ago, the Kurdish-inhabited regions of Iraq were decimated and depopulated by one of the 20th century's most vicious and tyrannical despots. Fortunately, the story does not end

there. Today, thanks in no small part to the protection provided by the United States, the Kurds of Iraq have rebuilt and their region is flourishing. The great Kurdish cities of Erbil, Sulaymaniyah, and Dohuk are the safest in Iraq today, and they are booming economically. The Kurdish people have emerged from the yoke of tyranny to become some of America's best and most loyal allies anywhere in the world.

The leaders of the Kurdistan Regional Government still face challenges. They need to pursue further political reform and economic liberalization. They must fight corruption, and they must continue to work with the democratically elected Government in Baghdad to ensure that disputes over contested territory in northern Iraq, including in the city of Kirkuk, are resolved peacefully and not through violence. And I am confident they will.

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

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

The PRESIDING OFFICER. The Senator is recognized.

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

The other thing we should be aware of is that throughout this omnibus lands bill there are 150 different individual bills, 50 of which never had a hearing in the House-they were voted [*3107]

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

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

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

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

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

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

A bill that is 150 bills or 160 bills comes to the floor with many people as proponents. The question Americans ought to ask their Senator is: Even though you get something for us, is this a good deal for us? Is this something with which we want to bless the other 149 bills throughout this mega, omnibus lands bill? Do you get something that is good for the country as a whole, that is good for the country in the long term, that benefits the next two generations; do we do so in a way that is prudent, efficient, effective, and manageable? The answer to that question is no. It is no today, it is going to be no tomorrow, and it will be no after we have done this and look back on it 10 years from now.

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

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

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

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

In the case of the Energy Committee, this package, along with a similar package that was passed by the Senate last spring, represents almost 2 years' worth of hearings, negotiations, and business meetings on the many facets of these public lands issues. This package contains over 160 public lands bills, the vast majority of which went through the regular committee process and then sat individually on the Senate calendar at the end of last session.

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

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

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

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

On the other hand, this bill actually transfers 23,226 acres of Federal lands to private and State sectors through conveyance, exchange, or sale. The bill does authorize the expenditure of funds, but each of those is dependent on future appropriations that depend on the oversight provided by the appropriations committees and the Presidential budget request. [*3108]

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

With that, Madam President, I yield the floor.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

The Budget

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

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

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

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

I do not think that is a fair statement of some of the things in here. We will be talking about some of the concerns as we go on. Fundamentally, the budget, as proposed, presents an overly rosy economic forecast. In fact, the numbers do not correspond with the best numbers we have on the economy from the Blue Chip indicator. That is the top 51 economists in the country. It is considered the gold standard of economic forecasting that we should have used or been close to. The consensus view of the Blue Chip economists-why is this important? It is important because if you are projecting an overly healthy economy, you are projecting more revenue into the Treasury than you are actually going to receive. That is the big deal.

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

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

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

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

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

What are these economists saying, the consensus? They project 9.2 percent this year and 8.8 percent next year-not 7.9. That makes a big difference. This is a big difference. It matters as to whether we can reach the goal the President has stated of reducing the deficit in half by 2013. That is not a significant commitment, frankly. It, in itself, is a gimmick, and I will explain that too. Using the Blue Chip forecast, the deficit is going to be \$53 billion higher next year for fiscal year 2010 and about \$150 billion higher in 2013.

We will have opportunities as we go forward. We will have budget hearings this week, I think

some more, and a markup in the Budget Committee next week. I think we have a good committee. Chairman Conrad is asking some tough questions. He is not rubberstamping the administration's ideas, and I am proud of that because we are going to have to take some tough decisions.

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

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

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

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

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

We are not doing well. Also, I have to tell you that the budget is a 10-year budget. All of us know that in the outyears it is hard to predict what is going to happen. I will just say, however, that President Obama's 10-year budget [*3109]

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

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

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

\$712 or \$720 billion deficit 20 years from now, I don't think we can support that.

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

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

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

I yield the floor.

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Cloture Motion

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

The bill clerk read as follows:

Cloture Motion

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 27, [H.R. 146](#), the Revolutionary War and War of 1812 Battlefield Protection Act.

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

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

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

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

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

Mr. KYL. The following Senators are necessarily absent: the Senator from Nebraska (Mr. Johanns), the Senator from Florida (Mr. Martinez), the Senator from Louisiana (Mr. Vitter), and the Senator from Georgia (Mr. Chambliss).

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

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

[Rollcall Vote No. 99 Leg.]

YEAS-73

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

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

NAYS-21

- Alexander
- Brownback
- Bunning
- Burr
- Coburn

- Corker
- Cornyn
- DeMint
- Ensign
- Graham
- Grassley
- Gregg
- Hutchison
- Inhofe
- Isakson
- McCain
- McConnell
- Roberts
- Sessions
- Shelby
- Thune

NOT VOTING-5

- Chambliss
- Johanns
- Kennedy
- Martinez
- Vitter

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

Mr. DURBIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. BINGAMAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

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

Mr. KAUFMAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

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

AIG BONUSES

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

Every American ought to be outraged. Every person who has ever paid [*3110]

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

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

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

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

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

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

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

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

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

He goes on to say in his letter that they cannot attract and retain the best and the brightest talent to lead and to staff the AIG business if the employees believe their compensation is subject to continued and arbitrary adjustment by the U.S. Treasury. Arbitrary? Continued? Bring it out there and let the owners of the company-the American people-make that decision. The American public will say they want accountability, oversight, and they want value for their taxpayer dollars. It is not what the American taxpayers are getting today from AIG.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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