

and actions of the Obama administration to date have seemed to prove the Taliban advocates wrong. The announcement of the withdrawal of U.S. combat forces would prove them right. Pakistani operations against their own insurgents—as well as against al Qaeda, which lives among those insurgents—would probably grind to a halt as Pakistan worked to reposition itself in support of a revived Taliban government in Afghanistan. And a renewed stream of Afghan refugees would likely overwhelm the Pakistani government and military, rendering coherent operations against insurgents and terrorists difficult or impossible.

The collapse of Pakistan, or even the revival of an aggressive and successful Islamist movement there, would be a calamity for the region and for the United States. It would significantly increase the risk that al Qaeda might obtain nuclear weapons from Pakistan's stockpile, as well as the risk that an Indo-Pakistani war might break out involving the use of nuclear weapons.

Not long ago, such a collapse seemed almost imminent. Islamist groups operating under the umbrella of the Tehrik-e Taliban-e Pakistan (TTP), led by Baitullah Mehsud until his recent death, had occupied areas in the Swat River Valley and elsewhere not far from Islamabad itself. Punjabi terrorists affiliated with the same group were launching attacks in the heart of metropolitan Pakistan.

Since then, Pakistani offensives in Swat, Waziristan, and elsewhere have rocked many of these groups back on their heels while rallying political support within Pakistan against the Taliban to an unprecedented degree. But these successes remain as fragile as the Pakistani state itself. The TTP and its allies are damaged but not defeated. Al Qaeda retains safe-havens along the Afghan border.

What if the United States did not withdraw the forces now in Afghanistan, but simply kept them at current levels while emphasizing both counterterrorism and the rapid expansion of the Afghan security forces? Within Afghanistan, the situation would continue to deteriorate. Neither the United States and NATO nor Afghan forces are now capable of defeating the Taliban in the south or east. At best, the recently arrived U.S. reinforcements in the south might be able to turn steady defeat into stalemate, but even that is unlikely.

The accelerated expansion of Afghan security forces, moreover, will be seriously hindered if we fail to deploy additional combat forces. As we discovered in Iraq, the fastest way to help indigenous forces grow in numbers and competence is to partner U.S. and allied units with them side by side in combat. Trainers and mentors are helpful—but their utility is multiplied many times when indigenous soldiers and officers have the opportunity to see what right looks like rather than simply being told about it. At the current troop levels, commanders have had to disperse Afghan and allied forces widely in an effort simply to cover important ground, without regard for partnering.

As a result, it is very likely that the insurgency will grow in size and strength in 2010 faster than Afghan security forces can be developed without the addition of significant numbers of American combat troops—which will likely lead to Afghan state failure and the consequences described above in Afghanistan and the region.

The Obama administration is not making this decision in a vacuum. Obama ran on a platform that made giving Afghanistan the resources it needed an overriding American priority. President Obama has repeated that commitment many times. He appointed a new commander to execute the policy he

enunciated in his March 27 speech, in which he noted: “To focus on the greatest threat to our people, America must no longer deny resources to Afghanistan because of the war in Iraq.” If he now rejects the request of his new commander for forces, his decision will be seen as the abandonment of the president's own commitment to the conflict.

In that case, no amount of rhetorical flourish is likely to persuade Afghans, Pakistanis, or anyone else otherwise. A president who overrules the apparently unanimous recommendation of his senior generals and admirals that he make good the resource shortfalls he himself called unacceptable can hardly convince others he is determined to succeed in Afghanistan. And if the United States is not determined to succeed, then, in the language of the region, it is getting ready to cut and run, whatever the president and his advisers may think or say.

That is a policy that will indeed have regional effects—extremely dangerous ones.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2010—CONFERENCE REPORT

The PRESIDING OFFICER (Mr. CASEY). Under the previous order, the Senate will proceed to consideration of the conference report to accompany H.R. 3183, which the clerk will report.

The assistant legislative clerk read as follows:

Conference report to accompany H.R. 3183, making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

The PRESIDING OFFICER. Under the previous order, there is 10 minutes of debate with the Senator from Oklahoma, Mr. COBURN, and 10 minutes of debate equally divided between the Senator from North Dakota, Mr. DORGAN, and the Senator from Utah, Mr. BENNETT. Who yields time?

Mr. DORGAN. Mr. President, is there an order in the unanimous consent request?

The PRESIDING OFFICER. The only order is that the Senator from North Dakota is to control the final 5 minutes.

Mr. DORGAN. I believe the Senator from Oklahoma has been allotted 10 minutes. I saw him just walk through the Chamber a moment ago. The ranking member of the subcommittee, the Senator from Utah, is allotted 5 minutes. Let me reserve my time and perhaps ask the Senator from Utah to begin, and then we hope the Senator from Oklahoma would return and use his 10 minutes.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I am pleased to come to the floor and recommend passage of the energy and water conference report for the fiscal year 2010. Despite the President sending up his budget in May, nearly 4 months after the budget had been traditionally sent to Congress, this subcommittee worked hard to produce a conference report that is ready earlier than any that I can remember. I com-

pliment my chairman, Senator DORGAN, for his hard work in developing a balanced bill in a legitimate time period.

The subcommittee produced a bill that is under the President's budget request by nearly \$1 billion. That is quite extraordinary in this world where we are trying to shovel more money out the door, to come in with a number that is less than the request of the President.

The House and Senate bills differed significantly in their priorities, but I believe the conference report before us balances the funding interests of both bodies and those of the administration as well. The Corps of Engineers remains an area of great interest. The budget request for the corps is down \$277 million from fiscal year 2009. The conference report has restored \$320 million to meet the large number of member requests, and the conferees allocated \$313 million to work off significant construction backlogs.

The Senate bill did not include new starts in the mark. Both the House and the administration proposed new starts, so we had to resolve that issue in the conference. The conference provides \$100,000 per project in new starts in this bill.

Turning to the Bureau of Reclamation, the budget request was \$55 million below fiscal year 2009 levels. The conferees provided an additional \$67 million for the Bureau of Reclamation, which is 6.3 percent over the request and 1 percent over fiscal year 2009. Once again, as the Corps of Engineers, the Bureau of Reclamation has a tremendous backlog of underfunded and meritorious projects, and we did our best to try to work into that backlog.

Finally, as to the Department of Energy, the conference report recommends \$27.1 billion for the Department of Energy, which is \$1.3 billion below the President's request and \$318 million above the current year.

We cannot ignore the fact that \$44 billion was provided in stimulus funding for the Department this year, including \$16 billion provided for renewable energy accounts. That is why we have been able to make the changes we did.

In restoring balance to the energy programs, the committee recommends an additional \$25 million for nuclear energy R&D, including an \$85 million increase for the Nuclear Power 2010 Program.

With respect to the concerns raised by the Senator from Oklahoma, I point out the Senate adopted his amendments by unanimous consent. I was in support of those amendments and would be happy to support them again as they come in other appropriations bills. The reaction on the part of the House was that there were two amendments proposed by the Senator from Oklahoma: one they were willing to accept and one they were not. We had to make a decision as to which of the two we would support and, with Senator

DORGAN, I supported one of the amendments of the Senator from Oklahoma that made it into the conference report. I am sorry we were unable to get the other one in, but we did our best and we would be happy, as I say—at least I would be happy; I will not speak for the chairman—I would be happy to support this at some point in the future.

I yield the floor and whatever remainder of the time I may not have used I ask accrue to Senator DORGAN.

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

The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, we are at this point not because an amendment was not accepted. We are at this point because of the nature of the amendment that was not accepted. I recognize my colleagues for the good work they did on this bill. It is the lowest increase of any appropriations bill that has come to the Senate floor. But the problem is very straightforward and very simple: Why would the House not accept an amendment that said transparency for the American public is what we are after? We have to question that. And why would our conferees sign on to a conference report that did not have transparency? That is the question.

There was an amendment that said the reports asked for out of this appropriations bill, unless they contain information related to the security and defense of this country, should be made public to all 70 Senators who are not on the Appropriations Committee but, more important, to the people of this country. I cannot understand; nobody can offer an argument on why you would not want to do that. Yet somehow it is not in the bill. How do we explain that? Is it because it is a Coburn amendment that it is not in the bill? Is it because there is something in the reports we do not want the American people to see? If that is the case, what is the problem? Where is the problem?

The reason I did not give unanimous consent on this bill coming to the floor is that I believe we ought to have a discussion about transparency. One of the things my friend, President Obama, was good at when he was here, and has said he is for as our President, is transparency. We teamed up and passed, along with Senator CARPER and Senator MCCAIN, the Transparency and Accountability Act. By the spring or summer of this year we will be able to see where every penny of our tax dollar goes, all the way down to subcontracting. That is real transparency.

The question before us is why would this body accept this conference report cloaked in secrecy?

I know Senators wanted this amendment. I am not accusing them of not wanting it. What I do not understand is why they would ever agree to a conference that did not have it in any bill we did? Why would we not let the

American people see what we are doing? Why would we not want the people to see an annual report by the Department of Energy on their financial balances? That is one of the reports that is in here. Can somebody tell me why we would not want that? Who in the House would not want that? What is it we do not want the American people to see? A report by the Chief of Engineers on water resources? Why can't the American people see that? A report by the Nuclear Regulatory Commission identifying barriers to and its recommendations for streamlining for construction of new nuclear reactors? Why should not the American people see what the problems are and see what that report says? Why should that be cloaked, out of light, out of view, and away from the knowledge of the American people?

To me, there is either one of two explanations. One is they do not care about what the American people think about knowing what is going on in our government or there is something else going on inside one of these reports they do not want the American people to see. It is one of those two things. I don't know which it is. But what I believe is, it is unacceptable for us to pass a bill, a conference report, that has information in it that is not a risk for any of our national security issues to which the American people should not be privy.

I believe, if we vote for this conference report, what we are saying is we endorse it; we know it better. There are certain things that even though they don't relate to security, you are not smart enough, you don't have the insight, you don't have the wisdom, you don't have the knowledge to make a judgment.

I reject that, our Founders rejected that, and we as a body ought to reject it.

I reserve the remainder of my time.

Mr. DORGAN. Mr. President, the unanimous consent agreement provides I will have the final 5 minutes of debate. If the Senator from Oklahoma wishes to consume the remainder of his time, I will use the final 5 minutes and then we will proceed.

Mr. COBURN. Mr. President, parliamentary inquiry:

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. It is true the Senator does have the last time, but is the unanimous consent agreement that the last 5 minutes is his?

I understand. I yield back my time.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I think I speak for myself and Senator BENNETT, we very much appreciate the work the Senator from Oklahoma does. He does it diligently. He is on the floor a great deal pushing his views on these issues. On the specific issue that he just described, it is an issue in which he came to the floor and offered it. We included it in the bill during the Sen-

ate floor consideration because we believed in it. We agreed with him, as did others in the Senate, and that is what we took to conference.

The Senator from Oklahoma weaves a bit of a larger cloud than exists by suggesting there was some sort of deep secrets or conspiratorial approach to try to prevent the public from seeing something. That is far from the case. The Senator makes a point that we agreed with by accepting his amendment. That is, reports required of the Department of Energy to be sent to the Congress should be available not only to Congress but to the American people. We agreed with that point. That is why we put it in the Senate bill. We went to conference with the House. There was objection. The fact is, this is a very big piece of legislation. If we decided that if we can't resolve an objection or if we can't reach agreement on everything, then there won't be a conference report. If that were the case, there would be very few conference reports on the floor of the Senate.

As my colleagues from Oklahoma and Utah know, there is a lot of give and take in the conference process. This is a piece of legislation that has some \$30 billion-plus on a wide range of issues such as nuclear weapons. This bill also funds nuclear weapons programs, water programs for both the Army Corps of Engineers and the Bureau of Reclamation, energy programs, nuclear waste cleanup sites and many more complicated and important issues. In order to get a conference report, we had to give and take here and there, and there was an objection to the provision the Senator from Oklahoma had put in the Senate bill. I regret that, but that was the case. As my colleague from Utah described previously, I will continue to support the Senator from Oklahoma's efforts to make sure all of these reports are made available to the American people, providing that there is no national security issue or secret clearance to them.

I emphasize something my colleague from Oklahoma described about this. This conference report on energy and water is an important conference report. We need to get our bills done on time. Aside from the fact that it does not include his amendment, which we had previously supported and still do, we need to do our work. There is a lot of criticism about not passing appropriations bills. We will pass appropriations bills this year in great contrast to years previous when there have been big omnibus bills. That is a good thing, that we are making progress to pass individual appropriations bills. We brought this bill to the floor for debate. Amendments were offered, and the bill was passed. That is exactly the way the process should work.

Senator BENNETT and I brought a bill to the floor that is slightly less than 1 percent above last year's expenditures for water and energy and so on. The Senator from Oklahoma acknowledged at the beginning of his remarks that

this bill, with respect to the fiscal year 2010, is not a bill that unnecessarily throws a lot of money at programs and projects. We are less than 1 percent above last year's expenditures. That is important to note.

With respect to the many programs in the bill, there are many that are flat funded. Some are even slightly below fiscal year 2009. The exception is in three areas where there were increases. The first area of increase was for energy efficiency and renewable energy programs because we are trying to make sure we move down the road more aggressively to attain a lower carbon future and promote greater efficiency. Second, the DOE's Science program represents an investment that will provide significant dividends in the future. Our great science laboratories and other investments in science represent a profoundly important investment in our nation. Finally, naval reactors had an increase. We put some additional money there because of the importance of this program. The rest of the programs are very near their fiscal year 2009 levels with no increase at all.

This is a good conference report. I don't believe it is inappropriate for my colleague from Oklahoma to be upset that his amendment is not a part of the report. I understand his position. He has served in the House and Senate. He understands there are many things in conference that get dropped. Yet, for everything that is dropped, there was someone in the House or Senate who believed it was important enough to come to the floor, offer it, fight for it, and passionately believe in it. I understand that is true with everything. It is certainly true for our colleague from Oklahoma who spends a lot of time pushing for increased transparency. We appreciate that. That is why we agreed to the amendment during the Senate debate.

This Energy and Water Appropriations bill is an important piece of legislation. It does not contain the one amendment the Senator from Oklahoma got put in the Senate side. We wish it did, but it does not. But the conference report is nonetheless something that merits the support of the broad membership in the Senate.

I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the conference report to accompany H.R. 3183, the Energy and Water Appropriations Act for Fiscal Year 2010.

Harry Reid, Charles E. Schumer, Patrick J. Leahy, Dianne Feinstein, Evan Bayh, Mark L. Pryor, Jon Tester, Robert Menendez, Frank R. Lautenberg, Kent Conrad, Patty Murray, John F. Kerry, Daniel K. Inouye, Sheldon

Whitehouse, Carl Levin, Jack Reed, John D. Rockefeller, IV, Bill Nelson.

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

The question is, Is it the sense of the Senate that debate on the conference report to accompany H.R. 3183, the Energy and Water Development and Related Agencies Appropriations Act, 2010, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH), the Senator from Massachusetts (Mr. KERRY), and the Senator from Missouri (Mrs. MCCASKILL) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Texas (Mrs. HUTCHISON).

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

The yeas and nays resulted—yeas 79, nays 17, as follows:

[Rollcall Vote No. 321 Leg.]

YEAS—79

Akaka	Feinstein	Nelson (NE)
Alexander	Franken	Nelson (FL)
Barraso	Gillibrand	Pryor
Baucus	Gregg	Reed
Bayh	Hagan	Reid
Bennet	Harkin	Risch
Bennett	Hatch	Roberts
Bingaman	Inouye	Rockefeller
Bond	Johnson	Sanders
Boxer	Kaufman	Schumer
Brown	Kirk	Shaheen
Brownback	Klobuchar	Shelby
Burr	Kohl	Snowe
Byrd	Landriau	Specter
Cantwell	Lautenberg	Stabenow
Cardin	LeMieux	Tester
Carper	Leahy	Thune
Casey	Levin	Udall (CO)
Cochran	Lieberman	Udall (NM)
Collins	Lincoln	Vitter
Conrad	Lugar	Voinovich
Crapo	McConnell	Warner
Dodd	Menendez	Webb
Dorgan	Merkley	Whitehouse
Durbin	Mikulski	Wyden
Enzi	Murkowski	
Feingold	Murray	

NAYS—17

Bunning	DeMint	Johanns
Burr	Ensign	Kyl
Chambliss	Graham	McCain
Coburn	Grassley	Sessions
Corker	Inhofe	Wicker
Cornyn	Isakson	

NOT VOTING—4

Begich	Kerry
Hutchison	McCaskill

The PRESIDING OFFICER. On this question, the yeas are 79, the nays are 17. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, let me thank my colleagues who voted for cloture for the Energy and Water Appropriations conference report. It is important that we do the appropriations bills and get them done individually. We are now past October 1, but in the last 2 years, we actually had to do omnibus appropriations bills. Thanks to

Senator REID and his determination and thanks to Senator INOUE, the chairman of the Appropriations Committee, we are doing the bills one by one by one, and we are going to get them finished. We just voted on the bill that funds all of the energy and water programs in the country, and it is a very important investment in this country.

I wanted to comment more generally about a few issues. The legislation we are moving, the conference report, just got cloture. We got it through the House and the Senate and now we are in a period of 30 hours post-cloture. Hopefully, we will then get it to the President for his signature for it to become law. The concerns I have about the issues here include not just the water infrastructure and nuclear weapons programs in our Energy and Water bill but also very much include energy.

I wish to speak for a moment about the energy challenges we face. This chart describes a very serious dilemma for our country. Two-thirds of the crude oil used in the United States today is imported. Two-thirds of the crude oil we use comes from other countries, some of whom don't like us very much. Our economy runs on energy. If, God forbid, tomorrow the supply of oil to this country were interrupted by terrorists or for some other reason, our economy would be in desperate trouble. Every single day the American people get up and use energy but take it for granted. We get out of bed, and we turn a switch on. We assume the lights will be on. We perhaps plug in an electric razor or toothbrush and expect there to be electricity to run that razor or toothbrush. We take a shower and expect the water heater to have been heated with electricity or natural gas to provide the hot water for a shower. Then we make coffee and breakfast, and there is electricity assumed to be available. Further, we put a key in the ignition of a vehicle and drive off to work, using energy once again.

Every part of our daily life is filled with the use of energy. The question is, How can we address this issue of our unbelievable reliance on foreign oil? It threatens our national security and our energy security to be so reliant on foreign oil. The reliance we have has to be reduced. So how do we do that? Even as we do that, we must also find a way to reduce the carbon footprint and reduce the amount of CO₂ that goes into the atmosphere to protect the planet. So two things are working at the same time.

I wish to talk for a bit more about the legislation we have finished in the Senate Energy Committee, rather than the Energy and Water Appropriations panel which I chair. Senator BINGAMAN chairs the Energy Committee, and I am the second ranking Democrat on that authorizing committee. I wish to talk about what we have written in the energy authorizing bill in the context with efforts that some have described

to merge that energy bill with a cap-and-trade climate change bill and bring both to the floor for a debate. I prefer we not do that approach. Not because I don't think we should address climate change; I believe we should have that debate too. I believe we are going to have to have a lower carbon future. What I believe we should do is a two-step process that focuses on energy legislation. From a policy standpoint, it would give us a real opportunity to reduce carbon in the atmosphere by changing our energy mix. First by using more renewable energy, and second by finding ways, through greater investments in research and technology, to reduce the carbon emitted when we burn fossil fuels to produce energy. So I have a couple of comments about this two-step approach.

The Energy bill we have enacted provides a lot of things. It provides a substantial increase in renewable energy, and it does that through wind turbines which create electricity from the wind. There is no carbon output with wind energy. The problem is that we have a lot of wind in remote areas, and we need to move it to the load centers that need the electricity. It's well known that there is wind from Texas to North Dakota. By the way, North Dakota ranks No. 1 in wind; we are the Saudi Arabia in wind. We also have a substantial opportunity to develop solar from Texas across the Southwest to California where the sun shines all the time, or virtually all the time. We can maximize the production of energy where it is available from wind, solar, biomass and so on, and then we can build the transmission capability to move it to the load centers that need it. By doing this, you will dramatically change our energy capability in this country.

The legislation we have done in the Energy Committee accomplishes that goal. We have a significant transmission piece in that legislation that allows us, at long last, to build the transmission capacity we need to support our renewable potential.

We built an Interstate Highway System around this country so you can get in a vehicle and drive almost anywhere, but we have not built an interstate highway of transmission to move energy from where it exists to where it is needed. We have a patchwork of transmission that was built up over a period of time when there was a local utility that produced energy for a certain market and then in that area distributed energy to its market. That is the kind of transmission system we have. We need to dramatically modernize the transmission so we can maximize the amount of renewable energy.

There are a lot of things happening that I think are exciting in energy that can change our future. Do you know right now there are a couple hundred people working on a process to find innovative ways to use coal. Dr. Craig Venter is involved. He is one of the

great scientists in our country and one of the two people who led the human genome project. They are working on finding ways to create synthetic microbes that would actually consume a coal in deep seams and turn the coal into methane. Think of that. It creates synthetic microbes that will essentially eat the coal—that is not a scientific term—they will consume the coal and leave in its wake methane, turning coal into methane.

We have others who are working on the development of algae and energy, and Dr. Venter is involved in this as well. By the way, after 15 years of it being discontinued, I restarted the algae research at the DOE energy laboratories through my Energy and Water Subcommittee. Dr. Venter is working on developing strains of algae that will excrete lipids that become a fuel. We know we can grow algae in water and sunlight and CO₂ and then get rid of CO₂ by growing algae and then destroy the algae by harvesting it and creating diesel fuel. Dr. Venter is looking at ways to produce algae that simply excrete the lipids and, with little transformation, becomes a fuel. We have so many things going on that are so interesting. I think 10 years from now we will look in the rearview mirror and see dramatic changes in how we produce energy and how we significantly reduce carbon.

I wish to show a map of my State in which we have some projects that are extraordinary. The western half of North Dakota has substantial oil development. The USGS determined that it was the largest discovery of technically recoverable oil that has yet been assessed in the lower 48 States. They estimated that there was as much as 4.3 billion barrels of oil in this region known as the Bakken formation. We also have a substantial amount of coal, lignite coal. We have one of the largest commercial working example of CO₂ sequestration by capturing the CO₂ from a synthetic gas plant, putting it in a pipeline, and sending it up to Saskatchewan where they inject it underground for enhanced oil recovery. By doing this, it improves the productivity of marginal oil wells in Saskatchewan. So we actually capture the CO₂ from the North Dakota plant that is gasifying coal and gas, ship it up to Canada, and then inject it underground in an enhanced oil recovery process. In my judgment, that is a very exciting thing.

Here are the fuels we use for the production of electricity. About forty-eight percent of our electricity comes from coal. Nuclear provides a smaller piece than that need. We have natural gas, hydroelectric, and other renewables too. So my point is we are not going to have a future without using coal for some period of time. The question is how do we use it in a different way. I believe a substantial investment in technology that will allow us to build near-zero emission coal-fired plants. I believe we can do that by cap-

ture carbon and protecting our environment. We must maximize the use of renewables from wind, solar, biomass, and other sources. We must also move toward an electric drive transportation system, and then continue to invest in a longer term hydrogen fuel cell system. We need to do all of these things are what we can and should do.

The Energy bill we passed out of the Energy Committee is a giant step forward to maximize renewables and increase energy efficiency as a way to reduce carbon. I think what we ought to do is bring that energy bill to the floor, have a debate, get it to the President for his signature. This would be a giant step in the direction of climate change. Following that, we should bring the climate change bill to the floor and then address the issue of targets and timetables and other mechanisms to find out what is achievable for protecting this country. Some have heard me speak about this and have said, Well, he doesn't support any sort of climate change legislation. What I have said is I don't support cap and "trade." At this point, I have said I don't support providing a \$1 trillion carbon securities market for Wall Street so that speculators and the investment banks can trade carbon securities tomorrow and tell us what our price of energy is going to be for us the next day. I have precious little faith in those same people who ran up the price of oil last year to \$147 a barrel in day trading when the market fundamentals showed that demand was down and supply was up. So, no, I don't support the trade side using that mechanism, but I do support creating climate change legislation that has appropriate targets and timetables that reduce our nation's carbon footprint. We can do that. We will do that. I think there is general consensus we should do that.

All I am saying is this: What we ought to do is bring to the floor energy legislation that will adopt the policies on maximizing renewables, building the transmission capability, creating the building efficiencies and much more that is an important step forward and the lowest hanging fruit in energy. Among these positive benefits, energy efficiency is the lowest hanging fruit by far that costs the least to retrofit America's buildings and homes. We should do all of that in the Energy bill that has now been waiting for some months. I have spoken to the majority leader who has been a terrific advocate for sound and thoughtful energy policies. I have also talked to the President directly about this. It is not that I don't want to do climate change because I know my colleagues are working hard on it. It is the fact that I want to make progress in energy policy first that can change our fuel mix and develop a lower carbon future. Because we have done that work in the Energy Committee, we have taken an important step. We can then bring a climate change bill to the floor after that which I know is controversial, but that

we can work on developing targets and timetables for that lower carbon future. I think this is something we should do and I think we can do. I think it would, in my judgment, be the best fit for this country's future energy policy and for the policy that is necessary to lower the future CO₂ emissions into the atmosphere and protect the environment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that any recess adjournment or morning business period count past cloture.

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

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that I be allowed to speak for up to 10 minutes.

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

Mr. NELSON of Florida. Mr. President, I say to my colleague from North Dakota that the one example he gave about algae—it is so exciting that we know now that you can take algae and put it in some kind of plastic cylinder, expose it to sunlight, and with the right ingredients in there, pump in CO₂, and it consumes the carbon dioxide and in the process it makes ethanol. So as the Senator has hinted, if this process ends up working, and working efficiently, what about putting an algae ethanol-producing plant right next to a coal-fired electricity plant to take the CO₂ out of the coal, and instead of trying to inject it into the ground, put it right into the ethanol-producing algae plant? There are limitless possibilities, as the Senator from North Dakota pointed out. I find it quite exciting.

Mr. DORGAN. If the Senator will yield for a question, I held a hearing on the beneficial use of carbon. A scientist at Sandia National Laboratory said: Think of carbon not just as a problem but an opportunity.

In this case, when you talk of algae, it is single-cell pond scum, a green slime you find on top of wastewater, right? The fact is, you can feed CO₂ to algae and produce something from it that extends our fuel supply. It is exactly the kind of thing that makes sense.

There are other beneficial uses of carbon as well. If we change our way of thinking a bit, we all have the same goal, which is to protect our planet. We can find other ways of maximizing the use of renewables and to reduce carbon by using it for enhanced oil recovery and producing additional fuel by growing algae.

I thank the Senator.

Mr. NELSON of Florida. Mr. President, I wish to speak about the Energy and Water appropriations bill. It certainly is going to continue to help us provide for the Nation's energy needs and water infrastructure, but it also restores funding to our efforts at restoring America's Everglades.

For many years, the Everglades have simply languished. Over half a century ago, or three-quarters of a century ago, the idea was to get rid of the floodwaters, and mankind went in there and completely reversed what Mother Nature intended, diked and drained and sent freshwater out to tidewater and did it exactly the opposite.

In this massive project, we are trying to restore the natural ecosystem that once dominated the entire south half of the peninsula of Florida. The Water Resources Development Act of 2007 was a major step toward restoring parts of the Everglades. This effort was also helped by this year's omnibus and stimulus spending bills which put a significant amount of funding toward restoration—about \$360 million. Building on that momentum, the President's budget for fiscal year 2010 included \$214 million in funding for the Everglades from the Army Corps of Engineers.

Despite the best bipartisan efforts of the Florida delegation, the final bill contains \$180 million in funding for the Everglades instead of what we had hoped for, but we do have exciting things happening this year. In a few months, there will be two groundbreaking projects that are critical to restoring the Everglades—the construction of the Tamiami Trail bridge and the Picayune Strand.

While this particular appropriations bill falls short of the President's request, I have been assured by the administration that Site One, which is one of the projects that is funded minimally in this appropriations bill, and the Indian River Lagoon, also funded minimally, are going to have the funds needed to go forward from another source, perhaps the stimulus bill. I wish to express my appreciation to the administration. We have overcome great obstacles to get us this far. This bill settles the question of whether the Indian River Lagoon and Site One are new starts or not. In 2010 we will begin construction on those new projects.

It was Oliver Wendell Holmes who said that "the great thing in the world is not so much where we stand, as in what direction we are moving." When it comes to the Everglades restoration, we are going in the right direction. We have great science, we know what needs to be done, and we are doing it. In 12 months, we have allocated \$600 million for the Everglades. In the next year, we are going to break ground on four projects.

I wish to conclude by saying that restoration not only means doing these projects, which often are Army Corps of Engineers projects, but it also means protecting the 68 threatened and endangered species that call the Everglades home.

Just yesterday, a long-awaited Federal report was released that found that the Burmese python, a giant constrictor snake, and four other large constrictor snakes pose a high risk to these kinds of environments in the United States. We have been saying

this for the last 3 years, but we now have the official report issued by the Federal Government. The report says, in particular, that Florida, Texas, and Hawaii provide prime habitat for these giant predators. Remember, these predators have no natural enemies. It doesn't make any difference if the critter has scales, feathers, or fur—these giant constrictor snakes consume them all. We have 68 threatened and endangered species in the Everglades that call the Everglades home. According to the superintendent of the Everglades Park, there are estimates of up to 140,000 of these snakes because they proliferate so greatly. They got one female, and they found 56 eggs inside her ready to hatch. That is how much they proliferate. So the report finally backs up what the National Park Service staff, the scientists, and the citizens of south Florida have been concerned about for the past years—the enormous damage caused by importing invasive species like the Burmese python.

We are going to continue to work with the Florida delegation and the Department of the Interior, with Secretary Ken Salazar, who has taken a personal interest in this, with the Army Corps of Engineers, with the State of Florida, the local communities, and the citizens who are committed to the Everglades, toward restoring this national treasure.

I yield the floor.

Mr. CONRAD. Mr. President, I rise to offer for the record, the Budget Committee's official scoring for the conference report to accompany H.R. 3183, the Energy and Water Development and Related Agencies Appropriations Act for fiscal year 2010.

The conference report provides \$33.5 billion in discretionary budget authority for fiscal year 2010, which will result in new outlays of \$19.6 billion. When outlays from prior-year budget authority are taken into account, discretionary outlays for the conference report will total \$43 billion.

The conference report matches its section 302(b) allocation for budget authority and for outlays.

The conference report includes several provisions that make changes in mandatory programs that result in an increase in direct spending in the 9 years following the 2010 budget year. Each of these provisions is subject to a point of order established by section 314 of S. Con. Res. 70, the 2009 budget resolution. The conference report is not subject to any other budget points of order.

I ask unanimous consent that the table displaying the Budget Committee scoring of the conference report be printed in the RECORD.

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

H.R. 3183, ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2010

[Spending comparisons—Conference Report (in millions of dollars)]

	Defense	General Purpose	Total
Conference Report:			
Budget Authority	16,629	16,836	33,465
Outlays	18,391	24,563	42,954
Senate 302(b) Allocation:			
Budget Authority			33,465
Outlays			42,954
Senate-Passed Bill:			
Budget Authority	16,886	16,864	33,750
Outlays	18,571	24,630	43,201
House-Passed Bill:			
Budget Authority	16,367	16,931	33,298
Outlays	18,219	24,508	42,727
President's Request:			
Budget Authority	16,548	17,845	34,393
Outlays	18,345	24,269	42,614
Conference Report Compared To:			
Senate 302(b) allocation:			
Budget Authority			0
Outlays			0
Senate-Passed Bill:			
Budget Authority	-257	-28	-285
Outlays	-180	-67	-247
House-Passed Bill:			
Budget Authority	262	-95	167
Outlays	172	55	227
President's Request:			
Budget Authority	81	-1,009	-928
Outlays	46	294	340

Note: The table does not include 2010 outlays stemming from emergency budget authority provided in the 2009 Supplemental Appropriations Act (P.L. 111-32).

Mr. INOUE. Mr. President, I submit pursuant to Senate rules a report, and I ask unanimous consent that it be printed in the RECORD.

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

DISCLOSURE OF CONGRESSIONALLY DIRECTED SPENDING ITEMS

I certify that the information required by rule XLIV of the Standing Rules of the Senate related to congressionally directed spending items has been identified in the conference report which accompanies H.R. 3183 and that the required information has been available on a publicly accessible congressional website at least 48 hours before a vote on the pending bill.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

VOTE EXPLANATION

• Mr. KERRY. Mr. President, I was necessarily absent for the vote to invoke cloture on the conference report to accompany the Energy and Water Development and Related Agencies Appropriations Act, 2010, H.R. 3183. If I were able to attend today's session, I would have supported cloture. •

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:40 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Acting President pro tempore.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2010—CONFERENCE REPORT—Continued

The ACTING PRESIDENT pro tempore. The Senator from West Virginia is recognized.

AFGHANISTAN RESET

Mr. BYRD. Mr. President, few subjects weigh more heavily upon a Presi-

dent of the United States than the decision to send America's sons and daughters into war. Such a commitment demands the clearest of clear thinking, including a thoroughly dispassionate assessment of goals—objectives, in other words—risks and strategies. This is difficult, very difficult terrain for any American President, especially when faced with conflicting views from advisers, from Congress, and from the American public.

I have become deeply concerned that in the 8 years since the September 11 attacks, the reason for the military mission of the United States in Afghanistan has become lost, consumed in some broader scheme of nation building, which has clouded our purpose and obscured our reasoning.

General McChrystal, our current military commander in Afghanistan, has requested 30,000 to 40,000 additional American troops to bolster the more than 65,000 American troops already there. I am not clear as to his reasons and I have many questions.

What does General McChrystal actually aim to achieve? So I am compelled to ask: Does it take 100,000 U.S. troops to find Osama bin Laden? If al-Qaida has moved to Pakistan, what will these troops in Afghanistan add to the effort to defeat al-Qaida? What is meant by the term "defeat" in the parlance of conventional military aims when facing a shadowy, global terrorist network? And what of this number 100,000? Does the number 100,000 troops include support personnel? Does it include government civilians? Does it include defense and security contractors? How many contractors are already there in Afghanistan? How much more will this cost? How much in terms of dollars? How much in terms of American blood? Will the international community step up to the plate and bear a greater share of the burden?

There are some in Congress who talk about limiting the number of additional troops until we surge—where have I heard that word before—until we "surge to train" more Afghan defense forces. That sounds a lot like fence straddling to me. I suggest we might better refocus our efforts on al-Qaida and reduce U.S. participation in nation building in Afghanistan.

Let me say that again. I suggest we might better refocus—in other words, take another look—our efforts on al-Qaida and reduce U.S. participation in nation building in Afghanistan. Given the lack of popularity and integrity of the current Afghan Government, what guarantee is there that additional Afghan troops and equipment will not produce an even larger and better armed hostile force?

Let me ask that question again. Given the lack of popularity and integrity of the current Afghan Government, what guarantee is there that additional Afghan troops and equipment will not produce an even larger and better armed hostile force? There is no guarantee. The lengthy presence of for-

eign troops in a sovereign country almost always creates resentment and resistance among the native population.

I am relieved to hear President Obama acknowledge that there has been mission creep in Afghanistan, and I am pleased to hear the President express skepticism about sending more troops into Afghanistan unless needed to achieve our primary goal of disrupting al-Qaida. I remain concerned that Congress may yet succumb to military and international agendas. General Petraeus and General McChrystal both seem to have bought into the nation-building mission. By supporting a nationwide counterinsurgency and nation-building strategy, I believe they have certainly lost sight of America's primary strategic objective; namely, to disrupt and defang—in other words, pull the teeth right out of the bone. I believe they certainly have lost sight of America's primary strategic objective to disrupt and defang al-Qaida and protect the American people—protect the American people—from future attack.

President Obama and the Congress must—I do not say "should," I say "must"—reassess and refocus on our original and most important objective; namely, emasculating—I mean tearing it out by the roots—emasculating a terrorist network that has proved its ability to inflict harm, where? On the United States.

If more troops are required to support the international mission in Afghanistan, then the international community should step up and provide the additional forces and funding. The United States is already supplying a disproportionate number of combat assets for that purpose.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 2644

Mr. VITTER. Mr. President, I rise to talk about my pending amendment to the Commerce-Justice-State appropriations bill, amendment No. 2644. Apparently, this has created some interest and some opposition. It apparently is one of the major, if not the major, reason the majority leader felt the need to file cloture on the Commerce-Justice-State bill rather than simply come to an agreement regarding pending amendments and votes. It saddens me that—although that agreement was all worked out, basically—it was out the window, and he just decided to file cloture and bar votes on all of those amendments, including my amendment No. 2644. I think we should have a reasonable debate on my amendment and