

to protect consumers against cross-subsidization and other abuses would be ensured.

There were others in the debate who wanted to remove all fetters from the merger and acquisition process, particularly any oversight that might be exercised by FERC or State commissions. That latter view of untrammelled mergers is what is now in the bill before us. I think that is a bad deal for consumers in the future, and I hope we can address that as we consider the bill on the Senate floor.

The bill also overreaches, in my view, in its response to the Standard Market Design rulemaking. There are a lot of important issues that need to be examined carefully before that rulemaking moves forward, and like many of my colleagues in the Senate, I am carefully examining the extent to which FERC is responding to the many comments and criticisms leveled at its proposed rule.

But amid the furor over SMD, I think it is important not to be distracted from the big picture of whether consumers are going to be adequately protected in the electricity markets of the future. How the grid is operated, how new transmission is paid for and by whom, how we will ensure that there is a reasonable mix of short-term spot markets and long-term contracts; all these factors require careful consideration and regulatory clarity, if consumers are to be protected and if utilities and other entities are to make sound decisions that can be sustained over the long term.

It is unfortunate, in my view, that the electricity provision in the bill we considered and adopted in the committee had not been adequately reviewed by all Senators. I do not think that was a good way of proceeding on a topic as important, controversial, and complex as this one. As a result, the electricity title contains numerous flaws that I think will result in increased divisions in the Senate, instead of pointing the way toward bringing us together.

Energy does not need to be a partisan issue. As was demonstrated by the strong bipartisan vote we had on the Senate energy bill in the last Congress, it is clear that Democrats and Republicans can agree on the broad aspects of an energy policy and move ahead.

I do not believe we have reached that point of bipartisan agreement yet in this bill. We will have an opportunity to do better now that the bill is on the floor. I look forward to the amendment process to see if some of the flaws in this bill can be remedied. I hope that the result will be a strong and balanced package for the Nation that I and other Members of my caucus can support.

There will be many other opportunities for us to talk about particular provisions of the bill as amendments are proposed, but for an opening statement I will stop with that.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from New Mexico.

Mr. DOMENICI. Mr. President, I thank my distinguished colleague for his remarks and do hope some of the matters he has raised wherein we disagree can be worked out. As to others, we will remain in a state of disagreement and hopefully the Senate will be the referee and we will see where we end up.

#### MORNING BUSINESS

Mr. DOMENICI. Mr. President, on behalf of the leader, I ask unanimous consent that the Senate proceed to a period for morning business.

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

#### COMMENDING JOHN W. KLUGE FOR HIS DEDICATION TO THE LIBRARY OF CONGRESS

Mr. DOMENICI. Mr. President, on behalf of the leader, I ask unanimous consent that the Senate proceed to immediate consideration of S. Res. 132, which was submitted earlier today by Senator STEVENS.

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

The legislative clerk read as follows:

A resolution (S. Res. 132) commending John W. Kluge for his dedication and commitment to the Library of Congress.

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

Mr. DOMENICI. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this matter be printed in the RECORD.

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

The resolution (S. Res. 132) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 132

Whereas John W. Kluge is the greatest individual benefactor in the history of the Library of Congress (the "Library") and is known in the international corporate community as one of the Library's staunchest supporters;

Whereas John W. Kluge, by the example of his wise counsel and leadership as the founding chairman of the James Madison Council, the Library's private sector philanthropic organization, has inspired many others to join in support of Library programs and initiatives;

Whereas John W. Kluge has faithfully served on the Library's Trust Fund Board since 1993;

Whereas John W. Kluge's visionary support for Library programs which reach across America and around the world has transformed the Library into an unparalleled electronic educational resource;

Whereas John W. Kluge has established in the Library an endowed scholarly program of chairs and fellows in areas of study not covered by the Nobel prizes;

Whereas John W. Kluge has enabled the American people, through the Library, to recognize lifetime scholarly achievement in

the intellectual arts with a \$1,000,000 prize award which will be given for the first time in November 2003;

Whereas the Librarian of Congress, James H. Billington, considers John W. Kluge "one of the Library's greatest friends";

Whereas all Americans have greatly benefited from the generosity of John W. Kluge; and

Whereas John W. Kluge has inspired Americans by his example of support for programs which educate and equip individuals to be responsible and productive citizens: Now, therefore, be it

*Resolved*, That the Senate—

(1) commends John W. Kluge for his dedication and commitment to the Library of Congress;

(2) expresses its sincere gratitude and appreciation for his example of philanthropy and public service to the American people; and

(3) directs the Secretary of the Senate to transmit a copy of this resolution to John W. Kluge.

#### MEASURES PLACED ON THE CALENDAR—H.R. 6 AND H.R. 1298

Mr. DOMENICI. Mr. President, I understand there are two bills at the desk which are due for a second reading.

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. I ask that it be in order to read the titles of the bills en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bills by title.

The legislative clerk read as follows:

A bill (H.R. 6) to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes.

A bill (H.R. 1298) to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes.

Mr. DOMENICI. I would object to further proceedings en bloc.

The PRESIDING OFFICER. The objection is heard. The bills will be placed on the calendar.

#### ENERGY POLICY ACT OF 2003— Continued

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate now resume consideration of S. 14, the energy bill.

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

Mr. DOMENICI. I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

## UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. GREGG. Mr. President, as in executive session, I ask unanimous consent that at 2:15 p.m. today the Senate proceed to executive session for consideration of Calendar No. 128, Cecilia Altonaga be United States District Judge for the Southern District of Florida. I further ask consent that there be 15 minutes equally divided between the chairman and ranking member or their designee; provided further that following that debate time the Senate proceed to a vote on confirmation of the nomination with no intervening action or debate. I finally ask unanimous consent that following that vote, the President be immediately notified of the Senate's action and the Senate then resume legislative session.

Mr. REID. Reserving the right to object, and I will not object, we are happy to cooperate. I think this will be the 122nd judge we will have approved during this administration. We also hope today by voice vote to be able to maybe approve the 123rd judge.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. 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. DASCHLE. Mr. President, during our spring recess, I had the opportunity to travel throughout my home State and visit with South Dakotans.

These are proud days for South Dakota. Citizens are eager to welcome home hundreds of their sons and daughters, husbands and wives, who served so magnificently in Iraq.

South Dakota boasts one of the highest proportions of service men and women in the country. We are proud of the job South Dakotans are doing to bring freedom to Iraq and security and stability to the Persian Gulf.

But these are anxious days for South Dakota, as well. Jobs are hard to come by. The State's budget is under pressure.

Meanwhile, the planting season has begun and farmers and the communities depending upon the land are hoping for some relief to the 5-year drought that continues to cause devastation.

But amid all the concerns on the minds of South Dakota families, the most common and deeply felt, is the financial strain of skyrocketing health care costs and the fear that they may one day lose their health coverage altogether.

Day after day, people know that they are one layoff, one bad crop, one accident, or one illness away from being totally unprotected.

I met with veterans who are picking up a greater share of their health care

costs, because cuts to their health benefits are causing longer waits and worse care.

I met with self-employed people, small business owners and farmers, who buy their own insurance and as a result face premium costs as high as \$20,000.

I met with the families of National Guard members who just a few weeks ago were afraid that their loved ones might get hurt in the line of duty in Iraq. Today, they are worried that their husbands or wives will lose their health coverage when they return home.

This is not a new problem. Health care costs were soaring during our last recession 10 years ago. But new financing structures and a good economy helped bring costs under control. People were working, business was booming, and employers were adding new and better benefits as they competed for the best workers.

Today, the economy continues to struggle, jobs are scarce, and profits even scarcer. Businesses are trimming back benefits for their employees and pensioners. And each month brings a fresh round of layoffs, and with them, thousands more Americans without dependable health insurance.

We have about 75,000 South Dakotans who are uninsured today. Of the uninsured South Dakotans, 60 percent have been uninsured for 2 years. Twenty-seven percent have been uninsured for 10 years or more.

Some work for businesses that don't offer benefits. Some are self-employed family farmers who can't afford health insurance premiums even though they work in one of the most physically demanding and dangerous jobs there is.

Health care is the most private of issues. But individuals' lack of coverage has broad and several public consequences.

Because the uninsured are less likely to get preventative coverage, they are more likely to fall victim to more serious and more costly illnesses down the road. Communities lose good neighbors and productive workers. Sometime, the cost of care drives families into bankruptcy. And the cost of their coverage then gets passed on to the rest of us.

This crisis is driving millions of Americans into poverty and poor health. And ever-higher numbers of uninsured people are driving the health care costs of every American higher and higher. This is a vicious cycle, destined to put good health care out of reach of everyone but the wealthy, and we need to stop it.

I recently heard from Eugene and Karen Berg, who farm 500 acres of corn and soybeans in Emery, SD.

Even though the Bergs pay more than \$7,000 per year for health insurance, that only buys them catastrophic coverage—nothing for ordinary health expenses. They have a \$10,000 deductible and they are responsible for one-fifth of all costs above that. Their insurance doesn't cover prescription

drugs, and so the Bergs pay another \$5,000 per year to cover the cost of medicine. They don't have dental insurance, and they cannot afford to visit the dentist.

Eugene's doctor just told Eugene that an operation could fix his hearing. But because he cannot afford the cost and his insurance won't help him, he's resigned to living with only half his hearing.

The Bergs decided to look for better, less expensive health coverage. They found a plan that looked promising, but when they applied, Eugene was rejected because he has diabetes and high blood pressure.

The insurance company said it would accept his wife, but it wouldn't provide any coverage for her thyroid problem. Insurance companies, they learned, don't make money by covering the sick.

Eugene is trying to appeal the insurance company's decision, but he is not hopeful. One way or the other, Eugene is thinking about dropping his current coverage because he can no longer afford the premiums.

I recently heard from another family, Roger and Carrie Fischer, who are musicians living in Custer, SD.

Their insurance company recently raised their premiums from \$6,000 to \$9,000 per year. They let their insurance lapse because they couldn't afford it.

They, too, tried to find a different plan, but because Carrie had her leg amputated, no company would even give them a quote.

Carrie's amputation requires a prosthesis to be fitted to her leg so she can walk, but she was told that a new one would cost \$30,000. So she is making do with her old one as long as she can.

Roger recently wrote me a letter. He said:

If we were able, we'd surely like to be insured, but it's a choice between having light and heat and being insured. . . . Let's change things now. I cannot afford to wait any longer.

Millions of Americans face the same challenges. They work hard, they take care of themselves, and they contribute to their communities. They try to put money aside for bad times. But they can't control when illness strikes. Nor can they control the finances of the insurers, who too often pass on the cost of their own financial mistakes to their customers.

Last year, health insurance premiums increased by an average of 13 percent, three times faster than wages. The year before, premiums increased by 11 percent.

Businesses trying to keep afloat during tough economic times are forcing their employees to shoulder more of the costs. But at this pace, the costs will double every 7 years.

As the price of insurance increases, and as people lose their jobs in the current economy, more and more families are thrown onto the rolls of the insured. Over the past two years, 75 million Americans, nearly one in three,