

CONGRESSIONAL RECORD -- SENATE

111st Congress, 1st Session

155 Cong Rec S 239

DESIGNATING CERTAIN LAND COMPONENTS OF THE NATIONAL **WILDERNESS** PRESERVATION SYSTEM-MOTION TO PROCEED

January 9, 2009

REFERENCE: Vol. 155, No. 4

SECTION: Senate

SPEAKER: Mr. REID; Mr. DORGAN; Mr. COBURN; Mr. INHOFE; Mr. SESSIONS; Mr. AKAKA; Mr. BINGAMAN; Mr. BARRASSO

TEXT: [*239]

The PRESIDING OFFICER (Mr. Webb). The Senator from Oklahoma.

Mr. COBURN. Mr. President, I ask unanimous consent to speak in morning business, the time I might consume not to exceed 1 hour.

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

Mr. COBURN. Mr. President, let me give some praise to my chairman of one of my committees. He hit right on the nose. Confidence is what the American people need to see. We have great resources in this country, and I am not talking materially. The resource we have that is the most bountiful and most productive and strongest and made of steel is the American people. When we get together, united as a nation, there is not anything we cannot accomplish.

I appreciate his words very much. I also appreciate some of his wisdom and foresight we heard today. I am hopeful that in the months and years to come, we can continue to work and we can draw on that American spirit which he so directly outlined, which is what makes us unique and allows us to come from behind and accomplish the things in front of us. I thank him for his words.

I wish to spend a few minutes—we are going to have several votes between now and next week over the Bingaman lands bill. I thought we ought to spend some time today to do that since I know we won't want to come in early on Sunday. I wish to talk about procedure for a moment so we can understand.

We are going to be here on Sunday not because we have to but because the majority leader has decided that we will. There are other things we can be accomplishing. And goodness knows, the problems in front of this country require extra effort on our part. We are going to have a \$10 billion to \$12 billion bill in front of us again that will have no amendments available to it and very limited discussion. As a matter of fact, I think I am the only one who has discussed anything on this bill thus far, and we probably will not see a lot of discussion.

There are a lot of issues we need to address, and my colleague, Senator Dorgan, just outlined the most important of them; that is, confidence, how do we reestablish confidence in this country. It is my position that we are not going to reestablish confidence in the country until we

reestablish confidence in this institution.

Since July 16, the Republicans have had one amendment allowed on the floor of the Senate. In the last 6 months, one amendment-that was September 10. In 6 months of legislation, we have had one amendment allowed to the minority side to express the views for greater than 50 percent of the American people.

If the Senate is about anything, it is about the ability to debate and amend the interests of the American people. What we have seen over the past 6 months is that the rights of Americans have been taken away in terms of discussion, debate, and amendment of the very large issues that are in front of us.

My position on this bill-which the American people should know is a hodgepodge of a ton of bills; it is not just all lands bills-is about priority. It is about reestablishing confidence. It is about doing the most important things that are of the highest priority for our country and not doing the things that are of the lowest priority even though it may make us look extremely good back home.

Some will contend this is just an authorization bill, that it doesn't spend any money whatsoever, that it will have to be appropriated. I remind them there is mandatory spending in this bill, so there is actual spending involved.

Also-and I won't do this, but I am prepared to do so if I need to-I will [*245]

Page 245

offer into the Record the press releases of everybody talking about all the money that is going to be spent because of this bill. You cannot be on the Senate floor saying this does not spend any money and at the same time send a press release out telling your constituency that you just passed a bill that will spend money that will do something because you are actually creating a false expectation if you don't expect to appropriate the money.

So let's be clear about why we cannot afford to pass this bill. It has to do with a whole lot of things. One is we cannot continue to operate the Senate where there are no amendments for the minority because what it does is it cuts off the voice of over half the American public, by populations that are represented by the minority. But there are other greater reasons.

We have a \$10.6 trillion debt at this point. We are going to have a \$1.8 trillion deficit next year. That is \$1.2 trillion as a minimum estimate by CBO, which does not include the \$160 billion we will steal from Social Security and will not include half of the money that is coming in a stimulus package. If you take 300 million Americans and divide them by \$1.8 trillion, what you get is \$6,000 per man, woman, and child that we are going to run in the red next year, real dollars, real loss in the future, and we are going to have to pay that back sometime. The people in this room, the Members of the Senate are not ever going to be attached the cost of the price to pay that back.

Last year, we paid \$230 billion in interest alone. That is about \$900 per man, woman, and child in this country-\$860, actually-that we are paying in interest, which is going to double over the next 4 years. So not only are we going to run a \$6,000 deficit, we are going to run another \$800 in interest costs that are going to take away the potential of families across this country who are struggling, and that is what we are going to put into their future.

So when my colleague talks about confidence, what I want the American people to see is us working on the real problems that are at hand, not problems that are not real or are not a priority.

We offered several amendments. We were told we were getting no amendments to this bill. I am

going to spend some time going through those amendments because I think a lot of them make sense. I am also going to spend the majority of my time talking about the main reason I oppose this bill.

If you will recall, back in the summer we were paying \$4 for gasoline. We saw oil at \$146 a barrel, which is now around \$40. And the assumption of this bill is we will never see high oil and gas prices again. The very time to be fixing our future energy needs is now, not when there is a crisis again.

What this bill does is essentially take 1.3 trillion barrels of oil in this country and say: You can never touch it. That is 1.3 trillion barrels that we will never, ever-regardless of our technology, regardless of whether we can do it totally without any impact whatsoever on the environment, we will never be able to touch it under the auspices of this bill. It takes 9.3 trillion cubic feet of known natural gas that is in proven reserves right now, enough to fuel this country for 2½ years, and it says: You cannot touch that; you can never touch it. And then another couple hundred trillion cubic feet that are known to exist, with the technology that is here today.

Why would we do that? We just went through a big problem, and because we are in an economic cycle, we are seeing the only benefit of that is lower energy costs. Yet through this bill, we are going to tie the hands of our children for available energy.

This is not about whether you believe in global warming or CO2 as an anthropogenic gas because even if I agreed with that 100 percent, and everybody would agree with it, we are going to take 20 years to transition away from hydrocarbons. Every dollar we send out of this country for the purchase of energy is part of that \$700 billion my colleague, Senator Dorgan, just noted as one of our big structural financial problems. So why would we pass a bill that is going to eliminate our ability to achieve some greater level of energy independence?

Another area of why I oppose this bill: property rights are-should be-pristine in this country, and this bill adds 15 new heritage areas, and the Federal Park Service will then fund those who are against the development of the land around it or in it, against the homeowners, the landowners who are actually part of it, through zoning. Even though several of the individual bills in this bill put a prohibition on eminent domain, the vast majority of the bill has no prohibition on eminent domain.

One of the rights fought for, one of the foundational principles of this country, is property, the right to have and hold property and be free, as long as you are not endangering somebody else with that property. Yet we are going to step all over that with this bill. Five separate property rights groups who recognize this is a protected guarantee under the Constitution have come out supporting the defeat of this bill because it tramples on property rights.

Finally, one of the reasons I am opposing the bill is the fiscal nature of what it does. It sets in motion \$12 billion ad infinitum over the next 5 years-year by year by year by year-that we are going to spend, and it is going to go into the mix of priorities that are not a priority. Now, there are some things in this bill, I will admit, 20 or 30 items, that should go through here. But the vast majority of the bills in this mega bill are not a priority for this country. They are not a priority whatsoever right now considering the condition in which we find ourselves. So as we contemplate this bill, I believe it demonstrates that we are more interested in looking good at home than fixing the real problems that are facing the country.

So let me for a moment summarize the bill and highlight some of the things that are in it, and then ask the American people to answer this question: Should we add four new National Parks at a time when we have a \$9 billion backlog in maintaining the parks we have today? We can't even take care of the parks we have today. We have 10 million gallons of raw sewage in Yellowstone, in the Grand Tetons, which seeped out because we didn't maintain the pipelines. We have a \$700 million backlog on The National Mall; in Lake Mead, NV, a \$258 million backlog.

We are not addressing any of the backlogs whatsoever. Yet we are creating greater responsibilities for the National Park Service and the resources they have today. In a declining discretionary budget, because of the fiscal nature in which we find ourselves, we are going to make worse and worse this situation. We are going to create 10 new heritage areas and study 15 others.

Now, remember what happens when we create a new heritage area. We create the inability to ever extract minerals, oil, gas, timber, and other resources. We are saying: Off limits and, by the way, if you like to enjoy the outdoors-maybe you want to go hunting or maybe you want to ride a three-wheeler or four-wheeler or a motorcycle-that may not be available to you. It may be limited.

There are 19 separate provisions in this bill that directly withdraw Federal land from mineral leases, such as oil and gas and geothermal. Nineteen specific. That doesn't have anything to do with the undergirding statutes in terms of the National Park Service, the Bureau of Land Management, and heritage areas that will eliminate the opportunity for exploration of energy and make us more energy independent.

There are 130-plus bills in this legislation, 1,300 pages, that was introduced two nights ago. I will tell you, other than my staff and probably the committee staff, nobody in this body has looked at it-1,300 pages. It is going to get passed out through the body next week, and the vast majority of the Senators and their staffs will have never taken a look at it, at a time when we should be about building confidence not undermining it.

We have 1.2 million acres in one small area of Wyoming that in the 1960s, 1970s, and 1980s contained the greatest and largest and most powerful pressurized source of natural gas the country had ever seen. As a matter of fact, we didn't have the technology to handle it, so we capped it. It eliminates any additional leasing. It sets it up so those people who have a lease will have a lawsuit filed against them. It will never be developed. It will never be developed because the cost of fighting the [*246]

Page 246

lawsuits will be greater than the benefit of developing the natural gas. The companies that developed that came from Oklahoma. We now have the technology to handle that. It is a proven reserve.

We have 92 new scenic rivers in this bill. Now, I am all for scenic rivers, but we should understand the consequences of a scenic river designation. What does it mean? There will be no power lines across it, there will be no transmission lines, there will be no natural gas pipelines, water pipelines, or slurry lines that can cross a scenic river. What we know, with our desire to use alternative energy, especially in terms of the Southwest for solar and in my part of the country on up through the wind corridor, is that we are going to have to develop transmission lines, probably up to 40,000 miles of transmission lines, and we are going to double the cost of developing those lines because we would not be able to cross a scenic river. There is a prohibition in this bill.

We will eliminate the ability to take the natural gas that is available in abundance in Alaska today, in proven known quantities, and the pipeline that is scheduled to come down to the greater 48 will be tripped up by these designations. Again, another way to shoot ourselves in the foot when energy independence ought to be part of our goal.

The people who want to do the things in these bills are highly motivated for good reasons, but the judgment is suspect at the time in which we find ourselves. We find ourselves dependent on energy and in a financial mess. Yet we are going to make both of those problems worse with this bill.

Today, in this country, we have 108 million acres of developed land. Now, that is cities, that is manufacturing sites, that is towns, and that is highways. That is all of it. We have 109 million acres right now of **wilderness** designation already, which is twice what was ever thought about being accomplished when the **wilderness** designation was first started in the 1950s and early 1960s. Then the Government owns another 656 million acres of land. So we are not only robbing the future from our children because we have been fiscally irresponsible, we are robbing their future potential to make decisions about independence and freedom in the future because we are going to be totally indebted in the 20 years that we transition from a carbon-based economy to a noncarbon-based economy. We are going to make that extremely painful, much more difficult, and extremely more expensive.

Let me talk about why the National Park Service is overburdened for a minute and the things we ought to be doing. We have in Hawaii the USS Arizona Memorial. Now, 1,117 Americans died on that ship. The visitors' center-and if you have ever been there, you go out on a boat to the visitors' center-is sinking. The maintenance backlog is about \$33 million. What are we going to do? What should we be doing? Creating these new ones or should we take care of the memorial for the USS Arizona? Which one is a priority? Should we maintain what we have or should we do something and say we did it through a press release, even though we are probably not going to have the money to do much of this, and create a false sense of expectation with the American people?

The Gettysburg National Battlefield has a \$29 million backlog; the Statue of Liberty Park, a \$197 million backlog right now. Remember when Lee Iacocca helped to raise funds for the Statue of Liberty in 1976, and we did all that. That is the last time we have done any regular maintenance. So we have let it fall down. We haven't been responsible. We haven't put the money there. As a matter of fact, today President-elect Obama, in a press conference, asked for ideas as to how to spend money that will actually create jobs and create an investment. Well, I can tell you how I would spend the money. Let's fix up our parks, let's fix up The Mall, let's take care of the \$29 million backlog we have on some of the greatest treasures we have in this country before we add to the maintenance headaches of the National Park Service by creating new National Parks. That is a way we could actually create some jobs and invest our money; things we are going to have to invest in someday anyway.

The Grand Canyon National Park has a \$299 million backlog. These aren't my numbers, these are National Park Service numbers. And there is the National Mall, as I talked about earlier.

What is in this bill that doesn't make sense just from a commonsense standpoint, maybe something we should do at the right time? How about spending \$5 million to compensate ranchers for losses from gray wolves that we reintroduced into the wild? We put them back in there, and now we are going to pay ranchers for the cattle they lost to them. We repopulated a species that is now overgrowing its habitat and coming onto private lands, and our answer to that is, well, we will just pay the losses.

Do we have the money to waste \$5 million paying for cattle losses from wild wolves? We might at some point in time. I hardly think we have the money to do that right now. The ranchers aren't going broke. There is no question it is an irritation and a cost to them, but I am not sure the Federal Government ought to be responsible for the cost.

What about the coyotes in Oklahoma that kill our sheep and our chickens? Should we compensate the chicken farmers and the sheep farmers for the coyotes that kill their livestock?

How about \$1 billion and counting on the San Joaquin River project to make sure we restore 500 salmon? You heard me right-\$1 billion is going to be spent over the next 10 years, and then money after that, to make sure we restore at least 500 salmon. How does that fit with our priorities? It may be something that we ultimately ought to do. How is it that we should do that

now? Why should we even be thinking about doing that? How does that fit with any air of common sense?

How about building a road to 800 residents, after we provided a hovercraft to get there? One hundred environmental groups are against building this road through a very pristine area. We do have access another way. Yet we are going to do that, and we are going to spend \$2 million per mile over 17 miles, building a one-lane road that many times is not going to be accessible in the winter, through some of the greatest pristine areas that we have. Therefore, 100 environmental groups are adamantly opposed to including this in this bill. You can understand why they think that might not make sense for protecting such pristine land.

This is my favorite: \$3.5 million to the city of St. Augustine, FL, to plan-just to plan-for a birthday party 16 years from now for the 450th birthday of St. Augustine, FL. Does that restore confidence in the Senate, that we would say we are going to spend \$3.5 million on a city that has been having a birthday party every year? Yet we are going to put another \$3.5 million into the kitty to plan for a big one? There is no doubt we should recognize the historic significance of the longest lived settlement in this country at 450 years. But the question is, in today's economic climate, is that something we should be doing? Who out there without a job today would agree that we should do such a thing?

How about spending a quarter of a million dollars to go down to the Virgin Islands to study whether Alexander Hamilton's old home down there ought to be made into a park? Is that a priority now? What would a quarter of a million dollars do for somebody who is unemployed right now? How many mortgages would it get people out from behind who are in arrears? How many people would not default if we could leverage \$250,000 to them? We have our priorities messed up.

The reason there is a lack of confidence in the Congress, with an approval rating of 9 percent, is because it is deserved.

There is also \$12 million for us to build a new greenhouse for orchids for the Arboretum. We may need to do that. There is no question we should preserve the things that mark our heritage. But is now the time to build a new greenhouse in Maryland to grow orchids? Is it the time? What can we do with that \$12 million? Who could we help with that \$12 million? Could we use it in a better, more efficient way so that the American people would benefit? If we are going to spend \$12 million, couldn't we spend it in a better way?

My State has Route 66 all through it. We have all these tourism things that are in this bill. Now is not the time for [*247]

Page 247

us to be working with grants to promote Route 66 in Oklahoma. Now is the time to be putting that money to work on something that is going to create a job or save a foreclosure or absolutely make a difference in somebody's life, not an aesthetic benefit of the past. We need to start thinking about the benefits of the future.

I talked about the Wyoming range. It will be disputed by the Wyoming Senators, but the fact that the Bureau of Land Management used the latest geologic data and their study uses one that is 2 years old and makes the assumption that all land in Wyoming is the same would refute some of my statistics. But all of the geological engineers in this country and all the oil and gas exploration would remind us of the tremendous loss we are going to achieve by cordoning all that off and not making it available.

I talked about the **wilderness** designations. I am not against, necessarily, new **wilderness** designations as long as we limit their impact on property rights. But we do not. As a matter of fact, they directly impact property rights. They directly limit individual property rights. So as we

add **wilderness** areas and zoning requirements within them, we take away the right of the landowner because we fund a specialized group through the National Park Service to change the property rights to the disadvantage of the property owner. People who have no ownership in it will decide what the property's zoning rules will be because they will be funded by the Federal Government. If you are opposed to that, you are disadvantaged because the Government is going to send dollars to your opponent, so we attack property rights at the very basic level. Not only do we challenge them, we take your own money and support your opponent on what you can and cannot do with your own property.

I love scenic rivers. We have the Illinois River in Oklahoma. It is a beautiful, pristine river. It has had some tributary problems, but we actively worked and cleaned it up and it is markedly improving every day. It is a real pleasure.

Should every river in America be a scenic river? And, if it is, how are we going to cross them with utility lines, power transmission lines, natural gas lines, coal slurry lines, bridges, roads? How are we going to do that? We can't. Yet the goal of some is to make everything, every river, a scenic river. Now is not the time for us to do that because it will limit our ability to achieve greater energy independence.

Those are not just threats. A 2001 lawsuit was filed against the U.S. Forest Service for failure to protect wild and scenic rivers in Arizona because a transmission line was coming across a 30-yard segment of it. Guess what happened. We didn't build the transmission line, so power was not made available.

As we think about wind energy and solar energy, especially in the Southwest in the wind corridor, it will do us no good to put windmills out there if we do not have a way to send that energy somewhere else. Yet with this bill there are multiple instances, over 50 instances, where we are going to block our ability to send transmitted power to other areas of the country.

In 2002, on scenic rivers, the lawsuit was won that said within the collection territory of the Los Padres National Forest in California we will not ever permit oil, gas, or mineral development within the river corridor. What happens if we can drill from outside? What if we can send a line 20 miles from the outside? What we are doing is we are saying no matter what the technology you ever develop, no matter how you ever attempt to make us energy independent, it is never going to be OK; we are never going to allow it.

If you look at what this bill does in terms of geothermal-this is the potential geothermal source of energy. It is clean, renewable in this country. We markedly go after some of the most potent areas of geothermal availability in this bill. We say you can't use them. We can use geothermal-clean, alternative energy. But because we want to look good, because we want to say we did something, we changed that.

Just so we might all be informed about how much land the Government actually owns, as you can see in the Western States, in Alaska, the vast majority of the land is owned by the Government. But that is not nearly as significant as what is happening with this bill because large portions of what is not owned by the Government now is very difficult to develop because when we try to get a permit for extraction of minerals, geothermal, gas, coal, or oil, it is hit with lawsuit after lawsuit.

Now, in addition to these high percentages, nearly 50 percent, we are adding all these other things on top of it, the vast majority of which are moving to the west. It makes no common sense, no matter whether you are an avid global warming enthusiast or you are an energy explorer, if we want to stay warm in the winter, it doesn't make sense to anybody.

Mr. President, 29 percent of all the land in this country is owned by the Federal Government. We are markedly increasing that by 2.2 million acres in this bill. We are going to threaten property

rights. We are going to use eminent domain. We are going to use very sophisticated and poised sleight-of-hand zoning requirements to change land that is not owned by the Federal Government-to change the ability of the owner of that land to use that land if we pass this bill.

There are about 40 of the bills in this bill that we don't have any problem with. They make sense; they don't cost a lot of money; they accomplish some of the things that are a priority. Let me spend a minute, if I might, just talking about the amendments we were going to offer had we had the ability to offer them. I note again, since July 16 the minority has had the opportunity to offer one amendment in this body, one amendment. In the greatest deliberative body in the world, the minority has had the opportunity to offer one amendment.

One amendment we wanted to offer that I thought made sense: "No funds can be made available ... to establish a new unit of the National Park System or National **Wilderness** Preservation System, a new National Heritage Area ... new Wild and Scenic Rivers, new **wilderness** areas ... until the Secretary of the Interior certifies that the maintenance backlog at the Statue of Liberty National Monument, Grand Canyon National Park, Yellowstone National Park, Glacier National Park, Gettysburg National Park, Antietam National Battlefield, the National Mall" in Washington, are up to date.

Why wouldn't we want to take care of what we have now before we add to it?

The Grand Canyon cannot even keep its trails open right now, or employees, due to lack of funding. There are 10 million gallons of raw sewage in Yellowstone. The Pearl Harbor USS Arizona Memorial is sinking. The manager of the Glacier National Park declared his park bankrupt-the manager. His words: "We are bankrupt."

At Gettysburg the number of employees has gone down. Their ability to maintain that significant monument to the history of us coming back together through war, through the results of ending that war and the tremendous number of lives that were lost on that day, General Pickett's charge-the fact is, we are ignoring them. According to some, the National Mall has now become a national disgrace because it is not maintained. We are going to see some of the great difficulties with that when we swear in our next President, with the tremendous burden being placed on it.

Eleanor Holmes Norton, the delegate from DC, said we should be ashamed of what the average Mall visitor sees. It is not a priority. We made it politically expedient. We made looking good at home a priority. We have not taken care of our national treasures.

The second amendment we offered, having been through this crush of energy price escalation, what we did was to prohibit new restrictions on American exploration and production-new restrictions; have not changed any of the old ones; we just said: Let's not put any more roadblocks in the way right now until we have a cogent energy policy that does not put us at the mercy of the nations that would like to see us destroyed. That is all we said: Let's not hurt ourselves any worse.

But let me show you what occurs in this bill 19 times. Here is what it says:

Subject to valid existing rights, all Federal land within this proposed area is withdrawn from all forms of entry, appropriation or disposal under the public land laws (in other words, we can never sell it) location, entry [*248]

Page 248

and patent under the mining laws, or disposition under all laws relating to mineral or geothermal leasing.

It says that 19 times. What we have done is we have completely excluded any ability to get any

energy. The ability for us to solve our energy problems over the next 20 years is being tremendously hampered by this bill. That does not include the 2.2 million acres that are added to the **wilderness** area.

Amendment 3 to strike the Wyoming Range leasing withdrawal provision-if we can extract natural gas and oil and do it in a totally clean, environmentally friendly way and we know we have 300 million barrels of oil and 8.8 trillion cubic feet, probably closer to 15 trillion cubic feet of proven reserves now, why would we take that away? Why would we do that? Tell me how it makes sense to tell OPEC: Keep doing what you have been doing through the years because we know we have some oil, but we are never going to touch it. In the fields around this Wyoming Range, we know there are another 30 trillion cubic feet of natural gas.

Locking the resources away is not a partisan issue. My colleague from Louisiana, Senator Landrieu, claims this bill is moving us backward, not forward.

Amendment 4 was to strike the \$1 billion and counting for 500 salmon.

Amendment 5 was to not spend \$3.5 million on a birthday party for St. Augustine, FL, even though it is not directed at-Florida beat Oklahoma last night. It is kind of hard for me to offer that today thinking that is just revenge, but I wrote this long before we lost that game.

Cut the \$200,000 for a tropical botanical garden in Hawaii. Should we be spending \$200,000 on a tropical botanical garden right now? I mean, does it make sense to anybody in America, when we are going to have a \$1.8 trillion deficit, that we just throw \$200,000 out there for a botanical garden? Is that a priority? I am not suggesting that we abandon everything, but what I am suggesting is that we ought to be about priorities, and I cannot see that as a priority at this time.

How about a cave institute in New Mexico to receive unlimited Federal funding, an authorization that puts no limits on this funding. What happened is this used to be a Federal program, but it could not take private money. So they took it and made it to where it was a private program, hoping to get matching money from Federal grants. Well, they were not successful in getting matching money for Federal grants, so now we are going back and saying it is going to be a Federal program and it gets all the Federal money it wants. Is it a priority for us to have a cave institute right now? I do not think it is a priority.

An amendment to limit Federal employees from using eminent domain to take away the private property rights of American citizens. We either have a right or we do not. But the more we take away property rights, it is not going to be long before we lose other rights. Simple, straightforward amendment, vote it up or down, but at least let the American people see where you stand on property rights for them.

How about an amendment, very straightforward-the Federal Government does not know what it has and what it does not have. How about an annual report detailing the amount of Federal property the Federal Government owns and the cost of Government land ownership to taxpayers. As an aside, we do know the Federal Government is currently holding about \$20 billion worth of property that is costing them about \$4 billion a year to maintain that they do not want but we can't sell. And last year, property disposal legislation failed to go through this body, even though it costs us \$4 billion a year. Common sense.

How about to make sure we can always have a hunting preserve in this country, to limit the restriction on hunting activities as far as the land use on Federal lands with reason, control. We have lots of Federal lands that are overpopulated with species that need to be thinned. Yet we limit the ability of sportsmen to address that.

There were several others. We do not expect to get all of those amendments or the rights for those. As a matter of fact, if the record is right, if you look at what the last 6 months have been,

the minority will get one amendment over the next 6 months. We represent over half the population of this country in the greatest deliberative body in the world.

So how are we to rebuild confidence in this country? Is it by packaging 134 bills together and ramming them through because everybody has something in it? Even though some of them may be very much a priority, the rest of them do not have and do not pass the priority test. Is that what we are about? Is that going to build confidence in this country? Is that going to restore the American people's confidence that we are up to the task of attending to the very real and practical, severe needs of this country at this time? Is this something President-elect Obama would say: This is the first thing I want you to pass out of the Senate in terms of a priority. It would not even pass his smell test.

My hope is that we go forward, but that as we go forward, we do it in a way that the American people would like to see us do. The goal is not to delay, the goal is to make the point that we ought to have an option to amend and debate bills. These bills got here because they were trying to be passed without any debate, with no amendment, passed by a procedure called unanimous consent.

It is important that the American people know what that is. Unanimous consent is where a bill comes to both cloakrooms, whether it has gone through committee or not, and it is said, can we pass this bill? Well, the problem is, I read the bills and I put a test on them: Are they a priority? Are they a necessity? Are they something that lessens our debt? Are they within the role that has been granted to us under the enumerated powers of the Constitution as something we ought to be doing? If they are not, I am not trying to stop the bill; all I am saying is, bring it to the floor and let's have some debate and amendments on it. And what we have seen is that there is something wrong if you won't, in the dark of night, let bills go through that the American people never hear anything about. Well, the American people need to hear about it all. This stuff all needs to be online.

There needs to be 30 Senators here today debating this. Instead, we are not. And we are going to let status quo, poor priority, lead us down the path to where we do not have the courage to do what is necessary to fix what is wrong in our country. And this is symbolic of what is wrong, is that we do what is politically expedient rather than what is in the best long-term interests of our country.

I have already readily admitted there are several, maybe 60 bills I have no problem with; I think they are a priority. But when they are packaged together, that takes away property rights, that eliminates our ability to be independent in terms of energy in the future, and that blocks the ability to take alternative forms of energy and create transmission lines so that we can use it somewhere after we produce it. I am going to stand up every time-every time. As a Senator representing 3.8 million people from Oklahoma, that voice is going to be heard; it is not going to be stifled. It may not have an amendment, but it is going to be heard. This country is worth us fighting for. And this is not worth our priority at this time. At the dilatory state we find ourselves in, we ought to be about bigger and better things that really impact people both in the long run and short run and get us out of the problems we are in.

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

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I wish to speak a few minutes in support of the motion to proceed to [S. 22](#), the Omnibus Public Lands Management Act.

[S. 22](#), which I introduced earlier this week, is a collection of over 160 bills. Primarily, they are bills that came out of our Committee on Energy and Natural Resources. The question before us is whether the Senate should proceed to consider the bill. I strongly believe we should, and that is

the vote the majority leader has scheduled us to have on Sunday.

Although [S. 22](#) itself is a new bill, the individual pieces of legislation contained in it and incorporated in it are not. This package includes 159 bills which were considered by our committee during the previous Congress. Several of the bills in the package have even been considered in one or more Congresses prior to the previous Congress.

Let me make the obvious point that needs to be understood by everyone paying attention to this issue. This is not a partisan bill. The bills in this package have been developed on a bipartisan basis. Last year, we developed this legislation hand in hand with Senator Domenici, who was at that time the ranking member of the Energy Committee. This year, we have worked with Senator Murkowski, who is taking over as the ranking member of the Energy and Natural Resources Committee, to develop this legislation.

Almost all of the bills that were reported from our committee were reported on a unanimous vote. In cases where there was not a unanimous vote, we have made further modifications in some of those bills in an effort to address remaining concerns.

Collectively, the legislation that is before us or that we are going to vote on whether to proceed to is one of the most sweeping conservation laws that has been considered by the Senate in recent years. It will designate over 2 million acres of **wilderness** in nine different States. It will establish three new units of the National Park System, a new national monument, and three new national conservation areas. It will codify the Save America's Treasures and Preserve America historic preservation programs.

In addition, it will designate over 1,000 miles of new additions to the national wild and scenic river system, including several hundred miles in Wyoming that are dedicated to our late friend and colleague, Craig Thomas, and will help protect 1.2 million acres of the Wyoming range. This is in large part due to the leadership of Senator Barrasso, who is on the Senate floor and intends to speak following my remarks.

The bill designates four new national scenic or national historic trails, enlarges the boundaries of several existing units of the National Park System, and establishes 10 new national heritage areas. It establishes in law the Bureau of Land Management's National Landscape Conservation System and the collection of national monuments and conservation areas that are administered by the BLM.

The package is not just about new designations. The bill authorizes numerous land exchanges and conveyances to help local communities throughout the West. It includes several provisions to improve land management, such as the Forest Landscape Restoration Act which will facilitate collaborative landscape-scale restoration to help reduce fire risk and fire costs and provide new forest product jobs.

Another example which is in my home State of New Mexico, the bill will reauthorize the Rio Puerco Management Committee. This committee has become one of the most effective collaborative land management efforts in the Southwest which, for more than 10 years, has helped to facilitate the restoration of the highly degraded Rio Puerco watershed, which is a major tributary leading into the Rio Grande.

This package incorporates 30 separate bills that, taken in their entirety, will have an unprecedented positive impact in helping address critical water resource needs on both the local and national level. It authorizes a range of studies to assist several communities conduct in-depth reviews of local water supplies and evaluate the best ways to meet their future water challenges.

There are also approximately 18 specific authorizations for local and regional projects that enhance water use efficiencies, that address infrastructure that is in disrepair, that provide a

sustainable supply of water to rural communities, and conserve water to promote environmental health and alleviate conflicts that arise under the Endangered Species Act.

The overall understanding of our critical water resources, including the impact of climate change on our water resources, is also promoted by provisions in this legislation.

Finally, I note that the bill will reduce the workload of water lawyers in the West by ratifying three extremely important water settlements in the States of California, Nevada, and New Mexico. These settlements, involving Indian tribes, agricultural and municipal water users, environmental interests, and the applicable States themselves, will resolve decades old litigation in a manner that is consistent with Federal responsibilities and with the broad support of diverse interests in each of these situations.

As most who are familiar with the history of western water can attest, it is a near impossible task to bring competing interests together to agree on long-term solutions. That has been achieved in this bill, and this bill ensures that the Federal Government will be a full partner to help implement reasonable solutions to complex water issues.

I think it is important to note the lengthy public process associated with many of the individual bills in this package. Many of these land and water bills began as an effort by local citizens to resolve important resource issues within their States. In many cases, local working groups were formed and discussion took place over a period of years, before a local consensus developed.

Following all of that, many of these proposals then spent additional years under consideration in Congress, often with further negotiations and modifications. In my opinion, this is exactly the way the legislative process should work, and this process reflects why there is such strong local support for many of these provisions.

Based on the action of our committee last Congress, there is also strong bipartisan support in the Senate for the bills in this package. I commend the majority leader for his commitment to pass this bill in such a timely manner, and I urge my colleagues to support the motion to proceed and, following that, passage of the legislation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I come to the floor today to put into perspective some statements made by my [*254]

Page 254

good friend from Oklahoma, and he made those with regard to the Wyoming Range Withdrawal Act. This is a bill that I introduced.

I am especially pleased to be giving this speech from this desk. People back home in Wyoming ask about the desk and whose desk do you have? As you know, after the election and the new swearing in of Senators, some of the desks switched around. Due to the generosity of Senator Shelby-and I am very grateful to him-he has allowed me to have this desk because this is the desk of F.E. Warren, who was Wyoming's first Senator when we became a State in 1890. He took the oath of office, and he served for almost four decades. This is the desk he got when he came to the Senate on day one.

It is important to give this speech from this desk because we are talking about a part of Wyoming's past and a part of Wyoming's future that is very important, and it is the Wyoming range. Wyoming has a long history of getting it right when it comes to multiple use of the land. We have done it for 119 years that we have been a State, and we will continue to do it forever.

I am here to tell you and to tell the people of Wyoming, tell the people of America that I introduced this bill, the Wyoming Range Withdrawal Act, to fulfill a commitment I made to the people of Wyoming and to complete the work that was started by my good friend, Senator Craig Thomas. We lost Senator Thomas in 2007. At the time of his death, he was working on this bill. He had traveled the State. He had visited with people, listened to people. That is exactly what I did when I took the oath of office-having town meetings, traveling to all of the parts of the State, visiting, listening to people, and then working to try to improve the bill that is in front of us today as part of this lands package.

I am here to tell you that right now, today, there is oil and gas development going on in the Wyoming range. I have a picture of the Wyoming range, a beautiful part of western Wyoming. It means so much to so many people. There are certain places that are so special and so pristine that they need to be protected for future generations. But we do it right in Wyoming. We rely on multiple uses of the land.

This legislation we have heard about today seeks to protect from future oil and gas activity-let me say that again-from future oil and gas activity, lands in the Wyoming range that are not currently under lease. And there are lands in Wyoming that are currently under lease.

As we can see in this picture, it is still a very pristine, beautiful area, but some of this land is under lease for oil and gas development. The legislation in this lands package does not-affect areas that have been currently leased for exploration. There are 18 oil and gas leases within the proposed withdrawal area. These leases cover over 70,000 acres. These leases are primarily located in areas that have some of the most significant potential, the most significant potential for mineral development. They represent valid existing rights, and they will not be canceled in any way by this bill. I repeat: These leases represent valid existing property rights and will not be canceled by this bill.

In addition, there are 35 oil and gas leases covering almost 45,000 additional acres that have been issued and are under protest or have been sold but not yet issued. The legislation does not cancel any of these areas which are being contested. There does exist an appropriate administrative process whereby the Bureau of Land Management, the U.S. Forest Service is evaluating these contested leases to determine their status. I repeat: This legislation today does not cancel any of these currently contested leases. Everyone should keep in mind that the acres currently leased or currently leased but under protest represent the area where the most promising reserves exist. This bill does not touch that.

Now, my colleague from Oklahoma stated that the legislation would take off the table 8.8 trillion cubic feet of recoverable natural gas and over 300 million barrels of recoverable oil. Well, let us first set aside whether those figures are accurate, and we will get to that in a minute. I reiterate: The areas believed to hold the majority of the oil and gas reserves are leased, those areas are leased, and those are valid existing rights and will not be changed by this piece of legislation. Now, regarding the figures. I have an updated estimate, an estimate of the reserves of the Wyoming Range that has been prepared by the U.S. Department of Interior, the U.S. Geological Survey, and this was prepared on June 19, 2008. I have shared these numbers with Members of the Senate.

Under the revised estimates, the best minds, the best geological thinking, they believe there is some natural gas potential in this area of 1.5 trillion cubic feet, not 8.8, and an oil potential of 5 million barrels, not 300 million barrels.

Mr. President, I ask unanimous consent to have printed in the Record, following my remarks, the USGS letter to the chairman of the Senate Committee on Energy and Natural Resources, Senator Bingaman, who earlier spoke.