

and ideas of both parties. So far, with very few exceptions, the President seems all too willing to keep his own counsel and that of his fellow Democrats on how to address these issues. This is not the type of government he promised on the campaign trail and, quite frankly, I think it has led to policy results that, at best, have to be considered questionable.

Going forward, I hope that, instead of cursory gestures and empty statements encouraging bipartisanship, President Obama makes a real effort to listen to and accept ideas from both sides of the aisle. That will take real courage and leadership and, thus far, I don't know that he has demonstrated much of either.

FREE MEDIA IN THE OSCE REGION

Mr. CARDIN. Mr. President, earlier this month we marked World Press Freedom Day, a timely opportunity to draw attention to the plight of journalists and others involved in the press and media in the OSCE—Organization for Security and Co-operation in Europe—region. While all 56 OSCE countries have accepted specific commitments on media and working conditions for journalists, the difficulty remains translating words on paper into deeds in practice. Today, many courageous journalists are working under tremendously difficult conditions, often at great personal risk, with some paying the ultimate price for their journalistic pursuits.

According to the U.S.-based Committee to Protect Journalists, CPJ, nearly a dozen journalists and their colleagues have been killed in the OSCE region since last year's observance. Among those slain in Russia were Anastasiya Baburova, of Novaya Gazeta; Shafiq Amrakhov, of RIA 51; Telman Alishaya, of TV-Chirkei; and Magomed Yevloyev, owner of the popular Web site Ingushetiya, who was killed while in police custody. Scores of journalists have been murdered in Russia alone since the early 1990s.

Others slain over the past 12 months included Ivo Pukanic and Niko Franjic, both of Nacional, in Croatia; and freelance journalists Alexander Klimchuk and Grigol Chikhladze, with Caucasus Images, as well as Dutch RL/T TV veteran cameraman Stan Storimans, killed in the conflict zone during the war in Georgia last August. Besides war correspondents, victims often include investigative journalists covering politics, corruption, and human rights.

We are approaching the fifth anniversary of the slaying of American journalist Paul Klebnikov in Moscow. I call upon the Russian authorities to bring to justice all of those responsible in any way for his murder.

As chairman of the Helsinki Commission, I note the vital work undertaken by the OSCE Representative on Freedom of the Media, Miklos Haraszti, a tireless advocate for freedom of expres-

sion and the courageous journalists who pursue their profession, sometimes at great personal risk. The reports of the OSCE Representative on Freedom of the Media are available at: <http://www.osce.org/fom/>. Freedom of expression, free media, and information has been selected as a special focus topic for the OSCE's annual Human Dimension Implementation Meeting, scheduled to be held in Warsaw, Poland, this fall.

NOMINATION OF DAVID HAYES

Mr. INHOFE. Mr. President, I would like to speak on the nomination of David Hayes to be Deputy Secretary of the Interior. The Department of Interior has made some key decisions in the past few months that I think warrant special attention and discussion before we vote on this nominee. I also want to note that several issues surrounding this nominee fall under the jurisdiction of the Environment and Public Works Committee, on which I serve as ranking member. As Deputy Secretary at the Department of Interior, Mr. Hayes would oversee the implementation of the Endangered Species Act, a law that the EPW Committee oversees.

As chairman of the EPW Committee for 4 years, and now in my third year as ranking member, I have worked a considerable amount with the Department of Interior, specifically the Fish and Wildlife Service, and its implementation of the Endangered Species Act. As ranking member, one of my roles is to exercise rigid oversight of executive branch actions under EPW jurisdiction. In the past, I have seen many good things come from the Department of Interior, such as the Partners for Fish and Wildlife Program, which conserves habitat by leveraging Federal funds through voluntary private landowner participation, as well as the delisting of the Bald Eagle, showing what good the ESA can accomplish. However, recent actions to reverse rules related to ESA have bothered me.

Through my role as ranking member on the EPW Committee, I have become concerned with the possibility of the ESA being used as a backdoor for greenhouse gas regulation following the listing of the polar bear as a threatened species. In April, I joined other Senators in a letter to Commerce Secretary Locke urging him not to reverse regulations preventing the Endangered Species Act from regulating carbon dioxide. Now as we move to debate the David Hayes nomination this week, we must again carefully consider the motives of this administration in using the Endangered Species Act. ESA should be used as a tool for protecting truly threatened and endangered species, not for controlling the emissions of greenhouse gases from potentially every source, big or small, in America.

Two weeks ago, I voted for Tom Strickland to become the new Assistant Secretary for Fish, Wildlife, and

Parks, after he was reported out of our committee. As with David Hayes, I took issue with the nomination of Assistant Secretary Strickland, raising questions concerning the administration's decision to reverse rules on the listing of the polar bear and modifications to the section 7 consultation process. Thankfully, just last week, Assistant Secretary Strickland and Secretary Salazar upheld the polar bear rule. While the decision by Interior to retain this rule shows good judgment by this administration, potential lawsuits by radical environmental groups still threaten to undermine the original intent of the Endangered Species Act.

What is most troublesome, however, is the decision by Interior to overturn the section 7 consultation rule in complete disregard of the Administrative Procedures Act. That is in direct contrast to President Obama's commitment to transparency and public process. Moreover, revoking this rule forces Federal agencies to consult with the Fish and Wildlife Service for each new Federal action that may result in the emission of greenhouse gases. Under the ESA, a Federal action agency is required to initiate consultation with the Fish and Wildlife Service or the National Marine Fisheries Service if it determines that the effects of its action are anticipated to result in the "take"—including potential harm—of any listed species, or the destruction or adverse modification of designated critical habitat. This includes actions the agency takes itself, actions that are federally funded, as well as the issuance of a Federal permit or license for a private party.

The final rule as published last December exempted from consultation actions which are "manifested through global processes and (i) cannot be reliably predicted or measured at the scale of a listed species' current range, or (ii) would result at most in an extremely small, insignificant impact on a listed species or critical habitat, or (iii) are such that the potential risk of harm to a listed species or critical habitat is remote." Unfortunately, after Interior's recent decision to reverse this rule, Federal agencies are again subjected to consulting Fish and Wildlife Services in these areas. This is a very costly process, which would cover any number of highway and construction projects, including, among others, those under the jurisdiction of the Army Corps of Engineers.

Senator MURKOWSKI, the ranking member of the Senate Energy Committee, has made her position very clear on Mr. Hayes by placing a hold on his nomination until her questions to Secretary Salazar are fully answered. The Department, and environmental groups, could manipulate the Endangered Species Act and the polar bear listing for purposes never intended by Congress. Moreover, repealing regulations without public hearings or public comment is a bad way to start an administration, as it signals to the public