

title amendment, which is at the desk, be considered and agreed to and the motion to reconsider be laid upon the table; provided further debate time prior to a vote in relation to each amendment be limited to 60 minutes, equally divided and controlled in the usual form; and that no amendment be in order to any amendment prior to a vote in relation thereto; that if there is a sequence of votes in relation to the amendments, then prior to each vote in a sequence, there be 4 minutes of debate, divided as specified above, and that after the first vote in any sequence, subsequent votes be limited to 10 minutes each.

Here is the list of amendments: Coburn amendment No. 680, regarding barring new construction. The second is Coburn amendment No. 679, regarding striking provisions restricting alternative energy. The third is Coburn amendment No. 683, regarding striking targeted provisions. The fourth is Coburn amendment No. 675, regarding eminent domain. The fifth is Coburn amendment No. 677, regarding annual report. And the sixth is Coburn amendment No. 682 regarding subtitle D clarification.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The motion to proceed is agreed to.

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

The PRESIDING OFFICER. The clerk will report the bill.

The bill clerk read as follows:

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

#### AMENDMENT NO. 684

(Purpose: In the nature of a substitute)

The PRESIDING OFFICER. The clerk will report the substitute amendment.

The bill clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 684.

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

Mr. BINGAMAN. Mr. President, at this point I believe I intend to put a quorum call in. My colleague from Idaho is going to speak in a few minutes, as I understand it, to discuss some of the issues involved with the legislation. I plan to speak myself and then we will await Senator COBURN's return to the floor so he can call up the first of his amendments.

I am informed that the Senator from Oklahoma wishes to speak. Accordingly, I will not put in a quorum call at this time.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, a lot of my colleagues have come down and talked about the outrage at the exces-

sive bonuses for AIG executives after, then, the \$180 billion bailout. I think we should be mad at a lot of people, I guess, right now—certainly the executives who were the ones who ran what was once a great company into the ground. But that is not where the blame ends. It is not where the buck stops. I know I will upset some of my colleagues when I remind them and the American people that much of the blame should be directed right here in this Chamber to Members of this body, the Senate, and to the other side of the Capitol, because that is where it all started in October.

It was October 10 when 75 percent of the Senators voted to give an unprecedented amount of money to an unelected bureaucrat to do with as he wished. This happened to be \$700 billion, the largest amount ever authorized, if you could use that word, in the history of the world. So 75 percent of the Senators in this Chamber said to both Treasury Secretary Hank Paulson and Tim Geithner—let's keep in mind he was in on this deal, too—when voting in favor of the massive bailout, to go ahead and take the \$700 billion and do anything with it you want.

How can they support giving money to a bureaucrat to "do anything you want"? There was nothing there. He gave a promise. He said it was to go buy damaged assets, but he didn't do that. Instead, that money went to banks and I don't know that there are any positive results in the way of credit as a result of that effort.

When it comes to AIG, outrage doesn't even come close. I have said from a long time, from the outset, in fact, that the Federal Government needs an exit strategy for its entanglement in the financial system. The revelation that AIG is trying to give hundreds of millions of dollars in bonuses at the same time it is the recipient of the largest government bailout in history shows why. How can you give out bonuses when the taxpayer has to rescue you from sudden failure? What are these bonuses for exactly?

I understand bonuses should be a reward for a job well done. It is pretty clear when they are getting bailed out by the taxpayers it was not a job well done. What could possibly justify the bonuses? I normally would not support having the government try to micro-manage pay packages in any industry, but these are not normal times. AIG has received almost \$180 billion in U.S. taxpayers' bailouts. The U.S. Government owns 80 percent of the company. How the executives at AIG do not get the fact that these are not normal times is absolutely mind boggling.

I have been saying for a long time we need a change of course in our approach to the financial bailouts. President Obama's Treasury Secretary came out over a month ago, February 11, and he said he had a plan for changing course. We have been waiting since February 11 for that plan. Nobody has it. We do not have any idea if anybody

has a plan out there, but certainly we have not heard anything from Tim Geithner.

I don't know how people at AIG, giving out or receiving a bonus right now, can look themselves in the mirror, but my colleagues and I in Congress can look you in the eye right now and say if we do not see action on this and action on it soon from the administration, you can be sure we will do all we can to right this wrong to get these bonuses back.

There are several people working on how, mechanically, that would work. But above all, we need the people to demand a change in course when it comes to a financial rescue approach.

I hesitate saying this but—and I hope this will never happen again—at the time, October 10, when a decision was made to influence 75 percent of the Senators in this Chamber to give \$700 billion to an unelected bureaucrat to do with as he wished and then we turned around and complained about what he did with it was not reasonable. I hope this never happens again.

With that, I believe there are some things in the works now that are going to change this situation. I hope we can be successful. It is unconscionable what has happened.

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

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

Mr. CRAPO. Mr. President, I am very pleased today to stand in behalf of and support of H.R. 146. This is what we passed earlier in the Senate as S. 22 and now, because of the procedural necessities between the House and the Senate as we seek to provide an opportunity for this legislation to reach the desk of the President, it has been amended to H.R. 146.

To call this legislation bipartisan is an understatement. This bill contains over 150 individual provisions sponsored by almost 50 different Members, almost half of our colleagues in this Senate. It represents every region of the country and has almost an equal number of bills from each side of the aisle. It is going to provide significant protections to existing public lands, improve recreation, cultural and historic opportunities, and provide important economic benefits for rural economy States such as my home State of Idaho.

Every bill in the package has gone through regular order. Most have had multiple hearings and markups in the Energy Committee. All are fully supported by the committee chairman and the ranking member. In fact, many of the provisions, such as my top legislative priority, the Owyhee initiative, are the result of years of extensive collaboration at the State and local levels

in conjunction with elected officials, businesses, community leaders, outdoor enthusiasts, and other stakeholders. This legislation has been in preparation, also, for years. In fact, many of the provisions included in this legislation were initially worked on by the Energy Committee when the Republicans were in control of the Senate and Senator Pete Domenici was the chairman of the Energy Committee.

Additionally, there is no direct spending in this authorizing bill. The package does not have any bills that have a CBO score without an offset, meaning that the spending authorized in this bill is offset. This is not to say that the legislation is without controversy or that it is unanimously supported. Few pieces of legislation that pass through this Chamber are. However, while any omnibus package by nature will contain elements that are troubling to some, the Energy Committee negotiated the inclusion of each bill in this package to successfully reach a compromise on which both sides of the aisle could agree.

As with my Owyhee wilderness legislation, not everyone got exactly what they wanted, but both sides made concessions and believe the result is something they can put their support behind. As a result, this omnibus lands bill is widely supported and represents a diverse group of interests from every region of the country. Because of this, I strongly urge my colleagues to support its passage swiftly this week.

Some are attacking the bill by saying it is a huge omnibus bill that contains over 150 separate individual pieces of legislation and that because it is so large, that is a reason to oppose it. Frankly, I am one of those in this Senate who does not like the notion of taking smaller pieces of legislation, in general, and packaging them into large omnibus bills without allowing those bills to go through orderly process and without allowing the committee process and the amendment process on the floor to fully work. This is not the first time this legislation has seen the floor of the Senate, however. As I said earlier, it has already passed the floor essentially in the same format as the proposed amendment of the Senator from New Mexico, as S. 22. It was on the floor previously and essentially in the same shape and we debated it multiple times.

As I said, the individual pieces of this legislation have moved through the Energy Committee and have been approved by the Energy Committee as this process was followed.

Historically it has been the way the Energy Committee approaches public lands legislation, to put them into large groups. Why? As I said, there are 150 pieces in this particular bill. Previous to this bill was another one which I believe had somewhere over 70 different pieces, and I will bet the Energy Committee today has another 50 or 70 or 100 pieces of legislation waiting for consideration. If every single one of

them moved individually on the floor of the Senate, we would have little time on the floor for any other type of business.

It has become a working procedure that these bills are grouped together and moved in one unit as we work among ourselves with regard to land management issues in our respective States so we can move forward.

Let me give an example of what I am talking about, relating to my own specific state, Idaho. As I have indicated, my top legislative priority, the Owyhee initiative, is included in this bill. I am going to talk further about it in a few moments. But that is not the only bill relating to Idaho that is in this legislation. As a matter of fact, there are five or six bills in this legislation that relate to my home State of Idaho. Let me give an example of what they are so you can see why it is these bills are collected together and moved as one unit.

One of them is S. 2354, the Twin Falls Land Exchange.

This bill transfers four specified parcels of land in Twin Falls, ID, from the BLM to the city of Twin Falls, ID, for use to support the Auger Falls Project, which is a community park and recreation area.

Again, many people who are not from the West, who do not realize how large the areas of public land are that we have out here, do not realize that when we make adjustments to land ownership between the Federal Government and the city or the county or other private entities, it requires an act of Congress. That is what one of these provisions in the bill is, an uncontroversial bill for this land exchange between the BLM and the city of Twin Falls.

Another one is S. 262, to rename the Snake River Birds of Prey National Conservation Area as the Morley Nelson Snake River Birds of Prey National Conservation Area in honor of the late Morley Nelson, who is an international authority on birds of prey, who was instrumental in the establishment of this National Conservation Area—the change of the name of a conservation area.

Another of those pieces of legislation relevant to my home State of Idaho is the boundary adjustment to the Frank Church River of No Return Wilderness, another huge area in Idaho which has been previously, years and years ago, designated as wilderness, where we need to make a few boundary adjustments to include and exclude some specific lands.

Another one is S. 542. The name is Snake, Boise, and Payette River Systems studies. This legislation authorizes the Secretary of Interior, acting through the Bureau of Reclamation, to conduct feasibility studies on projects that address water shortages within the Snake, Boise, and Payette River Systems in Idaho that are considered appropriate for further study by the Bureau of Reclamation water storage assessment report; in other words, to

help us manage our water issues in Federal lands that are managed in the State of Idaho. This legislation authorizes this important water study for the people of our State.

Another of the bills in this package relating to the State of Idaho is the reauthorization of the National Geologic Mapping Act of 1992. This amends the National Geologic Mapping Act to extend the deadlines for development of a 5-year strategic plan for the geologic mapping program and for appointment of an advisory committee.

That applies a little bit more broadly than just to Idaho, but it is very important in Idaho that we have the proper and final conclusions of this mapping process for our State's land management.

There are other pieces of legislation within this package that are not specific to Idaho but are very relevant to the citizens of other States. For example, one of the bills, S. 2593, is called Forest Landscape Restoration Act of 2008, which establishes a collaborative forest landscape restoration project to select and fund ecological restoration treatments for priority forest landscapes, an important part of our forest management policy that we have been working on for some time to get a more collaborative and effective way to manage our forests in our country.

Another piece, the Ice Age Floods National Geologic Trail Designation Act—this one designates the Ice Age Floods National Geologic Trail, a trail from Missoula, MT, to the Pacific Ocean, to proceed for the public appreciation, understanding, and enjoyment of the nationally significant natural and cultural features of the Ice Age floods.

Again, I point these out simply to show the broad variety of the types of land management decisions and acts, pieces of legislation that are included in this bill, which is being attacked as something that was just thrown together in a haphazard fashion by those who wanted to expand the role of the Federal Government in controlling the public lands.

I can tell you, in my home State of Idaho, there is very strong resistance to increasing the reach of the Federal Government. The decisions that we have made in supporting these types of legislation have been made in terms of trying to protect and preserve those very kinds of issues.

I will mention one more, S. 2875. This is one that is very important to us in the West, probably not that big of an issue in the East. It is called the Wolf Livestock Loss Prevention and Mitigation Act, introduced by Senator TESTER of Montana. I am a cosponsor of it. It authorizes the Secretary of the Interior and the Secretary of Agriculture to establish a 5-year demonstration program to provide grants to States and Indian tribes to assist livestock producers with respect to losses they may acquire on Federal, State, private, or Indian land, to undertake proactive,

nonlethal activities to reduce the risk of livestock loss as a result of predation by wolves.

The reason the predation of wolves has become an issue is because under the Endangered Species Act, the wolves have been reintroduced into this area. Now a conflict has arisen as to wolves that, frankly, are predators with regard to livestock. This legislation in some States is not an issue, might be irrelevant. To people in my State, it is a huge issue. The bill continues with issue after issue in other States where Senators, with the renaming of recreation areas, the adjustment of boundaries, the establishment of water studies and the like, have been working with land management issues in their States to proceed with rational, well thought out policy changes that they and their States support. I do not believe there is a single piece of legislation in this bill that is not supported by the Senators from the States in which the land sits, where the legislation impacts.

Now, let me take a few minutes while I wait for my colleagues who want to come and bring amendments. I would say right now to my colleague from Oklahoma or any others who would like to come and either debate this matter on the floor or bring forward an amendment and be given the amendment consideration process, that I am prepared to work with them as soon as they arrive on the floor for that purpose. But until they arrive, let me talk a little bit about the Owyhee Initiative.

I said earlier it was my No. 1 priority for this legislation. Many people, when I say "Owyhee," wonder if I am saying "Hawaii." It is Owyhee, O-w-y-h-e-e, and it is named after the Owyhee Canyonlands in southwestern Idaho, one of the most beautiful places that you can find in many parts of this country, but one of the most beautiful parts of the country with a tremendous and rich environmental and cultural heritage.

It is also an area where we have been having conflicts over land management policies for decades. Conflict among whom? Well, in this area, this beautiful gorgeous area of Idaho, not only do we have a rich environmental heritage and flora and fauna that abound, but we have livestock owners and ranchers. We have two Indian tribes. We have an Air Force training range both on land, as well as the air rights that impact on the area.

We have, as you might guess, hunters and fishers, and those who would like to recreate in the area in off-road vehicles or backpacking or rafting on the rivers or any number of other ways. And the types of uses that people want to put this gorgeous land to occasionally—not occasionally, regularly—come into conflict. Because of that, 8 years ago I was asked by a number of those from different interests in this land to see if I would host a collaborative effort to bring together those in-

terested in all different perspectives, and instead of fighting in court or fighting in public hearings to sit down around the table and see if we could not collaboratively work out a solution.

I agreed to do so, and we started the Owyhee Initiative. That was literally about 8 years ago. Since that time, I am pleased to tell you that this collaborative effort between all levels of government, multiple users of public land and conservationists to resolve these decades-old heated land use battles in the Owyhee Canyonlands have come to a conclusion by all who support this legislation.

Now, I cannot tell you that literally every interest group possible supports it, but I can tell you that with the exception, in my opinion, of those in extreme positions, the vast majority of the people of Idaho and people across this country with interests in this great land are supportive of this land management act which has been proposed in Congress.

Owyhee County contains some of the most unique and beautiful canyonlands in the world, and offers large areas in which all of us can enjoy its grandeur. Now, 73 percent of the land base in this county is owned by the United States of America, and it is located within 1 hour's drive of one of the fastest growing areas in the Nation, Boise, ID. This combination of all of this incredible bounty, the closeness to a very large, growing population and the large amount of land ownership by the Federal Government, together with all of these other multiple uses to which the people who love the land want to put it to, has resulted in an explosive effect on property values, community expansion development, and ever-increasing demands on public land.

Given this confluence of circumstances, Owyhee County can certainly be understood to be a focus of conflict over the years, with heated political and regulatory battles that many thought would never end. The conflict over the land management is both inevitable but also understandable. And the question we face is, how do we manage it?

The wonderful people I will mention who worked on this effort came together and were able to find win-win solutions where everybody was better off with this legislation than with the status quo. The county commissioners said enough is enough, and I have to give credit to them for their tremendous work.

As we went forward, we ran into some sharp turns and steep inclines and burdens and hurdles in the roads, sharp rocks, deep ruts, sand burrs, what have you. But we worked hard for the last 7 or 8 years to come up with this legislation which I now support.

The commissioners appointed a chairman, an extraordinary gentleman, Fred Grant. They formed a work group that included the Wilderness Society, the Idaho Conservation League, the

Nature Conservancy, Idaho Outfitters and Guides, the U.S. Air Force, the Sierra Club, the county Soil Conservation Districts, Owyhee Cattleman's Association, the Owyhee Borderlands Trust, People for the Owyhees, the Shoshone and Paiute Tribes, and others to join their efforts. They all worked together, and we came up with this legislation.

Now, I see that others have come in, and I believe they may want to begin making remarks, so I will wrap up rather quickly. I have a list of the names of the individuals who worked so hard over the years to bring together a win-win situation for the people of Idaho.

These people came from groups and institutions and interests that historically have been battling head to head. Instead, they were willing to work through this in a way that I believe sets a tremendous example for how we should approach land management decisions and conflicts in this Nation.

That is another reason this important legislation should pass. This legislation, some call it a wilderness bill, and it does have wilderness in it—I call it a comprehensive management bill, not just wilderness, but wild and scenic rivers. It deals with cattle and ranching. It deals with private property ownership. It deals with off-road vehicle use. It deals with travel plans. It deals with hunting and fishing and outfitters and the guides and all of the other different aspects of the way that people would want to use beautiful land like this.

I commend the commitment and leadership of everybody who has worked to make this legislation possible. Today is a very important day for them. Although we will probably still spend some time on the floor of this Senate working on this and the other important issues in this legislation, it is my hope we can expeditiously handle the amendments that have been proposed to this legislation and then move forward with just as expeditious activity and send this legislation back to the House for, hopefully, its final consideration.

Again, I thank my colleagues for their forbearance and for listening to this one more time. I am looking forward to the debate that we will have on the authorized amendments that have been made in order. I will work with my colleagues to assure that we pass this legislation as quickly as possible.

I would like to recognize and thank the people who have been the real driving force behind this process: Fred Grant, chairman of the Owyhee Initiative Work Group, his assistant Staci Grant, and Dr. Ted Hoffman, Sheriff Gary Aman; the Owyhee County Commissioners: Hal Tolmie, Chris Salova, and Dick Reynolds and Chairman Terry Gibson of the Shoshone Paiute Tribes. I am grateful to Governor Jim Risch of the Great State of Idaho for all of his support. Thanks to Colonel Rock of the U.S. Air Force at Mountain Home Air Force Base; Craig

Gherke and John McCarthy of the Wilderness Society; Rick Johnson and John Robison of the Idaho Conservation League, Inez Jaca representing Owyhee County; Dr. Chad Gibson representing the Owyhee Cattleman's Association; Brenda Richards representing private property owners in Owyhee County; Cindy and Frank Bachman representing the Soil Conservation Districts in Owyhee County; Marcia Argust with the Campaign for America's Wilderness; Grant Simmons of the Idaho Outfitters and Guides Association; Bill Sedivy with Idaho Rivers United; Tim Lowry of the Owyhee County Farm Bureau; Bill Walsh representing Southern Idaho Desert Racing Association; Lou Lunte and Will Whelan of the Nature Conservancy for all of their hard work and dedication.

I would also like to thank the Idaho Back Country Horseman, the Foundation for North American Wild Sheep, Roger Singer of the Sierra Club, the South Board of Control and the Owyhee Project managers, and all the other water rights holders who support me today. This process truly benefited from the diversity of these groups and their willingness to cooperate to reach a common goal of protecting the land on which they live, work, and play.

The Owyhee Canyonlands and its inhabitants are truly a treasure of Idaho and the United States; I hope you will join me in ensuring their future.

Mr. WHITEHOUSE. I ask unanimous consent to speak as in morning business for 5 minutes and, at the conclusion of my remarks, the Senator from Vermont, Mr. SANDERS, be recognized.

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

#### AIG EXECUTIVE COMPENSATION

Mr. WHITEHOUSE. Mr. President, I come to the floor to talk about the question of executive compensation triggered in particular by the recent round of bonuses paid to executives at AIG who had such a significant role in putting America into the economic distress we are in now. I have vented probably 50 times over this already, so I have calmed down a bit, but it is truly infuriating. I believe all my colleagues share how frustrating and infuriating it is. What is it about these people? They don't seem to get it. At long last have they no sense of humility? Have they no sense that their wretched corporation would not even exist today if it were not for the good will of millions of American taxpayers whose own economic future is being put at risk to prop up this corporation? Then they turn and do this?

It is not only I. I was in Rhode Island over the weekend. I stopped at Coffey's service station to have the oil changed. It was the one thing the mechanics were furious about. People don't come up to me and talk about issues all the time. I am a pretty normal person. We bump into each other, and we talk about various things. They were all over this. I stopped at Amenities Deli in Providence to pick up coffee and a

muffin. Rosie, who runs it, all over this. I went to a meeting with the police chief and some community organizers in Olneyville. There was the local media, the radio stations, all over it. People are so angry.

What has happened is, the view has appeared that there isn't anything we can do about this. What I would like to say is, I believe that view is wrong. I am pleased President Obama has directed Treasury Secretary Geithner to use the Treasury's leverage and pursue every single legal avenue to block these bonuses and make the American taxpayers whole.

It is not just these bonuses. There is more out there. The Wall Street Journal reported weeks ago that there is \$40 billion in deferred executive compensation waiting to be paid to recipients of the TARP plan of Federal taxpayer generosity. We are not doing anything about that either. The problem is fairly simple. In the ordinary course, these companies which have wrecked themselves would ordinarily be insolvent and would ordinarily go into bankruptcy. In bankruptcy, you would have a judicial forum. The court would make determinations about who gets paid under a regular schedule. These executive compensation schemes—deferred compensation is a tax dodge, so how wonderful that that should be favored now—these compensation schemes come at the very end. You line up at the back of the line with the unsecured creditors and you may get paid only pennies on the dollar. But because of their importance, because they were too big to fail, because we had to keep our financial system going, we could not allow them to go into bankruptcy. That was the decision. That took away that judicial forum.

Because we haven't replaced it under American law, where you can't undo a contractual obligation, you can't willy-nilly take it away, not without providing due process of law, all the way back to that case that all of us learned in the first year of law school, *Fuentes v. Shevin*. When the sheriff came to take away Mrs. Fuentes' stove because she hadn't paid for it, the Supreme Court said: You can't take Mrs. Fuentes' stove away, even if she hasn't paid for it, not without giving her a chance to be heard. So we have to create a place where the Government can go to contest these executive compensation schemes and have a proper due process hearing and air it out before the people.

The legislation I have proposed is called the Economic Recovery Adjustment Act of 2009. It would permit the Government, after notice and a hearing, consistent with due process principles, to reduce excessive executive compensation obligations at financial institutions that have received Federal bailout funds. It would also create an office of the taxpayer advocate in the Department of Justice to take the other side in the contest between the executives and the public, the Depart-

ment of Justice would represent the public. Finally, you would set up a temporary court, a temporary recovery oversight panel of sitting bankruptcy judges. You don't have to create new positions. You take sitting bankruptcy judges and create a temporary panel and you can get this heard.

I don't wish to speak long. I know the distinguished Senator from Vermont is waiting. I do wish to assure my colleagues that if we want to ventilate about this, if we want to wring our hands about it, if we want to give speeches about how it is outrageous, we can do that. But if we actually want to do something about it, within the constitutional restrictions of the United States, I believe the bill I have proposed will allow us to do it. Frankly, I don't see another way. I invite colleagues to discuss it further with me. I don't think I have an exclusive piece of wisdom here. I do think there may be ways the bill could be improved. I am willing to listen to anybody.

I can't tolerate a situation in which we do nothing, in which we unilaterally disarm the U.S. Government from doing anything about this compensation by failing to set up the basic judicial method through which we could take a look at this and try to make things right.

Again, I invite my colleagues to be in touch on this, if they are interested in pursuing it. I think it is necessary. I appreciate the indulgence of the Chair. I appreciate the indulgence of the distinguished Senator from Vermont.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, it is hard to know how to begin because there is such a huge sense of outrage today in our country at what Wall Street has done through their greed, through their recklessness, and through their illegal behavior. The so-called masters of the universe, the best and the brightest, have plunged our Nation and, in fact, the world into a deep recession and taken us to the edge of a major depression.

In my State of Vermont and all over the country, what we are seeing is good, decent people losing jobs, losing homes, losing savings, losing their hopes for a future because of the greed and recklessness of a small number of people on Wall Street.

Everybody understands that one of the major institutions that has taken us into the financial mess we are in today is AIG. Over the past several years, AIG has moved away from being the largest insurance company in the world to becoming the largest unregulated gambling hall in the world. That is what they have done. As a result of the risky bets that AIG had made and lost on, the taxpayers have spent \$170 billion bailing them out. That amounts to some \$600 for every man, woman, and child.

During much of this period, Hank Greenberg, former CEO of AIG, was

able to amass a personal fortune of close to \$2 billion. In 2007, he was one of the wealthiest people in the world. Even after the collapse of AIG, Mr. Greenberg is still worth close to \$100 million, according to Forbes magazine.

Having helped cause this financial disaster as a result of their reckless and irresponsible behavior, it is beyond comprehension that these same people, the best and the brightest, would actually believe they are entitled to millions of dollars in bonuses. Think for a moment. These are the people who have caused one of the great financial disasters in the last 70 years, and they are sitting back and saying: For all of my fine and excellent work, I am going to be rewarded with a \$3 million bonus or whatever it may be.

It goes without saying that we have to hear the outrage of the American people and say: Enough is enough. I have signed on to two letters which essentially tell these people who have received their bonuses to give them back. If they don't give them back, we are going to pass a surtax on those bonuses so the taxpayers will, in fact, receive back what we gave them. In my view, what we have to move to is legislation, to what I proposed, along with Senators LINCOLN and BOXER, which was called "stop the greed" legislation on Wall Street.

The President is paid \$400,000 a year. I think the President will survive on that sum of money. It seems to me that when taxpayers are spending hundreds of billions of dollars bailing out large Wall Street firms, we should make it very clear that none of their executives should be entitled to earn more than the President of the United States. They can, in fact, get by. I know it will be hard, but I expect they can survive on \$400,000 a year when the taxpayers of this country are bailing them out.

More importantly and, in fact, for another lengthier discussion, we need to move to a new concept of what Wall Street should be doing. Bankers historically in our country and in the world play a very important role in providing credit to businesses that then create jobs, providing credit to individuals who can purchase homes and other necessities. That is what bankers historically have done. But over the last number of years, what Wall Street has become is not a place where responsible loans are made but a gambling hall where these guys have made huge sums of money in very risky investments that have failed. The taxpayers are now bailing them out.

We need to rethink the function of Wall Street. I, personally, believe that all these CEOs who are responsible for the crisis we are in right now should be leaving their positions. I would hope business schools will be educating financiers and business people to take the position that their job is to help this country, help create decent-paying jobs, help people get the homes they need, help people get the loans respon-

sibly that they should have. That is a radical idea, I know. But I would hope we can move toward a Wall Street which has those values. The American people are sick and tired. They have had it up to here with a Wall Street that has seen their only responsibility being to make as much money as they possibly can in any way they possibly can.

Having said that, immediate action in stopping these bonuses is the order of the day. Longer term, we need fundamental reforms in the way Wall Street does business.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I thank my colleagues from Vermont and Rhode Island for their comments. I certainly support what they have had to say.

When my kids were growing up, my daughter's favorite movie was the "Wizard of Oz." It had that great ending, of course, when this massive wizard who held everyone in thrall, they finally pulled the curtain back, the little doggie did, and there was this gnomish character sitting in front of a microphone. Everybody stepped back and said: All these years that we have been afraid of the great Wizard of Oz, it turns out it is just a little fellow back there.

I wish to thank the bonus babies at AIG. They managed to trip up the curtain and we took a look and saw what was behind it. What was behind it was unvarnished greed. These are people who would not have a job today were it not for the hard-working taxpayers of America putting \$160 billion of our tax money into their failed corporate experiment, an experiment that failed and they knew it would, when they went overseas to London and had 300 of their best and brightest dream up a plan to issue insurance policies that couldn't pass muster by the laws and regulations of the United States. Somehow they dreamed it up in London, executed it, and the next thing you knew American taxpayers were holding the bag. It was a big bag; some say \$1 trillion or more of liability.

So the time came when Secretary Paulson and Chairman Bernanke called the leaders from the House and Senate into a private meeting last October and said, in a very quiet manner: If we don't do something and move quickly to do it, the American economy could collapse and the rest of the world may follow.

Now, that is the kind of conversation you do not forget around Capitol Hill. I will never forget it. We said: What do you need? They said: We need hundreds of billions of dollars to ride to the rescue of AIG and all these other entities that are teetering on collapse.

So what did we do? Most of us said: We have no choice. If the alternative is to do nothing and watch businesses and families fail, we cannot let it happen. So we gave this authority to the previous administration to try to move in

and prop up the economy and get it moving forward again.

Well, about \$350 billion later, people said: What happened? Did it solve our problems? No. We are still in a recession. Did it save banks? Perhaps some for another day. But the economy is still struggling. We ended up saying to American taxpayers: Now you will become investors in these teetering and failing financial institutions.

That is what brings us to today. It turns out we own about 79 percent of the value of AIG—once the world's largest insurance company. Now it is subsidized by American taxpayers. Were it not for that subsidy, it would have fallen flat on its face in bankruptcy, as Senator WHITEHOUSE mentioned earlier. In bankruptcy, the sanctity of the contract is set aside. The bankruptcy trustee and judge sit back and decide: What are we going to do with limited assets and dramatically larger liabilities at the end of the day? They rewrite contracts. They basically come to different conclusions.

We saved AIG from that fate as taxpayers, and what reward do we have to show for it? Millions of dollars in bonuses paid to employees who failed, bonus babies at AIG who could not get enough. After \$160 billion of taxpayers' money, they wanted their own personal bonuses to take home. As families across America struggle, losing their jobs, losing their homes, watching their savings accounts diminish to virtually nothing, these folks wanted to walk off with a bonus. For good work? No. A bonus for bad work.

So this morning a couple people ventured out to defend them. I could not wait to read those articles. One of them said: These people know where all the bodies are buried. They know the intricacies of these insurance policies. We need them. They know the secret rocket fuel formula. If they leave, someone else may never discover it, and we could lose even more money.

I am not buying it. America should not be held hostage by the bonus babies at AIG. The fact is, what we have seen here is greed at its worst, incompetence rewarded, and people bold enough on the Federal subsidy to want to take a million dollars or more home for a job not well done.

Well, there are several ways we are going to try to send a wake-up call to these bonus babies at AIG. One of them is a provision that Senator BAUCUS of the Finance Committee has proposed, which is virtually going to impose taxes on them so, at the end of the day, after they pay their tax bill, there is nothing left. After they have paid their Federal and State and local taxes, there will not be anything left of these bonuses.

I do not know if they will have the good sense to realize this was a terrible corporate decision, but we have to send this message loudly and clearly. If America's taxpayers are on the line, then, frankly, these people, who now

work for us and work for this Government, are not entitled to a bonus for their misconduct and incompetence.

(The further remarks of Mr. DURBIN pertaining to the introduction of S. 621 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DURBIN. I yield the floor.

The PRESIDING OFFICER (Mrs. MCCASKILL). The Senator from Arizona.

Mr. KYL. Madam President, I would like to discuss the legislation before us, the so-called public lands bill and, in particular, four of the amendments that have been offered by Senator COBURN.

I think four of these amendments are—I have not concluded my study of the other two, but four of these amendments I would commend to our colleagues and suggest that at least a couple of these amendments should not deter passage of the bill. If they are adopted by my colleagues—and I think they should be—they are in no way a poison pill. They should not cause the House of Representatives to reject the bill in any way. The bill should go on to the President. So for those who are supportive of the legislation, I think these amendments simply improve the bill, and they are offered, I know, by Senator COBURN for that purpose.

If I could discuss each of these amendments—I am sorry I do not have the numbers for them, but I will describe them briefly.

One is an amendment that would specifically strike out spending in four or five specific areas that are earmarked in the bill. It would save about \$25 million. This is symbolic, but \$25 million is still a lot of money to some of us anyway.

They are five specific areas: to celebrate St. Augustine's birthday, a party for that purpose; botanical gardens in Hawaii and Florida; salmon restoration in California; Alexander Hamilton's boyhood estate in the Virgin Islands; and something called the Shipwreck Exploration Program.

I am sure the authors of those provisions will come to the floor and describe in detail why these are such important programs and should be included in the legislation, and I will look forward to those explanations. Perhaps they will be persuasive. At this point, without further explanation, they look like the kind of thing that should not be a part of an omnibus bill such as this and could be stricken, as a result of which I am inclined to support my colleague's amendment to save \$25 million by striking those particular items.

The next deals with the subject of eminent domain. The Federal Government acquires a great deal of land under this legislation for different purposes, including wilderness areas. There are other provisions to protect other kinds of property short of wilderness areas. The point of Senator COBURN's amendment on the use of

eminent domain is to just ensure that in no case is private property being taken against the wishes of the private landowner.

I think we would all agree that if the Government is acquiring a piece of property for a public purpose—let's say for a military base—the use of eminent domain is appropriate in that case. The Government has to establish that there is no reasonable alternative to the taking of the particular private property, and then if it can establish that, it can take possession of the property and then a trial ensues as to what amount of money is the proper compensation to the owner for the land. That is the usual and appropriate use of eminent domain.

However, we are told that with respect to this legislation, it is not necessary to use eminent domain to acquire land in that way. The reason is because in every case—at least my staff advises me—the land that is owned by private landowners that would become publicly owned under this legislation has the approval of the private landowner. Specifically, a staff report says that:

None of the component parts of the omnibus land bill anticipate the use of eminent domain, and all land exchanges and conveyance provisions include willing seller-buyer provisions, or were advocated by the private landowners in each specific provision of the bill in which they are involved.

It is further noted by the staff of the committee that:

Great attention was given to private property rights issues. They were addressed on a case-by-case basis.

This omnibus bill is comprised of tens or scores of individual bills that were then added together into this one giant omnibus bill. So we are told that:

On a case-by-case basis as to each particular bill, private property rights were protected and respected. In many instances, the land designations only affect land that is already publicly owned so it is not even an issue, and for those bills that may affect privately owned land, some of the purchases were actually authorized at the request of the landowner and some contain language that allows land to be purchased only from a willing seller.

My point is that apparently, at least according to the minority staff, great attention was taken to ensure that the Government in no case in this bill is taking land against the wishes of the landowner. The point of Senator COBURN's amendment is to ensure that that is the case, that he would prohibit the use of eminent domain for the acquisition of land under the bill. So if it is true, as the staff suggests, that none of this land needs to be acquired by eminent domain, there is absolutely no harm in including the language that prohibits the use of eminent domain. The language in the bill is very brief. I think it is one or two sentences long. In fact, let me read it. It simply says:

Notwithstanding any other provision of this Act or amendment made by this Act, no land or interest in land other than access easements shall be acquired under this Act by eminent domain.

That is it, short and sweet.

The reason I think it is important is that it establishes an important principle: that the Congress will not allow land to be taken against a landowner's wishes for purposes other than the usual purposes for which eminent domain is used, where the Government has to have the property. There is no other alternative, as in a military base, as I said, where you are simply acquiring property because it is a good idea. You want to protect a particular riparian area of a river, for example. What we do there is we acquire that land either by purchasing it from a willing seller or engaging in a land exchange. Those are the two typical ways of accomplishing this—both very appropriate. But it is not a case where the Federal Government has to have the land in the public's interest, as with the military base. So we don't use eminent domain ordinarily in a case such as this.

All Senator COBURN is trying to establish here is that we are not going to change that principle and that the Senate adheres to the principle we have had in the past. We want to establish this precedent and continue to live by it—that eminent domain isn't used in circumstances such as this.

I think that is a worthy amendment, and I think, frankly, if we reject it, it raises a question of why. Why would we want to preserve the right to use eminent domain if apparently there is no reason for us to do so? It, as I said, leaves hanging the question of whether we might use eminent domain in a situation where otherwise it wouldn't be called for.

There is another amendment that I think clearly ought to be approved by my colleagues. I don't know why this hasn't been done—I know it was done a long time ago and it needs to be done again—and that is to simply require a report that details the amount of Federal land we have. This would be a public report that would be done—it would be updated each year, and it would detail Federal land ownership and the cost to maintain that land and the relative percentage of that land to the total, which would be very helpful information.

I understand Senator COBURN has added one other amendment to this because there was a question raised about the fact that some Federal land serves a military purpose or an intelligence purpose which cannot always be disclosed publicly. So, correctly, he provides for a classified annex that would provide the ownership of the lands used for classified purposes. Members who are entitled to see that would be able to see it, but it wouldn't be available to the public generally, and that is frequently the way that classified material is handled. So I think that is a good amendment. There is no reason to oppose this. It is important for us to know how much land the Government owns.

Let me put it this way: You are a landowner. Somebody says, How much

land do you own? You know exactly how much land you own. You know where it is, what it does, how much it costs to own it, what the taxes on it are, and so on. It is important, if the Federal Government is going to be a good steward of both the land and taxpayer money, that it know what it owns—what we own. Do we need it all, would be one of the questions. Are there pieces of land that could be sold? The Government could use the money. Maybe we could dispose of some of this. In fact, there has always been a list of disposable lands owned by the U.S. Government, and frequently we acquire land in trades and so on, and there is a lot of buying and selling going on, and that is perfectly appropriate. So let's have an inventory of what we own and we can make decisions better as to whether some of that land could be sold or whether we need to retain it all, but at least we will know how much it costs to retain it and how much we have.

I think that is a very good amendment. I can't imagine anyone voting against it. And, if it is adopted, it in no way should affect the legislation being passed by the House of Representatives. I know there is an intention that when the bill passes here in the Senate—assuming it does—it would immediately be taken up in the House and would be passed in the House in the form passed by the Senate and then would go to the President for his signature. There is nothing in here requiring a report of Federal lands that would upset that issue.

The final amendment is technical and it may be considered to be a minor matter, but it is an improvement in the law we have. Again, I think it does no damage to the overall piece of legislation—the omnibus lands bill. It corrects a little piece that needs correcting, and here is what it does. We all know that if you take fossils or other valuable artifacts or rocks from a national park, for example, and you collect that or you try to sell it, you are guilty of a very serious crime, and we intend to prosecute people who do that. We have had far too many thefts of valuable things, including fossils, petrified wood, Indian artifacts, and that sort of thing from our Federal lands, and it is important to have legislation that continues to criminalize that. However, if I take my grandkids on a vacation and one of them picks up a rock and brings it home to show his buddies and it may or may not contain—maybe it is a little teeny piece of petrified wood, for example, should he be prosecuted in the same way that a person who is deliberately doing this to sell would be prosecuted?

The law is sufficiently unclear on this. The underlying bill attempts to correct that problem and it comes within one word of correcting it properly. What it says is that the Secretary "may" write rules that allow for the casual collection of these items; and that is a good thing, for the Secretary

to write rules that provide some exception if a little child happens to pick up a rock and it has theoretically some value to it. In order to ensure that this is done, Senator COBURN simply changes the word "may" to "shall," that the Secretary "shall" write rules that allow for the casual collection of these kinds of rocks. That makes sure it gets done. It doesn't tell the Secretary what he has to do, how he has to do it, or anything else. The Secretary could theoretically write a rule that says the only time this ever happens is if it is exactly midnight on a Tuesday or something such as that. So we are not telling him he has to make this a widespread thing; we are not saying he should not protect our precious assets—and indeed we want him to—but we do want him to write these rules so that a casual collector would not be penalized under the relatively harsh penalties that exist in the law today, and as I said earlier, appropriately so. It is a technical change. It is a minor chink. It should not cause anyone to not vote for the larger bill if, in fact, the amendment is adopted.

So those are the four amendments. As I say, my colleague has two other amendments and I need to study them more carefully to know whether I will support them, but I urge my colleagues to support these four amendments of Senator COBURN. I think they all make an important contribution to the bill. I am delighted he has been able to offer the amendments. I appreciate the cooperation of the majority leader in agreeing for him to be able to do that.

My understanding is we will continue to debate these amendments this afternoon and this evening and then tomorrow there will be votes on all of these amendments prior to the vote on final passage of the bill, which I think is supposed to occur tomorrow evening, but in any event, in the not too distant future. So I urge my colleagues to consider these amendments.

If you have questions about them, I urge you to talk to Senator COBURN so he can explain in detail what they are and are not intended to do. If you think in any way that they are deficient or need to be modified in some way, approach him with regard to that. I did that last night and he responded to some of my suggestions about, for example, adding the provision in the report that would allow a classified annex for those portions of the land that need to be protected. I am sure he will be willing to listen to folks if they have any concerns about his amendments, but don't vote against them on the theory that you don't care to know what is in them or if there is any change to this bill, it won't pass the House. That is not true. These are important amendments and, in some cases, benign amendments and I think they deserve our attention. I hope my colleagues would be willing to give these their serious consideration when the amendments are voted.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### AIG BONUSES

Mr. CASEY. Madam President, I rise first to talk about an issue so many of us have been deeply concerned about—frankly, beyond concerned but outraged by—and that is what is happening with AIG and the effect of the decision the executives made there about bonuses, in relation to our economy. I think it is important to step back from the obvious frustration we have. So many Americans are expressing their outrage and anger, and a deep sense of betrayal has been generated almost because of this action. I want to step back for a second and review where we are.

Basically, what we have is an American company of international reach that has said to the American people: We know you gave us \$170 billion, at last count; you gave us your tax money because we were in trouble. And we have to ask them: Why were you in trouble?

One of the big reasons is because a group of employees in one division of AIG developed schemes. That is the best word to describe what they developed. These were sophisticated schemes to make money, which caused the near collapse of this company. That is what we are talking about. This isn't complicated. It is that simple. The employees of that division concocted these schemes to make money, and now the company is in near collapse, while the American people—the American taxpayers—were asked through their elected representatives, through their Government, to provide tens of billions in help—by one count, \$170 billion in help. And what do we get for that? We got little in the way of accountability with all these transactions AIG has entered into, very little in the way of accountability, and now we find out this past weekend that the very division—not just a broad section of employees but the very division that concocted the schemes that led to the problems is getting tens of millions in bonuses—\$160 million, \$165 million in bonuses. So this is beyond the insult of getting billions and tens of billions and hundreds of billions in taxpayer help and then asking for bonuses for anyone. This is much worse than that. This is giving bonuses to the people in the very division that caused most, if not all, of the problems at AIG that taxpayers were then called upon to provide some remedy or rescue. That is the outrage here. That is the insult to the American people, that this company now is thumbing its nose at the American people.

This comes at a time when, for example, in Pennsylvania, our employment rate hit 7 percent. I never thought we

would get to an unemployment rate that high. Thank God we have been a little lower than the national rate, but 7 percent is a very high number in any State, and many States have been there for a year or more. So we have been spared somewhat in Pennsylvania. But at the very time we have an unemployment rate of 7 percent, when people have lost their homes, they have lost their jobs, they have lost their hopes and their dreams, we have a major international company that got what comes from the sweat and blood and work of the American people, they got the benefit of all that, the \$170 billion in taxpayer help, and what do we get for it? We get the insult and the betrayal of bonuses to the very people who caused the problem. You couldn't write fiction as disturbing as this or as outrageous as this.

So I and others have said to the company very plainly—as I said in a letter today when I gave them two choices, neither of which they may go along with—I said have these employees forgo the bonuses or fire them. Simple as that. And if you are not going to take the step and ask them or somehow compel them for the good of the country, if not for the good of their own well-being, their own ethics, to forgo these bonuses, then they should be fired.

Now, I realize they may say: That is an interesting suggestion from Congress, but we are not going to do either. Well, if they want to go down that path, then Congress will act. The Finance Committee of the Senate, as the Presiding Officer knows, is working on a piece of legislation right now. If there is legislation that says we are going to tax these bonuses at 70 or 80 or 90 percent, I, along with other people, am going to vote for it. Whatever it takes to impose the maximum amount of penalty or punishment—pick your phrase—as long as it is legal and constitutional, we are going to support it. The American people have every right to demand that Congress take action because they are the ones who have been insulted at the worst time. They have been kicked in the face at a time when they have been struggling month after month, despite all of the promises from companies that they would get back on track with taxpayer help.

So that is what is happening. The American people will monitor this. And stay tuned, because it is not over today. We can do more than express outrage. We can take action, and I think that is appropriate in this instance.

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

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

Mr. DORGAN. Mr. President, I ask unanimous consent to speak as in morning business for 5 minutes.

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

#### AIG BONUSES

Mr. DORGAN. Mr. President, most Americans have read in their newspaper and heard on news accounts the story about the company called AIG that has been the recipient of some \$170 billion of guarantees by the American taxpayers, because of an unbelievably failed business strategy and being involved in very risky financial products.

They had an outfit in London with several hundred people in it who were involved in trading credit default swaps and steered that company right into a ditch. We have recently learned that that company, which has lost a substantial amount of money, just paid \$165 million in bonuses to executives in its financial products unit, and the American people are furious about it and should be.

I think it is a disgrace that a company that has been engaged in the kind of essential wagering that has been involved in here is now paying bonuses. What do they teach in business school, that a company that loses money and helps create a significant problem for this country's economy ought to be paying bonuses, especially after they received American taxpayers' funds, to employees who helped the company lose money?

I want to mention one additional point. I think it is disgraceful to have those kinds of bonuses being announced for AIG employees. But we have another circumstance that is even worse. Merrill Lynch lost \$27 billion last year and still paid \$3.6 billion in bonuses to its employees last December.

There were 694 employees of that company got more than \$1 million each in bonuses. Think of it. And then, by the way, a week or two later, the company that took them over, Bank of America, got tens of billions more of TARP funds from the American taxpayer.

All of this is disgraceful. My colleagues and I have decided we are going to do everything we can to try to claw back those bonuses. They do not deserve bonuses. Where is the responsibility here on the part of people who helped steer this economy into the ditch? Where is the responsibility on the part of people who made bad business decisions, that in Merrill Lynch's case lost \$27 billion in a year, and then decide, you know what, let's decide how much we should pay in bonuses this year?

Well, you know what, the answer ought to be, zero. Where do you get the notion you pay bonuses for losing money? Where do you get off deciding you are going to pay bonuses after you have taken tens and tens of billions of dollars of the taxpayers' money, through TARP funds and other emergency assistance, and then sit around

and say, all right, now we have had to take all of this taxpayer money because we have lost a bunch of money because we gambled, we had several hundred people in that office in London who had massive gambling enterprises going on and credit default swaps, and so now we decide we are going to pay them bonuses. I do not understand that.

By the way, there is another issue, a very short issue. All of the counterparties who are getting money that the taxpayers are sending into AIG are being recompensed to the tune of 100 percent. Where is this notion about everybody sacrificing a bit? Why is it that the big interests that are counterparties to this are getting a 100-percent return on their investment? How about taking a haircut here? But nobody is doing that. Everybody is sitting around trying to figure out, how do I get mine, even in circumstances where employees now are getting big bonuses for losing money.

There has to be some accountability at some point. What is happening is disgraceful. And we have every right and responsibility as a Congress to decide that we are going to try to claw back these ill-gotten bonuses.

The AIG bonuses for the employees in its financial products unit could total as much as \$450 million. Fifty-five million was paid in December. The outrage right now is about \$165 million paid last week. But there is another \$230 million in AIG bonuses that could come later this year or next. It is time for this Congress to take a stand on behalf of the American people. We need to claw back those bonuses. We need to say to all of those companies: No more. We are not going to put up with it anymore. This is disgraceful. How about some economic patriotism? How about standing up for the interests of this country and the interests of these taxpayers?

I will have more to say about it tomorrow, but I wanted to point out that the anger around this country, reading this kind of nonsense, is palpable and real. This Congress understands it and we are going to do everything we can to try to claw back these bonuses that, in my judgment, are disgraceful.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. 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. 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. REID. Mr. President, following my presentation, I ask unanimous consent that Senator BROWN be recognized for up to 5 minutes. Following Senator BROWN, I ask unanimous consent that Senator COBURN be recognized. I see

Senator THUNE on the floor. Does he wish to be recognized after Senator COBURN?

Mr. THUNE. Reserving the right to object, as of right now, BROWN for 5? COBURN?

Mr. REID. I understand he wants to speak for about 40 minutes. I am sure, knowing Dr. COBURN, if you have a short statement, he would not care. How long do you wish to speak?

Mr. THUNE. For 7 minutes.

We will work it out on our side.

Mr. REID. I ask that Senator THUNE be recognized. Senator COBURN wants to lay down his amendments. I will renew this consent request in a minute. I withdraw the consent at this time.

The PRESIDING OFFICER. The request is withdrawn.

#### REPEALING AUTOMATIC PAY ADJUSTMENTS FOR MEMBERS OF CONGRESS

Mr. REID. The recently passed Omnibus appropriations bill completed unfinished business from the Bush administration, which funded the Government to provide critically needed services for the American people. The omnibus that was signed into law last week also eliminated the congressional cost-of-living adjustment for 2010.

During debate on that bill, I sought unanimous consent of this body to take up and pass freestanding legislation to permanently end the automatic cost-of-living adjustment and instead require Members of Congress to vote for or against all future adjustments.

Especially in this hour of economic crisis, the overwhelming majority of Democrats and Republicans would agree that we should end this practice of automatic adjustments. Senator FEINGOLD has championed this cause for a long time, 17 years to be exact. I applaud him for his leadership. Others have tried to take this issue from Senator FEINGOLD, but it is his issue and has been, I repeat, for 17 years. This should have passed last Tuesday when I asked unanimous consent for the bill to pass. One week later, let's see who objects to passing this bill. It should have been done last week.

An overwhelming bipartisan majority of Senators is undeterred by the obstruction that took place last week. Passing this legislation to permanently end the automatic cost-of-living adjustment for Members is the right thing to do.

Absent any further objections, we should do so right now and pass it.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 620, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 620) to repeal the provision of law that provides automatic pay adjustments for Members of Congress.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times and passed; the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to this bill be printed in the RECORD.

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

The bill (S. 620) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 620

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. ELIMINATION OF AUTOMATIC PAY ADJUSTMENTS FOR MEMBERS OF CONGRESS.

(a) IN GENERAL.—Paragraph (2) of section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 601(a)(1) of such Act is amended—

(1) by striking “(a)(1)” and inserting “(a)”;

(2) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively; and

(3) by striking “as adjusted by paragraph (2) of this subsection” and inserting “adjusted as provided by law”.

(c) EFFECTIVE DATE.—This section shall take effect on December 31, 2010.

Mr. FEINGOLD. Mr. President, I commend our majority leader for moving this legislation through the Senate. I have introduced legislation like this for the past six Congresses, and am delighted that, because of Senator REID's leadership, this proposal has finally passed the Senate.

Congress has the power to raise its own pay, something that most of our constituents cannot do. Because this is such a singular power, Congress ought to exercise it openly, and subject to regular procedures including debate, amendment, and a vote.

But current law allows Congress to avoid that public debate and vote. All that is necessary for Congress to get a pay raise is that nothing be done to stop it. The annual pay raise takes effect unless Congress acts.

That stealth pay raise mechanism began with a change Congress enacted in the Ethics Reform Act of 1989. In section 704 of that act, Members of Congress voted to make themselves entitled to an annual raise equal to half a percentage point less than the employment cost index, one measure of inflation.

On occasion Congress has voted to deny itself the raise, and the traditional vehicle for the pay raise vote is the Treasury appropriations bill. But that vehicle is not always made available to those who want a public debate and vote on the matter. As I have noted in the past, getting a vote on the annual congressional pay raise is a haphazard affair at best, and it should not be that way. The burden should not be on those who seek a public debate and recorded vote on the Member pay raise. On the contrary, Congress should have to act if it decides to award itself a hike in pay. This process of pay

raises without accountability must end.

I was pleased to join with the junior Senator from Louisiana, Mr. VITTER, in offering an amendment to the Omnibus appropriations bill recently. That amendment received strong support, support which was all the more remarkable because many of the amendment's potential supporters felt constrained to oppose it in order to keep the underlying legislation free of amendments. I commend Senator VITTER for his efforts to end this system. Now, thanks to our majority leader, we have a real chance to do so.

This issue is not a new question. It was something that our Founders considered from the beginning of our Nation. In August of 1789, as part of the package of 12 amendments advocated by James Madison that included what has become our Bill of Rights, the House of Representatives passed an amendment to the Constitution providing that Congress could not raise its pay without an intervening election. On September 9, 1789, the Senate passed that amendment. In late September of 1789, Congress submitted the amendments to the States.

Although the amendment on pay raises languished for two centuries, in the 1980s, a campaign began to ratify it. While I was a member of the Wisconsin State Senate, I was proud to help ratify the amendment. Its approval by the Michigan Legislature on May 7, 1992, gave it the needed approval by three-fourths of the States.

The 27th amendment to the Constitution now states: “No law, varying the compensation for the services of the senators and representatives, shall take effect, until an election of representatives shall have intervened.”

I honor that limitation. Throughout my 6-year term, I accept only the rate of pay that Senators receive on the date on which I was sworn in as a Senator. And I return to the Treasury any cost-of-living adjustments or pay raises during my term. I don't take a raise until my bosses, the people of Wisconsin, give me one at the ballot box. That is the spirit of the 27th amendment, and at the very least the stealth pay raises permitted under the current system certainly violate that spirit.

This practice must end, and I am delighted to say that thanks to Majority Leader REID, we have a real chance at ending it. I urge the House of Representatives to take this bill up and pass it right away, so we can assure the American people that we are serious about ending a system that was devised to provide us with regular pay increases without any accountability.

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

Mr. REID. Mr. President, I now ask unanimous consent that Senator BROWN be recognized for 5 minutes—

Mr. THUNE. Mr. President, if the leader would yield, I think the Senator